



April 12, 2024

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Dear Ms. Velez, Ms. Kamhi, Ms. Farb, Ms. Osberg, Ms. Dalton and Ms. Grenier:

The Department of State and U.S. Citizenship and Immigration Services (USCIS) thank you for your February 14, 2023 letter regarding your concerns about biometrics collection for applicants for T nonimmigrant status and petitioners for U nonimmigrant status abroad that resulted from COVID-19 restrictions and lockdowns. We regret the delays and barriers in scheduling biometrics appointments abroad and acknowledge the frustration and hardship this has caused for the survivors you represent as well as their family members.

We also recognize that these delays have been ongoing since March 2020. We are committed to exploring strategies to address these backlogs and to provide flexibility and consistency in adjudication processes. We strive to ensure that this vulnerable population does not experience negative consequences in their cases for reasons outside of their control.

In your letter, you raised several issues that we would like to address.

1. Consistency of Adjudication of Applications for T Nonimmigrant Status and Petitions for U Nonimmigrant Status

USCIS is dedicated to ensuring consistency of adjudication procedures for applicants and petitioners abroad who are unable to schedule an appointment due to pandemic-related lockdowns, closures, or lack of appointments. We encourage these benefit requestors to respond to the Request for Evidence (RFE) by the requested date. The RFE response should include

evidence of their efforts or intention to schedule the biometrics appointment. These cases will be placed on hold until they are able to schedule a biometrics appointment and will not be denied for abandonment. Additionally, your letter states that USCIS has accepted alternative evidence of identity and criminal history in lieu of biometrics. This topic will be discussed in more detail below. Your letter also states USCIS has issued successive requests for biometrics, in turn delaying case adjudication. Please note that in these situations, USCIS is attempting to provide applicants and petitioners adequate opportunity to provide biometrics so the case may reach conclusion.

If an applicant or petitioner responds to the RFE and still receives a denial notice based on abandonment, attorneys and representatives may contact the email Hotline below if they have clear documentation that they timely responded to the RFE explaining they were unable to schedule an appointment.¹ Note that contacting the email Hotline alone is not a substitute for a timely response to an RFE or a timely submission of Form I-290B. When contacting the email Hotline accounts, please provide the applicant's or petitioner's A-number, full name, and date of birth so we may locate the appropriate record in an efficient manner.

Unrepresented applicants and petitioners may contact USCIS by sending a signed letter with supporting documentation to the service center with jurisdiction over the filing. Information about the USCIS U and T visa Hotlines and direct mailing addresses can be found at the [USCIS | Contact Us webpage](#) under the "Inquiries for VAWA, U, T Filings" tab.²

2. Use of Alternative Evidence to Complete the Biometrics Requirement, where Consulates are Unable to Conduct Biometrics Collection.

USCIS is deeply committed to the advancement of U.S. humanitarian interests and values, including protecting victims of human trafficking and other crimes, while safeguarding the nation from threats to public safety and national security. Biometrics³ collection is not limited to just fingerprint collection but is also inclusive of obtaining photos and signatures of benefit requestors. The collection of biometrics and the exchange of associated identity and historical data⁴ supports immigration benefits adjudication, border security, public safety, and national security activities.

Using biometrics for identity verification and management in the immigration process ensures that a noncitizen's immigration records pertain only to that noncitizen, which is especially critical in ensuring confidentiality protection under 8 U.S.C. 1367. Biometrics also helps USCIS locate, maintain, and update the noncitizen's immigration status, previously

¹ For more information on the email Hotlines, see the USCIS Contact Us webpage under the "Inquires for VAWA, T and U Filings" tab available at <https://www.uscis.gov/about-us/contact-us>.

² <https://www.uscis.gov/about-us/contact-us>

³ The term biometrics refers to "the measurable biological (anatomical and physiological) or behavioral characteristics of a natural person, including the person's fingerprints, photograph, or signature." See U.S. Citizenship and Immigr. Servs., U.S. Dep't of Homeland Security, "Volume 1: General Policies and Procedures, Part C, Biometrics Collection and Security Checks, Chapter 2, Biometrics Collection," <https://www.uscis.gov/policy-manual/volume-1-part-c-chapter-1> (last updated April 11, 2023).

⁴ 8 U.S.C. § 1367 generally prohibits U.S. Department of Homeland Security employees from permitting use or disclosure of any information relating to a beneficiary of a pending or approved application for victim-based immigration benefits to anyone other than a sworn officer or employee of the U.S. Departments of Homeland Security, State, or Justice for legitimate agency purposes, unless one of several enumerated exceptions 8 U.S.C. § 1367(b) apply.

submitted identity documentation, as well as certain biographic data. It also allows USCIS to conduct criminal and national security background checks necessary for adjudications.

During the COVID-19 pandemic, the biometrics requirement was suspended for specific form-types, as mentioned in your letter. These suspensions were implemented for high-volume workloads to assist with scheduling backlogs due to office closures. While T and U-based forms were not part of these suspensions, USCIS continues to reuse biometrics when possible.

In your letter, you note USCIS' waiver of fingerprint requirements. It is important to note that a fingerprinting waiver is not the same as a biometrics waiver. An individual may qualify for a waiver of the fingerprint requirement if the individual cannot provide fingerprints because of a medical condition, such as a birth defect, physical deformity, skin condition or psychiatric condition.⁵ An approved fingerprint waiver has no impact on the collection of other information also collected at a biometrics appointment that USCIS is authorized to collect (for example, a photograph or, depending on the reason for the waiver, signature).

USCIS acknowledges your recommendation that USCIS accept alternate evidence where biometrics appointments are unavailable. After carefully considering your request, due to national security and public safety concerns, USCIS is unable to create a program-wide policy allowing the use of alternate evidence ensuring the lack of criminal history in lieu of biometrics. However, USCIS and the Department of State are working to prioritize biometrics appointments for T and U nonimmigrant visa benefit requestors. The Department of State and USCIS frequently coordinate on a case-by-case basis and in accordance with broader program needs.

3. Removing Barriers: Biometrics Appointments Abroad

The Department of State acknowledges the delays that derivative T visa applicants and derivative U visa petitioners face in scheduling biometric appointments abroad. The COVID-19 pandemic impacted this process as biometric collection requires in-person fingerprinting on ink cards. The Department of State and USCIS are coordinating with overseas posts to provide this much needed service and we are making progress in reducing these delays. Additionally, the Department of State has dedicated significant resources to lowering appointment wait times and are committed to getting its staff the tools, resources, and support they need to further reduce wait times.

Contact information for consular sections overseas can be found on the individual Embassy/Consulate webpages.⁶ The Department of State is grateful for your stakeholder feedback and has taken steps to work with posts to update public facing resources on biometrics for T and U visa benefit requestors (see chart below). The Department of State is not aware of any posts that are not currently accepting T and U visa biometrics appointment requests.

4. Removing Barriers: Consular Interviews Abroad

The Department of State is successfully reducing visa interview appointment wait times worldwide, following closures during the pandemic. The Department of State has doubled hiring of U.S. Foreign Service personnel to do this important work, and this fiscal year consular posts have exceeded pre-pandemic visa processing levels. Although processing capacity is rebounding

⁵ Volume 1: General Policies and Procedures, Part C, Biometrics Collection and Security Checks, Chapter 2, Biometrics Collection [[1 USCIS-PM C.2](#)].

⁶ Please visit <https://www.usembassy.gov/> for websites of U.S. Embassies, Consulates, Diplomatic Missions, and Offices providing consular services.

faster than projected, visa applicants still face lengthy wait times at some embassies and consulates.⁷ Many posts have information available on their public website regarding requesting an expedited appointment. Applicants and petitioners should review this information wherever possible and follow those instructions.

The Department of State and USCIS will continue to collaborate on this matter. Thank you again for your letter and interest in this important issue. Should you require any additional assistance, please contact the USCIS Public Engagement Division at www.public.engagement@uscis.dhs.gov.

Sincerely,



Brian G. McInerney
Director
Field Operations, Office of Visa Services
U.S. Department of State



Avidah Moussavian
Chief
Office of Policy and Strategy
U.S. Citizenship and Immigration Services

⁷ For the latest information about global visa wait times, see <https://travel.state.gov/content/travel/en/us-visas/visa-information-resources/global-visa-wait-times.html>

Access to Biometrics Challenges (U.S. Department of State response in last column)

Post	Response	Additional Information	U.S. Department of State response
Amsterdam, Netherlands	No biometrics appointments available for over 3 years (first in Bridgetown, Barbados and then in Amsterdam)		Post confirmed it can provide appointments and have updated its website.
Bridgetown, Barbados	Attorney has attempted to schedule biometrics for three T derivative applicants for over three years without success. Post indicated they do not offer fingerprinting appointments for the T visa category, only for other NIV categories.		Visa Chief confirmed post can provide biometric appointments for U and T visa benefit requestors.
Banjul, Gambia	Post turned away U derivative applicants indicating they do not do biometrics		This is a sole consular officer post. The officer received training and instructions on providing this service from Consular Affairs, Visa Office. Post is now accepting T and U visa biometrics appointments.
Dakar, Senegal	Post turned away U derivative applicants indicating they do not do biometrics.		Consular Chief confirmed appointment requests are received through the American Citizen Services (ACS) public inbox at DakarACS@state.gov . They confirmed post is taking appointments and have two experienced staff that can take fingerprints.
Guayaquil, Ecuador	Post replied as follows: Thank you for message, U.S. Embassy Quito and U.S. Consulate Guayaquil are partially operating for visa services. However, fingerprint intake for U-Visas is still suspended until further notice. Post indicated to another practitioner that they were making a list to notify individuals once they reopen for appointments		Visas Chief confirmed appointments are available for T&U applicants in Guayaquil and Quito. In early 2023, Consulate Guayaquil discovered an outdated auto-reply message that has been updated.
Manila, Philippines	Post has been issuing standard message with no update to date: The U.S. Embassy in the Philippines suspended routine consular services in March 2020		Manila resumed providing biometrics appointments to T&U applicants on February 27, 2023. It is working on updating its website to reflect this change. For Manila, the Fraud Prevention Unit, manages this function. Applicants can e-mail: FingerprintRequests@state.gov if they need assistance.

	<p>due to the COVID-19 pandemic, including fingerprint collection for T and U derivatives. The U.S. Embassy is continually evaluating the conditions necessary to resume full services.</p> <p><i>We will resume routine visa services, including T and U derivative fingerprint collection, as soon as possible but are unable to provide a specific date at this time. Please email FingerprintRequests@state.gov with a scanned copy of your Notice of Action and your current and valid passport biographic page and you will be contacted via email for scheduling once fingerprint collections resume.</i></p>		
<p>New Delhi/Mumbai/Chennai, India</p>	<p>Posts indicated they are not scheduling biometrics appointments and USCIS field offices have been unresponsive to further inquiries.</p>		<p>USCIS has a counter service in New Delhi. T/U applicants can write to cis.ndi@uscis.dhs.gov to schedule a biometrics appointment on any business day between 0830 to 1200. USCIS does not accept walk-ins. Their public website also provides similar information:</p> <p>https://www.uscis.gov/about-us/find-a-uscis-office/international-offices/india-uscis-new-delhi-field-office#:~:text=Appointments,does%20not%20accept%20walk-ins</p>

<p>Quito, Ecuador</p>	<p>Post recently reopened to appointments, but applicants had to travel half a day to reach this consular post when Guayaquil would have been closer.</p>		<p>Visas Chief confirmed appointments are available for T&U applicants in Guayaquil and Quito. In early 2023, Post discovered an outdated auto-reply message in Guayaquil that has been updated.</p>
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San Jose, Costa Rica	Practitioner reports that USCIS online scheduling system redirects applicants to make appointment at San Salvador, El Salvador but that Post confirmed they do not attend to applicants from outside of El Salvador. Direct electronic correspondence to Post then results in responses indicating that they are not familiar with U visas and/or the purpose of the requested appt.		Visa Chief confirmed post returned to full operations in October 2022, and are accepting appointments for biometrics collections at this time. The email post asks applicants to use to schedule appointments for fingerprints for T & U visas is sanjoseniv@state.gov and support-costarica@ustraveldocs.com. Post has fingerprint cards, and staff experienced with taking prints.
Santo Domingo, Dominican Republic	Post reports that no appointments are given for biometrics before visa petition adjudication. Practitioners report being incorrectly instructed to schedule an appointment that requires the filing of a DS-160/payment of fees in order to secure a biometrics appointment		Visa Deputy Chief confirmed that post provides biometrics appointments for T&U applicants. Applicants may email post at SantoDomingoU-TVisas@state.gov to request an appointment for biometrics collection.

Tegucigalpa, Honduras	Practitioners report inability to schedule through USCIS website that issues error message indicating they have exceeded requests when no requests made. Emailing Post directly resulted in being directed back to USCIS website or the following standard response: “Post is closed and unable to provide this service due to impossibility to maintain social distancing when collecting ink fingerprints. Hope this information is helpful. “Further, practitioners report that attempts to request updated RFEs/intervention from USCIS have not yielded responses.		USCIS has a counter service in Tegucigalpa. Appointments may be requested via USCIS’ appointment system here: https://my.uscis.gov/en/appointment/v2 or by sending an email to: rio-fingerprints@uscis.dhs.gov .
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Challenges related to the scheduling of consular interviews (U.S. Department of State response in last column)

Post	Response	Additional Information	U.S. Department of State response
Guatemala City, Guatemala	Post has had limited availability in scheduling interviews.		Guatemala is working to reduce visa wait times. To apply for an expedited appointment, please visit: https://www.ustraveldocs.com/gt/en/expedited-appointment/
Mexico City, Mexico	Post indicates no appointments available.	Multiple reported examples were submitted involving U/T applicants including some that were able to complete biometrics in Mexico City but were then rerouted to Post in Guadalajara for interviews after petition approval, to the economic detriment/travel hardship to applicants.	Mission Mexico is processing more visas than ever at some of our busiest spots, including Mexico City. If applicants have an urgent need for travel, they may request an expedited appointment by following the guidance found here: https://ais.usvisa-info.com/en-mx/niv/information/faqs#need_earlier_appt USCIS has a counter service at US Embassy Mexico City. Applicants must make an online appointment to visit USCIS Mexico City. USCIS Mexico City does not accept walk-ins. The public inquiries e-mail is Mexico.USCIS@uscis.dhs.gov.
New Delhi, India	Post has had limited availability in scheduling interviews		Mission India has reduced wait times by nearly 60% over the past six months. Applicants can request an expedited appointment through their online appointment system at https://www.ustraveldocs.com/in/en/expedited-appointment . The applicant must already have a confirmed interview appointment date to request an expedited appointment. If their expedited appointment request is approved, they will be notified with instructions via email. Applicants should not cancel their existing appointment unless they receive a confirmation that their request for an expedited appointment has been approved. If they have not yet received an approval or denial, their request is still under consideration. Expedited appointment slots are very limited. Please note that due to the high volume of requests, post cannot accommodate all travelers prior to their planned travel dates, even if the purpose of travel is time sensitive.

San Salvador, El Salvador	Post has had limited availability in scheduling interviews.	One practitioner reported that scheduling U derivative interviews took 9 emails and 23 months. Only 8 days' notice was provided for the interview date that was ultimately secured.	If an applicant would like to request an expedited nonimmigrant visa appointment, please follow the guidance provided at http://www.ustraveldocs.com/sv OR call 2113-3122 to request an expedited appointment.
Santo Domingo, Dominican Republic	UStavelDocs indicates no appointments available.	No appointments available since June 2022; attorney only able to obtain interview through congressional intervention.	To request an expedited appointment applicants may review the guidance here: https://www.ustraveldocs.com/do/en/expedited-appointment/
Tegucigalpa, Honduras	No response.	One practitioner reported no response to at least 5 appointment inquiries since July 2022. T-1 has had to request abeyance of their adjustment application so that their derivative may complete consular processing.	To request an expedited appointment, applicants may review the guidance here: https://www.ustraveldocs.com/hn/en/expedited-appointment/