



U.S. Citizenship
and Immigration
Services

August 2, 2016

Cecelia Levin
Senior Policy Counsel
ASISTA
P.O. Box 12
Suffield, CT 06078

Dear Ms. Levin:

Thank you for your May 16, 2016 letter regarding your concerns about the current processing times for U visa petitions. Since its inception, the U nonimmigrant program has strived to meet the goals of strengthening the ability of law enforcement to investigate and prosecute qualifying crimes, and protecting victims of crimes who have suffered substantial mental or physical abuse. U.S. Citizenship and Immigration Services (USCIS) has met the 10,000 annual U visa cap every fiscal year (FY) since 2010. From 2014-2016, USCIS met the cap within the first few months of each fiscal year. We understand you and your clients' frustrations as well as the hardships that the statutory cap may cause. Recognizing the vulnerability of this population of petitioners, USCIS implemented the waiting list process in FY 2010 to allow eligible petitioners to receive deferred action and employment authorization while they wait for a visa number to become available.

Over the past several years, USCIS has experienced a steady increase in the number of U visa petitions received, which has contributed to an increase in the overall processing time. We assure you that USCIS remains committed to the timely review and adjudication of U nonimmigrant petitions. USCIS strives to balance newly filed petitions, waiting list adjudications, and pending principal and derivative U nonimmigrant status adjudications in a manner that will best serve the overall program.

The number of U nonimmigrant status petitions received by USCIS has increased significantly over the past several years from about 11,000 in FY 2009 to more than 52,000 in FY 2015. In December 2015, after USCIS reached the FY 2016 statutory cap, we quickly shifted resources at the Vermont Service Center (VSC) to adjudicate petitions for derivatives of those principal petitioners who had just been granted U nonimmigrant status. Once the VSC adjudicated the petitions for derivatives, it then focused on addressing backlogs within the U nonimmigrant status program, including petitions for derivatives who filed after the principal received U nonimmigrant status in a prior fiscal year. USCIS continues to prioritize petitions by receipt date. Although it may appear that there has been a delay in the return to adjudicating incoming petitions that are pending waiting list consideration, USCIS continues to review

petitions on a “first-in, first-out” basis. In addition, USCIS receives and responds to the more than 6,600 customer service inquiries received each month.

USCIS is exploring many strategies to address current processing times. In July 2016, the Nebraska Service Center (NSC) joined the VSC in processing Form I-918, Petition for U Nonimmigrant Status. Sharing this workload between service centers will provide flexibility as USCIS works toward improving processing times, efficiency, and customer service to this vulnerable population. USCIS is implementing the transition in phases which will allow the NSC to develop the necessary expertise with support and guidance from the VSC, ensuring continuity of adjudication. The NSC was chosen to partner with the VSC in sharing the U nonimmigrant workload for a number of reasons, including its extensive background with other humanitarian programs. Sharing the U nonimmigrant petition workload between the service centers has the potential to improve the U nonimmigrant petition process for thousands of petitioners and their family members.

Thank you again for your letter and interest in this important issue. Please share this information with the organizations that co-signed your letter.

Sincerely,

A handwritten signature in black ink, reading "León Rodríguez". The signature is written in a cursive, flowing style.

León Rodríguez
Director

May 16, 2016

The Honorable León Rodríguez
Director, U.S. Citizenship and Immigration Services
Department of Homeland Security
20 Massachusetts Avenue, NW
Washington, DC 20529

cc: Maria M. Odom, CIS Ombudsman
Carrie Bettinger-Lopez, White House Advisor on Violence Against Women

RE: Significant Delays in adjudicating petitions for U Nonimmigrant Status

Dear Director Rodríguez:

We, the 307 undersigned organizations that work with or otherwise support immigrant survivors of sexual and gender-based violence, respectfully wish to bring to your attention the increasing delays in adjudicating petitions for U nonimmigrant status. It is taking at least two years for USCIS to process Form I-918 petitions for an initial adjudication to the waitlist, and it appears likely that these delays will only worsen in the near future.

On April 28, 2016, USCIS sent a letter to stakeholders acknowledging that some cases are taking longer to complete than usual and apologized for the inconvenience. To address this problem, USCIS indicated that it planned on reallocating the workload among different service centers in order to maximize resources and improve case processing times. If this reallocation of resources involves assigning VAWA, U or T cases to another service center, such a reallocation would be an inappropriate and unworkable solution in this particular instance. Adjudicators in the Humanitarian Division at the Vermont Service Center (VSC) have specialized training which is critical to their ability to fairly and efficiently review and adjudicate these applications. Given the importance of training of U adjudicators (and indeed the on-going need for this specialized training), the reallocation of resources to different service centers will not solve the delays in the U visa program.

VSC is currently adjudicating U nonimmigrant petitions that were filed on or before May 7, 2014, which means that it takes at least two years for a case to be initially adjudicated and placed on the U visa waitlist. This is a deplorable delay which seriously compromises the safety and well-being of applicants and their families.¹ Equally alarming is the fact that there has been no forward movement at all in adjudicating these applications since April 30, 2015², which is over a year ago. We urge USCIS to support the VSC Humanitarian Unit to increase the pace of adjudications and reduce the growing backlog.

¹ See Linthicum, Kate. "Safety of Immigrant Victims put on Hold by U visa Delay." Los Angeles Times, February 1, 2015. Available at: <http://www.latimes.com/local/california/la-me-u-visa-20150202-story.html>.

² Processing Times Report for the Vermont Service Center published on June 15, 2015.

Date of Publication	Processing Times “As of”	Form I-918 U Nonimmigrant
04/13/2015	02/28/2015	03/04/2014
05/12/2015	03/31/2015	03/04/2014
06/15/2015	04/30/2015	05/07/2014
07/02/2015	04/30/2015	05/07/2014
07/17/2015	05/31/2015	03/27/2014 *
07/27/2015	05/31/2015	05/07/2014
08/13/2015	05/31/2015	05/07/2014
08/19/2015	06/30/2015	05/07/2014
09/14/2015	07/31/2015	05/07/2014
10/15/2015	08/31/2015	05/07/2014
11/17/2015	09/30/2015	05/07/2014
12/15/2015	10/31/2015	05/07/2014
01/13/2016	11/30/2015	05/07/2014
02/11/2016	12/31/2015	05/07/2014
03/14/2016	01/31/2016	05/07/2014
04/13/2016	02/29/2016	05/07/2014
04/29/2016	02/29/2016	05/07/2014

*on July 17, 2015 the processing time fluctuated briefly

The U waitlist and the grant of deferred action was created to provide protections to victims of crime and allow them to obtain protection from removal, as well as eligibility to work lawfully in the United States while they await a U visa. Delays in timely adjudicating these petitions undermines these goals, as illustrated in the following cases:

Lucia* is the victim of domestic violence at the hands of her spouse, with whom she still lives. She feels unable to leave her abuser because without work authorization, a social security number, or a driver’s license, she fears she would be unable to provide for herself and her children. She plans to escape her abusive relationship once she has the resources to support herself and her children. With current processing times, her petition is likely to be pending for another year or so, during which she fears she will be subject to more violence.

* All names have been changed to protect the confidentiality of the victims.

Talia was the victim of rape when she was just a teenager. Her U visa application has been pending for 14 months, and she would desperately like to visit her family abroad who she has not seen since she was attacked. With current processing times and the U visa backlog, it could take years before she is able to see them.

Fatima is the victim of repeated felonious first degree sexual assault as the hands of her grandfather, who was a caregiver to her and her three siblings while her parents worked to support their family. Her household has been ostracized by family members for reporting the rape. Now her father is struggling to support the family without adequate employment authorization, while her mother tries to support Fatima and her siblings' healing process. Her family's applications have been pending for 24 months, essentially stalled along with the processing times. Meanwhile, Fatima and her siblings have diminished family support and believe they may never have work authorization.

It is unacceptable that victims of crimes must wait at least two years for their cases to be initially adjudicated to the waitlist and then several more years before full adjudication. These significant delays leave crime victims vulnerable to removal and leads to economic instability and an inability to rebuild their lives following their victimization. We understand that the VSC Humanitarian Unit is currently focusing on other priorities, such as adjudicating I-918A applications for principals with U status and issuing U visas to those on the waitlist. Those are critical goals as well. Nonetheless, we strongly believe that the adjudication of initial U visa cases must also be a priority, the backlog must be reduced, and that USCIS must provide necessary support to the Humanitarian Division at VSC to enable this to happen as soon as possible.

Thank you for time and attention to this important matter.

Sincerely,

National Signatories (36)

Akin Gump Strauss Hauer & Feld
American Immigration Lawyers Association
Americans for Immigrant Justice
Asian Americans Advancing Justice | AAJC
Asian Pacific Institute on Gender-Based Violence
ASISTA Immigration Assistance
Casa de Esperanza
Catholic Legal Immigration Network, Inc.
Center for Employment Training
Center for Gender & Refugee Studies
Center for Women Policy Studies
DignityUSA
Finding Our Voices
Freedom Network USA
Futures Without Violence

National Signatories Continued

Global Workers Justice Alliance
Immigrant Legal Resource Center (ILRC)
Kids In Need of Defense
Lutheran Immigration and Refugee Service
NAACP
National Center on Domestic and Sexual Violence
National Clearinghouse on Abuse in Later Life (NCALL)
National Coalition Against Domestic Violence
National Domestic Violence Hotline
National Immigrant Justice Center
National Immigration Law Center
National Network to End Domestic Violence
National Organization for Women (NOW) First Virtual Chapter: Young Feminists and Allies
Public Counsel
UltraViolet
UMOS, INC.
Tahirih Justice Center
Victim Rights Law Center
We Belong Together
Women's Refugee Commission
YWCA USA

State and Local Signatories (271)

Alabama

Hispanic Interest Coalition of Alabama

Alaska

Alaska Immigration Justice Project

Arizona

Immigration Law Clinic at the University of Arizona

California

Alamillo Law Firm
Alarcon Legal
Apoyo Legal Migrante Asociado (ALMA)
Asian Americans Advancing Justice – Los Angeles
Asian Pacific Islander Legal Outreach
Backyard Brigade
Becker & Lee LLP
California National Organization for Women
Catholic Charities of Santa Clara County
Catholic Charities of the East Bay

Catholic Charities San Francisco
Center for the Pacific Asian Family
Central American Resource Center (CARECEN) Los Angeles
Centro Legal de la Raza
Coalition to Abolish Slavery & Trafficking (CAST)
Community Legal Services in East Palo Alto
Cynthia Grande Law Firm
D'Alessio Law Group
Diaz Law Firm
East Bay Community Law Center
Family Works Community Counseling
Guichard, Teng & Portello
Immigration Center for Women and Children (ICWC)
Immigration Law Office of Lance Gallardo
Javier G. Pineda, Professional Law Corporation
Jubilee Immigration Advocates
LACCLA
Law Office of Ariadna C Tajoya
Law Office of Brigit G. Alvarez
Law Office of Elizabeth Chinelo Ezekwem
Law Office of Elizabeth P Uribe
Law Office of George W. Abbas,
Law Office of Gurpreet Kaur
Law Office of Haimanot Habtu
Law Office of Jola Ruiz
Law Office of Kristin Love Boscia
Law Office of Marina Pineda-Kamariotis
Law Office of Maureen McSorley
Law Office of Meredith Brown
Law Office of N. R. Bauer
Law Office of Patricia M. Corrales
Law Office of Roxana V. Muro
Law Office of Sabrina Damast
Law Office of Silvia Martinez
Law Office of Yvette Saddik, APLC
Law Offices of Ally Bolour, APC
Law Offices of Daniel Revoredo
Law Offices of Garish Sarin
Law Offices of Jessica Dominguez
Law Offices of Laura J. Weinstock
Law Offices of Makeda Karimlou

Law Offices of Mariela Caravetta
Law Offices of Pasquale Lombardo
Law Offices of Sarah V. Day
Law Offices of Victor Martinez , APLC
Legal Aid Foundation of Los Angeles
Legal Aid Society of San Mateo County
Legal Services for Children
Los Angeles Center for Law and Justice
Mackins & Mackins, LLP
Marin Community Clinic
Paragon Law Firm
Peace Over Violence
Phillips & Urias, LLP
Redwood Justice Fund
Social Justice Collaborative
South Asian Helpline & Referral Agency (SAHARA)
Southwestern Law School Immigration Law Clinic
The Patry Law Firm
The Riley Center
Valencia and Associates APC
Vega & Rivera

Colorado

Alliance Against Domestic Abuse
Colorado Coalition Against Sexual Assault
Colorado Legal Services
Deaf Overcoming Violence through Empowerment (DOVE)
Kelly Ryan Law, LLC
Murad Immigration Law
Rocky Mountain Immigrant Advocacy Network (RMIAN)

Connecticut

Apostle Immigrant Services
Connecticut Legal Services
Greater Hartford Legal Aid, Inc.
International Institute of Connecticut--IICONN
New Haven Legal Assistance Organization

District of Columbia

Ayuda
CARECEN-DC

Florida

AC Law, P.A.
Brevard NOW
Florida National Organization for Women
Immigration and Legalization Center
Haratz & Stubbe, LLC
Intimate Partner Violence Assistance Clinic, University of Florida
West Pinellas National Organization for Women

Georgia

Georgia Asylum and Immigration Network
Raksha, Inc
Tapestri Inc

Idaho

University of Idaho Legal Aid Clinic

Illinois

Dady & Hoffmann LLC
Domestic Violence Legal Clinic
Illinois Accountability Initiative
Illinois NOW
Latinos Progresando
Maria Baldini-Potermin & Associates, PC
Northern Illinois Justice for Our Neighbors
PASO - West Suburban Action Project
Pathways Immigration Law

Indiana

Indiana Coalition Against Domestic Violence
La Casa de Amistad
Popp Law Office

Iowa

Iowa Coalition Against Domestic Violence

Kansas

Kansas Coalition Against Sexual and Domestic Violence
Law Office of Sarah J. Schlicher P.A.

Kentucky

Kentucky Coalition for Immigrant and Refugee Rights

Maine

Sexual Assault Support Services of Midcoast Maine

Maryland

Esperanza Center
Johnson Immigration Law PC
Maryland National Organization for Women
The Law Firm of Amaechi and Assoc.
The Women's Law Center of Maryland, Inc.

Massachusetts

Asian Task Force Against Domestic Violence
Boston University School of Law Human Trafficking Clinic
Catholic Charitable Bureau of the Archdiocese of Boston, Inc.
Catholic Social Services of Fall River
Central West Justice Center
Justice Center of Southeast Massachusetts
MetroWest Legal Services
Northeast Justice Center
Saheli, Support and Friendship For South Asian Women and Families
Victim Resource Center

Michigan

Caring House, Inc.
Michigan Immigrant Rights Center

Minnesota

Bienvenidos Law Firm, Inc.
Hart Law Office, PLLC
Immigrant Law Center of Minnesota
Paula Schwartzbauer Law
Roberts Immigration Law Office, Ltd.
Steven C. Thal, P.A.

Missouri

Austin & Ferguson, L.L.C.
Biesenthal & Gray, LLC
EMC Immigration Law, LLC
Migrant and Immigrant Community Action (MICA) Project
National Organization for Women, Missouri

Nebraska

Justice For Our Neighbors-Nebraska
Nebraska Coalition to End Sexual and Domestic Violence
St. Mary's Immigration Program

Nevada

Pereira Immigration Law LLP
Tahoe SAFE Alliance
Volunteer Attorneys for Rural Nevadans

New Jersey

Latin American Legal Defense and Education Fund, Inc. (LALDEF)
Legal Services of New Jersey
Manavi
Middlesex Co NOW-New Jersey
National Organization for Women of New Jersey
Northern NJ Chapter, National Organization for Women
Reformed Church of Highland Park
Women Aware, Inc.

New Mexico

New Mexico Immigrant Law Center
Rebecca Kitson Law

New York

African Services Committee
Atlas: DIY
CAMBA, Inc.
ECBA Volunteer Lawyers Project
Garden of Hope
Her Justice
Juan Neumann Center
Law Office of Usman B. Ahmad, PC
Legal Services NYC
Make the Road New York
My Sisters' Place
New York Asian Women's Center
New York Legal Assistance Group
New York State Youth Leadership Council
Safe Horizon, Immigration Law Project
Sanctuary for Families
SEPA Mujer
Worker Justice Center of New York

North Carolina

Fayetteville (NC) National Organization for Women
Law Offices of Alan Gordon, PA
Pisgah Legal Services
Raleigh Immigration

Ohio

Advocates for Basic Legal Equality, Inc.
Ohio Domestic Violence Network

Oklahoma

University of Tulsa College of Law Legal Clinic

Oregon

Center for NonProfit Legal Services
Immigrant Law Group
Immigration Counseling Service (ICS)
Lane County Legal Aid and Advocacy Center
Meadowlark Immigration PC
Oregon Immigration Group, PC

Pennsylvania

Community Justice Project of Pennsylvania
Gian-Grasso, Tomczak, & Hufe, P.C.
Greater Reading Immigration Project
HIAS Pennsylvania
Law Office of Matthew J. Archambeault
Nationalities Service Center
Ni-Ta-Nee NOW (National Organization for Women)
Pennsylvania Immigration Resource Center (PIRC)
Women's Law Project

Rhode Island

Dorcas International Institute of Rhode Island
Sojourner House

Tennessee

Community Law Group
Community Legal Center
Law Office of R Andrew Free
Mid-South Immigration Advocates
Saev Hernandez Immigration Practice, PLLC
Santana Law Firm PLLC

Texas

American Gateways
Artemis Justice Center
Austin Children's Shelter
Catholic Charities of Central Texas
Center Against Sexual and Family Violence
Concho Valley Rape Crisis Center
Crisis Center of Comal County
Diocesan Migrant & Refugee Services, Inc.
Focusing Families
HCWC
Human Rights Initiative of North Texas, Inc.
Immigrant Justice Alliance
Las Americas Immigrant Advocacy Center
Malik Law Firm, PLLC
Mosaic Family Services
Neighborhood Centers Inc.
Panhandle Crisis Center, Inc.
Ponce Law Firm, P.C.
SAFE Alliance
SafePlace
Shelter Agencies for Families in East Texas
St. Mary's University School of Law Immigration and Human Rights Clinic
Texas Association Against Sexual Assault
The Bridge Over Troubled Waters, Inc.
The Buitron Law Firm, P.C.
Women's Shelter of South Texas

Utah

Pascual Law, PLLC
Restoring Ancestral Winds

Virginia

Alexandria Chapter, NOW
Just Neighbors Ministry
Virginia Chapter, National Organization for Women

Washington

Colectiva Legal del Pueblo
Hawkins Law Group PLLC
Kitsap Immigrant Assistance Center
Law Office of Shara Svendsen, PLLC
Law Offices of Carol L. Edward & Associates, P.S.
Law Offices of Stella E. Dokey, PC
Northwest Immigrant Rights Project
Washington State Coalition Against Domestic Violence (WSCADV)
Washington State National Organization for Women

Wisconsin

Castro & Gutierrez Law Office
Daystar, Inc.
Embrace
End Domestic Abuse WI
Family Advocates, Inc.
Family Center
Luca L Fagundes Attorney and Counselor at Law
MMG Law LLC
Murrar Law Office LLC
New Horizons Shelter and Outreach Centers
PADA
Passages, Inc.
PAVE
People Against Domestic and Sexual Abuse
Rape Crisis Center, Inc.
Reach Counseling
Safe Harbor of Sheboygan, Inc.
Sexual Assault Center of Family Services NEW
The Bridge to Hope
Vernon Co. Domestic Abuse Project
Wisconsin Coalition Against Sexual Assault
Wise Women Gathering Place