

FBI NAME CHECK-FREQUENTLY ASKED QUESTIONS

1. What is FBI-name check/security check?

http://en.wikibooks.org/wiki/FBI_name_check

2. When is the name check initiated?

Generally within few days after submission of I-485

4. Do I have to worry about this?

Not all applicants are stuck in the name check. You have to worry about it only if it has been more than 6 months since you submitted I-485 and name check is not processed.

5. How do I know if I am stuck in name check?

If your PD (priority date) is current, you can call USCIS and place a status inquiry. If you are stuck in security clearance, it will be mentioned in the response that you get from USCIS.

(for TSC customers Only: Call directly using POJ technique:

Dial National customer service number:

1-800-375-5283---select 1—select 2—select 6—select 1—enter your SRC number—select 1---select 3—and select 4 to speak to a TSC representative. If your I-485 SRC doesn't work, punch in your I-140 SRC after going back to the main menu. When the representative asks for SRC number, give your 485 SRC)

6. Is it possible to check if my name check is cleared even if my PD is not current?

You don't have to panic if you recently submitted I-485. If you submitted it long back (4-6 months) then try contacting your senator's office (or house representative) and request them to place an inquiry with the FBI-records management division. Most of the elected representatives will have a person in their office to take care of immigration issues.

7. How do I

a) Contact elected representative?

Go to your elected representative's web site (www.senate.gov; www.house.gov; or Google with your city name). Download their 'privacy disclosure' form, fill it and sign it. Attach it along with your request letter and fax it to them. If they have an office in your place, personally meet them and explain the situation.

b) Who is better? Senator or house-representative? It doesn't matter for a status inquiry with the FBI. Try to go with the one who is relatively more friendly.

8. If I am stuck in name check what do I do???

a. Request a FOIPA report from FBI. Go to FBI website (http://foia.fbi.gov/privacy_instruc.pdf). Read instructions and Click Privacy act request form. (http://foia.fbi.gov/privacy_request.pdf). Fill this form, sign it and mail it (DO NOT FAX IT, FBI needs a signed original copy). Also include other information like previous addresses etc in a separate sheet.

Mail it to:
David M. Hardy
Section Chief
Records/Information Dissemination Section
Records Management Division, FBI
Washington, D.C. 20535

b. Request your elected representative for expediting the name check (normally they just do a status inquiry. But if you have any contacts in their office or a strong case then you can request them to do this. Actually they can help on this matter if they want to.

c. What do I write in the request letter?

(Here is a template:
Dear----- (sir, committee members, senator etc)

I am writing this mail requesting your assistance in resolving my pending Security clearance with regards to my Adjustment of status petition with USCIS.
I am a working as a at the xxxx University. I have been working in ----- laboratory in the Department of ---- since January 2000. I am a citizen of (country) and my area of specialization is ----. Over the past -- years, I have been involved in several federally funded research projects including ----- that are mainly focused on the -----**in the USA.**
(Employer's name) filed employment based immigration petition on my behalf in ---- (Under xxx category, EB--) with United States Citizenship and Immigration Services (USCIS) for permanent residency in the US. The application (I140 petition) was subsequently approved in ---. My adjustment of status petition (I485) is still pending with USCIS, because of **pending Security Check (background check) from the FBI.** My FOIPA request to Mr. David M. Hardy's office of FBI showed '**NO RECORDS in file**'. I have never involved in any criminal/unlawful activities either in the USA or in (home country). Since my arrival in the USA on ----, **I have maintained my legal Status throughout.** In spite of these facts, my security check has been pending at FBI since ---.
I am worried that my adjustment of status petition will be in jeopardy, if there is an undue delay in FBI security clearance. This will adversely affect my employment with (employer name) and as I am actively involved in University's research efforts, **I am unable to apply for several grants that require permanent resident status.** In

addition, since my wife cannot work till she gets the green card, this delay in processing is causing **tremendous financial burden for my family** . Considering these, I humbly request your assistance **in expediting the pending security clearance from FBI**. I am herewith providing all the information with respect to my petition. I really appreciate your assistance in this matter. Please contact me at **xxxxxx** or e-mail -----, if further information is required.

Thanking you, Sincerely)

Fax your request along with their privacy disclosure statement. Call their office in a couple of days and speak with the concerned person in-charge of immigration.

9. How can I contact FBI directly?

FBI used to respond initially but not anymore. You can e-mail your request (FBINNCP@ic.fbi.gov). Again, they used to respond in 3-6 months earlier. I received response after e-mailing several times. Ask your employer e-mail from their ID. I think the key is how you draft your letter. Explain in your mail the possible reasons that you think might be causing the delay (like un-related FBI enquiry, common name, working in a sensitive laboratory etc)

10. Write to the Records management division (Mr. Hooton's office), ask your employer/boss to write to them.

11. Write to Senate Judiciary sub-committee on immigration <http://judiciary.senate.gov/subcommittees/immigration109.cfm> (fax: 202-224-9102) and house judiciary committee (both majority and minority) <http://judiciary.house.gov/>

12. Contact your local FBI office <http://www.fbi.gov/contact/fo/fo.htm> and request them to expedite the name check.

13. What information do I have to include with the request letters?

Type of application, service center, receipt numbers and A#, contact information, DOB etc (in a separate sheet) and copy of FOIPA report.

**DO NOT GIVE UP HOPE.
DO NOT EXPECT FAST RESPONSE FROM ANY AGENCY.
USE GOOGLE SERVICE AS MUCH AS YOU CAN!
IF YOU TRY DIFFERENT THINGS, ONE OF THEM WILL PROBABLY
WORK.**

**FINALLY, THINK ABOUT A LAWSUIT IF IT HAS BEEN PENDING FROM A
LONG TIME (MORE THAN A YEAR)**

GOOD LUCK!!