

## Reference Citations

### **Code of Federal Regulations 8 CFR103.2 (b)(9)**

(b) Evidence and processing.

(9) Request for appearance. An applicant, a petitioner, a sponsor, a beneficiary, or other individual residing in the United States at the time of filing an application or petition may be required to appear for fingerprinting or for an interview. A petitioner shall also be notified when a fingerprinting notice or an interview notice is mailed or issued to a beneficiary, sponsor, or other individual. The applicant, petitioner, sponsor, beneficiary, or other individual may appear as requested by USCIS, or prior to the dates and times for fingerprinting or of the date and time of interview: (Introductory text amended 6/18/07; 72 FR 19100)

(i) The individual to be fingerprinted or interviewed may, for good cause, request that the fingerprinting or interview be rescheduled; or

(ii) The applicant or petitioner may withdraw the application or petition. (Paragraph (b) (9) revised effective 3/29/98; 63 FR 12979)

### **8 CFR Part 103.2(b)(13)(ii)**

(13) Effect of failure to respond to a request for evidence or a notice of intent to deny or to appear for interview or biometrics capture -- (i) Failure to submit evidence or respond to a notice of intent to deny . If the petitioner or applicant fails to respond to a request for evidence or to a notice of intent to deny by the required date, the benefit request may be summarily denied as abandoned, denied based on the record, or denied for both reasons. If other requested material necessary to the processing and approval of a case, such as photographs, are not submitted by the required date, the application may be summarily denied as abandoned. (Paragraph (b)(13) revised effective 6/18/07; [72 FR 19100](#) ) (Paragraph (b)(13)(i) amended effective 11/28/11; [76 FR 53764](#) )

### **8 CFR 103.2(e)(1)**

(e) Fingerprinting.

(1) General. USCIS regulations in this chapter, including the instructions to benefit applications and petitions, require certain applicants, petitioners, beneficiaries, sponsors, and other individuals to be fingerprinted on Form FD-258, Applicant Card, for the purpose of conducting criminal background checks. On and after December 3, 1997, USCIS will accept Form FD-258, Applicant Card, only if prepared by a USCIS office, a registered State or local law enforcement agency designated by a cooperative agreement with USCIS to provide fingerprinting services (DLEA), a United States consular office at United States embassies and consulates, or a United States military installation abroad. (Amended effective 6/18/07; 72 FR 19100)

### **8 CFR 103.16(a)**

(a) *Use of biometric information.* An individual may be required to submit biometric information by law, regulation, Federal Register notice or the [form instructions](#) applicable to the request type or if required in accordance with [8 CFR 103.2\(b\)\(9\)](#). DHS may collect and store for present or future use, by electronic or other means, the biometric information submitted by an individual. DHS may use this biometric information to conduct background and security checks, adjudicate immigration and naturalization benefits, and perform other functions related to administering and enforcing the immigration and naturalization laws.

### **Immigration and Nationality Act (INA), Section 103(a)(3)**

Sec. 103. [8 U.S.C. 1103] (a) (1) The Attorney General shall be charged with the administration and enforcement of this Act and all other laws relating to the immigration and naturalization of aliens, except insofar as this Act or such laws relate to the powers, functions, and duties conferred upon the President, the Secretary of State, the officers of the Department of State, or diplomatic or consular officers: Provided, however, That determination and ruling by the Attorney General with respect to all questions of law shall be controlling .

(2) He shall have control, direction, and supervision of all employees and of all the files and records of the Service.

(3) He shall establish such regulations; prescribe such forms of bond, reports, entries, and other papers; issue such instructions; and perform such other acts as he deems necessary for carrying out his authority under the provisions of this Act.

### **U.S. Code**

8 U.S. Code § 1103(a)(3)

#### **(a) Secretary of Homeland Security**

##### **(1)**

The Secretary of Homeland Security shall be charged with the administration and enforcement of this chapter and all other laws relating to the immigration and [naturalization](#) of aliens, except insofar as this chapter or such laws relate to the powers, functions, and duties conferred upon the President, [Attorney General](#), the Secretary of State, the officers of the Department of State, or diplomatic or consular officers: *Provided, however,* That determination and ruling by the [Attorney General](#) with respect to all questions of law shall be controlling.

##### **(2)**

He shall have control, direction, and supervision of all employees and of all the files and records of the [Service](#).

##### **(3)**

He shall establish such regulations; prescribe such forms of bond, reports, entries, and other papers; issue such instructions; and perform such other acts as he deems necessary for carrying out his authority under the provisions of this chapter.