



AMERICAN
IMMIGRATION
LAWYERS
ASSOCIATION



March 21, 2017

Ms. Lori Scialabba
Acting Director, U.S. Citizenship and Immigration Services
Department of Homeland Security
20 Massachusetts Ave., NW
Washington, DC 20529

Re: Request for USCIS to Accept Prior Editions of Form I-918 Supplement B Through 12/31/17

Dear Acting Director Scialabba:

On Monday, March 13, 2017, USCIS [announced](#) revisions to Form I-918, Petition for U Nonimmigrant Status and related supplemental forms. USCIS stated that it will only accept the 02/07/17 edition of Form I-918, Petition for U Nonimmigrant Status, until May 12, 2017.¹ Despite this 60-day grace period, this change will cause significant hardship for U visa applicants that currently have Form I-918, Supplement B, U Nonimmigrant Status Certification requests pending with certifying agencies.

The process to request a U visa certification from law enforcement agencies (LEA) often takes several months or longer. Requiring law enforcement officials to utilize a *new* form will exacerbate this delay and impact a crime survivor's ability to apply for relief. Many LEAs will not certify a second Form I-918, Supplement B, due to workload issues or other internal policies. Thus, the requirement of a new form without a longer grace period will create severe hardship to LEAs as well as to crime victims, and the advocates and attorneys that assist them in the preparation of their U visa applications. To address these concerns, the American Immigration Lawyers Association (AILA) and ASISTA Immigration Assistance respectfully request that USCIS extend the 60-day grace period and accept the 02/07/17 edition of Form I-918, Supplement B, through **December 31, 2017**.

¹ Announcement available at: <https://www.uscis.gov/forms-updates>. Specifically, the announcement states "Starting 05/12/17, USCIS will only accept the 02/07/17 edition. Until then, you can use the 01/15/13, 11/23/10 and 08/31/07 editions. You can find the edition date at the bottom of the page on the Form and Instructions." We assume that this means that VSC will adjudicate U visa applications with older forms as long as they were properly filed before 5/12/2017.

Examples of U Visa Certification Delays

1. **Chicago, IL**: In Chicago, an attorney reports that it takes 6 to 7 months for the Chicago Police Department (CPD) to respond to a request for certification. If attorneys must send new Forms I-918B to CPD, it will further increase the backlog. If a LEA will not certify a second I-918 Supplement B, this may result in denying individuals the opportunity to apply for a U visa at all.
2. **North Carolina**: An attorney in North Carolina reports that some jurisdictions take several months to return certification requests. For example, in Forsyth County, the District Attorney's office takes 5-7 months to return certifications, and the police department takes approximately 9 months to return certification requests.
3. **El Paso, Texas**: An attorney in El Paso reports that the District Attorney (DA) only recently signed certifications that had been pending with the DA's office since April 2015. Additionally, many other certifications have been pending since September 2016.
4. **Baltimore, Maryland**: An attorney reports that some certification requests to the Maryland State's Attorney's office have been taking over a year.
5. **Fairfax County, Virginia**: An attorney reports that, in Fairfax County, the largest local jurisdiction, the normal wait time for a certification is 6 months.
6. **Nevada**: An attorney who practices in rural Nevada reports that there are towns that will not consider the certification sooner than 90 days after a request is filed with them. She writes "USCIS requiring only the new I-918 Supplement B as of May 12, 2017 will without a doubt affect some current clients."
7. **California**: Advocates report that it is often unpredictable exactly when an LEA will sign and return a certification. In larger cities, advocates typically deal with numerous LEAs, making it impossible to ascertain when an I-918 Supplement B certification will be returned in individual cases. Advocates with outstanding U certification requests filed with law enforcement agencies may not have sufficient time to file U applications by the May 12, 2017 deadline.

Stakeholders such as the examples provided need a significant extension of the grace period to ensure that I-918 Supplement B forms they have already submitted to slow-moving LEAs will be accepted as valid support for crime victim U visa applicants currently awaiting that form to perfect their applications. Because the new Form I-918 Supplement B is not materially different from the old one, we do not believe this

extension should hinder adjudications. In contrast, extending the grace period through December 31, 2017 would give LEAs 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. This amendment to the implementation 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.

Thank you for your attention to this critical matter. Should you have any questions or require additional information, please contact Cecelia Friedman Levin at Cecelia@asistahelp.org.

Sincerely,

AILA National
ASISTA Immigration Assistance

cc: Mr. Gary Merson, Acting Citizenship and Immigration Services Ombudsman
Ms. Maureen Dunn, Chief, Family Immigration and Victim Protection Division,
USCIS Office of Policy and Strategy