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March 22, 2023

ILRC Comments submitted to policyfeedback@uscis.dhs.gov on USCIS changes to the USCIS Policy Manual re: Domestic Mobile Biometrics Collection and Remote Domestic Applicant Biometrics Collection

Dear USCIS,

On March 7, 2023, USCIS announced changes to the Policy Manual guidance regarding flexibilities for the mobile collection of biometrics for applicants in remote areas. We commend the agency for providing for flexibilities in this space and strongly urge the agency to extend similar flexibilities for applicants abroad who are unable to complete biometrics at U.S. consulates and embassies.

The ILRC is a national non-profit organization that provides legal trainings, educational materials, and advocacy to advance immigrant rights. The ILRC's mission is to work with and educate immigrants, community organizations, and the legal sector to continue to build a democratic society that values diversity and the rights of all people. Since its inception in 1979, the ILRC has provided technical assistance on hundreds of thousands of immigration law issues, trained thousands of advocates, and pro bono attorneys annually on immigration law, distributed thousands of practitioner guides, provided expertise to immigrant-led advocacy efforts across the country, and supported hundreds of immigration legal non-profit organizations in building their capacity. The ILRC has produced legal trainings, practice advisories, and other materials pertaining to immigration law and processes.

As the lead organization for the New Americans Campaign, the ILRC receives and re-grants substantial philanthropic dollars to local immigration legal services providers across the United States who help lawful permanent residents (LPRs) apply for naturalization. The ILRC is a leader in asylum, VAWA, U, and T immigration relief as well, coordinating taskforces and producing trusted legal resources including webinars, trainings, and manuals such as Essentials of Asylum, The VAWA Manual: Immigration Relief for Abused Immigrants, The U Visa: Obtaining Status for Immigrant Victims of Crime and T Visas: A Critical Option for Survivors of Human Trafficking. Our experience with non-profit legal services providers and applicants for these immigration benefits inform our comments on these changes.

This new policy is a welcome first step in ensuring that all applicants are able to provide the required biometrics regardless of their physical location. However, we urge USCIS to extend this practice to applicants abroad who have been unable to complete biometrics due to persistent issues stemming from the COVID-19 closures of U.S. consulates and embassies. While some consulates and embassies have resumed biometrics appointments, practitioners have reported delays and inconsistent adjudications for U and T Visa applicants abroad based on the unavailability of biometrics services. The ILRC, along with partner organizations, provided a detailed analysis and case examples to USCIS of this issue on February 14, 2023, which is



reproduced and attached to this letter.¹ As such, we ask that USCIS expand the flexibility for domestic applicants in remote locations to those abroad who are unable to access biometrics services at a consulate or embassy. Specifically, USCIS should allow for the submission of alternative evidence in lieu of biometrics and should allow for the re-opening of cases denied due to lack of biometrics. USCIS should also coordinate with the U.S. Department of State to ensure that biometrics services are reinstated at all consulates and embassies and that backlogged cases are prioritized for scheduling.

Again, we commend the agency on its inclusion of biometrics flexibilities for applicants in remote domestic locations and urge USCIS to extend such flexibilities to applicants abroad.

Please don't hesitate to reach out to us with any questions or for more information on this issue.

Sincerely,

/s/Alison Kamhi

Legal Program Director

Immigrant Legal Resource Center

¹ The letter is also available online at <https://www.aila.org/advo-media/aila-correspondence/2023/aila-partners-advocate-for-changes-in-biometrics>.