



## ***Vangala v. USCIS* – Post-Settlement Frequently Asked Questions**

**August 6, 2021<sup>1</sup>**

On July 20, 2021, a federal district court judge in Oakland, California, approved a [final Settlement](#) Agreement in *Vangala v. USCIS*, providing relief to over 60,000 asylum and U visa applicants. The lawsuit was filed in November 2020, against U.S. Citizenship and Immigration Services (USCIS), and challenged an agency policy adopted under the Trump administration targeting humanitarian benefits for asylum seekers and survivors of violent crimes, including domestic violence. Under the policy, USCIS rejected applications that left any question in the application unanswered, even where the question was not applicable—for example where the applicant failed to include a response for middle name because they have no middle name. Additionally, USCIS rejected applications where the applicant wrote “none” or “not applicable” instead of “N/A.”

On December 22, 2020, in response to the lawsuit, the agency agreed to suspend the policy. On December 23, 2020, USCIS shared updated guidance directing adjudicators to cease rejecting asylum applications (Form I-589) and U visa applications (Form I-918 and Form I-918, Supplement A (I-918A)). Specifically, the updated internal guidance rescinded prior guidance implementing the “No Blank Space Rejection Policy,” that had instructed adjudicators to reject applications with blank response fields. The parties then entered settlement discussions to address the tens of thousands of applications that USCIS previously rejected. The U.S. district court [approved and adopted](#) the final Settlement Agreement on July 20, 2021.

Counsel for the plaintiffs prepared this FAQ with respect to the Settlement Agreement and the steps that applicants must take before July 20, 2022, to receive the benefits it provides.

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## **1. What is the “rejection policy” challenged in *Vangala v. USCIS*?**

The rejection policy, or formally, the No Blank Space Rejection Policy, is defined in the final Settlement Agreement as:

USCIS’s policy or policies that required its personnel to reject any Form I-589 or Form I-918 application or petition if any response field to a question on such benefit request was left blank. Beginning on October 7, 2019, USCIS applied the No Blank Space Rejection Policy to Form I-589 (Applications for Asylum and for Withholding of Removal), and on December 30, 2019, to Form I-918 (Petition for U Nonimmigrant Status) and Form I-918, Supplement A (Petition for Qualifying Family Member of U-1 Recipient).

Common reasons for rejections included, among others: not listing a middle name or “other” names, even though no such names exist; not listing family members where there are none or filling in some but not all available spaces for additional family members; not listing nonexistent address information, such as an apartment number; or writing “none” or “not applicable” instead of “N/A.” Similarly, the failure to write a name on the back of a photograph included in the application should fall within the rejection policy. Such rejections significantly departed from the prior policy that had been in place for decades.

## **2. Which applications are covered by the Settlement Agreement?**

USCIS has affirmed that it applied the rejection policy *only* to asylum applications (Form I-589) and U visa applications (Forms I-918 and I-918A). USCIS has identified 43,501 submissions of Form I-589, Application for Asylum and Withholding of Removal, and 17,000 submissions of Form I-918, Petition for U Nonimmigrant Status, that were rejected pursuant to the No Blank Space Rejection Policy between October 7, 2019, the date the policy was first implemented, and December 22, 2020. There may be additional benefit requests that were rejected pursuant to the No Blank Space Rejection Policy during this period that USCIS has not yet identified.

According to USCIS, the No Blank Space Rejection Policy at issue in this settlement applied only to Forms I-918, I-918A, and I-589. However, USCIS acknowledges that ancillary or accompanying forms may have been rejected for similar reasons. These might include Form I-918, Supplement B (I-918B), U Nonimmigrant Status Certification; Form I-192, Application for Advance Permission to Enter as a Nonimmigrant; or Form I-765, Application for Employment Authorization. Consequently, the Settlement Agreement covers ancillary or accompanying forms that generally are required to be submitted with the main application form as provided in the form instructions or applicable regulations.

Furthermore, individuals with applications rejected *after* December 22, 2020, based on the rescinded No Blank Space Rejection Policy also are entitled to the benefits of the Settlement Agreement.

The Settlement Agreement does not apply to rejected applications for other types of immigration benefits, such as, e.g., Form I-485, Application to Register Permanent Resident or Adjust Status.

### **3. What relief does the *Vangala* Settlement Agreement provide?**

Under the Settlement Agreement, USCIS will accept the original submission date of applications that were rejected under the policy, and then refiled. USCIS will send notices to the more than 60,000 applicants the agency already has identified as having been rejected under this policy, explaining the steps they can take to ensure that their refiled applications for humanitarian benefits are recorded as having been filed as of the date they were originally submitted.

By October 18, 2021, USCIS will review its databases to identify and notify affected applicants individually or through their attorneys of record that they are eligible for relief through the Settlement Agreement. The notice will specify where these individuals may submit materials to obtain the original receipt date for their applications. USCIS also will issue a press release and provide the notice and requirements for obtaining an original receipt date on the respective USCIS forms' webpages. Other applicants who have not been identified by USCIS may also submit materials demonstrating their application was rejected under the policy.

As detailed below, individuals who are either notified that they may be covered by the Settlement Agreement or who believe themselves to be covered may resubmit their benefits application along with a request that the original receipt date be applied to the newly refiled application, or if their application was already resubmitted, they may request the original receipt date now be applied.

### **4. After USCIS' rescission of the rejection policy, what policy is now in effect?**

USCIS adopted the prior rejection policies, each referred to as the "Regular Rejection Policy," for Form I-589 and Forms I-918 and I-918A as a result of the *Vangala* lawsuit. Thus, the current Form I-918/I-918A Regular Rejection Policy is the rejection policy that existed prior to USCIS' adoption, on December 30, 2019, of the No Blank Space Rejection Policy for these forms. The current Form I-589 Regular Rejection Policy is the nationwide rejection policy that was implemented on December 23, 2020, and later refined to eliminate the No Blank Space Rejection Policy. These are the rejection policies that have been in effect since December 23, 2020, when USCIS stopped using the No Blank Space Rejection Policy. These rejection policies can be found [here](#), at the end of our January 14, 2021 guidance.

Under these Regular Rejection Policies, Forms I-589, I-918, and I-918A must be submitted to USCIS and executed in accordance with 8 C.F.R. §§ 103.2, 208, and 214.14, as interpreted and implemented pursuant to USCIS' "Regular Rejection Policy" and the form instructions. USCIS agrees to only reject a Form I-589, I-918, or I-918A submission that fails to meet the criteria of the Regular Rejection Policy.

Accordingly, now USCIS may reject application forms, or there may be delays in a case, if the applicant:

- Leaves spaces blank that are required for USCIS to create its record, which currently are: first name, last name, complete address, date and country of birth, and citizenship(s);

- Fails to respond to questions related to filing requirements (such as required signatures); or
- Omits any required initial evidence (such as required filing fees).

For more specific information about filing requirements and required initial evidence, applicants should consult the filing instructions for each form and USCIS' Regular Rejection Policy for each form.

## 5. Who is eligible for relief under the *Vangala* Settlement Agreement?

The *Vangala* Settlement Agreement defines eligible individuals as follows:

- 1) Any individual who submitted one or more of the following applications that was rejected by USCIS:
  - a) A Form I-589, Application for Asylum and for Withholding of Removal, that was rejected between October 7, 2019 and December 22, 2020, inclusive; or
  - b) A Form I-918, for U Nonimmigrant Status, or Form I-918, Supplement A, that was rejected between December 30, 2019 and December 22, 2020, inclusive; and
- 2) The rejection was pursuant to the No Blank Space Rejection Policy.

Applicants with rejected ancillary or accompanying forms pursuant to the No Blank Space Rejection Policy are also eligible for relief, including Form I-918, Supplement B, U Nonimmigrant Status Certification, Form I-192, Application for Advance Permission to Enter as a Nonimmigrant, or Form I-765, Application for Employment Authorization. Resubmission under the terms of the Settlement Agreement includes the ability to resubmit the accompanying forms that generally are required to be submitted with the application as provided in the form instructions or applicable regulations.

Additionally, any individual who had their application rejected after December 22, 2020, based on the rescinded No Blank Space Rejection Policy also is entitled to the benefits of the Settlement Agreement.

## 6. How do applicants obtain the relief that the Settlement Agreement provides?

Applicants whose Form I-589, I-918, and/or I-918A was rejected due to the No Blank Space Rejection Policy may request that USCIS issue a receipt for their application (including ancillary or accompanying forms) with the original submission date. **They must submit their request to USCIS by July 20, 2022.**

As noted above, USCIS will notify those applicants that the agency already knows were affected by the policy, or an affected individual can affirmatively seek relief.

The procedures for obtaining relief depend on whether or not an individual has resubmitted their application (and received a new receipt notice). Each approach is outlined below.

**1) Applicants who *have not* resubmitted their applications must provide to USCIS the following:**

- The application and any supporting materials and applicable filing fees. An applicant may use the forms in effect at the time of the original submission. Similarly, any applicable filing fees will be those that were applicable as of the date of the original submission. Individuals resubmitting their applications are encouraged to point out these facts in their resubmissions to USCIS, and
- Either a copy of the notice issued by USCIS identifying the application as having been rejected pursuant to the No Blank Space Rejection Policy, or other proof of the original rejected filing, such as: a rejection notice or the page of the original application with a USCIS stamp; or a sworn statement of the applicant, their attorney or accredited representative, or another individual familiar with the circumstances of the original filing; or other evidence such as a delivery confirmation receipt.

Assuming the application otherwise complies with USCIS filing requirements, USCIS will then accept the resubmission and issue a receipt notice with the original filing date.

**2) Applicants who *have* resubmitted their applications and received a receipt notice need only provide to USCIS the following:**

- The receipt number for the resubmitted benefit request, and
- Either a copy of the notice issued by USCIS identifying the application as having been rejected pursuant to the No Blank Space Rejection Policy, or other proof of the original rejected filing, such as a rejection notice or the page of the original application with a USCIS stamp; or a sworn statement of the applicant, their attorney or accredited representative, or another individual familiar with the circumstances of the original filing; or other evidence such as a delivery confirmation receipt.

USCIS will then issue a new receipt notice with the original filing date. Notably, individuals in this group do not need to resubmit the entire application.

**7. Where do applicants refile their applications or request a new receipt notice?**

In most cases, the relevant application should be re-filed at the filing location that normally applies to that application, with the additional notation of “**ATTN: VANGALA**” in the address.

In cases where an individual *has not* resubmitted their application, the required documents must be filed with USCIS at the addresses provided at the “Where to File” tab on the USCIS website for either Form I-589 at <https://www.uscis.gov/I-589>, or Forms I-918 and I-918A at <https://www.uscis.gov/I-918>. **Please note:** The resubmission must also include “**ATTN: VANGALA**” in the address block.

In cases where an individual already *has* resubmitted their application(s) after rejection and received a receipt notice, the individual must send their request to USCIS for a new receipt notice and supporting documents to the appropriate address as follows:

**a. Forms I-589:**

USCIS  
ATTN: Vangala Request  
401 W. Peachtree Street NW, Suite 1000  
Atlanta, GA 30308

- b. Forms I-918 and I-918A:** Send the request to the appropriate form filing address as provided at the “Where to File” tab at <https://www.uscis.gov/I-918> and **please include** “ATTN: VANGALA” in the address block.

**8. What if an applicant has aged out of benefits eligibility after the rejection, or if a deadline for timely filing has passed?**

USCIS has agreed to consider the date of the original filing to be the receipt date for all purposes, including for all determinations related to age and deadlines which might affect the adjudication of the application. More specifically:

- USCIS will deem any applicant who complies with the terms of the Settlement Agreement to have their age determined by that applicant’s age at the time of the original filing (when it was rejected pursuant to the No Blank Space Rejection Policy). The same will be true for any derivatives included in the application.
- USCIS will deem valid and timely a Form I-918B that was timely submitted with the original application. In other words, a Form I-918B will be accepted if it was valid at the time of the original submission and the Form I-918 was rejected pursuant to the No Blank Space Rejection Policy, even if the Form I-918B subsequently expired. An exception applies only where the certifying official has since withdrawn the U nonimmigrant status certification.
- USCIS will recognize the original receipt date of a rejected Form I-589 (as indicated by the date on the reissued receipt notice) as the date of filing for all purposes. This will include determinations regarding employment authorization eligibility, the one-year filing deadline for asylum under Section 208(a)(2)(B) of the Immigration and Nationality Act (INA), 8 U.S.C. § 1158(a)(2)(B), and any other provision under 8 U.S.C. § 1158 in effect at the time of the original filing.

**9. What is the applicable filing fee?**

In the case of resubmission of an application, an applicant is responsible for the filing fee that would have been required at the time of the original receipt date.

In cases where the applicant has already resubmitted their application and seek only a new receipt notice, no further filing fees are necessary.

**10. What if the applicant already refiled the previously-rejected application?**

As detailed above, an applicant who already refiled a previously rejected application should notify USCIS of their receipt number and proof of eligibility for relief under the *Vangala* Settlement Agreement to obtain a new receipt notice with the original receipt date.

**11. What if USCIS rejected a form other than the I-589, I-918, or I-918A because of a blank space? Is there anything an applicant can do?**

The *Vangala* Settlement Agreement only pertains to any Form I-589 and Form I-918 (and all ancillary or accompanying forms, including I-918 Supplement A, I-918 Supplement B, I-765, I-192, etc.) rejected pursuant to the No Blank Space Rejection Policy as applied specifically to these forms on or after October 7, 2019 (for Form I-589) or December 30, 2019 (for Form I-918/I-918A).

However, the Settlement Agreement prevents USCIS from adopting a similar rejection policy with respect to other immigration forms unless authorized by statute or lawfully implemented through regulations. USCIS will not apply the No Blank Space Rejection Policy to any other immigration benefit request for a period of three years, unless there is a statutory or regulatory change to rejection criteria.

**12. How much time does an applicant have to seek the benefits of the Settlement Agreement?**

All requests for relief under the *Vangala* Settlement Agreement must be filed with the correct USCIS office no later than **July 20, 2022**.

**13. What can be done if USCIS does not retain the original submission date for an applicant who was subjected to the rejection policy?**

USCIS retains the ability to reject applications if the agency determines the application was “properly rejected” pursuant to some other deficiency and not the No Blank Space Rejection Policy. If USCIS determines the original application was properly rejected but subsequently corrected upon resubmission, the agency will provide a receipt with the date of the resubmission (not the original receipt date). If the error has not been corrected, USCIS will reject the application again, provided it is *not* a rejection pursuant to the No Blank Space Rejection Policy.

If a resubmission merits the original submission date as the receipt date and USCIS fails to provide this date or rejects the application again in error, please contact counsel in *Vangala* at [bspolicy@nwirp.org](mailto:bspolicy@nwirp.org).