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April 19, 2023

Avideh Moussavian, Chief, Office of Policy and Strategy
U.S. Citizenship and Immigration Services
5900 Capital Gateway Drive
Camp Springs, MD 20588

Re: ILRC commends recent changes to the USCIS Policy Manual

Dear Ms. Moussavian,

We write to commend USCIS on recently announced changes to the USCIS Policy Manual and USICS practice including flexibilities for Form I-693, gender markers, filing deadlines, and I-360 filings. These changes will help improve the application experience for applicants and ensure that agency resources are being used expeditiously and prudently. These changes also benefit immigrants of color and low-income immigrants, and we hope the agency will continue to make such changes and increase fairness and inclusivity within the immigration system.

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 also convenes the New Americans Campaign (NAC), a national non-partisan effort that brings together private philanthropic funders, leading national immigration, and service organizations, and over two hundred local services providers across more than 20 different regions to help prospective Americans apply for U.S. citizenship.

First, we commend the agency for making permanent the waiver of the 60-day requirement for civil surgeon signatures for Form I-693 announced on March 31, 2023. As noted in the policy announcement, the requirement that the civil surgeon sign the form no more than 60 days from the date of the application posed a barrier for many applicants and resulted in Requests for Evidence and a general slowing of application processes. By removing this barrier, USCIS recognizes the difficulties applicants experience in obtaining medical exams and has taken a positive step to ensure that the agency is collecting information required for adjudication without unduly burdening applicants. We encourage USCIS to continue reviewing and addressing similar adjudication practices with an eye toward operational efficiency and customer experience.

Second, we commend the agency for its policy change regarding more inclusive gender markers on applications also announced on March 31, 2023. Allowing applicants to choose and change their gender marker without requiring additional evidence will help reduce the barriers applicants face in obtaining benefits and identity documents that match their gender. We encourage USCIS to move quickly to incorporate an “X” gender marker option as well, which would bring the agency in line with the U.S. Department of State¹ and would allow for a more inclusive application.

Next, we appreciate the agency’s March 29, 2023, clarification on filing deadlines for paper-based applications. While many applications are available to file online and many applicants haven taken advantage of online filing, many applicants still file by paper either because the application or petition is not yet available for online filing, or the filing requires a fee waiver application which is not yet available for online filing. For many applicants – particularly pro se applicants – having clarification on how the agency will treat submissions where the deadline is a weekend or holiday will reduce anxiety and missed deadlines. As the agency winds down the COVID-19 flexibilities² that have been in place since March 2020, we encourage USCIS to look toward its operational processes for other measures that might be taken to ensure flexibility for applicants.

Finally, we welcome the agency’s March 30, 2023, announcement that Special Immigrant Juvenile Status (SIJS) petitioners are now able to file Form I-360 in person at a field office within two weeks before their twenty-first birthday. Due to delays in access to counsel, state court backlogs, and mail delivery delays, many SIJS petitioners have struggled to ensure that their I-360 was sent and receipted before aging out of eligibility. By allowing for in-person filing, USCIS has reduced the risk that factors outside of the control of vulnerable youth will disadvantage SIJS petitioners who are approaching their 21st birthday. We encourage the agency to extend the ability to file in person to other forms of relief where the applicant, petitioner, or beneficiary is in danger of aging out of eligibility. Additionally, we encourage USCIS to increase access to online filing for Form I-360 to allow those petitioners who wish to file online to do so without having to make an in-person appointment or allow for paper-based delays.

The ILRC commends these positive steps that the agency has taken to address the needs of applicants and operational inefficiencies. We further encourage the agency to continue to consider additional adjudicatory efficiency measures through changes to the USCIS Policy Manual. We have several suggestions in this area that we have provided to the agency in the past and we would welcome the opportunity to engage further.³ Please don’t hesitate to reach out to us.

Sincerely,
/s/Elizabeth Taufa
Elizabeth Taufa, Policy Attorney and Strategist
Immigrant Legal Resource Center

¹ U.S. Department of State, *X Gender Marker Available on U.S. Passports Starting April 11*, March 31, 2022, <https://www.state.gov/x-gender-marker-available-on-u-s-passports-starting-april-11/>.

² USCIS, *USCIS Announces End of COVID-Related Flexibilities*, March 23, 2023, <https://www.uscis.gov/newsroom/alerts/uscis-announces-end-of-covid-related-flexibilities>.

³ ILRC, *ILRC USCIS Policy Manual Suggestions*, Sep, 2, 2021, <https://www.ilrc.org/resources/ilrc-uscis-policy-manual-suggestions>; ILRC, *ILRC’s USCIS Policy Manual Priorities*, April 14, 2022, <https://www.ilrc.org/resources/ilrc%E2%80%99s-uscis-policy-manual-priorities>.