IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

NORTHWEST IMMIGRANT RIGHTS PROJECT, Plaintiff, v. UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES, Defendant.	Case No. 19-cv-03283-RDM

MOTION FOR LEAVE TO FILE BRIEF OF ORGANIZATIONS SERVING IMMIGRANT SURVIVORS OF VIOLENCE AS *AMICI CURIAE* IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT

INTRODUCTION

Pursuant to LCvR7(o)(2), *amici curiae* Organizations Serving Immigrant Survivors of Violence hereby move, through their undersigned counsel, the Court for leave to file a brief as *amici curiae* in support of Plaintiff's motion for summary judgment. The proposed brief is attached to this motion as Exhibit A in the above-captioned case. Counsel for Plaintiff has consented to the filing of this brief. Defendant has stated that it takes no position at this time.

NATURE OF MOVANTS INTEREST

Amici are nonprofit organizations that work with or on behalf of immigrant survivors of domestic abuse, sexual violence, and human trafficking. They work together to identify and address emerging barriers to safety and justice for these survivors and possess extensive knowledge about the legal protections for immigrant survivors in the Violence Against Women Act ("VAWA") and its progeny, especially VAWA self-petitions, U Visas, and T Visas. *Amici* bring years of dedicated service to their local and national communities and provide unique institutional knowledge of the challenges immigrant survivors of domestic abuse and sexual violence face when navigating the immigration system. They are particularly concerned with the fee-waiver policy changes' unique impact on this category of survivors.

The Asian Pacific Institute on Gender-Based Violence ("API-GBV," formerly, Asian & Pacific Islander Institute on Domestic Violence) is a national resource center on domestic violence, sexual violence, trafficking, and other forms of gender-based violence in Asian and Pacific Islander communities. The Institute serves a national network of advocates and community-based service programs that work with Asian and Pacific Islander and immigrant survivors, and is a leader on providing analysis on critical issues facing victims of gender-based violence in Asian and Pacific Islander and immigrant communities. The Institute leads by promoting culturally

relevant intervention and prevention, expert consultation, technical assistance and training; conducting and disseminating critical research; and informing public policy. API-GBV has an interest in assuring that fee waivers are accessible to those in the Asian & Pacific Islander community who rely on them.

ASISTA Immigration Assistance ("ASISTA") is a national nonpartisan, nonprofit organization that works to advance and protect the rights and routes to status of immigrant survivors of violence. ASISTA has worked with Congress to create and expand routes to secure immigration status for survivors of domestic violence, sexual assault, and other crimes in VAWA and its subsequent reauthorizations. ASISTA provides comprehensive, cutting-edge technical assistance and resources to those assisting noncitizen survivors of violence in the immigration law arena. ASISTA also trains lawyers, domestic violence and sexual assault advocates, law enforcement personnel, and civil and criminal court judges. ASISTA has an interest in assuring the fee-waiver application process is fair and efficient for immigrant survivors and those who help them to navigate the immigration system.

Casa de Esperanza was founded in 1982 in Minnesota to provide emergency shelter for women and children experiencing domestic violence. In 2009, Casa de Esperanza launched the National Latin@ Network for Healthy Families and Communities, which is a national resource center focused on preventing and addressing domestic violence, sexual assault, and other forms of gender-based violence, with a primary focus on Latino and immigrant communities. The National Latin@ Network provides national expertise, research, training and technical assistance, and policy advocacy to address domestic violence in Latino communities and also serves on the Steering Committee of the National Task Force to End Sexual and Domestic Violence. Casa De

Esperanza has an interest in assuring that fee waivers are accessible to those in the Latino community who rely on them.

Freedom Network USA ("FNUSA") is the largest alliance of human trafficking advocates in the United States. Its 68 members include survivors of human trafficking and those who provide legal and social services to trafficking survivors in over 40 cities; it provides comprehensive legal and social services to survivors, including representation in immigration cases. In total, its members serve over-2,000 survivors of sex and labor trafficking per year, including adults and minors, over 65% of whom are foreign national survivors. FNUSA provides training and advocacy to increase understanding of the wide array of human trafficking cases in the U.S., including a Department of Justice grant to increase access to housing for human trafficking survivors. FNUSA advocated for the passage of the Trafficking Victims Protection Act and subsequent reauthorizations. FNUSA has an interest in ensuring that survivors are fully protected and have access to the full array of immigration relief for which they are qualified.

Futures Without Violence ("FUTURES"), is a national nonprofit organization that has worked for over 30 years to prevent and end violence against women and children around the world. FUTURES co-founded and co-chaired the National Network to End Violence Against Immigrant Women, which works to help service providers, survivors, law enforcement, and judges understand how best to work collaboratively to bring justice and safety to immigrant victims of violence. FUTURES co-chairs the Coalition to End Violence Against Women and Girls Globally, partnering with other national organizations to reduce sexual and domestic violence against women and children. FUTURES joins with the other *amici* because it has a long-standing commitment to supporting the rights and interests of women and children who are victims of violence regardless of their immigration, citizenship, or residency status.

Her Justice, Inc. ("Her Justice") is a nonpartisan, nonprofit organization dedicated to making a real and lasting difference in the lives of low-income, underserved, and abused women by offering them legal services designed to foster equal access to justice. Her Justice does so by recruiting and mentoring volunteer lawyers to provide free legal help to address individual and systemic legal barriers. Her Justice provides legal services to over 3,000 women every year in New York City. Informed by its work, Her Justice also promotes policies that make society more responsive to the legal issues confronting the women it serves. Her Justice has an interest in ensuring that its clients, and the volunteers who serve them, are able to access fee waivers in a fair and predictable fashion.

The National Alliance to End Sexual Violence ("NAESV") is the voice in Washington for the 56 state and territorial sexual assault coalitions and 1,300 rape crisis centers working to end sexual violence and support survivors. Every day, the rape crisis centers in NAESV's network see the widespread and devastating impacts of sexual assault upon survivors, especially those in immigrant communities. It opposes any impediments to survivors feeling safe to come forward, receive services, and seek justice.

The National Coalition Against Domestic Violence ("NCADV") provides a voice to victims and survivors of domestic violence. It strives to foster a society in which there is zero tolerance for domestic violence by influencing public policy, increasing public awareness of the impact of domestic violence, and providing programs and education that drive that change. NCADV has an interest in ensuring that immigrant survivors of domestic violence are able to access immigration relief and benefits without regard to financial status.

The National Network to End Domestic Violence ("NNEDV") is a not-for-profit organization incorporated in the District of Columbia in 1994 to end domestic violence. As a

network of the 56 state and territorial domestic violence and dual domestic violence and sexual assault coalitions and their over-2,000 member programs, NNEDV serves as the national voice of millions of women, children, and men victimized by domestic violence, and their advocates. NNEDV has a strong interest in ensuring that financial barriers do not prevent immigrant survivors from accessing the relief Congress has made available.

The National Resource Center on Domestic Violence ("NRCDV") provides comprehensive technical assistance, training, and resource development related to domestic violence intervention and prevention, community education and organizing, and public policy and systems advocacy. The NRCDV has significant expertise in strengthening the response to domestic violence for all survivors, including survivors of domestic violence, sexual assault, and trafficking. Immigrant survivors are some of the most vulnerable to abuse, and NRCDV is invested in ensuring that financial limitations are not a prohibitor to safety to this group.

The Tahirih Justice Center ("Tahirih") is the largest multi-city direct services and policy advocacy organization specializing in assisting immigrant women and girls who survive gender-based violence. In five cities across the country, Tahirih offers legal and social services to women and girls fleeing all forms of gender-based violence, including human trafficking, forced labor, domestic violence, rape and sexual assault, and female genital cutting/mutilation. Since its founding in 1997, Tahirih has provided free legal and social services assistance to more than 27,000 individuals, many of whom have experienced the significant psychological and physical effects of that trauma. Tahirih has an interest in ensuring that its low-income clients are able to access immigration benefits without regard to financial status.

ARGUMENT

District courts have an inherent authority, derived from Fed. R. App. P. 29, to grant participation by an *amicus curiae*. *Jin v. Ministry of State Sec.*, 557 F. Supp. 2d 131, 136 (D.D.C. 2008). The Court has "broad discretion" in determining whether to grant leave to participate as an *amicus* with such status typically granted when "the information offered is 'timely and useful.'" *Ellsworth Assocs., Inc. v. United States*, 917 F. Supp. 841, 846 (D.D.C. 1996); *see also District of Columbia v. Potomac Elec. Power Co.*, 826 F. Supp. 2d 227, 237 (D.D.C. 2011). The court, "upon its own initiative," may grant a party leave to file an *amicus* brief as long as its contents are "relevant to the disposition of the case." LCvR 7(o)(1)-(2).

This means that a*micus* briefs "should normally be allowed" when the *amicus* "has unique information or perspective that can help the court beyond the help that the lawyers for the parties are able to provide." *Jin*, 557 F. Supp. 2d at 137 (citing *Ryan v. Commodity Futures Trading Comm'n*, 125 F.3d 1062, 1064 (7th Cir. 1997) (Posner, C.J.)); *see also Cobell v. Norton*, 246 F. Supp. 2d 59, 62 (D.D.C. 2003) (same); *Voices for Choices v. Ill. Bell Tel. Co.*, 339 F.3d 542, 545 (7th Cir. 2003) (holding that an *amicus* brief is appropriate where "the brief will assist the judges by presenting ideas, arguments, theories, insights, facts, or data that are not to be found in the parties' briefs"). This court has permitted *amicus* briefs to be filed when the proposed brief "may benefit" the court. *District of Columbia*, 826 F. Supp. 2d at 237. *Amicus* briefs benefit the court "in cases of general public interest by making suggestions to the court, by providing supplementary assistance to existing counsel, and by insuring a complete and plenary presentation of difficult issues so that the court may reach a proper decision." *Newark Branch, N.A.A.C.P. v. Town of Harrison, N.J.*, 940 F.2d 792, 808 (3d Cir. 1991).

When considering whether to grant leave to file a brief of *amici curiae*, this court has considered whether the parties have "relevant expertise" and "a stated concern for the issues at stake in this case." *District of Columbia*, 826 F. Supp. 2d at 237. This case presents a truly novel issue at hand, and it is a matter of general public interest. As such, *amici* will provide the Court with "unique arguments not to be found in the parties' briefs." *Commonwealth of the N. Mariana Islands v. United States*, No. 08-cv-1572, 2009 WL 596986, at *1 (D.D.C. Mar. 6, 2009). Plaintiff's motion seeks a grant of summary judgment to hold unlawful and set aside Defendant's decision to change the criteria it uses to determine fee waiver eligibility. The proposed, attached *amicus* brief satisfies this Court's standard for granting leave to file. The attached brief focuses on the specific effect this policy change will have on survivors of violence and abuse. Congress has specifically provided for various forms of relief for this population, and Congress has expanded and reinforced these protections on multiple occasions and has lowered both administrative and substantive barriers to relief for survivors. The policy change at issue in this case has, as the attached brief explains, *increased* both the administrative and substantive barriers to relief for survivors of abuse, which undermines clear Congressional intent. The policy change also is arbitrary and capricious under federal law. Having expertise in the legal and practical barriers these women face, the proposed *amici* provide unique insights on the effect of this policy change on this particularly affected population.

This motion is timely because Defendant's opposition to the motion for summary judgment is not due until January 27, 2020, and the filing of this brief will "not unduly delay the Court's ability to rule on any pending matter." Local R. Civ. P. 7(o).

CONCLUSION

For the foregoing reasons, *amici* respectfully request that they be granted leave to file the attached *amicus* brief in support of Plaintiff's Motion for Summary Judgment.

Dated: January 21, 2020

Respectfully submitted,

/s/ *Stuart F. Delery*

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**Application for admission pro hac vice forthcoming*

Attorneys for *Amicus Curiae* Organizations Serving Immigrant Survivors of Violence

Exhibit A

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AMICI CURIAE BRIEF OF ORGANIZATIONS SERVING IMMIGRANT SURVIVORS OF VIOLENCE IN SUPPORT OF PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

CORPORATE DISCLOSURE STATEMENT

Pursuant to Local Civil Rule 7(o)(5) and Federal Rules of Appellate Procedure 26.1 and 29(a)(4)(A), *amici curiae*, Asian Pacific Institute on Gender-Based Violence, ASISTA, Casa De Esperanza, Freedom Network USA, Futures Without Violence, Her Justice Inc., National Alliance to End Sexual Violence, National Coalition Against Domestic Violence, National Network to End Domestic Violence, National Resource Center on Domestic Violence and Tahirih Justice Center each respectively states that it is a nonprofit organization without parent corporations, and with no publicly held stock.

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IDENTITY AND INTEREST OF *AMICI CURIAE*

Amici are nonprofit organizations that work with or on behalf of immigrant survivors of domestic abuse, sexual violence, and human trafficking. They work together to identify and address emerging barriers to safety and justice for these survivors and possess extensive knowledge about the legal protections for immigrant survivors in the Violence Against Women Act ("VAWA") and its progeny, especially VAWA self-petitions, U Visas, and T Visas. *Amici* bring years of dedicated service to their local and national communities and provide unique institutional knowledge of the challenges immigrant survivors of domestic abuse and sexual violence face when navigating the immigration system. They are particularly concerned with the fee-waiver policy changes' unique impact on this category of survivors.[1]

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[1] No party to the above-captioned action or any of its counsel authored this brief in whole or in part or contributed money that was intended to fund preparing or submitting this brief. No third party—other than the *amici curiae*, their members, or their counsel—contributed money that was intended to fund preparing or submitting this brief.

immigration status for survivors of domestic violence, sexual assault, and other crimes in VAWA and its subsequent reauthorizations. ASISTA provides comprehensive, cutting-edge technical assistance and resources to those assisting noncitizen survivors of violence in the immigration law arena. ASISTA also trains lawyers, domestic violence and sexual assault advocates, law enforcement personnel, and civil and criminal court judges. ASISTA has an interest in assuring the fee-waiver application process is fair and efficient for immigrant survivors and those who help them to navigate the immigration system.

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effects of that trauma. Tahirih has an interest in ensuring that its low-income clients are able to access immigration benefits without regard to financial status.

SUMMARY OF ARGUMENT

The new fee-waiver policy promulgated by the U.S. Citizenship and Immigration Service ("USCIS") prevents many immigrant survivors of abuse and trafficking from obtaining the immigration relief Congress has authorized specifically for them. Immigration relief and benefits are critically important to survivors of domestic and sexual abuse and trafficking. However, applications for immigration relief and benefits come at a great financial cost to applicants, costs which can be especially burdensome for those fleeing abuse and trafficking who may have limited funds. Although underlying applications for certain protected classifications are exempt from fees, numerous related applications and forms routinely filed by the same applicants involve substantial fees. Thus, fee waivers traditionally have been necessary to allow many survivors to apply for and access these critical benefits. USCIS's new fee-waiver policy changes dramatically curtail access to immigration relief and create severe consequences for the survivors of abuse and trafficking. For example, without waivers of the fee to apply for employment authorization, survivors may be forced to continue to rely on their abusers for economic support. If forced to confront full fees to apply for waivers of inadmissibility, survivors otherwise eligible to stay in the country may risk deportation to countries where violence against women is endemic. And even delaying the application process by imposing more complex and onerous requirements poses a great risk to these survivors.

The new fee-waiver policy changes are arbitrary and capricious under federal law. When an agency changes its existing position, it must "display awareness that it is changing its policy and show that there are good reasons for the new policy." *Encino Motorcars, LLS v. Navarro*, 136 S. Ct. 2117, 2126 (2016) (internal citations omitted). Agency action is arbitrary and capricious if it fails to do so. *Id.* Additionally, an "[u]nexplained inconsistency" is "a reason for holding an interpretation to be arbitrary and capricious." *Id*. (citing *Nat'l Cable & Telecomms. Assn. v. Brand*

X Internet Servs., 545 U.S. 967, 981 (2005)). USCIS's policy change fails to account for the inconsistencies between its stated purposes and actual effects. It also fails to account for the fact that making fee waivers harder to obtain has dangerous consequences for survivors of abuse and human trafficking.

The new USCIS policy makes fee waivers harder to obtain in several ways. First, the policy removes completely the most commonly used basis for a fee waiver—the receipt of a means-tested benefit from a government agency. Currently, approximately 72% of all approved fee-waiver applicants use the means-tested benefit route; many of those applicants will not qualify using the remaining options: (1) outdated income limits linked to federal poverty guidelines that do not account for wide variations in the cost of living across the country; (2) a vaguely defined and unpredictably applied "financial hardship" test. AR404.[2] Moreover, under both the federal poverty guidelines approach and the "financial hardship" test of the new policy, applicants will be faced with, among other things, complex demands for difficult-to-obtain IRS paperwork. This creates the very real prospect of missing crucial deadlines or outright denial should they be unable to obtain the right documents, or if USCIS decides their submissions are insufficient.

By imposing these daunting barriers to obtaining fee waivers, the agency undermines the clear Congressional policy expressed with bipartisan support in the Violence Against Women Act ("VAWA") and Trafficking Victims Protection Act ("TVPA"). The changes will deter survivors from seeking the relief to which they are entitled. Some will be forced to make Hobson's choices between paying filing fees and affording basic life necessities like healthcare and groceries, or choose to only submit applications for certain family members if they cannot afford to pay for all. In short, the consequences for survivors of violence, abuse, and trafficking will be severe.

[2] The administrative record has not yet been filed in this case. Cites to the "AR" refer to the certified administrative record filed in *City of Seattle v. DHS*, No. 3:19-cv-07151-MMC (N.D. Cal. filed Oct. 29, 2019), following the citing convention used by plaintiffs. *See* P.s' Mot. For Summ. J. 3 n.2, ECF No. 11.

ARGUMENT

I. Meaningful access to fee waivers is essential to effectuating Congress's decision to specifically address the unique needs of immigrant survivors of violence, domestic abuse, and human trafficking.

A. Congress has repeatedly acted to ensure survivors can receive immigration relief uniquely tailored to their needs.

Every day, *amici* work to help immigrants pursue the forms of immigration relief Congress has specifically enacted over the last 25 years for survivors of domestic abuse, sexual assault, and human trafficking. Congress has created statutory avenues for relief specific to these survivors in order to accommodate their unique circumstances and in recognition of the critical, life-saving role these immigration benefits play for this population in particular. There are three well-established mechanisms for such relief.

First, a survivor can seek protected status as a "self-petitioner" under the 1994 Violence Against Women Act ("VAWA"), which provides for cancellation of removal, work authorization, and adjustment of status to lawful permanent resident ("LPR") for certain survivors of abuse at the hands of spouses or family members who are U.S. citizens or LPRs. 8 U.S.C. § 1101(a)(51). As Congress explained at the time, "[m]any immigrant women live trapped and isolated in violent homes, afraid to turn to anyone for help. They fear both continued abuse if they stay with their batterers and deportation if they attempt to leave." H.R. Rep. No. 103-395, at 26-27 (1993). VAWA was created to allow these survivors to independently pursue the same immigration status that otherwise would require the support of their abuser.

Second, *amici* regularly advocate on behalf of survivors of human trafficking who may be eligible for "T Visas," which provide temporary lawful status, work authorization, and the potential for adjustment to LPR status. 8 U.S.C. § 1101(a)(15)(T). As Congress explained in creating this classification, "[e]xisting laws often fail to protect victims of trafficking, and because victims are often illegal immigrants in the destination country, they are repeatedly punished more harshly than the traffickers themselves." 22 U.S.C. § 7101(17); *see also id* § 7101(20) (noting that such survivors "often fear retribution and forcible removal to countries in which they will face

retribution or other hardship," and thus "often find it difficult or impossible to report the crimes committed against them or to assist in the investigation and prosecution of such crimes").

Third, immigrant survivors of domestic and sexual abuse (as well as certain other crimes) may also be eligible to apply for "U Visas," which provide benefits to certain survivors who assist in the investigation or prosecution of such crimes, along with certain dependents. 8 U.S.C. § 1101(a)(15)(U). Like the T Visa, the U Visa was created in the Trafficking and Violence Protection Act ("TVPA"), as part of an effort to expand the availability and scope of the protections originally provided under VAWA. *See* 8 U.S.C. § 1502 ("Findings and Purpose"). Congress explained that the new "U" classification was intended to "strengthen the ability of law enforcement agencies to detect, investigate, and prosecute cases of domestic violence, sexual assault, trafficking of aliens, and [certain] other crimes … committed against aliens, while offering protection to victims of such offenses in keeping with the humanitarian interests of the United States." 8 U.S.C. § 1513.

Providing accessible forms of immigration relief specifically tailored to survivors of domestic abuse, violence, and human trafficking is critical. Survivors of intimate partner violence and human trafficking often find themselves vulnerable to the threats and actions of their abusers. Abusers often exercise a number of different tactics to maintain control over their victims, including taking advantage of survivors' lack of legal status in the United States if a survivor is undocumented or depends upon the abuser for lawful status. Often violent spouses or partners will use the survivor's lack of lawful status as a means to threaten them and their children, making it even more difficult to leave the relationship. Survivors may need to obtain immigration relief in order to escape the threat of deportation, which, as the International Association of Chiefs of Police has explained, is "one of the most intimidating tools abusers and traffickers of undocumented immigrants use … to maintain control over their victims and to prevent them from reporting crimes to the police." AR2814. Similarly, lack of lawful immigration status can prevent a victim from obtaining employment, keeping her financially dependent on her abuser. Providing survivors with the ability to obtain or renew work authorization can help them to achieve financial independence

from their abusers. *See, e.g.*, AR2192, 2465, 2467. It is for these reasons, among others, that providing victims and survivors with clear accessible paths to lawful status is so critical for their safety and the safety of their children. VAWA self-petitions, T Visas, and U Visas all allow victims and survivors to seek lawful permanent residence without having to rely on their abuser or trafficker.

All three of these avenues of relief—VAWA, T Visas, and U Visas—reflect a clear intent on the part of Congress to provide meaningful access to immigration relief for survivors of violence, whether at the hands of a domestic partner or, in the case of trafficking victims or victims of violent crimes, another third party. Congress explained its purpose in passing the TVPA: "to offer protection against domestic violence occurring in family and intimate relationships." 22 U.S.C. § 7101. It was "designed to improve on efforts made in VAWA." H.R. Rep. NO. 106-939, at 111 (2000). (Conf. Rep.). Similarly, the executive branch viewed the TVPA as "expand[ing] VAWA's protections for battered immigrants" with the stated goal of "provid[ing] eligibility to trafficking victims for a broad range of benefits." Statement by the President on H.R. 3244, 3 Pub. Papers 2354 (Oct. 28, 2000), 2000 WL 1617225. And Congress did not merely create new grounds of eligibility for relief for this population; it also took deliberate steps to *lower* administrative and substantive barriers to seeking relief, both actual and perceived. For example, Congress enacted a generous evidentiary standard—"[a]ny credible evidence [which is] relevant" is to be used when adjudicating a petition for relief under VAWA. 8 U.S.C. § 1154(a)(1)(J), INA § 204(a)(1)(J). Further, starting in 1996, it enacted strict protections on the use of information submitted by applicants in these categories, and presumptions against the use of evidence provided by abusers, all while providing assurances to survivors that applying for relief will not expose them to further harm. *See* 8 U.S.C. § 1367. In 2000 and 2005, Congress amended, expanded, and strengthened these protections. *See* Leslye E. Orloff, *VAWA Confidentiality: History, Purpose, DHS Implementation and Violations of VAWA Confidentiality Protections*, *in* Empowering Survivors: Legal Rights of Immigrant Victims of Sexual Assault, 7–12 (2013), https://bit.ly/2TJwou7.

Particularly relevant here, in the 2008 William Wilberforce Trafficking Victims Protection Reauthorization Act, Congress enacted a fee-waiver provision for applicants for T and U Visas, as well as for VAWA self-petitioners, directing that for those groups, DHS "shall permit aliens to apply for a waiver of any fees associated with filing an application for relief through final adjudication of the adjustment of status." 8 U.S.C. § 1255(l)(7).

Congress's message is clear: survivors of sexual assault and domestic abuse present unique circumstances that demand special considerations and flexibility in navigating the complex realm of immigration relief, and application fees should not be a barrier to obtaining those benefits.

B. Barriers to fee waivers have an acute impact on survivors of abuse and violence.

Meaningful access to immigration fee waivers is especially critical for survivors of domestic abuse and violence. While intimate partner violence permeates all income levels, the Centers for Disease Control and Prevention research has found that intimate partner victimization is associated with economic, food, and housing insecurity. National Intimate Partner and Sexual Violence Survey, "An Overview of Intimate Partner Violence in the United States—2010 Findings," https://bit.ly/3asavFR. Additionally, a U.S. Department of Justice-funded study found that intimate partner violence negatively impacts the survivor's likelihood of stable employment in the two-to-three years following the abuse. Stephanie Riger & Susan Staggs, *The Impact of Intimate Partner Violence on Women's Labor Force Participation*, 2-4 (Oct. 5, 2004), https://bit.ly/2NG8jRe. Without the ability to reliably apply for and receive a fee waiver for the forms of relief provided for them by Congress, the most vulnerable survivors will remain trapped in the very dangerous situations that these laws were enacted to address.

Furthermore, for many of these survivors, a lack of access to financial resources is often a critical part of the abusive relationship itself. Experts note that "batterers create economic instability for their partners through economic sabotage and control. And poverty, in turn, creates increased vulnerability to violence and additional barriers to safety." Sara J. Shoener and Erika A. Sussman, "Economic Ripple Effect of IPV: Building Partnerships for Systemic Change,"

Domestic Violence Report 83 (Aug./Sept. 2013), https://bit.ly/2TGuFWD. Each additional documentary and evidentiary hurdle associated with obtaining a fee waiver makes it that much harder for immigrant survivors with VAWA, T Visa, and U Visa claims to escape the cycle of violence. Without providing reliable and feasible access to fee waivers for filings associated with these provisions, the agency renders the ability to benefit from the provisions themselves illusory.

And the government recognizes this. By regulation, USCIS exempted the actual VAWA self-petitions, applications for T and U Visas, and certain related work authorization filings from fees entirely, reasoning that doing so "reflect[ed] the humanitarian purposes of the authorizing statutes," and is "consistent with the legislative intent to assist persons in these circumstances." 72 Fed. Reg. 29851, 29865 (May 30, 2007). USCIS also provided that for any subsequent applications to apply for legal permanent residency based on VAWA, T Visa, or U Visa status, individuals could apply for a fee waiver. *Id.* Congress subsequently made the waiver eligibility statutory in a provision that broadly covers "any fees associated with filing an application for relief through final adjudication of the adjustment of status," not just the initial application to adjust status. 8 U.S.C. § 1255(l)(7), INA § 245(l)(7).

Reflecting these same principles, USCIS long approved fee waivers based on proof that the applicant was already receiving another means-tested government benefit (among other grounds); allowed for "Applicant Generated" sworn declarations instead of requiring a complex government form and imposing arduous documentary requirements; and accepted combined fee-waiver applicants from multiple members of the same household. The agency's unjustified about-face undermines all the aforementioned principles and Congress's stated intent.

II. The new limitations to fee waivers impose unjustified and unacceptable burdens on survivors of violence, abuse, and trafficking.

For years, USCIS recognized the logic in relying on an existing award of a means-tested benefit—a federal, state, or local government benefit based on income criteria—as sufficient to qualify for a fee waiver. This practice made substantive and practical sense because it is both easy to document for an applicant and efficient to adjudicate for USCIS, which can rely on the

evaluation already undertaken by another agency. Indeed, approximately 72% of approved fee-waiver applicants used that route according to a 2017 USCIS study. AR404.

On October 24, 2019, USCIS adopted a new fee-waiver standard by publishing a revised version of the I-912 Request for Fee Waiver form with new instructions. AR463-83; Press Release, USCIS, *USCIS Updates Fee Waiver Requirements* (Oct. 25, 2019), https://bit.ly/2R9s1af. The new form and instructions changed the long-standing eligibility standard in a number of ways. ***First***, it eliminated the ability of an applicant to obtain a waiver based on a previous award of a means-tested benefit. Instead, it provided that, effective December 2, 2019, to qualify for a fee waiver, individuals must satisfy one of two criteria: (1) their "documented household income" must be at or below 150% of the Federal Poverty Guidelines (FPG), or (2) they must "demonstrate financial hardship including, but not limited to, medical expenses of family members, unemployment, eviction, victimization, and homelessness." AR473; *See* Civil Minutes, *City of Seattle v. DHS*, No. 3:19-cv-07151-MMC (N.D. Cal. Dec. 9, 2019), ECF No. 59. Order Granting Ps' Mot. for Nationwide Prelim. Inj., *City of Seattle v. DHS* (N.D. Cal. Dec. 11, 2019), ECF No. 65. ***Second***, the new policy eliminates the ability of individuals to apply for fee waivers as a family, instead requiring all applicants to file individually. *Id.* ***Third***, the new form and instructions added additional evidentiary requirements, requiring applicants to obtain tax transcripts or other documentation from the IRS for themselves and the members of their household. For those applicants without income or who cannot provide proof of income, the new form and instructions require applicants to "submit documentation from the IRS that indicates no tax transcripts and no W-2s were found" and to "describe" their situation "in detail." AR478. Further, applicants must now obtain and submit previously unrequired documentation of other forms of financial support, such as support from any adult children, alimony, child support, and pensions. Specific to individuals applying for VAWA benefits, T Visas, and U Visas, the new form and instructions require such applicants to "substantiate [their] inability to pay" and their "inability to obtain the required documentation" if they lack proof of income (or have no income) "due to [their] victimization." AR480. Such applicants, however, still must "provide any available

documentation of…household income, such as pay stubs or affidavits from religious institutions, nonprofits, or other community-based organizations verifying that [they] are currently receiving some benefit or support from that entity and attesting to [their] financial situation." *Id.*

Each of these changes erects an additional—and in some cases insurmountable—hurdle between survivors of violence and immigration relief. Many will experience harmful delays in accessing benefits, and others will be locked out of the process entirely.

A. USCIS decision to remove the means-tested benefit option is arbitrary and capricious.

Under the APA, an "agency must examine the relevant data, and articulate a satisfactory explanation for its action including a rational connection between the facts found and the choice made." *Motor Vehicles Mfrs. Ass'n of U.S. v. State Farm Mutual Auto Insurance Co.* 463 U.S. 29, 43 (1983) (internal citations omitted). Here, USCIS has presented no logical argument that receipt of a means-tested benefit is somehow no longer a proper measure of an applicant's ability to pay and has disregarded substantial evidence that means-tested benefits are a reliable measure of financial hardship.

To defend the elimination of the means-tested route, USCIS's apparent rationale is that it found "inconsistent income levels [were] being used to determine eligibility for a fee waiver." AR250. But, assuming that is true, it actually *makes sense*—there is no serious dispute that the cost of living varies widely by geographic area, and the legal standard for a fee waiver is whether the applicant is "unable to pay the prescribed fee," a determination that necessarily takes into account the cost of living in a particular area. 8 CFR § 103.7(c)(1). The agency knows this to be true, and even adjusts the pay of its own employees because of this geographic variability. *See generally* OPM.gov, "Pay and Leave," https://bit.ly/2tswlZj. So does the federal judiciary. U.S. Courts, "Judiciary Salary Plan Pay Rates," https://bit.ly/2TGrpKQ.

The elimination of the means-tested option ignores geographic disparities in cost of living, and imposes particular burdens on those in higher-cost areas. For example, *amicus* Her Justice serves survivors in New York City, which has one of the highest costs of living in the nation by

any measure. *See, e.g.*, Aarthi Swaminathan, "The 25 Most Expensive U.S. Cities to Live In," Yahoo! Finance (Aug. 4, 2019), https://yhoo.it/3aw700X; Thomas C. Frohlich, "What it Actually Costs to Live in America's Most Expensive Cities," USA Today (Apr. 4, 2019), https://bit.ly/2v2OFZa. Under the existing regime, its clients could demonstrate their eligibility for a fee waiver by pointing to the fact that, for example, they were receiving a benefit which already took into account their substantially higher cost of living. *See* AR136. No longer. Now they must look for another option, such as the second approach offered: an income of less than 150% of the Federal Poverty Guidelines. But those guidelines are uniform for the entire contiguous 48 states—a survivor living in New York City with a household income that exceeds 150% of the Federal Poverty Guidelines may not in fact be able to afford the considerable application fees, once her other necessities (and those of her children) are taken into account.

As an illustration, under the 2019 Federal Poverty Guidelines, a pregnant single mother of one earning $2200 a month in New York would be above the 150% cutoff. Poverty Guidelines, U.S. Dept. of Health and Human Services (Jan 15, 2020), https://bit.ly/2Rbr0hJ. However, after paying for food, rent, and childcare—all of which are particularly expensive in New York City—such an applicant would have very little income left with which to pay her application fees.[3] Under the current system, such an applicant could reliably prove her need for a fee waiver by showing she received Medicaid benefits, which are available to pregnant single mothers earning up to 219% of the federal poverty guidelines in New York.[4] "Health Insurance for Pregnant Women," NYS Department of Health, https://on.nyc.gov/2ukRCnu (last accessed Jan. 20, 2020). However, under the new policy, the applicant would face uncertain prospects of meeting the fee or obtaining a waiver through other means.

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[3] *See* Women's Center for Education and Career Advancement, et. al., *Self-Sufficiency Standard for New York City,* https://bit.ly/2THByqP (last accessed Jan. 17, 2020) ("The combination of being a woman, having children, and solo parenting is associated with the highest rates of income inadequacy [in NYC]"); Sen. Kirsten Gillibrand, *Child Care Costs Rising $730 Each Year in New York*, https://bit.ly/2NKGJlN (last accessed Jan. 17, 2020) ("In New York City, the cost of child care is increasing $1,612 per year … the average family spends up to $16,250 per year for an infant, $11,648 for a toddler and $9,620 for a school-age child.").

[4] With respect to Medicaid, income eligibility thresholds vary state-to-state. *See* "Frequently Asked Questions," Center on Budget and Policy Priorities, http://bit.ly/366bZlK.

B. The new policy's options for establishing fee-waiver eligibility impose unjustified—and sometimes insurmountable—evidentiary obstacles to low-income survivors.

The remaining options for obtaining a fee waiver are not suitable substitutes for the 72% of applicants who have been relying on a means-tested benefit to obtain a fee waiver. For those individuals who *also* should qualify by having income of less than 150% of Federal Poverty Guidelines, at best, they will need to navigate the complex and potentially insurmountable documentary obstacles erected by USCIS. The rest can try to pursue the elusive final option of a "financial hardship" with its own onerous documentary burdens and vague adjudication standard. In practice, many will be forced to choose between paying a fee they genuinely cannot afford—at the cost of groceries, medical care, housing, or utilities—or not filing for relief at all. As a result, they may be forced to continue to live with their abuser, risking their health or even their lives—as the violence continues or escalates.

1. Many eligible survivors will be unable to obtain required documentation to establish that their income falls below 150% of the federal poverty guidelines.

For those whose income falls below 150% of the federal poverty guidelines—the applicants with *the least* resources—the agency's new burdensome evidentiary policies make it extraordinarily difficult to actually obtain the fee waiver. In particular, the requirement to obtain an IRS tax *transcript*—not a copy of a return (AR478)—for every household member (except an abuser) for the most recent tax year, is unnecessary and overly burdensome.

Even the most diligent applicants are unlikely to have a tax transcript on hand and getting one is no easy feat. It can be done online in some cases—but that requires access to the Internet, and, on top of that an email address, a mobile phone in the applicant's name, and the details of an existing financial account such as a credit card, mortgage or auto loan for identity verification. IRS, "Current Transcript Availability," https://bit.ly/30EDFwN (last accessed Jan. 18, 2020). These are not things readily available to many survivors (let alone minor dependents, who have to file separate fee-waiver applications). Additionally, there is a built-in delay each spring around the April tax deadlines, when the IRS is still processing recent returns and will not issue a transcript

at all, until as late as June for paper filers. *Id*. These types of delays are especially dangerous to survivors of abuse and violence, particularly those still living under the same roof as their abuser.

Requests for tax transcripts by mail are slower, and due to security concerns, the transcript can only be mailed to the last address the IRS has on record, a problem for individuals trying to escape an abuser. Individuals still living with their abuser—whether a spouse or otherwise—will likely not feel safe having anything hinting at an attempt to escape the relationship mailed to their home. Others who have escaped an abusive home may be even more intimidated by the prospect of retrieving mail from their former address. Meanwhile, changing addresses with the IRS adds another 4–6 weeks to the process, assuming there is even another viable address to provide. IRS, "Get Transcript FAQs," https://bit.ly/2NLkwEp (last accessed Jan. 18, 2020). Many of these individuals do not work outside the home and thus do not have a work address that they can use. Still others are transient, moving from place to place as they attempt to gain independence and safety.

All of this also assumes the individual has a Social Security number or other taxpayer identification number with which to identify tax records. *See* AR2235, 3341–42, 3344. This is often not the case for *amici*'s clients because of the control imposed on them by the abuser. Getting that identifier from the Social Security Administration adds yet more time and complexities to the waiver process. *See also* AR5104–5109.

Of course any application for a government benefit or program will require the applicant to complete some process—and therefore will impose some burden on the individual. However, USCIS's new fee-waiver policy changes are so burdensome as to be unreasonable. And there is no corresponding clear benefit to USCIS other than reducing successful fee waivers. This frustrates congressional intent and the purpose of the fee-waiver provision altogether. For this reason alone, the policy change is arbitrary and capricious.

2. The "financial hardship" standard is vaguely defined and inconsistently applied, burdening survivors and contradicting USCIS's stated purpose.

Similar problems exist with the "financial hardship" route for qualifying for a fee waiver, which requires ill-defined documentation of income and assets and is increasingly inconsistently granted. The same barriers that make it difficult for survivors who do not have control of their finances to obtain tax transcripts also make it difficult to obtain the kind of formal documentation of financial status necessary to satisfy the financial hardship standard. *Amici*'s experience is that even under the existing framework, in recent years USCIS began to deny fee waivers for their clients in large numbers, without any apparent rhyme or reason, or consistency. *See* Letter from 232 Organizations and Agencies (Sept. 4, 2018), https://bit.ly/2Rb6o9k. Holding a means-tested benefit has been a reliable indicator of whether a fee waiver will be approved—either the applicant is receiving a means-tested benefit, or they are not. Funneling the applicants who previously relied on the means-tested benefit route into the financial hardship route will only inject further uncertainty into the process.

The instructions for both the Federal Poverty Guidelines and "financial hardship" approaches vaguely suggest that if the lack of documentation or income is "due to your victimization," other information may be acceptable to establish *both* the unavailability of the documentation *and* the lack of income. AR480, AR481. However, a lack of income and documentation may not be clearly "due to" an abusive partner's behavior or, at the very least, establishing that to be the case might be challenging. As discussed above, economic control over a domestic violence victim is a common tactic on the part of abusers. And these tactics are varied and complex, such that the victims and survivors themselves may not even be aware that the lack of documentation or income are "due to" victimization. Most importantly, it adds an additional hurdle an applicant faces and risks deterring them altogether, precisely the outcome Congress intended to avoid when it provided for fee waivers.

By eliminating the means-tested benefit route, USCIS has effectively made the "financial hardship" test a primary avenue to obtaining a fee waiver. One justification for the policy change

was to bring consistency to the fee-waiver standard. AR44. However, USCIS provided no justification for how, after eliminating the means-tested benefit option, the FPG and "financial hardship" routes would create that consistency. As discussed above, available evidence indicates that the "financial hardship" test actually further creates inconsistency in the process. The standard is not clearly defined and appears to be much more subjective in its application than the means-tested benefit approach. In contrast, a number of responses to the USCIS's September 2018 notice explained, the means-tested benefit standard was consistent and based on an accurate assessment of applicants' needs. *See, e.g.*, AR2567, 2753. The change is contradictory to its stated purpose and therefore arbitrary and capricious under federal law.

3. Without a reliable route to obtaining fee waivers, many survivors will miss crucial filing deadlines, frustrating the purpose of the fee-waiver policy.

Even assuming applicants can actually navigate this new process, the built-in delays entailed by the tax transcript requirement and the uncertainty of the financial hardship test mean that many applicants will be delayed in obtaining relief and some applicants will miss crucial filing deadlines. In contrast to historical practice, USCIS will "not issue any Requests for Evidence" to address inadvertent errors or missing information in a fee-waiver application, and will simply reject the fee waiver, and the filing to which it was attached. *See* AR508. And, on top of this, any replacement filing (either with a fee or another fee waiver) will not get the benefit of the original filing date, meaning crucial filing deadlines may be missed.

For filings where time is of the essence, having a fee-waiver application rejected may mean forfeiting the claim itself. For example, most appeals must be filed within 30 days and carry a fee of $675. *See generally* USCIS, Form I-290B, Notice of Appeal or Motion, https://bit.ly/2tDnSCl (last accessed Jan. 17, 2020); 8 C.F.R. § 103.3(a)(2); G-1055, Fee Schedule, https://bit.ly/2RlcnHE. Even when such claims are not forfeited, it means many survivors will be living with, and under the control of their abuser, for much longer than they need to. This may put them at greater risk of further violence, or even death, as violence may escalate over time. *See,*

e.g., Aris R., "Escalation," The National Domestic Violence Hotline, https://bit.ly/3asZAeS (last accessed Jan. 20, 2020); "Domestic abuse: Killers 'follow eight-stage pattern', study says," BBC, Aug. 28, 2019, https://bbc.in/2tEAOIj.

As an example, a member of ASISTA reports that a trafficking survivor's fee-waiver application was rejected when she submitted an appeal related to her application for residency. The information contained in the appeal fee waiver was nearly identical to the information submitted in the fee waiver that was initially approved for the residency application. USCIS notified the survivor that the appeal fee waiver was rejected ***after*** the appeal period expired, and then the trafficking survivor (a T Visa holder) was placed in removal proceedings pursuant to USCIS Notice to Appear policy.[5] It took over a month to get the appeal fee donated from a nonprofit organization to try to refile as a Motion to Reopen because the option for an appeal is no longer available given the missed deadline. This has caused additional trauma for the survivor who is now out of status and facing deportation in removal proceedings.

C. Requiring duplicative fee-waiver applications for related filings by members of the same family will unnecessarily burden survivors and their dependents and is contrary to the stated purpose of USCIS's policy change.

Under the new policy, USCIS now also seeks to require individuals in the same family unit, applying for related benefits at the same time, to file separate fee-waiver applications. AR458. This defies common sense and imposes additional burdens on both applicants and USCIS for no discernable benefit. Indeed, it increases the potential for inconsistent treatment of materially identical applications from multiple family members. This change will have a particular impact on the survivor community, where family member applications—including for unmarried children under 21, unmarried siblings under 18, or survivors' parents—are almost half of the total received.

In FY2018, USCIS received 34,967 principal applications for a U Visa and 24,024 family member applications. USCIS, Number of I-918 Petitions for U Nonimmigrant Status (Victims of

[5] For additional information on the impact of this policy on survivors, *see* Congressional Letter to Ken Cuccinelli, Acting Director of U.S. Citizenship and Immigration Service on Notice to Appear Policy Changes (July 31, 2019), https://bit.ly/2NLWqcx.

Certain Criminal Activities and Family Members) by Fiscal Year, Quarter, and Case Status 2009-2019, https://bit.ly/2ueReqK (last accessed December 28, 2019). Over the 10 prior years, 41% of U Visa applications were for family members (171,074 out of 241,050). *Id.* For T Visas, 44% of applications in fiscal year 2018 (1,315 out of 1,613), and 50% for the prior decade (7,916 out of 15,863), covered family members of survivors. USCIS, Form I-914, Application for T Nonimmigrant Status by Fiscal Year, Quarter, and Case Status, https://bit.ly/2RxVNoc (last accessed December 28, 2019). If the new policy had been in effect, it would have necessitated almost *double* the number of fee-waiver filings (putting aside that due to the other policy changes analyzed above, preparing each filing itself would be considerably more complex).

This change has no valid purpose and will only further frustrate the intent of Congress in relieving——not compounding—the burden on survivors. This is particularly acute for dependent children or elderly dependents, whose financial information is derivative of the primary applicant's information. Requiring two sets of forms for a parent and a dependent child only adds paperwork that the applicant must file and the agency must review without creating any new benefits to either party. Given the number of family members that file under the visas at issue, this policy change is both unnecessary and irrational.

Further, USCIS has stated that one goal of the fee-waiver policy change is to "[c]urtail[] the rising costs of fee waivers." Revision of a Currently Approved Collection: Request for Fee Waiver, 84 Fed. Reg. 26137, 26139 (June 5, 2019). However, by requiring individuals in a family to file separately, USCIS is increasing the amount of applications it will receive and thus the amount of time it will take to process these applications. The only explanations USCIS provided to support the change were conclusory. *See* AR247, 317 (asserting that requiring applicants to file individually will "not increase the burden" and reduce rejections). Because this policy change is overly burdensome, irrational, and contrary to the stated purpose of the policy change, it is arbitrary and capricious and should be set aside.

D. The new approach of rejecting "Applicant Generated Requests" presents yet additional barriers to survivors.

Finally, USCIS will no longer accept fee-waiver requests in the form of affidavits, declarations or similar materials ("Applicant Generated Requests"), instead requiring them to be submitted on the revised I-912 form. AR458. The agency historically accepted these types of materials, and acknowledges that under its own regulations, a fee-waiver request does not need to be in any particular format. *See* AR44 (2011 guidance stating that "[a]s the use of a USCIS-published fee-waiver request form is not mandated by regulation, USCIS will continue to consider applicant-generated fee-waiver requests (i.e., those not submitted on Form I-912) that comply with 8 CFR 103.7(c)"). Indeed, the fee-waiver regulation requires only a "written request" "stat[ing] the person's belief that he or she is entitled to or deserving of the benefit requested, the reasons for his or her inability to pay, and evidence to support the reasons indicated." 8 C.F.R. § 103.7(c)(2).

The new requirement that a specific form be used, in addition to being at odds with the agency's own regulation (which it did not purport to change as part of this action), places an additional and unnecessary hardship on applicants to locate, properly complete, and submit a complex and confusing 11-page form with 11 pages of instructions, together with specified backup material. *See, e.g.*, ARAR168-79. This is particularly true for *amici* who are direct service providers, who often have clients with limited English proficiency and difficulties obtaining specific types of paperwork as they attempt to extricate themselves from an abuser, or apply for relief without the abuser's knowledge.

In contrast, it is often easier for survivors and those who serve them to use applicant-generated fee requests to demonstrate income, expenses and the reasons the applicant or petitioner is unable to pay the immigration fees, often including a declaration by the applicant. These applicant-generated forms of proof comport with the requirements of 8 CFR § 103.7(c) and with the "any credible evidence" standard that Congress specified for the underlying request for relief. They should continue to be accepted.

* * *

Fee waivers that are actually obtainable are integral to a survivor's ability to obtain VAWA relief or to secure a U or T Visa. USCIS's fee-waiver changes, especially when taken together, undermine decades of legislation and agency policy. Not only do the fee-waiver changes eliminate the overwhelmingly most-used avenue to qualify for fee waivers by all applicants, but they also increase the amount of documentation needed to qualify via the remaining two options, substantially limiting the ability of applicants to obtain these necessary—and potentially life-saving—fee waivers. Survivors of sexual assault, abuse, and trafficking will be deterred from seeking the safety and benefits provided to them by statute, unable to afford the fees and wary of a forebodingly complex fee-waiver bureaucracy. And many survivors who try will come away empty-handed for failure to comply with some aspect of the agency's demanding requirements.

CONCLUSION

Plaintiff's motion for summary judgment should be granted.

Dated: January 21, 2020

Respectfully submitted,

/s/ *Stuart F. Delery*

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**Application for admission pro hac vice forthcoming*

Attorneys For *Amici Curiae* Organizations Serving Immigrant Survivors of Violence in Support of Plaintiff's Motion For Summary Judgment

CERTIFICATE OF COMPLIANCE

I hereby certify that on this 21st day of January, 2020, the foregoing brief complies with the requirements of Local Civil Rule 5.4 and 7(o).

/s/ *Stuart F. Delery*
Stuart F. Delery

CO-386
10/2018

United States District Court
For the District of Columbia

NORTHWEST IMMIGRANT RIGHTS PROJECT,

Plaintiff

vs

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

Defendant

Civil Action No. 19-cv-03283-RDM

CERTIFICATE RULE LCvR 26.1

I, the undersigned, counsel of record for API-GBV, ASISTA, Casa de Esperanza, FNUSA, FUTURES, Her Justice, NAESV, NNEDV, NRCDV, and Tahirih Justice certify that to the best of my knowledge and belief, the following are parent companies, subsidiaries or affiliates of API-GBV, ASISTA, Casa de Esperanza, FNUSA, FUTURES, Her Justice NAESV, NCADV, NNEDV, NRCDV, and Tahirih Justice which have any outstanding securities in the hands of the public:

Not applicable.

These representations are made in order that judges of this court may determine the need for recusal.

Attorney of Record

/s/ Stuart F. Delery
Signature

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

NORTHWEST IMMIGRANT RIGHTS PROJECT, Plaintiff, v. UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES, Defendant.	Case No. 19-cv-03283-RDM

[PROPOSED] ORDER GRANTING LEAVE TO FILE BRIEF AS *AMICI CURIAE*

Upon consideration of the Organizations Serving Immigrant Survivors of Violence's Motion for Leave to File Brief as *Amici Curiae* in Support of Plaintiff's Motion for Summary Judgment, it is hereby **ORDERED** that said Motion is **GRANTED** and the Clerk of the Court shall DOCKET the Brief as *Amici Curiae*, attached as Exhibit A to its motion.

Dated: _____, 2020

Hon. Randolph D. Moss
United States District Judge