

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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First appeared as part of the conference materials for the
41st Annual Conference on Immigration and Nationality Law session
"Use of T-Visas, U-Visas, and Issue Spotting"