



AMERICAN
IMMIGRATION
LAWYERS
ASSOCIATION

March 23, 2020

Kenneth Cuccinelli
Senior Official Performing the Duties of the Director
U.S. Citizenship and Immigration Services
Department of Homeland Security
20 Massachusetts Avenue, NW
Washington, D.C. 20529

Re: Request for Additional Reasonable Accommodations from USCIS to Facilitate Filing of Petitions and Applications During National Emergency

Dear Mr. Cuccinelli:

On behalf of the American Immigration Lawyers Association (AILA), we are writing as a follow up to our letters dated [March 16](#) and [March 20](#), to respectfully request additional reasonable accommodations to enable petitioners, applicants, and representatives, who are now required to work from home and shelter-in-place in order to mitigate the spread of COVID-19, to continue filing benefit requests with the U.S. Citizenship and Immigration Services (USCIS) during this National Emergency. We thank you for the steps that USCIS has already taken, but additional measures are essential for individuals who are required to shelter-in-place given the growing number of States with ‘stay at home’ orders or who are practicing social distancing. The following are only some of the immediate measures that the agency can take:

Allow for the Submission of Filing Fees By Credit Card for all Form Types

- The requirement that all petitions and applications submitted to a USCIS Service Center include a physical check for payment of the filing fee is proving to be problematic for many petitioners and representatives who are working from home. As such, AILA recommends that USCIS allow all applicants and petitioners, regardless of whether they are filing at a USCIS Lockbox or a Service Center, to submit Form G-1450, Authorization for Credit Card Transactions, and charge the filing fee to a credit card.
- Should this national emergency endure beyond April 1, AILA further recommends that USCIS issue an Interim Final Rule to further update Form G-1450 to also allow for payments that pull directly from a bank account, such as Automated Clearing House (ACH) payments, in addition to credit card payments.

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Allow for Mail Forwarding Temporarily

- USCIS envelopes do not allow the U.S. Postal Service (USPS) to forward them from the intended recipient. If the envelope indicates “Return Service Requested”, the envelope will not be forwarded by USPS. As many petitioners and representatives are prohibited from going to their offices due to State ‘stay at home’ orders or due to social distancing protocols, they are unable to go to their office to retrieve mail. AILA recommends that USCIS temporarily suspend the mail forwarding prohibition or provide other similar accommodations.

Allow for Electronic Submission of Documents

- For ease of submission of documents in response to requests for evidence (RFEs) or notices of intent to deny (NOIDs), AILA recommends that USCIS allow for the submission of document to USCIS in PDF format via email.

Allow for the Submission of a Photocopy of ETA Form 9089 with all Form I-140 petitions

- For the same reason that USCIS is permitting [flexibility in submitting required signatures](#) during the COVID-19 National Emergency, AILA recommends that USCIS issue guidance clarifying that the agency will allow petitioners to submit a photocopy of ETA Form 9089, Application for Permanent Employment Certification, with all Form I-140 petitions submitted to USCIS during this national emergency, in lieu of the original.

Allow for the Submission of Digital Signatures

- AILA thanks USCIS for taking the first, important step, of allowing for the submission of reproduced signatures. While this alleviates some of the burden on stakeholders, it is important to note that due to ‘stay at home’ orders and social distancing, individuals may not have the appropriate equipment at home that allows them to print, copy or scan signed documents. AILA recommends that USCIS allow for digital signatures and clarify its guidance that signatures that are ‘handwritten’ through electronic means, such as by using a finger to trace the signature through applications such as Adobe Fill & Sign or CamScanner, are acceptable.

Additionally, AILA supplements its March 20 letter regarding the impact of the California ‘stay at home’ order on the operations of the California Service Center to seek guidance on any other USCIS facility that may be impacted by state specific ‘stay at home’ orders. For example, on Saturday, March 21, the State of Illinois issued a ‘stay at home’ order, which may impact the operations of the Chicago Lockbox. As more states issue similar orders, AILA appreciates USCIS providing regular updates to the public regarding the impact such orders may have on its operations.

We recognize that the COVID-19 outbreak has significantly impacted not only the public, but also the federal government's ability to continue to operate "business as usual". We thank you for your consideration and look forward to hearing from you at your earliest convenience. As the situation evolves, we appreciate continued engagement on how USCIS can continue to best serve its stakeholders in an effort to minimize the spread of COVID-19, while enabling individuals to maintain their lawful status. If you require any additional information and should you have any questions, please do not hesitate to contact Sharvari (Shev) Dalal-Dheini, Director of Government Relations at (202) 507-7621 or by email at sdalal-dheini@aila.org.

Sincerely,

THE AMERICAN IMMIGRATION LAWYERS ASSOCIATION

cc: Joseph Edlow, Deputy Director for Policy, USCIS
Kathy Nuebel Kovarick, Chief of Staff, USCIS
Tracy Renaud, Associate Director, Service Center Operations Directorate
Kathryn Rexrode, Associate Director, External Affairs Directorate, USCIS
Michael Dougherty, Ombudsman, Office of the Citizenship and Immigration Services
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