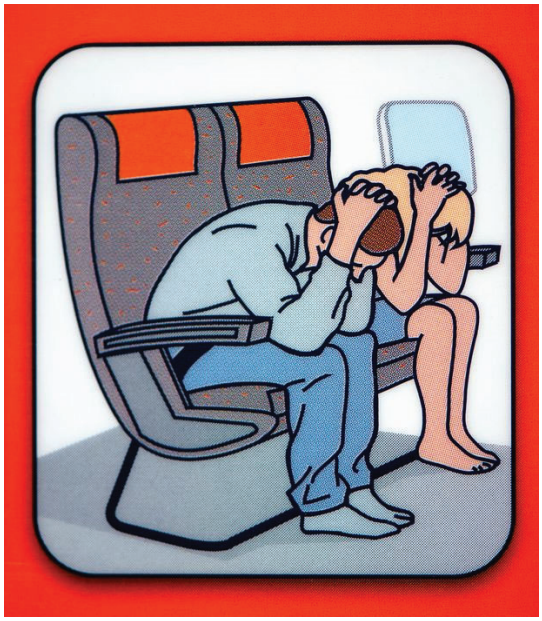
Strategies and Practice Pointers for Family-Based and Citizenship Cases in the Age of Enforcement

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Being an Immigration Lawyer in 2018 = Living Every Day in Brace Position



A Tale of Two Memos

- The "RFE" Memo: *Issuance of Certain RFEs and NOIDs; Revisions to Adjudicator's Field Manual (AFM) Chapter 10.5(a), Chapter 10.5(b)* (July 13, 2018).

- The "NTA" Memo: *Updated Guidance for the Referral of Cases and Issuance of Notices to Appear (NTAs) in Cases Involving Inadmissible and Deportable Aliens* (June 28, 2018).

The RFE Memo

- Applies to all applications received by USCIS on or after September 12, 2018 (except DACA/asylee/refugee applications).
- Increased "discretion" of officers to deny application without first issuing a Request for Evidence (RFE) or Notice of Intent to Deny (NOID).
- Not intended to penalize for "innocent mistakes or misunderstandings of evidentiary requirements," but rather discourage incomplete and frivolous "placeholder" filings.
- Discretion to deny without an RFE or NOID for failure to establish eligibility based on lack of required initial evidence.
    - Not always clear what is "required initial evidence."
    - New "checklists" on USCIS website (but not exhaustive).

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