



**U.S. Citizenship
and Immigration
Services**

March 18, 2009

Gail Pendleton
ASISTA
3101 Ingersoll Ave., Ste 210
Des Moines, Iowa 50312

Dear Ms. Pendleton:

Your letter to USCIS dated February 20, 2009 was directed to me for response. We take allegations of incorrect applications of law and inefficient operational processes very seriously. Please rest assured that we have examined and discussed each of your comments with all involved components within USCIS to ensure that the process can continue to deliver the utmost in operational efficiency and integrity.

After careful consideration of your comments and suggestions, we have concluded that the Vermont Service Center (VSC) has in place the best possible operational structure in order to accomplish the mission of USCIS in regards to victim-related adjudications.

Structure

In 2008, VSC reorganized to place a GS-15 manager (Assistant Center Director, ACD) in charge of VAWA and similar victim-related casework. The ACD reports directly to the Deputy Center Director. The structure of the Unit from the Supervisory Immigration Services Officer (SISO) down has remained the same.

There is no routine or annual rotation of officers or supervisors out of the VAWA unit and there has not been since 2001. The only time movement out of the unit is considered is when it is requested by the officer or supervisor or due to promotion.

Communications

The VSC VAWA unit does maintain a dedicated phone line (VAWA Help Line) that is available to attorneys, advocates, and applicants. The inquiries from this phone line are generally responded to within 24 hours.

Communication between the legal, policy, and operational components at USCIS Headquarters and the VSC VAWA unit has continued to be frequent and collaborative. The Office of Policy and Strategy (OP&S) contacts the SISOs and ACD of the unit on a regular basis via phone or email regarding policy, interpretation, and clarification of standards. Additionally, the VSC VAWA unit, OP&S, the Office of Chief Counsel (OCC), and Service Center Operations (SCOPS) have monthly teleconferences and communicate and collaborate regularly apart from these teleconferences. Also, representatives from OP&S, OCC, and SCOPS went to the VSC recently to provide training and guidance on the T/U adjustment rule, changes made by the TVPRA 2008, and U-related issues. Furthermore, OP&S and the VSC, with input from OCC and SCOPS, continue to represent DHS as subject matter experts at VAWA and T/U visa-related meetings and conferences around the country. In addition, the VSC will be hosting a stakeholder meeting in the near future to specifically address new and pending policy changes and case-specific issues related to VAWA, T, and U visas. This proactive approach will provide an opportunity for practitioners to communicate face to face with management to address any policy or operational concerns.

Case Denials and Denial rate

VSC's VAWA denial rate for FY 2008 was 32.9%, roughly the same as past years. Statements referencing a denial rate of 54% are simply incorrect.

Beginning in October 2008, the VAWA unit has instituted supervisory quality review which is comprised of a sampling of officer work including approvals, RFEs, and denials. One of the immediate benefits of the new management structure was the implementation of a structured, rigorous supervisory review program. This program ensures quality and consistency among adjudicative decisions.

If a practitioner feels that an incorrect legal standard was applied to his or her client's case, the practitioner may contact the VSC directly at the VSC VAWA Hotline as previously mentioned. VAWA unit supervisors will review the file to ensure that the correct legal standard was applied in the case and will convey that finding to qualified representatives.

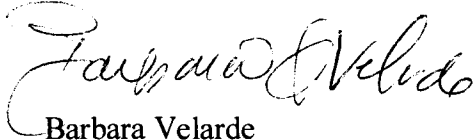
Training

VAWA training has not appreciably changed and continues to address domestic violence, confidentiality, VAWA laws, policies, regulations, and case processing. Trainee adjudicators are selected from the VSC's most experienced staff. The VSC has recently added a component to the training in which trainees review duplicate copies of actual cases that were previously decided by mentors and then discuss in a classroom setting what they would do with each case upon initial review. The three to four days of training are followed by additional meetings and training about thirty days later, as well as months of mentoring by veteran officers, senior adjudicators, and supervisors. This represents the most comprehensive training program managed by the VSC. The investment of training is commensurate with the complexity, importance, and sensitivity of the casework.

In addition to the previously mentioned T/U training given by USCIS HQ, OP&S is leading a conference this summer to provide general VAWA/T/U related supplemental training with sessions by the Administrative Appeals Office and local contacts from the State Police Victims Advocacy Group and Domestic Violence shelter.

We appreciate your recommendations and encourage any other suggestions you may have to address operational or policy concerns related to VAWA, T, and U casework at the VSC. Please send comments or suggestions on operational or policy issues to me; individual case problems should be sent directly to the VSC.

Sincerely,

A handwritten signature in cursive script that reads "Barbara Velarde". The signature is written in black ink and is positioned above the printed name.

Barbara Velarde
Chief, Service Center Operations