

## Overview of Changes in Law & Policy Shifts Impacting Survivors Eligible for Humanitarian Relief 2021-2022

Practice Area	Changes in Law &/ Policy Shifts (including Dates of Implementation)	Action Alert
VAWA	<ul style="list-style-type: none"> <li>➤ Policy Manual Updates (as of 02/10/2022):               <ul style="list-style-type: none"> <li>- Proof of shared residence at any time prior to I-360 filing</li> <li>- Overcome INA 101(f) GMC violations within last 3 years if waivable and can show “logical or causal relationship” to abuse</li> <li>- Abused stepchildren no longer need to prove ongoing relationship with abusive stepparent where relationship w/parents ends in divorce</li> <li>- Written Bona Fide Marriage exemption required when subject to 204(g)</li> <li>- Confirms policy to hold I-485 based on I-130 in abeyance for 30 days to file I-360, and substitute basis for I-485</li> </ul> </li> </ul>	Review cases that may have been previously ineligible or denied on these bases
U Visas	<ul style="list-style-type: none"> <li>➤ Medina Tovar v. Zuchowski, 982 F.3d 631,633. (9th Cir. 2020) (decision became final 05/02/2021)</li> <li>➤ Bona Fide Determinations (06/14/2021)               <ul style="list-style-type: none"> <li>- Offers Deferred Action w/ c14 EAD for up to four years while U remains pending if can establish prima facie case with no adverse factors</li> <li>- Average wait time remains about five years</li> </ul> </li> <li>➤ DACA recipients may continue to renew DACA even after placed on waitlist or given BFD (unwritten but updated policy effective 2022)</li> </ul>	Review cases that may have been previously ineligible or denied on these bases -May submit c14 I-765 with initial petition or interfile while U is pending (no fee) or, as USCIS prefers, wait until receiving BFD or waitlist letter
T Visas	<ul style="list-style-type: none"> <li>➤ Medina Tovar v. Zuchowski, 982 F.3d 631,633. (9th Cir. 2020) (decision became final 05/02/2021)</li> <li>➤ Policy Manual Updates (as of 10/20/2021):               <ul style="list-style-type: none"> <li>- Physical presence clarified</li> <li>- Age-based exemption</li> <li>- Clarifies how Involuntary servitude claims are reviewed, acknowledging they may include servitude induced by domestic violence and victimization that occurs during voluntary smuggling</li> <li>- Automatic 24-month employment authorization extension with I-485 receipt following I-94 expiration</li> </ul> </li> </ul>	Review cases that may have been previously ineligible or denied on these bases
Employment Authorization for U and T Nonimmigrants	<ul style="list-style-type: none"> <li>➤ Handbook for Employers M-274 at 6.8:               <ul style="list-style-type: none"> <li>- T-1s and all U nonimmigrants can satisfy I-9 requirements with valid I-94 showing T-1/U nonimmigrant status and List B identification</li> <li>- T-1s and all U nonimmigrants who timely file I-485 can satisfy I-9 requirements with I-94 and I-485 receipt notice showing timely filing</li> <li>- T-1: I-485 valid as evidence of work authorization for 2 years from “admit until date” on I-94</li> <li>- U nonimmigrants: I-485 valid as evidence of work authorization for 1 year from “admit until date” on I-94</li> </ul> </li> </ul>	Advise affected clients how to show evidence of work authorization where EAD not yet issued