



**Hearing of the House Judiciary Committee, Subcommittee on Immigration and Citizenship
April 28, 2021**

“Why Don’t They Just Get in Line?” Barriers to Legal Immigration”

ASISTA is a national organization dedicated to safeguarding and advancing the rights of immigrant survivors of violence. For over 15 years, ASISTA has been a leader on policy advocacy to strengthen protections for immigrant survivors of domestic violence, sexual assault, human trafficking and other crimes. Our agency assists advocates and attorneys across the United States in their work on behalf of immigrant survivors, so that survivors may have greater access to protections they need to achieve safety and independence.

The Asian Pacific Institute on Gender-Based Violence is a national resource center on domestic violence, trafficking, and other forms of gender-based violence in Asian and Pacific Islander communities, including domestic violence dynamics in refugee zones. The Institute supports a national network of advocates and community-based service programs that work with Asian and Pacific Islander survivors and is a leader in providing analysis on critical issues facing victims in the Asian and Pacific Islander community. The institute aims to strengthen advocacy, change systems, and prevent gender violence through community transformation.

Casa de Esperanza was founded in 1982 in Minnesota to provide emergency shelter for women and children experiencing domestic violence, with a primary focus on helping Latina and immigrant survivors to access safety and justice. In 2009, Casa de Esperanza launched the National Latin@ Network for Healthy Families and Communities, which is a national resource center focused on research, training, and technical assistance, and policy advocacy focused on preventing and addressing domestic violence in Latino and immigrant communities.

The Tahirih Justice Center is the largest multi-city direct services and policy advocacy organization specializing in assisting immigrant women and girls struggling to survive gender-based violence. Since its beginning in 1997, Tahirih has provided free legal assistance to more than 27,000 individuals, many of whom have applied for asylum, T and U Visas, Special Immigrant Juvenile status, or filed for lawful permanent residency under the Violence Against Women Act. Through direct legal and social services, policy advocacy, and training and education provided in five cities across the country, Tahirih protects immigrant women and girls and promotes a world where they can live in safety and dignity.

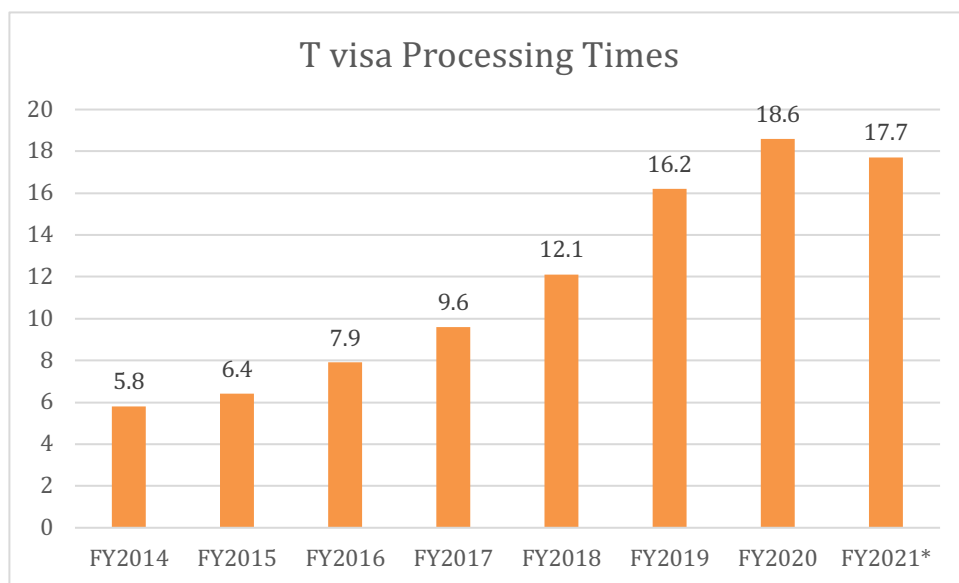
We write in support of the House Judiciary Committee Subcommittee on Immigration and Citizenship’s present focus on U.S. Citizenship and Immigration Service (USCIS) barriers to legal immigration. One immense barrier immigrant survivors of domestic and sexual violence and other crimes face is the significant

USCIS processing delays. At this moment, Congress has a unique opportunity to provide meaningful oversight to a broken immigration system and increase USCIS accountability for protecting survivors in a way that a bipartisan majority in Congress intended when it created critical protections for immigrant survivors, most notably in the Violence Against Women Act (VAWA) and the Trafficking Victims Protection Act (TVPA).

Abusive partners and perpetrators of crime often manipulate victims' lack of immigration status or dependent immigration status as a way to maintain power and control and to keep victims silent. Past immigration enforcement priorities have emboldened abusers and resulted in increased trauma and risks of harm to survivors. Immigrant survivors around the country are afraid to reach out for protection due to fears of deportation.ⁱ These fears are exacerbated by substantial delays in processing for humanitarian-based applications like VAWA self-petitions, U and T visas, which create increased instability and risk of danger for survivors.

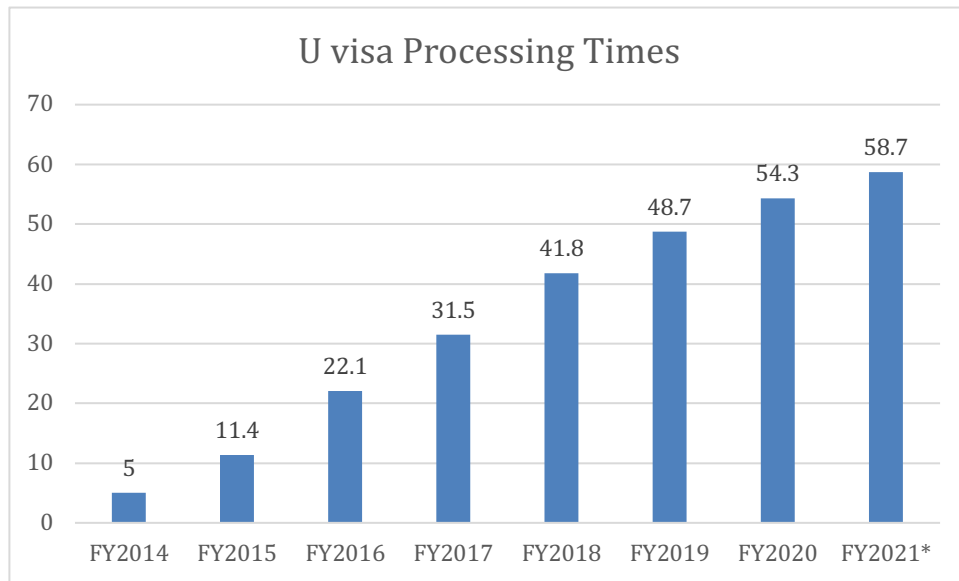
Recognizing how the immigration system can be used to perpetuate abuse and exploitation, a bipartisan majority in Congress created VAWA self-petitions in 1994 to assist abused family members of U.S. citizens or lawful permanent residents so that they would not be forced to choose between living with abuse or facing deportation.ⁱⁱ When VAWA was reauthorized in 2000, in conjunction with the passage of the Trafficking Victims Protection Act (TVPA), Congress established, also in a bi-partisan fashion, two additional remedies for immigrant survivors: the T visa to assist victims of human trafficking, and the U visa 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 those crimes.

The processing times for survivor-based forms of immigration protections like VAWA self-petitions and U and T visas have skyrocketed, undermining the effectiveness of these critical benefits. VAWA self-petitions now take between 19.5 and 25 months to be adjudicated.ⁱⁱⁱ Current processing times for T visa applications are between 17 and 29 months^{iv}, an exponential increase from FY2015 when these applications took 6.4 months to adjudicate.^v



Source: USCIS Historic National Median/Average Processing Times^{vi}

In the case of U visas, the delay is even more egregious, as there is an almost 5-year backlog in the adjudication process. Current processing times for I-918 U visa applications indicate that adjudications can take between 59 and 59.5 months.^{vii} This is the posted time for placing cases on the U visa waitlist, not the issuance of a full 4-year U visa. This is a shameful delay which compromises the safety and well-being of applicants and their families. Equally alarming is that the fact that this backlog continues to grow substantially since at least 2015.



Source: USCIS Historic National Median/Average Processing Times^{viii}

For years, advocates have raised their concerns about the growing processing times, and USCIS’ efforts to address the backlog have been insufficient.^{ix} Such long waits for the adjudication of their cases, coupled with other barriers (like a lack of access to work authorization or other financial supports) can be devastating to victims, and often place them either facing homelessness or having to return to violent homes or maintaining employment in exploitative workplaces. Similarly, survivors who are facing these incredible backlogs risk potential deportation before their applications are adjudicated, which contravenes the purpose of these bipartisan protections established by Congress.

Furthermore, recent policies limiting the use of parole to allow applicants and family members to be reunited while awaiting the protracted U-visa processing times or simply be permitted to enter the US further increases the risk of abuse and trauma for survivors caught up in the backlog. Survivors’ children, for example, are often left exposed to the violence and threats of domestic violence abusers without meaningful protections outside of the country. Survivors themselves already in the country also continue to suffer extreme distress over protracted separation from their family members who may be faced with waits over a decade long.

Congressional goals are also undermined by U and T visa processing delays as they negatively impact the ability of survivors to seek redress through the legal system. Tucson Police Chief Chris Magnus indicated that “his biggest concern about U visas is that the program’s effectiveness would diminish as a result of the

enormous backlog as witnesses or victims may get deported before getting through the program: ‘If word gets out that this does nothing for you, then people won’t be willing to come forward.’”^x

Conclusion

For these reasons, we strongly support the House Judiciary Committee’s efforts to increase USCIS accountability for implementing the intent and purpose of VAWA and the TVPA and urge you to prioritize the need to protect immigrant survivors and their families who are impacted by these barriers.

Respectfully submitted,

Asian Pacific Institute on Gender-Based Violence

ASISTA

Casa de Esperanza:

Tahirih Justice Center

-
- ⁱ See “May 2019 Advocate Survey: Immigrant Survivors Fear Reporting Violence” Asian-Pacific Institute on Gender Based Violence, ASISTA Immigration Assistance, Casa de Esperanza: National Latin@ Network, National Alliance to End Sexual Violence, National Domestic Violence Hotline, National Network to End Domestic Violence, and Tahirih Justice Center available at <https://www.tahirih.org/pubs/may-2019-advocate-survey-immigrant-survivors-fear-reporting-violence/>; See also Rebecca Tan. “Amid immigration crackdown, undocumented abuse victims hesitate to come forward” Washington Post (June 30, 2019) available at https://www.washingtonpost.com/local/social-issues/amid-immigration-crackdown-undocumented-abuse-victims-hesitate-to-come-forward/2019/06/30/3cb2c816-9840-11e9-830a-21b9b36b64ad_story.html?utm_term=.f0302819c5d2
- ⁱⁱ Pub. L. No. 106-386, § 1502, 114 Stat. 1464, 1518(a)(1) (2000)
- ⁱⁱⁱ See USCIS Processing Times at <https://egov.uscis.gov/processing-times/> for processing times for I-360 VAWA self-petitions adjudicated at the Vermont Service Center
- ^{iv} *Id.* for processing times for I-914 Application for T Nonimmigrant Status processed at Vermont Service Center
- ^v USCIS. “Historic National Average Processing Times for All USCIS Offices” (captured March 12, 2019) available at <https://web.archive.org/web/20190312202427/https://egov.uscis.gov/processing-times/historic-pt>
- ^{vi} USCIS. Historical National Median Processing Times available at <https://egov.uscis.gov/processing-times/historic-pt> (March 30, 2021), Note USCIS announced it has shifted its case processing methodology. The FY2014 -FY 2016 numbers reflect the older methodology, as reflected in prior captures of USCIS’ data sets. See. e.g., Historical Average Processing Times captured January 10, 2019 (available at <https://web.archive.org/web/20190110111519/https://egov.uscis.gov/processing-times/historic-pt>)
- ^{vii} See USCIS Processing Times at <https://egov.uscis.gov/processing-times/> for processing times for I-918 Petition for U Nonimmigrant Status adjudicated at the Vermont or Nebraska Service Centers
- ^{viii} USCIS. Historical National Median Processing Times available at <https://egov.uscis.gov/processing-times/historic-pt> (March 30, 2021), Note USCIS announced it has shifted its case processing methodology. The FY2014 -FY 2016 numbers reflect the older methodology, as reflected in prior captures of USCIS’ data sets. See. e.g., Historical Average Processing Times captured January 10, 2019 (available at <https://web.archive.org/web/20190110111519/https://egov.uscis.gov/processing-times/historic-pt>)
- ^{ix} 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-response-1.pdf>
- ^x 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>