

## Consular Office Updates from Ciudad Juarez Unofficial Notes<sup>1</sup>

**Introduction:** First of all, we are very glad for this invitation to see everyone. The consular section in CDJ is the only immigrant visa processing post in Mission Mexico and the largest IV visa processing post in the world. We handle 20% of all the IVs in the world. The IV unit in CDJ is massive but when there are four of you it is massive and desolate. We were able to start processing and were under great pressure from the government to ramp up our operations. NVC had a huge backlog and they wanted us to ramp up as well to avoid further backlogs. The general public believes that the consulates are doing nothing and have not started processing. I believe that we were the first IV unit to go to full processing. We had a commitment to try to do as much as we could to reunite families. Every file in our file room is a person with a family and we need to do everything to reunite them with your family.

We have the balance of getting people their visas but keeping them social distant. We had to rescheduled all of the appointments that we cancelled when we shut down in March. When we shut down in March, we thought it was going to be for a couple of weeks and that was going to be the backlog. One of the first things was to begin rescheduling all the appointments that had been missed during our closure. Nearly everyone at this point has been rescheduled.

In FY 2021, we issued 40,000 IVs. Due to the pandemic, the story is truly told through the calendar year if we look at 2019, we issued 57,000 in that year. Every day of the pandemic we did not shut down we continued to work, and they worked from home, and we had to work in very odd circumstances. This year – calendar year 2021 we got back to 57,000. We came back and we came back harder, and we wanted to get back to what we did in 2019. There are certain silver linings when there is a worldwide pandemic that shuts down everything. We found efficiencies that we would not have found but for the pandemic. At this point, there is not one adjudicator remaining in the whole consular section in Juarez who was there when we shut down due to the pandemic.

There was nothing stopping us from making changes and we have saved 20 seconds per interview, and it doesn't sound like much but every little change we could make we did. Speaking for the management team we are listening to everyone. And the other thing that we did was that we had the full commitment of the State Department and White House. We were able to bring in officers from mission Mexico and the world to our post. We are back into full processing, and we are back on our feet. And I want to cover this in the beginning, and we are not flat footed, we are back in full processing.

### **Scheduling:**

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<sup>1</sup> These are unofficial notes from the AILA Texas Spring Chapter Conference March 31, 2022 in El Paso Texas. These notes are provided to the membership as an update only.

If a case is documentarily complete, they are getting a place on the schedule. If your clients have not received a date for their interview, then you can contact post through the public inquiry system.

### **Photos:**

We are asking for new photos for IV interview so ask your client to bring updated photos for themselves and for the children who may have changed during the time the case was pending. We are making every effort for first interviews to get scheduled. For those cases that are pending for medical or other documents who have been interviewed we are waiving the interview.

### **Timeline / After the Interview: Administrative Processing**

What to prepare your client for after the interview: You can expect the visa to be printed or delivered in about two weeks. It is variable. It is about a two week turnaround time if the visa is approved.

Administrative Processing [AP] is an internal set of controls that we need to go through to ensure that a person is qualified for the visa. We cannot share with the client the reasons but if the client is required to submit documents, we will provide a list to them at the time of the interview.

### **Reviewing emails:**

We have seen emails that refer to how long a case is pending, and, in some cases, it is on your client that needs to submit documents and if they do not it can last indefinitely. If the case has been in AP for over 6 months and you haven't heard from us, and client does not need to provide documents then reach out to us. I will also echo what has been said to us. I think probably in this room everyone is familiar with the public inquiry page and there is another one for attorneys to submit legal inquiries. I recommend you google: Ciudad Juarez Immigrant Visas – consulate page- go to bottom for online inquiry portals. The way that we have worked this out is to be able to answer them in a queue.

If you submit an inquiry, we can assure you that we are looking at them all day and our goal is provide an answer in a reasonable amount of time. *I will tell you that it does not speed up the process if you and your client submit the same inquiry. So, do not do this.*

And the last thing our **Oath Extension** authority, in the past, after you resolved a 221g, you normally had your client come back in since the oath had expired. Due to the pandemic, the State Department has given us the authority to issue an *oath extension*. However, they will get a notice for updated documents that may have expired. For those of you have clients with the permanent bar, those that have waited 10 years to apply for an I-212, if they have not provided an oath in the past they are asked to come back and provide us with one. In this case you need to come back for a new interview.

### **Reasons Why a case is placed in Administrative Processing:**

One of the things that we often see is applicants with civil documents that are NOT original. If you come to the interview with copies, this will lead to the case being placed on administrative processing.

Another thing that we got questions about is the long form birth certificate. We have some states that we need these documents per State law. If your client has access to a long form birth certificate, we recommend submitting it.

Affidavit of Support We got a question, that asks us if we need to see W-2 and 1099's and 1040 or just Tax Transcripts. We need to see the tax documents for everyone listed on the form. So, if Joint Sponsor files with their spouse we need a form for the spouse as well. Tax transcript is fine for someone filing single.

Police certificates: We need to see police certificates for individuals where they have lived in one year. It can be a federal or state authority. We do not accept docs from anything under State level. Two-year time given for these that were provided to NVC.

Communication with the consulate: Questions regarding ineligibilities found about your client, please note there is a difference with regard to factual misunderstanding or a legal ineligibility.

⇒ If the ineligibility was found due to a factual error, then use the public inquiry system.

⇒ If it is law, then you need to send it to [legalnet@state.gov](mailto:legalnet@state.gov).

### **Questions about Medical and Vaccine:**

Our medical requirements are dictated by the CDC which are provided to panel surgeons for them to interpret. The two clinics in CDJ and one in Mexico City work closely with CDJ and they interpret the CDC. The technical instructions are available at [CDC.gov](https://www.cdc.gov).

**Alcohol use disorder guidelines:** We are now treating alcohol like any other controlled substance in the past. They need to demonstrate sobriety for at least one year. This is publicly available in the instructions.

**Vaccine: COVID-19** one of the things we have seen that have impacted applicants, ie, no dose, or only 1 dose. One of the reasons this is important, is that individuals with an approved provisional waiver and refuse to get the vaccine or comply with CDC, the provisional waiver will be revoked.

**Nonimmigrant Visas:** We are a massive IV unit, so the non-IV unit did not have anyone available to come up. So, we have some clear talking points to answer your questions. Much like IV they have up to full processing or quasi full processing. They are processing all NIV, Students, Emergencies and E2s are our priorities. They have more staffing challenges so you will see a challenge in obtaining appointments. The current wait time in all visa categories, they are updated weekly. See *Travel.State.gov*

## **E-2 questions:**

Once it has determined that it is documentarily complete the time for these categories is quite low. However, the other visas you are seeing a higher wait time compared to the dates in mission Mexico. E-2 – 2 weeks contact after documentarily complete and wait time to get into the consulate is 3 weeks. They are transitioning to electronic submission for E-2

**B-1/Emergency appointment:** they are determined on a case-by-case basis directly by a consular manager. Those guidelines are available on website.

**Errors:** Case by case basis but we see very few errors at CDJ.

**Mission Mexico** page you can check for reference for which posts are processing what and this updated weekly.

**How long is the interview at the window? Do you have a number on that?** No, we do not. We do not operate on a stopwatch process. We are getting all the information we need efficiency and we do not do averages anymore. Are you returning to pre-pandemic visa issuance? Yes absolutely. The metrics are performed weekly, and we are several percent of where we were pre-pandemic.

**Following to Join Applicants: Wait?** the best way is to reach to go to public legal inquiry form. All cases are different, and it will depend on this. It can be added right away, email us through the public form. It would be useful to let them know if someone is aging out, please highlight to the consular post.

**What about interview waivers?** That authority has been extended for oaths to end of the year. It has to do with the age of the case, is there a biometric oath on file and a variety of other things. We do not have parameters per se.

Are you also asking about complete waiver as we see an NIV? A lot of things are on the table that would not have been on the table but for the pandemic.

**People who missed their interview prior to the pandemic.** In terms of how we are rescheduling those. Those are being rescheduled for a while after the pandemic. We are now actively rescheduling these cases. If you missed my appointment and you are ready for another one- reach out to them on online portal.

## **NIV: suggestions on 212(d)(3) waivers.**

Do you have any suggestions and your familiarity? Nothing on that we have not done NIV in a long time.

**If applicant needs a medical re-evaluation in the 6 months or 1 year,** we give them a letter with the date and that is on the applicant. They can bring the letter to the clinic for a new exam, and we work directly with the client to receive those and the clinic knows when it will be

resubmitted. We will request any follow up documents if need be. It is on the applicant to provide this to us.

**Medical Exam issue:** we differentiate with hard refusals and more information needed refusals and as I discussed earlier with covid vaccine. If person has not gotten covid vaccine and they are unwilling and that will be a harden ineligibility and the waiver will be cancelled.

In the case of: *IV if you write to NVC with an expedite request that comes directly to CDJ* on a case-by-case basis. Currently the criteria for the expedite it is all available on our website. It is very strict right wrong, and it has become life and death, medical etc. And we understand that they are separated and that is not enough to get an expedite. With other requests, if you submit an expedite to NVC then they get it down to them – do not put in multiples. Is there a religious request for vaccination waiver? It is a process through USCIS. It is not our determination, and we cannot speak of this.

Data Manager for CDJ and Mexico City: we are asking for more staffing currently. We are planning to get more individuals.

Normally what we do is we ask that you submit the text first. If you want to maintain the queue is the online portal and we know you cannot attach docs, but if a case comes in and we have a need for documents. Not every case will need documents and a local staff member will decide if we need more documents to answer an inquiry. That is the most efficient way. If you are having technical difficulties, to reach out to us because this has happened before.

Will you continue 2-day interviews for the foreseeable future?

We started this b/c of the pandemic to keep people separated. We were doing intake and interview the same day it doubled the amount of people in the waiting area. This has been extremely efficient. This has done great things for the processing and has made everything more efficient. On intakes for the two-day minimum, they do biometrics on one day and medical on another day. You can expect that they will be heard, and they are going to have a professional interview where their facts will be heard, and a decision will be made in a professional manner.