



## PRESS RELEASE

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### **Safe Horizon and ASISTA File Lawsuit Against USCIS and DHS, Seeking Information on Policy Change Making it More Difficult for Victims of Serious Crime to Obtain Relief Under the U-Visa Program**

NEW YORK, NEW YORK – Safe Horizon, Inc. and ASISTA Immigration Assistance filed a lawsuit yesterday against the United States Citizenship and Immigration Services (“USCIS”) and its parent agency, the Department of Homeland Security (“DHS”), in federal court in the Southern District of New York. The plaintiffs are suing to compel the agencies to respond to a Freedom of Information Act (“FOIA”) request seeking information on changes to USCIS’s practices that are making it more difficult for noncitizens to obtain lawful immigration status under the U-visa program—a humanitarian remedy specifically reserved for immigrants who have been victims of serious, often violent crime.

For immigrant survivors of domestic violence and sexual assault like Angela Harriet\*, obtaining a U-visa can mean protection from the abuser as well as from deportation. When Angela applied for her U-visa, she told USCIS that police had once arrested her after her abusive ex-partner falsely accused her of assault, but the charge was later dismissed and the records sealed. She provided a court certificate confirming the dismissal, and USCIS granted her U-visa in 2013. However, as alleged in the Complaint, starting in 2018, USCIS began requiring all underlying records related to any prior contact with the criminal justice system, including such minor contacts where charges were dismissed, arrests did not lead to charges, or records were sealed. When Angela later applied for her “green card” based on her U-status, USCIS demanded that she unseal the records of her arrest. It ultimately denied her green card application, refusing to simply accept the court certificate as it had done before.

Despite this marked shift, USCIS never announced that it had changed its practice, or published any new practice guidance, advisory, or notice. Now, it has failed for over a year to provide any documents or substantive response to Plaintiffs’ FOIA request seeking information about its new practice of requiring records beyond the court certificate.

“USCIS’s decision to hide its U-visa adjudication practices poses a gratuitous and harmful challenge to the most vulnerable humanitarian applicants and the immigration organizations that assist them,” said Gibson Dunn & Crutcher LLP partner Akiva Shapiro, lead counsel for plaintiffs. “By withholding information about its policies and practices, USCIS is preventing immigrant and victims-of-violence support organizations from doing the important work of developing an accurate understanding of what is required for certain immigration applications, and advising applicants accordingly. It is depriving immigrant applicants of the chance for fully informed

representation when presenting their cases,” said Evangeline M. Chan, Director of Safe Horizon’s Immigration Law Project.

“We hope that this lawsuit finally compels USCIS to comply with the law, and finally brings to light the new policies USCIS has been keeping hidden,” added Amy Cheung, Senior Legal Counsel at ASISTA.

A copy of the Complaint can be found [here](#).

*\*name has been changed to protect client privacy*

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Plaintiff Safe Horizon is the largest nonprofit victim services agency in the United States. Safe Horizon provides support for people who have experienced domestic and intimate partner violence, child physical and sexual abuse, rape and sexual assault, human trafficking, stalking, youth homelessness, and violent crimes committed against a family member and within communities. Safe Horizon’s work affects the lives of more than 250,000 children, adults, and families affected by crime and abuse throughout New York City each year. Safe Horizon’s Immigration Law Project offers legal representation to survivors of violence seeking immigration relief. It serves over 1,000 clients seeking immigration relief each year, a majority of whom are eligible for U-visas.

Plaintiff ASISTA is a legal nonprofit whose mission is to advance the dignity, rights, and liberty of immigrant survivors of violence. ASISTA trains legal representatives of noncitizen survivors of violence, advocates for advances in policy, publishes training materials, and runs training programs that educate the public, legal practitioners, civil and criminal court judges, government officials, advocates, and law enforcement officers about immigration law and practice. A membership organization with over 500 members, ASISTA also partners with numerous other immigration organizations and legal practitioners nationwide, who collectively serve thousands of U-visa-eligible victims of qualifying crimes.

Safe Horizon and ASISTA are being represented in this lawsuit by Akiva Shapiro, Katie Marquart, Alyssa Kuhn, Cassarah Chu, and Emil N. Nachman of the law firm of Gibson, Dunn & Crutcher LLP.