

FACT SHEET

INS Implements Direct Mail of Form I-360 for Self-Petitioning Battered Spouses and Children

To ensure appropriate and expeditious handling of all self-petitions filed by battered spouses and children, the Immigration and Naturalization Service (INS) has implemented new centralized filing procedures. Under the new procedures — which were published in the Federal Register on April 7, 1997 — applicants now should mail their applications to the Vermont Service Center. Previously, applicants could file their petitions at local INS District Offices.

Background

The Violence Against Women Act (VAWA), enacted as part of the "Crime Bill" (Violent Crime Control and Law Enforcement Act of 1994), provides self-petitioning rights to the spouses and children of U.S. citizens and lawful permanent residents who are victims of domestic violence.

To implement the law, INS published an interim rule in the Federal Register on March 26, 1996, which detailed the eligibility requirements and procedures for self-petitioning. The eligibility and evidence requirements set forth in that interim rule remain unchanged.

Filing Procedures

- As in the past, battered spouses and children should file INS Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant. Form I-360 may be obtained by telephoning the toll-free INS Forms Request Line at 1-800-870-3676.
- Battered spouses and children self-petitioners and their representatives should mail their applications to the following address:

USINS Vermont Service Center
75 Lower Weldon Street
St. Albans, VT 05479
- While INS District Offices and the other Service Centers will continue to accept applications during a transitional period, INS encourages lawyers, advocates and self-petitioners to file all battered alien self-petitions directly with the Vermont Service Center to facilitate prompt and effective handling of these sensitive cases.
- Direct mail to the Vermont Service Center applies only to battered spouses and children. Other applicants using Form I-360 to apply for other types of benefits should follow the filing instructions on the form.

DEPARTMENT OF JUSTICE**Immigration and Naturalization Service**

[INS No. 1842-97]

RIN 1115-AE77

Direct Mail Program; Form I-360**AGENCY:** Immigration and Naturalization Service, Justice.**ACTION:** Notice of Expansion of the Direct Mail Program.

SUMMARY: This notice announces the Immigration and Naturalization Service's (Service) plan to expand the Direct Mail Program to include the filing of self-petitions by a battered spouse or child on Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant. The Service will now require that all Forms I-360, filed by a self-petitioning battered spouse, child, or by the parent of a battered child, be mailed directly to the Vermont Service Center. This change will enable the Service to expedite the processing of these petitions.

DATES: This notice is effective May 7, 1997.

FOR FURTHER INFORMATION CONTACT: Ms. Karen FitzGerald, Staff Officer, Immigration and Naturalization Service, Adjudications and Nationality Division, 425 I Street, NW., Room 3214, Washington, DC 20536, telephone (202) 514-5014.

SUPPLEMENTARY INFORMATION:**Background**

Under 8 CFR 103.2(a), applications submitted to the Service must be executed and filed in accordance with the instructions on the application form. By eliminating specific reference to filing location, this regulation provides service center directors with the authority to accept and process applications designated for Direct Mail. It also provides the Service with the flexibility to shift filings to the service centers as the Direct Mail Program continues to expand.

Recent legislation and the publication of an interim rule on March 26, 1996, at 59 FR 13061 have led the Service to conclude that expansion of the use of the direct mail program to include I-360 petitions filed in accordance with the provisions of the Violence Against Women Act (VAWA) is warranted.

It is the intent of the Service to ensure sensitive and expeditious processing of the petitions filed by this class of at-risk applicants. Institution of a centralized direct mail filing process enables the Service to accomplish this and engenders uniformity in the adjudication of all applications of this type. This modification also enhances the Service's ability to be more responsive to inquiries from applicants, their representatives, and benefit-granting agencies.

Where to File

Effective May 7, 1997, Form I-360 for self-petitioning battered spouses and children residing within the United States must be mailed, with all supporting documentation, directly to the following address: USINS Vermont Service Center, 75 Lower Weldon Street, St. Albans, VT 05479. Applicants may obtain the Form I-360 by telephoning the toll-free INS Forms Request Line, 1-800-870-3676.

Special Note

This notice does not apply to I-360 petitions filed by Amerasians, widow(er)s, or special immigrants.

Transition

During the first 30 days following the effective date of this notice, district offices and service centers will forward to the Vermont Service Center, in a timely manner, any Form I-360 filed by a self-petitioning battered spouse or child, which has been inadvertently mailed to an office other than the Vermont Service Center. Petitions filed prior to the effective date of this notice will be adjudicated at the place of initial filing.

Appeals or motions to reopen or reconsider denied I-360 petitions submitted to the Service prior to May 7, 1997 will be processed by the office where the I-360 was originally filed and adjudicated. Appeals and motions filed during the transition period, and after this notice goes into effect, should be filed with the Vermont Service Center and will be processed by that office.

During the transition period, the Service intends to work closely with community organizations and advocacy groups to provide information and assistance to the public regarding this change.

After the 30-day transition period, self-petitioning battered spouses and children will be directed to mail the Form I-360 to the Vermont Service Center for processing.

Dated: March 22, 1997.

Doris Meissner,
Commissioner, Immigration and Naturalization Service.

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