Public Comments to Form I-918 and Supplements A & B
Summary of Comments During the 60-Day Comment Period and Responses

Form	Comment	USCIS Response
Form I-918 and Supplement A Instructions and General Comments	USCIS should not use the term "Indian Country" because it is offensive. USCIS should use the term "Native American Country" instead.	While USCIS appreciates the commenter's concern, "Indian Country" is a legal term of art that appears in the Immigration and Nationality Act at 101(a)(15)(U)(i)(IV) and is defined in the regulations at 8 CFR 214.14(a)(4).
	The commenter recommended that USCIS remove the interpreter certification throughout the form because it is burdensome for legal services organizations to provide interpreters.	While USCIS appreciates the commenter's concern, we have decided not to adopt this recommendation. The certification of the interpreter is required by law and we have added the language to our forms to make it clear that a person who provides interpretation for the petitioner must complete and sign the certification.
	Add the crimes of Stalking and Fraud in Foreign Labor Contracting as provided by the Violence Against Women Reauthorization Act of 2013 (VAWA 2013).	USCIS thanks the customer for this comment. It was USCIS' intent to add this language and incorporate the statutory changes that resulted from the passage of VAWA 2013. Accordingly, USCIS has adopted this recommendation.
	The commenter expressed concern that the certification language in Part 5 of Form I-918 is overly broad where the petitioner signs, in particular regarding the release of information.	While USCIS appreciates the commenter's concern, USCIS has decided not to adopt this recommendation. This language comports with USCIS' legal obligations to notify petitioners of how their information may be used after they file the petition.
	The commenter expressed concern about language that requires the petitioner to sign a statement during the biometrics appointment when the applicant has limited English proficiency, unless USCIS provides an interpreter at USCIS expense.	USCIS thanks the commenter for expressing this concern. The language that appears on the screen when an individual provides his or her digital signature at the ASC biometrics appointment is in English and Spanish. USCIS also provides translations for twelve languages that are accessible to the public via the USCIS website at http://www.uscis.gov/forms/forms-information/preparing-your-biometric-services-appointment.
	Part 4, "Information About Your Spouse and/or Children." USCIS should consider providing extra space for additional children, instead of requiring that the applicant use Part 8, Additional Information.	USCIS agrees with the commenter and has adopted this recommendation. The proposed revised form provides additional space.
Form I-918	Page 2, Part 1, Question 8. Commenters noted that the question asks if the petitioner was ever in immigration	We thank the commenter for pointing this out to USCIS. We have adopted this recommendation. The proposed form now reads "I

	proceedings, but only in the past tense. They recommended that there be a present tense option for those currently in proceedings.	was or am in proceedings," to reflect the present tense. We also instruct petitioners to write "Current" in the date box if they are currently in proceedings.
	The commenter expressed concern that Form I-918 requires the petitioner to disclose information related to any arrest, citation or detention by any law enforcement officer for any reason. The commenter noted that dispositions of juvenile delinquency are not considered convictions for the purpose of immigration law. The commenter also argued that this requirement places an undue burden on both the government and applicants to obtain these records. The commenter recommended that USCIS eliminate requirements for the disclosure and evidence of juvenile court proceedings and delinquency adjudications.	USCIS can properly request any evidence that may be relevant to adjudication of an immigration benefit request. An adjudication of delinquency in a juvenile court is not a "conviction." But if a minor is charged as an adult, the judgment may well be a conviction for immigration purposes. If the court record is not included with the petition, USCIS may be prevented from correctly assessing the petitioner's eligibility for U nonimmigrant status. Even if a disposition is not a conviction, this information may be relevant to identify potential grounds of inadmissibility and to USCIS' exercise of discretion. With respect to the undue burden argument, the DHS regulations at 8 CFR 103.2(b)(2)(i) and (ii) address situations in which public records are not available. If an alien has sought to obtain a copy of his or her court record of the disposition of a juvenile or criminal case without success, the alien can present a certification from the custodian of the record that the record does not exist and that explains why the record is not available. The alien can then present secondary evidence as part of his or her petition. If the alien establishes that neither primary evidence nor secondary evidence is available, the alien can present affidavits from individuals with personal knowledge of the disposition.
	The commenter suggested that USCIS add the phrase "if any" in reference to the Form I-918's request to provide a passport number, I-94, travel document number and current immigration status, to encompass situations where the petitioner does not have one or more of the above.	While USCIS appreciates the commenter's concern, we have decided not to adopt this recommendation. The Form I-918 and Supplement A Instructions address the situations described by the commenter. The section of the General Instructions entitled "How to Fill Out Form I-918 and Supplement A" instructs the petitioner to type or print "N/A" if the situation does not apply to the petitioner, unless otherwise directed.
	Form I-918 should remove the question regarding the public charge inadmissibility grounds, as VAWA 2013 eliminated	USCIS thanks the customer for this comment. It was USCIS' intent to remove this language given the statutory changes that resulted

Public Comments to Form I-918 and Supplements A & B
Summary of Comments During the 60-Day Comment Period and Responses

	this inadmissibility for U petitioners.	from the passage of VAWA 2013. Accordingly, USCIS has adopted this recommendation.
Form I-918, Supplement A	Page 3, Part 4, Question 8. Commenters noted that the question asks if the family member was ever in immigration proceedings, but only in the past tense. They recommended that there be a present tense option for those currently in proceedings.	USCIS has adopted this recommendation. The proposed revised form now reads "I was or am in proceedings," to reflect the present tense. The proposed revised also instructs a petitioner to write "Current" in the date box for a family member if the family member is currently in proceedings.
	The commenter expressed concern that Form I-918, Supplement A requires the petitioner to disclose information related to the family member's arrest, citation or detention by any law enforcement officer for any reason. The commenter noted that dispositions of juvenile delinquency are not considered convictions for the purpose of immigration law. The commenter also argued that this requirement places an undue burden on both the government and applicants to obtain these records. The commenter recommended that USCIS eliminate requirements for the disclosure and evidence of juvenile court proceedings and delinquency adjudications.	USCIS can properly request any evidence that may be relevant to adjudication of an immigration benefit request. An adjudication of delinquency in a juvenile court is not a "conviction." But if a minor is charged as an adult, the judgment may well be a conviction for immigration purposes. If the court record is not included with the application, USCIS may be prevented from correctly assessing the petitioner's eligibility for U nonimmigrant status. Even if a disposition is not a conviction, this information may be relevant to identify potential grounds of inadmissibility and to USCIS' exercise of discretion. With respect to the undue burden argument, the DHS regulations at 8 CFR 103.2(b)(2)(i) and (ii) address situations in which public records are not available. If an alien has sought to obtain a copy of his or her court record of the disposition of a juvenile or criminal case without success, the alien can present a certification from the custodian of the record that the record does not exist and explaining why the record is not available. The alien can then present secondary evidence as part of his or her petition. If the alien establishes that neither primary evidence nor secondary evidence is available, the alien can present affidavits from individuals with personal knowledge of the disposition.
	The commenter suggested that USCIS add the phrase "if any" in reference to the Form I-918's request to provide a passport number, I-94, travel document number and current immigration status, to encompass situations where the petitioner's family member does not have one or more	While we appreciate the commenter's concern, we have decided not to adopt this recommendation. The Form I-918 and Supplement A Instructions address the situations described by the commenter. The section of the General Instructions entitled "How to Fill Out Form I-918 and Supplement A" instructs the petitioner

Public Comments to Form I-918 and Supplements A & B
Summary of Comments During the 60-Day Comment Period and Responses

	of the above.	to type or print "N/A" if the situation does not apply to the petitioner's family member, unless otherwise directed.
	Form I-918 should remove the question regarding the public charge inadmissibility grounds, as VAWA 2013 eliminated this inadmissibility for U petitioners.	USCIS thanks the customer for this comment. It was USCIS' intent to remove this language given the statutory changes that resulted from the passage of VAWA 2013. Accordingly, USCIS has adopted this recommendation.
Form I-918, Supplement B Instructions	USCIS should make clear on Page 1 of the instructions to Form I-918, Supplement B that the certifying agency can be any agency that is involved in the "detection, investigation, prosecution, conviction, and sentencing" of the qualifying activity."	USCIS has considered this recommendation and added the definition of "Investigation or Prosecution" which includes language suggested by the commenter, to Page 1 of the Instructions.
	The Instructions to Form I-918, Supplement B in Part 4, Item Number 2, which describe the helpfulness requirement, should be modified to reflect regulatory language and add the word "reasonable" to clarify that victims may not meet the helpfulness requirement when, after initiating cooperation, they refuse or fail to provide information *reasonably* requested.	USCIS has adopted this recommendation.
	Page 2, "Specific Instructions," Part 2. The commenter suggested that USCIS should clarify that judges are not required to full out the "Name of Certifying Agency" field or "Name of Head of the Agency" field.	The term "judge" is included within the definition of "certifying agency" in the U nonimmigrant status regulations at 8 CFR 214.14(a)(2). Because a judge may be considered a certifying agency, USCIS believes that judges should complete these fields on the Form I-918, Supplement B. Therefore, USCIS has not adopted this recommendation.
	Pages 3-4, Part 4, Item Number 2. Change "conclusory" to "conclusive."	USCIS believes that the current language conveys the intended meaning and has decided not to adopt this recommendation.
Form I-918, Supplement B	The Form I-918 Supplement B and its Instructions should be consistent and clarify that USCIS will accept black or blue ink in signatures from certifying officials.	USCIS has updated the Form I-918 Supplement B to clarify that the form may be completed in black or blue ink.
	Add the crimes of Stalking and Fraud in Foreign Labor Contracting as provided by VAWA 2013.	USCIS thanks the customer for this comment. It was USCIS' intent to add this language and incorporate the statutory changes that

Public Comments to Form I-918 and Supplements A & B
Summary of Comments During the 60-Day Comment Period and Responses

		resulted from the passage of VAWA 2013. Accordingly, USCIS has adopted this recommendation.
	The commenter expressed concern that the Form I-918, Supplement B implies that the certifying official must contact USCIS if the victim unreasonably refuses to assist in the investigation or prosecution. The commenter suggested that the word “may” be used instead of “must”.	While USCIS appreciates the commenter’s concerns, a petitioner has an on-going duty to cooperate with law enforcement. If a petitioner refuses to cooperate, the certifying official must notify USCIS because the petitioner’s refusal to cooperate may impact his or her eligibility for U nonimmigrant status. If the petition is pending with USCIS, the petitioner may no longer be eligible for U nonimmigrant status. If the petitioner has been granted U nonimmigrant status, the petitioner’s refusal to cooperate may result in revocation of U nonimmigrant status.
	Multiple commenters expressed concern that Part 4 of the form requests signatures in two different places and requests additional information in two different places (in the heading after Part 4, and after each box to be checked in Part 4), which could be onerous for the certifier. The commenter recommended that the additional information be optional.	USCIS believes that it is necessary for the certifying official to provide additional information. USCIS, however, shares the commenters’ concern regarding the burden on the certifying official. To reduce this burden, USCIS is modifying the form layout so that the additional information requested in Part 4 may be provided using the blank space on the same page of the form. The updated proposed revised form instructs the certifying official to provide further information in Part 7. Additional Information only when there is no more space available in Part 4.