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## CIS Ombudsman Teleconference: Refugee Processing

**1. Form I-730 Evidentiary Standards** – A caller stated that it is sometimes extremely difficult to obtain a civil document when filing a Form I-730 even if the Foreign Affairs Manual shows the documents are available. Another caller identified trouble with convincing USCIS to accept secondary evidence. Can secondary evidence be used? Do applicants need to provide a statement from the proper authorities that the primary evidence is unavailable before using secondary evidence? Would USCIS consider extending more time or exercising additional discretion for Requests for Additional Evidence in these cases?

**USCIS Response:** USCIS consults Volume 9, Appendix C of the Foreign Affairs Manual (FAM) for information on the availability of documents in specific countries. In some instances, the FAM may indicate that the primary evidence is available, but the petitioner may discover upon inquiry that the petitioner or beneficiary's particular records cannot be located. If that occurs, secondary evidence may be considered when primary evidence is unavailable. In such cases, petitioners must submit a statement indicating that the requested primary evidence is not available along with the secondary evidence they wish to have considered in support of the petition.

Per regulation, USCIS cannot extend the time for submitting the requested evidence beyond 12 weeks. See 8 CFR 103.2(b)(8)(iv). USCIS will only issue a request for evidence for documentation or information needed to establish eligibility for the benefit sought.

**2. Processing Times** – A caller identified problems with older Form I-730 cases at the Nebraska Service Center (NSC). Despite many inquiries to the NSC, the caller only received form letter responses, which stated that processing will be completed within six months, but the case remained open. Another caller described long-pending refugee-based adjustment of status cases. Specifically, the new cases seem to be moving quickly and efficiently, but older cases are lingering. What should a customer do when a case does not meet processing times and it appears that USCIS is not following the first in, first out process?

**USCIS Response:** USCIS follows the first-in, first-out process for cases that are ready for adjudication. However, USCIS cannot complete adjudication on an application until all background checks are complete. Additionally, USCIS holds petitions in abeyance if the beneficiary appears to be inadmissible under a provision of Section 212(a)(3)(B) of the Immigration and Nationality Act (INA). Rather than denying the application based on inadmissibility, we are placing these cases on hold while the Department of Homeland Security (DHS) actively considers and reviews new exemptions that these cases could benefit from in the future.

For cases that are outside normal processing time, the petitioner or representative may call the National Customer Service Center at 1-800-375-5283 and submit a service request. The office handling the case will respond to the service request within thirty day.

**3. Medical Exams** – A caller explained that the civil surgeon who completed the medical exam used the wrong form and then wanted to charge an indigent refugee to reprocess the paperwork on the correct form. What recourse does an applicant have if this occurs?

**USCIS Response:** Customers should notify the Director of their local office when they have a complaint about a civil surgeon.

**4. Parole** – A caller noted that the humanitarian parole process takes approximately six months. Where is there further guidance on this topic?

**USCIS Response:** USCIS Humanitarian Affairs Branch staff reviews all requests for humanitarian parole within days of filing to identify any requests that are time sensitive and require urgent attention, such as medical conditions. Those generally are processed quickly and, if necessary, within days. The rest are processed based on the filing date. While some cases take longer than other cases to adjudicate, particularly if requests for evidence are issued, we aim to adjudicate all cases within 3 months. Recently, we developed a small backlog that has increased processing times. We will be detailing additional staff to address the backlog and achieve our aim of a 3 month processing time. Additional information on parole may be found in the Humanitarian section on the USCIS website.

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