Texas Immigration LAW COUNCIL

CHANGES AT USCIS PUT MORE IMMIGRANTS INTO REMOVAL PROCEEDINGS

A GUIDE TO PROTECTING YOURSELF AND YOUR FAMILY

USCIS POLICY SHIFT ON NOTICES TO APPEAR (NTA)

What changed?

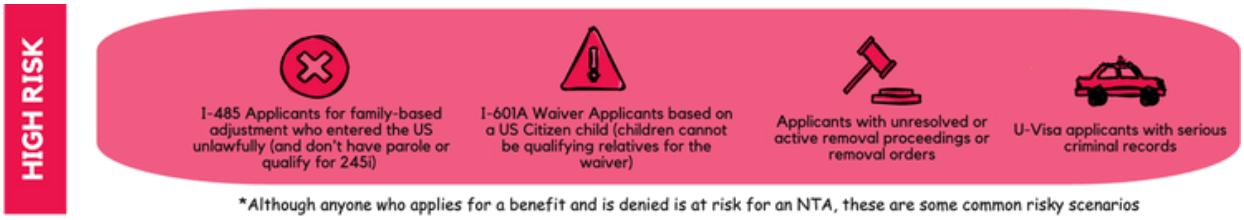
USCIS issued Policy Memorandum PM6020187 on February 28, 2025, updating when field staff can and should issue a Notice to Appear (Form I862)—the document that begins removal proceedings. It significantly broadens USCIS authority: if your immigration benefit application (like an application for adjustment of status, extension, or waiver) is denied and you are "removable," you are at risk of being placed into removal proceedings by USCIS. USCIS has issued over 26,700 NTAs to applicants since the memo went into effect.

Why does this matter to Texas?

- If you're in Texas and your application—like a green card or work permit extension—is denied, USCIS may refer you to ICE and issue an NTA.
- The NTA policy no longer excludes applicants for humanitarian relief like U visas or T visas by default—almost all denials bring enforcement risks, meaning you could end up in immigration court and face deportation.

Bottom line

It is now more important than ever to be careful with applications and ensure you are getting advice from qualified immigration attorneys.



ICE ARRESTS AT USCIS INTERVIEWS

What changed?

- Attorneys and advocates in Texas and across the nation are reporting ICE arrests at both USCIS interview sites (e.g., field offices) and immigration courts.
- Some benefit applicants and sponsors scheduled for routine in person USCIS interviews were greeted by ICE officers or police officers and arrested—often due to outstanding criminal warrants or previous removal orders.
- Internal government agency documents reveal close collaboration between USCIS and ICE, with USCIS flagging I-130 petitioners and other applicants for potential arrest during their interviews (including Green Card holders in Citizenship interviews).

Why does this matter to Texas?

- These arrests have occurred in several field offices and court houses across Texas.
- If you or your loved one has a scheduled interview, get help from an attorney before attending to ensure you are not at risk of arrest or ICE detention.

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Bottom line

What was once a simple step in the legal process to obtain an immigration benefit has become a tool of ICE enforcement and detention. Applicants and sponsors need to take measures to minimize their risks of surprise arrests at these USCIS appointments.

HOW TO PROTECT YOURSELF

1. Work with a trusted immigration attorney and keep copies of everything that is submitted

This is crucial—especially if you suspect any criminal issues or have an old removal order. It's advisable to get more than one trusted attorney opinion on your case before anything is filed to avoid putting yourself at risk.

Remember, "notarios" are not attorneys!

2. Get clarity about your criminal or immigration history

Many people do not know if they have an outstanding deportation order resulting from a border apprehension. Likewise, many people do not know if they have an active outstanding criminal warrant. When in doubt, work with an attorney to complete a Freedom of Information Act (FOIA) request and/or FBI check to minimize your risks of apprehension and detention.

3. Prepare for interviews carefully

Ask your lawyer if it's safe to attend in person. In some cases, they might advise rescheduling or having only the petitioner attend an I-130 interview.

4. Be honest with your lawyer and on forms

Full disclosure about your criminal history or prior removal orders will help your attorney advise you about your legal options and risks. Remember, you will likely be fingerprinted as part of your application and immigration agencies will use those prints to conduct extensive background checks.

5. Safety plan for sponsors/family

If you are at risk of detention or arrest, have an emergency plan in place for your family and property.

6. Know your rights

If you are questioned by ICE at a USCIS interview or appointment, remember you have constitutional rights. Review Know Your Rights materials. You can exercise those rights by asking to contact your attorney and stating that you wish to remain silent.

This resource was prepared by the Texas Immigration Law Council for educational purposes only and is not legal advice. Information current as of July 23, 2025. For legal assistance, please consult a licensed attorney.