



U.S. Immigration and Customs Enforcement

NOTICE: NEW PROCESS FOR REFRESHING EXPIRED FINGERPRINT CHECKS FOR CASES PENDING BEFORE THE IMMIGRATION COURT

U.S. Immigration and Customs Enforcement (ICE) and Citizenship and Immigration Services (CIS) have entered into a formal agreement regarding the updating (refreshing or resubmission) of expired fingerprints for non-detained cases pending before Executive Office of Immigration Review. USCIS ceased processing ICE referrals on a walk-in basis for re-fingerprinting at an Application Support Center (ASC) on March 31, 2016.

The new process does not change the respondent's obligation to be initially fingerprinted when filing a new relief application. ICE attorneys will continue to provide respondent with the DHS biometrics instructions which informs the respondent that he or she must mail a copy of his or her application to a specified CIS service center in order to initiate biometric checks and to receive a fingerprint appointment.

In the past, when fingerprint checks expired, the respondent needed to be re-fingerprinted and checks would essentially be run anew. Under the new process, respondents will no longer need to be re-fingerprinted; now respondents' fingerprints will be refreshed using stored biometric information. This refresh will automatically occur through an internal process and will not require additional action by the respondent or counsel. However, if for any reason ICE and CIS are unable to refresh the prints electronically, CIS will schedule the respondent for a fingerprinting appointment at an ASC.

In order for this process to work smoothly, ICE attorneys and the private bar need to ensure that cases added to the individual calendar are set *at least 90 days* from last hearing so to allow enough time for the process to run its course. If the case is set less than 90 days from the last hearing, the respondent's prints will not be refreshed in time and background checks will not be completed in time for the hearing.

Fingerprint checks for prosecutorial discretion (PD) will be handled similarly. ICE and CIS will refresh any expired fingerprints for those who have been previously fingerprinted. Those who have not been previously fingerprinted will receive by mail an appointment notice to appear at an ASC for fingerprinting. For prosecutorial discretion, cases will need to be adjourned for *at least 120 days* from the last hearing in order to allow enough time for the background checks to be completed.

All ASC appointment notices will be generated by CIS and mailed directly to the respondent. ICE will not be issuing any such notices.

If you have questions about your particular case, please contact the assigned ICE attorney or the duty attorney in advance of the merits hearing.