



## NATIONAL OFFICE

📍 6400 Arlington Blvd, Ste 400  
Falls Church, VA 22042

✉ Justice@tahirih.org

📞 571-282-6161 (p)  
571-282-6162 (f)

---

August 7, 2023

To: [policyfeedback@uscis.dhs.gov](mailto:policyfeedback@uscis.dhs.gov)

Re: Feedback on USCIS Policy Alert PA-2023-19,  
*Application Support Center Reschedule Requests and  
Missed Appointments*

The Tahirih Justice Center ("Tahirih") is the largest multicity direct services and policy advocacy organization specializing in assisting immigrant survivors of gender-based violence. In five cities across the country, Tahirih offers legal and social services to immigrants fleeing all forms of gender-based violence, including human trafficking, forced labor, forced marriage, domestic violence, rape and sexual assault, and female genital cutting/mutilation. Since its beginning in 1997, Tahirih has provided free legal assistance to more than 32,000 individuals, many of whom have experienced significant and ongoing psychological and neurobiological effects of that trauma. Through direct legal and social services, policy advocacy, and training and education, Tahirih protects immigrant survivors and promotes a world where they can live in safety and with dignity.

As you know, USCIS Policy Alert PA-2023-19 provides much needed clarification as to what constitutes:

- 1) "good cause" for rescheduling a biometric services appointment, when an applicant asks to reschedule in a timely manner; and
- 2) "abandonment" of a benefit request, when the applicant fails to appear for their biometrics appointment without first requesting that it be rescheduled.

Under the guidance, any applicant for relief may request that USCIS reschedule their biometrics appointment for good cause before the date and time of the appointment. However, by contrast, when an applicant requests rescheduling after the initial

appointment has passed, USCIS may in its discretion deem the underlying benefit request abandoned.

While we welcome certain clarifications the guidance provides, Tahirih is concerned about the unduly punitive consequences for applicants when USCIS rejects their rescheduling requests as untimely, and then deems their benefit requests abandoned. In those cases, the benefit sought may be denied, or an asylum application might be referred to the immigration court. Survivors, however, are often forced to make untimely rescheduling requests through no fault of their own, or as a direct result of the trauma that makes them eligible for the very relief they are seeking. Deeming applications abandoned and then denying relief under these circumstances runs afoul of the Department of Homeland Security's commitment to a victim-centered approach and the spirit and intent of its enforcement priorities.<sup>1</sup>

The process outlined in the guidance for rescheduling requests is also at odds with the confidentiality protections guaranteed by the Violence Against Women Act. The guidance limits the platforms for rescheduling appointments to an online platform or the USCIS Contact Center. VAWA-protected survivors are unable to use online platforms for most functionality due to privacy concerns. And the USCIS Contact Center is not a viable alternative, as it routinely takes one to two business days or longer to respond to inquiries.<sup>2</sup> Requiring use of the phone system places a disproportionate burden on survivors and increases the risk that they will be unable to timely request rescheduling, even when they are diligent in attempting to do so.

As noted in the guidance, agencies have latitude when implementing procedural rules if justice requires it. In light of this, **Tahirih respectfully urges the Department to revise the guidance to evaluate all rescheduling requests by survivors under the "good cause" standard for timely filed requests, or, in the alternative, to create a presumption that applicants for survivor-based benefits who make untimely requests to reschedule biometrics appointments will face undue hardship if their requests are denied, and they have not abandoned their applications for relief.**

As noted above, USCIS currently grants timely requests for rescheduling for "good cause." For example, if an applicant who is ill makes a request to reschedule on that basis, USCIS might grant the request if it is made prior to the appointment date and time. However, that very same illness may also prevent the applicant from timely submitting the request. Similarly, a late or undelivered biometric services appointment notice is a sufficient reason to request to reschedule when the request is timely made; but an applicant is hard pressed to request rescheduling before her appointment date if she has yet to receive the notice.

These examples are not merely hypothetical. A Tahirih client and asylum applicant in the San Francisco Bay Area received a biometrics appointment notice and planned to attend her

---

<sup>1</sup> See, e.g., Mayorkas Memorandum to ICE, *Guidelines for the Enforcement of Civil Immigration Law*, at 3-4 (Sept. 30, 2021), *reinstated by U.S. v. Texas*, No. 22-58 (June 23, 2023), available at <https://www.ice.gov/doclib/news/guidelines-civilimmigrationlaw.pdf>; ICE Directive 11005.3, *Using a Victim-Centered Approach with Noncitizen Crime Victims* (Aug. 10, 2021), available at <https://www.ice.gov/doclib/news/releases/2021/11005.3.pdf>.

<sup>2</sup> See USCIS Contact Center, available at <https://www.uscis.gov/contactcenter>.

appointment. When the day arrived, however, she was struck with a debilitating depressive episode associated with the severe domestic violence that formed the basis of her pending asylum application. She was unable to leave her home or communicate with her legal advocate. Although the basis of her need to reschedule would likely constitute good cause for a timely request, her case could be referred to the immigration judge under the guidance. This result is anomalous and unjust. The severity of the consequence—deprivation of a non-adversarial interview and trauma-informed adjudication for a survivor of serious violence—is a highly disproportionate response to the applicant's transgression particularly since it was caused by her trauma.

Another Tahirih client and asylum applicant never received her biometrics notice, despite keeping her address updated with USCIS. She was unaware of the notice—or the fact that she had inadvertently missed the appointment—until several months later. Under the guidance, her case could be referred to an immigration judge even though she had kept her address updated and understandably had no knowledge of the missed appointment. Again, it would be unjust and nonsensical for an applicant to be held responsible for USCIS' error, and hardly victim-centered for her to suffer serious hardship as a result.

These examples demonstrate the absurd, extreme, and unfair results that may flow from the guidance as currently written. As stated above, **Tahirih respectfully requests revision of the guidance to evaluate all rescheduling requests by survivors under the "good cause" standard, or, in the alternative, to create a presumption that applicants for survivor-based benefits who miss their biometric services appointments have not abandoned their underlying applications, and they will face undue hardship if they are not allowed to reschedule.**

We are grateful for your consideration of this feedback, and we look forward to your response. Please feel free to contact me for further discussion at [rachels@tahirih.org](mailto:rachels@tahirih.org) or 650-270-2105.

Respectfully Submitted,



Rachel Sheridan  
Senior Litigation Counsel



Irena Sullivan  
Senior Immigration Policy Counsel