



PROCEDURES FOR BACKGROUND CHECKS FOR ALIENS APPLYING FOR RELIEF OR PROTECTION FROM REMOVAL BEFORE THE EXECUTIVE OFFICE OF IMMIGRATION REVIEW (EOIR) - CHICAGO¹

I. Initial Process for Fingerprinting:

At the Master Calendar hearing, the ICE Attorney provides the alien or alien's counsel with the *Instructions for Submitting Certain Applications in Immigration Court and for Providing Biometric and Biographic Information to U.S. Citizenship and Immigration Services*. These pre-order instructions are also available at <http://www.uscis.gov/files/article/PreOrderInstr.pdf>

No Later Than 180 Days prior to the Scheduled Hearing:

You must follow the instructions and submit copies of the specified applications to either the USCIS Texas or Nebraska Service Centers no later than 180 days before the scheduled hearing. You must also pay any relevant application and biometric fees, and attend an appointment at a USCIS Application Support Center (ASC) for biometrics collection. Within approximately three weeks, USCIS will send you an application receipt notice (a "fee notice" where fees are required), and an ASC biometrics appointment notice after receipt of the application. If you do not receive your application receipt notice or your ASC notice(s) after three weeks have elapsed, please call the USCIS National Customer Service Center at 1-800-375-5283. You should make copies of all application receipt notices and ASC scheduling notices and bring them to court with you. You will need to show your original ASC scheduling notice to the USCIS ASC when you attend your appointment for biometrics (e.g., fingerprints and photographs). It contains an important receipt number that the ASC must use to match your biometrics with the correct application in USCIS' systems.

Once you provide biometrics, USCIS will transmit the fingerprints to the Federal Bureau of Investigation (FBI) for criminal history checks. You must have your fingerprints taken at least 60 days prior to the scheduled hearing date in order for all the background clearances to be complete. Failure to provide biometrics, without good cause, may result in your application being deemed abandoned by the Immigration Judge. Prior to the hearing, you may inquire and confirm with the Office of the Chief Counsel ("OCC") as to the status of the background checks.

Important: Your fingerprints are valid only if they were taken and cleared within 15 months of the hearing. If, on your hearing date, 15 months will have elapsed from the date you were last fingerprinted, please see below.

II. Expired Fingerprints: Process for Re-Fingerprinting or Updating Existing Fingerprints

Expired Fingerprint Clearance ("Non-IDENT"):

If you were fingerprinted through the Initial Process and were cleared (no FBI record), but the clearance will have expired prior to the hearing, you must be re-fingerprinted. To ensure getting background clearances on these re-prints, you are encouraged to contact USCIS not less than 14 days, but no sooner than 60 days prior to the scheduled hearing date, unless otherwise ordered by the Immigration Judge. You may make an InfoPass appointment at <http://www.infopass.uscis.gov>. If you do not have access to a computer, you may make an in-person appointment at your nearest USCIS office. Pursuant to the regulations, failure to provide current biometrics, without good cause, may result in your application being deemed abandoned by the Immigration Judge.

Existing Fingerprints (FBI Official RAP Sheet or "IDENT") Expired:

If you were fingerprinted through the Initial Process, and you have been identified to have an FBI record (FBI Official RAP sheet or "IDENT") that will have expired prior to the hearing, you must call our office to confirm that no further action on your part is required. In most cases, our office will request an updated FBI RAP sheet prior to the hearing without the need for you to be re-fingerprinted. All inquiries will be recorded so that the ICE Attorney can advise the court of the action you have taken to comply with the requirement to provide current biometrics.

¹ These instructions supplement, but do not replace, the *Instructions for Submitting Certain Applications in Immigration Court and for Providing Biometric and Biographic Information to U.S. Citizenship and Immigration Services* or any EOIR instructions/orders.