



OVERVIEW OF ICE'S VICTIM-CENTERED DIRECTIVE

By ILRC Attorneys

In August 2021, U.S. Immigration and Customs Enforcement (ICE) announced a new “victim-centered” approach, the stated purpose of which is to place “equal value” on victim needs alongside other enforcement objectives while “minimizing any undue stress, harm, and trauma to the victim.”¹ According to the August 10, 2021 directive outlining this new approach, ICE officers and agents are instructed to look out for and in various circumstances exercise prosecutorial discretion in favor of noncitizen survivors of crime as part of their decisions to arrest, detain, release, and refer noncitizens. This advisory will explain which survivors and ICE actions are covered by this new approach.² The directive’s stated aim is to strengthen trust and faith in the immigration and criminal legal systems, as well as effectuate the duty to protect and assist noncitizen survivors that is reflected in the law.³

I. Summary

The main structure of this policy is to direct ICE agents not to take enforcement actions against beneficiaries or current applicants for victim-based immigration benefits, other than in exceptional circumstances. Before taking enforcement action, ICE agents must check agency databases to determine if someone is an applicant for or beneficiary of victim-based relief. In the absence of exceptional circumstances, ICE agents must seek approval from headquarters before taking enforcement action against a victim with a pending or approved application. In addition, ICE will defer to USCIS adjudications and issue stays of removal or continuances in removal proceedings as needed for people with pending applications.

Practice Tip: Use this memo along with other memos on prosecutorial discretion and ICE.

Other memos governing the exercise of prosecutorial discretion (PD) with regards to immigration enforcement more generally include the September 30, 2021 final enforcement priorities memo issued by Department of Homeland Security (DHS) Secretary Alejandro Mayorkas (“Mayorkas Memo”)⁴—see note below on status of this memo—and the April 3, 2022 guidance for Office of Principal Legal Advisor (OPLA) attorneys, issued by Principal Legal Advisor Kerry Doyle (“Doyle Memo”).⁵ These memos also explicitly or inexplicitly cross-reference each other.⁶ An example of using the various memos together would be first to highlight that an individual is not a priority for enforcement under the Mayorkas Memo, and secondarily that they are a victim covered by this directive as well. Priorities under the Mayorkas Memo are those who are considered (1) threats to national security, (2) current threats to public safety, or (3) threats to border security.⁷ See **Practice Tip** below for suggestions where a person is both a victim and a priority under the Mayorkas Memo, and **Note** immediately below regarding the ongoing legal challenges to the Mayorkas Memo. Recently, ICE issued another directive on prosecutorial discretion in cases involving U.S. military servicemembers and their immediate family members, in which military service is a mitigating factor.⁸

Note: This directive is NOT affected by the June 10, 2022 order vacating the Mayorkas Memo. On June 10, 2022, a federal court in Texas issued a decision vacating the Mayorkas Memo nationwide. That decision is set to take effect on June 24, 2022 unless stayed further by the court, for example pending appeal. Check for updates on the status of the Mayorkas Memo and guidance on prosecutorial discretion more generally at <https://www.ilrc.org/immigration-enforcement>. While the court’s decision will effectively cancel the Mayorkas Memo and DHS’s three enforcement priorities when the decision takes effect, ICE can still exercise prosecutorial discretion based on its own assessments. Importantly, the court decision does not vacate any other ICE directives. Therefore, advocates and individuals should continue to request prosecutorial discretion based on positive equities, the guidance in the victim-centered ICE directive, and any other relevant ICE directives.

II. Who Is Considered a “Victim” Covered by the Directive

A. Pending or Approved Application for Victim-Based Immigration Benefits and Those Eligible Who Have Not Yet Applied

The directive defines noncitizen victims covered by this approach as those who are the **applicants or beneficiaries (including qualifying family members) of “victim-based immigration benefits.”**⁹ The directive also discusses more limited protections to facilitate communication with law enforcement for **would-be beneficiaries who have not yet applied,**¹⁰ and to proactively look for evidence someone is a victim of crime, but the policy does not proscribe enforcement action against survivors who do not currently have a pending or approved application for relief. Moreover, it does not address “near miss” beneficiaries who have been victimized but do not meet all the eligibility requirements to apply for victim-based immigration benefits.

“Victim-based immigration benefits” is defined as affirmative immigration benefits adjudicated by USCIS including the following:

- **T nonimmigrant status** for victims of human trafficking (“T visa”);
- **U nonimmigrant status** for victims of certain serious personal crimes (“U visa”);
- **Special immigrant juvenile status (SIJS)** for children who have been abused, abandoned, or neglected and SIJS-based adjustment of status; and
- **Relief for victims of domestic violence under the Violence Against Women Act (VAWA)** including VAWA I-360 self-petitions, VAWA cancellation of removal, and I-751 waivers of the joint petition to lift conditions on residence requirement, among others.¹¹

When pending applications are denied, or USCIS decides not to issue interim relief like U visa bona fide determination or T visa and VAWA prima facie determinations.¹² For those with pending applications, they lose protection under this directive if their application is denied by USCIS. Additionally, survivors lose coverage if they do not get bona fide determination (in the U context) or prima facie determination (in T and VAWA self-petition context).¹³ This is the policy even though in these situations the applicant might still overcome the perceived deficiencies and ultimately be granted relief.¹⁴ However, survivors should still seek prosecutorial discretion under DHS’s overall enforcement priorities,¹⁵ even if they lose protection under this memo.

Practice Tip: Arguing someone should be protected by this directive even if they do not squarely fit within the directive's definition of "victim," or qualify as a "victim" but also fall within enforcement priorities. Advocates may want to argue that people who are victims of non-qualifying crimes in the U nonimmigrant context, for example, or otherwise are ineligible to apply for specific victim-based relief but nonetheless are victims should be covered by this memo, given its overall purpose and underlying policy described in sections 1 and 2 of the directive.

Further, some individuals may qualify as victims under this memo but also fall within the Mayorkas Memo priorities,¹⁶ in which case advocates will want to argue they still warrant PD notwithstanding their falling within the broader priorities outlined in the Mayorkas Memo. This argument is supported by the fact that the Victim-Centered ICE memo does not specifically state that those who are enforcement priorities under the Mayorkas Memo cannot benefit from PD under the victim memo but rather lists its own exceptions for national security or risk of death, violence, or physical harm (instead of the Mayorkas Memo priorities for national security, border security, or public safety) thus a victim who is also deemed a threat to border security or public safety, for instance, arguably should still qualify for protection under the Victim-Centered ICE memo.¹⁷

B. Victims with Criminal Records

The ICE directive minimally acknowledges that sometimes victims have criminal records themselves, and this does not necessarily mean they cannot benefit from the victim-centered approach. At least in the context of trafficking survivors who were forced to commit crimes by their trafficker, engaging in criminal activity "does not impact the fact that the noncitizen is a crime victim."¹⁸ The guidance only addresses criminal activity directly related to victimization in two specific instances: (1) where a trafficking victim is forced to commit unlawful activity by their trafficker or (2) where a victim of domestic violence commits an act against their abuser in self-defense.¹⁹ In both situations, ICE officers are supposed to take into consideration the context of the criminal activity as it relates to the individual's status as a victim.

However, the directive does not address other criminal activity that may have a link to an individual's victimization, such as excessive drinking leading to a conviction for driving under the influence or use of controlled substances to self-medicate after having been victimized. In these other circumstances, practitioners may need to highlight the relevant context where the link may not be as clear as the two examples in the directive, in order to persuade ICE that the noncitizen still warrants treatment as a "victim" under this guidance notwithstanding having a criminal record.²⁰

III. What Enforcement Activities Are Covered by the Directive

The directive defines “civil immigration enforcement actions” to which the victim-centered approach applies as including—but not limited to—the following:

- **Detainers:** decisions to issue immigration detainers (“ICE holds”) or take into custody people subject to previous detainer requests;
- **Notices to Appear:** decisions to issue, reissue, serve, file, or cancel Notices to Appear (NTA) in removal proceedings;
- **Arrests and related activity:** decisions to stop, question, or arrest people for immigration violations;
- **Custody:** decisions to detain or release people from custody subject to conditions;
- **Deferred action or parole:** decisions to grant requests for deferred action or parole;
- **Removal orders:** decisions to execute final orders and under what circumstances; and
- **Focusing resources in general:** decisions to expend resources on administrative violations or conduct.²¹

Generally, under this directive ICE officers are not supposed to take *any* enforcement action against beneficiaries of victim-based protections or victims with pending applications unless there are “exceptional circumstances.” Section 3.4 of the policy defines exceptional circumstances as situations where the noncitizen “poses national security concerns” or “poses an articulable risk of death, violence, or physical harm to any person.”²²

Apart from when exigent circumstances (exigent is not defined in the memo) make it “impracticable” to do so, ICE officers are supposed to check available records and databases to find out whether a person is an applicant or beneficiary of a victim-based immigration benefit *before* taking enforcement action against them.²³ If they are unable to do this before taking enforcement action, then they should check “as soon as practicable” afterwards.²⁴ ICE officers are also instructed to routinely re-check, since “[a] noncitizen may become a victim of crime at any point in the immigration enforcement lifecycle.”²⁵

However, ICE agents can still take enforcement actions either in exceptional circumstances, or “where it does not appear that the criminal activity directly stems from their victimization,”²⁶ so long as they also get approval from the relevant point of contact at ICE headquarters. If an ICE officer intends to pursue enforcement action against a beneficiary of victim-based protections, they are supposed to consult with and seek preapproval from “Headquarters Responsible

Officials,” including submitting written justification.²⁷ Part of the decision-making will involve considering current enforcement priorities and whether such action is an appropriate use of limited ICE resources.²⁸ If authorization is given, it does *not* authorize collateral arrests of other individuals encountered during the enforcement action.²⁹ If an officer fails to get preapproval based on exigent circumstances, they must get approval within 48 hours after the enforcement action and include an explanation of the exigent circumstances that prevented them from seeking preapproval.³⁰

In addition to refraining from enforcement action, ICE officers are supposed to take positive steps to *help* victims, such as signing U visa certifications, alerting OPLA attorneys of pending victim-based applications for individuals in removal proceedings so their cases can potentially be continued or dismissed, issuing stays of removal, or connecting victims with other support services. The specifics of how an ICE agent or officer exercises prosecutorial discretion according to this directive, however, looks different depending on the type of enforcement action involved and the victim’s procedural position (e.g. in removal proceedings, subject to a final order, detained, etc.). For more information in the directive about ICE officers taking positive steps to assist victims, see, e.g., sections 4.6 (supporting victims through deferred action, Continued Presence, T visa declarations, U visa certifications), 5.4 (issuing stays of removal), and 5.9 (providing victims with information regarding legal services and victim-based immigration benefits).

IV. Applications for Victim-Based Benefits with USCIS

Pending applications. Unless exceptional circumstances apply,³¹ ICE officers will not take enforcement action against a person while they have a pending application for victim-based immigration benefits.³² For young people with special immigrant juvenile status (SIJS), ICE will defer enforcement action until USCIS makes a final determination on their application for adjustment of status.³³ Further, ICE will create a temporary A-file so the original A-file can be returned to USCIS for adjudication of the benefits request³⁴ and coordinate with USCIS to seek expedited adjudication of pending victim-based applications when the applicant is also detained.³⁵ If the applicant is subject to a final removal order, unless exceptional circumstances exist ICE should generally issue a stay of removal.³⁶

Pending applications where USCIS decides not to issue bona fide or prima facie determination. Unfortunately, although a decision not to issue deferred action and employment authorization as part of a bona fide determination (BFD) in the U context or prima facie determination (PFD) in the T and VAWA context is not a final decision and does not indicate whether the application will ultimately be approved or denied, pursuant to the directive, ICE officers are directed to cease deferring enforcement action once USCIS decides not to issue a

BFD or PFD finding (even though the case remains pending awaiting final adjudication by USCIS).³⁷

Approved or denied application for victim-based benefits. If the application is approved—or in the case of a pending U application, placed on the waitlist—ICE will continue to refrain from taking enforcement action against the person³⁸ and also review the case for other favorable exercise of prosecutorial discretion, “however appropriate.”³⁹ Approved beneficiaries of victim-based benefits who are detained should be considered for release “so long as their release is not prohibited by law and no exceptional circumstances exist.”⁴⁰

If USCIS denies the application, ERO is no longer directed not to pursue removal against the individual but must still follow current enforcement priorities.⁴¹ ICE should also refrain from taking enforcement action against someone with Continued Presence.⁴²

Victims who have not yet reported the crime and/or do not yet have an application on file. The directive also instructs ICE officers to proactively look for and identify victims who may not yet have reported the crime or applied for victim-based immigration relief, and to factor this into a decision to enforce immigration laws against them.⁴³ However, the directive does not contain any restriction on pursuing enforcement against victims of crime who do not have any relief pending, as it does for those who are awaiting adjudication. Nor does it require ICE to wait on enforcement decisions to enable the person file such an application. Rather, if an ICE officer encounters someone who has been victimized, has not reported the crime, and wishes to do so, they are instructed to help connect the individual with law enforcement, giving them contact information and ensuring they have access to a private area to speak to law enforcement.⁴⁴

How would ICE be aware that someone is a victim of crime if they do not have any pending application? The only two examples in the directive of evidence or indicia that would alert an ICE officer to the fact that a person is a victim if they do not have a pending victim-based immigration application are that a person (1) is the beneficiary of a protective order or (2) has an eligibility letter from the Department of Health and Human Services Office of Trafficking in Persons.⁴⁵ In addition, ICE officers are instructed to “proactively inquir[e] ... about any prior victimization.”⁴⁶ Since it does not appear that ICE officers are expected to do a comprehensive screening (nor do they have the training to do so), they may identify people who are not actually eligible for victim-based relief and also may miss many people who are victims if they have other indicia not spelled out in this directive.

V. Immigration Detention, Removal Proceedings, and Final Orders

Immigration detention. ICE officers under this memo should coordinate with USCIS to expedite pending victim-based applications for relief for individuals who are in immigration detention.⁴⁷ Further, a person's victim status (whether or not they have a victim-based application on file) under this memo is a discretionary factor in custody determinations.⁴⁸ Detention and custody determinations are specifically identified as a place where victims of crime who do not have any application pending should still be afforded prosecutorial discretion. Approved beneficiaries of victim-based benefits should be considered for release "so long as their release is not prohibited by law and no exceptional circumstances exist."⁴⁹

Removal proceedings. If someone who falls under this memo is in removal proceedings and has a pending victim-based application, ICE should notify the Office of Principal Legal Advisor (OPLA) so that OPLA can consider whether to join in a request for a continuance while the application with USCIS remains pending.⁵⁰ If USCIS has issued deferred action or BFD in the case, ICE should notify OPLA so they can consider seeking dismissal of proceedings.⁵¹

Final removal orders. Generally, ICE officers should grant stays of removal for individuals covered by this memo who also have pending victim-based applications.⁵² If the noncitizen has been issued deferred action or BFD based on a pending application for victim-based benefits, ERO is supposed to review the case to decide whether it warrants a discretionary stay of removal.⁵³

VI. Other Aspects of Victim-Centered Approach

A. Section 1367 Confidentiality Provisions

In addition to instructing ICE officers to actively look for and support victims, and generally to defer from taking enforcement action against victims as defined in the memo, the directive also reminds ICE officers of their duty to maintain victims' confidentiality under 8 U.S.C. § 1367.⁵⁴

Specifically, 8 U.S.C. § 1367 prohibits officials and employees of the Department of Homeland Security as well Department of Justice and Department of State from disclosing information regarding applicants for and beneficiaries of Continued Presence, T visas, U visas, and VAWA relief except in limited circumstances.⁵⁵ The directive states that "[i]n all cases" ICE officers should check before disclosing any information about victims, although it does not specify with whom they should "consult and confirm" before disclosing.⁵⁶

B. Recordkeeping

The directive contains certain tracking and reporting requirements for enforcement actions against victims who fall under this guidance, including monthly reports of the *number* of enforcement actions taken against applicants and beneficiaries of victim-based benefits, along with *narrative justification* for the action.⁵⁷ All records related to this directive must be maintained in the EARM and PLANet systems in accordance with National Archives and Records Administration (NARA) General Records Schedule or other NARA-approved records control schedule.⁵⁸

End Notes

¹ ICE, *Using a Victim-Centered Approach with Noncitizen Crime Victims* 1, 4 (Aug. 10, 2021), <https://www.ice.gov/doclib/news/releases/2021/11005.3.pdf> [hereinafter *Victim-Centered ICE Memo*].

² Please note that this advisory uses the terms “victim” and “survivor” interchangeably, while the ICE directive discussed in this advisory exclusively uses the term “victim.” Because a “victim” is typically defined by harm done to them, many advocates choose to instead use the word “survivor” to refer to clients. “Survivors” are defined by their lives after the harm, allowing them to reclaim control of their lives and their recovery. While our goal as advocates is to help community members survive and thrive despite harms they have suffered, we sometimes use the term “victim” when referring to a particular aspect of the criminal legal system, penal code, or immigration law; when describing someone recently affected by crime; when talking about the actions of a perpetrator; or when discussing the harm inflicted on those who did not survive. When working with impacted community members, we recommend asking people which term they prefer, as some may identify with the term victim, while others may prefer the term survivor.

³ See, e.g., Violent Crime Control and Law Enforcement Act of 1994, Pub.L. 103-322, 108 Stat. 17 (1994); Victims of Trafficking and Violence Protection Act of 2000, Pub.L. 106-386 (2000).

⁴ DHS, *Guidelines for the Enforcement of Civil Immigration Law*, (Sept. 30, 2021), [hereinafter *Mayorkas Memo*]

<https://www.ice.gov/doclib/news/guidelines-civilimmigrationlaw.pdf>. For more information on this memo, see Immigrant Defense Project (IDP), ILRC, and Nat'l Immigration Project of Nat'l Lawyers Guild (NIPNLG), *Practice Advisory for Immigration Advocates: The Biden Administration's Final Enforcement Priorities*, (May 4, 2022) <https://www.ilrc.org/practice-advisory-immigration-advocates-final-enforcement-priorities>.

⁵ OPLA, *Guidance to OPLA Attorneys Regarding the Enforcement of Civil Immigration Laws and the Exercise of Prosecutorial Discretion*, (Apr. 3, 2022) [hereinafter *Doyle Memo*] https://www.ice.gov/doclib/about/offices/opla/OPLA-immigration-enforcement_guidanceApr2022.pdf. See also ILRC and NIPNLG, *Advocating for Prosecutorial Discretion in Removal Proceedings under the Doyle Memo*, (June 21, 2022) <https://www.ilrc.org/advocating-prosecutorial-discretion-removal-proceedings-under-doyle-memo>.

⁶ See *Doyle Memo* at footnote 8, directing OPLA attorneys to “give particular consideration to noncitizen crime victims when determining whether a noncitizen poses a current public safety threat or is otherwise a priority for enforcement” and to treat them as nonpriority until USCIS adjudicates the victim-based application, if applicable. While the *Mayorkas Memo* does not reference the *Victim-Centered ICE Memo* by name, it does list a person’s status as a victim as a mitigating factor, see *Mayorkas Memo* at 3.

⁷ See *Mayorkas Memo*; see also IDP, ILRC, & NIPNLG, *Practice Advisory for Immigration Advocates: The Biden Administration's Final Enforcement Priorities*, (May 4, 2022) <https://www.ilrc.org/practice-advisory-immigration-advocates-final-enforcement-priorities>. Note a nationwide order striking down the *Mayorkas Memo* is set to take effect on June 24, 2022; check for updates at <https://www.ilrc.org/immigration-enforcement>.

⁸ ICE, *Consideration of U.S. Military Service When Making Discretionary Determinations with Regard to Enforcement Actions Against Noncitizens*, (May 23, 2022) <https://www.ice.gov/doclib/news/releases/2022/10039.2.pdf>.

⁹ See *Victim-Centered ICE Memo* at section 3.8. Those with Continued Presence (CP), an ICE designation for trafficking survivors who are potential witnesses to a trafficking case, are also covered by this memo but note CP is rarely granted and thus only covers a small fraction of victims who should qualify under this directive as survivors of trafficking, potentially also with pending T visa applications (CP is not a requirement to apply for a T visa). See also *Victim-Centered ICE Memo* at sections 1 & 4.4.

¹⁰ See *Victim-Centered ICE Memo* at section 2.

¹¹ Also includes VAWA Cuban Adjustment Act, VAWA Haitian Refugee Immigration Fairness Act, VAWA Nicaraguan Adjustment and Central American Relief Act, and VAWA suspension of deportation.

¹² Note that the Victim-Centered ICE Memo does not address what impact (if any) the issuance or non-issuance of deferred action to special immigrant juveniles who are waiting for a visa to become available will have on enforcement decisions, as this directive predates the creation of the special immigrant juvenile deferred action policy. Keep in mind that in the context of special immigrant juveniles, deferred action is only granted to young people whose petition for special immigrant juvenile status (SIJS) has been approved. For more information on deferred action for special immigrant juveniles, see 6 U.S. Citizenship & Immigration Services Policy Manual (USCIS-PM) J.4(G).

¹³ See *Victim-Centered ICE Memo* at section 2.1.

¹⁴ Further, such determinations by USCIS's own account do not indicate whether the application will be denied. See, e.g., 3 USCIS-PM C.5(C) ("A determination that a petitioner will not receive a BFD [Bona Fide Determination] EAD and deferred action is *not* a denial of Form I-918 or the Application for Employment Authorization (Form I-765).") (emphasis added).

¹⁵ See *Mayorkas Memo*. Note a nationwide order striking down the Mayorkas Memo is set to take effect on June 24, 2022; check for updates at <https://www.ilrc.org/immigration-enforcement>.

¹⁶ *Id.*

¹⁷ Note a nationwide order striking down the Mayorkas Memo is set to take effect on June 24, 2022; check for updates at <https://www.ilrc.org/immigration-enforcement>.

¹⁸ See *Victim-Centered ICE Memo* at sections 5.11 & 5.12.

¹⁹ *Id.*

²⁰ It may also be helpful to frame arguments a person warrants the favorable exercise of prosecutorial discretion in spite of having a criminal record using the Mayorkas Memo. See Practice Tip on using other PD and ICE memos in addition to this directive. Note, however, a nationwide order striking down the Mayorkas Memo is set to take effect on June 24, 2022; check for updates at <https://www.ilrc.org/immigration-enforcement>.

²¹ See *Victim-Centered ICE Memo* at section 3.2.

²² See *Victim-Centered ICE Memo* at section 3.4 ("... absent exceptional circumstances, ICE will refrain from taking civil immigration enforcement action against known beneficiaries of victim-based immigration benefits and those known to have a pending application for such benefits.")

²³ *Victim-Centered ICE Memo* at section 5.1.

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Victim-Centered ICE Memo* at section 5.8(a). This provision presumes criminal allegations against the individual in question and creates a basis for taking enforcement action outside the exceptional circumstances rule that the memo has set out, in apparent contradiction to the overall policy and the responsibilities of various ICE personnel as described in, e.g., section 4.6(d).

- ²⁷ See *Victim-Centered ICE Memo* at section 5.8(a)—(b). Headquarters Responsible Officials are defined as Executive Associate Directors of Enforcement and Removal Operations (ERO), Homeland Security Investigations (HSI), Management and Administration; the Associate Director of the Office of Professional Responsibility; and Assistant Directors, Officers, or equivalent positions who report directly to the Director, Deputy Director, or Chief of Staff. *Victim-Centered ICE Memo* at section 3.6.
- ²⁸ *Victim-Centered ICE Memo* at section 5.8(a).
- ²⁹ *Victim-Centered ICE Memo* at section 5.8(b).
- ³⁰ *Victim-Centered ICE Memo* at section 5.8(c).
- ³¹ *Victim-Centered ICE Memo* at section 3.4.
- ³² See *Victim-Centered ICE Memo* at section 2, page 2 & section 2.1.
- ³³ See *Victim-Centered ICE Memo* at section 2.1.
- ³⁴ *Victim-Centered ICE Memo* at section 5.2.
- ³⁵ See *Victim-Centered ICE Memo* at section 5.4(a).
- ³⁶ *Id.* The memo states that ICE officers should review a decision to issue a stay of removal for a victim-based applicant if the individual “subsequently receives a criminal conviction that merits prioritization under current DHS or ICE civil immigration enforcement priorities or engages in acts that otherwise create exceptional circumstances.”
- ³⁷ See *Victim-Centered ICE Memo* at section 2.1.
- ³⁸ *Id.*
- ³⁹ *Victim-Centered ICE Memo* at section 5.4(b).
- ⁴⁰ *Victim-Centered ICE Memo* at section 5.6.
- ⁴¹ *Victim-Centered ICE Memo* at section 5.4(c).
- ⁴² *Victim-Centered ICE Memo* at section 5.5.
- ⁴³ *Victim-Centered ICE Memo* at section 2, page 2 (“The fact that someone is a victim of crime and, where applicable, may be eligible for victim-based immigration benefits for which they have not yet applied, is a discretionary factor that must be considered...”).
- ⁴⁴ See *Victim-Centered ICE Memo* at section 5.9.
- ⁴⁵ *Id.*
- ⁴⁶ *Victim-Centered ICE Memo* at section 4.6.
- ⁴⁷ See *Victim-Centered ICE Memo* at section 5.4(a).
- ⁴⁸ *Victim-Centered ICE Memo* at section 5.5.
- ⁴⁹ *Victim-Centered ICE Memo* at section 5.6.
- ⁵⁰ *Victim-Centered ICE Memo* at section 5.4(a).
- ⁵¹ *Id.* See also *Victim-Centered ICE Memo* at section 2.2.
- ⁵² *Victim-Centered ICE Memo* at 5.4(a).
- ⁵³ *Id.*
- ⁵⁴ See *Victim-Centered ICE Memo* at section 5.3.
- ⁵⁵ 8 U.S.C. § 1367; see also *id.*
- ⁵⁶ *Victim-Centered ICE Memo* at section 5.3.
- ⁵⁷ *Victim-Centered ICE Memo* at section 5.10.
- ⁵⁸ *Victim-Centered ICE Memo* at section 7.



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About the Immigrant Legal Resource Center

The Immigrant Legal Resource Center (ILRC) works with immigrants, community organizations, legal professionals, law enforcement, and policy makers to build a democratic society that values diversity and the rights of all people. Through community education programs, legal training and technical assistance, and policy development and advocacy, the ILRC's mission is to protect and defend the fundamental rights of immigrant families and communities.