



**TESTIMONY OF SUZANNE TOMATORE, ESQ.
CO-DIRECTOR, IMMIGRANT JUSTICE PROJECT
CITY BAR JUSTICE CENTER**

**NEW YORK CITY COUNCIL
COMMITTEE ON IMMIGRATION**

Best Practices for NYC Agencies, Courts, & Law Enforcement Authorized to
Certify Immigrant Victims for U and T Visas

Council Chambers – City Hall
Carlos Menchaca, Chairperson

September 13, 2017

My name is Suzanne Tomatore and I am a co-director of the Immigrant Justice Project at the City Bar Justice Center. The City Bar Justice Center (“Justice Center”) is the non-profit, legal services arm of the New York City Bar Association. Our mission is to address the justice gap and we draw upon our relationship with the New York City Bar to leverage pro bono legal services. Annually we provide legal education, information and advice, brief services, and direct legal representation to more than 20,000 low-income and vulnerable New Yorkers - from all five boroughs of New York City - who would otherwise be unable to access the legal services they need. Our clients include immigrants, battered women, veterans, LGBTQ, homeless families, seniors, cancer patients and survivors, consumers filing for bankruptcy, homeowners facing foreclosure, struggling small businesses, and others.

I would like to thank Carlos Menchaca, Daniel Dromm, and the other committee members and staff on the Committee on Immigration for drawing attention to the important issue of human trafficking and immigrant crime victimization in general. New York City has shown great strides on these issues but there are a few areas where policies should be refined and expanded, particularly in increasing access to information about this immigration relief and how to obtain a certification from law enforcement or city agencies with authorization to sign certifications.

The Immigrant Women & Children Project, now one of the initiatives under the Justice Center’s Immigrant Justice Project, was founded in 1996 to provide legal services to

immigrant survivors of domestic violence. I became director of the Project in 2001 and in 2002 expanded it to also serve immigrant survivors of violent crimes, including sexual assault, child abuse, hate crimes and human trafficking. IWC was one of the first legal services providers in New York City to create a program specifically to serve survivors of both labor and sex trafficking. Our clients are diverse and global: last year we served people of all genders from almost 50 different countries and our work is supported and enhanced by the pro bono efforts of New York City law firms and we appreciate the longstanding support of the New York City Council's Immigrant Opportunities Initiative.

In addition to my work with the Justice Center, I was Co-Chair of the Freedom Network from 2012 to 2014 and until recently, I was a founding board member. The Freedom Network is a national network of more than 40 organizations and individual experts who provide services to survivors of human trafficking. This connection has given me a national perspective on many of the immigration issues facing our city. I am a member of the Brooklyn District Attorney's Task Force on Human Trafficking as well as a founding member of New York City VAWA Advocates, a group of non-profit attorneys who collectively have represented thousands of immigrant crime victims. I have served on several committees of the City Bar Association, including, Domestic Violence, Immigration and Nationality Law, and the Council on Children.

The federal Trafficking Victims Protection Act, which became law in 2000 and has been amended and reauthorized several times, allows for enhanced criminal prosecutions and civil relief, including special immigration status for survivors of trafficking and other crime victims who cooperate with law enforcement. In 2007, New York State passed its own human trafficking law, which has been expanded several times, and currently all 50 states have some form of law on human trafficking.

U nonimmigrant status, or "U visa", for victims of various mostly violent crimes, requires a certification from law enforcement or agencies that have investigative authority over criminal acts. T nonimmigrant status or "T visa" is for survivors of human trafficking. For a T visa, a certification from law enforcement is optional. The New York City certifying agencies include the New York City Police Department (NYPD), Administration for Children's Services, the Commission on Human Rights, and the District Attorney's offices. Judges are also able to certify. These city agencies have shown great leadership providing access to and information about these forms of immigration relief, but there is more work to be done.

Our recommendations below to the City Council and New York City agencies on increasing access to U & T status is based on our experience representing hundreds of clients:

1. Increase information about and awareness of both U and T visas through a public awareness campaign. Many of our clients seek legal services many years after they become eligible for a U or a T visa because they had no knowledge that such relief exists. A social media, print media and radio/TV campaign by the City is needed. While various campaigns have existed specifically for human trafficking, I am not aware of any campaign for the U visa for immigrant survivors of crimes. A campaign like this would be very timely and useful as the

federal government has begun to end temporary programs that have benefitted some immigrants, including DACA and Temporary Protected Status (TPS). Many of those who benefitted from these programs may also be eligible for a T or a U status and should be made aware of these options now.

2. Require that U & T visa information be posted in public spaces, police precincts and online at www.NYC.gov, and be available to 311 operators. Crime victims should be provided with a general brochure about their rights, such as access to victim compensation, legal services, as well as eligibility for U or T status. A brochure can be provided to crime victims through police precincts and hospitals. Information should be made available in languages that are most commonly spoken by New Yorkers.

3. All City agencies with law enforcement responsibilities should train their frontline staff annually on T and U status and certification process. Agencies with certification authority currently are the New York City Police Department, Administration for Children's Services, District Attorneys, the New York City Law Department, and the Commission on Human Rights.

4. Emphasize in postings and trainings that requests for U or T certification may be made at any time, regardless of when the crime occurred. There is no statute of limitations on a T nonimmigrant status application and USCIS has approved T nonimmigrant status for applicants who were crime victims many years ago.

5. The process to request a U or T certification¹ from city agencies should be clear, transparent and publicly available to both pro se individuals and those who are represented by counsel. Certifiers should send confirmation of a request with a clear timeline and what the process is for an appeal if necessary. Certifiers should have sufficient resources to respond to requests in a timely fashion.

Thank you for your time today and your interest on this important and timely issue. I appreciate the opportunity to provide this testimony and am available for questions. I can be reached at stomatore@nycbar.org or at (212) 382-6717.

¹ Law enforcement certifications are available on form I-914B for T status and I-918B for U status. Forms are available at www.uscis.gov. Guidance for filling out these forms for law enforcement is available at <https://www.dhs.gov/publication/u-visa-law-enforcement-certification-resource-guide>, last visited 9/12/17.