



## ASISTA Virtual CLE Conference

December 13-14, 2023

### Proceeding in Proceedings: Legal and Practical Strategies for Survivor-Based Removal Defense

#### Session 3: DHS Panel: Updates in DHS Policy and Practice

*This document contains ASISTA's notes from our Q&A with USCIS representatives during our virtual conference on December 13, 2023. ASISTA's notes have not been reviewed by USCIS and all content is paraphrased. The responses from USCIS are for purposes of public outreach for stakeholders. They do not create a right or benefit and are not legal advice.<sup>1</sup>*

**Note:** USCIS highlighted a few questions and responses from their engagement with the AILA VAWA, U, T Committee on November 16, 2023. USCIS posted their notes from that engagement on their website, accessible [here](#).

#### Superseded Policies

1. **Question:** What is the most reliable way for the public to tell whether a particular piece of policy guidance or agency memorandum has been **rescinded or superseded**? If it doesn't already, will USCIS consider adding a watermark or other indication to all rescinded or superseded content on your website, or otherwise creating a tool to verify validity, in addition to stating clearly in the new policy or memorandum what prior documents are being superseded?

**Response:** If a USCIS memo is fully superseded by Policy Manual content, we archive the memo and the link on the website that used to house the memo will redirect you to the Policy Manual for current guidance. The memo that is removed will have a stamp on

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<sup>1</sup> This material has been prepared to provide you with information only and it is not intended to be legal advice. Please remember that you are still responsible for researching the issues pertaining to your case. ASISTA members can make an appointment for technical assistance on case-related matters at [http://www.asistahelp.org/en/technical\\_assistance/](http://www.asistahelp.org/en/technical_assistance/).

it, indicating that it is superseded by Policy Manual content. Then the memo is provided to the [USCIS History Office and Library](#) to put the notice in their [library catalog](#), which is searchable.

If a USCIS memo is partially superseded, it will remain on the USCIS website, but have a red banner on it saying it has been partially superseded by Policy Manual guidance.

The long-term goal is to fold all of our immigration-related memos and all Adjudicator's Field Manual content into the Policy Manual and to create a consistent way to mark items as superseded. If you notice something on the USCIS website or content that appears outdated or is not marked in a clear way, please bring it to our attention so information is as consistent and accurate as we can make it.

**ASISTA Note:** [Feedback on the USCIS Policy Manual can be submitted to their inbox: \*policyfeedback@uscis.dhs.gov\*](#).

[General feedback and suggestions can be submitted to the \*Public Engagement Division\* inbox: \*public.engagement@uscis.dhs.gov\*](#).

- a. **Follow-Up Question:** Is everything in that History Office and Library “archived” and therefore at least partially superseded?

**Response:** If it is fully superseded, it is archived and goes to the library catalog. You can still find partially superseded memos on the USCIS website that aren't behind that archive wall. The Library can find things that Google cannot or that are nowhere on USCIS.gov. If it is nowhere else on USCIS.gov, then that tells you that it is fully superseded.

But again, if you see something that is wonky, or there isn't clarity, then ask and USCIS can find out.

## **USCIS NTA Policy**

2. **Question:** Is USCIS developing new guidelines for the issuance of NTAs?

**Response:** Yes, we are developing new NTA Policy Manual guidance, which is consistent with the DHS guidance and we are hoping to publish as soon as possible.

3. **Question:** Is USCIS currently issuing NTAs following the denial of survivor-based relief (U/T/VAWA/SIJS)? To what degree do the ICE Victim-Centered approach and Mayorkas memo play a role in USCIS decisions to issue NTAs?

**Response:** Our upcoming NTA Policy Memo content will better address this question because it discusses USCIS's exercise of prosecutorial discretion, but USCIS is not currently issuing NTAs to noncitizens following an adverse decision on a survivor-based benefit.

4. **Question:** Do principals and derivatives receive the same survivor-based discretion generally, and forbearance of NTA issuance?

**Response:** As just noted, USCIS is not currently issuing NTAs to principals or derivatives upon adverse decision of any survivor-based benefit request.

### **Handling & Transfer of A-Files**

5. As additional digitization of files is underway (both with the EROP and at USCIS), practitioners have expressed curiosity about how **A-files are handled, viewed, or transferred between DHS components**.

Could you please share the most important things a survivor and their representative need to know about A-files in the following scenarios:

- a. **Question:** First, what is the **status** of USCIS file digitization, especially for survivor-based files?

**Response:** Digitization is underway for survivor-based filings, particularly for I-918 and I-914, and is in early development stages. We have begun scanning both workloads to make it more efficient to adjudicate the forms. Any processes that are developed will be developed under the guidelines of 8 USC 1367 to ensure protection of survivor information. We really want to stress this, since we know it is often a concern. All procedures for electronic digital processing for survivor-based benefits are done with 8 USC 1367 in mind. It takes longer to develop processes because of these protections. We want to make sure that the information will not be inadvertently disclosed and that we meet all those requirements.

- b. **Question:** For survivors with multiple applications pending at **different filing locations** (i.e., I-539 to extend status at VSC; U-AOS/EAD at NSC; Labor DA at Montclair), are adjudicators of each application able to view the entire A file or does the file need to be transferred to each office for decision? Is it ever helpful for the survivor to submit items in support of one application that they already submitted in another, or that were received directly from USCIS (such as a receipt)?

**Response:** Generally, officers need the entire A-file to review prior to making an adjudication decision on that filing. And we require that so that the adjudicator has access to all info that may be applicable to that filing. When filing any application or petition, it's recommended that survivors submit all documentation required for that particular filing. The filing instructions are the first and best place to start to determine which documentation they need to submit with each filing. It is not required, but may be helpful, for survivors to submit receipt notices, particularly if they are submitting a filing in support of another one. For example, if an I-918 is already filed and they're now submitting an I-765 after the fact as a

standalone filing. In those instances, it would be helpful to include the receipt number for the I-918 to make it easier for the Service Center to match up the filings.

- i. **Follow-Up Question:** Where an I-539 for a U nonimmigrant is filed with VSC and the I-485 is filed with NSC, the U nonimmigrant won't yet have a receipt notice for the I-539 to include with the I-485 filing. Are the Service Centers aware of this, to avoid rejections?

**Response:** Yes, the Service Centers are aware of that. They do an A-number search as part of the intake process. So, even if an I-797 receipt notice isn't included with the subsequent filing, we're able to find that person's records in our databases so we can match the filings up. So, the best case scenario is if they can submit the receipt notice, but if it's not there, we have the information available in the filing queue to be able to match it up.

6. **Question:** We are going to ask more questions about how **Respondents in proceedings** can obtain expedited processing of their USCIS survivor-based applications in a moment. For now, does a request to **expedite** the USCIS adjudication affect who has access to the information in the A-file in other DHS components?

**Response:** This is a really great question. We do work collaboratively with other components, particularly ICE, if they are involved in the filing in any way. Generally, when an expedite request is made for someone in removal proceedings, but the individual is not detained or does not have a final order of removal, the expedite process can be made through our USCIS.gov website, which details all the criteria for an expedite request in these instances.

Access to the individual's A-file is limited to USCIS employees with specific training in 8 USC 1367 protections. We really do limit access to these filings to people trained in how to handle these protected filings. The filings are treated in such a manner that the information contained within them is not handled by a whole range of people.

7. **Question:** If a survivor with a pending U, T, or VAWA I-360 application requests assistance from the **Ombudsman**, does this delay adjudication because the Ombudsman needs to request the A-file? Does the answer depend on whether the file is digital or only exists on paper?

**Response:** Generally, for USCIS Ombudsman inquiries, we are able to resolve them without even moving the A-file, whether it's a paper A-file or it's electronic. Again, we have specially trained employees who work inquiries for survivor-based benefits to follow specific procedures so they can answer these inquiries without moving the file around.

8. **Question:** Sometimes a removal case is **terminated** after the Respondent files an application like a VAWA I-485 with the IJ, and the jurisdiction over that application then transfers to USCIS. What happens, logistically, to **get the application transferred to**

**USCIS for adjudication?** What are things that Respondents can do to speed things up or what might they inadvertently be doing that slows things down?

**Response:** If EOIR terminates removal proceedings so that USCIS can adjudicate the I-485, ICE counsel should forward the A-file to the appropriate USCIS office for adjudication of the adjustment application.

You may also call the USCIS Contact Center to request a transfer to the appropriate office of that Form I-485 that was filed with EOIR, so we can complete the application. Once we've received a request, our Contact Center staff will verify that the removal proceedings are terminated and then we'll refer the request to the office with jurisdiction. We may also send the applicant an RFE to obtain a copy of the Form I-485 and of other supporting documents, if these documents are not in the A-file.

- a. **Follow-Up Question:** Is calling the USCIS Contact Center for this purpose an option for survivor-based cases?

**Response:** Yes, that is an option for them.

## **FOIA Requests**

9. **Question:** Some practitioners believe that filing **FOIA requests** slows down processing, because they believe the FOIA processors have the only copy of the A-file and adjudicators cannot access it while a FOIA is being processed. Is this correct? Can you please share some background logistical information about how individual **FOIA requests** for case materials are currently processed, especially given the steady move toward further digitizing of information?

**Response:** Per statutory requirements, routine and expedite FOIA requests must be completed within 20 business days. The A-files are required by the FOIA office to obtain documents to satisfy the request, but that 20-day timeframe includes requesting the file, obtaining the documentation necessary, and processing the request. Additionally, for the past few years, USCIS has been devoting significant resources to addressing our FOIA queue. As a result, we consistently meet these timeframes for the vast majority of FOIA requests. So, keeping in mind that 20-day timeframe, a USCIS FOIA request really has minimal impact on overall processing times for filings.

**Additional Data:** USCIS has responded to about 90% of all cases in the A-file FOIA requests backlog, which includes VAWA, T, U cases. Between October 15th and December 15th, we are on track to receive more than 114,000 A-file requests. USCIS is about 99.3% compliant with the statutory time requirement. Since January 2022, an additional 83 positions were hired to support the FOIA program. Technology improvements are also in place to help reduce the backlog.

- a. **Follow-Up Question:** Is this 20-day timeframe changed if the request is for the full A-file versus specific documents in the file?

**Response:** No, even if the request is for certain documents out of the A-file, they will generally request the full A-file to get those documents, rather than separating out important documents, since we don't want to risk information in the file being separated if it's necessary for adjudication or for other purposes.

10. **Question:** If a survivor-based application is pending, when would a FOIA slow things down and when would it not? Are certain types of FOIA requests less likely to slow things down?

**Response:** It doesn't matter what kind of FOIA request it is, whether it's routine or expedited, they all have to be completed within that 20-day timeframe. So the fact that it's a survivor based benefit has no impact on that timeframe – they are subject to the same 20-day time period as the other requests.

### **Expedite Requests**

11. **Question:** When a noncitizen in proceedings applies for survivor-based relief, it is sometimes necessary to request USCIS adjudication be **expedited** to meet the IJ's timeline or inform ICE's decision-making on prosecutorial discretion and detention. USCIS's general expedite [policy](#) states that for noncitizens in removal proceedings, expedite decisions are made in coordination between ICE and USCIS. The policy manual [further states](#) that when ICE notifies USCIS of an application or petition pending for a person in removal proceedings, USCIS attempts to issue a decision within 30 calendar days of receiving the file if the person is detained, or 45 days if the person is not detained, or in either case before the next scheduled removal hearing if possible. What is the current **timeframe** in which files are made available to USCIS for expedite decisions?

**Response:** USCIS's general expedite policy states that, for noncitizens in removal proceedings, expedite decisions are made in coordination with ICE and USCIS. Our Policy Manual further states that, when ICE notifies USCIS of an application or petition pending for a person in removal, we would attempt to issue a decision in 30 calendar days within receiving the file if the person is detained or 45 days if they're not detained. In either case, we attempt to issue a decision before the next hearing, if possible.

Once we receive a request to expedite, files are located and requested within a matter of days. Several factors can affect the immediate availability of a file. For example, the A-file may be with ICE (if requested for review) or at an off-site storage facility. We want to note that this policy only applies to ICE requests, when someone is detained or has a final order of removal.

12. **Question:** Are there any **typical reasons** why USCIS may not be able to complete an adjudication within the 30-/45-day timeframe for ICE-made expedite requests?

**Response:** The timeframe really depends on a number of factors. As we mentioned about availability of the A-file, also submission of documentation required to establish

eligibility for that benefit, and other complexities in the case. For example, in cases with an RFE or NOID, waiting for those responses extends the adjudication timeframe.

13. **Question:** The Policy Manual states that USCIS may not be able to complete an expedited adjudication that compromises its responsibility or adherence to any law, regulation, policy or procedure. Can you share an **example** of when this might be the case?

**Response:** USCIS may not be able to complete adjudication in instances where we determine that a DHS investigation has been initiated and may impact eligibility for a requested benefit or the exercise of discretion. Adjudication may also be withheld if disclosure of information to applicant or petitioner may prejudice an ongoing investigation. That is just one example.

14. **Question:** For **non-detained** survivors in removal proceedings, does USCIS follow the same coordinated expedite policy? If not, what policy is used?

**Response:** For non detained survivors, USCIS reviews expedited requests for applications and petitions on an individual basis that is found in the guidance on our [website](#). We evaluate each request for expedited processing individually, based on specific circumstances of each case. Requests for individuals not in custody or who don't have a final order of removal have to be submitted by their attorney, accredited representative, or by the applicant or petitioner themselves.

15. **Question:** Outside of the coordinated expedite request process, can a Respondent (detained or non-detained) request expedited processing by citing to the [Policy Manual's general criteria for expedite requests](#), such as severe financial loss or urgent humanitarian reason? If so, is being in removal proceedings considered an urgent humanitarian reason?

**Response:** Expedite requests can be made by a Respondent or their representation by following these [guidelines](#). Each request is evaluated individually based on the specific circumstances in those cases.

16. **Question:** Does USCIS **ever decline to expedite** an adjudication requested by OPLA? If so, in what circumstances?

**Response:** Generally, no, we would not decline a request to expedite when made by OPLA.

17. **Question:** When an expedite request is made, and the respondent wishes to **supplement** the pending U-visa, T-visa, or VAWA I-360 application before a decision is issued, can you please share **how and when** a survivor should submit the supplementary items to ensure they are considered?

**Response:** Supplemental evidence can be submitted at any time before a decision is made. We recommend submitting supplemental documentation via USPS. If you submit

supplemental evidence in response to an RFE, please follow the submission instructions on the RFE cover sheet. If you submit supplemental evidence outside of an RFE response, include a copy of the underlying receipt notice and a letter that identifies the evidence as additional documentation that should be included in the individual's filing.

You should also include the applicant's or petitioner's A-number, full name, and date of birth in your cover letter. We do not generally send a confirmation letter to the applicant or petitioner or representation when we receive supplemental information. You may choose to send an email to the hotline account, notifying us that you submitted that material. That just gives us a heads up that the information is coming.

### **Updating Pending Filings**

18. **Question:** Because of backlogs in the immigration courts as well as with survivor-based applications, cases pend a long time and may require factual updates. For instance, it may be necessary to update a form regarding whether an applicant is in removal proceedings or received a final order. How does USCIS prefer to receive **updates to information collected on forms**, especially for paper-filed forms? What if the form edition has changed since submission? Is a new signature needed in every case?

**Response:** If you are submitting amended information for a filing, like we stated with a prior question, the best way to do that is through USPS. Once an application or petition is accepted and receipted, you are not required to update the form edition. We will work on the edition that you submitted because it was valid at that time.

You may send a cover letter outlining requested changes to your filing, particularly if you're changing some sort of information, like they've received a final order, or any general information on the filing. Include a copy of the underlying receipt notice, as well as an amended version of the page. As an additional measure, you can notify us that you are submitting this amended information and you may send a scanned copy of the amended page to the hotline.

In addition, we don't require an original signature. That update was made during COVID to make filing easier for applicants and petitioners. That guidance was adopted as permanent maybe a year ago.

- a. **Follow-Up Question:** Understanding the policy change relating to original signatures, is *any* signature at all required for amendments to a form?

**Response:** You can initial them or sign them and put the date on it if you wish, but it's not required. As long as we have a letter detailing what that change is, and identifying information is included in that letter, it will get matched up with your original filing.



19. **Question:** In the 4th, 7th, and 11th Circuits, IJs have been held to have the authority to grant inadmissibility waivers to U applicants under **INA § 212(d)(3)**. How, if at all, should representatives advise USCIS of a favorable waiver decision?

**Response:** Again, if you wish to submit supplemental evidence, such as notice of a favorable waiver decision, include a copy of the underlying receipt notice and a letter that identifies the evidence as additional documentation to be included in the applicant's or petitioner's A-file. You should also include their A-number, full name, and DOB in the letter, as we've stated before.

And, just to reiterate, we don't generally send a confirmation letter to the application or petitioner or to their attorney when we receive that information. If you want to confirm that we have received it, you could email the hotline account and you could also email the hotline account to let us know that you're sending that information in, so we know to expect it.

### **Calls for Examples**

20. **Question:** When ASISTA circulates a **call for examples** in response to a DHS request or to advocate for a policy change or clarification, why does USCIS find it helpful to have specific client information, like A number, date of birth, receipt number, etc.? What can you share about how it is used and the practical steps taken to protect the information that might reassure someone who is hesitant to share an example because they are concerned about retaliation for having lodged a complaint, or extended delay in adjudication?

**Response:** That information is used to identify and resolve the problem presented. For example, this summer, ASISTA brought a number of cases to our attention that had incorrect filing dates on their BFD notices. Based on those cases, we identified the source of the error. That is something that is helpful to us, in order to identify and resolve the problem.

We will say, as emphatically as we can, that we adhere to the statutory obligations at 8 USC 1367 when reviewing any information received in response to a call for examples to identify a systemic issue.

### **Deferred Action**

21. **Question:** Survivors are often granted **deferred action**, such as upon approval of a VAWA I-360 or a U-visa bona fide determination. What is the best way to **renew** deferred action for an approved VAWA I-360, especially if the applicant wishes to receive evidence of deferred action apart from the (c)(14) EAD?

**Response:** In addition to requesting a (c)(14) designation on an I-765, a self-petitioner can send USCIS a written request to renew the deferred action. Provided they are not in removal proceedings at the time of the request, deferred action can be granted for a

period of one year minus one day. In those cases, USCIS will send a separate notice indicating receipt of deferred action if it's approved. That validity can correspond with any approved (c)(14) EAD.

22. **Question:** Does USCIS deem its grant of deferred action to a VAWA or U BFD recipient as automatically terminated when a person is placed into removal proceedings? If not, at what stage of removal proceedings, if any, might the deferred action be terminated by USCIS?

**Response:** USCIS does not generally terminate deferred action for approved VAWA self-petitioners or U BFD recipients without notice. Generally, for U petitioners granted BFD, USCIS will not terminate deferred action unless adverse information pertaining to a national security or public safety risk is identified. In those cases, deferred action could be revoked with notice.

We might also revoke a BFD EAD and terminate deferred action if, for example, we determine that it's appropriate, after receiving a request to withdraw a Form I-918B from a certifying agency. USCIS will look at the request and evaluate whether to terminate: the request to withdraw the I-918B does not result in automatic termination of deferred action. If deferred action is terminated at the BFD stage, USCIS will initiate waitlist adjudication, evaluating inadmissibility and possible placement on the waitlist.

23. **Question:** If USCIS declines to issue a BFD, what is the timeframe for the case to be considered for and receive a decision on waitlist placement?

**Response:** If a person is determined not to qualify for BFD, the case will be placed back into the workflow for consideration for the waiting list. The adjudication timeframe depends on a lot – for example, filing date order, complexity of the case, and adjudicative resources.

24. **Question:** Practitioners have reported that VSC frequently **does not issue Deferred Action to approved self-petitioners who are in removal proceedings** or who have an outstanding removal order. What is USCIS's current policy regarding the issuance of Deferred Action to these individuals, and why?

**Response:** Under current policy, deferred action is not considered or assessed for a VAWA self-petitioner if they are currently in removal proceedings. If proceedings have been terminated, then the self-petitioner may notify USCIS in the manner outlined above, meaning submit the information about termination through postal mail. Send us a letter letting us know what the documentation is. A copy of the final order of the immigration judge, and a request for deferred action should also be submitted. And please note that an approved VAWA self-petitioner may receive work authorization based upon the (c)(31) EAD category, even if they're in removal proceedings.

## Case Adjudications

25. **Question:** When a principal applicant for survivor relief is granted reopening of their application after a denial, **must derivatives affirmatively seek reopening** as well, or does USCIS have a policy to reopen all derivative applications *sua sponte*?

**Response:** When a principal applicant's or petitioner's filing is reopened after denial, derivatives are not required to affirmatively seek reopening of their application or petition. It is USCIS's normal procedure to automatically reopen any associated derivative filings, if the initial decision for the principal applicant is reconsidered and approved following reopening. If the principal applicant's filing is reconsidered but still denied, then the derivative's filings will not be reopened. The denials for those may remain as-is. However, as we've stated, when that principal applicant's or petitioner's filing is reopened and approved, that's a change in the decision. So, in those cases, we will automatically reopen the derivative filing as well.

- a. **Follow-Up Question:** What should a survivor do if their derivative cases are not automatically reopened *sua sponte*?

**Response:** If the derivative filings are not automatically reopened upon approval of the principal's filing, the principal must request that any derivative filings be reopened. That can be done through the postal service or by request from their attorney or accredited representative via the hotline account.

There are isolated times when a derivative's filing gets separated from the principal's. It doesn't happen often, but it does happen. If a principal sees that a derivative's filing has not been reopened, that most likely is the scenario, and those are the cases where we would need the principal to notify us that the derivative's filing hasn't been reopened. As a course of action for our procedures, we do look for those derivatives. We're humans, sometimes we mess up, so it is helpful if the principal petitioner communicates with us.

26. **Question:** When a survivor with a criminal record is detained, in criminal custody, or on probation, practitioners report the Service sometimes finds **rehabilitation cannot be shown** because good behavior while in custody or on supervision does not sufficiently demonstrate that good behavior will continue when custody or probation ends. What, if anything, can a survivor do to establish rehabilitation while they are detained or in custody?

**Response:** An officer takes into account many factors and circumstances when considering discretionary determinations. The discretionary analysis is conducted on a case-by-case basis with those individual factors in mind. Rehabilitation can be considered as one of those factors, but it's not limited to including good behavior while in custody or on supervision. It is based on the totality of the evidence that we have with the filing, with the good behavior being one of those factors.

## **Audience Questions**

27. **Question:** Do 8 USC 1367-protected individuals have access to the new biometrics rescheduling tool?

**Response:** Yes, individuals protected by 8 USC 1367 have access to the new biometrics rescheduling tool. If you are noticing any problems in access, reach out to the public engagement division or ASISTA.

**ASISTA Note:** [The USCIS Public Engagement Division email is public.engagement@uscis.dhs.gov.](mailto:public.engagement@uscis.dhs.gov)

28. **Question:** USCIS has rejected paper-filing updates for Us with supplemental info, changes of address, etc., by sending the whole packet back and instructing us to use tools online or to email the hotline addresses. Is there a difference between what documents should be sent by mail versus what we should email to the hotline?

**Response:** I believe that these rejected supplemental filings were part of an issue that we addressed last year at the Service Centers. There was some correspondence that was received through the mail that was rejected erroneously. The Service Centers reconfirmed their process, where they should not be rejecting any supplemental documentation for survivor-based filings. If anyone is still seeing that, this would be a scenario where case examples would be extremely helpful, particularly if you can provide the date that the rejection was received. That will help us pinpoint where the problem might be occurring. Again, if you are submitting any kind of documentation or correspondence through the mail for a survivor-based filing, it should not be rejected.

29. **Question:** To clarify USCIS' position on deferred action requests, if a petitioner for U nonimmigrant status is in removal proceedings or has a final order of removal, would they also not be eligible for a positive BFD and deferred action, similar to VAWA self-petitioners?

**Response:** For I-918 BFDs, they would still be potentially eligible even if in removal proceedings. We say "potentially" because there are other factors that may impact eligibility for the BFD. But being in removal proceedings or having a final order of removal would not keep them from being found eligible for the BFD.

30. **Question:** The [AILA engagement notes](#) discussed automatic review by a supervisor for any I-914 or I-914A denials. Does the same happen with I-918 or I-918As?

**Response:** Yes, that is the case and it's essentially the case for all filings that are adjudicated at the Service Centers. It is part of the general quality assurance processes that all Service Centers follow. The supervisors review denials to ensure that they're consistent. As you can imagine, we have a large group of adjudicators working these form types and we want to course-correct deficiencies as soon as possible.

31. **Question:** Are there any updates you can provide on processing times for after-filed I-918As filed based on *Medina-Tovar*?

**Response:** That is not an answer we can provide right now, but we can certainly research and provide that at a later date.

32. **Question:** We have not received deferred action letters for VAWA-based deferred action EAD renewals, even when the clients are not in removal and after requesting them on the cover letter. We have been writing to the hotline to remind them to send the deferred action letter. Is there another way to go about getting that letter or to ensure that it's issued?

**Response:** The hotline is the best way to notify USCIS that you have not received a deferred action letter. And, if it's a subsequent request, if you submitted one inquiry and didn't receive a response, it's helpful to put "second request" in the subject line, so that the folks working those inquiries know that you have attempted to get a response initially. But that is the best way to contact us regarding that issue.

33. **Question:** When an expedite request is made by ICE for a U petitioner who is detained and in removal proceedings, what is the USCIS process to respond? Is it an adjudication for the BFD, waitlist adjudication, full adjudication, or something else?

**Response:** If the filing has not been reviewed at all, it will go through a BFD review. Once the BFD process was put in place, that became the first review for all new filings, whether as part of our normal workflow or at the request of ICE. If there's an extenuating circumstance where waitlist adjudication is required, they may perform that review, but generally speaking the case will receive BFD review first.

34. **Question:** Can you please share information on how the Nebraska and Vermont Service Center hotline emails get reviewed? Who is doing the review and what case information can they access when responding? How important is the subject line? If the matter is urgent, should we indicate that in the subject line?

**Response:** The staff working these inquiries starts researching electronically. If they are able to answer, based on the information contained in our databases, that's how they will respond. Occasionally, it takes reviewing the file to be able to answer the questions. So, inquiries may be a little bit delayed, if they have to request the file and review documentation contained in it. But they do have access to the full electronic immigration record of that person when they're responding to the inquiries.

It is helpful, if you're submitting an expedite request, to put that in the subject line. If it's a second request or if you are requesting supervisory review, you can put that in the subject line, as well. These are just a few examples of scenarios where it's helpful to have that information in the subject line.

And don't forget to attach your G-28 to the email!

35. **Question:** On the issue of missing notices, practitioners have turned to the hotline to get a copy, but given delays in response, deadlines to respond or to file an I-290B pass. Is USCIS aware of this issue? Would case examples help? And what should practitioners do to comply with deadlines where they might not get the notice before the deadline passes?

**Response:** The hotlines are the best place to make us aware of situations like that. We will take this information back.

36. **Question:** Can the speakers address delays in issuing biometrics notices for survivor-based applications? We're experiencing long (6+ month) delays in receiving biometrics across humanitarian applications (I-918s, especially, but also I-360s and I-485s). Can you explain the reason and if there is any effort to shorten the biometrics timeframe? We are also seeing delays (up to 5 months) just to get a receipt notice in I-918 cases.

**Response:** We can take this back. This is something we want to look into. This is another example of when it would be helpful to have case examples so that we can better investigate where the problem is occurring.

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Established in 2008, ASISTA is a national leader in the movement for safety and justice for immigrant survivors of gender-based violence. ASISTA's founders helped write the immigration provisions of the federal Violence Against Women Act (VAWA) and Victims of Trafficking and Violence Prevention Act (TVPA), affording legal status to hundreds of thousands of survivors and their children since 1994. With over 2500 members nationwide, ASISTA's work is focused on 1) providing expert case consultation, training, and resources to attorneys and advocates navigating the complex immigration system on behalf of survivors of gender-based violence, including intervening in specific cases as needed; 2) pushing for federal, state and local policies that ensure safety and justice for immigrant survivors; and 3) coordinating lawsuits to prevent the government from unfairly deporting survivors of violence. To learn more about ASISTA's work, [click here](#).