

Congress of the United States
Washington, DC 20515

January 9, 2018

L. Francis Cissna
Director
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, NW, 4th Floor
Washington, D.C. 20529

Dear Director Cissna:

We write to you with deep concern regarding new requirements that U.S. Citizenship and Immigration Services (USCIS) has placed on congressional offices in submitting inquiries on behalf of constituents who have open applications under consideration by the agency. These new requirements create barriers for congressional offices working to process immigration casework in a timely manner.

Immigration cases comprise some of the most challenging, voluminous and time sensitive casework handled by congressional offices throughout our nation. As congressional representatives serving Southern California, home to one of the largest immigrant populations in the United States, our district offices handle a significant amount of immigration cases, working with USCIS staff in local and regional offices to assist our constituents.

By requesting that immigrants provide a full translation of all documents into English by a certified translation service, USCIS would delay the ability of our constituents to submit privacy release forms to a congressional office and would require that these applicants incur additional costs beyond the costly USCIS application fees they pay to process applications. By requiring that our offices secure additional privacy releases from constituents for previously opened and active cases, it creates further barriers for our offices to assist in processing cases in a timely manner. When applications to petition for an alien relative, to request asylum or to obtain permanent residency can last for months and years at a time, requiring further release forms from a constituent for long active cases would add unnecessary barriers for offices to assist our constituents.

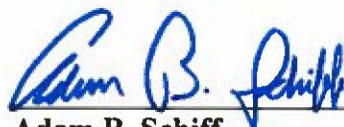
At a time when USCIS is struggling with significant backlogs in processing immigration applications and congressional offices are receiving increasing volumes of immigration casework, we cannot support these changes to the USCIS casework process. As such, we call on

USCIS to reconsider these changes and to work with our offices to agree to procedures that do not hamper the already challenging immigration application process.

Sincerely,



Ted W. Lieu
Member of Congress



Adam B. Schiff
Member of Congress



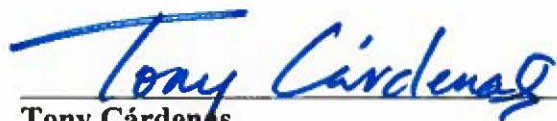
Brad Sherman
Member of Congress



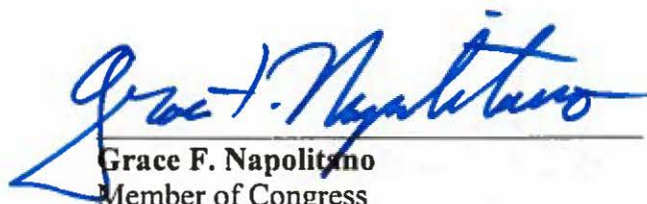
Mark Takano
Member of Congress



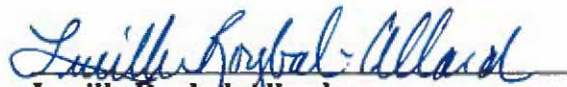
Nanette Diaz Barragán
Member of Congress



Tony Cárdenas
Member of Congress



Grace F. Napolitano
Member of Congress



Lucille Roybal-Allard
Member of Congress



Judy Chu
Member of Congress



Linda T. Sánchez
Member of Congress



Pete Aguilar
Member of Congress



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

February 12, 2018

The Honorable Ted W. Lieu
U.S. House of Representatives
Washington, DC 20515

Dear Representative Lieu:

Thank you for your January 9, 2018 letter.

We appreciate the great volume of immigration casework that congressional offices conduct on behalf of their constituent and are proud of the many great relationships that our congressional liaisons have with staff across the country. U.S. Citizenship and Immigration Services (USCIS) is able to resolve many inquiries in a timely manner thanks in no small part to these relationships.

I can assure you that our updated guidance, the first since July 2015 and in development since almost that time, is meant to improve—not impede—the efficiency and integrity of our work together to serve your constituents. Let me also assure you that most of the guidance is not new. Rather, it reflects a commitment to standardize the application of longstanding procedures, based on statutory and regulatory requirements governing the release of information. Like other agencies, we have a duty to follow laws such as the Privacy Act and Violence Against Women Act.

To discuss the updated guidance, the Acting Chief of the USCIS Office of Legislative Affairs organized a call with several hundred congressional staff around the country on January 9, 2018. As expected, a number of staff members expressed concerns similar to those in your letter. Others, though, welcomed our effort to establish uniform expectations and consistent responses. In response to that wide-ranging discussion, our updated guidance initially included a provision for a newly signed and dated privacy release for follow-up questions or status update requests that we received more than 30 days after we closed an inquiry with a meaningful and accurate response. During the January 9, 2018 call, congressional staff made it clear that this guidance was unclear and problematic. Our Office of Legislative Affairs has now revised that provision to clarify that privacy releases will remain valid for the duration of an inquiry or case, unless a material change has occurred in the name, address, relationship, or form type.

With respect to the specific concern you raised, USCIS procedures have long required a privacy release when providing information to congressional offices. The requirement that it be notarized or signed under penalty of perjury can be found in regulations such as 6 CFR § 5.21. The privacy release serves to ensure that an applicant or petitioner has given permission for USCIS to release his or her information. This is a safeguard for all of us.

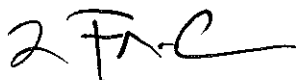
In addition, regarding translations, our USCIS regulations, 8 CFR § 103.2(b)(3), do require “any document containing foreign language submitted to USCIS shall be accompanied by a full English language translation which the translator has certified as complete and accurate, and by the translator’s certification that he or she is competent to translate from the foreign language into English.”

I also appreciate the opportunity to clarify that USCIS does not require individuals to use a professional translation service. We only require that those doing the translations certify their competency to translate from the foreign language into English. Incomplete or inaccurate translations of these evidentiary documents help no one in the adjudication process.

Further information on the updated guidance, including frequently asked questions, will be provided to congressional offices and posted for staff at uscis.gov/congress before the February 15, 2018 effective date of the guidance.

Thank you again for your letter and interest in this important matter. The co-signers of your letter will be receiving a separate, identical response. Should you require any additional assistance, please have your staff contact the USCIS Office of Legislative Affairs at (202) 272-1940.

Respectfully,

A handwritten signature in black ink, appearing to read "L. Francis Cissna".

L. Francis Cissna
Director