



## **ASISTA Federal Policy Update December 2023**

Following is an update of ASISTA’s federal policy activities from October to December of 2023, including [legislative advocacy](#), [stakeholder meetings and advocacy letters](#), [submitted comments](#), notification of [upcoming deadlines for comments](#) to form revisions, and an update regarding the [final and proposed regulations for survivor-based relief](#) expected early next year.<sup>1</sup> In the coming months we will continue to update our membership community about additional activities, deadlines, and ways to get involved in advocating for immigrant survivors.

As always, we welcome your feedback and engagement.

### **Legislative Advocacy:**

#### **WISE Act Advocacy and Meetings on the Hill:**

ASISTA has been very active in advocating for the [WISE Act](#) on Capitol Hill. Among other critical improvements, the WISE Act eliminates the U visa cap and promotes access to public benefits and expedited work authorization for immigrant survivors.

On October 26, ASISTA and our fellow co-chairs of the Alliance for Immigrant Survivors (“AIS”), along with WISE Act original sponsor Rep. Pramila Jayapal and Ruth Glenn of the National Coalition Against Domestic Violence, presented a briefing about the WISE Act before an audience of congressional staffers, interns, and members of the anti-gender based violence movement. Afterwards, ASISTA and AIS co-chairs discussed the WISE Act further with several House staffers. You can view the video of our briefing [here](#).

ASISTA and AIS co-chairs also held meetings with staffers for several members of Congress to promote the WISE Act, including Senators Padilla, Durbin, and Kaine,

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and Representative Don Beyer. To find out more about the WISE Act and get involved in advocacy, please get in touch with [cristina@asistahelp.org](mailto:cristina@asistahelp.org) or [kelly@asistahelp.org](mailto:kelly@asistahelp.org). We are happy to join and/or provide support for meetings with your members of Congress.

### **Stakeholder Engagements and Advocacy Letters:**

On November 16, 2023, ASISTA and colleagues in the AILA VAWA/U/T National Sub-committee attended a stakeholder meeting with USCIS Service Center Operations Directorate (SCOPS). The USCIS publication of the Q&A from that session can be found [here](#).

On December 6, 2023, ASISTA and the AILA VAWA/U/T National Sub-committee submitted a [joint advocacy letter](#) to USCIS SCOPS and the Office of Policy and Strategy (OP&S) to follow up on USCIS's assurance in May 2023 that it would not reject or deny a Form I-539 extension of status request for U or T beneficiaries simply because it was filed more than 90 days prior to the expiration of the applicant's nonimmigrant status. The letter requested updated guidance and shared examples of RFEs, NOIDs, and denials based on filings prior to 90 days of U or T expiration. Thank you to everyone who shared examples!

On December 13, 2023, ASISTA hosted a Q&A with USCIS SCOPS representatives Elizabeth Bokan and Cecelia Friedman Levin during our conference "Proceeding in Proceedings: Legal and Practice Strategies for Survivor-Based Removal Defense." ASISTA's notes from that conference session can be found [here](#).

### **Comments Submitted:**

#### [I-192 Form Revision:](#)

On September 8, 2023, USCIS published a revision of Form I-192 Application for Advance Permission to Enter as a Nonimmigrant making several changes impacting U and T visa petitioners. On October 10, 2023, ASISTA [submitted a comment](#) responding to these revisions and making recommendations for improvement.

#### [I-485 Form Revision:](#)

On September 8, 2023, USCIS published a revision of Form I-485 Application to Register Permanent Residence or Adjust Status greatly expanding the number and type of questions for applicants to complete. On November 7, 2023, ASISTA [submitted a comment](#) emphasizing the impact of these form changes on beneficiaries of survivor-based relief.

### **Upcoming deadlines for comments:**

## Form revision:

### [Petition for U Nonimmigrant Status, I-918](#) - **Comments Due 1/8/24**

On November 9, 2023, the USCIS released proposed new revisions of forms I-918, I-918A, and I-918B. They include many changes and new questions for both petitioners and law enforcement certifiers to complete. The changes to each form are summarized below, and appear in red on the proposed revised forms. **ASISTA is preparing a comment in response to these changes.** If you have any questions or would like to share feedback about these changes, please email [cristina@asistahelp.org](mailto:cristina@asistahelp.org).

Copies of the revised forms and tables of changes are available [here](#). Please note that the relevant documents are those posted on November 9, 2023. Comment periods for previously released documents appearing at the link have passed.

- **Form I-918:** USCIS proposes to change the formatting of this form from two columns to a vertical list of questions. Much of the revision appears in red, although there are only a few major changes to the content of the questions included on the form.
  - Content added to form I-918 includes additional answers for gender identity, marital status, other dates of birth used;
  - Chart for entries and exits to the US added (Part 2);
  - Space added for “Victim Personal Statement” (Part 4);
  - Information about spouse and children eliminated;
  - Expansion of questions about inadmissibility.
  
- **Form I-918B:** USCIS proposes to lengthen the form I-918B, solicits additional information, and adds instructional language (drawn from the [DHS Law Enforcement Certification Guide](#)).
  - Instructions include additional language explaining the definition and role of the certifier and the form I-918B;
  - Instructions include definitions of the term “victim” including “direct victim,” “indirect victim,” and “bystander victim.”
  - Instructions include “best practices” for completing the form, such as providing the signed form to the petitioner in a sealed envelope;
  - Instructions for providing the names of designated certifying officials to USCIS for record-keeping;
  - Instructions include prohibition on disclosure of information under 8 U.S.C. § 1367 and 8 C.F.R. 214.14(c) to anyone other than an official of DHS, DOJ, or DOS;
  - Form and instructions solicit additional information the certifier thinks is relevant (including victim’s arrest history or information about the

agency's jurisdiction) and requests attachment of relevant documentation and records.

- Form I-918A: USCIS proposes to collect additional information about a qualifying family member's potential inadmissibility, changes similar to those on form I-918.

#### Information Collection (no revision):

[Request for Fee Waiver, I-912](#) - **Comments due 1/8/24**

[Petition for Amerasian, Widow\(er\), or Special Immigrant, I-360](#) - **Comments Due 1/8/24**

[Petition for Qualifying Family Member of a U-1 Nonimmigrant - I-929](#) - **Comments due 2/13/24**

You may submit a comment providing feedback on or requesting changes to the current version of the listed forms.

#### Upcoming Final Rules:

Note: the Final Action date shows the month and year that the rule is expected to be released. It is a date set by DHS and is subject to change.

[Classification for Victims of Severe Forms of Trafficking in Persons: Eligibility for T Nonimmigrant Status](#) - Final Action - 12/23

Description (from the regulatory agenda): DHS is amending its regulations that govern the T nonimmigrant status. On July 16, 2021, DHS reopened the comment period for the interim final rule (IFR) published on December 19, 2016, to provide the public with further opportunity to comment on the interim final rule, and to ensure that we are fully considering all current factors, concerns and input of the parties who may be affected by the final rule. DHS extended the comment period for 30 days on August 13, 2021. T nonimmigrant status (commonly known as the "T visa") was created by the Victims of Trafficking and Violence Protection Act of 2000, Public Law 106-386, for eligible victims of a severe form of trafficking in persons who are physically present in the United States or American Samoa, or at a port of entry on account of trafficking, have complied with any reasonable requests for assistance from law enforcement or qualify for an exception, and can establish that they would suffer extreme hardship involving unusual and severe harm if they were removed from the United States. The IFR clarified the requirements to obtain T nonimmigrant status, and implemented laws that changed the T nonimmigrant status provisions in

the Immigration and Nationality Act. The final rule will respond to public comments and clarify the regulations further.

Comment period closed September 2021; this is a final rule to be released.

ASISTA and Tahirih, CARECEN, Human Trafficking Legal Center, ICWC, ILCM, NIWAP [submitted a comment](#) before the close of the comment period.

### **Upcoming Notices of Proposed Rulemaking (NPRM) (not yet released):**

Note: the links below show the month and year that the NPRM is expected to be released. They are projected dates set by DHS and are subject to change. Once the proposed rules are published for comment, ASISTA will work quickly to provide an analysis of them for our membership community.

[Victims of Qualifying Criminal Activities; Eligibility Requirements for U Nonimmigrant Status and Adjustment of Status](#) - NPRM - 2/24

Description (from the regulatory agenda): This proposed rule would clarify and update eligibility, procedural, and filing requirements for U nonimmigrant status (commonly known as the "U" visa) and adjustment of status for U nonimmigrants. U nonimmigrant status is for noncitizen victims of certain qualifying criminal activities who have been, are being, or are likely to be helpful in the investigation or prosecution of those crimes and eligible family members. There is a statutory limit of 10,000 U visas per year for principal petitioners. DHS published an interim final rule in 2007 (72 FR 53013) to establish the procedures to be followed in order to petition for U nonimmigrant status and published an interim final rule in 2008 (73 FR 75540) to establish the procedures for applying for adjustment of status as a U nonimmigrant. This rule would address relevant comments and feedback from stakeholders since publication of those interim final rules, as well as update the regulations for changes in legislation.

[Relief Under the Violence Against Women Act of 1994 and Subsequent Legislation](#) - NPRM - 3/24

Description (from the regulatory agenda): This proposed rule would amend regulations governing self-petitions for immigrant classification and related relief available to certain spouses, children, and parents who have been subjected to battery or extreme cruelty by their U.S. citizen spouses, parents, sons, or daughters, or lawful permanent resident spouses or parents. DHS also proposes to amend regulations governing petitions to remove conditions on permanent residence in which conditional permanent residents (CPR) request a waiver of the joint filing

requirement due to battery or extreme cruelty by their U.S. citizen or lawful permanent resident (LPR) spouses or parents.

