

## **I-765**

1. Many Cuban parolees who attempt to prepare the I-765 themselves tend to INCORRECTLY choose the a(4) Paroled as a Refugee Category on the I-765. As a result, they send their application to the NSC instead of to the Chicago Lockbox (where the 12c11 public interest parolee category apps are sent). What is the best way to deal with this situation if discovered prior to the decision? (In the past, we have frequently seen the NSC officer just deny the case, even when the I-94 showing parole-Cuban status has been submitted.) It would seem that the officer should issue an RFE asking for clarification of the applicant's status. However, is there any issue prohibiting an NSC officer from approving an I-765 that has been "clarified" and should now be treated as a 12c11 case? The alternative would be to start all over again and have the applicant file a new I-765 with the correct category and send it to the correct address (i.e, Chicago lockbox).

Many years ago, we proposed elimination of that category on the I-765 instructions since it is extremely confusing to (Cuban) laypersons and there are really NO individuals who would still have this category status— basically a category that existed pre-1980, prior to the implementation of the Refugee Act of 1980, and (we think) used primarily in the case of Cambodians paroled in as refugees. Any possibility of this occurring?

## **TPS**

1. Members are reporting that they are not receiving I-821 Temporary Protected Status (TPS) approval notices in cases where the I-765 Employment Authorization Document (EAD) associated with the TPS application has been approved and the I-765 card has been issued. Please confirm that individuals who file for TPS will receive both an approval notice when Form I-821 is approved as well as an approval notice when Form I-765 is approved.

## **I-485**

1. I would like to know the difference between the G-325 and the G-325A, and if we can submit either as part of a refugee's adjustment of status application. I understand that the instructions indicate that the G-325A must be used. Nevertheless, if the G-325 is inadvertently used would USCIS still accept it in place of the G-325A?
2. What is the best procedure to follow when a refugee I-485 application is approved, but it is clear that the wrong code (category) is on the green card? For example, a derivative refugee code is on the GC vs. a principal refugee code that should have been the correct code? Is the I-90 the only remedy to pursue, or can we contact someone at the NSC to have the file reviewed? In many instances, neither the applicant nor the attorney knows that there must have been a mistake made —probably overseas — and if the I-90 is the only remedy, a FOIA would have to be filed to support the claim of error. FOIAs now are taking a long, long time, and if an I-730 needs to be filed within a certain timeframe, there is not sufficient time to file a FOIA and review the "A" file before filing the I-730 — which will surely be denied due to non-principal status.

## **I-730**

2. It is becoming increasingly difficult to accomplish DNA test completion in some countries within the length of time given for RFE responses (even the max response time). For example, Sudanese refugees in Chad who must do DNA testing have to go to Cameroon since the American Embassy in Chad does not process immigrant visa cases. This is a dangerous and lengthy trip and requires the family to remain in Cameroon after the tests since they are not allowed back into Chad and the refugee camp.

We know that the deadline for RFEs cannot be extended. However, in the past, officers have allowed the deadline to pass as long as a response explaining the reason for the delay was sent in prior to the deadline. Is this still a “viable” policy? If not, what are the alternatives – issuance of a second RFE with a new deadline?

3. Why are some beneficiaries assigned an “A” number upon receipting of an I-730, while some are not? (It seems- at least in the past -as if the beneficiaries who are assigned A numbers were in countries where the Embassy/consular staff handled I-730 interviews and not USCIS officers.) Is that still true?