

# U.S. Citizenship and Immigration Services

# Immigration and Customs Enforcement (ICE)

Training Presentation

March 11, 2020

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#### Objectives

- To understand the background and origin of ICE.
- To become familiar with handling ICE documents, understand exceptions and review helpful hints.
- To review and assess ICE document headers and analyze document narratives for ICE related information.
- To understand when to refer documents to ICE and when not to refer documents to ICE.



### Processing Legend



### Processing Acronym Legend

WIF = Withhold in Full RIF = Refer in Full OOS = Out of Scope



#### Background

- ICE and USCIS share much of the same history.
- The Immigration Act of 1891 created the Office of Superintendent of Immigration, which was placed under the Treasury Department.
- In 1895 the Office of Superintendent of Immigration changed to the Bureau of Immigration.
- In 1933 the Bureau of Immigration and the Bureau of Naturalization merged to form the Immigration and Naturalization Service (INS), which was under the Department of Labor.
- INS was comprised of four main subdivisions: Programs, Field Operations, Policy and Planning, and Management.



- The Programs Division handled all functions pertaining to enforcement and investigations, including arrest, detention, and deportation of undocumented immigrants as well as the regulation and processing of all legal aliens attempting to enter the country.
- In 1940 the Department of Justice was created and INS was placed under that agency.
- In March, 2003 the Department of Homeland Security was created, which absorbed the INS, and the enforcement and service functions were separated into 2 new agencies:
  - Immigration and Customs Enforcement (ICE) and
  - United States Citizenship and Immigration Services (USCIS).
  - For a more in-depth history visit: https://www.ice.gov/history, https://www.uscis.gov/about-us/our-history, among other resources.



#### How to Handle ICE Documents

- Refer all ICE documents to ICE.
  - If the document originated with ICE, was authored by an ICE employee, or was addressed to ICE (\*excluding agencies we refer to), refer the document in full to ICE.
  - If the document is Legacy INS (prior to March 2003), first party, third party and blank ICE documents, refer the document in full to ICE.
  - If documents are exhibits filed or served with the Executive Office for Immigration Review (EOIR) and Board of Immigration Appeals (BIA), by ICE, refer the document in full to ICE for their processing.

Note: This does not include documents served to ICE, as in a civilian attorney serving documents to ICE in court.



#### Common ICE Titles

- Assistant District Director for Investigations (ADDI)
- Custody Specialist 287(g) (287g)
- Criminal Investigator (CINV or CI, Legacy INS)
- Deportation Officer (DO)
- Deportation & Removal Office (DRO)
- Designated Immigration Officer (DIO)
- Detention & Deportation Officer (DDO or DPO)
- Detention & Deportation Program (DDP or DD&P)
- Detention Enforcement Officer (DEO)
- Enforcement Removal Operations (ERO)

- Group Supervisor (GS)
- Immigration Agent (IA) NOTE: an Immigration Analyst is a USCIS employee
- Immigration Enforcement Agent (IEA)
- Institutional Hearing Program Director (IHP Director)
- Special Agent (SA)
- Supervisory Detention & Deportation Officer (SDDO)
- Supervisory Detention Enforcement Officer (SDEO)
- Supervisory Deportation Officer (SDO)
- Supervisory Immigration Enforcement Agent (SIEA)
- Supervisory or Senior Special Agent (SSA)



#### ICE Systems and Entities

- EABM, ENFORCE Application Booking Module
- EARM, ENFORCE Alien Removal Module
- EID, Enforce Integrated Database
- Enforce
- DACS or DAX, Deportable Alien Control System
- HSI, Homeland Security Investigations
- LESC, Law Enforcement Support Center System
- OPLA, Office of the Principle Legal Advisor
- PLAnet, Principal Legal Advisor Network, OPLA's system of record (successor of GEMS)
- GEMS, General Counsel Information Management System
- AIRG, Asset Identification and Removal Group (see TECS Codes CUA–CUZ)
- IRP, Institutional Removal Program
- IHP, Institutional Hearing Program

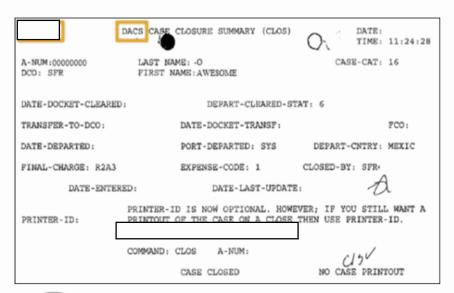
Note: This is not an all-inclusive list, refer to ICE- Additional Entities for further assistance.

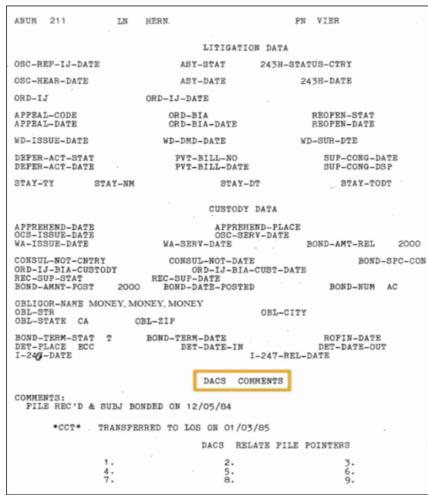


### Deportable Alien Control System (DACS)

(b)(7)(e)

- DACS (a.k.a DAX) is owned by ICE; therefore, RIF to ICE.
- The bottom example is an older DACS screen-print.
- The right example lists DACS COMMENTS.







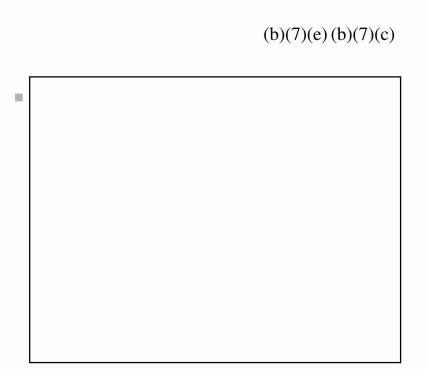
- The selected information originated with (i.e. was authored by) ICE; therefore, RIF to ICE.
- Notice the ORI = originating office.

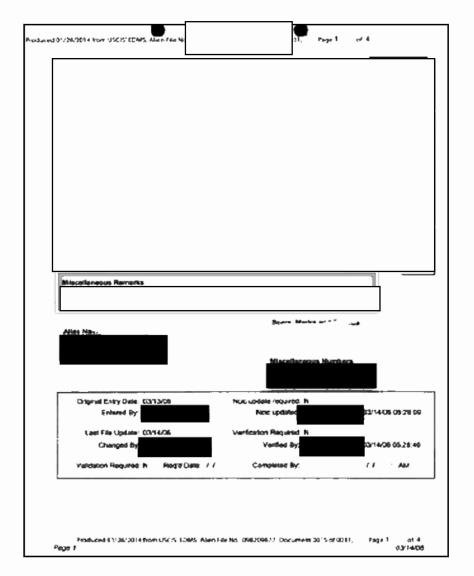
Note: This may be a multiple page screen-print.

(b)(7)(e)(b)(7)(c)		
		10/17/1965
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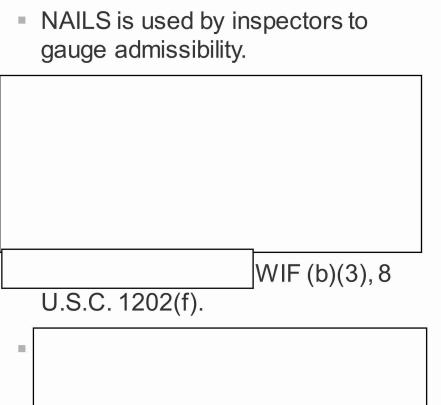
### Report





### National Automated Immigration Lookout System (NAILS) Inquiry

(b)(7)(e)



FIXSM261 INSP ID:	NAILS LOOKOUT INQUIR	Y DATE: 10/17/1965 TIME: 05:05:05
AGENCY RECORD #: KINGKO LOOKOUT NAME LAST: LANGE FIRST: JESSICA DATE OF BIRTH: 04/20/1949	NG900	MIDDLE: A-NUMBER: 000000000
LOOKOUT TYPE (P/T): P REVIEW STATUS: A OPTIONS: A = APPROVED R = REVIEW REQU D = DENIED S = SENT TO RE-E	JIRED (TEMPOARY)	CONV/REJ BY: DATE: 00/00/0000 PARED BY: DACS DATE: 00/00/0000 LAST UPD BY: DACS DATE: 00/00/0000



### Central Index System (CIS) CI/EARM Subsystem Display

 The selected fields, in the middle section of the screen print, contain information; therefore,
 RIF to ICE.

Note: If the selected fields, do not contain information (i.e. are all blank) you may release the screen print. (b)(7)(e)

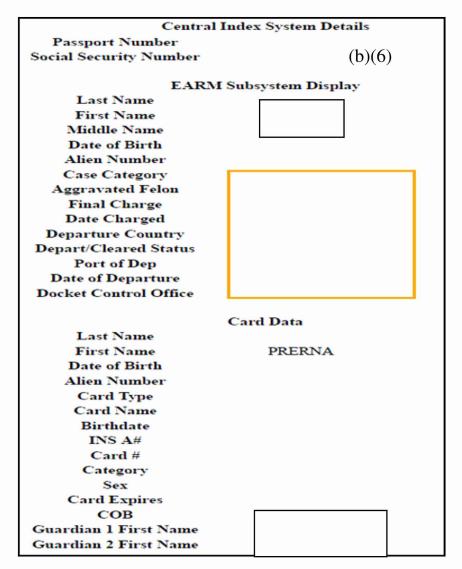
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LAST NAME: FIRST NAME: MIDDLE NAM					
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### Person Centric Query Service (PCQS) Central Index System Details - EARM Subsystem Display

 If the selected fields, in the middle section of the screen print, contain information, RIF to ICE.

Note: If the selected fields, do not contain information (i.e. are all blank) you may release the screen print.



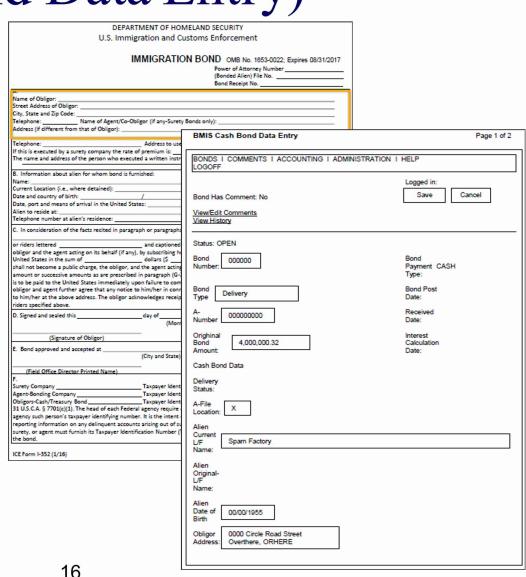


### Form I-352 (Immigration Bond & BMIS Cash Bond Data Entry)

- Left example: Immigration Bond.
- Right example: The Bond Management Information System (BMIS) is owned by the ICE Office of Financial Management (OFM)
- Therefore, RIF both to ICE.

Note: If the bond packet includes the Obligor's identification and/or any form of payment, also RIF to 1CF





### Forms I-203 (Order to Detain or Release Alien) & I-216 (Record of Persons and Property Transferred)

- Top example: Form I-203, both CBP and ICE Law Enforcement Officials use this.
- Bottom example: Form I-216, although CBP operates the Automated Targeting System (ATS), ICE also uses this.

Note: If the authorizing official's title is an ICE official and/or the form is addressed to ICE, RIF to ICE.



(b)(6)(b)(7)(e)

ORDER TO	DETAIN OR REI	EASE ALIEN	
TO: (NAME and TITLE of Person In Charge of Fa	cility		
OIC, MDC			
(Name of Facility) GUAYNADO MDC (SAN PAN)			
PO BOX 2222			
SAN PAN, QT 00000			
Please Detain Release		Date	Time
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Name of Alica		File Number	
		Case No:	
Age Date of Birth (Mo./Day/Yr.) Sex Nationa	ality Foreign Addr	ess	
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NTA/WA			
REMARKS:			
Signature of Officer Authorizing Action	Title	Office	
Mister Mister	SA	BSMO	
Form I-203 (Rev. 8/24/2016) E			
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### Detainee Classification System (b)(6) (b)(7)(e) (b)(7)(c)

**Primary Assessment** 

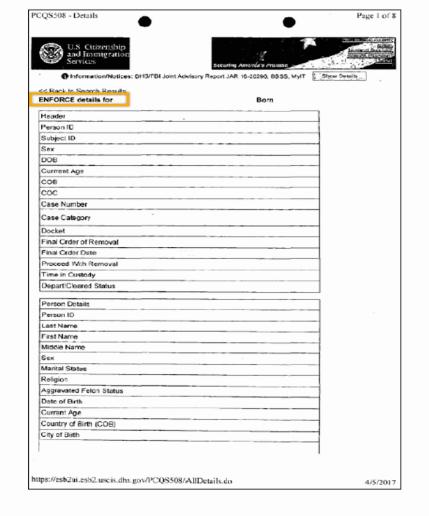
The header of this document is an excellent indicator of its origin and it was "CLASSIFIED BY" an Immigration Enforcement Agent (IEA); therefore, RIFto ICE.

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	Detainee C	lassification System – F	rimary Assessment	(
NAME:		1	A#	000
D.O.B.:		Country of Citizenshi		BRZ
CLASSIFIED BY:			ID #)	DATE: 05/02/2003
DIST/SPC	RI	LANGUAGE: (ENC	GLISH Y/N) OTHER:	

### Person Centric Query Service (PCQS) ENFORCE & EARM Screen-Prints

- PCQS is a system that pulls information from many different internal and external systems.
- ENFORCE and EARM are ICE systems; therefore, RIF screen prints to ICE.

Note: PCQS screen prints are often multi page documents.

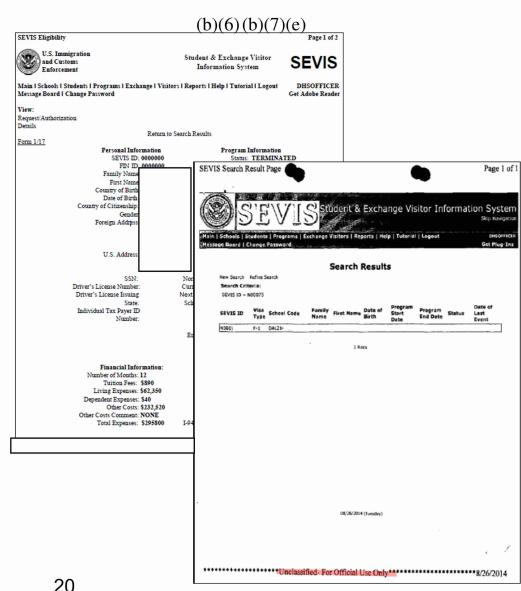




### Student & Exchange Visitor Information System (SEVIS)

- SEVIS allows government organizations to review information on nonimmigrants whose primary reason, for coming to the United States, is to be students.
- SEVIS is a part of the National Security Investigations Division (NSI) and is a part of ICE; therefore, RIF to ICE.





#### SEVIS Information in PCQS

- This SEVIS information was part of a PCQS search; therefore, do not refer to ICE.
- Per ICE, in this case, you may release the SEVIS Information.





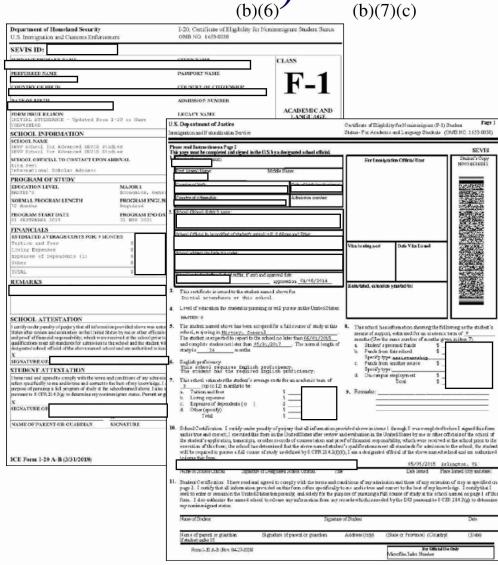
# Form I-20 (Certificate of Eligibility for Nonimmigrant Student Status)

- Left example: Form I-20, is a previous U.S. Department of Justice document.
- Right example: Form I-20

   (a.k.a. SEVIS Fact Sheet),
   is a redesigned Department of Homeland Security document.
- Therefore, RIF both versions to ICE.

Note: These are often multi page documents.

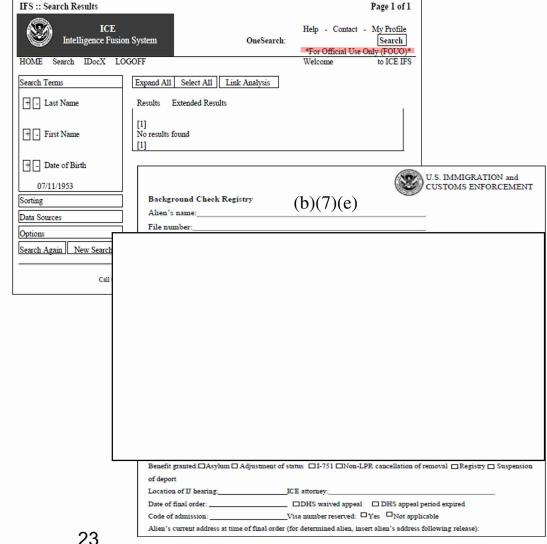




### Intelligence Fusion System (IFS) & Background Check Registry (BCR)

- Left example: IFS.
- Right example: BCR.
- The header of these documents are an excellent indicator of their origin; therefore, RIF to ICF.

Note: RIF documents to ICE, even if blank.



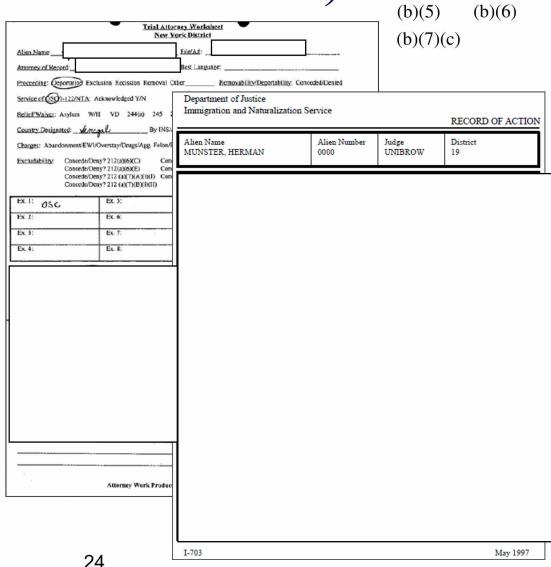


## Trial Attorney (TA) Worksheet & Form I-703 (Record of Action)

- Left example: TA Worksheet.
- Right example: ROA.
- In this case, both were prepared in conjunction with deportation proceedings; therefore,
   RIF both to ICE.

Note: The Record of Action is an Attorney Work Product.

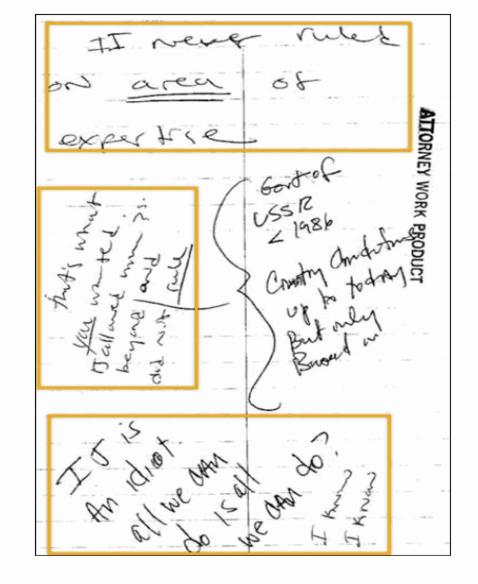




#### Attorney Work Product

- Review and evaluate this document, even though it is stamped "Attorney Work Product", to ensure it was prepared in conjunction with a deportation hearing/ proceeding.
- These notes were prepared in conjunction; therefore, RIFto ICE.

Note: Also evaluate surrounding pages.



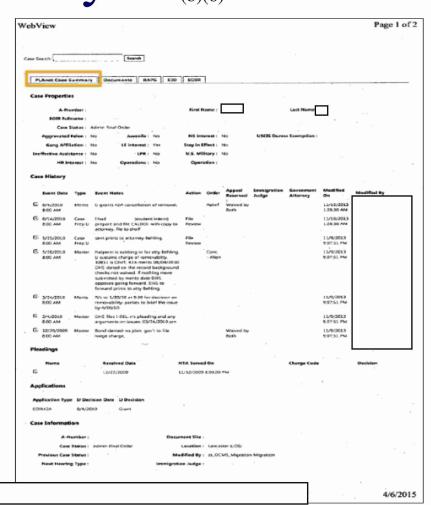


### Principal Legal Advisor Network (PLAnet) Case Summary (b)(6) (b)(7)(c) (b)(7)(e)

 This is the Office of Principal Legal Advisors (OPLA) system of record and is the successor of General Counsel Information Management System (GEMS); therefore,
 RIF to ICE.

Note: All screen-prints from either system (PLAnet and GEMS), should be RIF to ICE.





#### PLAnet Stamp

- The PLAnet stamp is evidence OPLA placed this document in the Principal Legal Advisor Network.
- The same applies for documents with a GEMS stamp, do not RIF unless the document meets one of the ICE referral criteria (see "Note" below).

Note: The Form EOIR 28 did not meet one of the ICE referral criteria (i.e., if the document originated with ICE, was authored by an ICE employee, or was addressed to ICE). Therefore, we will process it rather than RIF to ICE.

Additional Note: We do not redact Trial Attorneys, legal clerks and OCC staff; therefore, do not redact the stamp or initials.



amigration Court	stice migration Review	N	No		of Appearance as Attorney Before the Immigration Con
Type or Print) NAME AND ADDRES	S OF REPRESE	ENTED PARTY			ALIEN ("A") NUMBER (Provide A-number of the party represented in this case.)
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Attorney or Represent	ntina (nlease et -	ok ana af the f-11	owine)-		
Full Name of Court			Bar Nun	nber (if applicat	ole)
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#### Field Operations Worksheet & Form I-170 (Deportation Case Check Sheet)

(b)(7)(c)(b)(7)(e)

**Documents mentioning** detention, deportation, removal, and/or investigations are good indicators the information may belong to ICE; therefore, RIF to ICE.

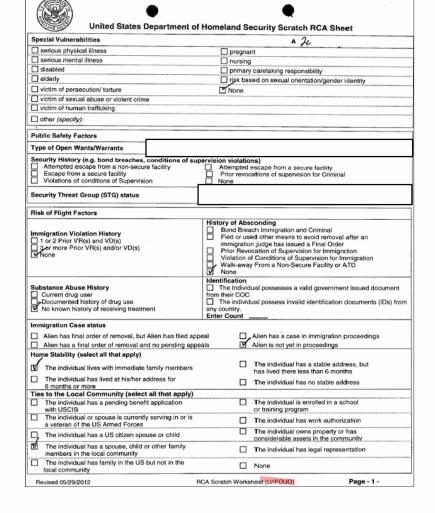
Note: RIF documents to ICE, even if blank.



IMMIGRATION & C ENFORCEMENT AN	MENT OF HOMELAND SECURITY USTOMS ENFORCEMENT D REMOVAL OPERATIONS TIONS WORKSHEET	
DATE: 01-13-14	CASE #: CRIM NTA	$\dashv$
Case Officer		7
	DEPORTATION	CASE CHECK SHEET
Name: COWBOY, RHINESTONE   File Number: 00000   Sex:   B   Height   5'11"   Weight   276   Eye Color:	ALIEN: Alias ADDRESS:	FILE A # BOP#: R/D:
Scars, Marks, and/or Tattoos, Unknown	ACTION TO BE COMPLETED (Date)	ACTION TO BE COMPLETED (Date)
FBI Number: 00000 Social Security Numb	er Stamped	252 (b) CASES
Driver's License Number Issuing St		
IMMIGRATION HISTORY EARM Undeted 01-13	M-125 Docket Control Tape  I-210 Voluntary Departure Notice	I-99 Notice of Revocation and Penalty I-299 Notice to Detain and Deport
	1-205 warrant or Deportation	1 200 House to Detail and Deport
Other Litigation Checks Benefits Checks:	I-229 Warning of six-month Limit 242(e)	ARRANGING TRANSPORTATION
ABC TPS Family U	Juity I-217 Information – Travel	I-288 Notice to
	I-217A Document Application	Transportation Line
	I-141 Medical Certificate	I-380 Record of Billable Expense
	Notice of Dep'n Destination	Demand for
CRIMINAL HISTORY	1-294	I-340
209A - 2 YRS PROB     ASSAULT AND BATTERY - G 1 YR POB	And Penalty for Reentry	Surrender Under Bond  Demand for Surrender
2. B&E - DISM	Bond Breach	I-166
POSS BURG TOOLS - CWOF 6 MONTHS	I-391 Cancellation	For Deportation
3. LARCENY - CWOF 6 MONTHS	T.D. Request Country	
TRESPASS - CWOF 6 MONTHS	I-241	G-391 Detail of Det. Off.
ASSAULT AND BATTERY DW – DISM     RECEIVE STOLEN PROP – DISM	Designated by Alien T.D. (C-N) Request	Record of Person &
5. COMP INS - DISM	1.5. (0.14) helped	I-216
5. THREATENING - G FILED	Country of Naturalization	Property Transferred
6.	PASSPORT NOTED = 0.1.242.10(G)	I-164 Document Envelope
LAST KNOWN ADDRES	S Notice of Detention	CLOSING ACTIONS
	1-286	I-157 Notice of Deportation
Address	Or Release Conditions	
City		G-189
Telephone number(s)	I-200 Warrant for Arrest of Allen	Statistical punch Card G-174
Secondary Address	I-203 Order to Detain or Release Allen G-589 Property Receipt	G-143 Lookout Notice Worksheet Disposition Notice – FBI
Vehicles:	G-590 Property Envelope	Disposition Notice – RCMP
venicies.	Statement of Detained Allen	
	I-43 Baggage & Personal Effects	Deportation Expense Billed
	All en (is) (is not) detained and ready for deportation to	
	Date	Deportation Officer
20	Form I-170	

### DHS Scratch Risk Classification Assessment (RCA) Sheet

 Enforcement and Removal Operations (ERO) uses this form to track detention, removal and release; therefore, RIF to ICE.



(b)(7)(e)



# Record of Measures Taken to Obtain Travel Document for Deportation

 Enforcement and Removal Operations (ERO) uses this for removal; therefore,
 RIF to ICE.

Note: Refer document to ICE, even if blank.

. ALIEN'S NAME	OFFICE				FILE NUMBER
2. COUNTRY DESIGNATED BY ALIEN	DATE APPLIED	FOR	DENIED CONSUL EMBASSY HOME AUTH	ORITIES	DATE
3. COUNTRY OF WHICH A CITIZEN	DATE APPLIED	FOR	DENIED CONSUL EMBASSY HOME AUTH	ORITIES	DATE
4. COUNTRY OF WHICH A NATIONAL OR SUBJECT	DATE APPLIED	FOR	DENIED CONSUL EMBASSY HOME AUTH	ORITIES	DATE
S. COUNTRY OF WHICH LAST A RESIDENT BEFORE ENTERING U.S.	DATE APPLIED	FOR	DENIED CONSUL EMBASSY HOME AUTH		DATE
6. COUNTRY FROM WHICH ALIEN LAST ENTERED U.S.	DATE APPLIED	FOR	DENIED CONSUL EMBASSY HOME AUTH		DATE
7. COUNTRY OF FOREIGN PORTFROM WHICH EMBARKED CONTIGUOUS TERRITORY	FOR U.S. OR FOREIG	SN .	DATE APPLIED		DATE DENIED
COUNTRY WHERE BORN			DATE APPLIED I	OK	DATE DENIED
9. COUNTRY WHERE PLACE OF BIRTH NOW SITUATED			DATE APPLIED I	OR	DATE DENIED
10. COUNTRY WHERE ALIEN RESIDED PRIOR TO ENTERING ENTERED U.S.	G COUNTRY FROM	WHICH HE	DATE APPLIED I	FOR	DATE DENIED
11. COUNTRY WHICH HAD SOVEREIGNTY OVER BIRTHPLA	ACE AT TIME OF BIR	тн	DATE APPLIED I	FOR	DATE DENIED
2. OTHER COUNTRY APPLIED TO			DATE APPLIED	FOR	DATE DENIED
3. OTHER COUNTRY APPLIED TO			DATE APPLIED	FOX	DATE DENIED
4. STATE DÉPARTMENT ASSISTANCE REQUESTED ON:		RESULTS			
15. ASSISTANCE OF SERVICE OFFICER ABROAD REQUESTED		RESULTS			
DFFICE 16. TO REGIONAL COMMISSIONER REGARDING 243(g) AC	DATE	RESULTS			
COUNTRY 17. REASONS FOR NOT APPLYING ELSEWHERI	DATE E		11		
IS FINAL DETERMINATION MADE THAT UNDE CONDITIONS, A TRAVEL DOC. TO EFFECT DEPO NOT AVAILABLE		SIGNATU	RE	TITLE	DATE

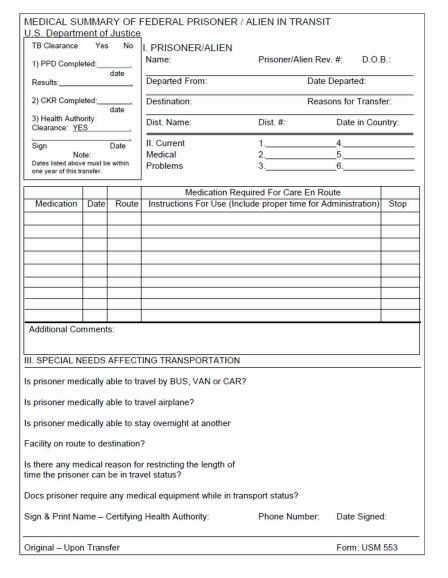


### Medical Summary of Federal Prisoner Alien in Transit MEDICAL SUMMARY OF FEDERAL PRISONER / ALIEN IN TRANSIT

If this form is signed by an ICE agent, RIF to ICE.

Note: If this form is filled out by a U.S. Marshal, RIF to USM.

Additional Note: If this form is signed by CBP, redact the officers name, and RIF to USM.



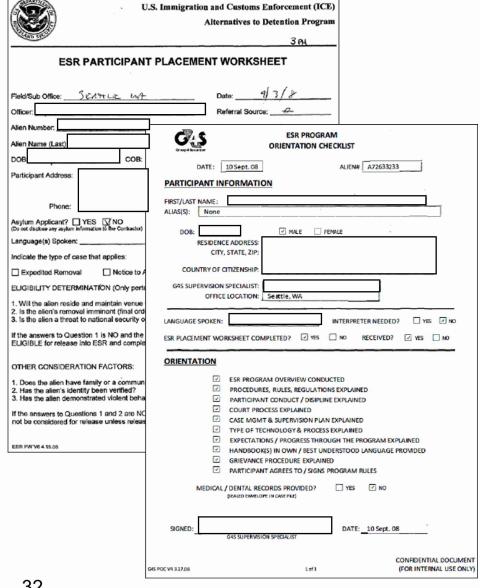


#### Alternative to Detention (ATD)

- ICE operates the Alternative to Detention (ATD) programs.
- The two programs are: the Intensive Supervision Appearance Program (ISAP) and the Enhanced Supervision Reporting (ESR).

Note: They both are provided by vendors who are contracted with ICE; therefore, RIF both to ICE.

Additional Note: These are often multi page documents.



(b)(6) (b)(7)(c)(b)(7)(e)



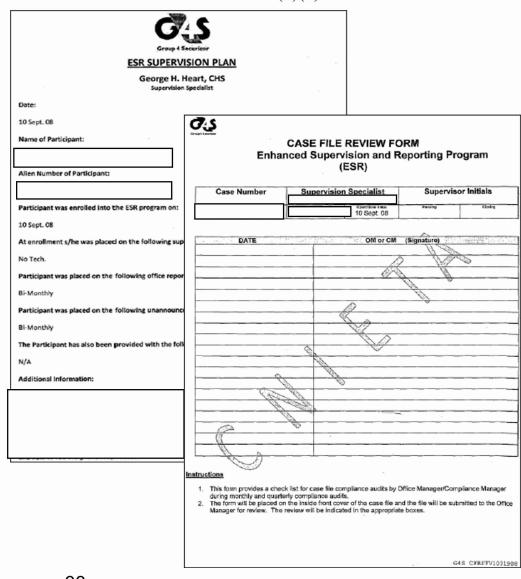
### Enhanced Supervision Reporting (ESR)

(b)(7)(c) (b)(6)

 The Enhanced Supervision Reporting (ESR) program is within the ICE Alternative to Detention (ATD) program.

Note: the ESR is provided by vendors contracted with ICE; therefore, RIF to ICE.

Additional Note: These are often multi page documents.



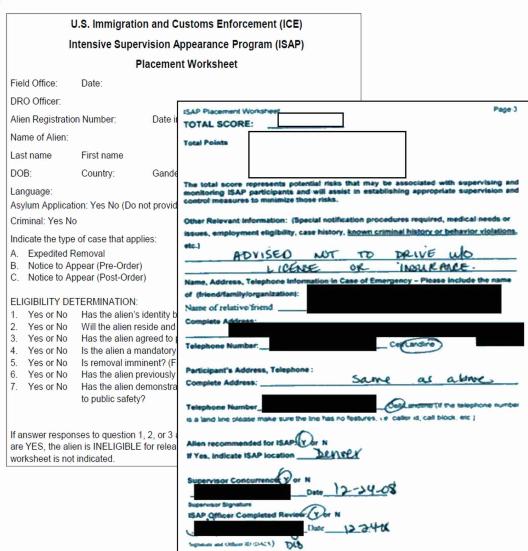


### Intensive Supervision Appearance Program (ISAP) (b)(7)(e)

 The Intensive Supervision Appearance Program (ISAP) program is within the ICE Alternative to Detention (ATD) program.

Note: the ISAP is provided by vendors contracted with ICE; therefore, RIF to ICE.

Additional Note: These are often multipage documents.



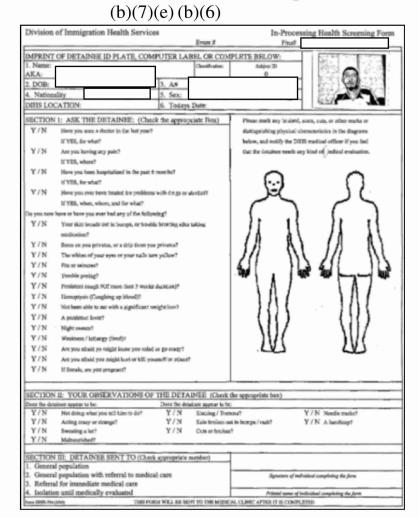


### Division of Immigration Health Services (DIHS) In-Processing Health Screening Form

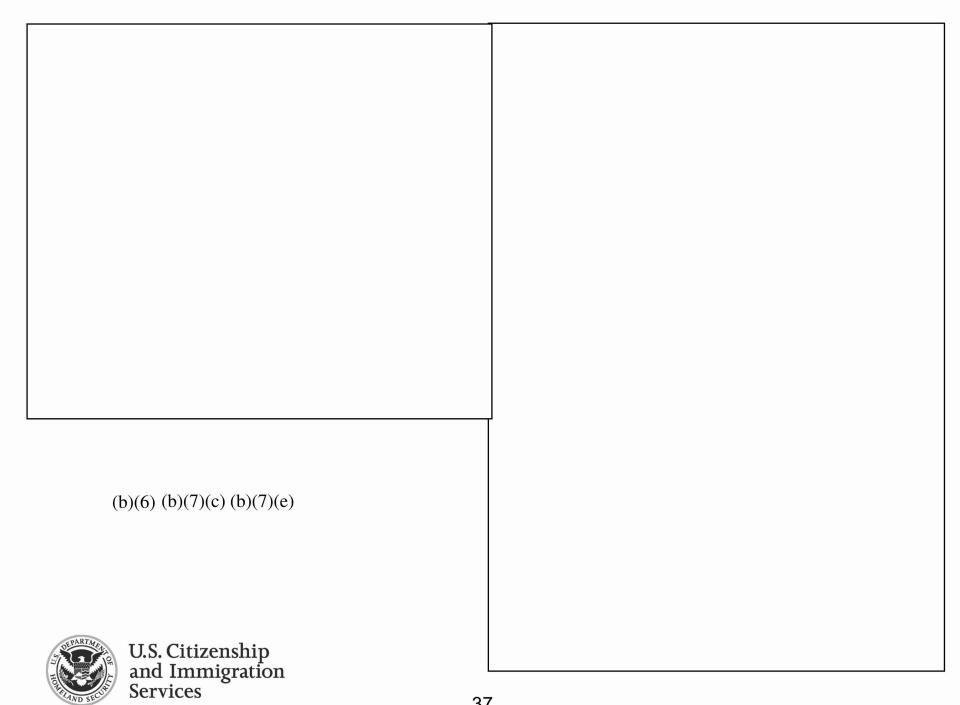
 The DIHS is a stand alone medical unit, and it serves as the medical authority and provider of care, for all detainees in ICE custody who are housed in DIHS staffed detention centers.
 Therefore, RIF to ICE.

Note: Even if CBP signed this form, RIF to ICE.

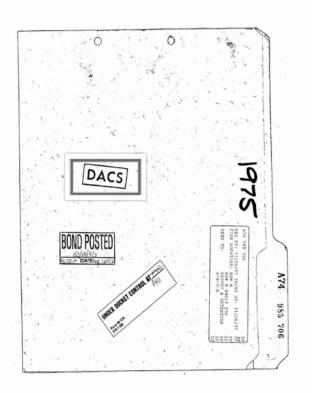


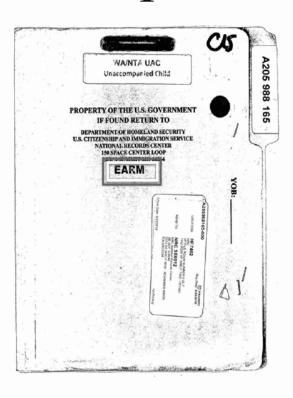


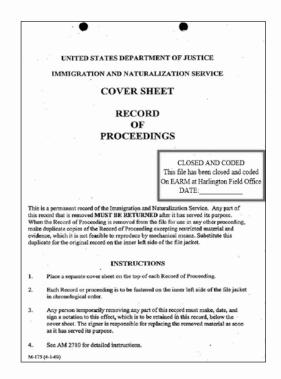
	Record (b)(6) (b)(7)(c) (b)(7)(e)					
U.S. Citizenship and Immigration Services	0.0					



#### DACS/EARM Stamp







 We do not redact the stamp but we would redact any result that may accompany the stamp.

Note: This particular stamp does not signify a positive or negative result. It signifies the case has been entered into DACS/EARM.



## Daily DRO News Submission Report

The Daily DRO News
 Submission Report belongs
 to ICE; therefore; RIF to
 ICE.

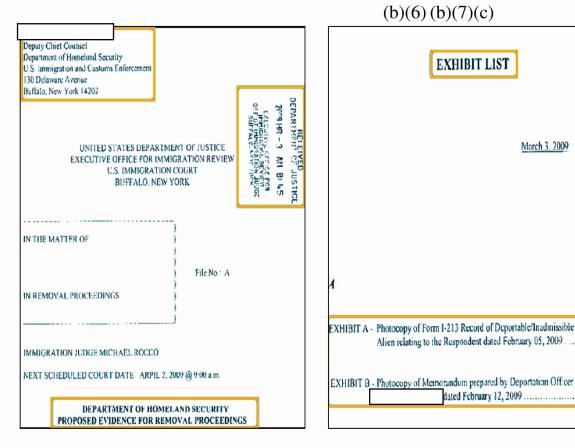
- Unfortunately a copy of this document has not yet been located.
- If you happen to discover this document, please send the NRC control number along with page range to the following mailbox:

(b)(6)

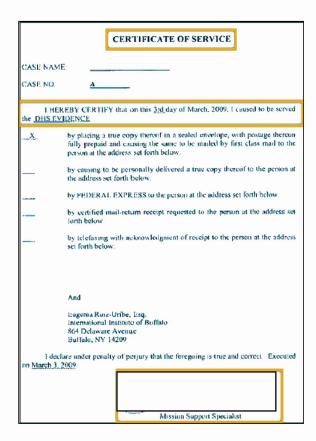


Thank you.

#### ICE Documents Filed/Served in Court



(b)(6)(b)(7)(c)EXHIBIT LIST March 3, 2009 EXHIBIT A - Photocopy of Form 1-213 Record of Deportable/Inadmissible Alien relating to the Respondent dated February 05, 2009 . . . . . pp. 3-5



If ICE submitted documents in court, RIF the entire packet.

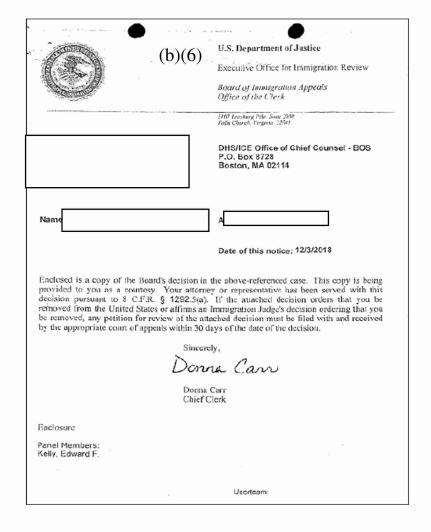


dated February 12, 2009 ......p. 6

# The remaining slides are examples of "some" documents that will not be RIF to ICE.

# Executive Office for Immigration Review (EOIR) / Board of Immigration Appeals (BIA)

 Release this document if this relates to your Subject.





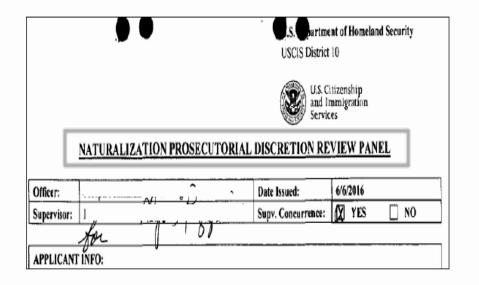
# Naturalization Prosecutorial Discretion Review Panel (NTA Review Panel)

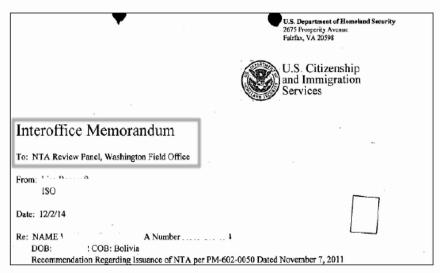
- The NTA Panel is a USCIS function.
- The NTA Panel is convened when an Immigration Services officer (ISO) determines a naturalization applicant is eligible for naturalization but is removable or improperly adjusted to an LPR.
- The NTA Panel consists of a local Supervisory Immigration Services Officer (SISO), a local USCIS Office of Chief Counsel (OCC) attorney and a District representative.
- Although an ICE attorney may sign the Panel's memorandums, the document did not originate with ICE, was not authored by ICE nor is it addressed to ICE; therefore, do not RIF to ICE.

Note: An ICE attorney is invited to participate, only in an advisory role.



#### NTA Review Panel





- NTA Panels are both pre-decisional and deliberative.
- They are used for determining if the applicant should be issued a Notice to Appear for removal proceedings.
- Provided above are 2 types of NTA Panel Memorandums commonly seen.

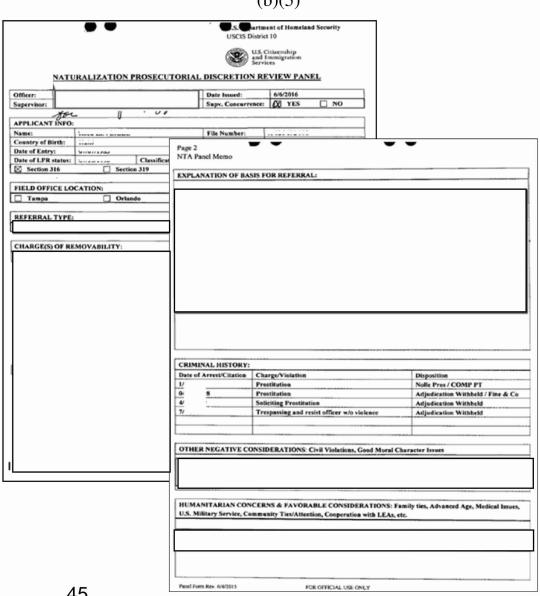
Note: These are often multi page documents.



# NTA Review Panel (example I)

- Redact ISO and SISO's name, citing (b)(7)(C).
- Redact Referral Type and Charge(s) of Removability sections, citing (b)(5).
- Redact the deliberative and pre-decisional information, citing (b)(5).
- Review for possible law enforcement information and protected system results.
- If PA, add applicable PA exemptions.



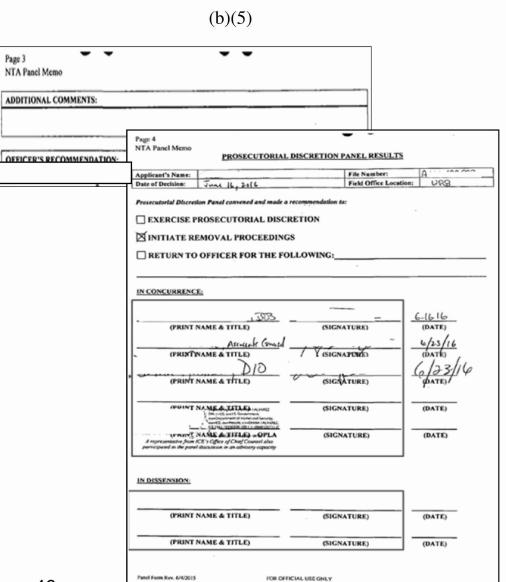


#### NTA Review Panel

- Redact ISO's recommendation, citing (b)(5).
- NTA Panel's results (i.e. ultimate decision) can be release, it is no longer predecisional.
- Redact all panel members, citing (b)(7)(C).
- If PA, add applicable PA exemptions.

Note: An ICE attorney is invited to participate in an advisory role only; therefore, do not RIF to ICE.

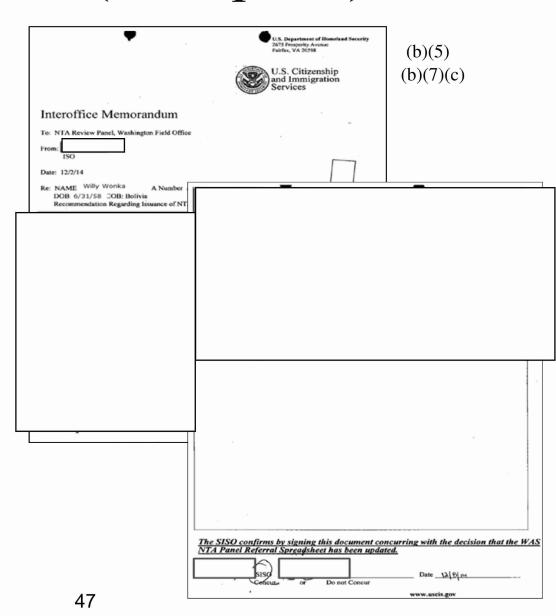




### NTA Review Panel (example II)

- Redact ISO's name, citing (b)(7)(C).
- Redact entire Category and Recommendation sections, containing deliberative and predecisional information, citing (b)(5).
- Review for possible law enforcement information and protected system results.
- Redact SISO's name at bottom of the last page, citing (b)(7)(C).
- If PA, add applicable PA exemptions.





#### NTA Review Panel II

- Redact all panel members, except for the Field Office Director, citing (b)(7)(C).
- If PA, add applicable PA exemptions.

Note: An ICE attorney is invited to participate in an advisory role only; therefore, do not RIF to ICE.

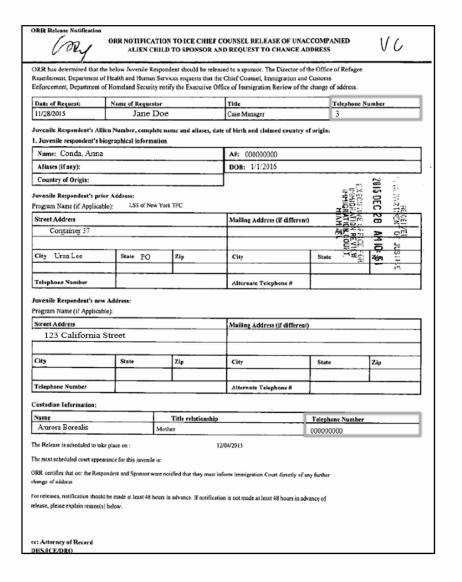
	nadmissible and Removable Aliens," the N-400 NTA
Review Panel met on to	review the case(s) listed below.
After careful consideration of the facts and circum rendered the following decision(s). If follow up act accompany this memo.	stances involved in the case(s), the panel has tions are needed, a separate memo outlining such will
Category A (criminal conviction outside stat	Category B (Inadmissible at
period)	adjustment/admission)
☐ No NTA. Adjudicate favorably	☐ No NTA. Adjudicate favorably
☐ No NTA. Deny N-400 per INA 318 (if applicable)	No NTA. Deny N-400 per INA 318
☐JICE will issue NTA. Place N-400 on hold	☐ Issue NTA. Place N-400 on hold
, Section Chief	
USCIS, Office of Chief Counsel	Counsel



#### **ORR Notification to ICE**

- Redact the Case Manager's and sponsor's phone numbers, citing (b)(6), unless they have been released elsewhere in the file.
- If PA, release.

Note: Do not refer to ICE or ORR.





# Form I-294 (Warning to Alien Ordered Removed or Deported)

- ICE and CBP use this form.
- If ICE completes and signs the document, RIF to ICE.
- If ICE and CBP both sign, RIF to ICE.
- If CBP completes and signs the document, process (i.e., release, redact, WIF or RIF).

Note: This particular example was completed and signed by CBP; therefore, we will process it. In this case, process means release.



#### DEPARTMENT OF HOMELAND SECURIT U.S. Immigration and Customs Enforcement WARNING TO ALIEN ORDERED REMOVED OR DEPORTED Date: 01/01/2016 In accordance with the provisions of section 212(a)(9) of the Immigration and Nationality Act (Act), you are prohibited from entering, attempting to enter, or being in the United States: For a period of 5 years from the date of your departure from the United States because you have been found deportable under section 237 of the Act and ordered removed from the United States by an immigration judge in proceedings under section 240 of the Act initiated upon your arrival in the United States as a returning lawful For a period of 10 years from the date of your departure from the United States because you have been found: deportable under section 237 of the Act and ordered removed from the United States by an immigration judge in proceedings under section 240 of the Act. inadmissible under section 212 of the Act and ordered removed from the United States by an immigration judge in proceedings under section 240 of the Act initiated as a result of your having been present in the United States deportable under section 241 of the Act and ordered deported from the United States by an immigration judge in proceedings commenced before April 1, 1997 under section 242 of the Act. deportable under section 237 of the Act and ordered removed from the United States in accordance with section 238 of the Act by a judge of a United States district court, or a magistrate of a United States magistrate court. [X] For a period of 20 years from the date of your departure from the United States because, after having been previously excluded, deported, or removed from the United States, you have been found: inadmissible under section 212 of the Act and ordered removed from the United States by an immigration judge in proceedings under section 240 of the Act deportable under section 237 of the Act and ordered removed from the United States by an immigration judge in proceedings under section 240 of the Act. deportable under section 237 of the Act and ordered removed from the United States in proceedings under section 238 of the Act deportable under section 241 of the Act and ordered deported from the United States by an immigration judge in proceedings commenced before April 1, 1997 under section 242 of the Act. ✓ to have reentered the United States illegally and have had the prior order reinstated under section 241(a)(5) of At any time because you have been found inadmissible or excludable under section 212 of the Act, or deportable under section 241 or 237 of the Act, and ordered deported or removed from the United States, and you have been convicted of a crime designated as an aggravated felony, as defined under section 101(a)(43) of the Act After your removal has been effected you must request and obtain permission from the Secretary of Homeland Security to reapply for admission to the United States during the period indicated. You must obtain such permission before commencing your travel to the United States. Application forms for requesting permission to reapply for admission may be obtained by contacting any United States Consulate or U.S. Department of Homeland Security office. Refer to the above file number when requesting forms or information. WARNING FOR ALL REMOVED ALIENS: It is a crime under Title 8 United States Code, Section 1326, for an alien who has been removed from the United States to enter, attempt to enter, or be found in the United States without the Secretary of Homeland Security's express consent. Depending on the circumstances of the removal, conviction for this crime can result in impressionment of a packet of tree 2 to 20 and on the circumstances. SPECIAL NOTICE FOR SEX OFFENDERS: Federal Law requires a convicted sex offender, including an alien who has been removed from or otherwise departed the United States and subsequently returns, to register in each jurisdiction in the United States in which he or she resides, is employed, or is a student. Violation of this requirement can result in prosecution and impris 18 United States Code, Section 2250. / MCALLEN, TX, BORDER PATROL STATION (Signature of officer serving warning) (Location of DHS office) DHS Form 1-294 (3/12)

### An Exception to the ICE Rule (b)(6) (b)(7)(c) (b)(7)(e)

ICE does not want documents. originating with and/or authored by other agencies, or merely addressed to ICE.

For example, documents originating with and authored by CIA, yet is addressed to ICE, will be RIF to CIA.

This also includes, documents originating with and authored by BOP, yet are addressed to ICE, will be process per BOP guidance.



# Questions?





# U.S. Citizenship and Immigration Services

#### **IDENT System**

**Training Presentation** 

March 11, 2020

WARNING: This training presentation is FOR OFFICIAL USE ONLY (FOUO) and is intended for internal National Records Center use only. It contains information that may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). This document is to be controlled, handled, transmitted, distributed, and disposed of in accordance with Department of Homeland Security policy relating to Sensitive But Unclassified (SBU) information and is not to be released to the public or other personnel who do not have a valid need to know without prior approval from the FOIA Officer.



## Objective

To understand the IDENT system, how it relates to IAFIS, and differentiate between the IDENT system and the FBI results .

(b)(7)(e)

# Processing Legend



## Processing Acronym Legend

WIF = Withhold in Full

RIF = Refer in Full

OOS = Out of Scope



#### **IDENT**

- IDENT is the Office of Biometric Identity Management's (OBIM) biometric identification system.
- The type of data collected within IDENT includes fingerprints, photographs, biographical and case related data.

#### **IDENT**

- IDENT supports the missions of:
  - U.S. Customs and Border Protection (CBP)
  - U.S. Immigration and Customs Enforcement (ICE)
  - U.S. Citizenship and Immigration Services (USCIS)
  - U.S. Coast Guard (USCG)
  - Department of Defense (DOD)
  - Department of the State (DOS)
  - Department of Justice (DOJ)
  - Transportation Security Administration (TSA)
  - The intelligence community

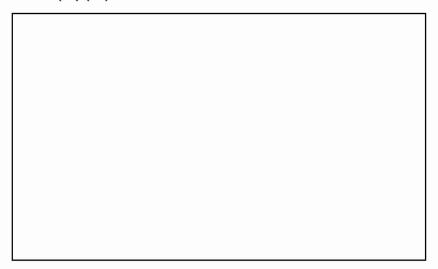


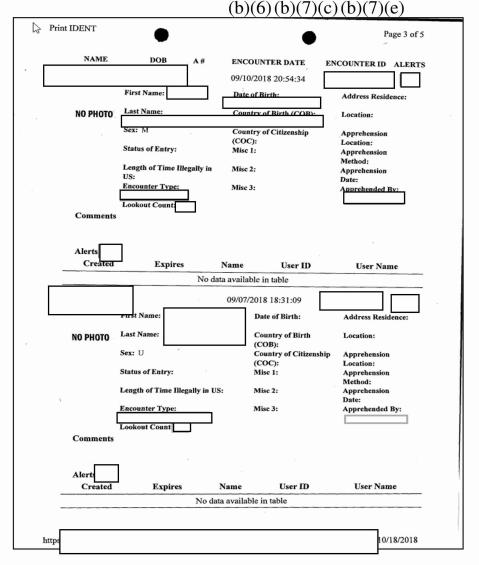
#### **IDENT**

- In 2014 the FBI asked OBIM to run 125 fingerprints from Malaysian Airlines Flight 17 to help identify victims.
- The IDENT system was able to match more than a dozen identities.

#### IDENT System Screen-Print

- Redact LE officer's names (b)(7)(c), and
   (b)(7)(E), add (k)(2) if a PA case.
- Review Encounter Type and redact sensitive information (b)(7)(E), add (k)(2) if a PA case.



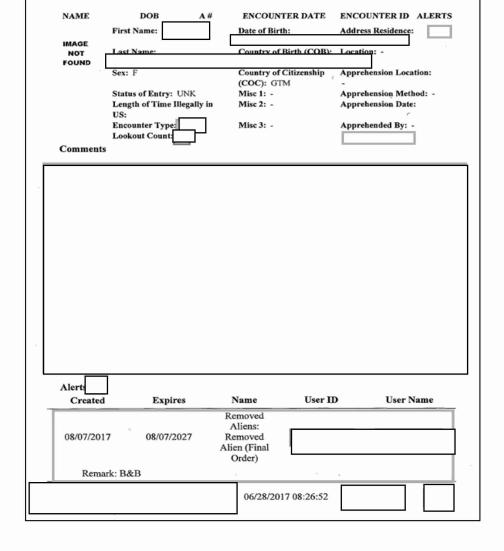




# IDENT System Screen-Print (b)(6)(b)(7)(c)(b)(7)(e)

- Review comments for possible redactions.
- You may also see
- Review "Alert Text" narrative for sensitive information that needs to be redacted. Redact (b)(7)(E), add (k)(2) and (j)(2) (if FBI results are present) if a PA case.
- Redact LE officer names (b)(7)(C) add (k)(2) and (j)(2) (if FBI results are present) if a PA case.

Note: In this example, the Alert "Removed Alien" does not need to be redacted.





#### ASC I-90 Application IDENT Resolution

#### Memorandum

- ASC= Application Support Center or Service Center
- If the form is not signed and there is not any indication in the file that the I-90 was issued, WIF (b)(5) under the FOIA, add (d)(5) if a PA case.
- Also review for possible protected system results. If any use (b)(7)(E), add (k)(2) and/or (j)(2) (if FBI results are present) if case is PA.
- If a final decision has been reached, there are no protected system results, and the form is signed and dated, you may release this form.

	ASC I-90 Application IDENT Resolution Memorandum
A-File	:
Name	URGLAR, Hamilton B.
ASC:	
Natur	Subject's hands are permanently gloved. Unable to run "prints" in IDENT.
Reso	lution:
$\boxtimes$	It has been determined from court dispositions submitted by applicant or obtained by USCIS that there is insufficient criminal history to warrant removal proceedings at this time.
	<ul> <li>☐ Court dispositions/other records are attached</li> <li>☐ No documents attached.</li> </ul>
	The offense(s) were committed prior to the date applicant obtained LPR status, and thus have no bearing on the I-90 application currently before this agency. (Removal/rescission/revocation will not be pursued as a matter of law/discretion.)
	Records indicate the applicant was previously placed in removal proceedings and was granted relief (waiver/cancellation/adjustment/other) by an immigration judge, and the offenses no longer have any bearing on the current I-90 application.
	Other (or details to the above):
The III	DENT hit is thus considered resolved and the I-90 has been approved for production.
	ASCM Created for training purposes only Date:



# **IDENT** (b)(3)• WIF (b)(3), 8 U.S.C. 1202(f) if FOIA or PA.

#### NGI / IAFIS

The Next Generation Identification program (NGI), formerly known as the Integrated Automated Fingerprint Identification System (IAFIS) is owned and maintained by FBI, thereby making it a law enforcement system.

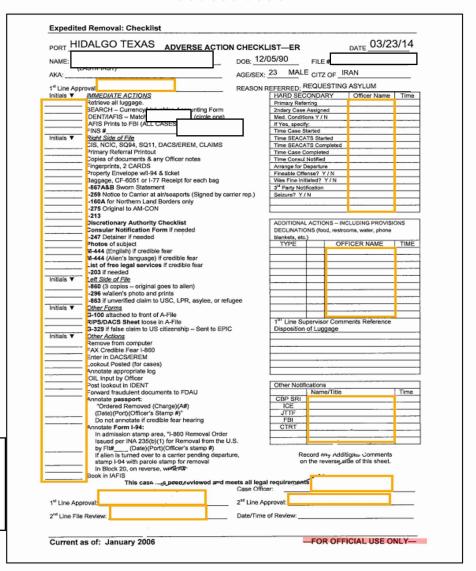
	If you see NGI or IAFIS with the resul	
	redact (b	)(7)(E), add (j)(2) if a
,•	PA case.	

(b)(7)(e)

#### IDENT / IAFIS (NGI)

(b)(7)(e)(b)(6)

- It is mandated that IDENT/IAFIS share information.
- Since IDENT/IAFIS use portions of each other's databases, when you see a result following IDENT/IAFIS together you must redact the result (b)(7)(E), add (j)(2) if a PA case. Because we do not know which system the result came from.





## IDENT System Result

IDENT system result

No redaction needed

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#### IDENT System vs IAFIS Results

- On this page we have an IDENT result and a separate IAFIS result.
- Release the IDENT system result.
- Redact the IAFIS system

  (b)(7)(E), add (j)(2) if a PA case.

(b)(7)(e)



LAST NAME. FIRST NAME	DOR AGE ' A NUMBER
Common name which will return 80million	results in CIS
	AGE CITIZENSHIP
FATHER / PADRE	60 mx
MOTHER / MOTHER	60 mx
SPOUSE / ESPOSO (A)	47 mx.
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EDAD	3   US
The second secon	
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PLACE OF BIRTH / LUGAR DE NACIMIENTO	Mexicali B.C. mx.
EMPLOYMENT / PROFECION (A QUE SE DEDICA?)	
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4	
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MONIES ON PERSON: U.S.: MX PESOS:	①
U.S.:MX PESOS:	(T)
U.S.:MX PESOS: DOCUMENT:: HOW MUCH DID YOU PAY? / CUANTO PAGO?	
DOCUMENT :- MX PESOS:	(T)
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U.S.:MX PESOS: DOCUMENT::  HOW MUCH DID YOU PAY? / CUANTO PAGO?  WHERE DID YOU OBTAIN IT? / DONDE LO OBTUVO?  WHERE WERE YOU GOING? / A DONDE SE DIRIJIA?  DO YOU HAVE A PENDING PETITION WITH INS? THENE  POSITIVE NEGA	YES NO TIVE FINSE

#### IDENT System vs IAFIS Results

Primary Officer:

Basket / Letter:

Sector Notified At:\_

Secondary Officer:

Officer Completing Form: CBPO

**CBPO** 

HOURS

Agent Responded At:

(b)(7)(e)(b)(6)

IOIL:

APPENDIX - D OTAY MESA PORT OF ENTRY

Date of Search:

Search Start Tim

Search Stop Time:

Claim / Bag Check:

THESO FOULLS THOUSE

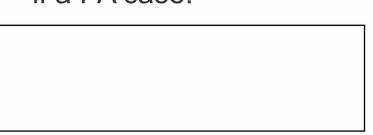
- Once again we have an IDENT system result.
- We do not redact IDENT system results.
- There is a separate IAFIS section, redact (b)(7)(E), add (j)(2) if a PA case.

f Yes, Explain:					
Name Last:		First:		flidd	le:
Alias Names Used:			ММ		s:
Alien File / USPP-C / Other		SSN:			
OOB:	AGE /3 MIN	OR: YES NO	FBI:	SID	
OB City:	State	e:	nos co	ountry:	MX
Residence Address:			· ·		
City:	State:	Zip code	:C	ountry:	
Race: W_Sex: M	_нт: <u>4′11_</u> wт: <u><i>9</i>\$</u>		Eyes: BC C	itizenship:	MX
		*********			*********
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/ehicle Make:					
ncident Type:					007 - 008
Results: (P / N) If So noticent Types: Nonlegative Search; PriPassenger Pr totalises; IN-territoration Visitation; NC-HCIC Interes	earch Positive:	US fund	S \$ .0 th: O=Non-GAS Category II Violati	O MX funds	S P .00 smarthed Declaration; AG-Agricultum
Searching CBPO:		Witness	:		
Authorizing S / BC CBPO:	4	ENFOR	CE EVENT: OTM		
	**********				*********
IDENT HIT: YES				[	FBI#
Released To: ER / WD	(MX) North (USA)	☐ AEU ☐ Othe	r:		
Released By:			Time: H	<u>ours</u>	
Supervisor Approving Rel	ease: S/BC CBP	0			
Type of Fraud: DFC/O	FC IMP CFT/A	LT 🗌 EWI 🗌 NCIC	: □ T/H / ,A:	SYLUM	SIGMA#
☐ Smuggler / Driver ☐ C				i	2387370
ENFORCE: 2 Pri	nts10 Prints				
Transaction ID:	81624	Document Type		'	
		Total Number of			
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This worksheet should be used to record it documentation. When no enforcement act		- C- Li TROS MA-			



#### IDENT System vs IAFIS Results

- Here we have both the IDENT system and the IAFIS system results.
- Release the IDENT system result.
- Redact the IAFIS system result (b)(7)(E), add (j)(2) if a PA case.



(b)(7)(e)

Alian's Nama			File No	umber
			Event	No:HRI
ENTRY:				
On 8/17/2009 at 1	700 hours,	subject	illegal	ly ente
Grande near Hidal		_		
Officer.		-		
RECORD CHECKS:		٦		
IAFIS				
IDENT	Positive			
CRIMINAL	Negative			

# Questions?





# U.S. Citizenship and Immigration Services

#### Immigrant Status

**Training Presentation** 

March 11, 2020

WARNING: This training presentation is FOR OFFICIAL USE ONLY (FOUO) and is intended for internal National Records Center use only. It contains information that may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). This document is to be controlled, handled, transmitted, distributed, and disposed of in accordance with Department of Homeland Security policy relating to Sensitive But Unclassified (SBU) information and is not to be released to the public or other personnel who do not have a valid need to know without prior approval from the FOIA Officer.



### Objective

To be able to understand and determine an Immigrant's status.

#### Processing Legend



#### Processing Acronym Legend

WIF = Withhold in Full RIF = Refer in Full OOS = Out of Scope

#### Four Key Statuses

- Privacy Act
  - United States Citizen
  - LPR: alien admitted to the United States and allowed to reside in the United States indefinitely despite not having U.S. citizenship.

#### FOIA

- Non-Immigrant: alien who is lawfully present temporarily in the United States for a specific purpose.
- Illegal Alien: a person who entered the United States without inspection or with fraudulent documentation, or who after entering legally as a nonimmigrant remained in the United States without authority.

#### Legal or Illegal

- Illegal aliens are foreign nationals who are in the U.S. with out any legal status. The most common ways are by crossing a land or sea border without being inspected by an immigration officer, or by violating the terms of a legal entry document. In the CIS database, these will often be marked "EWI" or Entered Without Inspection. Often you will encounter such persons when they are filing for asylum.
- Legal aliens are entitled to enter and remain in the U.S. as long as they maintain the terms of their status. Legal aliens who have entered the U.S. with various types of non-immigrant visas can become illegal by not obeying the terms of that visa. Just because they are legal does NOT make them LPR's.

#### Requirements to be an LPR

To be an LPR, one must fall into a category such as:

- Family-based immigrants,
- Employment-based immigrants, and
- Others who are eligible to adjust status, such as asylees, refugees, special agricultural workers, victims of human trafficking – all provided for in law.

#### Conditional LPRs

- A conditional lawful permanent resident is the same thing as a LPR

  – for two years.
- They must file Form I-751 within 90 days of the second anniversary of their status.
- You might find an approved I-485 granting status as a CR1 or CR6, but it's more than two years old. Look for Form I-751.
- If it's not there, you have a FOIA.
- If it's there, but it's denied, you have a FOIA.
- If it's there and approved, you have a PA.
- If it's there but has not been approved or denied, it's a PA.



#### Requirements to be a USC

- Usually needs to be a Lawful Permanent Resident (LPR) first, unless served for the U.S. in wartime.
- Continuous Residence in the U.S. for the last 5 years preceding filing for Naturalization. Can be living abroad during this time as long as they maintain an address in the U.S. and pay state and local taxes.
- Actual physical residence within the state that the petition is filed during at least the three months immediately before filing for naturalization. (some exceptions)
- Physical presence in the U.S. for two and a half years for most applicants and one and a half years for spouses of US citizens. (some exceptions)
- The ability to read, write, and speak English. (some exceptions)
- A basic understanding of the fundamentals of U.S. history and government.
- Good moral character and an affinity for the principles of the Constitution.
- Continuous residence (but not necessarily physical presence) in the U.S. from the date
  of filing for naturalization up to the date that they are sworn in as a citizen.
- At least 18 years of age. Exceptions exist for children of LPR's.



#### Documents That Grant LPR/USC Status

- Certificate of Naturalization
- Approved form I-90 (Application to Replace Alien Registration Card)
- Approved form I-181 (Memorandum of Creation of Record of Lawful Permanent Residence)
- Approved form I-698 (Application to Adjust Status from Temporary to Permanent Resident)
- Approved form N-400 (Application for Naturalization)
- Approved form I-485 (Application to Register Permanent Residence)
  - Is the admission granted a as CR1 or CR6 (conditional)?
    - If no, you have LPR status.
    - If yes:
      - Look at the date granted. It needs to be within the last 2 years from the date that the FOIA request was received. If it is, the subject has LPR status.
      - If past 2 years look for the form I-751. It must be filed within 90 days of the 2nd anniversary of the granting of their conditional status.
- Approved form N-600 (Application for Certification of Citizenship)
- Approved form I-829 (Petition by Entrepreneur to Remove Conditions)
- Order of Immigration Judge granting status
- Immigrant Visa and Alien Registration with DOE and COA stamped
- Immigrant Data Summary with DOE and COA stamped



#### Certificate of Naturalization

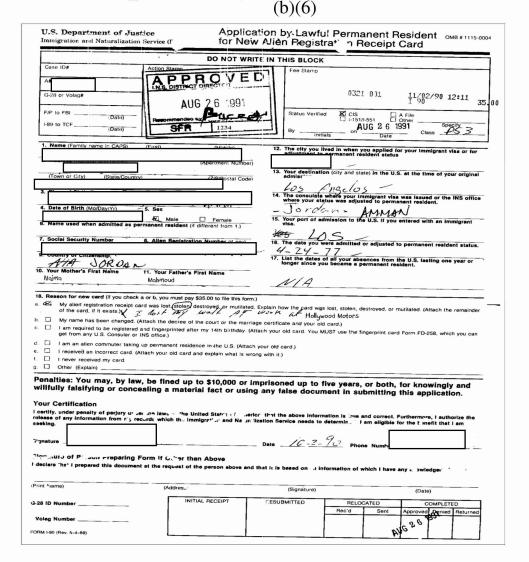
(b)(6)

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WITHOUT LAWFUL AUTH		0-11/2	
31.4	7	munter	



### Form I-90 (Application by Lawful Permanent Resident for New Alien Registration Receipt Card)

- An approved I-90, is justification to process the file as PA.
- A denied I-90 means nothing, one way or the other. You have to look elsewhere in the file.





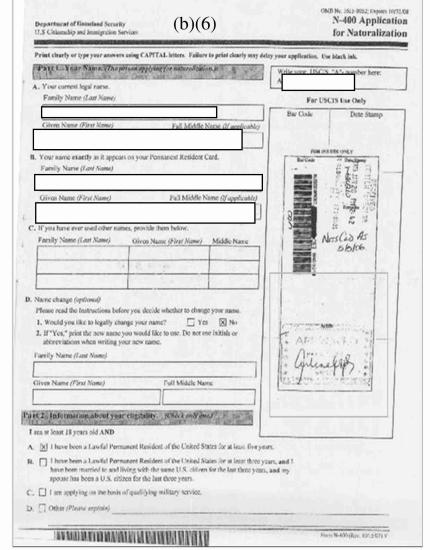
Form N-400 (Application for Naturalization)

Pepartnear of floateland Security
1):5 Cidentalido Servicio

(b)(6)

The approved stamp on this N-400 allows you to process the

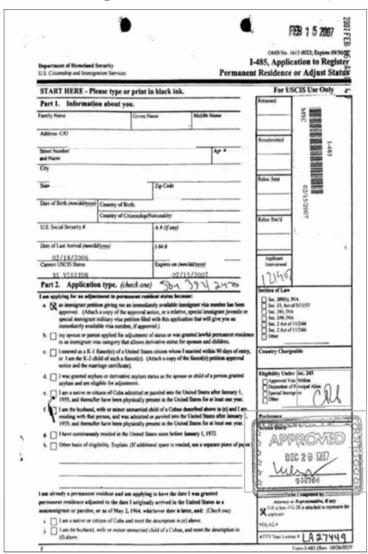
case as PA.



## Form I-485 (Application to Register Permanent Residence or Adjust Status)

- An approved I-485 grants LPR status and the case can be processed as a PA.
- Review the class of admission code.
  - CR1 or CR6 are conditional classes that expire in two years.
  - Look at the date granted. It needs to be within the last 2 years from the date that the FOIA request was received. If it is, the subject has LPR status.
  - If past 2 years look for the form I-751. It must be filed within 90 days of the 2nd anniversary of the granting of their conditional status.





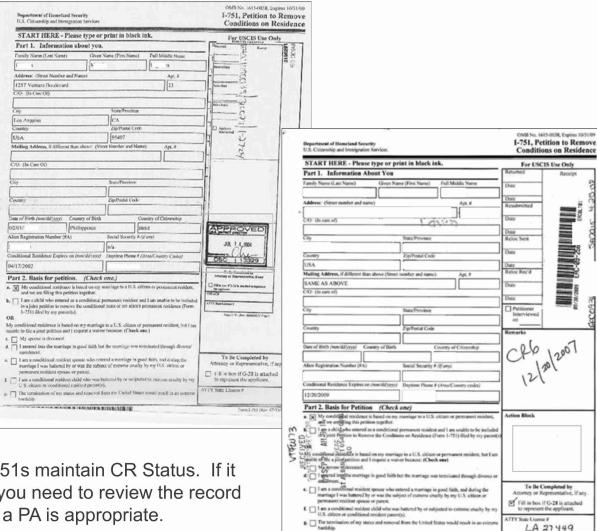
Form I-751 (Petition to Remove Conditions

on Residence)

- An approved I-751 is justification to process the file as PA.
- A denied I-751 removes LPR status, process as a FOIA.
- If the most recent document in the file is an unadjudicated, process as a PA.
- Any doubts, please contact your supervisor.

Note: Not all un-adjudicated form I-751s maintain CR Status. If it was received after the 2 year mark, you need to review the record further to determine if processing as a PA is appropriate.





### Form I-181 (Memorandum of Creation of Record of Lawful Permanent Residence (b)(6)

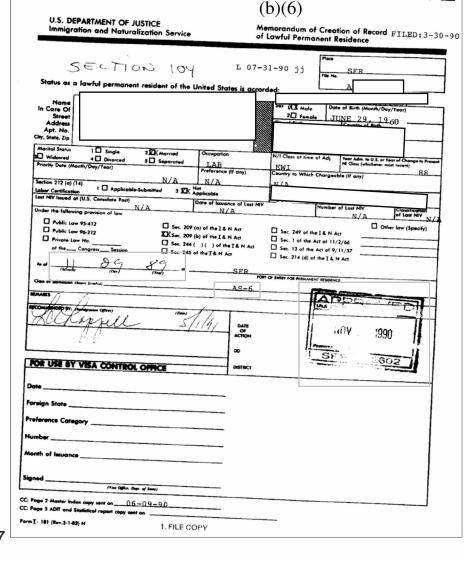
- This is a computer generated I-181 for a SAW applicant. Even though it is hard to read, this person has LPR status.
- His class of admission is W16.
- Effective date is 10/30/90.

. IMMIGRATION AND	EPARTMENT OF JUSTICE NATURALIZATION SERVICE CORD OF LAWFUL PERMANENT RESIDENCE					
PLACE: MEMPHIS, TN	FILE NO:					
STATUS AS A LAWFUL PERMANENT RESIDER	NT OF THE UNITED STATES IS ACCORDED:					
NAME:	50% #					
IN CARE DE:	SEX: M					
STREET ADDRESS: ROUTE 8	BIRTH DATE:					
SIREE! ADDRESS: ROUTE 8	CTRY OF BIRTH: MEXIC					
CITA:	NATIONALITY: MEXIC					
CITY OF BIRTH:	COUNTRY OF LAST RESIDENCE: MEXIC					
MARITAL STATUS:	OCCUPATION: LAB					
MOTHERS FIRST NAME:	FATHERS FIRST NAME:					
APPLICANT AT TIME OF PERMANENT RESIDENCE INTERVIEW PASSED ENGLISH ( NO) AND U.S. GOVT AND HISTORY ( NO).						
UNDER THE FOLLOWING PROVISIONS OF LA	w:					
(X) SEC 245 (A) OF THE IEN ACT						
AS DF: 10/30/90 AT: MEM	CLASS OF ADM/ADJ: W16					
RECOMMENDED BY: MEM4	,					
DATE: 10/30/90						
REMARKS:						
	•					
	•					
	-					
IMDAC COPY SENT: 10/30/90						
FORM I-181 (REV 11-1-88)	000177					



### Form I-181 (Memorandum of Creation of Record of Lawful Permanent Residence)

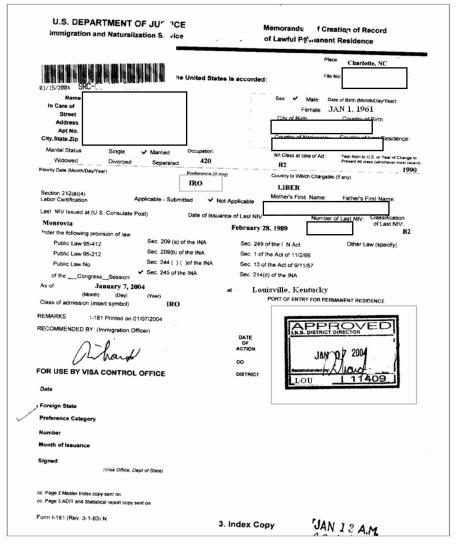
- This is an I-181 for an asylee who adjusted to LPR status as an AS-6.
- Even though the Approved stamp says November 1990, you can see from the written portion that we consider the subject an AS-6 as of November 29, 1989.
- Asylum applicants may backdate their date of LPR to the date they were granted asylum.





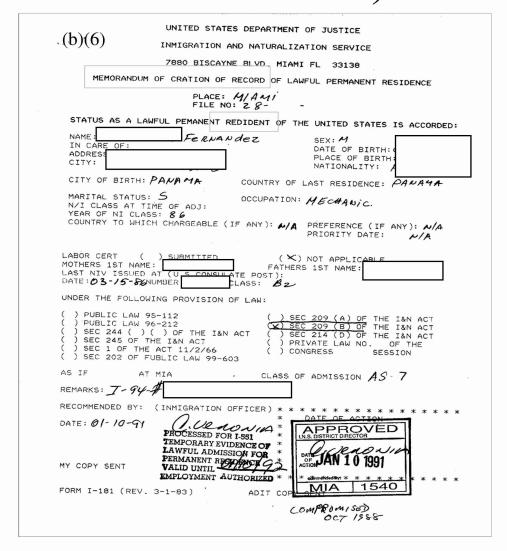
### Form I-181 (Memorandum of Creation of Record of Lawful Permanent Residence)

- I-181's can look different, but the common denominator is that in the bottom left-hand corner, they say Form I-181.
- From this form, you can tell that the subject was granted IR-0 on January 7, 2004.



### Form I-181 (Memorandum of Creation of Record of Lawful Permanent Residence)

- This counterfeit I-181 is a Memorandum of "Cration" of Record of Lawful Permanent Residence.
- Notice the form accords Mr. Fernandez status as a Lawful "Pemanent Redident" of the United States.
- This case would not be processed as PA.





#### Order of the Immigration Judge Relief Chart

Relief Granted	Section of INA	COA	LPR?
Asylum	208	AS1	No
Cancellation of Removal 240(A)(a)	240(A)(a)	Keep same COA and adjustment date	Yes
"LPR Cancellation"	240(A)(a)	as before proceedings	(same COA and ADJ date)
Cancellation of Removal 240 (A)(b)(1) "Non-LPR Cancellation"	240 (A)(b)(1)	Usually Z13, but may be Z11	Yes
Cancellation of Removal 240 (A)(b)(2) "VAWA"	240 (A)(b)(2)	Z14	Yes
NACARA	203	Z15	Yes
Waivers Including: 212(h), 212(i), and 212(c)	Vary case by case		
237(a)(1)(H) Waiver	237(a)(1)(H)	Keeps previous COA	Yes
Withholding of Removal	241	None	No
Adjustment of Status	245	Regular COA. See BCR (e.g. IR6, IR0, F43, etc.)	Yes
Voluntary Departure	240(A) or (B)	None	No



### Order of the Immigration Judge

Example

- The subject was in deportation proceedings, and Immigration Judge granted them status as an LPR under section 245 of the Immigration and Nationality Act.
- This is proof of LPR, and you would process this case as a PA.



```
U.S. DEPARTMENT OF JUSTICE
                        EXECUTIVE OFFICE FOR INMIGRATION REVIEW
                                  IMMIGRATION COURT
                                1600 CALLOWHILL ST., SUITE 400
                                  PHILADELPHIA, PA 19130
   In the Matter of:
                                         Case No.; A012-345-678
   SOUEAKBY, LUCKY
   RESPONDENT
                                         IN DEPORTATION PROCEEDINGS
                           GRBER OF THE IMMIGRATION JUBGE
  This is a summary of the oral decision entered on Oct 2, 2006.
  This memorandum is solely for the convenience of the parties. If the
  proceedings should be appealed, the Oral Decision will become the official
          The respondent was ordered deported to
          the alternative to
          Respondent's application for voluntary departure was denied and
          respondent was ordered deported to
          or in the alternative to
          Respondent's application for voluntary departure was granted until
            . with an alternate order of deportation
         Respondent's application for asylum was ( )granted ( )denied
         ( )withdrawr ( )other,
         Respondent's application for withholding of deportation was
         ( )granted ( )denied ( )withdrawn ( )other.
         Respondent's application for suspension of deportation was ( ) granted
         under section 244(a)(1) or (2) ( ) granted under section 244(a)(3)
         ( ) denied ( ) withdrawn ( ) other,
         Respondent's application for waiver under Section ____
         the Immigration and Nationality Act was ( )granted ( )denied
            )withdrawn ( )other,
        Respondent's application for
           )granted ( )denied ( )withdrawn ( )other.
    ) _ Proceedings were terminated.
        The application for adjustment of status under Section (216)(216A)
        ($48)(249) was ( Vigranted ( )denied ( )withdrawn ( )other.
        If granted, it was ordered that the respondent he issued all
        eppropriate decaments necessary to give effect to this order.
        Respondent's status was rescinded under Section 246.
Other SCCURITY Office Conference
        Respondent was advised of the limitation on discretionary relief for
        failure to appear as ordered in the Immigration Judge's oral decision.
Date: Oct 2, 2006
                                      Kernes
                                      KENNETH JOSEPHSON
                                     Immigration Judge
Appeal: MAIVED (Alien/INS/Both)
Appeal Due by:
```

## Order of the Immigration Judge NACARA 203(C)

- Applies to certain nationals of El Salvador, Guatemala, and former Soviet Block countries.
- If granted relief under NACARA, the subject's class of admission is Z15
- This is proof of LPR, and you would process this case as a PA.



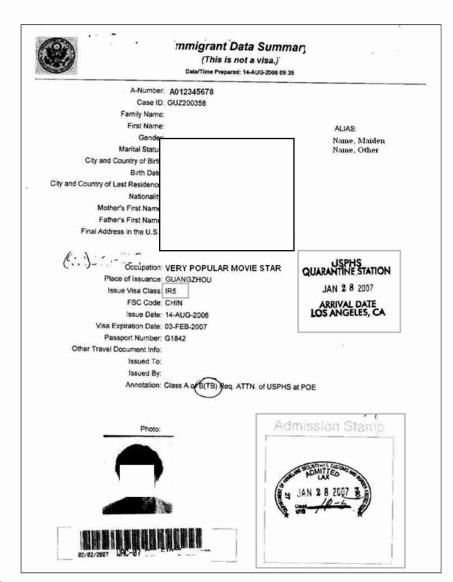
	ORDER OF THE IMMIGRATION JUDGE
This	s is a summary of the oral decision entered on memorandum is solety for the convenience of the parties. If the proceedings should be appealed or reopened, the decision will become the official opinion in the case.
oral [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [	The respondent was ordered removed from the United States to
[	Respondent is admitted to the United States as a
Ţ	Other 2 203 & NACACA IS Granted.

#### Immigrant Data Summary

- This document is not what you would normally use as proof of LPR, but you can see a CBP stamp, which is proof of entry.
- (b)(6)

- The class of admission is IR5, and the date of admission is January 28, 2007.
- This page makes this case a PA.

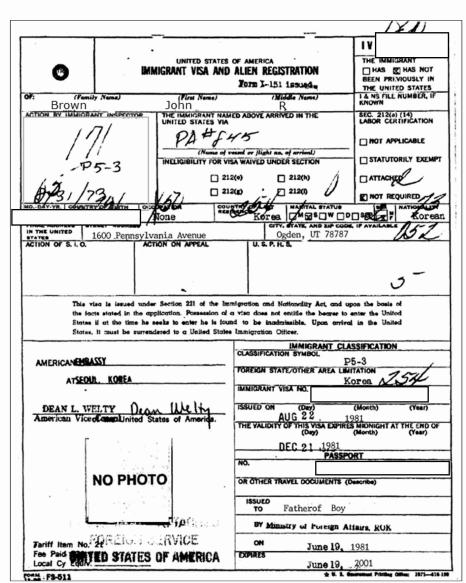




#### Immigrant Visa and Alien Registration

- You can see a CBP stamp, which is proof of entry.
- (b)(6)

This page makes the case a PA.





#### Losing LPR/USC Status

- There are many ways but these are the key things to look for within the file:
  - An Immigration Judge's Order.
  - Through Voluntary Abandonment.
- If status has been terminated or rescinded. Some frequently encountered examples:
  - Person committed a felony and this demonstrates a lack of good moral character or demonstrates an egregious public safety risk.
  - Person gained status by marrying a citizen for immigration purposes only.
  - Person failed to attend an interview or fails to provide documents requested by the agency.
- A naturalized citizen can lose citizenship but it is rare. He or she would have to do something extreme such as commit an act of treason, serve in another country's military or take an oath of allegiance to another country.

### Documents That Remove LPR/USC Status

- Order of Immigration Judge taking away status (order of removal or deportation)
- Executed I-407 (Abandonment of Lawful Permanent Resident Status)
- Notice of Termination or Notice of Rescission
- Executed I-205 (Verification of Removal/Departure)
- Approved Form FS-348 (Certificate of Loss of Nationality of the United States)
- Denied I-751 (CR Status)

Note: Bookmark and case note the page when status is lost!!!

#### Order of the Immigration Judge

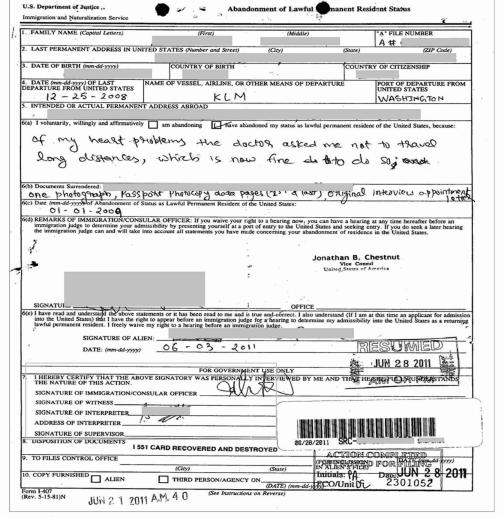
- This is an immigration judge's order. This person has been ordered to be removed to Mexico. They are supposed to leave the United States.
- This is a FOIA, even if he was LPR before.

	3.	
		DMIGRATION COURT
		RT 3 BOX 341 HUMBA VISTA DR
		LOS FRESNOS. TX 78586
10	the Matter of	case No. : Alien #
A	hen name	Sale act Ambert 4
	Respondent	ON REMOVAL PROCESSOURCE
		CEDER OF THE IMMIGRATION JUDGE
	the contract of	
		e oral decision entered on Any 22, 2003. ly for the convenience of the parties, If the
		ppealed or reopened, the oral decision will become
	eticial minim in	
	The respondent van	s ordered removed from the United States to
	MEXICO os in the	
1		ication for voluntary departure was denied and dered removed to MEXIOD or in the
	alternative to	METAL SAMPLES OF BRUSON OF SHE PING
1		ication for voluntary departure was granted until
	upon posting a	bond in the amount of 9
		order of removal to MMXICO.
1	? Respondent's appli ( )withdrawn,	ication for asylum was ( )granted ( )denied
1		cation for withholding of removal was (  granted
*	( )denied ( )wi	
1		cation for cancellation of removal under section
,		ranted ( )denied ( )withdrawn. cation for cancellation of removal was ( ) granted
1		(b)(1)   ) granted under section 240A(b)(2)
	( ) denied ( )	withdrawn. If granted, it was ordered that the
	respondent be issu	ed all appropriate documents necessary to give
	effect to this ord	
	( Igranted ( )d	cation for a waiver under section of the INA was lenied ( )withdrawn or ( )other.
1		cation for adjustment of status under section    granted (  denied (  withdrawn, If granted, it
		espondant be issued all appropriate documents necessary
	to give effect to	
	Respondent's status	s was respinded under section 246.
1 1	Aespondent is admit	tted to the United States as a until
12015	As a condition of a	admission, respondent is to post a \$ bond.
1 1	Respondent knowing: notice.	ly filed a frivolous asylum application after proper
1 1		ised of the limitation on discretionary relief for
200	failure to appear a	as ordered in the Immigration Judge's oral decision.
11	Proceedings were to	erminated.
1 1	Ocher:	
	Appeal: Maived Rese	Appeal Due By: Sep 20, 2003,
	100	1/1/1/201
	By Respon	ncen; MARIARET BURGHART Ivelgration Judge
-		ramediacion ningle



## Form I-407 (Abandonment of Lawful Permanent Resident Status)

If properly executed, this form is proof of loss of status. The case would be processed as a FOIA





### Termination of Conditional Residence Status

The person was a CR6 but failed twice to appear for the interview. The case would be processed as a FOIA, not PA.

officer in Charge U.S. Department of Resedend Security 500 Cogniel Mel Security CA 95814



#### TERMINATION OF CONDITIONAL RESIDENCE STATUS

Date: 406 23 1005 Refer to Alien Number: Diren #



#### Desir-Manufathages

On July 21, 2000, you were lawfully admirted to the United States for permanent residence subject to the conditions and responsibilities set forth in Section 216 of the Intergration and Nationality Act (the Act).

On September 30, 2007, you find a Waiver of Joint Petition to Remove the Conditions on Residence, Form 1-751, in accordance with the provisions of Section 216.5 of Tale 8, Code of Federal Regulations (8 C.F.K.). That petition is breaky denied for the following reasons:

On June 7, 2005, you were requested to appear for an interview at this office in connection with the waiver of your petition. You failed to appear for the interview. A subsequent interview was scheduled for July 28, 2005. You failed to appear for your second interview.

Section 216 5 of the 8 C.F.R. states, in pertinent part

(d) Interview. The service center director may refer the application to the appropriate local office and regain that the alien appear for an interview in connection with the application for a source. The director shall deep the application and initiate renormal proceedings of the alien falls to appear for the interview as required, values the alien establishes good cause for such fathers and the interview is

You have fished to meet the requirements of Section 216.5(d) of the R.C.F.R. Thus, you are not established to the benefits provided under Section 216 of the B.C.F.R., and the perition is detailed.

In accordance with the provisions of Section 216.5(f) of Title 8, Code of Federal Regulations, the permanent residence status previously accorded you is hereby terminated as of July 21, 2000. All rights and privileges which you derived from that status, including the right to reside and work in the United States, are terminated concurrently. You should remediately surrender any Permanent Readers Card Issued by the Service.

Under Section 216.5(f) of the R.C.F.R., you may request review of this determination in deportation proceedings. If you in choose, you may be represented in such proceedings, in occapense to the government, by an absency or other individual authorized and qualified to represent persons before the Service. Such coassel may assist you have preparation of your request for review and bearing, and may examine the evidence upon which this determination is based. If you desire a review of this determination to a deportation bearing, you should present

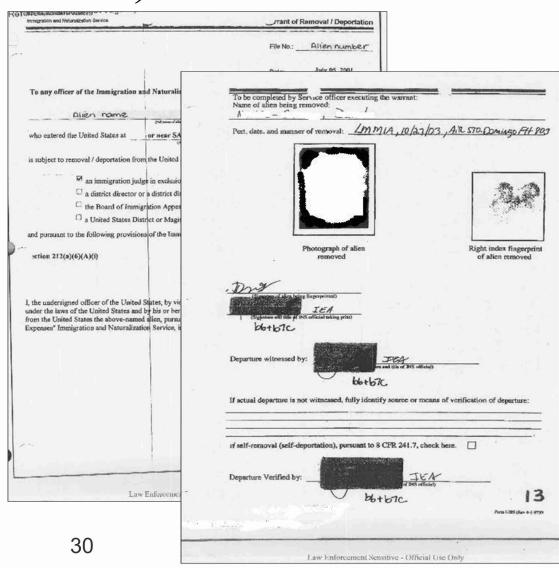
www.asch.gov



### Form I-205 (Warrant of Removal/Deportation)

- This document always has a back side. If the back of the I-205 is properly executed, the person has been removed or deported.
- This serves as proof the person left the United States.
- The case is FOIA, even if the subject was an LPR.





## Form FS-348 (Certificate of Loss of Nationality of the United States)

(b)(6)

If properly executed, this form is proof of loss of status. The case would be processed as a FOIA.



Consulate  General  of the United States of America  Hong Kong  at  Hong Kong  The Donald C. Lautz  (Name)  hereby certify that, to the hest of my knowledge and belief, Robert  New York  (Town or City)  (Town or City)  That he foregoes gesided in the United States (dates):  That he acquired the nationality of the United States by virtue of  United States.  That he acquired the nationality of the United States nationality at the  (The action causing expatriation should be set forth succinctly)  American Consulate General in Hong Kong on February 24, 1993.  That he thereby expatriated himself on February 24, 1993 under the provisions of Section 349 (a) (5)  of (the Nationality of the Nationality of the United States  That the evidence of such action consists of the following:  Oath of Renunciation of the Nationality of the United States  That attatached to and made a part of this certificate are the following documents or  Consulate States  That attatached to and made a part of this certificate are the following documents or  Consulate States  That attatached to and made a part of this certificate are the following documents or  Consulate States  That attatached to and made a part of this certificate are the following documents or  Consulate States  That attatached to and made a part of this certificate are the following documents or  Consulate States  That attatached to and made a part of this certificate are the following documents or  Consulate States  That attached to and made a part of this certificate are the following documents or  Consulate States  That attached to and made a part of this certificate are the following documents or  Consulate States  The attached to and made a part of this certificate are the following documents or  Consulate States  The attached to and made a part of this certificate are the following documents or			
This form is prescribed by the Secretary of State pursuant to Section 501 of the Act of October 14, 1940 (54 Stat. 1771) and Section 358 of the Act of June 27, 1952 (66 Stat. 272).  Consulate  General of the United States of America  Hong Kong  I Donald C. Lautz (Name) hereby certify that, to the heat of my knowledge and belief, Robert  New York  (Town or City) (Province or County) March 18, 1946  (State or Country) (Date)  That he resides at Hong Kong That he acquired the nationality of the United States by virtue of Wirth to the heat of my knowledge and belief.  That he acquired the nationality of the United States by virtue of Mirth in the United States.  That he formally renounced United States nationality at the (The action causing expatriation should be set forth succinctly)  American Consulate General in Hong Kong on February 24, 1993 under the provisions of Section 349(a) (5) of (the Nationality Act of 1952)*  That the evidence of such action consists of the following:  Cath of Renunciation of the Nationality of the United States That attached to and made a part of this certificate are the following documents or	. 10	UNITED STATES DEPARTMENT OF STATE FOREIGN SERVICE OF THE UNITED STATES OF AMERICA	
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That attached to and made a part of this certificate are the following documents or			Daile d'Obster
That attached to and made a part of this certificate are the following documents or copies thereof:			
2	That copies thereo	attached to and made a part of this certificate are the following $oldsymbol{d}$ if:	ocuments or
Oath of Renunciation of the Nationality of the United States	Oath o	of Renunciation of the Nationality of the	United States
In testimony whereof, I have hereunto subscribed by name and affixed my office seal this 24th day of February, 19 93.			Last
(SEAL) C. Lautz Consul		(SEAL) Donald	
(Title)			(Title)
*Strike out inapplicable item.	*Strike out inap		
ORM F5-348 SEE REVERSE FOR APPEAL PROCEDURES 0-85		SEE REVERSE FOR APPEAL PROCEDUR	RES

### Documents That Do Not Grant or Remove LPR/USC Status

- Approved petitions:
  - I-129 (Petition for Non-Immigrant Worker)
  - I-129-F (Petition for Alien Fiancé)
  - I-130 (Petition for Alien Relative)
  - I-140 (Petition for Immigrant Worker)
  - I-360 (Petition for Amerasian, Widow(er), or Special Immigrant)
  - I-918 (Petition for U Nonimmigrant Status)
- Permanent Resident Card
- Temporary Resident Card
- Notice of Intent to Deny
- Denied N-400
- Denied I-90
- I-914 Application for T Non-immigrant Status

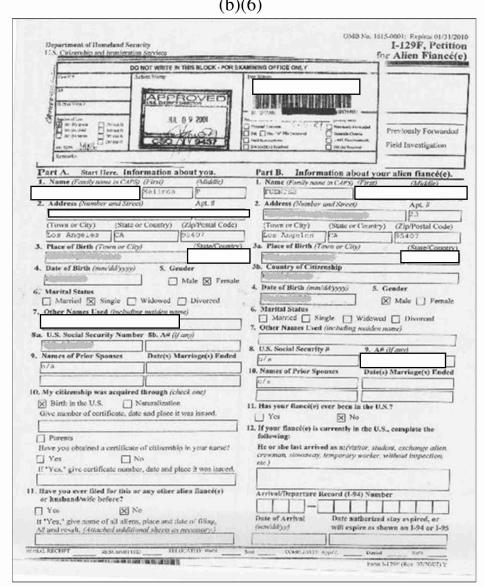
Form I-129F (Petition for Alien

Fiance(e))

 An approved I-129F, 130or I-140 does not mean you process the case as a PA.

Almost any approved petition is the first step, but there still has to be an approved I-485 or I-181 in order for you to process as PA. The only exception is I-751, Petition to Remove Conditions





#### Form I-551 (Permanent Resident Card)

- Only as a last resort, and even then only with supervisory approval, should you use the LPR card as proof of LPR.
- Why? I-551's in the file may have been seized, or they may be counterfeit.

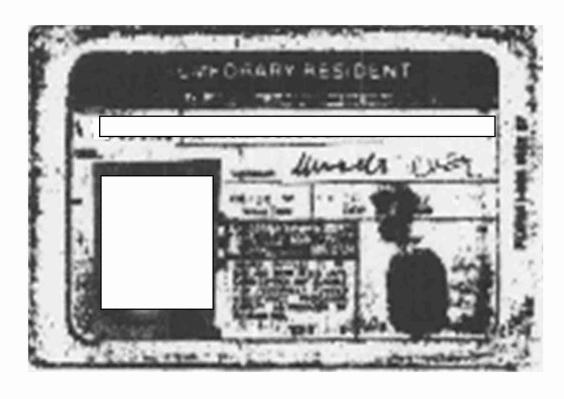




### Form I-688 (Temporary Resident Card)

A temporary resident card does NOT mean you process the case as PA. You are looking for lawful permanent residence. Temporary residents are SAW or legalization applicants. If there is no approved I-181, you would still process this case as FOIA.

(b)(6)



#### Notice of Intent

(b)(6)

- This is a Notice of Intent to Deny.
- Intent does not affect immigration status one way or the other, but it may be an indicator.



#### DEPARTMENT OF JUSTICE IMMIGRATION AND NATURALIZATION SERVICE WESTERN SERVICE CENTER - LEGALIZATION P.O. BOX 30040 LAGUNA NIGUEL, CA 92607-0040

ron Evita	i		Refer	ťò	File				
			Date			_		,	_
					OCT 1	1	1991		

#### NOTICE OF INTENT TO DENY

You have submitted an application for status as a temporary resident pursuant to Section 245A of the Immigration and Nationality Act, as amended by the Immigration Reform and Control Act of 1986.

Several requirements are imposed by the statute and supporting regulations to sustain your eligibility for the benefit sought including continuous residence, unlayful residence from a date prior to January 81, 1982, admissibility and a clear criminal record.

Evidence of record indicates that you have a prolonged absence from the United States:

From: June of 1983 To: June of 1984

Title 8. Code of Federal Regulations 245a.2(h)(1) states in parti

... An applicant for temporary resident status shall be regarded as having resided continuously in the United States if, at the time of filing of the applications.

(i) No single absence from the United States has exceeded forty-five (45) days, and the aggregate of all absences has not exceeded one hundred eighty (186) days between January 01, 1982, through the date the application for temporary resident status is filed unless the alien can establish that due to emergent reasons, his or her return to the United States could not be accomplished within the time period allowed.

In rebuttal to the above grounds of ineligibility, you may submit a detailed explanation regarding your absence. This explanation should address the following three (3) questions.

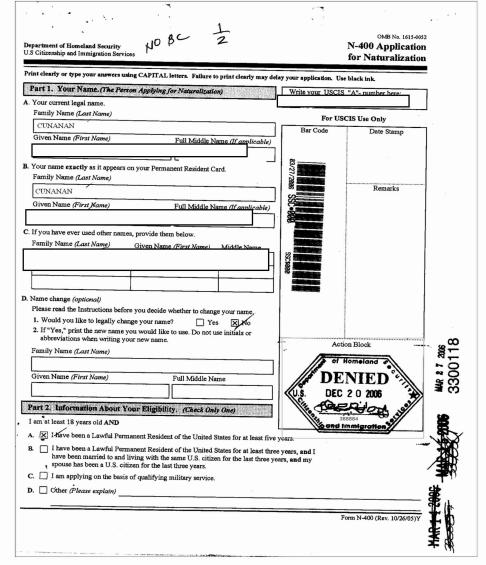
PAGE 1

### Form N-400 (Application for

Naturalization)

(b)(6)

- A denied N-400 has no bearing either way.
- You have to look elsewhere in the file to find out whether your case is a FOIA or a PA.





#### Questions?

