

United States Senate
WASHINGTON, DC 20510

April 24, 2020

Kenneth Cuccinelli
Senior Official Performing the Duties of the Director
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, NW
Washington, DC 20529

Dear Mr. Cuccinelli:

We write to urge you to take action to ensure that immigrant survivors of domestic violence, sexual assault, human trafficking, and other serious crimes can continue to access programs during the coronavirus (COVID-19) pandemic through which they can obtain legal status independent of abusers and perpetrators. At a time when domestic violence reports are surging and survivors are at increased risk, these protections are critical.

As state and local governments across the country have adopted measures to combat COVID-19, public health officials have made clear that staying at home is the best way to prevent the spread of the virus. But for too many people, home can be a dangerous place. Isolation, economic uncertainty, and anxiety about the spread of the virus have added new stress for many families, which in turn can increase the risk of domestic violence. Immigrants—who often face language barriers, are separated from friends and family, or may not be aware of protections available under U.S. law—can be particularly vulnerable to domestic violence. Additionally, during this pandemic they face increased barriers to accessing legal services and advocacy support. These vulnerabilities are compounded when a person’s immigration status is linked to an abusive partner.

Under the Violence Against Women Act (VAWA) self-petition program, certain immigrant survivors of domestic violence may apply for lawful permanent resident status without the cooperation of an abusive spouse or family member who may otherwise control sponsorship. In addition, the T visa program and the U visa program provide a pathway for victims to come forward to assist with the investigation or prosecution of crimes. These protections provide access to legal status and work authorization to eligible survivors to help them obtain safety and security.

In order to secure independent immigration status under these programs, applicants must provide significant documentation to USCIS. All applications are subject to follow-up requests for further evidence (RFEs). While RFEs can be necessary to thoroughly vet applications, survivors are often required to provide official documentation of medical records, birth certificates, marriage licenses, and other court documents—evidence that can be particularly hard to obtain during the COVID-19 pandemic and hard for survivors to give to those providing legal assistance when many are only working remotely from their homes.

In addition, many of those who utilize the VAWA self-petition or the U visa or T visa programs are the primary financial provider for their families with jobs obtained using USCIS employment authorizations. Additionally, many immigrants work in jobs considered to be essential services during this pandemic. Without these work authorizations, many of which are set to expire during the pandemic, survivors risk losing the ability to earn a living to support their families at a time when they need it most.

On March 18, USCIS temporarily suspended routine in-person services, and on March 30, USCIS extended application deadlines for responses to certain RFEs and Notices of Intent to Deny, Revoke or Terminate received between March 1 and May 1, 2020. While we appreciate USCIS's acknowledgement of the challenges for survivors to meet such deadlines during the pandemic, USCIS must also acknowledge that many survivors are also unable to respond to pending requests issued prior to March 1 that have upcoming deadlines. For this reason, USCIS must take additional measures to increase flexibility for survivors who are submitting initial applications, as well as for those who have pending applications.

It is for these reasons that we respectfully request that USCIS immediately:

- Provide flexibility regarding documentation and other requirements for all initial applications, including fee waivers. This flexibility includes but is not limited to:
 - allowing evidence that is not available due to the national emergency to be submitted after the initial filing,
 - suspending the expiration date of duly signed Supplement B, U Nonimmigrant Status Certifications until 90 days after the end of the COVID-19 national emergency,
 - waiving the requirement of passport photos, and
 - permitting the use of digital and/or electronic signatures.
- Implement a uniform and automatic extension of all deadlines, including filing deadlines, to 90 days after the end of the COVID-19 national emergency, including preventing eligible family members from “aging out” of protections; and
- Automatically extend immigration status and employment authorization documents that are set to expire between March 1, 2020 and 90 days after the end of the COVID-19 national emergency for the duration of the term they were previously valid.

We also respectfully request that USCIS respond to the following inquiries by May 8, 2020:

1. What information has USCIS made available, particularly to domestic violence organizations and community-based organizations, to ensure that hard-to-reach populations are aware of these programs and USCIS's accommodations during the COVID-19 national emergency?
2. Please provide information on case processing for humanitarian applications, including:
 - a. How many USCIS adjudicators are currently working on VAWA self-petition, U visa applications, or similar petitions? Has this number changed since March 1, 2020?

- b. Provide confirmation that the Vermont Service Center (VSC) Humanitarian Unit and the Nebraska Service Center (NSC) U visa Unit continue to adjudicate applications at the normal level of operations. If any operations have been changed due to COVID-19, please provide the date these changes were implemented, and what specific changes have been made to the processing of humanitarian applications, including VAWA self-petitions and U and T visa relief.
 - c. Clarify whether USCIS Service Centers, including the VSC Humanitarian Unit and NSC U Visa Unit, continue to receive mail and distribute outgoing mail at the normal level of operations.
3. Please provide any guidance USCIS issued to contractors and adjudicators related to the initial review of humanitarian applications and the factors that are considered in evaluating the failure to submit evidence or respond to a notice during the COVID-19 pandemic.
 4. Please confirm that survivor representatives will continue to have access to the VAWA phone and email hotline at the VSC, and if not, what other avenues for communication has USCIS operationalized, including for survivors who may have pending matters at USCIS District Offices?
 5. Please describe what plans USCIS has made or implemented for stakeholder engagement around case processing and the COVID-19 crisis, including but not limited to listening sessions, teleconferences, and webinars, so that USCIS can answer questions and address concerns of stakeholders.

Thank you for your attention to this important matter. We look forward to your prompt response.

Sincerely,

/s/ Amy Klobuchar
United States Senator

/s/ Mazie K. Hirono
United States Senator

/s/ Tammy Duckworth
United States Senator

/s/ Richard J. Durbin
United States Senator

/s/ Christopher A. Coons
United States Senator

/s/ Richard Blumenthal
United States Senator

/s/ Cory A. Booker
United States Senator

/s/ Kamala D. Harris
United States Senator

/s/ Robert Menendez
United States Senator

/s/ Elizabeth Warren
United States Senator

/s/ Bernard Sanders
United States Senator

/s/ Catherine Cortez Masto
United States Senator

/s/ Jacky Rosen
United States Senator

/s/ Christopher S. Murphy
United States Senator

/s/ Edward J. Markey
United States Senator

/s/ Kirsten Gillibrand
United States Senator