



Domestic  
Violence  
Project

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PRACTICE ADVISORY

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# Insight into USCIS's Application of the "No-Blanks" Policy to U-Visa Petitions

11/20/2020

As a result of litigation filed under the Freedom of Information Act ("FOIA"), the U.S. Citizenship and Immigration Services ("USCIS") recently agreed to release internal records concerning its application of the "no-blanks" policy to Petitions for U Nonimmigrant Status on Form I-918 ("Form I-918") and Petitions for Qualifying Family Member of U-1 Recipient on Form I-918, Supplement A ("Form I-918A"). This Practice Advisory proceeds in four parts. Part 1 summarizes the records USCIS released through the FOIA litigation (pages 2-3). Part 2 provides a detailed explanation of which fields in the Form I-918 and Form I-918A (together, "U-Visa Petitions") are required to be completed under USCIS's own internal guidelines (pages 4-27). Part 3 offers suggestions as to how practitioners can use this information when advocating with USCIS (page 28). Finally, Part 4 contains additional strategic considerations for addressing rejections based on USCIS's "no-blanks" policy (pages 29-30).

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On November 19, 2020, the Northwest Immigrant Rights Project, the National Immigration Litigation Alliance, and Van Der Hout LLP filed a putative class action lawsuit seeking to enjoin USCIS from continuing to reject applications based on the no-blanks policy. For updates on that litigation, please visit <https://immigrationlitigation.org/impact-litigation/>.

## **PART 1: USCIS'S INTERNAL RECORDS CONCERNING THE NO-BLANKS POLICY**

Starting in October 2019, USCIS implemented a new processing policy of rejecting asylum applications that contain blank spaces.<sup>1</sup> On December 30, 2019, USCIS extended this no-blanks policy to U-Visa Petitions, posting the following "Alert" to its Form I-918 website<sup>2</sup>:

**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.

Shortly after USCIS announced that it would apply the no-blanks policy to U-Visa Petitions, the Urban Justice Center's Domestic Violence Project ("DVP") filed a FOIA request for documents

concerning USCIS's implementation and enforcement of the policy. After USCIS failed to timely respond to the FOIA request, DVP filed a lawsuit against USCIS in the U.S. District Court for the Southern District of New York.<sup>3</sup> USCIS subsequently agreed to settle the lawsuit by releasing the requested records.

The records revealed that USCIS's extension of the no-blanks policy to U-Visa Petitions was a "priority" and received "expedited review and clearance."<sup>4</sup> Under USCIS's prior internal guidelines, USCIS rejected a Form I-918 only if it was missing a signature or an entire page.<sup>5</sup> Although the no-blanks policy drastically altered this practice, the internal documents reveal that USCIS did not provide U-visa petitioners or their representatives any advance notice of the no-blanks policy.<sup>6</sup> Instead, USCIS communicated the no-blanks policy solely by posting the "Alert" on its website the very same day the policy took effect – December 30, 2019.<sup>7</sup> By January 17, 2020, USCIS had utilized the no-blanks policy to reject approximately **98%** of filed U-Visa Petitions.<sup>8</sup> By July 2020, the no-blanks policy had resulted in USCIS's rejection of nearly **12,000** U-Visa Petitions.<sup>9</sup>

The FOIA litigation revealed that USCIS is guided by two documents in determining whether to accept U-Visa Petitions under the no-blanks policy: (1) the Form I-918 Local Standard Operating Procedures ("SOP")<sup>10</sup> and (2) either a

<sup>1</sup> Charles Davis, "Bureaucracy as Weapon: how the Trump Administration is Slowing Asylum Cases," *The Guardian* (Dec. 23, 2019), available at <https://www.theguardian.com/us-news/2019/dec/23/us-immigration-trump-asylum-seekers>.

<sup>2</sup> U.S. Citizenship & Immigration Servs., "I-918: Petition for U Nonimmigrant Status," available at <https://www.uscis.gov/I-918>.

<sup>3</sup> See *Urban Justice Ctr. v. U.S. Citizenship & Immigration Servs.*, 20 Civ. 3691 (S.D.N.Y. May 12, 2020).

<sup>4</sup> E-mail on file with DVP.

<sup>5</sup> E-mail on file with DVP; U.S. Citizenship & Immigration Servs., I-918 Local Standard Operating Procedures at 5 (July 31, 2019) (on file with DVP).

<sup>6</sup> E-mails on file with DVP.

<sup>7</sup> *Id.*

<sup>8</sup> U.S. Citizenship & Immigration Servs., Data for 918/918A Filings Being Reviewed Under the New Acceptability Rules (Ex. 4).

<sup>9</sup> *Id.*

<sup>10</sup> U.S. Citizenship & Immigration Servs., I-918 Local Standard Operating Procedures (May 7, 2020) (Ex. 1).

color-coded Form I-918<sup>11</sup> or a color-coded Form I-918A.<sup>12</sup> The SOP specifies the standards that Forms I-918 and Forms I-918A must satisfy in order for USCIS to accept them.<sup>13</sup> The color-coded Form I-918 and color-coded Form I-918A indicate which fields applicants must complete for USCIS to accept their U-Visa Petitions: the applicant is required to complete the fields highlighted in red, is not required to complete the fields highlighted in green, and may be required to complete the fields highlighted in yellow depending on the applicant's response to other questions.<sup>14</sup> As explained in *infra* Section 2, USCIS appears to be enforcing the no-blanks policy more aggressively than required by the SOP and color-coded forms.

In the course of the FOIA litigation, USCIS confirmed that the SOP dated May 7, 2020 was still in effect as of October 9, 2020. It bears noting that, on or around June 30, 2020, USCIS updated its Form I-918 website to suggest that USCIS is applying the no-blanks policy to U Nonimmigrant Status Certifications on Forms I-918, Supplement B ("Forms I-918B") signed by law enforcement officials. However, the FOIA litigation revealed that, as of October 9, 2020, USCIS had not updated its SOP to reflect the application of the no-blanks policy to Forms I-918B. In addition, as of October 9, 2020, USCIS was not using a color-coded form to determine whether Forms I-918B are acceptable under the no-blanks policy.

In its FOIA request, DVP requested USCIS's internal guidance, if any, on the questions of (1) Forms I-918B that expire as a result of USCIS's rejection of Forms I-918 pursuant to the no-blanks policy and (2) beneficiaries who age-out of relief as a result of USCIS's rejection of Forms I-918 pursuant to the no-blanks policy. USCIS did not produce any documents in response to these requests, suggesting that USCIS does not currently have any written internal guidance on these issues.

**Practice Pointer:** We continue to monitor USCIS's application of the no-blanks policy to Forms I-918B. If you receive a rejection due to blank spaces on a Form I-918B, please contact the authors or reach out to ASISTA and/or AILA using the story collection links on page 30.

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<sup>11</sup> U.S. Citizenship & Immigration Servs., Color-Coded Form I-918 (Ex. 2).

<sup>12</sup> U.S. Citizenship & Immigration Servs., Color-Coded Form I-918A (Ex. 3).

<sup>13</sup> U.S. Citizenship & Immigration Servs., I-918 Local Standard Operating Procedures at 5-8 (May 7, 2020) (Ex. 1).

<sup>14</sup> U.S. Citizenship & Immigration Servs., Color-Coded Form I-918 at 1 (Ex. 2); U.S. Citizenship & Immigration Servs., Color-Coded Form I-918A at 1 (Ex. 3).

## PART 2: WHICH FIELDS ARE REQUIRED?

Part 2 of this Practice Advisory provides a question-by-question explanation of which fields in the Form I-918 (pages 4-14) and Form I-918A (pages 15-27) are required to be completed under USCIS's internal guidelines, including the SOP, the color-coded Form I-918, and the color-coded Form I-918A.

It is important to note that the individuals who process U-Visa Petitions appear to be enforcing the no-blanks policy much more aggressively than it is written and are likely to reject U-Visa Petitions when applicants do not complete fields that are not actually required under the SOP and/or color-coded forms. For this reason, **practitioners are strongly encouraged to complete all fields, even if the SOP and color-coded forms state that they are not required.**

Notably, the SOP provides that a required field is acceptable if it "contains 'none,' 'unknown,' 'n/a,' or similar." However, there continue to be reports of USCIS rejecting petitions based on the applicant's word choice. As a result, **practitioners are strongly encouraged to use the word "None" in response to questions that call for numerical responses and "N/A" in response to all other questions for which the applicant does not have an answer.**

### *Part 1 of Form I-918: Information About the Crime Victim*

**1.a – 1.c The Crime Victim's Name:** This section asks the crime victim's last name (Question 1.a), first name (Question 1.b), and middle name (Question 1.c). Under both the SOP and the color-coded Form I-918, the crime victim must answer all three of these questions and cannot leave these answer fields blank. Thus, if the crime victim has no middle name, the crime

victim must write "N/A" in response to Question 1.c. This has been one of the most common reasons for rejected Forms I-918.

**2.a – 2.c Other Names the Crime Victim Has Used:** This section asks the crime victim to provide any other last name (Question 2.a), first name (Question 2.b), and/or middle name (Question 2.c) that the crime victim has used. Pursuant to the SOP and the color-coded Form I-918, if the crime victim has never used any other names and writes "N/A" in response to Question 2.a (other last name), then the crime victim does not need to complete Questions 2.b (other first name) and 2.c (other middle name) and may leave these answer fields blank. Otherwise, the SOP provides that the crime victim must complete all of these answer fields.

Under the foregoing standards, the following excerpt should be acceptable under both the SOP and the color-coded Form I-918:

Part 1. Information About You (Person filing this petition as a victim)	
1.a. Family Name (Last Name)	Doe
1.b. Given Name (First Name)	Jane
1.c. Middle Name	N/A
Other Names Used (Include maiden name, nicknames, and aliases, if applicable)	
2.a. Family Name (Last Name)	N/A
2.b. Given Name (First Name)	
2.c. Middle Name	

**3.a – 3.h The Crime Victim's Home Address:** Questions 3.a through 3.h ask the crime victim's home address. The SOP provides that the crime victim does not need to respond to any of these



questions, except Question 3.h, which asks the crime victim's country. In contrast, the color-coded Form I-918 provides that the crime victim must answer Questions 3.a (street number and name), 3.c (city or town), 3.d (state), 3.e (zip code), and 3.h (country) and may not leave any of these answer fields blank. Pursuant to the color-coded Form I-918, the crime victim does not need to answer Question 3.b (apartment), 3.f (province), and/or 3.g (postal code). Thus, the following excerpt should be acceptable under both the SOP and the color-coded Form I-918:

**Practice Pointer:** In internal correspondence, USCIS has debated whether to reject a U-Visa Petition where a box was checked on Question 3.b. to indicate that the crime victim does live in an apartment, suite, or floor but the corresponding answer field was left blank. If the crime victim lives in a house, ensure that Question 3.b. is not checked.

**4.a – 4.i The Crime Victim's Safe Mailing Address:** Questions 4.a through 4.i ask the crime victim's safe mailing address. Pursuant to both the SOP and the color-coded Form I-918, the crime victim is not required to respond to any of these questions and may leave these answer fields blank, as follows:

**Practice Pointer:** As a general rule, practitioners are encouraged to provide a safe mailing address for crime victims in order to protect their safety and confidentiality.

## 5 – 22

**Other Information:** This section consists of biographical and other questions concerning the crime victim. Pursuant to both the SOP and the color-coded Form I-918, the crime victim is not required to respond to any of the following questions and may leave these answer fields blank:

- Question 5 (A-number),<sup>15</sup>
- Question 6 (Social Security number),<sup>16</sup>

<sup>15</sup> See also Form I-918 Instructions (Apr. 24, 2019) at 4 (“If you do not have an A-Number or do not know it, leave this space blank.”).

<sup>16</sup> *Id.* (“If you do not have a U.S. Social Security Number or do not know it, leave this space blank.”).

- Question 7 (USCIS online account number),
- Question 13 (Form I-94 number),
- Question 14 (passport number),
- Question 15 (travel document number),
- Question 16 (country of issuance of passport or travel document),
- Question 17 (date of issuance of passport or travel document), and/or
- Question 18 (expiration date of passport or travel document).

Under both the SOP and the color-coded Form I-918, the crime victim is required to respond to all of the remaining questions in this section. Specifically, the crime victim must respond to Question 8 (marital status), Question 9 (gender), Question 10 (date of birth), Question 11 (country of birth), Question 12 (country of citizenship or nationality), Questions 19.a through 21 (information concerning last entry into the U.S.), and Question 22 (current immigration status). Thus, the following excerpts should be acceptable under both the SOP and the color-coded Form I-918:

Other Information	
5. Alien Registration Number (A-Number) (if any)	▶ A- <input type="text"/>
6. U.S. Social Security Number (if any)	▶ <input type="text"/>
7. USCIS Online Account Number (if any)	▶ <input type="text"/>
8. Marital Status	<input type="checkbox"/> Single <input checked="" type="checkbox"/> Married <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed

Part 1. Information About You (continued)	
9. Gender	<input type="checkbox"/> Male <input checked="" type="checkbox"/> Female
10. Date of Birth (mm/dd/yyyy)	09/15/1981
11. Country of Birth	El Salvador
12. Country of Citizenship or Nationality	El Salvador
13. Form I-94 Arrival-Departure Record Number	▶ <input type="text"/>
14. Passport Number	<input type="text"/>
15. Travel Document Number	<input type="text"/>
16. Country of Issuance for Passport or Travel Document	<input type="text"/>
17. Date of Issuance for Passport or Travel Document (mm/dd/yyyy)	<input type="text"/>
18. Expiration Date for Passport or Travel Document (mm/dd/yyyy)	<input type="text"/>
Place and Date of Last Entry into the United States and Date Authorized Stay Expired	
19.a. City or Town	Eagle Pass
19.b. State	TX
20. Date of Last Entry into the United States (mm/dd/yyyy)	08/14/2010
21. Date Authorized Stay Expired (mm/dd/yyyy)	N/A
22. Current Immigration Status	None

### Part 2 of Form I-918: Additional Information About the Crime Victim

#### 1 – 6

**The Crime Victim's Eligibility:** This section asks a series of "yes" or "no" questions concerning the crime victim's statutory eligibility for a U-Visa. Under both the SOP and the color-coded Form I-918, the crime victim must answer each of these questions by checking the appropriate box, as follows:

If you need extra space to complete Part 2., use the space provided in Part 8. Additional Information.	
Select "Yes" or "No," as appropriate, for each of the following questions.	
1. I am a victim of criminal activity listed in the INA at section 101(a)(15)(U)(iii).	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2. I have suffered substantial physical or mental abuse as a result of having been a victim of this criminal activity.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
3. I possess information concerning the criminal activity of which I was a victim.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
4. I am submitting Form I-918, Supplement B, U Nonimmigrant Status Certification, from a certifying official.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
5. The crime of which I am a victim occurred in the United States (including Indian country and military installations) or violated the laws of the United States.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
6. I am under 16 years of age.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

**7.a – 7.f The Crime Victim's Immigration Proceedings, If Any:** Question 7.a asks whether the crime victim is or has been in immigration proceedings and, if the answer is "yes," Questions 7.b through 7.f ask additional information concerning the nature of the proceedings and whether they were ongoing. Under both the SOP and the color-coded Form I-918, the crime victim must answer Question 7.a (asking whether the crime victim is or has been in immigration proceedings). If the crime victim's answer to Question 7.a is "yes," then the crime victim must check at least one of the boxes at Questions 7.b through 7.f and complete the corresponding answer field. Thus, the following excerpt should be acceptable under both the SOP and the color-coded Form I-918 for a crime victim in removal proceedings:

7.a. I was or am in immigration proceedings. ☒ Yes ☐ No

If you answered "Yes," select the type of proceedings. If you were in proceedings in the past and are no longer in proceedings, provide the date of action. If you are currently in proceedings, type or print "Current" in the appropriate date field. Select all applicable boxes. Use the space provided in Part 8, Additional Information to provide an explanation.

7.b. ☒ Removal Proceedings  
Removal Date (mm/dd/yyyy)

7.c. ☐ Exclusion Proceedings  
Exclusion Date (mm/dd/yyyy)

7.d. ☐ Deportation Proceedings  
Deportation Date (mm/dd/yyyy)

7.e. ☐ Rescission Proceedings  
Rescission Date (mm/dd/yyyy)

7.f. ☐ Judicial Proceedings  
Judicial Date (mm/dd/yyyy)

The answer to Question 7.a may not be known at the time of filing as practitioners may be awaiting FOIA responses or otherwise have an incomplete record or knowledge of the crime victim's immigration history. To avoid rejection, we recommend choosing one response in

Question 7.a, checking the box at Question 7.b, writing "Unknown" in the Question 7.b answer field, and then supplementing the answer in Part 8, as follows:

7.a. I was or am in immigration proceedings. ☒ Yes ☐ No

If you answered "Yes," select the type of proceedings. If you were in proceedings in the past and are no longer in proceedings, provide the date of action. If you are currently in proceedings, type or print "Current" in the appropriate date field. Select all applicable boxes. Use the space provided in Part 8, Additional Information to provide an explanation.

7.b. ☒ Removal Proceedings  
Removal Date (mm/dd/yyyy)

7.c. ☐ Exclusion Proceedings  
Exclusion Date (mm/dd/yyyy)

7.d. ☐ Deportation Proceedings  
Deportation Date (mm/dd/yyyy)

7.e. ☐ Rescission Proceedings  
Rescission Date (mm/dd/yyyy)

7.f. ☐ Judicial Proceedings  
Judicial Date (mm/dd/yyyy)

3.a. Page Number 3.b. Part Number 3.c. Item Number

3.d. I received paperwork from ICE when I  
entered into the U.S. in January 2007;  
however, I do not have these papers  
available. At this time, I can neither  
confirm nor deny that I was in removal  
proceedings but will supplement my  
petition when information becomes  
available via my FOIA request or if  
USCIS is able to provide additional  
information.

**8.a – 10.d The Crime Victim's Entries into the U.S. During the Past Five Years:** This section consists of three question sets asking for information concerning the crime victim's entries into the U.S., if any, during the past five years; there is one question set for each entry. In the past, many practitioners left this

section blank as the question regarding last place and date of entry are asked previously in Questions 19 through 21 of Part 1 of the Form I-918. However, under both the SOP and the color-coded Form I-918, the crime victim must respond to the first question set (Questions 8.a through 8.d). Thus, if a crime victim entered the U.S. only once during the past five years and completed the first question set or, alternatively, if the crime victim did not enter the U.S. at all during the past five years and wrote "N/A" in response to all of the questions in the first question set, it should be acceptable under the SOP and the color-coded Form I-918 for the crime victim to leave the second and third questions sets (Questions 9.a through 10.d) blank. Thus, the following excerpt should be acceptable under both the SOP and the color-coded Form I-918 for a crime victim who has not entered the U.S. during the past five years:

Part 2. Additional Information About You (continued)	
Provide the date of entry, place of entry, and status under which you entered the United States for each entry during the five years preceding the filing of this petition.	
8.a. Date of Entry (mm/dd/yyyy)	N/A
Place of Entry into the United States	
8.b. City or Town	N/A
8.c. State	N/A
8.d. Status at the Time of Entry (for example, F-1 student, B-2 tourist, entered without inspection)	N/A
9.a. Date of Entry (mm/dd/yyyy)	
Place of Entry into the United States	
9.b. City or Town	
9.c. State	
9.d. Status at the Time of Entry (for example, F-1 student, B-2 tourist, entered without inspection)	
10.a. Date of Entry (mm/dd/yyyy)	
Place of Entry into the United States	
10.b. City or Town	
10.c. State	
10.d. Status at the Time of Entry (for example, F-1 student, B-2 tourist, entered without inspection)	

### 1.a – 12.f Consulate or Safe Foreign Mailing Address:

This section asks crime victims who are outside of the U.S. to provide the U.S. consulate, U.S. inspection facility, or safe foreign mailing address to be notified if the Form I-918 is approved. Under both the SOP and the color-coded Form I-918, the crime victim is not required to respond to any of Questions 11.a through 12.f and may leave these answer fields blank, as follows:

If you are outside of the United States, provide the U.S. Consulate or inspection facility or a safe foreign mailing address you want notified if this petition is approved.	
11.a. Type of Office (Select only one box):	
<input type="checkbox"/> U.S. Consulate	<input type="checkbox"/> Pre-Flight Inspection
<input type="checkbox"/> Port-of-Entry	
11.b. City or Town	
11.c. State	
11.d. Country	

Safe Foreign Address Where You Want Notification Sent (if other than U.S. Consulate, Pre-Flight Inspection, or Port-of-Entry)	
12.a. Street Number and Name	
12.b. <input type="checkbox"/> Apt. <input type="checkbox"/> Ste. <input type="checkbox"/> Flr.	
12.c. City or Town	
12.d. Province	
12.e. Postal Code	
12.f. Country	

### Part 3 of Form I-918: Processing Information

#### 1.a – 3.f The Crime Victim's Criminal Contacts:

This section asks a series of "yes" or "no" questions concerning whether the crime victim has had any criminal contacts, including, for example, arrests, convictions, and/or incarcerations (Questions 1.a through 1.i). The remaining questions in this

section (Questions 2.a through 3.f) consist of two question sets asking for information concerning these criminal contacts, if any. These fields represent another common reason for Form I-918 rejections. Under both the SOP and the color-coded Form I-918, the crime victim must answer all of the "yes" or "no" questions (Questions 1.a through 1.i) and cannot leave these answer fields blank. Under both the SOP and the color-coded Form I-918, if the crime victim answered "no" to all of Questions 1.a through 1.i, then the crime victim is not required to provide responses to the question sets asking for details concerning the criminal contact (Questions 2.a through 3.f) and may leave those answer fields blank. If, however, the crime victim answered "yes" to any of Questions 1.a through 1.i, then the crime victim must also provide a response to all questions in the first question set (Questions 2.a through 2.f). In addition, if the crime victim provides a response to the first question in the second question set (Question 3.a), then the crime victim must also respond to all of the remaining questions in the second question set (Questions 3.b through 3.f). Thus, the following two excerpts should be acceptable under both the SOP and the color-coded Form I-918 for a crime victim with one prior criminal contact:

2.a	Why were you arrested, cited, detained, or charged?	Cited for turnstile jumping
2.b	Date of arrest, citation, detention, or charge (mm/dd/yyyy)	09/29/2018
Where were you arrested, cited, detained, or charged?		
2.c	City or Town	New York
2.d	State	NY
2.e	Country	USA
2.f	Outcome or disposition (for example, no charges filed, charges dismissed, jail, probation)	Paid fine
3.a	Why were you arrested, cited, detained, or charged?	N/A
3.b	Date of arrest, citation, detention, or charge (mm/dd/yyyy)	N/A
Where were you arrested, cited, detained, or charged?		
3.c	City or Town	N/A
3.d	State	N/A
3.e	Country	N/A
3.f	Outcome or disposition (for example, no charges filed, charges dismissed, jail, probation)	N/A

2.a	Why were you arrested, cited, detained, or charged?	Cited for turnstile jumping
2.b	Date of arrest, citation, detention, or charge (mm/dd/yyyy)	09/29/2018
Where were you arrested, cited, detained, or charged?		
2.c	City or Town	New York
2.d	State	NY
2.e	Country	USA
2.f	Outcome or disposition (for example, no charges filed, charges dismissed, jail, probation)	Paid fine
3.a	Why were you arrested, cited, detained, or charged?	
3.b	Date of arrest, citation, detention, or charge (mm/dd/yyyy)	
Where were you arrested, cited, detained, or charged?		
3.c	City or Town	
3.d	State	
3.e	Country	
3.f	Outcome or disposition (for example, no charges filed, charges dismissed, jail, probation)	

**Practice Pointer:** Like the section above regarding immigration history, there may be instances in which the crime victim has inconclusive information regarding the crime victim's criminal history, or the answer does not squarely fit into "yes" or "no" boxes. In these instances, we recommend choosing one response to avoid rejection, and then providing additional explanation in Part 8, taking care to neither confirm nor deny the allegation if there is inconclusive evidence.

#### 4.a – 29.c Additional "Yes" or "No" Questions:

The remaining portion of this section asks additional "yes" or "no" questions pertaining to the crime victim's applicable grounds of inadmissibility, if any. Under both the SOP and the color-coded Form I-918, the crime victim must answer all of these questions.

#### *Part 4 of Form I-918: Information About the Crime Victim's Spouse and/or Children*

##### 1.a – 25 Information About the Crime Victim's Spouse and/or Children:

This section consists of five question sets asking for information concerning the crime victim's spouse and/or child(ren); each question set pertains to each of the crime victim's spouse and/or child(ren), if any. This is another question set that has been the basis of several rejections. Under both the SOP and the color-coded Form I-918, the crime victim must complete every question in all three question sets. If, however, the crime victim has no spouse and children and thus writes "N/A" in response to the first question in each of the five question sets (i.e., Questions 1.a, 6.a, 11.a, 16.a, and 21.a),

then the crime victim should not need to complete the remaining questions in each question set. Thus, pursuant to the SOP and the color-coded Form I-918, this page should be acceptable for a crime victim with no spouse and/or children:

**Part 4. Information About Your Spouse and/or Children**

If you need extra space to complete Part 4., use the space provided in Part 8. Additional Information

1.a. Family Name (Last Name) N/A  
 1.b. Given Name (First Name)  
 1.c. Middle Name  
 2. Date of Birth (mm/dd/yyyy)  
 3. Country of Birth  
 4. Relationship  
 5. Current Location

6.a. Family Name (Last Name) N/A  
 6.b. Given Name (First Name)  
 6.c. Middle Name  
 7. Date of Birth (mm/dd/yyyy)  
 8. Country of Birth  
 9. Relationship  
 10. Current Location

11.a. Family Name (Last Name) N/A  
 11.b. Given Name (First Name)  
 11.c. Middle Name  
 12. Date of Birth (mm/dd/yyyy)  
 13. Country of Birth  
 14. Relationship  
 15. Current Location

16.a. Family Name (Last Name) N/A  
 16.b. Given Name (First Name)  
 16.c. Middle Name  
 17. Date of Birth (mm/dd/yyyy)  
 18. Country of Birth  
 19. Relationship  
 20. Current Location

21.a. Family Name (Last Name) N/A  
 21.b. Given Name (First Name)  
 21.c. Middle Name  
 22. Date of Birth (mm/dd/yyyy)  
 23. Country of Birth  
 24. Relationship  
 25. Current Location

**Filing On Behalf of Family Members**

26. I am petitioning for one or more qualifying family members. ☐ Yes ☒ No

NOTE: If you answered "Yes" to 26., you must complete and include Supplement A for each family member for whom you are petitioning.

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If the crime victim has a spouse and/or child(ren), then the crime victim must complete all questions in each question set pertaining to that spouse and/or child(ren). After the crime victim completes a question set for each of the crime victim's qualifying family members, some question sets may remain. If the crime victim writes "N/A" in response to the first question in any remaining question set, the crime victim does not need to complete the remaining questions in that



question set. Thus, pursuant to the SOP and the color-coded Form I-918, this page should be acceptable for a crime victim with a spouse and one child:

**Part 4. Information About Your Spouse and/or Children**  
If you need extra space to complete Part 4., use the space provided in Part 8. Additional Information.

1.a. Family Name (Last Name) Doe  
1.b. Given Name (First Name) John  
1.c. Middle Name N/A  
2. Date of Birth (mm/dd/yyyy) 10/15/1980  
3. Country of Birth USA  
4. Relationship Spouse  
5. Current Location USA  
6.a. Family Name (Last Name) Doe  
6.b. Given Name (First Name) Mary  
6.c. Middle Name N/A  
7. Date of Birth (mm/dd/yyyy) 06/01/2000  
8. Country of Birth El Salvador  
9. Relationship Daughter  
10. Current Location USA  
11.a. Family Name (Last Name) N/A  
11.b. Given Name (First Name) N/A  
11.c. Middle Name N/A  
12. Date of Birth (mm/dd/yyyy) N/A  
13. Country of Birth N/A  
14. Relationship N/A  
15. Current Location N/A  
16.a. Family Name (Last Name) N/A  
16.b. Given Name (First Name) N/A  
16.c. Middle Name N/A  
17. Date of Birth (mm/dd/yyyy) N/A  
18. Country of Birth N/A  
19. Relationship N/A  
20. Current Location N/A  
21.a. Family Name (Last Name) N/A  
21.b. Given Name (First Name) N/A  
21.c. Middle Name N/A  
22. Date of Birth (mm/dd/yyyy) N/A  
23. Country of Birth N/A  
24. Relationship N/A  
25. Current Location N/A  
**Filing On Behalf of Family Members**  
26. I am petitioning for one or more qualifying family members: ☒ Yes ☐ No  
NOTE: If you answered "Yes" to 26., you must complete and include Supplement A for each family member for whom you are petitioning.

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- 26 Whether the Crime Victim Is Petitioning for a Spouse and/or Child(ren):** This is a “yes” or “no” question asking whether the crime victim is applying for a derivative U-visa on behalf of a spouse and/or child. Under both the SOP and the color-coded Form I-918, the crime victim must answer this question, as shown above.

### ***Part 5 of Form I-918: The Crime Victim’s Statement, Contact Information, Declaration, and Signature***

- 1.a – 2 The Crime Victim’s Statement:** This section asks the crime victim to identify whether an interpreter or preparer was used to complete the Form I-918. Under the SOP and the color-coded Form I-918, the crime victim must check the box either at Question 1.a (indicating that the crime victim did not use an interpreter) or Question 1.b (indicating that the crime victim did use an interpreter). If the crime victim checks the box at Question 1.b (indicating that the crime victim used an interpreter), the crime victim must also complete the answer field under Question 1.b to specify the language of interpretation. Pursuant to the SOP and the color-coded Form I-918, the crime victim is not required to check the box or complete the answer field at Question 2 (indicating that the crime victim used a preparer).

- 3 – 5 The Crime Victim’s Contact Information:** This section asks for the crime victim’s daytime phone number (Question 3), mobile phone number (Question 4), and email address (Question 5). Under both the SOP and the color-coded Form I-918, the crime victim is not required to respond to any of these questions and may leave these answer fields blank, as follows:

**Part 5. Petitioner's Statement, Contact Information, Declaration, and Signature**

NOTE: Read the Penalties section of the Form I-918 Instructions before completing this part.

**Petitioner's Statement**

NOTE: Select the box for either 1.a. or 1.b. If applicable, select the box for 2.

1.a. ☐ I can read and understand English, and I have read and understand every question and instruction on this petition and my answer to every question.

1.b. ☒ The interpreter named in Part 6. read to me every question and instruction on this petition and my answer to every question in Spanish, a language in which I am fluent, and I understood everything.

2. ☒ At my request, the preparer named in Part 7., Anne Attorney, prepared this petition for me based only upon information I provided or authorized.

**Petitioner's Contact Information**

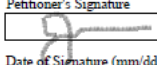
3. Petitioner's Daytime Telephone Number

4. Petitioner's Mobile Telephone Number (if any)

5. Petitioner's Email Address (if any)

**6.a – 6.b The Crime Victim's Declaration and Certification:** This section asks the crime victim to sign the Form I-918 (Question 6.a) and provide the date of signature (Question 6.b). Under both the SOP and the color-coded Form I-918, the crime victim must complete both of these answer fields. The SOP specifies that a photocopy of the crime victim's signature is acceptable, but a stamp is not.

**Petitioner's Signature**

6.a. Petitioner's Signature 

6.b. Date of Signature (mm/dd/yyyy) 11/01/2020

NOTE TO ALL PETITIONERS: If you do not completely fill out this petition or fail to submit required documents listed in the Instructions, USCIS may deny your petition.

NOTE: A parent or legal guardian may sign for a person who is less than 14 years of age. A legal guardian may sign for a mentally incompetent person.

### **Part 6 of Form I-918: The Interpreter's Contact Information, Certification, and Signature**

#### **1.a – 7.b Information About the Interpreter:**

This section asks the crime victim to provide information about the interpreter, if any, who read the Form I-918 to the crime victim (Questions 1.a through 6). This section also asks the interpreter to sign the Form I-918 (Question 7.a) and provide the date of signature (Question 7.b). Under both the SOP and the color-coded Form I-918, if the crime victim checked the box at Question 1.b of Part 5 of the Form I-918 (indicating that the crime victim used an interpreter), then the crime victim must respond to the questions in Part 6 of the Form I-918 asking the interpreter's last name (Question 1.a) and first name (Question 1.b). Pursuant to both the SOP and color-coded Form I-918, the crime victim is not required to complete the questions regarding the interpreter's contact information (Questions 2 through 6). However, the interpreter must sign the Form I-918 (Question 7.a) and provide the date of signature (Question 7.b). The following excerpts should be acceptable under the SOP and color-coded Form I-918 for a crime victim who used an interpreter:

**Part 6. Interpreter's Contact Information, Certification, and Signature**

Provide the following information about the interpreter.

**Interpreter's Full Name**

1.a. Interpreter's Family Name (Last Name) Interpreter

1.b. Interpreter's Given Name (First Name) Thea

2. Interpreter's Business or Organization Name (if any)

**Part 6. Interpreter's Contact Information, Certification, and Signature (continued)**

**Interpreter's Mailing Address**

3.a. Street Number and Name

3.b. ☐ Apt. ☐ Ste. ☐ Flr.

3.c. City or Town

3.d. State  3.e. ZIP Code

3.f. Province

3.g. Postal Code

3.h. Country

**Interpreter's Contact Information**

4. Interpreter's Daytime Telephone Number

5. Interpreter's Mobile Telephone Number (if any)

6. Interpreter's Email Address (if any)

**Interpreter's Certification**

I certify, under penalty of perjury, that:  
 I am fluent in English and  **Spanish**  
 which is the same language specified in Part 5, 1.b., and I have read to this petitioner in the identified language every question and instruction on this petition and his or her answer to every question. The petitioner informed me that he or she understands every instruction, question, and answer on the petition, including the Petitioner's Declaration and Certification, and has verified the accuracy of every answer.

**Interpreter's Signature**

7.a. Interpreter's Signature (sign in ink)

7.b. Date of Signature (mm/dd/yyyy)  11/01/2020

### ***Part 7 of Form I-918: The Preparer's Contact Information, Declaration, and Signature***

#### **1.a – 8.b Information About the Preparer:**

This section asks the crime victim to provide information about the preparer, if any, who helped the crime victim complete the Form I-918 (Questions 1.a through 6). This section also asks the preparer to indicate whether the preparer is an attorney (Questions 7.a and 7.b), sign the Form I-918 (Question 8.a), and provide the date of signature (Question 8.b). Under both the SOP and the color-coded Form I-918, if the crime victim checked the box at Question 2 of Part 5 of the Form I-918 (indicating that a preparer was used), then the crime victim must respond to the questions in Part 7 of the Form I-918 asking the preparer's last name (Question 1.a) and first name (Question 1.b). Pursuant to both the SOP and

color-coded Form I-918, the crime victim is not required to complete the questions regarding the preparer's contact information (Questions 2 through 6). In addition, the preparer is not required to complete the questions regarding whether the preparer is an attorney (Question 7.a and 7.b). However, the preparer must sign the Form I-918 (Question 8.a) and provide the date of signature (Question 8.b). Thus, the following excerpts should be acceptable under the SOP and color-coded Form I-918 for a crime victim who used an interpreter:

**Part 7. Contact Information, Declaration, and Signature of the Person Preparing this Petition, if Other Than the Petitioner**

Provide the following information about the preparer.

**Preparer's Full Name**

1.a. Preparer's Family Name (Last Name)  Attorney

1.b. Preparer's Given Name (First Name)  Anne

2. Preparer's Business or Organization Name (if any)

**Preparer's Mailing Address**

3.a. Street Number and Name

3.b. ☐ Apt. ☐ Ste. ☐ Flr.

3.c. City or Town

3.d. State  3.e. ZIP Code

3.f. Province

3.g. Postal Code

3.h. Country

**Preparer's Contact Information**

4. Preparer's Daytime Telephone Number

5. Preparer's Mobile Telephone Number (if any)

6. Preparer's Email Address (if any)

**Preparer's Statement**

7.a. ☐ I am not an attorney or accredited representative but have prepared this petition on behalf of the petitioner and with the petitioner's consent.

7.b. ☐ I am an attorney or accredited representative and my representation of the petitioner in this case ☐ extends ☐ does not extend beyond the preparation of this petition.

**NOTE:** If you are an attorney or accredited representative whose representation extends beyond preparation of this petition, you may be obliged to submit a completed Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, with this petition.

**Preparer's Certification**

By my signature, I certify, under penalty of perjury, that I prepared this petition at the request of the petitioner. The petitioner then reviewed this completed petition and informed me that he or she understands all of the information contained in, and submitted with, his or her petition, including the Petitioner's Declaration and Certification, and that all of this information is complete, true, and correct. I completed this petition based only on information that the petitioner provided to me or authorized me to obtain or use.

**Preparer's Signature**

8.a. Preparer's Signature (sign in ink)

8.b. Date of Signature (mm/dd/yyyy) 11/01/2020

**Part 8. Additional Information**

If you need extra space to provide any additional information within this petition, use the space below. If you need more space than what is provided, you may make copies of this page to complete and file with this petition or attach a separate sheet of paper. Include your name and A-Number (if any) at the top of each sheet; indicate the Page Number, Part Number, and Item Number to which your answer refers; and sign and date each sheet.

1.a. Family Name (Last Name) Doe

1.b. Given Name (First Name) Jane

1.c. Middle Name N/A

2. A-Number (if any) ▶ A-

3.a. Page Number 3.b. Part Number 3.c. Item Number

3.d.

4.a. Page Number 4.b. Part Number 4.c. Item Number

4.d.

5.a. Page Number 5.b. Part Number 5.c. Item Number

5.d.

6.a. Page Number 6.b. Part Number 6.c. Item Number

6.d.

7.a. Page Number 7.b. Part Number 7.c. Item Number

7.d.

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### Part 8 of Form I-918: Additional Information

**1.a – 7.d Additional Information:** If the crime victim requires additional space to answer any of the questions in the preceding pages of the Form I-918, this section instructs the crime victim to provide that additional information in the spaces provided in Part 8 (Questions 1.a through 7.d). Under both the SOP and the color-coded Form I-918A, the crime victim is not required to complete any of the fields in Part 8. Thus, this page may remain blank, as in the below excerpt:

***Part 1 of Form I-918A: The Beneficiary's Relationship to the Crime Victim***

- 1 Relationship Between the Beneficiary and Crime Victim:** This question asks the crime victim to check a box indicating whether the beneficiary is a spouse, parent, child, or unmarried sibling under 18 years of age. Under both the SOP and the color-coded Form I-918A, the crime victim is required to respond to this question and must check one of the boxes.

***Part 2 of the Form I-918A: Information About the Crime Victim***

- 1.a – 1.c The Crime Victim's Name:** This section asks for the crime victim's last name (Question 1.a), first name (Question 1.b), and middle name (Question 1.c). Pursuant to both the SOP and the color-coded Form I-918A, the crime victim must respond to these questions and cannot leave these answer fields blank. (Thus, if the crime victim has no middle name, the crime victim must write "N/A" in response to Question 1.c.) If the crime victim mistakenly writes the beneficiary's name, rather than the crime victim's name, in Questions 1.a through 1.c, the SOP and color-coded Form I-918A both provide that USCIS will reject the Form I-918A.

- 2 – 5 Other Information About the Crime Victim:** This section asks for the crime victim's date of birth (Question 2), A-number (Question 3), USCIS online account number (Question 4), and Form I-918 status (Question 5). Under both the SOP and the color-coded Form

I-918A, the crime victim is required to provide the crime victim's date of birth (Question 2) and check a box indicating whether the Form I-918 is "pending" or "approved" (Question 5). However, the crime victim is not required to respond to the questions asking the crime victim's A-number (Question 3)<sup>17</sup> or USCIS online account number (Question 4) and may leave these answer fields blank. Thus, the following excerpt should be acceptable under both the SOP and the color-coded Form I-918:

**Part 1. Family Member's Relationship To You (Principal)**

1. The family member that I am filing for is my:

☐ Spouse ☐ Parent ☒ Child

☐ Unmarried sibling under 18 years of age

**Part 2. Information About You (Principal)**

1.a. Family Name (Last Name)

1.b. Given Name (First Name)

1.c. Middle Name

**Other Information**

2. Date of Birth (mm/dd/yyyy)

3. Alien Registration Number (A-Number) (if any)

▶ A-

4. USCIS Online Account Number (if any)

▶

5. Status of your Form I-918

☒ Pending ☐ Approved

***Part 3 of the Form I-918A: Information About the Beneficiary***

- 1.a – 1.c The Beneficiary's Name:** This section asks for the beneficiary's last name (Question 1.a), first name (Question 1.b), and middle name (Question 1.c). Pursuant to both the SOP and the color-coded Form I-918A, the crime victim must respond to these questions and cannot leave these answer fields blank. (Thus, if the

<sup>17</sup> See also Form I-918 Instructions (Apr. 24, 2019) at 7 ("If you do not have an A-Number or do not know it, leave this space blank.").

beneficiary has no middle name, the crime victim must write "N/A" in response to Question 1.c.) If the crime victim mistakenly writes the crime victim's name, rather than the beneficiary's name, in Questions 1.a through 1.c, the SOP and color-coded Form I-918A both provide that USCIS will reject the Form I-918A.

**2.a – 2.c Other Names the Beneficiary Has Used:** This section asks the crime victim to provide any other last name (Question 2.a), first name (Question 2.b), and/or middle name (Question 2.c) that the beneficiary has used. Pursuant to the SOP and the color-coded Form I-918A, if the beneficiary has never used any other names and the crime victim writes "N/A" in response to Question 2.a (other last name), then the crime victim does not need to complete Questions 2.b (other first name) and 2.c (other middle name) and may leave these answer fields blank. Otherwise, the SOP provides that the crime victim must complete all of these answer fields. The following excerpt should be acceptable under both the SOP and the color-coded Form I-918A:

Part 3. Information About Your Qualifying Family Member (Derivative)	
1.a. Family Name (Last Name)	Doe
1.b. Given Name (First Name)	Mary
1.c. Middle Name	N/A
Other Names Used (Include maiden name, nicknames, and aliases, if applicable)	
2.a. Family Name (Last Name)	N/A
2.b. Given Name (First Name)	
2.c. Middle Name	
NOTE: If you need extra space to complete this section, use the space provided in Part 11. Additional Information.	

**3.a – 3.e The Beneficiary's Residence in the U.S.:** This section asks the crime

victim to provide the beneficiary's actual or intended residence in the U.S. The SOP provides that the crime victim does not need to respond to any of these questions, except Question 3.a, which asks for the beneficiary's actual or anticipated street number and name in the U.S. However, the color-coded Form I-918A provides that the crime victim must answer Questions 3.a (street number and name), 3.c (city or town), 3.d (state), and 3.e (zip code) and may not leave these answer fields blank. Pursuant to the color-coded Form I-918A, the crime victim does not need to answer Question 3.b (apartment). Thus, the following excerpt should be acceptable under both the SOP and the color-coded Form I-918A:

Residence or Intended Residence in the United States <small>(USPS ZIP Code Lookup)</small>	
3.a. Street Number and Name	123 Main Street
3.b. <input type="checkbox"/> Apt. <input type="checkbox"/> Ste. <input type="checkbox"/> Flr.	
3.c. City or Town	Smalltown
3.d. State <b>MN</b>	3.e. ZIP Code 12345

**4.a – 4.i The Beneficiary's Safe Mailing Address:** Questions 4.a through 4.i ask the crime victim to provide the beneficiary's safe mailing address. Pursuant to both the SOP and the color-coded Form I-918A, the crime victim is not required to respond to any of these questions and may leave these answer fields blank, as follows:



**Part 3. Information About Your Qualifying Family Member (The Derivative) (continued)**

**Safe Mailing Address (if other than Residence)**

4.a. In Care Of Name

4.b. Street Number and Name

4.c. ☐ Apt. ☐ Ste. ☐ Flr.

4.d. City or Town

4.e. State  4.f. ZIP Code

4.g. Province

4.h. Postal Code

4.i. Country

**Practice Pointer:** As a general rule, practitioners are encouraged to provide a safe mailing address for crime victims and their family members in order to protect their safety and confidentiality.

## 5 – 18 Information About the Beneficiary:

This section asks the crime victim to provide biographical and other information concerning the beneficiary. Pursuant to both the SOP and the color-coded Form I-918A, the crime victim is not required to respond to any of the following questions and may leave these answer fields blank:

- Question 5 (the beneficiary's A-number),<sup>18</sup>
- Question 6 (the beneficiary's Social Security number),<sup>19</sup>
- Question 7 (the beneficiary's USCIS online account number),
- Question 13 (the beneficiary's Form I-94 number),
- Question 14 (the beneficiary's passport number),

- Question 15 (the beneficiary's travel document number),
- Question 16 (country of issuance of the beneficiary's passport or travel document),
- Question 17 (date of issuance of the beneficiary's passport or travel document), and/or
- Question 18 (expiration date of the beneficiary's passport or travel document).

Under both the SOP and the color-coded Form I-918A, the crime victim is required to respond to all of the remaining questions in this section. Specifically, the crime victim must respond to Question 8 (the beneficiary's date of birth), Question 9 (the beneficiary's country of birth), Question 10 (the beneficiary's country of citizenship), Question 11 (the beneficiary's marital status), and Question 12 (the beneficiary's gender). Thus, the following excerpts should be acceptable under both the SOP and the color-coded Form I-918A:

<sup>18</sup> See also Form I-918 Instructions (Apr. 24, 2019) at 7 ("If [the beneficiary] does not have an A-Number or does not know it, leave this space blank.").

<sup>19</sup> *Id.* ("If [the beneficiary] does not have a U.S. Social Security number, leave this blank.").

**Other Information About Qualifying Family Member**

5. A-Number (if any) ▶ A- [redacted]

6. U.S. Social Security Number (if any)  
▶ [redacted]

7. USCIS Online Account Number (if any)  
▶ [redacted]

8. Date of Birth (mm/dd/yyyy) [06/01/2000]

9. Country of Birth  
[El Salvador]

10. Country of Citizenship or Nationality  
[El Salvador]

11. Marital Status  
☒ Single ☐ Married ☐ Divorced ☐ Widowed

12. Gender ☐ Male ☒ Female

13. Form I-94 Arrival-Departure Record Number  
▶ [redacted]

14. Passport Number [redacted]

15. Travel Document Number [redacted]

16. Country of Issuance for Passport or Travel Document  
[redacted]

***Part 4 of the Form I-918A: Additional Information About the Beneficiary***

**1.a – 2.e The Beneficiary’s Prior Entries into the U.S.:** This section consists of two question sets asking for information concerning the beneficiary’s prior entries into the U.S., if any. There is one question set for each entry. Under both the SOP and the color-coded Form I-918A, if the crime victim completes all answer fields in the first question set (Questions 1.a through 1.d), then the crime victim is not required to respond to the second question set (Questions 2.a through 2.e) and may leave these answer fields blank. Thus, if the beneficiary entered the U.S. only once and the crime victim completed the first question set or, alternatively, if the beneficiary never entered the U.S. and the crime victim wrote “N/A” in response to all of the questions in the first question set, it should be acceptable under the SOP and the color-coded Form I-918A for the crime victim to leave the second question set (Questions 2.a through 2.e) blank. For example, the following excerpt should

be acceptable under both the SOP and the color-coded Form I-918A for a beneficiary who has only entered the U.S. once:

Part 4. Additional Information About Your Qualifying Family Member	
Provide the date of last entry, place of last entry, and current immigration status for your family member if he or she is currently in the United States.	
1.a. Date of Last Entry into the United States (mm/dd/yyyy)	11/12/2017
Place of Last Entry into the United States	
1.b. City or Town	US/Mexican Border
1.c. State	N/A
1.d. Current Immigration Status	None
Provide the date of entry, place of entry, and status at entry for your family member's last entry if he or she has previously traveled to the United States but is not currently in the United States.	
2.a. Date of Last Entry into the United States (mm/dd/yyyy)	
Place of Last Entry into the United States	
2.b. City or Town	
2.c. State	
2.d. Date Authorized Stay Expired (mm/dd/yyyy)	
2.e. Status at the Time of Entry (for example, F-1 student, B-2 tourist, entered without inspection)	

**3.a – 4.f Consulate or Safe Foreign Mailing Address:** If the beneficiary is outside the U.S., this section asks the crime victim to provide the U.S. consulate, U.S. inspection facility, or safe foreign mailing address to be notified if the Form I-918A is approved. Under both the SOP and the color-coded Form I-918A, the crime victim is not required to respond to any of Questions 3.a through 4.f and may leave these answer fields blank, as follows:

**Part 4. Additional Information About Your Qualifying Family Member (continued)**

If your family member is outside the United States, provide the U.S. Consulate or inspection facility or a safe foreign mailing address you want notified if this supplement is approved.

3.a. Type of Office (Select **only one** box):

☐ U.S. Consulate    ☐ Pre-Flight Inspection  
☐ Port-of-Entry

3.b. City or Town

3.c. State

3.d. Country

**Safe Foreign Address Where You Want Notification Sent**  
(if other than U.S. Consulate, Pre-Flight Inspection, or Port-of-Entry)

4.a. Street Number and Name

4.b. ☐ Apt.    ☐ Ste.    ☐ Flr.

4.c. City or Town

4.d. Province

4.e. Postal Code

4.f. Country

### 5.a – 6.f The Beneficiary's Prior Spouses:

This section consists of two question sets asking for information concerning the beneficiary's prior spouses, if any; there is one question set for each prior spouse. Under both the SOP and the color-coded Form I-918A, the crime victim must respond to all questions in both question sets (Questions 5.a through 6.f). If, however, the crime victim writes "N/A" in response to the first question of each question set (i.e., Questions 5.a and 6.a), then the crime victim is not required to complete the remaining questions for that particular question set (i.e., Questions 5.b through 5.f and 6.b through 6.f) and may leave those answer fields blank. Thus, the follow excerpt should be acceptable under the SOP and color-coded Form I-918A for a beneficiary with no current or prior spouses:

If your family member was previously married, list the names of your family member's prior spouses and the dates his or her marriages were terminated. You must attach documents such as divorce decrees or death certificates.

5.a. Family Name (Last Name)

5.b. Given Name (First Name)

5.c. Middle Name

5.d. Date Marriage Ended (mm/dd/yyyy)

5.e. Where did the marriage end?

5.f. How did the marriage end?

6.a. Family Name (Last Name)

6.b. Given Name (First Name)

6.c. Middle Name

6.d. Date Marriage Ended (mm/dd/yyyy)

6.e. Where did the marriage end?

6.f. How did the marriage end?

### 7.a – 7.f The Beneficiary's Present or Past Immigration Proceedings, If Any:

Question 7.a asks whether the beneficiary is or has been in immigration proceedings and, if the answer is "yes," Questions 7.b through 7.f ask additional information concerning the nature of the proceedings and whether they were terminated or are ongoing. Under both the SOP and the color-coded Form I-918A, the crime victim must answer Question 7.a (asking whether the beneficiary is or has been in immigration proceedings). If the crime victim's answer to Question 7.a is "yes," then the crime victim must check at least one of the boxes at Questions 7.b through 7.f and complete the corresponding answer field. Thus, the following excerpt should be acceptable under both the SOP and the color-coded Form I-918A for a beneficiary currently in removal proceedings:

**Other Information**

7.a. Your family member was or is in immigration proceedings. ☒ Yes ☐ No

If you answered "Yes," select the type of proceedings. If your family member was in proceedings in the past and is no longer in proceedings, provide the date of action. If your family member is currently in proceedings, type or print "Current" in the appropriate date field. Select all applicable boxes. Use the space provided in Part 11. Additional Information to provide an explanation.

7.b. ☒ Removal Proceedings  
Removal Date (mm/dd/yyyy) **Current**

7.c. ☐ Exclusion Proceedings  
Exclusion Date (mm/dd/yyyy)

7.d. ☐ Deportation Proceedings  
Deportation Date (mm/dd/yyyy)

7.e. ☐ Rescission Proceedings  
Rescission Date (mm/dd/yyyy)

7.f. ☐ Judicial Proceedings  
Judicial Date (mm/dd/yyyy)

The answer to Question 7.a may not be known at the time of filing as practitioners may be awaiting FOIA responses or otherwise have an incomplete record or knowledge of the beneficiary's immigration history. To avoid rejection, we recommend choosing one response in Question 7.a, checking the box at Question 7.b, writing "Unknown" in the Question 7.b answer field, and then supplementing the answer in Part 8, as follows:

7.a. I was or am in immigration proceedings. ☒ Yes ☐ No

If you answered "Yes," select the type of proceedings. If you were in proceedings in the past and are no longer in proceedings, provide the date of action. If you are currently in proceedings, type or print "Current" in the appropriate date field. Select all applicable boxes. Use the space provided in Part 8. Additional Information to provide an explanation.

7.b. ☒ Removal Proceedings  
Removal Date (mm/dd/yyyy) **Unknown**

7.c. ☐ Exclusion Proceedings  
Exclusion Date (mm/dd/yyyy)

7.d. ☐ Deportation Proceedings  
Deportation Date (mm/dd/yyyy)

7.e. ☐ Rescission Proceedings  
Rescission Date (mm/dd/yyyy)

7.f. ☐ Judicial Proceedings  
Judicial Date (mm/dd/yyyy)

8

**The Beneficiary's Employment Authorization Request:** Question 8 asks the crime victim to check a "yes" or "no" box to indicate whether the beneficiary would like an Employment Authorization Document. Under the SOP, the crime victim is not required to answer Question 8. The color-coded Form I-918A does not specify whether this question is required. Therefore, it is unclear whether USCIS would be justified under its internal guidelines to reject a Form I-918A based on the crime victim's alleged failure to answer this question.

### Part 5 of Form I-918A: Processing Information

#### 1.a – 3.f The Beneficiary's Criminal Contacts:

This section asks the crime victim a series of "yes" or "no" questions concerning whether the beneficiary has had any criminal contacts, including, for example, arrests, convictions, and/or incarcerations (Questions 1.a through 1.i). The remaining questions in this section (Questions 2.a through 3.f) consist of two question sets asking information concerning these criminal

3.a. Page Number **2** 3.b. Part Number **2** 3.c. Item Number **7a7b**

3.d. I received paperwork from ICE when I entered into the U.S. in January 2007; however, I do not have these papers available. At this time, I can neither confirm nor deny that I was in removal proceedings but will supplement my petition when information becomes available via my FOIA request or if USCIS is able to provide additional information.

contacts, if any. Under both the SOP and the color-coded Form I-918A, the crime victim must answer all of the “yes” or “no” questions (Questions 1.a through 1.i) and cannot leave these answer fields blank. Under both the SOP and the color-coded Form I-918A, if the crime victim answered “no” to all of Questions 1.a through 1.i, then the crime victim is not required to provide responses to the question sets asking for details concerning the beneficiary’s criminal contact (Questions 2.a through 3.f) and may leave those answer fields blank. If, however, the crime victim answered “yes” to any of Questions 1.a through 1.i, then the crime victim must also provide a response to all questions in the first question set (Questions 2.a through 2.f). In addition, if the crime victim provides a response to the first question in the second question set (Question 3.a), then the crime victim must also respond to all of the remaining questions in the second question set (Questions 3.b through 3.f). Thus, the following two excerpts both should be acceptable under the SOP and the color-coded Form I-918A for a beneficiary with one prior criminal contact:

**Information About Arrests, Citations, Detentions, or Charges**

2.a Why was your family member arrested, cited, detained, or charged?  
Cited for turnstile jumping

2.b Date of arrest, citation, detention, or charge (mm/dd/yyyy)  
09/29/2018

Where was your family member arrested, cited, detained, or charged?

2.c City or Town New York

2.d State NY

2.e Country USA

2.f Outcome or disposition (for example, no charges filed, charges dismissed, jail, probation)  
Paid fine

3.a Why was your family member arrested, cited, detained, or charged?

3.b Date of arrest, citation, detention, or charge (mm/dd/yyyy)

Where was your family member arrested, cited, detained, or charged?

3.c City or Town

3.d State

3.e Country

3.f Outcome or disposition (for example, no charges filed, charges dismissed, jail, probation)

**Information About Arrests, Citations, Detentions, or Charges**

2.a Why was your family member arrested, cited, detained, or charged?  
Cited for turnstile jumping

2.b Date of arrest, citation, detention, or charge (mm/dd/yyyy)  
09/29/2018

Where was your family member arrested, cited, detained, or charged?

2.c City or Town New York

2.d State NY

2.e Country USA

2.f Outcome or disposition (for example, no charges filed, charges dismissed, jail, probation)  
Paid fine

3.a Why was your family member arrested, cited, detained, or charged?  
N/A

3.b Date of arrest, citation, detention, or charge (mm/dd/yyyy)  
N/A

Where was your family member arrested, cited, detained, or charged?

3.c City or Town N/A

3.d State N/A

3.e Country N/A

3.f Outcome or disposition (for example, no charges filed, charges dismissed, jail, probation)  
N/A

**Practice Pointer:** Like the section above regarding immigration history, there may be instances in which the crime victim has inconclusive information regarding the crime victim's criminal history, or the answer does not squarely fit into "yes" or "no" boxes. In these instances, we recommend choosing one response to avoid rejection, and then providing additional explanation in Part 8, taking care to neither confirm nor deny the allegation if there is inconclusive evidence.

#### 4.a – 29.c Additional "Yes" or "No" Questions:

The remaining portion of this section contains additional "yes" or "no" questions pertaining to the beneficiary's applicable grounds of inadmissibility, if any. Under both the SOP and the color-coded Form I-918A, the crime victim must answer all of these questions.

#### *Part 6 of the Form I-918A: Information About the Beneficiary's Spouse and/or Children*

**1.a – 12 Information About the Beneficiary's Spouse and/or Children:** This section consists of three question sets asking for information concerning the beneficiary's spouse and/or child(ren), if any; each question set pertains to each of the beneficiary's spouse and/or child(ren). Under both the SOP and the color-coded Form I-918A, the crime victim must complete every question in all three question sets. If, however, the beneficiary has no spouse and children, and if the crime victim writes "N/A" in response to the first question in each of the three question sets (i.e. Questions 1.a, 5.a, and 9.a), then the crime victim does not need to complete the remaining questions in each question set. Thus, pursuant to the SOP and the color-coded Form I-918A, the below

excerpt should be acceptable for a beneficiary who has no spouse and children:

Part 6. Information About Your Qualifying Family Member's Spouse and/or Children	
Provide the following information about your family member's spouse and/or children. If you need extra space to complete this section, use the space provided in Part 11. Additional Information.	
1.a. Family Name (Last Name)	N/A
1.b. Given Name (First Name)	
1.c. Middle Name	
2. Date of Birth (mm/dd/yyyy)	
3. Country of Birth	
4. Relationship	
5.a. Family Name (Last Name)	N/A
5.b. Given Name (First Name)	
5.c. Middle Name	
6. Date of Birth (mm/dd/yyyy)	
7. Country of Birth	
8. Relationship	
9.a. Family Name (Last Name)	N/A
9.b. Given Name (First Name)	
9.c. Middle Name	
10. Date of Birth (mm/dd/yyyy)	
11. Country of Birth	
12. Relationship	

If the beneficiary has a spouse and/or child(ren), then the crime victim must complete all questions in each question set pertaining to that spouse and/or child(ren). After the crime victim completes a question set for each of the beneficiary's qualifying family members, some question sets may remain. If the crime victim writes "N/A" in response to the first question in any remaining question set, the crime victim does not need to



complete the remaining questions in that question set. Thus, pursuant to the SOP and the color-coded Form I-918A, this page should be acceptable for a beneficiary who has one child:

Part 6. Information About Your Qualifying Family Member's Spouse and/or Children	
Provide the following information about your family member's spouse and/or children. If you need extra space to complete this section, use the space provided in Part 11. Additional Information.	
1.a. Family Name (Last Name)	Doe
1.b. Given Name (First Name)	James
1.c. Middle Name	N/A
2. Date of Birth (mm/dd/yyyy)	09/15/2020
3. Country of Birth	USA
4. Relationship	Son
5.a. Family Name (Last Name)	N/A
5.b. Given Name (First Name)	
5.c. Middle Name	
6. Date of Birth (mm/dd/yyyy)	
7. Country of Birth	
8. Relationship	
9.a. Family Name (Last Name)	N/A
9.b. Given Name (First Name)	
9.c. Middle Name	
10. Date of Birth (mm/dd/yyyy)	
11. Country of Birth	
12. Relationship	

### ***Part 7 of Form I-918A: The Crime Victim's Statement, Contact Information, Declaration, and Signature***

**1.a – 2 The Crime Victim's Statement:** This section asks the crime victim to identify whether an interpreter or preparer was used to complete the

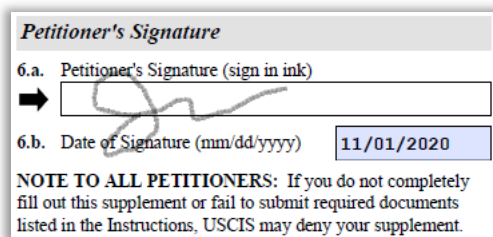
Form I-918A. Under the SOP and the color-coded Form I-918A, the crime victim must check the box either at Question 1.a (indicating that the crime victim did not use an interpreter) or Question 1.b (indicating that the crime victim did use an interpreter). If the crime victim checks the box at Question 1.b (indicating that the crime victim used an interpreter), the crime victim must also complete the answer field under Question 1.b to specify the language of interpretation. Pursuant to the SOP and the color-coded Form I-918A, the crime victim is not required to check the box or complete the answer field at Question 2 (indicating that the crime victim used a preparer).

3 – 5

**The Crime Victim's Contact Information:** This section asks for the crime victim's daytime phone number (Question 3), mobile phone number (Question 4), and email address (Question 5). Under both the SOP and the color-coded Form I-918A, the crime victim is not required to respond to any of these questions and may leave these answer fields blank, as follows:

Part 7. Petitioner's Statement, Contact Information, Declaration, and Signature	
NOTE: Read the Penalties section of the Form I-918 Instructions before completing this part.	
<b>Petitioner's Statement</b>	
NOTE: Select the box for either Item Number 1.a. or 1.b. If applicable, select the box for Item Number 2.	
1.a. <input type="checkbox"/>	I can read and understand English, and I have read and understand every question and instruction on this supplement and my answer to every question.
1.b. <input checked="" type="checkbox"/>	The interpreter named in Part 9, read to me every question and instruction on this supplement and my answer to every question in Spanish a language in which I am fluent, and I understood everything.
2. <input checked="" type="checkbox"/>	At my request, the preparer named in Part 10, Anne Attorney prepared this supplement for me based only upon information I provided or authorized.
<b>Petitioner's Contact Information</b>	
3.	Petitioner's Daytime Telephone Number
4.	Petitioner's Mobile Telephone Number (if any)
5.	Petitioner's Email Address (if any)

**6.a – 6.b The Crime Victim's Declaration and Certification:** This section asks the crime victim to sign the Form I-918A (Question 6.a) and provide the date of signature (Question 6.b). Under both the SOP and the color-coded Form I-918A, the crime victim must complete both of these answer fields.



**Petitioner's Signature**

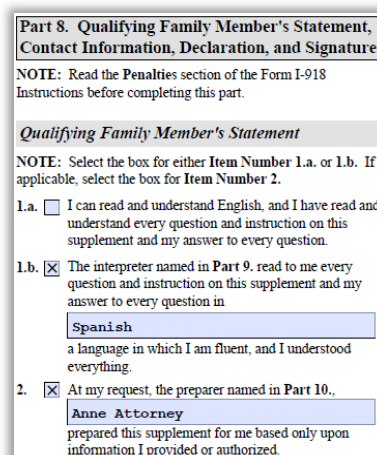
6.a. Petitioner's Signature (sign in ink)

6.b. Date of Signature (mm/dd/yyyy) 11/01/2020

**NOTE TO ALL PETITIONERS:** If you do not completely fill out this supplement or fail to submit required documents listed in the Instructions, USCIS may deny your supplement.

***Part 8 of the Form I-918A: The Beneficiary's Statement, Contact Information, Declaration, and Signature***

**1.a – 2 The Beneficiary's Statement:** This section asks the beneficiary to identify whether an interpreter or preparer was used to complete the Form I-918A. Under the SOP and the color-coded Form I-918A, the beneficiary must check the box either at Question 1.a (indicating that the beneficiary did not use an interpreter) or Question 1.b (indicating that the beneficiary did use an interpreter). If the beneficiary checks the box at Question 1.b (indicating that the beneficiary used an interpreter), the beneficiary must also complete the answer field under Question 1.b to specify the language of interpretation. Pursuant to the SOP and the color-coded Form I-918A, the beneficiary is not required to check the box or complete the answer field at Question 2 (indicating that the beneficiary used a preparer). The following excerpt should be acceptable for a beneficiary who used both an interpreter and a preparer:



**Part 8. Qualifying Family Member's Statement, Contact Information, Declaration, and Signature**

**NOTE:** Read the Penalties section of the Form I-918 Instructions before completing this part.

**Qualifying Family Member's Statement**

**NOTE:** Select the box for either Item Number 1.a. or 1.b. If applicable, select the box for Item Number 2.

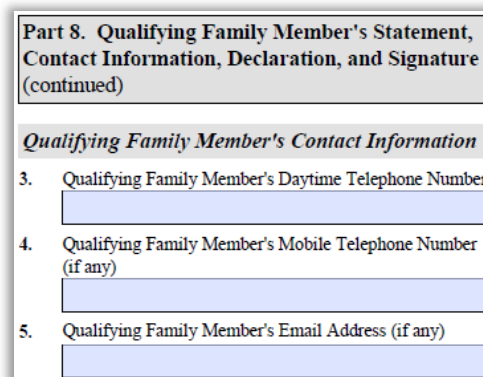
1.a. ☐ I can read and understand English, and I have read and understand every question and instruction on this supplement and my answer to every question.

1.b. ☒ The interpreter named in Part 9, read to me every question and instruction on this supplement and my answer to every question in Spanish, a language in which I am fluent, and I understood everything.

2. ☒ At my request, the preparer named in Part 10., Anne Attorney, prepared this supplement for me based only upon information I provided or authorized.

3 – 5

**The Beneficiary's Contact Information:** This section asks for the beneficiary's daytime phone number (Question 3), mobile phone number (Question 4), and email address (Question 5). Under both the SOP and the color-coded Form I-918A, the beneficiary is not required to respond to any of these questions and may leave these answer fields blank, as follows:



**Part 8. Qualifying Family Member's Statement, Contact Information, Declaration, and Signature (continued)**

**Qualifying Family Member's Contact Information**

3. Qualifying Family Member's Daytime Telephone Number

4. Qualifying Family Member's Mobile Telephone Number (if any)

5. Qualifying Family Member's Email Address (if any)

**6.a – 6.b The Beneficiary's Declaration and Certification:** This section asks the beneficiary to sign the Form I-918A (Question 6.a) and provide the date of signature (Question 6.b). Under both the SOP and the color-coded Form I-918A, the beneficiary must complete both of these answer fields, **including if the beneficiary is outside of the**

**United States.** Thus, under both the SOP and the color-coded Form I-918A, the following excerpt should be acceptable:

In light of the beneficiary's signature requirement, practitioners are reminded that (i) if the beneficiary is under the age of 14, a parent or legal guardian may sign the Form I-918A on the derivative's behalf<sup>20</sup> and (ii) although the Form I-918A Instructions provide that USCIS will not accept "a scanned, faxed, or emailed copy" of the derivative's signature,<sup>21</sup> USCIS has suspended this requirement throughout the duration of the COVID-19 National Emergency and currently accepts reproduced original signatures.<sup>22</sup>

### ***Part 9 of Form I-918A: The Interpreter's Contact Information, Certification, and Signature***

#### **1.a – 7.b Information About the Interpreter:**

This section asks for information about the interpreter, if any, who read the Form I-918A to the crime victim and/or beneficiary (Questions 1.a through 6). This section also asks the interpreter to sign the Form I-918A (Question 7.a) and provide the date of signature

(Question 7.b). Under both the SOP and the color-coded Form I-918A, if the crime victim checked the box at Question 1.b of Part 7 of the Form I-918A (indicating that the crime victim used an interpreter), or if the beneficiary checked the box at Question 1.b of Part 8 of the Form I-918A (indicating that the beneficiary used an interpreter), then the questions in Part 9 of the Form I-918A asking the interpreter's last name (Question 1.a) and first name (Question 1.b) must be completed. Pursuant to both the SOP and color-coded Form I-918A, the questions regarding the interpreter's contact information (Questions 2 through 6) may be left blank. However, the interpreter must sign the Form I-918A (Question 7.a) and provide the date of signature (Question 7.b). Thus, the following excerpts should be acceptable under both the SOP and the color-coded Form I-918A:

<sup>20</sup> See 8 C.F.R. § 103.2(a)(2).

<sup>21</sup> See Form I-918A Instructions at 9 (Apr. 24, 2019).

<sup>22</sup> See "USCIS Announced Flexibility in Submitting Required Signatures During COVID-19 National Emergency" (May 1, 2020), available at <https://www.uscis.gov/news/alerts/uscis-announces-flexibility-in-submitting-required-signatures-during-covid-19-national-emergency>.

Part 9. Interpreter's Contact Information, Certification, and Signature	
Provide the following information about the interpreter.	
<b>Interpreter's Full Name</b>	
1.a. Interpreter's Family Name (Last Name)	Interpreter
1.b. Interpreter's Given Name (First Name)	Thea
2. Interpreter's Business or Organization Name (if any)	
<b>Interpreter's Mailing Address</b>	
3.a. Street Number and Name	
3.b. <input type="checkbox"/> Apt. <input type="checkbox"/> Ste. <input type="checkbox"/> Flr.	
3.c. City or Town	
3.d. State <input type="text"/>	3.e. ZIP Code <input type="text"/>
3.f. Province	
3.g. Postal Code	
3.h. Country	
<b>Interpreter's Contact Information</b>	
4. Interpreter's Daytime Telephone Number	
5. Interpreter's Mobile Telephone Number (if any)	
6. Interpreter's Email Address (if any)	

Part 9. Interpreter's Contact Information, Certification, and Signature (continued)	
<b>Interpreter's Certification</b>	
I certify, under penalty of perjury, that:	
I am fluent in English and	Spanish
which is the same language specified in Part 7., Item Number 1.b., and Part 8. Item Number 1.b., and I have read to this petitioner and qualifying family member in the identified language(s) every question and instruction on this supplement and the petitioner's and qualifying family member's answer to every question. The petitioner and qualifying family member informed me that they understand every instruction, question, and answer on the supplement, including the Petitioner's Declaration and Certification and the Qualifying Family Member's Declaration and Certification, and have verified the accuracy of every answer.	
<b>Interpreter's Signature</b>	
7.a. Interpreter's Signature (sign in ink)	
7.b. Date of Signature (mm/dd/yyyy)	11/01/2020

### ***Part 10 of Form I-918A: The Preparer's Contact Information, Declaration, and Signature***

#### **1.a – 8.b Information About the Preparer:**

This section asks for information about the preparer, if any, who helped the crime victim and/or beneficiary complete the Form I-918A (Questions 1.a through 6). This section also asks the preparer to indicate whether the preparer is an attorney (Questions 7.a and 7.b), sign the Form I-918A (Question 8.a), and provide the date of signature (Question 8.b). Under both the SOP and the color-coded Form I-918A, if the crime victim checked the box at Question 2 of Part 7 of the Form I-918A (indicating that a preparer assisted the crime victim), or if the beneficiary checked the box at Question 2 in Part 8 of the Form I-918A (indicating that a preparer assisted the beneficiary), then the questions in Part 10 of the Form I-918A asking the preparer's last name (Question 1.a) and first name (Question 1.b) must be completed. Pursuant to both the SOP and color-coded Form I-918A, the questions regarding the preparer's contact information (Questions 2 through 6) may be left blank. In addition, the preparer is not required to complete the questions regarding whether the preparer is an attorney (Question 7.a and 7.b). However, the preparer must sign the Form I-918A (Question 8.a) and provide the date of signature (Question 8.b). Thus, the following excerpt should be acceptable under both the SOP and the Form I-918A:





### **PART 3: USING THE SOP AND COLOR-CODED FORMS FOR ADVOCACY WITH USCIS**

As noted in Parts 1 and 2, the rejection notices issued by USCIS for supposed noncompliance with the no-blanks policy seem to indicate that mailroom staff are enforcing the no-blanks policy more stringently than actually required by the guidance set forth in the SOP, color-coded Form I-918, and color-coded Form I-918A. **For this reason, we strongly encourage practitioners to complete all fields, even if the SOP and color-coded forms state that they are not required, in order to maximize chances that mailroom staff do not reject filings.**

There can be serious consequences for petitioners when U-Visa Petitions are rejected, ranging from expired Forms I-918B to derivatives aging out of their eligibility if the case is rejected after the child derivative turns 21. In addition, all petitioners are harmed by blank space rejections as the filing date determines when a case is adjudicated, so a matter of a few months can make a tremendous difference in when U-visas may become available, or when family members can be protected. 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.

If practitioners receive a rejection for blank spaces, the SOP and color-coded forms may provide an avenue by which to challenge the rejection. Practitioners should carefully review the rejection notice for accuracy, examine the supposed deficiencies indicated on the rejection notice, and check them against the SOP and the color-coded forms. If, according to either the SOP or the color-coded form, the blank space was not a required field, the form should be promptly resubmitted to USCIS explaining why the form was properly filled out with reference to the SOP and/or relevant color-coded form and requesting that USCIS

promptly issue a receipt notice with the date of the initial filing.

For example, since the implementation of the no-blanks policy, there have been numerous reports of rejections of Forms I-918 if a petitioner wrote "none" instead of "N/A" or "N/A" instead of "none." The I-918 instructions say that if a question does not apply, type or print "N/A," but if the answer to a question that requires a numeric response is zero or none, then type or print "none." Therefore, we encourage practitioners to use "none" in response to questions that call for numerical responses and "N/A" in response to all other questions for which the applicant does not have an answer, in order to maximize chances that mailroom staff do not reject filings. However, the SOP clearly provides that a required field is acceptable if it "contains 'none,' 'unknown,' 'n/a,' or similar." Therefore, if practitioners receive a rejection for purportedly using "none" where "N/A" was required or vice versa, the form should be resubmitted to USCIS citing to the SOP.

If there are errors or mistakes on the rejection notice (e.g., the notice alleges there was a blank space when there was not), when re-filing, practitioners should place a cover page on the rejected filing (preferably in bright colored paper) that reads **"To Attention of Records Supervisor."** In the cover letter or on the cover page, practitioners should bullet point how the rejection notice was erroneous as compared with the SOPs and color-coded forms and request supervisory review. We suggest including a copy of the SOP and/or color-coded form highlighting the relevant section to illustrate previous compliance with USCIS's internal guidance.



## **PART 4: STRATEGIC CONSIDERATIONS FOR ADDRESSING REJECTIONS BASED ON USCIS'S NO-BLANK POLICY**

### ***Correcting Blank Spaces***

Practitioners may correct the supposed deficiencies before re-filing, especially in situations where a field in the green category was left blank. If practitioners chose to re-file the prior U-Visa Petition after correcting the blank fields, they should save a copy of the original submission for their records. This original copy may be needed for liaison assistance purposes or further advocacy. If practitioners refile by amending the original application, they should indicate in their cover letter:

- a. the original filing date (with delivery confirmation);
- b. a copy of the rejection notice; and
- c. which fields have been corrected.

In all cases that are re-filed, we recommend that practitioners request in their cover letter that the petition be receipted in as of the original submission date. While USCIS will likely not backdate the receipt notice, it is important to place this request as part of the administrative record, especially with regard to erroneous denials or denials that do not comport with the SOP and/or color-coded form.

### ***Edition Dates***

When re-filing, ensure that all forms, including Applications for Employment Authorizations on Form I-765 Applications for Advance Permission

to Enter as a Nonimmigrant on Form I-192, are on their current edition dates. USCIS will reject forms with an incorrect revision date.

### ***Expired Certifications***

A common consequence of USCIS's no-blanks policy is that I-918Bs expire after USCIS rejects the Form I-918, as I-918bs are considered valid for only 6 months after signature.<sup>23</sup> In these instances, practitioners should contact the certifying agency as soon as possible to obtain a new certification. If you are not able to get a new certification or experiencing delays in obtaining a new certification, contact the authors to discuss strategy.

### ***Liaison Assistance***

If practitioners receive a rejection that is erroneous (e.g., alleging that the petitioner did not complete fields that were in fact completed) or that does not comply with the SOPs or color-coded form, practitioners may submit a USCIS Ombudsman Request in order to raise this issue for review.<sup>24</sup> While this request may not yield a positive resolution, it is another way to establish the record that USCIS has been made aware of the problematic rejection and can track it as a systemic issue.

Similarly, practitioners may choose to reach out to their Member of Congress for liaison assistance. This serves the dual purpose of trying to resolve problems with individual cases but also showing examples about how USCIS's no-blanks policy harms constituents.<sup>25</sup>

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<sup>23</sup> See 8 C.F.R. § 214.14(c)(2)(i) (initial evidence includes a Form I-918B signed by a certifying official within the six months preceding the Form I-918 filing).

<sup>24</sup> To receive case assistance from the USCIS Ombudsman, please fill out the form DHS-7001, which is available here: <https://www.dhs.gov/case-assistance>.

<sup>25</sup> For more information on seeking liaison assistance via your Member of Congress, see ASISTA advisory here: <https://asistahelp.org/wp-content/uploads/2020/09/requesting-Congressional-liaison-assistance.pdf>.

### *Story Collection*

ASISTA and AILA are tracking rejected U-Visa Petitions due to the no-blanks policy to evaluate systemic trends.

- **ASISTA:** Please submit your case example by filling out this form:  
[https://docs.google.com/forms/d/e/1FAIpQLSeJFYqUp8JYMzUqAMzVmskm3RvJYUAoyfxuaKbY\\_8O45nhiGA/viewform](https://docs.google.com/forms/d/e/1FAIpQLSeJFYqUp8JYMzUqAMzVmskm3RvJYUAoyfxuaKbY_8O45nhiGA/viewform).
- **AILA:** To access this story collector, visit:  
<https://www.aila.org/advo-media/agency-liaison/case-examples/call-for-examples-uscis-rejection-or-denials>.

In March 2020, USCIS extended the “no-blanks” policy to Applications for T Nonimmigrant Status on Form I-914. It remains unclear whether USCIS has rejected any such applications as a result of this policy. If you do receive a rejection on this basis, please send your case example to the Coalition Against Slavery and Trafficking (CAST) by filling out this form:

<https://airtable.com/shrSAbd3jX91c3fBn>.

### *Challenging Rejections*

Practitioners may also seek to challenge these rejections in federal court based upon APA and mandamus claims. A sample complaint is attached (Ex. 5).

If practitioners wish to bring federal court challenges on this issue, please email Kyle Dandelet at [kdandelet@cgsh.com](mailto:kdandelet@cgsh.com).

# EXHIBIT 1

	<b>Contract:</b>	<b>DHS USCIS SCOSS – VSC &amp; CSC Contract</b>	
	<b>Service Center:</b>	<b>VSC</b>	
	<b>Name:</b>	<b><i>I-918 Local SOP</i></b>	
	<b>Effective Date:</b>	<b>5/7/2020</b>	<b>Version: 16</b>

## Purpose

The purpose of this document is to go over how to process the I-918s.

## Definition of Terms

Terms are defined in the Glossary of Quality Terms (R-PMO-0006)

## Related Documentation

<b>Name of Related Document</b>
<a href="#">COB/COC Clarification Chart (All Systems)</a>
<a href="#">Status Code Chart</a>
<a href="#">Fee Guidelines</a>
<a href="#">I-765 VAWA Local SOP</a>
<a href="#">I-192 Local SOP</a>
<a href="#">I-193 Local SOP</a>
<a href="#">Keying Memo</a>
<a href="#">Manual Reject SOP</a>
<a href="#">G-28 SOP</a>

## PROCEDURE

### MAILROOM

Mail is retrieved from the Post Office by the Service Center. Various Express Mail services also bring correspondence directly to the Center throughout each business day. Envelopes are opened in Incoming Mail, during which time I-918 applications are identified.

Mail that has been opened is grouped according to date of arrival. Mailroom sorts I-918s and their riding forms into their own crate and sends to Data Entry. The envelope must be date stamped and the remittances “for deposit only” stamped.

### ASSEMBLY

#### 1. Date Stamp – The Date Stamp must:

- a) Be set to the proper date, which is listed on the outside of the envelope
- b) Be legible.
- c) Be on page one of each form:
  - I-918 On the lower left covering as little information as possible.
    - I-918 Supplement B – Upper middle near the DOB/Gender; does not need to be VT'd
  - I-918 Supplement A – Lower Left side covering as little information as possible (avoid stamping over the A# field)
  - I-192 – Bottom right of the application covering as little information as possible
  - I-193 – Right side of the page near question 10 covering as little information as possible.
  - I-765 – Bottom right.

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d) Annotate your VT# by the Date Stamp.( not needed on I-918 Supplement B)

## 2. Fees

- I-918 – No Fee Required
- I-918 Supplement A –No Fee Required
- I-918 Supplement B – No fee Required
- I-192 - \$930.00 - Or fee waiver
- I-193 - \$585.00 - Or fee waiver
- I-765 - \$410.00 - Or fee waiver if fee is required.
- Any fees received will need to be reviewed for acceptability ~ see Fee SOP/Guidelines
- If any additional remittances are submitted that are not needed, make copies of the G-28 and the entire application and envelope (not including support documents) for a 'money not needed' reject. Place a Safe Address sheet as well as a VAWA Reject sheet on the photocopies. Rubber band the reject to the top of the family.
- If only one Fee Waiver Request is submitted, make photocopies for each of the family members and / or riding forms that require a fee and place in proper ROP.  
\*\* You only need to copy the fee waiver if you have an acceptable I-918.\*\*

## 3. Assembly Order

Slice the envelope (the filing was received in) on all sides. Being sure to retain as much of the following information as possible: the shipping address, return address, postmark and date stamp. You do not need to make copies of the envelope for family members' files. Any rejects will need a copy of the mailer with them.

Extra pages will be placed directly behind each other. I.E. if two page 2's are submitted, they will be placed together in ROP order (Page 1, Page 2, Page 2, Page 3). If a duplicate copy of the application is submitted, place in proper ROP order (See ROP section below). If the extra copies are old revision, then just place those in support.

### Principal I-918

<b><u>Record Side ~ (Left Side)</u></b>	<b><u>NON-Record ~ (Right Side)</u></b>
<ul style="list-style-type: none"> <li>• Yellow VAWA warn sheet</li> <li>• I-918 Safe Address Worksheet</li> <li>• G-28</li> <li>• I-918</li> <li>• Addendum</li> <li>• I-918 Supplement B – flag and identify</li> <li>• Addendum for Supplement B (if submitted)</li> <li>• G325A</li> <li>• Copy of I-918 Principal (If Present)</li> <li>• Support</li> <li>• Envelope</li> </ul>	<ul style="list-style-type: none"> <li>• Invalid G-28</li> </ul>



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**Supplement A – An I-918A that is submitted concurrently with the principal I-918**

<b><u>Record Side ~ (Left Side)</u></b>	<b><u>NON-Record ~ (Right Side)</u></b>
<ul style="list-style-type: none"> <li>• Yellow VAWA warn sheet</li> <li>• I-918 safe address worksheet</li> <li>• G-28</li> <li>• I-918 Supplement A</li> <li>• Addendum</li> <li>• G325A</li> <li>• Copy of I-918 Supplement A (If Present)</li> <li>• Support</li> </ul>	<ul style="list-style-type: none"> <li>• Invalid G-28</li> </ul>

**Subsequent I-918A – An I-918A that is submitted after the principal I-918 has been approved or is in process.**

<b><u>Record Side ~ (Left Side)</u></b>	<b><u>NON-Record ~ (Right Side)</u></b>
<ul style="list-style-type: none"> <li>• Yellow VAWA warn sheet</li> <li>• I-918 safe address worksheet</li> <li>• G-28</li> <li>• I-918 Supplement A</li> <li>• Addendum</li> <li>• G325A</li> <li>• Copy of I-918 Subsequent A (If Present)</li> <li>• Support – including any copies of the I-918's and/or Supplement B's submitted.</li> <li>• I-797 notice of Principal I-918 – flag and identify</li> <li>• Envelope</li> </ul>	<ul style="list-style-type: none"> <li>• Invalid G-28</li> </ul>

**I-192**

<b><u>Record Side ~ (Left Side)</u></b>	<b><u>NON-Record ~ (Right Side)</u></b>
<ul style="list-style-type: none"> <li>• Yellow VAWA warn sheet</li> <li>• Miscellaneous safe address worksheet</li> <li>• Fee</li> <li>• G-28</li> <li>• I-192 – Flag and identify</li> <li>• I-192 Addendum</li> <li>• Fee Waiver Request – flag and identify</li> <li>• Copy of I-192 (if present)</li> </ul>	<ul style="list-style-type: none"> <li>• Invalid G-28</li> </ul>



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#### **I-193**

<b><u>Record Side ~ (Left Side)</u></b>	<b><u>NON-Record ~ (Right Side)</u></b>
<ul style="list-style-type: none"> <li>• Yellow VAWA warn sheet</li> <li>• Miscellaneous safe address worksheet</li> <li>• Fee</li> <li>• G-28</li> <li>• I-193 – Flag and identify</li> <li>• I-193 Addendum</li> <li>• Fee Waiver Request – flag and identify</li> <li>• Copy of I-193 (if present)</li> </ul>	<ul style="list-style-type: none"> <li>• Invalid G-28</li> </ul>

#### **I-765**

<b><u>Record Side ~ (Left Side)</u></b>	<b><u>NON-Record ~ (Right Side)</u></b>
<ul style="list-style-type: none"> <li>• Yellow VAWA warn sheet</li> <li>• Miscellaneous safe address worksheet</li> <li>• Fee</li> <li>• G-28</li> <li>• I-765 -</li> <li>• Fee Waiver Request – flag and identify</li> <li>• Copy of I-765 (if present)</li> <li>• Photos in a glassine stapled to a blank sheet of white paper</li> <li>• I-765 Worksheet (if submitted)</li> </ul>	<ul style="list-style-type: none"> <li>• Invalid G28</li> </ul>

#### **4. G28 Review**

- a) Refer to the G-28 SOP for acceptability.
  - If a G-28 is invalid, it will be placed face down on the non-record side of the filing. Be sure to check a block under the “Invalid G-28” section on the Safe Address Worksheet describing why the G-28 is invalid. If the G-28 needs to be used for other filings, make a copy of the G-28, and VT and Date the copy to place in the other filings as well. The copy will be placed face down on the non-record side, and the Safe Address Worksheet will be annotated with the deficiency in the same manner as described above.
- b) If multiple G-28s are submitted review for the following:
  - Identify whether the Principal or the Derivative signed the G28
  - The G28 signed by the Principal will be placed in the I-918 Principal and any I-918 Supplement A's.
  - The Principal's G28 will also be placed in with their riding forms (i.e. I-192 & I-765 etc.)
  - Any G28's signed by a derivative, will be placed with their respective riding forms (I.E. I-192 & I-765)
  - If only one G-28 is submitted, a photocopy will be made and will be used for all of the forms in the family (except not for the derivatives ancillary forms). If the G-28 does not meet the signature requirements for the form it is being used for, it will be placed in the file as invalid and “improperly signed” will be

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marked on the Safe Address Worksheet. VT and Date the bottom of the photocopied G28's.

- If two G28's are submitted, one is acceptable and one is not acceptable, then use the acceptable G28, and invalidate the unacceptable G28. You do not need to mark on the safe address sheet why the other G28 is invalid.

\*\*\*G28s only need to be reviewed and copied for riding forms if you have an acceptable 918.\*\*\*

\*When sending files to CRU, indicate the entire family count on the CRU sheet and ensure that all fees are listed (individually or the sum). (i.e: Indicate as followed: 918-1; A-2; 192-3; 765-3).

## 5. Principal I-918 Review

- Pages 1-10 must be submitted to be acceptable.
- The only acceptable revision is 4/24/2019.
- The I-918 must be signed by applicant (Photocopies are acceptable, stamps are not.) The only exception is if the applicant is under 14 then the parent(s) can sign on their behalf. If not, set up as a reject.
- The following fields cannot be blank. If blank the file will be rejected. It is acceptable if the fields contain "none", "unknown", "n/a", or similar.

### • Part 1

1.a – 2.c

IF	THEN
2.a is N/A	2.b and 2.c can be blank

3.h

8 – 12

19.a – 22

### • Part 2

1 – 7.a

IF	THEN
yes to 7.a	At least 1 box must be checked and filled in for 7.b – 7.f

8.a – 8.d

### • Part 3

1.a – 1.i

IF	THEN
yes to any 1.a – 1.i	2.a – 2.f are required
response is in 3.a	3.b through 3.f are required

4.a – 29.c

### • Part 4

1.a -- 25

IF	THEN
----	------

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N/A for 1.a	1.b through 5 can be blank
N/A for 6.a	6.b through 10 can be blank
N/A for 11.a	11.b through 15 can be blank
N/A for 16.a	16.b through 20 can be blank
N/A for 21.a	21.b through 25 can be blank

26

- **Part 5**

1.a \*either 1.a or 1.b; both are not required

1.b \*either 1.a or 1.b; both are not required

6.a

6.b

- **Part 6**

IF	THEN
Part 5 1.b checked	1.a, 1.b, 7.a, 7.b are required

- **Part 7**

IF	THEN
Part 5 2 is checked	1.a, 1.b, 8.a, 8.b are required

- e) If the I-918 is acceptable based on the above criteria, review the COC and COB fields. If they have "USA" listed send to CRU.
- f) Supporting documents will be separated into the appropriate I-918 or I-918A. If the person they pertain to cannot be easily determined place in the I-918.

## 6. I-918 Supplement B Review

- a) The signature page with a signature must be present to be an acceptable Supplement B. It is acceptable if the signature is photocopied. If the Supplement B is signed by the I-918 Principal, treat as "Without Supp B".
- b) The name on the I-918 Supplement B should match the name on the I-918 Principal, unless it is the only Supplement B present. Any Supplement B's that are not for the Principal will be placed behind the Principal's Supplement B and date stamped however not flagged.
- c) If multiple acceptable Supplement B's for the I-918 Principal are submitted all will be flagged and date stamped.
  - If an exact copy of the Supplement B is submitted, date stamp and flag ONLY 1 copy. All others will be placed in support.
- d) If the only Supplement B submitted is not for the Principal, it will be date stamped and flagged.
- e) If no I-918 Supplement B is present or Supplement B is not "keyable", it will be date stamped but not flagged and route the filing in a "Without Supp. B" crate.



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## 7. I-918 Supplement A Review

- Pages 1-11 must be submitted to be acceptable.
- The acceptable revision is 4/24/2019.
- The I-918 Supplement A must be signed by the I-918 principal in part 7 # 6a and the derivative in part 8 # 6a.
- If filing is received with an original I-918 Principal, check Part 2 where it states "Status of your form I-918..." if this block is marked "Pending", look for an I-797 or cover letter indicating they have already filed an I-918. If an I-797 or letter indicates an I-918 has been filed or if this is marked "Approved", then the I-918 is support for the I-918 Supplement A. The Supplement A will then be considered a Subsequent filing.
- If you have a Subsequent I-918A the I-797 notice for the Principal I-918 will be placed as the last item(s) in support. The most pertinent I-797 should be last (i.e. I-918). The I-797 needs to be flagged and identified.
- The following fields cannot be blank. If blank the file will be rejected. It is acceptable if the fields contain "none", "unknown", "n/a", or similar.

- **Part 1**

1

- **Part 2**

1.a – 1.c

IF	THEN
Derivative's info is in 1.a – 1.c	Reject filing

2

5

- **Part 3**

1.a – 1.c

IF	THEN
Principal's info is in 1.a – 1.c	Reject filing

2.a – 2.c

IF	THEN
2.a is N/A	2.b and 2.c can be blank

3.a

8 -12

- **Part 4**

1.a – 2.e

IF	THEN
1.a through 1.d is filled out	2.a through 2.e can be blank

5.a – 6.f

IF	THEN
5.a is N/A	5.b through 5.f can be blank

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6.a is N/A	6.b through 6.f can be blank
------------	------------------------------

7.a

IF	THEN
7.a is answered yes	At least 1 block must be checked and filled in for 7.b through 7.f

- Part 5**

1.a – 1.i

IF	THEN
Yes for any of 1.a through 1.i	2.a through 2.f are required
3.a is answered	3.b through 3.f are required

4.a – 29.c

- Part 6**

1.a -- 12

IF	THEN
1.a is N/A	1.b through 4 can be blank
5.a is N/A	5.b through 8 can be blank
9.a is N/A	9.b through 12 can be blank

- Part 7**

1.a \*either 1.a or 1.b; both are not required

1.b \*either 1.a or 1.b; both are not required

6.a

6.b

- Part 8**

1.a \*either 1.a or 1.b; both are not required

1.b \*either 1.a or 1.b; both are not required

6.a

6.b

- Part 9**

IF	THEN
Part 7 1.b or part 8 1.b are checked	1.a, 1.b, 7.a, 7.b are required

- Part 10**

IF	THEN
Part 7 2 or part 8 2 are checked	1.a, 1.b, 8.a, 8.b are required

- g) If the 918A is acceptable based on the criteria above, review the COC and COB fields. If they have "USA" listed send to CRU.

\*\*\* Riding forms only need to be reviewed for acceptability if the corresponding I-918 or I-918A are acceptable. \*\*\*

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## 8. I-192 or I-193

- Must have the fee or a fee waiver request to be acceptable.
- Pages 1-8 are required for I-192. Page 1 for I-193
- The application must have a signature of the applicant (Photocopies are acceptable, stamps are not.) The only exception is if the applicant is under 14 then the parent(s) can sign on their behalf. If the application is not signed, set up for rejection prior to sending to VAWA Review.
- The revision date must be 12/2/2019 for I-192. 12/14 for I-193. Older revisions will be rejected.

## 9. I-765 Review

- The application must have a signature by the applicant (Photocopies are acceptable, stamps are not). The only exception is if the applicant is under 14 then the parent(s) can sign on their behalf. If the application is not signed, set up for rejection prior to sending to VAWA Review.
- Refer to the I-765 Filing chart for fee requirements. Do not include a fee waiver if no fee is required.
- "I am applying for" must have a block checked. If there is no block checked or multiple blocks checked send to CRU.
- Block 27 must have A19, A20, or C14 for a classification, all others will be rejected for 765#02. If block 27 is blank or unclear on the I-765 reject for 765#06.  
\*NOTE\* If block 27 is A19, it will be always be keyed as the "I am applying for" block is 1.a Initial.
- Pages 1-6 are required.
- The acceptable revision date is .
- Part 3 must have a complete address or say confidential. If incomplete address or blank reject for Misc#01.
  - Per keying rules, if one (city, state or zip) is missing, then it is ok to accept. If more than one is missing, then reject for Misc #01.

## 10. I-601

- If an I-601 is submitted with an I-918 it will be rejected for DIST#09

## 11. File Jacket Selection

- When setting up I-918s and I-918As, use new brown receipt file jackets and attach with clips or staples. Ensure all papers are secure within the file jacket.
- If there is an A# indicated on the application, use it for file tab selection.
  - Odd A#'s are tab up (upper right hand corner) and even A#'s are tab down (bottom right hand corner).
  - If no A# is indicated, put the file jacket tab down.
- Any riding I-765, I-192, or I-193 applications will be set up in their own new brown receipt jacket with the tab down (bottom right hand corner). Attach application using staples or black clips.



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### Photo Placement:

Photos will be placed in a glassine and stapled to a blank white sheet of paper and placed in support of the file as determined below;

- I-918 Principal:
  - Each riding I-765 requires one photo before the I-918 Principal gets one photo (as available).
  - If more than one photo per form have been submitted: The I-918 Principal requires one photo and each I-765 requires up to two photos.
    - Remaining photos will be placed with the I-918 in support.
- I-918A:
  - Each riding I-765 gets up to two photos (as available).
    - Remaining photos will be placed with the corresponding I-918A in support.
- Photos that are not for the Principal or Derivative will be placed in support in a glassine envelope stapled to a blank piece of paper.

## 12. Processing Worksheets

- a) The appropriate processing worksheet will need to be attached to the front of the file jacket (I-918 Principal, I-918 Supplement A and I-918 Subsequent A).
  - Date stamp worksheets with received date in the received date block.
- b) Along the top of the processing worksheet annotate which forms are included with that family filing (ex. I-918, I-918A, I-192, Supplement B). Each family member will have the list of all applications included in the family annotated on the top of each worksheet.
  - The total number of family members in that bundle will be written on the family count line.(ex. I-918 with 2- I-918A's would have a "3" annotated)
  - Annotate an "R" and a count for each /application which will be rejected. (Example: 3 I-192's were submitted but one is being rejected. Annotate 2 in the I-192 field and annotate 1-R next to that count.)
  - Supplement B's will only be counted when they have been deemed acceptable.
- c) If setting up a Principal I-918, answer the "Is the applicant under 14 and photos submitted?" question. Annotate your VT# and the date in the Emp. I.D. # / Date column.
- d) Circle Y or N after the "Is there a keyable Sup B included" question based on the signature requirement.
- e) Date all Safe Address Sheets for time compliance with the date we set the file up in the "Contractor Only" section in the "Out" box.

<b>NOTE:</b> Keep family members banded together
--

## 13. Reject Process

If it has been determined that an I-918 or I918A filing is not acceptable then it will need to be set up as a reject. Do not put the filing in a file jacket if it is to be rejected. Riding forms

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will not be reviewed for acceptability. The riding forms will be flagged and date stamped in all of the appropriate places as identified in the “Date Stamp” section above. An I-918 and I-918A reject sheet with all deficiencies marked will be placed on the front along with the I-918 safe address sheet. The count of all form types must be listed on the reject sheet.

If the I-918 and/or I-918A are acceptable but the riding form(s) are not, the riding forms will be placed in ROP, flagged and date stamped in all of the appropriate places as identified in the “Date Stamp” section above. Once the filing has been placed in ROP order, a VAWA Manual Reject sheet with all deficiencies of the filing clearly marked will be placed on the front, along with an appropriate safe address sheet. A yellow VAWA warning sheet will not be placed on reject files; however each riding form will need its own safe address sheet. A copy of the envelope will be included with the reject. Annotate the rejects on the processing worksheet. When listing forms on the VAWA Manual Reject Sheet, the only form which must be listed is the actual form being rejected.

#### **I-918 Reject ROP**

Clipped or rubber banded	Clipped or stapled	I-918/A Reject Sheet
		I-918 Safe Address Sheet
		G28
		I-918
		I-918 Supplement B flagged and identified
	Clipped or stapled	I-918/A Reject Sheet (if additional I-918/A's are submitted)
		I-918 Safe Address Sheet
		G28
		I-918A
		All riding forms flagged and identified and supporting documents
		Envelope

**NOTE:** When rejecting a Principal I-918 because it is not acceptable, all riding filings, including I-918 Supplement A's, will also need to be returned. If rejecting an I-918 Supplement A but the Principal I-918 and other I-918 Supplement A's (if applicable), are acceptable, accept the Principal and all other I-918 Supplement A's and only reject the deficient I-918 Supplement A as well as any riding forms specific to that I-918 Supplement A (i.e. an I-765 for the beneficiary of the deficient I-918 Supplement A filing.)

#### **14. Routing**

- Acceptable files with fees will be sorted into one crate, files without fees that need fee waiver review will be sorted into another crate, and files without fees that do not need fee waiver review will be sorted into another crate. Annotate the number of files with fees, and the number of files without fees for each form type in the provided space
- Acceptable files that have fees but also need fee waiver review will be placed in a fee crate and have a CRU sheet on top indicating that fee waiver review is required.



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- c) Acceptable files will also be separated that do not have a supplement b into their own fee or non-fee crate.
- d) Files that need to be rejected with fees will be sorted into one reject crate, files without fees will be sorted into another reject crate.
- e) Families that have both acceptable files and file to be rejected will be sorted to the appropriate acceptable file crate.
- f) Annotate the number of files with fees, and the number of files without fees for each form type in the space provided on the crate sheet.

Crate Sheets:

I-918 No Fee With SUPP B

I-918 No Fee Without SUPP B

I-918 PRIORITY PROCESSING With SUPP B

I-918 PRIORITY PROCESSING Without SUPP B

I-918 REJECTS

I-918 \$\$ REJECTS

## DATA ENTRY

### 15. Verifying Files Prior To Data Entering I-918s

- a. Date all Safe Address Sheets for time compliance in the "Contractor Only" section in the "IN" box.
  - Use the date that is the latest date the family is back from Safe Address or CRU for time compliance.
- b. Must have Yellow Warning Sheet and a completed Safe Address Sheet
- c. If the G-28 is invalid, make sure the G-28 is placed face down on the non-record side (if it is not already placed there).
- d. Ensure an ASC code is indicated or overseas is checked. An ASC zip must also be provided for under 14.
- e. The RAILS code and the date needs to be filled out with VT and date of the person who Safe Addressed.
- f. Review the address that is instructed to key for completeness (street address as well as city, state and zip code.)
  - If one or more of the following (city, state, zip code) is missing bring to a supervisor.

**NOTE :** If the incorrect block is marked off, bring to a supervisor.

**Example:** They tell us to use the address in part 1 but it has a completed G-28 or preparer's address.

- g. Review I-192 and I-765 no fees for CPAU annotations on the safe address sheet, the margin of the application and the I-912 or letter. Also look for a G-1054 form if Fee Waiver is denied. All must be completed. If none of this is completed correctly, please send back to CRU as a 2<sup>nd</sup> review ATTN: Darcy Westover.

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- h. When files are being rejected ensure all annotations are being made to the counts on the processing worksheet.
- i. Review the Supplement B for signature. If there is no signature, process as a "no B", and if there is a signature, process as a "with B".
- j. All Subsequent A's must have a receipt number listed on the 1<sup>st</sup> page. This should be indicated on the right hand side of the application
  - If not provided and there is a I-797 for the I-918 flagged, bring to someone Safe Addressing.
  - If not provided and there is no I-797 for the I-918, send to CRU
- k. Ensure to check entire family for all possible deficiencies prior to sending to CRU review.
- l. All I-918s must be completely reviewed for acceptability prior to Data Entry.

Note: If using a Preparer's address, and there is a stamp on the lines and a typed address, we will take the address with the most information (should be indicated at Safe Address). If the stamp is not on the lines and there is a typed address, we will take the typed address as it is on the lines.

#### **16. Entering the I-918 in C3 Portal**

- a) Go into the Claims folder
- b) Select Claims 3 Portal
- c) Select "OK"
- d) Go to Case Processing and select Enter New Case.
- e) At the "Data Entry" Screen in C3 Portal, type I918 under "Form Number:"
- f) The following information will be entered for the I-918 if provided:
  - Received Date
  - A-Number (if provided)
    - ✓ If A number does not match the beneficiary, then leave the A# blank.
    - ✓ If the A number brings up multiple people select the beneficiary, if the beneficiary is not listed, leave blank.
  - ASC Zip Code (as annotated or indicated on the safe address sheet)
  - Foreign Address (Select only if "Overseas" is checked on the Safe Address Sheet)
  - Do not key anything under "Other Names" or "Contact Info"
  - Last Name
  - First Name
  - Middle Name
  - C/O Field
    - If entering a safe address from a G28 enter the firm name in this field. If no firm name is present on the G28, enter the Attorney's name in this field.
    - If entering a safe address from the preparer's address, enter the firm name in this field. If no firm name is present in the preparer's section, enter the preparer's name in this field.
    - If using the address listed on Page 1 as the safe address, enter what appears in this field.
  - Street Address, from the safe address
  - City, State, and ZIP from the safe address



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- COB (key the first valid code utilizing drop-down list in the system if no or multiple matches, use the COC/COB Clarification list, enter UNKNO if invalid, send to CRU if one or both COC & COB are blank)
- DOB (In MM/DD/YYYY format) If blank or invalid bring to a Supervisor for review. If the Supervisor is unable to determine the date of birth for the applicant, send to CRU prior to keying)
- SSN (If blank or invalid, leave blank.)
- COC (key the first valid code utilizing drop-down list in the system if no or multiple matches, use the COC/COB Clarification list, enter UNKNO if invalid, send to CRU if one or both COC & COB are blank)
- Marital Status (If blank, select unknown)
- Gender (If blank or multiple are selected, select unknown)
- Current Status (Refer to Status Code Chart if there are no matches, or multiple matches in system. Enter UU if invalid or blank)
- Place of Last Entry (key the first valid code utilizing drop-down list in the system, if no or multiple matches use the POE list, enter UNK if invalid or blank)
- Date of Last Entry If only year listed enter 01/01/year, if only month and year listed enter MM/01/YEAR. If blank leave blank.
- The Requesting Status field will always default to “U1.” Leave untouched

## 17. Entering the I-918 Supplement B in C3 Portal

- a) If the I-918 has an acceptable I-918 Supplement B (as indicated on the processing worksheet), select the box next to “I-918B”.
- b) The following fields must be entered in the I-918 Supplement B screen if provided:
  - Received Date (enter the date stamped on the I-918 Supplement B)
  - Name of Agency (If Blank, key No Name Given; If numeric values are in the title, spell out the number, key to the last letter.)
  - Name of Official (Last, First and Middle if present) (If Blank, key No Name Given in the last name field)
    - All titles will be entered i.e. If it is Capt Rod Farva, Capt Rod in the first name field and Farva in the last name field.
  - Title and Division / Office of Official - enter as indicated on the application
  - Street Address (as it appears on the I-918 Supplement B keying to the last letter with standard abbreviations) (If Blank, leave blank. It is acceptable to key 75 Lower Weldon, but not required)
  - City, State, and Zip (as listed on, if one is missing review with supervisor. If all are blank, enter 05479 in the zip code field)
  - Contact Information
    - Daytime Phone (If multiple numbers, enter all individually)
    - Fax (enter as “Work Fax”) (If multiple numbers, enter all individually)
      - ✓ To add multiple daytime phone or fax numbers, once you select add, go back to the drop down to select the type and continue the next number.
  - Agency Type ( if multiple selected, leave blank)

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- Case Status ( key only blocks that are checked, if multiple are checked, leave blank)
- Agency Category( if multiple selected, leave blank)
- Case Number (As it appears on the application, including all punctuation)
- FBI/SID Number (enter as listed on application omitting spaces, symbols and punctuation)
- Criminal Acts (select all that apply).
- Do not enter anything under “Dates of Criminal Activity”
- Do not enter anything in the “statutory citations” field.
- Helpfulness of Victim (If both yes and no are marked, select “yes” and annotate the Safe Address sheet.)
- Leave “Other” unchecked
- Do not enter anything under “Family Members Implicated in Criminal Activity”
- Attestation
  - Check the block next to “Officer Signature” and enter the date that the official signed the I-918 Supplement B under “Received Date”. If there is no date listed next to the signature, leave blank.

Note: Once completed entering the I-918 Supplement B information, click the “Add” button on the top right corner of the screen before clicking OK. Complete this step after each I-918 Supplement B is entered.

- Enter the number of I-918 Supplement B's entered in the field below the “I-918 Supplement B” check box.

### 18. Entering the I-918 in C3 Portal (Continued)

- a) G-28 Screen
  - See G28 SOP for keying instructions
- b) Travel Info Screen
  - Do not enter any information in this screen
- c) Biometrics Waivers?
  - Check the box next to “Biometrics Waivers?” and another screen will appear. When the screen appears, check the box next to “Fingerprint” to indicate that the fingerprint is waived
  - Signature box is automatically marked, leave as is.
- d) Signature
  - Check this box to indicate that the application is signed. If the application is not signed, or not properly signed, it should not be data entered unless instructed by CRU.
- e) Save
  - Once keying is completed, click the save button.

### 19. Entering I-918 Supplement A in C3 Portal

- a) At the Data Entry screen type I918A in the “Form:” field
- b) The following information will be entered into the I-918 Supplement A if present:
  - Received Date



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- I-918 Receipt #
  - Enter the I-918 Receipt #.
    - ✓ If 918A is submitted concurrently with the I918, use the Receipt # off the physical file of the I918.
    - ✓ If the 918A is submitted without the I918 (a subsequent filing), then the Receipt # should be written along the margin of page 1 of the 918A. If it is not, bring to a supervisor.
      - If the name doesn't match, ensure that you entered the correct receipt number. Otherwise, send to CRU.
- A-Number
- ASC Zip Code (as indicated on the Safe Address Sheet)
- Foreign Address? (select only if "Overseas" is checked on the Safe Address Sheet)
- Relationship (from Part 1 on the application. If blank bring to a supervisor)
- Other Names and Contact Information will be left unchecked.
- Last Name
- First Name
- Middle Name
- C/O Field
  - If entering a safe address from a G28 enter the firm name in this field. If no firm name is present on the G28, enter the Attorney's name in this field.
  - If entering a safe address from the preparer's address, enter the firm name in this field. If no firm name is present in the preparer's section, enter the preparer's name in this field.
  - If using the address listed on Page 1 as the safe address, enter what appears on the application in this field.
- Street Address, from the safe address
- City, State, and ZIP exactly as they appear in the indicated safe address
- COB (key the first valid code utilizing drop-down list in the system if no or multiple matches, use the COC/COB Clarification list, enter UNKNO if invalid, send to CRU if one or both COC & COB are blank)
- DOB (In MM/DD/YYYY format) If blank or invalid bring to a Supervisor for review. If the Supervisor is unable to determine the date of birth for the applicant, send to CRU prior to keying
- SSN (if blank or invalid, leave blank)
- COC (key the first valid code utilizing drop-down list in the system if no or multiple matches, use the COC/COB Clarification list, enter UNKNO if invalid, send to CRU if one or both COC & COB are blank)
- Marital Status (If blank, select unknown)
- Gender (If blank or multiple are selected, select unknown)
- Do not enter anything in the Current Status, Status Expires On, Place of Last Entry, Date of Last Entry, NVC Case #, or Requesting Status fields
  - If a selection under the "Requesting Status" drop down list is selected, the system will not allow the selection to be erased. Annotate the safe address sheet.

c) G-28 Screen

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- See G-28 SOP for keying instructions
- d) Travel Info Screen
  - Do not enter any information in this screen
- e) Send To Clerical
  - Leave as is
- f) Signature
  - Check this box to indicate that the application is signed. If the application is not signed, or not properly signed, it should not be data entered unless instructed by CRU.
- g) Save
  - Once keying is completed, click the save button

## 20. Barcodes

- a) Print an extra set of barcodes for Supplement A files (CTRL F4)
- b) A human readable label will be placed on the inside of the file jacket tab.
- c) A machine readable barcode will be placed on each of the following:
  - Outside tab on file jacket
  - Receipt block
  - On the contractor only section of the safe address sheet
  - On the Processing Worksheet in the designated area.

Remaining barcodes will be secured to the Non-Record side of the file jacket. It is suggested to avoid stapling through remaining barcodes when securing them to the file jacket.

**Note:** All rejects will need to be separated at this point. Any money not needed rejects will have a barcode placed on the copy of the in the receipt block. All other rejects will need the relating I-918 or I-918A's EAC # annotated on the right hand side of the application along with "Riding With".

## 21. Entering Riding Forms

- a) Data enter all riding forms that are filed with the I-918 or I-918 Supplement A. This will include any I-192's, I-193's or I-765's that are present. Follow the keying SOP rules for each form type that is being data entered.
- b) Any I-192 or I-193 s which are concurrently filed should have a machine readable barcode placed on the relating I-918 or I-918A processing worksheet.
- c) Any I-192's and/or I-765's that are riding currently with an I-918, if the COC and the COB are blank, please bring to a supervisor.

## 22. VAWA 100% Safe Address Verification

100% Safe Address Verification on all I-918 VAWA, and riding applications and rejects is as follows:

- a) All VAWA I-918s must be verified to ensure the correct address was keyed on the same day it was keyed.
  - ✓ A#
  - ✓ Name (Beneficiary)



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- ✓ Address (G28 and main screen)
  - ✓ DOB
  - ✓ On Supplement A, Principal's receipt number and Principal's Name
  - ✓ Receive Date
- b) The verifier will place their VT# and date on the safe sheet in the "Contractor Only" section after the verification is complete.
- c) If an incorrect address is entered a Supervisor or GC2 must be notified so the notice can be pulled by EPMS if needed.
- d) The application will need to be re-verified to ensure that all corrections were made correctly and signed off.

### 23. RAILS and Routing

- a) If multiple I-918 Principals are filed together, and one or more did not submit a Supplement B, they will be separated accordingly (see below).
- b) All I-918's will be received into A-create team in RAILS and delivered.

### 24. Manual Rejects

- a) Refer to the Manual Reject SOP.

### 25. A/T File Creates

- a) The A/T File Creates Process will encompass the Alien and/or Temporary file creation, the consolidation process when applicable, updating the A# into applicable systems, and requesting of the "A" file when applicable.
- b) Family members must stay together.
- c) There are three different processing worksheets for the I-918s depending on how the applicant is filing:
- i. I-918 Principal is for the principal applicant.
  - ii. I-918 Supplement A is for the derivative when filed concurrently with the principal.
  - iii. Subsequent I-918A is when a derivative files at a later date.

### 26. "A" File Create – Searches

The following actions need to be taken when performing the CIS search.

- a) Follow current procedures in the A/T Create's SOP when performing the CIS Search process.

<b>If</b>	<b>Then</b>
No A# is found in CIS	Follow the current A/T Create SOP & Part 2 "A" File Creation – No Record found in CIS below.
An A# is found in CIS	Follow the current A/T Create SOP & Part 3

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	Temporary File Create - Valid A# Found in CIS below.
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- b) Complete the A/T creates section of the P/W. See Part 4 – Annotating the processing worksheet section below. VT# and Date need to be annotated in the column provided on the processing worksheet.

## 27. “A” File Creation – NO RECORD FOUND IN CIS

The following actions need to be performed when creating a new A-file in CIS:

- An Alien or “A” file will be created for the Principal/Derivative if they do not have a pre-existing “A” number in CIS. If the “A” number for the Principal is not listed on the I-918 Supplement A or Subsequent I-918A filings then CIS will need to be searched and the Principal’s “A” number written on the I-918A in part 2.
- If the Principal’s “A” number is already provided on the Subsequent I-918A or the I-918 Supplement A filing then the “A” number will need to be verified in 9101.
- Family members are kept together.

### Actions:

- Create the “A” in CIS following the current A/T-File Creates SOP.
  - Complete the A/T File Created block in the A-Creates section of the processing worksheet. VT# and Date Annotation is required.
  - Follow the Consolidation SOP for proper consolidation procedures. Annotate the Consolidate Receipt/T into A-file section on the processing worksheet **only** when the consolidation of the Receipt/T-file into the A-file is complete. VT# and Date Annotation is required.
- Subsequent I-918A & Supplement A Filings are assigned a receipt number and will need to be electronically consolidated into the A-file.
  - Do not “New Add” any receipt files keyed in Claims into RAILS. If receipt file is not found in RAILS please see your Supervisor.
  - If the submission includes an I-192/I-193 petition located in its own file jacket. The EAC# for the I-192/I-193 needs to be consolidated into the relating A/T file in ROP order. The applicants A# will need to be annotated on these petitions in the appropriate spaces provided.
  - Do not use stickers, barcode labels, or white out when annotating inside the file jacket or on a processing worksheet when required. If an error is made on the processing worksheet or file jacket put one line through the error and re-write your correction. All annotations need to be legible.
  - If you have a group of family members and the I-918 and I-918A are for the same petitioner and we are sure that the derivative listed in part 3 of the I-918A is the same person as the I-918, consolidate both the I-918 & I-918A into the same A or T-file (I-918 on top). Ensure that the I-918A is flagged in the file. We would not create two separate A or T-files in this case.
  - Any pending standalone I-192 applications will NOT be A/T Created. Route to FMU for I-192 update/ sort.
  - The I-918 Supplement B will be used when entering aliases and can be used for gender if the gender is missing from application. Aliases and gender can be taken from part 1 of the supplement B form. Follow the current A/T Create SOP for guidelines on entering Alias names.



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- k) If we receive two separate I-918As for the same person with separate principals (I-918), combine the two I-918As into the same file. Flag the 2nd I-918A.

## 28. Temporary File Creates – VALID A# Found in CIS

- A Temporary file or “T” files are created when the Principal/Derivative has a valid pre-existing “A” number in CIS.
- A check in RAILS Inquiry will determine if there is an existing “A” or “T” at ESC for the Principal/Derivative prior to creating the Temp.
- Family members are kept together.

<b>If</b>	<b>Then</b>
<p><b>The A-file is located at another FCO</b></p> <p><b>*Exception – if A-file is located at the NSC and contains a previously filed I-918 we will not request the A-file.</b></p>	<ul style="list-style-type: none"> <li>• “New Add” T-files into your RAILS SA code</li> <li>• Follow the current A/T Creates SOP when creating the Temp File</li> <li>• The A-file needs to be ordered if not at ESC. Follow current procedures for ordering A-files in CIS. Place the 9504 screen print loose inside the file <ul style="list-style-type: none"> <li>○ If Supplement B: 90/918 will be placed in the Person/Action field.</li> <li>○ If no Supplement B: use your team Person/Action code: 90/(team code) will be placed in the Person/Action field.</li> </ul> </li> <li>• Complete the A/T-file Created block and the External request performed block of the A-file Creates section of the Processing Worksheet</li> <li>• Follow the Consolidation SOP for proper consolidation procedures and annotations for receipt file into a T-file</li> <li>• Update A# in the applicable system</li> </ul>

<b>If</b>	<b>Then</b>
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**The A-file is located at ESC and located within SCOT or USCIS**

- Do **NOT** "New Add" T-files into your RAILS SA code unless they A/T-file is located in I-918 waitlist.
- Follow the current A/T-Creates SOP when creating the Temp file or requesting the existing A/T file
- Complete the A/T-file Created block of the processing worksheet by circling "NO" indicate ESC in comments section
- Complete the external request performed block of the A-file Creates section of the Processing Worksheet by circling N/A and VT# and date in the appropriate columns
- Follow the Consolidation SOP for proper consolidation procedures and annotations for receipt file into a A-file
- Update A# in the applicable system

- **NOTE:** . If a new 918/918A is filed and there is already one pending in either the CAP staging area or at Lemnah, place the new 918/918A in a T-file and place them with their corresponding A-file. If there is already an I-918 in the waitlist process you must hand walk through scheduling and KCC process. Route to Team 8 SB3008 to be matched up. Officers will need to review these files before they can approve the waitlisted petition. These files can be physically consolidated on the back end.

## 29. Annotating the Processing Worksheet

**I-918 Principal Processing worksheet Table**

Row	Circle	Then
A/T file created	<b>Y</b>	<ul style="list-style-type: none"> <li>• Annotate Applicants A#</li> </ul>
A/T files of Family Members	<b>Y</b> – If Supplement A(s) are filed <b>N</b> – if no Supplement A(s) are filed	<ul style="list-style-type: none"> <li>• If a Supplement A(s) are filed annotate the total # of I-918 Supplement A's</li> <li>• If Supplement A(s) are filed annotate family members A#'s</li> </ul>
External request performed	<b>N/A</b> – If creating and A-file <b>N</b> – If the FCO is DIG/Unable to request	<ul style="list-style-type: none"> <li>• Fill out date request made (if FCO is not DIG/Unable to request)</li> <li>• Annotate current file location as indicated in CIS</li> </ul>



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	Y – If A-file was requested	
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#### **I-918 Supplement A Processing Worksheet Table**

<b>Row</b>	<b>Circle</b>	<b>Then</b>
A/T file created	<b>Y</b>	<ul style="list-style-type: none"> <li>Annotate Applicants A#</li> </ul>
Principle's A# _____	<b>Y</b> – If multiple Supplement A(s) are submitted <b>N</b> – If no additional Supplement A(s) are submitted	<ul style="list-style-type: none"> <li>Annotate Principal's A# on the line provided</li> <li>If a Supplement A(s) are files annotate the total # of I-918 Supplement A's</li> <li>Annotate the A#'s of any additional family members (Supplement A)</li> </ul>
External Request Performed	<b>N/A</b> – If creating an A-file <b>N</b> – If the FCO is DIG/Unable to request <b>Y</b> – If A-file was requested	<ul style="list-style-type: none"> <li>Fill out date request made (if FCO is not DIG/Unable to request)</li> <li>Annotate current file location as indicated in CIS</li> </ul>

#### **Subsequent I-918A Processing Worksheet Table**

<b>Row</b>	<b>Circle</b>	<b>Then</b>
A/T file created	<b>Y</b>	<ul style="list-style-type: none"> <li>Annotate Applicants A#</li> </ul>
A/T files of Family Members	<b>Y</b> – If multiple Subsequent I-918A are filed <b>N</b> – If no additional Subsequent A(s) are filed	<ul style="list-style-type: none"> <li>If a Subsequent I-918 A(s) are filed annotate the total # of I-918 Supplement A's</li> <li>If multiple Subsequent A(s) are filed annotate the family member A's</li> </ul>
External request performed	<b>N/A</b> – if creating an A-file <b>N</b> – if FCO is DIG/Unable to request <b>Y</b> – if A-file was requested	<ul style="list-style-type: none"> <li>Fill out date request made (if FCO is not DIG/Unable to request)</li> <li>Annotate current file location as indicated in CIS</li> </ul>

#### **Consolidation Section of the I-918 Principal, I-918 Supplement A, or I-918 Subsequent A Processing worksheet Table**

<b>Row</b>	<b>Circle</b>	<b>Then</b>
Consolidate Receipt/ T into A file	<b>Y</b>	<ul style="list-style-type: none"> <li>Do not complete the consolidation section of the P/W when creating a T-file</li> </ul>

#### **30. Updating A's for I-918s and Rider Forms**

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- a) The “A” number needs to be annotated on all petitions, even riding petitions and all processing worksheets.
- b) The “A” number needs to be updated in the system for all petitions. Always enter the lead zero (if not entering a valid million #).
- c) **Update the following forms in ‘Claims 3 Portal’**
  - I-918/I-918A
  - Riding I-765's
  - Riding I-193's
  - Riding I-192's

**NOTE:** If an I-765 Application is riding with an I-918 or I-918A the A# will need to be updated in Claims 3 portal along with the A# annotated on the I-765 application in the “For USCIS Use Only” area or in #10 on the application where provided.

Occasionally an applicant will write an invalid A number on their petition. DE will not know these A numbers are invalid and will key them in claims 3 Portal. To change the A-file number for the principal or derivative filing, update claims 3 portal with the correct A number.

**NOTE:** The system will not allow the principal A number to be updated on a I-918a

## Routing

When File Maintenance has completed their processes, the files will need to be received into MRD for Fingerprint Scheduling. Please keep in mind these are time sensitive filings and filings are not to be held up awaiting the arrival of the A or Temp file that may be located at another INS office. Family Members need to be kept together.

- Route files to MRD for Fingerprint Scheduling. Batch RECIEVE the files into the proper code. The files will need to be placed into Scheduling workflow area. Prior to sending to MRD files will need to be separated into two different sorts:

<b>If</b>	<b>Then</b>
If the Principal I-918 & any I-918A filings have an A-file Created or Digitized (FCO DIG) <b>and</b> the Principal I-918 does contain a Supplement I-918B	Route as normal using the same crate sheet. <b>NOTE:</b> Place DIG cover sheet on the front of the T-file
If Principal I-918 & any I-918As filings have an A-file Created or Digitized (FCO DIG) <b>and</b> the Principal does <b>not</b> contain a Supplement I-918B	The file(s) will be routed to Mary Meigs in EX221 for adjudication. See instructions below for files with No Sup B
If we create a T-file for an Principal I-918 or any I-918A filings <b>and</b> the Principal I-918 <b>does</b> contain a Supplement I-918B that has been identified as	Remove from the crate and attach a separate crate sheet that identifies the files as requiring A-files to be pulled & matched or T-files waiting for A-files. Family Members need to be kept together.



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the A-file being located at the ESC or is being requested from another FCO		
If we create a T-file for an Principal I-918 or any I-918A filings <b>and</b> the A-file is at another FCO and the Principal I-918 does <b>not</b> contain a Supplement I-918B		Hold until A-file arrives in SB1008. Then consolidate the A and T and route to Mary Meigs.
DO NOT CREATE a T-file for an Principal I-918 or any I-918A filings <b>if</b> the A-file is at the VSC <b>and</b> the Principal I-918 does <b>not</b> contain a Supplement I-918B		Pull the file if able. If not give file to your Supervisor/Lead for ordering. Once received consolidate the A and EAC and route to Mary Meigs.

**NOTE:** Pending Counts will need to be adjusted on both crate sheets if any files have been removed from the original crate.

All files with Supplement Bs are routed to Scheduling after A-creates, and then to KCC Copies after scheduling is completed.

### Routing I-918's without Supplement B

- If we receive an I-918 Principal filing without a Supplement B:
  - When the A-file arrives, verify if there is already a pending I-918 filing with a Supplement B in the A-file for the same petitioner.
    - If there is a Supplement B in the file Circle "Y" on the processing worksheet and will follow normal workflow.
    - If there is not a Supplement B in the file, Circle "N" on the processing worksheet and route with the "I-918 No Supplement B"
  - If it is riding with another I-918 Principal with a Supplement B (different petitioners) – the I-918 Principal filing without the Supplement B will be separated (along with any relating I-918 Supplement A's listed on processing worksheet) and routed with the "I-918 No Supplement B."
  - If we receive an I-918 Principal that contains no Supplement B and we search RAILS and there is a matching file at LEM 4 in the Waitlist code we will send the I-918 to CRU to determine if we will treat as a No B or with Supplement B

If the Principal filing has NO Supplement B – these files will be routed to Mary Meigs after the A-file is received

- N will be circled on the front of the processing worksheet
  - If there is a Supplement B in the file, but the Supplement B is not signed this is considered NO Supplement B

### 31. Scheduling I-918s

Follow the Scheduling SOP. Form specific instructions are included

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### 32. I-918 KCC PROCESS

Photocopies of the I-918, I-918 Supplement A, and concurrently filed I-192/I-193 forms will need to be made when the Principal I-918 has a Supplement B form present.

If the applicant/petitioner submitted a KCC Copy at the time of filing, we will not need to make another KCC Copy if all requirements are met. The KCC Copy will need to be reviewed for completeness (all pages, ROP, Barcodes, and annotations).

#### ROP for the KCC Copies

- G28
- Addendums for G28
- I-918/I-918A
- Addendums for I-918/I-918A
- I-192
- Addendums for I-192
- Include Last Page (FORM I-192 Instruction Page)
- I-193
- Addendums for I-193

**NOTE:** We do not need to make photocopies of supporting documents.

- Principal I-918s that do not contain a Supplement B form do not need photocopies for the Principal I-918 or I-918A. Principal I-918 and any riding I-918A need to be pulled out of workflow and given to your Supervisor.
- Subsequent I-918A's DO NEED photocopies.
- NOTE: All files need to be rubber banded and the Principal file needs to be on the top.

**NOTE:** If the I-192 Instruction page (clerical sheet) of the I-192 petition is missing this will need to be inserted prior to making photocopies. Remember to place the I-192 barcodes on the upper left side corner of the clerical sheet.

Photocopies of the petition(s) are required to have:

- The complete receipt number/barcode (this includes ensuring the I-192 barcode is on the upper left side corner of the clerical sheet)
- A-file number annotation (If missing, will need to be annotated on I918/I918A Parts 2 & 3/I192/I193)
- Flag (sticky) placed at bottom of the page stating "KCC"; VT# should also be annotated on the flag.

**NOTE:** If there is no barcode on the I-192/I-193 application please bring to the attention of your Supervisor to be returned to Data Entry.

The copies will need to be properly secured on the non-record side of file on top of screen prints. Ensure that the ROP is correct (including numerical order of the petition) and all pertinent information is visible. Acco-fasteners need to be placed on the record and non-record side of the file.



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Once each photocopy has been completed for each Primary, Supplement, and Subsequent the processing worksheet will be filled out in the KCC Copy Section, by circling Y for Yes or N for No, as well as annotating in the employees VT number and Date.

Riding petitions must stay with the corresponding A-file. Do not separate or group together.

### 33. FMU – Awaiting A-files Shelves – When the A-file has been requested in CIS/RAILS

When the applicant already has a pre-existing Alien number assigned, the applicant's A-file is requested in Nationals or RAILS (depending on the location of the relating A-file) at the time of A/T Create. The files are routed to FMU I-918 Sort after the scheduling process to await the A-file. Family members are kept together.

- RAIL files into the FMU Match-up Review Code.
- Inquire in RAILS the location of the A-file by the relating T-file number.
- Sort the T-files and riding family members A-files by the following:

<b>If</b>	<b>Then</b>
<b>RAILS indicates the relating A-file is in adjudications (file has not been requested in RAILS)</b>	The T-file and family members files will be routed to a designated I-918 POC with a routing slip identifying that the T-file needs to be matched to the relating A-file held in adjudications.
<b>RAILS indicates that the A-file was requested in RAILS (the A-file is in a Contractor location)</b>	The A-file will be pulled and matched to the T-file. Go to the I-918 Consolidations Section. If the relating A-file cannot be physically located follow the Pull Ticket SOP for files that could not be located in a contractor area.
<b>RAILS indicates that the relating A-file is located at another FCO and has been requested in CIS (9504 screen print will be inside the file)</b>	<p>The T-file and all relating family member A-files with riders will be re-filed to a specific Shelf and set up in a 30/60/90 day review from the date of request.</p> <ul style="list-style-type: none"> <li>Follow the FTR (File Transfer Request) SOP for purging instructions. <ul style="list-style-type: none"> <li>If the A-file was not requested at the time of T-Create, order the A-file using 90/918 as the Person Action Code</li> <li>If the A-file is not received after 120 days from time of the first request go to the I-918 Routing/Sort Section.</li> </ul> </li> </ul>



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		<ul style="list-style-type: none"> <li>○ If the A# does not exist in CIS, but exists in RAILS – check for an e-mail on the non-record side of the file requesting the FCO to create the CIS record or send the file to ESC. <ul style="list-style-type: none"> <li>▪ Set up the 30/60/90 day purge from the date the e-mail was sent.</li> <li>▪ If we do not receive the A-file after 90 days route the file to VAWA CRU.</li> <li>▪ If there is no e-mail in the file route to the A-Create Supervisor</li> </ul> </li> </ul> <p><u>When the A-file is received</u> - The A and T-file will be matched and then go to I-918 Consolidations section. All family members must stay together.</p>
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**NOTE:** Verify that all family members are present. If family members have been separated, ensure that the missing members are pulled and matched.

### 34. I-918 Consolidations

Consolidations are performed when requested by an officer, sent to FMU, or a request is made to consolidate the riding receipt into the A-file.

**NOTE:** If the A/T file was requested internally by FMU in RAILS, ensure the A/T file(s) are received into the requesting code in order to cancel the file request.

1. RAIL the A & T-file into the same RAILS code.
2. Follow the current consolidation SOP.

**NOTE:** Do **NOT** consolidate the files if they are part of the waitlist unless an officer is requesting the consolidation. Waitlist files should be returned to the waitlist officer for review.

3. Annotate the Consolidate Receipt/T-file into A-file section on the processing worksheet only when the consolidation of the Receipt/T-file into the A-file is complete. The processing worksheet should be placed on the front of the A/T file jacket.
4. Ensure that the KCC copy process has been completed. The KCC copy will be located on the top of the non-record side.
  - If the process has not been completed, please produce the KCC copy.
  - If the I-192/I-193 petition was **not** concurrently filed, the KCC Copy is **now** required for the form I-192/I-193.

**NOTE:** Files need to be reviewed for an I-192/I-193 petition located within the I-918

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petition. The EAC# for the I-192/I-193 should be consolidated into the relating A/T-file.

### 35. I-918 Routing/Sort

Crates received from various contract and CIS areas. Proper routing must be determined before moving on to the next step. Routing is based off the Principal I-918 Processing worksheet or if there is no Principal, the Subsequent.

**NOTE:** Post Adjudication files will need to be reviewed for a U-Visa Worksheet. Ensure all additional file routing instructions have been met prior to moving on to the below table.

### I-918 Consolidation Routing Charts

#### A. Files that have not been to Adjudications

<b>If</b>	<b>And</b>	<b>Then</b>
<b>It is a stand alone I-918</b>	Unworked <u>and</u> <b>less than</b> 45 days after the date scheduled	Route to 918 Finger Print Bio Hold Shelf
	Unworked <u>and</u> <b>over</b> 45 days after the date scheduled	Route for Screen print process  <b>Note: Appropriate crate sheet must be used.</b>
	Unworked <u>and</u> there is a Date annotated in Red ink on the top of the processing worksheet and screen prints are in file (indicating FBI tracking, 9101)	Route to Adjudications Ready shelf
<b>It is an I-918 <u>and</u> I-192 (filed concurrently)</b>	I-918 has not been worked <u>and</u> I-192 has not been worked	Follow instructions for I-918 Stand Alone Routing (Above)

**Examples:**

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<b>FINGERPRINT SCHEDULING</b>	<b>Circle One</b>	<b>Remarks</b>	<b>Emp. I.D. # / Date</b>
Overseas Notice Sent  Appointment Date: _____	<b>Y   N/A</b>	If Yes, Place notice in file	
Auto scheduled in (please check one)  NASS _____  Short Form in CenterServe _____  Detailed Form in CenterServe _____	<b>Y   N N/A</b>	If "N" or "N/A" please circle appropriate block:  Overseas / under 14 / over 79	Scheduling Date

## B. Files that have been to Adjudications

**NOTE:** These files may have the Pink ADJ worksheet on the files or a scheduling worksheet. If there are specific routing instructions for after consolidations please follow the worksheet otherwise follow the chart below.

<b>If</b>	<b>And</b>	<b>Then</b>
<b>It is a stand alone I-918</b>	Unworked <u>and</u> there is a Date annotated in Red ink on the top of the processing worksheet and screen prints are in file (indicating FBI tracking, 9101)	Route to Adjudications Ready shelf
	Unworked with RFE	Route to RFE shelf
	A or T at VAWA Adjudicator	Route to Deb Bishop
	A or T at Adjudicator	Route to FMU Supervisor



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	Unworked with no Response to RFE	Return to previous workflow based on RAILS Code
<b>It is an I-918 <u>and</u> I-192 (filed concurrently)</b>	Both petitions have been worked	Route to Records
	I-192 is the only pending petition	Route to WDC
	I-918 has not been worked <u>and</u> I-192 has been worked <b>or</b> unworked	Follow instructions for I-918 Stand Alone Routing (Above)
<b>It is an I-918 <u>and</u> I-192/I-193 with response to RFE (not filed concurrently)</b>	Both are unworked	Route to WDC
<b>It is an I-918 <u>and</u> I-192 with no response to RFE (not filed concurrently)</b>		Return to previous workflow based on RAILS Code

**NOTE:** If there is a pending I-918 and I-360 inside the file. Workflow is determined by reviewing the Mailroom Date Stamp:

- If the I-918 and I-360 were filed concurrently (same date stamp date) follow the work flow for the form with the most current processing date
- If the I-918 and I-360 were filed separately – follow the workflow for the petition with the oldest date

### 36. I-918 Refile Pre-Sort

#### Miscellaneous Crates received for I-918 Re-file

<b>If</b>	<b>Then</b>
Incoming File(s) are received from any other area <u>and</u> the scheduling appointment date has been met <u>and</u> there is an annotation in Red at the top of the Processing Worksheet (Screen print has been done)	Route to FMU I-918 Sort
Incoming File(s) are received from any other area <u>and</u> the scheduling appointment date has been met <u>and</u> there is not an annotation in Red at the top of the Processing Worksheet (Screen print have not been done)	Route to FMU I-918 Sort
Incoming File(s) are received from any other area <u>and</u> there is no scheduling appointment	Route to FMU for Scheduling





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- c) Enter ID Number and Password.
- d) Select "Claims".
- e) Type "FBIQUERY" as the task code.
- f) Select FBI Fingerprint Tracking System.
- g) Enter the "A" number with lead 0 unless 200 million number.
- h) Make a screen print.
- i) Select "PF 6" to go to the Prior Menu.
- j) Select "FBI Name Check Response".
- k) If the search has multiple responses, then make screen print. If you do not have multiple responses skip to m).
- l) Select the most recent response.
- m) Make a screen print.
  - Highlight if it states "Unknown Response" or "Error".
- n) Return to Main Menu and Select "CIS".
- o) Enter 9101. Enter the "A" number with lead 0 unless 200 million number.
- p) Make a screen print.
- q) Verify the Name/DOB relates to the applicant
  - If it appears the A#, Name/DOB does not relate to the application – See your Supervisor
- r) Secure all screen prints to the non-record side.
  - If there is a TECS Warning Cover Sheet located on top of the Non-Record side, all screen prints need to be placed below the cover sheet.
- s) Ensure that the KCC copy process has been completed. Depending on when the petition was received the KCC copy may be directly above the I-918 envelope on the record side or will be located on the top of the non-record side.
  - i. If the process has not been completed, send back to Team 12. (SB 3012).
- t) If file is going to Adjudication Ready shelf, annotate in Red Ink the received date on the top of the processing worksheet (Date from Page 1 Date stamp).
  - If received date on the first page is crossed off, use CRU date. (Will be hand written in Red Ink) and annotate "CRU".
- u) Route according to table below. All files must be staged prior to moving to next location.

<b>If</b>	<b>Then</b>
<b>The FBI Response Description shows "NON_IDENT" or "IDENT" (w/rap sheet)</b> <b>And</b> <b>The "Date Processed by the FBI" is less than 12 months old</b>	
<b>The FBI Response Description shows "NON_IDENT" or "IDENT" (w/rap sheet)</b> <b>And</b> <b>The "Date Processed by the FBI" is over 12 months old, but less than 15 months old</b>	
<b>The FBI Response Description</b>	

(b)(7)(e)

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shows “NON_IDENT” or “IDENT” (w/rap sheet) <u>And</u> The “Date Processed by the FBI” is more than 15 months old	
The FBI Response Description shows IDENT (w/out rap sheet)	
The FBI Response Description shows only 1 R (Unclassifiable, Immediate or Masthead) and the FBI processed date is more than 6 months old	
The FBI Response Description shows only 1 R (Unclassifiable, Immediate or Masthead) and the FBI processed date is less than 6 months old	

(b)(7)(e)

<b>NOTE:</b> All A-files (principal & derivatives) containing an “Ident” response must	

(b)(7)(e)

<b>If</b>	<b>Then</b>
The FBI Response Description shows more than 1R (Unclassifiable)	
The FBI Response Description shows no record that an FD258 was sent to FBI <u>And</u> No appointment in NASS	

(b)(7)(e)

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	<b>below</b>
<p>The FBI Response Description shows no record that an FD258 was sent to FBI</p> <p><u>And</u></p> <p>You can confirm that an ASC Notice was sent but less than 120 days have lapsed since the notice date</p>	
<p>The FBI Response Description shows no record that an FD258 was sent to FBI</p> <p><u>And</u></p> <p>You can confirm that an ASC Notice was sent but more than 120 days has lapsed since the notice date</p>	
<p>The FBI Response Description shows A date in the “FP Request Sent” field <u>but</u> the “FBI Response Information” fields are blank</p> <p><u>And</u></p> <p>The “FP Request Sent” date indicates received by the FBI more than 30 days ago</p>	
<p>The FBI Response Description shows A date in the “FP Request Sent” field <u>but</u> the “FBI Response Information” fields are blank</p> <p><u>And</u></p> <p>The FD258 was received by FBI less than 30 days ago</p>	

(b)(7)(e)

### 39. Overseas Fingerprints

**NOTE:** If there is a single “R” Response (unclassifiable) and there is more than one overseas FD-258 in the file. Check to see if one of the FD-258s has not been scanned by the live scan (no VT barcode on the top right hand side).

- If a second overseas FD258 card is present & not scanned, route to Data Entry MRD to be Live Scanned
- If no second overseas FD258 card is present (has not been scanned), route to Data Entry VAWA Team for overseas scheduling using the VAWA Biometrics & FP Scheduling worksheet.



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- If there is no overseas FD258 card present, these were digitally scanned at the Consulate and there is a single “R” Response: Route to Data Entry VAWA Team for overseas scheduling.
- If an overseas FD258 card is not received and there is NO Record in FBI Tracking, the file can be moved to the ADJ Ready Shelves 30 days after the “Respond by” date included on the overseas FP notice.
- If the overseas FD258 card is rejected by USCIS, the file(s) can be routed to the ADJ Ready Workflow. An Action Complete/Info Stamp is not required on the reject cover sheet.

## • ACCESSING CPMS

### I. Logging In

- Open Internet Explorer or Chrome
  - Access CPMS through by typing <https://cpms.dhs.gov/>
  - Click “I Agree” at the warning screen.

**SYSTEM AUTHORIZATION WARNING**

YOU HAVE CONNECTED TO A U.S. GOVERNMENT COMPUTER.  
IF YOU ARE NOT AUTHORIZED TO ACCESS THIS SYSTEM, DISCONNECT NOW.

You are about to access a Department of Homeland Security (DHS) computer system. This DHS computer system and the data therein are property of the U.S. Government and provided or official U.S. Government information and use. Access to this system is restricted to authorized users only. Unauthorized access, use or modification of this computer system or of the data contained herein, or in transit to/from this system, may constitute a violation of section 1030 of title 18 of the U.S. Code and other federal or state criminal laws. Anyone who accesses a Federal computer system without authorization or exceeds his or her access authority or obtains, alters, damages, destroys, or discloses information, or prevents authorized use of information on the computer system, may be subject to administrative penalties, fines or imprisonment. This DHS computer system and any related equipment is subject to monitoring for administrative oversight, law enforcement, criminal investigative purposes, inquiries into alleged wrongdoing or misuse, and to ensure proper performance of applicable security features and procedures. As part of this monitoring, DHS may acquire, access, retain, intercept, capture, retrieve, record, read, inspect, analyze, audit, copy and disclose any information processed, transmitted, received, communicated, and stored within the computer system. If monitoring reveals possible misuse or criminal activity, notice of such may be provided to appropriate supervisory personnel and law enforcement officials. DHS may conduct these activities in any manner without further notice. Accordingly, there can be no expectation of privacy in the course of your use of this computer system. The use of a password or any other security measure does not establish an expectation of privacy. There is no expectation of privacy in any media, peripherals or other devices placed in or connected to the computer system. By clicking “I agree” below or by using this system, you consent to the terms set forth in this notice. You may not process classified national security information on this computer system.

You are currently logged in as:  
CIS1/asblow


Exit I Agree

Welcome to the Customer Profile Management System (CPMS) Version: USCIS CPMS 6.7  
To request a User ID or if you have any difficulty accessing your account, please contact the USCIS Service Desk at 888-220-5226 or submit your request/issue with myIT  
Accessibility Statement 02

- Click on CPMS QUERY located below the DHS logo.



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Customer Profile Management System	 <b>U.S. Citizenship and Immigration Services</b>

#### Welcome to Customer Profile Management System (CPMS)

The Customer Profile Management System (CPMS) is the repository of biometric and biographic identity, background check, and benefit card data for United States Citizenship and Immigration Services (USCIS). CPMS stores the identity information collected at the Application Support Centers (ASC) and the results of biometric background checks from the Federal Bureau of Investigations (FBI) Next Generation Identification (NGI), Department of Defense (DOD) Automated Biometric Identification System (ABIS), and provides real-time link to the Department of Homeland Security (DHS) Office of Biometric Identity Management (OBIM) IDENT. CPMS stores benefit card, extension sticker, and travel document information once they have been produced by the Enterprise Print Management Service (EPMS), Integrated Card Production System (ICPS)/ National Production System (NPS) or Application for Travel Document (I-131)/ Travel Document Production System (TDPS).

- Type the A-Number without the “A” in the identifier value field and hit enter or click search.

## Customer Profile Management System

<a href="#">Search by Identifier</a>		<a href="#">Search by Name</a>	
Identifier Type	A# <input type="text"/> <input type="button" value="v"/>		
Identifier Value	<input type="text"/>		
<input checked="" type="checkbox"/> FBI Background Check			
<input checked="" type="checkbox"/> DOD Background Check			
		<input type="button" value="Search"/>	<input type="button" value="Reset"/>

- Scroll down until you see the latest IDENT response similar to the one below. Look for the “FBI Response Text” link and click it.
- When new window opens up print the results by using Internet Explorers print function.
- When print has completed, close the current tab and repeat the process by clicking CPMS QUERY again.

<b>CPMS QUERY SUMMARY VIEW</b>
<b>IDENTITY SUMMARY</b>

	<b>Contract:</b>	<b>DHS USCIS SCOSS – VSC &amp; CSC Contract</b>	
	<b>Service Center:</b>	<b>VSC</b>	
	<b>Name:</b>	<b><i>I-918 Local SOP</i></b>	
	<b>Effective Date:</b>	<b>5/7/2020</b>	<b>Version: 16</b>

Latest FBI Results >> Response Date: 11/18/2016 | Response Type: IDENT

Form Type

1485

FBI Response Text

## II. Logging Out

- Close the browser when you are done using CPMS.

**NOTE:** RAP Sheets for I-918s do not need to be routed to BCU for review

### 40. I-918 Ready for Adjudications Hold Shelf

Files that are Adjudications ready. The files are re-filed by month/day/year to wait for work orders from Adjudications. Prior to going to Adjudications, FBI Responses have been received & Screen prints have been made and secured to the file.

Use the annotated date in Red on the top of the processing worksheet to determine month/day/year to be placed on the shelf. (Date from Page 1 Date stamp).

- If received date on the first page is crossed off, use CRU date. (Will be hand written in Red Ink) and annotate "CRU".
- If the received date is one month older than the date that is being worked by Adjudications, route to Peggy Paradee as an "Old Date".
  - Example: USCIS is working March 7, 2013 and the received date on the I-918 is February 2, 2013. This would be routed as an "Old Date"

Ensure that the KCC copy process has been completed. Depending on when the petition was received the KCC copy may be directly above the I-918 envelope on the record side or will be located on the top of the non-record side.

- If the process has not been completed, Charge Out to Team 12 (SB 3012).
- If the I-192/I-193 petition was **not** concurrently filed, the KCC Copy is required for the form I-192/I-193.

### 41. I-918 RFE Hold Shelf

	<b>Contract:</b>	<b>DHS USCIS SCOSS – VSC &amp; CSC Contract</b>	
	<b>Service Center:</b>	<b>VSC</b>	
	<b>Name:</b>	<b>I-918 Local SOP</b>	
	<b>Effective Date:</b>	<b>5/7/2020</b>	<b>Version: 16</b>

The I-918 RFE Hold Shelf will be purged 33 days after the Response Due by date listed on the I-797 Request for Evidence. Route purged files to the WDC to be returned to Adjudications.

**NOTE:** If the Application/Petition section at the top of the RFE states (Form I-918, Supplement A) there will be no update available in GUI Receipting to review. These can be stamped “NO RESPONSE” and forward as stated above.

Revision History						
Version #	Date Reviewed	Date Released	Date Approved	Changes Made By	Changes Approved By	Description of Changes
V01	9/8/10	9/8/10	9/8/10	CPAU	JBurnor	Baseline Version
V02	9/29/10	9/29/10	9/29/10	CPAU	JBurnor	RFE hold section
V03	3/28/11	3/28/11	3/28/11	CPAU	JBurnor	copy for KCC changes in blue
V04	06/01/11	06/01/11	3/28/11	CPAU	JBurnor	Fingerprint Scheduling in blue
V05	8/24/11	8/24/11	8/24/11	CPAU	JBurnor	All Changes are Highlighted in Aqua color
V06	2/21/13	2/21/13	2/21/13	CPAU	JBurnor	Reformatted and changes through out
V07	2/19/14	2/19/14	2/19/14	CPAU	JBurnor	This was changed through out and the changes have been highlighted in Green.
V08	08/05/14	08/05/14	08/05/14	CPAU	JCullen	Changed from separating C09 and C14 to just C09. Added “10 days” after scheduling.
V09	12/14/15	1/28/16	1/28/16	SCOSS	CPAU	Updates throughout in red
V10	1/29/16	1/29/16	1/29/16	SCOSS	CPAU	Updates in green
V11	8/17/18	8/17/18	8/17/18	SCOSS	CPAU	Updates throughout in red
V12	10/11/18	10/11/18	10/11/18	SCOSS	CPAU	Pages 9 & 10 updated in red
V13	6/26/19	6/26/19	6/26/19	SCOSS	CPAU	Pages 1-13 updates in red
V14	7/31/19	7/31/19	7/31/19	SCOSS	CPAU	Page 13 updated in red
V15	2/27/20	2/27/20	2/27/20	SCOSS	CPAU	Pages 2-12 updated in red
V16	5/7/20	5/7/20	5/7/20	SCOSS	CPAU	Updated in red to reflect the new revision of I-765 and new guidance on I-918 acceptability.

# EXHIBIT 2





# Petition for U Nonimmigrant Status

Department of Homeland Security  
U.S. Citizenship and Immigration Services

REVISED 6.1.2020

USCIS  
Form I-918  
OMB No. 1615-0104  
Expires 04/30/2021

For USCIS Use Only	Remarks		Receipt		Action Block
	U.S. Embassy Consulate	Validity Dates (mm/dd/yyyy)	Wait Listed	Stamp Number    Date (mm/dd/yyyy)	
		From: / /			
		To: / /			

### Color Key:

Red - Required  
Yellow - Conditional  
Green - Not Required

To be completed by an attorney or accredited representative (if any).	<input type="checkbox"/> Select this box if Form G-28 is attached.	Attorney State Bar Number (if applicable) <input type="text"/>	Attorney or Accredited Representative USCIS Online Account Number (if any) <input type="text"/>
---	--	---	--

► **START HERE** - Type or print in black or blue ink.

## Part 1. Information About You (Person filing this petition as a victim)

1.a. Family Name (Last Name)	<input type="text"/>
1.b. Given Name (First Name)	<input type="text"/>
1.c. Middle Name	<input type="text"/>

**Other Names Used** (Include maiden name, nicknames, and aliases, if applicable)

2.a. Family Name (Last Name)	<input type="text"/>
2.b. Given Name (First Name)	<input type="text"/>
2.c. Middle Name	<input type="text"/>

If N/A for 2.a then 2.b and 2.c may be blank

## Home Address (USPS ZIP Code Lookup)

3.a. Street Number and Name	<input type="text"/>
3.b. <input type="checkbox"/> Apt. <input type="checkbox"/> Ste. <input type="checkbox"/> Flr.	<input type="text"/>
3.c. City or Town	<input type="text"/>
3.d. State <input type="text"/>	3.e. ZIP Code <input type="text"/>
3.f. Province	<input type="text"/>
3.g. Postal Code	<input type="text"/>
3.h. Country	<input type="text"/>

## Safe Mailing Address (if other than Home Address)

4.a. In Care Of Name	<input type="text"/>
4.b. Street Number and Name	<input type="text"/>
4.c. <input type="checkbox"/> Apt. <input type="checkbox"/> Ste. <input type="checkbox"/> Flr.	<input type="text"/>
4.d. City or Town	<input type="text"/>
4.e. State <input type="text"/>	4.f. ZIP Code <input type="text"/>
4.g. Province	<input type="text"/>
4.h. Postal Code	<input type="text"/>
4.i. Country	<input type="text"/>

## Other Information

5. Alien Registration Number (A-Number) (if any)	► A- <input type="text"/>
6. U.S. Social Security Number (if any)	► <input type="text"/>
7. USCIS Online Account Number (if any)	► <input type="text"/>
8. Marital Status	<input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed

## Part 1. Information About You (continued)

9. Gender ☐ Male ☐ Female

10. Date of Birth (mm/dd/yyyy)

11. Country of Birth

12. Country of Citizenship or Nationality

13. Form I-94 Arrival-Departure Record Number

14. Passport Number

15. Travel Document Number

16. Country of Issuance for Passport or Travel Document

17. Date of Issuance for Passport or Travel Document (mm/dd/yyyy)

18. Expiration Date for Passport or Travel Document (mm/dd/yyyy)

Place and Date of Last Entry into the United States and Date Authorized Stay Expired

19.a. City or Town

19.b. State

20. Date of Last Entry into the United States (mm/dd/yyyy)

21. Date Authorized Stay Expired (mm/dd/yyyy)

22. Current Immigration Status

## Part 2. Additional Information About You

Answering "Yes" to the following questions below requires explanations and supporting documentation. Attach relevant documents in support of your claims that you are a victim of criminal activity listed in the Immigration and Nationality Act (INA) section 101(a)(15)(U)(iii). You must also attach a personal narrative statement describing the criminal activity of which you are a victim. If you are only petitioning for U derivative status for qualifying family members subsequent to your (the principal petitioner) initial filing, you are not required to submit evidence supporting the original petition with the new Form I-918.

If you need extra space to complete Part 2., use the space provided in Part 8. Additional Information.

Select "Yes" or "No," as appropriate, for each of the following questions.

1. I am a victim of criminal activity listed in the INA at section 101(a)(15)(U)(iii). ☐ Yes ☐ No
2. I have suffered substantial physical or mental abuse as a result of having been a victim of this criminal activity. ☐ Yes ☐ No
3. I possess information concerning the criminal activity of which I was a victim. ☐ Yes ☐ No
4. I am submitting Form I-918, Supplement B, U Nonimmigrant Status Certification, from a certifying official. ☐ Yes ☐ No
5. The crime of which I am a victim occurred in the United States (including Indian country and military installations) or violated the laws of the United States. ☐ Yes ☐ No
6. I am under 16 years of age. ☐ Yes ☐ No
- 7.a. I was or am in immigration proceedings. ☐ Yes ☐ No

If you answered "Yes," select the type of proceedings. If you were in proceedings in the past and are no longer in proceedings, provide the date of action. If you are currently in proceedings, type or print "Current" in the appropriate date field. Select **all applicable** boxes. Use the space provided in Part 8. Additional Information to provide an explanation.

- 7.b. ☐ Removal Proceedings  
Removal Date (mm/dd/yyyy)
- 7.c. ☐ Exclusion Proceedings  
Exclusion Date (mm/dd/yyyy)
- 7.d. ☐ Deportation Proceedings  
Deportation Date (mm/dd/yyyy)
- 7.e. ☐ Rescission Proceedings  
Rescission Date (mm/dd/yyyy)
- 7.f. ☐ Judicial Proceedings  
Judicial Date (mm/dd/yyyy)

If yes to 7.a. then at least one box must be checked and filled in for 7.b. through 7.f.



## Part 2. Additional Information About You (continued)

Provide the date of entry, place of entry, and status under which you entered the United States for each entry during the five years preceding the filing of this petition.

8.a. Date of Entry (mm/dd/yyyy)

Place of Entry into the United States

8.b. City or Town

8.c. State

8.d. Status at the Time of Entry (for example, F-1 student, B-2 tourist, entered without inspection)

9.a. Date of Entry (mm/dd/yyyy)

Place of Entry into the United States

9.b. City or Town

9.c. State

9.d. Status at the Time of Entry (for example, F-1 student, B-2 tourist, entered without inspection)

10.a. Date of Entry (mm/dd/yyyy)

Place of Entry into the United States

10.b. City or Town

10.c. State

10.d. Status at the Time of Entry (for example, F-1 student, B-2 tourist, entered without inspection)

If you are outside of the United States, provide the U.S. Consulate or inspection facility or a safe foreign mailing address you want notified if this petition is approved.

11.a. Type of Office (Select **only one** box):

- ☐ U.S. Consulate ☐ Pre-Flight Inspection  
☐ Port-of-Entry

11.b. City or Town

11.c. State

11.d. Country

Safe Foreign Address Where You Want Notification Sent  
(if other than U.S. Consulate, Pre-Flight Inspection, or Port-of-Entry)

12.a. Street Number and Name

12.b. ☐ Apt. ☐ Ste. ☐ Flr.

12.c. City or Town

12.d. Province

12.e. Postal Code

12.f. Country

## Part 3. Processing Information

Answer the following questions about yourself. For the purposes of this petition, you must answer "Yes" to the following questions, if applicable, even if your records were sealed or otherwise cleared or if anyone, including a judge, law enforcement officer, or attorney, told you that you no longer have a record.

**NOTE:** If you answer "Yes" to **ANY** question in **Part 3**., provide an explanation in the space provided in **Part 8. Additional Information**.

**NOTE:** Answering "Yes" does not necessarily mean that U.S. Citizenship and Immigration Services (USCIS) will deny your Petition for U Nonimmigrant Status.

Have you **EVER**:

1.a. Committed a crime or offense for which you have not been arrested? ☐ Yes ☐ No

1.b. Been arrested, cited, or detained by any law enforcement officer (including Department of Homeland Security (DHS), former Immigration and Naturalization Service (INS), and military officers) for any reason? ☐ Yes ☐ No

1.c. Been charged with committing any crime or offense? ☐ Yes ☐ No

1.d. Been convicted of a crime or offense (even if the violation was subsequently expunged or pardoned)? ☐ Yes ☐ No

1.e. Been placed in an alternative sentencing or a rehabilitative program (for example, diversion, deferred prosecution, withheld adjudication, deferred adjudication)? ☐ Yes ☐ No



### Part 3. Processing Information (continued)

1.f. Received a suspended sentence, been placed on probation, or been paroled? ☐ Yes ☐ No

1.g. Been in jail or prison? ☐ Yes ☐ No

1.h. Been the beneficiary of a pardon, amnesty, rehabilitation, or other act of clemency or similar action? ☐ Yes ☐ No

1.i. Exercised diplomatic immunity to avoid prosecution for a criminal offense in the United States? ☐ Yes ☐ No

#### Information About Arrests, Citations, Detentions, or Charges

If you answered "Yes" to any of the above questions, respond to the questions below to provide additional details. If you need extra space, use the space provided in Part 8. Additional Information.

2.a. Why were you arrested, cited, detained, or charged?

If yes to 1.a. through 1.i. must fill out 2a. through 2.f

2.b. Date of arrest, citation, detention, or charge (mm/dd/yyyy)

Where were you arrested, cited, detained, or charged?

2.c. City or Town

2.d. State

2.e. Country

2.f. Outcome or disposition (for example, no charges filed, charges dismissed, jail, probation)

3.a. Why were you arrested, cited, detained, or charged?

If response entered to 3.a. then 3.b. through 3.f. are required

3.b. Date of arrest, citation, detention, or charge (mm/dd/yyyy)

Where were you arrested, cited, detained, or charged?

3.c. City or Town

3.d. State

3.e. Country

3.f. Outcome or disposition (for example, no charges filed, charges dismissed, jail, probation)

Have you EVER:

4.a. Engaged in, or do you intend to engage in, prostitution or procurement of prostitution? ☐ Yes ☐ No

4.b. Engaged in any unlawful commercialized vice, including, but not limited to, illegal gambling? ☐ Yes ☐ No

4.c. Knowingly encouraged, induced, assisted, abetted, or aided any alien to try to enter the United States illegally? ☐ Yes ☐ No

4.d. Illicitly trafficked in any controlled substance or knowingly assisted, abetted, or colluded in the illicit trafficking of any controlled substance? ☐ Yes ☐ No

Have you EVER committed, planned or prepared, participated in, threatened to, attempted to, conspired to commit, gathered information for, or solicited funds for any of the following:

5.a. Hijacking or sabotage of any conveyance (including an aircraft, vessel, or vehicle)? ☐ Yes ☐ No

5.b. Seizing or detaining, and threatening to kill, injure, or continue to detain, another individual in order to compel a third person (including a governmental organization) to do or abstain from doing any act as an explicit or implicit condition for the release of the individual seized or detained? ☐ Yes ☐ No

5.c. Assassination? ☐ Yes ☐ No

5.d. The use of any firearm with intent to endanger, directly or indirectly, the safety of one or more individuals or to cause substantial damage to property? ☐ Yes ☐ No

5.e. The use of any biological agent, chemical agent, nuclear weapon or device, explosive, or other weapon or dangerous device, with intent to endanger, directly or indirectly, the safety of one or more individuals or to cause substantial damage to property? ☐ Yes ☐ No

Have you EVER been a member of, solicited money or members for, provided support for, attended military training (as defined in section 2339D(c)(1) of Title 18, United States Code) by or on behalf of, or been associated with any other group of two or more individuals, whether organized or not, which has been designated as, or has engaged in or has a subgroup which has been designated as, or has engaged in:

6.a. A terrorist organization under section 219 of the INA? ☐ Yes ☐ No

6.b. Hijacking or sabotage of any conveyance (including an aircraft, vessel, or vehicle)? ☐ Yes ☐ No

### Part 3. Processing Information (continued)

- 6.c.** Seizing or detaining, and threatening to kill, injure, or continue to detain, another individual in order to compel a third person (including a governmental organization) to do or abstain from doing any act as an explicit or implicit condition for the release of the individual seized or detained? ☐ Yes ☐ No
- 6.d.** Assassination? ☐ Yes ☐ No
- 6.e.** The use of any firearm with intent to endanger, directly or indirectly, the safety of one or more individuals or to cause substantial damage to property? ☐ Yes ☐ No
- 6.f.** The use of any biological agent, chemical agent, nuclear weapon or device, explosive, or other weapon or dangerous device, with intent to endanger, directly or indirectly, the safety of one or more individuals or to cause substantial damage to property? ☐ Yes ☐ No
- 6.g.** Soliciting money or members or otherwise providing material support to a terrorist organization? ☐ Yes ☐ No

Do you intend to engage in the United States in:

- 7.a.** Espionage? ☐ Yes ☐ No
- 7.b.** Any unlawful activity, or any activity the purpose of which is in opposition to, or the control, or overthrow of the government of the United States? ☐ Yes ☐ No
- 7.c.** Solely, principally, or incidentally in any activity related to espionage or sabotage or to violate any law involving the export of goods, technology, or sensitive information? ☐ Yes ☐ No
- 8.** Have you **EVER** been or do you continue to be a member of the Communist or other totalitarian party, except when membership was involuntary? ☐ Yes ☐ No
- 9.** Have you **EVER**, during the period of March 23, 1933 to May 8, 1945, in association with either the Nazi Government of Germany or any organization or government associated or allied with the Nazi Government of Germany, ordered, incited, assisted or otherwise participated in the persecution of any person because of race, religion, nationality, membership in a particular social group, or political opinion? ☐ Yes ☐ No

Have you **EVER** ordered, incited, called for, committed, assisted, helped with, or otherwise participated in any of the following:

- 10.a.** Acts involving torture or genocide? ☐ Yes ☐ No
- 10.b.** Killing any person? ☐ Yes ☐ No
- 10.c.** Intentionally and severely injuring any person? ☐ Yes ☐ No
- 10.d.** Engaging in any kind of sexual conduct or relations with any person who was being forced or threatened? ☐ Yes ☐ No
- 10.e.** Limiting or denying any person's ability to exercise religious beliefs? ☐ Yes ☐ No
- 10.f.** The persecution of any person because of race, religion, national origin, membership in a particular social group, or political opinion? ☐ Yes ☐ No
- 10.g.** Displacing or moving any person from their residence by force, threat of force, compulsion, or duress? ☐ Yes ☐ No

**NOTE:** If you answered "Yes" to any question in **Item Numbers 10.a. - 10.g.**, please describe the circumstances in **Part 8. Additional Information.**

- 11.** Have you **EVER** advocated that another person commit any of the acts described in the preceding question, urged, or encouraged another person, to commit such acts? ☐ Yes ☐ No

Have you **EVER** been present or nearby when any person was:

- 12.a.** Intentionally killed, tortured, beaten, or injured? ☐ Yes ☐ No
- 12.b.** Displaced or moved from his or her residence by force, compulsion, or duress? ☐ Yes ☐ No
- 12.c.** In any way compelled or forced to engage in any kind of sexual contact or relations? ☐ Yes ☐ No

Have you **EVER**:

- 13.a.** Served in, been a member of, assisted in, or participated in any military unit, paramilitary unit, police unit, self-defense unit, vigilante unit, rebel group, guerilla group, militia, or other insurgent organization? ☐ Yes ☐ No



### Part 3. Processing Information (continued)

**13.b.** Served in any prison, jail, prison camp, detention facility, labor camp, or any other situation that involved detaining persons? ☐ Yes ☐ No

**13.c.** Served in, been a member of, assisted in, or participated in any group, unit, or organization of any kind in which you or other persons transported, possessed, or used any type of weapon? ☐ Yes ☐ No

**NOTE:** If you answered "Yes" to any question in **Item Numbers 13.a. - 13.c.**, please describe the circumstances in **Part 8. Additional Information.**

Have you **EVER**:

**14.a.** Received any type of military, paramilitary, or weapons training? ☐ Yes ☐ No

**14.b.** Been a member of, assisted in, or participated in any group, unit, or organization of any kind in which you or other persons used any type of weapon against any person or threatened to do so? ☐ Yes ☐ No

**14.c.** Assisted or participated in selling or providing weapons to any person who to your knowledge used them against another person, or in transporting weapons to any person who to your knowledge used them against another person? ☐ Yes ☐ No

**NOTE:** If you answered "Yes" to any question in **Item Numbers 14.a. - 14.c.**, please describe the circumstances in **Part 8. Additional Information.**

Have you **EVER**:

**15.a.** Recruited, enlisted, conscripted, or used any person under 15 years of age to serve in or help an armed force or group? ☐ Yes ☐ No

**15.b.** Used any person under 15 years of age to take part in hostilities, or to help or provide services to people in combat? ☐ Yes ☐ No

**16.** Are you **NOW** in removal, exclusion, rescission, or deportation proceedings? ☐ Yes ☐ No

**17.** Have you **EVER** had removal, exclusion, rescission, or deportation proceedings initiated against you? ☐ Yes ☐ No

**18.** Have you **EVER** been removed, excluded, or deported from the United States? ☐ Yes ☐ No

**19.** Have you **EVER** been ordered to be removed, excluded, or deported from the United States? ☐ Yes ☐ No

**20.** Have you **EVER** been denied a visa or denied admission to the United States? ☐ Yes ☐ No

**21.** Have you **EVER** been granted voluntary departure by an immigration officer or an immigration judge and failed to depart within the allotted time? ☐ Yes ☐ No

**22.** Are you **NOW** under a final order or civil penalty for violating section 274C of the INA (producing and/or using false documentation to unlawfully satisfy a requirement of the INA)? ☐ Yes ☐ No

**23.** Have you **EVER**, by fraud or willful misrepresentation of a material fact, sought to procure or procured a visa or other documentation, for entry into the United States or any immigration benefit? ☐ Yes ☐ No

**24.** Have you **EVER** left the United States to avoid being drafted into the U.S. Armed Forces or U.S. Coast Guard? ☐ Yes ☐ No

**25.** Have you **EVER** been a J nonimmigrant exchange visitor who was subject to the 2-year foreign residence requirement and not yet complied with that requirement or obtained a waiver of such? ☐ Yes ☐ No

**26.** Have you **EVER** detained, retained, or withheld the custody of a child, having a lawful claim to United States citizenship, outside the United States from a United States citizen granted custody? ☐ Yes ☐ No

**27.** Do you plan to practice polygamy in the United States? ☐ Yes ☐ No

**28.** Have you **EVER** entered the United States as a stowaway? ☐ Yes ☐ No

**29.a.** Do you **NOW** have a communicable disease of public health significance? ☐ Yes ☐ No

**29.b.** Do you **NOW** have or have you **EVER** had a physical or mental disorder and behavior (or a history of behavior that is likely to recur) associated with the disorder which has posed or may pose a threat to the property, safety, or welfare of yourself or others? ☐ Yes ☐ No

**29.c.** Are you **NOW** or have you **EVER** been a drug abuser or drug addict? ☐ Yes ☐ No



#### Part 4. Information About Your Spouse and/or Children

If you need extra space to complete **Part 4.**, use the space provided in **Part 8. Additional Information.**

**1.a.** Family Name (Last Name) If N/A for 1.a. then 1.b. through 5 may be blank

**1.b.** Given Name (First Name)

**1.c.** Middle Name

**2.** Date of Birth (mm/dd/yyyy)

**3.** Country of Birth

**4.** Relationship

**5.** Current Location

**6.a.** Family Name (Last Name) If N/A for 6.a. then 6.b. through 10 may be blank

**6.b.** Given Name (First Name)

**6.c.** Middle Name

**7.** Date of Birth (mm/dd/yyyy)

**8.** Country of Birth

**9.** Relationship

**10.** Current Location

**11.a.** Family Name (Last Name) If N/A for 11.a. then 11.b. through 15 may be blank

**11.b.** Given Name (First Name)

**11.c.** Middle Name

**12.** Date of Birth (mm/dd/yyyy)

**13.** Country of Birth

**14.** Relationship

**15.** Current Location

**16.a.** Family Name (Last Name) If N/A for 16.a. then 16.b. through 20 may be blank

**16.b.** Given Name (First Name)

**16.c.** Middle Name

**17.** Date of Birth (mm/dd/yyyy)

**18.** Country of Birth

**19.** Relationship

**20.** Current Location

**21.a.** Family Name (Last Name) If N/A for 21.a. then 21.b. through 25 may be blank

**21.b.** Given Name (First Name)

**21.c.** Middle Name

**22.** Date of Birth (mm/dd/yyyy)

**23.** Country of Birth

**24.** Relationship

**25.** Current Location

#### Filing On Behalf of Family Members

**26.** I am petitioning for one or more qualifying family members. ☐ Yes ☐ No

**NOTE:** If you answered "Yes" to **26.**, you must complete and include Supplement A for each family member for whom you are petitioning.

## Part 5. Petitioner's Statement, Contact Information, Declaration, and Signature

**NOTE:** Read the **Penalties** section of the Form I-918 Instructions before completing this part.

### Petitioner's Statement

**NOTE:** Select the box for either **1.a.** or **1.b.** If applicable, select the box for **2.**

**1.a.** ☐ I can read and understand English, and I have read and understand every question and instruction on this petition and my answer to every question.

**1.b.** ☐ The interpreter named in **Part 6.** read to me every question and instruction on this petition and my answer to every question in

,  
a language in which I am fluent, and I understood everything.

**2.** ☐ At my request, the preparer named in **Part 7.**,

,  
prepared this petition for me based only upon information I provided or authorized.

### Petitioner's Contact Information

**3.** Petitioner's Daytime Telephone Number

**4.** Petitioner's Mobile Telephone Number (if any)

**5.** Petitioner's Email Address (if any)

### Petitioner's Declaration and Certification

Copies of any documents I have submitted are exact photocopies of unaltered, original documents, and I understand that USCIS may require that I submit original documents to USCIS at a later date. Furthermore, I authorize the release of any information from any of my records that USCIS may need to determine my eligibility for the immigration benefit I seek.

I further authorize release of information contained in this petition, in supporting documents, and in my USCIS records to other entities and persons where necessary for the administration and enforcement of U.S. immigration laws.

I understand that USCIS may require me to appear for an appointment to take my biometrics (fingerprints, photograph, and/or signature) and, at that time, if I am required to provide biometrics, I will be required to sign an oath reaffirming that:

- 1) I provided or authorized all of the information contained in, and submitted with, my petition;
- 2) I reviewed and understood all of the information in, and submitted with, my petition; and
- 3) All of this information was complete, true, and correct at the time of filing.

I certify, under penalty of perjury, that all of the information in my petition and any document submitted with it were provided or authorized by me, that I reviewed and understand all of the information contained in, and submitted with, my petition, and that all of this information is complete, true, and correct.

### Petitioner's Signature

**6.a.** Petitioner's Signature



**6.b.** Date of Signature (mm/dd/yyyy)

**NOTE TO ALL PETITIONERS:** If you do not completely fill out this petition or fail to submit required documents listed in the Instructions, USCIS may deny your petition.

**NOTE:** A parent or legal guardian may sign for a person who is less than 14 years of age. A legal guardian may sign for a mentally incompetent person.

## Part 6. Interpreter's Contact Information, Certification, and Signature

Provide the following information about the interpreter.

### Interpreter's Full Name

**1.a.** Interpreter's Family Name (Last Name)

**If checked 1.b. in Part 5, must include interpreter's name here**

**1.b.** Interpreter's Given Name (First Name)

**If checked 1.b. in Part 5, must include interpreter's name here**

**2.** Interpreter's Business or Organization Name (if any)

## Part 6. Interpreter's Contact Information, Certification, and Signature (continued)

### Interpreter's Mailing Address

**3.a.** Street Number and Name

**3.b.** ☐ Apt. ☐ Ste. ☐ Flr.

**3.c.** City or Town

**3.d.** State  **3.e.** ZIP Code

**3.f.** Province

**3.g.** Postal Code

**3.h.** Country

### Interpreter's Contact Information

**4.** Interpreter's Daytime Telephone Number

**5.** Interpreter's Mobile Telephone Number (if any)

**6.** Interpreter's Email Address (if any)

### Interpreter's Certification

I certify, under penalty of perjury, that:

I am fluent in English and , which is the same language specified in **Part 5., 1.b.**, and I have read to this petitioner in the identified language every question and instruction on this petition and his or her answer to every question. The petitioner informed me that he or she understands every instruction, question, and answer on the petition, including the **Petitioner's Declaration and Certification**, and has verified the accuracy of every answer.

### Interpreter's Signature

**7.a.** Interpreter's Signature (sign in ink)

**7.b.** Date of Signature (mm/dd/yyyy)

## Part 7. Contact Information, Declaration, and Signature of the Person Preparing this Petition, if Other Than the Petitioner

Provide the following information about the preparer.

### Preparer's Full Name

**1.a.** Preparer's Family Name (Last Name)

**1.b.** Preparer's Given Name (First Name)

**2.** Preparer's Business or Organization Name (if any)

### Preparer's Mailing Address

**3.a.** Street Number and Name

**3.b.** ☐ Apt. ☐ Ste. ☐ Flr.

**3.c.** City or Town

**3.d.** State  **3.e.** ZIP Code

**3.f.** Province

**3.g.** Postal Code

**3.h.** Country

### Preparer's Contact Information

**4.** Preparer's Daytime Telephone Number

**5.** Preparer's Mobile Telephone Number (if any)

**6.** Preparer's Email Address (if any)



---

### ***Preparer's Statement***

- 7.a.** ☐ I am not an attorney or accredited representative but have prepared this petition on behalf of the petitioner and with the petitioner's consent.
- 7.b.** ☐ I am an attorney or accredited representative and my representation of the petitioner in this case  
☐ extends ☐ does not extend beyond the preparation of this petition.

**NOTE:** If you are an attorney or accredited representative whose representation extends beyond preparation of this petition, you may be obliged to submit a completed Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, with this petition.

### ***Preparer's Certification***

By my signature, I certify, under penalty of perjury, that I prepared this petition at the request of the petitioner. The petitioner then reviewed this completed petition and informed me that he or she understands all of the information contained in, and submitted with, his or her petition, including the **Petitioner's Declaration and Certification**, and that all of this information is complete, true, and correct. I completed this petition based only on information that the petitioner provided to me or authorized me to obtain or use.

### ***Preparer's Signature***

- 8.a.** Preparer's Signature (sign in ink)

- 8.b.** Date of Signature (mm/dd/yyyy)

## Part 8. Additional Information

If you need extra space to provide any additional information within this petition, use the space below. If you need more space than what is provided, you may make copies of this page to complete and file with this petition or attach a separate sheet of paper. Include your name and A-Number (if any) at the top of each sheet; indicate the **Page Number**, **Part Number**, and **Item Number** to which your answer refers; and sign and date each sheet.

**1.a.** Family Name (Last Name)

**1.b.** Given Name (First Name)

**1.c.** Middle Name

**2.** A-Number (if any) ► A-

<b>3.a.</b> Page Number	<b>3.b.</b> Part Number	<b>3.c.</b> Item Number
<input type="text"/>	<input type="text"/>	<input type="text"/>

[illegible]

<b>4.a.</b> Page Number	<b>4.b.</b> Part Number	<b>4.c.</b> Item Number
<input type="text"/>	<input type="text"/>	<input type="text"/>

4.d.

<b>5.a.</b> Page Number	<b>5.b.</b> Part Number	<b>5.c.</b> Item Number
<div></div>	<div></div>	<div></div>

[illegible]

<b>6.a.</b> Page Number	<b>6.b.</b> Part Number	<b>6.c.</b> Item Number
<input type="text"/>	<input type="text"/>	<input type="text"/>

[illegible]

<b>7.a.</b> Page Number	<b>7.b.</b> Part Number	<b>7.c.</b> Item Number
<input type="text"/>	<input type="text"/>	<input type="text"/>

[illegible]

# EXHIBIT 3





# Supplement A, Petition for Qualifying Family Member of U-1 Recipient

Department of Homeland Security  
U.S. Citizenship and Immigration Services

USCIS  
Form I-918  
OMB No. 1615-0104  
Expires 04/30/2021

For USCIS Use Only	Remarks		Receipt		<b>Action Block</b>  <b>Color Key:</b>  Red - Required Yellow - Conditional Green - Not Required
	U.S. Embassy Consulate	Validity Dates (mm/dd/yyyy)	Wait Listed	Stamp Number	
		From: / /			
		To: / /			
		Date (mm/dd/yyyy)			

To be completed by an attorney or accredited representative (if any).	<input type="checkbox"/> Select this box if Form G-28 is attached.	Attorney State Bar Number (if applicable) <input type="text"/>	Attorney or Accredited Representative USCIS Online Account Number (if any) <input type="text"/>
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► **START HERE** - Type or print in black or blue ink.

**NOTE:** The recipient of the U-1 nonimmigrant classification is referred to as the "principal." His or her family members are referred to as "derivatives." The principal should complete Supplement A.

## Part 1. Family Member's Relationship To You (Principal)

1. The family member that I am filing for is my:
- ☐ Spouse    ☐ Parent    ☐ Child  
☐ Unmarried sibling under 18 years of age

## Part 2. Information About You (Principal)

- 1.a. Family Name (Last Name) Reject if the derivative's info is placed here instead of principal's information
- 1.b. Given Name (First Name)
- 1.c. Middle Name

## Other Information

2. Date of Birth (mm/dd/yyyy)
3. Alien Registration Number (A-Number) (if any)  
 ► A-
4. USCIS Online Account Number (if any)  
 ►
5. Status of your Form I-918  
☐ Pending    ☐ Approved

## Part 3. Information About Your Qualifying Family Member (Derivative)

- 1.a. Family Name (Last Name) Reject if the principal's info is placed here instead of derivative's information
- 1.b. Given Name (First Name)
- 1.c. Middle Name

**Other Names Used** (Include maiden name, nicknames, and aliases, if applicable)

- 2.a. Family Name (Last Name)
- 2.b. Given Name (First Name) if 2.a. is N/A can be blank
- 2.c. Middle Name if 2.a. is N/A can be blank

**NOTE:** If you need extra space to complete this section, use the space provided in **Part 11. Additional Information.**

## Residence or Intended Residence in the United States (USPS ZIP Code Lookup)

- 3.a. Street Number and Name
- 3.b. ☐ Apt.    ☐ Ste.    ☐ Flr.
- 3.c. City or Town
- 3.d. State
- 3.e. ZIP Code

**Part 3. Information About Your Qualifying Family Member (The Derivative) (continued)**

**Safe Mailing Address (if other than Residence)**

4.a. In Care Of Name

4.b. Street Number and Name

4.c. ☐ Apt. ☐ Ste. ☐ Flr.

4.d. City or Town

4.e. State

4.f. ZIP Code

4.g. Province

4.h. Postal Code

4.i. Country

**Other Information About Qualifying Family Member**

5. A-Number (if any) ▶ A-

6. U.S. Social Security Number (if any)



7. USCIS Online Account Number (if any)



8. Date of Birth (mm/dd/yyyy)

9. Country of Birth

10. Country of Citizenship or Nationality

11. Marital Status

☐ Single ☐ Married ☐ Divorced ☐ Widowed

12. Gender ☐ Male ☐ Female

13. Form I-94 Arrival-Departure Record Number



14. Passport Number

15. Travel Document Number

16. Country of Issuance for Passport or Travel Document

17. Date of Issuance for Passport or Travel Document (mm/dd/yyyy)

18. Expiration Date for Passport or Travel Document (mm/dd/yyyy)

**Part 4. Additional Information About Your Qualifying Family Member**

Provide the date of last entry, place of last entry, and current immigration status for your family member if he or she is currently in the United States.

1.a. Date of Last Entry into the United States (mm/dd/yyyy)

Place of Last Entry into the United States

1.b. City or Town

1.c. State

1.d. Current Immigration Status

Provide the date of entry, place of entry, and status at entry for your family member's last entry if he or she has previously traveled to the United States but is not currently in the United States.

2.a. Date of Last Entry into the United States (mm/dd/yyyy)

Place of Last Entry into the United States

2.b. City or Town

2.c. State

2.d. Date Authorized Stay Expired (mm/dd/yyyy)

2.e. Status at the Time of Entry (for example, F-1 student, B-2 tourist, entered without inspection)

if 1.a. through 1.d. is filled out, 2.a. through 2.e. may be left blank or read N/A



#### Part 4. Additional Information About Your Qualifying Family Member (continued)

If your family member is outside the United States, provide the U.S. Consulate or inspection facility or a safe foreign mailing address you want notified if this supplement is approved.

**3.a. Type of Office (Select only one box):**

- ☐ U.S. Consulate    ☐ Pre-Flight Inspection  
☐ Port-of-Entry

**3.b. City or Town**

**3.c. State**

**3.d. Country**

**Safe Foreign Address Where You Want Notification Sent**  
(if other than U.S. Consulate, Pre-Flight Inspection, or Port-of-Entry)

**4.a. Street Number and Name**

**4.b.** ☐ Apt.    ☐ Ste.    ☐ Flr.

**4.c. City or Town**

**4.d. Province**

**4.e. Postal Code**

**4.f. Country**

If your family member was previously married, list the names of your family member's prior spouses and the dates his or her marriages were terminated. You must attach documents such as divorce decrees or death certificates.

**5.a. Family Name (Last Name)**

**5.b. Given Name (First Name)**

**5.c. Middle Name**

**5.d. Date Marriage Ended (mm/dd/yyyy)**

**5.e. Where did the marriage end?**

**5.f. How did the marriage end?**

**6.a. Family Name (Last Name)**

**6.b. Given Name (First Name)**

**6.c. Middle Name**

**6.d. Date Marriage Ended (mm/dd/yyyy)**

**6.e. Where did the marriage end?**

**6.f. How did the marriage end?**

If 6.a. is N/A, then 6.b. through 6.f. may be blank

#### Other Information

**7.a. Your family member was or is in immigration proceedings.** ☐ Yes    ☐ No

If you answered "Yes," select the type of proceedings. If your family member was in proceedings in the past and is no longer in proceedings, provide the date of action. If your family member is currently in proceedings, type or print "Current" in the appropriate date field. Select **all applicable** boxes. Use the space provided in **Part 11. Additional Information** to provide an explanation.

**7.b.** ☐ Removal Proceedings

Removal Date (mm/dd/yyyy)

**7.c.** ☐ Exclusion Proceedings

Exclusion Date (mm/dd/yyyy)

**7.d.** ☐ Deportation Proceedings

Deportation Date (mm/dd/yyyy)

**7.e.** ☐ Rescission Proceedings

Rescission Date (mm/dd/yyyy)

**7.f.** ☐ Judicial Proceedings

Judicial Date (mm/dd/yyyy)

**8. Your family member would like an Employment Authorization Document.** ☐ Yes    ☐ No

**NOTE:** If you answered "Yes," submit Form I-765, Application for Employment Authorization Document, separately. If your family member is living outside the United States, he or she is not eligible to receive employment authorization until he or she is lawfully admitted to the United States. Do **not** file Form I-765 for a family member living outside the United States.

If yes to 7.a. then at least one box must be checked and filled in for 7.b. through 7.f.



## Part 5. Processing Information

Answer the following questions about the family member for whom you are filing this supplement. For the purposes of this supplement, you must answer "Yes" to the following questions, if applicable, even if your family member's records were sealed or otherwise cleared or if anyone, including a judge, law enforcement officer, or attorney, told your family member that he or she no longer has a record.

**NOTE:** If you answer "Yes" to **ANY** question in **Part 5**, provide an explanation in the space provided in **Part 11**.

### Additional Information.

**NOTE:** Answering "Yes" does not necessarily mean that U.S. Citizenship and Immigration Services (USCIS) will deny your Supplement A, Petition for Qualifying Family Member of U-1 Recipient.

Has your family member **EVER**:

- 1.a.** Committed a crime or offense for which he or she has not been arrested? ☐ Yes ☐ No
- 1.b.** Been arrested, cited, or detained by any law enforcement officer (including Department of Homeland Security (DHS), former Immigration and Nationalization Service (INS), and military officers) for any reason? ☐ Yes ☐ No
- 1.c.** Been charged with committing any crime or offense? ☐ Yes ☐ No
- 1.d.** Been convicted of a crime or offense (even if the violation was subsequently expunged or pardoned)? ☐ Yes ☐ No
- 1.e.** Been placed in an alternative sentencing or a rehabilitative program (for example, diversion, deferred prosecution, withheld adjudication, deferred adjudication)? ☐ Yes ☐ No
- 1.f.** Received a suspended sentence, been placed on probation, or been paroled? ☐ Yes ☐ No
- 1.g.** Been held in jail or prison? ☐ Yes ☐ No
- 1.h.** Been the beneficiary of a pardon, amnesty, rehabilitation, or other act of clemency or similar action? ☐ Yes ☐ No
- 1.i.** Exercised diplomatic immunity to avoid prosecution for a criminal offense in the United States? ☐ Yes ☐ No

## Information About Arrests, Citations, Detentions, or Charges

**2.a.** Why was your family member arrested, cited, detained, or charged?

**2.b.** Date of arrest, citation, detention, or charge (mm/dd/yyyy)

Where was your family member arrested, cited, detained, or charged?

**2.c.** City or Town

**2.d.** State

**2.e.** Country

**2.f.** Outcome or disposition (for example, no charges filed, charges dismissed, jail, probation)

**if yes to 1.a. through 1.i then must fill out 2.a. through 2.f.**

**3.a.** Why was your family member arrested, cited, detained, or charged?

**3.b.** Date of arrest, citation, detention, or charge (mm/dd/yyyy)

Where was your family member arrested, cited, detained, or charged?

**3.c.** City or Town

**3.d.** State

**3.e.** Country

**3.f.** Outcome or disposition (for example, no charges filed, charges dismissed, jail, probation)

**if response entered into 3.a. then 3.b. through 3.f. are required**

## Part 5. Processing Information (continued)

Has your family member **EVER**:

- 4.a.** Engaged in, or does he or she intend to engage in, prostitution or procurement of prostitution? ☐ Yes ☐ No
- 4.b.** Engaged in any unlawful commercialized vice, including, but not limited to, illegal gambling? ☐ Yes ☐ No
- 4.c.** Knowingly encouraged, induced, assisted, abetted, or aided any alien to try to enter the United States illegally? ☐ Yes ☐ No
- 4.d.** Illicitly trafficked in any controlled substance or knowingly assisted, abetted, or colluded in the illicit trafficking of any controlled substance? ☐ Yes ☐ No

Has your family member **EVER** committed, planned or prepared, participated in, threatened to, attempted to, conspired to commit, gathered information for, or solicited funds for any of the following:

- 5.a.** Hijacking or sabotage of any conveyance (including an aircraft, vessel, or vehicle)? ☐ Yes ☐ No
- 5.b.** Seizing or detaining, and threatening to kill, injure, or continue to detain, another individual in order to compel a third person (including a governmental organization) to do or abstain from doing any act as an explicit or implicit condition for the release of the individual seized or detained? ☐ Yes ☐ No
- 5.c.** Assassination? ☐ Yes ☐ No
- 5.d.** The use of any firearm with intent to endanger, directly or indirectly, the safety of one or more individuals or to cause substantial damage to property? ☐ Yes ☐ No
- 5.e.** The use of any biological agent, chemical agent, nuclear weapon or device, explosive, or other weapon or dangerous device, with intent to endanger, directly or indirectly, the safety of one or more individuals or to cause substantial damage to property? ☐ Yes ☐ No

Has your family member **EVER** been a member of, solicited money or members for, provided support for, attended military training (as defined in section 2339D(c)(1) of Title 18, United States Code) by or on behalf of, or been associated with any other group of two or more individuals, whether organized or not, which has been designated as, or has engaged in or has a subgroup which has been designated as, or has engaged in:

- 6.a.** A terrorist organization under section 219 of the Immigration and Nationality Act (INA)? ☐ Yes ☐ No
- 6.b.** Hijacking or sabotage of any conveyance (including an aircraft, vessel, or vehicle)? ☐ Yes ☐ No
- 6.c.** Seizing or detaining, and threatening to kill, injure, or continue to detain, another individual in order to compel a third person (including a governmental organization) to do or abstain from doing any act as an explicit or implicit condition for the release of the individual seized or detained? ☐ Yes ☐ No
- 6.d.** Assassination? ☐ Yes ☐ No
- 6.e.** The use of any firearm with intent to endanger, directly or indirectly, the safety of one or more individuals or to cause substantial damage to property? ☐ Yes ☐ No
- 6.f.** The use of any biological agent, chemical agent, nuclear weapon or device, explosive, or other weapon or dangerous device, with intent to endanger, directly or indirectly, the safety of one or more individuals or to cause substantial damage to property? ☐ Yes ☐ No
- 6.g.** Soliciting money or members or otherwise providing material support to a terrorist organization? ☐ Yes ☐ No

Does your family member intend to engage in the United States in:

- 7.a.** Espionage? ☐ Yes ☐ No
- 7.b.** Any unlawful activity, or any activity the purpose of which is in opposition to, or the control, or overthrow of the Government of the United States? ☐ Yes ☐ No
- 7.c.** Solely, principally, or incidentally in any activity related to espionage or sabotage or to violate any law involving the export of goods, technology, or sensitive information? ☐ Yes ☐ No
- 8.** Has your family member **EVER** been or does he or she continue to be a member of the Communist or other totalitarian party, except when membership was involuntary? ☐ Yes ☐ No



## Part 5. Processing Information (continued)

9. Has your family member **EVER**, during the period of March 23, 1933 to May 8, 1945, in association with either the Nazi Government of Germany or any organization or government associated or allied with the Nazi Government of Germany, ordered, incited, assisted or otherwise participated in the persecution of any person because of race, religion, nationality, membership in a particular social group or political opinion? ☐ Yes ☐ No

Has your family member **EVER** ordered, incited, called for, committed, assisted, helped with, or otherwise participated in any of the following:

- 10.a. Acts involving torture or genocide? ☐ Yes ☐ No
- 10.b. Killing any person? ☐ Yes ☐ No
- 10.c. Intentionally and severely injuring any person? ☐ Yes ☐ No
- 10.d. Engaging in any kind of sexual conduct or relations with any person who was being forced or threatened? ☐ Yes ☐ No
- 10.e. Limiting or denying any person's ability to exercise religious beliefs? ☐ Yes ☐ No
- 10.f. The persecution of any person because of race, religion, national origin, membership in a particular social group, or political opinion? ☐ Yes ☐ No
- 10.g. Displacing or moving any person from their residence by force, threat of force, compulsion, or duress? ☐ Yes ☐ No

**NOTE:** If you answered "Yes" to any question in **Item Numbers 10.a. - 10.g.**, please describe the circumstances in the spaces provided in **Part 11. Additional Information**.

11. Has your family member **EVER** advocated that another person commit any of the acts described in **Item Numbers 10.a. - 10.g.**, urged, or encouraged another person, to commit such acts? ☐ Yes ☐ No

Has your family member **EVER** been present or nearby when any person was:

- 12.a. Intentionally killed, tortured, beaten, or injured? ☐ Yes ☐ No
- 12.b. Displaced or moved from his or her residence by force, compulsion, or duress? ☐ Yes ☐ No
- 12.c. In any way compelled or forced to engage in any kind of sexual contact or relations? ☐ Yes ☐ No

Has your family member **EVER**:

- 13.a. Served in, been a member of, assisted in, or participated in any military unit, paramilitary unit, police unit, self-defense unit, vigilante unit, rebel group, guerilla group, militia, or other insurgent organization? ☐ Yes ☐ No
- 13.b. Served in any prison, jail, prison camp, detention facility, labor camp, or any other situation that involved detaining persons? ☐ Yes ☐ No
- 13.c. Served in, been a member of, assisted in, or participated in any group, unit, or organization of any kind in which you or other persons transported, possessed, or used any type of weapon? ☐ Yes ☐ No

**NOTE:** If you answered "Yes" to any question in **Item Numbers 13.a. - 13.c.**, please describe the circumstances in **Part 11. Additional Information**.

Has your family member **EVER**:

- 14.a. Received any type of military, paramilitary, or weapons training? ☐ Yes ☐ No
- 14.b. Been a member of, assisted in, or participated in any group, unit, or organization of any kind in which you or other persons used any type of weapon against any person or threatened to do so? ☐ Yes ☐ No
- 14.c. Assisted or participated in selling or providing weapons to any person who to your knowledge used them against another person, or in transporting weapons to any person who to your knowledge used them against another person? ☐ Yes ☐ No

**NOTE:** If you answered "Yes" to any question in **Item Numbers 14.a. - 14.c.**, please describe the circumstances in **Part 11. Additional Information**.

Has your family member **EVER**:

- 15.a. Recruited, enlisted, conscripted, or used any person under 15 years of age to serve in or help an armed force or group? ☐ Yes ☐ No
- 15.b. Used any person under 15 years of age to take part in hostilities, or to help or provide services to people in combat? ☐ Yes ☐ No
16. Is your family member **NOW** in removal, exclusion, rescission, or deportation proceedings? ☐ Yes ☐ No
17. Has your family member **EVER** had removal, exclusion, rescission, or deportation proceedings initiated against him or her? ☐ Yes ☐ No



## Part 5. Processing Information (continued)

18. Has your family member **EVER** been removed, excluded, or deported from the United States? ☐ Yes ☐ No
19. Has your family member **EVER** been ordered to be removed, excluded, or deported from the United States? ☐ Yes ☐ No
20. Has your family member **EVER** been denied a visa or denied admission to the United States? ☐ Yes ☐ No
21. Has your family member **EVER** been granted voluntary departure by an immigration officer or an immigration judge and failed to depart within the allotted time? ☐ Yes ☐ No
22. Is your family member **NOW** under a final order or civil penalty for violating section 274C of the INA (producing and/or using false documentation to unlawfully satisfy a requirement of the INA)? ☐ Yes ☐ No
23. Has your family member **EVER**, by fraud or willful misrepresentation of a material fact, sought to procure or procured a visa or other documentation, for entry into the United States or any immigration benefit? ☐ Yes ☐ No
24. Has your family member **EVER** left the United States to avoid being drafted into the U.S. Armed Forces or U.S. Coast Guard? ☐ Yes ☐ No
25. Has your family member **EVER** been a J nonimmigrant exchange visitor who was subject to the 2-year foreign residence requirement and not yet complied with that requirement or obtained a waiver of such? ☐ Yes ☐ No
26. Has your family member **EVER** detained, retained, or withheld the custody of a child, having a lawful claim to United States citizenship, outside the United States from a United States citizen granted custody? ☐ Yes ☐ No
27. Does your family member plan to practice polygamy in the United States? ☐ Yes ☐ No
28. Has your family member **EVER** entered the United States as a stowaway? ☐ Yes ☐ No
- 29.a. Does your family member **NOW** have a communicable disease of public health significance? ☐ Yes ☐ No
- 29.b. Does your family member **NOW** have or has your family member **EVER** had a physical or mental disorder and behavior (or a history of behavior that is likely to recur) associated with the disorder which has posed or may pose a threat to the property, safety, or welfare of yourself or others? ☐ Yes ☐ No

- 29.c. Is your family member **NOW** or has your family member **EVER** been a drug abuser or drug addict? ☐ Yes ☐ No

## Part 6. Information About Your Qualifying Family Member's Spouse and/or Children

Provide the following information about your family member's spouse and/or children. If you need extra space to complete this section, use the space provided in **Part 11. Additional Information**.

- 1.a. Family Name (Last Name) If N/A for 1.a. then 1.b. through 4 may be blank
- 1.b. Given Name (First Name)
- 1.c. Middle Name
2. Date of Birth (mm/dd/yyyy)
3. Country of Birth
4. Relationship
- 5.a. Family Name (Last Name) If N/A for 5.a. then 5.b. through 8 may be blank
- 5.b. Given Name (First Name)
- 5.c. Middle Name
6. Date of Birth (mm/dd/yyyy)
7. Country of Birth
8. Relationship
- 9.a. Family Name (Last Name) If N/A for 9.a. then 9.b. through 12 may be blank
- 9.b. Given Name (First Name)
- 9.c. Middle Name
10. Date of Birth (mm/dd/yyyy)
11. Country of Birth
12. Relationship

## Part 7. Petitioner's Statement, Contact Information, Declaration, and Signature

**NOTE:** Read the **Penalties** section of the Form I-918 Instructions before completing this part.

### Petitioner's Statement

**NOTE:** Select the box for either **Item Number 1.a.** or **1.b.** If applicable, select the box for **Item Number 2.**

**1.a.** ☐ I can read and understand English, and I have read and understand every question and instruction on this supplement and my answer to every question.

**1.b.** ☐ The interpreter named in **Part 9.** read to me every question and instruction on this supplement and my answer to every question in

Either 1.a. or 1.b.; both are not required

\_\_\_\_\_,  
a language in which I am fluent, and I understood everything.

**2.** ☐ At my request, the preparer named in **Part 10.**,  
\_\_\_\_\_,  
prepared this supplement for me based only upon information I provided or authorized.

### Petitioner's Contact Information

**3.** Petitioner's Daytime Telephone Number

**4.** Petitioner's Mobile Telephone Number (if any)

**5.** Petitioner's Email Address (if any)

### Petitioner's Declaration and Certification

Copies of any documents I have submitted are exact photocopies of unaltered, original documents, and I understand that USCIS may require that I submit original documents to USCIS at a later date. Furthermore, I authorize the release of any information from any of my records that USCIS may need to determine my eligibility for the immigration benefit I seek.

I further authorize release of information contained in this supplement, in supporting documents, and in my USCIS records to other entities and persons where necessary for the administration and enforcement of U.S. immigration laws.

I understand that USCIS may require me to appear for an appointment to take my biometrics (fingerprints, photograph, and/or signature) and, at that time, if I am required to provide biometrics, I will be required to sign an oath reaffirming that:

- 1) I provided or authorized all of the information contained in, and submitted with, my supplement;
- 2) I reviewed and understood all of the information in, and submitted with, my supplement; and
- 3) All of this information was complete, true, and correct at the time of filing.

I certify, under penalty of perjury, that all of the information in my supplement and any document submitted with it were provided or authorized by me, that I reviewed and understand all of the information contained in, and submitted with, my supplement, and that all of this information is complete, true, and correct.

### Petitioner's Signature

**6.a.** Petitioner's Signature (sign in ink)



**6.b.** Date of Signature (mm/dd/yyyy)

**NOTE TO ALL PETITIONERS:** If you do not completely fill out this supplement or fail to submit required documents listed in the Instructions, USCIS may deny your supplement.

## Part 8. Qualifying Family Member's Statement, Contact Information, Declaration, and Signature

**NOTE:** Read the **Penalties** section of the Form I-918 Instructions before completing this part.

### Qualifying Family Member's Statement

**NOTE:** Select the box for either **Item Number 1.a.** or **1.b.** If applicable, select the box for **Item Number 2.**

**1.a.** ☐ I can read and understand English, and I have read and understand every question and instruction on this supplement and my answer to every question.

**1.b.** ☐ The interpreter named in **Part 9.** read to me every question and instruction on this supplement and my answer to every question in

Either 1.a. or 1.b.; both are not required

\_\_\_\_\_,  
a language in which I am fluent, and I understood everything.

**2.** ☐ At my request, the preparer named in **Part 10.**,

prepared this supplement for me based only upon information I provided or authorized.

**Part 8. Qualifying Family Member's Statement, Contact Information, Declaration, and Signature**  
(continued)

***Qualifying Family Member's Contact Information***

3. Qualifying Family Member's Daytime Telephone Number
4. Qualifying Family Member's Mobile Telephone Number (if any)
5. Qualifying Family Member's Email Address (if any)

***Qualifying Family Member's Declaration and Certification***

Copies of any documents I have submitted are exact photocopies of unaltered, original documents, and I understand that USCIS may require that I submit original documents to USCIS at a later date. Furthermore, I authorize the release of any information from any of my records that USCIS may need to determine my eligibility for the immigration benefit I seek.

I further authorize release of information contained in this supplement, in supporting documents, and in my USCIS records to other entities and persons where necessary for the administration and enforcement of U.S. immigration laws. Any disclosure shall be in accordance with 8 U.S.C. section 1367 and 8 CFR 214.14(e).

I understand that USCIS may require me to appear for an appointment to take my biometrics (fingerprints, photograph, and/or signature) and, at that time, if I am required to provide biometrics, I will be required to sign an oath reaffirming that:

- 1) I provided or authorized all of the information contained in, and submitted with, my supplement;
- 2) I reviewed and understood all of the information in, and submitted with, my supplement; and
- 3) All of this information was complete, true, and correct at the time of filing.

I certify, under penalty of perjury, that all of the information in my supplement and any document submitted with it were provided or authorized by me, that I reviewed and understand all of the information contained in, and submitted with, my supplement, and that all of this information is complete, true, and correct.

***Qualifying Family Member's Signature***

- 6.a. Qualifying Family Member's Signature (sign in ink)

- 6.b. Date of Signature (mm/dd/yyyy)

**NOTE TO ALL QUALIFYING FAMILY MEMBERS:** If you do not completely fill out this supplement or fail to submit required documents listed in the Instructions, USCIS may deny your supplement.

**Part 9. Interpreter's Contact Information, Certification, and Signature**

Provide the following information about the interpreter.

***Interpreter's Full Name***

- 1.a. Interpreter's Family Name (Last Name)

- 1.b. Interpreter's Given Name (First Name)

2. Interpreter's Business or Organization Name (if any)

***Interpreter's Mailing Address***

- 3.a. Street Number and Name

- 3.b. ☐ Apt. ☐ Ste. ☐ Flr.

- 3.c. City or Town

- 3.d. State

- 3.e. ZIP Code

- 3.f. Province

- 3.g. Postal Code

- 3.h. Country

***Interpreter's Contact Information***

4. Interpreter's Daytime Telephone Number

5. Interpreter's Mobile Telephone Number (if any)

6. Interpreter's Email Address (if any)



## Part 9. Interpreter's Contact Information, Certification, and Signature (continued)

### Interpreter's Certification

I certify, under penalty of perjury, that:

I am fluent in English and , which is the same language specified in **Part 7, Item Number 1.b.**, and **Part 8, Item Number 1.b.**, and I have read to this petitioner and qualifying family member in the identified language(s) every question and instruction on this supplement and the petitioner's and qualifying family member's answer to every question. The petitioner and qualifying family member informed me that they understand every instruction, question, and answer on the supplement, including the **Petitioner's Declaration and Certification and the Qualifying Family Member's Declaration and Certification**, and have verified the accuracy of every answer.

### Interpreter's Signature

**7.a.** Interpreter's Signature (sign in ink)

**7.b.** Date of Signature (mm/dd/yyyy)

## Part 10. Contact Information, Declaration, and Signature of the Person Preparing this Petition, if Other Than the Petitioner or Qualifying Family Member

Provide the following information about the preparer.

### Preparer's Full Name

**1.a.** Preparer's Family Name (Last Name)

**1.b.** Preparer's Given Name (First Name)

**2.** Preparer's Business or Organization Name (if any)

### Preparer's Mailing Address

**3.a.** Street Number and Name

**3.b.** ☐ Apt. ☐ Ste. ☐ Flr.

**3.c.** City or Town

**3.d.** State

**3.e.** ZIP Code

**3.f.** Province

**3.g.** Postal Code

**3.h.** Country

### Preparer's Contact Information

**4.** Preparer's Daytime Telephone Number

**5.** Preparer's Mobile Telephone Number (if any)

**6.** Preparer's Email Address (if any)

### Preparer's Statement

**7.a.** ☐ I am not an attorney or accredited representative but have prepared this supplement on behalf of the petitioner and qualifying family member and with the petitioner's and qualifying family member's consent.

**7.b.** ☐ I am an attorney or accredited representative and my representation of the petitioner and qualifying family member in this case ☐ extends ☐ does not extend beyond the preparation of this supplement.

**NOTE:** If you are an attorney or accredited representative whose representation extends beyond preparation of this supplement, you may be obliged to submit a completed Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, with this supplement.

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**Part 10. Contact Information, Declaration, and Signature of the Person Preparing this Petition, if Other Than the Petitioner or Qualifying Family Member (continued)**

***Preparer's Certification***

By my signature, I certify, under penalty of perjury, that I prepared this supplement at the request of the petitioner and qualifying family member. The petitioner and qualifying family member then reviewed this completed supplement and informed me that they understand all of the information contained in, and submitted with, this supplement, including the **Petitioner's Declaration and Certification, and the Qualifying Family Member's Declaration and Certification**, and that all of this information is complete, true, and correct. I completed this supplement based only on information that the petitioner and qualifying family member provided to me or authorized me to obtain or use.

***Preparer's Signature***

**8.a.** Preparer's Signature (sign in ink)

**8.b.** Date of Signature (mm/dd/yyyy)

## Part 11. Additional Information

If you need extra space to provide any additional information within this supplement, use the space below. If you need more space than what is provided, you may make copies of this page to complete and file with this supplement or attach a separate sheet of paper. Include your name and A-Number (if any) at the top of each sheet; indicate the **Page Number**, **Part Number**, and **Item Number** to which your answer refers; and sign and date each sheet.

***Your Full Name (Principal)***

**1.a.** Family Name  
(Last Name)

**1.b.** Given Name (First Name)

**1.c.** Middle Name

2. A-Number (if any) ► A-

3.a. Page Number	3.b. Part Number	3.c. Item Number
<div></div>	<div></div>	<div></div>

3.d.

4.a.	Page Number	4.b.	Part Number	4.c.	Item Number

**4.d.**

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<b>5.a.</b> Page Number	<b>5.b.</b> Part Number	<b>5.c.</b> Item Number
<div></div>	<div></div>	<div></div>

[illegible]

<b>6.a.</b> Page Number	<b>6.b.</b> Part Number	<b>6.c.</b> Item Number
<div></div>	<div></div>	<div></div>

6.d.

7.a. Page Number	7.b. Part Number	7.c. Item Number
<div></div>	<div></div>	<div></div>

[illegible]



# EXHIBIT 4

Data for 918/918A filings being reviewed under new acceptability rules					
Date	918/918A's # reviewed	918/918A's # deemed acceptable	918/918A's # deemed not acceptable	not acceptable rate	Weekly avg of not acceptable
1/10/2020	171	4	167	97.7%	97.7%
1/13/2020	234	1	233	99.6%	97.6%
1/14/2020	173	3	170	98.3%	
1/15/2020	259	3	256	98.8%	
1/16/2020	249	12	237	95.2%	
1/17/2020	153	6	147	96.1%	
1/21/2020	274	20	254	92.7%	89.3%
1/22/2020	313	32	281	89.8%	
1/23/2020	373	54	319	85.5%	
1/24/2020	318	34	284	89.3%	
1/27/2020	227	29	198	87.2%	81.6%
1/28/2020	250	32	218	87.2%	
1/29/2020	140	26	114	81.4%	
1/30/2020	107	30	77	72.0%	
1/31/2020	116	23	93	80.2%	
2/3/2020	140	22	118	84.3%	83.9%
2/4/2020	221	26	195	88.2%	
2/5/2020	200	49	151	75.5%	
2/6/2020	188	23	165	87.8%	
2/7/2020	0	n/a	n/a	n/a	
2/10/2020	220	53	167	75.9%	69.7%
2/11/2020	178	70	108	60.7%	
2/12/2020	234	57	177	75.6%	
2/13/2020	249	91	158	63.5%	
2/14/2020	137	37	100	73.0%	
2/18/2020	240	64	176	73.3%	64.6%
2/19/2020	241	98	143	59.3%	
2/20/2020	202	80	122	60.4%	
2/21/2020	194	67	127	65.5%	
2/24/2020	243	80	163	67.1%	
2/25/2020	228	100	128	56.1%	62.4%
2/26/2020	273	82	191	70.0%	
2/27/2020	235	83	152	64.7%	
2/28/2020	171	78	93	54.4%	
3/2/2020	223	107	116	52.0%	
3/3/2020	258	99	159	61.6%	52.6%
3/4/2020	197	106	91	46.2%	
3/5/2020	233	99	134	57.5%	
3/6/2020	217	118	99	45.6%	
3/9/2020	215	84	131	60.9%	
3/10/2020	180	86	94	52.2%	

3/11/2020	213	102	111	52.1%	50.7%
3/12/2020	201	118	83	41.3%	
3/13/2020	199	106	93	46.7%	
3/16/2020	208	103	105	50.5%	39.6%
3/17/2020	115	87	28	24.3%	
3/18/2020	210	108	102	48.6%	
3/19/2020	249	149	100	40.2%	
3/20/2020	182	119	63	34.6%	
3/23/2020	166	96	70	42.2%	42.8%
3/24/2020	168	100	68	40.5%	
3/25/2020	149	94	55	36.9%	
3/26/2020	161	85	76	47.2%	
3/27/2020	148	78	70	47.3%	
3/30/2020	197	93	104	52.8%	44.2%
3/31/2020	104	54	50	48.1%	
4/1/2020	120	71	49	40.8%	
4/2/2020	139	81	58	41.7%	
4/3/2020	163	102	61	37.4%	
4/6/2020	137	78	59	43.1%	35.5%
4/7/2020	167	95	72	43.1%	
4/8/2020	133	87	46	34.6%	
4/9/2020	33	26	7	21.2%	
4/10/2020	0	0	0	n/a	
4/13/2020	121	74	47	38.8%	39.3%
4/14/2020	188	125	63	33.5%	
4/15/2020	129	75	54	41.9%	
4/16/2020	202	114	88	43.6%	
4/17/2020	192	118	74	38.5%	
4/20/2020	237	152	85	35.9%	32.5%
4/21/2020	257	184	73	28.4%	
4/22/2020	270	180	90	33.3%	
4/23/2020	267	170	97	36.3%	
4/24/2020	205	146	59	28.8%	
4/27/2020	223	152	71	31.8%	35.7%
4/28/2020	214	148	66	30.8%	
4/29/2020	251	160	91	36.3%	
4/30/2020	205	139	66	32.2%	
5/1/2020	236	124	112	47.5%	
5/4/2020	164	120	44	26.8%	31.8%
5/5/2020	143	97	46	32.2%	
5/6/2020	134	102	32	23.9%	
5/7/2020	184	133	51	27.7%	
5/8/2020	137	71	66	48.2%	
5/11/2020	152	84	68	44.7%	
5/12/2020	167	109	58	34.7%	
5/13/2020	179	125	54	30.2%	
5/14/2020	239	151	88	36.8%	



5/15/2020	153	89	64	41.8%	37.7%
5/18/2020	206	118	88	42.7%	37.9%
5/19/2020	198	139	59	29.8%	
5/20/2020	183	117	66	36.1%	
5/21/2020	236	162	74	31.4%	
5/22/2020	240	121	119	49.6%	
5/26/2020	257	159	98	38.1%	35.0%
5/27/2020	257	184	73	28.4%	
5/28/2020	229	151	78	34.1%	
5/29/2020	228	138	90	39.5%	
6/1/2020	259	164	95	36.7%	33.9%
6/2/2020	205	123	82	40.0%	
6/3/2020	246	167	79	32.1%	
6/4/2020	222	154	68	30.6%	
6/5/2020	157	110	47	29.9%	
6/8/2020	266	169	97	36.5%	27.9%
6/9/2020	259	185	74	28.6%	
6/10/2020	258	179	79	30.6%	
6/11/2020	203	152	51	25.1%	
6/12/2020	174	141	33	19.0%	
6/15/2020	176	137	39	22.2%	28.5%
6/16/2020	221	162	59	26.7%	
6/17/2020	258	157	101	39.1%	
6/18/2020	168	122	46	27.4%	
6/19/2020	162	118	44	27.2%	
6/22/2020	140	90	50	35.7%	26.7%
6/23/2020	155	108	47	30.3%	
6/24/2020	105	90	15	14.3%	
6/25/2020	148	113	35	23.6%	
6/26/2020	121	85	36	29.8%	
6/29/2020	141	86	55	39.0%	37.4%
6/30/2020	175	129	46	26.3%	
7/1/2020	254	131	123	48.4%	
7/2/2020	111	71	40	36.0%	
7/6/2020	117	87	30	25.6%	
7/7/2020					
7/8/2020					
7/9/2020					
7/10/2020					
Totals	23820	11861	11959	48.5%	

# EXHIBIT 5

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK

R-- D--,

Plaintiff,

-against-

CHAD F. WOLF, in his official capacity as  
Acting Secretary of Homeland Security;  
KENNETH T. CUCCINELLI, in his official  
capacity as Senior Official Performing the  
Duties of the Director of the U.S. Citizenship  
and Immigration Services; and LAURA  
ZUCHOWSKI, in her official capacity as  
Director of the Vermont Service Center of the  
U.S. Citizenship and Immigration Services,

Defendants.

\_\_\_CV\_\_\_

**COMPLAINT FOR DECLARATORY  
AND INJUNCTIVE RELIEF AND  
MANDAMUS**

Plaintiff R-- D-- (“Plaintiff” or “Mr. D--”), by and through his *pro bono* counsel,  
hereby alleges as follows:

**PRELIMINARY STATEMENT**

1. This is an action for declaratory and injunctive relief authorized by the Administrative Procedure Act (the “APA”), 5 U.S.C. § 551 and § 702; the Declaratory Judgment Act, 28 U.S.C. § 2201; and the Mandamus Act, 28 U.S.C. § 1361. Through this action, Mr. D-- seeks to compel the U.S. Citizenship and Immigration Services (“USCIS”) to accept and adjudicate a petition for derivative U nonimmigrant status – more commonly referred to as a “U-Visa” – that he has properly filed for his wife but that USCIS has repeatedly rejected for reasons that have no basis in law or fact.

2. While living in CITY, Mr. D-- was a victim of race-based extortion at the hands of a police sergeant who was convicted of illegally pulling over Latino drivers and extorting money



from them. At the time of his victimization, Mr. D-- did not have lawful immigration status in the United States. Despite his fear of retaliation – and at risk of deportation – he stepped forward as a crime victim and cooperated with the CITY District Attorney’s Office in its successful prosecution of the police sergeant for the crimes he committed against Mr. D-- and numerous other Latinos.

3. To confirm Mr. D--’s victimization and cooperation, the CITY District Attorney’s Office issued him a U Nonimmigrant Status Certification on Form I-918, Supplement B (“U-Visa Certification”). This U-Visa Certification allowed Mr. D-- to apply for a U-Visa by filing a Petition for U Nonimmigrant Status on Form I-918 (“Form I-918”) with USCIS.

4. Congress created the U-Visa in 2000 to encourage undocumented crime victims to do exactly as Mr. D-- had done here: cooperate with law enforcement in the investigation and prosecution of crimes committed against them. When USCIS grants a crime victim a U-Visa, that person is entitled to lawfully live and work in the United States for four years and eventually apply for lawful permanent residence in the United States (*i.e.*, a green card).

5. In addition to applying for a U-Visa for him or herself, a crime victim with a U-Visa Certification may also apply for a derivative U-Visa for his or her spouse and other qualifying family members. To do so, the crime victim must send a Petition for Qualifying Family Member of U-1 Recipient on Form I-918, Supplement A (“Form I-918 Supplement A”) to USCIS for each family member for whom the crime victim seeks a derivative U-Visa.

6. In July 2019, USCIS granted Mr. D-- a U-Visa by approving his Form I-918. Thereafter, Mr. D-- attempted to apply for a derivative U-Visa for his wife by sending a Form I-918 Supplement A to USCIS with the assistance of *pro bono* counsel.

7. The Form I-918 Supplement A that Mr. D-- completed and filed on behalf of his

wife consisted of numerous questions and corresponding answer fields. For example, one question asked Mr. D-- to provide his wife's Social Security Number, if any. Next to that question was a blank answer field for Mr. D-- to provide his response, if any.

8. Around the same time that Mr. D-- completed and first attempted to file the Form I-918 Supplement A, USCIS posted an "Alert" on its webpage purporting to empower USCIS to reject and refuse to adjudicate a Form I-918 Supplement A if the crime victim left any of the form's non-optional answer fields blank (the "Alert").

9. The Alert conflicts with portions of USCIS's published instructions for completing the Form I-918 Supplement A, which specifically direct filers to leave certain answer fields blank in certain situations. *See, e.g.*, Form I-918 and Form I-918 Supplement A Instructions at 7 (Apr. 24, 2019), <https://www.uscis.gov/i-918> ("Instructions") ("Provide [your family member's] U.S. Social Security Number. If he or she does not have a U.S. Social Security Number, leave this blank."). These instructions carry the force of law. 8 C.F.R. § 103.2(a). In addition, the Alert contravenes USCIS's longstanding pattern and practice of accepting and adjudicating Forms I-918 Supplement A containing blank answer fields where, for example, a question does not apply or the crime victim does not know its answer.

10. Despite these contradictions between the Alert, on one hand, and the applicable regulations and practices, on the other, Mr. D-- strictly complied with the Alert by completing all answer fields in the Form I-918 Supplement A to ensure USCIS's prompt acceptance and adjudication of his petition. Nevertheless, USCIS has repeatedly rejected and refused to adjudicate the Form I-918 Supplement A on three separate occasions on the basis that Mr. D-- has left certain answer fields blank – which he has not.

11. USCIS's refusal to adjudicate Mr. D--'s Form I-918 Supplement A has left him in

a perilous position. Mr. D--'s wife does not have lawful immigration status, is at risk of deportation, and is the mother and caregiver to Mr. D--'s two minor U.S. citizen children, one of whom has special needs. Having no other recourse, Mr. D-- files this action to compel USCIS to accept and adjudicate the Form I-918 Supplement A he has properly filed for his wife.

### **JURISDICTION AND VENUE**

12. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331 (federal question jurisdiction) and 28 U.S.C. § 1361 (the Mandamus Act).

13. This Court has the authority to grant declaratory and injunctive relief pursuant to 28 U.S.C. § 1361 (the Mandamus Act), 28 U.S.C. § 2202 (the Declaratory Judgment Act), and 5 U.S.C. § 702 (the APA). The Government has waived sovereign immunity over the claims raised here pursuant to 5 U.S.C. § 702.

14. Venue is proper in the Eastern District of New York pursuant to 28 U.S.C. § 1391(e), because Defendants are officers or employees of U.S. administrative agencies acting in their official capacities. In addition, Plaintiff resides in the Eastern District of New York, and no real property is involved in this action.

### **PARTIES**

15. Plaintiff R-- D-- is a [COUNTRY of ORIGIN] citizen who was a victim of race-based extortion. As a result of his victimization and subsequent cooperation with law enforcement, USCIS granted him a U-Visa permitting him to, among other things, apply for a derivative U-Visa for his wife. Mr. D-- has properly applied for a derivative U-Visa for his wife by sending a Form I-918 Supplement A to USCIS. Nevertheless, USCIS has unlawfully and repeatedly rejected and refused to adjudicate that petition.

16. Defendants are Chad F. Wolf, Acting Secretary of Homeland Security; Kenneth T.



Cuccinelli, Senior Official Performing the Duties of the Director of USCIS; and Laura Zuchowski, Director of USCIS's Vermont Service Center. Defendants are responsible for the administration of immigrant benefits and services and are named in this action solely in their official capacities.

## **BACKGROUND**

### A. Overview of U-Visas for Crime Victims

17. Congress created U-Visas in the Battered Immigrant Women Protection Act of the Violence Against Women Act of 2000, which is found within the Victims of Trafficking and Violence Protection Act of 2000. Victims of Trafficking and Violence Protection Act of 2000, Pub. L. No. 106-386, § 1513(b), 114 Stat. 1464, 1534-35 (2000) (codified at 8 U.S.C. § 1101(a)(15)(U)).

18. Congress created the U-Visa to serve two interrelated goals: (1) to “facilitate the reporting of crimes to law enforcement officials by . . . victimized[] and abused [noncitizens] who are not in lawful immigration status” and (2) to “offer[] protection to victims of such offenses in keeping with the humanitarian interests of the United States.” *Id.* § 1513(a)(2)(A)-(B), 114 Stat. at 1533-34.

19. A noncitizen is eligible for a U-Visa if he or she is the victim of a qualifying criminal activity; has suffered substantial physical or mental harm as a result; and has been helpful to law enforcement in the investigation or prosecution of the criminal activity suffered. 8 U.S.C. § 1101(a)(15)(U)(i).

20. To apply for a U-Visa, a crime victim must send USCIS a Form I-918 and initial evidence, including a U-Visa Certification signed by a judge or a designated official at a federal, state, or local law enforcement agency. *Id.* § 1184(p)(1); 8 C.F.R. § 214.14(c)(1)-(2). The U-Visa Certification must confirm, among other things, that the noncitizen is a victim of a qualifying crime

and has been helpful in the judge's or law enforcement agency's investigation or prosecution of that crime. 8 U.S.C. § 1184(p)(1); 8 C.F.R. § 214.14(c)(2).

21. When a noncitizen receives a U-Visa, he or she is entitled to lawfully live and work in the United States for a period of four years. 8 C.F.R. § 214.14(g)(1); *id.* § 214.14(c)(7). In addition, a noncitizen with a U-Visa becomes eligible to apply for lawful permanent residence in the United States (*i.e.*, a green card) after he or she has held the U-Visa and been physically present in the United States for at least three years. 8 U.S.C. § 1255(m)(1); 8 C.F.R. § 245.24(b).

B. Overview of Derivative U-Visas for Crime Victims' Family Members

22. In addition to applying for a U-Visa for him or herself, a crime victim with a U-Visa Certification may also apply for a derivative U-Visa for his or her spouse and other qualifying family members. To do so, the crime victim must send a Form I-918 Supplement A and initial evidence to USCIS for each family member for whom the crime victim seeks a derivative U-Visa. 8 U.S.C. § 1101(a)(15)(U)(ii); 8 C.F.R. § 214.14(f).

23. The initial required evidence for a Form I-918 Supplement A includes proof of the legal relationship between the crime victim and his or her family member. 8 C.F.R. § 214.14(f)(3)(i). Thus, if a crime victim is filing a Form I-918 Supplement A on behalf of a spouse, the crime victim must include a copy of the couple's "marriage certificate issued by a civil authority." Instructions at 13.

24. If the qualifying family member is subject to any grounds of inadmissibility set forth at 8 U.S.C. § 1182(a), the initial evidence submitted with a Form I-918 Supplement A also must include an Application for Advance Permission to Enter as a Nonimmigrant on Form I-192 ("Form I-192") asking USCIS to waive the family member's applicable ground(s) of inadmissibility. 8 C.F.R. § 214.14(f)(3)(ii).

C. USCIS's Processing of Forms I-918 Supplement A

25. When a crime victim sends a Form I-918 Supplement A to USCIS on behalf of a qualifying family member, USCIS sends the crime victim a Notice of Action on Form I-797C acknowledging USCIS's receipt of the Form I-918 Supplement A "as of the actual date of receipt." *Id.* § 103.2(a)(7)(i).

26. Pursuant to 8 C.F.R. § 103.2(a)(7)(ii), USCIS may reject a Form I-918 Supplement A in only three situations: if the petition is not (i) "[s]igned with [a] valid signature, (ii) "[e]xecuted," and/or (iii) "[f]iled in compliance with the [governing] regulations." *Id.* § 103.2(a)(7)(ii).

27. Although 8 C.F.R. § 103.2(a)(7)(ii) provides an exclusive, rather than an exemplary, list of reasons for which USCIS may reject a Form I-918 Supplement A, on or around April 16, 2020, USCIS updated its Policy Manual<sup>1</sup> to purport to empower USCIS officers to reject immigration petitions for additional, unknown, and unspecified reasons. *See* USCIS, Policy Manual, Vol. 1, Part B, Chapter 6 (May 15, 2020), <https://www.uscis.gov/policy-manual/volume-1-part-b-chapter-6> (stating that a USCIS officer may reject a petition for reasons that "may include, but are not limited to," those deriving from 8 C.F.R. § 103.2(a)(7)(ii)).

D. The Alert

28. The Form I-918 Supplement A that a crime victim files on behalf of a qualifying family member consists of a number of questions and corresponding answer fields in which the crime victim may provide his or her response to each question. For example, Question 6 at Part 3 of the Form I-918 Supplement A asks the crime victim to provide his or her qualifying family

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<sup>1</sup> USCIS's Policy Manual "is to be followed by all USCIS officers in the performance of their duties but it does not remove their discretion in making adjudicatory decisions." USCIS, Policy Manual, About the Policy Manual (May 15, 2020), <https://www.uscis.gov/policy-manual>.

member's Social Security Number, if any. Next to that question is a blank answer field where the crime victim may provide his or her response to that question.

29. USCIS has published and posted on its website written instructions for completing the Form I-918 Supplement A. *See* Instructions. These instructions are incorporated into the regulations governing the submission of a Form I-918 Supplement A and therefore carry the force of law. 8 C.F.R. § 103.2(a).

30. The Form I-918 Supplement A instructions explicitly direct crime victims to leave certain of the petition's answer fields blank when a corresponding question does not apply to the crime victim or his or her family member or when the crime victim does not know the answer to the question. *See, e.g.*, Instructions at 7 ("Item Number 6. U.S. Social Security Number. Provide [your family member's] U.S. Social Security Number. If he or she does not have a U.S. Social Security Number, leave this blank.").

31. Other portions of the Form I-918 Supplement A instructions direct crime victims to complete answer fields only when certain conditions apply. *See, e.g., id.* at 8 ("Item Numbers 14. – 18. Passport and Travel Document Numbers. If your family member used a passport or travel document to travel to the United States, enter either the passport or travel document information in the appropriate space on the supplement, even if the passport or travel document is currently expired.").

32. Despite these instructions, on or around December 30, 2019, USCIS posted the following Alert<sup>2</sup> to its webpage:

**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.



33. This Alert contradicts those portions of the Form I-918 Supplement A instructions referenced in paragraphs 30 and 31 above. On information and belief, the Alert also contravenes USCIS's longstanding pattern and practice of accepting and adjudicating Forms I-918 Supplement A containing blank answer fields where, for example, a question does not apply or the crime victim does not know its answer.

E. Mr. D--'s U-Visa

34. Mr. D-- was a victim of [CRIME] in the [CITY.] Between at least MONTH 201X and January 201X, Describe victimization.

35. The PERPETRATOR was arrested in January 201X. After PERPETRATOR's arrest, Mr. D-- voluntarily came forward to cooperate with the CITY District Attorney's Office in its investigation and successful prosecution of PERPETRATOR.

36. The District Attorney's Office issued Mr. D-- a U-Visa Certification confirming that he was the victim of a qualifying crime (extortion) and cooperated with law enforcement in the investigation and prosecution of that crime. Specifically, the U-Visa Certification confirmed that Mr. D-- had met multiple times with investigators, provided written statements, viewed line-ups, testified before the grand jury, made himself available to testify at trial, and provided a victim impact statement at the PERPETRATOR's sentencing.

37. In January 201X, Mr. D-- applied for a U-Visa by sending a Form I-918, the U-Visa Certification, and other supporting evidence to USCIS. By notice dated July 1, 2019, USCIS approved Mr. D--'s Form I-918, granting him a U-Visa that is valid through June 30, 2023.

F. USCIS's Unlawful Rejection of and Refusal to Adjudicate Mr. D--'s Form I-918 Supplement A

38. After USCIS granted Mr. D-- a U-Visa, he attempted to apply for a derivative U-Visa for his wife by filing a Form I-918 Supplement A with USCIS. Citing to the Alert, however,

USCIS has unlawfully and repeatedly rejected and refused to adjudicate the Form I-918 Supplement A for reasons that have no basis in law or fact.

39. Mr. D-- first tried filing the Form I-918 Supplement A with USCIS on January 15, 2020. *See* Form I-918 Filed Jan. 15, 2020 (attached as Ex. A). He filed the then- current version of the Form I-918 Supplement A (dated April 24, 2019) and attached all required initial evidence, including a copy of his certificate of marriage to his wife and a Form I-192 requesting a waiver of his wife's applicable grounds of inadmissibility. *Id.* In addition, Mr. D-- also completed all answer fields in the Form I-918 Supplement A. *Id.* at 7-18.

40. Nevertheless, by notice dated February 19, 2020, USCIS rejected the Form I-918 Supplement A on the basis that Mr. D-- had allegedly (i) used an outdated version of the Form I-918 Supplement A – which he had not – and (ii) failed to comply with the Alert by leaving certain answer fields blank – which he had not. *See* Notice of Action (Feb. 21, 2020) (attached as Ex. B).

41. With respect to Mr. D--'s alleged noncompliance with the Alert, USCIS claimed that Mr. D-- had failed to provide responses to three sets of questions in Part 5 of the Form I-918 Supplement A: Questions 2.a through 2.f, Questions 3.a through 3.f, and Question 23. *Id.* In reality, however, Mr. D-- had provided proper responses to all of these questions.

42. Questions 2.a through 2.f asked Mr. D-- to provide information concerning his wife's pasts arrests, citations, detentions, or charges, if any. *See* Form I-918 Filed Jan. 15, 2020 at 10. Specifically, Questions 2.a through 2.f asked Mr. D-- why his wife was arrested, cited, detained, or charged; the date and location of this occurrence; and the outcome or disposition. *Id.* Questions 3.a through 3.f asked Mr. D-- to provide this same information if his wife had ever been arrested, cited, detained, or charged for a second time. *Id.*

43. Mr. D-- completed all of these questions. In response to Questions 2.a through 2.f,

he provided accurate information concerning his wife's prior apprehension by U.S. immigration officials at the U.S./Mexican border in September 2012. *Id.* In response to Questions 3.a through 3.f, he wrote "N/A" in every answer field in compliance with the Alert. *Id.*

44. Question 23 asked Mr. D-- to answer whether his wife has ever, "by fraud or willful misrepresentation of a material fact, sought to procure or procured a visa or other documentation, for entry into the United States or any immigration benefit." *Id.* at 13.

45. In response to this question, Mr. D-- wrote "Unclear" and appended a detailed affidavit from his wife. *Id.* at 13, 21-23. In the affidavit, Mr. D--'s wife explained certain statements she had made to the immigration officials who apprehended her in September 201X so that USCIS could make a legal determination as to whether these statements constituted material misrepresentations made for an immigration benefit. *Id.* at 21-22.

46. Because Mr. D-- properly responded to Questions 2.a through 2.f, Questions 3.a through 3.f, and Question 23 in Part 5 of the Form I-918 Supplement A he attempted to file on January 15, 2020, USCIS had no legal or factual basis to reject the Form I-918 Supplement A by notice dated February 19, 2020.

47. Mr. D-- attempted filing the Form I-918 Supplement A and initial required evidence for a second time on March 1, 2020. *See* Form I-918 Filed Mar. 1, 2020 (attached as Ex. C). In an effort to strictly comply with both the Alert and the rejection notice dated February 19, 2020, Mr. D-- wrote one of the Alert's accepted responses – "Unknown" – in response to Question 23 in addition to the answer he had previously provided ("Unclear"). *Id.* at 17. In addition, Mr. D-- highlighted his responses to the remaining questions that USCIS had previously claimed he had not answered (Questions 2.a through 2.f and Questions 3.a through 3.f). *Id.* at 14.

48. By notice dated March 9, 2020, USCIS rejected the Form I-918 Supplement A for

a second time on the basis that Mr. D-- had allegedly failed to provide responses to the same questions that USCIS had identified before: Questions 2.a through 2.f, Questions 3.a through 3.f, and Question 23. *See* Notice of Action (Mar. 9, 2020) (attached as Ex. D).

49. Because Mr. D-- properly responded to Questions 2.a through 2.f, Questions 3.a through 3.f, and Question 23 in Part 5 of the Form I-918 Supplement A he attempted to file with USCIS on March 1, 2020, USCIS had no legal or factual basis to reject the Form I-918 Supplement A by notice dated March 9, 2020.

50. Finally, Mr. D-- attempted filing the Form I-918 Supplement A and initial required evidence with USCIS for a third time on March 14, 2020. *See* Form I-918 Filed Mar. 14, 2020 (attached as Ex. E). In a cover letter to the filing, Mr. D--'s *pro bono* counsel explained how USCIS had twice rejected the Form I-918 Supplement A in error and included images of Mr. D--'s responses to the questions that USCIS had twice accused him of not answering. *Id.* at 1-3.

51. By notice dated May 1, 2020, USCIS rejected the Form I-918 Supplement A for a third time on the basis that Mr. D-- had allegedly failed to provide responses to the same questions USCIS had identified twice before: Questions 2.a through 2.f, Questions 3.a through 3.f, and Question 23. *See* Notice of Action (May 1, 2020) (attached as Ex. F).

52. Because Mr. D-- properly responded to Questions 2.a through 2.f, Questions 3.a through 3.f, and Question 23 in Part 5 of the Form I-918 Supplement A he attempted to file with USCIS on March 14, 2020, USCIS had no legal or factual basis to reject the Form I-918 Supplement A by notice dated May 1, 2020.

G. The Consequences of USCIS's Unlawful and Repeated Refusal to Accept and Adjudicate Mr. D--'s Form I-918 Supplement A

53. Mr. D--'s wife is subject to a removal order, is at risk of deportation, and is the mother and caregiver to Mr. D--'s two minor U.S. citizen children, one of whom has special needs.



By unlawfully and repeatedly refusing to accept and adjudicate the Form I-918 Supplement A that Mr. D-- filed on his wife's behalf, USCIS has irreparably harmed Mr. D-- and his wife in the following primary ways:

54. First, USCIS has placed Mr. D-- at risk of separation from his wife by depriving her of safeguards against deportation, including the possibility of a stay of removal and the termination of her outstanding removal order.

55. [Consider including in cases where applicant subject to final order] Pursuant to U.S. Immigration and Customs Enforcement ("ICE") Directive 11005.2, when USCIS has acknowledged its receipt of a Form I-918 Supplement A that a crime victim has filed on behalf of a family member subject to a removal order, ICE will consider a "totality of circumstances" in determining whether to stay that family member's removal from the United States. ICE, Revision of Stay of Removal Request Reviews for U Visa Petitioners, Questions and Answers (Aug. 2, 2019), <https://www.ice.gov/factsheets/revision-stay-removal-request-reviews-u-visa-petitioners>. In conducting this analysis, ICE generally considers the crime victim's cooperation as "a significant favorable factor." *Id.*

56. [Consider including in cases where applicant subject to final order] Moreover, once USCIS approves the Form I-918 Supplement A and grants the family member a derivative U-Visa, ICE will consider joining a motion to the Immigration Court to reopen and terminate the family member's prior removal proceedings. *Id.*; 8 C.F.R. § 214.14(f)(6). If this motion is granted, the prior removal order will be cancelled, and the family member will no longer be at risk of deportation from the United States pursuant to that order. 8 C.F.R. § 214.14(f)(6).

57. Second, by unlawfully and repeatedly refusing to accept and adjudicate the Form

I-918 Supplement A that Mr. D-- filed on behalf of his wife, USCIS has subjected him to increasingly longer adjudication times for his petition on behalf of his wife.

58. On information and belief, when a crime victim files the Forms I-918 Supplement A after he or she has already received a U-Visa – as Mr. D-- has done here – USCIS adjudicates the petition on a “first in, first out” basis. *See* USCIS, Check Case Processing Times (Form I-918), <https://egov.uscis.gov/processing-times/> (last visited May 19, 2020).

59. Between fiscal years 2009 and 2020, the number of Forms I-918 Supplement A pending before USCIS has sharply increased. Approximately 9,000 Forms I-918 Supplement A were pending before USCIS in 2009. USCIS, Number of Form I-918, Petition for U Nonimmigrant Status by Fiscal Year, Quarter, and Case Status Fiscal Years 2009-2020 (Apr. 20, 2020), [https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/Victims/I918u\\_visastatistics\\_fy2020\\_qtr1.pdf](https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/Victims/I918u_visastatistics_fy2020_qtr1.pdf). As of the end of the first quarter of 2020, however, more than 104,000 such petitions are now pending. *Id.*

60. As USCIS has acknowledged, “[i]f filing trends continue, the pending queue and associated processing times [for U-Visa petitions] will continue to grow significantly.” USCIS, U Visa Filing Trends 3 (2020), [https://www.uscis.gov/sites/default/files/USCIS/statistics/Mini\\_U\\_Report-Filing\\_Trends\\_508.pdf](https://www.uscis.gov/sites/default/files/USCIS/statistics/Mini_U_Report-Filing_Trends_508.pdf). Thus, by unlawfully and repeatedly rejecting and refusing to adjudicate the Form I-918 Supplement A that Mr. D-- filed for his wife, USCIS has subjected Mr. D-- to exponentially longer processing times for each day that passes before USCIS acknowledges the Form I-918 Supplement A as received.

61. Third, USCIS has deprived Mr. D--’s wife of the ability to promptly qualify for and receive government-funded health insurance. Under New York State law, immigrants who are permanently residing under color of law (“PRUCOL”) qualify for Medicaid, and a Form I-918

Supplement A receipt notice affords PRUCOL status. Office of Health Ins. Programs, N.Y. State Dep't of Health, Documentation Guide, Citizenship and Immigrant Eligibility for Health Coverage in New York State 11 (Mar. 3, 2008), [https://www.health.ny.gov/health\\_care/medicaid/publications/docs/gis/08ma009att.pdf](https://www.health.ny.gov/health_care/medicaid/publications/docs/gis/08ma009att.pdf).

62. Thus, USCIS's rejection of Mr. D--'s Form I-918 Supplement A has prevented his wife from promptly qualifying for and receiving a critical health benefit to which she would otherwise be entitled.

### **CLAIMS FOR RELIEF**

#### **First Cause of Action – Administrative Procedure Act** (Arbitrary and Capricious)

1. The foregoing paragraphs are realleged and reasserted as if set forth fully herein.
2. USCIS implemented an Alert that contravenes USCIS's own regulations and then relied upon that Alert to repeatedly reject and refuse to adjudicate the Form I-918 Supplement A Mr. D-- properly filed.
3. In addition, USCIS offered an explanation for its rejections of and refusal to adjudicate the Form I-918 Supplement A that had no basis in fact and ran counter to the evidence in USCIS's possession.
4. USCIS's rejection of and refusal to adjudicate the Form I-918 Supplement A constitutes agency action that is "arbitrary, capricious, and abuse of discretion, or otherwise not in accordance with law" under 5 U.S.C. § 706(2)(A).
5. As a result of USCIS's arbitrary and capricious agency action, Mr. D-- has suffered and will continue to suffer extreme and irreparable harm for which there is no adequate remedy at law. *See* 5 U.S.C. § 702.

**Second Cause of Action – Administrative Procedure Act**  
(Unlawful Withholding)

6. The foregoing paragraphs are realleged and reasserted as if set forth fully herein.

7. By enacting statutory eligibility standards for a derivative U-Visa, Congress has imposed a nondiscretionary duty on USCIS to adjudicate a Form I-918 Supplement A that a U-Visa holder properly files on behalf of a qualifying family member. *See, e.g., INS v. St. Cyr*, 533 U.S. 289, 307-08 (2001).

8. USCIS has unlawfully withheld adjudication of the Form I-918 Supplement A that Mr. D-- properly filed for his wife.

9. USCIS's failure to adjudicate Mr. D--'s Form I-918 Supplement A is "agency action unlawfully withheld" under 5 U.S.C. § 706(1).

10. As a result of USCIS's unlawful withholding, Mr. D-- has suffered and will continue to suffer extreme hardship and irreparable harm for which there is no adequate remedy at law. *See* 5 U.S.C. § 702.

**Third Cause of Action – Mandamus Act**  
(Unlawful Failure to Adjudicate)

11. The foregoing paragraphs are realleged and reasserted as if set forth fully herein.

12. The Mandamus Act authorizes federal district courts to compel an officer or employee of a U.S. agency to perform a duty owed to the plaintiff. 28 U.S.C. § 1361. Issuance of a writ of mandamus is appropriate where the following requirements are satisfied: (i) the plaintiff has a right to have such act performed; (ii) the defendant is under a clear non-discretionary duty to perform the act requested; and (iii) no other adequate remedy is available.

13. Mr. D-- satisfies the requirements of a writ of mandamus compelling USCIS to adjudicate the Form I-918 Supplement A he filed for his wife.



14. First, Mr. D-- properly filed the Form I-918 Supplement A with USCIS on three occasions. Each time, however, USCIS rejected and withheld adjudication of the Form I-918 Supplement A for reasons that had no basis in law or fact.

15. Second, by enacting statutory eligibility standards for a derivative U-Visa, Congress has imposed a nondiscretionary duty on USCIS to adjudicate a Form I-918 Supplement A that a U-Visa holder properly files on behalf of a qualifying family member.

16. Third, no other adequate remedy is available to Mr. D--. Without the adjudication of the Form I-918 Supplement A that he has properly filed for his wife, he is at greater risk of separation from his wife and has been and will continue to be subjected to increasingly longer adjudication times for the Form I-918 Supplement A. In addition, his wife does not qualify for a health benefit to which she otherwise would be entitled. Mr. D--'s only avenue of relief with respect to his right to adjudication is a writ of mandamus.

### **REQUESTED RELIEF**

WHEREFORE, Plaintiff respectfully requests that the Court:

1. Assume jurisdiction over this matter;
2. Enter a declaratory judgement that Defendants' actions and omissions complained of herein violate 8 U.S.C. § 1101(a)(15)(U)(ii) and 5 U.S.C. § 706(1)-(2);
3. Enjoin Defendants and enter an order compelling Defendants both to acknowledge the Form I-918 Supplement A as received on January 15, 2020, when Plaintiff first properly filed it, and to promptly adjudicate the Form I-918 Supplement A;
4. Award reasonable attorneys' fees and costs pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504, 28 U.S.C. § 2412; and
5. Grant any and all further relief that the Court deems just and proper.

Dated: June [•], 2020  
New York, New York

Respectfully submitted,

DRAFT

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*Pro Bono* Attorneys for Plaintiff  
R-- D--

DRAFT