

June 3, 2024

Lori Pietropaoli
Northeast Regional Director
U.S. Citizenship and Immigration Services
70 Kimball Avenue
South Burlington, VT 05403-6813

Re: Concerns Regarding the Jurisdictional Changes for the Brooklyn and Newark USCIS Field Offices

Director Pietropaoli,

The below-signed 35 members and partners of Immigrant ARC (I-ARC) and concerned elected officials write to express our concerns regarding the recent decision to move the USCIS Brooklyn Field Office under the direction of the Newark District Office. While we trust that this decision was made in good faith and with consideration of the experience of USCIS clients and personnel, we write to express our concerns and highlight potential critical consequences of such a move.

We respectfully request that your office pause the decision and allow time for local USCIS offices to engage with immigration service providers on the ground to ensure your intentions are achieved without undue harm to the nearly 400,000 noncitizens living in the service area.¹

I. Immigrant ARC (I-ARC)

Immigrant ARC is a coalition of over 80 member organizations providing legal services across the state of New York. Our mission is to increase access to justice and access to legal counsel for immigrant New Yorkers by mobilizing New York's legal service providers and addressing the systemic barriers to justice that immigrants face. Our members hold deep expertise in the complex experiences of New York immigrants navigating our country's immigration agencies. Many provide direct services to the thousands of people currently under the jurisdiction of the Brooklyn Field Office, and we offer that expertise in the concerns addressed below.

II. Concerns Regarding the Change of Jurisdiction

The Brooklyn USCIS Field Office currently services the boroughs of Staten Island and Brooklyn, home to 38,000 and 358,000 noncitizens, respectively.² Any changes to jurisdiction or office location would affect a service area of nearly 400,000 people.

A. Legal confusion around circuit court jurisdiction and case law

While the Brooklyn Field Office operates under the jurisdiction and case law of the Second Circuit Court of Appeals, Newark is governed by the Third Circuit. We are

¹ U.S. Census Bureau, "Selected Characteristics of the Foreign-Born Population by Period of Entry Into the United States," Staten Island and Brooklyn selected, accessed May 23, 2024, <https://data.census.gov/table/ACSST5Y2022.S0502?q=060XX00US3604710022.3608570915>.

² Id.

concerned that USCIS officials will rely upon case law and precedent from a jurisdiction where the client does not reside. This could be problematic in situations where there is disagreement in law between federal circuits. Additionally, should an applicant facing a deportation case venued in the Second Circuit (where they live) need to pursue applications through USCIS, those applications would be adjudicated in a different field office and circuit court jurisdiction than the applicant's immigration case. While this issue already affects a limited number of applicants nationally, such a drastic change in jurisdiction for a dense service area creates unnecessary cross-agency complications that could unfairly determine the success of a person's immigration claim.

B. Rapid changes in jurisdiction for mobile/pro se populations

As immigrants living in New York continue to navigate their new city, its transit systems, language barriers, and increased cost of living, requiring low-income applicants to travel out of state just by changing neighborhoods is not a reasonable expectation. Most New York immigrants do not have legal counsel to help them navigate the drastic change in policy, procedure, jurisdiction, and expectations that this move may cause.³

C. Existing infrastructure and relationships with NYC service providers

Many policies on common procedures like responding to Requests for Evidence (RFEs) and mailing materials are specific to the Brooklyn Field Office. In some cases, policies have been organically adjusted in continuous partnership with local providers to better service clients. These trusting partnerships have been essential to troubleshooting issues or mistakes that may affect the trajectory of a client's life. Our members have built working relationships with the current field office to tackle extremely urgent, sympathetic cases where a person's life may be in danger. Local providers have brainstormed valuable emergency measures with USCIS staff in Brooklyn that later became national policy (such as same-day stamped filings for young people with Special Immigrant Juvenile Status).

These collaborative partnerships are the result of relationships built over the years between USCIS staff and local service providers, and the sudden withdrawal of long-lasting partnerships and familiar policy will create widespread issues for USCIS staff, clients, and providers.

D. Case Load and potential delays

Without a clear understanding of the staffing changes and case allocation that would accompany such a change, we are concerned that such an increase in caseload for Newark's office will result in longer processing times and more difficult communication between officers, providers, and clients.

III. Request for Engagement

We respectfully request a pause in the jurisdictional change and engagement with local service providers to discuss and mitigate potential issues. We would especially

³ TRAC Immigration, "New Proceedings Filed in Immigration Court by State, Court, Hearing Location, Year, Charge, Nationality, Language, Age, and More," last updated April 2024, <https://trac.syr.edu/phptools/immigration/ntanew/>.

appreciate clarification on the planned timeline for the change; potential staffing and caseload changes for the field offices; expectations for the Brooklyn Field Office; and what types of appointments or cases may be moved to the Newark Field Office.

We appreciate your time and attention on this topic, and we look forward to engaging with you further. Please feel free to contact Lora Adams, Senior Manager of Legal Projects & Capacity Building at I-ARC (ladams@immigrantarc.org) with a response or questions.

CC: Michael Valverde, USCIS, Associate Director, Field Operations Directorate
Bitta Mostofi, USCIS, Senior Advisor to the Director
Andrea Quarantillo, USCIS, District Director, Newark New Jersey

Sincerely,

Immigrant ARC (I-ARC)

Elected Officials

Sandy Nurse, NYC Council Member - District 37
Shahana Hanif, NYC Council Member - District 39

Members & Partners

ABISA (African Bureau for Immigration & Social Affairs)
Alianza Americas
Brooklyn Defender Services
Brooklyn Immigrant Community Support (BICS)
CARECEN NY
Catholic Migration Services
CUNY Citizenship Now!
Emerald Isle Immigration Center
Fordham Law School's Feerick Center for Social Justice
GMHC, Inc
Haitian Bridge Alliance
Her Justice, Inc.
Human Rights First
Immigrant Defense Project
J Hospedales Law Firm PLLC
Law Office of Hina Naveed, PLLC
Lawyers for Good Government
Legal Services NYC
Lutheran Social Services of NY
Make the Road New York
Minkwon Center for Community Action
Mobilization for Justice, Inc.
NALEO Educational Fund
National Partnership for New Americans
Neighbors Link
New York Immigration Coalition

New York Lawyers for the Public Interest
Safe Harbor Clinic, Brooklyn Law School
Social Workers for Immigration Justice
Sosa Law
T'ruah: The Rabbinic Call For Human Rights
Team TLC NYC
The Legal Aid Society (NYC)