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USCIS Draft Memorandum for Comment

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Submitted by Editor on May 18th 2010

USCIS seeks your input on the draft memoranda listed below. These memoranda are drafts of proposed or revised guidance to USCIS Field Offices and Service Centers. They are not intended as guidance for the general public, nor are they intended to create binding legal requirements on the public. Until issued in final form, the draft memoranda do not constitute agency policy in any way or for any purpose.

- Approval of Petitions and Applications after the Death of the Qualifying Relative; New INA Section 204(l) updates the AFM with New Chapter 20.6 and an Amendment to Chapter 21.2(h)(1)(C) ^[2] (**Final date for comments: June 1, 2010.**)
- Extension of U Nonimmigrant Status for Derivative Family Members Using the Application to Extend/Change Nonimmigrant Status (Form I-539) Revisions to Adjudicator's Field Manual (AFM), New Chapter 39.1(g)(2)(i) (AFM Update AD10-08) ^[3] (**Final date for comments: June 1, 2010.**)
- William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008: Changes to T and U Nonimmigrant Status and Adjustment of Status Provisions; Revisions to Adjudicator's Field Manual (AFM) Chapters 23.5 and 39 (AFM Update AD10-38) ^[4] (**Final date for comments: June 1, 2010.**)
- Clarifying Guidance on "O" petition Validity Period Revisions to the Adjudicator's Field Manual (AFM) Chapter 33.4(e)(2) AFM Update AD10-36 ^[5] (**Final date for comments: May 24, 2010.**)

Each memorandum is available for comment for ten business days after posting. The final date for comments is after each link.

Comment Process: Please email all comments to opefeedback@uscis.dhs.gov [6]. Please put the title of the relevant memorandum in the subject line of your message. The most helpful comments will refer to a specific portion of the memorandum, explain the reason for any recommended change, and include data, information, or authority that support the recommendation. USCIS may distribute any comments received (including any personal information and contact information) on its public website or to those who request copies. By providing comments, you consent to their use and consideration by USCIS, and you acknowledge that your comments may become public. USCIS cannot guarantee that it will acknowledge or respond to any comments submitted.

Background and Additional Legal Information: Final field guidance documents have previously been available for public review on USCIS's website (www.uscis.gov [7]) as part of the Adjudicator's Field Manual (AFM). In a new effort to promote transparency and consistency in USCIS operations, the Agency will now periodically post drafts of new or revised draft memoranda for public comment to assist USCIS in improving immigration services. Some memoranda will not be posted, e.g., those containing information that is law enforcement sensitive, confidential, or otherwise protected from disclosure under the Freedom of Information Act. USCIS is not required to solicit public comment on the draft memoranda under the Administrative Procedure Act, nor does this informal comment process replace any statutory or other legal requirement for public comment on agency action.

Nonimmigrant Visas:

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[2] <http://www.uscis.gov/USCIS/Outreach/Draft%20Memorandum%20for%20Comment/Widow-Policy-2041-PM-Comment-5-11-2010.pdf>

[3] <http://www.uscis.gov/USCIS/Outreach/Draft%20Memorandum%20for%20Comment/U-Visa-I-539-Derivative-Extension-Comment-5-11-10.pdf>

[4] <http://www.uscis.gov/USCIS/Outreach/Draft%20Memorandum%20for%20Comment/General-TVPRA-2008-PM-Comment-5-12-2010.pdf>

[5] <http://www.uscis.gov/USCIS/Outreach/Feedback%20Opportunities/Draft%20Memorandum%20for%20Comment/Cla>

[6] <mailto:opefeedback@uscis.dhs.gov>

[7] <http://www.uscis.gov>

[8] <https://immigration.com/visa/nonimmigrant-visas/o-1-visa>

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