

Protecting **IMMIGRANT** Victim-Survivors of Crime



Without the protections that lawful immigration status provides, undocumented immigrants in the U.S. are especially vulnerable to violence, exploitation, and abuse, and time and again, this causes them to become victim-survivors of crime. Women, in particular, are at a higher-risk of experiencing this violence, and when they do, it is frequently gender-based. Fearful of being deported or separated from their families, immigrant victim-survivors are often hesitant to report the crimes committed against them and seek law enforcement's help. **The U-Visa, a nonimmigrant legal status for immigrants who have been victims of certain qualifying crimes, aims to minimize this fear and encourage reporting.**

Issue: U-Visa Backlog & Delays

U-Visa Backlog

Statutory Cap: 10,000 U-Visas annually
USCIS can only issue U-Visas to around 1/3 the number of petitioners who apply annually, leading to a backlog of pending U-Visa applications



Pending Primary U-Visa Apps*: 207,133
*as of 2023

BFD Delays

The BFD process is now plagued by the same delays found in the waiting list process it was intended to improve upon. U-Visa petitioners are still **waiting years** to get benefits.

Negative Impact of Delays: Without deferred action or parole, petitioners have no explicit protection from deportation. They're more likely to remain in exploitative underground work, unable to access affordable healthcare or other public benefits.

USCIS Solution: BFD Process

2021: Bona Fide Determination (BFD)

- Petitioners can receive **deferred action** and **employment authorization** while their applications await full adjudication
- Application is determined "bona fide" based on initial evidence requirements and completion of background checks

"I wish they would be able to speed it up with a work permit. I have a kid. I'm a single mother, and bringing more money to my house is important because my son depends on me."

~Norma, U-Visa Applicant

POLICY RECOMMENDATIONS: USCIS should implement policies or publish regulations so that if a U-Visa petitioner's application has not been reviewed - through either the Bona Fide Determination or Waiting List process - within 180 days of its receipt, USCIS shall grant deferred action (to eligible petitioners) and parole and issue employment authorization to the U-Visa petitioner.

END U-VISA DELAYS



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U Visa Adjudication

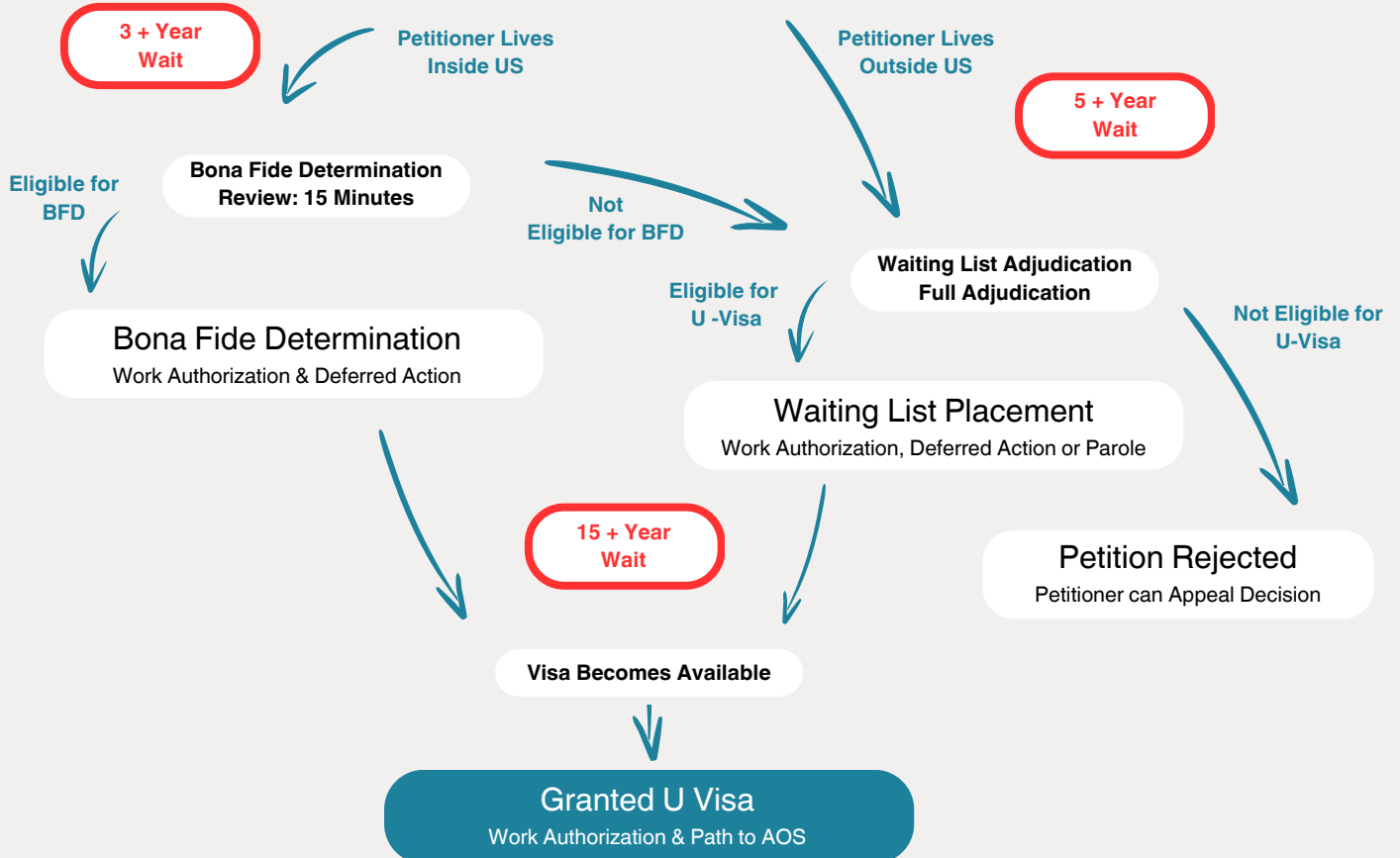
Certification

A victim helps law enforcement investigate a crime and an officer certifies that their help was necessary to the case



U Visa Filed with USCIS

If complete, Lockbox sends to Service Center for Adjudication



Delays thwart the humanitarian purpose of the U-Visa, forcing petitioners to wait years for the protections the U-Visa is meant to provide, leaving them vulnerable to exploitation, unable to support themselves through lawful work, and unable to visit or petition for family abroad, even as many of them experience trauma caused by the crime they experienced. **Delays thwart the public safety purpose too**, as immigrants are less likely to report crimes, perceiving the risks to be higher than the reward, knowing any protections won't be available until years after the investigation is complete.