



March 23, 2012

IM-602-0059

Instructional Memorandum

SUBJECT: Expedited Case Review Process for Specifically-Defined Administrative Errors

Purpose

This memorandum establishes the expedited case review process for specifically-defined administrative errors requiring corrective action. This process enables a customer to request a review of his or her case and correction of the decision in certain circumstances when he or she believes a USCIS data entry and/or administrative error resulted in an adverse adjudicative action. USCIS will make every possible effort to respond to these requests within five business days from the date of the creation of the service request. This memorandum does not affect any specific form types or classifications where there are already special instructions for case review (e.g., VAWA, T, and U petitions, refugee or asylum applications, or applications processed in overseas offices).

Specifically-Defined Administrative Error

This expedited case review process addresses four specific categories of administrative errors:

1. USCIS issued an adverse decision based solely on a customer's failure to respond to a Request for Evidence (RFE), Notice of Intent to Deny (NOID), or Notice of Intent to Revoke (NOIR), and there is documentary evidence that the customer responded to the RFE, NOID, or NOIR, and USCIS received the response in a timely fashion.
2. USCIS issued an adverse decision based solely on a customer's failure to respond to an RFE, NOID, or NOIR, and USCIS determines there is evidence in a USCIS system that the RFE, NOID, or NOIR was not sent to the petitioner/applicant or, if there is a valid Form G-28 on file, to the attorney or representative of record.
3. USCIS issued an adverse decision based solely on a customer's failure to appear at a biometrics appointment or failure to respond to an RFE, NOID, or NOIR, and USCIS determines there is evidence that the customer properly submitted a change of address prior to the issuance of the RFE, NOID, NOIR, or biometric appointment notice; however USCIS sent the RFE, NOID, NOIR, or biometric appointment notice to a previous or improper address.
4. USCIS issued an adverse decision based solely on a customer's failure to appear at a biometrics appointment, and there is documentary evidence that the customer attended the appointment or made a valid, timely request that it be rescheduled.

Scope

This process supplements the current appeals and motions process outlined in 8 CFR 103.3 and does not in any way replace, modify, circumvent, or affect any rights of applicants, petitioners or USCIS in the administrative appeals process. The expedited case review process will not toll the timeframes for appeals or motions, rectify errors made by customers or their legal representatives, create an independent right of action, or address errors not included in the specifically-defined categories.

Process

If a customer or his or her authorized representative believes that an adverse adjudicative action fits within the criteria listed above, he or she should contact the National Customer Service Center (NCSC) at 1-800-375-5283 to request that an expedited service request be created (via Service Request Management Tool (SRMT)) to alert USCIS of a possible administrative error.

While USCIS will make every effort to correct actions that fit within the listed criteria, USCIS may be unable to take action within the targeted five-day timeframe if there is an unreasonable or unduly long delay in notifying USCIS of an adverse action. For example, file transfers may occur approximately 30 days after an action is taken. Due to the number of days that may be needed to retrieve a file, action within the targeted timeframe may not be possible.

After an NCSC representative determines that an individual's case may fit into one of the categories of specifically-defined administrative error, the NCSC will create a service request, expedited-service type, and route it to the Field Office or Service Center that issued the adverse decision to determine whether the service request meets the criteria outlined above. The Field Office or Service Center will respond to the service request after reviewing the case and related databases. USCIS will make every practicable effort to respond to the customer within five business days of the creation of the service request. USCIS's response may instruct the customer to make an appointment at a Field Office to produce evidence of the error.

- When an administrative error is acknowledged, the response will include an explanation of the outcome and/or an estimated timeframe for the next communication from USCIS and path ahead.
- When USCIS determines there was no administrative error, the response will inform the customer of this finding.
- If a final determination cannot be made within five business days, the response will inform the customer of the reason for delay and provide an estimated time frame for a follow-up response.

USCIS responses will refer customers to www.USCIS.gov for information on the appeals and motions processes as appropriate for each case.

Responsibilities

Leadership will ensure that the respective offices will process SRMTs within the required timeframe. The Field Operations and Service Center Operations Directorates will ensure that each Field Office and Service Center implements procedures to make every possible effort to respond to specifically-defined administrative errors within five business days.

The Customer Service Directorate (CSD) has developed scripts and guidelines that support this process.

Questions, Comments, and Suggestions

Questions or suggestions regarding this memorandum should be addressed through appropriate channels to the Field Office Directorate or Service Center Operations Directorate.