

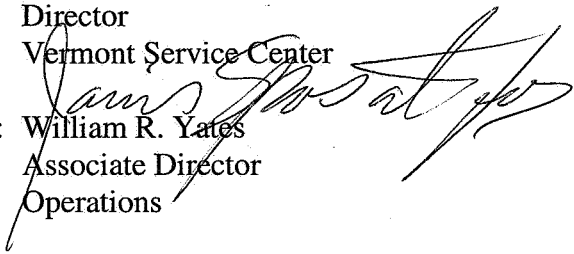


U.S. Citizenship
and Immigration
Services

HQOPRD 70/6.2

Interoffice Memorandum

To: Paul E. Novak
Director
Vermont Service Center

From: 
William R. Yates
Associate Director
Operations

Date: MAY - 6 2004

Re: Assessment of Deferred Action in Requests for Interim Relief from U Nonimmigrant Status
Eligible Aliens in Removal Proceedings

Purpose

Through a memorandum entitled, "Centralization of Interim Relief For U Nonimmigrant Status Applicants," issued on October 8, 2003 (Centralization memo), the U nonimmigrant status interim relief process was centralized at the Vermont Service Center (VSC). That memorandum established guidance for adjudicators in determining eligibility for interim relief, and gave VSC jurisdiction to assess deferred action as part of interim relief in early-filed U nonimmigrant status cases. The memorandum stated, however, that VSC did not have jurisdiction to assess deferred action if the alien making the request is in removal proceedings at the time the request for interim relief is made. The purpose of this memorandum is to clarify that pursuant to an agreement with the Bureau of Immigration and Customs Enforcement (ICE) VSC will now have jurisdiction to assess deferred action in cases where an alien requesting interim relief is in removal proceedings, and to establish the procedure to be followed in such circumstances.

New Procedure

Effective immediately, VSC shall have jurisdiction to assess deferred action for aliens seeking interim relief while in removal proceedings. VSC personnel must continue to first determine whether the alien has adequately demonstrated his/her eligibility to apply for U nonimmigrant status according to the guidelines established in the Centralization memo before determining whether to assess deferred action. Once an individual is determined to have submitted *prima facie* evidence of his/her eligibility to apply for U nonimmigrant status, VSC personnel must then decide whether to exercise discretion and assess deferred action. Prior to making an assessment

