



June 21, 2010

Office of Public Engagement
United States Citizenship & Immigration Services
20 Massachusetts Ave., NW
Washington, DC 20529

AILA National Office
Suite 300
1331 G Street, NW
Washington, DC
20005-3142

Tel: 202.507.7600
Fax: 202.783.7853

www.aila.org

Crystal Williams
Executive Director

Susan D. Quarles
Deputy Executive Director

VIA E-Mail: opefeedback@uscis.dhs.gov

RE: Draft Memorandum: Guidance on Uniform Denial Language Pertaining to Appeals to the Board of Immigration Appeals; Revisions to the *Adjudicator's Field Manual* (AFM) Chapter 10.7(b) (AFM Update AD10-25)

Dear Sir or Madam:

The American Immigration Lawyers Association (AILA) submits this comment in connection with the draft policy memorandum "Guidance on Uniform Denial Language Pertaining to Appeals to the Board of Immigration Appeals; Revisions to the *Adjudicator's Field Manual* (AFM) Chapter 10.7(b) (AFM Update AD10-25)."

AILA is a voluntary bar association of more than 11,000 attorneys and law professors practicing, researching, and teaching in the field of immigration and nationality law. Our mission includes the advancement of the law pertaining to immigration and nationality and the facilitation of justice in the field. AILA members regularly advise and represent U.S. citizens, immigrant and nonimmigrant aliens, their family members, and businesses with respect to applications and petitions for immigration benefits before USCIS.

AILA would first like to thank the Service for seeking to amend Note 1 of Chapter 10.7(b) of the AFM to provide greater clarity to the field respecting standardized language on denials. This is a necessary and laudable objective, and we would like to assist in the process in any way that is helpful to the Service. In this regard, we have the following comments and suggestions:

1. While the subject of the memorandum is Note 1, which relates to appeals to the BIA, the memorandum also contains reference, in Note 2, to appeals to the AAO. We believe that including requirements related to AAO filings in a memo that relates on its face only to BIA filings has

- the potential to cause this clarification to be overlooked by persons seeking to access the information by reviewing agency memoranda, as opposed to simply looking at the updated AFM. This would be less of a problem for the field than for the public; however, we still suggest that any memoranda related to AAO practice be set forth separately.
2. In Note 1, Paragraph 1, the use of the word “filed” in the last sentence will cause confusion, especially for unrepresented persons, because it is not clear that the word “filed” means the same thing as the word “received” in the previous sentence. We would suggest that the word “filed” in the last sentence be replaced with the word “received.”
 3. In Note 1, Paragraph 2, the use of the word “wish” to be represented brings up the specter of appointed representation. We suggest that the word “wish” be replaced with the word “intend.”
 4. In Note 1, Paragraph 3, the use of the word “accompanying” is less clear than simply using the word “with.” Also, the last sentence could be made clearer if it were rephrased as follows: “Your appeal will be sent for further processing 30 days after the date on which it is received. At that time, no brief regarding your appeal will be accepted.”

We are grateful for this comment opportunity and look forward to a continuing dialogue with USCIS.

Respectfully Submitted,

AMERICAN IMMIGRATION LAWYERS ASSOCIATION