

October 13, 2021

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**Subject: Request for stakeholder engagement session on Form I-290B processing**

Dear Dr. Strano, Mr. Whelan, Ms. Dibbins, and Ms. McGovern,

The undersigned organizations respectfully request a stakeholder engagement session on the topic of I-290B Notice of Appeal or Motions, specifically, those filed in relation to survivor-based immigration protections created under the Violence Against Women Act (VAWA) and Trafficking Victims Protection Act (TVPA).

Our organizations offer national and/or state-level training and technical assistance to attorneys and advocates who work with survivors filing for VAWA, U or T visa relief. Based upon recent trends, we believe a USCIS stakeholder engagement on this topic is necessary as the current I-290B instructions and guidance (e.g. the AAO practice manual) do not provide sufficient clarity to address common filing scenarios that applicants and petitioners filing for VAWA, U or T visa relief often encounter.<sup>1</sup> For example, some common issues we encounter are:

1. If a principal applicant is filing an I-290B for their matter, it is unclear whether it is necessary for each derivative to file their own. Practitioners are confused whether principal applicants or petitioners must also file an I-290B for each derivative beneficiary to preserve the derivative's application or petition while the principal seeks review.
2. It is also unclear how survivors can ensure that USCIS reopens all related forms if the I-290B is successful. VAWA, U, and T visa petitions and applications often involve the submission of status-granting forms (e.g., I-918, I-914, I-360) as well as ancillary forms (e.g., I-192, I-765). When the status-granting form or inadmissibility waiver is denied, USCIS also denies all related forms as a matter of course. Recently, when practitioners have provided more than one form number or receipt number as the subject of the I-290B, USCIS has often rejected the filings, yet the form instructions do not give any indication that providing more than one receipt number will result in rejection. Furthermore, these rejections often result in missed filing deadlines. Practitioners are confused about how I-290Bs should be filed in these situations and request confirmation regarding whether USCIS will reopen all ancillary forms *sua sponte* if the I-290B is successful.

Furthermore, survivors and their representatives often encounter inconsistent adjudication practices which cause additional complications and delays. For example, if a U visa petitioner files a fee waiver request with a timely I-290B, but the fee waiver is denied despite full compliance with the fee waiver criteria and form instructions, the I-290B will be rejected. The re-filed I-290B will most likely be untimely, which cuts off the petitioner's appeal rights and limits their options for motions as well.

It is our hope that stakeholder engagement can facilitate a discussion around best practices for I-290B filings as well as serve as an opportunity to provide feedback on

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<sup>1</sup> See e.g. Comment submitted in response to Information Collection on I-290B Form: Notice of Motion or Appeal by ASISTA, AILA and the Tahirih Justice Center, April 19, 2021, available here: <https://www.regulations.gov/comment/USCIS-2008-0027-0099>

challenges applicants are facing during the adjudication process. We will be happy to collect additional questions and feedback before the event to facilitate discussion.

For further information please contact Amy Cheung at [amy@asistahelp.org](mailto:amy@asistahelp.org).

Respectfully submitted:

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