

Oscar Abraham Jaeger
Attorney at Law
729 Kathleen Place
Brooklyn, N.Y. 11235
voice and fax: 718/615-0393
email: jouster@optonline.net
website: www.oscarjaeger.com

December 10, 2009

Ms. Marie Aguierre
Supervisory Immigration Officer
Stokes Interview Unit
USCIS New York District Office
26 Federal Plaza, 4th floor
New York, N.Y. 10278

Re: Maria
A..

Dear Officer Aguierre,

On December 1, 2009, I filed an inquiry with your office concerning delay in the scheduling of an I-130 interview for Ms. and her husband, Roger, and requested that an interview of them be conducted as soon as possible. For that interview to be held prior to January .., 2010, would be especially desirable, because on that date my clients will appear before Immigration Judge Mary M. Cheng in removal proceedings, and it is to everyone's advantage for USCIS to have made a determination before that date concerning the genuineness of the marriage. You were kind enough to meet with me in your office and explain that an effort would be made to accommodate my request but that you could not offer any guarantee that the scheduling would be accomplished within the time requested.

I understand that you work within a huge bureaucracy and that your response to my request was appropriate – indeed, more than just appropriate, since I found the very fact of your willingness to meet with me, and your cordiality in speaking with me, to be evidence that you do your work diligently and, no doubt, effectively. I realize that my request constitutes the placement of yet one more ball in a massive juggling routine of schedules and decisions that USCIS is attempting to handle. I have a suggestion, however, that I believe will improve the morale of the USCIS employees engaged in this juggling process and of the attorneys who must cope with that process.

Instead of providing a generalized response to an inquiry, I suggest that USCIS could offer to each attorney a more specific explanation of the reason for the delay in that attorney's case. These explanations could be invented on the spot and provided to the attorney verbally or, better yet, be composed in advance and provided to the attorney in writing. The explanations would achieve the same result achieved at present through the employment of bureaucratic language – the attorney would still not know what is going on and USCIS will have made no specific commitment to the attorney – but the attorney will at least have the pleasure of receiving a more colorful, and even entertaining, response.

I will provide one example of the kind of explanation I have in mind. Your office can compose many scenarios comparable in tone and specificity to my illustration and then provide these explanations randomly as responses to attorney inquiries. Officers who are assigned to this task of composition would enjoy the change of pace from the usual tedious paperwork, while attorneys reading these compositions would enjoy these displays of creative ingenuity at variance from the usual boilerplate language. The example I am providing is an explanation given to me by one of your colleagues in response to a similar inquiry I

directed to her. While I do not find her explanation entirely satisfactory, it is clear and comprehensive enough, and thus suitable as a model. Here is what she wrote:

“After working at USCIS for many years, trying to distinguish in a twenty-minute interview between a real marriage, in which the couple might be simply nervous and/or naïve enough to believe that ample production of evidence will not be necessary, from a fake marriage, in which the couple is blessed with great acting skills and perfect documentation, I had a nervous breakdown. Neither my supervisors nor I initially noticed my condition. But after several months of aberrant behavior – for example, I interviewed several janitors who work in my building and approved them for adjustment of status, when as it turned out they were already U.S. citizens and were stopping by my office just to throw out the garbage – my supervisors noted my deterioration and took pity on me. I was given an indeterminate leave of absence and advised to take as much time as I needed to recuperate.

“USCIS kindly arranged for me to have two choices. In the first, I would join the French Foreign Legion and fight terrorists and be a hero, on the theory that the resultant sense of accomplishment would be bound to settle my mind. In the second, I would live in the South of France, eat delicious food, ride beautiful horses, and lounge naked on the beach. The opportunity to join the Legion was tempting, but I resisted and took the latter course. After all, I am used to being sedentary, and it’s not like I’ve avoided fighting altogether: these sand crabs can be pretty pesky! Speaking of which, please forgive any stray grains of sand that cling to this response – they are a result of my pitched battle with a tortoise unwilling to be my next meal. As for the decision you have been awaiting, I would advise you to wait patiently, just as I must, for the future to arrange itself.”

Now that you have the idea, I believe its prompt implementation would benefit all the participants in this complicated, frustrating, and at times even harrowing endeavor of achieving a just outcome for the hundreds of thousands of immigrants who must be processed annually through our immigration system.

Yours sincerely,

Cc: EOIR Immigration Judge Mary M. Cheng
ICE Assistant Chief Counsel Eileen McRohan
ICE Deputy Chief Counsel Kenneth Padilla
USCIS Supervisory Officer Phillip Savage