



Practice Advisory:
USCIS Form Alert - Blank Spaces on Form I-918, Petition for U
Nonimmigrant Status
(updated February 2020)

This updated version contains additional information and practice pointers for resubmitting rejected applications.

I. Introduction	2
II. Avoiding Rejections	2
A. Formatting	3
B. Blank Spaces on I-918 Supplement B Forms and Other Ancillary Forms	4
III. Processing	4
IV. Refiling After Rejection	4
A. Re-filing Practice Pointers	5
B. Expired Certifications	6
C. Age-Out	6
D. N/A v. None	6
E. Liaison and Story Collection	7
V. Next Steps on Advocacy	7

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I. Introduction

On December 30, 2019, U.S. Citizenship and Immigration Services (USCIS) [placed an alert on their website](#) for Form I-918, Petition for U Nonimmigrant Status, stating:

Alert: We may reject your Form I-918 or your Form I-918 Supplement A if you leave a field blank, unless the field is optional. Optional fields include the safe mailing address as well as fields you should only complete if you answered yes to a previous question. You must provide a response to all other questions, even if the response is “none,” “unknown” or “n/a.” We will reject a Form I-918 or a Form I-918 Supplement A that has, for example, an empty field for middle name, for current immigration status, or for information pertaining to a spouse or child.

With this alert, USCIS continues its draconian agenda of limiting access to protections for the most vulnerable; it is clear that the purpose of this new policy is to make immigration relief harder to access. USCIS has unjustly singled out U visas applicants [as it has in the past with asylum seekers](#). ASISTA is vehemently pushing back against this change in procedure and we will provide updates as they become available. In the interim, we have developed the following practice pointers to minimize the risk of rejection and provided practice pointers for resubmission.

For years, the I-918 instructions have stated that Form I-918 or Supplement A will be checked for completeness and indicate that if “you do not completely fill out this petition or supplement, you will not establish a basis for your eligibility and USCIS may reject or deny your Form I-918 or Supplement A.” However, nowhere does it specifically say or warn applicants that blank spaces will result in rejection. This policy change counters decades of prior practice where blank spaces or sections with an “X” marked through them would be accepted. Thus, the enforcement of these provisions, without any advance notice or grace period, is egregious.

USCIS has implemented this policy on applications that were received on or after December 30, 2019, the date the alert was posted on the USCIS website. Keep in mind that rejections based on this alert may be delayed as the mailroom personnel update their procedures.

II. Avoiding Rejections

In an abundance of caution, practitioners should complete every optional field.

- For example, Part 3 Question 1 of Form I-918 instructs applicants to answer a series of “Yes/No” questions about their criminal history. In Questions 2 and 3, applicants are then instructed to provide more information about any “yes” responses above. Even if the answers in Question 1 are all “No,” applicants should still answer “N/A” for fields in Questions 2 and 3.

Even though this is not required pursuant to the alert on the Form I-918 webpage, doing this may minimize the possibility of rejection in the mailroom. Given the specificity of their alert, we do not recommend simply crossing out entire sections that do not apply. Filling out optional fields is also recommended by the CIS Ombudsman. Their [January 23, 2020 notice](#) provides:

“Please follow the instructions above by filling in every field on a USCIS form, **even if the field is optional**, has been answered elsewhere, or does not apply to you, in order to avoid rejection by USCIS.” [Emphasis added]

Practice Tip: Other Survivor-based Forms of Relief (T and VAWA self-petitions)

While the current alert on blank spaces applies to Form I-918 and I-918A Petitions for U nonimmigrant status and I-589: Applications for Asylum and Withholding of Removal, it is likely that USCIS will consider applying this “blank space” policy to other survivor-based forms of relief, including I-914: Applications for T Nonimmigrant Status.

Practitioners may consider filling out T visa applications according to the December 30, 2019 U visa alert as a precaution, especially in cases where there is a deadline (e.g. a derivative age-out issue).

The Form I-360: Petition for Amerasian, Widow(er) or Special Immigrant, used for VAWA self-petitions, is an especially challenging form as about 15 separate application types use it to apply for immigration benefits. Advocates should read the application instructions and forms carefully and fill out the all sections completely that pertain to the form of relief for which you are applying.

For example, Part 6 on the I-360 Form indicates “Complete Only if Filing for Amerasian” (pages 6 and 7), or Part 7 reads “Complete Only if Filing For Widow(er)” **Thus, if filing as a VAWA self-petitioner, complete FULLY the sections that pertain to all applicants and the sections that pertain to VAWA self-petitioners.**

A. Formatting

The fillable PDF form available on the USCIS website has recently changed so that practitioners are able write in “N/A” in most fields. For example, in Part 1 Question 2, if the applicant does not have a maiden name, alias or nickname, the form will now permit you to write “N/A.” where it previously did not allow practitioners to do so. However, some fields (like Part 2: Questions

7b-7f) do not allow practitioners to fill in the field and so these must be filled out either by hand or through using specific immigration form software. If your agency or firm has specific immigration form software, then it likely allows inserting a text box where you can write in the appropriate response. Other practitioners have reporting using an [self inking-stamp](#) with “N/A” as well. We realize this is unduly burdensome, and will be raising the issue of accessibility to USCIS.

B. Blank Spaces on I-918 Supplement B Forms and Other Ancillary Forms

According to the alert, this policy applies to Forms I-918 and I-918 Supplement A, and should not apply to Form I-918 Supplement Bs. **If you notice any rejections based upon blank spaces on the I-918 Supplement B forms, please notify ASISTA immediately.** Practitioners should consider implementing this practice in other ancillary forms (e.g. I-192, I-765) associated with the U visa filing

III. Processing

There is no obvious way to submit an amended I-918 correcting any blank space issues **before** the original I-918 has been reviewed and receipted in. It is our understanding that the Vermont Service Center (VSC) does not have a formal process in place to match up a new filing with the original submission if it hasn't been receipted yet. Advocates can try to ask USCIS to match up the files; however, VSC staff would not ordinarily do so in the mailroom before receipt. Unfortunately, the email and phone VAWA Unit hotlines would not be helpful in this instance because if a case is not not receipted in, they would be very limited in how they can help with cases.

Bottom line: Advocates *may try* to remedy blank space issues before rejection; however, there is no guarantee that the filings will match up. If advocates wish to attempt this, then include a bright cover page stating in large font “For Records Supervisor Review” with a bulleted explanation of what you action you are requested (e.g. that the amended forms be considered as part of the original submission).

Advocates are also reporting that there is a significant delay between the time the case was filed and when they receive the application rejection, ranging from a month to six weeks or more. It is our sense that this will be the standard review turn around for the U visa applications, given the volume of cases they receive. We have raised the issue to USCIS that these processing delays are egregious and often cause harm to applicants (see more below).

IV. Refiling After Rejection

There can be serious consequences for survivors when their cases are rejected, ranging from expired law enforcement certifications to derivatives aging out of their eligibility if the case is rejected after the child derivative turns 21. **All** cases in which a U visa application was rejected for blank spaces carry a burden on immigrant survivors who are impacted by the delay in the

submission of their cases. As the filing date determines when a case is adjudicated, a matter of a few months can make a tremendous difference when visas may become available. In addition, these delays carry administrative burden on service providers and certifying agencies, whose time and resources are already strained, to resubmit these applications for de minimis issues.

A. Re-filing Practice Pointers

Below we suggest the following practice pointers for handling rejected applications.

1. As we have been hearing reports of errors in these rejection notices, practitioners should **first review the rejection notice for accuracy.**
 - a. If there are errors or mistakes on the rejection notice (e.g. the notice alleges there was a blank space when there was not), then when the application is re-filed, then place a cover page on the application (preferably in bright colored paper), that reads **“To Attention of Records Supervisor.”** In your cover letter or on the cover page, bullet point how the rejection notice was erroneous, and request supervisory review.
2. Maintain **a copy of your original submission.** Some practitioners may choose to re-file the prior I-918 or I-918A application correcting the blank fields. **If this is done, please save a copy of the original filing for your records. This original copy may be needed for liaison assistance purposes or further advocacy.** If you do chose to refile using the original application, then indicate in your cover letter
 - a. the original filing date (with delivery confirmation);
 - b. a copy of the rejection notice;
 - c. which fields have been corrected.
3. **Check that all ancillary forms are current.** Several practitioners report that they now must file new versions of the I-192: Waiver of Inadmissibility as they were originally submitted on the prior form edition. Ensure that all forms you are re-submitting are current versions of the form. You can check by viewing the “Edition Date” tab on the relevant form page of the USCIS website.
4. **In cases where there is an USCIS error or where you would otherwise request supervisory review (e.g. N/A v. None rejections):** If you chose to resubmit a new I-918 or I-918A, then include a copy of your prior filing so USCIS can review the original submission. In your cover letter, make clear that you are including the prior rejected copy for informational purposes only and that the newer submission is the one that should be adjudicated, and explain what fields were amended/fixed.
5. If your application is rejected more than once, then include the cover page bringing the case to the attention of the Records Supervisor as indicated above.

B. Expired Certifications

I-918 Supplement B certifications are valid for six months from the date of signature. If applicants do not file Form I-918, Petition for U Nonimmigrant Status, within six months from the date of signature on the Supplement B, then they will need to obtain a new Supplement B from the certifying agency. **If your client's I-918 certification has expired due to a rejection by blank spaces, you should contact your certifier immediately to request another certification.**

While they are waiting for a new certification, advocates *may attempt* to re-file the I-918 with the expired certification asking for USCIS to nunc pro tunc the application to the original filing date. If you do this, we strongly recommend seeking liaison assistance with ASISTA and the CIS Ombudsman to help shepherd the case. **However, it is very likely, in today's climate, that USCIS will not accept the filing with an expired certification and will reject it again.** Please [reach out to ASISTA for technical assistance](#) if you wish to attempt this.

If you are unable to get a new I-918 Supplement B law enforcement certification after a rejected filing based on blank spaces, please contact ASISTA for case assistance.

C. Age-Out

Derivatives aging out of protection is a serious consequence of this new policy. If you have a case where an age-out issue occurred, please contact ASISTA immediately using the liaison information below.

D. N/A v. None

We have heard from practitioners that USCIS is rejecting forms where they wrote "None" instead of "N/A" and vice versa. The [I-918 Form Instructions](#) state:

- If a question does not apply to you (for example, if you have never been married and the question asks "Provide the name of your current spouse"), type or print "N/A," unless otherwise directed.
- If your answer to a question which requires a numeric response is zero or none (for example, "How many children do you have" or "How many times have you departed the United States"), type or print "None," unless otherwise directed."

Please also contact ASISTA for case liaison assistance in these matters. If your case is rejected for this reason, please include a bright cover page to your submission in big letters noting "For Records Supervisor Review."

E. Liaison and Story Collection

ASISTA is conducting a story collection to keep track of rejected case filings. Even if a case does not involve an age-out or expired I-918 Supplement B certification form, we want to track these matters to evaluate systematic trends. There are two options depending on whether your client would like to raise the matter with USCIS leadership and CIS Ombudsman or just for general story collecting purposes:

- **Option 1-General Story Collection:** Please send ASISTA your case example [by filling out this form](#). This form does not require client identifiers.
- **Option 2- Liaison Assistance:** If your client would like for ASISTA to send your case example to USCIS Office of Policy and Strategy, DHS Office of Civil Rights and Civil Liberties and the CIS Ombudsman, please fill out the form below and email it to cecelia@asistahelp.org. Please submit:
 - A filled out ASISTA Case Liaison Form (accessible [here](#))
 - An unredacted copy of the front page of the rejection notice, and the front page of the I-918 form with the receipt date stamp.

V. Next Steps on Advocacy

On February 6, 2020, [ASISTA sent a letter to USCIS and to the CIS Ombudsman's office](#) regarding the December 30, 2019 announcement that USCIS may reject Form I-918 U visa forms if there is a blank field. We indicated that this significant shift in policy and practice creates enormous hardship for survivors and their families, and strains valuable resources for service providers and U visa certifying agencies. We called on USCIS to immediately withdraw the announcement and to accept and receipt in all I-918 applications that were rejected pursuant to the I-918 Alert and restore their initial filing date *nunc pro tunc*.

On February 13, 2020, the Washington Post [published an opinion piece](#) that criticized USCIS about this new policy. This article was later cited in [an article by the Editorial Board](#) of the Washington Post, stating "Government forms have become minefields, intentionally designed to entrap the unsuspecting."

ASISTA and partners are considering FOIA, litigation, and other advocacy strategies to challenge these harmful practices. If you are interested in assisting or learning more about these efforts, please reach out to Cecelia Friedman Levin, Policy Director at cecelia@asistahelp.org. Please also [reach out to ASISTA for technical assistance](#) if you have an individual case question.