

# ALLIANCE FOR IMMIGRANT SURVIVORS

## Administrative Priorities for the Biden-Harris Administration: Strengthen the Immigration Response to Survivors of Gender- Based Violence

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Immigration laws and policies play a critical role in preventing and addressing abuse and exploitation. Abusive partners, opportunistic predators, and manipulative employers exploit victims' lack of immigration status, or dependent immigration status, as a way to maintain power and control and to keep victims silent. The Biden-Harris administration must join efforts to promote the well-being and safety of immigrant survivors of domestic violence, sexual assault, human trafficking, and other forms of gender-based violence, by strengthening access to immigration protections and prevent the unjust detention and deportation of survivors.

We recommend that the Administration:

### **Support and Strengthen Immigration Protections for Survivors of Gender-Based Violence, Undoing Policies that Undermine the Purpose of Such Protections**

- ▶ Make immigration pathways more accessible for survivors by reducing the now multi-year backlog in victim-related case adjudications. Promptly adjudicate victim-based immigration applications and timely issue work permits w/in 90 days of submission of applications. Provide those awaiting U visas the ability to reunite with children and other family members or travel in exigent circumstances. Support legislation to eliminate or significantly raise the U visa cap.
- ▶ Undo or halt harmful asylum rules limiting survivors' ability to qualify for and access protection, and expand the ability of survivors of gender-based violence to obtain asylum and other humanitarian protection. Swiftly adopt asylum regulations that articulate definitions of "particular social group" and nexus which support the ability of individuals to obtain asylum on the basis of fear of gender-based violence. Support legislation that seeks to accomplish the same, such as the Refugee Protection Act.
- ▶ Reverse destructive policies that increase barriers to victim-related applications, such as "extreme vetting," the,, changes to the fee waiver practice, and other similar draconian measures. In addition, USCIS should provide remedies to U visa petitioners and asylum applicants adversely impacted by USCIS' policy to reject applications based on blank fields on forms.

- ▶ Restore and strengthen trauma-informed adjudication practice and training materials for victim-related and humanitarian applications, including relevant guidance for law-enforcement U-visa certifiers, and restoring mechanisms in the processing of victim related cases to allow applicants to respond to adjudicators' concerns prior to denial.
- ▶ Restore refugee acceptance and resettlement numbers to prior levels in line with historic averages to create pathways for survivors to escape further persecution.

### **Prevent the Unjust Detention and Deportation of Survivors**

- ▶ Undo the focus on overbroad enforcement priorities, halt the detention and removal of survivors, and strengthen Prosecutorial Discretion guidance for victims, witnesses, and those exercising their rights in workplace/labor disputes.
- ▶ Halt the implementation of harmful DOJ regulations and rescind Board of Immigration Appeals decisions that impede immigration courts from managing dockets in order to allow for justice for survivors, such as allowing continuances, administrative closure, and reopening of cases.
- ▶ End destructive enforcement practices, such as programs that entangle local law enforcement and federal immigration enforcement, or detention at certain locations where survivors are normally found, including courthouses, hospitals, and schools.
- ▶ Halt implementation of policies and practices that ban immigrants from certain countries, create asylum cooperative agreements, ban asylum seekers from obtaining protection, force refugees to remain outside the U.S. while their cases are adjudicated, and otherwise put survivors of violence in danger while denying them access to the system, access to counsel, and access to protection.
- ▶ End expedited removal, which limits the ability of survivors to seek victim related immigration protections.
- ▶ End the detention of children in family or individual settings. Halt the separation of parents from children, and curtail criminal prosecutions for improper entry or reentry, as well as those who provide humanitarian assistance to immigrants.
- ▶ Cease the use of private companies to detain immigrants and end the labor trafficking of detained immigrants.
- ▶ Improve language access by discouraging the use of Border Patrol and ICE officers as interpreters for local law enforcement, and strengthening interpretation in immigration courts.

### **Protect the Confidentiality of Victims and Limit Information-Sharing about Survivors**

- ▶ Strengthen implementation of confidentiality protections for victims by issuing regulations implementing 8 U.S.C sec.1367, implement guidance and protective data-sharing policies and protocols.
- ▶ Create clear accountability and redress mechanisms for violations of confidentiality protections.

- ▶ Limit information-sharing about victim applications within DHS and rescind recent policies allowing for USCIS referrals of denied victim related cases for deportation.
- ▶ Halt implementation of increased biometric and data collection and sharing of personal identifying information of non-citizens and their families.

### **Strengthen Training**

- ▶ Conduct regular training for all DHS and DOJ immigration components on confidentiality obligations.
- ▶ Implement evidence-based training on gender-based violence and the impact of trauma for immigration case adjudicators, and require training for ICE and CBP officers.
- ▶ Strengthen training for U-visa certifiers, in particular on revised law-enforcement guidance.

### **Expand Access to Supports and Services**

- ▶ Increase access for immigrant victims to housing by halting implementation of the HUD mixed-status rule, and reinforce HUD policies that provide access to public housing for immigrant victims through outreach and guidance.
- ▶ Promote access to needed economic supports for victims by undoing the public charge rule and providing joint guidance with the Department of Health and Human Services interpreting the Family Violence Option broadly to increase access for immigrant victims.
- ▶ Increase OVW and OJP funding for victim services for immigrant victims, and restore training and technical assistance for training on immigration protections for victims. Remove restrictions on criminal record relief for survivors from OVC and OVW grants solicitations and grant agreements.
- ▶ Strengthen language access and other civil rights compliance in federal grant programs with federal civil rights by enhancing language in funding announcements and grant terms and conditions.
- ▶ End the transfer of crime victim services funding and end the Victims of Immigration Crime Engagement office.

### **Prioritize Cross-Agency Expertise and Coordination**

- ▶ Prioritize expertise on immigration within White House staff focused on Violence Against Women issues, and the intersection of gender-based violence and immigration on the Domestic Policy Council. Ensure gender-based violence expertise within the DHS Secretary's office, as well as in leadership in each DHS immigration related component, the USCIS Ombudsman's office, and the DHS Civil Rights and Civil Liberties office.
- ▶ Reinstate the Council to Combat Violence Against Women to include members

of each DHS immigration components, and members from DOJ and HHS for cross-agency coordination.

- ▶ Reinstate, resume and strengthen DHS and DOJ engagement, transparency, and collaboration with victim advocates through stakeholder meetings and briefings.

**For more information, please contact:**

**Grace Huang**

Asian Pacific Institute on Gender-Based Violence, [gjuang@api-gbv.org](mailto:gjuang@api-gbv.org)

**Cecelia Friedman Levin**

ASISTA Immigration Assistance, [Cecelia@asistahelp.org](mailto:Cecelia@asistahelp.org)

**Olivia Garcia**

Casa de Esperanza: National Latin@ Network, [ogarcia@casadeesperanza.org](mailto:ogarcia@casadeesperanza.org)

**Archi Pyati**

Tahirih Justice Center, [ArchiP@Tahirih.org](mailto:ArchiP@Tahirih.org)