



April 11, 2023

PA-2023-14

Policy Alert

SUBJECT: Safe Address and Special Procedures for Persons Protected by 8 U.S.C. 1367

Purpose

U.S. Citizenship and Immigration Services (USCIS) is updating policy guidance in the [USCIS Policy Manual](#) to provide guidance on mailing address and case handling procedures for persons protected under [8 U.S.C. 1367](#).

Background

Persons eligible for and recipients of survivor-based immigration relief (specifically Violence Against Women Act (VAWA) self-petitioners¹ as well as those seeking T and U nonimmigrant status²) are entitled to protections under [8 U.S.C. 1367](#). USCIS also extends the provisions of 8 U.S.C. 1367 to abused spouses of certain persons applying for employment authorization under [INA 106](#).³

In compliance with these statutory confidentiality provisions, USCIS has policies and procedures in place so that information related to persons protected under [8 U.S.C. 1367](#) (protected persons) is disclosed only to authorized parties.⁴ In the context of mailed correspondence and notification requirements, USCIS has implemented procedures to minimize the risk of unauthorized parties

¹ 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 the Haitian Refugee Immigrant Fairness Act, Division A, Section 902 of [Pub. L. 105-277](#), 112 Stat. 2681, 2681-538 (October 21, 1998); and an abused spouse or child under the Nicaraguan Adjustment and Central American Relief Act, Title II of [Pub. L. 105-100](#), 111 Stat. 2160, 2193 (November 19, 1997). Applicants for special rule cancellation of removal under [INA 240A\(b\)\(2\)](#) are also protected under [8 U.S.C. 1367](#).

² 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.

³ 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](#)).

⁴ 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.

viewing the protected information. This Policy Manual update provides guidance on mailing address and adjudication procedures for victim-based and non-victim-based forms filed by protected persons.

Before April 11, 2023, USCIS had not published guidance in the USCIS Policy Manual specific to the safe mailing address procedures associated with protected persons, which were largely based on regulations and local office practice.⁵ On April 19, 2021, DHS published a Request for Public Input (RPI) seeking the public's input on barriers to USCIS benefits and services.⁶ Public comments received in response to the RPI identified mailing address procedures, including safe mailing address procedures for protected persons, as an area for improvement. Moreover, during a USCIS listening session on VAWA self-petitions in August 2021 as well as in more recent engagements, stakeholders expressed concerns about change of address and safe mailing address procedures for protected persons. Additionally, while USCIS currently has guidance on the application of 8 U.S.C. 1367 protections throughout the USCIS Policy Manual as it relates to victim-based benefit requests, USCIS identified a need for guidance on the handling of non-victim-based benefit requests filed by protected persons, including the application of 8 U.S.C. 1367 protections in those cases.

Through this update, USCIS provides clear guidance on safe mailing address procedures for protected persons to help ensure a uniform approach within USCIS, reduce administrative burdens, and facilitate access to immigration services.⁷

This guidance, contained in Volume 1 of the Policy Manual, is effective July 11, 2023, 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.⁸ **Note: The effective date for this policy changed to March 29, 2024.**

Policy Highlights

- Provides that [8 U.S.C. 1367\(a\)\(2\)](#) prevents DHS from disclosing “any information which relates” to a protected person subject to certain limited exceptions.⁹ This includes information USCIS has in its records or other information about the protected person, even if those records do not specifically identify the person as one who has sought VAWA, T, or U benefits.

⁵ USCIS notification requirements are outlined in [8 CFR 103.2\(b\)\(19\)](#).

⁶ See [86 FR 20398](#) (Apr. 19, 2021).

⁷ 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](#), (February 2, 2021).

⁸ By issuing this guidance, USCIS is clarifying safe mailing address procedures, consistent with current regulations at [8 CFR 103.2\(b\)\(19\)](#), to ensure a uniform approach within the agency for the identification of safe and secure mailing addresses for protected persons. The changes and clarifications do not establish new benefits, or create new obligations or rights. USCIS has considered to what extent, if any, these changes and clarifications adversely impact interested parties, including applicants, attorneys or accredited representatives, the public, state or local governments, or another government entity, in case prior USCIS safe mailing address approaches may have engendered serious reliance interests. Given that these changes and clarification provide victim-centered procedures and guidance to ensure a uniform approach on the identification of safe and secure mailing addresses and the handling of benefit requests filed by protected persons, as mandated by law, USCIS believes that there are no adverse impacts or, if any, the impacts are negligible. For these reasons, USCIS believes that, if there are any, those reliance interests would not outweigh the benefits provided by this updated guidance.

⁹ See [8 U.S.C. 1367\(b\)](#).

- Provides that officers must review each form individually to determine where to send notices and secure identity documents, taking into consideration the protected person’s selections regarding receipt of USCIS notices and documents on the Notice of Entry of Appearance as Attorney or Accredited Representative ([Form G-28](#)).
- Explains that the prohibition on adverse determinations described in [8 U.S.C. 1367\(a\)\(1\)](#) applies to all cases where a protected person is an applicant, beneficiary, or petitioner. Therefore, even if an officer is adjudicating a non-victim-based application or petition filed by a protected person, the officer cannot make adverse case determinations based solely on information provided by a prohibited source.
- Provides clear guidance on mailing address procedures for protected persons represented by an attorney or accredited representative, protected persons without an attorney or accredited representative, and protected persons with multiple pending forms.

Summary of Changes

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

- In Subsection 1 (Confidentiality Provisions), revises first paragraph.
- In Subsection 2 (Scope of Confidentiality), revises the first paragraph under the “Disclosure of Information” italicized subheading and adds new guidance under the new “Prohibited Source” italicized subheading.
- Adds new Subsection 4 (Mailing Address Procedures for Persons Protected Under 8 U.S.C. 1367).

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](#)].