



**EMPOWERING WOMEN FROM SOUTH ASIA EXPERIENCING
DOMESTIC VIOLENCE AND SEXUAL ASSAULT**

Immigration Remedies for Victims of Domestic Violence & Other Violent Crimes



U-Visa Requirements

- To qualify for a U visa a non-citizen must:
- Show that he/she has suffered “substantial physical or mental abuse”
- Show that she possesses information concerning the criminal activity
- Provide a certification from a federal ,state or local law enforcement official, prosecutor, judge or authority investigating criminal activity designated in the statute that the U visa applicant is being or has been or is likely to be helpful to the investigation or prosecution of the designated criminal activity



Criminal Activities- U visa

- **Domestic violence**, sexual assault, incest, abusive sexual contact, sexual exploitation,
- Female genital mutilation, being held hostage, peonage, involuntary servitude, slave trade, kidnapping, abduction, unlawful criminal restraint, false imprisonment, extortion, manslaughter, murder, obstruction of justice, perjury or attempt, conspiracy or solicitation to commit any of the above mentioned crimes torture, rape, blackmail, extortion, felonious assault, witness tampering or similar activities



Benefits of U-Visa

- U visa is a three year Temporary visa
- After 3 years, U visa holder may be bale to adjust status to permanent resident
- U Visa holders may petition certain family members as “derivatives
- There is 10,000 cap on U visa but no cap on derivatives
- There are certain inadmissibility grounds under Sec 212 of the Act but these may be waived in the”public interest” or “national interest”



U Visa Applicants Adjustment

1. They were admitted “or otherwise provided non immigrant status under INA Sec. 101(a) (15) (u)
2. They are not described in INA Sec.212(a)(3)(E) i.e., they did not participate in Nazi persecution or Genocide
3. They have been physically present in the U.S for at least 3 yrs since receiving their U visa;
4. Humanitarian grounds, family unit, or the public interest justify their continued presence in the USA



Purpose of the U- Visa

- To strengthen the ability of law enforcement to investigate and prosecute crimes
- To provide humanitarian relief to crime victims and their family members



Law Enforcement Certification

- “ Is being ,has been or is likely to be helpful” in the investigation or prosecution of criminal activity as previously stated

- Or Similar activity

State offenses similar to the above federal offenses also qualify

- Form 918 is the new form or see Saathi sample form



Who Can Certify?

- Prosecutors
(District Attorney or Assistant D.A also)
- Police Officers
- Judges
- DHS Officers
- State or Federal Agency Employee
- Possibly DA Victim Advocate if they can show that they are “law enforcement”



U Visa Interim Relief

- Currently regulations have just been passed still new even tho law passed 2000
- DHS therefore allowing U visa “interim relief”
- Victim files interim relief showing they meet all U visa legal requirements
- Victim granted “interim relief” which allows to stay in US w/out being deported and allows her employment
- Victim accrues 3 years toward residency during interim relief period



Filing Hints

- For all Saathi advocates:
- Your client should always have a copy of everything you send to USCIS/DHS
- You do not need to send originals send copies
- Only the Law certification should be original
- Make sure you do a cover letter for the packet to DHS/USCIS as the victims advocate.
- Use Saathi letter head
- Have your email and your telephone number and address listed on cover letter for Immigration might need to contact you about the case.



Mailing Information

- Mailing the final completed packet:
- Do a check list: pictures; letter from supporting people; shelters; police reports; restraining orders; orders of protection; doctors reports; mental health counselors; law enforcement certificate and your cover letter.
- Send it as US postal service Priority mail with tracking no signature required



Mailing address

- Mail to :
- ATTN: VAWA UNIT
Vermont Service Center
75 Lower Welden Street
St.Albans, VT

DO NOT OPEN IN MAILROOM

