



AILA Stakeholder Meeting

VAWA, U, T National Sub-committee

Pre-submitted Questions

Nov. 16, 2023

Communication and administrative matters

Q1. Legal representatives continue to report significant delays in hotline response times, with many inquiries taking longer than the 14 to 21-day response time reported by USCIS at our engagement in May 2023. What are the current response times for the Form 918/Form 914 and Form I-360 hotlines? Are response times calculated in calendar or business days? How long should practitioners wait to follow up on an inquiry that has not been addressed?

(SCOPS) A1. The current response time for the Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant, hotline account remains 14-21 days. The current response time for the Form I-918/Form I-914, Application for T Nonimmigrant Status, hotline account ranges from 14-30 days. The Form I-918, Petition for U Nonimmigrant Status and Form I-914, Application for T Nonimmigrant Status, hotline account has seen a slight increase in the number of inquiries received since the HART Service Center opened. USCIS calculates response times in calendar days, starting with the receipt date of the oldest inquiry received via the customer service platform. Please allow a minimum of 45 calendar days before sending a second request. It is helpful to put the phrase "SECOND REQUEST" in the subject line to alert the centers that this is a follow-up inquiry and that you did not receive a response to your first request.

Q2. Are there any special survivor-related considerations we can cite in making expedite requests for delayed EAD applications or other humanitarian benefits? Anecdotally, it appears that applicants for non-humanitarian remedies may be able to obtain expedite requests more regularly than survivor-based requests. We fear that other benefits applicants (e.g., family- or employment-based) may have more access to documentation relating to potential job loss and hardship relating to delayed work permit applications and would like to know how USCIS factors in survivor status when adjudicating expedite requests.

(SCOPS) A2. Thank you for this feedback. We evaluate each request for expedited processing individually based on the criteria found at uscis.gov/forms/filing-guidance/how-to-make-an-expedite-request. We recognize that survivors may not have documents to support their request. If they do, they should submit the documentation they have with their request. If they do not,



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they should submit a statement explaining the lack of documentation and any other relevant information related to their expedite request that USCIS should consider.

Q3. What are the options to change an attorney or accredited representative's mailing address with the humanitarian unit? Members report moving and sending in a new Form G-28 or spreadsheets for pending cases and addresses are inconsistently updated, resulting in cards (LPR and EADs) being sent to the old address, returned, and only sometimes forwarded to the new address. Failure to update the legal representative's address—or delays in doing so—are particularly concerning when RFEs, NOIDs, or denials are sent to the incorrect address. Is the legal representative change of address method indicated on [USCIS' website](#) the preferred method for change of address for humanitarian cases? How can legal representatives confirm that the address has indeed been updated, and how long should we expect this to take?

(SCOPS) A3. Thank you for this feedback. The best way for attorneys or accredited representatives to request an address change is using the hotline accounts at uscis.gov/about-us/contact-us, "Inquiries for VAWA, T, and U Filings." Processing times for requests sent to the hotline accounts range from 14-30 days. When you submit an updated Form G-28, complete all applicable fields, including Part 3, 1.b., the list of form numbers in which appearance is entered. If form number information is missing or incomplete, we may not be able to complete the requested address change. If you send a spreadsheet to support your address change request, please include applicant or petitioner names, dates of birth, and A-Numbers and receipt numbers for the filings the change applies to. After we complete the address changes, attorneys and representatives should receive updated receipt notices verifying the address change. Please note, shared jurisdiction of 1367-protected forms often require us to transfer address change spreadsheets between service centers to ensure we update all affected filings. Transferring of spreadsheets may affect processing times.

Q4. On a related note, how can legal representatives verify an applicant's address has been changed following the proper submission of an AR-11 to the designated Service Center? If there is currently no way to verify this, we respectfully request that USCIS consider methods of confirming that an AR-11 submitted by a protected individual has been processed.

(SCOPS) A4. Thank you for this suggestion. Currently, legal representatives may use the hotlines to confirm addresses for their clients on matters they are on record for. We are considering options to make customer service channels more accessible for 1367-protected applicants and petitioners, including address change options. If we change any address change options in the future, we will notify stakeholders via GovDelivery notices, web alerts, and updates to our website. To register for alerts and updates, visit uscis.gov/news/alerts.

Q5. Are VAWA/U/T cases being considered for online filing? If so, what is the anticipated timeline for this transition?



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(OAIS) A5. Yes, online filing will be offered to VAWA/T/U customers once enhanced identity verification protocols within the USCIS Online Account are developed to protect the security of this vulnerable population. More details, including timelines, will be shared when available.

Q6. Members are reporting varying responses from USCIS when attempting to amend or supplement a pending VAWA, U, or T-related filing. Some have reported that USCIS has responded to attempts to amend or supplement via the hotline by saying that such requests should be submitted in writing to the appropriate service center. Other members have reported receiving written correspondence from the service center advising that the amendment or supplement should be submitted via the hotline. What mechanism does USCIS prefer legal representatives use when amending or supplementing a pending filing? What type of confirmation will legal representatives receive that the supplement or amendment request has made it to the file?

(SCOPS) A6. We recommend submitting responses to Requests for Evidence (RFE) and supplemental documentation via U.S. Postal Service mail. Include RFE cover sheets with the response so we can more efficiently match the response to the correct case. If you submit supplemental evidence without an RFE, include a letter that identifies the evidence as additional documentation to be included in the applicant or petitioner's file. You also should include the applicant or petitioner's A-number, full name, and date of birth in the letter. We do not generally send a confirmation letter to the applicant or petitioner when we receive supplemental information.

If you have case examples you would like to bring to our attention that demonstrate this issue, please follow up with Jennifer LaForce in our Public Engagement Division.

Survivors in Removal/With Removal Orders

Q7. What does USCIS do when approving a Form I-918 or Form I-914 to effectuate provisions that DHS-issued Orders of Removal are canceled by operation of law per 8 CFR §§ 214.14(c)(5)(i) and 214.11(d)(9)(i)? Is there a memorandum or other annotation made in the applicant's A-file or DHS systems?

(SCOPS) A7. When USCIS approves a Form I-918 or Form I-914, the outstanding order of removal, deportation or exclusion issued by the Department of Homeland Security (DHS) is deemed cancelled as of the date we approve the petition or application. Note that any notations we make on Form I-918 or Form I-914 and in case management systems would only be about the approval, such as classification and validity dates. Notations regarding approval of a Form I-918 or Form I-914 are viewable in case management systems available to ICE. Once petitioners and applicants receive their approval from USCIS, they may seek cancellation of an order issued by the Executive Office for Immigration Review by filing a motion to reopen and terminate proceedings with the immigration judge or the Board of Immigration Appeals. USCIS defers to Immigration and Customs Enforcement (ICE) regarding their procedures pertaining to joining such a motion. Additionally, since USCIS has no jurisdiction in removal, deportation, or exclusion proceedings, any updates to systems or the petitioner/applicant A-file related to order cancellation information would be done by ICE.



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Extensions of Status

Q8. Has USCIS considered reverting to the process of issuing a separate extension notice when a U or T nonimmigrant has timely filed for adjustment of status?

Doing so would give all U nonimmigrants and T-1 nonimmigrants clear documentation of their extension of status and, consequently, their automatically extended employment authorization, which is especially critical given long (c)(9) EAD processing times.

(OP&S) A8. Thank you for your suggestion. Currently, information about a U petitioner's or T applicant's extension of status and extended employment authorization is contained in the Form I-485, Application to Register Permanent Residence or Adjust Status, receipt notice. This important extension information is explained in the "T/U Filings" and "Employment Authorization" sections of the Form I-485 receipt notice.

We thoroughly considered the suggestion of reverting to two notices and decided it is more efficient to maintain the current receipt notice format.

T Visas

Q9. Can USCIS explain why, in at least some cases, T-based Forms I-485 are being receipted by the Nebraska Service Center and then transferred to the Vermont Service Center, despite the filing location continuing to be at the Vermont Service Center? Is this to help with the fee waiver/receipt backlog at Vermont Service Center?

(SCOPS) A9. We make every effort to issue receipt notices as efficiently as possible. We may transfer filings between centers based on current work volumes and staffing availability to help receipt new applications and petitions. If we transfer a file, it will not affect the adjudicative jurisdiction, and representatives should continue to inquire with the Vermont Service Center hotline for T-based Forms I-485.

Q10. In past engagements, USCIS has stated that supervisors review every Form I-914 denial and some RFEs. Do supervisors still review every Form I-914 denial? If not, can you explain what is reviewed by a supervisor and how?

(SCOPS) A10. Generally, service center supervisors review Form I-914 and Form I-914A denials to ensure applications are adjudicated consistently, and as part of service center quality assurance procedures. Cases that will result in a denial require supervisors to review the applications as well as documentation contained in an applicant's A-file, to include any additional evidence requested via an RFE or a Notice of Intent to Deny. Supervisors then review the denials to ensure they are legally sufficient.



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Q12. Some legal representatives are reporting Form I-131 applications being erroneously and solely denied for T nonimmigrants who do not have a pending application for adjustment of status. Can USCIS provide any explanation for why this might be happening, given USCIS Policy Manual guidance explicitly stating that T nonimmigrants may obtain Advance Parole and travel abroad prior to applying for adjustment of status? 3 USCIS-PM [B.12.B](#).

(OP&S) A12. Thank you for this question. We are not aware of denials that fit this scenario at this time.

If you have case examples you would like to bring to our attention that demonstrate this issue, please follow up with Jennifer LaForce in our Public Engagement Division. Once received, USCIS will research this issue.

U Visas

Q13. If a U visa petitioner or U visa holder also holds another status that allows them to obtain advance parole (such as DACA, TPS, or pending affirmative asylum), would that travel on advance parole negatively impact their pending U visa petition? We understand that *Matter of Arabally and Yerrabelly* would protect the applicant from triggering any new inadmissibility grounds by traveling on advance parole, but can you confirm that their entry as a parolee would not impact their pending U visa petition in any way? Is the answer the same regardless of whether they have a U petition pending or are currently in deferred action due to a bona fide determination or wait list adjudication?

(OP&S) A13. If a U visa petitioner or a U nonimmigrant departs the United States with a valid advance parole document on another basis, such as DACA or TPS, the travel generally would not impact their grant of deferred action pursuant to bona fide determination or placement on the U waiting list, or their U nonimmigrant status; however, departure from the United States may impact their eligibility for U nonimmigrant status or adjustment of status, given the general risks of departing the United States, even with an advance parole document. For example, if a person has been ordered removed, then they may be subject to a bar to admission if they depart, even if they travel after being issued an advance parole document.

It is also important to keep in mind that any departure from the United States, even with an advance parole document, is considered a departure from the United States for purposes of the continuous physical presence requirement at INA sec. 245(m). Accordingly, departures from the United States with an advance parole document still count toward the 180-day aggregate limit on periods outside the United States during the requisite period of continuous physical presence for purposes of eligibility to adjust status to that of a lawful permanent resident.

VAWA

Q14. Does the Vermont Service Center/Nebraska Service Center or HART Service Center, make any kind of notation in DHS systems or an individual's A-file to suggest that a VAWA adjustment of status interview can be waived? Does any kind of communication take place between the service centers and National Benefits



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**Center and the local field offices regarding potential interview waiver?
Additionally, are field offices encouraged to waive interviews when possible? Will
there be any forthcoming guidance on VAWA adjustment interview waivers?**

(SCOPS) A14. HART officers do not determine or recommend whether a VAWA adjustment of status interview can be waived. HART officers do, however, add Adverse Information Memos to the file when they identify derogatory information and flag it for consideration. Field offices may waive the interview requirement under 8 CFR 245.1 on a case-by-case basis, if they determine an interview is not necessary to establish eligibility.

Motions to Reopen

Q15. Is there any data you can provide about processing times for Motions to Reopen/Motions to Reconsider before VSC/NSC? Additionally, how long should representatives expect to wait for a new decision or RFE to be issued after receiving notification that the service center has reopened an I-914/I-918/I-360?

(SCOPS) A15. Generally, the Vermont, Nebraska, and HART Service Centers process motions to reopen and motions to reconsider from 45-180 days after filing, which includes time required to issue a decision or an RFE.

FOLLOW-UP ON PREVIOUS QUESTIONS & REQUESTS FOR UPDATE

Processing Times

Q16. Please provide an update on the processing times on the issuance of VAWA/U/T-related filing Receipt Notices from time of receipt, both fee and fee waiver cases, if the timeline varies depending on whether the fee was included.

(SCOPS) A16. For issuance of Form I-914 and associated form receipt notices, the Vermont Service Center is current with this workload. For issuance of Form I-918 and associated form receipt notices, processing times are 7-14 days. For issuance of VAWA Form I-360 and associated form receipt notices, processing times are up to 120 days. When the HART Service Center opened, the Nebraska Service Center began receipting VAWA Forms I-360. Receipting Form I-360 is not new to USCIS in general, but it is a workload the Nebraska Service Center did not previously handle.

We continue to adjust and seek more efficient processes to ensure we issue receipt notices in a timely manner.

Q16 Part II: Issuance of Biometrics Appointment Notices

(SCOPS) A16 Part II. Biometric appointment notices are issued as part of the data entry process but after receipt notices are generated.



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Q16 Part III. Status of U visa bona fide determination processing times: Which petitions are currently being reviewed? Are some cases being expedited for review or adjudicated out of order for training purposes instead of first in, first out processing?

(OP&S) A16 Part III. We are currently conducting bona fide determinations for cases filed in January 2019. Under previous policy guidance, we would not consider qualifying family members for a bona fide determination until the principal petitioner received an Employment Authorization Document (EAD) as part of the bona fide determination process. This meant that Form I-918A filings for qualifying family members were held until we finished adjudicating the principal's Form I-765, Application for Employment Authorization. On Aug. 11, 2023, USCIS updated this guidance to allow review of Forms I-918 Supplement A to determine whether a qualifying family member's petition is bona fide as soon as the principal petitioner receives a bona fide determination, even if the principal petitioner has not filed Form I-765. USCIS has been working diligently to adjudicate all Form I-918As that were held based on prior policy guidance.

Biometrics

Q17. On June 28, 2023, [USCIS announced](#) that biometrics can now be rescheduled via a myUSCIS online account. Will this option be available to 1367-protected individuals and if not, are any alternatives being considered aside from contacting the relevant humanitarian hotline or mailing a written request?

(OAIS) A17. 1367-protected individuals have access to our new biometrics rescheduling tool. If you notice any problems with 1367-protected individuals accessing the tool, please reach out to Jennifer LaForce in our Public Engagement Division.

Q18. How can a protected individual request biometrics accommodations due to a disability or medical accommodation, as indicated in Vol. 1, Part C of the Policy Manual?

(OAIS) A18. If you have a disability or other medical reason, you can request mobile biometric services, or other accommodations, online at [Disability Accommodations for Appointments](#). If necessary, you can make your request by calling the USCIS Contact Center. Make your accommodation request as soon as possible after receiving your appointment notice. When mobile biometrics are needed, the applicant will automatically be screened for eligibility for a biometrics waiver or re-use. For 1367 protected applicants who are not represented, any necessary communications are done initially by mail using the safe address on file. For additional information about customer accommodations, visit uscis.gov/accommodationsinfo. For questions or issues related to access and accommodations for members of the public with disabilities, email the [Public Disability Access Program](mailto:publicdisabilityaccommodations@uscis.dhs.gov) at publicdisabilityaccommodations@uscis.dhs.gov.



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Communication

Q19. Are there any updates on how inquiries that would normally be made to the USCIS Contact Center will be handled for 8 USC § 1367-protected individuals?

(OAIS) A19. Thank you for this question. We are actively working on options to expand customer service channels for 1367-protected individuals in a manner that both protects and provides increased access to their case information. We hope to provide updates soon.

Survivors in Removal/With Removal Orders

Q20. At our engagement in May 2023, the Service Center Operations Directorate (SCOPS) indicated that USCIS is working with ICE to implement some changes to the ICE expedite process for individuals in removal, with final orders of removal, or currently detained who have victim-based applications pending before USCIS. Do you have any updates or new guidance you are able to share with us?

(SCOPS) A20. We continue to discuss options with ICE to improve this specific expedite process. We hope we can provide more information in the future.

Q21. Related to the previous question, at our engagement in May 2023, SCOPS indicated that when an ICE expedite request is received, the Vermont Service Center reviews the request and decides whether the file should be routed for review based on whether the individual is in custody or has a final order of removal. Does this mean that USCIS *does not* expedite review of applications and petitions for individuals who are not detained and do not have a removal order, but are currently in removal proceedings?

(SCOPS) A21. We review expedite requests by ICE for applications and petitions for individuals in removal proceedings, but not for those detained or with a final order of removal. We evaluate each request for expedited processing individually based on the criteria at uscis.gov/forms/filing-guidance/how-to-make-an-expedite-request. Requests for individuals who are not in custody and who do not have a final order of removal must be submitted by the attorney, accredited representative, applicant, or petitioner.

Extensions of Status

Q22. At our last engagement, USCIS indicated that it would not reject or deny a Form I-539 seeking extension of U or T nonimmigrant status solely for being filed before 90 days prior to the date of expiration of the validity period. USCIS also requested any examples of Forms I-539 issued NOIDs or denials for being filed before the 90-day window, and examples were submitted in conjunction with this list of questions. Is USCIS considering or has it considered amending [PM-602-0032.2](#) or otherwise updating the Policy Manual to specify that I-539s do not need to be filed within the 90 days preceding expiration of T or U status, especially in light of lengthy I-539 processing times and the resulting destabilizing impact on survivors and their families?



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(OP&S) A22. Thank you for your suggestion. We will take it under advisement.

Q23. At our last engagement, USCIS indicated that it was considering our suggestion of issuing extensions of status for longer than a year given continued consular processing delays necessitating extensions of status for U/T nonimmigrants. Is there any update you can provide on this?

(OP&S) A23. We do not have any updates, but we continue to explore ways to eliminate hurdles in the immigration process and increase access to immigration benefits.

VAWA

Q24. At our last engagement, we shared member experience that the National Benefits Center and district offices are not uniformly responsive to Form I-485 abeyance requests. USCIS indicated that it was looking into additional accessibility options for VAWA self-petitioners. Do you have any updates to share? Has there been any messaging to Nebraska Benefits Center and District Offices about handling abeyance requests for VAWA self-petitioners?

(FOD) A24. When an applicant for adjustment of status notifies us that they intend to file a self-petition and transfer the underlying basis for adjustment, the Field Operations Directorate follows established guidance to keep the Form I-485 pending and take no action for up to 30 days. During this time, the applicant must submit evidence they have filed Form I-360.

U Visas

Q25. At our stakeholder engagements in March 2022 and May 2023, USCIS mentioned it was considering all options for creating a mechanism for waitlisted U petitioners and those with approved U petitions to apply for Advance Parole. Is there a plan in place or update for this?

(OP&S) A25. We do not have any updates, but we continue to explore ways to eliminate hurdles in the immigration process and increase access to immigration benefits.

Q26. At our stakeholder engagement in March 2022 and May 2023, USCIS mentioned it was considering all options for humanitarian parole for all petitioners/derivatives abroad who have been placed on the waitlist or for derivatives abroad where petitioners in the U.S. have been granted a bona fide determination. Is there a plan in place or update for this?

(OP&S) A26. We do not have any updates, but we continue to explore ways to eliminate hurdles in the immigration process and increase access to immigration benefits.

Adjustment of Status



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Q27. Will there be an option for a 1367-protected individual to receive a mailed ADIT (I-551) stamp via the process available to non-protected individuals discussed in USCIS' [March 16, 2023 alert](#)?

(OAIS) A27. At this time, 1367-protected lawful permanent residents still need to appear in person at a USCIS field office to receive temporary evidence of their status. Contact Center staff will help these individuals schedule appointments at their local field office.