

Executive Summary

Transforming Lives: How the VAWA Self-petition and U Visa Change the Lives of Victims and their Children After Work-Authorization and Legal Immigration Status

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NIWAP (National Immigrant Women’s Advocacy Project) conducted a national survey in 2016 and 2019 collecting data from 169 agencies in 42 states serving immigrant survivors who applied for immigration relief as victims of crime and abuse. The victim advocates, attorneys and state government agency staff who participated in this study reported on 11,171 clients who had applied for immigration relief as VAWA self-petitioners (26%) U visa applicants (71%) and VAWA cancellation of removal of suspension of deportation (3%).⁴ Eighty percent of these clients were victims of domestic violence, child abuse, sexual assault, stalking or human trafficking. A key goal of this study was to learn how survivor applicants, their children, the justice system, and communities from the VAWA and U visa programs and when as their immigrant case proceeds do applicants begin to receive the tangible benefits and protections that Congress envisioned for the VAWA and U visa programs. This study documents the resilience and success of VAWA and U visa applicants, documents how and when the VAWA and U visa programs provide the scaffolding on which survivors transform their lives, and charts survivors’ improved functioning, stability, and integration into the social fabric of this country.

The study results showed that many of the most significant changes for most victims occur at the point when the VAWA and U visa applicants are granted legal work authorization and protection from deportation through deferred action. The changes resulted in significant reductions in immigration related threats and abuse, in threats of child abduction, in threats to gain custody of children, and declines in workplace based abuse. After receipt of work authorization, there is a 114% increase in immigrant survivors’ willingness to trust police⁵ and 36% of VAWA and U visa applicants who received work authorization continuing to make police reports regarding future crimes.⁶ These transformations demonstrate how removing the threat of deportation from abusers’ arsenal and providing victims a path to economic independence through work authorization fosters greater trust and faith in the law-enforcement and the U.S. justice system. This study documents VAWA and U visa survivors’ and how their confidence, self-esteem, mental health, and stability grow when granted protection from deportation and work authorization. This results in their being more effective participants and witnesses allowing for greater access to justice, enabling law enforcement agencies to hold perpetrators accountable for their crimes,⁷ and overall generating greater safety for victims, law enforcement officers and communities across the country.

These findings are consistent with prior research that found high levels of justice system participation among VAWA self- petitioners (62% participate in criminal investigations and prosecutions, 63% seek protection orders, and 60% turn to the courts for child custody orders) and U visa applicants (70% participating in active criminal prosecutions and investigations, 67% seek protection orders and 64% seek custody orders).⁸ Some significant findings on VAWA and U visa survivors’ experiences after receipt of work authorization and protection from deportation, that continue to improve as victims gain lawful permanent residency include:

- 74% reduction in immigration-related abuse; 78% less threats to cut off victim from children; and 65% reduction in perpetrators using immigration status against the victim in custody cases;⁹
- 22% of survivors are actively involved in helping other victims access help and justice;¹⁰
- 300% increase in jobs that pay at least minimum wage, a 542% increase in formal sector jobs that deduct taxes, 43% secure jobs with health insurance, sick leave and vacation benefits and 43% of victims (those working in the informal sector) pay taxes using tax IDs;¹¹
- 226% increase in survivors taking ESL classes and 167% increase working to improve speaking English, and 60% attend social events with people from the U.S.¹²
- 35% obtain GEDs, 38% pursue AAs and BAs, and 21% receive vocational education;¹³
- 6.6 fold increase in survivors involvement in their children’s schools;¹⁴

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- Survivors' children are more socially active 101% and pursuing own interests 134%;¹⁵
- Increased percentage of VAWA and U visa survivors with mental health improvements who: sleep better 300%, are calmer 300%, more focused 280%; have more energy 188%, are less depressed 183%, are more at ease 162%; more independent 261%, stand up for themselves 225%, its easier for them to make decisions 432% and are more hopeful 130%;¹⁶
- 13 fold increase in reengagement with the survivors cultural community in the U.S.;¹⁷
- 80% increase in engaging with people in their communities outside of the abuser's family including friends and neighbors, and 22% volunteer in their communities.¹⁸

By the time they received lawful permanent residency, VAWA and U visa survivors experience the following additional benefits:

- 65% of survivor's children's grades improve, starting with a 29% at work authorization¹⁹;
- 125% decrease in disciplinary problems for survivor's children and 80% are less aggressive;²⁰
- 51% receive preventative health care and 40% have fewer medical problems and find it easier to make decisions;²¹
- 77% reduction in sexual assault or attempted sexual assault at work;²²
- Increases of 159% socializing with people from the U.S. and 126% adopting social norms²³; and
- 47% are more familiar with and know how to access community resources.²⁴

The findings of this study provide evidence-based data to support a number of important policy changes that would contribute substantially to accomplishing the goals of the VAWA and U visa programs, protecting and supporting immigrant survivors, holding offenders accountable, stopping perpetrators from securing DHS help to harm victims; helping police and prosecutors fight crime; and increase integration and inclusion of immigrant survivors civic life more swiftly. The Department of Homeland Security should:

- Provide early access to work authorization and protection from immigration enforcement through deferred action²⁵ for U visa applicants with a bona fide described in the U visa statute;
- Grant VAWA self-petitioners deferred action at prima facie determination that is particularly needed for spouses and children abused by lawful permanent residents due to long adjudication delays;
- Increase VAWA Unit staffing, reinstate trainings involving subject matter experts, and staffing on VAWA, U and T visas cases of no less than 85% capacity at all times, move battered spouse waiver adjudications to the VAWA unit and reinstate trainings for ICE on VAWA confidentiality;
- Prohibit ICE and CBP from arrest, detention, deportation or any enforcement action against pending and approved VAWA self-petition, VAWA cancellation, and U visa applicants;²⁶
- Withdraw the Aug. 2019 USCIS U visa resource guide and reinstate the DHS Nov. 2015 U and T Visa Certification Resource Guide;
- End all fees on all forms, work authorization and lawful permanent residency applications for all VAWA confidentiality protected victims' cases including VAWA, U and T visa cases;
- Amend U visa regulations to remove the supervisor requirement allowing heads of agencies to designate subject matter experts or other agency staff they deem appropriate; and
- Amend VAWA Unit expedite criteria to authorize expediting VAWA and U visa adjudications as a remedy for VAWA confidentiality violations and for detention of VAWA, T and U visa applicant victims in detention without requiring that an expedite request come from ICE.

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³ Initial publication date April 12, 2021. For the full final report, executive summary, conclusions and recommendations see <https://niwaplibrary.wcl.american.edu/transforming-lives-study-21>.

⁴ Figure 7.

⁵ Figures 93-95.

⁶ Figures 43-44.

⁷ Corrin Chow et al., *Stories from the Field: The Crime Fighting Effectiveness of the U Visa*, NIWAP (Aug. 27, 2020) <https://niwaplibrary.wcl.american.edu/pubs/u-visa-crime-fighting-stories>.

⁸ Krisztina E. Szabo et al., Early Access to Work Authorization For VAWA Self-Petitioners and U Visa Applicants, (Feb. 12, 2014) https://niwaplibrary.wcl.american.edu/pubs/final_report-on-early-access-to-ead_02-12; Rafaela Rodrigues et al. Promoting Access to Justice for Immigrant and Limited English Proficient Crime Victims in an Age of Increased Immigration Enforcement: Initial Report from a 2017 National Survey (May 3, 2018) <https://niwaplibrary.wcl.american.edu/pubs/immigrant-access-to-justice-national-report>; Leslye Orloff, et. al., U Visa Victims and Lawful Permanent Residency 5 (September 6, 2012) (70% continued cooperation and 29% victims were willing to cooperate if their criminal case went forward) <https://niwaplibrary.wcl.american.edu/pubs/pb-tkit-uvisalawfulpermanentresidency-9-6-12>.

⁹ Figures 36-39.

¹⁰ Figures 61-63.

¹¹ Figures 76-78

¹² Figures 90-92.

¹³ Figures 49, 50, and 64-66.

¹⁴ Figures 61-62.

¹⁵ Figures 68-70.

¹⁶ Figures 81-86.

¹⁷ Figures 58-60.

¹⁸ Figures 58-60.

¹⁹ Figures 68-70.

²⁰ Figures 68-73.

²¹ Figures 61-63, 81-83, and 93-95.

²² Figures 36-39.

²³ Figures 90-92.

²⁴ Figures 93-95.

²⁵ Deferred action provides both deportation protection and makes VAWA and U visa victim lawfully present giving them access to driver's licenses, state funded health care and other benefits for immigrant survivors and their children included in their applications.

²⁶ This protection should apply to all cases unless the case is denied on its merits and all opportunities for appeal have been exhausted with an exception for applicants who participated in Nazi persecution, genocide, acts of torture, or extrajudicial killings.