



March 29, 2024

PA-2024-06

## Policy Alert

SUBJECT: Customer Service Procedures for Persons Protected by 8 U.S.C. 1367

### Purpose

U.S. Citizenship and Immigration Services (USCIS) is updating the [USCIS Policy Manual](#) to provide guidance on customer service procedures for persons protected by the confidentiality provisions found at [8 U.S.C. 1367\(a\)\(2\)](#).

### Background

Persons eligible for and recipients of victim-based immigration relief (specifically Violence Against Women Act (VAWA) self-petitioners<sup>1</sup> as well as those seeking T and U nonimmigrant status<sup>2</sup>) are protected by the confidentiality provisions of [8 U.S.C. 1367](#). USCIS also extends the confidentiality provisions of 8 U.S.C. 1367 to abused spouses of certain persons applying for employment authorization under [INA 106](#).<sup>3</sup>

USCIS has policies and procedures in place so that information related to those protected under 8 U.S.C. 1367 is disclosed only to the protected persons or other authorized parties.<sup>4</sup>

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<sup>1</sup> See Violence Against Women and Department of Justice Reauthorization Act of 2005, [Pub. L. 109-162](#) (January 5, 2006). When VAWA was reauthorized in 2005, Congress added the definition “VAWA self-petitioner” at [INA 101\(a\)\(51\)](#), which includes persons requesting relief as: a VAWA self-petitioner under [INA 204\(a\)](#); an abused conditional permanent resident spouse or child filing a waiver based on battery or extreme cruelty under [INA 216\(c\)\(4\)\(C\)](#) or [INA 216\(c\)\(4\)\(D\)](#); an abused spouse or child under the Cuban Adjustment Act, [Pub. L. 89-732](#) (November 2, 1966); an abused spouse or child under Division A, Section 902 of the Haitian Refugee Immigrant Fairness Act, [Pub. L. 105-277](#), 112 Stat. 2681, 2681-538 (October 21, 1998); and an abused spouse or child under Title II of the Nicaraguan Adjustment and Central American Relief Act, [Pub. L. 105-100](#), 111 Stat. 2160 (November 19, 1997). Applicants for special rule cancellation of removal under [INA 240A\(b\)\(2\)](#) are also protected under [8 U.S.C. 1367](#).

<sup>2</sup> See Victims of Trafficking and Violence Protection Act of 2000, [Pub. L. 106-386](#) (October 28, 2000). T nonimmigrant status is available for victims of a severe form of human trafficking and U nonimmigrant status is designated for victims of qualifying criminal activities.

<sup>3</sup> See [Eligibility for Employment Authorization for Battered Spouses of Certain Nonimmigrants](#), PM-602-0130, issued March 8, 2016. Abused spouses of certain nonimmigrants may apply for employment authorization by filing an Application for Employment Authorization for Abused Nonimmigrant Spouse ([Form I-765V](#)).

<sup>4</sup> The term “authorized parties” includes employees of DHS, the U.S. Department of State, and the U.S. Department of Justice for legitimate agency purposes. It also includes attorneys or accredited representatives who have properly filed a Notice of Entry of Appearance as Attorney or Accredited Representative ([Form G-28](#)), on behalf of a protected person, as well as protected persons themselves.

Currently, protected persons may only access customer service tools by mail or in person. Their legal representatives can also request the same services through email accounts that only they can access. Through this update, USCIS clarifies that protected persons may also access customer service through the USCIS Contact Center. To provide greater access to information and timely customer service to this protected population, USCIS established specialized identity verification procedures. These procedures promote statutory confidentiality protections and support victim safety and autonomy. The Contact Center will ask specific questions to verify caller identity before providing services to a caller.

This update responds to stakeholder feedback that protected persons often experience barriers to USCIS benefits and services, and it will reduce administrative burdens and facilitate timely access to such benefits and services.<sup>5</sup> This update will also help USCIS provide more efficient customer service to 8 U.S.C. 1367-protected benefit seekers.

This guidance, contained in Volume 1 of the Policy Manual, is effective March 29, 2024, and applies to benefit requests that are pending or filed on or after that date. The guidance contained in the Policy Manual is controlling and supersedes any related prior guidance.

### **Policy Highlights**

- Provides that persons protected under 8 U.S.C. 1367 can access services through the USCIS Contact Center after their identity has been verified following specialized Contact Center procedures for this population.
- Affirms that once a protected person's identity has been verified through the specialized verification process, USCIS Contact Center staff can respond to the inquiry and provide appropriate assistance to the customer. This specialized verification process includes critical safeguards to ensure that confidential and statutorily-protected information is only shared with appropriate individuals.
- Clarifies that if the Contact Center is unable to act on the service action requested, the Contact Center schedules an appointment at a USCIS field office, where identity will be verified in-person.

### **Summary of Changes**

Affected Section: Volume 1 > Part A > Chapter 7 > Section E, VAWA, T, and U Cases

- Revises Subsection 3 (USCIS Assistance) in its entirety.

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<sup>5</sup> This effort is enhancing and supporting efficiency and transparency, and as such is consistent with the priorities outlined in Restoring Faith in Our Legal Immigration Systems and Strengthening Integration and Inclusion Efforts for New Americans, [86 FR 8277](#) (Feb. 2, 2021). It is also responsive to feedback provided by the public in response to the Identifying Barriers Across U.S. Citizenship and Immigration Services (USCIS) Benefits and Services; Request for Public Input, [86 FR 20398](#) (Apr. 19, 2021), and subsequent feedback provided to DHS.

USCIS may also make other minor technical, stylistic, and conforming changes consistent with this update.

**Citation**

Volume 1: General Policies and Procedures, Part A, Public Services, Chapter 7, Privacy and Confidentiality [[1 USCIS-PM A.7](#)].