

# Department of Homeland Security (DHS)



U.S. Citizenship  
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October 2013

# Background of DHS:

## In response to the 9/11 terrorist attacks...

- October 8, 2001: President George Bush creates the White House Office of Homeland Security
- November 19, 2002: Congress passes legislation mandating the Department of Homeland Security
- November 25, 2002: President George Bush signs Homeland Security Act



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# Background of DHS (cont.):

- The U.S. Bureau of Customs broke into two agencies:
  - Customs and Border Protection (CBP); and
  - Immigration and Customs Enforcement (ICE);
- The Immigration and Naturalization Service (INS) into three agencies:
  - United States Citizenship and Immigration Services (USCIS),
  - Customs and Border Protection (CBP); and
  - Immigration and Customs Enforcement (ICE)
- INS' Office of Immigration Statistics also spun off
- January 24, 2003: DHS becomes operational
- March 1, 2003: Most organizations merge to form DHS



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# DHS

## ■ Homeland Security:

*“A concerted national effort to prepare for, protect against, prevent, respond to, and recover from all threats, hazards, and adverse incidents (natural and man-made) within the geographic United States and its territories.”*



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# DHS

- DHS Mission:

- We will lead the unified national effort to secure America. We will prevent and deter terrorist attacks and protect against and respond to threats and hazards to the nation. We will ensure safe and secure borders, welcome lawful immigrants and visitors, and promote the free-flow of commerce.

- DHS Vision:

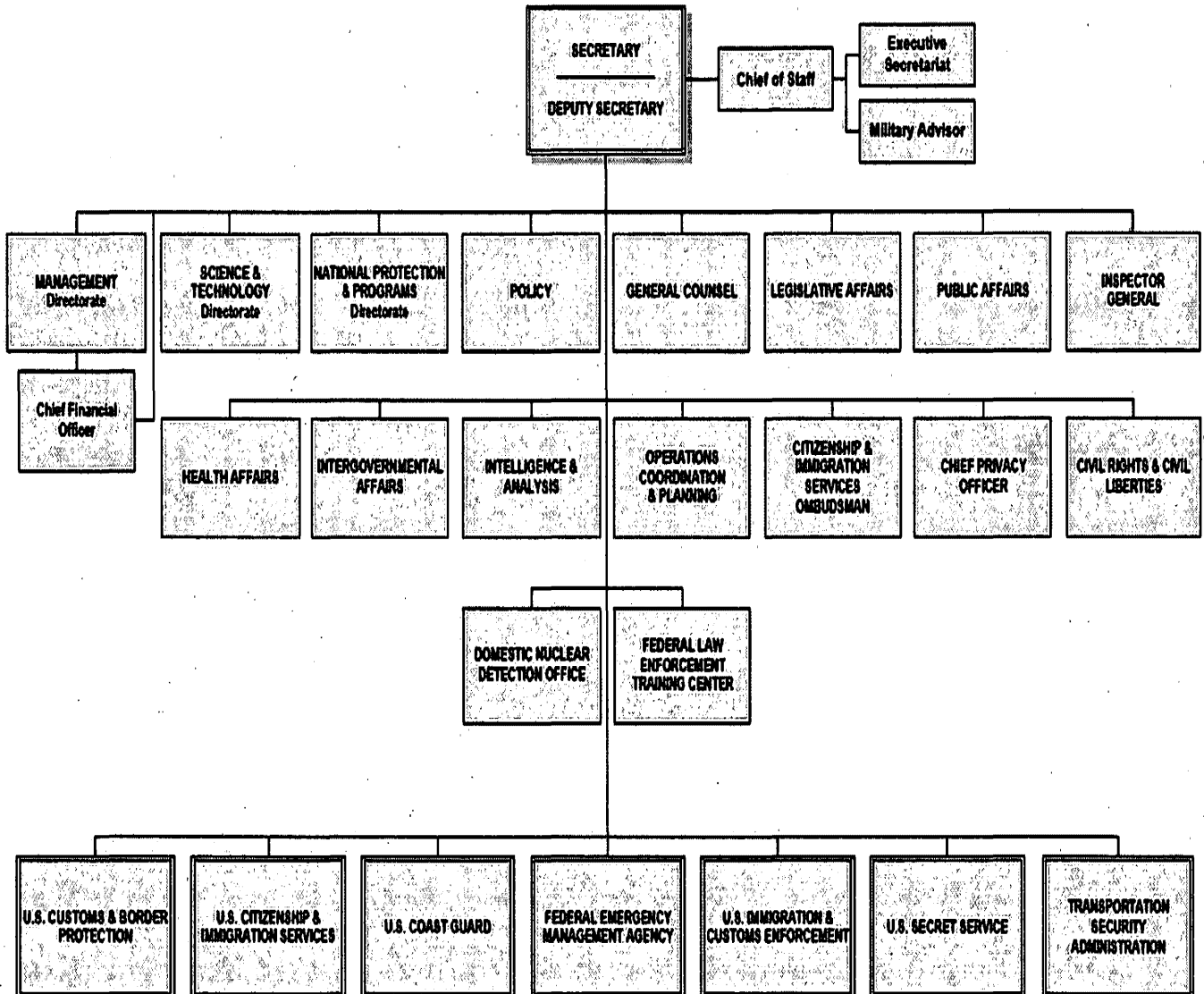
- The vision of homeland security is to ensure a homeland that is safe, secure, and resilient against terrorism and other hazards.



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# DHS Organizational Chart

## U.S. DEPARTMENT OF HOMELAND SECURITY



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## Operational Components

1. Transportation Security Administration
2. U.S. Customs & Border Protection \*
3. U.S. Secret Service
4. U.S. Citizenship & Immigration Services\*
5. U.S. Immigration & Customs Enforcement \*
6. U.S. Coast Guard
7. Federal Emergency Management Administration  
(FEMA)

\* formerly part of INS



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# Transportation Security Administration (TSA)

TSA was established by the Aviation and Transportation Security Act

Purpose:

- Protect the transportation system
- Ensure the freedom of movement for people and commerce



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# U.S. Customs and Border Protection (CBP)

- The single agency responsible for protecting the sovereign borders of the United States at, and between, official ports of entry
- Frontline in protecting the American public against terrorists and instruments of terror
- Protects economic security by regulating and facilitating the lawful movement of goods and persons across U.S. borders



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# United States Secret Service (USSS)



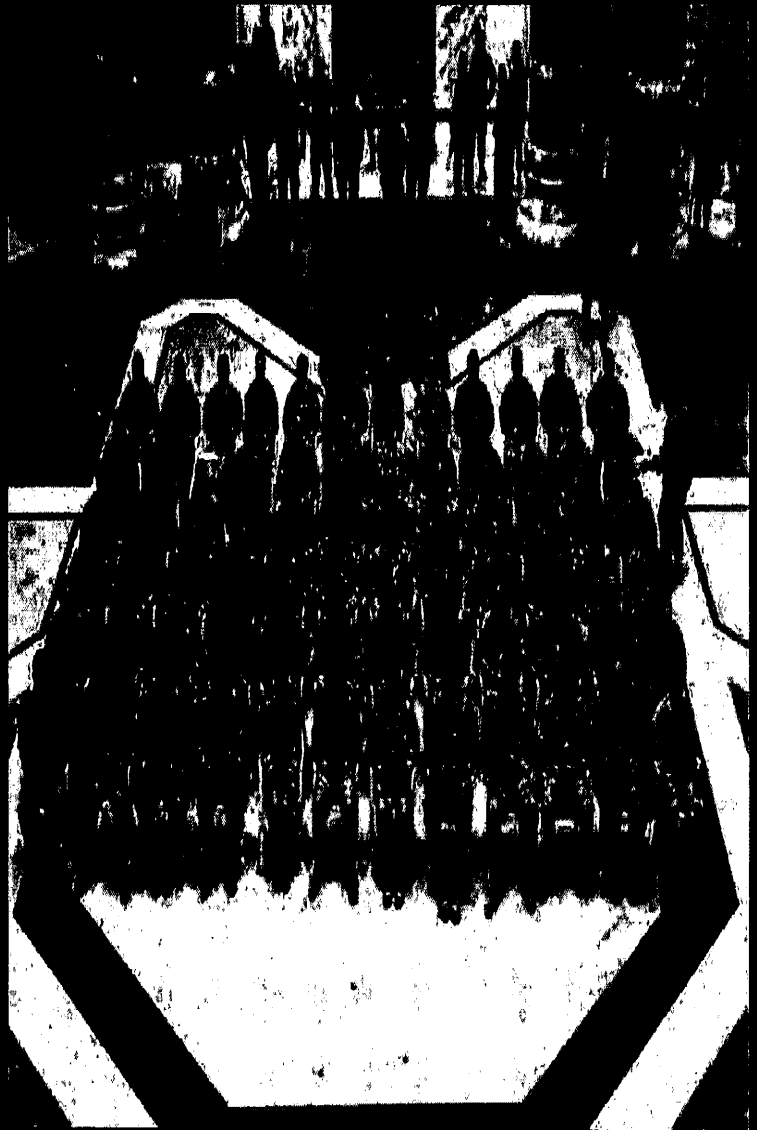
- Protects the President, Vice President, and other dignitaries and designated individuals
- Enforces laws relating to obligations and securities of the United States
- Investigates financial and electronic crimes
- Protects the White House and other buildings within the Washington, D.C. area



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# U.S. Citizenship & Immigration Services (USCIS)

- Secures America's promise as a nation of immigrants by granting immigration and citizenship benefits
- Promotes awareness of citizenship
- Ensures the integrity of the immigration system



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# U.S. Immigration and Customs Enforcement (ICE)

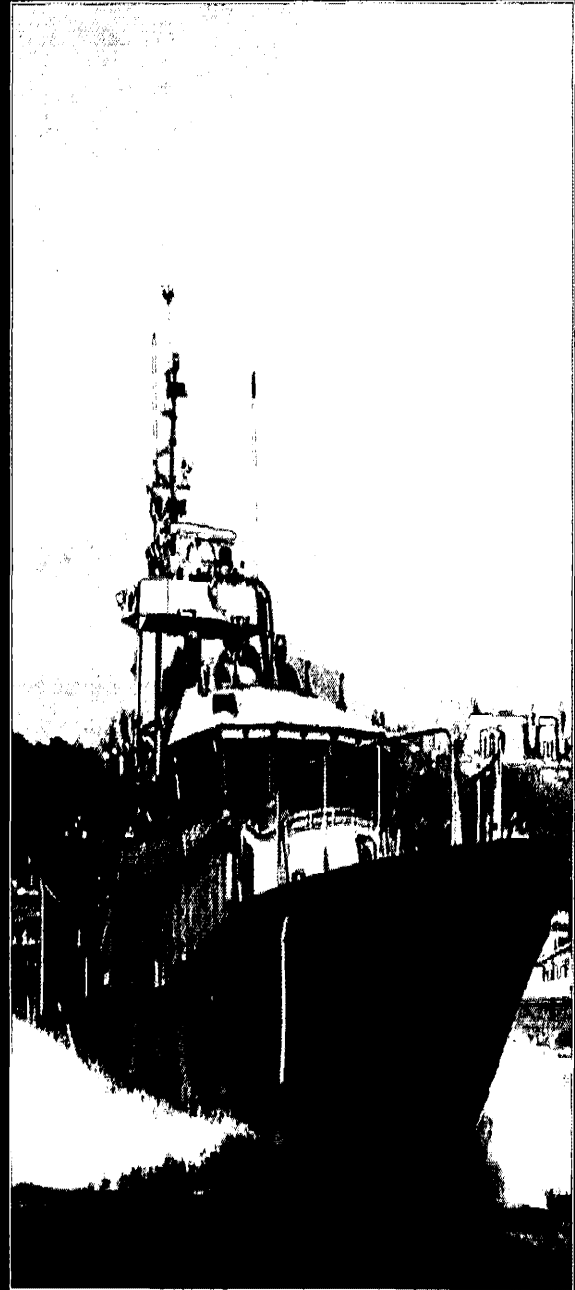
- Largest DHS investigative arm
- Uses immigration and customs authorities to protect the American people from illegal introduction of goods and entry of terrorists and other criminals across our borders
- Comprised of elements of U.S. Bureau of Customs and the Investigations, Worksite Enforcement, and Enforcement and Removal parts of the former INS



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# United States Coast Guard (USCG)

- Principal federal agency charged with maritime safety, security and stewardship
- Protects vital interests of the United States – the personal safety and security of our population, our natural and economic resources, and the territorial integrity of our maritime borders



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# Federal Emergency Management (FEMA)



- Leads the federal government's role in preparing for, preventing, mitigating the effects of, responding to, and recovering from all domestic disasters, whether natural or man-made, including acts of terror



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# USCIS & the Bigger Picture

- Carrying out the USCIS Mission within DHS:

... by ensuring immigration benefits are adjudicated with efficiency and integrity, USCIS contributes to both our nation's security and our unique cultural identity

... because immigration is a very complex issue with many overlapping responsibilities, it is critical for CBP, ICE and USCIS to work well together

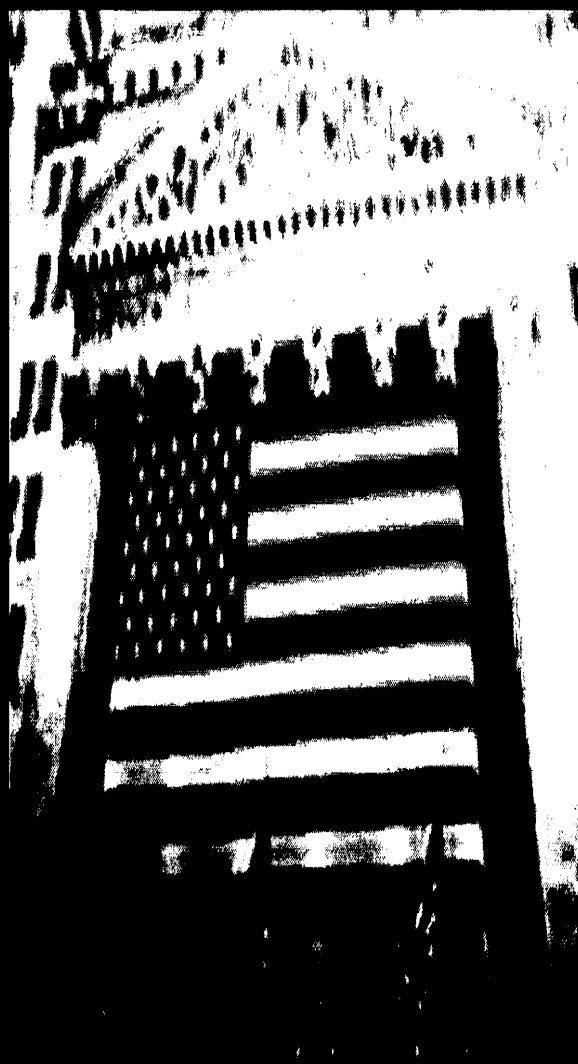
– *CBP, ICE, USCIS are charged with responsibilities of the former INS*



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# USCIS & the Bigger Picture (cont.)

- The DHS Office of Policy Development contains an immigration policy component which coordinates cross-agency initiatives
- Other strategic partners:
  - DOS (issues the actual visas to people approved by USCIS)
  - FBI (handles biometric fingerprint background checks on all new immigrant applicants)



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How the divided work as ONE ...

DOS

ICE

CBP

USCIS



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# How the divided work as ONE ...

- DOS: Issues visas
- CBP: Either admits or refuses entry to aliens with visas or are otherwise permissible without a visa (i.e. visa waiver countries)
- USCIS: Adjudicates applications for immigration and citizenship benefits
- ICE: Conducts investigations, oversees deportation proceedings, and detains and removes aliens.



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# USCIS & the Bigger Picture

While they are separate agencies, they work together to ensure the right people are getting the right benefits, while maintaining the highest standards of national security

- Adjudications
- Law: INA, 8 CFR



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# USCIS & the Bigger Picture

- USCIS also works with other DHS components whose mission areas may not seem directly related to immigration
  - Coast Guard
  - Intelligence and Analysis components
  - Office of Civil Rights and Civil Liberties
  - Office of Privacy



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# How USCIS Operates – How USCIS is Funded

- Limited exception – CIS is fee-funded
- USCIS must recover full cost of agency operations
- Congress appropriates funds only for specific projects
- INS began charging fees in 1968
- Fees raised eight times since 1989
- Until fees raised in July 2007, USCIS ran at a deficit
- Last fee increase was November 2010



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# How USCIS sets Policies and Procedures

- Exclusive responsibility of the federal government.
  - Only federal government can make law
- The INA is the law governing immigration



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# How USCIS sets Policies and Procedures

INA created in 1952 – divided into titles, chapters, and sections (amended in 1965 under the Hart-Celler Act, INS, Act of 1965, Public Law 89-236)

US Code of Federal Regulations (USC) – Title 8 (8 USC) deals with “Aliens & Nationality”)

Laws enacted by Congress are interpreted by regulations issued by DHS/USCIS (rule making)

USCIS internal guidance: policy and procedural memoranda



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# How USCIS sets Policies and Procedures

Writing and publishing of regulations – rule making process

- When USCIS drafts a regulation – must be cleared through DHS as well as the Office of Management and Budget(OMB) (agency within the Executive Office of the President)
- President plays important role in setting immigration policy agenda
- USCIS has internal guidance, such as policy and procedural memoranda to help direct adjudicators processing applications
- Adjudicators Field Manual and Affirmative Asylum Procedures Manuals



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# How USCIS Communicates

- INTERNALLY: emails, Leadership Alerts, Management conference calls, V-tel conferences, Web-Ex, Leadership conferences and USCIS Intranet
- EXTERNALLY: Communication with our stakeholders
  - [www.uscis.gov](http://www.uscis.gov)
  - National Customer Service line
  - “InfoPass”
  - Liaisons: Community Relations and Congressional



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# So... How do we do it???

Objective 6.2 of the USCIS Strategic Plan states USCIS will:

“Foster a culture of integrity and responsibility”

“We will uphold the highest ethical and professional standards as we execute the duties and responsibilities entrusted to us. ... We will maintain and strengthen our organizational culture by ensuring that senior leadership and management understand the key role they play in building an ethical organization. Senior leaders and managers will model ethical behaviors, and through regular communication with subordinates, stress the importance of ethics in all that we undertake.”



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# USCIS Organizational Chart (located in TAP)

**USCIS Director** → confirmed by Congress

*Reports to Deputy Secretary of Homeland Security*

**USCIS Leadership:**

AT HEADQUARTERS: Director, Deputy Director and three Associate Directors (of the seven Directorates)

Also at Headquarters, all other office heads are Chiefs

IN THE FIELD: Regional Directors, District Directors, Service Center Directors, Field Office Directors and Asylum Office Directors

\*\*\* USCIS Organization Chart



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# Headquarters, Mission & Infrastructure

## Support Offices:

- Office of the Director:
  - Provides leadership, strategic direction and decision-making for USCIS and its domestic and international staff
  - Deputy Director: oversees operations & resource management functions
  - Chief of Staff: coordinates information flow in and out of the Director's office



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# USCIS: Organizational Chart

USCIS Director → Deputy Secretary of Homeland Security

## 7 Directorates (headed by Associate Directors):

- Refugee, Asylum and International Operations (RAIO) (Joseph E. Langlois)
- Office of Field Operations (OFO) (Donald J. Monica)
- Service Center Operations (SCOPS) (Donald Neufeld)
- Fraud Detection and National Security (FDNS) (Sarah Kendall)
- Management (Rendell Jones)
- Customer Service (Mariella Malero)
- Enterprise Services (Soraya Correa)

Each directorate has a Headquarters function that provides support to its field offices and employees



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# USCIS Office Locations

- Domestically:
  - 4 Regions: W / C / SE / NE
  - 26 District Offices / 89 Field Offices
  - 4 Service Centers
  - 8 Asylum Offices
  - Forms Centers, ASCs, NCSC



- Internationally:
  - 3 District Offices: Rome, Bangkok & Mexico City
  - 27 Field Offices



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# Refugee, Asylum & International Operations (RAIO)

- RAIO oversees the adjudication process for asylum and refugee cases and the provision of immigration services at overseas locations
- Operational Divisions include Asylum Division, Refugee Affairs Division, and International Operations Division.



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# RAIO (continued)

- Asylum: Handles scheduled interviews for the adjudication of asylum-related, suspension of deportation and special rule cancellation of removal under the Nicaraguan Adjustment and Central American Relief Act (NACARA) cases.
  
- Refugee Affairs Division (RAD) strives to offer protection to refugees in accordance with the laws of the U.S. and international obligations





# RAIO (continued)

- International Operations Division - Charged with the responsibilities of advancing the USCIS mission in the overseas arena, adjudicating requests for humanitarian and significant public benefit parole filed by individuals outside the U.S.



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# Office of Field Operations (OFO)

- Ensures that information and benefits decisions are provided to domestic customers in a timely, accurate, consistent, courteous and professional manner
- Comprised of six branches:
  - Adjustment of Status, Legalization and Litigation Branch
  - International Adoptions and Records Branch
  - National Security Operations Branch
  - Citizenship Branch
  - Contracts PMO Branch
  - Coordination and Planning Branch
- National Benefits Center



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# Service Center Operations (SCOPS)

- Service Centers receive, process and adjudicate a large variety of applications and petitions. They are located in St. Albans, VT, Dallas, TX, Lincoln, NE and Laguna Niguel, CA
- SCOPS consists of nine Branches at the HQ level
  - Family Status Branch
  - Adjustment/Naturalization Branch
  - Threat Assessment Branch
  - Business Employment Services Team
  - Operations Planning Branch
  - System, Quality Assurance/Training Branch
  - Service Center Records Management Branch
  - Contract Acquisitions Branch



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# Fraud Detection and National Security (FDNS)

- Created in 2004 to ensure national security and to support mission of:

*“providing the right benefit to the right person at the right time, and no benefit to the wrong person.”*

- Priorities:
  - Remove systematic & other vulnerabilities
  - Be a conduit between USCIS and other law enforcement & intelligence communities
  - Identify threats to national security and public safety



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# Fraud Detection and National Security (FDNS)

Composed of 4 Branches:

1. Fraud Detection Branch
2. National Security Branch
3. The Intelligence Branch
4. Mission Support



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# Management Directorate

- Oversees several HQ offices:
  - Chief Financial Officer
  - Chief Information Officer
  - Security and Integrity
  - Human Capital and Training
  - Administration
  - Equal Opportunity and Inclusion
  - Office of Intake and Document Production (houses integrated document production, forms center, lockbox operation, forms design, and printing)



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# Customer Service Directorate

- Ensures USCIS keeps customer service activities in the forefront and oversees the National Customer Service Call Centers (NCSC)
  - NCSCs provide nationwide assistance by telephone to customers calling from within the United States about immigration services and benefits



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# Enterprise Services Directorate

- Focuses on verification efforts
- Increases collaboration between
  - Verification Office
  - Records Office (records management)
  - Application Support Centers (biometrics collection)



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# Enterprise Services Directorate (cont)

- Verification Division oversees both the SAVE and E-Verify programs
- National Records Center (NRC) provides access to information on a 24/7 basis from alien files and subsidiary data systems
  - Located in Lee's Summit, Missouri
  - Receives and processes Freedom of Information Act (FOIA) requests and applications for genealogy information.
- Application Support Centers (ASC) provide fingerprinting and/or biometrics services after customers file certain applications
  - Also make adjudicative decisions on Forms I-90, Application to Replace Permanent Resident Card, I-800A/600A, Application for Determination of Suitability to Adopt a Child from a Convention Country, and I-800/600, Petition to Classify Convention Adoptee/Orphan as Immediate Relative



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## DHS Core Values

- **Integrity:** Service Before Self
- **Respect:** Honoring Our Partners
- **Vigilance:** Guarding America

## USCIS CORE VALUES

- Integrity
- Respect
- Vigilance
- Ingenuity



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# RESPECT

We will demonstrate **Respect** in all of our actions. We will ensure that everyone we affect will be treated with dignity and courtesy regardless of the outcome of the decision. We will model this principle in all of our activities, with each other, our customers and the public. Through our actions, this organization will become known as an example of respect, dignity and courtesy.



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# INTEGRITY

Integrity in simple terms means honesty. It is a virtue instilled in us by parents, friends and society from a very early age. It is active in everything we do in all areas of our life, not just at work. It means living and acting by your word, what you believe and what's most important to you. It is linked to your values and sense of what's right and wrong. Most importantly it defines the way other people view you and your character. Hence, acting with integrity is not only beneficial to the residents and coworkers we interact with but also to you as an individual.



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# INGENUITY

*As we meet the challenges to come, we will strive to find the most effective means to accomplish our goals. We will use **Ingenuity**, resourcefulness, creativity, and sound management principles to strive for world-class results. We will approach every challenge with a balance of enthusiasm and wisdom in our efforts to fulfill our vision.*



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# VIGILANCE

- Vigilance in simple terms means ... awareness and action
- "The only thing necessary for the triumph of evil is for good men to do nothing." -- Edmund Burke
- All it takes for bad leadership to flourish is for good employees to do nothing.



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# *Questions or Comments?*



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The ECN  
Electronic Communication Network

The ECN is the online intranet system where IPO decisions and other work product is stored. If you have a question about anything in this office, the first place you should look for the answer is the ECN.

The ECN has an electronic library for IPO work product documents. You can make changes to documents by "checking them out." When you attempt to open a document, you will be prompted to indicate whether you would like to "check out" the document or open in "read only" format. Always open in "read only" format for any document you do not want to alter. Note: If you "check out" a document, no one else can make changes to that document until you "check it in."

For each of the questions below, write the answer and where you found it on ECN.

**\*\*Open all documents as READ ONLY\*\***

- 1) Access the ECN and create a shortcut on your desktop:  
<http://ecn.uscis.dhs.gov/team/scops/IPO/default.aspx>

- 2) What is the dress code policy? Are there any exceptions?

*The normal dress code policy is not specified. From May 28 to August 30 "business casual" dress attire is permitted. IPO also has a "casual Friday" dress code policy, meaning employees can dress in business casual attire on Fridays.*

*IPO Home Page > IPO FAQs > NEO Basics*

- 3) What work schedules are offered for employees of IPO and who is the primary point of contact regarding them?

*Regular, Compressed 5/4/9, and Maxiflex  
Primary POC: Clarisse Chisum 2-2950*

*IPO Home Page > IPO FAQs > NEO Basics*

- 4) What organization has the authority to delegate TEAs for the State of Louisiana? Who gave the organization this authority?

*Louisiana Economic Development was delegated the authority by Governor Bobby Jindal.*

*IPO Operations > TEA Designation Letters*

- 5) When was the policy memo on tenant-occupancy published?

*December 20, 2012*



*Agency Guidance > Interim EB-5 Tenant-Occupancy Memo*

- 6) What does the acronym DCF stand for and what does it mean?

*Discounted Cash Flow: Future cash flows multiplied by discount factors to obtain present values.*

*IPO Operations > Economist Library > List of Frequently Used Acronyms*

- 7) You are adjudicating an I-526 petition associated with the project CMB Infrastructure Investment Group IX. Find the documents that were approved for deference with the project's I-924 exemplar. What other agreement is attached to the end of the subscription agreement?

*Subscription agreement*

*IPO Operations > Officer Library > Exemplar Organizational Documents > CMB Infrastructure Investment IX—RCW1234250844—Subscription Agreement*

- 8) Who wrote the economic analysis (which has been finalized) for Ohio Regional Center's initial I-924 application?

*Kevin Muck*

*IPO Operations > Case Adjudication Final Analysis and Decisions*

- 9) Write down the following information for the file with the case number WAC1390279251:

Application/petition type (I-924/I-526):	<i>I-526</i>
Regional Center:	<i>CMB Export LLC</i>
NCE/project name:	<i>CMB Infrastructure Investment Group IX</i>
Adjudicator assigned:	<i>Chris Mason</i>
Action to be taken on the case (Approval/Denial/RFE):	<i>RFE</i>

*IPO Operations > Case Adjudication Drafts > WAC1390279251  
(several different ways to get there)*

- 10) Name a project that has its own I-526 template (there are 3).

*Pearl Investment Fund, International Gem Tower, Grand Canyon 3*

*IPO Operations > Case Adjudication Templates*

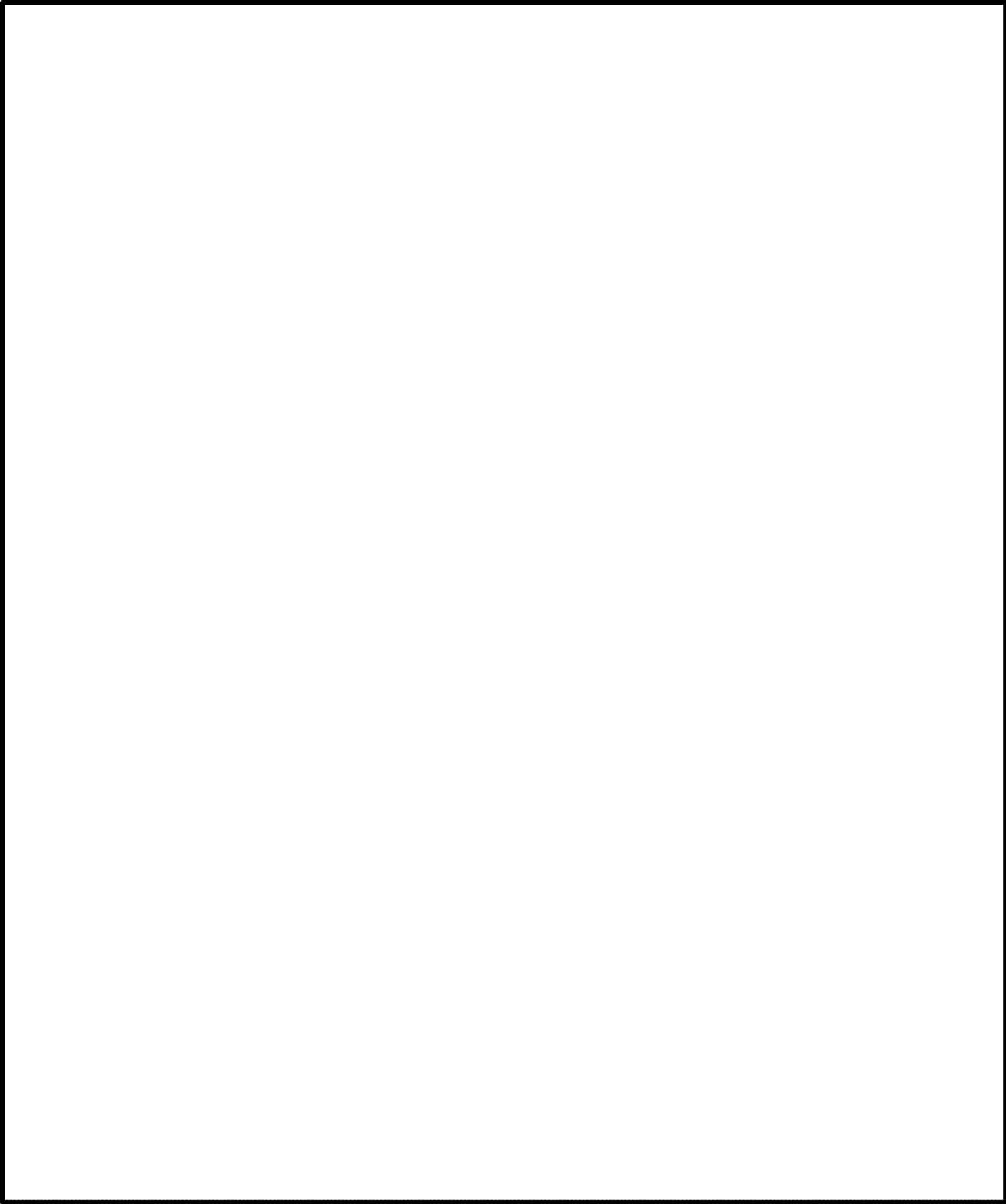
- 11) How many pages is the I-526 analysis template?

*Four pages*

*IPO Operations > Officer Library > I-526 Analysis Template*

~~FOUO- For Official Use Only~~

iCLAIMS



~~FOUO- For Official Use Only~~



# What is an Immigrant?

An immigrant is an alien entering the U.S. to reside permanently.



# Immigrant Classes of Admission

- The two most common ways to obtain Lawful Permanent Resident (LPR) status:
  - Family-based Immigrant Classes
  - OR
  - Employment-based Immigrant Classes
  
- Other classes:
  - Humanitarian (VAWA, Refugees/Asylees, etc.)
  - Lottery winners (aka Diversity visas)



# Family Based (Immediate Relative vs. Preference Relative)

## ▪ Immediate Relative (IR)

- Relationship to a USC (but only child, spouse, and parent)
- Immigrant visa immediately available to them

## ▪ Preference Relative

- Relationship to a USC or LPR
- Must wait until a visa becomes available
- Place in line is established by the priority date (aka filing date)
- Congress sets aside a specific number of visas allowed per year per category



# Priority Dates

- Department of State's Visa Bulletin

<u>Family-Sponsored</u>	All Chargeability Areas Except Those Listed	CHINA-mainland born	INDIA	MEXICO	PHILIPPINES
F1	01OCT06	01OCT06	01OCT06	22SEP93	01JUN01
F2A	08SEP13	08SEP13	08SEP13	01SEP13	08SEP13
F2B	01MAR06	01MAR06	01MAR06	08MAR94	08FEB03
F3	22JAN03	22JAN03	22JAN03	22MAY93	01JAN93
F4	08AUG01	08AUG01	08AUG01	15OCT96	22MAR90





# Filing a Family-Based Petition

- The USC or LPR must file a petition on behalf of the immigrant coming to the U.S. based on a qualifying family relationship
- I-130, Petition for Alien Relative



# Employment Based Classes

- EB1: *Extraordinary Ability, Outstanding Professor or Researcher, or Multinational Executive or Manager*
- EB2: *Advanced degree or its equivalent, or Exceptional Ability*
- EB3: *Skilled Worker, Professional, or Other Worker*
- EB4: *Special Immigrant*
- EB5: *IMMIGRANT INVESTOR*
  
- Similar to family preference classes:
  - Must wait until a visa becomes available
  - Place in line is established by the filing date
  - Congress sets aside a specific number of visas allowed per year per category



# Priority Dates

- Department of State's Visa Bulletin

<b>Employment-Based</b>	<b>All Chargeability Areas Except Those Listed</b>	<b>CHINA-mainland born</b>	<b>INDIA</b>	<b>MEXICO</b>	<b>PHILIPPINES</b>
1st	C	C	C	C	C
2nd	C	15SEP08	15JUN08	C	C
3rd	01JUL10	01JUL10	22SEP03	01JUL10	15DEC06
Other Workers	01JUL10	22SEP04	22SEP03	01JUL10	15DEC06
4th	C	C	C	C	C
Certain Religious Workers	C	C	C	C	C
5th Targeted Employment Areas/ Regional Centers and Pilot Programs	C	C	C	C	C



# Filing an Employment-Based Petition

- Generally, an employer must file a petition on behalf of the immigrant coming to the U.S.
  - I-140, Immigrant Petition for Alien Worker
- Some EB classifications may require the submission of a Labor Certification, DS-9089, establishing that a qualified and available USC or LPR will neither be displaced nor will wages and working conditions be adversely affected



# Pathways to Lawful Permanent Resident (LPR) Status

- Consular Processing (CP) → Outside the U.S.
- Adjustment of Status (AOS) → Inside the U.S.



# Consular Processing (CP)

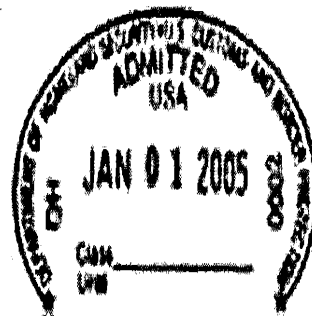
- Petition is forwarded to the Department of State's Visa Office (NVC)
- Once priority date is current, petition is sent to the appropriate overseas Embassy or Consulate
- Conduct an interview (determine eligibility and admissibility) and issue the visa
- Intending immigrant arrives at port of entry and is inspected by a CBP officer
- Intending immigrants must establish they remain eligible for the visa classification and admissible into the U.S.
- Evidence of immigrant status is placed in passport



# Consular Processing (CP)

UNITED STATES OF AMERICA		IV-460
IMMIGRANT VISA AND ALIEN REGISTRATION		
THE IMMIGRANT NEEDED ADVICE APPROVED BY THE UNITED STATES DEPARTMENT OF STATE		
ACTED BY IMMIGRANT INSPECTION	THE IMMIGRANT NEEDED ADVICE APPROVED BY THE UNITED STATES DEPARTMENT OF STATE	SEX: FEMALE
CITY AND COUNTRY OF BIRTH	CITY AND COUNTRY OF BIRTH	DATE OF BIRTH
SANTIAGO, DOMINICAN REPUBLIC	SANTIAGO, DOMR	18DEC1977
CITY AND COUNTRY OF APPOINTMENT	CITY AND COUNTRY OF APPOINTMENT	NATIONALITY
SANTIAGO, DOMR	SANTIAGO, DOMR	DOMINICAN
STATUS OF VISAS	STATUS OF VISAS	STATUS OF VISAS
SINGLE	CANDIDA	CEBAR
YOUR NAME IN THE UNITED STATES	YOUR ADDRESS IN THE UNITED STATES	CITY STATE AND ZIP CODE
		NY 10022
EXPIRES AT	EXPIRES AT	EXPIRES AT
NOT REQUIRED	STC STUDENT	
This visa is issued under Section 221 of the Immigration and Nationality Act, and upon the basis of the facts stated in the application. Possession of a visa does not entitle the bearer to enter the United States if at the time he or she is required to be admitted to the United States, it must be determined by a United States Immigration Officer.		
IMMIGRANT CLASSIFICATION		
CLASSIFICATION	CLASSIFICATION	CLASSIFICATION
EMBASSY	EMBASSY	EMBASSY
SANTO DOMINGO	SANTO DOMINGO	SANTO DOMINGO
CLASSIFICATION		
CLASSIFICATION	CLASSIFICATION	CLASSIFICATION
DOMINICAN REPUBLIC	DOMINICAN REPUBLIC	DOMINICAN REPUBLIC
800199201517501 460	800199201517501 460	800199201517501 460
ISSUED ON	ISSUED ON	ISSUED ON
11JUN1996	11JUN1996	11JUN1996
EXPIRES ON	EXPIRES ON	EXPIRES ON
08OCT1996	08OCT1996	08OCT1996
PASSPORT		
NO	NO	NO
1515914 95-	1515914 95-	1515914 95-
IV-460		

VISA		IMMIGRANT VISA	
Issuing Post Name		IV Case Number	
US CONSULATE		[REDACTED]	
GUANGZHOU		Registration Number	
Surname		[REDACTED]	
LI		IV Category	
Given Name		151	
Gender		M	
Birth Date		Nationality	
23DEC1966		CHIN CHIN	
Birthplace		Marital Status	
CHIN		DIV	
Passport Number		IV Issue Date	
[REDACTED]		12FEB2009	
Annotation #		IV Expires On	
[REDACTED]		11AUG2009	
[REDACTED]		9749 [REDACTED]	
UPON ENDORSEMENT SERVES AS TEMPORARY I-951 (EVIDENCING PERMANENT RESIDENCE FOR 1 YEAR)			



# Adjustment of Status (AOS)

- Once priority date is current, Applicant files I-485, Application to Register Permanent Residence or Adjust Status
- Forwarded to Field Office or Service Center with jurisdiction
- Determine eligibility and admissibility (if necessary, conduct an interview)



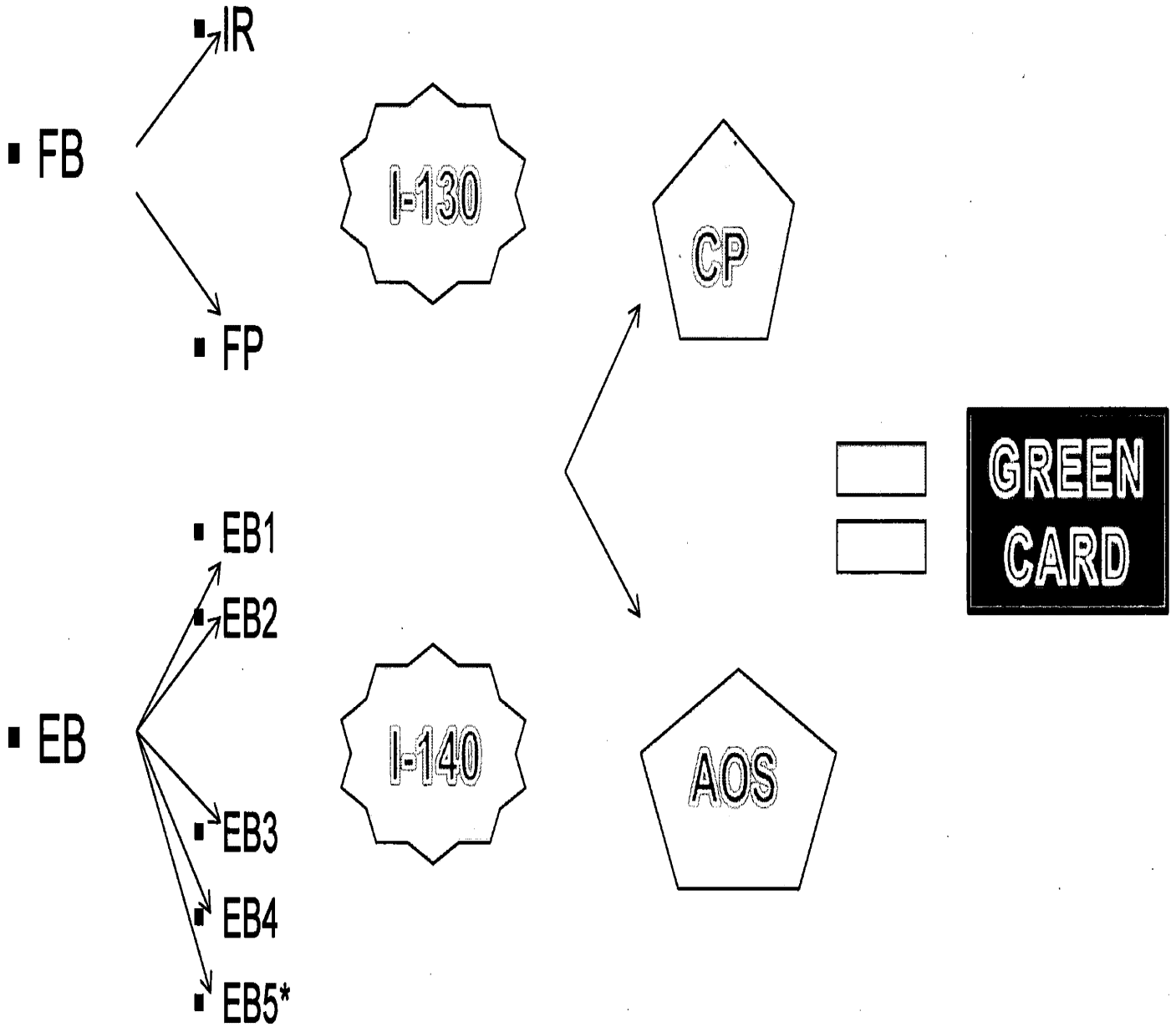


# Immigrant Classes of Admission

- Immigrant classifications are indicated on immigrant visas with an alpha-numeric combination unique to each class of immigrant
- Classification codes are combinations of 3 characters such as: **IR1**, **F43** and **EW3**



# Recap

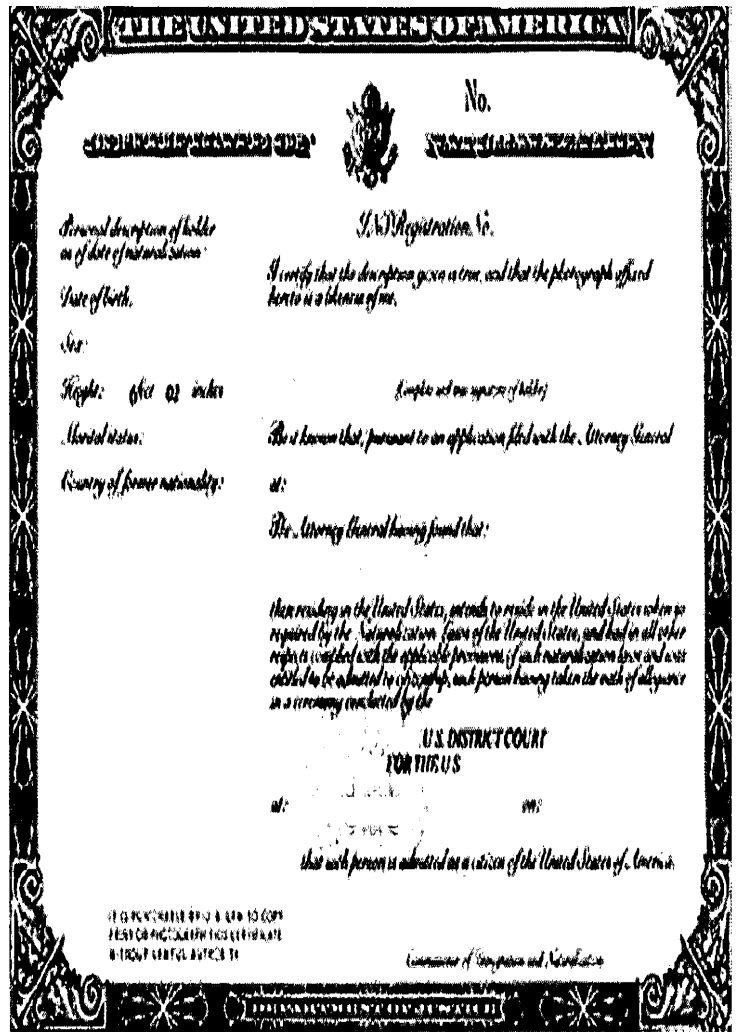


# Obtaining US Citizenship through Naturalization

- Eligible to naturalize after:
  - 3 years if married to a USC

OR

  - 5 years of LPR status
  
- Requirements:
  - English (read, write, speak)
  - Civics
  - Good moral character



# Questions?



U.S. Citizenship  
and Immigration  
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# U.S. Citizenship and Immigration Services

## Removability (deportability) and Inadmissibility



# REMOVAL/DEPORTATION

## WHAT IS IT?

- Legal process through which an alien is formally removed from the U.S. for violating the U.S. immigration laws.
- "Removal" after 4/1/1997
  - Passage of Anti-Terrorism and Effective Death Penalty Act (AEDPA) and Illegal Immigration Reform and Immigrant Responsibility Act (IIRAIRA))
- "Deportation" prior to 4/1/1997
  - Divided into deportation and exclusion



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# WHO IS SUBJECT TO REMOVAL/DEPORTATION?

-An alien is removable if, at the time of entry or at the time of adjustment of status, the alien is within one or more of the classes of aliens inadmissible by the law existing at such time.  
INA Sec. 237(a)(1)

-ANYONE who is a noncitizen, including lawful permanent residents (LPRs), conditional permanent residents (CPRs), refugees/asylees/NIV holders/undocumented aliens based on the grounds of removability/deportability.

-U.S. citizens cannot be removed with ONE exception:

-Naturalized citizens who are found to have committed fraud at any stage of the immigration process, including omission or failure to disclose certain information such as an arrest or conviction on residency or naturalization applications.



# WHAT ARE THE GROUNDS OF REMOVABILITY/DEPORTABILITY?

## Grounds of Removability INA SECTION 237(a)

### SIX CATEGORIES

1. Inadmissible at time of entry/AOS/status violation/Termination of conditional permanent residency (CPR)

EXAMPLE: F-1 student stops going to school

2. Certain Criminal Offenses

-Crime of Moral Turpitude (CIMT) committed w/in 5 years after date of admission and is convicted of a crime for which a sentence of one year or longer may be imposed.





# Grounds of Removability INA SECTION 237(a) (cont)

- Controlled substance violations
- Crimes of domestic violence/stalking/violation of a protective order/crimes against children
- Trafficking

## 3. Failure to Register and Falsification of Documents

- False claim to citizenship

## 4. Security and Related Grounds

- Terrorist activities
- Participation in Nazi persecution/genocide/torture

## 5. Public Charge

## 6. Unlawful Voters



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# INADMISSIBILITY INA SECTION 212(a)

## WHAT IS IT?

- A noncitizen applying for admission to the U.S. (i.e. at POE, in U.S. through AOS, or for a visa at the consulate abroad) is subject to admissibility. INA Section 212(a)

## WHO IS SUBJECT TO INADMISSIBILITY? INA SECTION 212(a)

- Undocumented aliens
- Noncitizens seeking reentry to U.S., i.e. LPR/CPR

EXAMPLE: LPR leaves to go back to his/her country for the holidays. Upon returning to the US, the LPR must be inspected and admitted at the POE. If the LPR is found to be inadmissible, s/he will be denied admission to the U.S. Placed into proceedings and charged under 212(a).

- Noncitizens seeking a green card (AOS in the U.S. or at POE if consular processed) or IV/NIV at U.S. consulate abroad.



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# Grounds of Inadmissibility INA Section 212(a)

## TEN CATEGORIES:

### 1. Health-related grounds

- Failure to present documentation of having received all required vaccinations

- Communicable diseases of public health significance

  - i.e. tuberculosis is a ground of inadmissibility, but HIV no longer is.

- physical or mental disorders which pose a threat to the safety of the alien or others

- drug abusers/addicts



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## Grounds of Inadmissibility INA Section 212(a) (cont.)

### 2. Criminal and Related Grounds

- Conviction of CIMT (Exception: max sentence received is < 6 months and max possible sentence is one year)
- certain controlled substance violations
- Two or more convictions for which the aggregate sentences to confinement was five years or more
- Prostitution/commercialized vice/alien smuggling

### 3. Security and Related Grounds

- terrorist activity
- membership in a terrorist organization
- membership in a totalitarian party, including the communist party
- participation in Nazi persecution/genocide/torture



## Grounds of Inadmissibility INA Section 212(a) (cont.)

### 4. Public Charge

- Affidavit of support
- children

### 5. Labor Certification

- certain employment-based immigrants need to have a labor certification certified by the DOL prior to filing

### 6. Illegal Entry and Immigration Violators

- aliens present without admission or parole
- Misrepresentation
- Falsely claiming citizenship



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# Grounds of Inadmissibility INA Section 212(a) (cont.)

## 7. Immigrant/Nonimmigrant Documentary Issues

- Not in possession of a valid unexpired passport
- Not in possession of a valid unexpired visa, reentry permit, etc.

## 8. Ineligibility for Citizenship

- Anyone permanently ineligible for citizenship

## 9. Aliens Previously Removed

- Certain aliens previously removed/removal order
- Aliens unlawfully present in the US for 180 days to one year and seek admission within 3 years
- Aliens unlawfully present in the US for more than one year and seek admission within 10 years



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# Grounds of Inadmissibility INA Section 212(a) (cont.)

## 10. Miscellaneous

- Practicing polygamists
- Unlawful voters



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# REMOVABILITY/DEPORTABILITY VS. INADMISSIBILITY

## Overview:

The grounds of removability/deportability (237(a)) and grounds of inadmissibility (212(a)) affect every alien seeking a benefit under the immigration laws of the United States.



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## ■ Basic Rule:

- If an alien is seeking admission to the United States, s/he is subject to the grounds of inadmissibility (INA Section 212(a))

**EXAMPLE:** An EB-5 investor applies for an immigrant visa at the U.S. consulate abroad. The investor has been convicted of a crime involving moral turpitude (CIMT) for which no exception applies. He is denied a visa under and found inadmissible under INA Section 212(a)(2).



# BASIC RULE (CONT).

If an alien has been inspected and admitted to the U.S., even if out of status now, s/he would be subject to the grounds of removability/deportability (INA Section 237(a))

**EXAMPLE:** An EB-5 investor fails to timely file to remove the conditions of her residency (CPR status) and her CPR status is therefore terminated. Her request to USCIS to accept her late-filing to remove the condition is denied. She is placed into removal proceedings and charged under INA Section 237(a)(1)(D) (termination of conditional permanent residence.)



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# Significance of Removability/Deportability vs. Inadmissibility

## SIMILARITIES:

- Nature of charges in each are very similar
- i.e. status violations;  
criminal issues;  
fraud/misrepresentation;  
security and related grounds,  
etc.

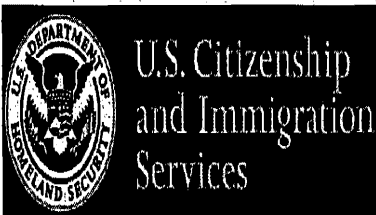


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# Significance of Removability/Deportability vs. Inadmissibility (cont.)

## DIFFERENCES:

- Corresponding charges in each that are different
- Waivers under each are that different



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# REMOVAL PROCEEDINGS PROCESS

INA SECTION 240—authority for the removal proceedings process

STEPS to placing an alien in removal proceedings:

1. Inadmissibility or removability/deportability established.
2. Charging document (Notice to Appear—NTA) issued.

-Contains the allegations and charges

- Contains a date or a TBD for the hearing, time, and location of the hearing



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# REMOVAL PROCEEDINGS PROCESS (CONT)

## PARTIES INVOLVED:

1. Immigration Judge (IJ) from the Executive Office of Immigration Review (EOIR) part of the Department of Justice
2. Government represented by Office of the Chief Counsel, Immigration and Customs Enforcement, associate chief counsel (commonly referred to as the “trial attorney” or “TA”)
3. Alien can represent him or herself or can be represented by counsel at no cost to the government



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# REMOVAL PROCEEDINGS PROCESS (CONT)

## Appeal Rights

1. Both the alien and the government can appeal to the Board of Immigration Appeals (BIA), part of the DOJ
2. After appeal to the BIA, both the alien and the government can appeal to the Federal Circuit Court of Appeals for their jurisdiction (i.e. we are in the Fourth Circuit Court of Appeals) depending on the type of case.
3. After appeals to the Federal Circuit Court of Appeals, the alien or the government can file a petition for a writ of certiorari in the Supreme Court of the United States.



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# REMOVAL PROCEEDINGS PROCESS (CONT)

## Motion to Reopen/Reconsider

Both the alien and the government can file a motion to reopen and/or reconsider the IJ's decision or the BIA's decision based on an error of law or fact, or based on ineffective assistance of counsel.



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# REMOVAL PROCEEDINGS PROCESS (CONT)

## Expedited Removal INA Section 235(B)(1)

- No right to a hearing before the IJ
- Based on nature of violation or offense committed



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## ADIS

**Acronyms**

ADIS	Arrival Departure Information System
CA	Cross Applications
CBP	Customs and Border Patrol
CCD	Consular Consolidated Database
DHS	Department of Homeland Security
DOS	Department of State
ICE	Immigration and Customs Enforcement
IPO	Immigrant Investor Program Office
IV	Immigrant Visa
NIV	Nonimmigrant Visa
USCIS	United States Citizenship and Immigration Services

This *User Guide* contains essential information that will enable the user to use the Arrival Departure Information System (ADIS).

**What is the ADIS?**

ADIS is a communication system that is owned by US-VISIT. ADIS captures information on aliens who have applied for entry, entered, or departed the U.S. ADIS also provides the status and history of applications and petitions submitted to USCIS by applicants and petitioners (since approximately 2003).

**How does ADIS collect its information?**

- Data is collected by various government programs and transmitted to US-VISIT ADIS.
- Other DHS components such as CBP, ICE, or any other DHS agency in support of the overall DHS mission.
- External organizations such as the Department of State (DOS), foreign government border management agencies, or other organizations that collaborate with DHS in pursuing DHS national security, law enforcement, immigration, intelligence, and other DHS mission-related functions.

**Logging into ADIS:**

1. Open your internet browser and navigate to the following URL:

<https://adis.ice.dhs.gov/ADIS/Logon.faces>

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2. Enter your User ID and Password,
3. Click "Log In" to take you to the "Welcome to ADIS Web screen."

**Conducting Searches in ADIS:**

1. Select "Searches" in the left hand frame.
2. Next, select "Ad-hoc Search" from the list of search options that becomes visible.
3. Enter the applicant/petitioner's last name and first name.
4. Click on a link to view the record.

The reporting of application and system errors should be made to the following:

USCIS Service Desk

1.888.220.5228

[uscisservicedesk@dhs.gov](mailto:uscisservicedesk@dhs.gov)

If you do not have access to ADIS, please fill out Form G-872B, obtain your SAO's signature and get the form to Shirley Patrick.

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## CLAIMS 3 LAN

**Acronyms**

CLAIMS	Computer-Linked Application Information Management System
GUI	Graphical User Interface
LAN	Local Area Network
USCIS	United States Citizenship and Immigration Services
SC	Service Center
DHS	Department of Homeland Security

This *User Guide* contains essential information that will enable the user to make full use of the Computer-Linked Application Information Management System (CLAIMS) 3 Local Area Network (LAN)

**What is the CLAIMS 3 LAN?**

CLAIMS 3 LAN (or also referred to as C3) provides DHS USCIS with a decentralized and geographically dispersed LAN-based mission support case management system, with participation in the centralized CLAIMS Mainframe data repository. Originally developed to track the receipting of applicant/petitioner remittances, and to produce notices documenting the remittance, CLAIMS 3 LAN functionality now also includes adjudication, archived case information, card production, case history, case transfer, on-demand reports, electronic file tracking, image capture, and production statistics, scheduling, and status updates.

**Logging into CLAIMS 3 LAN:**

1. Access the IPO ECN page <http://ecn.uscis.dhs.gov/team/scops/IPO/default.aspx>.
2. Click on "Admin Resources"
3. Click on "Helpful Links"
4. Click on the C3-LAN Access under the Adjudication Resources Link Type.
5. Enter your unique user name and password and click "Log On"

**Or**

1. Go to URL:  
[http://remote.uscis.dhs.gov/Citrix/DesktopWeb/auth/login.aspx?CTX\\_MessageType=WARNING  
&CTX\\_MessageKey=NoUsableClientDetected](http://remote.uscis.dhs.gov/Citrix/DesktopWeb/auth/login.aspx?CTX_MessageType=WARNING&CTX_MessageKey=NoUsableClientDetected)
2. Enter your unique Windows log in information. (user name and password) and click log on (or hit your enter key)
3. Click on the CSC District Office Desktop to continue connecting through the Citrix environment.
4. Click on CLAIMS 3 Adjudication icon.
5. Once the program loads, you will be asked to provide your unique login and password. Initially, Shannon Cross, from OIT, will provide a default password with your CSC login ID. During your first login, you will be required to change the default password to a unique password.

**\*\*Note:** When you receive the email with your unique User ID and default password, make sure to change your default password within 24 hours. If not, you will not be able to access the system.

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~~FOUO - For Official Use Only~~**Conducting Searches in CLAIMS 3 LAN:**

1. Once in the CLAIMS 3 Adjudication module, choose "Adjudicate" from the file drop down menu on the toolbar
2. Next click "Data Entry" from the submenu that appears
3. Wand in, or enter, the receipt number for adjudicative action and press "Retrieve."
4. Information pertaining to the receipt number you entered should appear. If no information appears, please be sure your receipt number was entered accurately.
5. Review the information contained in your results to ensure it belongs to your petitioner.

**Adjudicating in CLAIMS 3 LAN:**

Updating an Approved I-526	Step	Action
	1	Access GUI and wand in the barcode.
	2	On the toolbar at the top: Click on "Adjudicate" Then "Data Entry" in the drop-down menu.
	3	Wand or type the receipt # or A#.
	4	Click on the "Retrieve" button.
	5	Verify/update Petitioner's information
	6	In the "Attachments?" section for the G-28, click on "View/Edit"
	7	Verify/update Attorney or Representative information
	8	Click "Ok" and "Yes" when you are done
	9	Click on Adjudication tab on the right
	10	Click on "Approve the Case"
	11	Click on "Approve - order notice"
	12	Enter "Priority Date" (date that appears on white sticker on I-526)
	13	Select appropriate approval "Paragraph" "Requested sent to consulate; send to DOS" if checked box in Part 6 of I-526 Petition is the second one or "Indicated would Adjust; may file now" if first box checked
	14	Click "save" and exit out back to Petitioner's information screen
	15	APPROVED will appear in red on the right of the screen next to the receipt #. Also, if you click on "History", you can see the approval on the Action Description column.
	16	Approval Complete? Then, Press [ESC] or the "Cancel" button, and Then press "Yes" to exit form.

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<b>Updating an RFE</b>	Follow the steps below to update a Request for Evidence (RFE) in GUI Adjudications.	
	Step	Action
	1	Access GUI Adjudications.
	2	On the toolbar at the top select: "Adjudicate", and "Data Entry" in the drop-down menu.
	3	Wand or type the receipt # or A#.
	4	Verify the following data fields are correct: Name Address Date of birth A-number, if applicable Classification – ensure "Current Status" and "The new status I am requesting is" sections are complete SEVIS "N" number(s), if applicable. G-28 information, if applicable.  <b>NOTE:</b> If any of these fields are missing or incorrect, you are required to make the necessary data changes.
	5	Click on the "Retrieve" button.
	6	Press [F10], or Click on the "Adjudicate" button.
	7	Double click on "Case Review", Select "Place in Suspense", and Double click on the appropriate update (initial or additional evidence).
	8	Click on "Yes."
9	Press [ESC] or the "Cancel" button, and then "Yes" to exit form.	

<b>Updating a Notice of Intent to Deny</b>	Follow the steps below to update a Notice of Intent to Deny (NOID) in GUI Adjudications.	
	Step	Action
	1	Access GUI Adjudications.
	2	On the toolbar at the top select: "Adjudicate" and "Data Entry" in the drop-down menu.
	3	Wand or type the receipt # or A#.
	4	Click on the "Retrieve" button.
	5	Press [F10] or Click on the "Adjudicate" button.
	6	Double click on "Case Review", select "Place in Suspense", and select "Intent to Deny Notice Ordered"
	7	Click on "Yes."
8	Press [ESC] or the click on the "Cancel" button, and select "Yes" to exit form.	

<b>Updating a Denial for cause</b>	Follow the steps below to update a Denial on a case in GUI.	
	Step	Action
	1	Access GUI Adjudications.
	2	On the toolbar at the top: Click on "Adjudicate" Then "Data Entry" in the drop-down menu.
	3	Wand or type the receipt # or A#.
	4	Click on the "Retrieve" button.
	5	Press [F10] or Click on the "Adjudicate" button.
	6	Double click on 'Deny the Case.' Then 'Order Denial Notice.'  <b>NOTE:</b> If you are terminating a case, select the appropriate phrases for termination.
	7	Click "Yes" to continue then "Close" or Press [ESC] twice.
	8	When the 'Supervisor Hold' box comes up, click "OK"
	9	Press [Shift] + [F8].  <b>NOTE:</b> You can also click on 'Remove Hold' then 'Remove Supervisor Hold' on the toolbar at the top.
10	Click "Yes" to remove supervisor hold.	
11	Press [ESC] or the "Cancel" button, and then "Yes" to exit form.	

<b>Updating an Abandonment Denial</b>	Follow the steps below to update an Abandonment Denial in GUI.	
	Step	Action
	1	Access GUI Adjudications.
	2	Wand or enter the receipt number of the case.
	3	Press [F10].
	4	Select "DENY THE CASE", and Select "ORDER ABANDONMENT DENIAL NOTICE".
5	Release the "SUPERVISORY HOLD" on all denial orders by pressing the "SUPERVISORY HOLD" button to release the denial in GUI.	

<b>Updating a Withdrawal</b>	Follow the steps below to update a Withdrawal in GUI:	
	Step	Action
	1	Access GUI and wand in the barcode.
	2	Press [F10] or click the [Adjudicate] button.
	3	Select: <ul style="list-style-type: none"> <li>• "Deny the Case"</li> <li>• "Order Withdrawal Acknowledgement Notice"</li> </ul>
4	Release the Supervisory Hold: <ul style="list-style-type: none"> <li>• Click the "Release Hold" button</li> <li>• Select "Yes"</li> </ul>	



~~FOUO For Official Use Only~~**APPENDIX****Function Keys and Shortcuts**

Case Status Case History	<b>F2</b>	From the Case Information screen, performs a status inquiry and shows the case history.
Save, Process, or Authorize Action	<b>F4</b>	Depending on function being used, saves changes, processes reports and manifests, or authorizes supervisor approvals
Exit Form	<b>ALT+F4</b>	Exit Form
Clear Screen	<b>F6</b>	Clears the data from the Case Information screen
Remove Supervisor Hold	<b>Shift+F8</b>	Removes a supervisor hold from a case
Adjudications Menu/Information	<b>F10</b>	Accesses the Adjudications menu or shows the adjudication information on the displayed case
Opens Approval Data screen	<b>Alt+F10</b>	Opens Approval Data screen
Return to Previous Screen	<b>Esc</b>	Returns you to the previous menu, or exits a sub-form (e.g., G-28)
Cycle	<b>TAB</b>	Cycles through the menus or fields

The reporting of application and system errors should be made to the following:

USCIS Service Desk

1.888.220.5228

[uscisservicedesk@dhs.gov](mailto:uscisservicedesk@dhs.gov)

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## CCD

**Acronyms**

CA	Cross Applications
CCD	Consular Consolidated Database
DHS	Department of Homeland Security
DOS	U.S. Department of State
IPO	Immigrant Investor Program Office
IV	Immigrant Visa
NIV	Nonimmigrant Visa
USCIS	United States Citizenship and Immigration Services

This *User Guide* contains essential information that will enable the user to make full use of the Consular Consolidated Database (CCD).

**What is the CCD?**

CCD is the Consular Consolidated Database that is owned by the Department of State (DOS). CCD contains records pertaining to the issuance or refusal of visas or permits to enter the United States. The more recent records will have photos and might contain information about employers, travel plans, phone numbers and email addresses. Visa records are not to be shared outside of your office or agency without contacting the Visa Office.

**Logging into CCD:**

1. To logon, open your internet browser and navigate to the following URL:  
<https://ccdi.state.osis.gov/>
2. Select the "Logon" button located below the U.S. Department of State seal.
3. Next, enter your unique username and password that is assigned to access your computer and your user location (please see your supervisor if unsure which location to choose) and click submit.
4. The "Welcome User [your name]" Screen should appear.

**Conducting searches in CCD on individuals:**

1. Log into CCD
2. Select "Cross Applications" (located in the left hand blue frame)
3. Choose CA Applicant Lookup from the submenu
4. Enter last name and first name (only)
  - a. Form the "Given Name" field. Select "Begins with" to improve results
  - b. If searching for Nonimmigrant Visa information you could add additional search parameters if needed

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5. Click on desired hyperlink to view the record.

**Conducting Searches in CCD on Country Fraud Summaries:**

1. Log into CCD
2. Select Reference located in the left hand blue frame
3. Select Country Fraud Summaries or Text Search from the submenu
4. Enter county or enter text to search.

The reporting of application and system errors should be made to the following:

Bureau of Consular Affairs

202-663-1177

Contact: [CAServiceDesk@state.gov](mailto:CAServiceDesk@state.gov)

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## SEVIS

## Acronyms

SEVIS	Student and Exchange Visitor Information System
HSI	Homeland Security Investigations (ICE)
CCD	DOS' Consular Consolidated Database
DSO	Designated School Official
SEVIS ID	Identification number issued to an F, M, J number by SEVP – Appears in CCD and on the face of the U.S. Non-Immigrant Visa within a foreign passport
“F” Visa	Non-Immigrant Academic Study
“J” Visa	Non- Immigrant Exchange Visitor
“M” Visa	Non-Immigrant Vocational Study
Form I-20	Certificate of Eligibility for Non-Immigrant Student Status
DOS	Department of State
USCIS	United States Citizenship and Immigration Services
DHS	Department of Homeland Security

This *User Guide* contains essential information that will enable the user to make full use of the Student & Exchange Visitor Information System (SEVIS).

**What is SEVIS?**

SEVIS is a web-based system DHS uses to maintain information on F, M, J nonimmigrants, DOS-designated exchange visitor program sponsors, and SEVP-certified schools. SEVIS can provide additional information about an application which may be relevant to the adjudication.

**Logging into SEVIS:**

1. Open SEVIS by going to URL: <https://sevis.ice.dhs.gov/sevis/>
2. Enter your User Name (which is your PICS ID IPOXXXX) in all caps
3. Enter your password
4. Click Login

**Conducting Searches in SEVIS:**

1. Select either “Students” or “Exchange Visitors” from the toolbar menu
  - a. F & M nonimmigrants are considered “Students” for searching
  - b. J nonimmigrants are considered “Exchange Visitors” for searching
2. Select radio button to search by either the Applicant’s SEVIS ID number or their Personal Information.

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- a. The SEVIS ID number can be located within the DOS CCD system as well as a copy of the U.S. non-immigrant visa which may be included in a photocopy of the Applicant's passport.
3. One to many results may be returned on your query.
4. Select the hyperlink under **Family Name** to review the I-20 Certification information, which is completed by the Designated School Official.
  - a. Each unique SEVIS ID record contains additional details about the source of funds for study, the academic/vocational program, and traveler information.

### Viewing Additional Information

From the left side of the screen, additional information relating to the history of each unique SEVIS ID is also available through the **Event History** and **Current Request/Authorization Details** hyperlinks.

- The **Event History** screen provides additional information about a student/visitor's enrollment history which may be relevant to lawful status.
- **Current Request/Authorization Details** provides information about employment and special authorizations.

Click the **Return** button at the bottom of the page after viewing Event History and Current Requests.

Because each unique SEVIS ID record contains additional details about the source of funds for study, the academic/vocational program, and traveler information, each SEVIS ID record, pertinent to the individual you are reviewing, and its respective additional information should be reviewed.

### Logoff Procedures

After reviewing SEVIS ID records, exit the system by selecting **Logout** from the menu at the top of the page.

### System Help

- The reporting of application and system errors should be made to the following:

**USCIS Service Desk**

1.888.220.5228

[uscisservicedesk@dhs.gov](mailto:uscisservicedesk@dhs.gov)

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# IPO Training

## I-924 Assignment

Please review the I-924 file and find the following information:

1. Name of the regional center (RC)
2. Name of the new commercial enterprise (NCE)
3. Name of the job creating enterprise (JCE)
4. Initial or amended request?
5. What type of project (hypo, actual, exemplar)?
6. Based on the type of project, what will we give deference to?
7. Geographic scope of the RC.
8. Industry categories of the RC.
9. Where is the project located?
10. Brief description of the project.
11. Total investment.
12. Total Eb5 investment.
13. Job creation numbers.
14. Number of EB5 investors needed.
15. Breakdown of the investment (Where is the non-EB5 money coming from? Loan? Equity? From whom?)
16. Amount the EB5 investor will be required to invest (\$500k or \$1mn?)
17. Is the EB5 money a loan or equity?
18. If the investment is the \$500k reduced amount, on what basis are they requesting the reduced amount?
19. If the project is in a TEA, what information does the file contain regarding the TEA? Is this sufficient information?
20. What are the terms of the EB5 loan from the NCE to the JCE?
21. Is the investor money at risk?
22. Does the RC have a CBP?
23. Does the project have a CBP?
24. Is the project CBP Matter of Ho compliant? Does it need to be? If so, is it credible?
25. Give a brief description of the terms of the investment.
26. Are there any other fees that the investor needs to pay?
27. How is the RC funded?
28. Does the RC have enough funding?
29. What are the promotional efforts of the RC?
30. What due diligence will the RC engage in with respect to the EB5 investors?



# U.S. Citizenship and Immigration Services

## Admission/EOS/COS/Nonimmigrants



# Nonimmigrants

A nonimmigrant is an alien temporarily admitted to the United States for a specific purpose other than permanent residences. Specific references to Classes of nonimmigrants are found in INA Sec 101(a)





# Examples of Nonimmigrants

- Foreign Diplomats
- Visitors for Business/Pleasure
- Members of the International Media
- Professional Athletes and Entertainers
- Temporary workers (skilled or unskilled)
- Academic and Vocational Students

*Refer to the Pocket Guide for complete list*



# Nonimmigrant Eligibility to Enter U.S.

- Present valid passport and properly classified nonimmigrant visa
- Enter through an open designated port of entry
- Pass CBP inspection with proper documentation demonstrating admissibility 212 (a) of the INA



# Burden of Proof

- For persons other than USCs, entry into the U.S. is a privilege, *NOT* a right, and the burden of proof is always on the person seeking admission.
- Everyone entering the U.S. is responsible for proving their identity
  - Establishing that they are who they claim to be



# Burden of Proof (cont.)

- Alien applicants are responsible for satisfying to CBP inspecting officers their admissibility into the U.S.:
- Their activities will not violate any laws of the U.S.
- No criminal record
- No previous involvement in removal proceedings
- Intention to depart U.S. upon conclusion of business



# Nonimmigrant Visa (NIV)

- Contained in the individual's passport, carries an alphanumeric code indicating the nonimmigrant classification being sought.

## Example:

- A highly skilled worker or person in specialty occupation would be an H-1B; a skilled or unskilled worker would be an H-2B; or an agricultural worker would be classified as an H-2A.



# Nonimmigrant Visa (cont.)

In the preceding example:

- The H represents the nonimmigrant classification and the 1B, 2B, and 2A denote the specific type or class of worker.
- The dependants of nonimmigrants classified in the H category receive the H-4 classification.



# Nonimmigrant Visa (cont.)

- Depending on the nonimmigrant classification sought, aliens are required to present a wide range of documentation supporting or demonstrating their eligibility for the respective classification.
  
- Example: L & H classifications must be the beneficiary of an approved I-129 petition. Once the petitioner (the alien's employer) has an approved petition, the beneficiary can apply for a nonimmigrant visa with the DOS at an embassy or consulate in the beneficiary's place of foreign residence.



## Nonimmigrant Visa (cont.)

- Before the I-129 can be approved by USCIS, the petitioner (employer) must submit evidence that the alien possesses the required education and/or experience to qualify for the position sought. In some cases the I-129 must be accompanied by a Labor Certification, ETA 9035, issued by the Department of Labor.
- Labor Certification – Requires evidence to document that the alien will not displace a qualified USC or LPR, and that they will not adversely affect the wages and working conditions of similarly employed U.S. citizens.





# Nonimmigrant Visa (cont.)

Academic (F-1) or Vocational (M-1) students must:

- Demonstrate they have been accepted for admission by an approved/authorized school, college, university or training program, and
- Demonstrate they have the financial resources to pay for education



# Automated Form I-94

- Once CBP determines that an alien has met all requirements for admission, entry is documented in their passport.
- Reflects the class of admission, and
- Specific period of admission and maximum period of stay assigned to it
- Paper I-94 forms will be utilized for refugees, asylees, and temporary proof of Lawful Permanent Resident Status



# Form I-94 - Entry and Departure Record

U.S. Department of Justice  
Immigration and Naturalization Service

OMB No. 1115-0077

Admission Number **Welcome to the United States**

### I-94 Arrival/Departure Record - Instructions

This form must be completed by all persons except U.S. Citizens, returning resident aliens, aliens with immigrant visas, and Canadian Citizens visiting or in transit.

Type or print legibly with pen in ALL CAPITAL LETTERS. Use English. Do not write on the back of this form.

This form is in two parts. Please complete both the Arrival Record (Items 1 through 13) and the Departure Record (Items 14 through 17).

When all items are completed, present this form to the U.S. Immigration and Naturalization Service Inspector.

Item 7 - If you are entering the United States by land, enter LAND in this space. If you are entering the United States by ship, enter SEA in this space.

Form I-94 (04/06/00)Y  
OMB No. 1115-0077

Admission Number

### I-94 Arrival Record

1. Family Name	
2. First (Given) Name	3. Birth Date (Day/Mo/Yr)
4. Country of Citizenship	5. Sex (Male or Female)
6. Passport Number	7. Airline and Flight Number
8. Country Where You Live	9. City Where You Boarded
10. City Where Visa was Issued	11. Date Issued (Day/Mo/Yr)
12. Address While in the United States (Number and Street)	
13. City and State	

### Authority

The authority to collect this information is contained in Title 8 of the United States Code.

**Paperwork Reduction Act Notice.** A person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The estimated average time to complete and file this application is 4 minutes per application. If you have comments regarding this form, you can write to the Immigration and Naturalization Service, HQPDI, 425 I Street N.W., Room 4307, Washington DC 20536; OMB No. 1115-0077. **DO NOT MAIL YOUR COMPLETED APPLICATION TO THIS ADDRESS.**

Departure Number **OMB No. 1115-0077**

### I-94 Departure Record

14. Family Name	
15. First (Given) Name	16. Birth Date (Day/Mo/Yr)
17. Country of Citizenship	

### Primary Inspection

Applicant's  
Name \_\_\_\_\_  
Date \_\_\_\_\_  
Referred \_\_\_\_\_ Time \_\_\_\_\_ Insp. # \_\_\_\_\_

### Reason Referred

212A    PP  Visa  Parole  SLB  TWOV  
 Other \_\_\_\_\_

### Secondary Inspection

End Secondary  
Time \_\_\_\_\_ Insp. # \_\_\_\_\_

Disposition \_\_\_\_\_

18. Occupation	19. Waivers
20. INS File <b>A-</b>	21. INS FCO
22. Petition Number	23. Program Number
24. <input type="checkbox"/> Bond	25. <input type="checkbox"/> Prospective Student
26. Itinerary/Comments	
27. TWOV Ticket Number	

**Warning -** A nonimmigrant who accepts unauthorized employment is subject to deportation.  
**Important -** Retain this permit in your possession; you must surrender it when you leave the U.S. Failure to do so may delay your entry into the U.S. in the future. You are authorized to stay in the U.S. only until the date written on this form. To remain past this date, without permission from immigration authorities, is a violation of the law.

**Surrender this permit when you leave the U.S.**

- By sea or air, to the transportation line;
- Across the Canadian border, to a Canadian Official;
- Across the Mexican border, to a U.S. Official.

Students planning to reenter the U.S. within 30 days to return to the same school, see "Arrival-Departure" on page 2 of Form I-20 prior to surrendering this permit.

### Record of Change

Port: \_\_\_\_\_ Departure Record  
Date: \_\_\_\_\_  
Carrier: \_\_\_\_\_  
Flight # / Ship Name: \_\_\_\_\_

See Other Side

STAPLE HERE

# Nonimmigrant – WB/WT



U.S. Citizenship  
and Immigration  
Services

# Nonimmigrant – WB/WT (cont.)

- The alien must intend to be a visitor for business or pleasure
- The alien must be a national of a designated Visa Waiver country
- VW applicants must apply on ESTA (Electronic System for Travel Authorization)



# Nonimmigrant – WB/WT (cont.)

- Alien must have a round-trip ticket on a VWP signatory carrier
- If arriving at a land border, alien is required to produce evidence of economic solvency
- Alien must maintain a residence abroad
- Max admission WB-WT: 90 days



# Types of Nonimmigrant Classes of Admission

- Transit aliens
- Temporary visitors for business
- Temporary visitors for pleasure
- Temporary workers and trainees
- Treaty traders and investors
- Intra-company transferees

*Refer to Pocket field guide for examples of which classification are eligible for EOS and COS*



# Types of Nonimmigrant Classes of Admission (cont.)

- Representatives of foreign information media
- Students
- Exchange visitors
- Other categories include:
  - Ambassadors, diplomatic officers
  - Foreign government officials
  - NATO aliens, spouses and children





# After Admission

- Once admitted, control of the individual shifts from CBP to USCIS. Aliens who require an Extension of Stay (EOS) or a Change of Status (COS) file Form I-539 with USCIS
- Individuals who violate the terms or conditions of their admission can be found ineligible for COS or EOS and the matter might be referred to ICE for appropriate action



# Questions?



## IPO New Personnel Training

As of April 8, 2014

### Day 1-2 In-processing

### Day 3 TRAINING

- Meet the Chief and Deputy (45 min.)
- Communicate BASIC training requirement (15 min.)
- DHS Overview (1 hour)
- Nonimmigrant Overview (2 hours)
- Immigrant Overview – Part 1 (1 hour)
- Lunch (1 hour with \_\_\_\_\_)
- Immigrant Overview – Part 2 (1 hour)

SUPERVISORY FOLLOW-UP      Lead Employee Instructor/

Supervisor:

### Day 4 TRAINING

- iCLAIMS system (45 minutes)
- CLAIMS 3 GUI (45 minutes)
- Lunch (1 hour)
- ICE SEVIS (45 minutes)
- TECS (45 minutes)
- ADIS (30 minutes)
- STAT-5 (30 minutes)
- CCD (45 minutes)

SUPERVISORY FOLLOW-UP

**Lead Employee Instructor/**

**Supervisor:**

**Day 5 TRAINING**

- **Preponderance of Evidence (2 hours)**
- **Lunch (1 hour)**
- **EB-5 overview (1.5 hours)**
- **Establishing a new Commercial Enterprise (1.5 hours)**

**SUPERVISORY FOLLOW-UP      Lead Employee Instructor/**

**Supervisor:**

**Week 2**

**Day 6 TRAINING**

- **Active Management of the NCE (1.5 hours)**
- **Comprehensive Business Plans (1.5 hours)**
- **Lunch (1 hour)**
- **TEAs (1 hour)**
- **I-924 Adjudications Overview (1.5 hours)**
- **I-924 Exemplar Adjudications (45 minutes)**
- **I-924 Basic Adjudications (45 minutes)**

**SUPERVISORY FOLLOW-UP      Lead Employee Instructor/**

**Supervisor:**

**Day 7 TRAINING**

- **I-924 exercise (3 hours)**
- **Lunch (1 hour)**
- **ECN exercise (3 hours)**

- Review and Q&A (1 hour)

**SUPERVISORY FOLLOW-UP**      Lead Employee Instructor/

Supervisor:

**Day 8 TRAINING**

- Direct Job Creation (1.25 hours)
- Job Creation through the Regional Center (1.25 hours)
- In Depth "at risk" capital issues (1.25 hours)
- Lunch (1 hour)
- In Depth Source of Funds (1.25 hours)
- I-526 Adjudications (2 hours)

**SUPERVISORY FOLLOW-UP**      Lead Employee Instructor/

Supervisor:

**Day 9 TRAINING**

- I-526 sample case adjudication and intro to mentoring (all day)

**SUPERVISORY FOLLOW-UP**      Lead Employee Instructor/

Supervisor:

**Day 10 TRAINING**

- Economist Training (all day)
- Training Course Evaluation

**SUPERVISORY FOLLOW-UP**      Lead Employee Instructor/

Supervisor:

**WEEKS 3-4**

**Days 11-20 ACTIVE MENTORING**

Trainees will be in active mentoring stage for case certification. These days will be used effectively to review ten (10) I-526 cases associated with Regional Centers. Deadlines for both the trainee and mentors will be provided to turn in cases for mentor review and for mentor feedback from those

reviews. The goal is to have the AO trainee demonstrate a clear understanding of the underlying case eligibility issues to render the appropriate decision/action as appropriate.

#### **SUPERVISORY FOLLOW-UP**