

ORIGINAL LETTER (sent to both offices end of May or beginning of June 2015)

My name is Darren XXXXXX and I recently graduated *summa cum laude* from North Carolina State University in their Mathematics Honors program with a second major in Political Science. This fall, I will begin work on a one-year master's in mathematics program, also at NC State, after which time I will be joining Teach for America.

This past August I became engaged to FIANCE FULL NAME, a Mexican citizen whom I have been seeing romantically since August 2013. The 2013 Supreme Court case that struck down part of the Defense of Marriage Act opened the path for same-sex couples to pursue immigration benefits for their partners, and in August my fiancé and I began preparing the necessary documentation to file for a K1 fiancé visa for FIANCE FIRST NAME.

(ALTERNATE VERSION FOR ELLMER'S OFFICE: This past August I wrote to you about my engagement to FIANCE FULL NAME, a Mexican citizen whom I have been seeing romantically since August 2013. A member of your staff spoke with me over the phone about the K1 fiancé visa process, and while I regret that I had not written down her name at the time, I had found her guidance in finding the appropriate forms online to prepare and submit quite helpful.

—This added portion was referring to a conversation I had had in Aug. or Sep. 2014 with the office after sending them a letter inquiring how they may help during the preparation of our petition.)

On February 27, I mailed our completed visa application to the USCIS, and its receipt was confirmed on March 6 [this was the date of “last update” on the USCIS website; our notice date was March 5, receipt date March 3]; as is standard for petitioners from North Carolina, it was routed to the Texas Service Center (TSC) for processing. Unfortunately, TSC is overwhelmed by a large backlog of applications, and currently it takes at least six or seven months for processing. This can be contrasted with recent processing times for the California Service Center, which consistently occurs within four to six weeks of the filing date. I understand that the anticipated approval time, as stated by the USCIS, is five months from the date of receipt, a time our petition has not yet reached, but given that TSC is still only processing petitions filed in early October, it seems unlikely that our petition will be touched again any time within the next ninety days; on the contrary, I fear we'll have to wait many months for our visa approval.

Both me and my fiancé are prepared to wait as long as it takes for us to marry and start our lives together, but the delay concerns me for a greater reason: An elderly rabbi at my synagogue in Greensboro, NC, with whom I've grown close over the years, has requested the honor of marrying me and my fiancé. As he is now in his nineties and has recently experienced a bout of poor health, I worry that these undue delays at TSC may prevent us from being able to share this joyous occasion together.

It is my hope that you may be able to further investigate the backlog at the Texas Service Center, and in so doing, help to alleviate its causes and improve future efficiency. At this time I do not want my petition to be expedited, as I know the pain of waiting to be with a loved one and I do not want to be the cause for delay of someone else's petition; rather, I would like to see this systemic injustice fixed so that all couples may be served in a timely manner.

Thank you for all of your service, both to our country and especially to our state.

TILLIS RESPONSE (mostly concluded)

On Sat, Jun 27, 2015 at 2:15 PM, (Tillis) wrote:

Thank you for contacting our office. Please complete the attached release so we may pursue the issue. I am in transition to Guilford County and will have a new address and phone number July 1 with this email remaining the same.

(cell: ###-###-#### if needed before July 1, 2015)

DARREN (June 27)

Thank you so much for your response. I have signed and faxed the completed form to the number provided in your email. I am currently out of state travelling to my brother's wedding, so the fax number belongs to the hotel I'm staying at.

If there is anything else you need to further assist in this matter, please do not hesitate to let me know.

Yours sincerely,

(Tillis) June 29

Thank you. we will inform you as we hear more information. Enjoy your trip!

[Tillis's staff member called me on July 1 to discuss the matter; I didn't find her particularly helpful, as she had said nothing I didn't already know, but did say she would check in for us every thirty days and that she would follow up via email.]

On Wed, Jul 1, 2015 at 1:59 PM (Tillis) wrote:

The Texas Service Center will pull at the 6 month filing date if not completed by that time. Our office will stay in touch every 30 days to be of assistance in this matter.

Thank you for contacting our Triad office.

DARREN (Monday, **July 20**, 2015 7:09 PM)

I wanted to thank you once again for the tremendous help you and Senator Tillis's office have been to me and my fiance. We are both looking forward to hearing another update on the Texas Service Center after thirty days, as you had mentioned before, since I know that time is coming soon. However, I wanted to inform you that I am presently visiting my fiance in Mexico and will have limited phone access until I return to North Carolina on August 10. If there are any updates in the meantime, I would greatly appreciate receiving them via email.

Once more, we are both so grateful for the help you are giving us.

Yours sincerely,

On Tue, Jul 21, 2015 at 9:32 AM, (Tillis) wrote:

I will check for you and certainly send via email. Thank you for your update.

DARREN (Saturday, **September 12**, 2015 2:21 PM)

Almost two weeks ago, on September 3, we passed the six month mark. I was wondering if you've heard any news about our petition?

Yours,

On Tue, Sep 15, 2015 at 7:05 PM, (Tillis) wrote:

I will check and hope to have information by Friday. Thank you for your email.

DARREN (Wednesday, **September 23**, 2015 2:33 PM)

Have you heard any updates yet? I've spoken with fellow petitioners in my situation and have been told there are still over 2,400 petitions at the Texas Service [Center]* with receipt dates between January and March of this year, but that in the past week, only 6 petitions were approved per day; at this rate, it would take over eighty years for TSC to work through these petitions. We have all been waiting far longer than the five months USCIS states ~~at~~ [as]* the standard processing times for I-129Fs, so I would really love to hear what is delaying TSC so greatly, and especially what they're doing to get caught up, because as a petitioner, it doesn't appear that they're doing anything. If I can at least see some semblance of progress or effort on their part to correct this, it would certainly make all this waiting much easier.

Yours sincerely,

** I had sent this email on Yom Kippur, traditionally a fasting day for Jews, so despite proofreading this email more than once, I still managed to miss two obvious typos.*

(Tillis) September 23

I will check today . Thank you for your email, Nancy

(Tillis) September 25

Greetings

Thank you for your inquiry on behalf of your constituent Darren XXXXXX regarding Form I-129F Petition For Fiancé.

USCIS records show this case was approved on 09-25-2015 and will be shipped to the Department of State within the next 14 business days. Thank you for your inquiry and please do not hesitate to contact us again if you have further questions regarding this case.

Texas Service Center

Darren--We know this comes as good news and now it goes to the NVC for further appointment and processing. We will continue to monitor your petition.

ELLMER'S CONVERSATION ON NEXT PAGE

ELLMERS RESPONSE (possibly still in progress)

(submitted through "Help with a Federal Agency" link on Ellmers website, Sent: Wednesday, September 23, 2015 2:54 PM)

--- Case Info ---

Date of Birth: XX/XX/XXXX

Social Security Number: XXX-XX-XXXX

Agency Name: USCIS

Case Number(s): SRC159022XXXX

Branch of Service:

Military Rank:

Problem Description: In August 2014, I reached out to your office to inquire about the fiance(e) (K1) visa process, as I had recently become engaged to a man named FIANCE FULL NAME, a citizen of Mexico. STAFF MEMBER NAME followed up with information about the visa process, and finally in February 2015 my fiance and I submitted our I-129F application. It was received by USCIS and routed to the Texas Service Center with receipt number SRC159022XXXX and receipt date 03/03/15. According to the USCIS processing webpage at the time, I-129F were to be processed within five months of filing. Upon noticing that many other I-129F filers at TSC had already been waiting an excess of five months, I sent a follow-up letter to your office in June of this year inquiring about the delay and what actions were being taken to correct it, but I received no response from your office. It has now been six months since our filing date, and yet we have still heard no news about our petition from TSC or USCIS, nor have we received any response regarding my June letter to your office. It is my hope in sending this that we may uncover the cause of these delays and, more importantly, hold USCIS, in particular the Texas Service Center, accountable to their clients--your constituents--so that our petitions may be processed in a timely and efficient manner. This prolonged waiting without explanation is beyond justifiable, and the emotional and financial hardships incurred by this uncertainty serve only to mistreat Americans.

Yours sincerely,

On Wed, Sep 23, 2015 at 3:48 PM (Ellmers) wrote:

Mr. MY NAME,

Your email requesting assistance was forwarded to the Asheboro office. I am sorry but we have no record of receiving a letter from you in the past few months. STAFF MEMBER NAME left our office for another position and I am working her immigration cases.

Using the USCIS online processing chart, I see that the Texas Service Center (TSC) is currently processing I-129F's from Jan. 19, 2015. I have attached a copy of this page which you can check also by going to www.uscis.gov, click on "tools", look under "Manage your case," and then click "See office case processing times". When you reach that page, you can use the drop-

down box to choose TSC and then click on the processing times box beside it. So until this date, Jan. 19, 2015 goes past your receipt date, the case is still within processing times. USCIS will only consider a request to expedite if there is a dire emergency or a life and death situation.

If you do not hear from USCIS after your case has passed the processing date, please contact our office again and we will request a status update.

Sincerely,

DARREN (Wednesday, September 23, 2015 4:14 PM)

I appreciate your prompt reply, but I would like to clarify a point that seems to have been missed: When I filed my petition, in February, TSC still asserted that processing times for I-129Fs was within five months (as is the case for any of the other three service centers, if you look at each of them). Unfortunately, I never made any permanent record of this statement, believing I would never need to rely on it; but instead, TSC has changed their processing times.

This, to me, seems incredibly unethical: When I filed my petition, standard processing times was stated as five months, and it has now been six months since I filed. Therefore, given the processing times I was given when I filed our petition, it has now surpassed how long I should have waited before contacting USCIS or any of my representatives for an explanation of why this is the case. It's simply a matter of due process.

In my opinion, a federal agency should not be able to simply change their expected processing times on a whim and then tell people to keep waiting before contacting them, or else they can continue to change their times indefinitely so that no one ever exceeds the processing time. Clearly, this makes no rational sense and leaves no recourse for the thousands of us whom are waiting to begin our lives with our loved ones. What would you do in my place?

Yours,

(Ellmers) September 25

Mr. MY NAME,

We truly regret these delays and we are unable to expedite cases in this situation. USCIS does change their processing times based on the volume of cases. Many people are waiting in other categories, also, not just I-129F's. We will be glad to request a status update if your petition goes past the processing date and you have not heard anything.

Sincerely

DARREN (September 25)

Note: 50 minutes before receiving the email from (Tillis) that our petition had been approved

Thank you for your response, and I do understand that my case cannot be expedited at this time--in fact, to be sincerely honest, I don't want that since I know our case being moved to the front of the line would mean everyone else who's already been waiting longer than me and my fiancé will only have to wait longer, and that's an injustice I would not* wish upon nobody.

What I feel isn't being understood is that our petition is past the processing time--nearly two months past it, in fact, regardless of what TSC now says. I would love a status update on our petition, even if it's just reassurance that it is, in fact, still in line to be processed, even if it isn't first in line. And more importantly, I want to know what TSC is doing to manage their caseload, because clearly what they've been trying to do isn't working efficiently. I know it would be a great comfort to all of us waiting to know that TSC has a plan, and the ability to carry it out, to quickly correct these delays. At the moment, it feels as though they are doing nothing--some assurance that someone with a beating heart actually still cares about us would be a great blessing.

Sincerely,

** I realized while copying this message that I had left out the word "not" (this is what happens when you write emails while walking home after a long day of grad school), so I truly hope the aide I've been speaking with understands what I had been meaning to say.*