




U.S. Citizenship
and Immigration
Services

Interoffice Memorandum

To: Prakash Khatri
USCIS Ombudsman

From: Dr. Emilio T. Gonzalez
Director, USCIS 

Date: May 7, 2007

Subject: Response to Recommendation #31, to adopt a Standard Operating Procedure under which there would be at least 30 day advance notice to the public and posting on the USCIS website of changes to policy and operations instructions, absent exigent circumstances

USCIS has increasingly been notifying the public of changes to policy and operating instructions whenever appropriate. USCIS will continue to improve and expand on its efforts to provide public notice as a standard practice, absent exigent circumstances. In certain instances, USCIS will effect policy changes without any delay. Making the 30-day advance notice a requirement for all policy or procedural changes will unnecessarily delay implementation of important changes.

In the recommendation, the Ombudsman makes specific reference to USCIS' implementation of a procedural change relating to Form I-765 (Application for Employment Authorization) for U visa seekers without notification to the public. The change referenced in the recommendation was not a formal change of policy or operating instruction, but rather a reinforcement of existing policy contained in a memorandum issued on October 8, 2003, entitled, "Centralization of U Interim Relief." USCIS took steps to provide advance notice to the public by contacting the National Network to End Violence Against Immigrant Women (a national organization with over 1,000 members including domestic violence and sexual assault advocates, immigration practitioners, prosecutors, police officers, and civil and criminal court judges) ("the Network"). The Network notified its members by e-mail. As a result of feedback received from the Network, USCIS delayed enforcement of the memorandum for 30 days, and also created a receipt notice for individuals to submit with their Form I-765 to help demonstrate the underlying basis of eligibility. USCIS concurs with the Ombudsman that this notification should have also been posted on the USCIS website. USCIS will make every attempt to do so in the future.