



Statement for the Record

Her Justice, 100 Broadway, 10th Floor, New York, NY 10005

U.S. House Oversight Committee Hearing on U.S. Citizenship and Immigration Services (USCIS) Adjudications Delays

July 16, 2019

Her Justice is a nonprofit organization that takes a pro bono first approach to provide free legal services to women living in poverty in New York City. We train and mentor volunteer lawyers who enable our clients to access the legal system and obtain the justice they so deserve. Our clients come from all five boroughs of New York City. Approximately 80% of our clients are domestic violence survivors and three-quarters of our clients are mothers. Our staff of 18 lawyers and legal assistants ensures that over 3,000 women every year receive legal assistance in family, divorce, and immigration matters. The majority of our cases – 80% – are handled by volunteer attorneys from the City’s premiere law firms, with robust assessment, mentoring, training and support from our staff. The remaining 20% of the cases are handled in-house to ensure that we retain the necessary flexibility to respond to emergency situations, navigate particularly complex legal issues, and stay fully engaged in the matters on which we train and provide support. We assist over 1,000 individuals seeking immigration services per year.

We write this statement to inform the Oversight Committee about how the extreme delays in USCIS adjudications are negatively impacting our immigration clients and their children. Our immigration clients are survivors of domestic violence, trafficking, sexual assault and other forms of gender-based violence. Over the past two years, we have seen increasing and unconscionable delays in the adjudications of the most common forms of immigration relief that our clients seek. According to the USCIS website on average case-processing times, a petition for U Nonimmigrant Status (form I-918), which provides a path to lawful status for victims of certain qualifying crimes who cooperate with law enforcement in the investigation or prosecution of the crime, currently takes over four years to process. A Self-Petition under the Violence Against Women Act (VAWA) on form I-360, currently takes 18-24 months to adjudicate. A Domestic Violence Waiver of the Joint Filing Requirement to Remove Conditions on Residency (“Battered Spouse Waiver”) currently takes 14-19 months to adjudicate. An Application to Adjust Status (to obtain lawful permanent residence or a “green card”) on form I-485 in New York City is currently taking 20-35 months, on average.

The I-360 VAWA Self-Petition and the I-751 Battered Spouse Waiver were created by Congress so that abused alien spouses would not have to rely on their U.S. Citizen/ Lawful Permanent Resident abusive spouses to seek lawful status. It is notable that our clients are

waiting much longer for adjudication of these forms of relief than they would if they were relying on their abusive spouses for assistance. For example, an I-130 Family Sponsorship Petition filed by a U.S. Citizen on behalf of an alien spouse takes only 8-10 months to adjudicate, as opposed to the I-360 VAWA Self-Petition which takes USCIS over twice that time to adjudicate. It is anathema to the VAWA statute passed by Congress that battered alien immigrants are waiting much longer for immigration relief under VAWA than they would if they were relying on their spouse for “regular” family sponsorship.

In many of these cases, our clients are undocumented and are affirmatively applying for immigration status for the very first time. The majority of these clients do not have access to employment authorization documents (“EAD’s” or “work permits”) during the pendency of their immigration cases. Without access to work permits, our clients struggle to provide for themselves and their children. They are vulnerable to harassment and exploitation in the workplace, further abuse by their former intimate partner, and unsafe or unstable housing situations that leave them and their children at further risk of trauma. Although they are eligible for lawful status, due to USCIS adjudications delays, they are in an extended legal “limbo” in which they have no legal right to be physically present in the U.S. The current political environment of xenophobia, racism and anti-immigrant rhetoric, combined with the widely publicized detention of immigrants at the border and periodic large-scale raids by Immigration and Customs Enforcement (ICE) foments our clients’ anxiety and desperation.

The adjudication delays at U.S Citizenship and Immigration Services (USCIS) are having a devastating impact on the lives of our clients and their children. Below are a few examples of client stories that demonstrate the extent of this problem:

- GH is eligible to file a VAWA self-petition. She has not filed her self-petition yet but she is in the process of working with pro bono attorneys to do so. She is married to an abusive U.S. Citizen with whom she has a four-year-old daughter. Her husband rapes GH multiple times a week. He gets drunk, throws objects at her, and verbally abuses her. She has miscarried five times because of the stress and anxiety that she lives with. She is still living with her husband because he threatens that she will be deported and permanently separated from their daughter if she leaves him. She says that obtaining lawful permanent residence is essential for her to gain the strength and confidence she needs to separate from her husband. Her pro bono attorneys have advised her that her VAWA self-petition will take at least 18 months to be adjudicated. After that, it will be at least another 6 months to a year for her lawful permanent resident application to be adjudicated. She is looking at a two year wait before she has the lawful status she needs in order to separate from her husband.



- AH's VAWA Self-Petition was approved over one year ago, and her I-485 Adjustment of Status application has languished at the USCIS National Benefits Center (NBC) since soon after that time. The NBC is supposed to check to make sure that the file is complete before forwarding the file to the USCIS New York City Field Office for an interview and final adjudication. USCIS has not notified her attorneys that anything is missing from her file. No manner of contact with USCIS has been successful in getting her I-485 sent to the New York City Field Office. AH has two minor daughters abroad and she would like to reunite with them in the U.S. This can only happen after she adjusts status to become a lawful permanent resident. Due to her lack of status, she is unable to leave the U.S. to see her daughters and she has not seen them in over seven years. It could be another year before her adjustment application is adjudicated so that her daughters can begin the process of getting visas to come to the U.S.
- SRS has had a U Nonimmigrant Status petition pending with USCIS since July of 2015. She is a victim of domestic violence who cooperated with the Queens County District Attorney's office in the investigation and prosecution of her former intimate partner after he beat her while she was holding her six-month-old son. She was available to testify against him in criminal court but he did not appear and there is a warrant for his arrest. SRS has been waiting four years for a determination of her eligibility for U Nonimmigrant Status. Every time there are announcements of ICE enforcement actions ("raids"), SRS is panicked and worried about whether she will be arrested and removed to her home country. She has two children who are U.S. Citizens and she is terrified of being permanently separated from them due to her lack of immigration status.

Thank you very much for your consideration of these issues.