

I am an immigration lawyer working with survivors of domestic violence, sexual assault, and human trafficking. I am writing to submit a comment in my personal capacity in response to DHS/USCIS's revision of its I-914 forms and instructions, Docket ID USCIS-2006-0059, OMB Control Number 1615-0099. I have been interacting with these forms and instructions regularly for over seven years and appreciate the opportunity to provide some brief comments.

I-914 Form

- First, I would like to recommend that USCIS rescind its “blank space” policy for the I-914 and ancillary forms. This policy has proven exceedingly inefficient for both USCIS and legal representatives, and is one that undermines the goal of T nonimmigrant status—the protection and stabilization of a cooperating victim of trafficking. In the I-918 context, it has resulted in the rejection of applications for information as benign as a missing response to the Apt./Flr./Ste. question, which does not always require a response. This policy unduly frustrates the benefits application process.
 - If DHS will not rescind this policy, I would recommend that the I-914 and related instructions be clarified as to when “N/A” or “none” are appropriate, or when, for example, a blank space is appropriate because the form question already says “if any.” An instruction should be included to eliminate any confusion, for example “all fields are required unless followed by “if any” or “if applicable.” Furthermore, the form should be amended so that ALL fields may be typed in, and so that the “/” character is allowed.
- Page 2, Question 6, USCIS Online Account Number: this should be followed by “if any.”
- Page 2, Question 8, Gender: I recommend you include other more inclusive, non-binary options, because many survivors do not identify as either “male” or “female.”
- Page 2, Questions 12 – 16, Passport or Travel Document information: since not all trafficking survivors have passports or travel documents (or have access to them)—and since one is not a requirement for approval of an I-914—these questions should be followed by “if any.”
- Page 2, Question 19: this should be followed by “if any.”
- Page 2, Part 3 Instructions: I suggest something along the lines of the following, which more clearly indicates what the contents of the declaration should include. “You must attach a personal narrative statement describing the trafficking you experienced and explaining your answers to the following questions 1-9.”
- Page 4, Part 4: I suggest you clarify that vacated convictions are not to be included, as vacatur indicates that the arrest or conviction should never have occurred in the first place.
- Page 9, Part 7: Should be interpreter, “if any.”
- Page 12, Part 9: Applicants would be more likely to remember to sign supplemental copies of page 12 if there were a designated area to sign and date and accompanying instruction.

I-914 Instructions

- Again, I would like to reiterate my comments above regarding the “blank space” policy.
- Page 2, Part 2, Question 3: Please include an instruction that the applicant’s actual zip code be included so that they are scheduled for biometrics at the ASC closest to them.
- Page 3, Part 2, Question 7: If gender is a required question, then the form should include more than Male/Female options, since *gender* is a social construct and many individuals do not identify with one of the two listed options.
- Page 3, Part 2, Question 11: Passport should be followed by “if you have one.”
- Page 5, Part 4, Question 2: The instructions should make clear that the other names being requested here are for the *derivative*, not the applicant, so not “you.” Same for Page 6, Question 14 – it should be “he/she/they” not “you.”
- Page 5, Part 4, Question 3: Again, I would like to reiterate my suggestion that the applicant include their actual zip code, for biometrics purposes.
- Page 8: Evidence of Cooperation with Reasonable Requests from Law Enforcement: It is not clear from this explanation that an investigation or prosecution is not required for a trafficking survivor to be eligible for T nonimmigrant status.
- Page 9: since the statement should include the other required elements (for example, physical presence and hardship), the instructions should include these elements to the list of questions posed here.
- Page 12, filing fee: For clarity, I think it would be helpful to include a note here that ancillary forms (I-192, I-765) require fees or a fee waiver.

I-914 Supplement A

- I would like to reiterate my comments above regarding the “blank space” policy and “if any.”
- Page numbers are missing from this form.
- Page 1, Part 1: it is not clear from the form that Part 1 should be left blank if the application is being used for a T-6.
- I would like to reiterate my previous comments about gender, here.
- Page 3, Part 4, Question 11: it is not clear that Date of Birth and the questions that follow are referring to the derivative, as opposed to the prior spouse.
- Page 3, Part 4, Question 20 C: I-94, “if any”
- Page 3, Part 4, Question 23: I suggest “immigration proceedings (immigration court),” for this to have more meaning for un-represented applicants.
- Page 3, Part 4, Question 24: I suggest including an option for pending proceedings, or clarify that “judicial date” is meant for open removal proceedings, if that is the case.
- Page 5, Part 5: I suggest you clarify that vacated convictions are not to be included, as vacatur indicates that the arrest or conviction should never have occurred in the first place.

- Page 12, Part 9: Applicants would be more likely to remember to sign supplemental copies of page 12 if there were a designated area to sign and date and accompanying instruction.

I-914 B

- I would like to reiterate my comments above regarding the gender choices.
- Page numbers are missing from this form.
- Page 3, Part 3, Question 4: sometimes, the certifying official would like to include a range of dates, which the boxes do not allow. I suggest a larger text box where specific dates, or a date range, can be listed.

I-914 B Instructions

- Part 3, Page 4: I would like to suggest that you clarify here that an investigation or prosecution is not required for a trafficking survivor to be eligible for T nonimmigrant status.
- I would like to suggest that the Privacy Notice on page 4 list the statute related to confidentiality provisions, 8 USC § 1367.