



Interoffice Memorandum

To: REGIONAL DIRECTORS
SERVICE CENTER DIRECTORS
NATIONAL BENEFITS CENTER DIRECTOR
DISTRICT DIRECTORS

From: Michael Aytes /s/
Acting Director, Domestic Operations

August 18, 2006

Re: Elimination of Form I-688B, Employment Authorization Card

U.S. Citizenship and Immigration Services (USCIS) currently issues two types of employment authorization documents, Form I-766, Employment Authorization Document (EAD), and Form I-688B, Employment Authorization Card. Form I-766 is produced at the Integrated Card Production System (ICPS) in Corbin, Kentucky, accounting for approximately 88% of the EADs produced on behalf of USCIS. Form I-688B is produced at the various Field Offices and comprises the remaining 12%.

Numerous vulnerabilities exist with the manual production of EADs at the Field Offices. Some of the risks include inconsistent frequency of data uploads to mainframe systems, lack of uniform quality of EAD issuance and limited security measures. Since the standalone EAD system was originally developed and implemented in 1989, there are now various issues pertaining to outdated card technology, obsolete equipment, ongoing equipment problems, and lack of maintenance support.

Beginning September 1, 2006, USCIS will reduce the need for locally produced EADs in order to reach a goal of total elimination of Form I-688B issuance by October 1, 2006. In order to attain this objective, Headquarters, Field Offices and Service Centers will work in unison to successfully complete the numerous stages in this process. This initiative affects both locally produced interim EADs and non-interim EADs.

Non-Interim Employment Authorization Document

Headquarters

In order to eliminate locally produced EADs, USCIS will no longer accept Form I-765, Application for Employment Authorization, filings for non-interim EADs at local offices. Applications received at any local office through September 30, 2006, will be forwarded to the appropriate Service Center or the Chicago Lockbox for proper processing. Applications received on or after October 1, 2006, will be returned and the

individual advised to file directly with the appropriate Service Center or Lockbox indicated on the Form I-765 instructions.

If the original application was filed directly with the Service Center, all subsequent Form I-765 filings (renewals, replacements, etc.) should be filed at the same location. Likewise, if the original application was direct-mailed to the Lockbox, all renewal filings should be sent to that location. This streamlined approach will enhance the Service's ability to process these applications within the 90-day timeframe, eliminate the need for an interim EAD, and produce a more secure document. A Public Notice was issued, on July 28, 2006, announcing this impending change.

In researching the feasibility of eliminating the standalone systems in order to produce all EADs from one centralized location, Headquarters reviewed two systems options—Interim Case Management Solution (ICMS) and expanding Citrix Access to CLAIMS 3 Local Area Network (LAN). It was decided that the most time and cost effective process, as well as the safest and most reliable system for local offices to initiate card production for all EADs, is through expanded use of ICMS at the local offices. Due to previous connectivity and performance problems experienced through Citrix access, it is highly unlikely that all offices would be able to simultaneously initiate card production when needed.

Two separate memoranda, one providing guidance in the adjudication of Form I-765 and the other concerning employment authorization for aliens in proceedings, are being finalized at Headquarters and will work in conjunction with this memorandum. The Office of Field Operations has increased scheduling capacity at all Application Support Centers (ASC) in order to reduce the amount of time before an applicant can be scheduled into an ASC for biometrics capture. Individuals requiring biometric capture now receive an ASC appointment within two weeks of filing the application.

Field Offices

Beginning September 1, 2006, field offices will no longer issue locally produced EADs. Applications received at local offices will be overnight express mailed to the Chicago Lockbox or appropriate Service Center for in-take processing and adjudication. Offices will accept and forward applications during the first 30 days, until September 30, 2006, of this process. Beginning October 1, 2006, a Form I-765 received at any local office will be returned to the applicant advising the individual that the form needs to be filed directly with either a Service Center or the Chicago Lockbox.

Special Handling Requests with Fee Waiver—Prior to ICMS Deployment of Form I-765

It is anticipated that the deployment of Form I-765 adjudication in ICMS will be completed by October 1, 2006. Until that deployment occurs, the following procedures are to be used in handling the special requests described below.

In order to assist Law Enforcement Agencies (LEAs) obtain EADs for witnesses and informants, the following procedure has been established for the local offices in conjunction with the NBC. This procedure is to be used when Form I-765 is filed without fee in conjunction with either of the following eligibility categories, **8 CFR 274.12(c) (11)**, an alien paroled into the United States temporarily for emergency reasons or reasons deemed strictly in the public interest pursuant to 8 CFR 212.5, or **8 CFR 274.12(c)(18)**, an alien

against whom a final order of deportation or removal exists and who is released on an order of supervision, **specific to Maribel Cubans only.**

Offices will continue to accept Form I-765 filings for the above-referenced categories and adjudicate the fee waiver request. If approved, the Local Office will annotate the 'Remarks' block on Form I-765 with the following, "Fee Waived" with the initials of the officer authorizing the waiver and the date it was granted. Form I-765 is then sent using a scanned image and e-mail to [REDACTED] the NBC. If a scanned image is not available, the local office may send Form I-765 via facsimile to the NBC at [REDACTED]. Any correspondence sent to the NBC must include the name and telephone number of the Point-of-Contact (POC) from the originating USCIS office. NBC will then provide the newly created MSC Receipt Number to the originating Office via e-mail allowing the local office to schedule the applicant into the ASC for biometric capture. Once the biometrics have been taken at the ASC, CLAIMS 3 automatically generates a request for card production. The completed card should be received within ten days at the address listed on Form I-765.

Special Handling Requests with Fee Waiver Post ICMS Deployment

Once ICMS deployment is complete, the local offices will complete adjudication of Form I-765 on-site. There will be no need to fax or scan the application to the NBC. Once the information is data entered into ICMS, a receipt number will be generated and the local office will be able to schedule the applicant to the ASC for biometric capture. The local office will adjudicate Form I-765 and the system will automatically initiate Form I-766 production once the biometrics have been captured. This procedure is to be used when Form I-765 is filed without fee in conjunction with either of the following eligibility categories, **8 CFR 274.12(c) (11)**, an alien paroled into the United States temporarily for emergency reasons or reasons deemed strictly in the public interest pursuant to 8 CFR 212.5, or **8 CFR 274.12(c)(18)**, an alien against whom a final order of deportation or removal exists and who is released on an order of supervision, **specific to Maribel Cubans only.**

Interim Employment Authorization Document

USCIS is required to adjudicate a pending Form I-765 within 90 days from the date of receipt. 8 CFR 274a.13(d). Failure to complete the adjudication within this time frame requires the Service to grant an employment authorization document for a period not to exceed 240 days. The following steps are being initiated to reduce, and eventually eliminate, the need for USCIS to issue an interim EAD.

Field Offices

Local Offices will no longer accept and adjudicate Form I-765 for an Interim EAD. The Service Centers or NBC will be responsible for adjudicating the pending I-765 and issuing interim or non-interim documentation. Upon receipt of Form I-765 requesting an interim EAD, local field offices are required to perform the following tasks.

- CLAIMS Verification
 - Underlying application remains pending
 - Determine if RFE has been issued, thus tolling the 90-day adjudicative requirement
 - Form I-765 remains unadjudicated
 - Biometrics have been captured—if not, refer to ASC
- Contact NBC or Service Center to initiate EAD production—either Interim or Non-Interim
- Provide Notice to applicant acknowledging status inquiry.

National Benefits Center and Service Centers

The National Benefits Center (NBC) and all four Service Centers have already begun conducting daily sweeps to identify any Form I-765 pending on Day 60. Once identified, it will be imperative for the NBC or Service Centers to adjudicate these pending Forms I-765. Adjudication of Form I-765 must occur prior to Day 70 in order for the EAD to be received by the applicant prior to Day 90. Cases located in IBIS Triage Units due to unresolved IBIS issues must be addressed and adjudicated in the same manner as other pending Forms I-765. Based on the available information, the adjudicator must decide to approve, deny, or issue an RFE relative to the pending application. When issuing an RFE for initial information, the Centers will advise the applicant the 90-day time period is automatically tolled and, upon receipt of the requested information, a new 90-day time period begins. Likewise, when an RFE is issued for additional information, the Centers will advise the applicant the 90-day time period is automatically tolled and, upon receipt of the requested information, the 90-day time period continues at the point of interruption. In the event that an application is not adjudicated within the regulatory time frame, each Service Center and the NBC have established a dedicated telephone line to answer field office inquiries when an applicant appears for an interim EAD. **Since the affected alien will be in the field office at the time the inquiry is made, the NBC and Service Centers will attempt to respond to any inquiry within 30 minutes of receipt. Inquiries made to a Service Center or the NBC after their normal business hours should be sent to the email addresses listed below, with the response from the Service Centers or NBC provided to the local office by 10:00 the next business day.**

Once contacted by a local office, it will be the responsibility of the Service Center or NBC to either adjudicate the pending Form I-765 or issue an interim EAD.



The five Centers have established these dedicated lines to respond to EAD field inquiries.

	<u>TELEPHONE</u>	<u>FAX</u>	<u>EMAIL</u>
National Benefits Center			
California Service Center			
Nebraska Service Center			
Texas Service Center			
Vermont Service Center			

*** Please note EXPEDITE in Subject Line of Message.**

National Security

For any case with an identified national security concern that has been referred to Headquarters, please check with the HQ Fraud Detection and National Security Adjudicative Unit prior to issuing an EAD.

Any questions regarding this memorandum should be addressed, through appropriate supervisory channels, to  Field Operations or  Service Center Operations.

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