



AMERICAN  
IMMIGRATION  
LAWYERS  
ASSOCIATION

November 12, 2024

Bitta Mostofi  
Senior Advisor to the Director  
U.S. Citizenship and Immigration Services

*via email*

Re: Discrepancies in Filing Location Instructions & Rejected I-290B Filings

Dear Ms. Mostofi:

The American Immigration Lawyers Association (AILA) and ASISTA write to you regarding discrepancies in I-290B filing location instructions and practitioner reports of recent filing rejections by the Vermont Service Center (VSC).

I-290B filing locations as currently indicated on USCIS's website, in DHS regulations, and in USCIS decision notices are inconsistent (e.g. in the case of I-918s and I-914s). These discrepancies have apparently resulted in I-290B rejections alleging a lack of service center jurisdiction in some cases. There have also been rejections of U adjustment- and T adjustment-based I-290Bs despite filing in accordance with the regulations, underlying denial notice instructions, and available USCIS website guidance. Such rejections are particularly problematic given the extremely short timeframe within which an I-290B must be received by USCIS to be considered timely. This issue is described in more detail below and is accompanied by examples collected by AILA and ASISTA.

The regulations at 8 C.F.R. § 103.5(a)(1)(iii)(E) state that a motion to reopen or reconsider must be "[s]ubmitted to the office maintaining the record upon which the unfavorable decision was made for forwarding to the official having jurisdiction." USCIS denial notices, in conformity with the regulations, indicate that an I-290B should be filed at the USCIS location that issued the denial. *See, e.g.*, Exhibit A (U AOS denial dated 9/20/2024, indicating any I-290B should be filed with VSC; Exhibit B (T AOS denial dated 9/23/2024, indicating any I-290B should be filed with VSC); Exhibit C (I-918 denial dated 10/7/2024, indicating any I-290B should be filed with VSC).

Form I-290B Instructions refer to [USCIS's I-290B webpage](#) for the correct filing location, and the I-290B webpage, in turn, refers to USCIS's webpage, *Direct Filing Addresses for Form I-290B, Notice of Appeal or Motion*, <https://www.uscis.gov/i-290b-addresses>, for filing location

instructions. [AAO Practice Manual](#) Chapter 3.7(d) states that appeals must be filed at the place indicated on this same webpage, <https://www.uscis.gov/i-290b-addresses>.

As of November 5, 2024, USCIS’s *Direct Filing Addresses for Form I-290B, Notice of Appeal or Motion* webpage specifies the following I-290B filing locations:

- **VAWA I-360, I-918, and I-914-related I-290Bs:** NSC (Screenshot #1).<sup>1</sup>
- **U Adjustment of Status (AOS) I-290Bs:** the service center location provided in the decision notice (Screenshot #2).
- **T AOS I-290Bs:** not specified (see below).
- **VAWA AOS I-290Bs:** not specified (see below).

**Screenshot #1: VAWA I-360, I-914, & I-918-related I-290B filing locations as per [USCIS’s webpage](#)**

If you are filing an appeal or motion about a...	Send your form to...
<p>Decision made by a <b>USCIS service center</b> about a:</p> <ul style="list-style-type: none"> <li>• Form I-360, VAWA self-petition;</li> <li>• Form I-914, Application for T Nonimmigrant Status, or a related application, such as an appeal or motion to reopen or reconsider; or</li> <li>• Form I-918, Petition for U Nonimmigrant Status, or a related application, such as an appeal or motion to reopen or reconsider.</li> </ul>	<p><b>USCIS Nebraska Service Center</b></p> <p><b>U.S. Postal Service (USPS):</b></p> <p>USCIS P.O. Box 87426 Lincoln, NE 68501-7526</p> <p><b>FedEx, UPS, and DHL deliveries:</b></p> <p>USCIS Attn: I-290B VAWA 850 S St. Lincoln, NE 68508-1225</p>

**Screenshot #2: U AOS-related I-290B filing locations as per [USCIS’s webpage](#)**

Decision made by a <b>USCIS service center</b> on a Form I-485 based on U nonimmigrant status.	The service center location provided in the decision notice
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<sup>1</sup> On July 25, 2024, USCIS announced an I-290B filing location change to the Nebraska Service Center (NSC) for certain forms relating to an underlying I-914, I-914A, I-918, and I-918A. See USCIS, [Lockbox and Service Center Filing Location Updates](#) (last visited Nov. 5, 2024). As part of that change, which included a 60-day grace period, I-290Bs filed based on denial of an underlying I-914, I-914A, I-918, or I-918A were to be filed at NSC beginning on July 25, 2024. The announcement indicated that as of September 25, 2024, any such I-290Bs filed with VSC would be rejected.

**Screenshot #3: I-290B filing location for adjustment of status cases as per [USCIS's webpage](#)**

<p>Decision made by a <b>USCIS service center</b> on a Form I-485 (unless the Form I-485 was based on an approved <b>VAWA self-petition, T nonimmigrant status</b>).</p>	<p>USCIS Phoenix Lockbox</p> <p><b>U.S. Postal Service (USPS):</b></p> <p>USCIS Attn: I-290B P.O. Box 21100 Phoenix, AZ 85036-1100</p> <p><b>FedEx, UPS, and DHL deliveries:</b></p> <p>USCIS Attn: I-290B (Box 21100) 2108 E. Elliot Rd. Tempe, AZ 85284-1806</p>
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*Note that USCIS's webpage does not currently contain specific instructions regarding the filing address for T or VAWA AOS-related I-290Bs. The section pertaining to VAWA I-360, I-918, and I-914-related I-290Bs does not reference T nonimmigrant- or VAWA-based I-485 decisions specifically, and U nonimmigrant-based I-485 decisions are addressed in a separate section, as demonstrated by Screenshot #2. Decisions made by a service center not listed in other chart sections on [USCIS's webpage](#) are to be filed with the Phoenix Lockbox, but the chart (Screenshot #3) explicitly states that VAWA and T AOS-related I-290Bs are not to be filed at the Phoenix Lockbox.*

**Examples of recent I-290B rejections by VSC**

AILA and ASISTA have received the following examples of recent VSC I-290B rejections, all of which indicate that the I-290B was rejected because “the form type is not within the jurisdiction of this service center” despite being filed in accordance with the denial notice and, where applicable, 8 C.F.R. § 103.5(a)(1)(iii)(E).

<b>A# (if available)</b>	<b>Type of underlying filing</b>	<b>Date I-290B delivered to VSC</b>	<b>Date on VSC rejection notice</b>	<b>Additional information</b>
098 429 550	U AOS	10/7/2024	10/16/2024	I-290B resubmitted to NSC.
-	U AOS	10/12/2024	10/22/2024	I-290B resubmitted to NSC.
077 235 855	U AOS	10/15/2024	10/22/2024	U nonimmigrant has cancer and lost job because EAD expired and I-765 renewal application is still pending adjudication.
209 467 145	I-918	10/16/2024	10/24/2024	Underlying I-918 denial alleging abandonment was issued 10/7/2024

				and stated that any I-290B should be filed with VSC. Rejection notice from VSC and I-918 denial are attached. <i>See</i> Exhibit C.  Note that attorney of record had updated her office address with USCIS prior to the agency's issuance of an I-918 RFE that attorney only received through congressional intervention and <i>not</i> to her updated office address.
206 299 068	U AOS	10/21/2024	10/28/2024	U-based I-485 denial notice dated 9/20/2024 indicated that any I-290B should be filed with VSC. Timely filed I-290B was rejected by VSC on 10/28/2024. Rejection notice from VSC and I-485 denial are attached. <i>See</i> Exhibit A.
213 073 332	T AOS	10/25/2024	10/31/2024	T-based I-485 denial notice dated 9/23/2024 indicated that any I-290B should be filed with VSC. Timely filed I-290B was rejected by VSC on 10/31/2024. Rejection notice from VSC and I-485 denial are attached. <i>See</i> Exhibit B.

I-290B rejections for supposed lack of jurisdiction cause severe hardship for survivors. By the time the survivor and their legal representative receive the USCIS rejection, the filing deadline may have already passed, rendering a re-filing of the I-290B untimely. Only motions to reopen can be accepted untimely, and even that is at the discretion of the adjudicator. Should a service center refuse to accept an untimely I-290B, the denial of the survivor's underlying petition or application becomes final and could permanently bar them or their derivative family members from immigration relief.

### Recommendations

Given the conflicting filing location information on USCIS's website and USCIS denial notices, we respectfully recommend the following:

- For those applicants who refile an I-290B after a rejection despite filing in accordance with the denial notice, backdate the receipt date of the I-290B to reflect the initial filing date.
- Ensure that denial notices contain accurate information about where an I-290B should be filed. Accurate denial notice instructions are especially critical for pro se applicants.
- Given the regulatory mandate that motions to reopen or reconsider be filed with the office issuing the adverse decision, bring the I-290B filing location instructions on the USCIS website into conformity with the regulations, where inconsistent.

- Provide mailroom guidance where needed to avoid erroneous rejections.
- Specify on the USCIS's *Direct Filing Addresses for Form I-290B, Notice of Appeal or Motion* webpage where VAWA and T AOS-related I-290Bs should be filed.

Thank you for your attention to this critical matter, and for your work to support survivors and their families. Should you have any questions or require additional information, please contact Amy Grenier, AILA Policy & Practice Counsel, at [agrenier@aila.org](mailto:agrenier@aila.org).

Sincerely,

American Immigration Lawyers Association (AILA)  
ASISTA Immigration Assistance (ASISTA)

Attached: Exhibits (A – C)

cc:

Connie Nolan, Deputy Associate Director, Service Center Operation Directorate  
Avideh Moussavian, Chief, Office of Policy and Strategy, USCIS  
Rená Cutlip-Mason, Chief, Humanitarian Division, Office of Policy and Strategy, USCIS  
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