

Form I-192-016 Revision - Responses to 60-day FRN Public Comments

Public Comments (regulations.gov): [USCIS-2008-0009](#)

60-day FRN Citation (federalregister.gov): [88 FR 29685](#)

Publish Dates: May 8, 2023 – July 7, 2023

Comment #	Commenter ID	Comment	USCIS Response
1.		Commenter: Coalition to Abolish Slavery and Trafficking (CAST)	
	0065	<p>General Instructions</p> <p>Current Language: Filing Fee. You must pay the appropriate filing fee for each application you submit. (See the What Is the Filing Fee section of these Instructions.)</p> <p>Suggested Change: Filing Fee. You must pay the appropriate filing fee for each application you submit or I-912, Request for a Fee Waiver. (See the What Is the Filing Fee section of these Instructions.)</p> <p>Explanation: Both applicants of T nonimmigrant status and U nonimmigrant status are eligible to see a waiver of fees using Form I-912, Request for a Fee Waiver. As the agency noted in its U.S. Citizenship and Immigration Services Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements, 88 Fed. Reg. 402, 460 (Jan. 4, 2023), applicants for T nonimmigrant status are an especially vulnerable population. Many trafficking survivors and their families face financial difficulties following the survivor's victimization. We acknowledge that USCIS is currently proposing fee schedule changes. However, until those changes are implemented, CAST recommends that USCIS explicitly recognize</p>	<p>Response: USCIS has updated the section “Filing Fee” under the General Instructions to include language that there is information located under the “What is the Filing Fee?” section for eligibility for fee waivers.</p> <p>The form instructions currently state:</p> <p>“What Is the Filing Fee?”</p> <p>The filing fee for Form I-192 depends on the agency that makes the decision on your application.</p> <p>1. If filing with USCIS, the filing fee for Form I-192 is \$930.</p> <p>2. If filing with CBP, the filing fee for Form I-192 is \$585.</p> <p>A fee waiver request will be considered in accordance with 8 CFR 103.7(c) for the following individuals:</p> <p>1. An applicant for T nonimmigrant status; and</p> <p>2. A petitioner for U nonimmigrant status.</p> <p>In addition, they state:</p> <p>“Fee Waiver - USCIS Applications Only</p> <p>You may be eligible for a fee waiver under 8 CFR 103.7(c). If you believe you are eligible for a fee waiver, complete Form I-912, Request for Fee Waiver (or a written request), and submit it and any required evidence of your inability to pay the filing fee with this application. You can review the fee waiver guidance at www.uscis.gov/feewaiver.”</p>

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		<p>that applicants can submit the I-192 with a fee waiver. This acknowledgment would be particularly beneficial since Forms I-914 and I-914 Supplement A do not require fees. By including this requirement in the instructions, it will serve as a reminder to T nonimmigrants to include either the fee or fee waiver when submitting their application</p>	<p>Thus, with this additional clarification, USCIS believes the instructions sufficiently inform applicants that they may request a fee waiver.</p>
2.		Commenter: Coalition to Abolish Slavery and Trafficking (CAST)	
	0065	<p>How to Complete Form I-192 – USCIS Online Account Number.</p> <p>Recommendation and Explanation: CAST suggests including a note in this section to highlight that information regarding applications protected under the VAWA confidentiality provisions of 8 USC §1367 may not be accessible through the USCIS Online systems. As a technical assistance provider, we have observed that many practitioners and applicants are unaware that their case information is not accessible through all of the mechanisms provided by USCIS due to privacy protections. Noting this in the instructions could serve as a reminder to practitioners that they cannot use this method to obtain the case status of the Form I-192 if it was submitted in conjunction with the T and U nonimmigrant forms</p>	<p>Response: While some Forms I-192 may not be available for checking their status in USCIS online systems, an applicant may generally check the status of their submitted Form I-192 in USCIS Case Status Online. While USCIS appreciates the commenter’s position regarding individuals protected by 8 U.S.C. 1367, form instructions are intended to be instructions for completing the form, providing data, answering questions and required evidence. USCIS forms are generally lengthy, and we attempt to minimize the amount of policy guidance we include in this context. Thus USCIS believes the commenter’s recommended advisals regarding 8 U.S.C. 1367 for USCIS online systems is not appropriate for form instructions but will consider this recommendation for other resources.</p>

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3.		Commenter: Coalition to Abolish Slavery and Trafficking (CAST)	
	0065	<p>Item Numbers 10.-11. Address History</p> <p>Recommendation and Explanation: CAST suggests the inclusion of additional instructions that would allow T and U nonimmigrant applicants to provide only the city and state for certain addresses. It is important to recognize that many victims of crime may be unaware of specific locations where they were held or may have stayed in confidential shelters, making it difficult for them to provide precise physical addresses. By providing further instructions that take into account the unique circumstances of crime victims, USCIS acknowledges that applicants may not have access to detailed information about their experiences. Similarly, CAST recommends providing instructions on how applicants can indicate only the month and year for certain locations. (This includes allowing flexibility in the PDF form for the dates.) Many applicants frequently move due to their victimization, making it challenging for them to recall the exact dates associated with each location. Including instructions that allow for the use of approximate dates acknowledges the transient nature of their circumstances.</p>	<p>Response: All applicants should provide physical addresses for everywhere they have lived to the extent they are able. Failure to provide a complete address for all places lived will not result in rejection or denial of the request by USCIS when the form is submitted for T and U nonimmigrants.</p> <p>CBP utilizes e-SAFE, an online system that allows for e-filing of Form I-192, Application for Advance Permission to Enter as a Nonimmigrant, and Form I-212, Application for Permission to Reapply for Admission into the United States After Deportation or Removal. Electronic submission of Form I-192 via e-SAFE requires address history for the last five (5) years. This requirement was built into e-SAFE since the becoming available to remain consistent with the Form I-192 Instructions. If an applicant submits the Form I-192 paper application without the address history at a CBP Port of Entry (POE), the CBP POE may or may not accept it.</p>

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4.		Commenter: Coalition to Abolish Slavery and Trafficking (CAST)	
	0065	<p>List each crime separately.</p> <p>Recommendation and Explanation: CAST recommends that USCIS include a note stating that vacated crimes, meeting the Pickering standard (Pickering v. Gonzales, 465 F.3d 263 (6th Cir. 2006)), do not need to be listed or waived on the Form I-192. This exemption applies solely to vacated crimes resulting from "Constitutional defects, statutory defects, or pre-conviction errors affecting guilt." Id. Many trafficking survivors are coerced into committing crimes as part of their victimization. State legislatures are increasingly acknowledging forced criminality and enacting vacatur legislation to allow the vacatur of criminal acts for trafficking victims. These vacatur laws recognize the legal errors in convicting certain survivors and lead to the destruction of their criminal records. For instance, in California, under Cal. Penal Code §236.14(k), government agencies are required to seal and destroy such records. Although the applicant may possess a copy, there is no recourse for obtaining another copy from the court in case of its loss, leaving the survivor unable to meet the requirements of USCIS. Therefore, CAST advises USCIS to acknowledge that if a crime has been vacated, additional documentation is unnecessary,</p>	<p>Response: Thank you for raising this concern. USCIS will explore opportunities to address this recommendation in the USCIS Policy Manual or operational guidance.</p>

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		and the crime does not need to be listed or waived on the Form I-192	
5.		Commenter: Coalition to Abolish Slavery and Trafficking (CAST)	
	0065	<p>What is the Filing Fee? – 3. If you live outside the United States...</p> <p>Current Language: If you live outside the United States, contact the nearest U.S. Embassy or U.S. Consulate for instructions on the method of payment.</p> <p>Suggested Change: If you live outside the United States, contact the nearest U.S. Embassy or U.S. Consulate for instructions on the method of payment. Applicants for T and U nonimmigrant status, even if located outside of the United States, shall pay the filing fee or submit the fee waiver to the appropriate address as listed in “Where to File”.</p> <p>Explanation: This clarification is intended for T nonimmigrant derivative applicants, as well as certain U nonimmigrant applicants who may be abroad, to inform them that they must submit their fee or fee waiver to either the Vermont or Nebraska Service Centers.</p>	Response: USCIS has updated the section “ What Is the Filing Fee ” to include updated language for Applicants for T and U nonimmigrant status.
6.		Commenter: Coalition to Abolish Slavery and Trafficking (CAST)	
	0065	<p>USCIS Processing</p> <p>Recommendation and Explanation: CAST recommends that USCIS provide clarification</p>	Response: USCIS will explore including guidance in the USCIS Policy Manual on the inadmissibility waiver question raised.

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		<p>on the transferability of an approved Form I192 in light of existing USCIS policy. Specifically, it would be helpful for USCIS to clarify whether the approved Form I-192 can be used if the applicant intends to adjust their status through means other than the U nonimmigrant adjustment or T nonimmigrant adjustment process, or if they would need to pursue a new waiver through alternative channels. For instance, if a T nonimmigrant seeks to adjust their status under INA §245(a) for a family-based adjustment, USCIS should clearly state whether their previously approved Form I-192 can be utilized in that process. Furthermore, CAST recommends that USCIS includes the Confidentiality notice found in Forms I914, I-914A, I-918, and I-918A within the Form I-192 instructions. The inclusion of this information regarding VAWA confidentiality, as outlined in 8 USC §1367, is crucial, particularly because Form I-192 contains highly sensitive information about the applicant, including potential criminal details.</p>	<p>In regards to the advisal language relating to 8 U.S.C. section 1367, we have included additional information in the I-192 Form Instructions, as similarly included in the I-914 and I-918 Form Instructions. The advisals can be found under “Specific Instructions” in Part 3. and under “Processing Information.”</p>
<p>7.</p>		<p>Commenter: Coalition to Abolish Slavery and Trafficking (CAST)</p>	
	<p>0065</p>	<p>Other Information – Item 8. Gender</p> <p>Recommendation and Explanation: CAST commends USCIS for its commitment to inclusivity by adding a third checkbox for "Another Gender Identity" on their forms.</p>	<p>Response: Thank you for these recommendations. We are including a third gender marker, noted as X to signify “Another Gender Identity” on the Form I-192 Form. With regard to the addition of a field for pronouns, the petitioner is often referred to in the second person context in follow-up correspondence to the applicant on</p>

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		<p>Additionally, CAST suggests including additional two blank boxes adjacent to the third checkbox. The first box would enable applicants to specify their gender identity, ensuring that they are correctly identified by adjudicators or officers. The second box would Page 5 provide space for applicants to indicate their preferred pronouns. This enhancement would facilitate agency correspondence with applicants in situations such as Requests for Additional Evidence (RFEs), Denials, or other forms of communication.</p>	<p>this form. For this reason, this addition would not be germane to this particular information collection.</p>
8.		Commenter: Coalition to Abolish Slavery and Trafficking (CAST)	
	0065	<p>Address History</p> <p>Recommendation and Explanation: CAST recommends including a note on the form stating that applicants are required to provide only the city and state for certain addresses. Furthermore, if USCIS incorporates CAST's aforementioned suggestions, USCIS can also note that applicants can refer to the instructions for additional guidance</p>	Response: Please refer to Response in Comment # 3.
9.		Commenter: Coalition to Abolish Slavery and Trafficking (CAST)	
	0065	<p>Part 4 – Interpreter’s Contact Information, Certification, and Signature</p> <p>Recommendation and Explanation CAST suggests including a note indicating where</p>	Response: Thank you for raising this concern. Applicants can provide additional information in Part 6 additional information or consider printing out an additional Interpreter’s Certification Form to indicate multiple

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		<p>applicants can provide information about additional interpreters. In cases involving rarer languages, multiple interpreters may be required, such as for interpretation from English to Spanish to an indigenous language, and vice versa. We recommend either allocating space for an additional interpreter or providing guidance on what to include in the "Additional Information" section.</p>	<p>interpreters have been involved in the case.</p> <p>The form instructions state:</p> <p>“Part 6. Additional Information</p> <p>If you need extra space to provide any additional information within this application, use the space provided in Part 6. Additional Information. If you need more space than what is provided in Part 6., you may make copies of Part 6. to complete and file with your application, or attach a separate sheet of paper. Type or print your name and A-Number (if any) at the top of each sheet; indicate the Page Number, Part Number, and Item Number to which your answer refers; and sign and date each sheet.”</p> <p>As this instruction clearly applies to any section of the form, applicants can use this section as necessary and additional guidance is not needed.</p>
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