

# Use of T-Visas, U-Visas, and Issue Spotting

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## Roadmap

- Brief Overview of U visa
- In Depth Discussion: U visa
- Brief Overview of T visa
- In Depth Discussion: T visa
- U visa vs. T visa, side by side comparison
- Trauma Informed Lawyering
- Case Studies
- Discussion

# **U- VISA**

## **For Victims of Qualifying Crimes**

### **U- VISA REQUIREMENTS**

- Victim of a qualifying criminal activity
- Has been, is being, or is likely to be helpful in
  - Detection, investigation, prosecution, conviction or sentencing
- Suffered substantial physical or mental abuse as a result of the victimization
- Possesses information about the crime
- Crime occurred in the U.S. or violated U.S. law

8 U.S. Code § 1101(a)(15)(U)(i); 8 C.F.R. § 214.14

## QUALIFYING CRIMINAL ACTIVITY

|                           |                                      |                          |
|---------------------------|--------------------------------------|--------------------------|
| Domestic violence         | • Kidnapping                         | • False Imprisonment     |
| Sexual assault            | • Abduction                          | • Blackmail              |
| Rape                      | • Trafficking                        | • Extortion              |
| Incest                    | • Involuntary servitude              | • Witness tampering      |
| Prostitution              | • Slave trade                        | • Obstruction of justice |
| Torture                   | • Being held hostage                 | • Perjury                |
| Female genital mutilation | • Peonage                            | • Stalking               |
| Felonious assault         | • Fraud in Foreign Labor Contracting |                          |
| Manslaughter              |                                      |                          |
| Murder                    |                                      |                          |

## COMMON CERTIFICATION ISSUES

- LEO Does not want to confer citizenship on victim
- LEO Believes Certifications are going to create an administrative backlog
- Belief that undocumented immigration status is a criminal federal offense
- It's the responsibility of DHS, not of the local police
- Established Upolicy, creates restrictions on who is eligible for certification
- Non traditional certifiers: EEOC/DOJ/NLRB/DFPS

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