

# Protecting Survivors of Crime from Removal

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## Expedite Requests for U/T/VAWA – ICE

- For clients in removal proceedings, ask ICE to ask USCIS to expedite your client’s application/petition
  - Do not expect for this to work, however. ICE routinely rejects these requests, and IJs routinely do not require it of ICE.
- For U visas, 2009 memo specific to U visas (but part on stays no longer applies, will be discussed later)
- For T/VAWA, 2010 memo “guidance regarding the handling of removal proceedings of aliens with pending or approved applications or petitions”
- Ask in writing (email) so you can include a copy with your MTC
- Even if ICE refuses, helpful for arguments before IJ and in appeal

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## Expedite Requests for U/T/VAWA - USCIS

- Ask USCIS directly to expedite your client's case
- The criteria are as follows:
  - Severe financial loss to company or individual
  - Extreme emergent situation
  - **Humanitarian situation**
  - Nonprofit status of requesting organization in furtherance of the cultural and social interests of the United States
  - Department of Defense of National Interest Situation
  - USCIS error
  - Compelling interest of USCIS

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## Expedite Requests for U/T/VAWA - USCIS

- Argue any humanitarian factors you can come up with, not just the fact that client is in removal proceedings
- Ex: psychological distress (counseling letter, diagnosis of PTSD or depression); need to have EAD to work to support self and/or children; need to have EAD to apply for benefits b/c of medical issues; ongoing custody battle; etc.
- Include client statement and any supporting documents you can provide to document the reasons case needs to be expedited
- Include copy of expedite request with MTC in court
  - You are building the record for appeal.

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## CIS Ombudsman

- <https://www.dhs.gov/case-assistance>
- If expedite requests don't work, make a request for case assistance to the CIS Ombudsman
- Document the request so you can include with MTC in court

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## Motions to Continue for U/T/VAWA

- Matter of L-A-B-R-
- If you have a prima facie determination from USCIS already, file it with MTC
- If not (or even if you do), file copy of entire U, T, VAWA filing so that IJ can make a prima facie determination
- If there are pieces of the filing that you do not want to file with court, file at a minimum the U or T certification, client declaration, and other supporting docs that support a prima facie determination
- Argue that case will be terminated once relief is granted (for U or T) or AOS will be granted in court (for VAWA)
- Document all efforts you have made to get the case expedited (reaching out to ICE OPLA, expedite request directly to USCIS, request for case assistance to CIS Ombudsman, request for intervention to ASISTA, etc.)

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First appeared as part of the conference materials for the  
44<sup>th</sup> Annual Conference on Immigration and Nationality Law session  
"Advanced Protecting Survivors of Crime from Removal"