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Office of Public Engagement
United States Citizenship and Immigration Services
20 Massachusetts Ave. NW
Washington, DC 20529
Via e-mail: opefeedback@uscis.dhs.gov

**Re: AILA Comments on USCIS Interim Memorandum:
Implementation of the Help HAITI Act of 2010
(PM-602-0020)**

The American Immigration Lawyers Association (AILA) submits the following comments on the USCIS interim memorandum, “Implementation of the Help HAITI Act of 2010 (PM-602-0020).”

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 businesses, U.S. citizens, U.S. permanent residents, and foreign nationals regarding the application and interpretation of U.S. immigration laws. We appreciate the opportunity to comment on this interim memorandum and believe that our members’ collective expertise provides experience that makes us qualified to offer views that will benefit the public and the government.

Introduction

AILA appreciates the opportunity to comment on the interim policy memorandum, “Implementation of the Help HAITI Act of 2010 (PM-602-0020).” The memorandum provides guidance to USCIS personnel on the vital aspects of processing applications for adjustment of status filed under the Help Haitian Adoptees Immediately to Integrate Act of 2010, also known as the Help HAITI Act of 2010.

1. USCIS Response to Haitian Adoptions

AILA would like to express its sincere thanks and appreciation to USCIS for its tremendous response to Haitian adoption cases since the January 2010 earthquake. These complicated cases have been handled personally and efficiently. That spirit of collaboration with stakeholders

is evident with the development of the Haitian Orphan Parole Program (HOPP), and in the clear and helpful guidance on the implementation of the Help HAITI Act adjustment of status provisions. The adjudication of HOPP adjustment cases has already commenced, and is providing the stability of lawful permanent resident status to many children who have suffered through very difficult times.

2. Centralization of Adjustment of Status Applications and Community Outreach

AILA appreciates the centralization of HOPP adjustment processing at the National Benefits Center (NBC), and the expertise and responsiveness of the adjudicating officers. We look forward to the January 2011 NBC webinar as but one example of the outreach and forethought that has gone into this program. As a practical matter, it is difficult to build true expertise on rare cases at the various district offices.

For planning stakeholder outreach and in disseminating future information,¹ we suggest that USCIS emphasize two points:

- a. HOPP parolees should apply for adjustment of status as soon as possible. Although HOPP parolees may apply up to December 9, 2013, AILA is concerned that HOPP parolees may view this deadline as remote, and ultimately fail to apply in the midst of the other pressures of assimilation in the United States. The relatively quick processing of HOPP adjustments (90 days) means that even a parolee wishing to travel could file Form I-131 with the I-485, rather than a stand-alone I-131 for parole during HOPP status.
- b. The HOPP adjustment program does not include Haitian children who entered on regular humanitarian parole (such as for medical treatment) and also does not include children who entered without inspection.

3. Affidavit of Support

AILA recommends that USCIS request Form I-864W, Intending Immigrant's Affidavit of Support Exemption, for HOPP applicants who will automatically become U.S. citizens upon becoming lawful permanent residents pursuant to the Child Citizenship Act of 2000 (CCA). Although the interim memo suggests that Form I-134 may be used, the I-864W is better suited in that it is tailored to situations where children benefit from the CCA, and is now used in many I-130 and I-600 adoption cases.

If the I-134 is required, AILA requests clarification on the type of I-134 evidence and sponsor needed. Such clarification will help avoid delays resulting from Requests for Evidence.

¹ Including updates to the very useful [USCIS webpage on Help HAITI adjustment of status](#).

4. Clarification of the Help HAITI Statutory Cap

AILA would like to clarify that a HOPP parolee who is eligible for adjustment of status under INA §245 as the beneficiary of an approved I-600 or I-130 will be exempt from the 1,400 statutory cap, thereby saving these visa numbers for other HOPP parolees who are only eligible for adjustment under the Help HAITI provisions.

Conclusion

AILA appreciates the opportunity to comment on this interim memorandum and we look forward to a continuing dialogue with USCIS on issues concerning this important matter.

Sincerely,

THE AMERICAN IMMIGRATION LAWYERS ASSOCIATION