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March 24, 2020

Maureen A. Dunn
Chief, Humanitarian Division
Office of Policy and Strategy
U.S. Citizenship and Immigration Services

Delivered via email

Tracy Renaud
Associate Director
Service Center Operations Directorate
U.S. Citizenship and Immigration Services

RE: Response to Coronavirus Disease 2019 (COVID-19)

Dear Maureen and Tracy:

On behalf of ASISTA organizational and individual members nationwide, we write to express our concerns regarding the impact of the Coronavirus Disease 2019 (COVID-19) on USCIS' survivor-based benefits operations and to **respectfully request that USCIS adopt measures that address the additional limitations faced by immigrant survivors' of domestic violence, sexual assault, human trafficking and other serious crimes.**

On March 11, 2020, the World Health Organization declared the COVID-19 outbreak a global pandemic. Subsequently, on March 13, 2020, President Trump declared a national state of emergency over the coronavirus outbreak. States and municipalities have also declared state and local states of emergencies and implemented public health protocols that promote social distancing.

We appreciate the many important measures already taken by USCIS, such as the suspension of routine in-person services until at least April 1 to help slow the spread of COVID-19. **We are hopeful that USCIS will take additional steps in order to recognize the special barriers facing immigrant survivors during this unprecedented emergency.**

Given the growing pandemic and how easily this virus spreads, we ask that USCIS adopt and implement the following measures while COVID-19 remains a public health emergency:

1. **Automatically extend survivor status and employment authorization documents (EAD)** during the national emergency – this would include automatic extension of EADs, VAWA and U Deferred Action, U visa status and T visa status, ensuring survivors maintain status until the crisis is over.

2. **Uniformly and Automatically Extend Deadlines for responding to Requests for Evidence (RFE), Notices of Intent to Deny (NOID), Notices of Intent to Revoke (NOIR)** – the current stated policy concerning failure to timely respond to a request for evidence makes it necessary for survivors to obtain evidence to “directly tie” their failure to timely respond to the COVID-19 national emergency: *“Failure to Appear for an Interview or Biometrics Appointment, or Failure to Respond to a Request for Evidence. If you did not appear for a scheduled interview or appointment, or did not submit evidence or respond to a notice or request in a timely manner for reasons directly tied to the special situation, you may show how the disrupting event affected your ability to appear for interview or submit documents as required.”*¹

USCIS does not provide guidance for what will be considered “directly tied” to a survivor’s inability to timely respond to a RFE, NOID or NOIR. We ask USCIS to, in all cases, assume a survivor’s inability to timely respond is “directly tied” to the national emergency. As with other federal government blanket extensions, such as tax filing, during this national crisis it’s reasonable to assume that any delays, etc, are inherently related to the COVID-19 pandemic.

3. **Suspend issuance of NTAs** denied VAWA self-petitioners (I-360, I-485), VAWA Joint Filing Waiver applicants (I-751), U visa applicants and petitioners (I-918, I-918A, I-539, I-929, I-485) and T visa applicants (I-914, I-914A, I-485).
4. **Suspend filing deadlines for Form I-290B** Appeals and Motions to Reopen or Reconsider until after the national emergency has passed.
5. **Toll, as of March 11, all Age-Out cases** as survivors will be unable to timely file due to lack of access to counsel, inability to collect necessary evidence, and other limitations resulting from the national emergency. Cases include:
 - **I-360 VAWA self-petition derivatives**
 - **I-360 VAWA child self-petitioner** (21-year-old to 24-year-old filing category)
 - **I-918 U visa petitioners with eligible parents and sibling derivatives**
 - **I-918A derivative beneficiaries of U applicants**
 - **I-929 beneficiaries of U adjustment applicants**
 - **I-914 T visa petitioners**
 - **I-914A derivative beneficiaries of T visa applicants**
6. **Suspend the two-year deadlines for VAWA self-petitioners whose abusers die or from whom they divorce.** As noted above, during the national emergency many self-petitioners are unable to timely file due to lack of access to counsel,

¹ This policy is taken from USCIS website “[Special Situations](#)” page. The [USCIS CoronaVirus Response Page](#) does not address filing deadlines, expiration dates and age-out issues. Instead USCIS instructs users to visit its Special Situations page to “learn about measures to assist you in extreme situations.”

inability to collect necessary evidence, and other limitations resulting from the national emergency.

7. **Allow Initial Evidence to be Submitted After Filing:** USCIS should exercise its discretion under 8 CFR 103.2(b)(8)(ii) to allow initial evidence that was not available at the time of filing due to the national emergency to be submitted in response to a request for additional evidence.
8. **Suspend expiration of signed LEA Certifications.** We note that the statute would allow for this.
9. **Ensure acceptance of any credible evidence in support of Fee Waiver Applications,** especially since evidence from government agencies such as the IRS may be impossible to supply in the national emergency.
10. **Expedite all survivor-based petitions and applications for survivors who are detained.** Given the health emergency, release from detention for all survivors with viable applications for immigration benefits is critical.
11. **Allow for the Submission of Digital Signatures.** ASISTA thanks USCIS for taking the important step of allowing the submission of reproduced signatures.
 - **ASISTA seeks confirmation that USCIS will accept I-918B Law Enforcement Certifications with electronic signatures.**
 - **ASISTA asks that USCIS clarify in its guidance that signatures that are ‘handwritten’ through electronic means, such as Adobe Fill & Sign or CamScanner, are acceptable.** Due to stay-at-home orders and social distancing, individuals may not have access to the appropriate equipment at home that allows them to print, copy or scan “wet-signed” documents.

ASISTA, during this uncertain time, is eager to work with USCIS to develop and implement policies that will ensure immigrant survivors are protected and continue to have access to important immigration benefits. We thank you for your consideration and look forward to hearing from you at your earliest convenience. Should you have any questions or concerns regarding this letter, please contact me at gail@asistahelp.org.

Sincerely,

Gail Pendleton
Executive Director

cc: Michael T. Dougherty, Ombudsman, Office of Citizenship and Immigration Services Ombudsman
Stacy Shore, Acting Dep. Ombudsman, Office of Citizenship and Immigration Services Ombudsman
Elissa McGovern, Chief of Policy, Office of Citizenship and Immigration Services Ombudsman
Carrie A. Grismore, Section Chief, Vermont Service Center, USCIS
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