



AMERICAN  
IMMIGRATION  
LAWYERS  
ASSOCIATION

January 18, 2023

Asylum Division Chief John Lafferty  
Associate Director Ted. H. Kim  
Refugee, Asylum and International Operations (RAIO) Directorate  
U.S. Citizenship & Immigration Services  
U.S. Department of Homeland Security  
Washington, DC 20529

Via Email

**Re: AILA Asylum & Refugee National Committee Suggestions for I-730 Adjudications and Request for a Meeting**

Dear Associate Director Kim and Asylum Division Chief Lafferty:

Thank you again to RAIO leadership taking the time to meet with the American Immigration Lawyers Association (AILA's) Asylum and Refugee Committee on January 5, 2022. We found that small group meeting during which we were able to freely exchange ideas to be very helpful, and we hope that you did as well. We write now to request another small group meeting, which would include both members of AILA's Asylum Committee and a core group of legal advocates with extensive experience and expertise in I-730 adjudications.<sup>1</sup> We believe that such a meeting, in person, if possible, would allow us to freely exchange information and ideas on problems in the I-730 adjudication process as well as potential solutions.

As you know, AILA followed up from the January meeting with a letter dated April 9, 2022, in which we shared numerous recommendations for increasing the efficiency, fairness, and transparency of I-730 adjudications. In summary, these recommendations included requests to:

- Centralize USCIS I-730 adjudications
- Provide specialized training to officers who adjudicate I-730s
- End unnecessary interviews and data collection
- Reopen overseas USCIS offices and improve overseas processing capacity
- Increase transparency in how I-730s are adjudicated and
- Establish regular stakeholder meetings

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<sup>1</sup> Groups that assisted in drafting this letter include: Church World Service, Human Rights First, International Refugee Assistance Project, HIAS, International Refugee Commission, Refugee Council USA, and Women's Refugee Commission.

We appreciate that, following our letter, AILA members were invited to attend a public stakeholder call on I-730 adjudications which took place on July 21, 2022. We believe that public stakeholder calls serve an important function for USCIS to share information with the public. However, the organizations that engage in extensive work on these issues would like to have a private meeting which would allow for a more robust and informal exchange of ideas.

In addition to the issues and recommendations we raised in our April letter, we have the following questions concerning I-730 adjudications.

- Questions on Atlanta Processing Unit (ZGA):
  - How are cases being processed, e.g., are I-730s operating under a “first in, first out” rule? Are any specific types of cases being prioritized?
  - Is there any way for practitioners to expedite urgent cases?
  - Will processing times for cases in Atlanta be made public?
  - How many adjudicators are in the new unit?
  - What training has been provided to officers in the new unit?
  - Can you share contact information for the Atlanta unit so practitioners have a place to contact for troubleshooting?
- Please provide the current number of pending Form I-730 petitions broken down by:
  - Type (i.e., refugee or asylee);
  - Nationality; and
  - Processing stage (i.e., domestic processing, pre-interview, re-interview needed, security checks, etc.).
- Please describe your plans to adjudicate I-730 cases over the remainder of FY2023, including scheduled or projected circuit rides and plans to reduce certain pre- or post-interview backlogs. What technological improvements is the agency considering to increase efficiency/processing for I-730s?
- Would USCIS consider not interviewing I-730 beneficiaries if there are no red flags in the case? (That used to be USCIS’s procedure, and USCIS has begun approving some other case types, for example, marriage-based adjustment cases, if the case is clearly approvable based on the paperwork).
- What is the estimated date the new Form I-730 will be available? Will stakeholders be allowed to provide feedback on the updated form before it is finalized? Will the new Form I-730 obviate the need for separate I-590 applications for each I-730 refugee beneficiary (a requirement that is confusing, not clearly disclosed in the I-730 application instructions, and prolongs delays in adjudication because of the resultant request for evidence)?

- At the I-730 Stakeholder engagement in July, you mentioned conducting a resource review for I-730 processing. Has that review been completed and if so, what was the outcome?
- Has USCIS changed its policy from the past such that potential beneficiaries who have removal orders against them that are amenable to reinstatement, will have the I-730 petitions filed on their behalf denied? If so, what is the reason for this change? Wouldn't it make more sense to adjudicate the I-730 first, giving the beneficiary a ground to seek reopening of the removal order? Has anything changed with processing I-730s for beneficiaries who have unexecuted immigration court removal orders?
- Please describe the process advocates should use to ensure proper adjudication when an asylee or refugee has filed an I-730 for a derivative who is abroad, and while that application is pending, the family member enters the United States. This issue could result from the beneficiary entering as a non-immigrant, being paroled in (including under the new parole process for Cubans, Haitians, Nicaraguans, and Venezuelans), being processed as a UC at the border, or entering without inspection. It is currently very difficult for advocates to reach someone at USCIS to update the beneficiary's address and ensure that the application is adjudicated by the correct agency within the United States.
- Could you please share details about planned processing for Afghans going through the I-730 process?

Thank you for your attention to these important issues. We look forward to your follow up. We can be reached at [victoria@nipnlg.org](mailto:victoria@nipnlg.org) or [agrenier@aila.org](mailto:agrenier@aila.org).

Sincerely,

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