

Barnes, Maria I

From: Rachal, Terri L
Sent: Friday, October 11, 2013 8:33 AM
To: Marszalek, Richard J; Barnes, Maria I; Cherry, Kesha L; Wheeler, Marques K; Miller, Avakian Y; Maxwell, Reginald G; Lane, Telga F; Mansfield, Rayshonda T; Epps, Yvonne; Phillips, Aretha T
Subject: FW: Applicant's request for change of an I751 to e or f (battered spouse or child)

FYI

Terri

From: Charles, Sheryl F
Sent: Friday, October 11, 2013 8:04 AM
To: Abraham, Zenebe; Aerts, Kellee A; Baker, Angelita I; Baskerville, Julia A; Bell, Charles A; Bell, Theresa L; Bessard, Tracey; Calhoun-Flores, Linda M; Carpenter, Christopher D; Davis, Kennisha N; Epie-Alobwede, Ewang T; Exum, Robert E; Frasier, Marnie S; Gellineau, Andrea K; Gilmore, Moses; Grohmann, Ronald J; Hill, Mary L; Howard, Darren M; Jenkins, Vanessa G; Kearley, Neal B; Lawyer, Thomas J; Lum, Robert C; Marshall, Crystal N; McClain, Anita A; Nelson, Nathan A; Nguyen, Hong Q; Okwuosah, Juliette O; Perkins, Vanessa K; Power, Mentorina A; Roberts, Constance D; Roth, Emanuel J; Singleton, Ronald; Summers, Nadia S; Swift, Lloyd; Walker, April G; Wanjiru, Anji G; Wideman, Douglas L; Williams, Gloria J; Williams, Roger; Wilson, David R; Wynn, Ruby J; Bostick, Joyce; Brooks, Michael J; Burns, Nicholas P; Garcia, Yaviel E; Griffith, Alicia; Igbinoba, Solo O; Lee, Kalani K; Moses, Michele D; Reed, Gwendolyn F; Sachs, Neal; Short, Sheila M; Yearby, Denise N; Baker, Melessa A; Paredes, Marianna
Cc: Aerts, Kellee A; Coleman, Christal A; Head, Toni M; Hicks, James; Miller, Shineka C; Nnabue, Tony C; Pantos, Stephen J; Rachal, Terri L; Walker, April G; Whitehead, Esther A; Williams, Gloria J; Williams, Jaclyn M; Johnson, Cheryl L; DeBoe, Mayburn E
Subject: FW: Applicant's request for change of an I751 to e or f (battered spouse or child)

Good morning All,

Please see the below interim guidance.

Thank you,

S. Charles

From: Onyango, Paul O
Sent: Friday, October 11, 2013 7:48 AM
To: DeBoe, Mayburn E; Charles, Sheryl F; Johnson, Cheryl L
Subject: FW: Applicant's request for change of an I751 to e or f (battered spouse or child)

Good morning SMs – please disseminate...thank you!

Paul O. Onyango
Atlanta Field Office Director
Department of Homeland Security
USCIS, Atlanta Field Office, District 8

From: Yeager-Bowser, Keri K
Sent: Friday, October 11, 2013 7:46 AM

To: SERLEADERSHIP
Cc: Bace, Philip R; Parker, Vanessa
Subject: Applicant's request for change of an I751 to e or f (battered spouse or child)

Field Leadership—

Please see the below interim guidance from HQ reference the change from a jointly filed I-751 to an I-751 waiver for a battered spouse/child.

If the beneficiary or child of the beneficiary appear for an interview on a jointly filed I-751, claims abuse and requests a waiver under box e or f, the ISO will:

- Inform the beneficiary/child of beneficiary that they will need to withdraw the jointly filed I-751 and re-file a new I-751 under e or f waiver request (with fee);
- Request the beneficiary/child of beneficiary to provide a written statement (with signature) requesting the withdrawal;
- Place the withdrawal statement on top of the I-751;
- Annotate the I-751 in the Action Block "Withdrawal" initial and date;
- Issue the beneficiary/child of beneficiary a withdrawal acknowledgement letter;
- Place a copy of withdrawal acknowledgment letter on top of withdrawal statement;
- Update MFAS; and
- Route the file to the NRC.

Further guidance will be forthcoming, but in the interim please follow this guidance. Thank you.

Happy Friday!

Keri Yeager-Bowser
Regional Immigration Services Officer
Southeast Regional Office
390 N. Orange Avenue
Orlando, FL 32801
407-237-8821

From: Flores, Mary F
Sent: Thursday, October 10, 2013 5:56 PM
To: Goodwin, Shelley M; Gallagher, Kevin E; Bace, Philip R; Woo, Ellen Y
Cc: Benton, Shelia G
Subject: Applicant's request for change of an I751 to e or f (battered spouse or child)

Good Afternoon,

The AOS Branch is a part of a working group that is tasked with developing a process for I-751 cases that are filed jointly and subsequently the beneficiary requests a change on the I-751 to a Waiver Request filing under e or f (battered spouse or child). The Don Neufeld policy memo dated April 3, 2009, gives guidance to waiver requests by applicants that are divorced, but does not address a battered spouse/child.

The waiver request for an e or f is a bit more challenging because of the VAWA provisions and urgency to update the appropriate systems to reflect the identifier code of "384" for the safe address.

The CSC has agreed to process any case with a waiver request for change to e or f, however, this would not include cases that are already referred to the field. Therefore, Field offices should follow the instructions below, until further guidance.

If the beneficiary or child of the beneficiary appear for an interview on a jointly filed I-751, claims abuse and requests a waiver under e or f, ISO will:

- Inform the beneficiary/child of beneficiary that they will need to withdraw the jointly filed I-751 and re-file a new I-751 under e or f waiver request (with fee);
- Request the beneficiary/child of beneficiary to provide a written statement (with signature) requesting the withdrawal;
- Place the withdrawal statement on top the I-751;
- Annotate the I-751 in the Action Block "Withdrawal" initial and date;
- Issue the beneficiary/child of beneficiary a withdrawal acknowledgement letter;
- Place a copy of withdrawal acknowledgment letter on top of withdrawal statement;
- Update MFAS; and
- Route the file to the NRC.

If you have any questions please contact me.

Mary

Mary Flores | Adjudications Officer | Adjustment of Status | DHS-USCIS | Field Operations Directorate/202 272-8258 des



(b)(6)

Catalano, Michael A

From: NER Adjustment of Status
Sent: Friday, April 24, 2015 10:34 AM
To: #NER-DD-FOD-COS; #NER SISOs and Section Managers
Cc: Goodwin, Shelley M; Kern, Suzanne C; Spencer, Julie C; Palmer, Justin J (Justin); Bibona, Lisa M
Subject: Changes to the Interim Process/Guidance for request to amend a joint filed I-751 to a e or f battered spouse or child filing document
Attachments: Interim Process Guidance for e and f filings APR 25 2015.docx
Follow Up Flag: Follow up
Flag Status: Flagged

Good Morning Field Leadership,

The Field Operations Directorate (FOD) has requested that field offices immediately begin implementing the attached Interim Process/Guidance for request to amend a jointly filed I-751 to an (e) or (f) battered spouse or child filing. Attached is an updated Interim Process/Guidance from FOD which has only altered the language from the earlier messages regarding which Service Center the ISO scans and emails the new Form I-751 and G-28 for residents of the state of Florida in Step 1 of the document. Please note that the prior messages had an invalid email mailbox for contacting the Vermont Service Center (VSC) which has now been corrected.

Background

The Form I-751, Petition to Remove Conditions, is currently filed with the Service Centers (CSC and VSC). In most cases, the I-751 is filed jointly by the married couple in order to remove the conditions on the residence of the foreign national spouse. Sometimes, the foreign national spouse will indicate during the I-751 interview at the USCIS field office, that he or she wants to now change the filing category to a waiver filing based on battery or extreme cruelty.

Information

Due to the Marriage Fraud Amendment System (MFAS) limitations, the change of the Form I-751 from a joint filing to an (e) or (f) is challenging. ISO's currently do not have access to change the filing category or to place the identifier code of "384" for the safe address (to flag the case and avoid violating the VAWA provisions as stated in 8 U.S.C. § 1367), once the ISO has determined that the case warrants the change to an e or f filing. A work order has been placed with the C3 team and they are working on a system change that will allow the ISO's to convert the I-751 joint filing to an (e) or (f), however this may not occur until late September 2015.

Guidance

All employees who adjudicate I-751s should be in receipt of and in full understanding of the attached document that outlines a process/guidance to be followed effective immediately and until further notice.

Please submit any questions or concerns to the NER Adjustment of Status mailbox.

Thank you.

Very respectfully,

Dana Clemens
Regional Immigration Services Officer
Northeast Region

U.S. Citizenship & Immigration Services
Department of Homeland Security
South Burlington, Vermont
(802)660-5035 (office)
(802)660-1192 (fax)

Interim Process for Form I-751, Petition to Remove Conditions on Residence
(Form I-751),
Basis of Filings from
"a" joint filing to "e" or "f" battered spouse or child

STEP 1– At the U.S. Citizen Immigration Services (USCIS) Field Office

- Applicant informs an Immigration Services Officer (ISO) that he/she wants to change the jointly filed Form I-751 to a filing under "e" or "f" (battered spouse or child)
- ISO requests that the applicant complete a new Form I-751 at the time of the interview and indicate the new filing category. **No application fee will be required**
- ISO will ADMIN Close/Other the jointly filed Form I-751 in the Marriage Fraud Amendment System (MFAS)
- ISO scans and emails* the new Form I-751 and G-28, if applicable, to California Service Center (CSC) or Vermont Service Center (VSC) depending upon the applicant's address to the applicable mailbox:
 - CSC: CSC.OSBI.Field@uscis.dhs.gov
 - If the applicant resides within Alaska, American Samoa, Arizona, California, Colorado, Florida, Guam, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming;
 - VSC: vsctdoi751.amended@uscis.dhs.gov
 - If the applicant resides within Alabama, Arkansas, Connecticut, Delaware, Washington, D.C., Georgia, Kentucky, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Puerto Rico, Rhode Island, Vermont, Virginia, U.S. Virgin Islands, and West Virginia;
- ISO will place the new Form I-751 in the A-file

***Note: WinZip and password-protect the Form I-751. Send the password in a separate email since PKI encrypted emails cannot be sent to group mailboxes.**

Step 2 – At California Service Center or Vermont Service Center

- Data enters new I-751 into system and assigns a receipt number within 72 hours
 - Original signatures are not required for data entry into system because field offices will retain the original document in the file
- Service Centers will update CIS with the safe address COA "384"
- Create the Approved Removal Conditions Form (CRI-89) for the new receipt number
- Upload biometrics to new CRI89
- Service Center emails* the field office with a scanned copy of the newly created I-751 with the receipt number and provides CRI89 receipt number
- Determine safe address and complete safe address determination form
- Destroy scanned copy of I-751 once it is emailed to the field office

- Service Centers will check the email account daily for new requests

***Reminder:** WinZip and password-protect the Form I-751. Send the password in a separate email since PKI encrypted emails cannot be sent to group mailboxes.

Step 3 – At USCIS Field Office

- ISO places the new I-751 in the applicant's A-file
- ISO ensures that all background and security checks are completed and valid, to include the FD-258
- ISO interviews the applicant on the newly filed I-751
- If the applicant is unable to present sufficient supporting documentation at the time of the interview, the ISO will issue an RFE
- If the applicant submits sufficient supporting documentation at the time of the interview, the ISO will adjudicate the case
- ISO will hold the A-file with the newly filed petition until the Service Center enters the new I-751 into the system and assigns a receipt number.
- ISO will receive the email containing Form I-751 with the receipt number on the newly filed I-751 and the receipt number for the newly created CRI89
- ISO attaches the scanned I-751 to the original I-751 with signature
- The ISO will make a check mark in the "Approved under INA 216(c)(4)(C) Battered Spouse/Child" block.
- The applicant will be informed in writing of the decision on the newly filed I-751
- ISO will route the file to the appropriate Service Center for card production using the standardized routing sheet.