

What is the U Visa?

- ▶ Nonimmigrant visa
- ▶ Four years lawful status with work authorization.
- ▶ After three years, U visa immigrant may adjust to Legal Permanent Resident (“LPR”).
- ▶ After five years as LPR and age 18, can apply for citizenship.
- ▶ Only 10,000 given out per year.
- ▶ Can apply for family members
 - If Principal Applicant is *under* age 21, he/she may include a spouse, children, parents, and/or unmarried siblings (under the age of 18).
 - If Principal Applicant is *over* age 21, he/she may include their spouse, and unmarried children under age 21.

INA § 101(a)(15)(U)(ii)

INA § 245(m)

U Visa Requirements

- ▶ Be a victim of a **qualifying criminal activity**;
- ▶ Suffer **substantial physical or mental abuse**;
- ▶ **Possess information** concerning that qualifying criminal activity;
- ▶ **Have been helpful, be currently helpful, or be likely to be helpful** to a federal, state, or local law enforcement agency investigating or prosecuting one of the qualifying criminal activities; and
- ▶ The criminal activity **violated the laws of the United States** and could be prosecuted in the United States.

Qualifying Criminal Activity

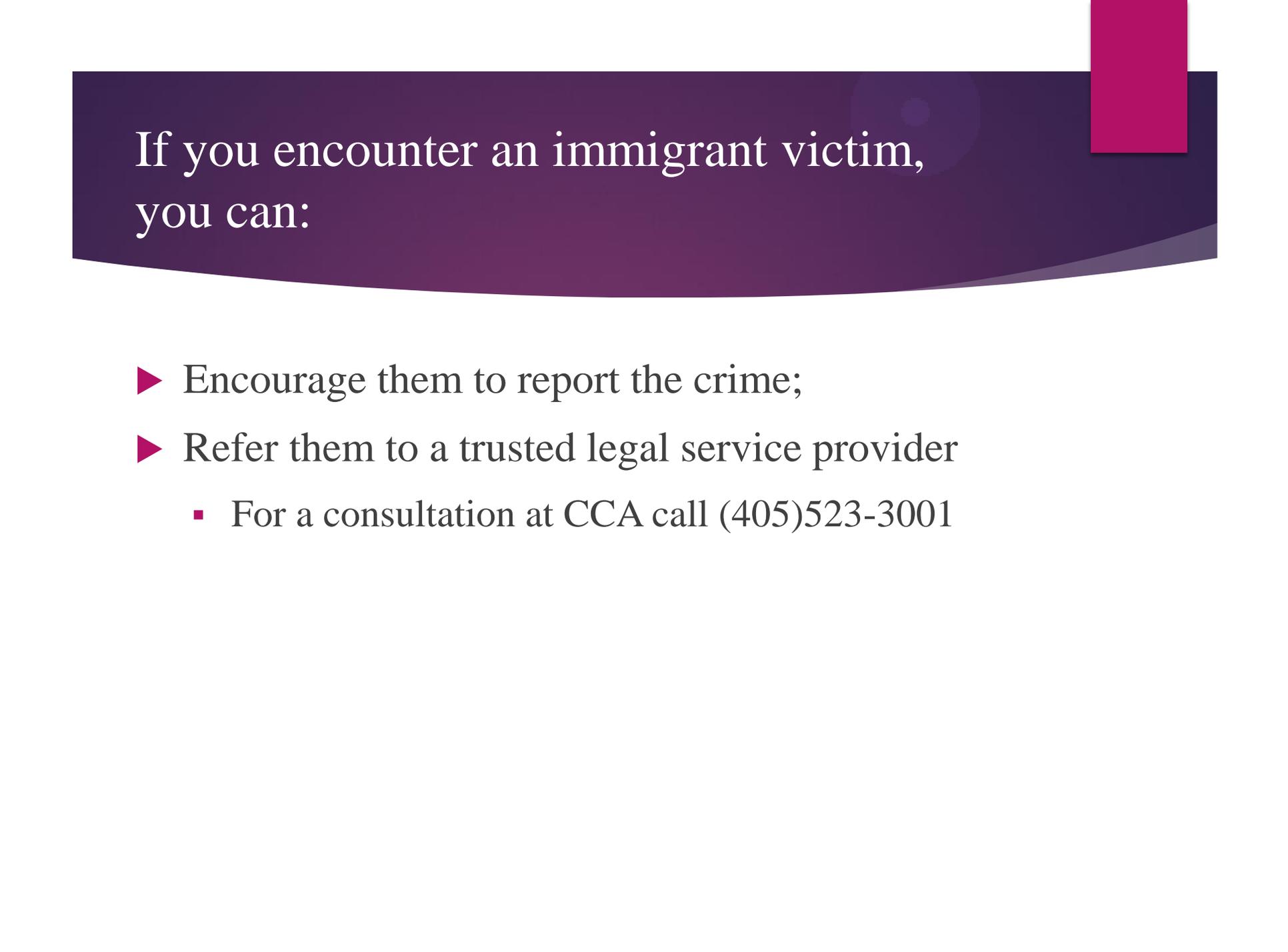
Involves one or more of the following or any similar activity in violation of U.S. federal, state, or local criminal law:

- Abduction
- **Abusive Sexual Contact**
- Blackmail
- **Domestic Violence**
- Extortion
- **False Imprisonment**
- Female Genital Mutilation
- Felonious Assault
- **Being Held Hostage**
- Incest
- Murder
- **Rape**
- **Prostitution**
- **Involuntary Servitude**
- Kidnapping
- Manslaughter
- Obstruction of Justice
- **Peonage**
- Perjury
- **Sexual Assault**
- **Sexual Exploitation**
- Slave Trade
- Stalking
- **Trafficking**
- Torture
- Fraud in Foreign Labor Contracting
- *Includes attempt, conspiracy, or solicitation to commit any of the above, and other related, crimes

Barriers for Immigrant Victims of Crimes

#1 Fear of deportation

- ▶ Lack of knowledge of U.S. laws and criminal justice system
- ▶ Perpetrator's power and control over victim's immigration status:
 - Maintaining control over victim's documents
 - Threatening to report family member to Immigration
- ▶ Language Limitations
- ▶ Not a "crime" in home country
- ▶ Unscrupulous Employers
- ▶ ***70 percent of undocumented immigrants reported they were less likely to contact law enforcement if they were the victim of a crime



If you encounter an immigrant victim,
you can:

- ▶ Encourage them to report the crime;
- ▶ Refer them to a trusted legal service provider
 - For a consultation at CCA call (405)523-3001

FAQ's

- ▶ If I am the VICTIM and I call the police will they hand me over to ICE?
- ▶ If I report the crime, will there be a police officer that speaks my language?
- ▶ How long does it take for USCIS to grant me the U Visa?
- ▶ What if the victim has criminal history, is LEO obligated to sign the U Visa Certification form?
- ▶ Is there a statute of limitation?
- ▶ Can my family be included on the U Visa application?
- ▶ What if there were no charges pressed, can Law Enforcement still sign the U Cert?
- ▶ What if the perpetrator fled the scene and was never arrested, can Law Enforcement still sign the U Cert?
- ▶ What if no police report was ever made, but the victim did obtain a protection order against her abuser, who can sign the U Cert then?
- ▶ By signing the U Certification, LEO giving the victim lawful status?
- ▶ If I was deported before, would I still qualify for a U Visa?
- ▶ If the perpetrator was deported would I still qualify for a U Visa?