

September 17, 2018

ATTN: Samantha L. Deshommes
Chief, Regulatory Coordination Division
Office of Policy and Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
Submitted via Federal eRulemaking Portal

**Re: Request for Comments: Agency Information Collection Activities;
Extension, Without Change, of a Currently Approved Collection: Petition for
U Nonimmigrant Status
OMB Control No. 1615-0104
e-Docket ID No. USCIS-2010-0004**

To Whom It May Concern:

The City of New York (“the City”) appreciates the opportunity to comment on the proposed extension, without change, of the currently approved collection of information concerning petitions for U Nonimmigrant Status. The New York City Mayor’s Office of Immigrant Affairs, Office to End Domestic and Gender-Based Violence, and Office of Criminal Justice present this comment as the three lead offices coordinating an interagency working group which includes the City agencies that issue the Form I-918 Supplement B, U Nonimmigrant Status Certification, to immigrant crime victims.

The New York City Mayor’s Office of Immigrant Affairs (MOIA) promotes the well-being of the city’s immigrant residents and communities through programs, policy recommendations, and community engagement efforts that facilitate their successful integration into the civic, cultural and economic life of New York. Using this multi-pronged approach, MOIA works to eliminate barriers to opportunity, promote immigrant rights, expand civic engagement, and further the empowerment of immigrant New Yorkers.

The Mayor's Office to End Domestic and Gender-Based Violence (ENDGBV) develops policies and programs, provides training and prevention education, conducts research and evaluations, performs community outreach, and operates the New York City Family Justice Centers. ENDGBV collaborates with City agencies and community stakeholders to ensure access to inclusive services for survivors of domestic and gender-based violence (GBV) services. GBV can include intimate partner and family violence, elder abuse, sexual assault, stalking, and human trafficking. New York City Family Justice Centers (FJCs) provide comprehensive civil legal, counseling and supportive services for survivors of domestic violence, elder abuse and sex trafficking. Located in all five boroughs, FJCs are safe, caring environments that provide one-stop services and support.

The Mayor's Office of Criminal Justice facilitates cooperation and partnerships among the agencies involved in crime prevention and criminal justice in New York City, to ensure the fair and efficient functioning of the criminal justice system; and serves as a liaison between the NYPD, the Departments of Correction and Probation, the five District Attorney Offices, and other agencies to help coordinate consistent citywide policy on criminal justice issues.

New York City is home to 3.1 million immigrants – nearly 40% of the city's total population, and the largest number in its history. Most are naturalized U.S. citizens, lawful permanent residents, or holders of another form of immigration status. The majority are long-time city residents with deep ties across the city's five boroughs. However, immigrants – particularly those without permanent status – face additional risks in terms of abuse and exploitation. Crimes such as domestic violence have a severe impact in immigrant communities in New York City: in 2017, foreign-born victims comprised over 61% of NYC Family Justice Center clients.

As a law enforcement matter, it is critical to ensure that all victims of crimes, including serious crimes such as domestic violence, kidnapping, sexual assault, and human trafficking, are able to come forward and seek help from the police, child protective services, and other government agencies that work to further public safety and well-being – regardless of their immigration status. For that reason, U Nonimmigrant Status (commonly known as the “U visa”) for immigrant victims of serious crimes is a critical tool that enhances local law enforcement and investigative agencies' important work engaging victims and ensuring the safety of the community as a whole.

The U visa was created by Congress to encourage vulnerable immigrants to cooperate with law enforcement regardless of their immigration status, with the awareness that immigrant victims, particularly those who are undocumented, may hesitate to report crimes or take part in criminal justice processes because they are afraid they will face immigration consequences, even deportation, if they do so. In the City's experience, the U visa represents an important means by which to promote trust between law enforcement authorities and immigrant communities. As NYPD Commissioner James O'Neill has emphasized, “It is incumbent upon the men and women of the NYPD to

maintain the trust and confidence of all who depend on the services of our own police department for their safety.” The U visa is a valuable component of these efforts. **As a City, we strongly encourage any efforts by the Department of Homeland Security (DHS) to maintain and enhance the accessibility of U visa relief for crime victims.**

As you are aware, in order to apply for a U visa, a crime victim must submit Form I-918 Supplement B, U Nonimmigrant Status Certification from an appropriate law enforcement agency. This certification form states that a qualifying crime has taken place, and that the victim has been helpful to the agency in the detection, investigation, and/or prosecution of the crime. In recent years, the City has worked hard to strengthen the U visa certification efforts of law enforcement and investigative agencies.

Since 2014, our offices have convened a working group of City certifying agencies, including the NYPD, NYC Administration for Children’s Services, and the Law Department, and more recently the Commission on Human Rights and Department of Consumer Affairs. The working group facilitates interagency collaboration on best practices, outreach, and public education, and supports engagement with local legal services providers who work with crime victims in order to identify and address areas for continued improvement.

Through this partnership and the dedicated efforts of the certifying agencies, the City has significantly increased the efficiency and transparency of the processes for requesting certifications for immigrant crime victims and their advocates. This increased efficiency is demonstrated by greater expediency and consistency in timeframes for review: for example, in 2017, all requests for U visa certifications made to the NYPD were reviewed in 45 days or less.

We **offer the following comments** on Form I-918 Supplement B:

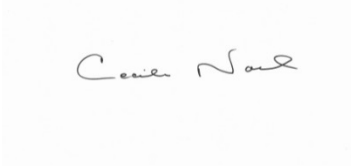
- To ensure that information can be entered as completely and accurately as possible, the **electronic form** should be revised as needed so that all characters and punctuation may be used in every response field. Similarly, fields requesting dates should allow for the entry of date ranges, as some crimes such as domestic violence occur over a period of time, and victims may not be able to readily report specific dates.
- So that the **form encompasses the full range of criminal activity** that may constitute a qualifying crime and to facilitate completion by law enforcement officers in New York City and other jurisdictions, the **“Other”** checkbox should be added back to Part 3 (Criminal Acts), Question 1 (applicable criminal activity in violation of Federal, state, or local criminal offenses).
- In order for appropriate information to be entered in Part 3 (Criminal Acts), Question 7 (description of injury to the victim), the form and/or instructions to the form should clarify whether, in the case of indirect victims, the **entry should reflect injury to the primary or indirect victim (or both).**

As a city, we have seen time and again that smart policies that protect and support immigrants also serve to promote the safety and well-being of all New Yorkers. Our policies and efforts to promote the accessibility and efficiency of U visa certification processes are part of a law enforcement approach that helps ensure that New York City remains the safest big city in America. We urge DHS to continue to further the accessibility of U visa relief for immigrant crime victims, including by ensuring that the forms and information collection processes are as tailored as possible to the needs of the victims. In doing so, DHS would augment the safety of our communities as a whole.

Respectfully,



Bitta Mostofi
Commissioner
Mayor's Office of Immigrant Affairs



Cecile Noel
Commissioner
Mayor's Office to End Domestic and Gender-Based Violence



Elizabeth Glazer
Director
Mayor's Office of Criminal Justice