May 7, 2015

Mr. León Rodríguez  
Director  
US Citizenship and Immigration Service  
20 Massachusetts Ave, NW Washington, DC 20549  

RE: Implementing Parole Procedures for U visa Program  

Dear Director Rodríguez:

The undersigned 124 organizations that support, serve and/or advocate on behalf of survivors of domestic violence, sexual assault, dating violence, stalking, and human trafficking, write to voice our strong support for creating streamlined parole procedures for conditional grantees under the U visa program.

Given the number of crime victims eligible for U Nonimmigrant relief, it is apparent that the 10,000 annual U visa cap allocation has resulted in a several-year delay in the availability of U visas. Without legislative changes, this situation is likely to remain unaltered, leading to ongoing multi-year waits for final U visa approval. US Citizenship and Immigration Service (USCIS) has indicated that they are currently adjudicating applications for visas available in FY 2018, and that there are currently about 22,000 conditional grantees on the U visa waitlist.

Although we greatly appreciate USCIS providing Deferred Action to those who would otherwise receive U visas, the delay in receiving secure status is especially problematic for those with derivative family members abroad. Despite a regulatory mandate, USCIS and the Department of State have not implemented policies that would allow U conditional grantee derivatives to travel to the United States. We therefore urge USCIS to implement parole procedures for U visa conditional grantees abroad.

The current USCIS approach to humanitarian parole under INA § 212(d)(5) does not take into account the unique legal and practical character of the U visa program. Although the statute states that parole may be granted “on a case-by-case basis for urgent humanitarian reasons or significant public benefit,” USCIS parole adjudications appear to focus solely on the first prong, whether individuals can show compelling humanitarian reasons for seeking immediate entry to the U.S. We suggest that a more appropriate assessment for this class should focus on the “significant public benefit” such parole would serve.

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1 Based upon information shared by Vermont Service Center staff at the Freedom Network Conference on April 21, 2015 in Alexandria, Virginia.  
2 8 CFR 214.14(d)(2) states, in relevant part: “USCIS will grant deferred action or parole to U-1 petitioners and qualifying family members while the U-1 petitioners are on the waiting list,” (emphasis supplied).  
3 We will address in a separate communication the need for a clear advance parole procedure for U grantees in the United States who wish to travel.  
4 INA § 212(d)(5)(emphasis supplied).
USCIS should facilitate and prioritize parole procedures for conditional U grantees abroad (both principals and derivatives) to support those who have helped law enforcement make our criminal system work. We all suffer when law enforcement and immigrant communities lose confidence in the U visa program.

As former USCIS Director Alejandro Mayorkas (now Deputy Secretary of DHS) stated,

> The U-visa is an important tool aiding law enforcement to bring criminals to justice . . . . At the same time, we are able to provide immigration protection to victims of crime and their families. Both benefits are in the interest of the public we serve. ⁵

The lack of parole undermines the Congressional goals of the law. ⁶ We therefore urge USCIS to implement the regulatory mandate by issuing parole guidelines that reflect the special nature of this class.

Specifically, for those conditional grantees and derivatives abroad we urge USCIS to:

- **Presume that, absent individual evidence to the contrary, all conditional grantees meet the “significant public benefit” test for parole:** U principals and qualifying family members abroad with conditional approvals should be presumed eligible for parole by virtue of their conditional approval. Because supporting victims of crimes who have been helpful to law enforcement is a central goal of the U visa, USCIS should not require a declaration, detailed statement, or other evidence articulating individualized reasons the applicant merits parole.

- **Eliminate the requirement of an I-134 Affidavit of Support for Parole Applications:** The Violence Against Women Act of 2013 (VAWA 2013), codified in INA §212(a)(4)(E)(ii), makes the public charge ground of inadmissibility inapplicable to persons with U visa status. There is, thus, no legal rationale for requiring affidavits of support for conditional grantees. Moreover, U visa conditional grantees often lack the resources to provide typical I-134 affidavits of support. U applicants and grantees are either exempt or subject to liberal fee waivers precisely because they often lack financial resources.⁷ Requiring such affidavits, therefore, lacks legal foundation and undermines the public interest.

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⁶ In creating the U visa program, Congress recognized that “providing temporary legal status to aliens who have been severely victimized by criminal activity...comports with the humanitarian interests of the United States.” See section 1513(a)(2)(B), Public Law No: 106-386, 114 Stat. 1464.

⁷ See “New Classification for Victims of Criminal Activity; Eligibility for “U” Nonimmigrant Status” 72 FR 53014 (September 17, 2007). USCIS has determined that no fee will be charged for filing Form I–918 or for derivative U nonimmigrant status for qualifying family members. Furthermore, there are no fees for biometric services for U visa applications. See USCIS. “I-918 Petition for U Nonimmigrant Status” available at: http://www.uscis.gov/i-918.
Ensure Fee Waivers Are Adjudicated Appropriately: Consistent with 8 CFR 103.7(c)(3)(xviii), USCIS should fairly review fee waiver requests for Form I-131 parole request where the evidence indicates that the applicant for parole, who is conditionally approved for U Nonimmigrant Status, is unable to pay the required fee.

Eliminate DNA Testing Requirement: USCIS should not require DNA testing absent a specific problem with the traditional relationship documentation already provided and reviewed by USCIS to grant conditional status. The derivative applicant’s qualifying family relationship to the principal U applicant has already been established by the conditional approval of the I-918 Supplement A by USCIS.

On behalf of the courageous survivors that our organizations serve, we thank you for all the work you do on behalf of immigrant survivors; we know you have many problems to solve. We encourage you, however, to prioritize rectifying this problem in the U program.

Please do not hesitate to contact Gail Pendleton, Co-Director of ASISTA Immigration Assistance (gail@asistahelp.org) or Jessica Farb, Directing Attorney at the Immigration Center for Women and Children (jessicafarb@icwclaw.org) for more information regarding these issues.

Sincerely,

National Organizations (23)

American Friends Service Committee
Americans for Immigrant Justice
Asian Pacific Institute on Gender Based Violence
ASISTA Immigration Assistance
Church World Service
Freedom Network
Futures Without Violence
Global Workers Justice Alliance
Lutheran Immigration and Refugee Service
Mil Mujeres
National Center on Domestic and Sexual Violence
National Coalition Against Domestic Violence
National Guestworker Alliance
National Immigrant Justice Center
National Immigration Law Center
National Immigration Project of the National Lawyers Guild
National Latin@ Network; Casa de Esperanza
National Latina Institute for Reproductive Health
National Network to End Domestic Violence
Southern Poverty Law Center
Tahirih Justice Center
We Belong Together
Women's Refugee Commission
State and Local Organizations  (101)

Alabama
Hispanic Interest Coalition of Alabama

Alaska
Alaska Network on Domestic Violence and Sexual Assault

Arizona
Arizona Coalition to End Sexual and Domestic Violence

California
California Partnership to End Domestic Violence
Alliance for Community Transformations
Apoyo Legal Migrante Asociado
Casa Cornelia Law Center
Catholic Charities of Santa Rosa
Catholic Charities of San Francisco
Coalition to Abolish Slavery & Trafficking
Community Legal Services in East Palo Alto
Considine Sorensen Trujillo, APLC
Franco Law Group, APLC
Immigration Center for Women and Children
International Institute of the Bay Area
Law Office of Julie Cyphers
Law Office of Kristin Love Boscia
Los Angeles Center for Law and Justice
Meath & Pereira, APLC
Mira Law Group, A.P.C.
Pangea Legal Services
Redwood Justice Fund
Social Justice Collaborative

Colorado
Kelly Ryan Law, LLC

Connecticut
Connecticut Legal Services
New Haven Legal Assistance Association

District of Columbia
Ayuda

Florida
Legal Aid Service Collier County
UNO Immigration Ministry
Georgia
Georgia Asylum and Immigration Network

Illinois
Illinois 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

Louisiana
New Orleans Workers' Center for Racial Justice

Massachusetts
Central West Justice Center
MetroWest Legal Services

Maryland
Immigration Legal Services, Esperanza Center, Catholic Charities of Baltimore

Minnesota
Minnesota Coalition for Battered Women
De Leon & Nestor, LLC
Immigrant Law Center of Minnesota

Montana
Bisenthal & Gray, LLC

North Carolina
North Carolina Coalition Against Domestic Violence
Charlotte Immigration Law Firm
Helen Tarokic Law PLLC
Yanez Immigration Law

Nebraska
Nebraska Coalition to End Sexual and Domestic Violence
Center for Legal Immigration Assistance
ST. MARY'S IMMIGRATION PROGRAM

Nevada
Nevada Network Against Domestic Violence
Jeglaw LTD
Pershing County Domestic Violence Intervention, Inc.
S.A.F.E. House
Safe Nest

**New Jersey**
Latin American Legal Defense and Education Fund

**New Mexico**
Catholic Charities Legal Services Diocese of Las Cruces
New Mexico Immigrant Law Center
Rebecca Kitson Law

**New York**
Bellevue/ NYU Program for Survivors of Torture/ NYU Center for Health and Human Rights
CAMBA
Community Development Project of the Urban Justice Center
Domestic Violence Project at Urban Justice Center
Law Office of Usman B. Ahmad, PC
Northern Manhattan Improvement Corporation
Safe Horizon Immigration Law Project
Sex Workers Project at the Urban Justice Center
STEPS to End Family Violence

**Ohio**
**Ohio Domestic Violence Network**
Asian Services In Action, Inc.

**Oregon**
Immigrant Law Group PC
Immigration Counseling Service (ICS)
Lane County Legal Aid and Advocacy Center
Marandas and McClellan
Waxler Immigration Law LLC

**Pennsylvania**
Friends of Farmworkers, Inc.
Hogan & Vandenberg LLC
Pennsylvania Immigration Resource Center

**Tennessee**
Jackson & Hurst, LLC

**Texas**
American Gateways
Immigrant Justice Alliance
Law Office of Lynn Coyle
Paso Del Norte Civil Rights Project
Ponce Law Firm, P.C.
Refugio del Río Grande
Utah
Holy Cross Ministries
Immigrant Defenders Law Group
JLJ Law Group PLLC
Perretta law office

Virginia
Just Neighbors Ministry
Transitions Family Violence Services
Virginia Poverty Law Center

Washington
Washington State Coalition Against Domestic Violence
Domestic Violence Services of Benton & Franklin Counties
Kiiskila Immigration Law Office
Law Offices of Carol L. Edward & Associates, P.S.
Lower Valley Crisis and Support Services
OneAmerica
Northwest Immigrant Rights Project

Wisconsin
End Domestic Abuse Wisconsin
Pionek Valle Law Group, LLC