



# VAWA

## *Recent Significant Updates & Practice Tips*

By Ann Block

### I. Introduction

In February 2022, the U.S. Citizenship and Information Service (USCIS) updated its Policy Manual and interpretations of the statute and regulations relating to the Violence Against Women Act (VAWA).<sup>1</sup> Additional process updates were shared by USCIS in a September, 2022 stakeholder engagement meeting. This practice advisory will review the updates and changes made to VAWA policy and process, some of which are quite significant and will further benefit certain noncitizens abused by a U.S. citizen or lawful permanent resident (LPR) family member in seeking immigration relief. In addition, the advisory will provide practice tips related to these updates.

VAWA was intended to assist immigrants in leaving abusive relationships without concern about jeopardizing their eligibility for permanent residency based on that relationship. VAWA benefits immigrants regardless of their gender, gender identity, or sexual orientation. In addition to abused spouses, VAWA benefits abused children and parents, who may “self-petition” by filing Form I-360 with USCIS without the involvement of their abusive relative. Certain abused spouses and adult sons and daughters of U.S. citizens and LPRs may also qualify for VAWA cancellation of removal if placed in removal proceedings by Immigration and Customs Enforcement (ICE).

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<sup>1</sup> Special thanks to Veronica Garcia, Staff Attorney at ILRC, and Catherine Seitz, Legal Director at Immigration Institute of the Bay Area, for their contributions to this practice advisory. For more information on VAWA updates, see ASISTA, ILRC, CLINIC, *VAWA Self-Petition Policy Updates*, June 2022, [https://www.ilrc.org/sites/default/files/resources/vawa\\_practice\\_advisory\\_june\\_2022.pdf](https://www.ilrc.org/sites/default/files/resources/vawa_practice_advisory_june_2022.pdf)

In 2022, USCIS announced updates to its Policy Manual in the chapter relating to VAWA. These updates relate to the following requirements for VAWA eligibility: shared residency with the abuser; good moral character; bona fide marriage exemption if in removal proceedings; abeyance requests for pending adjustment applications, and abused stepchildren.<sup>2</sup>

## II. Review of VAWA Basic Requirements and Associated Updates

Those eligible to self-petition under VAWA include:

- Abused spouses of LPRs and U.S. citizens
- Non-abused spouses of LPRs and U.S. citizens whose child has been abused by the citizen or LPR spouse, even if the child is not related to the abuser
- Abused children of LPRs and U.S. citizens
- Abused parents of an adult (over 21 years old) U.S. citizen<sup>3</sup>

A VAWA self-petitioner must prove:

- Family relationship with the abusive spouse, adult son or daughter, or parent
  - If a spouse, must prove marriage was valid and “bona fide at inception” (not solely for immigration purposes)
- Good faith marriage (if self-petitioner is a spouse) or good faith marriage of parents (if self-petitioner is a stepchild of the abuser)
- Battery or extreme cruelty to self (or child)
- Status of the abuser (LPR or U.S. citizen)
- Good moral character
- Residence with the abuser<sup>4</sup>

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<sup>2</sup> 3 USCIS-PM D. Note that the VAWA section of the Adjustment of Status chapter of the USCIS Policy Manual has not yet been transferred from the Adjudicator’s Field Manual, the link to which is found at 7 USCIS-PM I.

<sup>3</sup> INA § 204(a)

<sup>4</sup> Id.

## A. Shared Residence Requirement

There are two residence-related requirements in VAWA with which the self-petitioner must prove compliance in order to qualify for VAWA, and a separate additional requirement for abused self-petitioner children. First, the self-petitioner must have lived with the abuser at some point, and second, if the self-petitioner is filing from abroad instead of from within the United States, an incident of abuse had to have occurred within the United States, unless the abuser is an employee of the U.S. government or member of the U.S. military.<sup>5</sup> If the self-petitioner is filing from within the United States, the abuse could have occurred anywhere. For self-petitioning children, there is an additional regulatory requirement that they resided with the abuser when the abuse occurred,<sup>6</sup> though this regulation conflicts with the statute, which has no requirement that the abuse occurred while the child was residing with the abusive parent. Note that “residence” for a child also includes “any period of visitation” with the abusive parent.<sup>7</sup>

### 1. Update #1

USCIS no longer requires that the self-petitioner have resided with the abuser *during the qualifying relationship*.<sup>8</sup> This means that an abused self-petitioner may have lived with their abuser spouse prior to or after the marriage but is not required to prove residence with the abuser during the marriage itself. The abuse still has to have occurred during the qualifying relationship, however, according to the statute, and there are some additional requirements for abused stepchildren and stepparents.<sup>9</sup>

**Example:** Jairo lived with his abusive partner, John, before they were married. He has evidence of living with John during that time period, but no evidence of living together after their marriage. That is sufficient for Jairo to prove shared residence

<sup>5</sup> INA § 204(a)(1)(A)(v), see INA § 204(a)(1)(B)(iv).

<sup>6</sup> 8 C.F.R. § 204.2(e)(1)(i)(E)

<sup>7</sup> INA § 204(a)(1)(A)(iv).

<sup>8</sup> 3 USCIS-PM D.2(F) and see footnote 117. According to the Policy Manual, this new interpretation was implemented due to decisions by several courts holding that the statutory language does not require shared residence during the qualifying relationship. See *Dartora v. U.S.*, No. 4:20-CV-05161-SMJ (E.D.W.A. June 7, 2021). See *Bait It v. McAleenan*, 410 F. Supp. 3d 874 (N.D. Ill. 2019). See *Hollingsworth v. Zuchowski*, 437 F. Supp. 3d 1231 (S.D. Fla. 2020). In addition, it is important to note that the VAWA regulations are out of date. For example, although 8 C.F.R. § 204.2(c)(1) and 8 C.F.R. § 204.2(e)(1) require self-petitioners to demonstrate that their shared residence with the abuser takes place in the United States, the Victims of Trafficking and Violence Protection Act of 2000, Pub. L. 106-386, 114 Stat. 1464 (October 28, 2000) removed this as well as certain other eligibility requirements and supersedes this part of the regulation.

<sup>9</sup> INA § 204(a)(1)(A)(iii)(I)(bb), 8 CFR § 204.2(c)(1)(i)(E), 8 C.F.R. § 204.2(e)(1)(i)(E).

for his self-petition. Jairo must still prove his marriage to John was “bona fide at its inception,” however, and should try to obtain additional proof of that.

**Example:** Morris’s 24-year-old U.S. citizen daughter has been abusing him for the past 2 years. Morris’s daughter lived with him until she was 20 years old. The abuse began after she moved out. Morris should still qualify as an abused parent.

**Example:** Jenifer, age 16, was abused by her biological father, a permanent resident, while she was living with her mother. If the abuse occurred during a visitation period with her abuser father, then she qualifies as an abused child, according to the statute.<sup>10</sup>

## 2. Update #2

USCIS no longer requires that the self-petitioner *lived with the abuser in the United States*.<sup>11</sup> However, an incident of abuse still had to have occurred within the United States if the self-petitioner is filing their petition from abroad, unless the abuser was a member of the U.S. military or an employee of the U.S. government.

### B. Abused Stepchildren

Abused stepchildren of U.S. citizens or LPRs are eligible for VAWA, as long as they meet the basic requirements to qualify as “stepchildren” as set out elsewhere in the statute.<sup>12</sup> The statute requires that a stepchild had not reached 18 years of age at the time of the marriage creating the step relationship between their biological parent and stepparent. In addition, for VAWA eligibility, the step relationship must have still existed by law at the time of the abuse. In other words, the abused stepchild’s parent must have still been married to the stepparent when the abuse occurred.<sup>13</sup>

A self-petitioning stepchild needs to remain unmarried to qualify for VAWA self-petitioning. Also, as a self-petitioner, a child must apply prior to their 21<sup>st</sup> birthday or demonstrate that the abuse was a central reason for their delay in filing, and file prior to their 25<sup>th</sup> birthday.

Previously, after the stepchild’s parent and stepparent divorced, it was unclear whether the stepchild could qualify as a self-petitioner on their own after a certain time period elapsed.

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<sup>10</sup> INA § 204(a)(1)(A)(iv).

<sup>11</sup> 3 USCIS-PM D.2(F).

<sup>12</sup> INA § 101(b).

<sup>13</sup> 3 USCIS-PM D.3(A)(2).

## 1. Update #1

Divorce does not terminate the relationship between a stepparent and stepchild for purposes of VAWA eligibility. This change is due to the national implementation of a Seventh Circuit decision, overruling the BIA, which relied on an old pre-VAWA decision interpreting whether a step relationship still existed for family-based I-130 petition purposes.<sup>14</sup> Stepchildren who have suffered abuse are not required to file the self-petition within any particular time frame after the divorce since, under the new USCIS interpretation, the relationship has survived the divorce.<sup>15</sup> This same provision applies to abused stepparents of U.S. citizens.<sup>16</sup>

## 2. Update #2

If the stepparent marriage terminated due to the death of the biological or legal parent, the stepchild may remain eligible to self-petition if a family relationship has continued to exist as a matter of fact between the stepparent and stepchild at the time of filing.<sup>17</sup> However, this USCIS interpretation is flawed and subject to potential litigation as it is inconsistent with USCIS' new interpretation that divorce does not end the step relationship.

There is an additional argument, not yet accepted by USCIS, that if the abuse happened *after* the divorce of the stepchild's parent, the stepchild is nevertheless an eligible self-petitioner.<sup>18</sup>

## C. Good Moral Character Requirement

VAWA self-petitioners must establish that they are of "good moral character" (GMC) to qualify for VAWA. This requirement is somewhat subjective and discretionary, but primarily USCIS adjudicators are concerned with whether a self-petition is subject to a "good moral character" statutory bar.<sup>19</sup> For VAWA, GMC must be demonstrated for the past three years immediately prior to the filing of the self-petition.

If any of the statutory bars to GMC apply, the self-petitioner needs to show they are eligible for the special VAWA exception found in the statute.<sup>20</sup> For the VAWA exception to apply, a self-

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<sup>14</sup> See *Arguijo v. USCIS*, 991 F. 3d 736 (7th Cir, 2021).

<sup>15</sup> 3 USCIS-PM D.2(B)(3), 3 USCIS-D.3(A)(2).

<sup>16</sup> 3 USCIS-PM D.2(B)(4)

<sup>17</sup> *Id.*

<sup>18</sup> This argument is based on the fact that the *Arguijo v. USCIS* decision, now implemented by USCIS nationwide, held that a stepparent/stepchild "family relationship" continued post-divorce.

<sup>19</sup> INA § 101(f)

<sup>20</sup> INA § 204(a)(1)(C)

petitioner who has committed an act or has a conviction listed under INA §101(f), will not be barred if:

- The act or conviction is waivable with respect to the self-petitioner for purposes of determining whether the self-petitioner is admissible or deportable;<sup>21</sup> and
- The act or conviction was connected to the abuse suffered by the self-petitioner.<sup>22</sup>

There is no requirement that the self-petitioner prove that such a waiver would actually be granted, in order to be eligible for the exception, only that a waiver is available.<sup>23</sup>

## 1. Update #1

Previously, “connected to the abuse” was interpreted to mean the abuse experienced by the self-petitioner “compelled or coerced” them to commit the act or crime. Presently, the new guidance states that act or conviction is “connected to” the battery or extreme cruelty when a “causal or logical relationship” can be shown. To determine whether a “causal or logical relationship” exists between the abuse and the act or conviction, a USCIS officer must consider the full history of abuse in the case. This includes a full consideration of all evidence of the circumstances surrounding the act or conviction and its connection to the abuse. “Compulsion” or “coercion” are no longer required.<sup>24</sup>

**Example:** Lisa’s husband Peter is a U.S. citizen. Peter has been cheating on Lisa since the beginning of their marriage. Whenever Peter is upset at Lisa, he sends pictures and details of his affairs and mocks Lisa that she cannot leave him because he is her only chance at getting immigration status. One day Lisa lashes out and threatens her neighbor, who also mocks her about Peter’s affairs and reminds her of one of Peter’s “girlfriends.” The police are called, and Lisa is arrested.<sup>25</sup>

<sup>21</sup> The waiver may be a waiver of inadmissibility found within INA § 212, or a waiver of deportability found within INA § 237. USCIS has stated that relevant waivers include INA § 212(h)(1); INA § 212(i)(1); INA § 237(a)(7), and INA § 237(a)(1)(H)(ii). See 3 USCIS-PM D.2(G)(4), footnote 151.

<sup>22</sup> INA § 204(a)(1)(C).

<sup>23</sup> 3 USCIS-PM D.2(G)(4).

<sup>24</sup> *Id.*

<sup>25</sup> This example is similar to the facts in the *Da Silva* case, which caused USCIS to revise its interpretation of eligibility for the VAWA GMC bar exception. See *Da Silva v. Attorney General*, 948 F.3d 629 (3rd Cir. 2020).

**Practice Tip:** In the above example, Lisa should present evidence of Peter’s abusive behavior and affairs, including the messages and photos from Peter, along with her own declaration, declarations of friends, relatives, coworkers, or others familiar with the situation, In addition, a psychological evaluation corroborating the mental and emotional abuse Peter has caused Lisa, Lisa’s past history of abuse and trauma suffered prior to her marriage to Peter, and the post-traumatic stress syndrome she suffers as a result would be important to submit. This should be enough to merit the VAWA exception, for both the discretionary bar to good moral character, and the statutory bar as well, if any conviction or related period of custody pursuant to that conviction, in fact triggers a statutory bar. To overcome the discretionary bar to GMC, it is always critical that the mitigating and positive equities overcome any negative factors.

**Practice Tip:** Not all convictions or periods of incarceration trigger statutory bars, so it is important to investigate whether a particular offense or a particular period of custody trigger a bar. For example, certain types of assault in some states may fit within a ground of inadmissibility and therefore a GMC bar as a “crime involving moral turpitude,” but other assault offenses will not trigger inadmissibility.<sup>26</sup> Likewise, a person may have been sentenced to 364 days for a conviction, but only actually served 179 days or less pursuant to a conviction, due to “good time” credits received while in custody. Or the person may have served time in jail while awaiting trial, but waived credit for time served, and so actually served an additional 179 days or less post-conviction. It is not the sentence that counts for the GMC bar, unlike for certain other statutory provisions. For the GMC bar, it is the actual time in custody “pursuant to a conviction” that counts.<sup>27</sup>

#### D. Bona Fide Marriage Exemption Due to Marriage in Removal Proceedings

For family-based petitions based on marriage, if the beneficiary is in removal proceedings at the time of the marriage to the petitioner, there is a statutory bar to approval of the petition if the beneficiary has not yet resided outside the United States for two years after the marriage.<sup>28</sup> This statutory bar can be overcome by submission of a request for a “bona-fide marriage exemption” with accompanying “clear and convincing” proof that the marriage is valid and also bona-fide

<sup>26</sup> See ILRC, *All Those Rules about Crimes Involving Moral Turpitude*, July 2021, [https://www.ilrc.org/sites/default/files/resources/all\\_those\\_rules\\_cimt\\_june\\_2021\\_final.pdf](https://www.ilrc.org/sites/default/files/resources/all_those_rules_cimt_june_2021_final.pdf).

<sup>27</sup> See ILRC, *California Sentences and Immigration*, November 2020, [https://www.ilrc.org/sites/default/files/resources/immigration\\_and\\_sentence\\_11.2020.pdf#:~:text=Part%20VI%20discusses%20when%20actual%20%28served%29%20custody%20time,relief%20such%20as%20naturalization%2C%20non-LPR%20cancellation%2C%20and%20VAWA.](https://www.ilrc.org/sites/default/files/resources/immigration_and_sentence_11.2020.pdf#:~:text=Part%20VI%20discusses%20when%20actual%20%28served%29%20custody%20time,relief%20such%20as%20naturalization%2C%20non-LPR%20cancellation%2C%20and%20VAWA.)

<sup>28</sup> INA § 204(g)



(not solely for immigration purposes).<sup>29</sup> This is a heightened standard of proof. A bona fide marriage may include “mixed motives.” In other words, one reason for marrying could be to regularize the petition beneficiary’s immigration status, but the couple should primarily intend to establish a life together. This bar to spousal petition approvals was not previously interpreted to apply to VAWA self-petitioners.

## 1. Update #1

A VAWA self-petitioner must now submit a request for a “bona fide marriage exemption” if they married their abuser spouse while in removal proceedings. Otherwise, they are also subject to the bar to spousal visa petitions, which requires two years residence outside the United States prior to approval of their self-petition.<sup>30</sup>

**Practice Tip:** The bona fide marriage exemption request must be requested in writing,<sup>31</sup> and may be in the form of just a short declaration statement by the self-petitioner, under penalty of perjury. The request should affirmatively request the “bona fide marriage exemption” pursuant to INA § 245(e), provide extensive details of the relationship and marriage, and could also cross-reference to the primary declaration by the VAWA self-petitioner which may contain more details of the bona fide marriage, as well as the abuse suffered. This request could also be included within the primary declaration or statement by the VAWA self-petitioner, but in order that it not be “missed” by the adjudicator, a separate short declaration may be helpful. Though USCIS must consider “any credible evidence” as required for VAWA self-petitions,<sup>32</sup> submitting as much additional corroborating evidence of the bona fides of the marriage as possible is advisable, since “clear and convincing” proof is a higher standard required to overcome this bar to self-petitioning.<sup>33</sup>

**Practice Tip:** If an I-130 petition was submitted earlier with a request for the bona fide marriage exemption, it is advisable to resubmit a request for the exemption with the I-360.

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<sup>29</sup> INA § 245(e)

<sup>30</sup> 3 USCIS-PM D.3(C)(1).

<sup>31</sup> Id.

<sup>32</sup> INA § 204(a)(1)(J)

<sup>33</sup> See 3 USCIS-PM D.3(C)(1) for a non-exhaustive list of examples of evidence which USCIS interprets as meeting the good faith marriage exemption.



## E. Holding Adjustment Application in Abeyance Request

In the past, practitioners informally requested USCIS field offices to hold adjudication of family-based I-485 adjustment applications in “abeyance” so that the adjustment applicant could be accorded time to switch gears, file and await adjudication of an I-360 self-petition due to abuse. This request could be made before or after the adjustment interview, but prior to a decision, and would be in lieu of proceeding on the pending or approved I-130 due to abuse by the petitioner. Because the I-360 is not adjudicated by USCIS field offices, but rather solely by the USCIS Vermont Service Center’s special VAWA Unit, yet the I-485 is adjudicated by the local field office with jurisdiction over the applicant’s residence, the field office cannot proceed with adjudication of the adjustment application if the I-130 is withdrawn by the abuser petitioner, or the petitioner and beneficiary are divorced.

### 1. Update #1

This previously informal practice of making requests to hold an adjustment application in abeyance for the filing and adjudication of an I-360 self-petition, has now been codified in the USCIS Policy Manual.<sup>34</sup> A time deadline was included, allowing only thirty days for the adjustment applicant to submit documentation that a VAWA I-360 self-petition has been filed. USCIS states the self-petitioner may make such a request verbally or in writing, with the written notification containing the person’s name, A-file number, and a safe address for contact from USCIS. VAWA confidentiality provisions will then be followed, but if the self-petitioner does not file a self-petition within 30 days of the request, USCIS will continue adjudication of the Form I-485 based on the Form I-130. USCIS states that officers may check USCIS electronic systems to confirm that a self-petition was filed.<sup>35</sup>

**Practice Tip:** When submitting a request for holding an adjustment application in abeyance, it is also always a good idea to remind USCIS about 8 U.S.C. § 1367 VAWA privacy protections, which apply even to those who express the *intention* to file for VAWA, prior to actual filing of the I-360. This statutory provision not only protects the potential self-petitioner from disclosure of information to the abusive I-130 petitioner, it also prohibits findings of inadmissibility or deportability by USCIS based upon information received by the abuser or abuser’s family members.<sup>36</sup>

<sup>34</sup> 3 USCIS-PM D.5(D).

<sup>35</sup> *Id.*

<sup>36</sup> 8 U.S.C. 1367. See ILRC, Confidentiality Protections for Survivors of Domestic Violence, Human Trafficking and Other Crimes, September, 2022, <https://www.ilrc.org/confidentiality-protections-for-survivors>

**Practice Tip:** Practice Tip: If a receipt for the I-360 has not yet been received from the Vermont Service Center of USCIS, and the thirty-day deadline to submit such proof is near, the self-practitioner should submit proof that the I-360 was delivered to the VSC. This could be in the form of a USPS certified proof of delivery or courier proof of delivery notice, along with a copy of the signed and dated I-360 with some accompanying documentation showing prima facie eligibility for VAWA.

**Practice Tip:** If possible, where the VAWA self-petitioner has moved, file a Form AR-11 online *before* submitting a request to USCIS to hold the I-485 in abeyance. Otherwise, the AR-11 may not be accepted, because the case will be flagged as a VAWA, with the confidentiality provisions in force. However, USCIS states they are looking into the issue of erroneous rejections of AR-11s, as well as problems in filing G-28s and other documents to supplement pending VAWA cases at the VSC that began around June 2022, so hopefully these issues will be corrected in the future.

**Practice Tip:** Even if a marriage is irretrievably broken, the I-130 petition and adjustment application may still be approved by USCIS if the petitioner has not withdrawn the I-130 or the affidavit of support. Only a legal separation ordered by a state court or a final divorce will prohibit USCIS from approving a spousal I-130 and adjustment based on that petition if no other issues exist. A physical separation of the petitioner and beneficiary is insufficient for denial, as long as the marriage is legally valid and “bona fide at inception.” However, USCIS has been known to “sit” on such applications, taking a “wait and see” approach to see if the couple will legally terminate their marriage. In such cases, where the marriage is still legally intact, and abuse is not evident so as to allow the filing of a self-petition, some practitioners have had success with filing writs of mandamus to force USCIS to adjudicate the I-130 petition and the adjustment application.

### III. Other Updates

#### A. Interview Waivers

Practitioners report that recently some spousal and VAWA adjustments have been approved without an interview. An indication that this will likely be the case is when the practitioner and/or applicant receives a Request for Evidence (RFE) requesting that the immigration medical exam be mailed to a USCIS Field Office rather than presented at an interview.

## B. Process Updates – Contacting USCIS about Self-Petitions and Receipt Notices

At a September 2022 USCIS stakeholder engagement, the following updates and practice tips regarding VAWA inquiries to USCIS were provided:<sup>37</sup>

### 1. Update #1

The current legal practitioner hotline email for case-specific inquiries regarding VAWA self-petitions is: [HotlineFollowUp1360.vsc@uscis.dhs.gov](mailto:HotlineFollowUp1360.vsc@uscis.dhs.gov) In September 2022, USCIS hotline response times were reported to be within 14-21 days of the inquiry. If no response has been received 45 days, a second legal practitioner inquiry may be submitted, which should include “SECOND REQUEST” in the subject line of the email. However, the hotline will not respond to inquiries relating to processing status where the case is within posted processing times. USCIS states that currently eighty percent of VAWA self-petitions are adjudicated within 30.5 months.

**Practice Tip:** USCIS asks that legal representatives review the auto-reply that is usually sent from the hotline. If legal representatives have a more complex issue that needs to be addressed, supervisory review may be requested via the hotline with “SUPERVISORY REVIEW REQUESTED” added to the subject line.

### 2. Update #2

If the expiration date of the current prima facie notice is getting close and no extension has yet been received, the practitioner can contact the hotline. It is possible that the case is in adjudication, and for those cases that are close to a decision, the officer may want to issue a decision instead of an extension notice.

### 3. Update #3

USCIS states that if no receipt notice has been received within 30 to 60 days of filing, legal representatives may contact the hotline. USCIS also indicated that mail that is delivered late on Friday is not picked up by the service center contractor until Monday, and the receipt date will then be the following business day. When the late receipt date impacts eligibility for the benefit, legal representatives may submit a request for review to the hotline email, using a subject line that indicates the nature of the request. Such cases will be reviewed on a case-by-case basis to

<sup>37</sup> Thanks to the Coalition to Abolish Slavery and Trafficking (CAST) for providing highlights to the field of the September 2022 engagement with USCIS on VAWA, U and T issues.

make a determination of the appropriate receipt date. If it is determined that the receipt date should be amended, an amended receipt notice will be issued.

## C. Fee Waiver Requests

### 1. Update #1

When fee waiver requests are filed, USCIS is unable to issue a receipt notice for the underlying case until the fee waiver request is adjudicated. As of September 2022, significant delays in fee waiver adjudications have occurred, due in part due to staff attrition and also in part due to a high volume of filings. New staff hires are being trained to reduce the backlog. The U.S. Department of Homeland Security (DHS) is working on a proposed rule relating to USCIS fees, which may include revision to fee waiver and exemption policies. DHS is also revising standard operating procedures and internal guidance to ensure there is consistency and clarity related to fee waiver adjudications, in particular for VAWA and other humanitarian benefits.

**Practice Tip:** If an emergency situation exists, expedited processing may also be requested following the criteria on USCIS's website.<sup>38</sup> Submit as much corroborating documentation as possible regarding the need for the expedite, including proof of relationship if the expedite concerns a seriously ill or other humanitarian concern related to a third party.

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<sup>38</sup> 1 USCIS-PM A.5. See also <https://www.uscis.gov/forms/filing-guidance/how-to-make-an-expedite-request>



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### About the Immigrant Legal Resource Center

The Immigrant Legal Resource Center (ILRC) works with immigrants, community organizations, legal professionals, law enforcement, and policy makers to build a democratic society that values diversity and the rights of all people. Through community education programs, legal training and technical assistance, and policy development and advocacy, the ILRC's mission is to protect and defend