



Meeting Invitation



USCIS Stakeholder Meeting on Ethiopian Adoptions

Friday, December 9, 2011 @ 10 am (EST)

As a follow up to the October 28, 2011, Ethiopian Stakeholder call, U.S. Citizenship and Immigration Services (USCIS) and the U.S. Department of State would like to invite you to attend a stakeholder call to discuss USCIS' November trip to the U.S. Embassy in Addis Ababa to adjudicate "not clearly approvable" adoption petitions.

After the U.S. Embassy in Addis Ababa, Ethiopia, identified a number of adoption petitions (Form I-600, *Petition to Classify Orphan as Immediate Relative*) that it determined were not clearly approvable (NCA), and thus, must be referred to USCIS for adjudication, USCIS dispatched a team of officers to go Addis to adjudicate the petitions. USCIS and the Department of State would like to discuss the results of the NCA Team's trip, lessons learned, and the way forward for Ethiopian adoptions.

To Participate in the Session

Any interested parties may participate in this event by telephone. All participants must respond to this invitation. Please contact the USCIS Office of Public Engagement at public.engagement@dhs.gov by **Thursday, December 8, 2011** referencing "**Ethiopian Adoptions**" in the subject line of your email.

Please also include your full name and the organization you represent in the body of the email.

To Join the Call

On the day of the engagement please use the information below to join the session by phone. We recommend calling in 10 minutes prior to the start of the teleconference.

Call-in Number: 1-800-779-1424

Overseas Toll Number: 1-630-395-0144

Passcode: Adoption

We look forward to engaging with you!



November 30, 2011

Executive Summary

Teleconference on Ethiopian Adoptions

Background

On October 28, 2011, U.S. Citizenship and Immigration Services (USCIS) and the Department of State (DOS) hosted a stakeholder engagement to discuss the increased number of adoption petitions (Form I-600, *Petition to Classify Orphan as Immediate Relative*) that the U.S. Embassy in Addis Ababa, Ethiopia, has found to be “not clearly approvable.” After these petitions are found “not clearly approvable” they are referred to USCIS for adjudication. During the session, USCIS and DOS representatives explained why there is an increase in “not clearly approvable” cases, defined what “not clearly approvable” means, and provided an explanation of how the processing of these cases will unfold once they are referred to USCIS. In addition, USCIS and DOS answered questions from stakeholders, most of whom were prospective adoptive parents, concerning next steps for cases that were found to be “not clearly approvable”. The session was not intended to obtain group or consensus advice.

Roles and Responsibilities

Under U.S. law, USCIS has responsibility for the adjudication of Form I-600, *Petition to Classify Orphan as an Immediate Relative*. A family files this petition with USCIS to seek a determination that the adoptive child has a qualifying relationship with the petitioning parent. After a Form I-600 petition is approved, then the U.S. citizen parent(s) may apply for an immigrant visa for their adopted child through the U.S. Department of State. USCIS has delegated authority to the Department of State to adjudicate Form I-600 petitions on its behalf where there is no USCIS presence at a U.S. Embassy or Consulate, such as the U.S. Embassy in Ethiopia. The Department of State, however, only has the authority to approve Form I-600 petitions that are “clearly approvable.” If a Form I-600 petition is “not clearly approvable,” then the Department of State must refer the case to USCIS. USCIS then decides if the case is approvable, if more evidence is needed before a decision can be made, or in rare circumstances, if the case should be denied.

Due to the increase in the number of cases identified as “not clearly approvable” by the U.S. Embassy in Ethiopia, stakeholders have questioned if there has been a policy change at the Department of State. Department of State officials reported that there has been no policy change regarding Form I-600s, rather there has been a practical change at the U.S. Embassy in Ethiopia

to ensure that its procedures are in compliance with Department of State procedures. Previously, the U.S. Embassy in Ethiopia sent multiple requests for additional information to the Adoption Service Providers (ASPs), giving them several chances to correct deficiencies in the file. The U.S. Embassy in Ethiopia is now in line with Department of State procedures worldwide so that if a case has material deficiencies it is being labeled as “not clearly approvable”, and is then transferred to USCIS. Once a case is transferred to USCIS as “not clearly approvable”, the Department of State no longer has the delegated authority over the case. Therefore, Department of State will not be able to accept further evidence or provide any further information on the status of the case. It is then USCIS’s responsibility to review the file and determine the appropriate next steps.

Clarifying the Meaning of “Not Clearly Approvable”

After a case has been identified as “not clearly approvable,” DOS will refer it to a USCIS officer for review with three possible outcomes. In most cases, the USCIS officer decides either that the case is immediately approvable or that the petitioner has not provided enough information, resulting in the issuance of a Request for Evidence (RFE). An RFE means that further dialogue is needed between USCIS and the petitioner. In rare instances, there is evidence in the file that clearly indicates the case is not approvable. For those cases, USCIS will issue a Notice of Intent to Deny (NOID).

It is very common practice for USCIS to issue RFEs in adoption cases. An RFE can notify the petitioner of missing information, request clarification, and/or give examples of what evidence is needed. Once an RFE is issued, the petitioner generally has 87 days to produce the requested information. Please note that USCIS makes each decision on a case-by-case basis according to its own individual merits. Petitioners should feel free to submit as much documentation or evidence as they have and a decision will be made based on the totality of the evidence.

When the Department of State refers a case to USCIS as “not clearly approvable” they do so because they have done everything to adjudicate the case within the scope of authority that has been delegated to them by USCIS. The Department of State does not have the authority to issue RFEs. “Not clearly approvable” does not necessarily mean that the case will be denied. If USCIS does ultimately approve the case, it should not be seen as an indication that the Department of State was wrong to refer the case to USCIS. The Department of State simply adjudicated the case to the fullest extent possible given the evidence submitted at that time under the scope of their delegated authority.

Process after U.S. Embassy Addis Ababa Finds a Case Not Clearly Approvable

Previously, the U.S. Embassy Addis Ababa had only identified a small number of cases as “not clearly approvable.” Typically, these cases have been sent to the USCIS Nairobi Field Office at the U.S. Embassy in Nairobi, Kenya by diplomatic pouch which often took four to six weeks. When USCIS became aware that the US Embassy in Addis Ababa had identified a large number of Form I-600 petitions as “not clearly approvable,” we immediately began planning with the

Department of State to send a team of USCIS officers to Addis Ababa, Ethiopia to adjudicate the growing caseload, as a more efficient and timely way to address the situation. In addition, USCIS and the Department of State coordinated to ensure that no additional cases were sent through the diplomatic pouch to USCIS Nairobi prior to the USCIS team's arrival in Ethiopia.

USCIS and DOS fully recognize that the transfer of these cases needs to happen quickly and smoothly to ensure timely processing of the cases. USCIS is considering a number of options in order to process the cases as quickly as possible, including electronic transmission and sending additional teams of USCIS officers to Ethiopia if necessary.

Form I-600 petitions that cannot be immediately approved by the USCIS team in Ethiopia will be completed by USCIS under normal procedures. If the case was not immediately approved, the petitioner will most likely receive a Request for Evidence (RFE) or in some circumstances a Notice of Intent to Deny (NOID). At this point, communication regarding the case should take place between USCIS and the petitioner.

Since the stakeholder call, USCIS has revised its communication approach, as follows:

For general questions about cases that have been approved or that have not yet received a decision from USCIS, please contact the USCIS office in Nairobi using the following address: NBO.adoptions@dhs.gov.

For cases that have been issued an RFE or NOID, please be sure to carefully read your notice, and if you choose to respond, send your hard copy response according to the instructions on your notice to the USCIS Rome District Office. For inquiries about a case that has been issued a RFE or NOID, please contact the USCIS Rome District Office at uscis.rome@dhs.gov. If, following the issuance of an RFE or NOID, the case is ultimately approved, USCIS will inform the U.S. Embassy in Ethiopia so that the Department of State's immigrant visa process can begin. The Department of State will then take the necessary steps on deciding whether an immigrant visa should be issued. Please keep in mind that just because the Form I-600 petition is approved, this does not guarantee that State Department will approve the immigrant visa.

Next Steps

USCIS and the Department of State expect to hold a follow-up engagement around the beginning of December 2011. USCIS can then report on the patterns and trends in cases seen by our officers on their mission in Ethiopia. Hopefully, this will allow USCIS to give petitioners tips on how to make their case more robust and lessen the chance of future petitioners receiving a "Request for Evidence". The State Department has also begun additional training for Adoption Service Providers (ASPs) on how to avoid deficiencies in case files.

Contact Information:

- For questions regarding cases which after they have been defined as “not clearly approvable,” please contact NBO.adoptions@dhs.gov or uscis.rome@dhs.gov as appropriate as explained above
- For complaints about treatment by a Consular Officer at a U.S. Embassy please contact usvisa@state.gov or attorneys may use legalnet@state.gov
- For general questions on the adoption process please contact askci@state.gov

From: Public Engagement [mailto:Public.Engagement@uscis.dhs.gov]
Sent: Monday, November 21, 2011 1:18 PM
To:
Subject: USCIS UPDATE ON PROCESSING OF "NOT CLEARLY APPROVABLE" CASES

Dear Stakeholder:

The USCIS team in Addis Ababa completed its site visit. We are pleased to report that the team was able to complete its review of all of the "not clearly approvable" cases that were awaiting their review. The following provides an overview of the results of their work. It is important to note that approximately 50 percent of the cases approved received additional evidence between the time Department of State referred the case to USCIS and the team's review, which addressed concerns raised by the Department of State in their referral of the case.

Total # of Cases Referred to USCIS as NCA: 65 (one case that was on the list to be referred was subsequently approved by Embassy Addis Ababa upon completion of the field investigation.)

Approvals Issued:	49
Requests for Evidence Issued:	15
Notices of Intent to Deny Issued:	1

We are aware that a number of families have expressed concern or inquired as to why cases with RFEs or NOIDs will be processed further from USCIS District Office Rome. The USCIS team determined that the District Office in Rome would be a better central location for the ongoing USCIS processing of the cases because that office has more staffing and equipment and better communications connectivity than does USCIS Field Office Nairobi. In an effort to ensure the timeliest processing of all of the outstanding cases, Rome will handle the RFE/NOID responses and share them with the team members so that the cases can be completed. Going forward, as Embassy Addis Ababa identifies new cases that are "not clearly approvable," those cases will be transferred to Field Office Nairobi unless/until resource constraints again arise such that we determine that we can provide more timely responses by transferring the cases to another location.

Kind Regards,

Office of Public Engagement
U.S. Citizenship and Immigration Services
www.uscis.gov

From: Public Engagement [mailto:Public.Engagement@uscis.dhs.gov]

Sent: Wednesday, November 16, 2011 4:23 PM

To:

Subject: USCIS UPDATE ON PROCESSING OF "NOT CLEARLY APPROVABLE" CASES REFERRED BY EMBASSY ADDIS ABABA

Dear Stakeholder-

A USCIS team of four officers arrived in Ethiopia and began working at Embassy Addis Ababa on November 7, 2011. As of the date of this notice, the team has received 63 "not clearly approvable" cases from Embassy Addis, and expects to receive at least 1 more case before they depart on Friday, November 18, 2011. The following provides a summary of the results of the team's review of the cases as of November 15, 2011:

Approvals Issued:	36
Requests for Evidence Issued:	9
Notices of Intent to Deny Issued:	1
Under USCIS Team Review	9
Pending Birth Relative Interview	8
Pending Physical Transfer	1

During the team's first days in Addis, they began reviewing the cases, and established procedures necessary for completing adjudication and issuing notices. Embassy Addis is providing the resources necessary for USCIS to be able to adjudicate the not clearly approvable cases. Although the team has encountered some technological challenges, the team has been issuing decisions and notices as soon as they are able.

All cases that the team is able to approve before they depart from Addis Ababa will stay with the Consular Section in Embassy Addis Ababa, for immediate scheduling of immigrant visa processing. Families that receive an approval notice will be contacted directly by the U.S. Embassy within three business days. We strongly recommend that families wait to be contacted regarding an immigrant visa interview before making travel arrangements. Cases that require a Request for Evidence or a Notice of Intent to Deny will be sent to the USCIS Rome District Office for further processing.

Each family that received a Request for Evidence or a Notice of Intent to Deny should carefully read the instructions regarding where to send additional evidence to avoid delays in processing that could be caused by sending the evidence to the incorrect USCIS Office. USCIS has decided to utilize additional resources at the Rome District Office in the ongoing processing of some of the affected cases in an effort to ensure that they are processed to completion as quickly as possible.

In the coming weeks, USCIS and DOS will schedule another stakeholder call to provide a briefing on the team's work in Addis Ababa, and an update on how processing will proceed going forward for any new cases identified by Embassy Addis Ababa as not clearly approvable.

Kind Regards,

Office of Public Engagement
U.S. Citizenship and Immigration Services
www.uscis.gov

AILA InfoNet Doc. No. 11102765. (Posted 11/16/11)

AILA InfoNet Doc. No. 11102765 . (Posted 11/22/11)



Meeting Invitation

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USCIS Stakeholder Meeting on Ethiopian Adoptions

Friday, October 28, 2011 @ 10:30 am (EDT)

U.S. Citizenship and Immigration Services (USCIS) would like to invite you to attend a stakeholder call to discuss USCIS processing of Ethiopian adoption cases which the U.S. Embassy in Addis Ababa is referring to USCIS as "not clearly approvable".

Recently, the U.S. Embassy in Addis Abbaba, Ethiopia, has identified a number of adoption petitions (Form I-600, Petition to Classify Orphan as Immediate Relative) that it has determined are not clearly approvable (NCA), and thus, must be referred to USCIS for adjudication. USCIS would like to explain what "not clearly approvable" means and how the processing of such cases will unfold once the cases are referred to USCIS.

To Participate in the Session

Any interested parties may participate in this event by telephone. All participants must respond to this invitation. Please contact the USCIS Office of Public Engagement at public.engagement@dhs.gov by **Thursday, October 27, 2011** referencing "**Ethiopian Adoptions**" in the subject line of your email.

Please also include your full name and the organization you represent in the body of the email.

Once an RSVP email has been received, USCIS will provide you call-in details.

We look forward to engaging with you!