



The Public Advocate for the City of New York
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PA Gotbaum: Crime Victim Visas Provide Protection for Immigrants and Aid Law Enforcement

Access to U-visas must be improved; Immigrants with interim status must file new application by April 14th deadline to obtain final status

MANHATTAN – Public Advocate Gotbaum today urged immigrants who are crime victims to apply for U-visas and has asked Administration for Children's Services (ACS) and the New York Police Department (NYPD) to designate staff to certify the law enforcement section of applications.

In 2000, Congress passed the U-visa law, as part of the Victims of Trafficking and Violence Protection Act; however, regulations were not established to issue U-visas until October, 2007. One stipulation requires that only the head of certain government agencies, or specifically designated individuals within an agency, can certify the law enforcement section of a U-visa application. However, many relevant agencies have failed to designate individuals to sign these certifications. Therefore, Public Advocate Gotbaum is urging all relevant entities to designate additional signatories, which will ensure that more victims get access to the help they need.

Public Advocate Betsy Gotbaum is also urging nearly 1,000 immigrants who received interim status to file an application as required by the new regulations before the upcoming April 14th deadline in order to obtain final status. The US Citizenship & Immigration Services (USCIS) began granting interim status after recognizing that the lack of regulations was causing problems for applicants. As a result, work permits were issued and deportations delayed to allow more time for the U-visa regulations and procedures to be established.

The U-visa provides temporary legal status, valid up to 4 years, which includes employment authorization and the ability to bring one's immediate relatives into the country. The temporary legal status can transition into permanent status. Congress authorized the U-visas, recognizing that immigrant crime victims, particularly women and children, hesitate to call police for fear of being deported. To qualify for a U-visa, applicants must demonstrate that they are willing to assist or have already assisted in the investigation and/or prosecution of criminal activity identified in the 2000 Victims of Trafficking and Violence Protection Act.

Public Advocate Gotbaum said, "The U-visa is of vital importance for immigrant children and their families. Far too often, crimes against immigrants are not reported due to fear of deportation, but if more people knew that these visas exist, more criminals would be taken off the street. Now that these regulations are in place, we should do everything in our power to make sure these U-visa applications are being certified when appropriate."

Elizabeth Reichard, Esq., Fragomen Fellow at the City Bar Justice Center said, "The advocacy community sees the U-visa as an extremely important form of relief, particularly for victims of domestic violence. Many victims hide in the shadows out of fear of deportation. This fear perpetuates their abuse, but the U-visa offers them hope. It provides a venue to leave the abuser, enforce the law and obtain lawful status."

C. Warren Moses, CEO of Children's Aid Society said, "The promise of a U-visa will encourage more immigrants to come forward when they experience domestic violence or other crimes and assist authorities in the apprehension of perpetrators. It's a wonderful reward for good citizenship to release socially-responsible victims of violence from the fear of deportation."

Carolien Hardenbol, Co-Director of the Immigration Intervention Project at Sanctuary for Families said, "We are thrilled that U-visa relief is now in sight for the thousands of immigrant victims of domestic and sexual violence - some of the most impoverished and marginalized victims - who have been in legal limbo all these years. Together with the invaluable legal and financial assistance of New York's pro bono bar, Sanctuary is currently representing over 400 clients in U visa cases. To reduce violence and motivate all immigrant crime victims to come forward, we urge law enforcement agencies to embrace this legislation. Together we can make this great City safe for everyone."

Thomas Shea, Director of Training & Technical Assistance at the New York Immigration Coalition said "The NYIC urges the NYPD to quickly designate staff throughout NYC to certify these applications. Currently, it is virtually impossible for victims of crimes to obtain a U-visa through the NYPD. This may pose a major barrier to obtaining a U-visa for many victims of crime in New York City because the NYPD is the major law enforcement agency investigating crimes in the City. The sooner the NYPD designates staff to certify applications, the sooner the NYPD can help victims of crime apply for the U-visa."

Before October 2007, there were no regulations regarding the U-visa category, and any person familiar with a crime victim's case could sign the law enforcement certification section. Because there were no regulations, the law could not actually be implemented and those who applied for a U-visa could only receive interim status, meaning approval of their visa was not finalized.

Each year 10,000 U-visas will be available to victims - and their spouses and children - of a long list of specific crimes that includes rape, torture, trafficking, prostitution and kidnapping. Since 2000, when Congress first created the U-visas, 11,830 immigrants applied. Of those, 10,846 immigrants were granted work permits and interim relief from deportation. Under the new regulations, these immigrants may now apply for legal status.

Public Advocate Gotbaum was joined by City Bar Justice Center, New York Immigration Coalition, Sanctuary for Families, the Children's Aid Society and U-visa applicants.

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