



U.S. Citizenship  
and Immigration  
Services

HQOPRD 70/8.1/8.2

## Interoffice Memorandum

To: Paul Novak  
Director  
Vermont Service Center

From: William R. Yates  
Director  
Operations

Date: APR - 8 2004

Re: Extension of Validity Period for Notices of Prima Facie Case Issued in Connection with a Form I-360 Filed by a Self-Petitioning Battered Spouse/Child

The following instructions provide supplemental guidance to the Vermont Service Center (VSC) regarding the handling of *Notices of Prima Facie Case* (NPFC) issued in connection with Form I-360 self-petitions for immigrant status filed by spouses and children of abusive United States citizens (USCs) and lawful permanent residents (LPRs). These instructions should be distributed to appropriate personnel, and especially to the designated Points of Contact for issues related to the Violence Against Women Act (VAWA).

The VSC issues a *Notice of Prima Facie Case* on the basis of an initial review of the Form I-360 and supporting documentation shortly after its receipt. It is not an adjudication of the petition. A favorable *prima facie* determination allows certain battered spouses or children to be regarded as "qualified aliens" for the purpose of establishing eligibility for public assistance, and enables them to receive public assistance during the pendency of their Form I-360. On March 27, 1998, field guidance entitled "Field Guidance Re: Prima Facie Review of Form I-360 when Filed by a Self-Petitioning Battered Spouse/Child," established a 150-day validity period for NPFCs issued in connection with a self-petition filed by a spouse or child of an abusive USC or LPR. It further provided the NPFC should only be extended for an additional 60 days.

At the time the original guidance was published, the 150-day validity period for the NPFC was sufficient because the VSC did not have a backlog in processing VAWA self-petitions and could complete a full adjudication of the Form I-360 within that time period. Similarly, the 60-day extension of the NPFC provided sufficient time to request additional evidence and complete the full adjudication.

Currently, however, the VSC has a considerable backlog that has resulted in a ten-month delay in full adjudication of the Form I-360. As a result, the NPFC has expired by the time the self-petition is adjudicated. In most cases, a 60-day extension is insufficient to continue coverage for the time necessary to reach a full adjudication. For these reasons, the initial validity period of the NPFC may now be set for 180 days. The length set for the validity period of an extension of NPFC shall be at the discretion of the VSC, taking into consideration any backlog and the anticipated completion time. However, under no circumstances should this validity period of the extension notice be greater than 180 days. Should any additional extensions be required, they may only be issued in 60-day increments. At the same time, the VSC VAWA unit will begin issuing requests for evidence (RFEs) at the time the *prima facie* determination is made. It is believed that this will help decrease the number of RFEs the adjudication officers must issue and, in turn, will help decrease the current backlog. The implementation of this new procedure will be examined after one year in order to determine its effects on the processing of VAWA self-petitions.

The guidance in this memorandum is effective immediately and supplements any existing guidance regarding *prima facie* determinations. If you have questions regarding this memorandum or other VAWA-related issues, please contact Laura Dawkins through electronic mail.