



STORIES FROM IMMIGRANT SURVIVORS
OF GENDER-BASED VIOLENCE:
**THE IMPACT OF
WORK
AUTHORIZATION**





Acknowledgments

Her Justice is grateful to the many people and partners who contributed to the research project and this report. Her Justice is especially thankful to the thousands of clients who have trusted us to work with them to obtain the immigration relief they deserve, in particular those who shared their stories with candor and wisdom in interviews for this report. Alvarez & Marsal provided expert design of the report. Cristina Velez and colleagues at ASISTA and Grace Huang of API-GBV reviewed a draft of the report and provided valuable insight and feedback. Daun Jung worked with Her Justice in 2018 on the design and launch of this research study as a Tow Policy Advocacy Fellow with John Jay College of Criminal Justice. A broad team of Her Justice staff, fellows, and volunteers assisted with project design, data collection and analysis, and research for the report, including Emma Berrebi, Kathy Del Beccaro, Clarissa Gonzalez, and Isabella Schoonover.

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Stories from Immigrant Survivors of Gender-Based Violence: The Impact of Work Authorization brings forward the experiences of immigrant survivors seeking legal permission to work in the United States and explores the impact on their lives – as women, mothers, and workers – of obtaining work authorization. This report captures stories and data critical to understanding how the U.S. immigration system and civil justice system work today. It provides insight into the experiences of individual immigrant survivors of gender-based violence at a moment when public dialogue is energized around the needs of undocumented immigrants with the recent wave of new migrants to the United States. Finally, it provides recommendations to reform these systems so that the greatest number of immigrant women can obtain and preserve the best possible immigration status through a process that prioritizes their safety and dignity.

About Her Justice

Her Justice stands 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 in the areas of family, matrimonial, and immigration law. Through our “pro bono first” model, our small legal team trains and mentors thousands of pro bono attorneys to assist our clients, bringing the power of the private bar to those who need it most. Since our founding 30 years ago, Her Justice has assisted more than 45,000 women and children in New York City.

Assisting immigrants – who compose more than half of Her Justice’s clients – is core to our legal services. Our immigration practice serves undocumented immigrants who have experienced domestic violence, sex trafficking, labor trafficking, and other forms of gender-based violence as they seek to stabilize their immigration status in the United States through applications available under the federal Violence Against Women Act. As a complement to our legal services for individual women, Her Justice engages in advocacy and policy work that is informed by the lived experience of our clients – women living in poverty whose livelihood and well-being are often determined by the civil justice system.

About The Research

In 2018, Her Justice launched an original research project that forms the basis of our report. Its purpose was to interview our immigrant clients about the impact on their lives of seeking and obtaining legal work authorization (also known as a “work permit”). The project also aimed to humanize the experiences of undocumented immigrant women waiting for immigration relief after surviving physical, psychological, sexual, and economic abuse and contribute firsthand information from survivors themselves to support policy reform. Lastly, interviews with clients deepened Her Justice’s understanding of the needs of immigrant survivors and will guide us in enhancing our client services.

The sociopolitical context changed during the years when Her Justice conducted our research and prepared this report. We designed the project soon after the 2016 presidential election, when immigration regulation was ever-changing and unpredictable and immigration enforcement intensified. Even when new immigration regulations did not apply to immigrant survivors like the women in this project, they created a chilling effect that hindered undocumented immigrants from seeking critical legal relief or needed public benefits. The COVID-19 pandemic was particularly harmful for the many undocumented immigrants who worked in essential frontline jobs that exposed them to health risks and, in many cases, lacked legal workplace protections and stability. And many undocumented immigrants were living in poverty without social safety net support, which became even more critical during the pandemic.



More recently, with the wave of new migrants and asylum seekers arriving in the U.S., including in New York City, there has been a reinvigorated public conversation about the needs of undocumented immigrants and the responsibilities of government. Policymakers and elected officials in New York City, New York State, and in Congress are proclaiming the value of work authorization for immigrants and communities and are taking action to propose or support policies that would expedite work authorization for new migrants. We believe this momentum presents a great opportunity to address the needs of all undocumented immigrants for safe and secure employment, especially the immigrant survivors featured in this report who lived in the U.S. for years without the legal right to work to support themselves and their children while seeking safety from abuse. Her Justice’s commitment to advocating for a more equitable immigration system is informed by the experiences of immigrant survivors of abuse, and we call for their needs to remain a priority in immigration reform.

This report documents the harms to immigrant survivors and their families without legal work authorization and the benefits of timely access to work authorization. It also puts forward recommendations for reform based on the interviews we conducted for this project and our 30 years of experience providing legal services to immigrant survivors. Her Justice’s key findings and recommendations follow.



Key Findings

Length of Time to Get Work Authorization (“EAD”) - U Visas:

The **average wait time for EAD** for U visa petitioners **increased by 38% from 3.7 years** in 2018-2019 **to 5.1 years** by 2022.

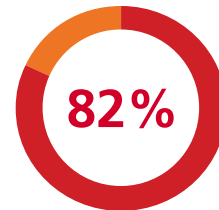
Financial:

Without EAD, 100% of the women interviewed did not feel financially stable or have enough income to meet their basic needs.



With EAD, average weekly income rose from \$260 to \$590 (a \$330 or 127% increase) for the women interviewed in 2018 and 2019. For the women interviewed in 2022, average weekly income rose from \$230 to \$390 (a \$160 or 70% increase).

With EAD, 82% felt financially stable.



Housing:

Without EAD, 81% stayed with their abusive partners or exploiters because they lacked safe, alternative housing.

With EAD, 100% said their housing conditions improved in the 2018 and 2019 interviews.





Well-Being:

Without EAD, **81%** said they **remained in abusive relationships because their partner controlled the household resources.**

Without EAD, **43%** said their **partners prohibited them from working outside of the home** to earn money.

With EAD, **80%** said they **could control their family's money and make household decisions.**



Feelings Toward Law Enforcement:

Without EAD, only **40%** of women interviewed said they **would have called the police for help.**

With EAD, **100%** said they would **feel comfortable calling the police for help if they are in danger.**





Help Seeking:

Without EAD, only **19% felt comfortable seeking custody** of their children in court.

With EAD, **64% felt comfortable seeking custody** – a 237% increase.



Without EAD, only **14% felt comfortable seeking child support**.

With EAD, **73% felt comfortable seeking child support** – a 421% increase.



Women overwhelmingly said:

Access to health insurance through Medicaid was the most important benefit related to immigration status.



Recommendations

Recommendations to Federal Policymakers

- I. Congress should enact legislation to ensure timely access to work permits for immigrant survivors such as the Working for Immigrant Safety and Empowerment (WISE) Act of 2023 which would, among other things, direct the U.S. Department of Homeland Security (DHS) to grant work authorization to U visa petitioners, VAWA self-petitioners, and applicants for trafficking survivor visas within 180 days of their application for immigration status.
- II. Independent of any legislative efforts, DHS should adopt administrative policies to ensure timely access to work permits for immigrant survivors within 180 days of their application for immigration status.
- III. Congress should appropriate funding to USCIS to hire more adjudicators to process applications for immigrant survivors of crimes in a timely manner.
- IV. Congress should eliminate the cap on the annual number of U visas granted and allow for recapture of unissued U visas.
- V. Congress should dedicate resources to community outreach to improve public awareness around the U visa program.

Recommendations to New York State Policymakers

- I. New York State should pass the New York for All Act, which would prohibit state and local government employees, including law enforcement officers, from aiding in the enforcement of civil immigration law.
- II. New York State should pass the Coverage 4 All Act, which would provide state-funded health insurance coverage for undocumented immigrant New Yorkers.
- III. New York State should improve access to and funding for legal counsel for undocumented immigrants including through the passage of the Access to Representation Act, which would establish the right to legal counsel in immigration court proceedings.
- IV. New York State should enhance public awareness around its prosecutorial discretion policy allowing immigrant workers to apply for temporary protection from deportation and potentially obtain work permits if they are victims of, or witnesses to, harm, discrimination, or exploitation in the workplace, or human trafficking.

Recommendations to New York City Policymakers

- I. Policymakers in New York City, especially the City Council, should prioritize immigration protections and reform by supporting state-level changes in policy and legislation.
- II. New York City Council should hold hearings to bring attention to issues affecting immigrant populations and call for data to be collected and shared by relevant agencies.
- III. City policymakers should ensure that there are adequate resources for immigrant survivors of gender-based violence in social services initiatives.
- IV. The Council should continue to partner with nonprofit organizations delivering legal and social services that are critical to the well-being of immigrants and their communities by providing funding and support.

About Her Justice



Her Justice stands 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 in the areas of family, matrimonial, and immigration law. Through our pro bono first model, our small legal team trains and mentors thousands of pro bono attorneys to assist our clients, bringing the power of the private bar to those who need it most. Since our founding 30 years ago, Her Justice has assisted more than 45,000 women and children in New York City. Our clients come from the most marginalized corners of society and their legal needs are vital to their well-being. All of our clients are women experiencing poverty in New York City,¹ 90% are women of color, 80% are survivors of intimate partner violence, and more than half are immigrants. More than one third of our clients do not speak English, which means they are effectively precluded from the legal system if language resources are not available. Additionally, 70% of our clients are mothers, making access to financial autonomy and freedom from abuse even more critical to the lives of our clients and their children.

Our immigration practice provides free legal assistance to undocumented immigrants who have experienced domestic violence, sex trafficking, labor trafficking, and other forms of gender-based violence, as they seek to stabilize their immigration status in the United States. Her Justice attorneys both represent clients directly and mentor pro bono attorneys in their representation of clients in immigration matters, including 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. Last year, attorneys working with Her Justice provided legal information, advice, and representation on 2,135 immigration matters and secured legal status, and thus the right to remain in the U.S., for 238 clients and their children. Her Justice has a proven track record of excellent client services, and its impact grows every year.

As a complement to our legal services for individual women, Her Justice engages in advocacy and policy work that is informed by the lived experience of our clients – women living in poverty whose livelihood and well-being are often determined by the civil justice system. Her Justice works to reform the system so that the greatest number of immigrant women can obtain and preserve the best possible immigration status through a process that prioritizes their safety and dignity. The civil justice system is often invisible to those outside of it, which makes a focus on elevating the reforms to this area that much more essential. These reform efforts are based on the specific experiences of our clients, and we believe they would result in a better system for everyone.

PART I: Introduction



Access to essential opportunities in the U.S. is dependent on immigration status. Since its founding in 1993, Her Justice has provided legal services to hundreds of undocumented immigrant women living in poverty, including assistance preparing applications for immigration status.

Through this work, we know that the ability to work legally in the U.S. through an employment authorization document (EAD) makes a significant difference in the quality of life, safety, and stability of our clients and their children. As explained below, the Violence Against Women Act (VAWA) provides critical immigration-related protections and benefits, including access to EADs, for undocumented immigrant survivors who qualify. An undocumented immigrant may apply for an EAD (alternately referred to in this report as a “work permit” or “work authorization”) either in conjunction with an application or petition for immigration status or in a separate filing.² Once obtained, an EAD provides proof that the individual is authorized to work in the U.S. In addition, a work permit allows immigrants to obtain a Social Security number, access preventative health care, become eligible for housing programs, benefit from safer working conditions with regulated wages, and become eligible for tax benefits, which can all provide significant economic stability for families. Thus work authorization is a crucial step in allowing immigrant survivors of gender-based violence to meet the basic needs of their families and move forward with their lives.

Leveraging deep experience in legal services and leadership in policy reform, Her Justice designed and launched an original research project in 2018 to interview our immigrant clients about the impact on their lives of obtaining work authorization and delays in accessing it. The project aimed to deepen our understanding of the needs of immigrant survivors to provide a foundation for policy reform targeting economic justice and to enhance our client services. As is detailed below, Her Justice’s report documents the harms caused by a lack of access to legal work authorization for immigrant survivors and their families and the benefits of timely access to work authorization. It explores immigrant survivors’ opportunities for financial independence and safer housing, improved trust in law enforcement and help-seeking behaviors, as well as psychological empowerment and mental health before and after getting work authorization.

This project also aimed to humanize the experiences of undocumented immigrant women waiting for immigration relief after surviving years of physical, psychological, sexual, and economic abuse. Indeed, this project was only possible because immigrant survivors shared their stories with us. Many interviewees told Her Justice that they were willing to participate because they wanted to improve the work authorization process so that other women would not experience the hardship they did. Ultimately, conducting a qualitative study ensures that survivors’ voices are included in ongoing immigration reform advocacy.

Our approach in this report ensures that we contribute an important perspective – of immigrant survivors themselves – about experiences of the immigration system that point to the need for reform. Her Justice’s findings align with those of the study that the National Immigrant Women’s Advocacy Project (“NIWAP”) at American University published in 2021.³ In 2016 and 2019, NIWAP surveyed professionals who work with immigrant survivors of violence including attorneys, advocates, and government staff. NIWAP’s survey sought to understand how relief through a VAWA self-petition and petition for U nonimmigrant status (commonly referred to as a “U visa” as explained further below) change the lives of survivors during three separate stages: (1) immediately after applying for VAWA or U visa relief; (2) after receiving work authorization; and (3) after receiving legal immigration status.⁴ The study found that some of the most significant changes for immigrant survivors, including financial independence that makes it possible to leave abusive relationships and likelihood to access social services and public benefits, “occur at



the point when the VAWA and U visa applicants are granted employment authorization and deferred action.”⁵ Her Justice aims to amplify these important findings with the qualitative research featuring immigrant survivors’ voices as presented in this report.

Background

WHO ARE IMMIGRANT SURVIVORS?

Immigrant women make up 14% of all women in the U.S. – a larger proportion than immigrant men. Immigrant women work in critical roles in the healthcare and social assistance industries, professional services, and in the hospitality industry. Yet, they earn less than immigrant men and U.S.-born men and women.⁶ New York City, where Her Justice is based, is home to more than three million immigrants who comprise approximately 36% of the City’s population (8.3 million) and 43% of its workforce.⁷ As of April 2021, approximately 200,000 of the 476,000 undocumented immigrants in New York City were women, and prior to the pandemic, roughly 60,000 undocumented women were living below New York City’s poverty line.⁸

Immigrant women are a vulnerable group. They experience gender-based violence,⁹ which includes domestic or intimate partner violence, at high rates.¹⁰ From 34% to 50% of immigrant women in the U.S. have experienced domestic violence.¹¹ This figure increases to 77% for immigrant women “whose immigration status is dependent upon their spouse.”¹² A New York City-based study also found that 51% of intimate partner homicide victims were foreign-born.¹³ For women without lawful immigration status who are victims of partner violence, abuse may include their spouse/abuser threatening to withhold or withdraw immigration papers as a form of coercive control, or to report them to immigration authorities if they seek help or try to escape the abuse.¹⁴ Survivors of violence often live in fear of deportation and separation from their U.S.-born children. Survivors of violence also fear deportation because many have escaped brutal conditions in other countries before seeking refuge in the U.S.

LEGAL STATUS FOR IMMIGRANT SURVIVORS

In 1994, Congress passed the Violence Against Women Act (“VAWA”) as the first comprehensive federal legislative package designed to combat violence against women by codifying legal protections for victims of domestic violence and sexual assault, enabling prevention measures, and committing funding and resources for victims’ services. Among other things, VAWA provided immigration relief to some victims of intimate partner violence and their children, creating pathways to legal immigration status through “VAWA self-petitions” for survivors to escape abusive situations without fear of deportation and separation from their children. Pursuant to the statute, undocumented immigrants married to U.S. citizens or lawful permanent residents can self-petition for lawful immigration status, instead of relying on the abusive partner to sponsor them.¹⁵ Amendments to VAWA in 2000 created the U visa program, which is available to certain undocumented immigrants who need not be married to U.S. citizens or lawful permanent residents. The law was created to “facilitate the reporting of crimes to law enforcement officials by trafficked, exploited, victimized, and abused [noncitizens] who are not in lawful immigration status”¹⁶ to make communities safer. Among other things, to qualify for a U visa victims are required to demonstrate that they have “suffered substantial physical or mental abuse as the result of criminal activities including rape, torture, trafficking, incest, domestic violence, sexual assault, prostitution, kidnapping, and murder (in addition to other crimes).”¹⁷ In order to qualify for such relief, victims must assist law enforcement – for example, cooperating with police or prosecutors – in the investigation or prosecution of the “qualifying” criminal activity of their abusers as listed in the statute. Congress capped the availability of U visas at 10,000 per year.¹⁸



Individuals who file either a VAWA self-petition or a U visa petition may also apply for employment authorization with the United States Citizenship and Immigration Services (“USCIS”). The rules for filing and timeline for receipt of EADs depend on the type of application/petition and the facts supporting it. Once the applicant has a work permit, in addition to the legal authorization to work, they are also eligible for a Social Security number and, in some states, may access preventative health care and health insurance.¹⁹ Without access to legal work authorization, survivors struggle to obtain employment and achieve the economic and overall stability needed to leave abusive relationships, a challenge given the substantial costs of intimate partner violence in the lives of survivors generally.²⁰ Long wait times before receiving immigration relief are extremely common for VAWA applicants and U visa petitioners. The I-360 form (VAWA self-petitioner) processing time is 34 months (or 2.8 years) as of August 2023.²¹ According to USCIS, processing times for the U visa program have increased because of an increase in the number of petitions through form I-918 (U nonimmigrant status) and demand surpassing the annual statutory cap of 10,000 visas.²² In the fourth quarter of FY 2020, the median processing time from receipt of a U visa petition until adjudication was 50.9 months, with processing times continuing to lengthen through the COVID-19 pandemic and reaching 62 months (or 5.2 years) as of August 2023. These delays compound the harm immigrant survivors of violence already suffer.

POLITICS AND POLICY

Despite long-standing laws and policies protecting the rights of immigrant survivors, Her Justice clients and other undocumented immigrants faced a changing landscape of immigration rules and regulations over the past several years. After the presidential election in 2016, the Trump administration instituted sweeping changes to federal immigration policy, including unfair immigration enforcement and programs that threatened to restrict eligibility for admissions to the U.S. related to public benefits reliance in the U.S.

Harmful immigration enforcement

During the interview phase of this project, especially in 2018-2019, undocumented immigrants in the U.S. faced a climate of intense immigration enforcement efforts by Immigration and Customs Enforcement (“ICE”). These enforcement efforts exacerbated the vulnerability of survivors of intimate partner violence, sexual assault, or human trafficking who already face many barriers resulting from trauma and lack of immigration status. During this period, the Trump administration issued executive orders calling for the removal of all undocumented immigrants and making hundreds of administrative changes in immigration legal practice that put undocumented immigrants at unprecedented risk of removal.²³ The number of arrests and raids increased tremendously.²⁴ Moreover, while conducting immigration enforcement activities in New York City, ICE routinely engaged in a harmful practice of wearing clothing and equipment labeled “police” and identifying themselves verbally as police officers during confrontations. This tactic was meant to convince immigrants to open their doors or submit to questions by ICE officers in the name of “police” investigating a crime, while obscuring the true purpose of an interaction – enforcement of federal immigration laws for potential deportation. Once ICE entered a home, they routinely demanded identification from everyone present, which meant that other undocumented immigrants in the home were subject to collateral arrest. (This practice was especially troubling as many Her Justice clients who are undocumented immigrants were quarantined in multifamily homes during the COVID-19 lockdown.)



Beyond the immigration enforcement consequences for Her Justice undocumented immigrant clients and their families, ICE officers identifying themselves as local police was also harmful for immigrant survivors because it made them less likely to call the police during violent incidents of partner abuse. ICE officers also were regularly present outside civil courthouses in New York. **This climate of fear and its “chilling effect” made Her Justice clients and other immigrant survivors living in poverty reluctant to seek assistance in the civil courts, on which they rely for some of the essentials of life through financial support from another parent in the form of child support or an order of protection for safety from an abusive partner.**²⁵

From 2017 to 2020, Her Justice joined other advocacy groups and legal services organizations in an advocacy campaign to stop ICE from arresting undocumented immigrants in or near courthouses. Political changes after the presidential election in 2016 saw increased immigration enforcement targeting undocumented immigrants and noncitizens where ICE had previously avoided making arrests for civil violations of immigration laws: in or near the courts, along with locations such as schools or law offices serving immigrants. With ICE’s expanded dragnet, those relying on or participating in the courts as defendants, survivors of human trafficking or domestic or gender-based violence, and witnesses to crimes were at risk for arrest. In New York, arrests of noncitizens in or around the state courts increased significantly in 2017 and the years following. To protect access to justice for all New Yorkers, Her Justice and allies in the advocacy campaign worked to document the harms to all noncitizens stemming from arrests in and around the courts, and to support passage of the New York Protect Our Courts Act. The Protect Our Courts Act, which became law in 2020, among other things, made it unlawful for ICE to make a civil arrest while a person is going to, attending or leaving court (as a party or potential witness in a civil or criminal proceeding) unless the officer presents a valid judicial warrant or court order.

Changes in immigration policy around public benefit reliance

In addition to the fear resulting from ramped up enforcement efforts, undocumented immigrants faced confusion due to changes around the federal “public charge” policies during the time of this project. Federal law and regulations have long held that immigration authorities can deny permanent lawful immigration status to undocumented immigrants who are “likely to become a public charge”²⁶ or to rely on government assistance as a main source of support, with exceptions for certain categories of noncitizens. Historically, this rule did not apply where a noncitizen seeking admission to or status in the U.S. was relying on non-cash or special-purpose cash benefits. In 2019, the U.S. Department of Homeland Security (DHS) expanded the “public charge” rule holding that undocumented immigrants who received or were likely to receive cash *and* non-cash public benefits – including the Supplemental Nutrition Assistance Program (“SNAP”, formerly known as food stamps), Medicaid, Section 8 housing assistance, public housing, and subsidies for drug benefits under Medicare Part D – could be denied immigration status.²⁷ In response, various lawsuits were filed challenging the legality of the proposed rule change. The 2019 rule was enjoined as a result of those suits. DHS then held a public comment period during which the agency solicited evidence and information regarding the impact of the 2019 rule change. Her Justice and other organizations submitted comments opposing these harmful proposed policy changes and providing evidence of the deleterious impact of the rule on undocumented immigrants and their families.²⁸ In 2022, DHS issued a Final



Rule that eliminated the broad definition of “public charge”, among other things, to mitigate the chilling effect of an expansive rule, returning to the longstanding legal standard under the public charge rule that those who are “primarily dependent” on public benefits may be denied permanent residence status.²⁹

While undocumented immigrant clients of Her Justice – survivors of gender-based violence seeking to obtain status under the Violence Against Women Act – and others were and are exempt from the public charge ground for inadmissibility, the significant confusion around the potential rule change and its applicability caused chaos and fear for many noncitizens and led to avoidance of and disenrollment in public benefits. This chilling effect impacted noncitizens’ “participation in public benefit programs, regardless of whether they are subject to the public charge ground of inadmissibility, based on fear of negative immigration consequences.”³⁰ This misperception affected mixed-status households – households that include a combination of U.S. citizen children, family members with lawful status, and undocumented family members – even though U.S. citizen children and others with lawful status continued to be eligible for public benefits. The fear of applying for benefits was particularly problematic given that the rule changes occurred during the COVID-19 pandemic, when access to public benefits and especially health benefits was most needed.³¹ For immigrant survivors of intimate partner and gender-based violence, the rhetoric and threatened policy changes put them in a high-stakes bind: stay with their abuser and risk continued violence or leave the abuser and risk deeper financial insecurity. Even when, during the last few years, the Biden administration instituted policies that were more favorable to immigrants in the U.S., the unpredictable and threatening climate of immigration enforcement and the trauma of a rapidly changing immigration landscape left many immigrants feeling confused and vulnerable, making them less likely to seek help. For all these reasons, Her Justice committed through this project to learn more about our immigrant survivor clients’ experiences to strengthen our efforts to combat unfair immigration policies and fortify immigrant communities.



Meet Our Clients

The stories of undocumented immigrant survivors of intimate partner and gender-based violence illustrate the connection between economic and family stability, gender and immigrant justice, and the importance of full participation in society. In this section, we introduce Amala, Iman, Ashley, and Anna³² – four of the thirty Her Justice clients we interviewed for this project; throughout the report we share aspects of their experiences and quotes from them. These four women received their work permits within the past seven years and represent the diverse experiences of undocumented survivors in New York City. They came from different countries and have different backgrounds but all faced a lengthy and arduous path to work authorization. These four stories highlight the importance of work authorization in escaping abuse and exploitation and in gaining financial independence. Throughout the report, in addition to these clients, we share powerful quotes and stories from other inspiring clients who worked with Her Justice and participated in this project.

AMALA

Amala immigrated to the United States in 1998 from South America hoping to escape poverty in her home country and find employment opportunities in the States. Amala has three children, two born in the U.S. and one who resides in another country. For some time, she lived with the father of her son, but had to leave when the domestic violence intensified. She lived with a friend for a short time and then sought refuge at a domestic violence shelter. At that time, she was forced to surrender her younger daughter to the Administration for Children's Services (ACS), the New York foster care agency. Amala eventually regained custody of her daughter from ACS. Reuniting with her daughter lifted a deeply emotional weight that Amala was carrying on top of the lack of agency she felt in her own life.

As an undocumented immigrant, she went 24 years without immigration status or an EAD; her limited access to work and zero child support from her children's father caused her and her children to live in economic precarity. Without an EAD, Amala had no access to stable, regular work or steady income. In her home country, she worked in catering, but finding similar employment in the U.S. without a work permit was very difficult. The pandemic exacerbated her economic challenges. Jobs were more scarce and harder to obtain than ever. She received no assistance from government stimulus and could not access public benefits as someone without legal status. Her children were able to receive food stamps since they are U.S. citizens, but Amala received none for herself. It was also difficult as an immigrant to seek medical care during the pandemic without comprehensive health coverage. Amala was limited to Emergency Medicaid and therefore could not see a doctor for non-emergencies without shouldering the cost of expensive copays.

Six years after Her Justice filed her Petition for U Nonimmigrant Status, Amala finally received her EAD in 2022. This gave her a tremendous sense of hope for the future and, in the interview, she expressed hope in securing a job in housekeeping or doing custodial work with the City or the transit authority. At the time of the report, Amala's Petition for U Nonimmigrant Status had just been approved. Receiving lawful permanent status is her ultimate goal, along with reuniting with her eldest daughter, who remains outside the United States.



IMAN

In Iman's home country, she completed her undergraduate degree and worked as a performing arts teacher. Once she immigrated to the United States in 2013, there were few professional opportunities for her without a work permit. Iman had to start over with no job in a foreign place where she knew no one other than her U.S. citizen husband, whom she met several years after arriving in the U.S. Iman loved and trusted her husband, but after they got married he became abusive, isolating her from friends and family by restricting her communication with them. Without a steady job, she relied on him for all her basic needs, making it impossible for her leave. The only money she could manage to make without a work permit came from private dance lessons she offered whenever she could, in exchange for cash. When Iman finally left her husband, it was out of desperation. She had never called the police before due to her undocumented status, but as the violence grew worse, she had no choice but to take the risk. After the police intervened, Iman was living on her own without her husband or support from other family members. Though Iman and her husband were now separated, the trauma of her marriage negatively impacted her health. But without access to adequate healthcare coverage, she could not seek medical care without paying out of pocket.

With the help of Her Justice, Iman applied for immigration status and a work permit, which she received in 2021. She was then able to find steady employment in her area of expertise in the performing arts. Once she obtained health insurance, her health also improved as she was able to see her doctor and therapist on a routine basis to heal the physical injuries and emotional wounds caused by the long-endured abuse.

At the time of the interview, Iman was still waiting for her VAWA self-petition to be approved. Iman said, "I want to live freely because as much as lawmakers don't realize this, continuously being worried about your immigration status is imprisonment. It keeps you in a state of depression ... you're always thinking 'when am I going to be able to be normal?' because that's what it is – you're not normal." Iman said she wants lawmakers to "understand that we are humans, we are in this country not because we hate this country or we want to vandalize it, no, we like this country and not just that, but we are contributing to the country. I contribute artistic talent and performing arts skills that I brought from home."

ASHLEY

When Ashley first came to the United States in 2016, finding work as an undocumented immigrant was her greatest challenge. She depended heavily on her husband, who was a U.S. citizen. By 2017, she was pregnant with their son, but during her pregnancy her husband became abusive. Once he was born, she feared for her son's safety, but between caring for a newborn and lacking an EAD, she had no means to survive on her own. With an ever-increasing sense of urgency to flee, Ashley reported her husband to the police. Ashley left her husband and relocated to New York City where she stayed with family.

In New York, Ashley connected with Her Justice and worked with a pro bono attorney to apply for a VAWA self-petition and EAD. Ashley received her EAD in 2018, marking the first step towards gaining financial freedom. Ashley was then able to complete her certification to work as a home health aide. Once she found a job, she and her son moved into their own apartment. Ashley worked hard to provide for her son who has autism, though sometimes she had to reduce her work hours to provide the care he needed as the only parent in his life.

In 2019, Ashley's EAD expired. Waiting on U.S. Citizenship and Immigration Services (USCIS) to renew her EAD was



an added strain on an already difficult situation. During the six months it took to renew her EAD, her employers reduced her pay, at one point suspending her pay for three months. Eventually, they told her she could not come back to work until her EAD was current again. Though she did return to work once her EAD was finally renewed, in March 2020, Ashley was sent home again after the home healthcare industry shut down due to the COVID-19 pandemic. At that point, her son also needed her to help him with remote learning. Fortunately, as an EAD holder she received unemployment benefits and government stimulus, which helped her pay rent. She finally began working again in December 2020. Then, in April of 2021, with the help of Her Justice and her pro bono attorney, Ashley received her green card, which provided permanent work authorization. Her Justice also connected her to a job training school for survivors that assisted her in improving her employment opportunities. Ashley is now a strong advocate for other people who have experienced intimate partner violence. She provides emotional support to community members who are in abusive relationships and directs them to resources that could help them leave.

ANNA

Anna's mother brought her to the United States from the Caribbean when she was three years old. Anna's mother wanted a better life for her and strongly advocated for education as a path to success. Anna graduated from college in the United States and met her husband, with whom she had two children. After getting married, he began verbally abusing her and making disturbing threats like, "Don't let me bust your head open" as well as using her immigration status against her by saying, "when I leave you, I'll take our daughters and you'll be deported." He physically abused her when she was eight months pregnant with their second child.

Anna's husband did not allow her equal access to the family money and he used this tactic to control her. She was trapped in this relationship due to financial dependence and lack of immigration status. Anna also found it hard to find safe housing, and she was scared he'd hurt the children if she tried to leave him. Several years later, the abuse escalated and he threatened to kill her, asking her what type of flowers she wanted at her funeral. She eventually fled with her children to a domestic violence shelter, but could only stay for six months. She then moved to a public shelter where she felt unsafe with her children.

Before obtaining work authorization, Anna was doing informal work babysitting and cleaning houses. She said, "If you are undocumented and don't have a work permit, it's hard to find a job. Most places don't want to hire undocumented people. Even if they do, they always take advantage of you because they know you can't report it anyway. So, no matter how hard you work, no matter how many hours you work, you only get paid a little. Sometimes, they don't pay you at all. I always worried about that because that was the only income source I had."

At the time of the interview with Her Justice in 2018, Anna had her work permit for two years and was working part-time and healing from the residual impact of trauma by attending counseling. When she was interviewed again in 2022, her situation had significantly improved and she had a full-time job working for a company that valued her, a 401k, and employer-funded health insurance. She told Her Justice that before she had a work permit she did not feel "normal" but now she feels like she belongs. During the interview in 2022, Anna had an approved VAWA self-petition and was hoping to gain lawful permanent resident status in the future.



This study uses a qualitative research approach to analyze the experiences of 30 undocumented immigrant women in New York City who experienced intimate partner and/or gender-based violence. It takes a deeper look into their lived experiences with and without access to legal work authorization while living in the U.S. Interview participants were asked approximately 50 questions ranging from yes or no questions, scaled response questions, and open-ended questions. Participants were asked why having work authorization was important to them and its impact on their employment, income, housing, access to government services, interactions with the criminal legal system, and mental health. Many of the questions asked interview participants for their perception of issues or experiences relating to their immigration status and pursuit of work authorization. In some instances, responses to questions illustrate a gap in participants' knowledge about legal rights and entitlements, along with the role of fear in hindering individuals from seeking information. As a general matter, this can be attributed to inadequate and inaccurate public messaging about rights and entitlements and the kind of "chilling effect" described above that is created by unfair immigration enforcement and misinformation about risks to undocumented immigrants. Conducting a qualitative study featuring the stories of Her Justice clients allowed us to explore the impact of a lack of knowledge about legal rights and entitlements on an especially vulnerable population as an access-to-justice issue.

Clients were selected to participate in the interviews using purposive sampling³³ and they were divided into two groups – those without work authorization and those who had obtained work authorization by the time of the interview. We selected both VAWA self-petitioners and U visa petitioners for the interviews but ultimately interviewed more U visa petitioners because we knew from working with individual clients that there are greater delays in the adjudication of work authorization applications in the U visa program. Her Justice conducted study interviews during two phases. In 2018 and 2019, Her Justice conducted structured interviews with a mix of 21 clients with and without work authorization. (See 2018-2019 interview guide attached as Appendix A.) In 2021, Her Justice decided to continue the study and data collection to understand the issues immigrant women faced during the COVID-19 pandemic. We developed a second interview guide, this time using a semi-structured interview approach with more open-ended questions to better understand the pandemic's impact on immigrant survivors. (See 2022 interview guide attached as Appendix B.) In 2022, Her Justice conducted another round of interviews with 10 clients³⁴ who had received work authorization in the preceding few years and could describe how a work permit impacted various aspects of their lives. In these interviews, participants were asked how the pandemic impacted their employment, income, housing situation, access to government services, and mental well-being. Participants also shared their hopes and dreams for their and their children's futures.

Non-attorney staff and volunteers contacted clients and conducted the interviews to ensure clients with active immigration cases understood their participation had no impact on their pending immigration case or their relationship with their attorneys.³⁵ Clients were given the opportunity to decline to participate and were informed that their participation was voluntary. Interviews were conducted in person or remotely over video call; for clients who needed it, interpretation was provided. Her Justice staff took notes during the interviews. Clients were given a gift card valued between \$10 to \$20 in appreciation of their time and participation in the interviews.



Table 1
Demographic Information for Participants Interviewed in 2018 and 2019

	Interviewed Before Work Authorization	Interviewed After Work Authorization
Number of Interviewees	10 interviewees	11 interviewees
Average Age	41 years old	39 years old
Average Number of Minor Children	2.4 children	1.4 children
Race	Latino/Hispanic (9); Asian (1)	Latino/Hispanic (4); Black (5); Asian (1); Other (1)
Average Years in the U.S.	14 years	15 years
Highest Education Level	College grad (1); High school grad (4); Less than high school (5)	College grad (3); High school grad (5); Less than high school (3)
VAWA or U Visa Applicant	VAWA (1); U visa (9)	VAWA (4); U visa (11)

Table 2
Demographic Information for Participants Interviewed in 2022

	Interviewed After Work Authorization
Number of Interviewees	10 interviewees
Average Age	42 years old
Average Number of Minor Children	1.3 children
Race	Latino/Hispanic (5); Black (5)
Average Years in the U.S.	18 years
Highest Education Level	College grad (3); High school grad (4); Less than high school (3)
VAWA or U Visa Applicant	VAWA (6); U visa (4)



Length of Time Waiting for Employment Authorization

	Average Years 2018-2019 Participants Waited for EAD	Average Years 2022 Participants Waited for EAD
U Visa	3.7 years (or 44.5 months)	5.1 years (or 61 months)
VAWA Self-Petition	2 years (or 24 months)	0.9 years (or 11 months)

As described above, there are different legal requirements for obtaining employment authorization through the pathways provided by VAWA self-petitions and U visa petitions. USCIS may grant EAD for certain VAWA self-petitioners merely when they have a concurrent pending application for adjustment of status, whereas for all U visa petitioners, USCIS must make at least a preliminary determination that they meet U visa eligibility criteria before granting EAD. This distinction in legal process generally means a large discrepancy in the waiting period for EAD issuance between VAWA self-petitioners and U visa petitioners. U visa petitioners currently wait more than twice as long for EAD than VAWA petitioners³⁶, especially VAWA petitioners who are married to U.S. citizens (and therefore immediately eligible to apply for adjustment of status).³⁷

The typical distinction in wait time for EAD as between VAWA self-petitioners and U visa petitioners was reflected in the experiences of those interviewed for this project. The wait time for EAD for U visa petitioners was lengthy and also increased by 38% from an average of 3.7 years for the 2018-2019 interviewees to an average of 5.1 years for the 2022 interviewees. In contrast, VAWA self-petitioners obtained work permits more quickly and the wait time decreased from an average of 24 months for the 2018-2019 interviewees to an average of 11 months for the 2022 interviewees. This decrease is explained by the fact that all VAWA petitioners interviewed in 2022 were married to U.S. citizens (which means they were immediately eligible to apply for adjustment of status and obtain EAD). However, in the 2018-2019 interviews, 40% of the VAWA petitioners were married to legal permanent residents which reflected a more mixed sample and revealed longer average wait times of two years. Even where wait times varied, for all participants in this project, the many months or years waiting for employment authorization were devastating. And the vast majority of those interviewed had been living in the U.S. for more than a decade before accessing legal assistance to even apply for immigration relief and work authorization, despite being legally eligible for such relief. At the same time, for all participants, obtaining EAD positively impacted their lives.

“I know Her Justice will advocate for people like me and say we should have work permits quicker so that we can have jobs. There has to be something in place, because immigrants are the backbone of this country.”

— Jessica (VAWA petitioner, immigrated to the U.S. in 2015, obtained work authorization in 2021)



Table 4
Experiences Before and After Obtaining Work Authorization

	Before Work Authorization	After Work Authorization
Employment Situation and Financial Independence	<ul style="list-style-type: none"> • For participants interviewed in 2018-2019, average weekly income was \$260. • For participants interviewed in 2022, average weekly income was \$230. • Part-time employment with sporadic hours. • Experienced workplace exploitation and discrimination; felt at risk of unfair treatment. • Not paid fairly for hours worked. • Lacked paid sick leave and vacation leave. • Denied equal access to family money by abuser. • Denied access to work outside of the home by abusers. 	<ul style="list-style-type: none"> • For participants interviewed in 2018-2019, average weekly income rose to \$590 (a \$330 or 127% increase). • For participants interviewed in 2022, average weekly income rose to \$390 (a \$160 or 70% increase). • Moved toward full-time, more consistent employment. • Experienced fairer treatment at work; felt protected from exploitation and discrimination. • Paid fair wages and legal minimum wage. • Gained access to paid sick leave and vacation leave. • Able to control family money. • Able to become financially independent and leave abusive situations.
Safer Housing	<ul style="list-style-type: none"> • Forced to live with abusive partner or stay in unstable housing, including shelters. • Felt their home and neighborhood were unsafe for them and their children. 	<ul style="list-style-type: none"> • Moved out of home shared with abuser. • Moved out of shelter or family/friend's home. • Able to rent their own apartment with their children. • Lived in safer home and safer neighborhood.
Mental Health and Psychological Empowerment	<ul style="list-style-type: none"> • High anxiety, depression, and isolation. • Constant fear of deportation and separation from children. 	<ul style="list-style-type: none"> • Empowered to leave abusive situation. • Reduced fear of being deported. • Sense of belonging in the U.S. • More empowered to make decisions about family's life and manage unexpected situations.
Feelings Toward Law Enforcement	<ul style="list-style-type: none"> • Reluctant to contact the police for help when in an abusive situation. • Afraid of deportation. 	<ul style="list-style-type: none"> • More likely to call the police for help. • Less afraid of deportation facilitated by law enforcement.
Help-Seeking Behaviors	<ul style="list-style-type: none"> • Afraid to get an order of protection (i.e., restraining order) against abuser. • Afraid to file for divorce from abusive partner or seek custody of children. • Lacked health insurance. • Reluctant to apply for public assistance for themselves. 	<ul style="list-style-type: none"> • More likely to get an order of protection against abuser. • More likely to seek a divorce and custody of children. • Access to health insurance, including preventive medical care and trauma counseling. • Still reluctant to apply for public assistance for themselves for fear of public charge rule.



Employment Authorization Creates Critical Opportunity for Gainful Employment and Financial Independence

EMPLOYMENT OPPORTUNITIES AND WORK AUTHORIZATION

A key area of focus in Her Justice’s interviews was participants’ changes in employment opportunities and conditions as a result of work authorization. Even where interview participants, like other undocumented immigrants, were protected by New York City or New York State labor laws, they were unaware of some protections and perceived themselves to be vulnerable without work authorization. Before obtaining work authorization, 100% of the women interviewed said they did not feel financially stable or have an income sufficient to meet their basic needs. Fifty-two percent (52%) reported experiencing discrimination at work without a work permit; 80% felt they did not receive equal treatment at work compared to those with legal work authorization; and 62% felt they could be terminated by their employer at any time. In the 2022 interviews, 90% of participants specified that employers severely underpaid them or withheld pay before they had work authorization. Only 38% of participants were allowed sick leave or vacation leave while working without a work permit. Participants reported that not having a work permit was a more substantial barrier to finding work than not being able to speak English.

Prior to obtaining a work permit, Amala was paid \$40 a day to provide childcare, which was the equivalent of less than \$2 an hour as she was caring for this child day and night. She also worked at a COVID-19 testing center in the Bronx but they only paid her for half the time she worked. Prior to obtaining a work permit, Rosario worked in the restaurant industry and always felt taken advantage of. She worked long hours Monday through Saturday, 7am to 12am (17 hours per day), and was underpaid, earning only \$5 per hour. Then she found a job at a laundromat making \$10 an hour – still below New York City’s minimum wage.

“When you don’t have a work permit in this country, you’re always at a disadvantage. It’s not easy to get a job and when you do get a job and are paid under the books, employers mostly underpay you. They pay \$8 an hour when jobs could pay \$15 an hour. You’re severely underpaid – you can’t complain, and who are you going to complain to?”

— *Jessica (VAWA petitioner, immigrated to the U.S. in 2015, obtained work authorization in 2021)*

“The restaurant only paid me a very low wage because I didn’t have a work permit. Sometimes, they didn’t give me tips I earned. But I couldn’t complain because they can fire me at any time. I always experienced verbal abuse from the owner and management because I **didn’t have a work permit so they did not treat me as a human being. I couldn’t leave because I knew it would be difficult to find another job, and even if I found one, it would be the same.”**

— *Linh (U visa petitioner, immigrated to the U.S. in 2010, obtained work authorization in 2018)*



After obtaining work authorization, 82% of participants said they now felt financially stable. Participants reported that with a work permit, they had more employment opportunities, they received fair pay in accordance with the legal minimum wage, and they felt protected from harassment and discrimination at work. Having a work permit made it easier to find a job and most women moved from part-time employment to full-time employment. After obtaining work authorization, participants in the 2018-2019 interviews reported their average weekly incomes increased from \$260 to \$590 (a \$330 or 127% increase). Eighty percent (80%) of participants said they now received equal treatment at work with work authorization and 70% were now allowed to access paid sick leave and vacation leave. Participants also gained the opportunity to seek more professionalized work or grow their own small businesses.

“I’m happy that I’m employed with people that treat me well and that I don’t have to worry about someone mistreating me based on my sex and my race. I’m protected and that’s always a good feeling, because if I’m working off the books anywhere else, they could treat me however they want.”

— *Anna (VAWA petitioner, immigrated to the U.S. in 1985, obtained work authorization in 2016)*

“Before, if I got sick and couldn’t make it to work, I could get fired. Now, with a work permit, I am more secure.”

— *Marie (U visa petitioner, immigrated to the U.S. in 2006, obtained work authorization in 2018)*

Our analysis of Her Justice client interviews revealed that while suffering from abuse and lacking immigration status, the majority of participants (86%) were denied equal access to family money by their abusers. Seventy-six percent (76%) of participants said their abusive partners threatened to withhold money from them and 71% said abusers used this power over financial resources to control their behavior. Before receiving work authorization, 71% of participants said they stayed in the abusive situation because they were economically dependent on the abuser. After obtaining work authorization, 80% said they could now control their family’s money and make household decisions.³⁸

“He did not want me to work and he kept physically and mentally abusing me. After the abuse, I couldn’t work anymore because I always had bruises and a swollen face. I had no access to household money, so I had to stay in the relationship in order to support my children and myself.”

— *Anna (VAWA petitioner, immigrated to the U.S. in 1985, obtained work authorization in 2016)*



Furthermore, after finally receiving their initial EAD, participants experienced added delays in obtaining renewals once their work permits expired. While USCIS automatically renews EADs (with terms and requirements differing based on the type of immigration application),³⁹ long processing delays cause some immigrants to be without valid EADs for periods of time. Gaps in work authorization can destabilize employment.

“Work permits are taking longer and longer to be approved. It’s very scary to think you might be back in the bad situation. Four years is too long to wait. It is so important to get the work permit, because it makes us feel safe, and it makes us feel like we are a part of this country.”

— *Melissa (U visa petitioner, immigrated to the U.S. in 2007, obtained work authorization in 2016)*

With work authorization, Iman secured a stable job in the performing arts. Her EAD was only valid for one year and, when it expired in May 2022, she spent two months waiting for its renewal and stopped working temporarily because her employer required legal work authorization. About this time Iman reported: **“It was a hard two months. I didn’t have anybody to depend on. When I don’t have a job, I don’t eat.”** Iman’s employer held her position and allowed her to resume working after she received her renewed work permit. This is not the case for all applicants. Ashley’s work permit expired in 2019 and she did not receive her renewed permit until six months later. During this time, Ashley’s employer initially retained her but several months later they docked her pay. Then, the employer terminated her as she waited for her renewed EAD to arrive. Many participants recognized the burden on individuals of the inefficient renewal system.

“In the pandemic, people didn’t have to renew food stamps and Medicaid, these just continued until further notice. Why not the same for work permits? The immigration system should afford a temporary work permit for women who have been abused and are waiting for a work permit.”

— *Jessica (VAWA petitioner, immigrated to the U.S. in 2015, obtained work authorization in 2021)*

IMPACT OF THE PANDEMIC

The post-pandemic economy and slow recovery in New York City significantly impacted our clients and other women living in poverty. At the outset of the pandemic in early 2020, New York City’s employment plummeted 21% within three months, and in 2022 the City continued to lag far behind the State and the U.S. in recovering jobs.⁴⁰ In July 2022, the country as a whole had recovered all the jobs that were lost during the pandemic but New York had only regained 82% of the jobs that were lost.⁴¹ Industries that employ many undocumented immigrants – such as retail, hospitality, and the service industry – have lagged in regaining pre-pandemic employment levels.⁴² Similarly, childcare workers, personal care aides, and home health aides – direct care workers of whom 26% were born outside of the U.S. according to 2017 data⁴³ – were classified as essential during the COVID-19 pandemic and yet suffered greatly in that crisis. For parents, particularly women, the additional burden of caring for children during the pandemic greatly impacted employment.⁴⁴



By the winter of 2020-2021, nearly one in four families with young children owed rental or mortgage arrears.⁴⁵ Race and ethnicity played a part in the impact of the pandemic as well. By 2021, even as the economy began to slowly recover, unemployment rates among Black women and Latinas were nearly double that of white women, with unemployment rates at 8.9% and 8.5%, respectively.⁴⁶ Meanwhile, national inflation peaked at 9.1% in June 2022, and New York City's average housing rent increased by 33%.⁴⁷

Against this backdrop of economic hardship, reports showed that domestic violence skyrocketed during the COVID-19 pandemic in a social phenomenon that the United Nations termed a “Shadow Pandemic.”⁴⁸ In New York, for example, there was a 33% increase in calls to the state's Domestic & Sexual Violence Hotline in April 2020 compared to April 2019, and shelter occupancy rates in some counties increased to 78% in April 2020 from 59% in April 2019.⁴⁹ Analyses suggested that isolation, restricted movement, and lockdown measures to contain the spread of COVID-19 increased the chances of women and their children being exposed to violence given close contact between family members and intensified household stress, and other factors like potential economic struggle or job losses.⁵⁰

Given the increased challenges caused by the pandemic, the positive impact of work authorization on financial independence was muted for some participants interviewed in 2022. In the 2022 interviews, the average weekly income before work authorization was \$230 and the average weekly income after work authorization was \$390 (a \$160 or 70% increase). This increase in income, while still significant, was modest compared to the 127% increase reported in the 2018-2019 interviews, highlighting the impact of the pandemic on the availability of jobs and opportunities to earn a higher wage for those interviewed. Additionally, those who obtained their work permit shortly before the 2022 interviews with Her Justice experienced greater barriers to finding employment because the pandemic's lasting impact made it difficult for them to establish a footing in the workforce. Of the ten women interviewed in 2022, 50% had their work permit for one year or less and 30% had their work permit for three or four years.

Sixty percent (60%) of participants who received their work permit not long before their interview struggled to find employment as the New York City economy and specific employment sectors were slow to recover. For example, at the time of her interview, Amala had her work permit for five months and spent this time applying for housekeeping jobs and for custodial positions with the City or the transit authority, but had not heard back from these employers. Another client, Sarita, was working in retail for ten years before she got her work permit in 2021 (one year before her interview), but after receiving her work permit, she continued working at her retail job making \$15 an hour. Sarita said it was not easy finding a new job in a different sector, but she hoped to get a job at her son's Head Start program or obtain a certificate to become a home health aide and use the nursing skills she developed in Mexico. Conversely, those interviewed in 2022 who had a work permit for a substantial length of time were able to retain or regain stability even with the pandemic.

Seventy percent (70%) of participants interviewed in 2022 lost their jobs due to the pandemic – some temporarily and others long-term. These individuals were working as domestic housekeepers, home health care aides, childcare workers, or doing informal gig work. Of these employment areas, those working in housekeeping and childcare jobs suffered the greatest loss of employment for the longest time.⁵¹ All participants, regardless of employment status, experienced increased difficulty finding jobs in the aftermath of the pandemic. These women were still struggling to find better jobs or employment altogether at the time of our interviews in mid-2022.



“Not having a job in New York is rough, not having a job in New York in a pandemic is worse. After February 2020, there were no jobs at all. In the pandemic, only people who had paperwork – Social Security numbers and work permits – could get jobs.”

— *Jessica (VAWA petitioner, immigrated to the U.S. in 2015, obtained work authorization in 2021)*

After losing their jobs or being unable to continue working, these women relied on their life savings to support themselves and stood in line at food banks to feed their families. Many were displaced from their homes because they could not make rent. One client, Anna, was laid off from her job right before Christmas in 2019. Although she had a work permit and a bachelor’s degree from the U.S., she did not find a permanent full-time job until October 2020 – nearly one year later. Gabrielle could not find a job in 2020 and after having her work permit for one year, she finally found a job at a factory in 2021. Sarita was able to go back to her retail job after a few weeks in April 2020 but with the company’s limited hours of operation, she had fewer hours of employment. She was also worried about getting COVID-19 at the onset of the pandemic and tried her best to sanitize surfaces at the store and limit the number of customers in the store at a given time. With limited resources available to undocumented people, SNAP benefits were the greatest lifeline for these women during the pandemic. Eighty percent (80%) of interview participants also relied on family and friends in the U.S. to provide housing or financial support during the pandemic. One participant reported that she had to stay with her abusive ex-husband during the first year of the pandemic because she did not have a work permit and the in-person, informal gig work she did was disrupted for over one year. Out of the ten participants interviewed in 2022, only two received unemployment insurance during the pandemic and only one received assistance from the New York State Excluded Workers Fund.⁵²

Two participants pivoted to enhance their skills after losing their jobs. Having a work permit and Social Security number allowed them to enroll in classes. Ashley was working as a home health aide when the pandemic made it impossible to do her job and her five-year-old son was home remote learning for a long period of time. When she could resume working and her son attended in-person school, her work schedule was repeatedly disrupted when he was sent home from school for remote learning – sometimes for an entire week – each time someone in his class tested positive for COVID-19. Ashley then took English classes and computer skills classes through a social services program for survivors of domestic violence to find a higher paying and more flexible job. Another client, Mia, was an accountant in Latin America but in the U.S., she has only found house cleaning jobs and had difficulty finding work during the pandemic. She moved into her adult son’s house outside of New York and took accounting classes during the pandemic in hopes of using her skills again. She used this time to obtain her GED and a bookkeeping certificate from the local community college.⁵³



Employment Authorization Allows Survivors to Secure Safe, Stable Housing

Economic independence is critical for immigrant survivors to secure safe housing. Immigrant survivors often cannot successfully sever contact with their abusers until they are self-sufficient.⁵⁴

Consistent with prior research,⁵⁵ Her Justice interviews revealed that 81% of immigrant survivors stayed with their abusive partners or exploiters because they lacked safe, alternative housing. Half of the participants interviewed in 2018 moved into domestic violence shelters to escape their abusers, where, pursuant to New York City shelter rules, they could remain for up to six months. After six months elapsed, they were required to search for alternate housing. However, without work authorization to secure reliable income, such a move was extremely challenging. The participants either returned to their abusive partners or transferred to homeless shelters with their children. Some did not feel safe in shelters. One client reported that she and her baby had an allergic reaction to being bitten by roaches due to the filthy conditions in the shelter. Others lived in different types of housing that were also dire. One client was able to rent a single room in a building, which she shared with her children and some other family members.

All participants interviewed in 2018-2019 who had their work permits said their housing conditions improved after obtaining work authorization. None had to live in domestic violence shelters or homeless shelters after receiving work authorization.⁵⁶ One participant who received work authorization close to the time of the interview reported that she was living in public housing. All other participants were able to rent private spaces for their families and they reported feeling much safer in their homes and neighborhoods than before obtaining work authorization. One participant who received work authorization four years before the interview reported that she saved enough money to buy a house.

“Having a work permit allowed me to have a much better environment for my daughters and myself. I moved to public housing from a shelter and now we have two bedrooms. Also, I was able to get a full-time job so I don’t have to worry about next week and bills.”

— Jenny (*U visa petitioner, immigrated to the U.S. in 1995, obtained work authorization in 2018*)

“The stability of having a fixed job and waking up knowing that I will be able to provide for my kids – it’s like the world opens. I could get an apartment by myself.”

— Fabiola (*VAWA petitioner, immigrated to the U.S. in 2005, obtained work authorization in 2018*)

In the 2022 interviews, 80% of participants said the pandemic negatively impacted their housing situation and some were forced to move because of the job loss and financial issues caused by the pandemic. One woman had to move out of state into her adult child’s house, two women moved with their children into other family members’ homes, and two women ended up in shelters with their children. The barriers to finding and securing employment during the pandemic and the long-lasting effects of this financial loss greatly impacted immigrant



survivors' opportunity to find safer and more stable housing after receiving work authorization.

Participants whose housing situation was tenuous before receiving work authorization and before the pandemic were unable to make significant changes in the aftermath of the pandemic. For example, Amala received her work authorization in January 2022, but at the time of her interview in June 2022 she was still sharing a room with her daughter in a friend's house where they had been living on and off for 10 years. She was eager to have her own place but said the housing voucher she was given would not cover the cost of rent for a one-bedroom apartment and she was told that she is ineligible for other housing programs, like Section 8, because she is an undocumented immigrant and her application for immigration status had not yet been approved. Amala said she is hoping to find space in a shelter for herself and her daughter but was having trouble finding any availability.

In the 2022 interviews, Ashley was one of the few participants who had her work permit long enough to secure a stable job before the pandemic. She was established in her profession as a home health aide and during the first two years of the pandemic, Ashley and her son – who has special needs – lived in a two-bedroom apartment she rented in a house. The house provided a spacious place for her son to play, but it became dangerous when several men moved into another apartment in the house and began openly displaying their guns in the common areas of the house. Ashley wanted to move out but was struggling to make ends meet during the pandemic and could not afford another housing option. As a single mother, she worked a limited number of hours as a home health aide because her five-year-old son was at home during remote learning. Like other Her Justice clients, Ashley also balanced having an essential job which carried a high risk for COVID-19, all while being paid a low wage. After one of the men in the house assaulted Ashley, she and her son moved into a one-bedroom basement apartment where she now pays \$1,500 a month in rent. In July 2022, Ashley was still recovering from the financial impact of the pandemic and looking for more affordable and safer housing. She was also hoping to save money for her and her son's future. Ashley's experience reflects that of many immigrant survivors who had stable but low-wage jobs before March 2020, but were destabilized by the financial hardship and job loss resulting from the pandemic. The margins are so thin for undocumented immigrant survivors that any unexpected situation like the pandemic can cause great hardships that diminish the benefits of having legal work authorization.

Employment Authorization Empowers Survivors and Fortifies Mental Health and Well-Being

Her Justice's immigrant survivor clients experienced severe barriers to psychological empowerment and high levels of anxiety and depression before receiving work authorization. While living in the U.S., they endured multiple forms of abuse at the hands of their partners and exploiters including verbal, physical, sexual, psychological and financial abuse, and stalking. The vast majority (95%) said they stayed in abusive relationships because they feared leaving would result in greater physical harm to themselves and their children. Most study participants (81%) also reported remaining in their abusive relationship because their partner controlled the household resources. Forty-three percent (43%) said their partners prohibited them from working outside of the home and earning their own money. Seventy-six percent (76%) reported that their lack of legal immigration status also caused them to stay in the abusive situation. All participants reported fear of deportation to be the greatest source of anxiety, with many participants reporting that their abusers threatened to report them to immigration authorities for deportation. Nearly all had U.S. citizen children, whom they feared would remain with their abusive partners or alone in the U.S. if they were detained by immigration authorities and deported.



“He threatened me that he was going to call Immigration Center. I had a fear of deportation because of my daughter.”

— *Monique (U visa petitioner, immigrated to the U.S. in 2001, obtained work authorization in 2018)*

All participants reported that before work authorization, they lacked self-confidence and did not believe they could be successful in any job or career. Additionally, 70% of participants reported that they could not make important decisions about their families’ lives and that they could not successfully address unexpected situations that arose.

“I have had to do lots of informal work, and the situation was always precarious when I had to sustain myself. This experience has made me extremely depressed. The pay that I made was much less than it would’ve been had I been able to work legally. After getting work authorization, I am now able to work as a home health aide in the Bronx, which I was not able to do before.”

— *Carmen (U visa petitioner, immigrated to the U.S. in 2003, obtained work authorization in 2021)*

“At the time of the abuse, I lost my confidence. Because I kept hearing all the negative comments from him and he treated me so badly. I was thinking it was my fault. I had to make decisions for myself and my daughters to survive. I stayed with him until I could no longer take the abuse. I always knew I could take care of my family on my own because that is who I am, I’m a fighter for my children.”

— *Jenny (U visa petitioner, immigrated to the U.S. in 1995, obtained work authorization in 2018)*

Participants reported feeling empowered to leave households they shared with their abusers after obtaining work authorization when they finally felt they had “nothing to hide.” Having work authorization gave survivors a sense of belonging in this country and validated their contribution of work and skills to the U.S. economy. Survivors also reported that gaining work authorization made them hopeful for the future. Therefore, achieving economic independence through employment authorization had a profoundly positive influence on the psychological well-being of immigrant survivors of violence.



“The most important thing was I didn’t feel afraid anymore after I received a work permit. Before I was afraid of being deported due to lack of immigration status. Now I want to pursue nursing school.”

— *Preeti (VAWA petitioner, immigrated to the U.S. in 1997, obtained work authorization in 2018)*

“Having a work permit gives a sense of independence. I feel like I’m a part of society. Now I want to study more for my career. Once you have a work permit people won’t take advantage of you.”

— *Anna (VAWA petitioner, immigrated to the U.S. in 1985, obtained work authorization in 2016)*

It is important to note the majority of participants interviewed in 2022 found the capacity to support others during the pandemic, even while struggling to stay afloat themselves. These women provided financial and emotional support to their children, parents, extended family, friends, and local community members. Sarita described how the tight-knit families in her apartment building relied on each other during the pandemic. When her friend’s child was struggling with feelings of isolation, she arranged for socially distanced ways for their children to spend time together. Another participant, Rosario, said her group of friends in the U.S. kept each other motivated during the pandemic and regularly spoke on the phone or went for runs together outside. Mia’s nephew passed away from COVID-19 early in the pandemic and she was the backbone for his parents during this sad time. Jessica was living in a shelter with her son during the onset of the pandemic after just fleeing life-threatening abuse by her ex-husband. She had one of the only rooms in the shelter with air conditioning during the summer and allowed 15 other children in the shelter to stay in her room to keep them cool. She also used the skills she gained from working in education in her home country to entertain and teach the children in the shelter during remote learning. Another participant, Ashley, described being steadfast in her advocacy and support for others in the domestic violence community during the pandemic.⁵⁷

Employment Authorization Reduces Survivors’ Fear of Law Enforcement

The legal system prioritizes criminal and law enforcement responses to intimate partner violence with the traditional avenues of reporting abuse to police or engaging with the criminal courts to keep abusers away often being the gateway to additional services for survivors. Yet many survivors do not feel safe engaging with the criminal legal system, whether because of past harmful experiences, general mistrust, or fear of arrest themselves. Survivors may also not want their abuser to be incarcerated or deported as a result of a criminal conviction. Access to civil justice remedies for intimate partner violence, which typically involve greater agency for survivors since individuals may choose to initiate civil legal proceedings, still often depend on survivors’ engagement with the criminal legal system. This fact perpetuates the primacy of traditional criminal legal solutions to the issue of partner violence and the harmful impact that criminal convictions and incarceration have on individuals and communities. For many survivors who are undocumented immigrants, relying on law enforcement is complicated for the reasons described above. Her Justice’s interviews explored survivors’ willingness to seek help from law enforcement as it related to their immigration status and work authorization.



Interview participants were significantly more likely to call the police for help after receiving work authorization. Of the participants who had work permits, only 40% said they would have called the police for help before having work authorization.⁵⁸ After having work authorization, 100% of participants said they would feel comfortable calling the police for help if they were in danger. Participants specified that they were more confident in their interactions with law enforcement after obtaining work authorization because they believed they were protected from deportation and felt empowered knowing they were legally authorized to work in the U.S. Several participants reported that they did not contact the police during an abusive situation because they feared arrest or deportation, but the police arrived because their neighbors heard or observed the abuse and contacted the police.

“He closed the car door and my arm was stuck in the door. He started driving anyway. Someone from the street saw and called the police. When the police came, I did not want to speak because I was really scared about my immigration status. Now, I am thinking about going back to college this year to finish my degree. I want to help people going through the same situation like me.”

— Monique (*U visa petitioner, immigrated to the U.S. in 2001, obtained work authorization in 2018*)

“I try to stay away from the police. I’m obviously scared because of the way I came to the U.S., and the way I live in the country without status.”

— Amala (*U visa petitioner, immigrated to the U.S. in 1998, obtained work authorization in 2022*)

Despite concerns about contacting law enforcement, two women interviewed in 2022 said they contacted the police before having work authorization and they had positive experiences. In one instance, Ashley’s ex-husband physically abused and choked her, and she called the police. When the police arrived, they did not want to leave Ashley at home because they feared for her safety. She left the home with the police and they found her a place to stay for the night. She said they also bought her food and gave her some money. When asked if she was worried about interacting with the police while undocumented she said she was **“ok with it,”** and was grateful for their help. Her positive interactions with the police helped her distinguish between the police and ICE. About the immigration authorities, she said, **“When ICE was going around [during the Trump administration], it was scary. I didn’t even want to go to work.”**

Another finding from these interviews revealed that Black immigrant survivors reported additional fear of the police not just for being undocumented, but also for being Black in America. Their abusers wielded instances of biased policing practices against them, threatening that the police would not help them if they called for assistance. As Ashley’s abusive ex-husband told her repeatedly, **“The police do not like Black people.”** In addition, some survivors reported experiencing unfair treatment and discrimination in their interactions with law enforcement which they viewed as based on their race.

During one of Iman’s husband’s abusive episodes, she ran out of her apartment in her underwear – scratched and bruised – to a nearby park. A woman at the park saw her and called the police. When the police arrived, Iman said they did not treat her with respect or care. Instead, she encountered microaggressions that she felt were directed at



her because she was Black. She told Her Justice that **“America has an issue with colorism,”** and the officers were speaking to her in an aggressive manner while they treated her abusive husband with respect. Iman discussed the only time she called the police after years of abuse: **“That was my ‘fuck it’ moment. It just got to the point where I’d rather be arrested than dead. ‘Cause that man, his mission was to kill me.”** She never called the police during past abuse because **“I was afraid they were going to arrest me instead, because he was the American citizen.”**

Employment Authorization Encourages Survivors to Seek Help

This research project revealed that immigrant survivors with legal work authorization were more likely to seek help for their safety and stability from the civil justice system and social safety net programs. These findings show that a work permit provides not only direct benefits in enabling immigrants to secure more gainful employment but leads to greater stability in all areas of life.

CIVIL JUSTICE SYSTEM SOLUTIONS

Her Justice interviews revealed that undocumented immigrant survivors are significantly more likely to engage with the civil justice system once they have a work permit. Only 19% of participants said they felt comfortable seeking an order of protection (also known as a restraining order) before EAD. After EAD, 73% of participants said they felt comfortable seeking an order of protection. This reflects a 284% increase in survivors’ likelihood of seeking an order of protection from an abuser after obtaining work authorization. Only 19% of participants said they felt comfortable seeking custody of their children in court before EAD. After EAD, 64% said they felt comfortable seeking custody in court, reflecting a 237% increase. While the marital status of participants varied,⁵⁹ those who were still married to their abusers at the time of their interview expressed a higher likelihood of seeking a divorce – an increase of 167% – after securing work authorization.⁶⁰

“I have to stay in this relationship until I receive a work permit even though I still experience abuse from him. I’m waiting for it so that I can divorce him and live alone. I cannot wait for the day.”

— *Sonya (U visa petitioner, immigrated to the U.S. in 1996, obtained work authorization in 2019)*

Participants also reported barriers to accessing child support in the civil justice system. Fourteen percent (14%) of participants said they felt comfortable seeking child support before EAD. After EAD, 73% of participants said they felt comfortable seeking child support. This reflects a 421% increase in survivors’ likelihood of seeking child support to provide for their children. In 2022, eight of the ten participants interviewed had children, yet only one had ever petitioned in court for child support. Rosario said she obtained a formal order for child support in New York, but the child’s father rarely pays. Three other participants reported that they were very reluctant to apply for child support. One reported having had a bad experience in Family Court when seeking custody of her children and said she did not want to go through this again in order to obtain child support. Another participant said she was afraid to apply for child support because of her immigration status, though she had recently come to understand that seeking this relief in Family Court would not result in any adverse immigration action against her. Ashley reported that she is afraid to file for child support because she does not want to see her abusive ex-husband. She also noted that he told her that she **“won’t get much money anyway”** for child support because, despite being a U.S. citizen, her ex-husband works off the books and not under his Social Security number.



SOCIAL SAFETY NET PROGRAMS

Health Care

All participants interviewed for this project experienced immediate physical and mental health benefits after obtaining work authorization. While immigrant survivors were likely to have health insurance for their children regardless of their work authorization status, the 2018-2019 interviews revealed a 28% increase in survivors' willingness to seek medical care and apply for health insurance for themselves after obtaining work authorization. Participants interviewed in 2022 overwhelmingly said access to health insurance through Medicaid was the most important benefit related to immigration status.⁶¹ Amala, who was entitled only to Emergency Medicaid⁶² before she applied for immigration status, noted that her co-pays were so high that she avoided seeking medical treatment altogether. Access to health insurance was especially critical to participants interviewed in 2022 as many worked in essential jobs and were exposed to COVID-19 early in the pandemic. Those who had health insurance reported contacting their primary care doctors for medical advice for COVID-19 infections. Those who had not received their EAD and had not applied for and secured health insurance used home remedies to care for COVID-19 infections.

Iman stressed that health insurance is especially important for survivors of abuse and violence. She developed many medical issues, including heart problems and depression, as a result of her ex-husband's abuse. She explained that someone like her – in their mid-thirties with an active lifestyle as a fitness and dance instructor – would not typically experience these health issues. With health insurance, she now has a primary care doctor and a counselor who is helping her address the trauma inflicted by years of physical abuse. Sarita also discussed the tremendous impact health insurance had on her life. She was in the U.S. for 21 years working a minimum wage job and paying taxes. She suffered a health issue for three years that required surgery, but she was unable to afford it. When she signed up for health insurance after receiving her EAD, her son explained, **“You have insurance, mom, you have insurance! You don't need to pay for everything – your insurance will pay for the surgery.”** Sarita said she was in disbelief and she cried that day with deep gratitude. At the time of the interview with Her Justice, Sarita had recovered from her surgery, was back at work, and diligently attended medical check-ups to maintain her health.

“I was surprised when I talked to my manager. The company called me and said ‘Did you have surgery? Ok, send us the paperwork and don't worry, you will be paid. Stay home and be safe. When you're ready, you can come back to work.’ I worked for this company for 10 years and was never treated like this ... only with this paper [EAD] everything changed.”

— Sarita (VAWA petitioner, immigrated to the U.S. in 2001, obtained work authorization in 2021)

SNAP Benefits and Cash Aid

Interviews with all participants revealed that immigrant survivors with work permits are still afraid to access public benefits because they think it could hurt their chances of getting lawful immigration status (also known as a green card). The fear and confusion surrounding public charge policies persisted for participants interviewed in 2018, 2019, and 2022 – reflecting the lasting impact of the harsh Trump era immigration rules.

Her Justice's 2018-2019 interviews revealed that almost half of immigrant survivors were still reluctant to apply for public assistance (also known as cash assistance) after obtaining work authorization. Before EAD, only 38% of participants said they would apply for public assistance for themselves and 43% would apply for their children. After EAD, 55% of participants reported they would apply for public assistance for themselves and their children, a 45% and 28% increase, respectively.



In the 2022 interviews, participants were asked how they supported themselves during the first two years of the pandemic. Seven out of ten participants said they received SNAP benefits (also known as food stamps) on behalf of their children who qualified. Anna said she was hesitant to access SNAP benefits for her children but she finally applied and received them in 2021. Only one participant said she received cash assistance for her children. Amala and Sarita explained that they did not apply for cash assistance, even during the pandemic, because they perceived it could negatively impact their immigration application. Amala did not have her work permit until 2022 and as a survivor of intimate partner violence and trafficking, she would have greatly benefited from more support. Sarita lost her job at the beginning of the pandemic and had to rely on her savings, SNAP benefits, and food banks. She said she did not want any other financial assistance, like cash assistance or unemployment insurance, because she feared it could negatively impact her pending immigration application.

“I feel as though I am not able to get public assistance because there might be problems later on because of my immigration status, so I just get food stamps.”

— Amala (U visa petitioner, immigrated to the U.S. in 1998, obtained work authorization in 2022)

“I’m scared that when I get my paperwork [green card] they are going to say ‘this woman is going to come onto public assistance.’ The reality is that I am dying to work. I’ve worked all my life since I was seventeen years old.”

— Jessica (VAWA petitioner, immigrated to the U.S. in 2015, obtained work authorization in 2021)

Social Security

Immigrants seeking lawful status in the U.S. cannot get a Social Security number until they have a work permit. In addition to work authorization and access to life-saving government benefits, a work permit allows immigrants to access Social Security benefits. According to the Social Security Administration’s Office of the Chief Actuary, unauthorized immigrants worked and contributed \$13 billion to the Social Security Fund in 2010, yet they only received \$1 billion in these benefits that year.⁶³ The Social Security Administration predicted this contribution level would continue in future years with unauthorized immigrants’ work resulting in a net positive effect on the fund.

For interview participant Mia, obtaining a Social Security number changed her life. Mia had lived in the U.S. for 29 years and supported her three U.S. citizen children by working as a domestic housekeeper. She always filed taxes but had no expectation of receiving benefits from the Social Security fund as an undocumented immigrant. When her housekeeping work slowed during the pandemic, she pivoted to further develop her accounting skills and became a professional bookkeeper. Now, at the age of 63, she can work knowing her contributions to the Social Security fund will be available to her in retirement and will provide the vital support she needs.

“Having a Social Security number has opened so many doors.”

— Mia (VAWA petitioner, immigrated to the U.S. in 1993, obtained work authorization in 2020)



The interviews Her Justice conducted illustrate the harms caused by delays in obtaining legal work authorization for immigrant survivors and their families and the many benefits flowing from work authorization in terms of financial independence, safer housing, trust in law enforcement and the civil justice system, and general well-being. For all those reasons, Her Justice proposes the following recommendations for reform.

Recommendations to Federal Policymakers

I. Congress should enact legislation to ensure timely access to work permits for immigrant survivors.

Congress should enact legislation to ensure the timely adjudication of immigration petitions for survivors of domestic violence, sexual assault, and human trafficking and grant work authorization within 180 days of applying for relief. Overall delays in adjudicating or processing applications for survivor-based immigration relief lead to delays in processing employment authorization documentation and defer critical support for immigrant survivors and families, thwarting the central purpose of the Violence Against Women Act. This is a longstanding federal policy priority, as recognized again recently in the National Strategy on Gender Equality.⁶⁴ To this end, Congress should pass legislation like the Working for Immigrant Safety and Empowerment (WISE) Act of 2023. That legislation, among other things, provides that the U.S. Department of Homeland Security shall grant work authorization to U visa petitioners, VAWA self-petitioners, and applicants for trafficking survivor visas within 180 days of their application for immigration status. WISE would also remove restrictions on access to public supports, including food, health, and cash assistance to immigrant survivors and other lawfully present immigrants.

II. Independent of any legislative efforts, the U.S. Department of Homeland Security should adopt administrative policies to ensure timely access to work permits for immigrant survivors within 180 days of applying for relief.

We urge the adoption and expansion of policies by the Department of Homeland Security and USCIS that can be implemented to deliver work authorization to undocumented immigrant survivors swiftly for the benefit of those individuals and their families. Policies that have been enacted to target this issue must be executed more effectively.

On June 14, 2021, to address U visa application delays and a growing backlog in pending applications, USCIS created a Bona Fide Determination (“BFD”) process for granting interim employment authorization and deferred action (a halt on prosecutorial efforts to remove or deport noncitizens) to certain applicants and, in some circumstances, their qualifying family members.⁶⁵ Pursuant to this policy, petitioners who are deemed by USCIS to have filed a “bona fide” application for a U visa will be issued an interim, temporary work permit before the U visa adjudication period. This announcement held great promise. Yet, as of the release of this report, the time to process these applications has not improved. According to USCIS data concerning average case processing times, 80% of U visa petitions are adjudicated for issuance of BFD within 60-61 months⁶⁶ and 326,121 U visa petitions were still pending as of March 2023.⁶⁷ This timeline means immigrant survivors trying to escape an abusive situation are waiting over five years to get the legal authorization to work and support themselves – a critical need for someone fleeing abuse. USCIS must act to implement the BFD process more effectively, identifying needed resources as discussed below.

The USCIS policy around automatic extension of EAD must be implemented more effectively so that applicants receive timely proof of renewed and valid EAD (prior to expiration) and do not face disruption in employment.



III. Congress should appropriate funding to USCIS to hire more adjudicators to process applications for immigrant survivors of crimes in a timely manner.

Congress should appropriate funding to USCIS to hire at least double the number of adjudicators currently working on survivor-based applications, including at the Vermont Service Center Humanitarian Unit and the Nebraska Service Center or the centers that adjudicate humanitarian visa applications. The purpose of VAWA – enhancing the access to safety and critical services for immigrant victims of domestic violence, sexual assault, and human trafficking – is thwarted without adequate staffing to adjudicate applications for relief.

In spring 2023, USCIS launched a new Humanitarian, Adjustment, Removing Conditions and Travel Documents (HART) Service Center “after a review of USCIS processing times” for applications for certain immigration status, including BFD for U visa petitioners.⁶⁸ USCIS determined that “these applications and benefits affect the most vulnerable of noncitizens, and the opening of this service center will make a positive impact in the quality, timeliness, and scale of our humanitarian processing abilities.”⁶⁹ We urge the best and most effective use of these resources for the vulnerable population of undocumented immigrant survivors, given the positive impact of timely work authorization on their safety and well-being.

Further, we urge USCIS to enhance transparency for the public, applicants, and their attorneys around service centers staffing and other application issues. It is not known to the general public how many adjudicators are dedicated to reviewing survivor and humanitarian applications, and published statistics reveal only total average processing times for applications, rather than average processing times per adjudicator. There is also a lack of transparency around the status of individual applications, with inconsistent communication to petitioners and attorneys through transfer notices providing notice of the transfer of applications from the Vermont Service Center to the Nebraska Service Center or the recently opened HART Center. Navigating such a system is challenging enough for attorneys, including the pro bono attorneys who work with Her Justice clients; for petitioners without legal representation, the system is impenetrable. Greater system-wide transparency while maintaining confidentiality for individual applicants will improve the accountability of USCIS and engender public confidence in the Service Center’s promise that HART will deliver faster, more consistent results.

IV. Congress should eliminate the cap on the annual number of U visas granted and allow for recapture of unissued U visas.

As described above, the U visa program created through the Battered Immigrant Women Protection Act of 2000 (VAWA 2000) provided for a cap of 10,000 visas issued annually. The backlogs in the U visa program – according to a FY 2022 report totaling a staggering 291,169 pending applications⁷⁰ – could be significantly alleviated by allowing more U visas through the program. First, we urge Congress to eliminate the statutory cap on the number of U visas available each year by passing the WISE Act. Allowing more U visas will not only help ensure stability and security for immigrant survivors, but it will help carry out the purpose of the U visa program, which was to ensure greater public safety by incentivizing undocumented immigrant crime victims to cooperate in the prosecution of crime.



Second, we urge Congress to authorize the recapture of unused U visas to make more available to the many individuals with pending applications. As a result of delays in the issuance of regulations until 2007, no U visas were allocated during Fiscal Years 2001 through 2007. We strongly recommend the recapture of these unallocated visas through legislation allowing for more than 10,000 U visas each year.⁷¹ At a minimum, we recommend that legislative authority be granted to USCIS to recapture these unused U visas notwithstanding the statutory annual cap.

V. Congress should dedicate resources to community outreach to improve public awareness around the VAWA self-petition and the U visa programs.

Public awareness around the VAWA self-petition and U visa programs is critical for engagement and protection of immigrant survivors of domestic violence, sexual assault, human trafficking, and other crimes the program was designed to protect against. Engagement of survivors is critical for the twin goals of the program to strengthen the ability of law enforcement agencies to investigate and prosecute certain crimes, and better serve victims of those crimes. Congress should dedicate more resources to USCIS to conduct community outreach to ensure immigrant communities are aware of the VAWA self-petition and U visa programs so that they can achieve safety and stability and report crimes without fear of deportation.⁷²

Recommendations to New York State Policymakers

As federal immigration law and policy continue to leave survivors without meaningful economic and safety options during lengthy processing times, New York State can and must enact legislation and policies that protect undocumented immigrant New Yorkers. Among other things, New York should:

I. Pass the New York for All Act.

The New York for All Act (Gounardes/Reyes) protects the rights of immigrant New Yorkers and enhances public safety for everyone by prohibiting state and local government employees, including law enforcement officers, from aiding in the enforcement of civil immigration law. The legislation would prevent officers and others from sharing sensitive information with the U.S. Immigration and Customs Enforcement (ICE) or Border Patrol and inquiring about a person's immigration status, nationality, or country of origin. Our study's findings showing that many survivors were fearful to report dangerous criminal acts while they were awaiting their EADs. We support New York's passage of this common-sense legislation. All New Yorkers benefit when state and local government resources are dedicated to serving communities rather than sowing fear in advancing a federal immigration enforcement agenda.

II. Pass the Coverage 4 All Act.

The Coverage 4 All Act (Rivera/Gonzalez-Rojas) would provide state-funded health insurance coverage for 154,000 undocumented immigrant New Yorkers who do not qualify currently for any federal- or state-funded comprehensive coverage. Uninsured individuals may avoid medical care for fear of costs and experience worsened illness or even death, or when they seek care, incur hefty medical bills they cannot pay resulting in uncompensated care for healthcare providers. The legislation would allow New York to rely on federal surplus funding to pay for health coverage for undocumented immigrants, at the same time as it would result in additional savings for the State.



III. Improve access to and funding for legal counsel for undocumented immigrants.

New York must strengthen the availability of free, quality, culturally and linguistically competent immigration legal services and accurate, accessible legal information for immigrant communities. As the examples in this report illuminate, free legal representation has a transformative impact on undocumented immigrants' lives, giving them greater economic stability, safety, confidence, and ultimately access to critical services like health care, mental health support, and food security.

For undocumented immigrants facing removal or deportation from the U.S., legal services are especially critical. Immigrants facing deportation risk permanent separation from their families and forced return to dangerous or deadly conditions in another country, yet they are not guaranteed a lawyer if they cannot afford one. Having a lawyer makes a substantial difference: detained immigrants with lawyers win their cases at over 10 times the rate of those who do not have legal help. For non-detained people, nearly two-thirds with lawyers win their cases compared to 17 percent of those without a lawyer.⁷³

New York can ensure protection of immigrants through passage of the Access to Representation Act (Holyman-Sigal/Cruz), which would establish the right to legal counsel in immigration court proceedings and strengthen its investments in immigration legal services. This action would promote safety and family unity for immigrant New Yorkers.

IV. Enhance public awareness around the policy concerning prosecutorial discretion for labor disputes.

On January 13, 2023, the U.S. Department of Homeland Security released new guidance that would allow immigrant workers to apply for temporary protection from deportation and potentially grant them work permits if they are victims of, or witnesses to, harm, discrimination, exploitation which includes sexual assault and sexual harassment, or human trafficking in the workplace. New York State announced a prosecutorial discretion program, which has the potential for broad, positive impact on individual immigrant workers and the State workforce generally. To implement this program successfully, the New York State Department of Labor, along with relevant labor and human rights agencies, should ensure public awareness through information campaigns and by investing in and otherwise supporting community-based organizations that conduct outreach to immigrant populations about employment and workplace rights.



Recommendations to New York City Policymakers

New York City – home to more than three million immigrants⁷⁴ – plays an important role in ensuring the stability and security of undocumented immigrants.

I. Support State reform.

Policymakers in New York City, especially the City Council, should prioritize immigration protections and reform by supporting state-level changes in policy and legislation.

II. Hold hearings.

The City Council should continue its important role in bringing attention to issues affecting immigrant populations by holding hearings and calling for data to be collected and shared by relevant agencies.

III. Ensure resources for immigrant survivors of gender-based violence in social services initiatives.

City policymakers should find opportunities to amplify the experiences of undocumented immigrants in City initiatives that promise to bring resources to vulnerable populations, such as the City Council's 2023 Mental Health Roadmap.

IV. Partner with nonprofit service providers.

The Council should continue to partner with nonprofit organizations delivering legal and social services that are critical to the well-being of immigrants and their communities by providing funding and support. The Council should help support nonprofit and community-based organizations that are working to improve public awareness of legal protections and entitlements for immigrant communities.

PART V: Conclusion



Employment authorization documentation can be life-changing for immigrant survivors and their families. The benefits of work permits were clearly illustrated in the rich conversations we had with those interviewed for this project. While the COVID-19 pandemic muted immediate relief of securing better employment and housing for some study participants who obtained their EAD in the aftermath of the COVID-19 pandemic, all participants interviewed for this project reported experiencing immediate physical and mental health benefits after obtaining work authorization.

The interviews with Her Justice clients clearly demonstrate that delays in obtaining work authorization for immigrant survivors subject them and their families to continued instability, risk of abuse, and psychological disempowerment. These delays frustrate the legislative purpose of the Violence Against Women Act to give immigrant survivors of gender-based violence the means to escape abuse, engage safely with the legal system, and provide for themselves and their children. Adjudication delays for U visa petitions undermine the goal of the U visa program to encourage immigrant victims of crime to report crimes to keep communities safe. We urge adoption of recommendations for improving the VAWA and U visa programs, along with New York State and City support, so that immigrant survivors get access to work permits and deferred action from deportation in a timely manner, ensuring needed security and safety.

Participants interviewed in 2022 shared their hopes and dreams with Her Justice, and we include several of them here to convey what change in the immigration system could mean to individuals and even to whole communities.

“My dream has come true to be in the United States of America. I love this country. I cannot be more excited to get to this point, to get my working papers. I can’t even express my feelings...I don’t have the words to begin to tell you how much I’m grateful, because it’s been a long time and getting it is like a dream come true for me. I get to have a life. I can pay taxes. I can get a job and make myself somebody.”

— Amala (U visa petitioner, immigrated to the U.S. in 1998, obtained work authorization in 2022)

“I hope that I can see my children grow and prosper with all the opportunities they are afforded – and that I can live a happy and calm life with them. I hope that I can go back to school to study either to continue my career as a nurse – the degree I got in Mexico – or work at an elementary school. My hope is that in the future I will be able to visit my home country again and see my family who I have been separated from for a long time.”

— Sarita (VAWA petitioner, immigrated to the U.S. in 2001, obtained work authorization in 2021)

“I hope the government protects us a little more. I hope they help survivors get their work permits so that we can sustain ourselves and move forward and upward. At the same time, I feel grateful even though there was such a long wait. I’m glad that I got through the pandemic with my work permit, but I would like to see a change in the wait time because we have to go through a lot of hard times as a result of this – looking for work without a work permit or going without work. There are a lot of things [lawmakers] do not take into account, but I know that things can change.”

— Carmen (U visa petitioner, immigrated to the U.S. in 2003, obtained work authorization in 2021)



- ¹ Her Justice serves individuals who identify as women and live in New York City. We provide legal services to women who earn up to 200% of the federal poverty line. See *U.S. Federal Poverty Guidelines*, <https://aspe.hhs.gov/topics/poverty-economic-mobility/poverty-guidelines>.
- ² There are two main categories of immigration status: immigrant and nonimmigrant. Immigrant status is most commonly evidenced by a noncitizen's possession of a lawful permanent resident (LPR) card, which is commonly referred to as a "green card." Generally, a lawful permanent resident who has been residing in the U.S. for at least five years and fulfills certain other eligibility criteria, can apply to become a U.S. citizen through the process of naturalization. The vast majority of Her Justice clients obtain an EAD as a critical step on the pathway to permanent lawful status or a green card.
- ³ Leslye E. Orloff, J.D., et al., American University, National Immigrant Women's Advocacy Project, *Transforming Lives: How the VAWA Self-Petition and U visa Change the Lives of Survivors and Their Children After Employment Authorization and Legal Immigration Status* (June 8, 2021) (hereinafter "NIWAP study"), <https://niwaplibrary.wcl.american.edu/wp-content/uploads/Transforming-Lives-Final-6.8.21-Final.pdf>.
- ⁴ The professionals who responded to the NIWAP survey reported on the experiences of 11,171 immigrants who applied for VAWA and U visa relief. Of those cases, 6,770 had been granted work authorization. See *id.* at 1.
- ⁵ *Id.* at 1.
- ⁶ See American Immigration Council, *A Snapshot of Immigrant Women in the United States* (September 24, 2020), https://www.americanimmigrationcouncil.org/sites/default/files/research/immigrant_women_in_the_united_states_0.pdf.
- ⁷ See New York City Mayor's Office of Immigrant Affairs, 2021 Annual Report, at 13, <https://www.nyc.gov/assets/immigrants/downloads/pdf/MOIA-2021-Report.pdf>.
- ⁸ See David Dysegaard Kallick and Shamier Settle, Fiscal Policy Institute, *Undocumented Women in NYC Particularly Hard Hit by "She-Cession"*, (April 2021), <https://fiscalpolicy.org/undocumented-women-in-nyc-are-particularly-hard-hit-by-the-covid-she-cession>.
- ⁹ Gender-based violence is "any harmful act that is perpetrated against a person's will and based on socially ascribed differences between women and men and is rooted in deeply entrenched gender inequalities and harmful norms. Gender-based violence includes acts that inflict physical, sexual or mental harm or suffering, threats of such acts, coercion and other deprivations of liberty." United Nations Women, *From evidence to action: Tackling gender-based violence against migrant women and girls* (2021), <https://www.unwomen.org/en/digital-library/publications/2021/10/policy-brief-from-evidence-to-action-tackling-gbv-against-migrant-women-and-girls>.
- ¹⁰ See *id.*
- ¹¹ See *Battered Immigrant Women Protection Act of 1999: Hearing on H.R. 3083 Before the Subcomm. on Immigration and Claims of the House Comm. on the Judiciary*, 106th Cong. 58 (2000) (statement of Leslye Orloff, Director, Immigrant Women Program, NOW Legal Defense and Education Fund). In this report, we define domestic violence as a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. See Office on Violence Against Women, <https://www.justice.gov/ovw/domestic-violence>.
- ¹² *Id.*
- ¹³ See Victoria Frye, et al., *Femicide in New York City: 1990 to 1999*, *Homicide Studies*, at 204–228 (August 2005), <https://doi.org/10.1177/1088767904274226>.
- ¹⁴ Leslye E. Orloff, J.D., et al., American University, National Immigrant Women's Advocacy Project, *Battering or Extreme Cruelty: Drawing Examples from Civil Protection Order and Family Law Cases* (September 12, 2015), <https://niwaplibrary.wcl.american.edu/pubs/extreme-cruelty-examples-protection-order-2>.
- ¹⁵ Tien-Li Loke, *Trapped in Domestic Violence: The Impact of United States Immigration Laws on Battered Immigrant Women*, *Boston University Public Interest Law Journal*, vol. 6, no. 2, at 589-628 (Winter 1997).
- ¹⁶ See VAWA 2000 §1513(a)(2)(B), 114 Stat. at 1534.
- ¹⁷ Mary B. Clark, *Falling Through the Cracks: The Impact of VAWA 2005's Unfinished Business on Immigrant Victims of Domestic Violence*, *University of Maryland Law Journal of Race, Religion, Gender and Class*, vol. 7, no. 1, at 37-57 (Spring 2007).
- ¹⁸ See INA §214(p)(2)(A).
- ¹⁹ In 2019, New York passed the Green Light Bill, allowing all New Yorkers the opportunity to obtain a driver's license, regardless of their immigration status. In some states, a work permit is still a necessary step for obtaining a driver's license or other ID.



Having a driver's license/ID gives people the opportunity to find employment, rent property, and otherwise engage in the basics of daily life. See Silva Mathema, *The Center for American Progress, Providing Identification to Unauthorized Immigrants* (November 24, 2015), <https://www.americanprogress.org/article/providing-identification-to-unauthorized-immigrants/>.

- ²⁰ Research shows that while the full costs of intimate partner violence – to impacted individuals and systems alike – may be unknown, they include medical expenditures, lower wages resulting from diminished educational attainment, lost wages from missed work and job loss, debt and poor credit, and costs associated with housing instability. See Institute for Women's Policy Research, *The Economic Cost of Intimate Partner Violence, Sexual Assault, and Stalking* (August 2017), https://iwpr.org/wp-content/uploads/2020/10/B367_Economic-Impacts-of-IPV-08.14.17.pdf.
- ²¹ See USCIS Case Processing Times, <https://egov.uscis.gov/processing-times/>.
- ²² See USCIS Humanitarian Petitions: U Visa Processing Times (August 12, 2021), <https://www.uscis.gov/sites/default/files/document/reports/USCIS-Humanitarian-Petitions.pdf>.
- ²³ Jessica Bolter, et al., Migration Policy Institute, *Four Years of Profound Change: Immigration Policy during the Trump Presidency* (February 2022), <https://www.migrationpolicy.org/research/four-years-change-immigration-trump>.
- ²⁴ "Administrative arrests (an arrest made for a civil violation of immigration law) by ICE officers in New York City rose by 88.2 percent, going from 1,847 arrests in FY 2016 to 3,476 in FY 2018, the third-highest increase of all ICE field offices." NYC Comptroller's Office, *The Demographics of Detention: Immigration Enforcement in NYC Under Trump* (February 2019), at 4, https://comptroller.nyc.gov/wp-content/uploads/documents/Demographics_of_Detention_022019.pdf.
- ²⁵ A 2019 survey found that 76% of advocates report immigrant survivors have concerns about contacting the police; three out of four advocates report that immigrant survivors have concerns about going to court for a matter related to their abuser; and 52% of advocates worked with survivors who dropped civil or criminal cases because they were afraid to continue their cases. See Asian Pacific Institute on Gender Based Violence, *Advocate & Legal Services Findings: Immigrant Survivors Fear Reporting Violence* (May 2019), <https://www.api-gbv.org/resources/may-2019-advocate-legal-services-findings-immigrant-survivors-fear-reporting-violence/>.
- ²⁶ See 8 USC § 1182(4).
- ²⁷ Immigrants' access to public benefits and the social safety net is dependent on status as a "qualified noncitizen" by the federal government. See Benefits Plus Learning Center, Resources for Immigrants, https://bplc.cssny.org/benefit_tools/11; see also Tanya Broder and Gabrielle Lessard, National Immigration Law Center, *Overview of Immigrant Eligibility for Federal Programs* (March 2023), <https://www.nilc.org/issues/economic-support/overview-immeligfedprograms/>.
- ²⁸ See Comments on the Impacts on Survivors of Domestic and Sexual Violence in Response to Proposed Rulemaking, Inadmissibility on Public Charge Grounds (April 2022), https://static1.squarespace.com/static/5b9f1d48da02bc44473c36f1t/62671c203b1aa57bfca4ecae/1650924576423/AIS_PUBLICCHARGELTR_April25-2022.pdf.
- ²⁹ See 2022 Final Rule on Public Charge Ground of Inadmissibility, 87 F.R. 55472 (September 9, 2022), <https://www.federalregister.gov/d/2022-18867/p-123>.
- ³⁰ *Id.*
- ³¹ See DHS 8 CFR Parts 212 and 245 Public Charge Ground of Inadmissibility (February 24, 2022) at 10591 ns. 184 and 185 (citing studies demonstrating the significant numbers of essential workers and household members that forewent Medicaid and SNAP benefits during the public health crisis at the same time as low-income immigrant families were experiencing food and other economic insecurity).
- ³² Study participant names used throughout this report have been changed to protect their privacy.
- ³³ "Purposive sampling" is a non-probability sampling technique commonly used in qualitative studies. Her Justice sought to make the interview sample representative of our immigrant client population and selected clients to be interviewed based on current or recently resolved immigration cases.
- ³⁴ One of the participants interviewed in 2018 was also interviewed again in 2022.
- ³⁵ Some study participants were represented in their immigration applications by pro bono attorneys at firms partnering with Her Justice, while others were represented by Her Justice attorneys. For those with pro bono representation, pro bono attorneys collaborated with Her Justice in connecting their clients with Her Justice study leads to secure their participation in the study.
- ³⁶ See USCIS Humanitarian Petitions: U Visa Processing Times, <https://www.uscis.gov/sites/default/files/document/reports/USCIS-Humanitarian-Petitions.pdf>.



U visa petitioners also wait longer than other immigrants applying for work authorization, including asylum seekers, Deferred Action for Childhood Arrivals (“DACA”) program recipients, student visa holders and spouses of H1B visa holders. Asylum seekers and DACA recipients currently wait an average of 1.3 years and 2.2 years, respectively, to receive EAD while student visa holders and spouses of H1B visa holders only wait 2-3 months. See <https://egov.uscis.gov/processing-times/>.

- ³⁷ VAWA petitioners must be married to U.S. citizens or lawful permanent residents in order to obtain lawful immigration status.
- ³⁸ The NIWAP study reported that many immigrant survivors lived with their abusers until they obtained legal work authorization. See NIWAP study at 66.
- ³⁹ See generally USCIS, *Automatic Employment Authorization Document (EAD) Extension policy*, <https://www.uscis.gov/eadautoextend>.
- ⁴⁰ See Office of the New York City Comptroller, *New York City’s Uneven Recovery: An Analysis of Labor Force Trends (2022)*, <https://www.osc.state.ny.us/files/reports/osdc/pdf/report-3-2023.pdf>.
- ⁴¹ *Id.*
- ⁴² Greg David, *Why Is NYC’s Economy Still Lagging? Take a Close Look at Construction, Entertainment and Retail*, THE CITY (August 22, 2022), <https://www.thecity.nyc/economy/2022/8/22/23315735/nyc-economy-struggling-construction-entertainment-retail>.
- ⁴³ Kezia Scales, PhD., *It’s Time to Care: A Detailed Profile of America’s Direct Care Workforce, PHI* (January 21, 2020), <https://www.phinational.org/resource/its-time-to-care-a-detailed-profile-of-americas-direct-care-workforce/>.
- ⁴⁴ Kathryn Neckerman, et al., *Poverty and Hardship Among Families with Young Children Before and During The Pandemic* (July 6, 2022), https://static1.squarespace.com/static/610831a16c95260dbd68934a/t/62c74892a2b7f36d6b88ddfa/1657227411026/Early-Childhood-PT_7.6.2022.pdf (noting, “Among mothers of young children working before the pandemic began, about one in four were not working a year later. . .”).
- ⁴⁵ *Id.* at 5.
- ⁴⁶ See U.S. Bureau of Labor Statistics, *Economic News Release, Employment Status* (2021), <https://www.bls.gov/bls/news-release/empstat.htm#2021>.
- ⁴⁷ Mihir Zaveri, *Rents are Roaring Back in NYC*, *New York Times* (March 7, 2022), <https://www.nytimes.com/2022/03/07/nyregion/nyc-rent-surge.html>.
- ⁴⁸ See United Nations Women, *The Shadow Pandemic: Violence against women during COVID-19 (2021)*, <https://data.unwomen.org/sites/default/files/documents/Publications/Measuring-shadow-pandemic.pdf>; see also Michelle Bocanegra, *City’s Domestic Violence Website Sees Surge in Visitors*, *Politico* (April 1, 2020), <https://www.politico.com/states/new-york/city-hall/story/2020/04/01/citys-domestic-violence-website-sees-surge-in-visitors-1270105>.
- ⁴⁹ See New York State Council on Women and Girls, *COVID-19 Domestic Violence Task Force Report*, at 1 (May 28, 2020), <https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/DVTF-Report-FINAL.pdf>.
- ⁵⁰ See Brad Boserup, Mark McKenney, & Adel Elkbuli, *Alarming Trends in U.S. Domestic Violence During the COVID-19 Pandemic*, *American Journal of Emergency Medicine* (April 28, 2020), [https://ajemjournal-test.com.marlin-prod.literatumonline.com/article/S0735-6757\(20\)30307-7/fulltext](https://ajemjournal-test.com.marlin-prod.literatumonline.com/article/S0735-6757(20)30307-7/fulltext).
- ⁵¹ Since the beginning of the pandemic in March of 2020, 84% of domestic workers reported experiencing food insecurity and 72% reported having lost their livelihoods during the pandemic. See National Domestic Workers Alliance, *Coronavirus’ Economic Impact on Domestic Workers* (April 8, 2020), https://www.domesticworkers.org/wp-content/uploads/2021/06/Coronavirus_Report_4_8_20.pdf.
- ⁵² The New York State Department of Labor began accepting applications for the Excluded Workers Fund in August 2021 to provide support to undocumented immigrants whose employment was impacted by the pandemic. The Fund issued funds totaling more than \$2 billion to over 128,000 New Yorkers, providing a critical lifeline to undocumented immigrants who contributed to the economy but did not qualify for unemployment insurance, stimulus checks and other government benefits.
- ⁵³ According to the NIWAP study, “as victims’ immigration cases progress more clients seek vocational education to prepare for better jobs, including jobs in the trades. Study results found that as VAWA and U visa victims’ cases move through the immigration system, they are more likely to *sometimes, usually or often* seek vocational education rising from 12% at filing to 21% at work authorization.” See NIWAP study at 75.
- ⁵⁴ See Jody Raphael and Richard M. Tolman, The Taylor Institute, *Trapped By Poverty, Trapped By Abuse: New Evidence Documenting the Relationship between Domestic Violence and Welfare* (April 1997); Richard M. Tolman, *The Development of a Measure of Psychological Maltreatment of Women by their Male Partners*, *Violence and Victims* 4(3): 159-177 (1989).



- ⁵⁵ See Mary Ann Dutton, et al., *Characteristics of Help Seeking Behaviors, Resources and Service Needs of Battered Immigrant Latinas: Legal Policy and Implications*, 7 GEO. J. ON POVERTY L. & POLY 245, 271 (2000) (showing that more than two thirds of immigrant survivors stayed with their abusers because they lacked the money necessary to leave and support themselves).
- ⁵⁶ This is consistent with the NIWAP study, which found that, after obtaining work authorization, there was a 47% decline in immigrant survivors needing emergency shelter and survivors were able to find more permanent housing for themselves and their children, while many still struggled with the high cost of rent. See NIWAP study at 72.
- ⁵⁷ The NIWAP study also found a significant increase in survivors' engagement with their friends, family, and communities after receiving work authorization. When survivors had work authorization, there was a 51% increase in their involvement in helping other survivors of abuse and crimes. See *id.* at 94.
- ⁵⁸ The NIWAP study found that survivors who called the police for help while suffering from domestic violence, sexual assault, or human trafficking, were sometimes arrested instead of or with the abuser. VAWA self-petitioners who called the police for help were arrested 36% of the time in 2017 and 8% of the time in 2013. See *id.* at 55. Consistent with the Her Justice study findings, NIWAP also found a 114% increase in immigrant survivors' willingness to trust the police after obtaining work authorization. See *id.* at 132.
- ⁵⁹ Forty-seven percent (47%) of participants were still married to their abusive ex-spouses at the time of the interview with Her Justice. This suggested to Her Justice that many immigrant survivors of abuse struggle with getting divorced. For many individuals in New York, and especially those without financial resources to retain legal counsel, the divorce process can be inaccessible. Even uncontested divorces or simple divorces that do not involve complicated financial or custody matters can be difficult to navigate given the complexity of the court process and required forms. Litigated divorce cases can be even more complex, often requiring experts to assist the parties and the court in deciding distribution of marital assets or debts or even custody of children, and lasting months if not years. The fees for divorce filings and litigation expenses can be prohibitive for some. Her Justice connects many clients to pro bono counsel for divorce cases, but the demand for assistance far outpaces the availability of free legal assistance in New York.
- ⁶⁰ Similarly, NIWAP found that survivors were more willing to seek a divorce, custody of their children, and child support after receiving work authorization. See NIWAP study at 141.
- ⁶¹ Immigrant eligibility rules for Medicaid and other public health insurance programs vary by state. While Her Justice participants were residents of New York State and therefore potentially eligible for New York State Medicaid while their immigration petition was pending, many did not apply for Medicaid until after they received work authorization. See N.Y. State Department of Health, Documentation Guide Immigrant Eligibility for Health Coverage in New York State, https://www.health.ny.gov/health_care/medicaid/publications/docs/gis/04ma003att1.pdf. See also generally National Immigration Law Center, Fact Sheet on Public Benefits, https://www.nilc.org/wp-content/uploads/2023/03/tbl1_ovrvw-fed-pgms-rev-2023-03.pdf.
- ⁶² "Medicaid for the Treatment of an Emergency Medical Condition, also called Emergency Medicaid, helps eligible, undocumented and temporary immigrant New Yorkers pay for medical costs when they have an emergency. Emergency Medicaid will provide medical payment for care and services only if you need immediate medical attention for a serious health issue. Serious health issues include conditions like a heart attack or severe pain that could lead to a dangerous health outcome without medical help."
See New York City Human Resources Administration Office of Citywide Health Insurance Access, *Factsheet*, <https://www.nyc.gov/assets/ochia/downloads/pdf/fly-957-emergency-medicaid-english.pdf>.
- ⁶³ See Social Security Administration, Office of the Chief Actuary, *Actuarial Note Number 151* (April 2013), https://www.ssa.gov/oact/NOTES/pdf_notes/note151.pdf.
- ⁶⁴ See U.S. White House, *National Strategy on Gender Equity and Equality* (2021), at 25, <https://www.whitehouse.gov/wp-content/uploads/2021/10/National-Strategy-on-Gender-Equity-and-Equality.pdf>.
- ⁶⁵ See USCIS Policy Manual Chapter 5, Bona Fide Determination Process, <https://www.uscis.gov/policy-manual/volume-3-part-c-chapter-5>.
- ⁶⁶ See USCIS Case Processing Times, <https://egov.uscis.gov/processing-times/>.
- ⁶⁷ See USCIS Number of Form I-918 Petitions for U Nonimmigrant Status (Fiscal Years 2009-2023), https://www.uscis.gov/sites/default/files/document/data/I918u_visastatistics_fy2023_qtr2.pdf.
- ⁶⁸ See Notice titled USCIS Opens the Humanitarian, Adjustment, Removing Conditions and Travel Documents (HART) Service Center (2023), <https://www.uscis.gov/sites/default/files/document/notices/USCISOpenstheHumanitarianAdjustmentRemovingConditionsandTravelDocumentsHARTServiceCenter.pdf>.
- ⁶⁹ *Id.*



⁷⁰ See Number of Form I-918, Petition for U Nonimmigrant Status and BFD Process Petitions for Fiscal Years 2009-2022 and Fiscal Year 2021-2022, https://www.uscis.gov/sites/default/files/document/data/I918u_visastatistics_fy2022_qtr2.pdf.

⁷¹ Her Justice and other advocates have proposed the following amendment to Section 214(p)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(p)(2)(A)) by adding a section stating: "U visas that were made available in fiscal years 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, and 2009 that were unused shall be added to the number of U visas available during FY 2024, and each fiscal year thereafter until no more previously unused visas remain available, and in any such year, the number of aliens who may be issued visas or otherwise provided status as nonimmigrants under section 1101(a)(15)(U) of this title may exceed 10,000, without limitation."

⁷² The Blue Campaign is a model of a program focused on public awareness of immigration protections and law enforcement goals in the human trafficking context. DHS leads the Blue Campaign, which is "a national public awareness campaign designed to educate the public, law enforcement, and other industry partners to recognize the indicators of human trafficking, and how to appropriately respond to possible cases." https://www.dhs.gov/blue-campaign?qclid=Cj0KCQjwT0-kBhDIARIsAL6LorcDp2k85GMV07Ms9pblP2lphLZMvYG8GXMTzYqY4uBDgYmjvpsRnjYaAiAIEALw_wcB.

⁷³ See American Immigration Council, *Access to Counsel in Immigration Court* (September 2016), at 19, https://www.americanimmigrationcouncil.org/sites/default/files/research/access_to_counsel_in_immigration_court.pdf.

⁷⁴ See New York City Mayor's Office of Immigrant Affairs, 2018 Annual Report, https://www.nyc.gov/assets/immigrants/downloads/pdf/moia_annual_report_2018_final.pdf.



2018-2019 Interview Guide

CONSENT AGREEMENT – to be signed by the interviewer if the client agrees to participate:

We are conducting a survey to gather information on the importance of work authorization (work permit/ working paper) for our clients. The purpose of this survey is to gather information from our clients so that we can try to change the immigration system to make it easier and quicker for people to get work permits. It is a difficult and slow process to try to make changes to the current immigration system practices related to work permits. Nonetheless, as a person who has direct experience with this, your feedback is very important.

In the interview, we will ask you about what it's like for you to live in the U.S. with or without a work permit while you wait for your immigration case to be processed. We also will ask you about your work conditions and employment opportunities. You do not have to answer any questions that you do not wish to answer.

Your answers will not have any impact on legal assistance you may receive through Her Justice. Your answers will not be given to the attorney working on your case. Your name will not be associated with your answers to these questions in any report that may come from this project.

If the client agrees to participate, interviewer is to sign and date below to attest to client's willingness to participate.

Name of client: _____ Date: _____

Signature of interviewer: _____



Work Authorization Interview Guide Before EAD and After EAD Interviews

Sociodemographic

I'm going to confirm some basic information about you that you have already provided to Her Justice, and ask you any questions for which we don't have answers.

1. What is your name? _____ (last name) _____ (first name)
2. What is your date of birth? _____
3. What races or ethnic groups do you identify with? (you can mention more than one)
 - a) Asian
 - b) African American/Black
 - c) American Indian or Alaskan Native
 - d) White
 - e) Latino/Hispanic
 - f) Native Hawaiian or other Pacific Islander
 - g) Other (specify) _____
4. What is your country of citizenship? _____
5. What month and year did you first come to the U.S.? _____ (year) _____ (month)
6. What is your zip code? _____
7. What language you are most comfortable speaking? _____
8. Are you comfortable having a conversation in English (how your day is going, asking for directions, etc.)?
Yes No
9. Do you have children? Yes No
 - a) If Yes, how many? _____
 - b) What are their ages? _____
 - c) How many live in the U.S.? _____
 - d) How many live with you? _____
 - e) How many are U.S. citizens? _____
 - f) How many have another immigration status? _____
 - a. If any other status, what? _____
 - g) How many are undocumented? _____



10. What is the highest degree or level of school you have completed?

- a) Less than high school or GED
- b) High school
- c) College
- d) Master's degree
- e) Professional degree

11. What is your current marital status?

- a) Now married
- b) Widowed
- c) Divorced
- d) Separated
- e) Never married

12. Are you currently living with someone as though married?

Yes No

I. Economic

Now I'm going to ask you some questions about your current employment situation.

1. On what month and year did you apply for EAD? _____

2. What is your employment situation?

- Working full-time
- Working part-time
- Working odd jobs (inconsistent employment)
- Unemployed and looking for work
- Temporarily laid off, on sick or other leave
- Disabled
- Retired
- Homemaker
- Other (specify) _____

3. What is your job title? _____

4. What type of responsibilities do you have? _____

5. What kind of company do you work for? _____

6. If you have a job, how difficult was it to find that job? Would you say it was very easy, easy, difficult or very difficult?

<input type="checkbox"/>	1 = Very easy
<input type="checkbox"/>	2 = Easy
<input type="checkbox"/>	3 = Neutral
<input type="checkbox"/>	4 = Difficult
<input type="checkbox"/>	5 = Very difficult



7. If you do not have a job, are you looking for one?

Yes No

8. If you are looking for a job, how long have you been looking? _____

9. How difficult would you say it was for you to find a job?

Notes:

10. Did you face or are you facing any obstacles finding that job? If yes, I'm going to read a list of possible barriers. Could you tell me which, if any of them, applied to you?

a) Employers would not hire me because I did not have valid work authorization

Yes No

b) Employer did not think I had a high enough level of English for the job

Yes No

c) I did not have child care

Yes No

d) I did not have the required skills

Yes No

Are there any big obstacles you faced that I didn't mention? If so, what?

Notes:

11. How is your financial situation? Would you say it is very stable, stable, neutral, unstable or very unstable?

<input type="checkbox"/>	1 = Very easy
<input type="checkbox"/>	2 = Easy
<input type="checkbox"/>	3 = Neutral
<input type="checkbox"/>	4 = Difficult
<input type="checkbox"/>	5 = Very difficult

11A. Can you explain how you chose your answer?

Notes:

12. How are you paid at your job? Are you paid a regular, fixed salary or paid depending upon the hours that you worked each week?

a) Regular, fixed salary

b) Varied by hours worked

13. Are you paid by check or in cash?

a) Paid by check

b) Paid by cash

c) Other (specify) _____



14. Are you paid weekly, every two weeks, or monthly?

- a) Weekly
- b) Biweekly
- c) Monthly
- d) Other

15. How much do you earn each pay period? _____

If the client says that the amount varies per pay period, ask about "a typical pay period" or the most they may make in a month and the least they might make in a month to get a sense of the average.

16. Is your salary enough to cover your basic living expenses?

Yes No

16A) Can you say more about that?

What are your biggest expenses? If you can't cover them, where do you cut back/how do you make ends meet? (Consider public assistance questions here)

Notes:

Work Conditions

I'm going to ask a series of questions about the working conditions you've experienced while working in New York. For each one, please tell me whether it applies to your experience.

Questions about Work Conditions	Yes	No	Other (explain)
17. Have you ever felt unsafe working without a work permit?	<input type="checkbox"/>	<input type="checkbox"/>	
18. Has it been difficult for you to find work that you enjoy?	<input type="checkbox"/>	<input type="checkbox"/>	
19. Have you had a boss who treated you differently from other workers who had work permits?	<input type="checkbox"/>	<input type="checkbox"/>	
20. Have your employers told you that they value your work?	<input type="checkbox"/>	<input type="checkbox"/>	
21. Have you ever had to work in unsafe conditions?	<input type="checkbox"/>	<input type="checkbox"/>	
22. Have you ever been subjected to harassment because you do not have a work permit?	<input type="checkbox"/>	<input type="checkbox"/>	
23. Do you believe you have been subjected to discrimination because you do not have a work permit or because of your race, gender, or any other reason?	<input type="checkbox"/>	<input type="checkbox"/>	
24. Have you felt as if you could be terminated at any time?	<input type="checkbox"/>	<input type="checkbox"/>	
25. Have your jobs allowed you to take time off or sick days as needed?	<input type="checkbox"/>	<input type="checkbox"/>	
26. Have you been able to count on a set amount of income each week/bi-weekly?	<input type="checkbox"/>	<input type="checkbox"/>	

Interviewer should dive a bit deeper into these answers. For example, if you feel unsafe, what are you usually worrying about? If you enjoy your job, what do you like about it? If you don't enjoy your job, what would make it better for you? If you were subject to discrimination or harassment, can you tell me more? What was the worse instance of discrimination you've experienced at work? In general, ask the client if, based on their experience and their community, they see a connection between lacking a work permit and unsafe conditions.

Notes:



II. Housing

1. How long have you resided in New York City? _____
2. How many places have you lived during that time? _____
3. I'm going to read a list of different housing situations. Please let me know which describe the place where you currently live:
 - 1) An apartment or house you or your family own
 - 2) An apartment or house you or your family rent
 - 3) A room in someone else's apartment that you rent
 - 4) You are "doubled up" temporarily with a friend or a relative
 - 5) You live in a shelter
 - 6) You sleep on the street or other public area
 - 7) Other (specify): _____
4. How long have you lived in your current place? _____
5. Are you living by yourself or with other people?
 - a) Alone
 - b) With roommates
 - c) With my children
 - d) With family members
6. Including yourself, how many people currently live in your household? _____

Living Conditions

I'm going to ask a series of questions about the housing conditions you've experienced while living in New York. For each one, please tell me whether it applies to your experience.

Questions about Living Conditions	Yes	No	Other (explain)
7. Have you been able to find safe places to live?	<input type="checkbox"/>	<input type="checkbox"/>	
8. Have you found comfortable places to live?	<input type="checkbox"/>	<input type="checkbox"/>	
9. Have you ever felt unsafe in your neighborhood?	<input type="checkbox"/>	<input type="checkbox"/>	
10. Have you lived in overcrowded housing?	<input type="checkbox"/>	<input type="checkbox"/>	
11. Have you had inadequate air conditioning or heating?	<input type="checkbox"/>	<input type="checkbox"/>	



Questions about Living Conditions	Yes	No	Other (explain)
12. Have you lived in dirty conditions?	<input type="checkbox"/>	<input type="checkbox"/>	
13. Have you lived somewhere where you worried that your children were unsafe?	<input type="checkbox"/>	<input type="checkbox"/>	
14. Have you lived places where it is easy for you to get to work?	<input type="checkbox"/>	<input type="checkbox"/>	
15. Have you had a landlord who harassed or intimidated you because they knew about your immigration status?	<input type="checkbox"/>	<input type="checkbox"/>	
16. Have you had a landlord who harassed or intimidated you for other reasons?	<input type="checkbox"/>	<input type="checkbox"/>	

Interviewer should ask about why the person feels safe or unsafe, comfortable or uncomfortable.

Notes:

III. Domestic Violence and Economic Status

1. Have you experienced any of the following types of abuse from the person who was the abusive partner in your U visa/VAWA case? Check all that apply:
 - a) Verbal abuse
 - b) Psychological abuse
 - c) Sexual abuse
 - d) Physical abuse
 - e) Stalking
2. Were you living with this person?
Yes No
If YES, how long were you living with them? _____

The interviewer should get a sense at this time about whether the client talks about the relationship as one that is ongoing. If the client is still in the relationship, make a note and adjust the language in the remainder of this section to gauge the client's present circumstances.



I'm going to ask a series of questions about your financial situation while you were in the relationship. For each one, please tell me whether it applies to your experience.

DV and Economic Status	Yes	No	Other (explain)
3. Did your partner refuse to give you equal access to the family money?	<input type="checkbox"/>	<input type="checkbox"/>	
4. Did they tell you or act as if it was "their money, their house, their car, etc."	<input type="checkbox"/>	<input type="checkbox"/>	
5. Did they ever threaten to withhold money from you?	<input type="checkbox"/>	<input type="checkbox"/>	
6. Did they use your fear of not having access to money to try to control your behavior?	<input type="checkbox"/>	<input type="checkbox"/>	
7. Did they ever tell you not to work outside the home when you wanted to?	<input type="checkbox"/>	<input type="checkbox"/>	

Is there anything you would like to share about your financial situation or financial control you experienced?

Notes:

I'm going to ask a series of questions based on reasons that may contribute to why some people may stay in an abusive relationship. For each one, please tell me whether it applies to your experience. We understand that these questions may be hard to answer, and may not fit into a "yes" or "no" response.

*How important were the following factors in influencing your decision to stay in the relationship?	Yes	No	Other (explain)
8. Did you feel dependent on your partner because you did not have enough money to leave?	<input type="checkbox"/>	<input type="checkbox"/>	
9. Did your lack of immigration status impact your decision about whether to leave?	<input type="checkbox"/>	<input type="checkbox"/>	
10. Were you afraid of physical harm to yourself or your children if you left?	<input type="checkbox"/>	<input type="checkbox"/>	
11. Did you worry about emotional damage to the children over the loss of a parent if you left?	<input type="checkbox"/>	<input type="checkbox"/>	
12. Did a lack of job skills deter you from leaving?	<input type="checkbox"/>	<input type="checkbox"/>	
13. Did a lack of information regarding domestic violence affect your decision?	<input type="checkbox"/>	<input type="checkbox"/>	
14. Did a lack of alternative housing or a safe place to go affect your decision?	<input type="checkbox"/>	<input type="checkbox"/>	
15. Did a lack of friends or family to ask for help affect your decision?	<input type="checkbox"/>	<input type="checkbox"/>	
16. Did any cultural or religious beliefs affect your decision?	<input type="checkbox"/>	<input type="checkbox"/>	

Are there reasons that you wanted to stay in this relationship that I have not gotten to that you would like to share that were significant to you? To you, in your experience, what was the main reason that you felt like you couldn't or didn't want to separate from this partner earlier? This answer can be from the list I read or not:

Notes:



This section is only for clients who are no longer in the relationship.

For the next set of questions, I am going to ask about your financial situation after you left the relationship. For each one, please tell me whether it applies to your experience.

Financial situation	Yes	No	Other (explain)
17. After you left, did you feel like you did not know how to find a job?	<input type="checkbox"/>	<input type="checkbox"/>	
18. Did you feel you had to find a job in order to support yourself and your family?	<input type="checkbox"/>	<input type="checkbox"/>	
19. Did you have an income?	<input type="checkbox"/>	<input type="checkbox"/>	
20. Did you lose your job because you left the living situation?	<input type="checkbox"/>	<input type="checkbox"/>	
21. Were you unable to pay your bills?	<input type="checkbox"/>	<input type="checkbox"/>	
22. Did you experience financial difficulties?	<input type="checkbox"/>	<input type="checkbox"/>	

23. How did your financial situation change once you were no longer with the person who your U-visa/VAWA is based on?

This question is only for clients who are no longer in the relationship.

24. What are the main struggles or barriers you face as a result of not having work authorization?

25. How do you think/hope things will change once you have work authorization?

26. What type of job do you hope to obtain?

27. What, if anything, would make things better while you wait? *(Asking because we think it is important to talk about. Client should know that we may not be able to help with this)*

IV. Psychological Aspect and Empowerment

I have a few questions about your relationships with the person who your U visa/VAWA was based on. If you are no longer with that person, I am going to ask you about before you separated from your partner. Again, we understand that these questions may not have a clear “yes” or “no” answer, and that is okay.

If the client is still with this person, adjust these questions to the present tense.

Questions about U visa/VAWA partner	Yes	No	Other (explain)
1. Did you feel like you had to stay in the relationship because you would not be able to support your children without your partner’s income?	<input type="checkbox"/>	<input type="checkbox"/>	
2. Did you stay in the relationship in part because you did not have a job or way to support yourself and your children?	<input type="checkbox"/>	<input type="checkbox"/>	
3. <i>(If answered NO to questions one and two)</i> Did your ability to work and support your family have anything to do with your decision to stay with your partner?	<input type="checkbox"/>	<input type="checkbox"/>	



Questions about U visa/VAWA partner	Yes	No	Other (explain)
4. During the relationship, did you feel you could make important decisions about your family's life?	<input type="checkbox"/>	<input type="checkbox"/>	
5. Did you feel you could handle unexpected situations that arose in your everyday life?	<input type="checkbox"/>	<input type="checkbox"/>	
6. Did you manage the household money?	<input type="checkbox"/>	<input type="checkbox"/>	
7. Did you feel you could be successful in a job or career that you chose?	<input type="checkbox"/>	<input type="checkbox"/>	
8. Once you separated, did you feel prepared to work and support yourself and your family?	<input type="checkbox"/>	<input type="checkbox"/>	

Ask the person to say more about their answers. How big a role did money play in your relationship with your former partner? How did the household finances impact the power balance in the household? How did you feel about that?

Notes:

V. Interaction with the Criminal and Civil Legal System

I'm going to read some questions about how comfortable you are seeking legal assistance or public assistance with or without a work permit. Please tell me whether you are less likely to do any of the following things because you do or do not have a permit.

Because you do (or do not) have a work permit, are you less likely to:

- | | | |
|--|------------------------------|-----------------------------|
| 1. Seek legal assistance regarding a divorce? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 2. Seek legal assistance regarding an order of protection? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 3. Seek legal assistance regarding child support? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 4. Seek legal assistance regarding custody? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 5. Call the police if you are in danger? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 6. Participate in a criminal prosecution as a victim? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 7. Apply for public assistance for yourself? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 8. Apply for public assistance for your children? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 9. Apply for health insurance for yourself? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 10. Apply for health insurance for your children? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 11. Seek temporary shelter? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 12. Seek medical care? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

Are there other systems that you rely on for support? If yes, what were they? Can you say something more about your answers? If you are hesitant to apply for these forms of support, why do you feel hesitant? What are your fears or worries? If you are likely to seek these types of supports, what makes you feel comfortable doing so?

Notes:



2022 Interview Guide

CLIENT CONSENT AGREEMENT

We are meeting with immigrant clients to gather information about the importance of work permits (working papers). The purpose of these interviews is to gather information from our clients about their experiences so that Her Justice can advocate to change the immigration system, to make it easier for women like our clients to get work permits.

In the interview today, we will ask you about what it's like to live in the U.S. while waiting for your immigration case to be processed. We will specifically ask you about how the COVID-19 pandemic affected your life and immigration case these past few years.

[NAME] and I are not lawyers, and if you have any questions about your immigration case, we will let [NAME] (your lawyer) know, so that they can help you with those questions at a later time. Again, participation in our interview today is completely voluntary, it will take about one hour, and we will provide a \$20 gift card in appreciation of your time.

You do not have to answer any questions that you do not want to answer. Your participation will not have any impact on the legal assistance you receive through Her Justice [or its pro bono attorneys]. Your privacy and safety are also very important to us. If we use any information from this interview in a report or public facing materials, your name and identity will not be associated with your answers to these questions.

Are you ok with starting the interview now? If the client agrees to participate, interviewer is to sign and date below to attest to client's willingness to participate.

Name of client: _____ Date: _____

Signature of interviewer: _____



INTERVIEW QUESTIONS

We will not use your real name in any report or public facing materials that come from this interview project. Do you have a suggested pseudonym (a fake name) to be used for you?

Background

1. What month and year did you first come to the U.S? ____ (year) ____ (month)
2. Were you working in your home country before you immigrated to the U.S.?
What type of job did you have there?

Work History

3. What has your work situation been like in the past 5 years in the U.S? (or since you immigrated here).
4. What type of job did you have before applying for a work permit? _____
How many hours a week did you work? _____. Do you remember what your weekly or bi-weekly paycheck was? (it's ok if it's an estimate) _____
5. What is your highest level of education? (interviewer give examples)

EAD Access

6. Do you remember when you got your first work permit in the U.S.? _____
7. Do you have a work permit now? Yes No

If No:

8. What has your experience been like trying to receive a work permit in the U.S? (e.g., completing and filing paperwork, navigating legal process, delays, etc.)
9. What are the struggles or barriers you have experienced by not having access to a work permit?
10. How do you think things will change in your life when you have a work permit?
11. (clients working) Has your employer ever made you feel uncomfortable or afraid when you did not have a work permit? Were you paid less because you did not have a work permit?
12. (clients working) Do you hope to keep the same type of job when you have a work permit?
13. (clients not working) What type of job do you hope to have after getting a work permit?

If Yes:

14. What was your experience like trying to receive a work permit in the U.S? (e.g., completing and filing paperwork, navigating legal process, delays, etc.)
15. What were the struggles or barriers you experienced by not having a work permit?



16. (clients who worked without EAD) Did your employer ever make you feel uncomfortable or afraid when you did not have a work permit? Were you paid less because you did not have a work permit?
17. Have you experienced any benefits of having a work permit? Please explain.
18. *I'm going to ask you some questions about the timeframe for getting a work permit or renewing it during the pandemic.*

Did you have a work permit in 2020? Yes No

Did you have a work permit in 2021? Yes No

Is your work permit expired? Yes No

If EAD Expired:

19. What month and year did you apply to renew your work permit? _____
20. Did your work permit expire while you were waiting for it to be renewed? Yes No (Note: work permits generally last 2 years and are automatically extended for 180 days when holders apply for renewal. Long delays cause immigrants to be without EADs after the 180-day extension period).
21. When your work permit expired, did that affect your job? Did your employer stop you from working because the permit expired? Did your employer treat you differently after it expired (i.e., cut your hours, change your pay etc.)?

COVID Financial Impact

22. It has been a really hard few years with the COVID pandemic. Did any family or friends rely on you for support during the past few years? And not just your children, but anybody. It could have been financial, emotional – any type of support you've provided to others.

I'm going to ask you some questions about your income during the pandemic.

23. Were you working in 2020? Yes No

If Yes:

24. What months did you work? _____ Where did you work (industry)? _____
What was your position? _____ Do you remember how many hours you worked each week? _____ Do you remember what your weekly or bi-weekly paycheck was? (it's ok if it's an estimate) _____.
25. If yes, did the amount of your income change because of the pandemic? (i.e., did income increase or decrease). Did you experience any different treatment from your employer during the pandemic?
26. When the pandemic started in March 2020 (when the lock down happened) did you have to leave your job? (e.g., children being home, industry shut down) Yes No details: _____
27. Were you able to go back to that job? When? _____



28. Did you receive any other assistance to support yourself in 2020? (government benefits/public assistance, children's other parent, family, friends, savings, etc.)

If No:

29. How did you support yourself during 2020? (government benefits/public assistance, children's other parent, family, friends, savings, etc.)

30. Were you working in 2021 (last year)? Yes No

If Yes:

31. What months did you work? _____ Where did you work (industry)? _____ What was your position? _____ Do you remember how many hours you worked each week? _____ Do you remember what your weekly or bi-weekly paycheck was? (it's ok if it's an estimate) _____

32. Did you receive any other assistance to support yourself? (government benefits/public assistance, children's other parent, family, friends, savings, etc.)

If No:

33. How did you support yourself in 2021? (government benefits/public assistance, child's other parent, family, friends, savings, etc.)

34. Did the pandemic continue affecting your ability to work in 2021? (e.g., children being home, industry still shut down) Yes No details: _____

Child Support

I'm going to ask some questions about your children and your access to child support.

35. Do you have children? Yes No

a) (If yes) how many? _____

b) What are their ages? _____

c) Do any of them live in the U.S. How many? _____ Do they live with you? _____

d) Do any of your children live abroad, in another country? How many? _____

e) How many of your children are U.S. citizens? _____

f) How many of your children have another type of immigration status? _____

a. If any other status, what? _____

g) How many of your children don't have papers yet? (are undocumented) _____



36. Can you describe how it was having your children home when school was remote? (any technology barriers)
Did you have any support/help from family or friends?

37. Are you currently married?

- a) Married
- b) Widowed
- c) Divorced
- d) Separated
- e) Never married

38. Does the other parent of your child(ren) pay child support/ financially support your children? Yes No

If no: Does the other parent provide any informal support? Like, does he give the children some money sometimes? _____ Do you know approximately how much? _____ Does he sometimes buy the children things like food or clothes? _____

If yes: Is it a formal child support order from the court? Yes No

If yes: Do you know the estimated amount they are supposed to pay each month?

If yes: What was your experience obtaining child support in court? Was it difficult, straightforward, costly...?

Access (or Lack of Access) to Pandemic Benefits

The government gave some extra help to people during the pandemic but not everyone got access to it.

39. Did the government send you any stimulus checks/ money (by mail or direct deposit) for you or your children? (three different periods below). (Note: It could also have come in the form of a gift card)

40. Did you qualify for unemployment insurance during the pandemic? If yes, do you remember how much you received each week? For how long?

41. Did you receive any money or support from funds that were supposed to help undocumented immigrants? Like the NY State Excluded Workers Fund, which was supposed to give money to workers who did not get unemployment assistance, and funds from community-based organizations, like Make the Road?

Access to Health Care

Next, I'm going to ask you about health insurance.

42. Did you have health insurance before you got a work permit?

43. Do you have access to health insurance now? (Medicaid? Private insurance through employer?)

44. Do you feel comfortable going to the doctor or the emergency room when you don't feel well or are sick?



45. So many people were exposed to COVID and it spread very quickly in New York City. Were you exposed to COVID at all in the past few years (did you get sick? (was it from work? kids?)

46. Did you feel comfortable going to the doctor for help when you were exposed to COVID?

Housing Situation

Now, I'm going to ask you about your living arrangements.

47. What is your current housing situation?

- 1) Apartment or house you or your family own
- 2) Apartment or house you or your family rent
- 3) Room in someone else's apartment that you rent
- 4) Temporarily living at a friend or a relative's house
- 5) Shelter
- 6) Other: _____

48. How many people currently live with you? _____

49. How long have you lived in your current home? _____

50. Did the COVID pandemic affect your housing situation? Did you have to move? (because of financial hardship or other reason)? _____

Impact of Criminal Legal System

Thank you so much for everything you've shared with us already today. For this next question, I want to recognize that interacting with the police can be very uncomfortable for anyone. I'm going to ask you about your experience, if any, interacting with the police. I know this can be very hard to think and talk about. Please let me know if there is anything I can do to support you. We can also pause or take a break anytime you need to. Would you like to take a quick break at this time?

51. What kind of experiences have you had, if any, with the police?

52. Before you had a work permit, did you feel comfortable contacting the police if you needed help?

Closing/Uplifting Ending

Ask clients who seem comfortable sharing information:

For this next question, I want to see if we have your permission to record an audio of your response, so that lawmakers (the people with power to change the immigration system) can hear in your own voice what your hopes and dreams are.

53. What are your hopes and dreams moving forward, and how do you envision your life from this point on?

