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NBC Updates ? 04/02/10

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Submitted by Chief Editor on Apr 2nd 2010

Work permits and c9 I-765 application - The center recommends applicants and attorneys to follow the current Pre-Order Instructions which points out that applicants should file the renewed I-485 application with the TSC (Texas Service Center) when the form has been denied and renewed by the IJ. This also holds well when the applicant or attorney submits a new Form I-485 application to the IJ. For more on this please visit the USCIS page on **Immigration Benefits in EOIR Removal Proceedings and Pre-order Instructions**^[2].

In order to grant employment authorization under 8 CFR 274a.12(c)(9). NBC continues to require evidence of a pending Form I-485. NBC will search USCIS systems, and other available systems, to determine if the applicant has an I-485 application pending at the time the I-765 c9 application is filed as part of the adjudication process. When filing a c9 I-765 application the burden of proof of a pending I-485 application lies with the applicant or representative.

NBC accepts the following forms of evidence in support of the c9 I-765 application:

1. I-485 application, without a receipt number, with evidence from the Clerk's office that it has been accepted into the record.
2. A copy of the Court's order noting that the I-485 application for relief has been received into evidence.
3. I-797 Receipt Notice for an I-485 filed with the Texas Service Center with an SRC receipt number.
4. A Notice of Hearing from the Court stamped with "Fingerprints required for Adjustment.?"
5. An appointment letter from the Immigration Judge/Court, that bears a stamp indicating ?AOS filed with the IJ.?

Please note other court documents or USCIS documents indicating that an I-485 application is pending at the time the I-765 is filed is also acceptable.

I-90 filings and duplicate cards - Unless the production of two cards occur simultaneously USCIS will not issue duplicate cards and the officer is unable to determine from USCIS systems that a card is already in production. The application the applicant is adjudicating should be ended when an officer determines that a card is in production from another or duplicate application. The applicant or representative may file an I-90D application, with no fee, to have the card corrected when an I-551 card is produced with a USCIS error. The

applicant or representative should file an I-90E if an I-551 card is produced with an error or incorrect information due to the applicant or representative.

For more information on the instructions on I-90 check this link.

<http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnextoid=b3f7a>

[3]

Service errors and fee - When an I-290B is received by the NBC it reviews the processing and adjudication of the application upon which the Motion is filed as part of the I-290B adjudication process. The center (NBC) precisely looks for service error to find out whether or not the Motion shall be approved or denied.

While processing the denied application if an administrative or adjudicative error occurred the motion will be approved and the denied application will be reopened and a refund will be issued for the motion. However in a case where the applicant or representative overcomes the grounds of denial, then the motion will be approved. The application which was denied will be reopened and a refund will be issued for the motion.

Re-scheduling adjustment interviews - The applicant or representative should call the National Customer Service Center at 1-800-375-5283 as stated on the Interview Appointment Notice to re-schedule adjustment interviews. To re-schedule adjustment interviews an electronic referral with the request to reschedule the applicant will be sent to the NBC for MSC cases. NBC will forward the electronic referral to the office with jurisdiction if the interview has been scheduled by the Field Office. The Field Office with jurisdiction is in charge for rescheduling the applicant and notifying the applicant of the new date and time of the interview. NBC does not schedule or reschedule applicants for interview.

Field Office jurisdiction - Using the applicant's address from the I-485 application the Field Office jurisdiction is established. NBC will send the Interview Appointment Notice to the attorney or representative of record, as well as the applicant if the applicant has a G-28 on file.

Specific guidelines for submitting medical examinations for pregnant beneficiaries - A Civil Surgeon performs the Medical Examination and Review or Administer appropriate vaccinations for a pregnant applicant. He will be able to identify contraindications and precautions to vaccinations, such as live attenuated vaccines (MMR, Varicella, Zoster, Influenza) which should not be administered to pregnant women and also he will be able to document the information on the Form I-693 Medical Form.

For more information on this visit this website <http://www.cdc.gov/> [4]

Possible ?interview waiver? cases - By means of an electronic sweep of the case's information obtained from the I-485 and/or I-130, if present NBC identifies cases that may be eligible for an interview waiver in part. Some of the possible ?interview waiver? cases are

1. Unmarried minor children and stepchildren of US Citizens (IR7 and CR7)
2. Parent of US Citizen (IR0)
3. K1/K2 entrant? Fiancé(e) of US Citizen and children of Fiancé(e) (CF1/CF2)
4. Native/Citizen of Cuba filing under 11/2/66 Act (also spouses/children) (CU6/CU7)
5. Unmarried & Under 14 year old child of Lawful Permanent Resident (F27)

The integrity of all Family Pack applications will be maintained by NBC. None of the cases in the Family Pack will be selected for ?interview waiver? if one or more cases in a Family Pack does (do) not meet the interview waiver criteria.

If an MSC case is sent to the Service Center for adjudication and the Service Center determines that an interview is required. The application will be sent back to NBC for completion of any pre-interview processing steps and scheduling of the interview by the Field Office.

The Service centers send some employment-based I-485 applications are sent to NBC. The Service Centers have determined that these applications require an interview. The pre-interview processing steps that NBC normally takes, for I-485 family-based applications, are very limited in employment-based cases. Such cases are scheduled for interview by the Field Offices. Contact Service Center Operations for further information regarding the criteria utilized by the Service Centers to determine when employment-based I-485 cases require an interview.

USCIS guidance regarding interview waiver cases may be found in the Adjudicator?s Field Manual (AFM), Chapter 23.2, General Adjustment of Status Issues, see (h) Interview Waivers.

<http://www.uscis.gov/portal/site/uscis/menuitem.f6da51a2342135be7e9d7a10e0dc91a0/?vgnnextoid=fa7>

[5]

N-400 cases - As of December 2008 all newly filed N-400 applications are filed at the Phoenix or Dallas lockbox depending on jurisdiction.

Requests for Evidence on an N-400 and 485 when the applicant checks item D. 16 and arrests. - Original or certified copies of court orders, statements, dispositions, and/or police records are required at the time of the interview for both the I-485 & N-400 process. At the time of interview a naturalization applicant receives the CFR Notice (Complete File Review) which is designed to advise the applicant of case specific documents that the Service may require. Unlike an RFE it is merely an advisory notice to help the applicant and the CFR Notice does not place a hold on the N-400 application. N-400 applicants also receive Form N-659, Naturalization Interview Document Check List, which is sent with their Interview Appointment Notice. This notice advises the applicant of all documents that may be required at the time of interview. NBC does not RFE for specific documents for an N-400 application. An I-485 applicant may receive an RFE for police records/court documents for possible inadmissibility issues. A petitioner may receive an RFE for police records/court document in Adam Walsh cases.

Time taken between filing and receiving I-797 receipt notices - Receipt notices are issued by the Lockboxes. For concerns about specific forms and other inquiries USCIS has established a dedicated email account. Lockboxsupport@DHS.gov [6]

I-824 for the purpose of ?follow to join,? and I-824 filed for the purpose to receive a ?Duplicate approval notice? - For the purpose of ?follow to join,? the I-824 is generally filed concurrently with the I-485 Family-Based Adjustment of Status application package. For more information on this click here.

<http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnnextoid=3faf2>

[7]

On the other hand for the ?Duplicate approval notice,? if the receipt number of the approved application begins with MSC, then the I-824 should be sent to the Chicago Lockbox. NBC does not receipt in applications or accept fees.

The Lockbox has accepted stand-alone I-824 applications at the following address:

USCIS Lockbox
P.O. Box 805887
Chicago, IL 60680-4120

The following address should be used for courier service:

USCIS
Attn: FBAS
131 South Dearborn-3rd Floor
Chicago, IL 60603-5520

Team Notes:

Aila doc: 31584

Immigration Law :

Forms ^[8]

Agency:

NBC ^[9]

Green Card:

Form I-485 ^[10]

Form I-765 ^[11]

Source URL (retrieved on 19 Feb 2020 - 01:19): <https://immigration.com/news/form-i-485/nbc-updates-%E2%80%93-040210>

Links:

[1] <https://immigration.com/news/form-i-485/nbc-updates-%E2%80%93-040210>

[2]

<http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnextoid=3ebc829cbf3ae01>

[3]

<http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnextoid=b3f7ab0a43b5d01>

[4] <http://www.cdc.gov/>

[5]

<http://www.uscis.gov/portal/site/uscis/menuitem.f6da51a2342135be7e9d7a10e0dc91a0/?vgnextoid=fa7e539dc4bed>

[6] <mailto:Lockboxsupport@DHS.gov>

[7]

<http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnextoid=3faf2c1a6855d01>

[8] <https://immigration.com/law/immigration-law/forms>

[9] <https://immigration.com/agencies/agency/dhs/uscis/nbc>

[10] <https://immigration.com/greencard/green-card/form-i-485>

[11] <https://immigration.com/greencard/green-card/form-i-765>