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Security

# Questions and Answers

August 22, 2011

## **DHS Procedures for Implementation of EOIR Background Check Regulations for Aliens Seeking Relief or Protection from Removal**

- 1. What are the purposes of the Background Check Regulations issued by the Department of Justice's Executive Office for Immigration Review (EOIR) at 70 FR 4743 (January 31, 2005)(codified at 8 C.F.R. §§ 1003.1, 1003.19, 1003.47, 1208.4, 1208.10, and 1208.14)?**

**A.** The regulations help ensure that persons who are seeking relief from removal, such as adjustment of status to that of lawful permanent resident, cancellation of removal, withholding of removal, asylum, or other relief described in the regulations, are eligible for the benefit that they seek and do not pose a threat to national security or public safety. The regulations also provide that failures of a person in removal proceedings to provide required biometrics and biographical information to DHS within the time specified by the immigration judge, except for good cause, will constitute abandonment of pending applications for relief or protection from removal. EOIR immigration judges and the Board of Immigration Appeals (BIA) cannot grant any of the forms of relief covered by the regulations until the Department of Homeland Security (DHS) reports that the required identity, background and security checks have been completed. In addition, the EOIR regulations will also benefit those individuals who are granted relief on or after April 1, 2005, the effective date of the rule, to obtain their immigration status and work documentation promptly from U.S. Citizenship and Immigration Services (USCIS). USCIS will no longer need to await the results from new background checks before it can issue the individual documentation in the usual case granted after April 1, 2005. DHS reserves its authority, however, to take any appropriate action necessary if DHS discovers or possesses information indicating that the individual is a risk to national security or public safety. Such action may include, but is not limited to, seeking revocation or rescission of the individual's immigration status, delaying issuance of documentation, or canceling documentation previously issued. DHS will only take such actions in accordance with the law as it exists at the time.

- 2. What procedures has DHS implemented to ensure that the identity, background and security checks are completed and do not delay the EOIR proceedings?**

**A.** Since April 1, 2005, the Immigration and Customs Enforcement (ICE) attorney provides written instructions at the Master Calendar hearing to aliens, and their representatives, who express their intent to file certain applications for relief that, if granted, would lead to the alien's attaining permanent residence, asylum, withholding of removal, or certain other benefits. These *"Instructions for Submitting Certain Applications in Immigration Court and for Providing Biometric and Biographic Information to U.S. Citizenship and Immigration Services"* ("pre-order



Homeland  
Security

instructions”) may also be obtained at <http://www.uscis.gov/files/article/PreOrderInstr.pdf>. These pre-order instructions inform the individual that he or she must submit *copies* of the specified applications to either the USCIS Texas or Nebraska Service Centers, as indicated in the instructions, pay any relevant application and biometric fees, and attend an appointment at a USCIS Application Support Center (ASC) for biometrics collection. USCIS will send the individual an application receipt notice (often called a “fee notice” where fees are required) and an ASC biometrics appointment notice after receipt of the application. Once the individual provides biometrics, USCIS will send the fingerprints to the Federal Bureau of Investigation (FBI) for criminal history checks. ICE will have access to the results of those criminal history checks. USCIS also will initiate other checks in advance of the EOIR merits hearing for an applicant. ICE will ensure that the remainder of the background checks, such as checks of the Interagency Border Inspection System (IBIS), have been conducted before EOIR is ready to decide the case. By initiating these checks as soon as possible after the alien submits the copies of the applications to USCIS and provides biometrics, DHS anticipates that significant delays in the EOIR proceedings will be avoided in the vast majority of cases.

**3. What are the principal applications that must be submitted to the USCIS service centers? Can I also submit copies of applications for Section 212(c) waivers and for other waivers of grounds of inadmissibility that I must file with EOIR?**

**A.** *Copies* (without supporting documentation), *not originals*, of the following applications must be submitted to the USCIS Texas Service Center, with the appropriate application and biometric fees:

- Form I-485 (Application to Register Permanent Residence or Adjust Status);
- Form EOIR-40 (Application for Suspension of Deportation);
- Form EOIR-42A (Application for Cancellation of Removal for Certain Permanent Residents);
- Form EOIR-42B (Application for Cancellation of Removal and Adjustment of Status for Certain Nonpermanent Residents);
- Form I-881 (Application for Suspension of Deportation or Special Rule Cancellation of Removal);
- Form I-191 (Application for Advance Permission to Return to Unrelinquished Domicile);
- Form I-601 (Application for Waiver of Grounds of Excludability);
- Form I-602 (Application by Refugee for Waiver of Grounds of Excludability).

*Copies, not originals, of the first three pages* of a Form I-589 (Application for Asylum and for Withholding of Removal) should be sent to the USCIS Nebraska Service Center.

The written pre-order instructions that ICE counsel provides to the alien at the Master Calendar hearing list all of these applications and the addresses to which the copies should be sent. The original applications, with supporting documents, and evidence of submitting the application fee (where applicable) to USCIS, must continue to be *filed* with EOIR as instructed by the



Homeland  
Security

immigration judge. If the immigration judge has waived your application fee, USCIS may waive your biometrics fee. If USCIS does not receive or waive the biometric fee, it will reject the application and the individual will not receive an ASC appointment notice for biometrics collection. Failure to provide biometrics, without good cause, will result in the immigration judge deeming the application abandoned. Further information on application requirements, biometrics collection and fees is contained in the form instructions and may also be obtained at [www.uscis.gov](http://www.uscis.gov) and [www.usdoj.gov/eoir](http://www.usdoj.gov/eoir).

**4. Where should I submit and pay the fees for petitions such as the Form I-130 (Petition for Alien Relative), Form I-140 (Immigrant Petition for Alien Worker), and the Form I-751 (Petition to Remove the Conditions on Residence)?**

**A.** You should submit these petitions to the appropriate USCIS office, with the appropriate fees, in accordance with the instructions that accompany those forms. Only USCIS adjudicates the Form I-130 and Form I-140, not EOIR. USCIS also adjudicates the Form I-751, although the immigration judges have jurisdiction to conduct *de novo* review of a Form I-751 application. If biometrics are needed for background checks on an I-751 applicant in removal proceedings, ICE counsel will provide local instructions for collection of the alien's biometrics.

**5. I have an application pending with the immigration court or the BIA for relief or protection. Where should I file a Form I-765 for an Employment Authorization Document (EAD) while I am in removal proceedings?**

**A.** You should continue to file the form I-765 (Application for Employment Authorization), including any applicable fees, at the address listed in the accompanying form instructions. It is also helpful to the application adjudicator for you to indicate whether you have a current case in immigration court or with the BIA.

**6. Do I need to wait to receive my USCIS application receipt notice or ASC scheduling notice before I can file for asylum or withholding of removal with EOIR?**

**A.** No. You may file your Form I-589, Application for Asylum or for Withholding of Removal, with EOIR as soon as you complete it. You should file your Form I-589, with all supporting documentation, in accordance with the immigration judge's instructions. The requirement to submit copies of the first three pages of the I-589 to the USCIS Nebraska Service Center will not affect the date that your application is considered filed with EOIR. Nothing in the EOIR background check regulations changes the existing regulations governing when an asylum or withholding application will be deemed filed or when it will be considered complete.

Nevertheless, if you fail to submit the application copy to USCIS so that your ASC biometrics appointment notice can be mailed to you, or you fail to follow USCIS instructions for biometrics capture, the immigration judge may find that you have abandoned your application.



Homeland  
Security

You should make copies of all application receipt notices and ASC scheduling notices and keep them with you. You may need to show them to the immigration judge. You will need to show your original ASC scheduling notice to the USCIS ASC when you attend your appointment for biometrics (*e.g.*, fingerprints and photographs). It contains an important receipt number that the ASC must use to match your biometrics with the correct application in USCIS' systems.

**7. Do I need to wait until I receive my fee receipt notice and also my ASC scheduling notice from the USCIS Texas Service Center before I can file a fee-based, non-asylum application for relief with the EOIR immigration court?**

**A.** You must wait for the fee receipt notice and file a copy of it along with your original application with the EOIR immigration court, *unless* the application fee has been waived by the immigration judge. This receipt notice is evidence that you have paid the application and biometric fees. Unless the immigration judge has waived your application fee, the USCIS fee receipt notice must be submitted with your application before EOIR will consider your application properly filed. Remember that unless USCIS waives your biometric fee, you *must* pay the USCIS biometrics fee. USCIS will normally waive the biometrics fee if you provide evidence that the immigration judge has already waived the underlying application fee. If the biometrics fee is not waived and you do not pay the biometrics fee, your application will be rejected and you will not receive an ASC notice for a biometrics appointment. Failure to provide biometrics, without good cause, will result in the immigration judge deeming your application abandoned. Whether or not you are required to pay the application fee, you may file your application with the immigration court before you receive the ASC notice scheduling you for biometrics. Generally, the fee receipt notice and ASC notice will be mailed to you at the same time, but not always. The fee receipt will be sent before the ASC biometrics appointment notice, or simultaneously with it. You should keep copies of all application and fee receipts and ASC scheduling and confirmation notices that you receive. You may need to show them to the immigration judge.

**8. How long will it be before I can expect to receive USCIS' notices indicating that my application has been received and scheduling me for an ASC appointment, if necessary?**

**A.** You should receive your application receipt and ASC scheduling notices within three weeks, if not sooner. Be sure that you have received all ASC notices applicable to your family members. USCIS tries to send notices to family members at or about the same time, but sometimes this is not always possible. If you do not receive your application receipt notice or your ASC notice(s) after three weeks have passed, please call the USCIS National Customer Service Center, 1-800-375-5283, as indicated in the DHS pre-order instructions you were provided at the Master Calendar hearing. If you submitted copies of your application for asylum or withholding and your FBI fingerprint results are current (*i.e.*, provided within the past 15 months) because you filed an affirmative I-589 with USCIS that was later referred to EOIR, USCIS will not send you another ASC appointment notice. However, you will receive an application receipt notice. USCIS will send ASC notices to applicants for other forms of relief that require FBI fingerprint checks for the applicant and any derivatives. You can also help prevent delays in receiving your fee receipt and ASC scheduling notices by ensuring that USCIS always has your current address. You must



Homeland  
Security

submit any change of address notifications to DHS within 10 days of the change on the Form AR-11, Change of Address Form, which can be obtained at <http://www.uscis.gov/ar-11> or through 1-800-375-5283. You must also notify the EOIR immigration courts or the Board of Immigration Appeals of any changes in your address within 5 days of any change. The EOIR-33/IC or EOIR-33/BIA change of address forms can be obtained at [www.usdoj.gov/eoir/formslist.htm](http://www.usdoj.gov/eoir/formslist.htm) or from the Immigration Courts.

**9. If I am filing an application for asylum or for withholding of removal (I-589) and another type of application for relief from removal, such as adjustment of status or cancellation of removal, *at the same time*, do I need to go to the ASC more than once? What should I do if I file different applications for relief at different times during my removal proceedings?**

**A.** Please read and follow the instructions on both sides of the pre-order instructions that you were given in immigration court. As indicated in those instructions, you will receive an ASC biometrics appointment notice for each application that you submit to the USCIS. Those ASC scheduling notices contain important, but different, USCIS application receipt numbers related to your case. The ASC must have each of those different application receipt numbers in order to connect your biometrics (fingerprints and photographs) in the systems to the applications that you are filing with the immigration court. Therefore, you should wait for all the expected ASC notices and take them with you to one of your scheduled ASC appointments. Be sure to take all of the appointment notices with you when you attend the appointment and provide them to the ASC. If you have already attended an ASC appointment in connection with one of your applications for relief, but you receive a later ASC appointment notice for a different application that you have submitted to USCIS (regardless of whether you submitted it simultaneously or at a different time in your removal proceedings), then go to the ASC appointment and present your new ASC appointment notice containing the application receipt number so that the ASC can properly associate your biometrics with the additional application type that you are filing with the court.

**10. Do I have to wait until I can actually attend my ASC appointment before I can file my application for relief with the Immigration Court?**

**A.** No. You can file for asylum or for withholding of removal on Form I-589 as soon as your application is ready. Follow the immigration judge's instructions for filing this application. You can file the other fee-based applications as soon as you receive the fee receipt notice from USCIS reflecting that the fees have been paid. As noted above, if the immigration judge has waived the application fee, you can file your application with the court as soon as you complete it. Again, unless USCIS waives the biometrics fee, you must pay the biometrics fee unless you are filing for asylum or for withholding of removal. You should retain and bring with you to your next immigration court hearing the confirmation paper that the ASC gives you after you have had your biometrics collected, in case it is needed as proof that you provided biometrics.

**11. Will my Immigration Court proceedings be delayed if I cannot get an ASC appointment quickly?**





Homeland  
Security

**A.** In the vast majority of locations, you will be able to attend an ASC appointment within two weeks of receiving your ASC scheduling notice. If you submit the copies of your application to the USCIS service centers promptly as directed, you should have plenty of time to attend your biometrics appointment before the date that the immigration judge schedules your merits hearing. Immigration courts are also working in coordination with local ICE counsel and USCIS offices to set the hearing schedules so that they take into account any waiting times that may be occurring for ASC appointments. DHS recognizes that in a few of the busiest locations, there are sometimes longer waiting periods for ASC appointments. However, USCIS is working very hard to eliminate and prevent waits in those locations and to accommodate cases in EOIR proceedings promptly.

**12. If the immigration judge has waived my application fee, how can I inform the USCIS Service Center when I submit the copy of my application?**

**A.** You or your representative should request the immigration judge to provide you with written notice of your application fee waiver. EOIR has recently developed a standard order for immigration judges to use in granting application fee waivers. Submit that order with the copy of your application when you mail it to the USCIS Texas Service Center with the application that requires a fee (not required for an I-589 asylum or withholding application). Although the judge may waive the application fees in certain circumstances, only USCIS has the authority to waive the biometrics fee. However, if you submit the immigration judge's order waiving the application fee, USCIS may also waive your biometrics fee.

**13. Where should I pay the fees for Motions to Reopen Immigration Court proceedings or BIA appeals?**

**A.** There is no change, at present, in the payment locations for procedural immigration court motions or appeals to the BIA. For now, fees for Motions to Reopen may continue to be paid at the USCIS districts. Appeals to the BIA should be filed with the BIA in accordance with accompanying EOIR Form-26 instructions. You may obtain additional information about filing appeals or motions with the BIA in the BIA Practice Manual at [www.usdoj.gov/eoir](http://www.usdoj.gov/eoir). *Do not submit* any motions or appeals related to removal proceedings to the USCIS Service Centers. If you do, they will be returned to you, which may cause you to miss important court or BIA deadlines.

**14. I filed an application for relief from removal before April 1, 2005, but EOIR has not decided my case yet. Do I need to submit a copy of my application to USCIS?**

**A.** No. If you filed an application with the EOIR immigration court before April 1, 2005 and it remains pending, please *do not submit* a copy to the USCIS Texas or Nebraska service centers under these new defensive application procedures. If your fingerprints are required for FBI criminal history checks or if the FBI results are older than 15 months, the ICE attorney will provide you with local instructions for attending an ASC appointment for that purpose. Some people who have pending, pre-April 1, 2005 applications for relief in the "pipeline" will not need to have their prints retaken because their FBI fingerprint checks are current. ICE will ensure that



Homeland  
Security

any other required background checks on the pending pre-April 1, 2005 cases are properly completed before EOIR grants relief.

**15. I paid the DHS biometric fee and went to my ASC appointment, as instructed, but the ASC would not take my fingerprints because they said that I had previously provided fingerprints that were still current. What should I do?**

A. USCIS became aware of this problem occurring in limited locations, and has instructed the ASCs to ensure that fingerprints are taken for aliens in EOIR proceedings given ASC scheduling notices. In some cases, an individual may have filed a different kind of application directly with USCIS before he or she was placed in removal proceedings, such as a naturalization application, and had biometrics taken at an ASC. If the ASC declines to retake your fingerprints because you have a current set on file, the ASC will give you a confirmation notice that your biometrics have been collected so that you will have proof to provide to the immigration judge.

**16. The USCIS service center rejected my defensive application for relief from removal, or protection, because I had not signed it, but the instructions on the form state that I must wait to sign it in the presence of the immigration judge. What should I do?**

A. USCIS has instructed its Texas and Nebraska service centers not to reject the unsigned application copies that it receives under this new process for cases that an immigration judge will be deciding. Please resubmit your application copy to the service center, as instructed, and sign the application in the presence of the immigration judge, as he or she directs. Such rejections should not occur in the future now that USCIS has provided clarification guidance to its service centers.

**17. Must detained aliens submit copies of their fee-based applications, with any required fees, to the USCIS Texas Service Center?**

A. Yes. Local USCIS offices no longer accept the fees for applications for relief from removal or issue the fee receipts. If your application fee has been waived, then submit a copy of the judge's order waiving the fee along with the copy of your application to the Texas Service Center, as instructed. *Please remember* that if you are filing a fee-based application and your application fee has not been waived, then you are still required to *file* your fee receipt along *with the original* application with the immigration court.

**18. Must detained aliens submit copies of the first three pages of their asylum or withholding of removal applications to the USCIS Nebraska Service Center?**

A. Yes. Submitting the first three pages of the I-589 asylum or withholding application to the USCIS Nebraska Service Center assists DHS in initiating certain background checks. This process also helps ensure that USCIS has a record of your I-589 if the immigration judge or the BIA grants your asylum request and you later need to obtain status or work documentation from USCIS.



Homeland  
Security

**19. Since detained aliens cannot go to ASC appointments, how will they be able to provide their biometrics?**

A. ICE will collect the fingerprints of detained aliens and submit the fingerprints to the FBI for criminal history checks. If a detained alien should receive an ASC scheduling notice from USCIS after mailing the copy of his application for relief, he is not required to attend the ASC appointment if he remains in detention. These notices are computer generated at the service centers, and USCIS does not always know that the alien is in a detention facility. In some cases, the alien may have been detained, but then released before the ASC notice is mailed. If a previously detained alien receives an ASC notice *after* release from detention, then the alien must attend the ASC appointment to ensure that biometrics are collected and FBI fingerprint checks can be conducted before the immigration judge decides the application for relief. Aliens always have the responsibility to ensure that DHS and EOIR have their current addresses by filing the DHS AR-11 form and EOIR-33/IC or EOIR-33/BIA each time they change addresses, including upon release from detention. As noted in prior answers above, the AR-11 may be obtained on the USCIS website at <http://www.uscis.gov> or by calling 1-800-375-5283. The EOIR-33/IC or EOIR-33/BIA may be obtained on the EOIR website at [www.usdoj.gov/eoir](http://www.usdoj.gov/eoir).

**20. Must unaccompanied minors who have been placed by ICE and the Office of Refugee Resettlement (ORR) in facilities and homes submit copies of their applications to the USCIS Service Centers, and how will their biometrics be collected if they are age 14 or over?**

A. Yes, unaccompanied minors must follow the DHS pre-order instructions and submit to the USCIS service centers the *copies* of the applications that they intend to file with the EOIR immigration court during their removal proceedings. This is necessary to ensure that application receipts and if applicable, any fee receipts, can be mailed to the person; that the service centers can initiate certain background checks; that the service centers can mail ASC biometric scheduling notices to minors age 14 and over; and that the minor's defensive application is recorded in USCIS' systems if the immigration judge grants the application and the individual later needs documentation from USCIS. The application copy should clearly indicate that the unaccompanied minor is in an ORR-sponsored facility and that, the alien or his authorized guardian, clearly consents to a copy of the ASC scheduling notice being sent to ORR or the ORR-sponsored facility staff with custody of the unaccompanied minor. If ORR has placed an unaccompanied minor in a home or facility, then ORR will work with those places to assist the minor to attend his or her ASC biometric collection appointments.

**21. What are the specific identity, background and security checks that DHS requires for aliens seeking relief from removal? How long does it take for the government to complete the checks?**

A. At present, DHS routinely requires satisfactory completion of an FBI fingerprint check of relevant criminal history records and a check of the DHS-maintained Interagency Border Inspection System (IBIS), which contains certain "watch lists" and other records from over 20 federal law enforcement and intelligence agencies. Results from these checks are usually





Homeland  
Security

available to DHS within minutes for the IBIS check and approximately 48 hours for the FBI fingerprint check. In addition, DHS has the discretion to require full completion of an FBI name check on aliens seeking relief from removal, depending on the needs of the specific case. USCIS initiates an FBI name check on all aliens who submit their defensive application copies to the USCIS service centers. Results from the FBI name check are usually available to DHS for the majority of cases within approximately 2 weeks, but may take longer. If a particular background or security check returns potentially derogatory information, it may take additional time for DHS to obtain full information from the record-owning agency and to conduct any further necessary investigation of that information. Checks of other DHS, DOJ, Department of State immigration systems, or other relevant law enforcement or intelligence systems, may also be conducted, depending on the needs of the specific case and application type. All checks are conducted in accordance with the laws governing such systems.

**22. The immigration judge terminated my removal case so that USCIS could adjudicate the original adjustment of status application (I-485) that I had filed with the immigration court. I have followed all the pre-order instructions that I was given in immigration court and submitted the copy of my application to the Texas Service Center, but now USCIS is telling me that they do not have my original application to adjudicate. What should I do?**

**A.** Under a new policy implemented in October 2005, EOIR immigration judges can terminate certain removal cases where the alien has an adjustment application pending with the court by granting an ICE motion to dismiss or a joint motion filed by ICE and the alien. If the immigration judge grants such a motion and terminates your removal proceedings, ICE counsel will forward the your "A" file to the appropriate local USCIS district for adjudication of the adjustment application. The complete I-485, including all supporting documentation, must be in the "A" file when USCIS receives it or USCIS will be unable to adjudicate the request for adjustment. The alien always has the ultimate burden of satisfying all USCIS filing and eligibility requirements. Therefore, you should be certain that you or your representative have served a complete copy of your I-485, with supporting documents, on the ICE counsel so that it can be maintained in your "A" file. You may be requested by the USCIS officer who adjudicates the application later to re-sign the complete copy in the presence of the USCIS officer. Be sure to keep copies of your application fee receipt, your ASC biometric scheduling notice, and, if you have attended your ASC appointment, the ASC confirmation notice that your biometrics were collected. You may need to show these items to the USCIS officer.

*Please remember that when you submitted the copy of the basic I-485 application (without supporting documentation) and your fees to the USCIS Texas Service Center under the pre-order instructions that you were given in immigration court, you were not filing the application with USCIS for adjudication at that time. Instead, you were only taking the necessary preliminary steps to pay the fees and get a fee receipt before you actually filed the original I-485 with the immigration court. Now that your removal proceedings have been terminated, you must ensure that your I-485 is properly pending for adjudication with USCIS if you still wish to seek adjustment of status. If your BIA appeal was terminated so that you could pursue adjustment before USCIS but you had not previously filed an adjustment application with the Immigration*



Homeland  
Security

*Court, you must file your original adjustment application with USCIS as discussed in the Q & A below.*

**23. If I have not yet submitted the copy of my I-485 adjustment application to the USCIS Texas Service Center, as directed in the pre-order instructions that I received in immigration court, but the immigration judge or BIA terminates my removal case so that USCIS can adjudicate my I-485, what should I do?**

**A.** Since you are no longer in removal proceedings, you should file your original I-485 application, with all supporting documentation and fees, with the appropriate USCIS service center as directed in the instructions that accompany the I-485 form. You do not need to follow the pre-order instructions, which only apply if your removal proceedings have not terminated. USCIS will adjudicate your I-485 under normal affirmative adjudication procedures. You will receive a fee receipt and ASC biometric scheduling notice shortly after you file your application with the service center.

**24. When I filed my I-485 with USCIS, I followed the instructions on the I-485. I did not follow the pre-filing instructions to submit a copy of the defensive application to the Texas Service Center before filing the original with the immigration court. Instead, I filed my original, signed I-485 and all supporting documentation and fees, with the USCIS service center for my residence in accordance with the form instructions. The immigration judge has since terminated my removal case so that USCIS can complete the adjudication of my application, do I need to do anything else to ensure that the original I-485 is in my A file?**

**A.** No. You only need to follow any additional instructions that you may receive from USCIS to provide information, attend ASC biometric appointments, and to attend your interview, or take other actions that USCIS may request. Your original application will be in your A file.

**25. How do I obtain my status and work authorization documentation if the Immigration judge or the BIA grants my application?**

**A.** If an immigration judge grants you relief from removal that provides you status as a lawful permanent resident (LPR) or asylee who is eligible for documentation, the ICE attorney will provide you with a copy of the *Post-Order Instructions for Individuals Granted Relief or Protection from Removal by Immigration Court*. These instructions may also be obtained at <http://www.uscis.gov/files/article/PostOrderInstr.pdf>. A BIA decision granting relief or protection will contain similar instructions for obtaining documents from USCIS. The instructions will tell you how to make an appointment with your local USCIS office to be processed for your documents and the items that you must bring to the appointment. Your EOIR order granting you immigration status must be final. Please follow these instructions carefully so that your request for documentation can be processed promptly. If the BIA issued you a final decision granting you status as a permanent resident or an asylee, you must follow these same Post Order Instructions to obtain your documentation. Information on these documentation procedures will be in your BIA decision.



Homeland  
Security

If you have been granted other forms of relief or protection, such as withholding of removal, you *may* be eligible for work authorization. You may submit a Form I-765, Application for Employment Authorization following the form instructions. The form can be obtained at [www.uscis.gov/I-765](http://www.uscis.gov/I-765) or by calling (800) 375-5283.

**26. Why do I have to make an appointment with my local USCIS office to obtain my documentation if I have been granted permanent residence or asylum?**

A. By making an appointment, you ensure that USCIS knows that you want your documentation and can promptly process you for your permanent resident or EAD cards, or for other appropriate status documentation (*e.g.*, asylum status). In the past, some individuals did not receive their documentation quickly, in part, because they did not inform USCIS of their need for documents, and USCIS did not have sufficient notice of their EOIR grants. In addition, USCIS will be able to update your biographical information, your address, and collect biometrics for your card, if needed, in connection with the appointment. USCIS will also be able to order your card immediately, in most cases, and you should receive it within 7 to 15 days. (EADs for asylees will be issued in accordance with the mandate in section 309 of the *Enhanced Border Security Act of 2002*, 8 U.S.C. § 1738 for immediate issuance of biometrically secure EADs.)

**27. I am an EOIR-granted lawful permanent resident. Will I still be able to get temporary documentation of my status until my permanent card arrives?**

A. USCIS normally will no longer provide a temporary ADIT stamp showing LPR status unless you have an emergency need for such a stamp because secure biometric Permanent Resident Cards (I-551 cards or “green cards”) can now be delivered within 7 to 15 days after the person has completed all necessary card processing steps, including attending any ASC appointments for biometrics. Recent improvements in card production times make delivery of the card much quicker, eliminating the need for routine issuances of the temporary ADIT stamp.

You may also be eligible to receive temporary documentation of LPR status under the terms of the federal district court order in *Santillan, et al. v. Ashcroft, et al.*, No. C 04-02686 MHP (N.D. Ca. 2002) if you have not received your Permanent Resident Card and certain circumstances apply. To receive temporary documentation under the *Santillan* order, you must be (a) a class member with a final EOIR order granting you permanent resident status issued on or after April 1, 2005 and you still have not received your permanent card after 30 days from the date of your USCIS appointment for documentation, or (b) a class member with a final EOIR order issued before April 1, 2005 and you have not received your permanent card after 60 days since your USCIS appointment. You must also have followed all USCIS instructions to provide information and biometrics. There may be other criteria in the *Santillan* order that also apply in your specific case. You can see procedures for contacting USCIS at a local office or by e-mail if your LPR documentation has been delayed beyond these time periods at the following [USCIS Web page](#). You may also call the USCIS National Customer Service Center at 1-800-375-5283. You may wish to contact your attorney or immigration representative to determine whether the *Santillan* order applies to you.



Homeland  
Security

**28. I can't make an InfoPass appointment with my USCIS office. What should I do? Or I don't know how to use the computer and do not have anyone who can assist me, what should I do?**

A. An InfoPass appointment may be made from any computer having internet access. If you or your representative do not have access to a computer, you may go to your nearest public library. The address is [www.infopass.uscis.gov](http://www.infopass.uscis.gov). You may also make appointments at your nearest USCIS office. At USCIS offices, personnel are available to assist you in making the appointment if you have difficulty using the computer.

**29. If I or my representative have questions regarding my case and the applications for relief that I have submitted, whom should I contact?**

A. If you have submitted the copies of your application for relief or protection to USCIS, but you have not received your application receipt notice(s) or ASC biometrics scheduling notices, you may contact the USCIS National Customer Service Center (NCSC) at 1-800-375-5283. If you have questions concerning receiving status documentation or work authorization after you have been finally granted relief from removal or protection by EOIR or a federal court, you may contact your local USCIS district or suboffice. You can find USCIS office contact information at: [https://egov.uscis.gov/crisgwi/go?action=offices.type&OfficeLocator.office\\_type=LO](https://egov.uscis.gov/crisgwi/go?action=offices.type&OfficeLocator.office_type=LO). You may also contact the NCSC at the 800 number above. For all other questions concerning your removal case or requests for relief from removal, your representative (if you have one) or you (if you do not have a representative) should contact the local ICE Office of Chief Counsel (OCC) that is handling your case for DHS or the immigration court with jurisdiction over your case. Please be aware that, depending on the nature of your question, you may be directed to a different ICE, EOIR or USCIS office for a response. Contact information for the ICE OCC offices is at <http://www.ice.gov/contact/>. Contact information for the EOIR immigration courts is at <http://www.usdoj.gov/eoir/sibpages/ICadr.htm>. You may also obtain case status information from EOIR's automated number: 1-800-898-7180.

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