Wassamatta U: The Case for U Visas

By “Coach Vance” Trefethen

***Resolved:* *The United States federal government should substantially reduce its restrictions on legal immigration to the United States.***

Summary: The U visa allows an immigrant in the United States (legally or illegally; most are illegally) to stay and work in the U.S. and eventually obtain a green card for permanent residency, if they have been a victim of crime and are cooperating with authorities in investigation of that crime. The majority of U visas are given to victims of domestic abuse, although the list of eligible crimes is quite long and there are numerous cases of immigrants helping with other types of crimes. Law enforcement officials must certify that the immigrant is a legitimate victim of a crime and that they have provided actual assistance in its investigation, in order to qualify for the U visa. U's are capped at 10,000 per year, a number grossly inadequate to the number of victims who are applying, and the huge backlog means victims wait years to be processed. In the meanwhile, they could be deported or they could be continually and repeatedly victimized by domestic abusers who have leverage over them because they fear deportation. Expanding U visas and stopping deportation of U visa applicants will help solve crime by encouraging immigrants to cooperate with law enforcement without fear of deportation. It also helps taxpayers by reducing the social costs of welfare and wasted law enforcement resources.

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Wassamatta U: The Case for U Visas

The U visa is a lifeline to domestic abuse victims and a valuable tool for American law enforcement to solve crimes. Please join us as we affirm that: The United States federal government should substantially reduce its restrictions on legal immigration to the United States.

OBSERVATION 1. INHERENCY

FACT 1. The U Visa

It's a visa granting legal status to undocumented immigrants who help law enforcement by reporting crime

Sara Ramey 2018 (*executive director at the Migrant Center for Human Rights*) 14 Feb 2018 "Eliminating the U visa cap will help catch criminals" THE HILL <http://thehill.com/opinion/immigration/373808-eliminating-the-u-visa-cap-will-help-catch-criminals>

In October 2000 because of this problem Congress passed the [Victims of Trafficking and Violence Protection Act](https://www.state.gov/j/tip/laws/61124.htm) creating the U visa to encourage undocumented immigrants to report crime and cooperate with law enforcement by giving them the option of a four-year U visa and thereby eliminating the fear that reporting crime will automatically lead to their own deportation.

FACT 2.  Inadequate limit.

10,000 per year limit on U visas is grossly inadequate. It creates a wait time of 11 years with a backlog of 110,000

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For one, Congress has authorized 10,000 U visas per year. This is not enough. [At the end of September 2017 there were 110,511 pending principle applications](https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/Victims/I918u_visastatistics_fy2017_qtr4.pdf), making the wait time for a U visa about 11 years. As Gail Pendleton of ASISTA says: “[When victims hear that the visas are used up they may think it's not worth it to come forward](http://www.latimes.com/local/california/la-me-u-visa-20150202-story.html)”.

FACT 3. Tougher enforcement priorities

Under Trump's new priorities, someone who has applied for a U visa can be deported while waiting for it to come through

Nora Caplan-Bricker 2017 (journalist) 29 Mar 2017 "I wish I'd never called the police" SLATE <http://www.slate.com/articles/news_and_politics/cover_story/2017/03/u_visas_gave_a_safe_path_to_citizenship_to_victims_of_abuse_under_trump.html>

For most people, it can take months to get a U visa application together, and two or two-and-a-half years for officers at the U.S. Citizenship and Immigration Service, or USCIS, office in Vermont to read it. If a visa is approved, most people wait another year or two to reach the front of the line for one of the 10,000 available annually. During the second waiting period, work authorization is granted and any deportation proceedings are generally frozen. But during the first, the aspirant—who might be assisting the police or testifying in court—has no legal protection from deportation. She or he has a single slip of paper, acknowledging that the application has been received. Mo Goldman, an immigration attorney in Tucson, Arizona, told me that in the past, if his clients showed that receipt, ICE and CBP agents would generally let them go—not because that scant document conferred legal status but because it confirmed that the person was low-priority for deportation. Why go through the trouble of removing someone who could be eligible to stay, might soon have the right to come back, and might well be helping authorities in a criminal case? Now that all of the 11 million undocumented people in the country are apparently considered high-priority, however, it’s hard to know where agents will devote their resources. “We talked to ICE and CBP officers to find out, if somebody is walking around with a receipt or something that shows they filed a U, will that protect them?” Goldman told me. “The answer is no.”

OBSERVATION 2. We offer the following PLAN to be implemented by Congress and the President

1. Annual U visa cap is raised to 30,000  
2. No deportations of illegal immigrants holding certification that they have applied for a U visa while waiting in the backlog for resolution.  
3. Funding from fees charged to immigrants for visa processing and general federal revenues.   
4. Enforcement through US Citizenship and Immigration Services with same penalties for fraud as in Status Quo.

5. Plan takes effect the day after an Affirmative ballot.

6. All Affirmative speeches may clarify.

OBSERVATION 3. SOLVENCY.

Increasing the cap and changing enforcement priorities is key to success

*Melanie Huettman 2017 (J.D. candidate at Univ. of Iowa College of Law; immigration policy intern at the Niskanen Center) 20 July 2017 "* THE U VISA UNITES LAW ENFORCEMENT AND IMMIGRANTS" <https://niskanencenter.org/blog/u-visa-unites-law-enforcement-immigrants/>

However, three major issues trouble the program. First, the arbitrary cap on U visa numbers has led to a significant backlog. Second, the Trump administration’s immigration enforcement policies have led to a reduction in applications. Finally, bureaucratic delays hurt the program’s ability to succeed. Increasing the cap and changing enforcement priorities would enhance public safety and provide protection to those who need it.

OBSERATION 4. ADVANTAGES

ADVANTAGE 1. Safety for domestic violence victims

Link: Abusers get away with it without witnesses protected by the U visa

Nora Caplan-Bricker 2017 (journalist) 29 Mar 2017 "I wish I'd never called the police" SLATE <http://www.slate.com/articles/news_and_politics/cover_story/2017/03/u_visas_gave_a_safe_path_to_citizenship_to_victims_of_abuse_under_trump.html>

To qualify for a visa, a victim needs law enforcement to certify that he or she was “helpful” in the investigation or prosecution of a crime. “There was support for getting perpetrators out of communities, and you can’t do that without witnesses,” said American University law professor Leslye Orloff, who helped lobby for the visa’s creation. In particular, the visa was conceived as a lifeline for victims of repeated violence, at home or in the workplace, who, like Anabel, saw no way out. Orloff’s [research](http://niwaplibrary.wcl.american.edu/pubs/final_report-on-early-access-to-ead_02-12/) has shown that the majority of victims continue working for or living with their abusers until they get legal authorization to work, which makes it economically possible to leave. In more than a quarter of U visa cases, perpetrators [attempt](http://niwaplibrary.wcl.american.edu/pubs/imm-qref-safetyplanning/) to get the victim deported, to silence someone who could speak against them.

Impact: Safety. U visas provide safety to domestic violence victims

Sara Ramey 2018 (*executive director at the Migrant Center for Human Rights*) 14 Feb 2018 "Eliminating the U visa cap will help catch criminals" THE HILL <http://thehill.com/opinion/immigration/373808-eliminating-the-u-visa-cap-will-help-catch-criminals> (brackets in original)

Congress also intended that the U visa serve a humanitarian purpose in “[offering protection to victims of [serious crime] in keeping with the humanitarian interests of the United States](http://www.asistahelp.org/documents/resources/Immigration_Materials_Packet_3F97C7009917E.pdf)”, including the ability to remain with U.S citizen children in the United States. I have worked with many women who have been victims of severe domestic violence and who, by being able to safely report to the local police, have managed to successfully separate themselves and their U.S. citizen children from their abusive partner. In some cases, where the abuser was not a U.S. citizen, their cooperation with law enforcement led not only to the prosecution and punishment of the criminal, but also to his deportation.

ADVANTAGE 2. Taxpayers and families benefit

Children can get off welfare when U visas allow parents to work and provide for them

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There is no reason to cap the number of U visas available. Immigrant victims of serious crime, usually domestic violence, are often already living in the U.S. and have close ties to the community. They are frequently the sole care providers for their U.S. citizen children. Keeping them in legal limbo for years only prolongs the time it takes them to obtain solid employment and effectively support their U.S. citizen children, allowing those children to no longer need government benefits like food stamps and Medicaid.

ADVANTAGE 3. Reduced Crime

Link & Impact: Public safety suffers because illegal immigrants are afraid to report crimes

Lauren Smiley 2011 (journalist) 16 Mar 2011 SF WEEKLY "U-Visa: Illegal Immigrants Become Legal Residents Via Crime Victimization" <https://archives.sfweekly.com/sanfrancisco/u-visa-illegal-immigrants-become-legal-residents-via-crime-victimization/Content?oid=2180863>

The U visa was intended to improve immigrants' unwillingness to call law enforcement. San Francisco police officers don't inquire about the immigration status of people who report crime, yet the fear persists. Mug a day laborer or beat your wife, the thinking goes —what are the victims going to do? Call 911, so they can be among the more than 300,000 people deported annually? The bad guys go unchecked, police are in the dark about entire swathes of a city, and public safety suffers.

Solvency: U visas improve cooperation with law enforcement on solving crime

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As Congress debates immigration reform, it should seriously consider eliminating the U visa cap. It’s the annual 10,000 limit on visas for immigrants who report crime and cooperate with law enforcement. Trump has said that he [wants to deport immigrant criminals](http://abcnews.go.com/Politics/video/donald-trump-promises-deport-criminal-immigrants-44885301). What better way is there to catch immigrant criminals than to encourage immigrants in the community to come forward and report when a crime is committed to law enforcement?

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