

U Visa

Immigration Relief for Victims of Crime

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 *of Southern Nevada*



Who is eligible for a U visa?

- The U visa provides nonimmigrant status to victims of certain serious crimes who have suffered substantial physical or mental abuse as a result of the crime.
- The victim must possess information concerning the criminal activity;
 - If the person is a child under the age of 16, the parent, guardian, or next of friend of the child can meet this requirement.
- The victim has been helpful, is being helpful, or is likely to be helpful in the investigation or prosecution of the criminal activity.
 - If the victim is a child under the age of 16, the parent, guardian, or next of friend of the child meet this requirement.
- The victim has a certification from a Federal, State, or local law enforcement authority certifying his or her helpfulness.
- The criminal activity occurred in the United States or violated the laws of the United States.



Qualifying Crimes

Domestic Violence	Sexual Assault	Rape	Torture	Trafficking	Incest
Abusive sexual contact	Prostitution	Sexual exploitation	Female genital mutilation	Being held hostage	Manslaughter
Involuntary Servitude	Slave Trade	Witness Tampering	Felonious Assault	Unlawful Criminal Restraint	False Imprisonment
Blackmail	Extortion	Murder	Peonage	Abduction	Kidnapping
Obstruction of Justice	Perjury				

- Attempt, conspiracy, or solicitation to commit any of the above.
- “Any similar activity” in violation of Federal, State or local criminal law.

Direct Victim

- *Direct victim*: suffered direct and proximate harm as a result of the commission of the qualifying criminal activity.

Example: Maria, an undocumented immigrant, is a victim of domestic violence. She calls the police and testifies against her abuser in court. Maria is a direct victim.



Indirect Victims

- In certain situations, family members of the victim can apply for a U visa as an *indirect victim*:
 - If the direct victim is deceased as a result of the crime.
 - If the direct victim is “incompetent or incapacitated.”
 - Example: Sara is an undocumented mother. Her 10-year-old daughter, Isabel, who is also undocumented, is the victim of sexual abuse by her father. Sara contacts the police, encourages Isabel to talk with the police, child protective investigator and therapist, and accompanies her to all court appointments. Isabel can be considered “incapacitated” because of her age and Sara can be the principal applicant for a U visa as an “indirect victim.”

Who is a derivative?

- A principal U visa petitioner can obtain derivative U nonimmigrant status for some of his or her family members.
- If the principal petitioner is 21 years or older, he can apply for:
 - Spouse
 - Unmarried children under the age of 21.
- If the principal petitioner is under the age of 21, he can apply for:
 - Spouse
 - Children
 - Parents
 - Unmarried siblings under the age of 18
- Derivatives do not have to be present in the United States.
- Form I-918, Supplement A is for derivative family members.

U Visa Petition

- I-918 Petition for U Nonimmigrant Status
- I-918 Supplement B Law Enforcement Certification
- Personal Declaration
- Proof of Substantial Physical or Mental Abuse
- Proof of Helpfulness
- I-918 Supplement A for derivative family members
- I-192 (if necessary)
- Identification documents (birth certificate and passport)
- Fee Waiver (if necessary)

I-918 Supplement B

- Absolutely necessary for a U visa petition.
- Must be signed by a designated official from a Federal, State or local law enforcement agency (police department, District Attorney, Child Protective Services, etc.)
- Must certify that the petitioner is being helpful, has been helpful, or is likely to be helpful in the criminal investigation or prosecution.
- Designated official **must** notify U.S. Citizenship and Immigration Services if the petitioner unreasonably refuses to assist in the investigation or prosecution.

Proof of Crime, Helpfulness, and Abuse

- Court documents (i.e., certified disposition to show conviction)
- Police reports
- Orders of protection
- Letter from counselor, doctor, child's teacher, social worker, etc.
- Photographs taken to document physical abuse
- News articles
- Hospital records
- Affidavits of friends and family with knowledge of circumstances

Victim's Statement

- Required document, which should include:
 - Nature of the criminal activity,
 - When the criminal activity occurred,
 - Who was responsible,
 - The events surrounding the criminal activity,
 - How the criminal activity came to be investigated or prosecuted, and
 - What substantial physical and/or mental abuse was suffered as a result of having been the victim of criminal activity.
- Statement should be signed and dated by petitioner.

Admissibility Issues

- Petitioner must be admissible to the U.S.
- Grounds for inadmissibility can be found in INA § 212
- Common grounds for inadmissibility:
 - Entry without inspection
 - Criminal convictions
 - Unlawful presence (minors under the age of 18 do not accrue unlawful presence)
- Must file an I-192 to waive grounds of inadmissibility.

Fees

- I-918 - \$0
- I-192 - \$585 (fee waiver available)

Benefits of the U Visa

- If application is approved, the petitioner will receive the following:
 - Permission to live in the U.S. for up to four years.
 - A work authorization card (EAD) valid for four years, which the petitioner can use to obtain a valid Social Security number and driver's license.
 - Opportunity to seek permanent resident status ("green card") after three years.
- Generally, derivative family members receive the same benefits.
- No extension of U visa status beyond four years.

Questions?

For more information about the U Visa visit:

- Asista: <http://www.asistahelp.org>
- U.S. Citizenship and Immigration Services:
<http://www.uscis.gov/portal/site/uscis>

Please visit our website for more information about our services:
<http://www.lacsn.org>.

Or contact us with any questions:

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