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Office of Public Engagement
20 Massachusetts Avenue
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Re: USCIS Draft Memo on Eligibility to Self-Petition as a Battered or Abused Parent of a U.S. Citizen; Revisions to Adjudicator's Field Manual (AFM) Chapter 21.15 (AFM Update AD 06-32)

Dear Sir or Madam:

The American Immigration Lawyers Association (AILA) submits the following comments in response to the USCIS Draft Memorandum on Eligibility to Self-Petition as a Battered or Abused Parent of a U.S. Citizen; Revisions to Adjudicator's Field Manual (AFM) Chapter 21.15 (AFM Update AD-06-32).

AILA is a voluntary bar association of more than 11,000 attorneys and law professors practicing, researching, and teaching in the field of immigration and nationality law. Our mission includes the advancement of the law pertaining to immigration and nationality, and the facilitation of justice in the field. Our members' collective expertise and experience makes us particularly well-qualified to offer views that we believe will benefit the public and the government. AILA members regularly advise and represent American companies, U.S. citizens, lawful permanent residents, and foreign nationals in seeking immigration benefits, including lawful admission to the United States, and in complying with U.S. immigration laws and regulations. We appreciate the opportunity to comment on the memorandum regarding the eligibility to self-petition as a battered or abused parent of a U.S. citizen.

Prima Facie Eligibility

AILA thanks USCIS for clarifying that a step-parent qualifies as a self-petitioner for a battered or abused parent of a U.S. citizen. However, one particular provision which continues to concern AILA relates to the exclusion of prima facie findings in such cases. This issue is of particular concern since the prima facie system was designed to facilitate victim access to services and benefits necessary to successfully overcome significant barriers to leaving abusive

relationships. Since family elders need these services and benefits as much as other self-petitioners, AILA strongly encourages USCIS to make prima facie determinations in these cases. Therefore, AILA suggests that USCIS delete proposed section (d)(2) of Chapter 21.15.

AILA believes that modifying the memorandum in this manner will assist abused elders in the family-based immigration system to find safe haven. AILA commends USCIS on reading into the elder provisions many of the protections afforded to other self-petitioners, and AILA believes that if USCIS grants prima facie determinations to elders as well, elders will receive further parallel treatment.

Conclusion

AILA appreciates the opportunity to comment on this memorandum, and we look forward to a continued dialogue with USCIS on issues concerning this important matter.

Sincerely,

THE AMERICAN IMMIGRATION LAWYERS ASSOCIATION