

Congress of the United States
Washington, DC 20515

July 14, 2020

The Honorable Kenneth T. Cuccinelli
Senior Official Performing Duties of the Director
U.S. Citizenship and Immigration Services
20 Massachusetts Ave, NW
Washington, DC 20001

Dear Mr. Cuccinelli:

We write to urge you to take immediate action to ensure that immigrant survivors of domestic violence, sexual assault, human trafficking and other serious crimes have full access to protections provided for them under humanitarian immigration provisions of the Violence Against Women Act and Trafficking Victims Protection Act, especially as their vulnerabilities are heightened during the coronavirus (COVID-19) pandemic.

The nationwide reports of a surge in domestic violence during the pandemic have been well documented. As a recent CRS report noted, “With stay-at-home orders in effect for most states, victims in those states are more socially isolated and have fewer opportunities to connect with others who can potentially assist. They may be less likely to use crisis hotlines with their abusers close by, and may face repercussions if they reach out for help.” Economic insecurity due to pandemic-driven workplace closures and layoffs may cause increased dependency of survivors on abusers even well after states move into phases of re-opening.

Immigrant survivors already encounter myriad barriers accessing services and assistance which have only been exacerbated during this COVID-19 pandemic. Abusers and perpetrators of crime often threaten survivors that reaching out for help will result in separation from their children or in deportation. At this moment of crisis, such threats take on new force and survivors face increased uncertainty and confusion.

Under the Violence Against Women Act (VAWA) self-petition program, certain immigrant survivors of domestic violence may apply for lawful permanent resident status without the cooperation of an abusive spouse or family member who may otherwise control sponsorship. In addition, the T visa program and the U visa program provide a pathway for victims to come forward to assist with the investigation or prosecution of crimes. These protections provide access to legal status and work authorization to eligible survivors to help them attain safety and security.

We are deeply concerned that operational challenges caused by the COVID-19 pandemic compound the already significant case processing issues found in these humanitarian benefits. For instance, USCIS case processing times have skyrocketed in recent years, undermining the effectiveness of these critical benefits. VAWA self-petitions now take between 18.5 and 24 months to be adjudicated. Current processing times for T visa applications are between 20 and 28 months, an exponential increase from FY2015 when 4 these applications took 6.4 months to adjudicate. In the case of U visas, the delay is even more egregious, as there is over a 4-year backlog in the adjudication process. Current processing times for I-918 U visa applications indicate that adjudications can take over 56 months.

Even as stay at home orders are gradually lifted, survivors may still encounter challenges trying to collect the necessary evidence to support their immigration case, including medical and other vital records, court documents, and passport pictures—documentation that has proven difficult to obtain and share with those providing legal assistance when many are only working remotely from their homes.

Many immigrant survivors are on the front-lines of combating the coronavirus or providing essential services. Other survivors have been furloughed or otherwise lost their jobs due to this pandemic. Survivors may not be able to take measures to extend or apply for immigration status and/or work authorization during this COVID-19 crisis given social distancing orders, and the continued closure of many legal and social services for in-person assistance.

We recognize that USCIS has already taken measures to recognize the impact of COVID-19. In its most recent July 1st announcement, USCIS expanded the flexibility for responding to USCIS requests and notices that were issued between March 1 and September 11, 2020. While this increased flexibility is welcome, additional measures to ensure access of survivors to immigration relief is needed, especially in light of the expected imminent furlough of 15,000 USCIS employees.

It is for these reasons that we respectfully request that USCIS immediately:

- Provide flexibility regarding documentation and other requirements for all initial applications, including fee waivers. This flexibility includes but is not limited to:
 - allowing evidence that is not available due to the national emergency to be submitted after the initial filing,
 - suspending the expiration date of duly signed Supplement B, U Nonimmigrant Status Certifications until 90 days after the end of the COVID-19 national emergency,
 - waiving the requirement of passport photos, and
 - permitting the use of digital and/or electronic signatures.
- Implement a uniform and automatic extension of all deadlines, including filing deadlines, to 90 days after the end of the COVID-19 national emergency, including preventing eligible family members from “aging out” of protections; and
- Automatically extend immigration status and employment authorization documents that are set to expire between March 1, 2020 and 90 days after the end of the COVID-19 national emergency for the duration of the term they were previously valid.

We also respectfully request that USCIS respond to the following inquiries by August 6, 2020

1. Please provide a detailed report about causes of processing delays in humanitarian-based application programs.
2. Please provide information on current case processing for humanitarian applications, including:
 - a. How many USCIS adjudicators are now working on VAWA self-petition, U visa applications, or similar petitions?
 1. Has this number changed since March 1, 2020?
 - b. Provide confirmation that the Vermont Service Center (VSC) Humanitarian Unit and the Nebraska Service Center (NSC) U visa Unit continue to adjudicate applications at the normal level of operations.
 1. If any operations have been changed due to COVID-19, please provide the date these changes were implemented, and what specific changes have been made to the processing of humanitarian applications, including VAWA self-petitions and U and T visa relief.
 - c. Clarify whether USCIS Service Centers, including the VSC Humanitarian Unit and NSC U Visa Unit, continue to receive mail and distribute outgoing mail at the normal level of operations.
 - d. How will the proposed USCIS furlough impact case processing of survivor-based forms of immigration relief such as VAWA self-petitions, U visa, T visa and Special Immigrant Juvenile Status?
3. Please provide guidance USCIS issued to contractors and adjudicators related to the initial review of humanitarian applications and the factors that are considered in evaluating the failure to submit evidence or respond to a notice during the COVID-19 pandemic.
4. Please describe what plans USCIS has made or implemented for stakeholder engagement around case processing and the COVID-19 crisis, including but not limited to listening sessions, teleconferences, and webinars, so that USCIS can answer questions and address concerns of stakeholders.

Thank you for your attention to this important matter. We look forward to your prompt response.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jim Panetta', with a stylized flourish at the end.

Jimmy Panetta
Member of Congress

Suzanne Bonamici
Member of Congress

André Carson
Member of Congress

Joaquin Castro
Member of Congress

Jason Crow
Member of Congress

Rosa L. DeLauro
Member of Congress

Raúl Grijalva
Member of Congress

Jahana Hayes
Member of Congress

Pramila Jayapal
Member of Congress

Henry C. "Hank" Johnson, Jr.
Member of Congress

Jackie Speier
Member of Congress

Bonnie Watson Coleman
Member of Congress

Joseph P. Kennedy, III
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Carolyn B. Maloney
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