

Joseph Edlow
Acting Director
US Citizenship and Immigration Services

By Electronic Mail

June 11, 2020

Dear Director Edlow:

On behalf of the undersigned organizations, the Immigrant Advocates Response Collaborative (I-ARC) is submitting this letter to detail concerns related to the re-opening of USCIS as restrictions ease in the wake of the COVID19 pandemic. **We respectfully request a telephonic or video conference no later than June 19, 2020 to discuss these matters further.**

To preserve due process and to ensure the impartial treatment of all parties, New York's legal service providers urge you to adopt the following measures as you consider how to re-open your offices.

Interview Policies:

- Commit to not holding in-person interviews until New York State fully emerges from its State of PAUSE.
- Make announcements about closures, reopening, and filings in several languages, not just English. At a minimum, announcements should be made in English, Spanish, and the other top ten languages served by the offices in the last 12 months.
- Automatically re-schedule all interviews for which the parties fail to appear during the first 4 months after reopenings, rather than issuing denials, administrative closure, or referrals to immigration court.
- Grant blanket reschedule requests of cases upon lists being submitted within four months of reopening by legal service providers or private attorneys having Form G-28 Notices of Appearance on file for such cases.
- Implement a broad communications campaign to ensure that all applicants are aware of the policies outlined above.
 - Include procedures specifically to allow for inquiries from pro se applicants, including in multiple languages, as detailed above.

In Person Safety Precautions

- Hire a public health safety consultant to create an evaluation of each USCIS field/district office and Application Support Center, including outlining what measures would be necessary to comply with Centers for Disease Control standards for social distancing.

Make this evaluation report available to the public within 90 days of reopening USCIS field/district offices.

- Reduce the number of interviewing officers on any given day to 25% of total officers to limit the number of individuals in the waiting rooms and to be able to space out interviews accordingly.
- Reorganize waiting rooms to allow for 6 feet of social distancing between individuals, and post adequate signage (in multiple languages, as detailed above) and other markers to remind individuals to comply with 6 feet of distance.
- Make sure interview spaces allow for adequate space between all individuals, which may include: an interviewer, a co-interviewer, an interpreter, an applicant, an applicant's counsel, and an applicant's co-counsel. Do not require the applicant and applicant's counsel to sit too close to each other.
- Make sure all spaces allow for adequate space -- including building security lines, elevators, and restrooms.
- Monitor waiting rooms and hallways consistently to ensure compliance with social distancing guidelines, and limit access to waiting rooms and hallways beyond the number of individuals who can safely comply with such guidelines.
- Implement cleaning protocols to sanitize offices and waiting rooms between each in-person interview.
- Adjourn interviews on days when safe social distancing is not possible given the volume of individuals present in the building and/or hallways and waiting rooms. These reschedules should not be charged to the applicants in terms of impact on the clock or any other processes.
- Continue to allow responses to Requests for Evidence and other Notices that have been scheduled for in person filing at a district office to instead be filed by mail for a period of 6 months.
- Provide Personal Protective Equipment (PPE), including masks and gloves, for all parties including applicants, and install hand sanitizing stations in or around the offices, hallways, and waiting rooms. Additionally, install air purification or filtration systems in all waiting rooms and offices. Examine the use of plexiglass partitions in other administrative offices around the state and adopt similar strategies based on best practices learned.
- Waive the presence of all minor applicants at interviews.
- Communicate regularly with EOIR and other tenants that may share space within the same office building at USCIS to coordinate the flow of staff, representatives, and members of the public entering and utilizing public spaces (elevators, hallways, waiting rooms).
- Provide interpreters at entry points to the office building to communicate information to applicants about building safety procedures and ensure that any health screenings are accurate and complete.

We thank you for your time and attention to this matter and look forward to your prompt response. For any further questions or concerns, please do not hesitate to contact Camille Mackler at cmackler@immigrantarc.org.

Respectfully submitted,

The Immigrant Advocates Response Collaborative
African Services Committee
Brooklyn Defender Services
CAMBA Legal Services
CARECEN NY
Catholic Migration Services
Center for Family Representation
Central American Legal Assistance
Community Legal Advocates of New York
Community Resource Center
Cornell Law School
Deportation Defense Clinic at Hofstra Law School
Emerald Isle Immigration Center
Erie County Bar Association Volunteer Lawyers Project, Inc.
Her Justice
Human Rights First
Immigrant & Refugee Services, Catholic Charities Community Services, Archdiocese of New York
Immigrant and Non-Citizen Rights Clinic, CUNY School of Law
Immigrant Justice Corps
Legal Services NYC
Lutheran Social Services of New York
Mobilization for Justice
Neighbors Link Community Law Practice
New York Law School Asylum Clinic
New York Lawyers for the Public Interest
Safe Harbor Project Brooklyn Law School
Safe Horizon
Safe Passage Project
TakeRoot Justice
The Door's Legal Services Center
The Legal Aid Society
The Legal Project
UnLocal
Urban Justice Center Domestic Violence Project
Volunteer Lawyers Project of Onondaga County

Cc: Timothy Houghton, District Director, New York City
Shyconia Burden, USCIS Community Relations Officer, New York City
Carmen Whaling, Field Office Director, Buffalo
Janice Owens, USCIS Community Relations Officer, Buffalo



**U.S. Citizenship
and Immigration
Services**

July 2, 2020

Ms. Camille Mackler
The Immigrant Advocates
Response Collaborative
Via Electronic Mail

Dear Ms. Mackler:

Thank you for your June 11, 2020 letter.

U.S. Citizenship and Immigration Services (USCIS) recognizes that individuals, employers and others face immigration-related challenges as a direct result of the coronavirus (COVID-19) national emergency. Responding to the pandemic requires everyone to work within rapidly changing, complex circumstances that create a variety of situations and conditions unique to individuals and communities. We carefully analyze these issues and manage our resources to effectively address these challenges within our existing authorities. USCIS continues to act to protect the American people and our communities and is considering a number of policies and procedures to improve the employment opportunities of U.S. workers during this pandemic.

Most USCIS field and asylum offices have resumed in-person services. We are following the Centers for Disease Control and Prevention's guidelines to protect our workforce and the public. Further, as announced on our website, USCIS has extended flexibilities for petitioners and applicants. Our website and outreach efforts provide guidance, resources and information to the public on the actions and policies we are implementing through these uncertain times. Our primary goal is to ensure the safety of the public and our employees as the situation evolves. For policy updates, operational changes and COVID-19 information, please visit our website at uscis.gov/coronavirus.

Thank you for continuing to bring your questions and concerns to us. We take stakeholder feedback under consideration while ensuring we can continue to perform our mission. We addressed questions received from your membership and other stakeholders at our national engagement on our reopening on June 18, 2020. Should you require any additional assistance, please contact the USCIS Public Engagement Division by email at public.engagement@uscis.dhs.gov.

Sincerely,

A handwritten signature in dark ink, appearing to read "Joe Edlow".

Joseph Edlow
Deputy Director for Policy