



Vangala v. USCIS: Settlement of USCIS' Blank Spaces Rejection Policy



Northwest
IMMIGRANT
RIGHTS
Project

Panelists

- Matt Adams, Legal Director, Northwest Immigrant Rights Project (NWIRP)
- Mary Kenney, Deputy Director, National Immigration Litigation Alliance



Blank Spaces Policy

- USCIS policies requiring rejection of applications that contained any blank space
 - Oct. 2019: first applied to I-589 (asylum and withholding of removal applications)
 - Dec. 2019: first applied to I-918 and I-918A (U nonimmigrant petitions)
- These policies departed from prior, decades old policies



Blank Spaces Policy

- Applications were rejected for frivolous and nonmaterial reasons, such as:
 - not listing nonexistent middle names or apartment numbers
 - not completing all spaces for siblings when there were none
 - writing “none” or “not applicable” instead of “N/A”
 - failing to write a name on the back of a photo



Vangala Lawsuit

- NWIRP, NILA and the Van der Hout law firm filed suit in Nov. 2020
 - Filed as a putative nationwide class action
 - Asked the court to:
 - enjoin USCIS from continuing to implement the policies
 - order USCIS to issue new receipts with the original filing date for all rejected applications



Vangala Lawsuit

- In December 2020, in response to *Vangala*, USCIS suspended the policies and directed adjudicators to stop applying them
- The parties entered negotiations to resolve the tens of thousands applications previously rejected under the policies



Vangala Settlement

- Final Settlement approved and adopted on July 20, 2021
- The final settlement is found [here](#)
- A FAQ about the settlement is found [here](#)
- Deadline for obtaining relief under the settlement is **July 20, 2022**



Relief Under the Settlement

- USCIS will issue receipts with the original submission date for applications rejected under the Blank Space Rejection policies
- The Settlement includes:
 - a process for claiming relief where the application was already re-submitted
 - a process for claiming relief where application not yet re-submitted

Applications covered

- I-589, Asylum and Withholding of Removal
- I-918, U Nonimmigrant Status
- I-918A, U Nonimmigrant Derivative
- Ancillary applications:
 - I-918B, U Nonimmigrant Certification
 - I-192, Advance Permission to Enter the United States
 - I-765, Employment Authorization Document



Applications Covered

- USCIS has identified over 60,000 applications rejected under the policies:
 - 43,501 asylum applications
 - 17,000 U nonimmigrant status petitions
- There may be additional, unidentified applications
- Applications rejected after Dec. 22, 2020, also are eligible for relief



Eligible Applicants

- Anyone whose:
 - Form I-589 was rejected between Oct. 7, 2019, and Dec. 22, 2020; or
 - Form I-918 or I-918A was rejected between Dec. 30, 2019, and Dec. 22, 2020; and
 - the rejection was pursuant to USCIS' Blank Space Rejection Policies
- Applicants with ancillary applications that were rejected also are eligible

Notice of Relief Eligibility

- By October 18, 2021, USCIS will send notices to identified applicants (or their lawyers) explaining how to get an original receipt date
- USCIS will issue a press release and post this information on its website



Applications not yet re-submitted

- Submit to USCIS by July 20, 2022:
 - the application, supporting documents and filing fee
 - Applicable form and fee are those in effect at time of original filing
- and
 - either a copy of USCIS' post-settlement notice to the applicant, or
 - other proof of the original rejected filing
 - rejection notice
 - USCIS stamped first page
 - sworn statement of applicant or representative



Already re-submitted applications

- Submit to USCIS by July 20, 2022:
 - the receipt number of the re-submitted application and
 - either a copy of the post-settlement USCIS notice, or
 - other proof of the original rejected filing
 - rejection notice
 - USCIS stamped first page
 - sworn statement of applicant or representative
- No need to re-submit the application; no filing fee required



Where to File Requests

- For applications that were not already re-submitted:
 - use the standard filing address provided on the "Where to File" tab on USCIS' website for the particular form
 - put "Attn: VANGALA" in the address block
 - USCIS will accept *either* the version of the form in use at original filing date *or* a subsequent version approved by OMB



Where to File Requests

- For Form I-589 applications already re-submitted:
USCIS
Attn: Vangala Request
401 W. Peachtree St. NW, Suite 1000
Atlanta, GA 30308
- For re-submitted Forms I-918 & I-918A:
 - use the address on USCIS' website for filing the form
 - Put "ATTN: VANGALA" in the address block



Additional Settlement Terms

- USCIS will deem an applicant/derivative to be the age they were at time of original submission
- USCIS will deem I-918B timely if timely on date of original submission
- USCIS will treat original receipt date as filing date for asylum one-year filing deadline
- Applicable filing fee will be the filing fee at time of original submission



Current Rejection Policy

- USCIS now is following its "Regular Rejection Policies" for these forms, found [here](#)
- USCIS may reject a Form I-589, I-918, or I-918A if:
 - not executed in accord with 8 C.F.R. §§ 103.2, 208, and 214.14
 - leaves blank the space for first or last name, complete address, date and country of birth, and citizenship(s)
 - does not include signature
 - omits required initial evidence



Settlement Problems

If a resubmission merits the original receipt date and USCIS fails to provide it, contact *Vangala* counsel at:

bspolicy@nwirp.org



Questions

Questions?

(Use the chat box on the right of your screen to ask questions.)



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