



*Protecting Immigrant
Women and Girls
Fleeing Violence*

September 9, 2019

USCIS Desk Officer
Office of Management and Budget
725 17th Street, NW
Washington, DC 20503

Submitted via email to dhsdeskofficer@omb.eop.gov

**Re: OMB Control Number 1615-NEW; USCIS Agency Information Collection
Activities; New Collection: USCIS Tip Form, Docket ID USCIS-2019-0001**

Dear USCIS Desk Officer:

I am writing on behalf of the Tahirih Justice Center in response to USCIS' request for public comment on proposed Form G-1530: USCIS Tip Form (hereinafter USCIS Tip Form).¹ As you are aware, USCIS posted an identical notice and version of the proposed form in the Federal Register on February 15. As USCIS did not respond to the initial comments submitted in response to the previous notice, I am attaching our previous comments in response to the current notice. I appreciate your review of our submission and look forward to your feedback.

Respectfully submitted:

Irena Sullivan

¹ Department of Homeland Security. U.S. Citizenship and Immigration Services, "Agency Information Collection Activities; New Collection: USCIS Tip Form" OMB Control Number 1615-NEW, 84 FR 39010, (August 8, 2019) available at <https://www.federalregister.gov/documents/2019/08/08/2019-17022/agency-information-collection-activities-new-collection-uscis-tip-form#addresses> (hereinafter "August 8th Announcement")

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April 11, 2019

Samantha Deshommnes, Chief
Regulatory Coordination Division, Office of Policy and Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
20 Massachusetts Avenue NW
Washington, DC 20529-2140

Submitted via <http://www.regulations.gov>

Re: Comments in response to proposed Form G-1530: USCIS Tip Form / OMB Control Number 1615–NEW / Docket ID USCIS-2019-0001

Dear Ms. Deshommnes:

I am writing on behalf of the Tahirih Justice Center (Tahirih) to express our firm opposition to the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) proposed new Form G-1530: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019.

Tahirih is a national, nonpartisan policy and direct services organization that has assisted over 27,000 immigrant survivors of gender-based violence over the past 22 years. Our clients endure unimaginable atrocities such as human trafficking, domestic violence, forced marriage, and sexual assault. Perpetrators of such abuses notoriously threaten to report victims to immigration authorities to further exploit and punish them. The proposed form will embolden violent abusers and make it easier for them to carry out their threats.

I. USCIS Should Withdraw Proposed Form G-1530

Tahirih urges USCIS to withdraw proposed Form G-1530, as it provides yet another mechanism for perpetrators of gender-based violence to use threats of deportation to manipulate victims with impunity. USCIS adjudicators of U and T visa petitions and “battered spouse” self-petitions are acutely aware that abusers deliberately use threats of deportation to deter survivors from seeking help or reporting abuse to the police. According to DHS itself, “Abusers often claim their marriage is fraudulent in order to exact revenge or exert further control over the victim.”ⁱ

To protect survivors in this context, a bipartisan Congress passed the Trafficking Victims Protection Act (TVPA) and the Violence Against Women Act (VAWA). Among other things, VAWA Section 1367 shields survivors from “an

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adverse determination of admissibility or deportability” based solely on information an abuser provides to DHS. This protection is so fundamental that it even attaches to survivors of domestic violence who have not yet formally requested immigration relief on that basis.ⁱⁱ Again, DHS acknowledges that:

Violations of Section 1367 could give rise to serious, even life-threatening, dangers to victims and their family members. Violations compromise the trust victims have in the efficacy of services that exist to help them and, importantly, may unwittingly aid perpetrators retaliate against, harm or manipulate victims and their family members, and elude or undermine criminal prosecutions.ⁱⁱⁱ

Perpetrators of gender-based violence go to great lengths to punish and control victims. Some fabricate serious criminal charges against victims to deliberately heighten their risk of deportation. Tahirih is aware of an example where an abuser planted drugs in his wife’s car, and then smashed her tail light to get her pulled over and arrested. In another example, an abuser set fire to his home himself and called the fire department to report that his wife had done it. She was arrested and jailed for weeks.

While the anonymous phone “tip” line already exists, allowing individuals to call in tips to the Department of Homeland Security (DHS), publication of the proposed USCIS form will increase the frequency with which abusers use our immigration system to harm victims. More reports to DHS, particularly those that are anonymous, will inevitably increase DHS violations of the VAWA protections described above, and will result in increased liability for DHS.

II. In the Alternative, if USCIS Does Implement the Use of Form G-1530, the Form Should Not be Anonymous so that DHS can Maximize Compliance with VAWA.

While we urge USCIS to withdraw publication of Form G-1530, if USCIS ultimately does implement its use, the person submitting the form should be required to provide:

- his/her name and contact information;
- a certification under penalty of perjury that he/she is not the abuser or trafficker of the subject of the tip;
- the relationship between him/herself and the subject of the tip; and
- the age of the subject of the tip.

The proposed form itself encourages those who use it to provide as much detail as possible, emphasizing that USCIS prioritizes “protecting the integrity of the immigration process.” Requiring this information from those reporting tips, rather than making it merely optional, will deter abusers and traffickers from using the form to punish victims. Bad actors will be forced to use the form at their own peril. This will reduce potential VAWA Section 1367 violations by DHS, directly serving USCIS’ goal of optimizing integrity within the immigration system. Where a perpetrator still opts to submit the form, the nature of the information provided, eg, the relationship between submitter and subject of the form, could provide a ‘red flag’ for DHS to identify a potentially abusive situation.

Finally, the form, if implemented, should include a signed statement/warning regarding “knowingly providing false information” modeled after the following, included in the Immigration & Customs Enforcement-Homeland Security Investigations “tip” form:

The information I've provided on this form is correct to the best of my knowledge. I understand that providing false information could subject me to fine, imprisonment, or both. (Title 18, U.S.C. § 1001).^{iv}

We are grateful for your careful consideration of our comments, and please contact me at irenas@tahirih.org or 571-282-6180 for additional information or if you have any questions.

Respectfully,



Irena Sullivan
Senior Immigration Policy Counsel

ⁱ https://www.dhs.gov/sites/default/files/publications/implementation-of-section-%201367-%20information-provisions-instruction-002-02-001_0.pdf

ⁱⁱ See VAWA Section 1367. DHS has recognized that although U and T visa petitioners must have already applied for relief in order for this protection to attach, a victim might be in the process of preparing her petition. DHS has instructed its agents to treat adverse information with suspicion if it comes from certain individuals. See https://www.dhs.gov/sites/default/files/publications/implementation-of-section-%201367-%20information-provisions-instruction-002-02-001_0.pdf

ⁱⁱⁱ https://www.dhs.gov/sites/default/files/publications/implementation-of-section-%201367-%20information-provisions-instruction-002-02-001_0.pdf

^{iv} <https://www.ice.gov/webform/hsi-tip-form>