

January 8, 2024

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U.S. Citizenship and Immigration Services
Department of Homeland Security

Submitted via www.regulations.gov

RE: “Agency Information Collection Activities; Revision of a Currently Approved Collection: Petition For U Nonimmigrant Status”
OMB Control Number 1615-0104; Docket ID USCIS-2010-0004-0087

Dear Ms. Deshommes:

The undersigned organizations dedicated to advocating for immigrant survivors of violence respectfully submit this comment in response to the “Agency Information Collection Activities; Revision of a Currently Approved Collection: Petition For U Nonimmigrant Status,” published in the Federal Register on November 9, 2023 for 60 days of public review and comment.¹ We appreciate this opportunity to provide comments.

I. Introduction

The Asian Pacific Institute on Gender-Based Violence (API-GBV), ASISTA Immigration Assistance, the Catholic Legal Immigration Network, Inc. (CLINIC), Freedom Network USA, Her Justice, Inc., Immigration Center for Women and Children (ICWC), National Immigrant Women's Advocacy Project, Inc. (NIWAP), and Tahirih Justice Center are direct services and policy advocacy organizations specializing in assisting immigrant survivors of gender-based violence, including domestic violence, sexual assault, stalking, human trafficking, forced labor, forced marriage, female genital mutilation/cutting and other crimes.

API-GBV is a national resource center on domestic violence, sexual violence, trafficking, and other forms of gender-based violence impacting Asian, Asian American, Pacific Islander (“AAPI”) and immigrant communities. API-GBV supports a national network of advocates and community-based service and advocacy organizations working with AAPI and immigrant and refugee survivors, and provides analysis and consultation on critical issues facing AAPI and immigrant and refugee survivors of gender-based violence, such as implementation of legal protections afforded immigrant and refugee survivors in the Violence Against Women Act, the Trafficking Victims Protection Act, and the Personal Responsibility and Work Opportunity Reconciliation Act, Title VI of the Civil Rights Act of 1964, and other federal laws. API-GBV

¹ Agency Information Collection: Petition For U Nonimmigrant Status, 88 FR 77347 (Nov.9, 2023), https://www.federalregister.gov/documents/2023/11/09/2023-24772/agency-information-collection-activities-revision-of-a-currently-approved-collection-petition-for-u?utm_campaign=subscription+mailing+list&utm_medium=email&utm_source=federalregister.gov.

engages in training, technical assistance, and leads by promoting culturally relevant intervention and prevention, expert consultation, technical assistance and training; conducting and disseminating critical research; and informing public policy.

ASISTA is a national organization dedicated to safeguarding and advancing the rights of immigrant survivors of violence.. For over 15 years, ASISTA has been a leader on policy advocacy to strengthen protections for immigrant survivors of domestic violence, sexual assault, human trafficking and other crimes that were created by the Violence Against Women Act (VAWA) and the Trafficking Victims Protection Act (TVPA). We assist advocates and attorneys across the United States in their work on behalf of immigrant survivors and submit this comment based on our guiding principles and our extensive experience.

Embracing the Gospel value of welcoming the stranger, **CLINIC** has promoted the dignity and protected the rights of immigrants in partnership with a dedicated network of Catholic and community legal immigration programs since its founding in 1988. CLINIC's network, originally comprised of 17 programs, has now increased to more than 450 diocesan and community-based programs in 48 states and the District of Columbia. CLINIC is the largest nationwide network of nonprofit immigration programs. Through its Affiliates, CLINIC advocates for the just and humane treatment of noncitizens.

Freedom Network USA (FNUSA) is the nation's largest coalition of service providers, survivors, and advocates working directly with human trafficking survivors. FNUSA is committed to a human rights-based approach to human trafficking, placing a trafficked person's priorities and narrative at the center of anti-trafficking work. Over 100 FNUSA members work to create a coordinated national system in which appropriate and effective high-quality services are available to any survivor, anywhere, anytime—regardless of legal status, geographic location, age, gender, sexual orientation, or type of trafficking experienced.

Her Justice is a non-profit organization that, since its founding in 1993, has been dedicated to standing with women living in poverty in New York City by recruiting and mentoring volunteer lawyers to provide free legal help to address individual and systemic legal barriers. Our immigration program works directly with undocumented immigrants to provide a path to lawful immigration status. We work primarily with survivors of domestic and sexual violence, those affected by human trafficking and/or children who have suffered abuse, abandonment or neglect. We represent in-house clients and mentor pro bono attorneys in their representation of clients for VAWA Self-Petitions, Petitions for U Nonimmigrant Status, Applications to Adjust Status, Waivers of the Joint Petition to Remove Conditions on Residence, Applications for Naturalization, Applications for T Nonimmigrant Status, and Applications for Employment Authorization. Along with our efforts to provide legal services to individuals, we engage in policy reform and advocacy to reform the immigration system so that the greatest number of immigrant women are able to obtain and preserve the best possible status, through a process that prioritizes their safety and dignity.

ICWC is a non-profit legal organization providing free and affordable immigration services to underrepresented immigrants in California and Nevada. ICWC strives to provide security and

stability for children who are abused, abandoned or neglected and for immigrants who are survivors of domestic violence, sexual assault and other violent crimes. Since its founding in 2004, ICWC has developed national expertise in humanitarian-based immigration cases assisting survivors of trauma and has served over 45,000 people.

NIWAP is a training, technical assistance, and public policy advocacy organization with almost four decades of experience developing, reforming and promoting the implementation and use of laws and policies to improve legal rights, services, and assistance to immigrant women and children who are victims of domestic violence, sexual assault, stalking, human trafficking, and other crimes. NIWAP's Director was involved in drafting the Trafficking Victims Protection Acts of 2000 and 2008. NIWAP provides direct technical assistance and training materials for attorneys, advocates, state court judges, immigration judges, the Board of Immigration Appeals, police, sheriffs, prosecutors, Department of Homeland Security, and other professionals.

The **Tahirih Justice Center** is the largest multi-city direct services and policy advocacy organization specializing in assisting immigrant survivors of gender-based violence. In five cities across the country, Tahirih offers legal and social services to immigrants fleeing all forms of gender-based violence, including human trafficking, forced labor, forced marriage, domestic violence, rape and sexual assault, and female genital mutilation/cutting ("FGM/C"). Since its beginning in 1997, Tahirih has provided free legal assistance to more than 32,000 individuals, many of whom have experienced the significant and ongoing psychological and neurobiological effects of trauma. Through direct legal and social services, policy advocacy, and training and education, Tahirih promotes a world where immigrant survivors can live in safety and with dignity.

We thank USCIS for making revisions to the forms that reflect greater gender inclusivity and provide additional guidance to law enforcement certifiers and *pro se* applicants. Our recommendations will address the proposed revisions to the form I-918/I-918A, and I-918B, respectively. We believe some of these changes will protect noncitizen survivors of crime and gender based violence by increasing their access to lawful immigration status, independence, and physical safety. We also believe that some of the revisions will cause additional burdens on applicants and certifiers and frustrate the aims of the VAWA statute and U visa, as detailed in this comment. We urge USCIS to consider our recommendations in adopting further changes to the I-918 U Nonimmigrant Petition forms.

As an initial matter, we recommend that the federal government adopt a more transparent process for seeking comments on proposed immigration form revisions, especially those related to humanitarian relief. Many immigrant survivors of violence, along with busy practitioners who represent them in these applications, are unaccustomed to navigating the federal register site to locate the most up to date revisions published for comment. In the current collection, the proposed revisions are located in a sidebar on the lower right section of the webpage labeled "enhanced content," showing 10 documents related to the current information collection. Among those documents are links labeled "i-918supa," leading to a post from March 24, 2023, and "Form I-918 Supplement A, Petition for Qualifying Family Members of U-1 Recipient," leading to a document posted on September 18, 2020. Persons who click the link reading "see all 69 supporting documents" are then brought to a page listing all form revisions

proposed under the docket USCIS-2010-0004 in random order, requiring users to further winnow down the selection by date to see the current revisions. This way of presenting the proposed revisions is inadequate for the purpose of gathering responses from affected persons. **We recommend that the federal register website provide clear and user-friendly instructions for locating the relevant immigration form revisions produced for review in each agency information collection.**

Moreover, where revisions include both changes of format and changes to content, both are indicated in red, making the type of change more difficult to identify. **We recommend using a different color for purely formatting changes (such as the transition from two columns of questions to one column or full page formatting) so that users can more quickly and efficiently participate in the process of review and comment.**

Finally, we recommend that USCIS provide reasoning for significant changes to forms produced for comment, to avoid uncertainty over how additional information collected by the forms will be used. One of the forms included in this collection, the I-918B, contains extensive content changes to both the form and instructions, on which practitioners, immigrant survivors, and other members of the public including potential law enforcement certifiers heavily rely. These changes will likely impact certifier policies and relationships between certifiers, service providers, and immigrant survivors themselves, that are crucial to implementation of the U visa program. We respond to the specific proposed changes below, but recommend that USCIS provide reasoning for changes that significantly impact the access of immigrant survivors to U visa status.

II. Comments and Recommendations Related to Forms I-918/I-918A

A. Part 1, Question 9 (I-918)/Part 3, Question 7 (I-918A):

We applaud USCIS for the proposed addition of a gender inclusive identification option to Forms I-918 and I-918A. In 2021, ASISTA [recommended this change](#) in furtherance of the April 10, 2012, U.S. Citizenship and Immigration Services issued Policy Memorandum, “Adjudication of Immigration Benefits for Transgender Individuals; Addition of Adjudicator’s Field Manual (AFM) Subchapter 10.22 and Revisions to AFM Subchapter 21.3 (AFM Update AD12-02),” and January 19, 2017 USCIS Policy Memorandum, “Revision of Adjudicator’s Field Manual Subchapter 10.22 - Change of Gender Designation on Documents Issued by U.S. Citizenship and Immigration Services.” We commend USCIS for recognizing, through this proposed addition, the value of accurate gender documentation to immigrant survivors.

B. Part 4, Victim’s Personal Statement (I-918):

We do not oppose the addition of space for a victim’s personal statement in the Form I-918, but **recommend the addition of language in the form and instructions warning immigrant survivors against the use of representatives who are not either licensed attorneys or DOJ-accredited representatives to apply for U nonimmigrant status.**

We appreciate the increased accessibility to *pro se* petitioners that the additional space for the required victim statement represents. Many legal providers report challenges meeting capacity for the large numbers of U visa eligible noncitizen survivors in need of service. However, the analysis required for identifying and waiving grounds of inadmissibility to admission in U nonimmigrant status is complex, and in many cases requires thoughtful preparation by competent counsel. Failure to correctly identify inadmissibility grounds may result in incomplete waivers, which can create difficulties for U visa beneficiaries at the time of adjustment of status or naturalization.

To better address the capacity problems faced by immigration legal providers, particularly in rural areas, USCIS should continue its efforts to process U visa petitions more rapidly. The bona fide determination (BFD) represents a positive innovation that benefits immigrant survivors and allows for service providers to expand their services to accept more and complex cases featuring difficult questions of inadmissibility. Without competent representation, otherwise eligible immigrant survivors could be denied relief or experience a traumatic loss of status at later points in their immigration journeys.

For these reasons, **we recommend that USCIS include language in the Form I-918 instructions advising *pro se* petitioners to avoid working with unlicensed or unaccredited legal representatives, particularly if they answer yes to any of the inadmissibility questions contained in Part 2.**

C. Part 2 (I-918); Part 5 (I-918A), Chart of Entries and Exits Since April 1, 1997:

We agree that it could be helpful to identify entry-related inadmissibilities at the time of the initial U and U derivative visa petitions, but caution USCIS against using incorrect information, especially reported by *pro se* applicants, to allege misrepresentation or deny otherwise eligible petitions. Depending on their experiences before and after entries, immigrant survivors may have experienced trauma that impacts their memories of prior events, including entries.²

Whenever possible, USCIS should rely on records accessed by biometrics information to assess a U petitioner’s inadmissibility, and not reflexively conclude that conflicting information provided by a petitioner is due to lack of credibility or suggests an intention to defraud the immigration system.

D. Part 2, Question 28 (I-918); Part 5, Question 28 (I-918A): Have you EVER falsely claimed to be a U.S. citizen (in writing or in any other way)?:

We agree that it could be helpful to identify the false claim to US citizenship ground of inadmissibility at the time of the initial U visa petition, but again, caution USCIS against using

² See, e.g., RoseMarie Perez Foster, Ph.D., *When Immigration Is Trauma: Guidelines for the Individual and Family Clinician*, American Journal of Orthopsychiatry, 71(2), April 2001, https://www.sjsu.edu/people/edward.cohen/courses/c3/s1/immigration_trauma.pdf (discussing the different phases of migration and associated trauma); Saadi A, Hampton K, de Assis MV, Mishori R, Habbach H, Haar RJ, *Associations between memory loss and trauma in US asylum seekers: A retrospective review of medico-legal affidavits*, PLoS ONE 16(3): e0247033 (2021), <https://doi.org/10.1371/journal.pone.0247033>.

incorrect information, especially reported by *pro se* applicants, to allege misrepresentation or deny otherwise eligible petitions. **USCIS should recognize that this question, along with many other questions triggering inadmissibility in Part 2, involve legal conclusions and can be easily misunderstood by *pro se* applicants.**

Similarly, we urge USCIS to eliminate questions that require legal conclusions from petitioners related to culpability for criminal offenses and uncharged conduct.

III. Comments and Recommendations Related to Form I-918B Form and Instructions:

Without a signed Form I-918B certification of helpfulness, an immigrant survivor of crime simply cannot apply for a U visa. Because the immigration law leaves certification to the discretion of law enforcement agencies (LEAs), advocates for immigrant survivors have spent more than a decade developing relationships with certifiers and collaborating with them to develop certification policies. Advocates have also worked to pass legislation in several states setting protocols for certification by state LEAs.³ These efforts have yielded both great success in expanding the willingness of LEAs to provide certifications to immigrant survivors, and helpful information about barriers to certification. Nevertheless, misinformation or ignorance about the U visa program and certification processes persist, as does the need for trauma-informed and accessible engagement with immigrant survivors by law enforcement actors.⁴

For these reasons, we oppose several of the additions to the Form I-918B and accompanying instructions, on the grounds that they add unnecessary bulk and inefficiency to the form and certifying process, fail to address long-standing barriers to certification by LEAs, and invite the certifying agency to provide negative and extraneous information that may cause further injury to immigrant survivors. Moreover, we recommend that changes to the Form I-918 include instructions about language access and trauma-informed approaches to working with immigrant victims, along with more prominent prohibitions on disclosure.

A. The expanded length of the I-918B form and instructions are counter to the goals of the U visa program and may introduce further confusion and inefficiency to the certification process:

The proposed revisions to the form I-918B lengthens the form by two pages, and includes more space for certifiers to provide written answers about the immigrant survivor's culpability for the crime of which they are a victim, their injury, degree of helpfulness, and unspecified negative information about the victim. These expanded questions provide certifiers a larger role in determining the petitioner's eligibility and deservingness for the U visa, which exceeds the scope of their role in the U visa program. We discuss further the negative impact of these additional questions below, but note here that the expansion of the form is not conducive to participation in the U visa program by reluctant LEAs.

³ Catholic Legal Immigration Network (CLINIC), *States with U Certification Laws as of January 1, 2022*, <https://www.cliniclegal.org/sites/default/files/2022-04/States%20With%20U%20Visa%20Certification%20Laws%20As%20Of%202022.01.01.pdf>.

⁴ Yilun Cheng, *When It's Up to the Cops if You Get Your Visa: U visas were created to help immigrants report crimes, but the cops often don't uphold their end of the bargain*, Slate (April 14, 2021), <https://slate.com/news-and-politics/2021/04/u-visas-immigration-cop-conflict.html>.

The proposed revision to the instructions is lengthened by three pages and includes added language mostly drawn from the DHS U Visa Law Enforcement Certification Guide. The proposed revision also includes links to the DHS U Visa Law Enforcement Certification Guide on pages 1 and 2 although, curiously, not to the instruction on page 5 for providing information about designated officials to USCIS. We applaud DHS for updating the U Visa Law Enforcement Certification Guide in 2022, but suggest that adding duplicative information to the Form I-918B instructions is inefficient and potentially confusing to certifiers. Certifiers, especially those unfamiliar or uncomfortable with the U visa program, may become easily overwhelmed and even exasperated or repelled by lengthy forms and instructions and multiple versions of similar guidance. As advocates have developed guidance for certifiers as well, there is simply no need for USCIS to expand on its existing and more streamlined instructions to include repetitive information.

We recommend that USCIS revise the Form I-918B instructions to refer LEAs to the DHS U Visa Law Enforcement Certification Guide for background information about the U visa program, definitions of victim, best practices for submitting the certification, and instructions for withdrawing support for the victim’s U visa petition after the certification has been submitted. This approach would be more consistent with the Paperwork Reduction Act of 1995 as well as the more recent Executive Order on Transforming Federal Customer Experience and Service Delivery to Rebuild Trust in Government directing agencies to reduce paperwork burdens and administrative hurdles.⁵ By incorporating by reference and using the link in the form and form instructions, USCIS can facilitate consultation of the *full* DHS U Visa Law Enforcement Certification Guide by certifiers with questions about how to participate in the U Visa program.

Further, if USCIS wishes for certifiers to submit their information to a central database, it should include this short instruction (or one with similar wording) from the U Visa Law Enforcement Certification Guide directly to the Form I-918B, Part 2, Question 4: “For U visas, you can [update] USCIS when your certifying agency adds or removes a certifying official by emailing a copy of a signed letter from the head of your agency delegating certifying authority to LawEnforcement_UTVAWA.VSC@USCIS.dhs.gov.”

B. Additional questions to certifiers fail to address long standing barriers and exacerbate anti-immigrant bias:

Advocates for immigrant survivors have long worked with LEAs to encourage their participation in the U visa program and develop policies that support immigrant victims to step forward out of the shadows to report crimes against them. Rather than addressing LEA concerns about certifying helpfulness, the additional questions and explanation fields in the proposed new form I-918B will more likely lead LEAs further astray as to the limited scope of their role in the U

⁵ Executive Order on Transforming Federal Customer Service Experience and Delivery to Rebuild Trust in Government (Dec. 13, 2021), <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/12/13/executive-order-on-transforming-federal-customer-experience-and-service-delivery-to-rebuild-trust-in-government/>

visa program, cause confusion, and impede efforts by advocates for immigrant survivors to maximize the benefits of the U visa program.

Advocates have found the greatest barriers to certification to be anti-immigrant animus, failure to understand the kind of qualifying criminal activity that may form the basis of a U visa petition, and inability of the immigrant survivor to communicate in their primary language to the LEA⁶ – none of which are ameliorated by the revised I-918B. In 2013, the National Immigrant Women’s Advocacy Project (NIWAP) conducted a [national survey](#) of service providers to identify trends in police responses to immigrant crime victims.⁷ NIWAP’s survey discovered that the majority of “reasons for not signing certifications seem to reflect misunderstandings and misperceptions certifying agencies have about legal parameters and requirements about the U Visa and the certification process.”⁸ Reasons for declining to issue a certification included that the perpetrator was not prosecuted or identified, the crime happened long ago, the victim did not suffer injuries, and that the victim was unhelpful.⁹ As to helpfulness, the NIWAP study posits inadequate language access as a significant barrier to communication between immigrant victims and LEAs, and further notes that assistance with the *detection* of a qualifying crime should be sufficient to meet the helpfulness requirement.

In 2017, the New York City Department of Investigation (DOI) and Office of Inspector General for the New York Police Department (OIG-NYPD) audited the NYPD’s U visa certification activity and found that reasons given for declining to issue a U visa certification were primarily that the underlying offense was not a qualifying crime, there was insufficient information from which to determine the qualifying crime, and that the victim was not helpful.¹⁰ Upon review of the denials, DOI and OIG-NYPD recommended that NYPD adopt a more trauma-informed approach to determining helpfulness and consider abuse-related reasons why a victim might become less responsive over the course of an investigation.

None of the additional questions or instructions added to the proposed I-918B and instructions address language access or trauma-related reasons for limited communication with certifiers. The only mention of abuse in either the form or instructions is a note on page 2 of the instructions reminding certifiers that victims of domestic violence may be accused of domestic violence by their abusers. Given the expansion of the questions pertaining to helpfulness in Part 6 of the proposed I-918B revision, we are disappointed not to see guidance related to language access or domestic violence and trauma on the form or in the related

⁶ *Supra* n. 4, describing the experiences of practitioners seeking U visa certifications in various counties in Illinois.

⁷ National Immigrant Women’s Advocacy Project (NIWAP), *National Survey of Service Providers on Police Response to Immigrant Crime Victims, U Visa Certification and Language Access* (Apr. 26, 2013), <https://www.masslegalservices.org/system/files/library/Police%20Response%20U%20Visas%20Language%20Access%20Report%20NIWAP%20%204%2016%2013%20FINAL.pdf>.

⁸ *Id.*, pp. 13-14.

⁹ *Id.*

¹⁰ New York City Department of Investigation’s Office of Inspector General for the NYPD, *When Undocumented Immigrants Are Crime Victims: An Assessment of NYPD’s Handling of U Visa Certification Requests* (July 2017), <https://www.nyc.gov/assets/doi/reports/pdf/2017/07-28-2017-U-Visa-Rpt-Release.pdf>. 16% of the sample of denials evaluated by the OIG-NYPD were because of the victim’s own criminal background. Upon review, the agency found that a portion of those denials pertained to victims with minor criminal histories who were not a threat to public safety.

instructions. **Rather than adding duplicative questions about helpfulness, we recommend adding a note directly to the form advising certifiers of the following:**

When determining whether the victim was helpful, please take into account the victim’s ability to communicate with the certifier agency in their primary language at any point in the detection, investigation, or prosecution of the qualifying criminal activity and if domestic violence or the experience of trauma may have inhibited their participation. Note that assistance with the detection, investigation, or prosecution of an offense make certification appropriate at any point in time.

C. Soliciting negative information about victims from certifiers is harmful to immigrant survivors and frustrates the goals of the U visa program:

Part 8 of the proposed I-918B provision invites a certifier to provide “supplemental information” that may be relevant to USCIS adjudication, “(for example, related to arrest and criminal history.)” **We oppose the addition of this field as unnecessary and injurious to petitioners.** While the decision to issue a certification is statutorily left to the discretion of an LEA, advocates have long sought to educate certifiers that the U visa is ultimately decided by USCIS, that USCIS will necessarily conduct a searching review of the petitioner’s criminal history and grounds of inadmissibility before approving or denying a U visa petition, and that the role of the certifier is a limited part of the process.¹¹ While criminal histories may be a reason for some LEAs to decline certification, adding this question is not a victim centered method of encouraging certification.¹² Instead, USCIS should continue to support efforts by advocates, and collaborations of advocates and law enforcement agencies, to educate certifiers about the U visa program.

Moreover, we continue to oppose the use by USCIS of uncorroborated allegations to deny otherwise eligible petitioners relief on discretionary grounds. Such information, as contained in police reports for example, are excluded from federal criminal proceedings as unreliable hearsay evidence, and are not considered part of the record of conviction that can be reviewed to determine the scope of culpability and collateral consequences of a particular offense.¹³ Continued reliance on one-sided and unvetted police reports/complaints for the truth of their

¹¹ See, e.g., NIWAP, *U Visa Certification Toolkit and T Visa Declaration Toolkit for Law Enforcement Agencies and Prosecutors* (August 30, 2021), https://niwaplibrary.wcl.american.edu/wp-content/uploads/2015/U-T-Visa-Toolkit_Law-Enforcement-Prosecutor-6.1.5.21.pdf; CLINIC, *Guide for Law Enforcement: How to Respond to A U Visa Certification Request*, <https://www.cliniclegal.org/sites/default/files/2022-04/U%20Visa%20Certification%20Guide%20for%20Law%20Enforcement.pdf>.

¹² *Supra* n. 10. Moreover, the NYC DOI and OIG-NYPD advised the NYPD, one of the largest certifying agencies in the United States, that its internal rule against providing certifications to victims with criminal histories was overbroad.

¹³ See Mary Holper, *Confronting Cops in Immigration Court*, 23 Wm & Mary Bill Rts. J. 675, 685-6 (May 2, 2015) (describing the Senate report explaining the exclusion of police reports from the hearsay exception for public records), *Shepard v. United States*, 544 U.S. 13 (2005). *Cf.*, *Dickson v. Ashcroft*, 346 F.3d 44, 53-54 (2d Cir. 2003) (excluding the pre-sentence report prepared by the probation office from consideration as part of the record of conviction for determining removability due to its one-sided nature). See also *Matter of Arreguin*, 21 I&N Dec. 38, 42 (BIA 1995), (noting that the BIA was “hesitant to give substantial weight to an arrest report, absent a conviction [of the alleged crimes] or corroborating evidence of the allegations contained therein.”).

assertions to deny U visas to immigrant survivors of violence is out of step with the prevailing treatment of this evidence across adjudication systems. Where the goal of an adjudicator is to determine facts based on reliable evidence, uncorroborated police complaints have no place. As this question solicits police reports or other unreviewed statements about a petitioner's character or past actions, it should be eliminated.

When enacting the U visa program in the Victims of Trafficking and Violence Protection Act in 2000, Congress sought to “encourage law enforcement officials to better serve immigrant crime victims and to prosecute crimes committed against [them].”¹⁴ A twin goal of the creation of the U visa program was to “[offer] protection to victims of such offenses in keeping with the humanitarian interests of the United States.”¹⁵ **We urge USCIS to consider that better service to immigrant crime victims includes understanding that they may have past contacts with the criminal legal system growing out of trauma, poverty, discrimination, coercion, or simply as a result of mistakes, and not to deny the transformative relief of U visa status to immigrant survivors who have already experienced the harm of system-based violence based on unreliable evidence provided by law enforcement.**

D. Provision on disclosure of information should be added to the Form I-918B:

The proposed revision also includes on Page 8 of the instructions a prohibition on disclosure of information under 8 U.S.C. § 1367 and 8 C.F.R. 214.14(c) to anyone other than an official of DHS, DOJ, or DOS. **We applaud the inclusion of this language in the instructions, but recommend instead that it be inserted directly onto the form just above the signature line of the certification,** to better alert certifiers of these special protections for immigrant survivors.

IV. Conclusion

We appreciate the efforts of USCIS and DHS to improve the U visa program and make it easier for affected communities and community partners to participate. Thank you for your consideration of these comments. Please address any questions you may have about our recommendations to cristina@asistahelp.org.

Respectfully submitted,

Asian Pacific Institute on Gender Based Violence (API-GBV)
ASISTA Immigration Assistance
Catholic Legal Immigration Network, Inc. (CLINIC)
Freedom Network USA
Her Justice, Inc.
Immigration Center for Women and Children (ICWC)
Tahirih Justice Center
National Immigrant Women's Advocacy Project, Inc. (NIWAP)

¹⁴ (VTVPA), Pub. L. No. 106-386, 114 Stat. 1464-1548, 1533-34 (2000).

¹⁵ *Id.*