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Chapter 6 - Post-Adjudicative Matters

Guidance

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A. Revocations

USCIS may revoke the approval of a self-petition with notice to the self-petitioner if, at any time prior to adjustment of status or consular processing, USCIS becomes aware of information that constitutes “good and sufficient cause” warranting revocation.^[1] Examples of reasons why the approval of a self-petition may be revoked may include, but are not limited to:

- The self-petitioner is no longer a person of good moral character; or
- The self-petitioner was not eligible for Violence Against Women Act (VAWA) classification at the time of filing.

Unless the revocation is an automatic revocation,^[2] USCIS must provide self-petitioners with notice of the intent to revoke the approval of the self-petition and provide them an opportunity to respond.^[3]

If USCIS decides to revoke the approval of the self-petition following consideration of the response, the officer must provide written notification of the decision explaining the specific reasons for the revocation.^[4] The self-petitioner may appeal the decision to revoke the approval within 15 calendar days after service of the notice of the revocation or 18 days if the decision was sent by mail.^[5]

1. Authority to Revoke a Self-Petition

The service centers have sole authority to revoke the approval of a self-petition. Service center officers who adjudicate VAWA self-petitions receive specialized training on domestic violence and abuse and have developed expertise in this subject matter, including expertise in identifying fraud. Therefore, in order to ensure consistency in the adjudication of VAWA self-petitions, USCIS field offices that believe a self-petition should be reviewed for possible revocation must return it to the appropriate service center for review and decision on the revocation.

2. USCIS Field Office – Officer’s Request for Review of an Approved Self-Petition

Officers in USCIS field offices adjudicating an Application to Register Permanent Residence or Adjust Status (Form I-485) based on an approved VAWA self-petition generally may not inquire about instances of abuse or extreme cruelty or attempt to re-adjudicate the merits of the underlying approved self-petition. If, however, officers find or obtain new information that leads them to reasonably believe that the approval of the self-petition should be revoked, they must prepare a detailed memorandum for their supervisor.

The officer must explain why the self-petition should be reviewed for possible revocation, and the memorandum must state what the new information is and how USCIS obtained it. Information is not considered new if it was available to the service centers at the time of the approval of the self-petition.

Officers must keep in mind the 8 U.S.C. 1367 confidentiality provisions preventing USCIS from making an adverse determination using information provided solely by an abuser, a family member of the abuser living in the same household, or someone acting on the abuser’s behalf, as well as the prohibition on the unauthorized disclosure of information related to a protected person, including acknowledgment that a self-petition exists.^[6]

3. USCIS Field Office – Supervisory Review

If after reviewing the officer’s memorandum, the supervisor concurs with the officer’s recommendation to revoke the approval of the self-petition, the supervisor must sign the memorandum and forward it along with the A-File to the appropriate service center with an attention to “VAWA I-360.”

4. Service Center VAWA I-360 Unit – Supervisory Review

A VAWA I-360 supervisor at the service center must review the field office memorandum and the related file to determine whether to initiate the revocation process or to reaffirm the self-petition. If the supervisor disagrees with the recommendation of the field office and decides to reaffirm the self-petition, a separate memorandum must be prepared explaining why the self-petition was reaffirmed. The service center then returns the memorandum to the USCIS field office that made the recommendation. If the supervisor agrees with the recommendation to revoke the approval of the self-petition, the service center issues a notice of intent to revoke the approval to the self-petitioner.

The service center is expected to complete its review process on an expedited basis. In all cases, self-petitions that are sent to a service center from a USCIS field office or to a USCIS field office from a service center must be accompanied by a memorandum that is signed by the appropriate supervisor.

B. Appeals, Motions to Reopen, and Motions to Reconsider

If USCIS denies a Petition for Amerasian, Widow(er), or Special Immigrant (Form I-360), and a self-petitioner disagrees with the decision or has additional evidence to show the decision was incorrect, the self-petitioner may file an appeal, a motion to reopen, or a motion to reconsider by submitting a Notice of Appeal or Motion (Form I-290B).^[7]

The self-petitioner must file the appeal or motion within 30 days of the denial or 33 days if USCIS sent the denial by mail.^[8] There is no exception to the filing period for appeals and motions to reconsider. For a motion to reopen, USCIS may excuse, in its discretion, the self-petitioner's failure to file before this period expires where the self-petitioner demonstrates that the delay was reasonable and beyond their control.^[9]

Footnotes

[^1] See [INA 205](#). See [8 CFR 205.1\(a\)](#). See [8 CFR 205.2\(a\)](#).

[^2] See [8 CFR 205.1\(a\)](#).

[^3] See [8 CFR 205.2\(b\)](#).

[^4] See [8 CFR 205.2\(c\)](#).

[^5] See [8 CFR 205.2\(d\)](#). See [8 CFR 103.8\(b\)](#). Self-petitioners may appeal the decision to revoke the self-petition by filing a Notice of Appeal or Motion ([Form I-290B](#)).

[^6] See [8 U.S.C. 1367\(a\)\(1\)-\(2\)](#).

[^7] See [8 CFR 103.5](#).

[^8] See [8 CFR 103.5](#).

[^9] See [8 CFR 103.5\(a\)\(1\)\(i\)](#).

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