

# U Visa

Allows applicants to stay in the U.S. if they have been a victim of certain crimes and were helpful in the investigation or prosecution of the crimes committed against them

Background: Undocumented immigrants in the United States are often afraid to come to the attention of law enforcement due to their unlawful status. The purpose of the U Visa is to encourage victims to report crime and cooperate with law enforcement. The U Visa is a temporary form of immigration relief available to people who have been the victims of certain crimes in the United States.

In order for U Visa relief to be granted, the applicant must show the following:

- 1) He or she has been a **victim of a “qualifying crime”**  
A list of qualifying crimes can be found at 8 USC 1101(a)(15)(U). A partial list includes: Domestic Violence, Rape, Sexual Assault, Sex Abuse/Abusive sexual contact, Incest, Kidnapping, Serious assault, Illegal trafficking of person or drugs, Extortion/Fraud, Witness tampering, or attempt to commit any of the listed qualifying crimes  
An indirect victim (parent or other family member) can also qualify – provided they satisfy all of the other requirements
- 2) The criminal activity must have violated U.S. law or occurred within the U.S. (including U.S. territories or possessions)
- 3) He or she suffered **“substantial physical or mental abuse”** as a result of having been a victim of crime  
The immigration agency (USCIS) will consider “any credible evidence” in determining whether substantial abuse has occurred
- 4) He or she has been or is likely to be helpful to authorities in the investigation and prosecution of the crime committed against him or her (unless the victim was under 16 years old and his/her parent or guardian was helpful)

AND

He or she has obtained a signed certification of helpfulness from a law enforcement agency (LEA).  
(the certification is provided on Form I-918 Supplement B – and can be found at <http://www.uscis.gov/files/form/i-918supb.pdf> )

“Helpfulness” requires at the very least that the victim have information concerning the criminal activity and that he or she have contact with a law enforcement authority

“Law Enforcement Agency” can be a (federal, state or local) police agency, district attorney, judge, the immigration agency, or other authorities investigating or prosecuting the criminal activity.

To find an immigration attorney to discuss all options go to <http://www.aialawyer.com/>  
Catholic Charities (503-542-2855) and Immigration Counseling Services (503-221-1689) provide legal representation for low-income people.