



Annual Report on Immigration Applications and Petitions Made by Victims of Abuse – Fiscal Year 2022

Report to Congress
April 13, 2023



**Homeland
Security**

*U.S. Citizenship and
Immigration Services*



Message from the Assistant Secretary

April 13, 2023

On behalf of the Department of Homeland Security, I am pleased to present the “Annual Report on Immigration Applications and Petitions Made by Victims of Abuse – FY 2022,” 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 Jim Jordan
Chairman, House Committee on the Judiciary

The Honorable Jerrold Nadler
Ranking Member, House Committee on the Judiciary

The Honorable Richard Durbin
Chairman, Senate Committee on the Judiciary

The Honorable Lindsey Graham
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 black ink, appearing to read "Zephranie Buetow".

Zephranie Buetow
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 2022 (Oct. 1, 2021 – Sept. 30, 2022). Additionally, this report provides steps the Department of Homeland Security (DHS) took to reduce adjudication and processing times for these nonimmigrant programs.



Annual Report on Immigration Applications and Petitions Made by Victims of Abuse – FY 2022

Table of Contents

I. Legislative Language	1
II. Data Report	2
III. USCIS Actions to Reduce Adjudication and Processing Times.....	13

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 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)(A)-(B)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 2022.

T Nonimmigrant Status

T nonimmigrant status (commonly referred to as the T visa) provides immigration status to eligible trafficking victims for an initial period of up to four years. To qualify for T nonimmigrant status, applicants 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 (including the Commonwealth of the Northern Mariana Islands or American Samoa) or at a port of entry to the United States 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 for T nonimmigrant 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 creation of the T visa program in 2000.

T Nonimmigrant Applications Received, Approved, and Denied

Table 1 shows the number of principal and derivative applications for T nonimmigrant status received by USCIS in FY 2022. Table 1 also shows the number of principal and derivative applications for T nonimmigrant status USCIS approved or denied in FY 2022. Please note that most of the applications approved or denied in FY 2022 were received in previous fiscal years.

² Although INA § 101(a)(51) includes several benefits under the term “VAWA self-petitioner,” this report provides data only for the VAWA self-petitioning provisions at INA § 101(a)(51)(A) and (B).

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 18 years of age 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 derivative family members who have been granted T derivative status.

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

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 2022.

Table 1: Applications for T Nonimmigrant Status (Forms I-914 and I-914A) Adjudicated in Fiscal Year 2022

	Number of Applications Received in FY 2022	Number of Applications Approved in FY 2022	Number of Applications Denied in FY 2022
T Nonimmigrant Principal (T-1)	3,070	1,715	389
T Nonimmigrant Derivatives (T-2, T-3, T-4, T-5, T-6)	1,865	1,319	247

Source: USCIS. Data as of November 2022.

T Nonimmigrant Application Processing Times

Table 2 shows the mean and the median processing time (in months) for applications that were adjudicated in FY 2022. From receipt to adjudication, a principal application for T nonimmigrant status was adjudicated in an average of 17 months, and derivative applications were adjudicated in an average of 19.2 months. As noted above, the majority of applications adjudicated in FY 2022 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 2022⁵

	Mean Time from Receipt of Application until Adjudication (Months)	Median Time from Receipt of Application until Adjudication (Months)
T Nonimmigrant Principal	17.0	12.9
T Nonimmigrant Derivative	19.2	15.2

Source: USCIS. Data as of November 2022.

T Nonimmigrant Processing Times for Employment Authorization Documents (EADs)

Table 3 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 2022. Principal T nonimmigrants are employment authorized incident to status. Therefore,

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.

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, because principals are authorized to work incident to status.⁶

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 represent 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 2022 was pending for about 23.3 months.

Table 3: Mean and Median Time from Receipt of Application for T Nonimmigrant Status until EAD Issuance in Fiscal Year 2022⁷

	Mean Time from Receipt of Application to EAD Issuance (Months)	Median Time from Receipt of Application to EAD Issuance (Months)
T Nonimmigrant Principal	17.0	12.9
T Nonimmigrant Derivative	23.3	17.9

Source: USCIS. Data as of November 2022.

U Nonimmigrant Status

U nonimmigrant status (commonly known as the “U visa”) provides status for an initial period of up to four years to certain victims of qualifying crimes who assist or are willing to assist law enforcement in the detection, investigation, prosecution, sentencing, or conviction of those crimes. A petitioner may qualify for U nonimmigrant status by establishing to USCIS that they:

⁶ Employment authorized incident to status’ means that an individual is granted employment authorization automatically when they are granted status; they are not required to separately file an Application for Employment Authorization first. Although individuals who are employment authorized incident to status may not necessarily possess an Employment Authorization Document (EAD), employers can rely on other documentation to verify an individual’s employment authorization status for I-9 or other purposes. See, e.g., Form I-9 Acceptable Documents, <https://www.uscis.gov/i-9-central/form-i-9-acceptable-documents>.

⁷ “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 the issuance of RFEs for missing initial evidence or additional evidence and NOIDs, which permit the applicant a certain period of time to respond.

(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 enforcement or other certifying officials in the investigation or prosecution⁸ 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.⁹ A principal U petitioner or U nonimmigrant (before adjustment of status) may petition for derivative U nonimmigrant status for qualifying family members.¹⁰

By statute, no more than 10,000 individuals may be issued principal U visas or provided principal U nonimmigrant status in any fiscal year.¹¹ USCIS has reached this statutory cap every year since FY 2010. Derivative family members are not subject to the annual cap. 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.

Due to drastic increases in the volume of U nonimmigrant petitions and a growing backlog awaiting placement on the waiting list or final adjudication,¹² USCIS implemented the U Visa Bona Fide Determination (BFD) policy on June 14, 2021, through which USCIS provides work authorization and grants deferred action to U visa petitioners and their qualifying family members living in the United States who have pending bona fide petitions and merit a favorable exercise of discretion. In FY 2022, DHS granted bona fide determinations to over 29,400 principal petitioners and over 12,600 derivatives, totaling just over 42,000 bona fide grants overall.

U Nonimmigrant Petitions Received, Approved, and Denied

Table 4 shows the number of principal and derivative petitions for U nonimmigrant status received by USCIS in FY 2022. Please note that all petitions approved or denied in FY 2022 were received by USCIS in prior fiscal years. As such, the approval and denial of petitions shown in Table 4 does not represent an adjudicative action for petitions received in FY 2022 by USCIS.

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

⁹ 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).

¹⁰ If a principal petitioner is under 21 years of age at the time of filing the petition, they may petition for their spouse, unmarried child(ren) under 21 years of age, parent, or unmarried sibling under 18 years of age. If the principal petitioner is over 21 years of age at the time of filing the petition, they may petition for their spouse or unmarried child(ren) under 21 years of age.

¹¹ *See* INA § 214(p)(2); 8 U.S.C. 1184(p)(2).

¹² *See* quarterly data reports on the public data and statistics [webpage](#) to view trends in U visa petitions filed and the number pending adjudication.

Table 4: Petitions for U Nonimmigrant Status (Forms I-918 and I-918A) Adjudicated in Fiscal Year 2022

	Number of Petitions Received in Fiscal Year 2022	Number of Petitions Approved in Fiscal Year 2022	Number of Petitions Denied in Fiscal Year 2022
U Nonimmigrant Principal	29,700	10,051	3,131
U Nonimmigrant Derivative	20,642	7,503	2,903

Source: USCIS. Data as of November 2022.

U Nonimmigrant Petition Processing Times

Table 5 shows the mean and the median processing time (in months) for petitions for U nonimmigrant status adjudicated in FY 2022. As receipts from eligible petitioners far exceed the statutory cap of 10,000 visas, under current processing guidelines, petitions are reviewed for BFD and petitioners are granted EADs and deferred action, if they are deemed bona fide. If petitions are not eligible to receive a BFD, they receive a full adjudication for placement on the waiting list. If, after a full adjudication, the petition is approvable but a visa is not available yet due to the statutory cap, the principal petitioner will be placed on the waiting list.

Because of the U visa adjudication process, which includes a preliminary determination and a final adjudication upon visa availability, the data on the mean and median processing time for these two distinct phases are the following: (1) petitions receiving a grant of BFD or placed on the U visa waiting list in FY 2022, the mean and median processing time from receipt of petitions to receiving a grant of BFD or waiting list placement; and (2) petitions that previously received a grant of BFD or were placed on the U visa waiting list, the mean and median processing time from receipt of a grant of BFD or waiting list placement until final adjudication in FY 2022. All petitions receiving a grant of BFD or placed on the U visa waiting list, and all petitions for U nonimmigrant status adjudicated to completion in FY 2022, were received in prior fiscal years and do not necessarily represent an adjudicative action for those petitions received by USCIS in FY 2022. 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 will take in the future for a given application or petition to be adjudicated.

On average, a principal petition for U nonimmigrant status that received a grant of BFD or was placed on the waiting list in FY 2022 was pending for approximately 58.7 months before being granted BFD or being placed on the U visa waiting list. For those principal petitions adjudicated in FY 2022, petitioners waited approximately 12.3 months after a grant of BFD or placement on the waiting list before a final adjudicative action was taken. As noted earlier, the vast majority of petitions receiving a grant of BFD, placement on the waiting list, or final adjudication in FY 2022 were received by USCIS 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, but before they adjust their status. Because not all derivative petitions for U nonimmigrant status are submitted concurrently with the principal petition, the processing times will be different. On average, a derivative petition filed by a principal petitioner who received a BFD grant or who was placed on the U visa waiting list in FY 2022 was pending for 57.7 months. Those derivatives whose petitions were adjudicated in FY 2022 after a grant of BFD or placement on the U visa waiting list, waited about 12.8 months before a final decision was issued.

Table 5: Mean and Median Time from Receipt of U Nonimmigrant Status (Forms I-918 and I-918A) Until BFD Review or Waiting List Adjudication and Final Adjudication in Fiscal Year 2022¹³

	Mean Time from Receipt of Petition until Waiting List Adjudication or BFD Review (Months)	Median Time from Receipt of Petition until Waiting List Adjudication or BFD Review (Months)	Mean Time from Waiting List Adjudication or BFD Review until Final Adjudication (Months)	Median Time from Waiting List Adjudication or BFD Review until Final Adjudication (Months)
U Nonimmigrant Principal	58.7	58.6	12.3	12.3
U Nonimmigrant Derivative	57.7	58.8	12.8	12.0

Source: USCIS. Data as of November 2022.

U Nonimmigrant Processing Times for Employment Authorization Documents

Table 6 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 2022. As noted earlier, principal petitioners and their derivative family members who receive a BFD grant or are placed on the waiting list, and are residing in the United States, are eligible for deferred action and 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

¹³ “Mean time from receipt of Petition until BFD Review or Waiting List Adjudication,” “Median Time from Receipt of Petition until BFD Review or Waiting List Adjudication,” “Mean Time from BFD Review or Waiting List Adjudication until Final Adjudication,” and “Median Time from BFD Review or 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 also include the issuance of RFEs for missing initial evidence or additional evidence and NOIDs, which permit the petitioner a certain period of time to respond.

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 those petitioners for U nonimmigrant status who separately applied for an employment authorization document and were also granted U nonimmigrant status in FY 2022 who obtained EADs under the U BFD Policy or after placement on the U waiting list. Not all petitioners receiving a BFD grant or placed on the waiting list 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 at a later time. Because not all applications for employment authorization and petitions for U nonimmigrant status are submitted concurrently, the processing times will necessarily be different.

On average, for petitioners granted U nonimmigrant status in FY 2022 who also submitted an application for employment authorization, USCIS took approximately 61.1 months from receipt of the application until issuance of the EAD in connection with a BFD grant, placement on the waiting list, or a grant of U nonimmigrant status. For derivative petitioners granted U nonimmigrant status in FY 2022 who also submitted an application for an employment authorization document, USCIS took on average, approximately 63.7 months from receipt of the application for an employment authorization document until issuance of the EAD in connection with a grant of BFD, placement on the waiting list, or a grant of U nonimmigrant status. Note: EAD processing times shown in Table 6, below, include EADs issued to those placed on the waiting list and BFD EADs in FY 2022.

Table 6: Mean and Median Time from Receipt of U Nonimmigrant Status Petition until EAD Issuance in Fiscal Year 2022¹⁴

	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	61.1	59.8
U Nonimmigrant Derivative	63.7	61.4

Source: USCIS. Data as of November 2022.

VAWA

The Violence Against Women Act (VAWA) provisions in the Immigration and Nationality Act (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

¹⁴ “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.

without the abuser’s participation or knowledge (self-petition).¹⁵ 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; (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 shows the number of VAWA self-petitions received by USCIS in FY 2022. In addition, Table 7 shows the number of VAWA self-petitions USCIS approved or denied in FY 2022. Please note that most of the self-petitions approved or denied in FY 2022 were generally 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 2022.

Table 7: VAWA Self-Petitions (VAWA Form I-360) Received and Adjudicated in Fiscal Year 2022

	Number of Petitions Received in Fiscal Year 2022	Number of Petitions Approved	Number of Petitions Denied
VAWA Self-Petitioning Spouse	21,820	7,699	2,400
VAWA Self-Petitioning Child	804	191	182
VAWA Self-Petitioning Parent	9,789	297	1,113

Source: USCIS. Data as of November 2022.

VAWA Self-Petition Processing Times

Table 8 shows the mean and the median processing time (in months) for VAWA self-petitions (VAWA Form I-360) that were adjudicated in FY 2022. On average, a VAWA self-petition filed by an abused spouse adjudicated by USCIS in FY 2022 was pending for about 28.3 months, a VAWA self-petition filed by an abused child adjudicated by USCIS in FY 2022 was pending for about 28.4 months, and a VAWA self-petition filed by an abused parent adjudicated by USCIS in FY 2022 was pending for about 19.7 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 2022 were received in FY 2022; as such, VAWA self-petitions adjudicated in FY 2022 do not necessarily represent petitions received by USCIS in FY 2022.

¹⁵ See INA § 101(a)(51)(A) and (B), 204(a); 8 U.S.C. 1101(a)(51)(A) and (B), 1154(a).

Table 8: Mean and Median Time from Receipt of VAWA Self-Petition (VAWA Form I-360) until Adjudication in Fiscal Year 2022¹⁶

	Mean Time from Receipt of Self-Petition until Adjudication (Months)	Median Time from Receipt of Self-Petition until Adjudication (Months)
VAWA Self-Petitioning Spouse	28.3	26.8
VAWA Self-Petitioning Child	28.4	28.0
VAWA Self-Petitioning Parent	19.7	18.5

Source: USCIS. Data as of November 2022.

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 2022. 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.

¹⁶ “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 the 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 2022¹⁷

	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	28.3	26.8
VAWA Self-Petitioning Child	28.4	28.0
VAWA Self-Petitioning Parent	19.7	18.5

Source: USCIS. Data as of November 2022.

Continued Presence Statistics

Continued Presence (CP) is a temporary immigration designation provided to noncitizens identified by law enforcement as victims of a “severe form of trafficking in persons” who may be potential witnesses. CP allows noncitizen human trafficking victims to lawfully remain and work in the United States temporarily during the investigation into the human trafficking-related crimes committed against them and during any civil action under 18 U.S.C. 1595 filed by noncitizen victims against their traffickers. CP is initially granted for two years and may be renewed in up to two-year increments. CP recipients also receive federal benefits and services. 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 U.S. Immigration and Customs Enforcement’s (ICE) Homeland Security Investigations identifying the noncitizen as a victim of a severe form of trafficking and a potential witness to such trafficking, the noncitizen shall be permitted to remain in the United States until the end of the investigation, the end of their initial two-year grant, or the end of their renewal period. When the non-citizen 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.

¹⁷ “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 the issuance of RFEs for missing initial evidence or additional evidence and NOIDs, which permit the petitioner a certain period of time to respond.

Table 10: Applications for Continued Presence Granted, Fiscal Year 2022

Applications for Continued Presence Granted¹⁸ Fiscal Year 2022		
Number of Applications Granted for Continued Presence	Number of Applications Granted for Continued Presence Extension	Total Number of Approved Applications for Continued Presence
298	36	334

Source: ICE. Data as of November 2022.

¹⁸ 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: 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

- USCIS continued to train adjudications officers across the Service Center Operations (SCOPS) Directorate to improve the time that it takes to adjudicate applications for VAWA and T nonimmigrant status, as well as petitions for U nonimmigrant status. This unique training ensures that officers understand the dynamics associated with domestic violence and abuse, crime victimization, human trafficking, and confidentiality, as well as the role of immigration relief in victim safety.
- USCIS continued its U visa workshare program, which started in September 2016, between the Vermont Service Center (VSC) Humanitarian Division and the Nebraska Service Center (NSC) to support consistency of adjudications and efficient use of available resources.
- USCIS SCOPS headquarters, VSC, and NSC remained in constant contact to ensure consistency in the application of USCIS policy and immigration law and regulation in the adjudication of U nonimmigrant petitions, as well as T nonimmigrant applications.
- VSC and NSC continued to assign applicant service work (e.g., inquiries into the status of a petition) to officers within the unit. VSC and NSC continue to provide customer service responses to written inquiries submitted via email or regular postal mail. USCIS was answering written inquiries within 30 business days.
- U nonimmigrant status filings far exceeded the 10,000 statutory visa cap again in FY 2022. By statute, no more than 10,000 individuals may be issued U visas or may be provided U nonimmigrant status in any fiscal year. Derivative family members are not subject to the annual cap. From 2007 to June 2021, if the numerical cap was reached, USCIS would review the petition, and if the petitioner established eligibility for the U nonimmigrant status, USCIS placed the individual on the U visa waiting list. While on the U visa waiting list, principal petitioners and derivative family members residing in the United States would receive deferred action and would be eligible to apply for work authorization. After an update to the USCIS Policy Manual in June 2021, USCIS now also reviews petitions to determine if they are bona fide. If the petition is deemed bona fide and the principal petitioner and qualifying family members living in the United States merits a favorable exercise of discretion, they receive employment authorization and deferred action. If a petition cannot be deemed bona fide, USCIS conducts a waiting

list adjudication, as described above. Petitioners placed on the waiting list before June 14, 2021, will be adjudicated for U nonimmigrant status in receipt date order concurrently with those petitioners who received bona fide determination EADs and deferred action.

- USCIS is bound by the annual limit on the number of U visa petitions that it is allowed to approve each year. However, no such limit exists on placing eligible petitions on the waiting list or issuing employment authorization for those who receive bona fide determination or are placed on the wait list.
- In FY 2022, USCIS reviewed more than 37,839 U nonimmigrant petitions for BFD. In FY 2022, USCIS granted 29,458 BFDs to U nonimmigrant principal petitioners and 12,617 derivative petitioners.
- In FY 2022, USCIS implemented BFD review while continuing to use the waiting list process for those petitioners who are not granted employment authorization and deferred action under the bona fide review process.
- In FY 2022 processing times for VAWA self-petitions increased slightly from the prior year. Processing times for T nonimmigrant status applications decreased slightly from the prior year. Both form types increased in number of petitions or applications received in FY 2022 compared to FY 2021.

Continued Presence (CP)

- During FY 2022, the DHS Center for Countering Human Trafficking (CCHT) hosted three Continued Presence informational webinars for law enforcement partners, and a public webinar for service providers, civil attorneys, religious organizations, and advocates. Additionally, CCHT participated in multiple human trafficking and law enforcement conferences nationwide to enhance understanding and awareness of the CP program.
- CCHT has begun developing a web-based application submission program to further streamline the CP application process and increase availability to federal, state, local, tribal and territorial partners. This modernization will reduce the application processing time, which will allow victims to receive the necessary benefits they need to assist in their stabilization and healing.