



U.S. Immigration and Customs Enforcement

Frequently Asked Questions (FAQs)

Agreement between U.S. Citizenship and Immigration Services (USCIS) and U.S. Immigration and Customs Enforcement (ICE): Fingerprint Check Refresh Requests

1. Q. What is the purpose of the agreement?

A. The agreement establishes a process between ICE ERO and USCIS for the refresh (update) of fingerprint checks of non-detained respondents with cases pending before the Executive Office for Immigration Review (EOIR) whose fingerprints have been taken, but the fingerprint checks will expire prior to a final decision by EOIR (i.e. checks that are more than 15 months old).

2. Q. Does the agreement change the process established by the form entitled *Instructions for Submitting Certain Applications in Immigration Court and for Providing Biometric and Biographic Information to U.S. Citizenship and Immigration Services (Pre-Order Instructions)*, which respondents use when filing an application for relief with EOIR?

A. No, the agreement does not affect the existing process for respondents who are filing applications for relief with EOIR. They must continue to follow the USCIS Pre-Order Instructions. The agreement only affects how fingerprint check updates will be conducted for non-detained respondents prior to a final decision in their case.

3. Q. Does the agreement currently apply nationwide?

A. Yes, the agreement applies nationwide as of its effective date of March 31, 2016.

4. Q. How will the fingerprint check refresh process begin?

A. ICE will identify cases scheduled for non-detained hearings and, when necessary, will attempt to update the fingerprint check of respondents from information available to ICE. If ICE ERO is unable to refresh the fingerprint check, it will follow the protocol established in the agreement for the exchange of information between ICE ERO and USCIS. Only if ICE ERO and USCIS are unable to refresh the fingerprint through their systems will the respondent receive a notice from USCIS scheduling them to appear at a USCIS Application Support Center (ASC) for fingerprinting.

5. Q. How long will it take USCIS to update the fingerprint check of respondents in cases that ICE sends to it under the agreement?

A. Updated fingerprint data should generally be available to ICE within 48 to 72 hours after ICE submits its request to USCIS. If USCIS cannot update the fingerprint check from its databases, a notice will be sent to the respondent to appear for fingerprinting. In these instances, the process will take longer than 72 hours.

6. Q. What happens if USCIS does not have a respondent's fingerprints in its systems?

A. If USCIS does not have a respondent's fingerprints in its systems, USCIS will notify ICE ERO of this fact within the 48 to 72 hour window after ICE ERO submits the update request. ICE ERO will then submit the respondent's information to the USCIS mailbox specified in the agreement. USCIS will schedule these respondents for fingerprinting at the appropriate USCIS ASC.

7. Q. How long will it take USCIS to send an ASC appointment notice to respondents who must provide new biometrics data?

A. USCIS expects that the situation of a respondent not having fingerprints in either an ICE or USCIS system will rarely occur. However, if a respondent needs to submit new fingerprints, USCIS will schedule an ASC appointment in a timely manner.

8. Q. Will respondents receive any type of fingerprint notice from either ICE or USCIS?

A. Under the agreement, the only respondents that will receive any type of fingerprint notice from USCIS will be those whose fingerprint check could not be updated by either ICE ERO or USCIS. Those respondents will receive a notice from USCIS instructing them to report to an ASC. ICE Offices of Chief Counsel (OCCs) and Field Offices will no longer provide respondents with a fingerprint notice advising them to go to a USCIS ASC on a walk-in basis to provide new fingerprints on an existing benefits application for which they have already been fingerprinted. Respondents will continue to receive the initial Pre-Order Instructions and should comply with those instructions in order to receive the initial ASC appointment notice from USCIS.

9. Q. What if a respondent's attorney tells the respondent to walk-in to an ASC to update fingerprints?

A. Respondents should not appear at an ASC to update fingerprints unless they receive an ASC appointment notice from USCIS. Respondents who appear solely at the request of their representative will not be processed.

10. Q. Can a respondent make his or her own appointment through InfoPass to update fingerprints?

A. No. Respondents should not appear at an ASC to update their fingerprints unless they have received an ASC appointment notice from USCIS.

11. Q. What is the role of the local ICE OCC in this process?

A. The local ICE OCCs are not involved in the actual fingerprint check request sent to USCIS. However, ICE OCCs assist ICE ERO offices by providing them with a list of cases that need to be updated. ICE OCCs nationwide are actively coordinating with their local ICE ERO offices to ensure that there are local procedures to assist with the efficient and timely fingerprint check updates for non-detained cases where the respondent's fingerprint checks have expired.

12. Q. How will the local ICE OCCs receive the necessary fingerprint check information after ICE ERO and USCIS complete the refresh process?

A. ICE ERO is responsible for sending the current fingerprint check results to the ICE OCC within its area of responsibility (AOR).

13. Q. How will the agreement affect pending cases that are not on the EOIR's dockets, such as cases where the IJ has reserved decision or cancellation of removal cases affected by the annual cap?

A. In order to ensure the timely completion of cases, local ICE OCCs must have as much advance notice as possible of any pending cases that are or will soon be eligible for relief. This gives the ICE OCC the opportunity to request completion and/or updating of all necessary background checks. For those cases where the fingerprint checks have expired, local ICE will follow the local procedures established to process those cases for fingerprint check updates pursuant to the agreement. Any existing practices between EOIR and the local ICE OCCs relating to cancellation of removal cases should not be affected by the agreement, except that the ICE OCCs will no longer provide notices to respondents to appear before USCIS for fingerprinting.

14. Q. What are the expected benefits of implementing this standardized resubmission process?

A. This process should maximize efficiencies for both the government (ICE, USCIS, and EOIR) and for respondents by eliminating the costs and delays created by requiring respondents to provide new fingerprints if this information is already available in either an ICE or USCIS system. For respondents who must provide new fingerprints, they will go to a scheduled ASC appointment so that USCIS can adequately staff the ASCs and therefore avoid turning respondents away. Overall, this new process will allow USCIS to better use its resources; will assist ICE and EOIR in managing dockets more efficiently; and will avoid causing unnecessary interruptions to respondents' daily lives.