

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 'Jimmy Panetta', is centered below the text 'Sincerely,'.

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
Member of Congress

Carolyn B. Maloney
Member of Congress

James P. McGovern
Member of Congress

Gwen Moore
Member of Congress

Grace F. Napolitano
Member of Congress

Eleanor Holmes Norton
Member of Congress

Jamie Raskin
Member of Congress

Bobby L. Rush
Member of Congress

Albio Sires
Member of Congress

Nydia M. Velázquez
Member of Congress



U.S. Citizenship
and Immigration
Services

August 5, 2020

The Honorable Jimmy Panetta
U.S. House of Representatives
Washington, DC 20515

Dear Representative Panetta:

Thank you for your July 14, 2020 letter regarding flexibilities for humanitarian-related immigration programs during the coronavirus (COVID-19) pandemic.

U.S. Citizenship and Immigration Services continues to accept and process requests for immigration benefits, including for humanitarian-based programs, throughout the national emergency. Our workforce is committed to performing our mission-essential duties and providing emergency services for certain situations.

We recognize that there are immigration-related challenges that individuals, families, and others face as a direct result of COVID-19 and as the first phases of reopening begin. We carefully analyze these issues and leverage our resources to effectively address these challenges within our existing authorities. We have extended numerous flexibilities to assist applicants and petitioners during the pandemic and we continue to assess the situation. Please see our enclosed response to your specific questions.

Thank you again for your letter and interest in this matter. Should you require any additional assistance, please have your staff contact the USCIS Office of Legislative Affairs at (202) 272-1940.

Sincerely,

A handwritten signature in blue ink, appearing to read "Joe Edlow", with a long horizontal flourish extending to the right.

Joseph Edlow
Deputy Director for Policy

Enclosure

cc:

The Honorable Suzanne Bonamici
Member of Congress

The Honorable Joseph P. Kennedy, III
Member of Congress

The Honorable Jimmy Panetta
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The Honorable André Carson
Member of Congress

The Honorable Carolyn B. Maloney
Member of Congress

The Honorable Joaquin Castro
Member of Congress

The Honorable James P. McGovern
Member of Congress

The Honorable Jason Crow
Member of Congress

The Honorable Gwen Moore
Member of Congress

The Honorable Rosa L. DeLauro
Member of Congress

The Honorable Grace F. Napolitano
Member of Congress

The Honorable Raúl Grijalva
Member of Congress

The Honorable Eleanor Holmes Norton
Member of Congress

The Honorable Jahana Hayes
Member of Congress

The Honorable Jamie Raskin
Member of Congress

The Honorable Pramila Jayapal
Member of Congress

The Honorable Bobby L. Rush
Member of Congress

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

The Honorable Albio Sires
Member of Congress

The Honorable Jimmy Panetta
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The Honorable Jackie Speier
Member of Congress

The Honorable Nydia M. Velázquez
Member of Congress

Bonnie Watson Coleman
Member of Congress

**U.S. Citizenship and Immigration Services' Response to
Representative Panetta's July 14, 2020 Letter**

1. Please provide a detailed report about causes of processing delays in humanitarian-based application programs.

There are a number of factors, complexities and nuances to consider with regard to processing times for humanitarian-based applications. USCIS provides to Congress the "Annual Report on Immigration Applications and Petitions Made by Victims of Abuse" each fiscal year (FY). The latest version (FY 2019) of the report can be found [here](#). Please refer to this report for a more complete response.

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?

The current approximate staffing levels at USCIS for the Violence Against Women Act (VAWA), T and U programs are below:

- VAWA: 50 officers
- T Visa: 20 officers
- U Visa: 100 officers

b. Has this number changed since March 1, 2020?

These staffing levels are relatively unchanged since March 1, 2020, with small increases in both the T and U humanitarian-related immigration programs.

c. Provide confirmation that the Vermont Service Center Humanitarian Unit and the Nebraska Service Center U visa Unit continue to adjudicate applications at the normal level of operations.

The Vermont Service Center (VSC) and the (NSC) Nebraska Service Center continue to adjudicate their respective humanitarian-based filings at the approximate normal level of operations when compared to levels before the coronavirus (COVID-19) pandemic.

4. 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.

The VSC and NSC continue to adjudicate their respective humanitarian-based filings at the approximate normal level of operations when compared to levels before COVID-19. There have been some operational challenges due to the pandemic, but USCIS has worked to make adjustments (for example, by increasing telework options for employees to ensure social distancing).

USCIS has extended a number of flexibilities during the pandemic to assist applicants and petitioners. This includes, for example, flexibilities in submitting required signatures and

U.S. Citizenship and Immigration Services' Response to Representative Panetta's July 14, 2020 Letter

responding to agency requests, as well as providing guidance for special circumstances. For policy updates, operational changes (including the implementation dates), and COVID-19 information, please visit uscis.gov/coronavirus.

5. 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.

The VSC and NSC Humanitarian Divisions continue to receive and distribute mail at the approximate same level of operations as before COVID-19.

6. 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?

If an administrative furlough occurs, we anticipate that all of our operations will be affected and that the processing of all cases types will be delayed.

7. 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.

USCIS has extended numerous flexibilities to assist applicants and petitioners during the pandemic, and we continue to assess the situation and leverage our resources to effectively address these challenges within our existing authorities. For example, in response to the COVID-19 pandemic, we extended the period to respond to certain notices, requests and decisions. Applicants and petitioners who are unable to submit evidence or respond to a notice beyond the extension period due to the pandemic may notify USCIS how the disrupting event affected their ability to provide the required documentation. Our website provides guidance for aliens who have special situations, and our staff reviews these issues on a case-by-case basis.

USCIS contractors and adjudicators continue to adhere to the statutory and regulatory requirements regarding confidentiality and protections provided to those applying for immigration benefits in the humanitarian programs per normal processing and adjudicative procedure.

8. 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.

Information on the USCIS response to COVID-19 is available at uscis.gov/coronavirus. We respond to inquiries via our public-facing mailboxes and local community relations officers. We provide information about upcoming engagements on our website (along with notes from previous engagements). We recently held a national engagement and more than 60 local virtual outreach events on the resumption of in-person services. We recommend stakeholders review our [website](#) for additional upcoming public engagements.