



U.S. Citizenship
and Immigration
Services

HQOPRD 70/6.2
AD 05-11

Interoffice Memorandum

To: Regional Directors
Service Center Directors
District Directors

From: William R. Yates /S/ by Janis Sposato
Associate Director
Operations

Date: June 6, 2005

Re: Adjudication of Change of Status Requests for A, G, or NATO Classifications
and Extensions of Stay for A-3, G-5, and NATO-7 Aliens;

Revisions to *Adjudicator's Field Manual (AFM)* Chapter 30.3 (*AFM* Update AD 05-11)

This memorandum provides guidance to U.S. Citizenship and Immigration Services (USCIS) personnel concerning the proper jurisdiction of adjudication of change of status cases involving A, G, and NATO nonimmigrants. It also updates the Adjudicator's Field Manual accordingly.

Change of Status to or within A, G, or NATO Classification: requests from aliens seeking a change of status into or within an A, G, or NATO nonimmigrant classification, as well as requests to extend periods of stay for those aliens in A-3, G-5, or NATO-7 classifications, are adjudicated *exclusively* by USCIS personnel from the Washington or New York District Offices.

Any other district office or service center that receives such a request, should return it to the alien, who should be advised to resubmit the request to his or her embassy, international organization, or NATO command.

Change of Status from an A, G, or NATO Classification: such requests are adjudicated at service centers.

Please direct any questions regarding this memorandum through appropriate channels to Donna Crump, Office of Program and Regulations Development.

Adjudication of Change of Status Requests for A, G, or NATO Classifications and Extensions of Stay for A-3, G-5, and NATO-7 Aliens;

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Accordingly, the *AFM* is revised as follows:

- ☞ 1. *AFM* currently contains chapter 30.3 entitled, "Change of Nonimmigrant Status under Section 248." Section 30.3(c)(2) has been revised (revision date 06/06/2005) to read as follows:

(2) Preliminary Screening. (Chapter 30.3(c)(2)(A) (Revised 06/06/2005; AFM 05-11) In addition to the steps described in **Chapter 10**, preliminary review includes the following:

(A) Determine Jurisdiction. Jurisdiction is generally based on the alien's location in the United States. Consult with supervisory personnel before accepting an application which does not appear to be submitted in the proper jurisdiction.

Note: Normally cases submitted in the wrong jurisdiction must be transferred to the appropriate office; however, in certain situations local management may choose to assume jurisdiction in a case. Consult with supervisory personnel before processing an application which does not appear to be submitted in the proper jurisdiction.

However, the Washington District Office and the New York District Office have jurisdiction over certain adjudications concerning A, G, NATO nonimmigrants.

- Changes into or within an A, G, or NATO Classification. Requests for change of status into or within an A, G, or NATO nonimmigrant classification are adjudicated exclusively by USCIS personnel from the Washington District Office, who meet weekly with personnel in the Department of State (DOS) Visa Office in Washington, DC, or by New York District Office personnel who work closely with the U.S. Mission to the United Nations (USUN) in New York. This was a long-standing arrangement between DOS and the former Immigration and Naturalization Service, which continues with USCIS. These two USCIS offices have assigned adjudicators to this function. Change of status requests into or within any of these classifications should not be adjudicated at any other district office or at a service center.

When an alien in the United States requests a change of nonimmigrant status into or within an A, G, or NATO classification, that request must first be considered by the DOS Office of Protocol, USUN for aliens assigned to the United Nations or to a foreign mission to the United Nations, or by the North Atlantic Treaty Organization/Headquarters, Supreme Allied Commander Transformation (NATO/HQ SACT) for aliens assigned to a NATO command. A change within a classification would include instances in which aliens receive promotions or otherwise change

their responsibilities and may require a change within the existing classification, for example, from A-2 to A-1.

How to Handle Requests for Change of Status into or within an A, G, or NATO Classification Filed at Other District Offices or Service Centers. Should another district office or service center receive a request for a change of status into or within an A, G, or NATO classification, the request should be returned to the alien, using the following recommended language:

“Your application was filed incorrectly. Please resubmit your application along with any required supporting documents to your embassy, international organization or permanent mission thereto, or NATO command. Your employing organization must first review this application and then forward it on to one of these certifying organizations: Department of State, U.S. Mission to the United Nations, or North Atlantic Treaty Organization/Headquarters, Supreme Allied Commander Transformation. Following certification by one of these organizations, your application will then be submitted to the USCIS by one of them. You do not submit this type of application directly to USCIS.”

- Extension of Stay for A-3, G-5, or NATO-7 Classifications. Requests for an extension of stay for an A-3, G-5, or NATO-7 nonimmigrant are adjudicated exclusively by the Washington District Office or New York District Office, following a thorough review of the circumstances of such requests by DOS, USUN, or NATO officials. These officials are able to verify that the sponsoring employer continues to hold the qualifying position and to review updated employment contracts to ensure that the terms of employment are consistent with current requirements. Such requests for an extension should not be adjudicated at other district offices or service centers.

How to Handle Extension of Stay Requests for A-3, G-5, or NATO-7 Nonimmigrants Filed at Other District Offices or Service Centers. Should another district office or service center receive any such request, the request should be returned to the alien, using the following recommended language:

“Your application was filed incorrectly. Please contact your employer’s embassy, international organization, or NATO command for proper filing procedures.”

- Change from an A, G, or NATO Classification. When A, G, or NATO aliens wish to change to another nonimmigrant classification, such requests are adjudicated at

service centers, provided there is an endorsement by a DOS Visa Office or a USUN official at Part 7 on **Form I-566** (Interagency Record of Request), accompanying **Form I-539** (Application to Extend/Change Nonimmigrant Status) or **Form I-129** (Petition for a Nonimmigrant Worker). Please note that the DOS Visa Office, not NATO/HQ SACT, endorses this form on behalf of NATO nonimmigrants.

Should questions arise during the adjudication, USCIS personnel may wish to consult with one of the following:

Diplomatic Liaison Division of the DOS Visa Office at telephone (202) 663-1743 or fax (202) 663-1608 -- for aliens in A classification and for aliens in G classification except those who are assigned to the United Nations, for example a G nonimmigrant working at the World Bank in Washington, DC;

Advisor for Host Country Affairs at USUN at (212) 415-4167 or fax (212) 415-4162 -- for aliens in G classification and assigned to the United Nations Secretariat or an individual mission to the United Nations;

Legal Affairs Office at NATO/HQ SACT at (757) 747-3640 or fax (757) 747-3310 -- for aliens in NATO classification.

- After the adjudication of a change of status from these classifications: USCIS officers must complete Part 8 of the revised Form **I-566** by documenting action taken and returning a copy of that form to the appropriate office:

For the Department of State, Office of Protocol, use the following address:

Office of Foreign Missions
3507 International Place, NW
Washington, DC 20522-3302

For the U. S. Mission to the United Nations, use the following address:

U.S. Mission to the United Nations
799 United Nations Plaza
New York, NY 10017

For the North Atlantic Treaty Organization/Headquarters, Supreme Allied Commander Transformation, use the following address:

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NATO/HQ SACT
Legal Affairs Office
7857 Blandy Road, Suite 100
Norfolk, VA 23551

DOS, USUN, and NATO/HQ SACT update their records based upon information USCIS personnel provide on this form. Thus, it is important that a complete copy of the Form I-566 be forwarded promptly to the appropriate agency or organization, noting what action was taken and the date it was taken, as well as the name and telephone number of the adjudicating office for use in the event that should DOS, USUN, or NATO/HQ SACT have questions regarding the adjudication.

- ☞ 2. The *AFM Transmittal Memoranda* button is revised by adding a new entry, in numerical order, to read:

AD 05-11
[06/06/2005]

Chapter 30.3(c)(2)(A)

This memorandum replaces Chapter 30.3(c)(2)(A) with a revised Chapter 30.3(c)(2)(A) of the *Adjudicator's Field Manual (AFM)*.

cc: CIS Headquarters Directors
Bureau of Immigration and Customs Enforcement
Bureau of Customs and Border Protection