USCIS Accountability: An Examination of "Blank Space" Rejections

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Overview

» I-589 Application
  » What it is
  » Overall Rejections
  » Rejections by Service Center

» I-918 Application
  » What it is
  » Rejections

» USCIS Accountability
  » Case Processing Delays
  » Transparency
  » Regulatory & Policy Reviews
Application for Asylum and for Withholding of Removal
What is the I-589 Application?

» Used for applying for asylum in the United States
» Must be completed within one year of entering the United States
» Can apply at any age
  » Processes are different for children under the age of 18
» 4 Service Centers
  » California
  » Nebraska
  » Texas
  » Vermont
» $0 filing fee
## Analysis of I-589 Applications

<table>
<thead>
<tr>
<th>Service Center</th>
<th>Number of Applications</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>11</td>
</tr>
<tr>
<td>Nebraska</td>
<td>82</td>
</tr>
<tr>
<td>Texas</td>
<td>49</td>
</tr>
<tr>
<td>Vermont</td>
<td>47</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>189</strong></td>
</tr>
</tbody>
</table>
Analysis of Rejections Across All Service Centers

» Using terms such as “None,” “Not Applicable,” or “-”, instead of "N/A"
» False USCIS claims of missing supplements
» Not including “from” dates on current address
» Not accepting old forms
» Vague use of “if any” throughout questions
Most Common Blank Space Rejections

<table>
<thead>
<tr>
<th>Category</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Middle Name</td>
<td>28</td>
</tr>
<tr>
<td>Other Names Used</td>
<td>20</td>
</tr>
<tr>
<td>Passport/Travel Doc #</td>
<td>64</td>
</tr>
<tr>
<td>Family Information</td>
<td>46</td>
</tr>
<tr>
<td>Name in Native Alphabet</td>
<td>51</td>
</tr>
</tbody>
</table>
5. Provide the following information about your parents and siblings (brothers and sisters). Check the box if the person is deceased.

(NOTE: Use Form I-589 Supplement B, or additional sheets of paper, if necessary.)

<table>
<thead>
<tr>
<th>Full Name</th>
<th>City/Town and Country of Birth</th>
<th>Current Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mother Jane Doe</td>
<td>Managua, Nicaragua</td>
<td>□ Deceased New York, United States</td>
</tr>
<tr>
<td>Father John Doe</td>
<td>Managua, Nicaragua</td>
<td>x Deceased</td>
</tr>
<tr>
<td>Sibling John Doe Jr.</td>
<td>Managua, Nicaragua</td>
<td>□ Deceased New York, United States</td>
</tr>
<tr>
<td>Sibling</td>
<td></td>
<td>□ Deceased</td>
</tr>
<tr>
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<td></td>
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</tr>
</tbody>
</table>
Most Common Blank Spaces:
- Name in Native Alphabet
- Travel Document #
- Family Information
- Middle Name
- Other Names Used

Unaccompanied Child (UAC) already in removal proceedings, so the form needed to be filed with an immigration judge
- Did not put N/A for all blank sections
- Did not provide 5 years of employment history
Analysis of Rejected I-589 Applications: Texas Service Center

» Most Common Blank Spaces:
  » Name in Native Alphabet
  » Middle Name
  » Other Names Used
  » Spouse or Child Middle Name
  » Family Information

» Put “None” instead of “N/A”
» Put “No Employment” instead of “N/A”
» No end date for current address
» Form completed in pencil; even though no ink provided by ICE
» Request for birth certificate
Most Common Blank Spaces:
- Family Information
- Travel Document #
- Name in Native Alphabet

Claims of missing information, but supplement B form was attached
Most Common Blank Spaces:

- Name in Native Alphabet
- Family Information
- Middle Name
- Other Names Used
- Travel Document #

Did not put “N/A” for all blank spaces
- Signature was in blue ink
- Claims of no passport photo, even when photo attached
- False claims of incomplete sections on forms
Impact of Rejections

» Applicants risk falling out of status solely for non-substantive reasons due to delays in receiving rejection notice
» Applicants who are 17 years old risk losing their UAC status
  » Most common in Vermont and Nebraska Service Centers
» Undue stress and worry for applicants
» Need to refile adds to already lengthy processing times and increases costs.
Petition for U-Visa Nonimmigrant Status
What is the I-918 Application?

» U-Visa is for victims of certain criminal activity who have been physically/mentally abused
» Can petition for temporary immigration benefits for self and qualifying family members
» Requires a “Supplement B,” which is a form completed by a law enforcement officer
» $0 filing fee
» Adjudicated at only one service center (Vermont)
Analysis of Rejected I-918 Applications

» Most Common Blank Spaces
  » Spouse/Child Information
  » Other Names Used
  » Apartment Number
  » Middle Name

» Other reasons for rejections
  » Claims parts were left blank
  » Claims incorrect form used
  » Did not put “CONFIDENTIAL” into every address field
  » Used “None” or “Not Applicable” instead of “N/A”
Impact of Rejected I-918 Applications

- Unnecessary delay in already lengthy process and additional financial expense
- Need to seek a new Supplement B from law enforcement officials
- U Visa certification expired
- Version of Form I-192 no longer accepted
Case Processing Delays
Openness and Transparency
Efficient Regulatory and Policy Review Processes
Case Processing Delays and Inconsistencies

» Delays in both rejections and receipts
» Blank space rejections are consistent across service centers
» Vermont and Nebraska service centers more likely to reject UACs who are close to “aging out”
» Policy and rule changes to consider include:
  » Adherence to statutory mission of adjudicating immigration benefits applicants efficiently and fairly
  » Mandatory compliance training to ensure consistency in adjudications
  » Expediting necessary rejections to minimize adverse impact
» Variances between service centers show a lack of communication and emphasize the power of individual USCIS agents in decision making.

» Policy and rule changes to consider include:
  » Rescind policy to reject forms for non-material blank spaces
  » Ensure rejections are consistent with form instructions
  » Ensure that substantive policy changes are only developed after notice and comment so the public can analyze the impact.
  » Discuss potential changes with stakeholders before enacting