

Fixing the U Visa Backlog

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Lancaster, Pa. - A significant legal problem was identified years ago.

When police found that undocumented immigrants wouldn't cooperate with important police investigations in the United States for fear of deportation, the federal government stepped in and established the U visa. The program promises immunity from deportation and a faster path to full citizenship for immigrants who cooperate with a criminal investigation that otherwise could have no leads.

But over the past few years, the program has stalled for hundreds of thousands of immigrants who have helped investigators put dangerous, sometimes violent criminals behind bars - and risked their lives at the same time. The U visa application approval process at the U.S. Department of Homeland Security (DHS) has slowed to a snail's pace, leaving those U visa applications in limbo.

Now, nearly 20 attorneys from three Pennsylvania counties, led by the [Barley Snyder](#) law firm, are coming together to get cooperating immigrants what the government promised them.

[David Freedman](#), a partner at Barley Snyder, has been leading the charge to push these U visas through Homeland Security's red tape. Freedman is encouraging volunteer pro bono attorneys to file lawsuits on behalf of U visa applicants whose petitions have been languishing before DHS for more than three years. These lawsuits claim the government has violated the Administrative Procedure Act, a law that allows federal courts to fix a federal government agency's "failure to act."

"These lawsuits simply seek to make the government do its job by giving a thumbs up or thumbs down regarding these applications," Freedman said. "These immigrants have held up their end of the bargain. In many cases, they've put their lives on the line in order to help law enforcement and prosecutors put dangerous criminals in prison. We're not trying to exploit any loophole. We're just asking the government to apply the regulation it wrote for itself."

Currently, there are well over 100,000 U visa cases nationwide that DHS must decide. In central Pennsylvania, the Pennsylvania Immigration Resource Center (PIRC) represents at least 20 individuals and families who filed their U visa applications more than three years ago, yet still haven't received a response from DHS. In the meantime, these applicants remain subject to deportation and lack authorization to work legally in the United States.

This past summer, Freedman reached out to PIRC to come up with a solution. The group collectively decided that filing lawsuits in federal court would be the most effective way to move these cases forward. The lawsuits don't ask for U visa approvals, they just ask the court to compel the government to decide the U visa applications in a timely manner.

"Our clients have waited patiently for the adjudication of the application for U nonimmigrant status for more than three years," said Whitney A. Phelps, the managing attorney for community programs at PIRC. "By forcing the government to do what it is supposed to be doing - adjudicating U visa applications and putting applicants on the waitlist - our clients' lives are completely changed. They no longer have to live in fear and can work legally to support their families."

But filing 20 federal court lawsuit is no small matter. So Freedman, the president-elect of the Lancaster Bar Association, reached out to fellow bar members for pro bono assistance. Then he turned his attention to the York County Bar Association, where he is also a member.

As the movement began to pick up steam, Harrisburg-based Barley Snyder attorney John "J." Quain, who has volunteered his pro bono time to help with the cause, brought the project to the Dauphin County Bar Association's Young Lawyers Division asking that they join with Lancaster and York counties to help recruit attorneys to lend their assistance. Quain is active with his local bar association, serving on some of its important outreach programs.

The cause found its way to Philadelphia, where the University of Pennsylvania Carey Law School is recruiting students to work on these cases. The students will be doing everything from providing legal research, drafting court documents, and potentially, even arguing in court on behalf of U visa applicants.

"Without this partnership with pro bono attorneys and students, our clients would remain vulnerable while the government fails to adjudicate these applications," Phelps said.

Freedman said so far there are about 17 attorneys - six from Barley Snyder - helping with the effort. He's hoping the group's success in central Pennsylvania will serve as a model for lawyers around the country who are willing to provide free legal services for U visa applicants.

"It's a start, for sure," Freedman said. "We're focused on helping the dozens of U visa applicants here in central Pennsylvania who are being adversely affected by this back-up. But we hope volunteer attorneys across the country will lend their time to this cause."

About Barley Snyder

Barley Snyder is a law firm based in central Pennsylvania with more than 100 attorneys practicing from offices located in Lancaster, York, Reading, Harrisburg, Malvern, Hanover, Gettysburg and Schuylkill Haven, Pa., and Hunt Valley and Columbia, Md. The firm serves businesses, individuals and organizations in all major areas of civil law including: business, employment, immigration, employee benefits, finance & creditors' rights, intellectual property, litigation, estate planning and administration, real estate, tax, construction, environment and energy, health care, education, municipal authority, hospitality, senior living, cybersecurity and food and agribusiness. www.barley.com | [@BarleySnyder](https://www.instagram.com/BarleySnyder)

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