

**Form I-914-002 Revision - Responses to 30-day FRN Public Comments**

**Public Comments** (regulations.gov): [USCIS-2006-0059-0130](https://www.regulations.gov/document/USCIS-2006-0059-0130)

**30-day FRN Citation** (federalregister.gov): [89 FR 56893](https://www.federalregister.gov/documents/2024/07/11/2024-13433)

**Publish Dates:** July 11, 2024 – August 12, 2024

Comment #/Topic	Commenter ID	Comment	USCIS Response
<b>1.</b>		<b>Commenter: Multiple</b>	
Electronic Submission	<a href="https://www.regulations.gov/document/USCIS-2006-0059-0143">USCIS-2006-0059-0143</a>  <a href="https://www.regulations.gov/document/USCIS-2006-0059-0145">USCIS-2006-0059-0145</a>	Electronic submission options - The public burden associated with data collection could be relieved by expanding and improving electronic submission options in a similar way that the IRS has largely moved away from physical paper forms and filings. The current Form I-914 requires that it be completed in “black ink” and submitted physically which creates an additional need for labor intensive filing and storage of physical documents. Additionally, using simplified electronic forms as well as interactive videos and online instructions could help guide applicants throughout the application process and further reduce the amount of time related to the public burden and costs associated with review and storage of these forms.	<b>Response:</b> USCIS is actively working to make more forms available for electronic filing. Currently USCIS form I-914 conversion is not underway but consideration in the future.
<b>2.</b>		<b>Commenter: Multiple</b>	
Language Availability	<a href="https://www.regulations.gov/document/USCIS-2006-0059-0143">USCIS-2006-0059-0143</a>  <a href="https://www.regulations.gov/document/USCIS-2006-0059-0145">USCIS-2006-0059-0145</a>	Language availability - An expansion of the available languages that Form I-914 can be completed in should be expanded. Currently, only English is available for this application while a vast majority of applicants are from non-English speaking countries. Additionally, any documents that are submitted with Form I-914 that are not in English must be translated and accompanied with an authorized translator certification. This requirement creates an additional public burden, especially if the additional documents are testimonies from trafficking victims themselves.	<b>Response:</b> USCIS attempts to convey statutory requirements in language that is as clear as possible. Where an applicant speaks a language other than English, they may use an interpreter to help them understand the form.  USCIS requires all responses to be translated into English. While USCIS employee staff are fluent in various language dialects, not all staff are fluent in all languages. Additionally, our systems are also not designed for storing data in multiple languages.

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			<p>USCIS must be able to monitor, analyze and report on our programs to Congress and others, and that requires information used for adjudications to be stored in English. Responses in languages other than English must be converted to English, which would create delays in processing applications.</p> <p>The USCIS website can be viewed in many languages and the USCIS Multilingual Resource Center located at <a href="https://www.uscis.gov/tools/multilingual-resource-center">https://www.uscis.gov/tools/multilingual-resource-center</a> offers information in several languages on a variety of topics to assist applicants.</p> <p>USCIS will not make any additional clarifying edits based on this comment.</p>
<b>3.</b>		<b>Commenter: Marisol Fabian Lopez</b>	
	<p><a href="https://www.regulations.gov/document/USCIS-2006-0059-0145">USCIS-2006-0059-0145</a></p>	<p>24/7 Helpline – This can aid applicants who may need assistance with their form in a different time zone. Also, this will help those who may not be able to go in person or are off late from their job and can’t make it to business hours.</p>	<p><b>Response:</b> USCIS has multiple methods available for the public to obtain assistance, including:</p> <ul style="list-style-type: none"> <li>• USCIS Contact Center, <a href="https://www.uscis.gov/contactcenter">https://www.uscis.gov/contactcenter</a>;</li> <li>• E-Request Tool, <a href="https://egov.uscis.gov/e-request/Intro.do">https://egov.uscis.gov/e-request/Intro.do</a>;</li> <li>• Emma, Our Virtual Assistant, <a href="https://www.uscis.gov/tools/meet-emma-our-virtual-assistant">https://www.uscis.gov/tools/meet-emma-our-virtual-assistant</a>; and,</li> <li>• Various other online support tools available on our website at <a href="https://www.uscis.gov/">https://www.uscis.gov/</a>.</li> </ul>

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			The commentor did not request any specific changes to any of the information collections impacted by this rule. USCIS will not be making any changes as a result of this comment.
<b>4.</b>		<b>Commenter: Marisol Fabian Lopez</b>	
	<a href="https://www.regulations.gov/document/USCIS-2006-0059-0145">USCIS-2006-0059-0145</a>	Interpreter Services – This can assist someone who may not have anybody to help them with technology and help them fill out the online forms if they are still not provided in other languages.	<b>Response:</b> USCIS does not provide interpreters, but has a list of legal service providers for individuals to consult here: <a href="https://www.uscis.gov/scams-fraud-and-misconduct/avoid-scams/find-legal-services">https://www.uscis.gov/scams-fraud-and-misconduct/avoid-scams/find-legal-services</a> .
<b>5.</b>		<b>Commenter: Justice at Work Pennsylvania</b>	 USCIS-2006-0059-0144_attachment_1.pdf
	<a href="https://www.regulations.gov/document/USCIS-2006-0059-0144">USCIS-2006-0059-0144</a>	The two-page letter submitted by Justice at Work Pennsylvania acknowledges the efforts of USCIS has undertaken form updates to support the final T rule, specifically mentioning the updates to USCIS Form I-914 including updates to questions relating to gender.	<b>Response:</b> The commentor supported the addition of “another gender identity” and “They/Their” pronouns and “spouse”. Commentor also expressed support for the edited language in Part 3. Item Number 6. The commentor did not request any specific changes to any forms with their comments.
<b>6.</b>		<b>Commenter: matthew thomson</b>	
	<a href="https://www.regulations.gov/document/USCIS-2006-0059-0142">USCIS-2006-0059-0142</a>	Instead of preventing people from seeking safety from persecution and sending them back to potentially life-threatening situations the US and Biden administration should rescind this proclamation and reaffirm its commitment to helping asylum seekers and refugees and instead focus on providing and expanding protection for both asylum seekers and migrants seeking family reunification.	<b>Response:</b> This comment is out of scope for this form revision, which deals with revisions to the Form I-914, Application for T Nonimmigrant Status, related to the T Final Rule.

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		A good idea would be to instead focus on providing more aid to these migrants and alleviate their suffering. We would then provide a safe avenue for admission and help them in accordance with the laws of the US constitution and the international laws the US signed. This would be a more humanitarian approach and would result in a safer experience for these migrants who have already suffered a lot.	
7.		<b>Commenter: Immigrant Legal Resource Center</b>	 USCIS-2006-0059-01 46_attachment_1.pdf
	<a href="https://www.regulations.gov/document/USCIS-2006-0059-0146">USCIS-2006-0059-0146</a>	I. Improved Gender Inclusivity on Form I-914 In our November 2023 comment, the ILRC encouraged USCIS to amend Form I-914 to be more gender inclusive, to be consistent with earlier changes to Forms I-914 Supplements A and B, and to better align with updated USCIS policy on gender inclusivity. <sup>1</sup> The ILRC commends the agency’s decision to amend Form I-914 to include a third gender category for individuals who do not self-identify as falling within the “female” and “male” gender categories. This inclusive gender designation will enhance the form’s accessibility to LGBTQIA+ individuals, including transgender and gender nonconforming people who are especially vulnerable to economic marginalization, workplace exploitation, and sexual and other forms of violence including human trafficking.	<b>Response:</b> Commenter expressed support for inclusion of “another gender identity.”

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		<p>II. The Agency Should Limit Required Disclosure of Certain Vacated Criminal Records and Juvenile Adjudications In our November 2023 comment, the ILRC urged USCIS to strike language across all T Nonimmigrant Forms and Instructions requiring the disclosure of certain criminal records that have been vacated due to legal or constitutional invalidity. This recommendation was consistent with 2021 recommendations from several of our expert partners, including CAST and Freedom Network USA, that the agency should modify the disclosure requirements to account for vacatur that alleviate the immigration consequences of criminal court adjudications. The proposed modifications to the T Nonimmigrant Forms and Instructions do not include these recommendations. Unlike expungement, vacatur is the recognition from the criminal justice system that a legal mistake was made that invalidates the underlying conviction. The criminal vacatur process retroactively eliminates a criminal record that should not have been created in the first place and alleviates the consequences of the conviction. The vast majority of states now have special post-conviction vacatur bills for trafficking survivors and more states are in the process of developing vacatur laws.<sup>3</sup> For example, California Penal Code § 236.14, which went into effect on January 1, 2017, establishes a vacatur petition process for a person who has been arrested or convicted of a nonviolent crime while</p>	<p>We appreciate the concerns raised and suggestions offered, but USCIS will not make any changes in response to this comment, as this revision effort deals exclusively with changes made as a result of the T Final Rule. In the T Final Rule, USCIS explicitly addressed this recommendation regarding vacated convictions, and declined to make any changes in response to it.</p> <p>Regarding the requirement to disclose certain juvenile records, USCIS is committed to fair and careful adjudication of all cases, with particular care and attention focused on the special considerations required of cases involving juveniles.</p> <p>USCIS has existing guidance regarding specialized treatment of juvenile delinquency in discretionary determinations. In the USCIS Policy Manual Volume 1, Part E, Chapter 8, “Discretionary Analysis,” we address “[f]indings of juvenile delinquency” as one of the factors that are generally considered when conducting a discretionary analysis. <a href="#">Footnote 62</a> of this Chapter reads: USCIS considers findings of juvenile delinquency on a case-by-case basis, based on the totality of the evidence, to determine whether a favorable exercise of discretion is warranted. Therefore, an adjustment applicant must disclose all arrests and charges. If any arrest or charge was disposed of as a matter of juvenile delinquency, the applicant must include the</p>
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		<p>he or she was a victim of human trafficking, recognizing that these victims lack the necessary mental state to commit such crimes because of their victimization. Unlike traditional expungement or sealing bills that pardon past criminal behavior, these vacatur bills completely eradicate a survivor’s criminal history as if the arrest and conviction had not occurred and restore their status as a law-abiding citizen. The ILRC acknowledges that the inadmissibility waiver available to T visa applicants is generous as to inadmissibility grounds caused by or incident to the trafficking. However, the current language requires the trafficking survivor to disclose criminal convictions that should never have been imposed in the first place, as determined by a court of competent jurisdiction. The current language undermines the intention of many states’ vacatur laws, and in particular trafficking-specific vacatur laws, to eliminate convictions that were invalid due to legal or constitutional error. Requiring disclosure of these determinations serves no adjudicative purpose since they do not constitute convictions for immigration purposes. The ILRC and expert partners have also long urged USCIS to cease the consideration of juvenile records in applications for relief and to that end make clear on the Form I-914 and instructions that juvenile arrests, charges, and dispositions need not be disclosed, and juvenile records need not be</p>	<p>court or other public record that establishes this disposition.</p> <p>Even where juvenile conduct did not constitute a conviction under Section 101(a)(48)(A) of the Immigration and Nationality Act, it may still be relevant for inadmissibility purposes, and USCIS must consider it. For example, under “Juvenile Delinquency” in Volume 7 – Adjustment of Status, Part F, Chapter 7, “Special Immigrant Juveniles,” the USCIS Policy Manual indicates that certain grounds of inadmissibility do not require a conviction, but rather conduct <i>alone</i> (even without a conviction) may be sufficient to trigger an inadmissibility ground. <i>See, e.g.</i>, INA § 212(a)(2)(C) (inadmissibility concerning controlled substance trafficking that is based on a “reason to believe” standard). This is one reason USCIS does not exclude juvenile criminal histories from the inadmissibility questions in our immigration forms.</p>
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		<p>provided. The current collection has again declined to adopt these common-sense modifications. Across the United States, juvenile justice systems – civil systems that adjudicate violations of the law by children – recognize the significant developmental differences between children and adults and accordingly focus on early intervention, community-based resources, and rehabilitative efforts rather than punishment. In fact, most juvenile justice systems, including the federal system, have confidentiality provisions to protect young people from collateral consequences of juvenile court involvement that can occur when information and records from juvenile court proceedings are publicly available.<sup>4</sup> Requiring people to disclose their youthful violations of the law to USCIS is at odds with the law and policy undergirding juvenile justice systems. Immigration law does not support consideration of juvenile justice records to determine inadmissibility or as a matter of discretion in immigration adjudications. In <i>Matter of Devison</i>, the Board of Immigration Appeals stated, “We have consistently held that juvenile delinquency proceedings are not criminal proceedings, that acts of juvenile delinquency are not crimes, and that findings of juvenile delinquency are not convictions for immigration purposes.”<sup>5</sup> Nor are juvenile delinquency adjudications an appropriate consideration in the well-established rubric for discretionary determinations in immigration</p>	
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		<p>proceedings, set forth in <i>Matter of Marin</i>.<sup>6</sup> <i>Marin</i> lists several factors that could be deemed adverse for purposes of discretionary determinations: “the nature and underlying circumstances of the exclusion ground at issue, the presence of additional significant violations of this country's immigration laws, the existence of a criminal record and, if so, its nature, recency, and seriousness, and the presence of other evidence indicative of a respondent's bad character or undesirability as a permanent resident of this country.”<sup>7</sup> Juvenile delinquency adjudications do not fit anywhere within these factors. First, juvenile justice systems are civil in nature and accordingly state laws forbid the consideration of juvenile delinquency adjudications as “crimes” or youth adjudicated delinquent as “criminals.” Second, evidence of a juvenile record simply is not evidence of “bad character.” Even the Supreme Court has recognized that youthful violations of the law may not be indicative of adult character and behavior.<sup>8</sup> This longstanding recognition of the distinctions between criminal and juvenile proceedings should be especially upheld in T visa adjudications. Child victims of trafficking are particularly vulnerable to criminalization and should not be required to disclose events and records that in many states are sealed, and in any case have no bearing on their eligibility for relief, their character, or their likely behavior in the future. The ILRC asks that Form I-914 and the instructions be modified to reflect this.</p>	
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		<p>Suggested Language: (Form I-914, Part 4, Processing Information)</p> <p>Answer the following questions about yourself. Responses are intended to cover any activity you have committed under your legal name or any aliases. <b>Do not include activity that occurred when you were a minor and for which your case was handled in a juvenile court system.</b> For purposes of this application, you must answer "Yes" to the following questions, even if your records were sealed or otherwise cleared or if anyone, including a judge, law enforcement officer, or attorney, told you that you no longer have a record. (If your answer is "Yes" to any one of these questions, explain in the space provided in Part 9. Additional Information. Additionally, explain if any of the acts or circumstances below are related to you having been a victim of a severe form of trafficking. Answering "Yes" does not necessarily mean that you will be denied T nonimmigrant status or are not entitled to adjust your status or register for permanent residence. <b>If you were granted a legal vacatur for your conviction, you may answer "No" to questions 1.A.- 1.I and answer "N/A" to the questions in the chart.)</b></p> <p>III. Implement Uniform Confidentiality and Privacy Language Throughout Forms and Instructions</p>	
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		<p>The ILRC also previously recommended changes to the forms’ and instructions’ language regarding Confidentiality and Routine Uses to be uniform throughout all forms and instructions and explicitly reference VAWA confidentiality provisions (8 USC § 1367) and USCIS Policy Manual protections against the unauthorized disclosure of protected information to third parties. The proposed changes do modify some language to be more consistent, but the ILRC believes that further modifications would help applicants better understand their confidentiality protections and the limits of those protections. The VAWA confidentiality provisions were created to “ensure that abusers and criminals cannot use the immigration system against their victims.”<sup>9</sup> But the agency’s interpretation of these provisions can change, and survivors should have access to clear, up-to-date information on how USCIS will protect their confidentiality. For example, just this year, USCIS changed its interpretation of Section 1367, now reading this statute to automatically cease to apply once the individual has become a U.S. citizen, with no exceptions or option maintain confidentiality in unique circumstances. This overbroad change will have real impacts on trafficking survivors, particularly those who continue to face threats or harm by their traffickers. It is therefore crucial that applicants understand the protections that will be in place throughout the adjudication process to encourage trafficking survivors to come forward to access the</p>	<p>We appreciate the concerns raised and suggestions offered, but USCIS will not make any changes in response to this comment, as this revision effort deals exclusively with changes made as a result of the T Final Rule. These suggestions do not relate to changes made in the T Final Rule, but USCIS will take these suggestions under consideration in future form revision efforts.</p>
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		<p>relief and benefits they are entitled to receive. In addition, in April 2023, USCIS updated its Policy Manual to provide guidance on mailing address procedures for persons eligible for victim-based immigration relief, including T visa applicants.<sup>10</sup> This guidance, which took effect on March 29, 2024, provides:</p> <ul style="list-style-type: none"><li>• 8 USC § 1367(a)(2) prevents DHS from disclosing any personal information related to a person who is protected under VAWA, subject to certain limited exceptions;</li><li>• USCIS officers must review each form to ensure that all communications are sent to the preferred, safe mailing address of a VAWA-protected applicant;</li><li>• USCIS may not make adverse case determinations in any application, including non-victim-based applications, based on information from the applicant’s abuser, family of the applicant’s abuser, or other perpetrator of crime or trafficking against the applicant; and</li><li>• USCIS officers must follow specific mailing address procedures for protected persons who are represented, unrepresented, and who have multiple pending forms.</li></ul> <p>USCIS should now update all confidentiality disclosures and certifications throughout the T Nonimmigrant Forms and Instructions to reference these policy updates. Clear, consistent guidance and reference to public resources will help trafficking survivors understand the protections available to</p>	
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		<p>them and further encourage these individuals to apply for benefits without fear of harm by their traffickers.</p> <p>Suggested language:</p> <ul style="list-style-type: none"><li>• Confidentiality (Instructions, page 16) Information concerning principal applicants for T nonimmigrant status and the family members they apply for is protected under the <b>Violence Against Women Act</b>, 8 U.S.C. Section 1367, and <b>implementing regulations, 8 CFR § 214.14(e)</b>. The disclosure of information relating to an individual with a pending or approved application for T nonimmigrant status is prohibited except in certain limited circumstances. These circumstances may include, but are not limited to, disclosure of information to law enforcement agencies with the authority to detect, investigate, or prosecute severe forms of trafficking in persons; non-governmental victims' service providers for the sole purpose of assisting victims in obtaining victim services from programs with expertise working with immigrant victims; and for purposes of national security. <b>These confidentiality protections apply until the individual attains U.S. citizenship. More information on USCIS policy implementing these protections is available in the USCIS Policy Manual, Volume 1, Part A, Chapter 7.</b></li><li>• Routine Uses (Instructions, page 17)</li></ul>	
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		<p>The information you provide in the application is confidential and protected from disclosure under the Violence Against Women Act, 8 USC §1367, unless and until you become a U.S. citizen. Your information will be used to determine eligibility, to investigate fraudulent claims, to assist in the investigation and prosecution of trafficking and related crimes. The information will be used by and disclosed to DHS personnel and contractors or other agents in accordance with approved routine uses described in the associated published system of records notices . . . . DHS which you can find at <a href="https://www.dhs.gov/privacy">www.dhs.gov/privacy</a>. DHS may also share this information, as appropriate, with other Federal, state, local, and foreign government agencies and authorized organizations, for law enforcement purposes or in the interest of national security. More information on USCIS policy protecting against the unauthorized disclosure of confidential information is available in the USCIS Policy Manual, Volume 1, Part A, Chapter 7.</p> <ul style="list-style-type: none"><li>• Applicant’s Declaration and Certification (Form I-914, Part 6; Supplement A, Part 6)</li></ul> <p>I further authorize USCIS to release information to Federal, State, and local public and private agencies providing benefits, to be used solely in making determinations of eligibility for benefits</p>	
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		<p>pursuant to 8 USC 1641(c). Any disclosure shall be in accordance with the VAWA confidentiality provisions at 8 USC § 1367 and 8 CFR § 214.14(e). I understand that these confidentiality protections under 8 USC §1367 will cease to apply if and when I become a U.S. Citizen.</p>	
<b>8.</b>		<b>Commenter: WhoPoo App</b>	
	<p><a href="https://www.regulations.gov/document/USCIS-2006-0059-0147">USCIS-2006-0059-0147</a></p>	<p>Migrants are causing untold crime across the United States. Arrests of criminal noncitizens, described by U.S. Customs and Border Protection (CBP) as illegal migrants who have been convicted of one or more crimes in the United States or abroad, have increased annually since fiscal 2020. The fiscal year begins on October 1. Kamala Harris said she would fix this. Why hasn't she? Guess she's not brat. Guess a White man would do it better. In comparison to data published by CBP in February 2023 and February 2022, migrant arrests are currently outpacing those numbers.</p> <p>The 5,616 arrests reported by CBP, as part of the most recently released data, exceeds the 3,030 arrests in 2023 (as of February 18) and the 2,424 arrests in 2022 (also as of February 18). Assault, battery and domestic violence crimes in the current fiscal year account for 372 crimes; burglary, robbery and theft crimes total 236 incidents; driving under the influence crimes total 935; and illegal drug possession charges total 536.</p>	<p><b>Response:</b> The commenter expressed an opinion on immigration issues generally. USCIS is making no changes to the form or instructions as a result of this comment.</p>