

# **“How Comprehensive Immigration Reform Should Address the Needs of Women and Families”**

## **Questions for the Record from Senator Klobuchar**

For Jennifer Ng'andu

*1. U-Visas are critically important tool for law enforcement. They also serve as a vital source of protection for victims of certain crimes, particularly women who face domestic violence. Should the comprehensive immigration reform proposal include a provision expanding the number of U-Visas authorized for each year? What other changes should we make to the U-Visa program?*

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The National Council of La Raza (NCLR) agrees that the U-Visa is an essential resource for helping immigrant victims of serious crimes and abuse escape intolerable conditions and secure legal status. With access to the U-Visa, such victims, who are predominantly women, are also required to cooperate with law enforcement, providing an important mechanism for pursuing dangerous criminals and bringing justice to the nation as a whole.

There is broad consensus among national experts that the current annual cap on granted visas should be raised from 10,000 to 15,000. NCLR supports this recommendation and believes that the inclusion of this measure in an immigration reform package would not only help these individuals, but would also enhance law enforcement's ability to restore the rule of law. Additionally, while the U-Visa provides remedies for many victims of crime and abuse, victims of child abuse or elder abuse are not allowed to request this visa. The U-Visa category should be expanded to include these victims of abuse to allow law enforcement to prosecute perpetrators of these crimes.

Victims of abuse broadly cite economic challenges as the hardest to overcome after leaving their situation. U-Visa applicants and holders are prone to further exploitation given certain vulnerabilities to financial instability that are beyond their control. While U-Visa applicants wait for their cases to be adjudicated, they do not have the legal authority to work, something that can financially cripple their families. The process for adjudication can take nearly a year and a half. During that time, in addition to the prohibition against employment, U-Visa applicants may not have the documentation to secure additional basic needs, such as a

driver's license or other identification, or the documentation necessary to rent a home. In some cases, U-Visa victims lost custody of their children after leaving abusive situations because they could not prove that they could support their families. NCLR specifically recommends that laws be changed to provide U-Visa applicants with access to employment authorization documents (EADs), allowing them the fundamental capacity to enter the formal workforce and secure economic resources.

Furthermore, immigrants with a U-Visa are indefinitely barred from federal means-tested public benefits while in this status, including the Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance for Needy Families (TANF), Supplemental Security Income (SSI), Medicaid, Medicare, and the Children's Health Insurance Program (CHIP), even if they meet all other eligibility criteria. By comparison, immigrants who receive T-Visas after experiencing trafficking, often under very similar circumstances as U-Visa holders, are rightfully afforded a "qualified" status and can access public benefits without any waiting period.

One NCLR Affiliate, Congreso de Latinos Unidos, serving Philadelphia, Pennsylvania, cites restrictions to SNAP as one of the core reasons why immigrant women in their domestic violence programs choose to stay with their abusers; they would rather risk further personal harm than let their children go hungry. It is imperative that U-Visa holders can support themselves and their families, ensure their full ability to cooperate with law enforcement, and eliminate their risk for repeated victimization. Public benefits restrictions should be eliminated for U-Visa holders and other immigrant victims of domestic violence and abuse. Specifically, provisions under the "Women Immigrants Safe Harbor (WISH) Act" would eliminate the arcane eligibility restrictions in multiple public benefits programs that keep many victims of abuse and domestic violence in harm's way.

Finally, while the U-Visa is an important solution for some immigrant victims, it is also important to put additional measures in place that prevent victims of abuse from having to choose between deportation and leaving abusive situations, when their legal status is threatened. As members of congress construct a comprehensive immigration reform plan, they should be cognizant of the extent to which an immigrant's legal status—and, with higher frequency, women's legal status—is contingent on a partner, dependent, or employer. Immigration reform should provide assurance that the American standard is one in which no person must be bound to an abuser; this means empowering those who have the courage to come forward and return to the legal pathway that they were already on.