



ASISTA's Recommendations to USCIS to Protect the Rights of Survivors of Violence during the COVID-19 Pandemic

Immigrant survivors of crime “deserve more attention and assistance” as our nation works to fight this pandemic.¹ Immigrant survivors of domestic violence, sexual assault, human trafficking and other serious crimes already face myriad barriers accessing services and assistance, and these barriers have been exacerbated during this unprecedented COVID-19 emergency.

Resources and institutions designed to help survivors seek safety and protection are limited due to national, state, and local emergency closures, and survivors face increased uncertainty and confusion.² USCIS' national response to this crisis must include elements of flexibility, fairness and due process. To this end, ASISTA elevates the [guiding principles of the Alliance for Immigrant Survivors](#) to enhance protections for immigrant survivors during this crisis, and provides the following recommendations to U.S. Citizenship and Immigration Services (USCIS).

- A. Problem:** Survivors and their advocates are unable to respond to pending requests and inquiries given the impact of the national, state and local states of emergencies declared nationwide.
- **Solution:** USCIS should **implement a uniform and automatic extension of *all* deadlines** (including filing deadlines) to 90 days after the COVID-19 national emergency has been declared over.
 - USCIS must also take measures to prevent eligible family members from “aging out” of benefits.
- B. Problem:** Many immigrant survivors are on the front-lines of combating COVID-19. Other survivors have been furloughed or otherwise lost their jobs due to this pandemic. Survivors may not be able to take measures to extend or apply for immigration status

¹ See Archi Pyati. Letter to the Editor, available at :

<https://www.nytimes.com/2020/04/08/opinion/letters/coronavirus-race-inequality.html>

² See e.g. Alisha Haridasani Gupta and Aviva Stahl, “For Abused Women, a Pandemic Lockdown Holds Dangers of Its Own,” The New York Times (March 24, 2020), at <https://www.nytimes.com/2020/03/24/us/coronavirus-lockdown-domestic-violence.html> (citing shelter director’s fears that immigration-related threats by abusers “will escalate during the coronavirus crisis, and with information about the government’s response changing nearly by the hour, survivors may not know who or what to believe.”)

and/or work authorization during this COVID-19 crisis given social distancing orders, and the closure of many legal and social services for in-person assistance.

- **Solution: USCIS must toll for at least one year *all* expiration dates related to any individual's lawful status and employment authorization** that expire after March 1, 2020.

C. Problem: Many applicants face immense hardship obtaining initial evidence to submit evidence for a survivor-based form of immigration relief like Violence Against Women Act self-petitions, U and T visa relief given the closure of many essential services and local and state agencies.

- **Solutions:**
 - USCIS must maintain additional flexibility with regard to what should be considered “initial evidence” so that applications are not unjustly denied for failure to submit items that are not unavailable, this includes flexibility for evidence for fee waiver applications.
 - **USCIS should rescind its processing policy of rejecting applications for blank spaces.**³ Given the COVID-19 pandemic and the many erroneous and problematic rejections, continued implementation of this policy will result in additional undue hardships to survivors.
 - **USCIS should suspend the expiration date of signed I-918 Supplement B U Nonimmigrant Status Certifications** and permit filing of U visa petitions with I-918 Supplement B certifications that are now expired but were duly signed within 3 months prior to the President’s declaration of a national emergency on March 13, 2020.
 - **USCIS must allow for the Submission of Digital and Electronic Signatures.** Due to ‘stay at home’ orders and social distancing, individuals may not have the appropriate equipment at home that allows them to print, copy or scan signed documents. USCIS should adopt measures similar to those of the Executive Office of Immigration Review.

For more information and specific recommendations, see ASISTA’s letters to USCIS [from March 24, 2020](#) and [April 7, 2020](#).

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³ For additional information on why this policy should be rescinded see ASISTA’s February 6, 2020 letter to USCIS available [here](#).