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## Comment Submitted by Sanctuary for Families New York, NY

Posted by the **U.S. Citizenship and Immigration Services** on Jun 5, 2023

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### Comment

Sanctuary for Families greatly appreciates the revisions to Form I-290B Notice of Appeal or Motion, which include clear instructions and space for a safe mailing address to preserve the confidentiality of survivors of domestic violence, human trafficking, and other crimes consistent with 8 U.S.C. § 1367. Sanctuary for Families suggests three enhancements to the Form I-290B and Instructions to ensure the clarity of the information collected, minimize the burden to appellants and movants, and ensure equitable and efficient access to electronic filing. Our full comments are submitted on the attached letter dated June 5, 2023.

### Attachments 1



OMB 1615.0095 Docket ID USCIS.2008.0027 Sanctuary for Families Comment



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June 5, 2023

**Submitted at: <https://www.regulations.gov>**

Jerry L. Rigdon, Deputy Chief  
Regulatory Coordination Division  
Office of Policy and Strategy  
U.S. Citizenship and Immigration Services

**Re: Comment on OMB Control No. 1615-0095  
Docket ID USCIS-2008-0027  
Agency Information Collection Activities; Revision of a  
Currently Approved Collection: Notice of Appeal or Motion**

Dear Deputy Chief Rigdon:

Sanctuary for Families ("Sanctuary") greatly appreciates the revisions to Form I-290B Notice of Appeal or Motion, which include specific instructions and space for a safe mailing address consistent with 8 U.S.C. §1367 to preserve the confidentiality and safety of survivors of domestic violence, trafficking, and other qualifying crimes. Sanctuary suggests three enhancements to the revised Form I-290B and Form I-290B Instructions to ensure the clarity of the information collected, minimize the burden to appellants and movants, and ensure equitable and efficient access to electronic filing.

Sanctuary is New York State's largest dedicated service provider and advocate for survivors of domestic violence, human trafficking, and related forms of gender violence. Each year, Sanctuary provides legal, clinical, shelter, and economic empowerment services to over 7,200 survivors. Sanctuary's Immigration Intervention Project and Anti-Trafficking Initiative provide free legal assistance and direct representation to thousands of immigrant survivors every year in a broad range of humanitarian immigration matters, including asylum, special rule cancellation of removal, DACA, Special Immigrant Juvenile Status, Violence Against Women Act ("VAWA") self-petitions, and U and T nonimmigrant status for victims of human trafficking and other qualifying crimes. Sanctuary's immigration practice frequently includes appeals and motions on adverse USCIS decisions.

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### **Telephone Number for USCIS Contact Center**

On page 2 of the revised Form I-290B Instructions, in the first paragraph, the third sentence states: "If you do not have Internet access, you may call the USCIS Contact Center and ask that we mail a form to you." The Instructions do not provide the telephone number for the USCIS Contact Center. To ensure individuals without internet access can obtain the Form I-290B and Instructions, we suggest including the telephone number of the USCIS Contact Center in this sentence or at least state where the public may obtain the current telephone number.

### **Include Receipt Number for I-290B for Motions on AAO Decisions**

The revised Instructions clearly state that a Form I-290B may be used to file a motion on an AAO decision dismissing an appeal or motion. Unfortunately, USCIS Service Centers sometimes erroneously exercise jurisdiction over motions on AAO decisions. We suggest including the receipt number for the underlying AAO decision on the revised Form I-290B to reduce the risk of such errors and lessen the burden on movants seeking review of AAO decisions.

Part 2 Item Number 4 on the revised Form I-290B requires the "Receipt Number for the Application, Petition, or Other Request" and the Instructions caution individuals to provide "[o]nly ... one receipt number." When we have filed motions on AAO decisions and provided the underlying receipt number of, for example, the Form I-914 Application for T Nonimmigrant Status, we have received erroneous dismissals of our motions issued by the Vermont Service Center although it has no jurisdiction to review the motion on the AAO decision per 8 C.F.R. §103.5(a)(1)(ii). We suggest either including in the Instructions that for a motion on an AAO decision, the Form I-290B Receipt Number of the AAO decision should be listed in Part 2 Item 4; or providing an additional space in Item 4 to list that Receipt Number in addition to the underlying petition or application.

### **Equitable Access to Electronic Filing**

The revised Form I-290B does not appear to allow electronic submission which is currently available for other immigration benefit requests with USCIS. To minimize the burden of the collection of information on appellants and movants, Sanctuary encourages USCIS to provide secure methods for the electronic submission of the Form I-290B and

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*\*in memoriam*

humanitarian benefits requests including the Form I-360 for VAWA Self-Petitioners and Special Immigrant Juveniles, Form I-914 Application for T Nonimmigrant Status as a Victim of a Severe Form of Trafficking in Persons, and Form I-918 Petition for U Nonimmigrant Status as a Victim of Qualifying Criminal Activity. Providing electronic filing options for certain benefit types but not others creates inequity in the accessibility, efficiency, and administration of immigration services. While many noncitizens lack access to a secure private computer, such individuals could electronically file their benefit requests if USCIS provided secure computer access to the public at, for example, Application Support Centers, Field Offices, or by partnering with other federal and state agencies with offices open to the public.

Sanctuary appreciates the revision of the Form I-290B and Instructions. Administrative review of USCIS decisions provides the public and the agency the invaluable opportunity to correct errors and ensure the fair administration of U.S. immigration law. We thank DHS and USCIS for your consideration of our concerns and comments.

Respectfully submitted on June 5, 2023 by:



Cleo J. Kung  
Senior Staff Attorney  
Anti-Trafficking Initiative  
Sanctuary for Families

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