

EVIDENCE LIST FOR IMMIGRANT VICTIMS APPLYING FOR THE CRIME VICTIM VISA (U VISA)

Under the Violence Against Women Acts of 2000 and 2005 battered immigrants and other crime victims may be eligible for a new nonimmigrant visa, the U Visa. This form of relief, if granted, gives the applicant immediate legal immigration status and possible access to lawful permanent residency in the long-term. The following is a list of the requirements that must be met by an applicant, and some suggestions of evidence that may be offered to meet each requirement. Interim federal regulations on the U visa went into effect on October 17, 2007. These regulations and prior Department of Homeland Security (DHS) memoranda instruct immigration authorities to broadly interpret the requirements for the U Visa in order to protect possible "U" victims. Additionally, the Department of Homeland Security (DHS) is required to consider "any credible evidence" in its adjudication of an applicant's case. The suggested evidentiary documents in this document are meant to be guidelines, and not exhaustive descriptions of the types of evidence that may be offered to support an application under the U Visa.

A. Who is eligible to apply for a U Visa?

Certain immigrant victims of domestic violence, sexual assault, trafficking, kidnapping, and other listed violent crimes have suffered substantial physical or mental abuse flowing from criminal activity and who are cooperating with government officials investigating or prosecuting such criminal activity.

B. What are qualifying criminal activities?

- Rape
- Torture
- Trafficking
- Incest
- Domestic Violence
- Sexual Assault
- Abusive Sexual Contact
- Prostitution
- Sexual Exploitation
- Female Genital Mutilation
- Being Held Hostage
- Peonage
- Involuntary Servitude
- Slave Trade
- Kidnapping
- Abduction
- Unlawful Criminal Restraint
- False Imprisonment
- Blackmail
- Extortion
- Manslaughter
- Murder
- Felonious Assault
- Witness Tampering
- Obstruction of Justice
- Perjury

- Attempt, Conspiracy, or Solicitation to Commit Any of the Above-Mentioned Crimes
- Other state or federal crimes the nature and elements of which are substantially similar

C. What are the requirements that an applicant needs to prove in a U Visa application?

An individual applying for a U Visa must establish the following requirements:

1. Statement by the victim petitioner required stating:

Has	Need	
_____	_____	Nature of the criminal activity
_____	_____	When the criminal activity occurred
_____	_____	Who was responsible for perpetrating the criminal activity
_____	_____	The events surrounding the criminal activity
_____	_____	How the criminal activity came to be investigated or prosecuted
_____	_____	What substantial physical and/or emotional abuse or injury was suffered
_____	_____	as a result of having been a victim of the criminal activity
_____	_____	Information supporting other eligibility requirements
_____	_____	Information explaining any inconsistencies between the victim's statement and other supporting evidence (e.g. medical records)

For applicants under the age of 16:

Has	Need	
_____	_____	Statement with information listed above filed by parent
_____	_____	Statement with information listed above filed by guardian
_____	_____	Statement with information listed above filed by next friend

2. Applicant is a victim of listed criminal activity:

Has	Need	
_____	_____	Trial transcripts or rulings from criminal case
_____	_____	Trial transcripts or rulings from protection order case
_____	_____	Trial transcripts or rulings from other court or administrative law proceedings
_____	_____	Court documents
_____	_____	News articles
_____	_____	Police reports
_____	_____	Affidavits of victim
_____	_____	Affidavits of witnesses to crime or injuries
_____	_____	Medical records

_____	_____	Ambulance reports
_____	_____	State statute showing the statutory elements of the crime
_____	_____	Factual information demonstrating that the criminal activity is similar to one on the U-visa list
_____	_____	Certification from state, federal or local government official

For crimes occurring outside of the United States:

Has	Need	
_____	_____	Statutory provisions providing extraterritorial jurisdiction
_____	_____	Documentation showing that criminal activity violated U.S. law
_____	_____	Documentation that the criminal activity is prosecutable in federal court

3. Criminal activity violated the laws of the United States or occurred in the United States or its territories

Has	Needs	
_____	_____	Certification from a law enforcement official, prosecutor, judge, DHS official, or other federal or state authorities that the criminal activity violated the laws of the United States or occurred in the United States or its territories (Using Form I-918 "U Nonimmigrant Status Certification.")
_____	_____	Copies of the relevant law that the criminal activity has violated
_____	_____	Copies of any arrest warrants
_____	_____	Copies of any complaint reports
_____	_____	Copies of any police reports
_____	_____	Copies of any domestic violence incident report
_____	_____	Affidavit of the pertinent law enforcement officer regarding the nature of the criminal activity

4. Nature of the abuse physical or mental abuse suffered by the victim:

Has	Need	
_____	_____	Reports or affidavits from police
_____	_____	Reports or affidavits from judges or other court officials
_____	_____	Reports or affidavits from medical personnel
_____	_____	Reports or affidavits from school officials
_____	_____	Reports or affidavits from clergy
_____	_____	Reports or affidavits from victim advocates, rape crisis center, shelter, social workers or social services agency personnel
_____	_____	Bond orders
_____	_____	Other court orders or administrative agency orders (e.g. stay away orders, findings documenting facts of criminal activity)

_____	_____	Photographs of injury, crime scene
_____	_____	Medical records from U.S. based provider documenting the diagnosis and treatment of physical injuries
_____	_____	Copies of any ambulance call reports
_____	_____	Records of any 911 calls
_____	_____	Records from a health care provider documenting diagnosis and treatment of mental abuse
_____	_____	Affidavit of applicant detailing the substantial physical abuse and injury and mental abuse and injury suffered as a result of the crime (both what the perpetrator did and how the victim was affected)
_____	_____	Copies of any protection order issued for the applicant or her/his children
_____	_____	Copies of any domestic violence incident report
_____	_____	Affidavits from neighbors, landlords, friends, or family attesting to the criminal activity or having witnessed injuries that resulted from the criminal activity that occurred in the U.S.
_____	_____	Affidavits from police officers or prosecutors detailing the violence that the applicant has endured
_____	_____	Affidavits from victim advocates, shelter workers, battered women's advocates, counselors or mental health professionals detailing the physical and mental abuse that the applicant has endured

5. Possession of information concerning the criminal activity alleged

For victims under the age of 16 at the time of the crime note from whom can be parent, guardian or next friend who provides the needed evidence of possession of the information required in children's cases

Has	Needs	From	
_____	_____	_____	Affidavit of applicant detailing the applicant's knowledge of the criminal activity
_____	_____	_____	Affidavits from police officers, prosecutors, judges, court officials detailing the applicant's knowledge of the criminal activity
_____	_____	_____	Any documents that may show applicant's knowledge of the criminal activity
_____	_____	_____	Copies of any police reports
_____	_____	_____	Copies of any statements that the applicant has made to a law enforcement agency
_____	_____	_____	Copies of any complaint reports
_____	_____	_____	Copies of any evidence that was obtained as a result of the applicant's help
_____	_____	_____	Copies of any documents that the applicant has given to a law enforcement agency
_____	_____	_____	Transcripts of testimony that the applicant has given

			to a law enforcement agency
_____	_____	_____	Any incriminating photographs that applicant may have
_____	_____	_____	Affidavits from witnesses that may place the applicant at the scene of the criminal activity or attest to the applicant's knowledge of the criminal activity

6. Crime victim has been helpful, is helpful, or is likely to be helpful to a Federal, State, or local investigation or prosecution

Has	Needs		
_____	_____		Affidavit of applicant detailing the applicant's helpfulness with the investigation or prosecution
_____	_____		Affidavit of a law enforcement official, prosecutor, judge, DHS official, or other federal or state authorities that the applicant has been helpful, s helpful, or is likely to be helpful to the investigation or prosecution
_____	_____		Certificate from a law enforcement official, prosecutor, judge, DHS official, or other federal or state authorities that the
		applicant	has been helpful, is helpful, or is likely to be helpful to the investigation or prosecution
_____	_____		Copies of any police reports
_____	_____		Copies of any complaint reports
_____	_____		Copies of any statements that the applicant has made to a law enforcement agency
_____	_____		Copies of any evidence that was obtained as a result of the applicant's help
_____	_____		Copies of any documents that the applicant has given to a law enforcement agency
_____	_____		Transcripts of testimony that the applicant has given to a law enforcement agency
_____	_____		Affidavits of witnesses that applicant has been helpful, is helpful, or is likely to be helpful to a Federal, State, or local investigation or prosecution
_____	_____		Brief description by the applicant's advocate regarding applicant's activities in assisting the investigation or prosecution

7. Certification from a law enforcement official, prosecutor, judge, DHS official, or other federal or state authorities

Has	Needs		
_____	_____		Certificate from a law enforcement official, prosecutor, judge, DHS official, or other federal or state authorities

7. For each family member applying they must prove:

Has	Needs	
_____	_____	Proof of the relationship between the U-visa victim applying and each family member
_____	_____	Birth certificates
_____	_____	Marriage licenses
_____	_____	Parents must prove that the victim child is under 21 at the time of filing
_____	_____	Siblings must prove that they are under 18 at the time of filing
_____	_____	Children must be under 21 years of age at the time of filing

8. Biometric Fee

Has	Needs	
_____	_____	Biometric Fee \$80 for petitioner
_____	_____	Biometric Fee \$80 for each family member applying

9. For Victims Who are Inadmissible (See Red Flags List)

(e.g. victims with criminal convictions, victims who entered the United States unlawfully)

Has	Needs	
_____	_____	Petitioner's Form I-192 Inadmissibility Waiver Request called <i>Application for Advance Permission to Enter as a Nonimmigrant</i> And fee \$520
_____	_____	Each Inadmissible family member's Form I-192 Inadmissibility Waiver Request and fee \$520 for each