

Form I-290B-016 Revision - Responses to 60-day FRN Public Comments

Public Comments (regulations.gov): [USCIS-2008-0027](https://www.regulations.gov/document/USCIS-2008-0027)

30-day FRN Citation (federalregister.gov): [88 FR 19969](https://www.federalregister.gov/documents/2023/04/04/88-fr-19969)

Publish Dates: April 4, 2023 – June 5, 2023

| Comment # | Commenter ID | Comment | USCIS Response |
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| 1. | | Commenter: Sanctuary for Families New York, NY | |
| | 0105 <i>(see attachment)</i> | 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. | Response: See Comment Responses below labeled with Commenter ID: 0105. The information in the attachment from the public comment (0105) was separated into different sections in this comment matrix to address each portion of information individually. See Comment # 2. – 4. |
| 2. | | Commenter: Sanctuary for Families New York, NY | |
| | 0105 | I-290B Instructions Recommendation: 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 | Response: USCIS has made the recommended update to include the USCIS Contact Center telephone number and link to the webpage www.uscis.gov/contactcenter . |

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| | | where the public may obtain the current telephone number. | |
| 3. | | Commenter: Sanctuary for Families New York, NY | |
| | 0105 | <p>Form I-290B Recommendation:</p> <p>Include Receipt Number for 1-290B 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.</p> <p>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 1-914 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</p> | <p>Response: This recommendation is related to training and should be addressed outside of the Form I-290B. USCIS will continue to provide and update training for our Service Centers. The addition of a new data field would add complexity to this form and potentially create confusion for filers who may not yet have a decision on an appeal. Currently, there are only a small number of motions filed on an AAO decision and including an additional field does not have practical utility and may create undue burden on the totality of filers completing this form.</p> |

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| | | additional space in Item 4 to list that Receipt Number in addition to the underlying petition or application. | |
| 4. | | Commenter: Sanctuary for Families New York, NY | |
| | 0105 | <p>Form I-290B Recommendation:</p> <p>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 humanitarian benefits requests including the Form 1-360 for VAWA Self-Petitioners and Special Immigrant Juveniles, Form 1-914 Application for T Nonimmigrant Status as a Victim of a Severe Form of Trafficking in Persons, and Form 1-918 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.</p> | <p>Response: USCIS appreciates that adding an online filing option for Form I-290B would create efficiencies. USCIS continues to add new form options for electronic filing based on an internal schedule and agency priorities. USCIS hopes to provide an online filing option for Form I-290B in the future.</p> |