

**The Chicago Bar Association/The Chicago Bar Foundation  
2007 Pro Bono Week**

**CBA/CBF COMPLIMENTARY PRO BONO WEEK MCLE PROGRAMS  
“Lawyering for the Soul”**

**Immigration for the Non-Immigration Lawyer:  
What You Need to Know about Representing Children  
and How You Can Get Involved in Pro Bono**

**October 10, 2007, 2:00-5:00**

Program Outline

- I. Overview: Issues Impacting Immigrant Children today and forms of Relief (10 minutes) - Claudia Valenzuela, National Immigrant Justice Center
- II. Special Immigrant Juvenile Visa (SIJ) - Claudia Valenzuela, National Immigrant Justice Center ( 30 minutes)
- III. Asylum - Sioban Albiol, DePaul University College of Law (45 minutes)
- IV. U Visa - Nora Phillips, Legal Assistance Foundation of Metropolitan Chicago (45 minutes)
- V. Questions and Answers (time remaining)



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Wednesday, October 10, 2007  
200 pm. – 500 p.m.

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**October 10, 2007, 2:00-5:00**

**Presenters:**

Sioban Albiol, DePaul University College of Law  
Nora Phillips, Legal Assistance Foundation of Metropolitan Chicago  
Claudia Valenzuela, National Immigrant Justice Center

Presenter Bios:

**Sioban Albiol**

Sioban Albiol is a Clinical Instructor and Coordinator at the Asylum and Immigration Law Clinic, DePaul College of Law. She supervises students in the representation of asylum-seekers and also in providing technical assistance in immigration matters to community-based organizations.

**Nora Phillips**

Nora Phillips is an Equal Justice Works Fellow at the Legal Assistance Foundation of Metropolitan Chicago. Her fellowship created the Immigrant Crime Victims Assistance Project to assist immigrant victims of crime and human trafficking with attaining U and T visas. Nora is a 2007 graduate of DePaul University College of Law, where she participated in DePaul's Asylum and Immigration Clinic. Prior to law school, Nora taught Spanish to elementary school students, worked as an AmeriCorps VISTA volunteer with low-income families, and worked in various positions with children and adults with special needs and the terminally ill. She graduated from Indiana University in 2000 with a Bachelor's degree in French and is a Wisconsin native.

**Claudia Valenzuela**

Claudia Valenzuela is Managing Attorney for the Adult Detention and Immigrant Children's Protection Projects of the National Immigrant Justice Center (NIJC). Claudia has been an attorney with NIJC since 2002 and is a former Equal Justice Works Fellow. In her capacity as staff attorney, Claudia has represented hundreds of individuals before the United States Citizenship and Immigration Service (USCIS), as well as before the immigration and federal courts. She is a graduate of DePaul University's College of Law.



## Representing Unaccompanied Immigrant Children Seeking Special Immigrant Juvenile Status



National Immigrant Justice Center

Chicago Bar Association/  
Chicago Bar Foundation  
Pro Bono Week  
October 10, 2007



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## National Immigrant Justice Center

The National Immigrant Justice Center (NIJC), a partner of Heartland Alliance for Human Needs & Human Rights, is a not-for-profit organization that provides direct legal services and advocates for impoverished and low-income refugees, asylum seekers and immigrants.



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## Opportunities for *Pro Bono* Involvement

- Conducting “Know Your Rights” presentations;
- Conducting individual legal interviews and screenings; and
- Representing children seeking various forms of immigration legal remedies.



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## Who are the Children?

- Unaccompanied immigrant children, who are often fleeing human rights abuses family violence, forced marriage, forced labor, violent crime;
- In federal custody & not in federal custody;
- From around the world;
- Detained in IL or residing in IL, IN, MI, and WI.



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## Flores Settlement Agreement

- Sets standards for the treatment of the unaccompanied immigrant children in immigration detention.  
*Reno v. Flores, 507 U.S. 292 (1993)*
- ORR is bound to follow the guidelines in *Flores*;
- *Flores*' underlying principles:
  - place children in the least restrictive settings
  - release children promptly to:
    - a parent;
    - a legal guardian;
    - an adult relative (siblings, aunt, uncle, or grandparent);
    - an adult individual or entity designated by the parent or legal guardian;
    - a state-licensed program, i.e. foster home, shelter, etc.
    - any adult individual or entity (DHS) deems appropriate.

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## Definition of an Unaccompanied Immigrant Child

- Under 18 years of age;
- No lawful immigration status in the U.S.;
- No parent or legal guardian in the U.S. available to provide care and physical custody.

6. U.S.C. §279(g)(2)



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## Government Bodies Involved

- Department of Homeland Security (DHS)
  - US Customs & Border Patrol (CBP)
  - US Citizenship & Immigration Service (USCIS)
  - U.S. Immigration & Customs Enforcement (ICE)
    - Office of Chief Counsel
    - Office of Detention & Removal
- Office of Refugee Resettlement (ORR)
  - Division of Unaccompanied Children Services (DUCS)
- Department of Justice (DOJ)
  - Executive Office for Immigration Review (EOIR)
    - Board of Immigration Appeals (BIA)




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## Individuals Encountered by a Detained Child

- Shelter staff
  - Assist with family reunification
  - Provide some counseling
  - Very limited confidentiality (mental health)
- Child Protection Advocate
  - Friend to child
  - No confidentiality
- ORR Field Specialist (FS) and Field Coordinator (FC)
  - ORR FS is representative of ORR
  - ORR FC liaising b/w shelter and ORR
  - No confidentiality
- Attorney




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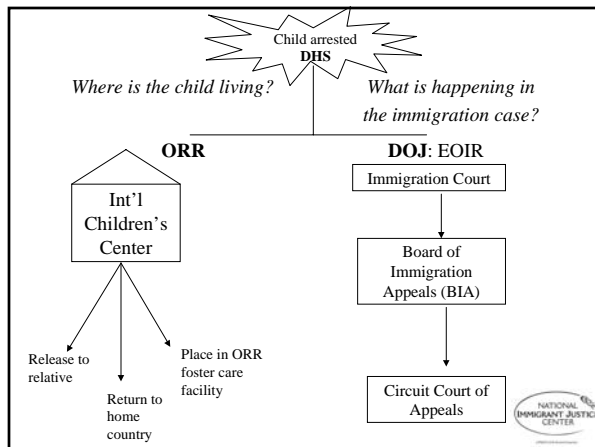
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## Legal Options under Immigration Law

- Special Immigrant Juvenile Status (SIJS)
- Asylum
- Trafficking (T-Visa)
- Victim of a Certain Crimes (U-Visa)
- Other Relief



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## Other Relief

- Adjustment of status where a qualifying family member can file a family petition  
e.g., U.S. citizen or permanent resident (step)parents
- Obtaining derivative status from parents, e.g., parents granted asylum
- DHS prosecutorial discretion, e.g., administrative closure; terminate proceedings based on humanitarian grounds



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## Voluntary Departure v. Removal

- |   |  |   |
|---|--|---|
| <ul style="list-style-type: none"><li>• A discretionary relief in lieu of removal</li><li>• Child pays cost of return</li><li>• Ability to return to the U.S. legally</li></ul> |  | <ul style="list-style-type: none"><li>• Government pays cost of return</li><li>• 10 year bar on reentry</li><li>• criminal penalties/ fine upon illegal reentry</li></ul> |
|---|--|---|



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## What is Special Immigrant Juvenile Status or SIJS?

Immigration status for children who have been:

- abused,
- abandoned and/or
- neglected



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## Special Immigrant Juvenile Status: Federal Law Basics

- **Definition** of Special Immigrant Juvenile: 8 U.S.C. § 1101(a)(27)(J):

an immigrant who is present in the United States –  
(i) who has been *declared dependent on a juvenile court*;  
(ii) for whom it has been determined that it is not in their best interest to be returned to country of origin; and  
(iii) in whose case the AG *expressly consents* to the dependency order; except that no juvenile court has jurisdiction to determine such status of a minor in federal custody unless the AG *specifically consents* to such jurisdiction.



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## SIJS Eligibility

- Under 21
  - Unmarried
  - Has been abused, abandoned, or neglected by parents
  - Dependent on juvenile court which has determined child to be eligible for “long-term foster care”
  - Reunification with parents not feasible
  - Not in child’s best interest to return to country of origin
- 8 C.F.R. § 204.11(c); 58 FR 4280, Aug. 12, 1993



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## Three Steps to Obtaining Consent for SIJS

- Specific Consent
- Declared Dependent by a Juvenile Court
- Express Consent

Depending on the child's custody status, specific consent *may not* be required.



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## Step 1: Specific Consent

- By definition [8 U.S.C. § 1101 (a) (27)(J)(iii)(I)], children in *actual or constructive* federal custody require *specific consent* from DHS/ICE in order to proceed into state court for a dependency finding.
- Specific consent is a jurisdictional grant by the DHS/ICE to the states for the specific or limited purpose of a dependency proceeding.
- A request for specific consent is made upon the Director of the Juvenile and Family Residential Management Unit/DHS/ICE in D.C.



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## Is Specific Consent Necessary?

Specific consent is only necessary if the child is in Federal Custody. This includes:

- Children who are in *actual* physical custody in a federal detention center including both DHS and ORR, and
- Children who are in *constructive* custody:
  - DUCS foster care (not URM foster care)
  - state custody for criminal matters (where ICE has issued a detainer), and
  - minors who are under a prior order of removal.

Children who were never in federal custody as well as children released from federal custody to their sponsors *do not* require specific consent.



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## Specific Consent Criteria

DHS should consent to the juvenile court's jurisdiction if:

- [I]t appears that the juvenile would be eligible for SIJ status if a dependency order is issued; and
- [I]n the judgment of the district director, the dependency proceeding would be in the best interest of the juvenile.

See Cook July 9, 1999 Memorandum on Clarification of Interim Field Guidance



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## Obtaining Specific Consent

- The letter requesting consent:
  - The request should delineate the facts of the child's case as well as the applicability of both federal and state law. Please see the sample request in the manual which outlines both areas of law.
- Supporting documentation:
  - Birth certificate as proof of age and identity
  - Child's affidavit
  - Statement(s) from Expert or Fact Witnesses regarding the abuse, abandonment or neglect
  - Psychological Evaluation, if needed



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## Step 2: Obtaining Dependency Order from State Juvenile Courts

- Once a child in federal custody has obtained specific consent, they may proceed into state juvenile court for a dependency order.
- Children that are not in federal custody may proceed immediately into state court for a dependency order.



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**Obtaining The Dependency  
Order**

**Juvenile Court and the Role of  
the Guardian ad Litem**

Julie Gerber Sollinger  
Office of the Public Guardian



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**Step 3: Express Consent**

- Express Consent by the Attorney General (AG) must be obtained as a precondition to the grant of SIJS.
- Such consent occurs during the adjudication of the I-360 SIJ petition. The AG's consent to the dependency order should be reflected in a grant or denial of SIJ petition.



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**Elements Reviewed for Express  
Consent**

The dependency order must establish the following:

- The child has been declared a dependent of a juvenile court or the court has placed the child under custody of an agency or department of state;
- The applicant has been deemed eligible for long-term foster care due to abuse, neglect and abandonment by a juvenile court.
- It is not in the child's best interest to be returned.

*See Yates' May 27, 2004 Memorandum #3 Field Guidance on Special Immigrant Juvenile Status Petitions*



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### Element One

The child must be declared a dependent of Juvenile Court or legally committed to, or placed under the custody of an agency or department of the state.

- In Illinois, the proper venue is the juvenile court;
- The child can be living with a foster care family, with non-relatives, in a group home; or living with court-appointed guardians.



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### Element Two

The child must be “deemed eligible for long-term foster care due to abuse, neglect or abandonment.”

- “Eligibility for long-term foster care” means that family reunification is no longer a viable option. See 8 C.F.R. §204.11(a)
- “Abuse, neglect or abandonment” is defined by state laws, not defined in the immigration statute or regulations.



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### Element Three

It is not in the child’s best interest to be returned. 8 USC §1101(a)(27)(J)(ii)

- The juvenile court judge can make such finding in the dependency order based on the facts that the child has been abused, neglected or abandonment and there is no viable family reunification.
- The following factors may be relevant in such a determination:
  - Child may be accustomed to life in the United States
  - Child has been educated in the United States
  - Child has built strong personal ties to guardians, counselors and friends, etc.



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## Adjudicatory Role of USCIS

- In granting express consent, the role of the (DHS/USCIS) District Director is limited to the purpose of determining SIJS, and not for making determinations of dependency status. *See* H.R.Rep. No. 105-405, at 130 (1997)
- The adjudicator generally should not second guess the juvenile court rulings or question whether the order was properly issued.

*See* Yates' May 27, 2004 Memo #3 Field Guidance on Special Immigrant Juvenile Status Petitions



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## Filing the SIJS Petition

- The Supporting Documents in I-360 (application for special immigrant juvenile status) packet include the following:
  - Cover Letter
  - Juvenile Court Dependency Order with the requisite SIJS findings
  - Proof of Age & Identify
  - Form G-28
- The I-360 should be filed with USCIS.



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## Obtaining Lawful Permanent Residence

- The approval of I-360 SIJS petition makes a child immediately eligible for lawful permanent resident status. To obtain that status, the child should file an I-485 application (adjustment of status).
- A child who is not in removal proceedings, may file the I-485 application concurrently with the I-360 SIJS petition with USCIS.



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**Children are Eligible for Adjustment of Status Despite the Following:**

- Engaging in unauthorized employment;  
INA §245(c)(2); 8 C.F.R. §245.1(b)(4)(ii)
- Overstaying a visa at the time of application;  
INA §245(c)(2); INA §245(h)(2)(A); 8 C.F.R. §245.1(b)(6)
- Entering the United States without inspection or permission;  
INA §245(h)(1); 8 C.F.R. §245.1(a)
- Previously ordered removed.  
INA §212(a)(9)



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**I-485 Filing Procedures**  
Track 1 File in Immigration Court

Immigration Judge (IJ) retains jurisdiction over the I-485 application for adjustment of status if the child is in removal proceedings. The following steps apply:

- Submit a copy of the I-485 application with fee or fee waiver pursuant to the instruction sheet given by the IJ
- Wait for USCIS to issue a receipt and schedule a biometrics appointment
- Serve a copy of the application packet on the Office of Chief Counsel
- File the original packet with IJ along with medical examination (familiarize yourself with the Immigration Court's Local Operating Procedures)

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**I-485 Filing Procedures**  
Track 2 File with USCIS

- If the child is not in removal proceedings, the I-485 application can be filed directly with the local (most likely Chicago) USCIS office.
- There might be an in-person interview with a USCIS officer.

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## How does SIJ Status Benefit an Unaccompanied Immigrant Minor?

- With lawful status, an unaccompanied immigrant child will be able to acquire a sense of safety and stability in his or her life. The child will be able to go to college, obtain a driver's license, and work lawfully.
- Moreover, after 5 years of lawful permanent residence and reaching the age of 18, the child will be eligible to apply for naturalization, thus allowing him or her to become a fully-participating member of U.S. society.



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## Special Considerations for Interviewing Children

- Explain your role and the purpose of the interview and reassure confidentiality of conversation
- Determine if an interpreter is needed
- Ensure interpreter is qualified and understands her role
- Ask simple, open-ended questions from different angles
- Be mindful of child's age, level of maturity, education, and past traumatic experience



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## Thank You!

**National Immigrant Justice Center**

**Mary Meg McCarthy** [mmccarthy@heartlandalliance.org](mailto:mmccarthy@heartlandalliance.org)

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# Overview of Asylum

Prepared by Sioban Albiol  
Asylum and Immigration Law Clinic  
DePaul College of Law  
Fall 2007

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## Agenda

- DHS Organization
- Asylum-seekers
- Overview of Asylum
- Statutory elements of asylum
  - Including REAL ID amendments
- Application Process

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## DHS Organization

- CIS
  - District Offices
    - Asylum Offices
  - Service Centers
- ICE
  - Internal enforcement
  - Includes Trial Attorneys who prosecute deportation cases
- CBP

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## From what countries are asylum-seekers fleeing

- US CIS
  - Chicago Office Receipts (October 2006)
    - Peru, Venezuela, Cameroon, Togo, Ivory Coast, Sudan, Chad, Central African Republic, Zimbabwe, Lebanon, Liberia, Iraq
  - Receipts Nationally (Jan. 2007)
    - China, Haiti, Mexico, Guatemala, Colombia, Ethiopia, Indonesia, Cameroon, Venezuela, Guinea
  - Grants Nationally: China, Haiti, Colombia, Venezuela, El Salvador, Guatemala, Ethiopia
- EOIR
  - National Receipts : China, El Salvador, Haiti, Guatemala, Mexico, Colombia
  - National Grants: China, Colombia, Haiti, Albania, India, Ethiopia

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## How asylum-seekers come to the US

- Through valid passports and visas
- Undocumented
- Through fraudulent documents (may be valid documents belonging to someone else)

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## Asylum Definition

- Must meet the definition of "refugee" found in INA Sec. 101(a)(42), 8 USC 1101(a)(42). INA §208(b).
- AG or DHS MAY grant asylum where applicant meets the definition.
- Refugee =
  - person outside of country of nationality or last habitually residence
  - unable or unwilling to return
  - because of persecution
  - or a well-founded fear of persecution
  - on account of race, religion, nationality, membership in a particular social group, or political opinion, or
- "Refugee" does NOT include persecutors
- Coercive population control - persecution on account of political opinion

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## Elements of Asylum

- Past persecution
- Or a well-founded fear of persecution
- On account of
- One of 5 enumerated grounds
  - race,
  - religion,
  - nationality,
  - membership in a particular social group, or
  - political opinion

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## Persecution

- Infliction of harm or suffering by the government or persons government is unable or unwilling to control
- Acts included in the definition
- Lesser forms of harm not included
- Distinct from prosecution

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## Past persecution

- Past persecution creates a rebuttable presumption of future persecution
  - Internal relocation
  - Change in circumstances
  - "humanitarian" basis

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## Well-founded fear

- Well-founded fear
  - Objective component
  - Subjective component
  - Percentages
  - Internal Relocation

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## On Account Of

- Nexus required
- REAL ID amends INA Sec. 208, 8 U.S.C. § 1158.
- Effective Date –all applications filed on or after date of enactment - 5/11/2005
- INA Sec. 208(b)(1)(B)(i)- Burden of proof is on the applicant to establish refugee **within the meaning** of INA Sec. 101(a)(42).
- Burden on applicant to show race, religion, nationality, membership in a particular social group, or political opinion was or will be **at least one central reason** for persecuting the applicant.
- See
  - INS v. Elias-Zacarias, 502 U.S. 478, 482 (1992)
  - Matter of S-P-, Int. Dec. 3287 (BIA 1996)
  - In Re J-B-N- & S-M-, 24 I & N Dec. 208 (BIA 2007) ( the protected ground cannot plan a minor role in the applicant's mistreatment)

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## Five enumerated grounds

- One of five enumerated grounds (REAL ID: at least one central reason)
  - Race
  - Religion
  - Nationality
  - Political opinion (expression of, imputed)
  - Social group (definition)

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## REAL ID

INA § 208(b)(1)(B)(ii) , 8 U.S.C. § 1158(b)(1)(B)(ii)

- SUSTAINING BURDEN- The testimony of the applicant may be sufficient... [where] credible, ... persuasive, and refers to specific facts ...In determining whether the applicant has met the applicant's burden, the trier of fact may weigh the credible testimony along with other evidence of record.
- Where the trier of fact determines that the applicant should provide evidence that corroborates otherwise credible testimony, such evidence must be provided unless the applicant does not have the evidence and cannot reasonably obtain the evidence.
- See :
  - Matter of Mogharabji, 19 I & N Dec. 439 (1987)
  - Matter of S-M-J, Int. Dec. 3303 (BIA 1997)
  - Hor v. Gonzalez, 421 F.3d 497 (7<sup>th</sup> Cir. 2005); Diallo v. Gonzales, 439 F.3d 764 (7<sup>th</sup> Cir. 2006); Dawoud v. Gonzalez, 424 F. 3d 608 (7<sup>th</sup> Cir. 2005); Gontcharova v. Gonzalez, 384 F 3d. (7<sup>th</sup> Cir. 2004)

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## Bars to Asylum

- One year deadline
  - Exception: changed circumstances relating to eligibility, extraordinary circumstances related to delay
- Firm Resettlement
- Applicant can be removed to a safe third country
- Previous application
  - Exception: changed circumstances
- Particularly Serious Crime
  - For purpose of asylum, aggravated felony, per se PSC
- Persecutors
- Serious nonpolitical crime
- Danger to security
- Terrorist

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**INA Sec. 208(b)(1)(B)(iii),  
8 U.S.C. § 1158(b)(1)(B)(iii) as amended by  
REAL ID**

### CREDIBILITY DETERMINATION

- Totality of circumstances, and all relevant factors.
- May be based on demeanor, candor, or responsiveness of the applicant or witness,
- Inherent plausibility of the applicant's or witness's account
- Consistency between the applicant's or witness's written and oral statements (whenever made and whether or not under oath, and considering the circumstances under which the statements were made), the internal consistency of each such statement, the consistency of such statements with other evidence of record (including the reports of the Department of State on country conditions),
- Any inaccuracies or falsehoods in such statements, without regard to whether it goes to the heart of the applicant's claim, or any other relevant factor. See In Re J-Y-C, 24 I & N Dec. 260 (BIA 2007)
- No presumption of credibility (if no determination made by IJ, rebuttable presumption on appeal).

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## Overview of Process

- Affirmative applications
- Defensive applications
- Hearing process
- Eligibility for work authorization

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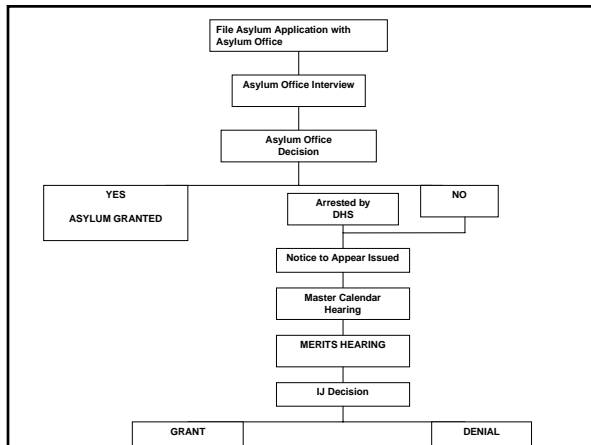
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## Affirmative Procedures

- 8 CFR 208.2 – Jurisdiction of Asylum Office
- File Form I-589 with AO as long as not or have not been in deportation/removal proceedings
  - Where : with Service Center
  - Fee: None
  - Must be complete (signed, answered)
  - Scheduling of interview (within 45 days in the Chicago district—although this varies by district)
  - Interview
- <http://www.uscis.gov/portal/site/uscis>
  - Go to “Services and Benefits” > “Humanitarian Benefits”>”Asylum”

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**Asylum Office Interview**  
**8 CFR 208.9**

- Have received specialized training
  - International human rights law
  - Nonadversarial interview techniques
  - National and international refugee laws and principals
- Right to representation
- Right to present documents, witnesses
- Must present own interpreter
  - Recently, in Chicago office, providing their own interpreter via telephone.
- Failure to appear for interview may result in dismissal

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**Asylum Office (cont.)**

- State Department Comments – 8 CFR 208.11
  - Asylum office forwards a copy to DOS
  - DOS has option of providing an advisory opinion
    - May also provide assessment of accuracy of assertions
    - Information about similarly situated
- AO may rely on other sources for decision (DOS material, NGOs, news organizations, academic institutions, other Service offices).
  - Resource Information Center
- Instances in which AO will forward application to HQ
  - Documents
  - Identity check

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**Asylum Office - Decision**

- Approval
  
- Denial – where in valid status alien returns to prior status.
  
- Referral – if not granted, and subject to proceedings.

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## AO Lesson Plans and Policy Guidance

- Affirmative Asylum Procedures Manual (February 2003) can be found at <http://www.uscis.gov/portal/site/uscis> (under "Services and Benefits" > "Humanitarian Benefits" > "asylum")
- Guidelines on gender-based claims
  - UNHCR Guidelines on International Protection: Gender Related Persecution within the context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees (2002).
  - UNHCR Guidelines on the Protection of Refugee Women (1991)
  - Coven, US Department of Justice, Considerations for Asylum Officers Adjudicating Claims from Women (May 25, 1995), reproduced in 72 Interpreter Releases 771 (June 5, 1995).
- DHS brief in Matter of R-A-, <http://cgrs.uchastings.edu/campaigns/alvarado.php>
- Guidelines on children's claims (December 1998)
- AO Lesson Plans
  - Credible Fear
  - One-year deadline
  - NACARA

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## Master Calendar Hearing

- Advisals:
  - Right to attorney
  - Availability of free or low-cost legal services
  - Right to present evidence, witnesses and cross-exam
  - If fear, advise of asylum, provide forms,
  - Consequences of frivolous application
  - Consequences of failure to appear
- Pleadings:
  - Admit, deny, correct factual allegations
  - Concede or contest deportability
  - Designation of country of removal
  - Relief (Asylum, Withholding, CAT, Voluntary Departure)

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## Removal Proceedings (cont.)

### MERITS HEARINGS

- Right to present witnesses, cross examine, right to present evidence
- Right to competent interpreter
- Right to appeal if denied—within 30 days, fee
- Evidence – hearsay admissible—evidence has to be probative and not prejudicial

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## IJ Decision

- Issued Orally or in writing;
- Respondent may appeal within 30 day to the Board of Immigration Appeals (BIA);
- If no appeal, IJ decision becomes final

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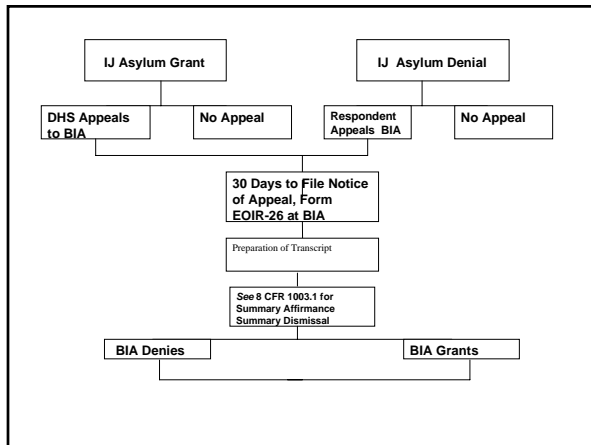
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## Conclusion

- Questions
- Critique

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**U Visa – Relief for Immigrant  
Crime Victims**

Nora Phillips  
Equal Justice Works Fellow  
Legal Assistance Foundation of  
Metropolitan Chicago  
October 2007

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**U Visa Background**

- Created by the Victims of Trafficking and Violence Protection Act (VTVPA) of 2000
- Goal – to encourage undocumented crime victims to come forward and cooperate with law enforcement
- Long-awaited Interim Rule was published in the Federal Register on 9/17/07, effective date is 10/17/07, comments accepted until 11/16/07
- [www.regulations.gov](http://www.regulations.gov), docket: USCIS-2006-0069

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**Pre-Regulation Policy for U Visa**

- Before the publication of regulations, applicants could apply for “Interim Relief,” which would place them in Deferred Action status and allow them to apply for a work authorization card (EAD) and Social Security Number.
- After 10/17/07, the effective date of the Interim Rule, no more Interim Relief applications can be filed.

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## Pre-Regulations, cont'd

- For all individuals with approved Interim Relief Applications, they *must* re-file a U visa application before 4/14/08 or their benefits (Deferred Action, EAD) will be terminated and they may be placed in removal proceedings.

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## Applicable Law

- Immigration and Nationality Act (INA) Sections:
  - § 101(a)(15)(U) – definition and requirements
  - § 214(p) – numerical limitation, petitioning procedure
  - § 245(m) – adjustment of status
- Code of Federal Regulations
  - Effective date – 10/17/07
  - Download from [www.regulations.gov](http://www.regulations.gov)

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## U Visa Requirements – § 101(a)(15)(U)

- "the alien has suffered substantial physical or mental abuse as a result of having been a victim of criminal activity..."
- "the alien (or in the case of an alien child under the age of 16, the parent, guardian, or next friend of the alien) possesses information concerning criminal activity..."
- "the alien (or in the case of an alien child under the age of 16, the parent, guardian, or next friend of the alien) has been helpful, is being helpful, or is likely to be helpful" to Federal, State, or local authorities in the investigation or prosecution of the crime
- "the criminal activity... violated the laws of the United States or occurred in the United States..."

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## Direct Victims

- 8 CFR 214.14(a)(14)
  - Direct victims – victim “directly and proximately harmed by qualifying criminal activity”
- Self-explanatory
  - Example: Anaïs, a 14 year-old undocumented girl, is raped. She calls the police and testifies against her rapist in court. Under the U visa provision, Anaïs is a direct victim.

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## Indirect Victims

- In certain circumstances, individuals other than the victim can apply for a U visa:
  - Where the victim is an alien child under 16, the parent, legal guardian, or other family member, may apply for principal U visa status.
  - Example: Juan is an undocumented Argentinian man. His 8 year-old daughter, Ana, who is also undocumented, is the victim of sexual abuse by her neighbor. Juan contacts the police, encourages Ana to talk with them, and accompanies her to all court appointments. Under the new regulations, Juan can apply for a U visa.

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## Derivatives

- Can be derivatives whether in the U.S. or abroad
- If principal applicant is under 21
  - Derivatives = principal's spouse, children, unmarried siblings under 18 (on filing date of principal's petition), and parents
- If principal applicant is over 21
  - Derivatives = principal's spouse and children
- Form I-918, Supplement A

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**Qualifying Crimes – INA §101(a)(15)(U)(iii)**

- Qualifying crimes under the statute
  - [R]ape; 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; or attempt, conspiracy, or solicitation to commit any of the above mentioned crimes
  - "or any similar activity" also encompassed by statute for related, non-enumerated crimes

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**U Visa Application Process**

- Form I-918 (available at [www.uscis.gov](http://www.uscis.gov) → "Immigration Forms"), which includes:
  - I-918, Petition for U Nonimmigrant Status
  - I-918 Supplement A, Petition for Qualifying Family Member of U-1 Recipient
  - I-918 Supplement B, U Nonimmigrant Status Certification

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**Victim's Statement**

- Required document, which should include "[t]he 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 applicant, notarized, if possible.

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### Additional Documents

- 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

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### Law Enforcement Certification

- Most crucial element of U visa application and what makes the U visa so unique – very few visas require documentation from law enforcement agencies
- Form I-918, Supplement B
- Must be completed by law enforcement official designated by each agency
- Must certify that applicant is assisting investigation or prosecution, has in the past, or will in the future
- Depending on jurisdiction where crime occurred, definitely consult the non-profit organization who referred the *pro bono* case (LAF, NIJC, etc.) for pointers or contacts as they might already have a good relationship with that particular law enforcement agency

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### Law Enforcement Certification Issues

- Resistance by law enforcement based on feelings regarding immigration
- Lack of familiarity with U visa or process
- Finding appropriate law enforcement official

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### Ineligibility for the U Visa: The I-192 Waiver

- Grounds of *inadmissibility* in immigration law apply, even though most applicants are already in the U.S. (criminal, health-related, and unlawful entry or presence in the U.S.).
- If any of these grounds apply, the applicant must file an I-192 waiver.
  - Until the alien turns 18, no unlawful presence is counted
- If applicants have any of these issues, please contact referring non-profit agency (LAF, NIJC, etc.) before filing.

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### Fees

- I-918 - \$0
- I-192 - \$545 (NO fee waivers available)
- Fingerprints - \$80 (fee waiver available)
  - Clients under 14 or over 80 do not need to be fingerprinted.
  - Clients should be encouraged to pay this if at all possible.

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### How to Become Involved

- Immigrant Crime Victims Project, Legal Assistance Foundation of Metropolitan Chicago
  - Nora Phillips, 312/347-8390, [nphillips@lafchicago.org](mailto:nphillips@lafchicago.org)
- National Immigrant Justice Center
  - Mony Ruiz-Velasco, 312/660-1370, [mruizvelasco@heartlandalliance.org](mailto:mruizvelasco@heartlandalliance.org)

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## What to Expect

- LAF and NIJC will refer clients with minimal risk factors and will provide mentoring, support, and language interpretation, if necessary.
- While it is unknown at what rate USCIS will approve U visas, the Interim Relief approval rate was very high (5,800 out of 7,000 approved). Clients and their families are given the stability and protection that they need and a chance to achieve a more permanent remedy later on.

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Los Angeles Times  
**latimes.com**

The truth is, you  
 can park it yourself.  
 A4Truth.com



[http://www.latimes.com/news/printedition/asection/la-ed-visas10sep10,1,2704545\\_story?coll=la-news-a\\_section&ctrack=1&cset=true](http://www.latimes.com/news/printedition/asection/la-ed-visas10sep10,1,2704545_story?coll=la-news-a_section&ctrack=1&cset=true)  
 From the Los Angeles Times

## Visas for victims

A 'U' visa will finally grant temporary legal status to illegal immigrants who are the victims of crime.

September 10, 2007

Since the collapse of comprehensive immigration reform this summer, legislators, including erstwhile reformers such as Sen. John McCain (R-Ariz.), have felt little compunction about pursuing enforcement-only measures while ignoring the 12 million illegal immigrants in this country.

Now, the federal government is finally working on the other half of the reform equation. This fall, U.S. Citizenship and Immigration Services will begin granting temporary legal status to illegal immigrants who have been victims of a crime and who cooperate with law enforcement.

The idea for this "U" visa -- soon to be available for up to 10,000 petitioners per fiscal year plus eligible family members -- is an old one. Part of the Victims of Trafficking and Violence Protection Act, which was passed nearly unanimously by Congress in 2000, it seeks to protect illegal immigrants from crime, recognizing their particular vulnerability and their reluctance to cooperate with investigations for fear of deportation.

In nearly seven years, not a single U visa has been granted; the agency claims post-9/11 bureaucratic reshuffling caused the delay. It did, however, offer "interim relief" to crime victims, granting work and travel authorization but no official legal status to about 5,800 out of 7,000 applicants.

The new visa will be retroactively available to those victims, along with any illegal immigrants who procure certification from a law enforcement agency that they've suffered crimes such as rape, domestic violence or extortion committed on U.S. ground. As long as the petitioner cooperates with law enforcement, the visa would protect him or her from deportation and grant employment authorization for four years. Three years after receiving a U visa (or three years after receiving interim relief), the immigrant would be eligible to apply for legal permanent residence, though the rules for adjusting status have yet to be clarified.

The new visas are an important humanitarian concession to immigrants who essentially have been twice victimized: first by erratic enforcement of immigration laws and the failure of Congress to pass a uniform fix, and second by criminals who prey on them knowing they're less likely to turn to police. With each government effort to pursue enforcement -- from federal raids and proposed congressional measures against so-called sanctuary cities to dozens of immigration laws passed by states and cities -- illegal immigrants will increasingly avoid reporting crime even in cities such as L.A., where, by long-standing order, law enforcement does not inquire about immigration status.

And though the U visa could be abused, the broader benefit is evident. As presidential contender Rudolph W. Giuliani said in last week's Republican debate (while his colleagues strove to outdo each others' enforcement-only grandstanding): "If you are an illegal immigrant in New York City, and a crime is committed against you, I want you to report that, because . . . the next time a crime is committed, it could be against a citizen or a legal immigrant."

If you want other stories on this topic, search the Archives at [latimes.com/archives](http://latimes.com/archives).

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PARTNERS:





**Department of Homeland Security**  
U.S. Citizenship and Immigration Services

# I-918, Petition for U Nonimmigrant Status

**START HERE - Please type or print in black ink.**

**Part 1. Information about you.** *(Person filing this petition as a victim)*

Family Name  Given Name  Middle Name

Other Names Use (Include maiden name/nickname)

Home Address - Street Number and Name  Apt. #

City  State/Province  Zip/Postal Code

Safe Mailing Address (if other than above) - Street Number and Name  Apt. #

C/O (in care of):

City  State/Province  Zip/Postal Code

Home Telephone #  Safe Daytime Phone #  E-Mail Address   
*(with area code) (with area code) (optional)*

A # (if any)  U.S. Social Security # (if any)  Gender  Male  Female

Marital Status  
 Single  Married  Divorced  Widowed

Date of Birth (mm/dd/yyyy)  Country of Birth

Country of Citizenship  Passport #

Place of Issuance  Date of Issue (mm/dd/yyyy)

Place of Last Entry  Date of Last Entry (mm/dd/yyyy)

I-94 # (Arrival/Departure Document)  Current Immigration Status

**For USCIS Use Only.**

Returned	Receipt
Date	
Date	
Resubmitted	
Date	
Date	
Reloc Sent	
Date	
Date	
Reloc Rec'd	
Date	
Date	

**U.S. Embassy/Consulate:**

**Validity Dates**  
From: \_\_\_\_\_  
To: \_\_\_\_\_

**Remarks**

**Conditional Approval**  
Stamp #: \_\_\_\_\_ Date \_\_\_\_\_

**Action Block**

**To Be Completed by**  
*Attorney or Representative, if any.*  
 Fill in box if G-28 is attached to represent the applicant.

ATTY State License #



**Part 2. Additional information.**

Answers to the questions below require explanations and supporting documentation. Attach relevant documents in support of your claims that you are a victim of criminal activity listed in the Immigration and Nationality Act (INA), section 101(a)(15)(U). You must also attach a personal narrative statement describing the criminal activity of which you were the victim. If you are only petitioning for U derivative status for a qualifying family member(s) subsequent to your (the principal petitioner) initial filing, evidence supporting the original petition is not required to be submitted with the new Form I-918.

Attach additional sheets of paper as needed. Write your name and Alien Registration Number (A #), if any, at the top of each sheet and indicate the number of the item that refers to your answer. Include the Part and letter or number relating to the additional information you provided (example: Part 2, Z).

Check either "Yes" or "No" as appropriate to each of the following questions.

- 1. I am a victim of criminal activity listed in the INA at section 101(a)(15)(U).  Yes  No

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- 2. I have suffered substantial physical or mental abuse as a result of having been a victim of this criminal activity.  Yes  No

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- 3. I possess information concerning the criminal activity of which I was a victim.  Yes  No

---

- 4. I am submitting a certification from a certifying official on Form I-918 Supplement B, U Nonimmigrant Status Certification.  Yes  No

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- 5. The crime of which I am a victim occurred in the United States including Indian country and military installations) or violated the laws of the United States.  Yes  No

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- 6. I am under the age of 16 years.  Yes  No

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- 7. I want an Employment Authorization Document.  Yes  No

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- 8. Have you ever been in immigration proceedings?  Yes  No

If "Yes," what type of proceedings? (Check all that apply.)

<input type="checkbox"/> Removal Date <i>(mm/dd/yyyy)</i>	<input type="checkbox"/> Exclusion Date <i>(mm/dd/yyyy)</i>	<input type="checkbox"/> Deportation Date <i>(mm/dd/yyyy)</i>	<input type="checkbox"/> Recission Date <i>(mm/dd/yyyy)</i>	<input type="checkbox"/> Judicial Date <i>(mm/dd/yyyy)</i>

- 9. List each date, place of entry and status under which you entered the United States during the five years preceding the filing of this petition.

Date of Entry <i>(mm/dd/yyyy)</i>	Place of Entry	Status at Entry

**Part 2. Additional information.** (Continued.)

10. If you are outside the United States, give the U.S. consulate or inspection facility you want notified if this petition is approved.

Type of Office (Check one):  Consulate  Pre-flight inspection  Port of Entry

Office Address (City)  U.S. State or Foreign Country

Safe Foreign Address Where You Want Notification Sent - Street Number and Name  Apt. #

City  State/Province  Country  Zip/Postal Code

**Part 3. Processing information.**

Please answer the following questions about yourself. For the purposes of this petition, you must answer "Yes" to the following questions, if applicable, even if your records were sealed or otherwise cleared or if anyone, including a judge, law enforcement officer or attorney, told you that you no longer have a record. (Answering "Yes" does not necessarily mean that you will be denied U nonimmigrant status.)

1. Have you EVER:

- a. Committed a crime or offense for which you have not been arrested?  Yes  No
- b. Been arrested, cited or detained by any law enforcement officer (including DHS, former INS and military officers) for any reason?  Yes  No
- c. Been charged with committing any crime or offense?  Yes  No
- d. Been convicted of a crime or offense (even if violation was subsequently expunged or pardoned)?  Yes  No
- e. Been placed in an alternative sentencing or a rehabilitative program (for example: diversion, deferred prosecution, withheld adjudication, deferred adjudication)?  Yes  No
- f. Received a suspended sentence, been placed on probation or been paroled?  Yes  No
- g. Been in jail or prison?  Yes  No
- h. Been the beneficiary of a pardon, amnesty, rehabilitation, or other act of clemency or similar action?  Yes  No
- i. Exercised diplomatic immunity to avoid prosecution for a criminal offense in the United States?  Yes  No

If you answered "Yes" to any of the above questions, complete the following table. If you need more space, use a separate sheet of paper to give the same information.

Why were you arrested, cited, detained or charged?	Date of arrest, citation, detention, charge. (mm/dd/yyyy)	Where were you arrested, cited, detained or charged? (City, State, Country)	Outcome or disposition. (e.g., no charges filed, charges dismissed, jail, probation, etc.)

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**Part 3. Processing information.** (Continued.)

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2. Have you ever received public assistance in the United States from any source, including the U.S. government or any State, county, city or other municipality (other than emergency medical treatment), or are you likely to receive public assistance in the future?  Yes  No
- 
3. Have you:
- a. Engaged in prostitution or procurement of prostitution or do you intend to engage in prostitution or procurement of prostitution?  Yes  No
  - b. Ever engaged in any unlawful commercialized vice, including, but not limited to illegal gambling?  Yes  No
  - c. Ever knowingly encouraged, induced, assisted, abetted or aided any alien to try to enter the United States illegally?  Yes  No
  - d. Ever illicitly trafficked in any controlled substance, or knowingly assisted, abetted or colluded in the illicit trafficking of any controlled substance?  Yes  No
- 
4. Have you ever committed, planned or prepared, participated in, threatened to, attempted to, or conspired to commit, gathered information for, solicited funds for any of the following:
- a. Hijacking or sabotage of any conveyance (including an aircraft, vessel, or vehicle?  Yes  No
  - b. Seizing or detaining, and threatening to kill, injure, or continue to detain, another individual in order to compel a third person (including a governmental organization) to do or abstain from doing any act as an explicit or implicit condition for the release of the individual seized or detained?  Yes  No
  - c. Assassination?  Yes  No
  - d. The use of any firearm with intent to endanger, directly or indirectly, the safety of one or more individual or to cause substantial damage to property?  Yes  No
  - e. The use of any biological agent, chemical agent, or nuclear weapon or device, or explosive, or other weapon or dangerous device, with intent to endanger, directly or indirectly, the safety of one or more individuals or to cause substantial damage to property?  Yes  No
- 
5. Have you ever been a member of, solicited money or members for, provided support for, attended military training (as defined in section 2339D(c)(1) of title 18, United States Code) by or on behalf of, or been associated with an organization that is:
- a. Designated as a terrorist organization under section 219 of the Immigration and Nationality Act?  Yes  No
  - b. Any other group of two or more individuals, whether organized or not, which has engaged in or has a subgroup which has engaged in:  Yes  No
  - c. Hijacking or sabotage of any conveyance (including an aircraft, vessel, or vehicle?  Yes  No
  - d. Seizing or detaining, and threatening to kill, injure, or continue to detain, another individual in order to compel a third person (including a governmental organization) to do or abstain from doing any act as an explicit or implicit condition for the release of the individual seized or detained?  Yes  No
  - e. Assassination?  Yes  No
  - f. The use of any firearm with intent to endanger, directly or indirectly, the safety of one or more individual or to cause substantial damage to property?  Yes  No

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**Part 3. Processing information.** (Continued.)

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- g.** The use of any biological agent, chemical agent, or nuclear weapon or device, or explosive, or other weapon or dangerous device, with intent to endanger, directly or indirectly, the safety of one or more individuals or to cause substantial damage to property?  Yes  No
- h.** Soliciting money or members or otherwise providing material support to a terrorist organization?  Yes  No
- 

**6.** Do you intend to engage in the United States in:

- a.** Espionage?  Yes  No
- b.** Any unlawful activity, or any activity the purpose of which is in opposition to, or the control or overthrow of the government of the United States?  Yes  No
- c.** Solely, principally, or incidentally in any activity related to espionage or sabotage or to violate any law involving the export of goods, technology, or sensitive information?  Yes  No
- 

**7.** Have you ever been or do you continue to be a member of the Communist or other totalitarian party, except when membership was involuntary?  Yes  No

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**8.** Have you, during the period of March 23, 1933 to May 8, 1945, in association with either the Nazi Government of Germany or any organization or government associated or allied with the Nazi Government of Germany, ever ordered, incited, assisted or otherwise participated in the persecution of any person because of race, religion, nationality, membership in a particular social group or political opinion?  Yes  No

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**9.** Have you EVER ordered, committed, assisted, helped with, or otherwise participated in any act that involved:

- a.** Torture or genocide?  Yes  No
- b.** Killing, beating, or injuring any person?  Yes  No
- c.** Displacing or moving any persons from their residence by force, threat of force, compulsion, or duress?  Yes  No
- d.** Engaging in any kind of sexual contact or relations with any person who was being subjected to force, threat of force, compulsion, or duress?  Yes  No
- e.** Limiting or denying any person's ability to exercise religious beliefs?  Yes  No
- f.** The persecution of any person because of race, religion, national origin, membership in a particular social group, or political opinion?  Yes  No

If you answer "Yes," please describe the circumstances on a separate sheet(s) of paper.

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**10.** Have you EVER advocated that another person commit any of the acts described in the preceding question, urged, or encouraged another person, to commit such acts? (If you answer "Yes," describe the circumstances on a separate sheet(s) of paper.)  Yes  No

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**Part 3. Processing information.** (Continued.)

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11. Have you EVER been present or nearby when any person was:

- a. Intentionally killed, tortured, beaten, or injured?  Yes  No
- b. Displaced or moved from his or her residence by force, compulsion or duress?  Yes  No
- c. In any way compelled or forced to engage in any kind of sexual contact or relations?  Yes  No

If you answer "Yes," please describe the circumstances on a separate sheet(s) of paper.

---

12. Have you (or has any member of your family) EVER served in, been a member of, or been involved in any way with:

- a. Any military unit, paramilitary unit, police unit, self-defense unit, vigilante unit, rebel group, guerrilla group, or insurgent organization?  Yes  No
- b. Any prison, jail, prison camp, detention camp, labor camp, or any other situation that involved guarding prisoners?  Yes  No
- c. Any group, unit, or organization of any kind in which you or other persons possessed, transported, or used any type of weapon?  Yes  No

If you answer "Yes," please describe the circumstances on a separate sheet(s) of paper.

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13. Have you EVER received any type of military, paramilitary or weapons training? (If you answer "Yes," please describe the circumstances on a separate sheet(s) of paper.)

Yes  No

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14. a. Are removal, exclusion, rescission or deportation proceedings pending against you?

Yes  No

b. Have removal, exclusion, rescission or deportation proceedings EVER been initiated against you?

Yes  No

c. Have you EVER been removed, excluded or deported from the United States?

Yes  No

d. Have you EVER been ordered to be removed, excluded or deported from the United States?

Yes  No

e. Have you EVER been denied a visa or denied admission to the United States? (If a visa was denied, explain why on a separate sheet of paper.)

Yes  No

f. Have you EVER been granted voluntary departure by an immigration officer or an immigration judge and failed to depart within the allotted time?

Yes  No

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15. Are you under a final order or civil penalty for violating section 274C (producing and/or using false documentation to unlawfully satisfy a requirement of the Immigration and Nationality Act)?

Yes  No

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16. Have you ever, by fraud or willful misrepresentation of a material fact, sought to procure, or procured, a visa or other documentation, for entry into the United States or any immigration benefit?

Yes  No

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17. Have you ever left the United States to avoid being drafted into the U.S. Armed Forces?

Yes  No

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**Part 3. Processing information.** (Continued.)

18. Have you ever been a J nonimmigrant exchange visitor who was subject to the two-year foreign residence requirement and not yet complied with that requirement or obtained a waiver of such?  Yes  No
- 
19. Have you ever detained, retained, or withheld the custody of a child, having a lawful claim to United States citizenship, outside the United States from a United States citizen granted custody?  Yes  No
- 
20. Do you plan to practice polygamy in the United States?  Yes  No
- 
21. Have you entered the United States as a stowaway?  Yes  No
- 
22. a. Do you have a communicable disease of public health significance?  Yes  No
- b. Do you have or have you had a physical or mental disorder and behavior (or a history of behavior that is likely to recur) associated with the disorder which has posed or may pose a threat to the property, safety, or welfare of yourself or others?  Yes  No
- c. Are you now or have you been a drug abuser or drug addict?  Yes  No

**Part 4. Information about spouse and/or children.** (Continued.)

1.  Spouse

Family Name	Given Name	Middle Name	
<input type="text"/>	<input type="text"/>	<input type="text"/>	
Date of Birth (mm/dd/yyyy)	Country of Birth	Relationship	Current Location
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

2.  Children

Family Name	Given Name	Middle Name	
<input type="text"/>	<input type="text"/>	<input type="text"/>	
Date of Birth (mm/dd/yyyy)	Country of Birth	Relationship	Current Location
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Family Name	Given Name	Middle Name	
<input type="text"/>	<input type="text"/>	<input type="text"/>	
Date of Birth (mm/dd/yyyy)	Country of Birth	Relationship	Current Location
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

(If more space is needed, attach additional sheet(s) of paper.)

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**Part 5. Filing on behalf of family members.**

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I am now petitioning for one or more qualifying family member(s). *(If "Yes," complete and include Form I-918, Supplement A and Supplement B, for each family member for whom you are petitioning.)*  Yes  No

---

**Part 6. Attestation, release and signature.** *(Read information on penalties in the instructions before completing this part.)*

---

I certify, under penalty of perjury under the laws of the United States of America, that the information provided with this petition is all true and correct. I certify also that I have not withheld any information that would affect the outcome of this petition.

**Signature**

**Date** *(mm/dd/yyyy)*

**NOTE:** *If you do not completely fill out this form or fail to submit required documents listed in the instructions, you may not be found eligible for the benefit sought and this petition will be denied.*

---

**Part 7. Signature of person preparing form, if other than above.** *(Sign below.)*

---

I declare that I prepared this petition at the request of the above person, and it is based on all information of which I have knowledge. I have not knowingly withheld any material information that would affect the outcome of this petition.

**Attorney or Representative:** In the event of a Request for Evidence, may USCIS contact you by Fax or E-Mail?  Yes  No

**Preparer's Signature**

**Date** *(mm/dd/yyyy)*

**Preparer's Printed Name**

**Preparer's Firm Name** *(if applicable)*

**Preparer's Address**

**Daytime Phone Number** *(with area code)*

**Fax Number** *(if any)*

**E-Mail Address** *(if any)*

# I-918 Supplement A, Petition for Qualifying Family Member of U-1 Recipient

**START HERE - Please type or print in black ink.**

*(The recipient of the U-1 nonimmigrant classification is referred to as the "principal." His or her family member(s) is referred to as a "derivative." Form I-918, Supplement A is to be completed by the principal.)*

For USCIS Use Only.	
Returned	Receipt
Date	
Date	
Resubmitted	
Date	
Date	
Reloc Sent	
Date	
Date	
Reloc Rec'd	
Date	
Date	

**Part 1. Family member(s) relationship to you (the principal).**

The family member that I am filing for is my:

- Spouse       Child  
 Parent       Unmarried sibling under 18 years of age

**Part 2. Information about you.**

Family Name      Given Name      Middle Name

--	--	--

Date of Birth (mm/dd/yyyy)      A # (if any)

--	--

Status of your Form I-918, Petition for U Nonimmigrant Status.

- Pending       Approved

**Part 3. Information about your family member (the derivative).**

Family Name      Given Name      Middle Name

--	--	--

Other Names Used (Include maiden name/nickname)

Date of Birth (mm/dd/yyyy)      Country of Birth      Country of Citizenship

--	--	--

**Residence or Intended Residence in the U.S. - Street Number and Name      Apt. #**

--	--

City      State/Province      Zip/Postal Code

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**Safe Mailing Address (if other than above) - Street Number and Name      Apt. #**

--	--

C/O (in care of):

City      State/Province      Zip/Postal Code

--	--	--

A # (if any)      U.S. Social Security # (if any)      I-94 # (if any)

--	--	--

Home Phone # (with area code)      Safe Daytime Phone # (with area code)

--	--

Marital Status

Gender

- Single       Married       Male  
 Divorced       Widowed       Female

**U.S. Embassy/Consulate:**

**Validity Dates**

From: \_\_\_\_\_  
To: \_\_\_\_\_

**Remarks**

**Conditional Approval**

Stamp #: \_\_\_\_\_ Date \_\_\_\_\_

**Action Block**

**To Be Completed by  
Attorney or Representative, if any.**

- Fill in box if G-28 is attached to represent the applicant.

ATTY State License #

**Part 4. Additional information about your family member.**

1. Give the following information about your family member if he or she is currently in the United States.

Place of Last Entry	Date of Last Entry	Current Immigration Status
<input type="text"/>	<input type="text"/>	<input type="text"/>
Passport #	Place of Issuance	Date of Issue (mm/dd/yyyy)
<input type="text"/>	<input type="text"/>	<input type="text"/>

2. Give the following information about your family member if he or she has previously traveled to the United States.

Place of Entry	Date of Entry (mm/dd/yyyy)	Date Authorized Stay Expired (mm/dd/yyyy)	Immigration Status
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

3. If your relative was previously married, list names of prior spouses and dates of termination of marriage. Documents such as divorce decrees or death certificates must be attached.

Name of Former Spouse(s)	Date Marriage Ended (mm/dd/yyyy)	Where and How Marriage Ended
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>

4. If your relative is outside the United States give the U.S. consulate or inspection facility you want notified if this petition is approved.

Type of Office (Check one):  Consulate  Pre-flight inspection  Port of Entry

Office Address (City)  U.S. State or Foreign Country

Foreign Address Where You Want Notification Sent.

5. Has your family member ever been in immigration proceedings?  Yes  No

If "Yes," what type of proceedings? (Check all that apply.)

<input type="checkbox"/> Removal Date (mm/dd/yyyy)	<input type="checkbox"/> Exclusion Date (mm/dd/yyyy)	<input type="checkbox"/> Deportation Date (mm/dd/yyyy)	<input type="checkbox"/> Recission Date (mm/dd/yyyy)	<input type="checkbox"/> Judicial Date (mm/dd/yyyy)
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

6. Is your family member requesting an Employment Authorization Document? (If "Yes," submit Form I-765, Application for Employment Authorization Document, separately.)  Yes  No

**NOTE:** If your family member is living outside the United States, he or she is not eligible to receive employment authorization until he or she is lawfully admitted to the United States. Do not file an I-765 for a family member living outside the United States.

7. List your family member's spouse and children. (Attach additional sheet(s) of paper if necessary.)

Full Name	Date of Birth (mm/dd/yyyy)	Country of Birth	Relationship
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

**Part 4. Additional information about your family member. (Continued.)**

Please answer the following questions about your family member. For the purposes of this petition, you must answer “Yes” to the following questions, if applicable, even if the records were sealed or otherwise cleared or if anyone, including a judge, law enforcement officer, or attorney, told you that your family member no longer has a record. (*Answering “Yes” does not necessarily mean that your family member will be denied U nonimmigrant status.*)

**8. Has the family member for whom you are filing EVER:**

- a. Committed a crime or offense for which he or she has not been arrested?  Yes  No
- b. Been arrested, cited, or detained by any law enforcement officer (including DHS (former INS) and military officers) for any reason?  Yes  No
- c. Been charged with committing any crime or offense?  Yes  No
- d. Been convicted of a crime or offense (even if violation was subsequently expunged or pardoned)?  Yes  No
- e. Been placed in an alternative sentencing or a rehabilitative program (for example: diversion, deferred prosecution, withheld adjudication, deferred adjudication)?  Yes  No
- f. Received a suspended sentence, been placed on probation, or been paroled?  Yes  No
- g. Been in jail or prison?  Yes  No
- h. Been the beneficiary of a pardon, amnesty, rehabilitation, or other act of clemency or similar action?  Yes  No
- i. Exercised diplomatic immunity to avoid prosecution for a criminal offense in the United States?  Yes  No

If the answer is “Yes” to any of the above questions, complete the following table. If you need more space, use a separate sheet(s) of paper.

Why was the family member for whom you are filing arrested, cited, detained or charged?	Date of arrest, citation, detention, charge. (mm/dd/yyyy)	Where was the family member for whom you are filing arrested, cited, detained or charged? (City, State, Country)	Outcome or disposition. (e.g., no charges filed, charges dismissed, jail, probation, etc.)

- 9. Has the family member for whom you are filing ever received public assistance in the United States from any source, including the U.S. government or any State, county, city or other municipality (other than emergency medical treatment), or is he or she likely to receive public assistance in the future?**  Yes  No

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**Part 4. Additional information about your family member. (Continued.)**

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10. Has the family member for whom you are filing:

- a. Engaged in prostitution or procurement of prostitution or does he or she intend to engage in prostitution or procurement of prostitution?  Yes  No
- b. Ever engaged in any unlawful commercialized vice, including, but not limited to illegal gambling?  Yes  No
- c. Ever knowingly encouraged, induced, assisted, abetted or aided any alien to try to enter the United States illegally?  Yes  No
- d. Ever illicitly trafficked in any controlled substance, or knowingly assisted, abetted or colluded in the illicit trafficking of any controlled substance?  Yes  No
- 

11. Has the family member for whom you are filing ever committed, planned or prepared, participated in, threatened to, attempted to, or conspired to commit, gathered information for, solicited funds for any of the following:

- a. Highjacking or sabotage of any conveyance (including an aircraft, vessel, or vehicle?  Yes  No
- b. Seizing or detaining, and threatening to kill, injure, or continue to detain, another individual in order to compel a third person (including a governmental organization) to do or abstain from doing any act as an explicit or implicit condition for the release of the individual seized or detained?  Yes  No
- c. Assassination?  Yes  No
- d. The use of any firearm with intent to endanger, directly or indirectly, the safety of one or more individual or to cause substantial damage to property?  Yes  No
- e. The use of any biological agent, chemical agent, or nuclear weapon or device, or explosive, or other weapon or dangerous device, with intent to endanger, directly or indirectly, the safety of one or more individuals or to cause substantial damage to property?  Yes  No
- 

12. Has the family member for whom you are filing ever been a member of, solicited money or members for, provided support for, attended military training (as defined in section 2339D(c)(1) of title 18, United States Code) by or on behalf of, or been associated with an organization that is:

- a. Designated as a terrorist organization under section 219 of the Immigration and Nationality Act?  Yes  No
- b. Any other group of two or more individuals, whether organized or not, which has engaged in or has a subgroup which has engaged in:
1. Highjacking or sabotage of any conveyance (including an aircraft, vessel, or vehicle?  Yes  No
2. Seizing or detaining, and threatening to kill, injure, or continue to detain, another individual in order to compel a third person (including a governmental organization) to do or abstain from doing any act as an explicit or implicit condition for the release of the individual seized or detained?  Yes  No
3. Assassination?  Yes  No
-

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**Part 4. Additional information about your family member. (Continued.)**

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4. The use of any firearm with intent to endanger, directly or indirectly, the safety of one or more individual or to cause substantial damage to property?  Yes  No
5. The use of any biological agent, chemical agent, or nuclear weapon or device, or explosive, or other weapon or dangerous device, with intent to endanger, directly or indirectly, the safety of one or more individuals or to cause substantial damage to property?  Yes  No
6. Soliciting money or members or otherwise providing material support to a terrorist organization?  Yes  No
- 

13. Does the family member for whom you are filing intend to engage in the United States in:

- a. Espionage?  Yes  No
- b. Any unlawful activity, or any activity the purpose of which is in opposition to, or the control or overthrow of the government of the United States?  Yes  No
- c. Solely, principally, or incidentally in any activity related to espionage or sabotage or to violate any law involving the export of goods, technology, or sensitive information?  Yes  No
- 

14. Has the family member for whom you are filing ever been or does her or she continue to be a member of the Communist or other totalitarian party, except when membership was involuntary?  Yes  No

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15. Has the family member for whom you are filing, during the period of March 23, 1933 to May 8, 1945, in association with either the Nazi Government of Germany or any organization or government associated or allied with the Nazi Government of Germany, ever ordered, incited, assisted or otherwise participated in the persecution of any person because of race, religion, nationality, membership in a particular social group or political opinion?  Yes  No

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16. Has the family member for whom you are filing EVER ordered, committed, assisted, helped with, or otherwise participated in any act that involved:

- a. Torture or genocide?  Yes  No
- b. Killing, beating, or injuring any person?  Yes  No
- c. Displacing or moving any persons from their residence by force, threat of force, compulsion, or duress?  Yes  No
- d. Engaging in any kind of sexual contact or relations with any person who was being subjected to force, threat of force, compulsion, or duress?  Yes  No
- e. Limiting or denying any person's ability to exercise religious beliefs?  Yes  No
- f. The persecution of any person because of race, religion, national origin, membership in a particular social group, or political opinion?  Yes  No

If the answer is "Yes," please describe the circumstances on a separate sheet(s) of paper.

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**Part 4. Additional information about your family member. (Continued.)**

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17. Has the family member for whom you are filing EVER advocated that another person commit any of the acts described in the preceding question, urged, or encouraged another person, to commit such acts? (If the answer is "Yes," describe the circumstances on a separate sheet(s) of paper.)  Yes  No
- 

18. Has the family member for whom you are filing EVER been present or nearby when any person was:
- a. Intentionally killed, tortured, beaten, or injured?  Yes  No
  - b. Displaced or moved from his or her residence by force, compulsion or duress?  Yes  No
  - c. In any way compelled or forced to engage in any kind of sexual contact or relations?  Yes  No

If the answer is "Yes," please describe the circumstances on a separate sheet(s) of paper.

---

19. Has the family member for whom you are filing (or has any member of his or her family) EVER served in, been a member of, or been involved in any way with:
- a. Any military unit, paramilitary unit, police unit, self-defense unit, vigilante unit, rebel group, guerrilla group, or insurgent organization?  Yes  No
  - b. Any prison, jail, prison camp, detention camp, labor camp, or any other situation that involved guarding prisoners?  Yes  No
  - c. Any group, unit, or organization of any kind in which you or other persons possessed, transported, or used any type of weapon?  Yes  No

If the answer is "Yes," please describe the circumstances on a separate sheet(s) of paper.

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20. Has the family member for whom you are filing EVER received any type of military, paramilitary or weapons training? (If the answer is "Yes," please describe the circumstances on a separate sheet(s) of paper.)  Yes  No
- 

21. a. Are removal, exclusion, rescission or deportation proceedings pending against the family member for whom you are filing?  Yes  No
- b. Have removal, exclusion, rescission or deportation proceedings EVER been initiated against the family member for whom you are filing?  Yes  No
- c. Has the family member for whom you are filing EVER been removed, excluded or deported from the United States?  Yes  No
- d. Has the family member for whom you are filing EVER been ordered to be removed, excluded or deported from the United States?  Yes  No

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**Part 4. Additional information about your family member. (Continued.)**

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e. Has the family member for whom you are filing **EVER** been denied a visa or denied admission to the United States? *(If a visa was denied, explain why on a separate sheet of paper.)*  Yes  No

f. Has the family member for whom you are filing **EVER** been granted voluntary departure by an immigration officer or an immigration judge and failed to depart within the allotted time?  Yes  No

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22. Is the family member for whom you are filing under a final order or civil penalty for violating section 274C (producing and/or using false documentation to unlawfully satisfy a requirement of the Immigration and Nationality Act)?  Yes  No

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23. Has the family member for whom you are filing ever, by fraud or willful misrepresentation of a material fact, sought to procure, or procured, a visa or other documentation, for entry into the United States or any immigration benefit?  Yes  No

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24. Has the family member for whom you are filing ever left the United States to avoid being drafted into the U.S. Armed Forces?  Yes  No

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25. Has the family member for whom you are filing ever been a J nonimmigrant exchange visitor who was subject to the two-year foreign residence requirement and not yet complied with that requirement or obtained a waiver of such?  Yes  No

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26. Has the family member for whom you are filing ever detained, retained, or withheld the custody of a child, having a lawful claim to United States citizenship, outside the United States from a United States citizen granted custody?  Yes  No

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27. Does the family member for whom you are filing plan to practice polygamy in the United States?  Yes  No

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21. Have you entered the United States as a stowaway?  Yes  No

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22. a. Do you have a communicable disease of public health significance?  Yes  No

b. Do you have or have you had a physical or mental disorder and behavior (or a history of behavior that is likely to recur) associated with the disorder which has posed or may pose a threat to the property, safety, or welfare of yourself or others?  Yes  No

c. Are you now or have you been a drug abuser or drug addict?  Yes  No

**Part 5. Attestation, release and signature.** (Read information on penalties in the instructions before completing this part.)

I certify, under penalty of perjury under the laws of the United States of America, that the information provided with this petition is all true and correct. I certify also that I have not withheld any information that would affect the outcome of this petition.

**Signature of Principal** (you)

**Date** (mm/dd/yyyy)

**Please Note:** Your qualifying family member for whom you are filing must sign if he or she is present in the United States.

**Signature of Qualifying Family Member if in the United States**

**Date** (mm/dd/yyyy)

**WARNING:** Petitioners who are in the United States illegally are subject to removal if their claims are not granted. Any information provided while completing this supplementary petition may be used as a basis for the institution of, or as evidence in, removal proceedings even if the petition is withdrawn.

**Part 6. Signature of person preparing form, if other than above.** (Sign below.)

I declare that I prepared this petition at the request of the above person, and it is based on all information of which I have knowledge. I have not knowingly withheld any material information that would affect the outcome of this petition.

**Attorney or Representative:** In the event of a Request for Evidence, may USCIS contact you by Fax or E-Mail?  Yes  No

**Preparer's Signature**

**Date** (mm/dd/yyyy)

**Preparer's Printed Name**

**Preparer's Firm Name** (if applicable)

**Preparer's Address**

**Daytime Phone Number** (with area code)

**Fax Number** (if any)

**E-Mail Address** (if any)

# Instructions for I-918, Supplement B, U Nonimmigrant Status Certification

Department of Homeland Security  
U.S. Citizenship and Immigration Services

## Instructions

Please read these instructions carefully to properly complete this form. If you need more space to complete an answer, use a separate sheet(s) of paper. Write your name and Alien Registration Number (A #), if any, at the top of each sheet of paper and indicate the part and number of the item to which the answer refers.

### What Is the Purpose of This Form?

You should use Form I-918, Supplement B, to certify that an individual submitting a Form I-918, Petition for U Nonimmigrant Status, is a victim of certain qualifying criminal activity and is, has been, or is likely to be helpful in the investigation or prosecution of that activity.

### When Should I Use Form I-918, Supplement B?

If you, the certifying official, determine that this individual (better known as the petitioner) is, has been, or is likely to be helpful in your investigation or prosecution, you may complete this supplement form. The **petitioner** must then submit the supplement to USCIS with his or her petition for U nonimmigrant status.

**NOTE:** An agency's decision to provide a certification is entirely discretionary; the agency is under no legal obligation to complete a Form I-918, Supplement B, for any particular alien. However, without a completed Form I-918, Supplement B, the alien will be ineligible for U nonimmigrant status.

To be eligible for U nonimmigrant status, the alien must be a victim of qualifying criminal activity. The term "victim" generally means an alien who has suffered direct and proximate harm as a result of the commission of qualifying criminal activity.

The alien spouse, unmarried children under 21 years of age and, if the victim is under 21 years of age, parents and unmarried siblings under 18 years of age, will be considered victims of qualifying criminal activity where:

1. The direct victim is deceased due to murder or manslaughter, or
2. Where a violent qualifying criminal activity has caused the direct victim physical harm of a kind and degree that makes the direct victim incompetent or incapacitated, and, therefore, unable to provide information concerning the criminal activity or to be helpful in the investigation or prosecution of the criminal activity.

An alien may be considered a victim of witness tampering, obstruction of justice, or perjury, including any attempt, conspiracy, or solicitation to commit one or more of those offenses if:

1. The victim has been directly and proximately harmed by the perpetrator of the witness tampering, obstruction of justice, or perjury; **and**
2. There are reasonable grounds to conclude that the perpetrator committed the witness tampering, obstruction of justice, or perjury offense, at least in principal part, as a means:
  - A. To avoid or frustrate efforts to investigate, arrest, prosecute, or otherwise bring to justice the perpetrator for other criminal activity; or
  - B. To further the perpetrator's abuse or exploitation of or undue control over the petitioner through manipulation of the legal system.

A person who is culpable for the qualifying criminal activity being investigated or prosecuted is excluded from being recognized as a victim.

A victim of qualifying criminal activity must provide evidence that he or she (or in the case of an alien under the age of 16 years or who is incapacitated or incompetent, the parent, guardian, or next friend of the alien) has been, is being, or is likely to be helpful to a certifying official in the investigation or prosecution of the qualifying criminal activity as listed in **Part 3** of this form. Being "helpful" means assisting law enforcement authorities in the investigation or prosecution of the qualifying criminal activity of which he or she is a victim.

### General Instructions.

#### Fill Out the Form I-918, Supplement B

1. Type or print legibly in black ink.
2. If extra space is needed to complete any item, attach a continuation sheet, indicate the item number, and date and sign each sheet.

- 
3. Answer all questions fully and accurately. State that an item is not applicable with "N/A." If the answer is none, write "none."

This form is divided into **Parts 1** through **7**. The following information should help you fill out the form.

**Part 1 - Victim information.**

- A. **Family Name** (Last Name) - Give victim's legal name.
- B. **Given Name** (First name) - Give victim's full first name, do not use "nicknames." (Example: If victim's name is Albert, do not use Al.)
- C. **Other Names Used** - Provide all the names the victim has used that you are aware of, including maiden name if applicable, married names, nicknames, etc.
- D. **Date of Birth** - Use eight numbers to show his or her date of birth (example: May 1, 1979, should be written 05/01/1979).
- E. **Gender** - Check the appropriate box.

**Part 2 - Agency information.**

- A. **Name of certifying agency** - The certifying agency must be a Federal, State, or local law enforcement agency, prosecutor, or authority, or Federal or State judge, that has responsibility for the investigation or prosecution, conviction or sentencing of the qualifying criminal activity of which the petitioner was a victim.

This includes traditional law enforcement branches within the criminal justice system, and other agencies that have criminal investigative jurisdiction in their respective areas of expertise, such as the child protective services, Equal Employment Opportunity Commission, and Department of Labor.

- B. **Name of certifying official** - A certifying official is:
  - 1. The head of the certifying agency or any person in a supervisory role, who has been specifically designated by the head of the certifying agency to issue a U Nonimmigrant Status Certification on behalf of that agency; **or**
  - 2. A Federal, state or local judge.

If the certification is not signed by the head of the certifying agency, please attach evidence of the agency head's written designation of the certifying official for this specific purpose.

- C. **Agency address** - Give the agency's mailing address.

**Part 3 - Criminal acts.**

- A. **Check all of the crimes of which the petitioner is a victim that your agency is investigating, prosecuting, or sentencing** - If the crime(s) of which the petitioner is a victim is not listed, please list the crime(s) and provide a written explanation regarding how it is similar to one of the listed crimes. Similar activity refers to criminal offenses in which the nature and elements of the offenses are substantially similar to the list of criminal activity found on the certification form itself.
- B. **Indicate whether the qualifying criminal activity violated the laws of the United States or occurred within the United States (including in Indian country and military installations) or the territories and possessions of the United States** - Qualifying criminal activity of which the applicant is a victim had to violate U.S. law or occur within the United States.

Please indicate whether the qualifying criminal activity occurred within the United States (including in Indian country and military installations) or the territories and possessions of the United States.

- 1. **United States** means the continental United States, Alaska, Hawaii, Puerto Rico, Guam, and the U.S. Virgin Islands.
- 2. **Indian country** refers to all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation; all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state; and all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through such allotments.
- 3. **Military installation** means any facility, base, camp, post, encampment, station, yard, center, port, aircraft, vehicle, or vessel under the jurisdiction of the Department of Defense, including any leased facility, or any other location under military control.

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#### **4. Territories and possessions of the United States**

means American Samoa, Bajo Nuevo (the Petrel Islands), Baker Island, Howland Island, Jarvis Island, Johnston Atoll, Kingman Reef, Midway Atoll, Navassa Island, Northern Mariana Islands, Palmyra Atoll, Serranilla Bank, and Wake Atoll.

If the qualifying criminal activity did not occur within the United States as discussed above, but was in violation of U.S. law, it must violate a Federal extraterritorial jurisdiction statute. There is no requirement that a prosecution actually occur. Please provide the statutory citation for the extraterritorial jurisdiction.

Being “helpful” means assisting law enforcement authorities in the investigation or prosecution of the qualifying criminal activity of which he or she is a victim. Alien victims who, after initiating cooperation, refuse to provide continuing assistance when needed will not meet the helpfulness requirement. There is an ongoing responsibility on the part of the victim to be helpful, assuming there is an ongoing need for the victim's assistance.

You, the certifying official, will make the initial determination as to the helpfulness of the petitioner. USCIS will give a properly executed Supplement B, U Nonimmigrant Status Certification significant weight, but it will not be considered conclusory evidence that the victim has met the eligibility requirements. USCIS will look at the totality of the circumstances surrounding the alien's involvement with your agency and all other information known to USCIS in determining whether the alien meets the elements of eligibility.

#### **Part 4 - Helpfulness of the victim.**

**A. Indicate whether the victim possesses information about the crime(s).** A petitioner must be in possession of information about the qualifying criminal activity of which he or she is a victim. A petitioner is considered to possess information concerning qualifying criminal activity of which he or she is a victim if he or she has knowledge of details concerning that criminal activity that would assist in the investigation or prosecution of the criminal activity. Victims with information about a crime of which they are not the victim will not be considered to possess information concerning qualifying criminal activities.

When the victim is under 16 years of age, incapacitated or incompetent, he or she is not required to personally possess information regarding the qualifying criminal activity. The parent, guardian, or "next friend" of the minor petitioner may provide that information. "Next friend" is a person who appears in a lawsuit to act for the benefit of an alien victim. The "next friend" is not a party to the legal proceeding and is not appointed as a guardian.

**B. Provide an explanation of the victim's helpfulness to the investigation or prosecution of the criminal activity.** A victim must provide evidence to USCIS that he or she (or, in the case of an alien child under the age of 16 or who is incapacitated or incompetent, the parent, guardian, or next friend of the alien) has been, is being, or is likely to be helpful to a certifying law enforcement official in the investigation or prosecution of the qualifying criminal activity.

#### **Part 5 - Family members implicated in criminal activity.**

**List whether any of the victim's family members are believed to have been involved in the criminal activity of which he or she is a victim.** An alien victim is prohibited from petitioning for derivative U nonimmigrant status on behalf of a qualifying family member who committed battery or extreme cruelty or trafficking against the alien victim which established his or her eligibility for U nonimmigrant status. Therefore, USCIS will not grant an immigration benefit to a qualifying family member who committed qualifying criminal activities in a family violence of trafficking context.

#### **Part 6 - Certification.**

Please read the certification block carefully. **NOTE:** If the victim unreasonably refuses to assist in the investigation or prosecution of the qualifying criminal activity of which he or she is a victim, even after this form is submitted to USCIS, you **must** notify USCIS by sending a written statement to: USCIS - Vermont Service Center, 75 Lower Welden Street, St. Albans, VT 05479-0001. Please include the victim's name, date of birth, and A-number (if available) on all correspondence.

# I-918 Supplement B, U Nonimmigrant Status Certification

**START HERE - Please type or print in black ink.**

**For USCIS Use Only.**

**Part 1. Victim information.**

Family Name	Given Name	Middle Name
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>
Other Names Used (Include maiden name/nickname)		
<input style="width: 99%;" type="text"/>		
Date of Birth (mm/dd/yyyy)	Gender	
<input style="width: 95%;" type="text"/>	<input type="checkbox"/> Male <input type="checkbox"/> Female	

Returned	Receipt
Date	
Date	
Resubmitted	
Date	
Date	
Reloc Sent	
Date	
Date	
Reloc Rec'd	
Date	
Date	

**Part 2. Agency information.**

Name of Certifying Agency		
<input style="width: 99%;" type="text"/>		
Name of Certifying Official	Title and Division/Office of Certifying Official	
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	
Name of Head of Certifying Agency		
<input style="width: 99%;" type="text"/>		
Agency Address - Street Number and Name		Suite #
<input style="width: 95%;" type="text"/>		<input style="width: 20%;" type="text"/>
City	State/Province	Zip/Postal Code
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>
Daytime Phone # (with area code and/or extension)		Fax # (with area code)
<input style="width: 95%;" type="text"/>		<input style="width: 95%;" type="text"/>
Agency Type		
<input type="checkbox"/> Federal <input type="checkbox"/> State <input type="checkbox"/> Local		
Case Status		
<input type="checkbox"/> On-going <input type="checkbox"/> Completed <input type="checkbox"/> Other _____		
Certifying Agency Category		
<input type="checkbox"/> Judge <input type="checkbox"/> Law Enforcement <input type="checkbox"/> Prosecutor <input type="checkbox"/> Other _____		
Case Number	FBI # or SID # (if applicable)	
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	

Remarks
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**Part 3. Criminal acts.**

1. The applicant is a victim of criminal activity involving or similar to violations of one of the following Federal, State or local criminal offenses. (Check all that apply.)

<input type="checkbox"/> Abduction	<input type="checkbox"/> Female Genital Mutilation	<input type="checkbox"/> Obstruction of Justice	<input type="checkbox"/> Slave Trade
<input type="checkbox"/> Abusive Sexual Contact	<input type="checkbox"/> Hostage	<input type="checkbox"/> Peonage	<input type="checkbox"/> Torture
<input type="checkbox"/> Blackmail	<input type="checkbox"/> Incest	<input type="checkbox"/> Perjury	<input type="checkbox"/> Trafficking
<input type="checkbox"/> Domestic Violence	<input type="checkbox"/> Involuntary Servitude	<input type="checkbox"/> Prostitution	<input type="checkbox"/> Unlawful Criminal Restraint
<input type="checkbox"/> Extortion	<input type="checkbox"/> Kidnapping	<input type="checkbox"/> Rape	<input type="checkbox"/> Witness Tampering
<input type="checkbox"/> False Imprisonment	<input type="checkbox"/> Manslaughter	<input type="checkbox"/> Sexual Assault	<input type="checkbox"/> Related Crime(s)
<input type="checkbox"/> Felonious Assault	<input type="checkbox"/> Murder	<input type="checkbox"/> Sexual Exploitation	<input type="checkbox"/> Other: (If more space needed, attach separate sheet of paper.)
<input type="checkbox"/> Attempt to commit any of the named crimes	<input type="checkbox"/> Conspiracy to commit any of the named crimes	<input type="checkbox"/> Solicitation to commit any of the named crimes	<input style="width: 150px; height: 20px;" type="text"/>

**Part 3. Criminal acts.** (Continued.)

2. Provide the date(s) on which the criminal activity occurred.

Date (mm/dd/yyyy)

Date (mm/dd/yyyy)

Date (mm/dd/yyyy)

Date (mm/dd/yyyy)

3. List the statutory citation(s) for the criminal activity being investigated or prosecuted, or that was investigated or prosecuted.

4. Did the criminal activity occur in the United States, including Indian country and military installations, or the territories or possessions of the United States?

Yes  No

a. Did the criminal activity violate a Federal extraterritorial jurisdiction statute?

Yes  No

b. If "Yes," provide the statutory citation providing the authority for extraterritorial jurisdiction.

c. Where did the criminal activity occur?

5. Briefly describe the criminal activity being investigated and/or prosecuted and the involvement of the individual named in **Part 1**. Attach copies of all relevant reports and findings.

6. Provide a description of any known or documented injury to the victim. Attach copies of all relevant reports and findings.

**Part 4. Helpfulness of the victim.**

The victim (or parent, guardian or next friend, if the victim is under the age of 16, incompetent or incapacitated.):

1. Possesses information concerning the criminal activity listed in **Part 3**.

Yes  No

2. Has been, is being or is likely to be helpful in the investigation and/or prosecution of the criminal activity detailed above. (Attach an explanation briefly detailing the assistance the victim has provided.)

Yes  No

3. Has not been requested to provide further assistance in the investigation and/or prosecution. (Example: prosecution is barred by the statute of limitation.) (Attach an explanation.)

Yes  No

4. Has unreasonably refused to provide assistance in a criminal investigation and/or prosecution of the crime detailed above. (Attach an explanation.)

Yes  No

**Part 4. Helpfulness of the victim.** (Continued.)

5. Other, please specify.

**Part 5. Family members implicated in criminal activity.**

1. Are any of the victim's family members believed to have been involved in the criminal activity of which he or she is a victim?  Yes  No

2. If "Yes," list relative(s) and criminal involvement. (Attach extra reports or extra sheet(s) of paper if necessary.)

Full Name	Relationship	Involvement

**Part 6. Certification.**

I am the head of the agency listed in **Part 2** or I am the person in the agency who has been specifically designated by the head of the agency to issue U nonimmigrant status certification on behalf of the agency. Based upon investigation of the facts, I certify, under penalty of perjury, that the individual noted in **Part 1** is or has been a victim of one or more of the crimes listed in **Part 3**. I certify that the above information is true and correct to the best of my knowledge, and that I have made, and will make no promises regarding the above victim's ability to obtain a visa from the U.S. Citizenship and Immigration Services, based upon this certification. I further certify that if the victim unreasonably refuses to assist in the investigation or prosecution of the qualifying criminal activity of which he/she is a victim, I will notify USCIS.

**Signature of Certifying Official Identified in Part 2.**

**Date** (mm/dd/yyyy)