



This document contains ASISTA’s notes from the stakeholder engagement. These notes have not been reviewed by USCIS and all content is paraphrased from the information and responses provided by USCIS.¹

USCIS Stakeholder Engagement with American Immigration Lawyers Association (AILA) VAWA, U, T National Committee

Date of Engagement: November 14, 2024

USCIS Speakers:

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Pre-Submitted Questions:

ASISTA Note: USCIS has posted their responses to the [Electronic Reading Room](#), available [here](#).

Receipts, Communication with USCIS, and Mail & Address Issues

1. **Question:** Practitioners continue to report significant delays and/or receiving no response to hotline inquiries that require a response—for example, inquiries regarding expedite requests, correcting USCIS errors in client names, missing receipts and EADs, biometrics rescheduling, document correction, and cases beyond processing times. At its June 18, 2024 stakeholder meeting, USCIS stated that hotline response times for the 918/914 and 360 hotlines at NSC and VSC are approximately 120 days. Is that still the case and if so, what is USCIS doing to reduce response times and ensure all inquiries are responded to?

Response: USCIS is currently working on inquiries received in July 2024, for the I-918, I-914, and I-360 hotline accounts. For just a little context around the increased

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processing times: from FY2023-FY24, we saw a 44% increase in the number of inquiries we received. Though we had that significant increase, we also increased the number of inquiries we responded to. In FY2024, we responded to just over 105,300 inquiries – a substantial amount of work. To reduce these response times, we are adding additional staff to help with the workload. We're also prioritizing requests like Form G-28 updates, address changes, and expedite requests.

A few reminders that may also help reduce the response times:

- 1) Please read the hotline bounceback messages carefully. They do include important information about our current response times.
 - 2) If the case is not outside normal processing times, we will not respond to that inquiry. We highly recommend checking the form processing times before submitting an inquiry.
 - 3) Please do not submit multiple inquiries via email and postal mail. The same teams work both types of inquiries so duplicate requests slow processing times.
 - 4) Note in the subject line if the inquiry is an expedite request. We also recommend that you state the specific type of inquiry in the subject line. For example, if you're requesting we update a G-28, note that in the subject line, with something like "Updated G-28," so we can prioritize what's coming in.
 - 5) Whenever possible, use the Contact Center for case questions. Again, if an inquiry is submitted to the Contact Center, please do not submit a duplicate inquiry to the hotline account or via postal mail.
2. **Question:** Could you advise when practitioners should contact the appropriate hotline to follow up on a delayed receipt notice and what documents should be provided to help USCIS locate a filing (e.g., G-28, delivery confirmation, tracking number)?

Response: Generally, if the practitioner or the applicant/petitioner hasn't received receipt notice for their filing within 30 days, it's appropriate to contact the hotline accounts or the USCIS Contact Center. Again, please don't submit multiple inquiries for the same issue because this just delays response times.

For us to locate a filing, providing the tracking number or the delivery confirmation is extremely helpful. Also, provide the applicant's or petitioner's name, date of birth, and A# (if they already have one).

- a. **Question:** Additionally, if practitioners filed multiple applications due to a "lost" filing and later received multiple receipt notices with different receipt numbers, how should they notify USCIS to address this issue?

Response: You can contact the hotline accounts and we will administratively close the additional filings as duplicates.

- Question:** Practitioners have reported instances of initial filings and responses to RFEs and NOIDs not being received by USCIS despite delivery confirmation from the shipping service. What steps is USCIS taking to improve intake procedures and intake timelines so that receipts are issued within 30 days for all new filings and so that RFE and NOID responses and supplemental filings are properly routed to the file?

Response: USCIS is committed to issuing receipt notices in a timely manner. To centralize and streamline intake processes, we have shifted most 1367-protected forms to the NSC for intake processing. Currently, for I-914, I-918, and VAWA I-360s, we are completing processing for cases filed on or after October 18, 2024. Also, we recently hired additional staff to assist with intake processing and adjudicative support duties, such as routing RFE and NOID responses to the proper locations.

ASISTA Note: In a December 2023 ASISTA conference panel with USCIS officers, USCIS stated that filings for which no receipt is generally issued (such as supplements or updates) should be submitted by mail, but that applicants can send an email to the appropriate service center hotline, too, by scanning what was sent by mail or otherwise alerting the service center that it was provided. See our notes from that panel and additional recommendations for submitting supplements outside of the RFE/NOID context [here](#).

- Question:** Legal representatives are continuing to report instances where VSC and NSC are not properly recording the entry of appearance of new counsel and instead, continue to send correspondence to prior counsel. What is USCIS doing to ensure that G-28s are timely processed and that all correspondence is thereafter sent to the legal representative of the applicant's choosing?

Response: As we stated in the first response, we are adding additional staff to handle the additional customer service workload, which will allow us to process inquiries in a timelier manner. Also, we're prioritizing inquiries such as G-28s, address changes, and expedite requests. Please note the type of inquiry in the subject line so we can properly prioritize those inquiries.

ASISTA Note: Practitioners can access the most up-to-date information on submitting their G-28s and address changes here: <https://www.uscis.gov/forms/all-forms/filing-your-form-g-28>.

- Question:** Practitioners are reporting instances where VAWA/U/T applicants are receiving EADs, receipts, and approval notices at their home address or a prior address (such as the address of their abusive spouse) instead of at their safe address. Can USCIS provide any information on how these errors are occurring and what concrete steps practitioners and pro se applicants can take to prevent them as much as possible?

Response: Under our safe address policy, we review every form individually to determine where to send notices and correspondence, in order to support a victim-centered approach. For this reason, if an address needs to be changed, the request must be made for each individual form that's filed with USCIS. Filing a form with the new address will not automatically update your address on previous filings. The best

way for VAWA/U/T benefit holders/requesters to update their address is to reach out to the USCIS Contact Center. Before calling, they should have the receipt notice available for the particular form type they're requesting the address change for. Practitioners should have clients call the Contact Center to change their address or use existing hotlines to change the client's address. When using the hotline, practitioners should include the relevant receipt notices so we update the correct forms. For more information, you can visit our [webpage](#), with procedures for VAWA/T/U cases and Form I-751 abuse waivers.

6. **Question:** Some practitioners report instances where RFEs, NOIDs, denials, and approvals are issued but are never received by the attorney or applicant at the designated mailing address. This issue has been observed in I-918, I-914, VAWA I-360, and U & T adjustment cases, both in cases where an updated G-28 or change of address has been filed and where there has been no change in representation or address. In many of these cases, no RFE was received but a denial for abandonment was received. Does USCIS have a method to track when an RFE, NOID, or decision has been issued and if it was mailed to the correct address?

Response: We do have a centralized system to issue RFE, NOID, and denial notices. In that system, we're able to tell when it was mailed and we also verify that the safe mailing address is correct. We also use a centralized system for approval notices, but it's important to note that they're not the same system. As part of the adjudication process, officers verify that the correct address is updated in the case management system. That said, there are instances when we issue notices before the case management system is updated with the address change.

ASISTA Note: In October 2024, ASISTA and AILA sent a [letter](#) to USCIS to highlight a trend of missing correspondence in U/T/VAWA cases. Specifically, we submitted examples of missing submissions to USCIS and missing RFEs and denial notices from USCIS in U/T/VAWA cases. In our letter, we also provided recommendations for what USCIS can do to address these issues.

For more information on what steps to take when you have not received the RFE or denial notice in a case, see our practice pointer, "[What If You Do Not Receive an RFE or Denial Notice?](#)".

- a. **Question:** What steps should practitioners take when it is discovered that an RFE, NOID, or decision was sent to an incorrect address or was never received at the address on file?

Response: If there's an address error or you don't receive the notice, practitioners can notify the hotline accounts and ensure that the safe mailing address is correct and that the notice went to the correct address. Applicants and petitioners can also contact the USCIS Contact Center to notify us of any address errors, as well as address changes. Again, please don't submit duplicate inquiries for the same issue.

- b. **Question:** Where the nonreceipt of an RFE or NOID stems from a USCIS error and the case has already been denied, will USCIS *sua sponte* reopen? If so, how should practitioners and *pro se* applicants make such a request?

Response: If an abandonment denial is due to USCIS error, we will review the case and reopen, if it's appropriate. Practitioners can notify the hotline of the abandonment denial that appears to be in error. This process does not relieve requesters or their representatives of the requirement to seek administrative review following a denial.

We will review both the inquiry and USCIS system information to determine whether there's USCIS error in the case.

Again, please don't submit duplicate inquiries for the same issue.

- c. **Question:** When the missing correspondence is the individual's I-94, will USCIS reissue without an I-102 if the document was not received due to a USCIS error in updating the address?

Response: Yes, if an I-94 is not received due to USCIS error, we will reissue it. We just need to be notified of the missing I-94.

Biometrics

7. We greatly appreciate USCIS's efforts with the Department of State to improve access to biometrics appointments and consular interviews for U and T visa applicants abroad. However, legal representatives continue to report difficulties scheduling biometrics appointments at USCIS offices in El Salvador, Guatemala, Honduras, and Mexico due to appointment unavailability or website error messages. Additionally, legal representatives have reported receiving multiple biometrics RFEs despite having completed biometrics at consular posts (e.g., Santo Domingo and Quito). In at least one case, USCIS issued a second request for biometrics to be completed abroad, even though the prints were taken electronically by a USCIS international field office.

- a. **Question:** Can USCIS explain what steps it is taking to ensure timely access to biometrics appointments at its international field offices and provide recommendations for applicants and practitioners trying to schedule appointments?

Response: Guatemala, Honduras, and Mexico use InfoPass to schedule biometrics appointments. This means that the attorney or beneficiary can make an appointment at my.uscis.gov/en/appointment/v2. From what we hear, Field Office Directors report this is working and beneficiaries can use it to make appointments. If you're running into any trouble and can't use the system, contact the field office via that specific office's public inquiry box.

El Salvador, Ecuador, and Cuba schedule appointments by using email to their public inquiry boxes and then the field office responds back to schedule an appointment. Earlier this year, we wrote a [letter](#) in response to many of you, in terms of stakeholders reaching out regarding issues coming up in different consulates (the letter is also available on our [Electronic Reading Room](#)). What the letter does, at the end, is it contains a chart that has outlines of different scenarios where we, in coordination with the DOS, have sort of put what the different options are, in terms of reaching out to schedule biometrics.

- b. **Question:** Can you describe how prints are transmitted from consular posts and USCIS offices abroad to the service centers and explain why multiple biometrics requests might be issued in a case where prints have already been taken electronically?

Response: It's a little complicated because DOS's biometric collection and technology is not compatible with ours. So, consular officials can't access USCIS's biometrics appointment systems to take electronic fingerprints. But, where we do have a permanent office (for example, Santo Domingo), consular officers could take fingerprints manually on FD-258s and mail the card to be entered into the USCIS system. That takes time and it's possible we might send a second notice before fingerprints are successfully entered. Also, if the quality of it is poor, they might need to recollect and resubmit.

- c. **Question:** Is there specific documentation that applicants should request at consular posts or USCIS offices abroad to confirm that biometrics have been taken?

Response: USCIS overseas offices will provide a copy of biometrics notices to the beneficiary, signed and dated by the officer, stating that biometrics were collected. Typically, this is done with a stamp, but it can also be handwritten. DOS does not provide confirmation of biometrics collection. So the difference is in who does the biometrics collection.

- d. **Question:** Has USCIS considered updating overseas biometrics notices to indicate that prints may be taken electronically? Some applicants and practitioners are confused by the language exclusively referencing the FD-258.

Response: Those electronic collections are only possible in collections done in a limited number of international USCIS offices. It's not possible at DOS locations, so that might be the difference you're seeing in that regard.

ASISTA Note: For more information about our advocacy with USCIS relating to overseas biometrics, see our ["Policy Advocacy Update: Overseas Biometrics for U & T Nonimmigrants"](#) and our notes from a [Q&A with the USCIS Humanitarian Division in March 2023](#) (starting on page 4).

8. **Question:** Per [Vol. 1, Part C, Chapter 2.B](#) of the USCIS Policy Manual, ICE ERO is responsible for completing background and security checks for individuals in immigration custody who have applications pending with USCIS. AILA is aware of at least one recent case where ICE refused to complete biometrics capture for a detained applicant and other cases where completing biometrics required significant advocacy by the applicant's counsel. How can practitioners request assistance from USCIS when a client is detained in ICE custody and ICE refuses to complete biometrics per intradepartmental agreement or delays such collection?

Response: We are involved in ongoing discussions with ICE to address these types of cases and issues. Generally, because we're not a law enforcement agency, we can't use fingerprints collected by ICE for other law enforcement purposes.

- a. **Question:** Additionally, can USCIS use biometrics collected during ICE encounters to satisfy the biometrics requirement in these cases?

Response: See response to Question #8.

Survivors Who are Detained or Have a Final Order of Removal

9. **Question:** [ICE Directive 11005.3](#), Using a Victim-Centered Approach with Noncitizen Crime Victims, states at 2.1 that ICE will defer enforcement against an applicant or petitioner for victim-based relief "until USCIS makes a negative bona fide or prima facie determination." If it determines that a pending U or T application is not bona fide or that a VAWA self-petitioner has not established prima facie eligibility, does USCIS inform both ICE and the applicant of its determination in a case where ICE has sought an expedite under the directive and other guidance?

Response: If we deny a VAWA I-360, we update our internal databases to reflect that decision. The same is the case for I-918s and I-914s. ICE can view this information in both expedite and non-expedite cases. However, cases that don't receive a BFD or PFD are not denied and there's no accompanying system update. There is no due date or requirement to meet PFD eligibility and we do not notify ICE in these cases. With U and T filings, we do notify ICE in those cases if we don't grant a BFD and they've requested an expedite.

10. **Question:** When ICE requests an expedite for an individual with a pending I-918 or I-918A who is detained or has a final order of removal, does USCIS first conduct a bona fide review? If USCIS determines that the case is not bona fide, does USCIS then conduct a full eligibility review?

Response: Yes, if we determine the petition is not bona fide, then it's considered for a full waitlist review. That's the process from there.

11. **Question:** Given that practitioners have reported confusion among OPLA and ERO regarding expedite request procedures, can you confirm that ICE should direct expedite

requests for an individual who is detained or has a final order of removal to LawEnforcement_UTVAWA.VSC@uscis.dhs.gov? What information should be included with the request?

Response: That is not the email for ICE to send expedite requests to. We have a dedicated email address for ICE, which we don't release publicly. If ICE is contacting us, they should specifically state that they're requesting expedited processing and whether the individual is detained or has a final removal order. If ICE has the individual's A-file, they should be prepared to send it to the appropriate service center so we can process the request. Note that USCIS can't complete the request without the A-file. If there's confusion over the correct channels to make a request, USCIS is happy to connect with ICE to clarify. We have been connecting on these issues and will continue to do so.

T visas

12. **Question:** We are grateful for the recent change to the T visa regulations, which now allow access to work authorization for applicants with bona fide I-914 and I-914A applications. Under the new T BFD process, if USCIS determines that an I-914 or I-914A is not bona fide, will a notice be issued to the applicant indicating this determination?

Response: Yes, we will notify the applicant and issue a notice to that effect.

13. **Question:** During its [August 15, 2024 stakeholder engagement on the T final rule](#), USCIS indicated that it will first conduct a bona fide review if ICE requests that USCIS expedite an application for T nonimmigrant status for an individual who is detained or has a final order of removal. If ICE requests an expedite of an I-914A petition, will USCIS necessarily expedite review of the principal applicant's I-914, as well?

Response: If ICE requests expedited processing of the I-914A, USCIS will also review the I-914 to make a bona fide determination because, as the regulations state, a derivative's application can only be found bona fide if the principal's application is found bona fide.

14. **Question:** If USCIS issued an RFE on an I-914 filed prior to August 28, 2024, and the RFE was issued before the final rule's effective date and is due after the effective date, will USCIS apply the BFD process, assuming the I-914 is still pending adjudication?

Response: In this instance, USCIS would not conduct a bona fide determination review.

- a. **Question:** If so, at what point would such an application be reviewed for a bona fide determination?

Response: We wouldn't in that instance, but we will conduct a bona fide determination review for any I-914 or I-914A received after August 28, 2024 or where an RFE is issued after that date.

15. **Question:** Our understanding is that USCIS has historically considered that principal and derivative ages are considered “frozen” at the time of I-914 filing, regardless of whether the age-out happened before or after the I-914 was approved. USCIS has previously indicated that the “operative date” is the I-914 filing date. With the addition of “while the principal’s application is still pending” language in the final T visa rule (in 8 CFR §§ 214.211(e)(2)(i) and (e)(3)(i) & (iii)), can you confirm whether USCIS now considers the age-out protections as applying only if the age-out occurs while the I-914 is pending?

Response: These changes conform the regulations to the statutory text at INA 214(o)(4), which only applies age-out protection if the age-out occurs after the I-914 is filed, but while it is pending.

- a. **Question:** If that’s the case, what can USCIS do to ensure that derivative and principal applications are expedited to avoid such age-outs and to ensure that hotline responses to related expedite requests are consistent with USCIS’s current interpretation of the statute and regulations? Often, trauma and resource issues impact the timing of filing T applications, and prolonged family separation can have a significant impact on survivor stability and recovery.

Response: For information about how to request expedited processing, you can visit our [website](#). It provides very comprehensive information on how to request expedited processing for an application. We also recommend that practitioners include “Expedite Request” in the subject line so we can properly identify and process the request. Also, we recommend that, in the body of the email, you state that you’re submitting an expedite request in advance of an individual aging out.

- b. **Question:** Additionally, in furtherance of family reunification goals, may an I-914 applicant request that USCIS slow down adjudication of the I-914 where an age-out is imminent or USCIS cannot expedite the I-914A adjudication?

Response: We aren’t able to hold adjudication of a principal’s application due to a derivative potentially aging out. Per INA 214(o)(4), an unmarried child who is under 21 years old on the date their parent filed their I-914 will continue to be classified as child, if they turn 21 after their parent’s application was filed, but while it was pending.

U Visas

16. **Question:** Similarly, our understanding is that previously, principal and derivative ages were considered “frozen” at the time of I-918 filing, regardless of whether the age-out happened before or after the I-918 was approved, and that now, USCIS interprets the statute as requiring the I-918 to be pending for age-out protections to apply. Can you confirm whether USCIS considers the age-out protections as applying only if the age-out occurs before I-918 approval?

Response: If you're looking at the language of the statute, INA 214(p)(7), it says that the age out protection applies if they turn 21 after the principal's petition is filed but while it's still pending. So, for principal petitioners under 21 at the time of filing, but who turn 21 while their I-918 is pending, their parents can remain eligible for U-4 consideration and their siblings can remain eligible for U-5 consideration, if they were under 18 and unmarried at time of the filing and they stay unmarried.

For principal petitioners over 21 at the time of filing, their children remain eligible for U-3 consideration, if the child was under 21 when the I-918 was filed, but they turn 21 while it is pending.

So we're following the language of the statute on that.

- a. **Question:** If that's the case, what can USCIS do to ensure that derivative and principal applications are expedited to avoid such age-outs and to ensure that hotline responses to related expedite requests are consistent with USCIS's current interpretation of the statute?

Response: Best practice is to file the I-918A concurrently with the I-918 or soon after. And that is to ensure that the derivative petition can be considered at the same time as the principal's filing. This is not just for age-out related reasons, but also to ensure access to the BFD or waitlist review, while they wait for visa numbers to become available. Again, you can visit the [link on expedite requests](#) for more information about requesting expedited processing. We recommend that practitioners include "Expedite Request" in the subject line of your inquiry. We also highly recommend that you explain in the body of the inquiry that you're requesting expedited processing because a derivative is at risk of aging out.

- b. **Question:** Additionally, can you please confirm that under the current interpretation, an I-918A can still be approved for a derivative child who has already turned 21 at time of filing the I-918A as long as they were under 21 when the principal's I-918 was filed and turned 21 before the principal's I-918 was approved?

Response: *USCIS did not answer this question.*

- c. **Question:** Finally, would USCIS consider revisiting this interpretation to protect all derivative applicants regardless of whether they age out before or after the principal's I-918 has been approved?

Response: Right now, we are bound by the current language of that statute.

17. **Question:** Practitioners have noticed inconsistencies in when U BFDs are issued compared to when the U was initially filed. For example, some U BFDs were received approximately 3 months after filing, others a year or two after filing, and still others according to the posted processing times of just under five years. After the influx of U

BFDs issued in December 2023 and January 2024, did USCIS return to generally conducting bona fide reviews on a first-in, first-out basis?

Response: *USCIS did not answer this question.*

- a. **Question:** Additionally, can USCIS explain how it determines in what order to conduct U BFDs so practitioners can better advise their crime survivor clients and manage expectations?

Response: *USCIS did not answer this question.*

18. **Question:** Practitioners report that many derivative U applicants have not received their BFDs and EADs at all, despite the principal applicant being issued a BFD over a year ago. This is occurring even in cases where the 918 and 918A were filed concurrently, where an I-765 is already on file, and where the derivatives do not have significant criminal history or pose a national security threat. Can you provide an update on how U derivative BFDs are processed and explain the reasons for delay in these cases?

Response: *USCIS did not answer this question.*

19. **Question:** Practitioners report inconsistent timing between when they receive a BFD notice and when they receive the associated BFD EADs, even in cases where a (c)(14) I-765 was filed concurrently with the U application. For example, one organization reports 21 cases where BFDs and EADs were issued the same day; 29 cases where the I-765 was approved prior to the BFD (usually by a few days, though in one case, 65 days prior to the BFD grant); 45 cases where the BFD was issued between 6 to 194 days before EAD approval, and 4 cases where the BFD was issued in May 2024 and the EAD has still not been issued. In all of these cases the I-765 was filed concurrently with the I-918 or I-918A. Is there a policy favoring later-filed applications and is there anything practitioners can do to facilitate or speed up the adjudication of BFD-related I-765s?

Response: *USCIS did not answer this question.*

20. **Question:** What is the process after a petitioner is found ineligible for a U BFD due to their criminal history? How long do waitlist decisions typically take compared to bona fide determinations?

Response: *USCIS did not answer this question.*

U & T Visas

21. **Question:** If a noncitizen holds LPR status but would prefer to hold U or T status, can they use Form I-407 from within the United States to voluntarily relinquish (abandon) that status? If so, how should they complete Part 1, Item 13, which provides forced-choice answer options about the basis for the I-407, none of which involve simple voluntary relinquishment of status within the U.S.?

Response: Abandonment of LPR status occurs when a noncitizen demonstrates the intent to no longer reside in the US as an LPR after leaving the US. The Form I-407 should only be used by individuals who wish to record abandonment of their LPR status. The form is intended for use by LPRs outside the US or at a port of entry and who wish to abandon their LPR status. Those admitted to the US as a nonimmigrant after abandonment can also use Form I-407 to record the prior abandonment.

22. **Question:** When a U or T principal applicant passes away, does USCIS still follow [PM-602-0017](#) (page 7) to consider whether one of the derivative applicants could qualify as the principal applicant and allow them to proceed as though they had been the U-1 or T-1 applicant in terms of processing order and visa allocation?

Response: Yes, USCIS does adjudicate derivative cases under this PM. But, please note, this is superseded in part by USCIS PM at Volume 7, Chapter 9. You can visit our [website](#) for specific requirements to qualify under this provision.

23. **Question:** Can you please explain the process for updating an I-192 waiver when an individual with an approved 918, 918A, or 914A is consular processing and additional grounds of inadmissibility are identified by the consular officer?

Response: Generally, when additional grounds of inadmissibility are identified by DOS, one of the DOS representatives will contact USCIS to notify us of those additional grounds. We will then review the petitioner's file, noting information obtained by DOS, and amend the I-192 as appropriate. After amending the notice, we send it to KCC [Kentucky Consular Center] to upload in consular databases. We also send a copy of the amended I-192 approval to the safe address of record.

- a. **Question:** Additionally, how can practitioners ascertain when the waiver has been amended so that the client can proceed with their interview?

Response: USCIS will send an amended copy of the I-192 approval notice to the representative. At that time, once the notice is received, the petitioner may request an appointment with DOS for visa processing.

24. **Question:** What is the correct filing location for an I-290B Motion to Reopen an I-918, I-918A, I-914, or I-914A adjudicated by the Vermont Service Center? Although [8 CFR § 103.5\(a\)\(1\)\(iii\)\(E\)](#) indicates that Form I-290B should be submitted "to the office maintaining the record upon which the unfavorable decision was made for forwarding to the official having jurisdiction," the [USCIS website states](#) that Form I-290B should be filed with the Nebraska Service Center for these applications.

Response: The correct address for the I-290B when based on an I-918, I-918A, I-914, or I-914A is the NSC. NSC now completes intake processing for these forms.

- a. **Question:** When a denial notice indicates to file the I-290B in one location but the USCIS website states a different filing location, which instruction takes precedence?

Response: The applicant or petitioner should file according to the instructions provided in their denial notice. We have updated the address information on the notices, as well as the website, for responding to RFEs, denials, and other correspondence.

Follow-Up Question: Just to confirm, if a petitioner has a denial notice that doesn't have the updated address on it, the website address takes precedence?

Response: Yes, in this instance, the website address will take precedence.

ASISTA Note: After this engagement, ASISTA followed up with USCIS, due to ongoing confusion regarding the filing location for I-290Bs based on other forms. In particular, I-290Bs based on denied adjustments, where the adjustment was based on a VAWA self-petition or approved T visa, were still not addressed on the USCIS website.

On December 3, 2024, the [I-290B filing address page](#) was updated to include filing locations for I-290Bs for VAWA-based and T-based adjustment applications.

U & T Adjustment of Status

25. **Question:** Does USCIS have an official interpretation or policy on how to count days for calculating continuous physical presence in U and T status under INA § 245(l)(3) & (m)(2)? Specifically, do travel days count as days inside or outside the U.S.?

Response: USCIS has not published an official interpretation or policy on how to count days for calculating continuous physical presence for U- or T-based adjustment of status. But, as a general rule, we include the date of admission as a U or T nonimmigrant and the date of departure from US while in U or T status as days inside the US.

VAWA

26. **Question:** Practitioners report issues with VAWA-based I-824s, including adjudication delays well beyond the posted processing times and processing issues with USCIS and NVC subsequent to I-824 approval. What is USCIS's procedure and timeframe for transferring cases with approved I-824s to the NVC after approval? Where an approved I-824 is not promptly transferred by USCIS to NVC, how should practitioners follow up with USCIS?

Response: Form I-360 VAWA officers at HART Service Center adjudicate VAWA-based Forms I-824, after the underlying petitions are approved. We send them correspondence on approved I-824 forms soon after adjudication. If NVC Customer Service reports not receiving the notification, please contact the USCIS Contact Center. Applicants and petitioners should contact the Contact Center.

27. **Question:** Practitioners report that during VAWA adjustment interviews, local field officers continue to ask detailed questions about the relationship and abuse applicants survived. This often becomes the primary line of questioning and may last for 20 to 30 minutes or more, re-traumatizing survivors. What steps does USCIS take to ensure that this adjudication or discussion of the extreme cruelty remains in the sole purview of the humanitarian units?

Response: Adjudication of the VAWA I-360 remains in the sole purview of HART officers at the Service Center. Field office officers at the adjustment stage are not re-adjudicating the VAWA I-360. That approval and denial power lies entirely with SCOPS.

a. **Question:** What training does USCIS provide to officers handling VAWA-based adjustments to address the sensitivities in working with victims of abuse?

Response: All immigration service officers receive training on victim-based benefits and confidentiality requirements. Adjudicators also receive additional recurring training on noncitizen victims of crime, including abuse. Individual directorates provide supplemental training based on specific position requirements, as well.

ASISTA Note: In November 2024, USCIS informed stakeholders that USCIS would begin interviewing selected self-petitioners that have both a VAWA I-360 and an I-485 pending and that these interviews are scheduled to start in December 2024. Cases may be pulled out of ‘first in, first out’ (FIFO) order for these interviews, but all other cases will continue in the adjudicative process by filing date.

According to USCIS, the results of the interview will be reviewed by a HART officer and all VAWA I-360s will still be adjudicated by HART. Once HART adjudicates the VAWA I-360, then the I-485 can be adjudicated by the field office.

USCIS has since updated the webpage for “[Abused Spouses, Children and Parents](#)” to add a dropdown for “[Interviews for Certain VAWA Self-Petitioners](#).”

Follow-Up Questions:

1. **Question:** Does the Contact Center remain only for applicants and petitioners themselves to utilize at this time?

Response: The Contact Center is an option as well as inquiries via U.S. mail as previously available. These options are available here under Inquiries for VAWA, T and U Filings: <https://www.uscis.gov/about-us/contact-us>

a. **Follow-Up Question:** Just to make sure we're clear, attorneys and accredited representatives may now utilize the Contact Center relating to VAWA/U/T inquiries? At earlier engagements, USCIS stated that legal representatives could only utilize the hotline while the Contact Center adjusts to the new workload.

Response: *USCIS did not answer this question.*

2. **Question:** Would age-out issues be appropriate for expedite requests?

Response: Each expedite request is reviewed on a case-by-case basis. We have specific POCs [points of contact] that review requests and take the totality of the circumstances into consideration. So we can't say definitively, but you're welcome to submit a request and we will review those requests individually.

ASISTA Note: We encourage practitioners to submit an expedite request where an age-out may occur, as we have heard of several successes in these instances, especially where the request is amplified by a third party, such as a Congressional liaison. Note, however, that discretionary policies like these can change without notice, based on DHS priorities at any given time.

3. **Question:** Will there be any remedies for I-290Bs that were rejected due to being mailed to VSC in accordance with the denial notice? Will a refiled I-290B be accepted as timely if it was rejected by VSC? AILA sent examples to USCIS of some such rejections last month.

Response: We cannot provide a response now, but we will take this back.

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](#).