

Have You Been
the Victim of a
Crime?

U Status: A Guide for Crime Victims



U Status: A Guide for Crime Victims was inspired and based in part on the Immigrant Legal Resource Center's (ILRC) guide entitled "Getting a U visa". This Florence Immigrant & Refugee Rights Project guide to U visas is updated and maintained by the organization and is written primarily for immigrant detainees in Arizona who are representing themselves pro se in their removal proceedings. This guide is not intended to provide legal advice or serve as a substitute for legal counsel. The Florence Project is a nonprofit legal services organization and does not charge for its services to immigrant detainees in Arizona. This guide is copyright protected but can be shared and distributed widely to assist indigent immigrants around the country. All of our guides are available to download on our website: www.firrp.org. We kindly ask that you give credit to the Florence Project and the ILRC if you are adapting the information in this guide into your own publication.

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Important Words to Know

Immigration Law has a lot of technical words. Here's a list of some of the words you'll see a lot in this guide and a short explanation of what they mean.

- **Immigration Judge ("Judge"):** this is the person who will make a decision about your case. He or she holds hearings in the courtroom and wears a black robe. This person doesn't work for ICE. It's her job to look at the facts of your case and apply the law fairly.
- **Immigration and Customs Enforcement ("ICE"):** this is the agency that has put you in deportation proceedings and is in charge of detaining you. ICE is part of the Department of Homeland Security, or "DHS."
- **Government Attorney:** this is the lawyer who represents ICE when you go to your court hearings. He or she sits at the table next to you and also talks to the Judge. It's usually this attorney's job to explain to the Judge why ICE thinks you should be deported.
- **Deportation:** ICE is the agency that can put you in deportation proceedings, which are also called "removal proceedings." If the Judge orders you deported or "removed" from the United States, you will be sent back to the country where you are a citizen and will not be able to return legally to the U.S. for at least ten years.
- **The Florence Project:** this is a group of lawyers and legal assistants who provide free legal help to people without lawyers. The Florence Project wrote this guide to help you understand your case.

Overview

If you are granted “U status” you will be allowed to remain in the United States for four years, get work authorization, and apply for a green card after three years. Congress created this immigration status for victims of certain types of criminal activity in the United States. In order to qualify, you must show that you were a victim of a qualifying crime in the United States, you suffered substantial physical or mental abuse, and you provided or you could provide helpful information to law enforcement about the crime. The most difficult part of a U status application is convincing a law enforcement or government official to sign the certification acknowledging that your assistance was helpful.

There are several major advantages to U status. First, a number of your close relatives, such as your children or your spouse, can also get U status as derivatives of your application. Second, if you are under 21 years of age, your siblings and your parents can get U status too. There is a separate application that your relatives who qualify must submit, but this guide will focus on how you can apply for U status. Third, it is possible to request U status from outside of the country. Finally, so long as you submit the appropriate waiver forms, U status can forgive deportations and criminal convictions.

In order for you to qualify, the perpetrator of the crime does not have to have been arrested or convicted. It doesn’t matter if the prosecutor decided not to try the case – the most important thing is that you cooperated with the investigation. However, a government official must sign the certification form before you can submit an application.

The Immigration Judge does not have *any* power to grant U status. Instead, you will submit your application to the Vermont Service Center, which is an office belonging to United States Citizenship and Immigration Services (USCIS). In other words, your immigration proceedings will continue while your application for U status is pending *unless* the Immigration & Customs Enforcement (ICE) attorneys decide to dismiss or close your case while you wait for a decision from USCIS.

Eligibility Requirements

In order to qualify for U status, you must satisfy the following requirements:

1. You have been the **victim of a crime** (or an attempted crime) on the following list OR something similar:
 - a. Felony assault, manslaughter, murder, torture.
 - b. Rape, incest, domestic violence, sexual assault, abusive sexual contact, prostitution, sexual exploitation, or female genital mutilation.
 - c. Trafficking, being held hostage, peonage, involuntary servitude, slave trade.
 - d. Kidnapping, abduction, unlawful criminal restraint, false imprisonment.
 - e. Blackmail, extortion, witness tampering, obstruction of justice, perjury.
2. The crime occurred in the **United States**.
3. You were **helpful** to law enforcement, you are being helpful to law enforcement, or you will be helpful in the future to law enforcement with respect to this crime. This includes things like calling the police, making a police report, talking to a prosecutor, or testifying in court. If you refused to make a report or to testify in court, then law enforcement may decide not to sign your certification or USCIS might decide that you did not satisfy this requirement. Since you can



call the police at any time, it might be possible *now* to report a crime that occurred years ago, but it will probably be much more difficult to get a U certification if you failed to report right away unless you had a good reason for waiting.

4. You suffered physical or mental **harm** as a result of this crime.
5. You are **admissible** to the United States. For example, a number of immigration violations, criminal conduct or convictions, and some diseases or mental disabilities can make you inadmissible. Fortunately, with U status there is a waiver that you can seek for *almost* everything in your past that might make you inadmissible, which we will discuss later in this guide.

Procedure

Processing times for a U application vary a lot, but for the last several years it has taken approximately six months to one year before you receive a decision from USCIS. Therefore, it is important to start working on your U status application right away if you are in immigration proceedings. It can be time consuming to get all of the necessary documents together. To apply for U status, you will need to:

- Obtain a **certification** from law enforcement or other appropriate government official confirming that you were helpful to the investigation. This is called the I-918 Supplement B Form.
- Prepare and gather the **required documents**: cover letter, I-918 application form, personal statement, and identity documents.
- Gather any other **supporting documents** that may strengthen your application.
- Fill out the **waiver** form and get supporting documents.
- **Organize and mail** all of these to the USCIS Vermont Service Center.



ICE sometimes treats U status applicants with special care and will *sometimes* decide to release you from detention or close your case while your application is pending. So, once you have filed your U application, please make sure to call ICE at **(855) 448-6903** to let them know that you are seeking U status.

Law Enforcement Certification/I-918 Supplement B form

In order to apply for U status, you **MUST** persuade someone in law enforcement to sign the I-918 Supplement B (Supp-B) form, available at www.uscis.gov. This signature on the Supp-B from a police officer, a prosecutor, or even a judge is absolutely necessary for you to be able to apply for U status. This is also called law enforcement certification.

First, you need to make sure to ask the right person to sign the Supp-B form. If you made a police report, then you will be working with the police department that took the report to get the Supp-B form signed. Some police departments have a designated person who is in charge of deciding which requests for a signature to fulfill. If there is no one who has that job, then try to contact the officer whose name appears on the report or the Chief of Police. A lot of times the Victim/Witness Division of the prosecutor's office can be helpful in persuading the right officers to sign your Supp-B form. Alternatively, a prosecutor may be willing to sign the Supp-B form for you if actual charges were filed in the case. Lastly, a judge can sign the Supp-B form, but it may be extremely difficult to persuade him

or her to do this without the help of an attorney.

Second, you will need to fill out certain parts of the Supp-B form and then mail it to the law enforcement official who has agreed to sign. You should complete Part 1 of the Supp-B form and leave the rest blank for the person signing to finish.

Third, you will mail the Supp-B form with Part 1 completed to the official to with a cover letter. The letter should include: your name, current physical address (at the detention center), a description of the crime that you suffered, the help that you provided, and how it impacted you. Also, you should give the officer instructions about how to return the original signed Supp-B to you. It is probably a good idea to ask a friend or relative outside of the detention center to receive the Supp-B in case there are any problems with the facility mail or if you are transferred to a different location, which happens frequently.

You cannot apply for U status unless law enforcement agrees to sign AND you get the signed Supp-B Form back. Because the application must be submitted within six months of the signature date on the Supp-B, we strongly encourage you to keep working on preparing and gathering the other documents and applications while you wait for the signature to come back.

U Status Application / I-918 form

In addition to the law enforcement certification, you will need to fill-out an I-918 form, which is available at www.uscis.gov. This section of the guide will focus on trickier questions in the application. Part 1 consists mostly of biographical questions, and Part 2 has questions to confirm that you meet the eligibility requirements for U status. In theory, your answers to questions 1-5 should all be “yes” otherwise you probably are not eligible for U status and it is probably not a good idea to submit this application.



Part 2 Question 8 – if you are currently in immigration proceedings mark “yes”. Then, check the first box entitled “removal proceedings”. Where the question asks for a date, you should state “ongoing”.

Part 2 Question 9 - make sure to list every time you have entered the country in the last five years. If you tend to travel a lot, then you should take one line of the boxes provided to write a short sentence about how frequently you travel in-and-out of the United States. For example, “I usually come to the U.S. every weekend.” or “I tend to come to the U.S. for every major holiday and stay for a few weeks.”

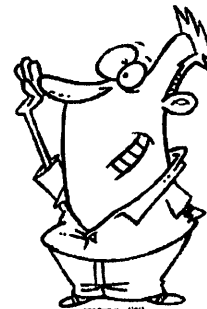
Part 3 – this section contains *many* questions about a variety of things in your past that could affect your admissibility to the United States. A U status grant can waive almost any ground of inadmissibility except for those who are Nazis or perpetrators of genocide, torture, or extrajudicial killing. So, you have *nothing* to lose by answering these questions honestly. It is extremely important that you read every single question in this section carefully and answer it correctly. The most harm will come from failing to mention something negative in your past since USCIS will believe that you intentionally left it out and they will hold it against you in deciding your application.

Part 4 – this section asks for information about your close relatives. It is **EXTREMELY** important that you provide as much information as possible about your family since they probably will not be able to get status if you leave them off of your application. Even though the I-918 application will only get

status for you, there is another form, I-918 Supplement A, that you will submit to request derivative U status for your spouse, children, and perhaps even other family members (depending on your age).

Waiver of Inadmissibility/ I-192 form and Fee Waiver

Because certain prior immigration violations, criminal conduct or convictions, and diseases or mental health issues may make you inadmissible, you might need to submit one extra form along with your U status application to request that these problems be waived. If you need a waiver for one or more of these issues, then you will need to turn in *one* I-192 form to ask for all of these things to be forgiven. In deciding whether to grant your waiver request, USCIS will look at the good things and the bad things in your life and decide whether you deserve this chance. If you think that you *might* need a waiver, it is probably best to file this request along with your application since it will hurt your case more if the government feels that you have tried to hide something negative in your history.



Fee Waiver: In 2014, the I-192 form costs \$585.00, but USCIS can waive these fees if you also fill out and submit an I-912 fee waiver form. USCIS will not usually grant the fee waiver unless you submit additional evidence showing that you do not have the financial ability to pay such a large sum of money. We recommend that you attach any of the following as evidence of limited finances (if you have them):

- Bank Statements
- Tax Statements
- Public Assistance Records
- Social Security Records
- Proof that you are in immigration detention or criminal custody (eg. Bond Denial, I-213 form, Notice of Next Hearing before an Immigration Court with a Detained docket)

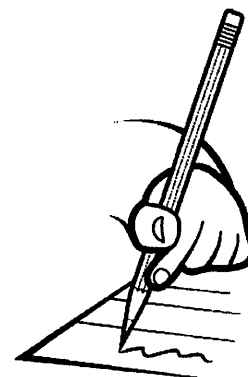


Personal Statement

For U status, you *must* include a personal statement, written in English or translated with a pen. Since there is no interview and no hearing, this is your one chance to explain *why* you meet the requirements for U status and why the government should grant your application. You can also take this opportunity to explain anything else that might seem unusual, such as failure to make a report right away or to get medical help.

We recommend that you organize your personal statement in the following way:

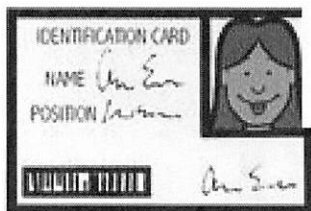
- **Section 1: Biographical Information.**
 - Your name, date of birth, and place of birth.
 - Date that you came to the United States, how you came, and why you decided to move here.
- **Section 2: The Crime.**



- Type of crime, date, location, name of the person who committed it.
- Explain what happened.
- How many times it happened, who saw it, whether you were injured.
- Section 3: The Help.
 - How you helped the authorities get information about the crime.
 - Whether the person was arrested, charged, taken to trial, convicted.
- Section 4: The Harm.
 - Explain how the crime hurt you.
 - Physical injuries, length of convalescence, how severe.
 - Mental injuries.
- Section 5 (if applicable): The Waiver.
 - Reasons why the government should forgive any crimes or immigration violations in your own history.
 - Explain why you broke the law, whether you are sorry and how you have changed.
 - Discuss any participation in programs in the past and how you plan to avoid similar problems in the future.
 - Talk about any relatives that you have in the United States and how it would hurt them if you are deported.
- Section 6: Sign and Date.

Identity Documents

You should include a copy of your passport with the application. If you don't have a valid passport, you explain that clearly in your cover letter. Some consulates will write a letter for you to include with your application indicating that a passport must be requested in-person at their offices, which is not possible from detention. In this case, you should include any other kind of identification that you have, such as a birth certificate, driver's license, or an ID card. If you do not have any identification, then at least send a copy of the Record of Inadmissible or Deportable Alien (I-213 form), which was prepared by ICE when they took you into custody and often has a photo.



Other Supporting Documents

Although not *required*, we strongly encourage you also attach as many of the following additional documents that you can get to your application:

- Police reports
- Court records
- Medical records
- Family letters
- Pictures of your Injuries
- Restraining orders
- Newspaper articles describing the crime
- Birth certificates or green cards of your children, spouse, parents
- Marriage certificate
- Letters of support and identification of friends, family, employers, religious leaders, neighbors, landlords, etc.



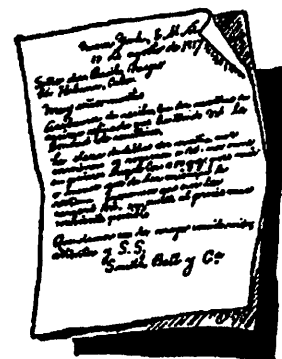
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Anything that reflects positively on your character and your life in the United States is helpful to your application. The more letters, records, pictures, certificates, and other documents that you can provide, the easier it will be for the person who decides the application to get to know you and decide whether to give you this opportunity. So, it is important to really put an effort into being creative and gathering evidence in support of your case.

Letters: Letters should tell the story in the writer's *own words* - you do not want all of the letters to sound the same. The letter should be addressed "To Whom it May Concern:" The letter should include the writer's name, how they know you and for how long, their job, and their immigration status.

Family members should write about why you are important to them and what type of hardship it would cause if you are deported. Employers should state how long you worked for them, what your job and responsibilities were, how well you performed your job, and if they are willing to hire you again. People who know you well and know about your problems should explain how you got into problems in the first place and how you may have changed.

Everyone who writes a letter *must* send a copy of his or her identification.



Translations

All documents that are not in English must be translated and should include a certificate of translation like this:

Certificate of Translation

I, (name of translator), certify that I am competent to translate this document and that the translation is true and accurate to the best of my abilities.

(Signature of translator) (date)

Cover Letter and Putting it all Together

Once you have everything ready, then you are ready to put it all together. We recommend that you organize your materials in the order described in the sample cover letter below. The Cover Letter is *extremely* important because it lets the government know right away 1) who you are, 2) what you are asking for, and 3) that your submission is complete. So, you should draft a cover letter in the following format and attach all of your applications and documents in the order described in the letter.

Here is an example:

USCIS Vermont Service Center
75 Lower Welden St
St. Albans
VT 05479-0001

[Your Name]
[Your A#]
[Your Date of Birth]
[Your Detention Center Address]

Date:

DETAINED Application for U Status

To Whom it May Concern:

I am detained and I am submitting this *pro se* application for U status. In support of this application, please consider the following attached documents:

- Application for U-status (I-918)
- Law Enforcement Certification (I-918 Supplement B)
- [Waiver of Inadmissibility (I-192) – if needed]
- [Fee Waiver (I-912) and Supporting Documents – if needed]
- Personal Statement
- Identity Documents
- Other documents showing that I deserve this opportunity

Thank you for your kind consideration of my application.

Sincerely,

Signature

Date

Fingerprints



The government will need to take your fingerprints in order for your U status application to be approved. Once you have sent in your application, then you should contact your deportation officer to ask how to go about getting your fingerprints taken for your application.

USCIS Decision

USCIS will normally send an I-797C notice to let you know that they have received your application. If your application is incomplete, then you may receive a **“Request for Evidence”** (RFE) telling you to send additional documentation. They might also send a **“Notice of Intent to Deny”**, explaining why they plan to deny your application and giving you an opportunity to respond with more information or evidence. Finally, USCIS will normally send an **Employment Authorization Document** (EAD) and then an **Approval Notice** if they decide to grant your application for U status.

Immigration Proceedings

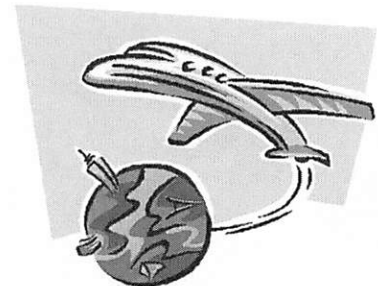
Once you receive your signed Supp-B form, we strongly encourage you to make copies and submit these to the Immigration Judge and the government attorney. Although the judge cannot grant your U status application, he or she may be willing to grant you continuance while it is pending or reconsider her bond decision. Also, ICE might consider releasing you from detention, dismissing your case, or administratively closing the proceedings until USCIS makes decision on your U application.

If the Supp-B does not change your detention situation or slow down your case, it is important to keep the court and ICE informed of the progress of your application. We encourage you to provide the judge and ICE with copies of the actual application after it is filed. Later, you will want to submit evidence that USCIS has made a determination that you are *prima facie* eligible for U status.

If you receive an employment authorization card or any other document from USCIS suggesting that they granted your application, you should make copies of those things right away and sent them to the judge and government attorney with a letter requesting that your proceedings be “terminated” based on a U status grant.

Traveling with U Status

If you are granted U status and released from detention you may want to travel out of the United States. The major disadvantage of U status is that it is very difficult to travel and then come back to the United States. It is best to avoid traveling unless you get the appropriate stamps in your passport and approval to return. If you remain abroad for more than 90 days even if it is through no fault of your own, you will not be able to adjust your status and get a green card. You should get the advice of a lawyer if you are thinking of traveling with U status.



This information is not intended, nor should it be construed in any way, as legal advice. The information does not extend or limit the jurisdiction of the Immigration Courts as established by law and regulation. Nothing in this packet shall limit the discretion of Immigration Judges to act in accordance with law and regulation.