



AMERICAN  
IMMIGRATION  
LAWYERS  
ASSOCIATION

January 4, 2019

Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Office of Policy and Strategy  
Chief, Regulatory Coordination Division  
20 Massachusetts Avenue, NW  
Washington, DC 20529-2140

Submitted via [www.regulations.gov](http://www.regulations.gov)

Docket ID: USCIS-2009-0024

**Re: OMB Control Number 1615-0113**

Agency Information Collection Activities; Extension, Without Change, of a  
Currently Approved Collection: InfoPass

To Whom It May Concern:

The American Immigration Lawyers Association (AILA) respectfully submits the following comments in response to the above-referenced 60-day notice to extend, without change, a currently approved collection, InfoPass, published in the Federal Register on November 5, 2018.<sup>1</sup>

Established in 1946, AILA is a voluntary bar association of more than 15,000 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. lawful permanent residents, and foreign nationals regarding the application and interpretation of U.S. immigration laws. We appreciate the opportunity to comment on the InfoPass system, as well as the pending Information Services Modernization Program (ISMP) being implemented at many local USCIS Field Offices across the country. We believe that our members' collective expertise and experience using these systems makes us particularly well-qualified to offer views that will benefit the public and the government.

**I. The InfoPass Self-Scheduling System**

The current InfoPass self-scheduling system, which allows stakeholders to schedule an InfoPass appointment online without the assistance of a USCIS representative, has certain notable advantages and disadvantages. The system allows stakeholders to go online at any time and make an appointment at a local USCIS Field Office, provided that an appointment time is available. These appointments provide stakeholders with the opportunity to inquire about significantly delayed cases and to provide key updates after filing, and potentially after an interview, that may

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<sup>1</sup> 83 Fed. Reg. 55390 (Nov. 5, 2018).

otherwise not be included in their A-file. It also notably allows stakeholders the opportunity to request emergency document services and other urgent requests. When utilized correctly, these appointments lead to enhanced communication between stakeholders and USCIS, and as many of our members can attest to, can help resolve cases more efficiently and effectively.

Unfortunately, the self-scheduling InfoPass system has been plagued since its inception with one major disadvantage – namely, that appointments via the online system are often unavailable. AILA members have frequently reported having to wait several days or even multiple weeks to be able to find an available online appointment. At many local USCIS Field Offices, stakeholders frequently report having to repeatedly log in to the online InfoPass system, often in the middle of the night, in order to check the availability of appointments, which is inefficient and at times considerably time-consuming.

## **II. The Transition from Online, Self-Scheduling InfoPass Appointment System to the Information Services Modernization Program**

Beginning in March 2018, USCIS began to transition away from the online, self-scheduling InfoPass appointment systems to its Information Services Modernization Program (ISMP). The ISMP is being implemented on a rolling basis at various local USCIS Field Offices. It requires stakeholders seeking an InfoPass appointment to first call the USCIS Contact Center or submit an appointment request online via [my.uscis.gov/help/schedule](https://my.uscis.gov/help/schedule). Under this system, the decision to schedule an appointment is largely out of the control of stakeholders, but left to the USCIS representative's discretion regarding whether an InfoPass appointment is warranted. Thus, even in situations in which a stakeholder wants or needs an InfoPass appointment, the stakeholder has limited control over scheduling the appointment and can be refused an appointment by the USCIS representative.

AILA appreciates USCIS's efforts to make the InfoPass scheduling procedure more efficient and agrees that there are some queries, such as obtaining form information or general processing updates, that are handled at InfoPass appointments that could otherwise be addressed via USCIS's website, or the USCIS Contact Center. A purported advantage of the new system is that directing these individuals towards the USCIS Contact Center and website will "free up" more InfoPass appointments for stakeholders that require urgent resolution to a case-specific issue or for inquiries that are more complex. In practice, however, the new system has restricted access to USCIS for those who might genuinely need it. AILA and its members have become aware of the following issues since the inception of the Information Services Modernization Program. Where applicable below, we provide recommendations for improvement as the ISMP is rolled out to additional offices.

### **A. USCIS Guidance on How to Schedule and Qualify for an InfoPass Appointment**

First, we would like to thank USCIS for making both an online and telephone option available to request an InfoPass appointment. However, while the telephonic option through the USCIS 1-800 number has been explained to stakeholders, there appears to be a lack of understanding that appointments may also be requested at participating local Field Offices via the [my.uscis.gov/help/schedule](https://my.uscis.gov/help/schedule) webpage. In order to apprise stakeholders of this additional option, it

would be helpful for USCIS to update its language concerning the new system and specifically alert the public of the online form's existence. Additionally, it is required for the individual filling out the form to provide both a telephone number and email address. While we understand that USCIS requires at least one method of communication to confirm and set up an InfoPass appointment, some applicants, for example, low income, refugee, or elderly applicants, may not have access to these methods of communication. Given these limitations, USCIS should require *either* an individual's phone number *or* their email address, thus allowing those who do not have access to a phone line or computer to indicate their preferred method of contact.

Additionally, USCIS has not provided to the public a comprehensive explanation of the circumstances under which USCIS will schedule a requested InfoPass appointment, as well as when such a request will be denied. We understand that these requests are often case specific, and as such it may not be possible to provide guidance for every situation; however, the lack of information has been a source of frustration for many stakeholders who are unclear of their particular issue does not qualify for an InfoPass appointment at the local office. Currently, when trying to access the InfoPass webpage, stakeholders are provided links to several USCIS case status and information resources and informed via a message at the bottom of the page that reads, "If you need help with document services (such as passport stamps and advance parole) or have an emergency, call the USCIS Contact Center at 1-800-375-5283."

It would greatly reduce confusion and frustration by stakeholders if USCIS provides additional information or examples of situations in which an InfoPass appointment is warranted (i.e., last-minute rescheduling of an interview, a need to expedite a case, or a need to supplement a case file with more information or documentation). It would also be helpful for USCIS to further clarify what "document services" entails and what constitutes an emergency for purposes of securing an InfoPass appointment. Understanding, that it would not be possible to cover all possible situations, further guidance would be greatly appreciated and help reduce confusion for stakeholders as well as USCIS officials.

Another way to reduce confusion amongst stakeholders would be to hold additional webinars or public information sessions for stakeholders on how to use the new ISMP system. This information would further USCIS's stated goal of increased transparency and will result in less confusion, and a more efficient use by stakeholders of the USCIS Contact Center and USCIS resources.

## **B. Requests for InfoPass Appointments through the USCIS Contact Center**

As the ISMP has been rolled out to new USCIS field offices, AILA has received reports from our members of issues with the new system. Members who have called the USCIS Contact Center have reported extensive wait times, inconveniently timed call backs for both applicants and attorneys outside of normal business hours, and delayed or unreceived email confirmations for appointments. The results of which now mean that even when appropriate, the act of scheduling an InfoPass appointment could take an excessive amount of time and coordination where it used to be as simple as accessing the webpage online and identifying an open appointment slot. This is understandably frustrating for our members and stakeholders in general as it requires significant time spent on or near the telephone to ensure that they access the appropriate personnel to schedule

an appointment or do not miss attempts from USCIS to contact them or else they may be required to start the process over again with a new request.

In addition to providing the public with additional resources on the new program, based on some reported user experiences, USCIS should ensure that all USCIS Contact Center personnel are aware of the new system, the local offices currently implementing it, and the correct guidance for what merits an appointment. Miscommunication or misunderstandings of the new system by USCIS officers have been reported by our members, which works against the intended goal of a more streamlined and efficient scheduling process.

Additionally, we have received reports that USCIS representatives at the USCIS Contact Center are refusing to schedule an InfoPass appointment for an applicant whose case is within the estimated processing time range published on the USCIS website. While it may be true that many inquiries for cases beyond posted processing times may be resolved through the USCIS Contact Center or website, there are a myriad of situations that would warrant an inquiry through an InfoPass appointment. This is particularly true for cases that have already completed an in-person interview. For example, officers at local offices often instruct applicants and/or their attorney that they may follow up a certain number of days after an interview if a decision has not been reached. Despite this instruction, it appears that personnel at the USCIS Contact Center are taking a rigid approach in deferring to the posted processing times, specifically the required inquiry date posted on the USCIS website, before allowing for an InfoPass appointment to be scheduled.

Consider a situation involving an applicant applying for naturalization at the USCIS Field Office in Charlotte, North Carolina. As of January 4, 2019, the estimated processing time range for Form N-400 is between 8.5 months and 14.5 months. The applicant's case is amongst the cases interviewed at or around 8.5 months after filing, and an officer instructs the applicant that they may follow-up after 30 days if a decision has not been made. Under the new system, there does not appear to be a mechanism by which the applicant may follow up directly with the local office, and therefore, the applicant must contact the USCIS Contact Center to request an appointment. In a similar situation reported to AILA, the USCIS Contact Center declined to schedule an InfoPass appointment for the stakeholder due strictly to the case being within the posted processing time range. Thus, the applicant was forced to wait an additional five months before being allowed to schedule an appointment with the local field office regarding his/her case.

Lastly, in some cases, the information provided on the case might change following an interview and could impact the application in a material way. In this circumstance, it is important for petitioners, applicants, and their attorneys, to be able to ensure updated information, or in some cases documentation, reaches the hands of the adjudicator in a prompt manner. Given the limited avenues by which stakeholders may communicate with the local office, we believe that a timely InfoPass appointment is the best mechanism. In these situations, we believe that USCIS representatives at the USCIS Contact Center should facilitate such appointments in order to ensure that adjudications are made based on the most accurate and up to date information available.

### **III. Conclusion**

We appreciate the opportunity to comment on the USCIS InfoPass system, as well as the Information Services Modernization Program. We look forward to a continuing dialogue with USCIS on this system as changes are implemented in local offices across the country.

Sincerely,

THE AMERICAN IMMIGRATION LAWYERS ASSOCIATION