

**Public Comments to Form I-918 and Supplements A & B
Summary of Comments During the 30-Day Comment Period and Responses**

Form	Comment	USCIS Response
Form I-918	The acknowledgment statement is confusing because it assumes that the petitioner is in the US. Amend the statement so it is inclusive of applicants who may be applying from outside the US.	USCIS thanks the commenter for bringing this concern to our attention. USCIS has updated the language on the form so that it no longer states that the petitioner must be in the U.S.
	The petitioner certification should reference VAWA confidentiality language and state at the end: "Any disclosure shall be in accordance with the VAWA confidentiality provisions at 8 USC 1367 and 8 CFR 214.14(e)."	USCIS thanks the commenter for raising this issue. The change has been adopted.
	Explain the rationale for removing the question about work authorization or at least clarify in the instructions that for U-1 principal cases, an EAD is issued automatically upon approval of the U visa application.	USCIS removed the checkbox for requesting work authorization because it is not necessary to check this box, as the EAD is issued incident to I-918 approval. There is language in the form's instructions which states that, for U-1 principal cases, an EAD is automatically issued upon approval of the U visa application. This language appears in the section on Processing Information.
	On page 5, Part 3, Processing Information, Q12: The language is confusing for victims of crime in relation to the crimes committed against them. The commenter suggested using the language: " <i>Have you ever been present when any other person was...</i> " (the suggested addition is in bold).	USCIS thanks the commenter for raising this issue; however we will not make the requested change at this time. The question as currently worded enables to USCIS to elicit information from the victim which is useful in the adjudication of the Form I-918 petition.
	Provide extra space for additional children instead of requiring the applicant to use in Part 8, Additional Information. In response to previous comments, USCIS indicated that it would make this change, but it is not reflected in the proposed revisions.	USCIS has already adopted this recommendation, in response to a comment provided during the 60 day notice and comment period. USCIS added space for two additional family members for a total of five.
	The commenter expressed concern that the warning in the petitioner's statement, as written, may have the effect of deterring victims from coming forward and applying for relief, which would run counter to congressional intent in establishing the U visa program. USCIS should delete this language or in the alternative ensure that it complies with existing policies and procedures regarding U visa denials.	USCIS thanks the commenter for raising this concern. While USCIS understands the concern expressed, USCIS believes that it is important to provide this warning to all potential applicants.
Form I-918,	The acknowledgment statement is confusing because it assumes	USCIS thanks the commenter for bringing this concern to our

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Supplement A	that the qualifying family member is in the US. Amend the statement so it is inclusive of applicants who may be applying from outside the US.	attention. USCIS has updated the language on the form so that it no longer states that the petitioner must be in the U.S.
	The petitioner certification should reference VAWA confidentiality language and state at the end: "Any disclosure shall be in accordance with the VAWA confidentiality provisions at 8 USC 1367 and 8 CFR 214.14(e)."	USCIS thanks the commenter for raising this issue. The change has been adopted.
Form I-918, Supplement B	The request for the Alien Registration # on the Form I-918, Supplement B is unnecessary and compromises victims' trust. It may increase the anxiety of victims.	USCIS thanks the commenter for raising this issue; however we will not make the requested change at this time. The Alien Registration Number is a vital piece of information that is used to identify the victim and the petition throughout the adjudication process. For example, if the Form I-918, Supplement B were to get separated from the file, USCIS would rely on the Alien Registration Number to match the document with the file.
	On Page 2, Part 3 Criminal Acts, Q1: Put back the "Other" and "Related Crimes" checkboxes. Many law enforcement agencies utilize these options in their certifications and then explain how the criminal activity fits into the U visa framework.	USCIS thanks the commenter for raising this issue; however we will not make the requested change at this time. The "Other" and "Related Crimes" boxes have historically caused a great deal of confusion in the adjudication process. Form I-918, Supplement B as revised contains the complete statutory list of enumerated crimes.
	On Page 2, Part 3, Criminal Acts, Q3: This section should be amended to include a full definition of investigation or prosecution, including the words "detected" and "sentenced."	Thank you for making this suggestion. USCIS added the definition of "investigation or prosecution" to the Form I-918, Supplement B published with the 30 day notice. USCIS believes that this definition makes clear that detection and sentencing are included within the meaning of the term.
	The commenter expressed concern that the certification language is outside the scope of current legal authority. The certification implies that the signatory must contact USCIS if the victim "unreasonably refuses to assist in the investigation or prosecution." The commenter states that there is no such mandatory language in the law. Instead, the notation should instruct that the signer may contact USCIS.	USCIS thanks the commenter for making this suggestion. USCIS has adopted the recommendation and updated the language accordingly.

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<p>The commenter suggested changes to language regarding the discretion of a certifying agency in determining whether to complete a certification.</p>	<p>USCIS thanks the commenter. While USCIS did not adopt the exact language proposed by the commenter, we have modified the language to this portion of the instruction in response to the comment.</p>
<p>Page 3, Part 2, Name of Certifying Agency: The commenter suggested that USCIS replace “such as” with “including but not limited to” and that USCIS specifically add “Adult Protective Services.”</p>	<p>USCIS thanks the commenter for making these suggestions. USCIS will adopt the suggestion to replace "such as" with "including but not limited to" as this language mirrors the language of the regulations. We will not adopt the suggestion to include "Adult Protective Services" as this language is not included in the regulations.</p>
<p>Page 3, Part 3, Criminal Acts, Item #s 1-3: The commenter suggested that USCIS add the word “detecting” before “investigating.”</p>	<p>Thank you for making this suggestion. USCIS added the definition of "investigation or prosecution" to the Form I-918, Supplement B published with the 30 day notice. USCIS believes that this definition makes clear that detection is included within the meaning of the term.</p>
<p>Page 4, Part 4, Helpfulness, Item 2. The commenter suggested that USCIS include “detection” and “sentencing.”</p>	<p>Thank you for making this suggestion. USCIS added the definition of "investigation or prosecution" to the Form I-918, Supplement B published with the 30 day notice. USCIS believes that this definition makes clear that detection is included within the meaning of the term.</p>
<p>Page 4, Part 4, Helpfulness, Item 2: The commenter suggested that USCIS change the word “conclusory” to “conclusive.”</p>	<p>USCIS has already considered and responded to this comment which was made in the comment period for the 60 day notice. The word "conclusory" appears in the preamble to the 2007 Interim Rule and this language was adopted directly from the preamble.</p>
<p>The commenter felt that the certification language implies that the signatory must contact USCIS if the victim unreasonably refuses to assist in the investigation or prosecution. The commenter argues that this is beyond what the law requires and that the notation should instruct that the signer “may” contact USCIS.</p>	<p>USCIS has already considered and responded to this comment which was made in the comment period for the 60 day notice. 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.</p>

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General	The commenter suggested that USCIS include a general statement regarding the validity period of the Supplement B and note that there may be circumstances in which an additional certification may be needed.	USCIS thanks the commenter for this suggestion. USCIS has incorporated a modified version of the language suggested by the commenter into the form's instructions.
	The commenter suggested the use of an open text box rather than "male" and "female" checkboxes.	USCIS thanks the commenter for this suggestion and will take this under consideration for future revisions.
	The commenter requested that USCIS ensure that all fields are fillable in pdf format and that they accept punctuation.	USCIS thanks the commenter for this suggestion. USCIS aims to ensure that all fields are fillable in pdf format and that they accept punctuation.