

# U-Visa Certification Legislation

## Safety and Protection for Victims of Violent Crime

We can all agree that everyone deserves a life free from trafficking, sexual assault, and domestic violence. All victims of these violent crimes deserve safety, care, and justice. The vitality of our communities depends on the ability for each of our members to thrive in their lives and to care for their families and loved ones.

Unfortunately, interpersonal violence against children and adults undermines this vitality and harms all of us in Pennsylvania. Investigating and prosecuting violent crime brings individuals to justice and enhances the safety of all victims and our larger communities. However, victims are often afraid to come forward and report what happened to them. Delayed reporting is common due to fear of further violence and harm, stigma, shame, and the re-victimization, or victim-blaming, that occurs throughout our society. These barriers obstruct victims' safety and healing. They also undermine the reporting of violent crime to law enforcement and therefore, the ability to investigate and resolve crime in our communities—crimes like drug and human trafficking, sexual assault and abuse, and domestic violence.

These barriers exist for many victims of interpersonal violence, especially victims in the immigrant community, who face unique risk factors for victimization and



barriers to safety and support.<sup>1</sup> In fact, according to the National Violence Against Women Survey, less than 1% of sexual assault reports are made by immigrant victims. Nearly 70% of police chiefs, prosecutors, and court administrators in 50 of the largest U.S. cities said immigrants report crimes less frequently than other victims due to fear of retaliation, lack of information about the criminal justice system, language access barriers, and other difficulties.<sup>2</sup> This is echoed in a recent national survey that found 76% of advocates reported immigrant survivors have concerns about contacting the police.<sup>3</sup>

### Immigrant Victims' Rights in Federal Law

Two landmark pieces of federal legislation with strong bipartisan Congressional support—the Violence Against Women Act and the Trafficking Victims Protection Reauthorization Act—include important protections for immigrant victims. The provisions were enacted to serve dual purposes: 1) to support the investigation and prosecution of interpersonal crimes like sexual assault, domestic violence, trafficking, and other crimes such as extortion and witness tampering; and 2) to protect the safety of immigrant victims of violent crimes and enable them to achieve stability in the aftermath of their victimizations.

Through these Acts, individuals have the right to apply for U- and T-visas that enable them to live and work within the U.S. and access critical safety and advocacy services. To be eligible, an individual must be a victim of specified

<sup>1</sup>National Sexual Violence Resource Center, Sexual Assault Response Team Toolkit: <https://www.nsvrc.org/sarts/toolkit/6-12>

<sup>2</sup>National Institute of Justice, 2011: <https://nij.ojp.gov/topics/articles/immigrants-victims>

<sup>3</sup>Tahirih, 2019: <https://www.tahirih.org/pubs/may-2019-advocate-survey-immigrant-survivors-fear-reporting-violence/>

interpersonal crimes, possess information about the crime, be “helpful” and cooperative with law enforcement in investigating such crimes, and have suffered substantial harm as result of the crime. In order to apply for a U-visa with U.S. Citizenship and Immigration Service, a victim must provide a law enforcement certification or, in other words, an official confirmation that the individual was a victim of the specified crime and has been cooperative with authorities. Individuals with the authority to provide such certification include members of law enforcement, judges, and the courts. A U-visa is valid for four years and the recipient is eligible to apply for lawful permanent resident status after three of those four years, if certain requirements are met.

## The Problem

In the U.S., there are only 10,000 U-visas granted each year. However, at the end of 2019, over 150,000 petitions were still pending throughout the U.S.<sup>4</sup> That number has now grown to over 200,000. Given what is known about the pervasiveness of trafficking, sexual assault, and domestic violence against immigrant victims and the significant barriers to reporting, it is clear that the need for these protective visas far exceeds their availability. Furthermore, in Pennsylvania, the certification process is inconsistent and time-intensive, leaving immigrant victims and their children without the critical protections they need and deserve in the aftermath of a violent crime.

## The Solution

Pennsylvania has made great strides in protecting victims’ safety and rights throughout the Commonwealth. We now have an opportunity to join other states as leaders in enacting legislation to support the investigation and prosecution of violent crimes against immigrant victims, including our neighbors in Delaware, Maryland, and New York. This legislation would enable Pennsylvania to better implement federal law and increase victims’ access to U-visas.

## How To Get Involved

A Coalition of advocates is working together to support Pennsylvania’s compliance with the federal U-visa program. Please contact us to learn more about this effort and how you can join us in supporting its advancement in the Pennsylvania General Assembly.



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<sup>4</sup> USCIS, 2020: [https://www.uscis.gov/sites/default/files/document/reports/Mini\\_U\\_Report-Filing\\_Trends\\_508.pdf](https://www.uscis.gov/sites/default/files/document/reports/Mini_U_Report-Filing_Trends_508.pdf)

## How U-Visas Help Victims, Law Enforcement, and Communities

### 1 Support victims’ stability

U-visas enable adult victims to legally work, pay taxes, and contribute to the Commonwealth while providing for basic needs, like housing, healthcare, and education for themselves and their children.

### 2 Enhance individual safety

U-visas enable victims to break through their isolation report violent crime to law enforcement and participate in its successful investigation. This helps protect victims and their children.

### 3 Support the investigation of violent crime

U-visas enhance the evidence available to law enforcement and district attorneys, potentially resulting in a more thorough investigation and greater degree of accountability.

### 4 Enhance public safety

U-visas apprehend individuals who have committed violent crimes such as drug and human trafficking, sexual assault and abuse, and domestic violence. This may also help resolve crimes in other jurisdictions.



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