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# THE HUMAN IMPACT OF USCIS CASE PROCESSING DELAYS

*Increasing USCIS case processing times negatively affect individuals and their families, often leaving them stranded financially and vulnerable to harm in the United States, and in some instances, in their home countries. CLINIC network agencies tell stories of their clients, highlighting the danger and hardship families can face due to USCIS' deliberate policy choices.*

## Rita\*

Rita is from El Salvador and fled her country in fear for her life. The gang leader in her area targeted her, wanting her to be his girlfriend. When she refused him, he beat her and told her she would be his property no matter what. Rita fled her town, but he threatened that her home was under surveillance, and he would kill her children if she did not agree to be with him. The next time Rita met the gang leader, he kidnapped her, took her to a drug warehouse, and raped her repeatedly for several days. Rita escaped and fled to the U.S. with her children for safety in August 2015. Upon arrival, they were placed in removal proceedings in immigration court. Rita applied for asylum with court in August 2016. During this time, Rita met her current partner who became physically abusive towards her. She reported the incident to the police, who arrested him and charged him with assault and strangulation. Rita later petitioned USCIS for a U visa, a nonimmigrant visa available to survivors of certain crimes, who have suffered mental and physical abuse, and assisted law enforcement in the investigation or prosecution of the crime. Her U visa application has been pending since September 2, 2016 with no update. If Rita is forced to continue with her immigration court case, she will have to relive her kidnapping, rapes, and beatings for the court.

## Elizabeth\*

Elizabeth came to the U.S. on a K-1 fiancée visa in April 2016 from Ghana. Following her wedding to her U.S. citizen fiancé, she filed applications for her green card and work permit. She received her work permit document within weeks. In March 2017, the couple and their three year-old U.S. citizen child attended Elizabeth's green card interview and were told to expect a decision in weeks. As of July 2019, USCIS has provided no update on her case. Months after the interview, Elizabeth's husband became verbally abusive towards her and often threatened to call immigration officials to arrest her if she did not follow his orders. One day, the abuse turned physical and he assaulted her. She called the police and later obtained an order of protection. Elizabeth applied for a green card based on the Violence Against Women Act (VAWA), a federal law, which provides protection to immigrant survivors of domestic violence by a U.S. citizen or green cardholder spouse or other immediate relative. She also filed an application to renew her work permit. Both applications have been pending since October 2018. As a result, Elizabeth is unable to work or renew her driver's license. She currently relies on friends for financial support, as she has no family in the U.S.

\*Names have been changed for individuals' privacy.

## Cheryl\*

Cheryl is a national of Jamaica and survivor of domestic violence at the hands of her U.S. citizen husband. They have two U.S. citizen children together. Cheryl left her husband after a violent assault that resulted in his arrest to stay with relatives for the past several months. She applied for a green card based on VAWA in the hopes of remaining in the U.S. to raise her children. Her VAWA petition and work permit application have been pending since September 2018. As a result, she is unable to work and support herself. Recently, she was forced to move back in with her abuser because her extended family could no longer afford to support her and her children. As soon as she returned to the home, he began displaying the same abusive behaviors. If Cheryl had a work permit or residency, she would be able to work and not need to rely on her abuser for support.

## Jessica\*

Jessica is a 29-year-old single mother from Honduras. She entered the U.S. in 2014 with her minor daughter. A few months after her arrival, she met her husband, David\*. Jessica had survived two emotionally and physically abusive relationships in the past and was hoping for a better life with David, the father of her youngest U.S. citizen son. Unfortunately, he also beat her, mercilessly. One day, after a particular violent assault in the presence of her young children, Jessica called the police. They arrested David and provided an order of protection for Jessica. Jessica contacted an attorney who determined that she was eligible to file for a U visa petition based on the domestic violence. Her attorney worked with the local police department and the district attorney's office to document the crime, as well as Jessica's assistance with the investigation. USCIS received Jessica's petition for U visa and work permit application in May 2017. Both applications are still pending.

## Nina\*

Nina\* is an asylee mother, and is a survivor of domestic violence and Female Genital Mutilation (FGM) from Nigeria. She was forced to flee to the U.S., leaving her four children behind in the care of their father, her abuser. She arrived in the U.S. and eventually received asylum based on the domestic violence. She is currently petitioning for her four young children to come to the U.S. as derivative asylees. Once her abuser's mother found out they would be coming to the U.S., she began to arrange for Nina's three daughters to undergo FGM, which typically happens in August during the New Yam Festival. When her attorneys learned of the grandmother's plans, they contacted USCIS, asking for expedited processing of their petitions on humanitarian grounds. USCIS denied their request without explanation. The petitions have been pending since January 2019 (7 months). Due to this delay, Nina's innocent daughters will likely be subjected to the cruel and inhumane practice of FGM. Her senator's office submitted an inquiry on her behalf to USCIS in June, but they have yet to take any action.

## Sonia\*

Sonia is a survivor of domestic violence at the hands of her U.S. citizen husband. She met her husband in high school and they quickly fell in love. After they were married, he started to physically and emotionally abuse her. Sonia applied for a green card based on VAWA along with an application for work permit about 15 months ago. Her applications are still pending with USCIS. In the past, USCIS would process these petitions in about six months, but now, they are taking almost two years. Sonia is anxious to receive a decision on her case so she can move on with her life.

## Mya\*

Mya is an unaccompanied minor from Colombia who applied for Special Immigrant Juvenile Status and a green card based on neglect and abandonment by her father in Colombia. Based on her pending green card application, she also applied for a work permit, which was pending for 10 months before receiving an approval. At the time, she was a senior in high school and was hoping to work part-time and obtain her driver's license. However, due to the processing delay, she was unable to do so until she received her work permit. These applications used to take about two to three months to process.

## Mike\*

Mike is a survivor of felonious assault who has lived in the U.S. for 17 years. A few years ago, he was attacked on the street by a group of young men and sustained significant injuries to his face. He was helpful to law enforcement in the investigation of this crime. Mike filed a U visa petition, which has been pending with USCIS for almost 3 years. He is not eligible to work until he receives deferred action and is currently on a waitlist for a U visa. Without a work permit, he struggles to support his family financially. He is living in constant fear of being apprehended by ICE.

## Consuelo\*

Consuelo fled the violence and poverty in Guatemala and came to the U.S. in hopes of finding safety. Here, her husband started drinking, which led to drug addiction. He became extremely abusive and violent towards her and their six children. On one horrid night, the threats against her became a reality and he assaulted her in their house, while their kids were asleep in the room next door. The pain was too much for her to handle. She was abused, hurt, and felt betrayed by her own husband. After calling the police, she went through medical examination that documented the extent of her wounds. They are now divorced and Consuelo tends to her children alone. Her attorney filed a U visa petition, which has been pending since July 16, 2018. She is eager to move on with her life.