

Citizenship and Immigration Services Ombudsman

Parole for Eligible U Visa Principal and Derivative Petitioners Residing Abroad

June 16, 2016

Due to the lack of a uniform U visa parole policy, eligible victims subject to the U visa cap often remain abroad, despite clear Congressional intent they be afforded entry and an express regulatory obligation to be paroled into the United States while awaiting an available visa. U petitioners granted deferred action suffer because their family members residing abroad are subject to lengthy waits to reunite in the United States.

Regrettably, this vulnerable group of petitioners and their qualifying family members have not received the full protection of the law. U visas – available to individuals who have suffered substantial physical or mental abuse as a result of a qualifying crime and who meet certain other criteria – are capped at 10,000 per fiscal year. Because that cap has been reached each year since 2009, eligible U petitioners are placed on a waiting list. The disparity between those living in the United States and those residing abroad is stark – while on the waiting list, U petitioners and derivative family members in the United States systematically receive deferred action and employment authorization. However, those in the same situation who reside abroad must proactively apply for parole through USCIS' Humanitarian Affairs Branch. Although some victims are able to obtain humanitarian parole and safely travel to the United States, USCIS has yet to put in place a streamlined and efficient parole process – clearly provided for under governing law.

The Ombudsman's Office outlined what a parole policy for U visa recipients on the waiting list might look like in the 2015 Annual Report to Congress. After receiving a draft of this Recommendation in March 2016, USCIS announced it is planning to implement a parole policy for this vulnerable population. I am happy to have anticipated that decision and encourage the agency to act without delay. I hope this Recommendation – the result of numerous conversations with stakeholders and USCIS officials and an in-depth analysis of the law and operational realities – provides a helpful framework as the agency plans to fulfill the promise of protection underlying the U visa program.

Sincerely,



Maria Odom
Citizenship and Immigration Services Ombudsman

RECOMMENDATIONS

The Ombudsman recommends that:

1. Consistent with its regulations, USCIS should afford parole to eligible U petitioners and family members on the waiting list who reside abroad by creating a policy to facilitate entry into the United States while waiting for a visa to become available.
2. The parole policy created by USCIS should allow for concurrent filings of the U visa petitions and requests for parole.
3. Cases should be adjudicated at the Vermont Service Center, where U petitions currently are processed, to ensure consistent and effective adjudication, and where Congress expressly authorized the placement of the adjudication of vulnerable populations.

REASONS FOR THE RECOMMENDATIONS

- ❖ The regulations clearly permit, even contemplate, the implementation of a broad parole policy for those placed on the waiting list.
- ❖ Providing a parole policy for this population eliminates the current disparity between those eligible petitioners residing outside the country and those within, who under the regulations may obtain parole to leave and re-enter the United States.
- ❖ The ability to enter on parole will reunite families and enable crime victims to participate in the investigation and prosecution of the criminal activities for which they are found eligible for U status.

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The Citizenship and Immigration Services Ombudsman, established by the Homeland Security Act of 2002, provides independent analysis of problems encountered by individuals and employers interacting with U.S. Citizenship and Immigration Services, and proposes changes to mitigate those problems.

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Executive Summary

The U nonimmigrant status (U visa) program was created by Congress as a tool to support law enforcement investigations and prosecutions while providing immigration protection for victims of serious crimes committed in the United States.¹ U visas are available to certain victims² of a qualifying criminal activity who have suffered substantial physical or mental harm, and who have been helpful, are being helpful, or are likely to be helpful in the investigation or prosecution of that criminal activity.³ Each year since 2009, U.S. Citizenship and Immigration Services (USCIS) has approved the statutorily authorized 10,000 enforcement-certified U visa principal petitions. USCIS also places on a waiting list thousands of victims and qualifying family members who have been deemed eligible but for whom visa numbers are not yet available. As a result, some qualifying individuals are left waiting years for their turn to receive one of the limited visas available each fiscal year.⁴

When the statutory cap for U visas has been reached, USCIS grants deferred action to U petitioners living in the United States placed on the waiting list. Petitioners on the waiting list who do not live in the United States may only apply for parole through USCIS if they wish to enter the United States while awaiting the availability of a U visa. Stakeholders have brought to the attention of DHS, USCIS, and the Office of the Citizenship and Immigration Services Ombudsman (Ombudsman) the impact this has on individuals residing outside the United States who are in vulnerable situations while awaiting visa availability.

The Ombudsman recommends that USCIS develop a parole policy, similar to other parole policies

¹ The criminal activity must have occurred in the United States (including Indian country and US military installations), or US territories or possessions, or violated a U.S. Federal law that provides for extraterritorial jurisdiction to prosecute the offense in a U.S. Federal court. Immigration and Nationality Act § 101(a)(15)(U); 8 CFR 214.14(b).

² An “indirect victim” may also be eligible to petition for a U visa. Indirect victims include family members where the direct victim is deceased due to murder or manslaughter or is incompetent or incapacitated. Family members must independently meet the remaining eligibility requirements for a U visa to receive an approval. 8 CFR 214.14(a)(14).

³ 8 U.S.C. § 1101(a)(15)(U)(i).

⁴ In contrast to other capped nonimmigrant categories such as H-1B and H-2B, the significance of the U visa eligibility is underscored by the waiting list.

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developed by the agency, designed to benefit U principal and derivative petitioners on the U visa waiting list who reside outside the United States. The Immigration and Nationality Act (INA) specifically authorizes the Secretary of Homeland Security to parole into the United States certain individuals for urgent humanitarian reasons or significant public benefit.⁵ This parole authority is reflected in the regulatory scheme for eligible U petitioners placed on the waiting list.⁶

A parole policy that explicitly requires consideration of parole for eligible principal U petitioners on the waiting list would more accurately adhere to current regulations and allow those individuals the opportunity to meet their continuing obligation to cooperate with law enforcement in the United States. In addition, allowing derivative family members of waitlisted U principal petitioners to be part of this policy would serve the important family reunification and victim-centric goals of the U visa statutory scheme. By establishing a parole policy for certain eligible individuals, USCIS would reserve scarce resources currently devoted to other parole cases, facilitate cooperation from victims, and improve criminal investigations and prosecutions through increased participation by victims.

Methodology

In conducting this review, the Ombudsman met with stakeholders nationwide to discuss the need for policies and procedures relating to the potential impact of a parole policy for eligible U petitioners. The Ombudsman also met with officials in USCIS Service Center Operations, including the Vermont Service Center (VSC), regarding operational concerns. In addition, the Ombudsman participated in meetings on this subject with USCIS' Refugee, Asylum, and International Operations Directorate, Office of Policy and Strategy, and Office of Chief Counsel, and engaged in discussions with the Bureau of Consular Affairs at the U.S. Department of State (DOS). Furthermore, the Ombudsman reviewed stakeholder requests for case assistance submitted to our office to study the potential impact of a parole policy for U petitioners placed on the waiting list who reside outside the United States.

Background

The U visa was created by Congress through provisions of the Battered Immigrant Women Protection Act in the Victims of Trafficking and Violence Protection Act of 2000.⁷ The reauthorizing legislation specifically provided protective status to encourage victims of criminal activity not only to report such activity, but to participate in the investigation and prosecution of the perpetrators of crimes against them.⁸ Congress signaled its intent to afford humanitarian protection to certain foreign national victims by creating the U nonimmigrant classification and allocating

⁵ INA § 212(d)(5)(A).

⁶ 8 CFR 214.14(d)(2).

⁷ Victims of Trafficking and Violence Protection Act of 2000 (VTVPA), Pub. L. No. 106-386, Title V, § 1513(b), 114 Stat. 1464, 1534 (2000).

⁸ VTVPA, Title V, § 1513, 114 Stat. 1464, 1533 (“The purpose of this section is to create a new nonimmigrant visa classification that will strengthen the ability of law enforcement agencies to detect, investigate, and prosecute cases of domestic violence, sexual assault, trafficking of aliens, and other crimes described in section 101(a)(15)(u)(iii) of the Immigration and Nationality Act committed against aliens, while offering protection to victims of such offenses in keeping with the humanitarian interests of the United States.”)

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10,000 visas annually to this category. The originating legislation has been amended several times since 2000, but the U visa classification and the initial stated aims have remained essentially the same since inception.

The U visa may be sought by victims of certain specified crimes or similar criminal activities⁹ who are assisting, have assisted, or who are likely to be helpful to law enforcement in the detection, investigation, prosecution, conviction or sentencing of criminal activity.¹⁰ An individual may apply for a U visa by filing a Form I-918, *Petition for U Nonimmigrant Status*, with USCIS (currently the filed at the VSC), together with a Form I-918, Supplement B, *U Nonimmigrant Status Certification*. An individual seeking a U visa must file the petition with USCIS regardless of whether he or she resides in the United States or abroad.¹¹ After a thorough eligibility review and background check screening, USCIS grants an eligible foreign national U nonimmigrant status if there is a visa number available. If no visa number is available, the eligible petitioner is placed on a waiting list; under the applicable regulation, USCIS “*will grant deferred action or parole*” to those on the waiting list.¹²

If they are in the United States, USCIS grants principal petitioners and their qualifying derivative family members deferred action and employment authorization.¹³ However, petitioners and qualifying derivative family members on the waiting list who reside abroad must wait until a visa is available to consular process with DOS and enter the United States.¹⁴ USCIS does not automatically consider parole eligibility for U petitioners similar to the way the agency systematically considers deferred action. Stakeholders decry the impact this disparity has on vulnerable U petitioners and qualifying derivative family members.¹⁵

➤ *Regulatory Framework Explicitly Recognizes Parole Eligibility*

Since first promulgated in 2007, USCIS regulations have explicitly provided that individuals residing outside of the United States should be granted parole to enter the country while they wait for U visa availability.¹⁶ The regulatory language is clear in that the agency intended there be no distinction between those eligible petitioners present in the United States and those outside the United States, specifically stating that “USCIS *will grant deferred action or parole* to U-1 petitioners *and* qualifying family members while the U-1 petitioners are on the waiting list.”¹⁷

⁹ Similar activities refers to criminal offenses in which the nature and elements of the offense is substantially similar to the statutorily enumerated list of crimes. 8 CFR 214.14(a)(9).

¹⁰ 8 CFR 214.14(b)(3); 8 CFR 214.14(a)(5).

¹¹ The criminal activity must be a violation of US law or have occurred within the United States or its territories or possessions. 8 C.F.R. § 214.14(c)(1).

¹² 8 CFR 214.14(d)(2)(emphasis added).

¹³ 8 CFR § 214.14(d)(2).

¹⁴ *Id.*

¹⁵ See Letter from ASISTA Immigration Assistance to Director Rodríguez (Oct. 23, 2014); http://www.asistahelp.org/documents/news/Parole_Policy_Letter_10_58C53CA4523D9.pdf (accessed Jan. 25, 2016).

¹⁶ “New Classification for Victims of Criminal Activity; Eligibility for ‘U’ Nonimmigrant Status,” 72 Fed. Reg. 53014 (Sep. 17, 2007)(codified at 8 CFR 214.14(d)(2)). The 2007 Interim Final Rule has not been replaced with a Final Rule, leaving it as the sole regulatory source for U petition adjudication.

¹⁷ *Id.* (emphasis added). Tellingly, the plain language of the regulation indicates parole is not discretionary; parole “will,” rather than “may,” be granted in when needed to enter the United States until a visa is available.

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Even prior to the issuance of regulations, parole was available to qualifying family members upon request.¹⁸

The supplementary information to the interim final rule emphasized USCIS' commitment to providing parole to eligible U petitioners placed on the waiting list: "If a [U visa] number is not available, USCIS will notify the petitioner that, in accordance with new 8 CFR 214.14(d)(2), he or she has been placed on the waiting list, *given deferred action or parole*, and may request employment authorization. USCIS also will grant deferred action or parole to derivative family members with an opportunity to request employment authorization."¹⁹ The regulation also recognized that parole could be revoked if the petitioner was no longer qualified to remain on the U waiting list as a result of fraud or misrepresentation.²⁰

The INA explicitly recognizes the authority of DHS to parole into the United States "on a case-by-case basis for urgent humanitarian reasons or significant public benefit any alien applying for admission."²¹ When USCIS promulgated the U visa regulations, it relied on this discretionary authority under the statute to allow for obligatory consideration of parole for principals and qualifying family members. In doing so, it recognized the significant public benefit of stabilizing victims and improving their participation in the judicial process, as well as the importance of supporting family reunification and alleviating the suffering of the crime victim. The regulatory language recognizes the significant humanitarian and significant public benefits of establishing a parole policy for U petitioners who have been placed on the waiting list. More than that, the regulation specifically directs USCIS to grant parole to these petitioners, stating that the agency "will" grant deferred action or parole to petitioners on the waiting list and their qualifying family members.²² This language strongly supports the development of a streamlined parole policy for those who have established eligibility for U nonimmigrant status, and were placed on the U visa waiting list, either as a principal or a qualifying family member. It mandates obligatory consideration of those on the waiting list, including derivative family members. While mandating consideration, the language also strongly supports a grant of parole, absent negative discretionary or inadmissibility factors that should result in a denial.

¹⁸ 72 Fed. Reg. at 53015. In referring to the rights eligible U petitioners and their qualifying family members: "Alien victims who may be eligible for U nonimmigrant status were given the opportunity to ask USCIS for interim relief pending the promulgation of implementing regulations. Family members seeking to derive immigration benefits from such aliens were accorded the same treatment. Interim relief provides alien victims with parole, stays of removal, or assessed deferred action, as well as an opportunity to apply for employment authorization."

¹⁹ 72 Fed. Reg. at 53028 (emphasis added).

²⁰ "However, at its discretion, USCIS may remove a petitioner from the waiting list and terminate deferred action or parole.... For example, USCIS may terminate deferred action or parole if the petitioner is convicted of a crime that renders him or her removable. USCIS also may terminate deferred action or parole if it becomes aware that a petitioner has failed to disclose a criminal conviction or misrepresented a material fact in his or her petition." 72 Fed. Reg. at 15027.

²¹ INA § 212(d)(5)(A).

²² 8 CFR 214.14(d)(2).

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➤ *The Current Processing of Parole Applications for U Petitioners Placed on the Waiting List Is Inadequate and Runs Contrary to the Statute and Regulations*

Rather than complying with the regulatory directive to parole U petitioners placed on the waiting list, USCIS currently advises eligible petitioners residing abroad to seek humanitarian parole to enter the United States while awaiting availability of a U visa.²³ Such parole is provided at the discretion of USCIS on a case-by-case basis, allowing those who would otherwise be inadmissible to enter the United States either for “urgent humanitarian reasons” or “significant public benefit.”²⁴ As described in more detail in the Ombudsman’s 2015 Annual Report, individuals seeking parole must file Form I-131, *Application for Travel Document*, with a fee of \$360.²⁵

Of the 1,837 humanitarian parole requests received in FY 2015, USCIS adjudicated 1,444. Of those completed, USCIS approved 44.6 percent.²⁶ At the same time, the application process is labor intensive, requiring the submission of evidence of financial support in the United States, which is specifically excluded for U, T, and VAWA applicants in other contexts because victims often do not have financial security as a result of their victimization.²⁷ Collection of biometrics (fingerprints) of parolees age 14 and older through U.S. consulates abroad would still be necessary for this process, but multiple trips to the consulate for visa interviews and issuance would likely be avoided.

➤ *Efficacy of a Parole Policy for Both Principals and Derivative Beneficiaries*

1. Furthering the Policy Goals of the Statutory Classification

In creating the U visa, Congress recognized the importance of providing immigration protection to foreign nationals who have been victims of qualifying criminal activity. In order to effectively protect the public, law enforcement officials must be aware of criminal activity. The U visa encourages members of immigrant communities to report criminal activity by providing them with immigration protection. Thus, U visas remain a powerful tool to enable victims to access and aid law enforcement.

A Parole Policy is Justified by Significant Public Benefit. Allowing eligible crime victims to be paroled in or remain in the United States aids investigators and prosecutors, as victims have an

²³ Information provided by USCIS (Mar. 6, 2015).

²⁴ INA § 212(d)(5)(A), 8 CFR 212.5(b).

²⁵ Ombudsman’s Annual Report 2015, p. 65; USCIS Webpage, “Humanitarian Parole” (Aug. 17, 2015); <http://www.uscis.gov/humanitarian/humanitarian-parole> (accessed Jan. 26, 2016).

²⁶ Information provided by USCIS (November 5, 2015). See also USCIS “Humanitarian Parole Program” (Feb. 2011); [http://www.uscis.gov/sites/default/files/USCIS/Resources/Resources for Congress/Humanitarian Parole Program.pdf](http://www.uscis.gov/sites/default/files/USCIS/Resources/Resources%20for%20Congress/Humanitarian%20Parole%20Program.pdf) (accessed Jan. 25, 2016). USCIS does not publish statistics or provide further breakdowns regarding humanitarian parole so it is not possible to determine how many of these were for U visa-eligible individuals.

²⁷ Although parole authority is shared by USCIS, U.S. Immigration and Custom Enforcement (ICE) and U.S. Customs and Border Protection (CBP), USCIS generally adjudicates parole requests for individuals outside the United States, including those for U petitioners on the waiting list. See Memorandum of Agreement Between USCIS, ICE, and CBP Coordinating the Concurrent Exercise of the Secretary’s Parole Authority” (Sep. 29, 2008); <https://www.ice.gov/doclib/foia/reports/parole-authority-moa-9-08.pdf> (accessed May 27, 2016).

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opportunity to fulfill their continuing responsibility to cooperate with law enforcement. Allowing the eligible victim to be where the crime took place or where it is being prosecuted permits in-person interviewing and examination of evidence, in court testimony, identification of defendants, and confrontation of witnesses.

In addition, providing a mechanism for U petitioners on the waiting list to be reunified with their immediate family members in the United States serves a “significant public benefit.”²⁸ Family reunification allows the victim to focus attention on the prosecution and on rebuilding his or her life in the wake of the criminal activity. Given the substantial wait times for U visas, timely reunification for many U petitioners on the waiting list only can occur through parole. Furthermore, a parole policy designated for petitioners on the waiting list likely will encourage participation by victims who qualify for U visas but would not otherwise step forward because they are abroad.

A Parole Policy is Justified by its Humanitarian Benefits. The reunification of U petitioners on the waiting list with their immediate family members in the United States also addresses urgent humanitarian concerns.²⁹ As discussed in our 2015 Annual Report, U petitioners on the waiting list who are abroad may be subject to violence and harm in the country in which they reside. According to stakeholders, derivative grantees on the waiting list who seek parole for humanitarian reasons are often minor children of the principal petitioner on the waiting list who may be at high risk of becoming victims as well. Family reunification has been recognized by USCIS as a cornerstone of parole.³⁰

2. Operational Benefits of a Parole Policy for U Petitioners

Under the current structure, limited agency resources are allocated to the adjudication of individual requests for parole. Through that process, the agency evaluates eligibility by considering evidence and applying a set of discretionary criteria. Congress and agency regulations have already authorized the consideration of parole for U petitioners on the waiting list as a significant public benefit and for humanitarian reasons without such labor intensive adjudication. A parole policy mandating consideration across the class of those eligible petitioners on the waiting list would help the agency process requests from these crime victims and their documentation in a more streamlined fashion.

By considering parole requests concurrently, USCIS touches the factual issues only once, rather than two times, months or years apart. Parole should be considered in light of the request for status, and not separate from the substantive eligibility determination. Requiring U petitioners on the waiting list to proactively request parole independently from the underlying U visa adjudication requires DOS to coordinate aspects of the parole and visa process through U.S. consulates abroad, such as collecting biometrics of applicants at U.S. consulates, and collecting information and answering questions from the applicant abroad. A streamlined parole policy would ease

²⁸ INA 212(d)(5)(A).

²⁹ INA § 212(d)(5)(A).

³⁰ USCIS Press Release, “DHS to Implement Haitian Family Reunification Parole Program,” October 17, 2014, <https://www.uscis.gov/news/dhs-implement-haitian-family-reunification-parole-program> (accessed February 17, 2016).

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operational burdens on both USCIS and DOS.

Options for a U Visa Parole Policy

USCIS has expressed interest in implementing a parole policy for petitioners on the waiting list.³¹ Concerns expressed by the agency included operational costs, particularly given the significant workload already carried to serve vulnerable populations, and ensuring the identity/eligibility of those seeking parole, as well as working into any presumptive program a higher level of integrity for a “benefit” that confers no actual status on the recipient beyond temporary entry to the United States pending availability of the U visa. After the Ombudsman submitted a draft of this Recommendation to USCIS, the agency reiterated its commitment to a parole policy with stakeholders.³²

USCIS may look to recently implemented parole for answers to some of these concerns, including the Haitian Family Reunification Parole Program, Cuban Family Reunification Parole Program, and Central American Minors (CAM) Refugee/Parole Program, which require biometrics collection for identity verification and enhanced background checks to ensure program integrity without overly burdening applicants.³³

While it may appear the creation of a U parole policy will require USCIS to increase its workload with respect to U petitions, it is already performing this work through both the VSC and the Humanitarian Affairs Branch (HAB). By streamlining the process, only one USCIS adjudicator has to expend resources reviewing a complete package that includes both the petition and the parole request. USCIS already allows concurrent filings of certain humanitarian benefit requests, such as with Forms I-918 and I-765 and Forms I-821D and I-765.³⁴ Similarly, the Form I-131 (with its concomitant fee) can be submitted simultaneously with the U visa petition. If a Service Center then controls adjudication of the parole as it does the petitions, this provides the HAB with the ability to focus its resources on other applications that require more labor-intensive review.

Stakeholders have also reported concerns about the requirement of affidavits of support in a parole requests for U petitioners on the waiting list. The current parole application requires the affidavit of support to ensure the parolee has adequate means to survive in the United States. However, the INA at section 212(a)(4)(E)(iii) establishes that U visa applicants are not subject to a public charge ground of inadmissibility. A parole policy for this population should not hold applicants to a

³¹ Meeting between USCIS and stakeholders with the Ombudsman, September 29, 2015.

³² Advanced Issues on T & U Visas and the Violence Against Women Act (VAWA) Webinar hosted by USCIS, May 18, 2016.

³³ See, e.g., USCIS Press Release, “DHS To Implement Haitian Family Reunification Parole Program,” October 17, 2014, <https://www.uscis.gov/news/dhs-implement-haitian-family-reunification-parole-program> (accessed February 17, 2016); USCIS Web page, “The Cuban Family Reunification Parole Program,” <https://www.uscis.gov/humanitarian/humanitarian-parole/cuban-family-reunification-parole-cfrp-program> (accessed February 17, 2016); USCIS Web page, “In-Country Refugee/Parole Processing for Minors in Honduras, El Salvador and Guatemala (Central American Minors-CAM),” <https://www.uscis.gov/CAM> (accessed March 17, 2016).

³⁴ Form I-918, Petition for U Nonimmigrant Status; Form I-821D, Consideration of Deferred Action for Childhood Arrivals; Form I-765, Application for Employment Authorization.

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higher standard than the U visa eligibility criteria; therefore, a parole process that does not include an affidavit of support requirement would better align with the spirit of the law.

Recommendation

The Ombudsman recommends that:

1. **Consistent with its regulations, USCIS afford parole to eligible U nonimmigrant petitioners on the waiting list by creating a policy for petitioners residing abroad to enter the United States while waiting for a visa to become available.** USCIS regulations allow U petitioners placed on the waiting list be paroled into the United States.³⁵ USCIS does parole some U petitioners on the waiting list in accordance with the regulations, albeit in an inefficient, inconsistent way, and under stricter requirements. A U visa parole policy would ensure timely family reunification, provide a more transparent and efficient process for the public, and ultimately further both the regulatory and statutory goals under the TVPA and subsequent reauthorizations to support law enforcement investigations and prosecutions.

A parole policy would address the current inconsistent treatment of U petitioners on the waiting list based on their physical location at the time they are placed on the waiting list. The purpose and goals behind the U visa itself demonstrate that this population is especially vulnerable and deserving of special protection.³⁶ Without the implementation of a U-specific parole policy, U petitioners on the waiting list will continue to be exposed to potential harm while they wait, sometimes for years, for a visa to become available.

2. **The parole policy created by USCIS must allow for concurrent filings of the U visa petition and request for parole.** Consistent with its regulations, USCIS should allow U visa petitioners on the waiting list to request parole concurrently with their Form I-918 filing. Concurrent filings are permitted in other programs, which improves efficiency by allowing the USCIS adjudicator to evaluate the facts and eligibility criteria of the U petition only once. Likewise, petitioners who have already been placed on the U waiting list should be permitted to subsequently file parole applications. The need for parole for family reunification will exist as long as a backlog for the limited number of visas exists.

³⁵ 8 CFR 214.14(d)(2): “USCIS will grant deferred action or parole to U-1 petitioners and qualifying family members while the U-1 petitioners are on the waiting list.”

³⁶ VTVPA, Pub. L. No. 106-386, Title V, §1101. *See also* “New Classification for Victims of Criminal Activity; Eligibility for ‘U’ Nonimmigrant Status,” 72 Fed. Reg. 53014 (Sept. 17, 2007).

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- 3. The Ombudsman further recommends that these cases be adjudicated at the VSC, where U nonimmigrant status adjudications currently are processed, to ensure consistent and effective adjudication, and where Congress expressly authorized the placement of the adjudication of relief for vulnerable populations.** Congress has asserted that VSC's VAWA Unit should continue its work with vulnerable populations.³⁷ A parole policy is an extension of that activity. Continuity would ensure that U petitioners on the waiting list and the nongovernmental organizations that service this vulnerable population have a single point of contact. It would also enhance the process for those filing as part of a U based parole policy.

³⁷ The William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA), Pub. L. 110-457, 122 Stat. 5084, § 238.