



April 18, 2024

Ur M. Jaddou, Director
U.S. Citizenship and Immigration Services
Department of Homeland Security
20 Massachusetts Avenue, NW
Washington, D.C. 20529

Re: Request for USCIS to Accept Prior Edition of I-918 Forms Through
March 31, 2025

Dear Director Jaddou:

The Immigrant Legal Resource Center (ILRC) is a national organization that seeks to improve immigration law and policy and advance immigrant rights. Our mission includes working with and educating immigrants, community organizations, and the legal sector throughout the country to continue to build a democratic society that values the diversity and the rights of all people. We inform the media, elected officials, and the public to shape effective and just immigration policy and law.

ASISTA is a national organization dedicated to safeguarding and advancing the rights of immigrant survivors of violence. We are nationally recognized experts on survivor-based forms of immigration benefits created through the Violence Against Women Act (VAWA) and its progeny. For over 15 years, ASISTA has worked with attorneys and advocates across the country who are helping survivors access the services and status they need to achieve safety and independence.

The American Immigration Lawyers Association (AILA) is a voluntary bar association of more than 15,000 attorneys and law professors practicing 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. AILA members regularly advise and represent businesses, U.S. citizens, lawful permanent residents, and foreign nationals regarding the application and interpretation of U.S. immigration laws. Our more than 15,000 members practice and teach immigration law both in the United States as well as overseas.

The Immigration Center for Women and Children (ICWC) is a direct services non-profit legal

organization providing free and affordable immigration services to underrepresented immigrants in California and Nevada. ICWC strives to provide security and stability for children who are abused, abandoned, or neglected and for immigrants who are survivors of domestic violence, sexual assault and other violent crimes. After 20 years serving our communities, ICWC currently has thousands of U visa clients with open cases.

We write to you regarding USCIS's recent issuance of a new version of Form I-918 and related forms, updated in connection with the new fee rule effective April 1, 2024.¹ USCIS indicated that, starting June 3, 2024, the agency will only accept the April 1, 2024 edition.

We are grateful for the fee exemptions that also went into effect on April 1, 2024 and write to ask for an extended grace period for I-918 forms. Without an extended grace period, this change in forms will create significant hardship for survivors of crime seeking U nonimmigrant status. Particularly, in the context of Form I-918 Supplement B, U Nonimmigrant Status Certifications, law enforcement agencies (LEA) often take several months or longer to process certification requests. Further, many LEAs will not certify a second Form I-918, Supplement B, due to workload constraints or other internal policies. Requiring LEAs to use a new form without a longer grace period will exacerbate these delays and create additional barriers to protection for crime survivors. Thus, without a longer grace period, requiring the new forms will create severe hardship to LEAs, as well as to crime survivors and to the attorneys and advocates that assist them in the preparation of their U Visa applications.

Further, as the new version of the form contains no substantive changes as compared to the prior version, USCIS would still be assured that it is receiving full and complete information that it needs to adequately and thoroughly review applicants' eligibility. Thus, the extension of the grace period should not hinder adjudications. In contrast, extending the grace period through March 31, 2025 would give certifying agencies the time they need to review and approve certifications now filed with them and give practitioners and crime survivors ample time to obtain those certifications. At a minimum, we request an extension through December 31, 2024.

Extending the transition period would further the dual goals articulated by Congress when it created the U visa: to create a useful tool for law enforcement when working with immigrant populations and to help noncitizen crime victims safely access our criminal justice system.

USCIS has previously recognized the hardship a short transition period would cause to LEAs and to crime survivors. In January 2022, when USCIS last proposed changes to the Form I-918: Petition for U Nonimmigrant Status, ASISTA, AILA, and ILRC wrote to USCIS to highlight the difficulties that a short grace period would cause.² In response, USCIS extended the grace period an additional seven weeks, and subsequently an additional seven months, so that the total grace period for these forms was approximately one year. Prior to those changes, USCIS extended the

¹ USCIS. Form Updates, available at <https://www.uscis.gov/forms-updates>.

² ASISTA, AILA, ILRC. Letter to Director Jaddou, Jan. 27, 2022.

grace period in 2019 to seven months in response to a letter submitted by ASISTA and AILA,³ stating:

*“USCIS understands that a 2-month transition period may provide a limited grace period for the Form I-918 Supplement B, U Nonimmigrant Status Certification, specifically. USCIS will extend the grace period for accepting prior versions of Form I-918, including Supplement B, through December 31, 2019.”*⁴

We estimate that our members and partners have hundreds (ICWC alone has dozens) of certifications that will expire prematurely on June 3 due to USCIS providing such a short timeframe for advocates and law enforcement to implement the new I-918 form version. ILRC, ASISTA, AILA, and ICWC thus respectfully request that USCIS extend the grace period and accept the December 6, 2021 edition of Form I-918 and Form I-918 Supplement B, through March 31, 2025 to avoid creating unnecessary hardship for law enforcement agencies, survivors of crime, and those who assist them.

Thank you for your attention to this critical matter. Should you have any questions or require additional information, please contact Alison Kamhi at akamhi@ilrc.org.

Sincerely,

Immigrant Legal Resource Center
American Immigration Lawyers Association
ASISTA Immigration Assistance
Immigration Center for Women and Children

cc: Felicia Escobar Carrillo, Chief of Staff, USCIS
Avideh Moussavian, Chief, Office of Policy and Strategy, USCIS
Bitta Mostofi, Senior Advisory to the Director, USCIS
Benish Anver, Office of the Director, USCIS
Nathan Steifel, Ombudsman, Office of the Citizenship and Immigration Services
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Elissa McGovern, Chief of Policy, Office of the Citizenship and Immigration
Services Ombudsman

³ ASISTA, AILA. Letter to Director Cissna, May 29, 2019, available at <https://asistahelp.org/wp-content/uploads/2019/05/Letter-On-Form-I-918-Grace-Period.pdf/>

⁴ USCIS. Letter to ASISTA, July 5, 2019, available at https://www.uscis.gov/sites/default/files/document/foia/New_version_of_Form_I-918_-_Levin.pdf