



Annual Report on Immigration Applications and Petitions Made by Victims of Abuse – Fiscal Year 2020

Report to Congress



Homeland
Security

*U.S. Citizenship and
Immigration Services*



**Homeland
Security**

April 16, 2021

Message from the Acting Assistant Secretary

I am pleased to submit the “Annual Report on Immigration Applications and Petitions Made by Victims of Abuse – FY 2020,” prepared by U.S. Citizenship and Immigration Services (USCIS).

Pursuant to congressional requirements, this report is being provided to the following Members of Congress:

The Honorable Jerrold Nadler
Chairman, House Committee on the Judiciary

The Honorable Jim Jordan
Ranking Member, House Committee on the Judiciary

The Honorable Dick Durbin
Chairman, Senate Committee on the Judiciary

The Honorable Chuck Grassley
Ranking Member, Senate Committee on the Judiciary

Inquiries relating to this report may be directed to me at (202) 447-5890.

Sincerely,

A handwritten signature in purple ink, appearing to read "Alex Carnes".

Alexandra Carnes
Acting Assistant Secretary for Legislative Affairs

Executive Summary

This report fulfills the requirement set forth in section 802 of the Violence Against Women Reauthorization Act of 2013, Pub. L. 113-4, 127 Stat. 54. The statutory requirement is for the Secretary of Homeland Security to report annually on various statistics relating to noncitizens who applied or petitioned for nonimmigrant status under paragraphs (15)(T)(i), (15)(U)(i), or (51) of section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) during the preceding fiscal year (FY). It also provides statistics relating to the number of noncitizens granted continued presence in the United States under section 107(c)(3) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(c)(3)) as amended by the *Trafficking Victims Protection Reauthorization Act of 2003*, during the fiscal year 2020 (Oct. 1, 2019 – Sept. 30, 2020).



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I. Legislative Language

This report fulfills the requirement set forth in section 802 of the *Violence Against Women Reauthorization Act of 2013*, Pub. L. 113-4, 127 Stat. 54. The statutory requirement is as follows:

SEC. 802. ANNUAL REPORT ON IMMIGRATION APPLICATIONS MADE BY VICTIMS OF ABUSE.

Not later than December 1, 2014, and annually thereafter, the Secretary of Homeland Security shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that includes the following:

- (1) The number of aliens who--
 - (A) submitted an application for nonimmigrant status under paragraph (15)(T)(i), (15)(U)(i), or (51) of section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) during the preceding fiscal year¹;
 - (B) were granted such nonimmigrant status during such fiscal year; or
 - (C) were denied such nonimmigrant status during such fiscal year.
- (2) The mean amount of time and median amount of time to adjudicate an application for such nonimmigrant status during such fiscal year.
- (3) The mean amount of time and median amount of time between the receipt of an application for such nonimmigrant status and the issuance of work authorization to an eligible applicant during the preceding fiscal year.
- (4) The number of aliens granted continued presence in the United States under section 107(c)(3) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(c)(3)) during the preceding fiscal year.
- (5) A description of any actions being taken to reduce the adjudication and processing time, while ensuring the safe and competent processing, of an application described in paragraph (1) or a request for continued presence referred to in paragraph (4).

¹ Statistics provided below are for principal applicants, principal petitioners, self-petitioners and their derivative family members. Processing times displayed do not include derivative family members.

II. Data Report

The following tables show various statistics relating to noncitizens who applied for T nonimmigrant status, petitioned for U nonimmigrant status, or met the definition of “VAWA self-petitioner” under paragraphs (15)(T)(i), (15)(U)(i), or (51)² of section 101(a) respectively of the *Immigration and Nationality Act* (8 U.S.C. 1101(a)). In addition, statistics of noncitizens granted Continued Presence under section 107(c)(3) of the *Trafficking Victims Protection Act of 2000* (22 U.S.C § 7105(c)(3)), as amended by the *Trafficking Victims Protection Reauthorization Act of 2003*, are presented. These tables present information on applications and petitions adjudicated in FY 2020.

T Nonimmigrant Status

T nonimmigrant status (commonly referred to as the T visa) provides immigration status to eligible trafficking victims for up to four years. To qualify for T nonimmigrant status, an applicant must demonstrate to USCIS that they: (1) are or have been a victim of a severe form of trafficking in persons; (2) are physically present in the United States or at a port of entry to the United States (including the Commonwealth of the Northern Mariana Islands or American Samoa) on account of such trafficking; (3) have complied with any reasonable request for assistance in the investigation or prosecution of acts of trafficking (or the investigation of crime where acts of trafficking are at least one central reason for the commission of that crime), unless they are less than 18 years old or are unable to cooperate due to physical or psychological trauma; and (4) would suffer extreme hardship involving unusual and severe harm upon removal from the United States .

A principal applicant may apply for derivative T nonimmigrant status for certain qualifying family members.³ By statute, no more than 5,000 principal T visas may be granted in any fiscal year.⁴ Derivative family members are not subject to the annual cap. The T visa cap has not been reached since the implementation of the T nonimmigrant status program.

T Nonimmigrant Applications Received, Approved, and Denied

Table 1, below, shows the number of principal and derivative applications for T nonimmigrant status received by USCIS in FY 2020. Table 1 also shows the number of principal and derivative applications for T nonimmigrant status USCIS approved or denied in FY 2020. Please note that most of the applications approved or denied in FY 2020 were received in previous

² This report provides data only for the VAWA self-petitioning provisions at INA § 101(a)(51)(A) and (B) and INA § 204(a).

³ If the principal T applicant is under 21 years of age at the time of application, their spouse, parent(s), unmarried child(ren) under 21 years of age or unmarried siblings under the age of 18 are eligible for derivative T nonimmigrant status. If the principal T applicant is 21 years of age or older at the time of application, their spouse or unmarried child(ren) under 21 years of age are eligible for derivative T nonimmigrant status. The following family members are eligible for derivative T nonimmigrant status regardless of the principal applicant’s age if they face a present danger of retaliation as a result of the principal T applicant’s escape from the severe form of trafficking in persons or cooperation with law enforcement: parent(s); unmarried sibling(s) under 18 years of age; and adult or minor child(ren) of qualifying family members who have been granted T derivative status.

⁴ See INA § 214(o)(2); 8 U.S.C. 1184(o)(2).

fiscal years. As such, the approval and denial of applications shown in Table 1 below does not represent an adjudicative action or trend for those applications received in FY 2020.

Table 1: Applications for T Nonimmigrant Status (Forms I-914 and I-914A) Adjudicated in Fiscal Year 2020

	Number of Applications Received in FY 2020	Number of Applications Approved in FY 2020	Number of Applications Denied in FY 2020
T Nonimmigrant Principal (T-1)	1,146	1,037	721
T Nonimmigrant Derivatives (T-2, T-3, T-4, T-5, T-6)	999	1,009	449

Source: USCIS. Data as of December 2020.

T Nonimmigrant Application Processing Times

Table 2, below, shows the mean and the median processing time (in months) for applications that were adjudicated in FY 2020. From receipt to adjudication, a principal application for T nonimmigrant status was adjudicated in an average of 18.6 months, and derivative applications were adjudicated in an average of 17.9 months. As noted above, the majority of applications adjudicated in FY 2020 were submitted in prior fiscal years. The processing times are calculated using the date of receipt by USCIS and the date of the final decision (i.e., approval or denial).

Table 2: Mean and Median Time from Receipt of Application for T Nonimmigrant Status (Forms I-914 and I-914A) until Adjudication in Fiscal Year 2020⁵

	Mean Time from Receipt of Application until Adjudication (Months)	Median Time from Receipt of Application until Adjudication (Months)
T Nonimmigrant Principal	18.6	19.1
T Nonimmigrant Derivative	17.9	18.5

Source: USCIS. Data as of December 2020.

T Nonimmigrant Processing Times for Employment Authorization Documents (EADs)

Table 3, below, shows the mean and the median processing time (in months) from receipt of a T visa application until EAD issuance for applications for T nonimmigrant status approved in FY

⁵ “Mean time from receipt of application until adjudication” and “median time from receipt of application until adjudication” are calculated using the date of receipt and “Action Date In,” which is the most recent adjudicative action. This time may include issuance of Requests for Evidence (RFEs) for missing initial or additional evidence and Notices of Intent to Deny (NOIDs), which permit the applicant a certain period of time to respond.

2020. Principal T nonimmigrants are employment authorized incident to status. Therefore, principal applicants are not required to submit a Form I-765, Application for Employment Authorization, to receive an EAD; principal applicants may check a box on the Form I-914 requesting an EAD upon approval of their application for T nonimmigrant status. However, USCIS does not track principal applicant requests for authorization to work submitted directly on Form I-914 separately from requests submitted on Form I-765. The mean and median processing time for EAD issuance for an approved principal applicant can generally be assumed to be the same as the mean and median processing time of the adjudication of the application for T nonimmigrant status.

Unlike principal applicants for T nonimmigrant status, derivative applicants are not employment authorized incident to T nonimmigrant status and are required to submit a Form I-765 to request employment authorization and receive an EAD. The data below represents those derivative applicants who were approved for T nonimmigrant status, submitted an application for employment authorization, and were approved for an EAD. Please note, derivative applicants for T nonimmigrant status may submit their Form I-765 concurrently with the Form I-914A, or at a later time. On average, a Form I-765 submitted by a derivative applicant for T nonimmigrant status in FY 2020 was pending for about 23.4 months.

Table 3: Mean and Median Time from Receipt of Application for T Nonimmigrant Status until EAD Issuance in Fiscal Year 2020⁶

	Mean Time from Receipt of T Visa Application until EAD Issuance (Months)	Median Time from Receipt of T Visa Application until EAD Issuance (Months)
T Nonimmigrant Principal	18.6	19.1
T Nonimmigrant Derivative	23.4	22.9

Source: USCIS. Data as of December 2020.

U Nonimmigrant Status

U nonimmigrant status provides an immigration benefit to certain victims of qualifying crimes who assist law enforcement in the detection, investigation, prosecution, sentencing, or conviction of those crimes. Petitioners may qualify for U nonimmigrant status by establishing to USCIS that they: (1) have suffered substantial physical or mental abuse as a result of having been a victim of a qualifying criminal activity; (2) possess information concerning the qualifying criminal activity; (3) have been helpful, are being helpful, or are likely to be helpful to law

⁶ “Mean time from receipt of T Visa application until EAD issuance” and “median time from receipt of T Visa application until EAD issuance” are calculated using the date of receipt of the T application and the approval date of the application for principal applicants; for derivative applicants, “Mean time from receipt of T Visa application until EAD issuance” and “median time from receipt of T Visa application until EAD issuance” are calculated using the date of receipt of the Form I-765. This time may include issuance of RFEs for missing initial evidence or additional evidence and NOIDs, which permit the applicant a certain period of time to respond.

enforcement or other officials in the investigation or prosecution⁷ of the qualifying criminal activity; and (4) the qualifying criminal activity occurred in the United States (including Indian country, military installations, possessions and territories), or violated a U.S. federal law that provides for extraterritorial jurisdiction to prosecute the offense in a U.S. federal court.⁸ A principal U petitioner may petition for derivative U nonimmigrant status for the following qualifying family members: spouse, child, parent, or unmarried sibling under the age of 18 of a principal U petitioner who is under 21 years of age at the time of filing the petition. By statute, no more than 10,000 individuals may be issued principal U visas or provided principal U nonimmigrant status in any fiscal year.⁹ By regulation, USCIS places petitioners who have established eligibility for U nonimmigrant status and would have been granted a visa but for the numerical cap on a waiting list. While on the U visa waiting list, principal petitioners and derivative family members residing in the United States receive deferred action and are eligible for work authorization. Derivative family members are not subject to the annual cap.

U Nonimmigrant Petitions Received, Approved, and Denied

Table 4, below, shows the number of principal and derivative petitions for U nonimmigrant status received by USCIS in FY 2020. Please note that all petitions approved or denied in FY 2020 were received by USCIS in prior fiscal years. As such, the approval and denial of petitions shown in Table 4 below does not necessarily represent an adjudicative action for those petitions received in FY 2020 by USCIS.

Table 4: Petitions for U Nonimmigrant Status (Forms I-918 and I-918A) Adjudicated in Fiscal Year 2020

	Number of Petitions Received in Fiscal Year 2020	Number of Petitions Approved in Fiscal Year 2020	Number of Petitions Denied in Fiscal Year 2020
U Nonimmigrant Principal	22,480	10,014	2,671
U Nonimmigrant Derivative	14,192	7,215	2,450

Source: USCIS. Data as of December 2020.

U Nonimmigrant Petition Processing Times

Table 5, below, shows the mean and the median processing time (in months) for petitions for U nonimmigrant status that were adjudicated in FY 2020. As noted earlier, receipts from eligible petitioners continue to far exceed the statutory cap of 10,000 visas; petitions that are approvable

⁷ The term “investigation or prosecution” encompasses all stages of a qualifying criminal activity investigation: detection, investigation, prosecution, conviction, and sentencing. *See* 8 CFR 214.14(a)(5).

⁸ If the principal petitioner is under the age of 16 or is incapacitated or incompetent and therefore unable to be helpful, a parent, guardian, or next friend may possess the information about the crime and be helpful to law enforcement on the petitioner’s behalf. *See* 8 CFR 214.14(b)(2).

⁹ *See* INA § 214(p)(2); 8 U.S.C. 1184(p)(2).

but for the cap are placed on the U visa waiting list until a visa becomes available, at which point they are reviewed and adjudicated.¹⁰ Because of the U visa waiting list process, the data on the mean and median processing time for these two distinct phases are the following: (1) for petitions placed on the U visa waiting list in FY 2020, the mean and median processing time from receipt of petitions to waiting list placement; and (2) for petitions that were previously placed on the U visa waiting list, the mean and median processing time from waiting list placement until final adjudication in FY 2020. All petitions placed on the U visa waiting list and all petitions for U nonimmigrant status adjudicated to completion in FY 2020 were received in prior fiscal years and do not necessarily represent an adjudicative action for those petitions received by USCIS in FY 2020. Additionally, the statistics provided below should not be used to forecast future wait time from filing to final adjudication of a petition for U nonimmigrant status. This is because processing times look backwards (i.e., how long it took to adjudicate a petition or application from receipt) and do not represent a forecast of how long it necessarily will take in the future for a given application or petition to be adjudicated.

On average, a principal petition for U nonimmigrant status that was placed on the waiting list in FY 2020 was pending for approximately 47.9 months before being placed on the U visa waiting list; for those principal petitions adjudicated in FY 2020, petitioners spent approximately 9.9 months on the waiting list before a final adjudicative action was taken. As noted earlier, the vast majority of petitions placed on the waiting list and adjudicated from the waiting list in FY 2020 were received in previous fiscal years. The processing times are slightly different for derivative petitions. Not all principal petitioners submit petitions for U nonimmigrant status for qualifying family members at the same time as they submit their principal petition. Principal petitioners may submit a petition for a qualifying family member by filing a Form I-918A any time prior to the adjudication of their principal petition or after their principal petition has been approved. Because not all derivative petitions for U nonimmigrant status are submitted concurrently with the principal petition, the processing times will necessarily be different. On average, a derivative petition filed by a principal petitioner who was placed on the U visa waiting list in FY 2020 was pending for 47 months before being placed on the waiting list. Those derivatives whose petitions were adjudicated in FY 2020 were placed on the U visa waiting list for about 10 months before a final decision was issued.

¹⁰ See INA § 214(p)(2); 8 U.S.C. 1184(p)(2); 8 CFR 214.14(d)(2).

Table 5: Mean and Median Time from Receipt of U Nonimmigrant Status (Forms I-918 and I-918A) until Waiting List Adjudication and Final Adjudication in Fiscal Year 2020¹¹

	Mean Time from Receipt of Petition until Waiting List Adjudication (Months)	Median Time from Receipt of Petition until Waiting List Adjudication (Months)	Mean Time from Waiting List Adjudication until Final Adjudication (Months)	Median Time from Waiting List Adjudication until Final Adjudication (Months)
U Nonimmigrant Principal	47.9	48.9	9.9	8.7
U Nonimmigrant Derivative	47.0	49.0	10.0	8.5

Source: USCIS. Data as of December 2020.

U Nonimmigrant Processing Times for Employment Authorization Documents

Table 6, below, shows the mean and median processing time for issuance of EADs to principal petitioners for U nonimmigrant status and their derivative family members in FY 2020. As noted earlier, principal petitioners placed on the waiting list and their derivative family members residing in the United States receive deferred action and are eligible for work authorization.

Principal U nonimmigrants are employment authorized incident to their U nonimmigrant status. Therefore, principal U visa petitioners in the United States are automatically issued an EAD upon approval of their petition for U nonimmigrant status and are not required to submit an application for employment authorization to receive an EAD. Derivative U nonimmigrants in the United States are also employment authorized incident to status but must submit an application for employment authorization to receive an EAD. Principal and derivative U visa petitioners who reside outside the United States when their petition is approved must submit an application for employment authorization upon admission to the United States to receive an EAD.

The employment authorization data presented in Table 6 represents only those petitioners for U nonimmigrant status who separately applied for an employment authorization document and were also granted U nonimmigrant status in FY 2020. Not all petitioners placed on the waiting list for U nonimmigrant status apply for employment authorization; further, while many petitioners submit an application for employment authorization at the same time as their petition for U nonimmigrant status, they may submit an employment authorization application later. Because not all applications for employment authorization and petitions for U nonimmigrant status are submitted concurrently, the processing times will necessarily be different. In all cases, however, USCIS does not approve an application for employment authorization prior to placing the petitioner on the U visa waiting list and granting of deferred action, or approval of the petition for U nonimmigrant status. These data represent those petitioners who were granted U

¹¹ “Mean time from receipt of Petition until Waiting List Adjudication,” “Median Time from Receipt of Petition until Waiting List Adjudication,” “Mean Time from Waiting List Adjudication until Final Adjudication,” and “Median Time from Waiting List Adjudication until Final Adjudication” are calculated using the date of receipt and “Action Date In,” which is the most recent adjudicative action. This time may include issuance of RFEs for missing initial evidence or additional evidence and NOIDs, which permit the petitioner a certain period of time to respond.

nonimmigrant status, and who also submitted an application for employment authorization and who were approved for an EAD.

On average, for petitioners granted U nonimmigrant status in FY 2020 who also submitted an application for employment authorization, USCIS took approximately 54.3 months from receipt of the application until issuance of the EAD. For derivative petitioners granted U nonimmigrant status in FY 2020 who also submitted an application for an employment authorization document, USCIS took approximately 56.1 months from receipt of the application for an employment authorization document until issuance of the EAD, on average. Note, EAD processing times shown in Table 6, below, include EADs issued to those placed on the waiting list in FY 2020.

Table 6: Mean and Median Time from Receipt of U Nonimmigrant Status Petition until EAD Issuance in Fiscal Year 2020¹²

	Mean Time from Receipt of U Nonimmigrant Status Petition until EAD Issuance (Months)	Median Time from Receipt of U Nonimmigrant Status Petition until EAD Issuance (Months)
U Nonimmigrant Principal	54.3	54.8
U Nonimmigrant Derivative	56.1	56.6

Source: USCIS. Data as of December 2020.

VAWA

The Violence Against Women Act (VAWA) provisions in the INA allow certain spouses, children, and parents of abusive U.S. citizens and certain spouses and children of abusive Lawful Permanent Residents (LPRs) to petition for immigration benefits without the abuser’s participation or knowledge (self-petition).¹³ Self-petitioners must establish that they: (1) have or had a qualifying relationship with the abuser; (2) are eligible for immigrant classification as an immediate relative or certain family sponsored preference categories; (3) resided with the abuser during the qualifying relationship; (4) have been subject to battery or extreme cruelty during the qualifying relationship; (5) are a person of good moral character; and (6) entered into the marriage in good faith (for self-petitioning spouses only).

VAWA Self-Petitions

Table 7, below, shows the number of VAWA self-petitions received by USCIS in FY 2020. In addition, Table 7 shows the number of VAWA self-petitions USCIS approved or denied in FY 2020. Please note that most of the self-petitions approved or denied in FY 2020 were generally

¹² “Mean Time from Receipt of U Nonimmigrant Status Petition until EAD issuance” and “Median Time from Receipt of U Nonimmigrant Status Petition until EAD issuance” are calculated using the date of receipt of the Form I-765. This time may include issuance of RFEs for missing initial evidence or additional evidence and NOIDs, which permit the petitioner a certain period of time to respond.

¹³ See INA § 101(a)(51)(A) and (B), 204(a); 8 U.S.C. 1101(a)(51)(A) and (B), 1154(a).

received by USCIS in prior fiscal years. As such, the approval and denial of self-petitions shown in Table 7 below does not necessarily represent petitions received by USCIS in FY 2020.

Table 7: VAWA Self-Petitions (VAWA Form I-360) Received and Adjudicated in Fiscal Year 2020

	Number of Petitions Received in Fiscal Year 2020	Number of Petitions Approved	Number of Petitions Denied
VAWA Self-Petitioning Spouse	12,696	7,921	2,028
VAWA Self-Petitioning Child	425	205	267
VAWA Self-Petitioning Parent	2,153	211	392

Source: USCIS. Data as of December 2020.

VAWA Self-Petition Processing Times

Table 8, below, shows the mean and the median processing time (in months) for VAWA self-petitions (VAWA Form I-360) that were adjudicated in FY 2020. On average, a VAWA self-petition filed by an abused spouse adjudicated by USCIS in FY 2020 was pending for about 21.3 months, a VAWA self-petition filed by an abused child adjudicated by USCIS in FY 2020 was pending for about 21.0 months, and a VAWA self-petition filed by an abused parent adjudicated by USCIS in FY 2020 was pending for about 18.9 months. The processing times are calculated using the date of receipt by USCIS and the date of the adjudication (i.e., approval or denial). Not all self-petitions adjudicated in FY 2020 were received in FY 2020; as such, VAWA self-petitions adjudicated in FY 2020 do not necessarily represent petitions received by USCIS in FY 2020.

Table 8: Mean and Median Time from Receipt of VAWA Self-Petition (VAWA Form I-360) until Adjudication in Fiscal Year 2020¹⁴

	Mean Time from Receipt of Self-Petition until Adjudication (Months)	Median Time from Receipt of Self-Petition until Adjudication (Months)
VAWA Self-Petitioning Spouse	21.3	20.8
VAWA Self-Petitioning Child	21.0	20.3
VAWA Self-Petitioning Parent	18.9	18.3

Source: USCIS. Data as of December 2020.

Processing Times From Receipt of the VAWA Self-Petition to Issuance of Employment Authorization

VAWA self-petitioners and derivative beneficiaries are eligible for employment authorization under section 204(a)(1)(K) of the Act after USCIS approves their Form I-360. Principal VAWA self-petitioners are not required to submit a Form I-765, Application for Employment Authorization, to request an EAD. Instead, they may check a box on the Form I-360 to request employment authorization upon approval of their self-petition. Derivative beneficiaries and principal VAWA self-petitioners who did not check the box on Form I-360, however, must file Form I-765 to request employment authorization and obtain an EAD.

USCIS does not track requests for employment authorization submitted on Form I-360. As such, the mean and median amount of time between receipt of the self-petition and issuance of an EAD for approved VAWA self-petitioners can generally be assumed to be similar to the mean and median processing time for adjudication of the VAWA I-360 petition. Table 9, below, shows the mean and the median processing time (in months) for VAWA self-petitions adjudicated in FY 2020. Note that the table below does not include the processing times for EADs requested by: derivative beneficiaries; principal VAWA self-petitioners who did not check the employment authorization box on Form I-360; or any VAWA self-petitioner or derivative beneficiary who requests employment authorization on a separate basis, such as employment authorization issued on the basis of deferred action.

¹⁴ “Mean time from receipt of self-petition until adjudication” and “median time from receipt of self-petition until adjudication” is calculated using the date of receipt and “Action Date In,” which is the most recent adjudicative action. This time may include issuance of RFEs for missing initial evidence or additional evidence and NOIDs, which permit the petitioner a certain period of time to respond.

Table 9: Mean and Median Time from Receipt of the VAWA Self-Petition to Issuance of Employment Authorization in Fiscal Year 2020¹⁵

	Mean Time from Receipt of Self-Petition until EAD Issuance (Months)	Median Time from Receipt of Self-Petition until EAD Issuance (Months)
VAWA Self-Petitioning Spouse	21.3	20.8
VAWA Self-Petitioning Child	21.0	20.3
VAWA Self-Petitioning Parent	18.9	18.3

Source: USCIS. Data as of December 2020.

Continued Presence Statistics

Continued Presence (CP) is administered and granted solely by U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI). It allows victims of a severe form of trafficking in persons who may be potential witnesses to investigations of such trafficking to remain in the United States for two years, renewable in increments of up to two years, to facilitate the investigation or prosecution of the trafficker. CP is a discretionary law enforcement tool used on a case-by-case basis as warranted and appropriate. Any law enforcement agency (LEA) may request CP. However, requests by state and local LEAs must be sponsored by a federal LEA. In cases where a federal law enforcement official has filed an application with ICE Homeland Security Investigations identifying the noncitizen as a victim of a severe form of trafficking and a potential witness to such trafficking, and the noncitizen has filed a civil action under 18 U.S.C. 1595, the noncitizen shall be permitted to remain in the United States until the civil litigation is concluded.

Applications for Continued Presence Granted¹⁶ Fiscal Year 2020		
Number of Applications Granted for Continued Presence	Number of Applications Granted for Continued Presence Extension	Total Number of Approved Applications for Continued Presence
117	56	173

Source: ICE. Data as of December 2020.

¹⁵ “Mean time from receipt of self-petition until EAD issuance” and “median time from receipt of self-petition until EAD issuance” are calculated using the date of receipt of the self-petition and the approval date of the EAD. This time may include issuance of RFEs for missing initial evidence or additional evidence and NOIDs, which permit the petitioner a certain period of time to respond.

¹⁶ The data in this table were provided by ICE.

III. USCIS Actions to Reduce Adjudication and Processing Times

The following information responds to section 802 of the Violence Against Women Reauthorization Act of 2013, Pub. L. 113-4, 127 Stat. 54. requesting:

(5) A description of any actions being taken to reduce the adjudication and processing time, while ensuring the safe and competent processing, of an application described in paragraph (1) or a request for continued presence referred to in paragraph (4).

T, U, and VAWA Self-Petitioners

- In 2000, USCIS established the VAWA Unit, subsequently renamed the Humanitarian Unit, at the Vermont Service Center (VSC) to ensure the safe, competent, and consistent adjudication of applications for T nonimmigrant status, petitions for U nonimmigrant status, and VAWA self-petitions.
- USCIS continues its U visa workshare program between the VSC Humanitarian Division and the Nebraska Service Center (NSC), which began in September 2016.
- USCIS continues to train officers in the adjudication of applications for T nonimmigrant status, petitions for U nonimmigrant status, and VAWA self-petitions. This unique training ensures officers understand the dynamics associated with domestic violence and abuse, crime victimization, and human trafficking, as well as the role of immigration relief in victim safety.
- The VSC and NSC continue to assign applicant service work to officers within the unit, resulting in consistent inquiry response times. USCIS is currently answering written inquiries within 14 business days.
- As U nonimmigrant status filings far exceeded the 10,000 statutory visa cap again in FY 2020, USCIS continued to use the waiting list process for U nonimmigrant petitioners who would have had their petitions approved but for the statutory limit of 10,000 approvals per fiscal year. In addition, the Humanitarian Unit also adjudicates applications for adjustment of status to lawful permanent resident filed by T and U nonimmigrants, which continue to increase annually.
- USCIS Service Center Operations (SCOPS), the VSC and NSC are in constant contact to ensure consistency in the application of USCIS policy and immigration law in the adjudication of U nonimmigrant status petitions.
- USCIS approved the largest number of T nonimmigrant status applications in the program's history in FY 2020.

- Generally, processing times for VAWA self-petitions and T nonimmigrant status applications remained consistent with the prior year.

Continued Presence (CP)

- ICE HSI has exclusive authority to receive, approve, or deny CP applications.
- In FY20, ICE HSI handled all cases for CP as expeditiously as possible.
- ICE HSI continues its frequent consultation and continuous operational and policy-related dialogue with USCIS' Vermont Service Center (VSC) management. CP recipients' applications for Form I-94, Arrival/Departure Records, and employment authorization documents (EADs) are forwarded to the VSC, which adjudicates, produces, and sends the documents to the requesting agency law enforcement officer who made the request, who then provides the documents to the noncitizen. USCIS will produce and send an EAD upon receipt of the request by ICE, with the EAD generally being issued within 30 days.
- As a result of this process, CP applications are generally approved with an EAD issued within 60 days from the date of application.
- In FY 2017, ICE HSI updated the Continued Presence Directive and Protocol for Requesting and Sponsoring Law Enforcement Agencies. The updated policies extend the initial grant of CP from one year to two years and extension grants from one year to up to two years. This change improves processing times of CP applications by reducing the frequency of extension requests.
- In FY20, ICE HSI prepared to move the Continued Presence program from the Parole and Law Enforcement Programs Unit to a soon-to-be-opened DHS Center for Countering Human Trafficking.