

Hearing of the House Judiciary Committee, Subcommittee on Immigration and Citizenship
July 16, 2019

“Policy Changes and Processing Delays at U.S. Citizenship and Immigration Services”

We the undersigned 76 national, regional, state and local organizations that assist and advocate on behalf of immigrant survivors of domestic violence, sexual assault, and human trafficking in the United States write in support of the need for the House Judiciary Committee Subcommittee on Immigration and Citizenship to address the significant processing delays of the U.S. Citizenship and Immigration Service (USCIS) and wish to share our deep concerns about the undue hardship the processing delays are causing immigrant survivors and their families.

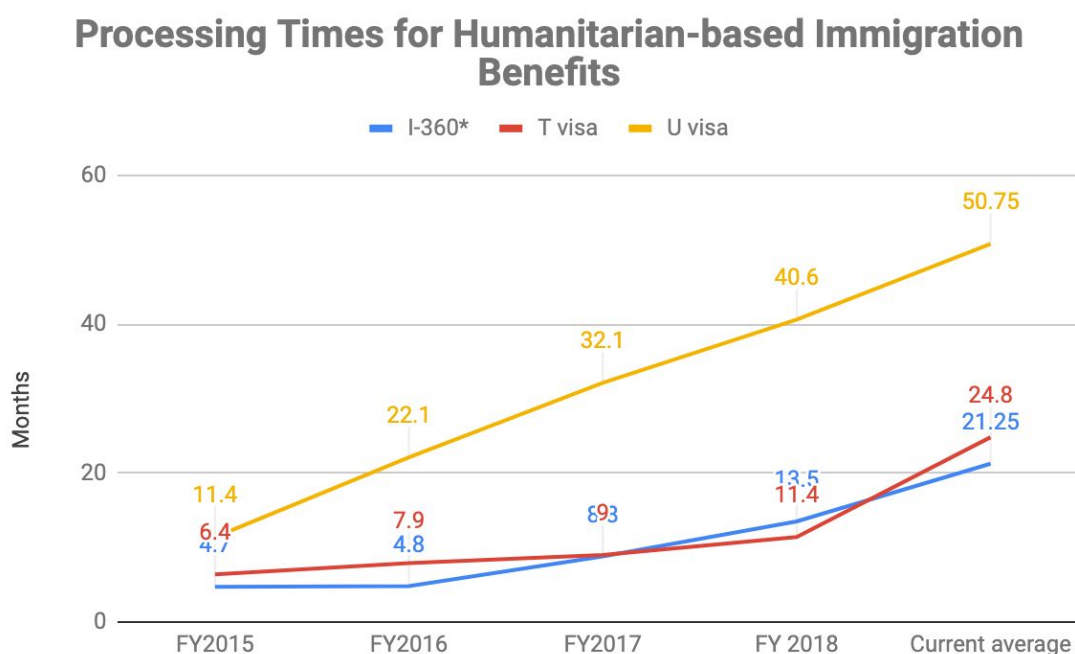
Twenty five years ago in the bipartisan Violence Against Women Act (VAWA), Congress created the VAWA self-petitioning process for spouses and certain family members of abusive U.S citizen or legal permanent residents, since Congress recognized that abusers often use immigration status as a tool of abuse and that immigrant victims and survivors may not be willing to reach out for help because of the threat or fear of removal.¹ Congress established additional bipartisan protections for immigrants in 2000 with the passage of the Trafficking Victims Protection Act (TVPA), including the creation of the U and T visa programs, because it realized that other abusers and perpetrators of crime often use the immigration system as a tool to further abuse and exploitation. The T visa was established to assist victims of human trafficking, and the U visa was established to assist noncitizen victims of certain eligible crimes (including domestic violence, sexual assault, and trafficking) who are willing to assist in the investigation or prosecution of these crimes. In creating these new remedies for immigrant victims, Congress recognized the importance of fostering cooperation between undocumented victims and law enforcement agencies or other agencies tasked with investigating crimes, to protect individual safety as well as public safety.² The effectiveness of these protections, however, are increasingly undermined by the significant delays in processing these humanitarian-based applications. These delays negatively impact law enforcement’s ability to

¹ See H.R. REP. NO. 103-395, at 26-27 (1993)(stating “Consequently, a battered spouse may be deterred from taking action to protect him or herself, such as filing for a civil protection order, filing criminal charges, or calling the police, because of the threat or fear of deportation. Many immigrant women live trapped and isolated in violent homes, afraid to turn to anyone for help. They fear both continued abuse if they stay with their batterers and deportation if they attempt to leave”).

² Congress stated that the purpose of creating these provisions was to “strengthen the ability of law enforcement agencies to detect, investigate, and prosecute cases of domestic violence, sexual assault, trafficking [...] and other crimes [...] committed against aliens, while offering protection to victims of such offenses in keeping with the humanitarian interests of the United States.” See also section 1513(a)(2)(A), Public Law No: 106-386, 114 Stat. 1464. Congress found that “providing battered immigrant women and children . . . with protection against deportation . . . frees them to cooperate with law enforcement and prosecutors in criminal cases brought against their abusers.” Pub. L. No. 106-386, § 1502(a)(2), 114 Stat. 1464 (2000) (emphasis added).

enhance individual and public safety, with many law enforcement officers noting that the processing backlog could diminish the U program’s effectiveness as witnesses or victims may get deported before their cases are decided. One law enforcement officer noted in a recent report: “If word gets out that this does nothing for you, then people won’t be willing to come forward.”³

These delays have skyrocketed over the last several years and have created increased vulnerability and risk of danger for survivors. VAWA self-petitions now take between 18.5 and 24 months to be adjudicated.⁴ Current processing times for T visa applications are between 16 and 33.6 months⁵, an exponential increase from FY2015 when these applications took just over six months to adjudicate.⁶



³ Human Rights Watch. “Immigrant Crime Fighters: How the U visa Program Makes U.S. Communities Safer” (July 8, 2019) available at

<https://www.hrw.org/report/2018/07/03/immigrant-crime-fighters/how-u-visa-program-makes-us-communities-safer>

⁴ See USCIS Processing Times at <https://egov.uscis.gov/cris/processTimesDisplayInit.do> for processing times for I-360 VAWA self petitions adjudicated at the Vermont Service Center

⁵ *Id.* for processing times for I-914 Application for T Nonimmigrant Status processed at Vermont Service Center

⁶ USCIS. “Historic National Average Processing Times for All USCIS Offices”, available at

<https://egov.uscis.gov/processing-times/historic-pt> The information in the chart is compiled using the Historic National Average Processing Times as well as the data from the latest USCIS processing times found

<https://egov.uscis.gov/cris/processTimesDisplayInit.do> The I-360 data is in the aggregate across all classifications in the Historical National Average; however, the current average is specific to I-360 VAWA self-petitions based on current processing times.

In the case of U visas, the delay is staggering, as there is over a 4-year backlog in the initial adjudication process. Current processing times for I-918 Petitions for U Nonimmigrant Status show that adjudications can take between 50.5 and 51 months.⁷ This is the posted time that applicants must wait from the time their application is initially filed until their case is considered for the U visa waitlist, given the current 10,000 annual cap in the total number of available U visas. The issuance of an actual 4-year U visa for a victim can take several years beyond this initial adjudication. This is a shameful delay that compromises the safety and well-being of applicants and their children. In the 2017, CIS Ombudsman Report to Congress it was reported that there were 60 adjudicators working the U visa program caseload.⁸ In the last two years, the number of adjudicators has not changed to meet the growing needs of the program, with recent reports showing there are only between 40 and 80 adjudicators to meet the demand of over 239,000 pending principal and derivative applications.⁹

Advocates have previously informed USCIS that these increased processing delays cause immense hardship to survivors and their families, and USCIS' response has been insufficient.¹⁰ Survivors encounter years-long delays waiting for the adjudication of their cases, while they also face other barriers like a lack of access to work authorization or other financial supports. Without access to these critical resources, survivors often struggle to provide for themselves and their children. To maintain power and control, abusers typically prevent survivors from accessing or acquiring financial resources on their own.¹¹ A recent survey by the National Domestic Violence Hotline (The Hotline), National Resource Center on Domestic Violence and Casa de Esperanza: National Latin@ Network found that “two-thirds (67%) of survivors surveyed said that they stayed longer than they wanted or returned to an abusive relationship because of financial concerns, such as not being able to pay bills, afford rent/mortgage, or feed their family.”¹² Similarly, survivors who are facing these incredible

⁷ See USCIS Processing Times at <https://egov.uscis.gov/cris/processTimesDisplayInit.do> for processing times for I-918 Petition for U Nonimmigrant Status adjudicated at the Vermont or Nebraska Service Centers

⁸ See Annual Report 2017 Citizenship and Immigration Service Ombudsman p.44 (June 29, 2017), available at [https://www.dhs.gov/sites/default/files/publications/DHS Annual Report 2017 0.pdf](https://www.dhs.gov/sites/default/files/publications/DHS%20Annual%20Report%202017%200.pdf);

⁹ Zolan Kanno-Youngs. “Trump’s Immigration Crackdown Has Blunted Police Efforts to Be Tough on Crime” New York Times (May 14, 2019) available at <https://www.nytimes.com/2019/05/14/us/politics/trumps-immigration-visa-crime.html>; See also USCIS. “Number of Form I-918, Petition for U Nonimmigrant Status By Fiscal Year, Quarter, and Case Status Fiscal Years 2009-2019 Fiscal Year 2019, Quarter 2 (June 26, 2019) available at https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/Victims/I918u_visastatistics_fy2019_qtr2.pdf

¹⁰ Sign on letter to USCIS regarding U visa backlog with USCIS Response (2016) available at <https://asistahelp.org/wp-content/uploads/2019/07/2016-ASISTA-Sign-on-letter-on-U-processing-delays-and-respons-e-1.pdf>

¹¹ This is known as economic or financial abuse, which is “behavior that seeks to control a person’s ability to acquire, use, or maintain economic resources, and threatens their self-sufficiency and financial autonomy.” NNEDV. “Financial Abuse Fact Sheet” <https://nnedv.org/?mdocs-file=10108>; See also https://www.huffingtonpost.com/2014/10/21/domestic-violence_n_6022320.html

¹² NDVH. NRC DV and Casa de Esperanza: National Latin@ Network. “We Would Have to Stay: Survivors’ Economic Security and Access to Public Benefits Programs” (November 2018), available at

backlogs risk potential deportation before their applications are adjudicated, which not only contravenes the purpose of these bipartisan protections established by Congress but also compounds trauma survivors have already endured due to abuse.

In addition to the harmful impact on victims and their families, processing delays also have a significant impact on victim services programs and advocates. When victims are unable to access VAWA Self-Petitions, T-visas, U-visas, other immigration status, or deferred action in a timely or predictable manner, helping victims plan for their safety¹³ becomes more complex and challenging. Immigrant victims who lack employment authorization or timely access to evidence of qualified status have reduced access to housing and financial resources, often meaning lengthier stays in emergency shelter, and the inability to participate in specialized employment training programs, obtain housing supports or other critical programs intended to support victims in transitioning to safety and stability.

We are dismayed that instead of addressing this growing backlog, USCIS leadership continues its efforts to transform the agency into another enforcement arm of DHS, with USCIS leadership asking staff to volunteer to provide support to ICE, instead of focusing their work on addressing the backlog of 2.4 million cases.¹⁴ We call on the House Judiciary Committee to hold USCIS accountable for these egregious delays and to prioritize the need to protect immigrant survivors and their families from violence and exploitation.

Respectfully submitted,

National Organizations (11)

Alianza Nacional de Campesinas

Casa de Esperanza: National Latin@ Network for Healthy Families and Communities

Futures Without Violence

Jewish Women International

National Alliance to End Sexual Violence

National Coalition Against Domestic Violence

https://vawnet.org/sites/default/files/assets/files/2018-11/NRCDV_PublicBenefits-WeWouldHaveHadToStay-Nov2018.pdf

¹³ See, e.g., <https://www.womenshealth.gov/relationships-and-safety/domestic-violence/leaving-abusive-relationship>

¹⁴ Aleaziz, Hamed, “Civil Servants Who Process Immigration Applications Are Being Asked to Help ICE Instead,” (July 17, 2019) available at:

<https://www.buzzfeednews.com/article/hamedaleaziz/uscis-immigration-applications-backlog-ice> ;

<https://docs.house.gov/meetings/JU/JU01/20190716/109787/HHRG-116-JU01-Wstate-NeufeldD-20190716.pdf>

National Domestic Violence Hotline
National Network to End Domestic Violence
National Resource Center on Domestic Violence
National Survivor Network
Ujima Inc.: The National Center on Violence Against Women in the Black Community

State and Local (65)

Advocacy Center of Tompkins County
Albany County Crime Victim and Sexual Violence Center
Americans for Immigrant Justice
Arizona Coalition to End Sexual and Domestic Violence
Arkansas Coalition Against Sexual Assault
ASTOP, Inc
California Coalition Against Sexual Assault
California Partnership to End Domestic Violence
Campesinos Sin Fronteras
Chances and Changes, Inc.
Colorado Coalition Against Sexual Assault (CCASA)
CONNECT
DC Coalition Against Domestic Violence
Domestic Violence Project at the Urban Justice Center
End Domestic Abuse Wisconsin
Family Services of New York
Gulfcoast Legal Services, Inc.
HAVEN, INC.
Hearts of Hope
Her Justice
Hope's Door
Human Rights Initiative of North Texas
Idaho Coalition Against Sexual & Domestic Violence
Illinois Coalition Against Domestic Violence
Illinois Coalition Against Sexual Assault
Immigration Center for Women and Children
Indiana Coalition Against Domestic Violence
Iowa Coalition Against Domestic Violence
Iowa Coalition Against Sexual Assault
Jane Doe Inc., the Massachusetts Coalition Against Sexual Assault and Domestic Violence

Justice for Migrant Women
Kentucky Association of Sexual Assault Programs, Inc.
Louisiana Foundation Against Sexual Assault
Maryland Coalition Against Sexual Assault
Metro Centers for Community Advocacy
Minnesota Coalition Against Sexual Assault
Missouri Coalition Against Domestic and Sexual Violence
Montana Coalition Against Domestic and Sexual Violence
Mount Sinai Sexual Assault and Violence Intervention (SAVI) Program
North Carolina Coalition Against Sexual Assault (NCCASA)
Nebraska Coalition to End Sexual and Domestic Violence
New Beginnings APFV
New Hampshire Coalition Against Domestic and Sexual Violence
New Jersey Coalition Against Sexual Assault
New York City Anti-Violence Project (AVP)
New York State Coalition Against Sexual Assault
North Brooklyn Coalition Against Family Violence
Ohio Domestic Violence Network
Organizacion en California de Lideres Campesinas, Inc.
Safe Horizon
Sakhi for South Asian Women
St. Landry-Evangeline Sexual Assault Center
The REtreat
University of Miami School of Law, Human Rights Clinic
Vermont Network Against Domestic and Sexual Violence
Vermont Network Against Domestic and Sexual Violence
Victims Information Bureau of Suffolk (VIBS)
Violence Intervention Program
Violence Intervention Project
Washington Coalition of Sexual Assault Programs
Washington State Coalition Against Domestic Violence (WSCADV)
Westchester Women's Agenda
Wisconsin Coalition Against Sexual Assault
Wise Women Gathering Place
YWCA Brooklyn
YWCA Mohawk Valley