



AMERICAN
IMMIGRATION
LAWYERS
ASSOCIATION

Avideh Moussavian
Chief, Office of Policy & Strategy
U.S. Citizenship and Immigrations Services
5900 Capital Gateway Drive
Camp Springs, MD 20746

September 8, 2023

Submitted via email to: policyfeedback@uscis.dhs.gov

Re: Feedback on Safe Address & Section 1367 Protections Policy Alert ([PA-2023-14](#)) and USCIS Policy Manual Vol. 1, Part A, Chapter 7 – Privacy and Confidentiality

Dear Chief Moussavian:

On behalf of the American Immigration Lawyers Association (AILA), AILA's VAWA/U/T National Committee writes to express appreciation of updates to the USCIS Policy Manual (1 USCIS-PM A.7) regarding the agency's efforts to ensure protections for survivors pursuant to 8 USC § 1367, currently set to take effect October 31, 2023. We believe these updates provide helpful information regarding the scope of confidentiality provisions and how the agency determines where correspondence will be sent based on the selection of the protected person or their legal representative.

In response to the agency's request for feedback regarding these policy changes, AILA wishes to provide feedback for further consideration and seeks your response to certain areas of remaining concern.

- *Further clarification on proposed changes:*
 - The policy guidance does not clarify whether instructions will be included on how unrepresented petitioners/applicants can submit inquiries or address changes in correspondence sent to them. Given that unrepresented individuals may not be aware of or know where to find the USCIS Policy Manual and may not have access to online resources, we recommend that informational guidance be incorporated into receipt notices and requests for evidence or be provided separately in any mailing sent to these individuals.
- *Questions AILA recommends that USCIS address in future guidance/policy updates:*
 - What is the process for recording address changes? Practitioners continue to report issues where a change of address was properly submitted under [existing guidance](#), but USCIS continues to mail notices to former addresses where petitioners/applicants may no longer reside. This creates issues with petitioners/applicants not timely receiving decisions or RFEs/NOIDs/correspondence that require urgent responses, and also creates safety and confidentiality issues. What is USCIS doing to ensure these address change issues are eliminated?

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- What is the best practice for substituting or changing legal representatives for filings involving protected persons? Practitioners have reported situations where former legal representatives continue to be listed as the attorney of record and receive correspondence for petitioners/applicants who have since retained new counsel. This is troubling where new attorneys/legal representatives have provided USCIS updated G-28 forms and letters notifying USCIS about the substitution.
- What are the best practices for an attorney representing a protected person to change the attorney address? How long should it take for USCIS to update an attorney address after the attorney has advised USCIS? What does USCIS do to confirm to representatives that the change has been updated in USCIS systems? Practitioners have reported problems receiving correspondence and original documents from USCIS after submitting new G-28s to USCIS and spreadsheets of cases to update an attorney address, as indicated in USCIS guidance [here](#). Specifically, practitioners report that USCIS sometimes sends mail to old addresses despite the attorney's submission of an attorney change of address and also report delays in receiving confirmation from USCIS that a requested change has been recorded by USCIS.

We look forward to your response. If you have any questions, please contact Sharvari (Shev) Dalal-Dheini, Director of Government Relations at (202) 507-7621 or by email at SDalal-Dheini@aila.org or Cynthia Lucas, Chair of AILA's VAWA/U/T National Committee at (310) 774-1333 or by email at cynthia@lucasandbarba.com

Thank you for your time and consideration.

Sincerely,

AMERICAN IMMIGRATION LAWYERS ASSOCIATION

cc:

Cecelia Friedman Levin, USCIS Office of Policy & Strategy, Humanitarian Affairs Division, Victim Protection Branch

Sarah Krieger, USCIS Office of Policy & Strategy, Humanitarian Affairs Division, Victim Protection Branch

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