

IMPORTANT:

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This training manual is intended for informational purposes only and to be used in consultation with a Her Justice mentor and should not be considered as a substitute for legal advice. Users should always consult with a qualified attorney regarding any specific legal questions or situations arising from their practice. The authors and publishers of this manual assume no responsibility for any errors or omissions contained herein, or for any consequences arising from its use.

U-NON IMMIGRANT STATUS Manual 2025



ALERT: This Manual was finalized in March 2025 – any urgent immigration policy updates that went into effect after this date will be addressed by your Her Justice mentor and in the Training that accompanies this manual.

Please also refer to our accompanying Immigration Policy Updates Manual for additional information.

U-NONIMMIGRANT STATUS MANUAL 2025

ACQUIRING LAWFUL IMMIGRATION STATUS FOR IMMIGRANT SURVIVORS AND THEIR CHILDREN

U NONIMMIGRANT STATUS

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1.B. Get to Know Your Case

GET TO KNOW YOUR CASE: THE HER JUSTICE U-NONIMMIGRANT STATUS PROGRAM

"To have such close client contact, to have someone actually relying upon you for help, advocacy and advice is an incredible personal and professional growth experience. Her Justice challenged us to be better lawyers, and with our client and her daughter's future at stake, we were forced to rise to the challenge."

– Volunteer

Attorney at Simpson Thacher & Bartlett

Her Justice recruits, trains and mentors teams of volunteer attorneys and legal assistants at major law firms to provide crucial immigration assistance to survivors of gender-based violence and their children. Volunteers provide life-altering assistance to some of the most at-risk individuals living in New York City on a daily basis through the Her Justice U Nonimmigrant Status Program.

The Role of Her Justice

Staff Attorneys at Her Justice conduct trainings for volunteers handling U Nonimmigrant Status cases. We require all members of the volunteer teams from our law firms – supervising partners, associates, and legal assistants alike – to attend a live training or to view a pre-recorded training and to review the Her Justice U Nonimmigrant Status Training Manual. CLE credit is provided to attorneys for the trainings (either live or video), as well as for their actual pro bono representation of clients.

After conflict checks have been conducted, Her Justice forwards client case files, which include case descriptions and copies of clients' documents, to participating firms. Where possible, this is done prior to the training. This enables new legal teams to process the information they receive at our CLE training with their clients' specific circumstances in mind.

Her Justice Staff Attorneys provide ongoing mentoring to the volunteer legal team. Each case is assigned a Her Justice mentor. Mentors review, edit and approve all applications and communications before they are filed with USCIS. This is an evolving area of practice, with frequent changes in administrative practice and law, so our commitment is to pass along relevant information about substantive and procedural changes at USCIS to teams handling these immigration law cases to help obtain the best outcome for clients.

The Role of the Volunteer Attorney

Her Justice connects victims of crime who are eligible to seek immigration relief through the U Nonimmigrant Status Petition process with pro bono attorneys who are eager to learn a new area of law and to make a positive difference for clients who live in constant fear of deportation and separation from their children. These immigration cases are non-litigated and done on submission to USCIS. The volunteer attorneys represent individual clients and their eligible family members on petitions for U Nonimmigrant Status which directly affects

a client's ability to work and remain in the United States and puts them on the pathway to citizenship.

It is likely that the attorney-client relationship will last at least 5 years, until USCIS has adjudicated the case and placed the petitioner on the U Nonimmigrant Status waiting list. The attorney may choose to continue the attorney-client relationship through to final grant of U status, in consultation with Her Justice.¹ Volunteer attorneys may choose to terminate the attorney-client relationship after the client has been placed in deferred action on the U Waiting List and has received employment authorization. Once representation is terminated, the volunteer attorney must notify Her Justice so that Her Justice can substitute representation by filing a new Notice of Attorney on behalf of the client with USCIS.

Although the U process takes several years, the total number of hours spent on these cases is manageable since volunteer attorneys have a maximum of six (6) months from the date of the Form I-918B, U Nonimmigrant Status Certification, to work on their client's case and file it with USCIS. Once the U petition is filed with USCIS, there are typically many months of waiting for immigration authorities to act and no further work is necessary on the part of the attorney.

Law students enrolled in an accredited law school, or a law graduate who is not yet admitted to the bar, may represent an immigration client referred by Her Justice as part of the legal team under the direct supervision of an admitted attorney from the law firm. At all times, an admitted attorney from the law firm must be the client's attorney of record and must review and sign all papers.

The legal team will handle:

- Conducting in-depth interviews with their clients² to establish eligibility for U Nonimmigrant Status, drafting compelling and detailed affidavits which chronicle their clients' experience;
- Preparing and filing initial applications with USCIS for a client and eligible family members; and
- Securing deferred action and employment authorization for a client and eligible family members living in the United States.

The legal team may also handle:

¹ Volunteer attorneys may represent and assist their noncitizen clients and any of their eligible family members through the entire process of the U Nonimmigrant Status Petition, from the filing of the initial petition to obtaining U Nonimmigrant Status for the principal and all derivatives. However, due to the annual statutory cap in the number of individuals granted U Nonimmigrant Status (10,000 every fiscal year), clients will be placed in deferred action for several years after adjudication of their petition and before U Nonimmigrant Status can be granted. Generally, no action need be taken by attorneys while a client is in deferred action.

² Special sensitivity is required to represent an immigrant client who has been the victim of a crime. Your client's social and cultural background, and/or other specific circumstances, may impact their ability to describe their experiences. Refer your client to counseling, where appropriate, after discussing the issues with your mentor. See Section on "What Do I Need To Know About Domestic Violence And Representing Battered Immigrant Women And Children Safely And Ethically?"

- Filing employment authorization renewal applications bi-annually until U Nonimmigrant Status has been granted;
- Filing applications for consular processing so that children abroad may reunify with their parent in the United States once U Nonimmigrant Status has been granted; and/or
- Filing applications adjusting status from U Nonimmigrant to Lawful Permanent Resident for a client and their family members.

USING THE HER JUSTICE TRAINING MANUAL

This manual, in conjunction with the Her Justice U Nonimmigrant Status Training is designed to give you:

- Sample completed forms, applications, cover letters, and affidavits;
- A basic knowledge of immigration law and procedure as it applies to obtaining U Nonimmigrant Status for victims of eligible crimes and their qualifying family members;
- The ability to prepare the necessary documents to petition USCIS for U Nonimmigrant Status on behalf of a crime victim and eligible derivatives, and to file accompanying applications for work authorization and waivers of inadmissibility, if applicable;
- The ability to counsel your client on what to expect throughout the U petition process, including the scope of your representation, risks to traveling outside the U.S. during the pendency of the U petition and after U Nonimmigrant Status has been granted, and the immigration timeline; and
- Relevant policy memoranda from USCIS and a list of resources so that you can easily conduct research or obtain the answer to your question(s).

This manual will not make you an expert. However, it will allow you to effectively represent a client in a U Nonimmigrant Status petition and put them, and any eligible family members, on the pathway to citizenship. In most instances, the manual will be able to answer basic questions you may have about how to complete USCIS immigration forms, what to do next in your case, and what evidence to include to support your client's petition. The manual is intended to serve as a desk reference on how to prepare a U Nonimmigrant Status petition. We hope this manual is helpful to you in your representation of a client through Her Justice. If you have any feedback or suggestions for improvement, please contact the Her Justice mentor who has been assigned to mentor you on your case.

As you read this manual, keep in mind the following:

- **Immigration forms should be downloaded through the USCIS website at www.uscis.gov.** USCIS is constantly revising immigration forms and you should use the most current version posted on their website. The USCIS website is also a valuable resource for general information and policy memoranda.
- **Working with a survivor of gender-based violence requires patience and understanding.** It's important to be aware of how you feel during your representation so that you can effectively listen and be present with your client. The articles and information in this manual will help you prepare for your client meetings and inform you of concerns specific to domestic violence survivors. Please make sure to read this section of the manual carefully and to consult with your Her Justice mentor where appropriate.

Your Her Justice mentor is here to help. It is critical to keep in regular contact with your Her Justice mentor and to allow them time to review your client's petition prior to

filing. Your mentor can help spot additional issues and provide necessary guidance throughout the case.

GET TO KNOW YOUR CASE: U NONIMMIGRANT STATUS FAQ

What is U Nonimmigrant Status?

United States immigration law governs the conditions under which noncitizens may lawfully enter and remain within the borders of the U.S. Although highly complex and ever-evolving, the law is meant to allow the U.S. to weigh the economic, societal and humanitarian interests of the country when determining whether or not to allow the entry and the temporary or permanent presence of a noncitizen in the U.S. A noncitizen that is deemed to satisfy these interests, and who is therefore lawfully allowed to enter or remain in the country, is generally granted an immigration status, or classification. There are close to a hundred different status types under which a noncitizen may be lawfully present in the U.S. Each status has different eligibility criteria, affords the noncitizen different rights, and imposes strict duties on the noncitizen. A violation of the terms of the noncitizen's status may result in the U.S. government terminating the noncitizen's status and removing (deporting) them from the country.

All immigration status types fall under two general categories: immigrant and nonimmigrant. Immigrant status is most commonly evidenced by a noncitizen's possession of a Lawful Permanent Resident (LPR) card, which is commonly referred to as a "green card." An LPR immigrant is allowed to remain in the country for 10 years, with possibility of renewal, so long as the noncitizen is not subject to grounds of removability. An LPR immigrant can also apply for US Citizenship after five years.¹

Nonimmigrant Status is afforded to noncitizens who are allowed by the U.S. government to remain in the country temporarily for a specific purpose. Commonly known Nonimmigrant Statuses include: B Nonimmigrant Status (tourist); F Nonimmigrant Status (student); and K Nonimmigrant Status (fiancée of U.S. citizen).

U Nonimmigrant Status was created by the Battered Immigrant Women Protection Act of 2000 and incorporated into the Immigration and Nationality Act primarily at §101(a)(15)(U), §212(d)(14), §214(p), and §245(m). The law was created with the goal of making communities safer by encouraging immigrant victims of crime to report the crimes committed against them and by rewarding victims who cooperated with law enforcement, often at great personal risk, to bring those responsible to justice. It was to "facilitate the reporting of crimes to law enforcement officials by trafficked, exploited, victimized, and abused [noncitizens] who are not in lawful immigration status" and as a "means to regularize the status of cooperating individuals".² The law provides for an annual statutory limit of 10,000 grants of U Nonimmigrant Status that can be granted per fiscal year.³ This limit applies to principal applicants only, and not to derivative petitions.

The perpetrator of the crime does not need to be related to the victim nor do they need to have legal status. The granting of a U Nonimmigrant Status confers "lawful temporary

¹ 8 C.F.R. §316.2

² VAWA 2000 §1513(a)(2)(B), 114 Stat. at 1534.

³ INA §214(p)(2)(A).

resident status” on a noncitizen for a period of four years. After three years in U status, a noncitizen that has been continuously present in the United States may apply for Lawful Permanent Residence. While in U status, the noncitizen may obtain employment authorization. Non-citizen children may derive benefits from their parent’s (the principal’s) application even if they are not victims of the crime themselves. The principal may apply for status for their child(ren) whether the derivative child(ren) resides in the United States or in their country of origin. These immigration applications are made to the United States Citizenship and Immigration Service (USCIS) of the Department of Homeland Security and must be filed within six months of receiving the law enforcement certification.

Who is eligible for U Nonimmigrant Status?

From October 28, 2000, when the Act was first signed into law, to September 17, 2007, when regulations finally went into effect, USCIS failed to issue regulations detailing how a noncitizen should apply for U Nonimmigrant Status and how USCIS would adjudicate any such petitions. As a result, U Nonimmigrant Status was unavailable to noncitizens for close to seven years. It was not until U nonimmigrant regulations became effective on October 17, 2007, that USCIS finally began accepting and granting petitions for U Nonimmigrant Status.⁴

Under USCIS regulations, to successfully request U Nonimmigrant Status, a petitioner must prove to the satisfaction of USCIS that the:

- (1) Noncitizen has been the victim of certain crimes enumerated by statute, including but not limited to crimes such as rape, domestic violence and felonious assault;⁵
- (2) Noncitizen has suffered substantial physical or mental abuse as a result of having been a victim of qualifying criminal activity;⁶
- (3) Noncitizen possesses information concerning criminal activity of which he or she was a victim;⁷
- (4) Noncitizen has been helpful, is being helpful, or is likely to be helpful to a Federal, State, or local law enforcement official, to a Federal, State, or local prosecutor, to a Federal or State judge, to the Service, or to other Federal, State,

⁴ Pursuant to a series of USCIS memoranda, during those seven intervening years without U regulations, noncitizens in the U.S. who believed themselves eligible for U Nonimmigrant Status could contact federal immigration authorities to seek temporary status (also referred to as ‘interim relief’) which, if approved, granted the noncitizen deferred action and the right to obtain work authorization.

⁵ INA §101(a) (15)(U)(ii)(III), 8 U.S.C. § 1101(a)(15)(U)(ii)(III).

⁶ INA §101(a) (15)(U)(i)(I), 8 U.S.C. § 1101(a)(15)(U)(i)(I).

⁷ INA §101(a) (15)(U)(i)(II), 8 U.S.C. § 1101(a)(15)(U)(i)(II).

or local authorities investigating or prosecuting criminal activity of which he or she was a victim;⁸ and

- (5) Qualifying criminal activity against the noncitizen violated the laws of the U.S. and occurred in the U.S. or the territories and possessions of the U.S.⁹

In addition, INA §214(p) requires that any petition for U Nonimmigrant Status must contain a certification from a Federal, State, or local law enforcement official, prosecutor or judge involved in the investigation of the crime against the noncitizen stating that the noncitizen has in fact been helpful to that official's investigation or prosecution of the crime committed against the noncitizen.

Even after a petitioner for U Nonimmigrant Status establishes their eligibility under INA §101(a)(15)(U) and INA §214(p), the petitioner cannot be granted status until she also proves to immigration authorities that she is not barred from receiving status under the provisions of INA §212(a), which describes conditions and past behavior that make a noncitizen generally ineligible to obtain any immigration status or relief from removal in the U.S. The grounds enumerated under INA §212(a) are referred to as "grounds of inadmissibility."

In cases where a ground of inadmissibility applies, a U Nonimmigrant Status petitioner can request that the government exercise discretion in her favor and grant her U Nonimmigrant Status despite the applicable grounds of inadmissibility.¹⁰ There is no discretionary waiver available for anyone who has participated in "Nazi persecution, genocide, or the commission of any act of torture or extrajudicial killing."¹¹

Can any family members of the U petitioner obtain lawful status in the U.S.?

In recognition that the families of victims who cooperate with law enforcement are often as endangered by the perpetrator of the crime as the victim herself, petitioners for U Nonimmigrant Status may not only request relief on their own behalf but also on behalf of qualifying family members regardless of whether or not the family members are physically present in the U.S. Petitioners who are 21 and older may include their children¹² and their spouse as derivative beneficiaries for U Nonimmigrant Status, so long as their spouse was not the perpetrator of the crime. Petitioners who are 20 and under may petition for their spouse; children; parents; and any unmarried siblings under 18 as of the date of receipt of the U petition by USCIS. Qualifying family members must prove their relationship to the principal U petitioner and show that they are not subject to a ground of inadmissibility. If they are subject to a ground of inadmissibility, the family member may seek a discretionary

⁸ INA §101(a)(15)(U)(i)(III), 8 U.S.C. § 1101(a)(15)(U)(i)(III).

⁹ INA §101(a)(15)(U)(i)(IV), 8 U.S.C. § 1101(a)(15)(U)(i)(IV).

¹⁰ INA §212(d)(14).

¹¹ INA §212(a)(3)(E).

¹² "Children" for immigration purposes are unmarried children under the age of 21.

waiver so long as they have not participated in “Nazi persecution, genocide, or the commission of any act of torture or extrajudicial killing.”¹³

Generally, to be eligible as derivative family member, the relationship with the petitioner must have existed at the time of filing the I-918, U Nonimmigrant Principal’s application. On December 3, 2020, the Ninth Circuit held that after-acquired spouses of U visa petitioners are eligible to be included and join the principal petitioner.¹⁴ This means that your client, the principal petitioner, may be able to include a future spouse if they get married during the pendency of their U Nonimmigrant Petition. You should reach out to your Her Justice mentor to discuss next steps if your client is interested in including an after-acquired spouse in their petition.

If any qualifying family member resides outside the U.S., in order to be able to enter the U.S., they must additionally apply to the U.S. Department of State at the local U.S. consulate abroad for a U Visa for their passport once U Nonimmigrant Status has been granted by USCIS. This process is called consular processing and Her Justice has a separate training on how to reunite clients in U Nonimmigrant Status with their children abroad.

How long does it take to get U Nonimmigrant Status?

There are two waiting periods to obtain U Nonimmigrant Status: the adjudication period and the U “waiting list” period. The average processing time for USCIS to adjudicate petitions for U Nonimmigrant Status is approximately 59 months (over five years). During the adjudication period, some petitioners for U Nonimmigrant Status will be granted a “Bona Fide Determination” (BFD) and will be able to receive deferred action and an Employment Authorization Document (“EAD” or “work permit”).

What is a Bona Fide Determination?

On June 14, 2021, USCIS announced it would begin a process for granting interim employment authorization and deferred action to certain applicants (and, in some circumstances, their qualifying family members).¹⁵ Petitioners, who are deemed by USCIS to have filed a “bona fide” application for a U visa will now be issued an interim, temporary work permit before the five-year adjudication period.

The purpose of this policy is to provide temporary employment authorization and “deferred action” to applicants who have been waiting—or may need to wait—five years or longer to secure their actual U visa. Deferred action is a form of prosecutorial discretion

¹³ INA §212(a)(3)(E).

¹⁴ See *Medina Tovar v. Zuchowski*, No. 18-35072 (9th Cir. 2020)

¹⁵ See USCIS Policy Manual : <https://www.uscis.gov/policy-manual/volume-3-part-c-chapter-5>; See also USCIS Bona Fide Determination Flow Chart : <https://www.uscis.gov/sites/default/files/document/policy-manual-resources/Appendix-BonaFideDeterminationProcessFlowchart.pdf>

in which the U.S. government will not act to remove or deport the noncitizen. Deferred action is time limited and can be extended or withdrawn discretionarily by USCIS. Deferred action is not a form of lawful status but does entitle the U petitioner to obtain employment authorization.

USCIS will be making bona fide determinations (BFD) for U visa applicants with pending U visa applications and those who will be filing these applications moving forward, plus their qualifying family members, who are physically present in the U.S. (this policy does not apply to applicants who are applying for a U visa from abroad).

What documents or information will USCIS use to make a BFD?

USCIS will examine the following documents:

- (1) Submitted and signed Form I-918, Petition for U Nonimmigrant Status,
- (2) Submitted and signed Form I-918, Supplement B, U Nonimmigrant Status Certification,
- (3) Submitted and signed statement from the applicant about the crime and harm experienced, and
- (4) Results from criminal background check following biometrics appointment.

If an applicant has a background that suggests a national security or public safety concern, USCIS will apply its own discretion in determining if the applicant has submitted a bona fide application and therefore, would be eligible for interim work authorization and deferred action. This determination cannot be appealed.

How long will employment authorization and deferred action last for?

USCIS stated that work authorization and deferred action will be granted for up to four (4) years, with the possibility of renewing in four-year intervals afterward, until the U visa is granted.

If an application does not receive a BFD, is it still possible to be approved for a U visa?

Yes! If there is no BFD, that only means the applicant must wait for the full adjudication of their application. The applicant's case moves on a separate track and will be reviewed in more detail by an immigration officer in the future. If the officer needs more information to approve the application, they will send a request for evidence. In that situation, there would be no work authorization in the interim.

Can U nonimmigrant applicants with criminal histories be approved for interim work authorization and deferred action?

Individuals with a criminal record will receive additional scrutiny by USCIS. When reviewing an individual's petition, USCIS will assess whether that individual poses a risk to national security or public safety.

When can an applicant expect to receive an EAD or deferred action?

USCIS is reviewing the backlog of over 270,000 U visa applications for BFD issuance. Therefore, we expect it to take several months, at a minimum, to perform these reviews. We know that BFD will not be issued to any applicant until USCIS has conducted biometrics (background and security checks).

Can family members get an EAD or deferred action under the BFD policy?

Yes, qualifying family members who are physically present in the U.S. can receive an EAD or deferred action. To qualify for an EAD or deferred action under this policy:

- (1) the principal applicant must have received their BFD;
 - (2) the qualifying family member must have filed Form 1-918, Supplement A, Petition for Qualifying Family Member of U-1 Recipient;
 - (3) evidence of a qualifying family relationship must be submitted (e.g. marriage or birth certificates); and
 - (4) USCIS must have received the family member's background check and biometrics.
- And like the principal, if the qualifying family member's background suggests a national security or public safety concern, USCIS will apply its own discretion in making a BFD and likewise, eligibility for interim work authorization and deferred action.

What happens after the U Nonimmigrant Status Petition has been fully adjudicated?

After the petition has been adjudicated and deemed eligible for approval, the petitioner will be placed on a waiting list for U Nonimmigrant Status. Every year since 2009, the statutory maximum of 10,000 grants of U Nonimmigrant Status has been reached. As USCIS cannot go beyond this statutory cap, USCIS established a waiting list for those petitions that have demonstrated the petitioner's eligibility for U Nonimmigrant Status. Petitions are prioritized on the waiting list by the date of filing (received by USCIS as shown on the receipt notice). Petitioners on the waiting list are granted deferred action. Currently, USCIS is granting deferred action and employment authorization to petitioners on the U Nonimmigrant Status Waiting List for a period of 2 years. If the petitioner has not been granted U Nonimmigrant Status prior to the end of the 2-year period (which is extremely likely given the numbers of people granted "U deferred action" each year), she will need to request renewal of her employment authorization and an extension of deferred action.

Placement on the U Nonimmigrant Status Waiting List is not a conditional approval and is not a guarantee that the petitioner will ultimately be granted U Nonimmigrant Status. USCIS may, at any time prior to a final grant of U Nonimmigrant Status, re-evaluate a petitioner's eligibility for U Nonimmigrant Status. Therefore, any grounds of inadmissibility or change in circumstance that arises after the U petition has been filed (whether pre or post deferred action) and before U Nonimmigrant Status has been granted must be disclosed by the client to her volunteer attorney and to Her Justice as this may affect her eligibility for U Nonimmigrant Status. A petitioner's derivative family members abroad generally cannot obtain U visas to enter the U.S. lawfully until the petitioner has been granted U Nonimmigrant Status. However, in limited circumstances family members abroad may apply for "humanitarian parole", a discretionary permission to enter the U.S. based on compelling circumstances.

Because the waiting period to obtain U Nonimmigrant Status spans several years, it is important for volunteer attorneys to communicate with clients at least every three months to keep abreast of the client's contact information and any changes in the client's circumstances (e.g., arrests, contact with immigration authorities, etc.).

GET TO KNOW YOUR CASE: FORM I-918B DEADLINE AND CASE MANAGEMENT TIMELINE

Practice Tips: Be aware of the I-918B certification expiration date, which is six months after the date that it was signed. Prioritize this case so that your client's petition is timely filed.

Time is of the essence in U nonimmigrant status cases. The sooner the client's application for U nonimmigrant status is filed with USCIS, the sooner they will be able to obtain work authorization and a lawful way of supporting themselves and their family, and the sooner they will be safe from removal from the United States, and safely together with their children.

Your client has already obtained a signed **I-918 Supplement B** which has an **expiration date of six months from the date of signature**. **Your client's U Nonimmigrant Status Petition must be received by USCIS before the date of expiration of this certification.** You and your supervisor must mark your calendars to make sure you are aware of this expiration date and adjust the following timeline accordingly, if necessary.

You are urged to **contact the client as soon as you receive your file in order to set up your first consultation** with the client at the earliest possible date and time. If for some reason you cannot reach the client by telephone within the first 48 hours of receiving the case file, please let your mentor know.

Below is a suggested case management timeline in summary form:

PRE-FILING

Week 1:	Review Her Justice Training Manual and case file + Call client to schedule first meeting
Week 2:	Conduct first meeting with client to sign retainer/engagement letter and complete interview guide
Week 3:	Draft forms and Index of Evidence + Send FOIA requests, as needed
Week 4:	Conduct second meeting with client to gather information and additional documents + Draft affidavits
Week 5:	Draft Cover Letter + Send all drafts to Her Justice mentor for review
Week 6:	Revise/update drafts + Conduct third meeting with client to review and sign forms and affidavits and to collect additional documents
Week 7:	Finalize applications and send copy of entire filing to Her Justice mentor for review <i>prior</i> to sending to USCIS
Week 8:	Revise/update filing, as needed + Conduct fourth meeting with client, as needed
Week 9:	Finalize and send applications to USCIS

POST-FILING

1-2 months after filing date:	Receive receipt notices
2-4 months after filing date:	Receive biometrics appointment notices
6+ months after filing date:	Receive transfer notices, if applicable
Within 1-5 years after filing date:	Receive Bona Fide Determination notices and C14 EAD (deferred action)
Within 8-10+ years after filing date:	Receive approval notices and A19/A20 EADs

GET TO KNOW YOUR CASE: OUTLINE & CHECKLIST OF STEPS

Practice Tips: If the length of your Summer Associate Program is shorter than the time frames given here, please adjust accordingly.

PRE-FILING

Week 1

- ☐ **Call client** and set appointment for Week 2
- ☐ **Review Her Justice Training Manual**
- ☐ **Review case file** and create list of existing documents in your possession that must be submitted, or can serve as supporting evidence
- ☐ **Create list of outstanding documents** needed for submission to overcome your client's burden of proof. (See, List of Potential Evidence)
- ☐ **Identify potential derivative applicants**

Note that if any derivatives are ***males between the ages of 18 and 26 who are present in the United States*** and have not previously completed a Selective Service (the "draft") registration form, client should be advised that one should be filed on-line at www.sss.gov. If the would-be registrant does not have a social security number, the web site should redirect the would-be registrant to a paper form that can be printed out. If no such form appears, then the would-be registrant should be directed to a local post office to obtain a registration card to be mailed in. Please contact your Her Justice mentor with any questions

- ☐ **E-mail/Telephone mentor with any questions regarding next steps or issues** (e.g., need for running your client's A# through the immigration court's phone number to ascertain any past or present removal/deportation cases against client)
- ☐ **Prepare retainer/engagement letter** for client to sign at first meeting

Week 2

- ☐ **Conduct 1st meeting with client**, and complete the following:
 - Sign retainer/engagement letter
 - Provide client with case overview and timeline
 - Confirm derivative applicants

- Complete “Interview Guide for U Nonimmigrant Status” and “Inadmissibility Checklist”
- Interview client about the circumstances of the crime committed against her and the harm she suffered as a result. (These notes will serve as the basis of your client’s “Affidavit of in Support of I-918 Petition” to establish her eligibility for U nonimmigrant status).
 - If the harm that client suffered as a result of the crime is not evident from her own affidavit and corroborating evidence, you may need additional evidentiary support for this requirement. If so, create a list of potential “supporting affiants” who can corroborate your client’s story or support her application (i.e., medical professionals or mental health attesting to the substantial harm she suffered, or treatment provided; friends knowledgeable of the domestic violence experienced and harm suffered by the client; or priest or community leader attesting to her ties to the community)
- Review inadmissibility checklist with client
- Set up a follow-up appointment with client for Week 4

❑ E-mail/Telephone Her Justice mentor to discuss any grounds of inadmissibility that may apply to the client

Week 3

- ❑ **Prepare 1st draft of Index of Evidence.** (See, Sample Index of Evidence)
- ❑ **Prepare 1st draft of “Affidavit in Support of Form I-918.”** (See, Sample Affidavits in Support of I-918 Petition)
 - If a client has filed prior immigration applications, been detained by immigration authorities, or been subject to removal/deportation, and if one has not already been filed by Her Justice for the client, **prepare a FOIA request on Form G-639.** (See, Sample FOIA)
 - If your client has had previous encounters with immigration or criminal authorities, and if one has not already been filed by Her Justice for the client,

please notify your Her Justice mentor to arrange for FBI fingerprints to be taken and an FBI background check to be sent out by our office.

- If client had past contact with the immigration court (aka, Executive Office for Immigration Review, or EOIR) and if client had A# in the past, **call 1-800-898-7180 or access the EOIR website at: <https://acis.eoir.justice.gov/en/> to check on the status/outcome of the immigration court case**
- If any immigration application has been previously filed on behalf of client and she has moved since the last filing without changing her address, and a change of address has not already been filed by Her Justice for the client, **prepare a Change of Address on Form AR-11.** (See, Sample AR-11)
- ❑ **Review drafts** of FOIA, FBI Background Check, and AR-11 with your supervising associate/partner
- ❑ **Send revised drafts of FOIA and Change of Address to mentor for review**, if such forms are needed. Once reviewed, mail immediately to relevant authorities.

Week 4

- ❑ **Conduct 2nd meeting with client**, and complete the following:
 - Interview client to obtain any additional information you may need for her Affidavit in Support of I-918 Petition
 - Draft requisite forms: (See, Forms)
 - G-28, Notice of Entry of Appearance as Attorney
 - Form I-918, Petition for U Nonimmigrant Status
 - Forms I-918A, Petition for Qualifying Family Member (separate forms for each derivative), if applicable
 - Form I-765, Application for Employment Authorization for Principal Petitioner under category C14
 - Forms I-765, Application for Employment Authorization for any Derivatives who are present in the U.S. under categories C14 and A20 (separate forms for each derivative and for each category)

- Form I-192, Application for Advance Permission to Enter as Nonimmigrant (separate forms for Principal Petitioner and Derivatives, if applicable)
 - **Request additional documents from client** using your draft index of evidence and the list of outstanding documents needed (e.g., medical records, police reports, photos of injuries, etc.)
 - Set up appointment with client for Week 6
- ❑ **Revise draft of client's Affidavit in Support of I-918 Petition** to incorporate additional information gleaned from client meeting
- ❑ **Draft "Affidavit of Unclear or Affirmative Answers to Form I-918" for your client and any derivatives.** (See, Sample Affidavit of Unclear or Affirmative Answers)
- ❑ **Draft "Affidavit in Support of Form I-192,"** if applicable for client and derivatives. (See, Sample Affidavit in Support of I-192)
- ❑ **Send drafts of the following to your Her Justice mentor for review:** *Allow 3-5 days for turnaround.*
 - **All applicable Forms: G-28, I-918, I-918A, I-765, and I-192**
 - **All applicable Affidavits: In Support of I-918 Petition, Explaining Unclear or Affirmative Answers to Form I-918, In Support of I-192 Application**
- ❑ **Interview supporting affiants**

Week 5

- ❑ **Draft "Affidavits of Support" from supporting affiants.** (See, Sample Affidavits of Support)
- ❑ **Draft Cover Letter** (See, Sample Cover Letters)
- ❑ **Translate documents into English** (e.g., birth certificate, marriage certificate, judgment of divorce, etc.)
- ❑ Discuss drafts of Forms and Affidavits with supervising associate/partner as necessary

- ❑ **Draft Index of Exhibits for I-918 and I-192** (See, Sample Index of Exhibits)
- ❑ **Send drafts of the following to your Her Justice mentor for review:** *Allow 3-5 days for turnaround.*
 - **Revised applicable Forms:** G-28, I-918, I-918A, I-765, and I-192
 - **Cover Letter**
 - **Affidavits of Support**
 - **Indices of Evidence/Exhibits**

Week 6

- ☐ **Conduct 3rd meeting with client**, and complete the following:
 - Review draft affidavits with client
 - Interview client to obtain any additional information you may need
 - Obtain additional documents, if available, from client
 - Request passport photos of client and derivatives in U.S. as follows:
 - Principal Petitioner: Two (2) passport photos total, for C14 I-765 application
 - Derivative in U.S.: Four (4) passport photos total – two (2) for C14 I-765 application and two (2) for A20 I-765 application
 - Schedule follow-up appointment with client for Week 9
- ☐ **Revise drafts** to incorporate any new/additional information from client meeting.
- ☐ **Revise drafts of all previously prepared documents**, as needed: *Contact your mentor with any questions.*
 - **Forms**
 - **Affidavits**
 - **Indices of Evidence**
 - **Cover Letter**
- ☐ **Discuss revisions with supervising associate/partner** as necessary
- ☐ **Compile application packets** with exhibits separated by colored paper labeled with exhibit number:
 - I-918 with supporting affidavits and evidence
 - I-918A with supporting evidence, if applicable
 - I-765 with supporting evidence and passport photos, if applicable
 - I-192 with supporting affidavit and evidence, if applicable
- ☐ **Send drafts of the application packets to your Her Justice mentor for review.** *Allow 3-5 days for turnaround.*

Week 7

- ☐ **Review comments made to application packets by mentor and revise all documents.** Contact mentor with any questions.
- ☐ **Discuss revisions with supervising associate/partner** as necessary
- ☐ **Obtain signed Affidavits of Support from supporting affiants**

Week 8

- ☐ **Call client to confirm upcoming appointment and bringing of passport photos**
- ☐ **Send application packets to your Her Justice mentor for final review and approval prior to filing with USCIS.** *Allow 3-5 days for turnaround.*

Week 9

- ☐ **Conduct 4th meeting with client,** and complete the following:
 - Obtain passport photos of client and derivatives
 - Review forms and affidavits with client and derivatives
 - Obtain client signatures, and derivatives, as needed, on all forms and affidavits
- ☐ **Assemble application packets** using Acco metal prong fasteners. (See, How to Assemble Your U Petition).
- ☐ **Scan entire U Petition filing** for your records/to maintain in the client's case file.
- ☐ **Send the entire U Petition filing with original signatures to USCIS by trackable mail** (e.g. FedEx or UPS; preferably next day delivery).
- ☐ **Send scanned PDF copy of entire U Petition filing, with proof of mailing, to your Her Justice mentor via email**
- ☐ **Track delivery of U Petition to USCIS and save delivery confirmation to client's case file.**
- ☐ **Print out copy of entire U Petition filing,** with delivery confirmation, to be given to client. (See, post-filing steps below).

☐

POST-FILING

Practice Tips: Send copies of any and all notices or correspondence you receive from USCIS to your Her Justice mentor immediately upon receipt.

Months 1-2: Receipt Notices

- ☐ **Receive two (2) copies of Receipt Notices (Forms I-797C, Notice of Action) for all application forms filed per applicant – Applicant and Attorney copies**
- ☐ **Scan Receipt Notices to your client’s case file**
- ☐ **Send your Her Justice mentor a PDF copy of all Receipt Notices received via email**
- ☐ **Call client to schedule meeting** and to complete the following:
 - Provide client with copy of entire U petition filing, with delivery confirmation, to keep for her own records
 - Provide client with Receipt Notices
 - Advise/remind client of U nonimmigrant status processing timeline and what to expect

NOTE: The receipt numbers on the I-918 and I-192 notices will not work for purposes of the USCIS “Check your Case Status Online” website portal due to confidentiality provisions in the Violence Against Women Act (VAWA). However, you should be able to check the status of the C14 I-765 applications using the receipt numbers on the relevant I-765 receipt notice.

Months 2-4: Biometrics Notices

- ☐ **Receive two (2) copies of Biometrics Notices (Forms I-797C, Notice of Action) for all applicants in the U.S.** USCIS will send biometrics appointment notices for your client and any derivatives in the U.S. to get their fingerprints and photo taken at an Application Service Center (ASC) It is not necessary to attend the biometrics appointments with your client and/or her derivatives.

- ❑ **Scan Biometrics Notices to your client's case file**
- ❑ **Send your Her Justice mentor a PDF copy of all Biometrics Notices received via email**
- ❑ **Call client to schedule a meeting *immediately*** so that your client, and any derivatives, do not miss the date of their biometrics appointment. During the client meeting, complete the following:
 - Complete the Applicant Information Worksheet (AIW) that accompanied the Biometrics Notices for all relevant applicants.
 - Provide your client with an *original* Biometrics Notice and completed AIW.
 - Instruct your client, and any derivatives, to attend their biometrics appointment with their *original* Biometrics Notice, completed AIW, and government-issued photo ID.
 - Assure your client that immigration enforcement action will not be taken during the appointment and that the appointment is purely for capturing applicant fingerprints.
 - Confirm that your client will be able to attend the appointment.
 - Remind your client that the capture of biometrics by USCIS does not mean her case is being approved, simply that USCIS must verify any criminal history through a background check through fingerprinting to continue processing her U petition.
- ❑ **If your client cannot make the biometrics appointment, or if the date has already passed, contact your Her Justice mentor *immediately* for rescheduling instructions.** A failure to attend a biometrics appointment can result in the delay of a Bona Fide Determination and Employment Authorization Document (EAD) issuance and could also result in a denial if biometrics are never captured.

- ❑ **Receive Overseas Notices (Notices of Action) requesting the fingerprinting of any derivatives aged 14 and over residing outside the U.S. at a U.S. Embassy or Consulate or USCIS overseas office.** Send a scanned PDF of the Overseas Notice to your Her Justice mentor *immediately* to discuss:
 - Deadline for completion, as per the Overseas Notice
 - How to schedule an overseas biometrics appointment
- ❑ If you have received incorrect Biometrics Notices (e.g., derivative resides abroad but you received a biometrics appointment at an ASC in the U.S., or derivative lives in U.S. but you received a notice to have fingerprints completed overseas), please contact your Her Justice mentor.

Months 6+: Transfer Notices

- ❑ **Receive Transfer Notices on Forms I-797C, Notice of Action**, only if applicable. Although these cases are initially filed with the Vermont Service Center (VSC), some applications will be transferred to the Nebraska Service Center (NSC), or other service center, for processing. This happens pursuant to a work-sharing agreement within USCIS and will generally not impact the timeline or quality of adjudication of the petition. If this happens, Transfer Notices will be issued.
- ❑ **Scan any Transfer Notices to your client's case file**
- ❑ **Send your Her Justice mentor a PDF copy of any Transfer Notices received via email**
- ❑ **NOTE:** You should check the USCIS Average Case Processing Times website located at <https://egov.uscis.gov/processing-times/> periodically throughout the pendency of the petition in order to advise your client on the expected timeline of the case. In the drop-down menu choose "Form: I-918" and "Field Office/ Service Center: Vermont Service Center or Nebraska Service Center" based on the location of the office on your I-797 Receipt Notice or Transfer Notice. USCIS will only respond to

case inquiries that are made regarding cases that are outside of the stated average case processing times.

- ☐ **Call the client to inform them of this development.** During phone call, complete the following:
 - Confirm client's current address, phone number, and contact information.
 - Inform them of case transfer and assure them that this is a normal USCIS practice. Case transfer will not affect the case processing timeline.
 - Remind them that their case is still not yet approved and that they should contact you with any changes to their contact information or if they are arrested in the future.
 - Remind them that it will be several months to years for BFD/EAD issuance and many years for final U nonimmigrant status approval. Assure them that you will contact them with any updates.
- ☐ **Mail Transfer Notices to client via regular mail.**

NOTE: Due to the long adjudication times, ***we strongly encourage you to contact your client at least once every quarter, if not once every six (6) months, to check-in*** regarding any changes to your client and her derivatives' contact information or circumstances.



Years 1-5: Bona Fide Determination (BFD) & Initial Employment Authorization Document (EAD)

- ☐ **Receive two (2) copies of Bona Fide Determination Notices (Forms I-797, Notice of Action) for all applicants in the U.S**
- ☐ **Scan BFD Notices to your client's case file**
- ☐ **Send your Her Justice mentor a PDF copy of all BFD Notices received via email**

NOTE: Shortly after the issuance of a BFD Notice, you should also receive USCIS correspondence related to the C14 I-765 applications filed for your client and for any derivatives in the U.S. You should check the status of your client's C14 I-765 using the USCIS Case Status Online website: <https://egov.uscis.gov/>.

- ☐ **Receive two (2) copies of C14 I-765 Approval Notices (Forms I-797, Notice of Action) for all applicants in the U.S**
- ☐ **Scan C14 I-765 Approval Notices to your client's case file**
- ☐ **Receive C14 EAD**, valid for four (4) years.
- ☐ **Scan front & back of C14 EAD to your client's case file**
- ☐ **Send your Her Justice mentor a PDF copy of the C14 I-765 Approval Notices and EAD received via email.**
- ☐ **Receive Social Security card**, if client consented to USCIS sharing her information with the Social Security Administration (SSA) on her I-765 application.
- ☐ **Call client to schedule meeting.** During the client meeting, complete the following:
 - Confirm client's current address, phone number, and contact information.
 - Provide client with original BFD Notices, C14 I-765 Approval Notices, C14 EAD, SSA correspondence with card, and BFD informational letter. (See, BFD informational letter).
 - Explain to your client that she has now been granted "deferred action." Deferred action is a temporary protection given to those with pending applications where USCIS chooses to exercise discretion and will not refer your client for removal/deportation. Deferred action is discretionary, and any arrests can jeopardize deferred action.
 - Inform your client that her current grant of deferred action and employment authorization is for four (4) years, and that her EAD must be renewed prior to expiration and for as many times until her U petition is adjudicated.
 - Remind your client to inform you of any arrests/encounters with police or ICE. Confirm whether your client has had any arrests or police/ICE encounters since you last spoke.

- Remind your client that a grant of deferred action is not a guarantee that your client will receive U nonimmigrant status.
- Advise your client that it may be several years or more until any further correspondence from USCIS is received and that she should remain in contact with you/ your firm by checking in every six (6) months to report any changes in her address, telephone number, family situation, contacts with law enforcement, etc.
- Advise your client that she must contact you at least six (6) months prior to her C14 EAD expiration date in order to timely renew.
- Advise your client that if she has not received a Social Security card, she should do so by applying for one at her local SSA office.

NOTE: Derivatives abroad are not eligible for deferred action or an EAD.

NOTE: If your client's U petition is missing initial, required evidence, or if your client has a criminal history, you may not receive a BFD Notice or C14 EAD. Instead, USCIS will issue a **Request for Evidence (RFE)**. If an RFE is received, contact your Her Justice mentor *immediately* to discuss the RFE deadline and next steps. A lack of response or late response may result in an adverse decision against your client. Once the RFE response has been submitted and processed, your client may then be granted deferred action and issued an initial C14 EAD. Again, your client should be reminded that a grant of deferred action is not a guarantee of ultimate approval.

NOTE: After the grant of deferred action and initial EAD issuance for your clients and any derivatives present in the U.S., you may choose to terminate representation of your client and request that Her Justice take over representation. Please consult with your Her Justice mentor *before* terminating representation to coordinate the change in representation. If you choose to terminate your representation at this point, please go over the termination letter (see, Post-BFD Termination Letter) with your client and instruct her to contact Her Justice. You will need to prepare a G-28 withdrawal letter for your client and submit it to the VSC. Her Justice will then file a new G-28 on behalf of the client for representation during the deferred action period.

Years 8-10+

If no issues with case:

- ☐ **Receive two (2) copies of Approval Notices (Forms I-797, Notice of Action) for the following applications:**
 - *For Principal Petitioner:* I-918 and any I-192 applications, plus A19 EAD.
 - *For Derivatives in U.S. (if applicable):* I-918A, A20 I-765, and any I-192 applications, plus A20 EAD.
 - *For Derivatives outside U.S. (if applicable):* I-918A.
- ☐ **Scan Approval Notices and A19/A20 EADs to your client's case file.**
- ☐ **Review Approval Notices** to check for the following:
 - I-94 form printed at bottom of I-918 and I-918A approval notices for principal petitioner and any derivatives in U.S.
 - Four (4)-year period of validity of U nonimmigrant status on I-918 and I-918A approval notices
 - Correct class of nonimmigrant status: U-1 (client); U-2 (spouse); U-3 (children); U-4 (parent); U-5 (sibling)
 - I-192 approval notice includes all grounds requested
- ☐ **Review EADs** to check for the following:
 - Correct biographical information (name, DOB, photo, etc.)
 - Four (4)-year period of validity
 - Correct EAD category: A19 (client); A20 (all derivatives)
- ☐ **Send PDF copy of Approval Notices and EADs to your Her Justice mentor.**

Notify your mentor if there are any issues with the Approval Notices or EADs.
- ☐ **Start consular processing for any approved derivatives abroad so that your client can reunite with their loved one in the U.S.** Contact your mentor to discuss next steps.
- ☐ **Close case** by following your firm's protocols as well as providing your client with a closing letter (see, Closing Letter) and a copy of her entire case file.

If issues with case:

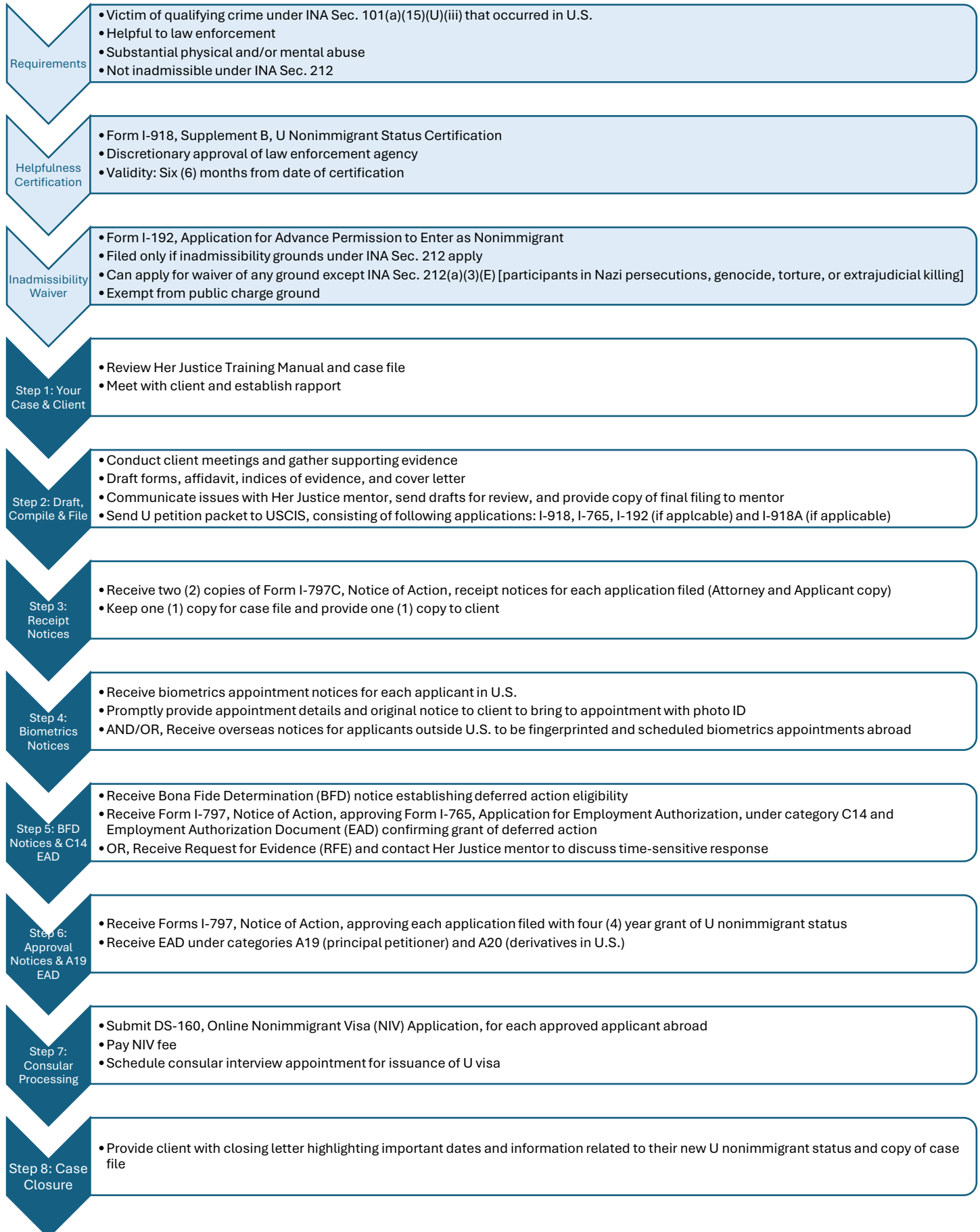
☐ Receive any of the following:

- Request for Evidence (RFE) – *must respond by deadline (max. 85 days)*
- Notice of Intent to Deny (NOID) – *must respond by deadline (max. 85 days)*
- Denial Notice – *can be appealed but must do so within 33 days of date of denial*

If received, notify your Her Justice mentor *immediately* to discuss your response and next steps.

- **Practice Tips: Please keep your Her Justice mentor informed of any staffing changes in the case during the pendency of the adjudication.**

FIGURE 1. U NONIMMIGRANT STATUS PROCESS



GET TO KNOW YOUR CASE: IMPORTANT ISSUES TO DISCUSS WITH YOUR CLIENT AND DERIVATIVES DURING THE COURSE OF REPRESENTATION

Due to the 10,000 annual cap for U Nonimmigrant Status grants, the U petition process may take many years from the date of your first meeting with the client until they and any derivatives are granted U Nonimmigrant Status.* Your representation of your client may end at the time of the deferred action grant or it may continue until U Nonimmigrant Status is approved. In either case, it is important that you discuss the following with your client and any derivative(s) they may be petitioning for.

COMMUNICATION WITH CLIENT

After filing the petition, it will be approximately four years before USCIS takes any action on your client's petition. Therefore, there will be long periods of time when there is little or no contact between you and your client. Even if you do not hear from USCIS, you should check in with your client every three months to make sure nothing in their situation has changed (i.e. issues with law enforcement, change of address or phone number, etc.). A grant of deferred action does not guarantee that USCIS will approve the U nonimmigrant status petition. USCIS has informed advocates that they may re-review petitions during the deferred action period. It is very important that you are able to contact your client at all times during the pendency of the petition.

TRAVEL

Please also see the November 7, 2024, Practice Advisory by ASISTA regarding International Travel and U Nonimmigrant Status.

Travel within the United States is generally acceptable even during the pendency of the petition. However, we strongly discourage clients from traveling near the borders and visiting certain states as there may be heightened scrutiny of undocumented immigrants in these areas.

Aside from travel within the United States, most clients have been away from family and friends in their home country for a very long time and desire to travel to their home country during the pendency of the U petition process or after they receive their U Nonimmigrant status.

It is important for you to advise your client that U Nonimmigrant Status is not a valid visa for travel and it is currently very difficult for U status petitioners and U nonimmigrants to return to the United States if they leave. Leaving the United States may trigger

* The fiscal year begins October 1 of each year and in recent years the 10,000 cap has been reached in the first few weeks of the start of the fiscal year. However, the applications are adjudicated on a rolling basis so it behooves you to file your client's application as soon as possible.

inadmissibility bars requiring filing of a waiver for permission to reenter that may or may not be granted at the discretion of USCIS.

In addition, departures from the United States for more than 90 days or for any periods exceeding 180 days in the aggregate will cut off continuous physical presence for purposes of Adjustment of Status. There is no guarantee that your client will be allowed back into the United States within 90 days of their departure. Persons abroad seeking to enter the United States must go through consular processing which means submitting applications to the U.S. Department of State, paying the application fees which cannot be waived, and traveling to the U.S. consulate in the foreign country for fingerprints and an interview.

If your client or their derivative family members express a desire to travel outside the United States, please contact your Her Justice mentor.

Since there may be negative consequences to your client's case and the nature of your responsibilities may change if they were to travel outside the United States, in your initial conversation with your client, it is important that you discuss your and the firm's responsibility for representation if they travel without discussing with you or against your advice. The results of this discussion should be included in the retainer you sign with your client.

DERIVATIVES

Although your primary obligation is to your client, if your client has derivative applicant(s) included in their petition, your responsibilities as the attorney extend to the derivative applicant(s). Accordingly, a separate retainer may need to be signed by the derivative and the firm. Please check your firm's policy on dual representation issues. In addition, it is important to discuss with your client and the derivative the risk of conflicts of interests that may arise between the parties and your ethical obligations if such a conflict occurs.

The issues regarding travel outside the United States, as discussed above, are the same for derivatives as they are for the primary applicant. Therefore, it is important to have the same discussion regarding travel with all derivative applicants. If the derivative is 14 years old or older, you should meet separately with the derivative to discuss the consequences of leaving the United States and that you and the firm are not obligated to represent them if consular processing is needed for them to reenter the United States.

If your client has derivative children abroad who are at risk of harm and need to be reunited with your client in the United States for safety or health reasons, please speak to your Her Justice mentor. Children abroad are generally only able to come to the U.S. with a U visa after the principal applicant's U nonimmigrant status is approved. However, the U.S. Citizenship and Immigration Service (USCIS) can grant "Humanitarian Parole" in limited circumstances where there are compelling humanitarian interests at stake. Humanitarian Parole allows a derivative child to come to the U.S. while the principal applicant's U nonimmigrant status petition is pending or in "Deferred Action".

IMMIGRATION ENFORCEMENT CONCERNS

Because of the long backlog in adjudication of U Nonimmigrant Status petitions, clients may understandably very anxious about their risk of removal. Before Deferred Action is granted, your client will continue to live in the U.S. as an undocumented immigrant. However, the filing of a U Nonimmigrant Status petition may be a defense to removal if your client is detained or put into removal proceedings by immigration authorities. Please provide your client with a copy of the U Nonimmigrant Status filing receipt once you have received this. Undocumented immigrants should be advised that they have the right to remain silent in confrontations with immigration authorities who approach and question them. They may refuse to answer questions until they speak with an attorney. They also have the right to withhold consent to searches of their homes unless a valid warrant is presented to them. Her Justice attorneys have advised clients about their rights in confrontations with immigration enforcement officers. If a client has a specific concern or question, please speak with your Her Justice mentor to provide tailored advice.

SOCIAL MEDIA

Immigration officers are increasingly using the internet and social media to investigate the lives of immigrants who apply for immigration benefits. This is applicable to immigrants in the U.S. as well as those living abroad who wish to enter the U.S. Please speak with your client about their use of social media as well as their children's use of social media—both children in the U.S. and those living abroad. Social media may also be used as a tool of harassment or abuse by the person who committed a crime against your client and you may want to speak with them about safety issues arising from their use of social media as well.



Practice Advisory: International Travel and U Nonimmigrant Status¹ **Nov. 7, 2024**

Opening Note

This Advisory should be viewed **only as a starting place** for research on how to best counsel survivors. Remember that immigration law and policy is subject to change. Thus, it is imperative to also consider the context of policy, law, and enforcement practices at the time a survivor is considering international travel.

As processing times for U Nonimmigrant Status (“U visa”) and related adjustment of status cases continue to increase, immigrant survivors and their qualifying family members face lengthier periods of separation from loved ones in their countries of origin.² As a result, many ask about the possibilities for international travel at different stages of the U case. It is important for practitioners to advise all survivors and their family members of the consequences of international travel *early in the representation*, and again any time the client mentions the possibility of travel.

Drawing on insights from an ASISTA-USCIS engagement and other sources, this Practice Advisory will discuss various travel rules and situations at different stages of the U Nonimmigrant Status process. It will also offer practice tips for practitioners.

I. International Travel While U Nonimmigrant Status is Pending

USCIS has not published any guidance on permissible travel options for U Nonimmigrant Status applicants, including applicants with approved bona fide determinations (“BFDs”) or waiting list determinations. Unless they depart with advance

¹ Copyright 2024, ASISTA Immigration Assistance. This practice advisory was authored by Kelly Byrne, ASISTA Staff Attorney and Rebecca Eissenova, ASISTA Senior Staff Attorney, with valuable input from Alison Kamhi, Legal Program Director at the Immigrant Legal Resource Center. This practice advisory is intended for authorized legal counsel and is not a substitute for independent legal advice provided by legal counsel familiar with a client’s case. Content is current as of date of writing. It is your responsibility to ensure content is up to date.

² Immigrant survivors and qualifying family members with pending applications for T Nonimmigrant Status and T adjustment may also bring travel questions to practitioners. Travel and T Nonimmigrant Status is beyond the scope of this advisory. ASISTA recommends that practitioners with T-related travel questions consult the Coalition to Abolish Slavery and Trafficking (“CAST”), including CAST’s advisements on travel (available at <https://castla.app.box.com/s/8c8st4oecmpgulycmn4zlxq3ak84j7ox>). The advisements were current at the time of publication. For the most up-to-date information, please visit <https://casttta.nationbuilder.com/>.

parole, are approved for parole from abroad, or travel with a valid nonimmigrant visa (and are not charged with immigrant intent upon return), U applicants who depart the United States cannot lawfully return until (1) USCIS approves their Form I-918/I-918A, (2) they complete the consular process, and (3) they are admitted with a U visa.

i. U Applicant Travel or Return on Parole or Advance Parole

The U visa regulations provide that parole is available to U visa applicants on the waiting list (as distinct from those granted only a BFD),³ but USCIS has not created a formal process for requesting or approving this. Although ASISTA is aware of some “conditional parole” grants to waitlisted U applicants abroad, which they can then use to seek parole at a consulate, this is not routinely provided. Moreover, multiple district courts have held that USCIS is not *required* to grant parole or advance parole to waitlisted applicants, especially if it has granted deferred action already.⁴ The instructions for Form I-131, the advance parole application, also do not name waitlisted U applicants as eligible to use the form.⁵ It is unclear how USCIS would generally treat an I-131 advance parole application for the typical waitlisted U applicant. ASISTA is aware of rumors that some applicants have obtained advance parole from a field office after their BFD was approved, but has not been able to verify these rumors or their circumstances, nor glean any official statement that the agency generally supports this maneuver. When ASISTA asked USCIS at a September 2023 [engagement](#) (“September 2023 engagement”), whether applicants on the waiting list and/or with approved BFDs can apply for advance parole, USCIS did not answer the question.⁶

For U applicants who travel abroad without advance parole or another visa, humanitarian parole may be an option to return in particularly compelling cases. USCIS has stated that humanitarian parole should not “be used solely to avoid normal visa processing procedures and timelines.”⁷ Thus, the U applicant will need a reason for the parole *in addition to* a desire to avoid waiting for a final U visa adjudication. If a

³ See 8 CFR § 214.14(d)(2) (“USCIS will grant deferred action or parole to U-1 petitioners and qualifying family members while the U-1 petitioners are on the waiting list.”). Note, however, that the regulations have not been updated since USCIS created the current, robust BFD system that largely displaces the waitlist as the stage where the agency considers granting deferred action.

⁴ See, e.g., *De Sousa v. U.S. Citizenship and Immigration Servs.*, No. 23-CV-04657-RFL 2024 WL 1115550, at *8 (N.D. Cal. Mar 14, 2024) (“As such, the plain language of § 214.14(d)(2) makes clear that parole is a decision committed to the agency’s discretion. Under § 214.14(d)(2), USCIS is given the option of choosing to grant either deferred action or parole, and is not required to grant both.”). As of publication of this advisory, litigation on this issue is pending before the Court of Appeals for the Eleventh Circuit. Reach out to ASISTA for more information on this case and the arguments it makes.

⁵ See UNITED STATES CITIZENSHIP AND IMMIGRATION SERVS., Instructions, Form I-131, APPLICATION FOR TRAVEL DOCUMENTS, PAROLE DOCUMENTS, AND ARRIVAL/DEPARTURE RECORDS, at 7-8 (June 17, 2024), available at <https://www.uscis.gov/sites/default/files/document/forms/i-131instr.pdf> (hereinafter Form I-131 Instructions).

⁶ ASISTA, Q & A with USCIS Humanitarian Affairs Division and Service Center Operations Directorate (SCOPS), at 3 (Sept. 18, 2023), available at <https://asistahelp.org/wp-content/uploads/2024/05/2023-OPS-September-ASISTA-Meeting.docx.pdf> (hereinafter USCIS Q & A).

⁷ *Humanitarian or Significant Public Benefit Parole for Individuals Outside the United States*, UNITED STATES CITIZENSHIP AND IMMIGRATION SERVS., https://www.uscis.gov/humanitarian/humanitarian_parole (last reviewed/updated Aug. 19, 2024).

practitioner decides to pursue humanitarian parole for a U visa applicant, it is important to focus on any harm that they face while abroad. The practitioner should especially highlight any relationship between the harm and the qualifying crime.

For example, a survivor who is being credibly threatened abroad by the perpetrator of the U visa qualifying crime may have a compelling case for humanitarian parole.

Even in these compelling cases, practitioners should advise U visa applicants *before* departure that return on humanitarian parole is not guaranteed. They should also note that USCIS does not publish average processing times for humanitarian parole requests, and that ASISTA members regularly report waiting close to a year or more for a decision. Seeking humanitarian parole from Customs and Border Protection (CBP) at a border, as through a CBP One appointment, is also possible, with similar provisos about documenting compelling circumstances and preparing for lengthy wait-times. For more information on humanitarian parole, ASISTA recommends USCIS's [website](#) and Catholic Legal Immigration Network ("CLINIC")'s "All About Parole" [practice advisory](#).

ii. U Applicant Travel on Another Valid Nonimmigrant Visa

Some U applicants may have other valid nonimmigrant visas that allow for international travel, such as visitor or student visas. There are no binding authorities on how traveling with such visas will impact a U applicant, but there are some informal sources of information that may be encouraging, as long as their predictive limitations are understood.

USCIS stated in the September 2023 engagement that traveling on a valid visa "would have no impact" on deferred action pursuant to a U BFD or waitlist approval.⁸ Whether this will continue to be the policy of USCIS is unknown.

Another consideration when traveling with certain nonimmigrant visas is immigrant intent. Because U Nonimmigrant Status is a path to citizenship, it is conceivable that a customs officer could have questions about immigrant intent. ASISTA is aware of U applicants who successfully traveled with valid nonimmigrant visas and has not heard of immigrant intent issues in these cases, but without formal guidance that experience is not guaranteed. Practitioners should also advise clients to be truthful when speaking with officers, since untruthful statements could trigger inadmissibility under INA § 212(a)(6)(C)(i) (fraud or willful misrepresentation).

iii. U Applicant Travel on Advance Parole Obtained Through Independent Basis (and Special Considerations)

While there is no official guidance on advance parole for U applicants, some applicants may be eligible for advance parole or similar travel authorization on an independent basis, including through Deferred Action for Childhood Arrivals ("DACA") or Temporary Protected Status ("TPS"). USCIS stated at the September 2023 engagement that such

⁸ USCIS Q & A, *supra* note 6, at 3.

travel “should have no impact” on the noncitizen’s deferred action pursuant to their U BFD or waiting list placement.⁹ Note, however that the USCIS may change this guidance in the future.

USCIS cannot grant advance parole to noncitizens in removal proceedings (including noncitizens with unexecuted removal orders).¹⁰ **Thus, noncitizens seeking to travel on advance parole must have their removal proceedings terminated.**

Finally, noncitizens with criminal histories or other negative equities or grounds of inadmissibility should understand that there is a risk that they may not be able to return to the United States after traveling on advance parole, or they may be issued a Notice to Appear (NTA) in immigration court. The ultimate decision whether to allow the noncitizen to return to the United States is discretionary by DHS officials (usually CBP), at each entry.¹¹ An approved application for advance parole from USCIS does not guarantee successful return to the United States, and practitioners should advise clients accordingly.¹²

Special Note About the Three- and Ten-Year Bars

Matter of Arrabally and Yerrabelly, 25 I&N Dec. 771, 779 (BIA 2012) held that a departure on advance parole is not a “departure” for purposes of inadmissibility under INA § 212(a)(9)(B)(i)(II), the 10-year unlawful presence bar. USCIS currently interprets the decision to apply to the 3-year unlawful presence bar as well.¹³ However, the Department of State’s interpretation is that the decision does not apply to noncitizens applying for visas.¹⁴ Thus, a U applicant who has accrued prolonged unlawful presence, traveled on advance parole, and later sought a U visa at a U.S. embassy or consulate will require a waiver of the applicable subsection of INA § 212(a)(9)(B).¹⁵ In addition, *Matter of Arrabally and Yerrabelly*

⁹ *Id.*

¹⁰ Form I-131 Instructions, *supra* note 5, at 10.

¹¹ See Form I-131 Instructions, *supra* note 5, at 9 (“As noted above, DHS will make a separate discretionary decision whether to parole the noncitizen into the United States each time they present an Advance Parole Document to DHS to request parole into the United States.”).

¹² See *id.* at 9 (“The issuance of an Advance Parole Document does NOT entitle a noncitizen to parole and does not guarantee that DHS will parole the noncitizen into the United States upon their return” [emphasis in original]).

¹³ *Unlawful Presence and Inadmissibility*, UNITED STATES CITIZENSHIP AND IMMIGRATION SERVS., <https://www.uscis.gov/laws-and-policy/other-resources/unlawful-presence-and-inadmissibility> (last reviewed/updated Sept. 5, 2024) (“While the Board of Immigration Appeals, in *Matter of Arrabally and Yerrabelly*, stated that its decision was limited to INA 212(a)(9)(B)(i)(II), the board’s reasoning in *Matter of Arrabally* applies equally to INA 212(a)(9)(B)(i)(I). For this reason, we apply the decision to both INA 212(a)(9)(B)(i)(I) and (II).”). As of this writing, the USCIS Policy Manual section on the unlawful presence grounds does not mention this interpretation. See 8 USCIS-PM O.6

¹⁴ U.S. DEPARTMENT OF STATE, AILA DOS LIAISON COMMITTEE LIAISON MEETING WITH THE DEPARTMENT OF STATE 8-9 (Oct. 10, 2024), available at <https://travel.state.gov/content/dam/visas/AILA/AILA%20Fall%202024%20DOS%20Liaison%20Agenda%2010-10-2024.pdf>.

¹⁵ *Cf. id.*

does not extend to *other* grounds of inadmissibility that are triggered by departure, such as INA § 212(a)(6)(B) (failure to attend removal proceedings without reasonable cause) and INA § 212(a)(9)(A) (departure after a removal order).¹⁶ Practitioners should advise U applicants who travel on advance parole accordingly and should determine whether a Form I-192 (or amendment to an existing I-192) is necessary after such a departure.

iv. U Applicant Travel in General: Important Implications

Before a client with a pending U application departs without authorization to allow their lawful return, practitioners should advise them of the significant possibility of having to wait outside the U.S. for several years, or even decades. Practitioners should also advise principal applicants, even those who have a lawful avenue to return, of the need to continue complying with reasonable requests for assistance from the certifying law enforcement agency,¹⁷ and the difficulties they may have doing so from abroad. The survivor should give the certifying agency their contact information once they have left the United States, especially if the case is still open.

If a U visa applicant does depart and will remain abroad throughout the pendency of their case, the practitioner must amend Form I-918/I-918A to inform USCIS of the departure and request that the appropriate consulate be notified of an approval. Additional amendments to the I-918 may be needed if the departure changed the answer(s) to any question(s) on the form. The applicant may also need to file Form I-192 (if one was not filed already) or amend an existing Form I-192 if the departure triggered any ground(s) of inadmissibility, such as INA § 212(a)(9)(B) (the 3 or 10 year unlawful presence bars). For best practices on amending forms and supplementing filings, please consult ASISTA's [*Hot Tips for Using Service Center Hotlines and Supplementing Pending Petitions*](#) resource.

II. International Travel with Approved U Nonimmigrant Status (Without Pending Application for Adjustment of Status or Independent Basis for Advance Parole or Similar Travel Permission)

In theory, approved U Nonimmigrants have multiple mechanisms available to travel abroad and lawfully reenter the United States, but there are many obstacles that practitioners and noncitizens should be aware of *before* departure.

¹⁶ Cf. *Matter of Arrabally and Yerrabelly*, 25 I&N Dec. at 880 (“We emphasize that we hold only that an [noncitizen] cannot become inadmissible *under section 212(a)(9)(B)(i)(II)* solely by virtue of a trip abroad undertaken pursuant to a grant of advance parole. Our decision does not preclude a trip under a grant of advance parole being considered a “departure” for other purposes, nor does it call into question the applicability of any other inadmissibility ground.”) (emphasis in original).

¹⁷ See 8 CFR § 214.14(b)(3) (“The [noncitizen] has been helpful, is being helpful, or is likely to be helpful to a certifying agency in the investigation or prosecution of the qualifying criminal activity upon which his or her petition is based, and since the initiation of cooperation, has not refused or failed to provide information and assistance reasonably requested.”).

The first mechanism for travel and return is for the noncitizen to seek a U Nonimmigrant Visa from a consulate while they are abroad, and then use that visa to reenter the United States in U status. However, there are several practical hurdles in these cases. First, to maintain eligibility for U-based adjustment of status, U Nonimmigrants must attain three years of continuous physical presence (“CPP”) while in U status, and they must not disrupt it thereafter.¹⁸ U Nonimmigrants who are outside the United States for a single period of more than 90 days, or an aggregate period of more than 180 days, are deemed to have broken CPP *unless* “the absence is in order to assist in the investigation or prosecution or unless an official involved in the investigation or prosecution certifies that the absence was otherwise justified.”¹⁹ It can be very difficult for a U Nonimmigrant to return to the United States in time, since the consular process may take several months. Further, if the noncitizen triggers a ground of inadmissibility upon departure, the practitioner must file Form I-192 (or amend an existing Form I-192) to obtain a waiver from USCIS, which takes additional time.

It is not *impossible* for the noncitizen to receive the approved I-192 and U visa, and be admitted to the United States in U status within the required time period, but it is highly unlikely without significant diligence and advocacy on the part of the practitioner and noncitizen.²⁰ If the process cannot be completed within the required time period, the Administrative Appeals Office (“AAO”) has stated in non-precedent decisions that it is possible to re-accrue CPP.²¹ Despite the possibility of re-accruing CPP, it remains risky for a U Nonimmigrant to travel abroad without a multi-entry visa or advance parole.

The second mechanism is for the noncitizen to use a multi-entry U visa. The U.S. Department of State (“DOS”) often grants such visas to noncitizens if USCIS approved their I-918/I-918A while they were abroad. U Nonimmigrants traveling on multi-entry visas still must maintain CPP and should plan short trips that come nowhere close to exceeding the 90 or 180 day time periods mentioned above. They should also consider the conditions in the country to which they wish to travel, and assess whether a prompt return to the United States is likely. Even with a multi-entry visa, it is risky for a U Nonimmigrant to travel to a country that is currently experiencing war, civil unrest, or any other circumstance that may prevent a prompt return to the United States.

¹⁸ See INA § 245(m)(1)(A) (“the [noncitizen] has been physically present in the United States for a continuous period of at least 3 years since the date of admission as a nonimmigrant under [the principal or derivative portions of the U visa statute]”).

¹⁹ INA § 245(m)(2).

²⁰ Applicants in this position often must seek expedited processing from both USCIS and the consulate, and elicit assistance from third parties, such as a Congressional liaison, to achieve everything before 90 days go by. For information on this, recipients of OVW LAV, STOP, and ELSI funding and ASISTA members may request technical assistance (TA) from ASISTA. See also ASISTA, *Requesting Congressional Liaison Assistance* (Sep. 30, 2020), available at <https://asistahelp.org/wp-content/uploads/2020/10/Congressional-liaison.pdf>.

²¹ See *Matter of M-D-C-F-B-*, at 3 (AAO Jan. 9, 2018) (unpublished) (“However, the Act does allow an applicant to accrue continuous physical presence beginning from any admission in U status, including admissions made after departures that broke a prior period of continuous presence.”), *Matter of C-E-A-V-* (AAO May 22, 2017) (unpublished).

The third (potential) mechanism is advance parole. **ASISTA cautions practitioners that USCIS has not published formal guidance about how U Nonimmigrants might apply for advance parole, except as related to a pending application for adjustment of status.** When ASISTA asked at the September 2023 engagement whether travel on advance parole is possible in other circumstances, USCIS did not respond.²² Instead, USCIS stated the following: “In general, what we are able to say on travel is that practitioners need to look at the Preamble to the 2007 regulations for all travel questions. Consular processing is specified there. USCIS is considering options for the future but the Preamble is all that’s there right now.”²³ Advance parole is not mentioned in the Preamble,²⁴ so USCIS’s statement seems designed to discourage widespread use of advance parole applications by U Nonimmigrants. **That said, Form I-131 and its instructions state that U Nonimmigrants are eligible for advance parole.**²⁵ ASISTA members have reported obtaining advance parole for U Nonimmigrants at USCIS field offices including San Francisco, Seattle, Nashville, and New York City. ASISTA encourages practitioners to consult local colleagues about practices at their local field offices. Even if a U Nonimmigrant is approved for advance parole, the practitioner and U Nonimmigrant must be mindful of the consequences of travel on advance parole that are mentioned in Sections I(iii) and ensure no break in CPP. **ASISTA urges all considering this mechanism for travel to very carefully evaluate current policies and enforcement practices first.**

i. Caution When Traveling Abroad with a Pending Form I-539

U Nonimmigrants with pending Form I-539s should understand that USCIS policy makes it risky to travel abroad if the form is close to adjudication. At the September 2023 engagement, USCIS stated that the noncitizen must be in the United States when Form I-539 is filed *and* adjudicated.²⁶ USCIS did not provide a citation for this assertion, potentially leaving it subject to challenge. However, as a practical matter practitioners should understand that I-539 applications may be deemed improvidently granted if they are approved while the U Nonimmigrant is outside the United States. To avoid a potentially drawn-out dispute with USCIS, it is best practice for practitioners to advise U Nonimmigrants against international travel if the [processing times](#) suggest that their Form I-539 may be approved while they are outside the country. If there is an urgent need to travel, the practitioner may consider requesting expedited processing of the Form I-539 under the “emergencies or humanitarian situations” category.²⁷

²² *USCIS Q & A*, *supra* note 6, at 3-4.

²³ *Id.* at 3.

²⁴ See *generally* New Classification for Victims of Criminal Activity; Eligibility for “U” Nonimmigrant Status, 72 Fed. Reg. 53014 (Sept. 17, 2007).

²⁵ See Form I-131 Instructions, *supra* note 5, at 7. Note there is no citation for the Instructions’ statement.

²⁶ *USCIS Q & A*, *supra* note 6, at 5.

²⁷ For more information on expedite requests, see 1 USCIS-PM A.5.

III. International Travel with a Pending Application for U-Based Adjustment

U Nonimmigrants with pending U-based adjustment applications are eligible for advance parole, but must be cautioned about certain risks of international travel.²⁸

i. Preserving the Three Years of Continuous Physical Presence Required for U-Based Adjustment

For purposes of calculating the three years of CPP required for adjustment, USCIS has confirmed that the initial date of U admission is generally considered controlling, even for those who travel and return on advance parole.²⁹ Thus, for purposes of adjustment eligibility, it is irrelevant whether the noncitizen's I-94 after return on advance parole states they entered as a parolee, rather than a U Nonimmigrant. It is also generally irrelevant if their new advance parole I-94 states their entry date as fewer than three years prior to the date of the adjustment application's adjudication.³⁰

However, as stated earlier, noncitizens traveling on advance parole must be mindful not to break CPP. If they break CPP, USCIS has stated that the I-94 entry date upon return from advance parole will be used to calculate CPP.³¹ The best practice is for noncitizens traveling on advance parole to book short trips that end well before the end of the applicable 90 or 180 day time period. As stated earlier, these noncitizens must also be mindful of the general consequences of traveling on advance parole that are listed in Section I(iii) of this Practice Advisory. In particular, the noncitizen should file a motion to reopen and terminate any prior removal proceedings, and ensure the motion is approved, *before* traveling on advance parole.³²

ii. Abandonment of LPR Application for Travel Without Advance Parole

Practitioners should advise U Nonimmigrants with pending adjustment of status applications that departure from the U.S. without approved advance parole will result in abandonment of their adjustment application, even if the travel is short and/or on a multi-entry visa.³³ In addition, as noted previously, even with advance parole, a U adjustment applicant abandons the adjustment application if they depart the U.S. while

²⁸ See, e.g., 8 CFR § 245.24(j) (U adjustment applicant who departs with pending adjustment application is "deemed to have abandoned" the application, unless they are granted advance parole and are subsequently inspected and paroled upon return to the United States).

²⁹ USCIS Q & A, *supra* note 6, at 4.

³⁰ See USCIS Q & A, *supra* note 6, at 4.

³¹ *Id.* at 4-5.

³² See also 8 CFR § 245.24(j).

³³ *Id.* See also 8 CFR § 1245.2(a)(4)(ii)(A). The only exceptions are for the rare applicants who hold not just U Nonimmigrant status, but also certain L, H, K, or V statuses, and who travel on visas based on such other status. *Id.* at § 1245.2(a)(4)(ii)(C) & (D). However, it is not clear if USCIS intentionally permits U recipients to simultaneously hold these additional statuses. Moreover, should such an applicant return on one of those visas, it is not clear that USCIS would still deem them to be in U status (as opposed to exclusively in L, H, K, or V status, in accordance with their reentry I-94), which is required for U-based adjustment to be approved. Thus, advance parole remains the safest travel option for the aspiring LPR.

in removal proceedings (including while subject to an unexecuted order).³⁴ Should a U Nonimmigrant successfully return from a trip abroad without advance parole, they will only be able to pursue adjustment if (1) they did not break CPP, (2) they continue to hold U status, and (3) they submit a new Form I-485 adjustment application.

This second requirement (maintenance of U status) should not be overlooked. Because current processing times for U-based adjustment are lengthy, many U Nonimmigrants' original U statuses will expire while they are waiting for their LPR applications to be approved. This is not a problem for the LPR applicant whose I-485 is timely submitted and never abandoned through non-advance parole travel, because the timely I-485 automatically extends the U status while the I-485 pends.³⁵ However, if the timely I-485 is abandoned and no longer pending, the former U Nonimmigrant will no longer be in valid U status. They will have to seek restoration of their U status through a *nunc-pro-tunc* extension of status application on Form I-539.³⁶ Such *nunc-pro-tunc* extension is highly discretionary and requires proving exceptional circumstances. Only if it is a granted will the survivor again become eligible for U-based adjustment of status – and the period the extension pends is currently over one year, during which work authorization may not be available.³⁷

iii. Reminder about Survivors in Proceedings

As noted above, USCIS cannot grant advance parole to noncitizens in removal proceedings (including noncitizens with unexecuted removal orders).³⁸ **Thus, noncitizens seeking to travel on advance parole must have their removal proceedings terminated.** If USCIS improvidently grants advance parole to a U *adjustment* applicant in removal proceedings or with an unexecuted order, the applicant will be deemed to have abandoned their U adjustment application at the moment of departure from the United States, even if they depart with the improper advance parole document.³⁹ To avoid abandoning their adjustment applications, U adjustment applicants must have their removal proceedings terminated *before* they apply for advance parole with USCIS. It is best practice to verify whether a U adjustment applicant has an unexecuted order of removal before seeking advance parole. If a U adjustment applicant has already traveled on improvidently granted advance parole, the practitioner should follow the steps in Section III(ii), *supra*.

³⁴ See 8 CFR § 245.24(j).

³⁵ INA § 214(p)(6) (“[U Nonimmigrant status] shall be extended during the pendency of an application for adjustment of status under section 1255(m) of this title.”).

³⁶ For more on *nunc-pro-tunc* requests to extend U status, see ASISTA, *Correctly Identifying the Expiration Date of U Nonimmigrant Status* (Feb. 8, 2024), at page 4, available at <https://asistahelp.org/wp-content/uploads/2024/02/2024-I-797-and-I-94-Update.pdf>.

³⁷ To seek work authorization while a *nunc pro tunc* extension request is pending, the noncitizen would also need to have a Form I-485 pending so they could request a work permit in category (c)(9). It is sometimes permissible to file the I-485 concurrently with the *nunc pro tunc* I-539 for this purpose, but only if the applicant is actually eligible for Form I-485 (meaning, among other things, they must have accrued an unbroken period of three years of CPP prior to the new I-485 being filed).

³⁸ Form I-131 Instructions, *supra* note 5, at 10.

³⁹ See 8 CFR § 245.24(j) (“abandonment upon departure” clause for U adjustment applicants in removal proceedings has no exception for applicants who depart with advance parole).

IV. International Travel in U-Based LPR Status

The ability to travel abroad and return is one of the most important features of LPR status. However, practitioners and U-based LPRs should be mindful of the nuanced rules surrounding international travel by LPRs.

i. Length of International Travel

International trips by LPRs should be short for three reasons. First, a long absence from the United States may lead USCIS to conclude the noncitizen has abandoned their LPR status.⁴⁰ Second, long trips abroad may affect continuous residence⁴¹ and physical presence⁴² for naturalization purposes. Third, LPRs who spend more than 180 continuous days outside the U.S. are deemed to be “seeking admission” upon return.⁴³

Regarding abandonment of LPR status, the rule of thumb is that a trip lasting one year or more leads to a presumption of abandonment.⁴⁴ USCIS has stated that a longer absence caused by “unforeseen circumstances” will still be considered a temporary trip abroad (not to be deemed an abandonment of residency) “so long as the LPR continued to intend to return as soon as his or her original purpose of the visit was completed.”⁴⁵ The U-based LPR should plan for trips of substantially less than a year and be prepared to demonstrate that any longer absence was truly “unforeseen.” For example, they could present a return ticket for a date that was earlier than their actual date of return to the United States, and evidence of what caused the need to stay longer and when that need arose.

The naturalization requirements of continuous residence and physical presence will be most important to the U-based LPR who wishes to become a citizen as soon as possible. Such survivors should plan only short trips of less than six months at a time, and should ensure they spend more than half of their days in the U.S.⁴⁶

When it is impossible for the U-based LPR to take only a short trip abroad, they should strongly consider seeking a Reentry Permit to facilitate their return.⁴⁷ They should also

⁴⁰ 12 USCIS-PM D.2(B)(1) (“While an extended absence from the United States alone is not conclusive evidence of abandonment of LPR status, the length of an extended absence is an important factor.”).

⁴¹ See INA § 316(b) (absence of more than six months but less than one year during continuous residency period presumed to break continuous residence, unless the noncitizen proves they did not abandon their U.S. residence; absence of one year or more breaks continuous residence, with certain exceptions).

⁴² See INA § 316(a) (requiring naturalization applicants to be physically present in the United States for at least half of the five-year period immediately preceding the naturalization application).

⁴³ INA § 101(a)(13)(C)(ii).

⁴⁴ See 8 CFR § 211.1(a)(2).

⁴⁵ See 12 USCIS-PM D.2(B)(1).

⁴⁶ INA § 316(a) & (b).

⁴⁷ See, e.g., USCIS, *I am a Permanent resident: How do I get a reentry permit?*, available at <https://www.uscis.gov/sites/default/files/document/guides/B5en.pdf>.

be prepared to demonstrate their continued intent to “reside permanently” in the U.S..⁴⁸ USCIS suggests that “continued ties” to the U.S. can demonstrate such an intent.⁴⁹ These include filing U.S. income taxes as a U.S. resident, maintaining employment and property in the United States, “maintaining a driver’s license” with a U.S. address, and children attending school in the United States.⁵⁰ At the time of U-based LPR approval, practitioners should advise survivors and qualifying family members of the importance of keeping international trips short and maintaining ties to the United States.

ii. **Other Reasons an LPR May Be “Seeking Admission” Upon Return, and Why this Matters**

Separately, when a U nonimmigrant is granted LPR status, practitioners should advise them of the circumstances when they will be deemed to be “seeking admission” upon return from a trip abroad, as well as the consequences of such a designation. As noted above, one circumstance when an LPR will be “seeking admission” on return is if the trip was for longer than 180 days. Others include if the LPR has committed a crime covered by INA § 212(a)(2), or if the LPR departs while a removal order is outstanding or proceedings are ongoing, as discussed below. There are also other circumstances not discussed in this advisory, which appear at INA § 101(a)(13)(C).

If the circumstance cannot be remedied (by, e.g., keeping the trip short, obtaining post-conviction relief or obtaining an order terminating removal proceedings), it is a best practice to advise against all international travel until naturalization. This is because LPRs who are “seeking admission” are subject to the grounds of inadmissibility, at INA § 212, instead of grounds of deportability, at INA § 237. They can be placed in removal proceedings for conduct that would not make them removable if they were not seeking admission. Were this to happen, some U-based LPRs may be eligible for relief in removal proceedings, but not all would be. Further, LPRs seeking admission are more likely to receive removal orders than other LPRs because LPRs seeking admission are charged with grounds of inadmissibility, meaning that they have the burden of proof.⁵¹

A. Criminal grounds

One of the circumstances when an LPR is deemed to be “seeking admission” is when they have “committed an offense identified in” INA § 212(a)(2), unless after the offense, the LPR “has been granted relief under” INA § 212(h) (immigrant waiver for certain criminal grounds of inadmissibility) or INA § 240A(a) (LPR cancellation of removal).⁵²

⁴⁸ See 12 USCIS-PM D.2(B)(1) (“The key factor in determining if an applicant abandoned his or her LPR status is the applicant’s intent to reside permanently in the United States.”).

⁴⁹ See *id.*

⁵⁰ See *id.*

⁵¹ Compare INA § 240(c)(2)(A) (applicants for admission have the burden to establish that they are “clearly and beyond doubt entitled to be admitted and [are] not inadmissible”) with INA 240(c)(3)(A) (for admitted noncitizens, the government must establish the noncitizen’s deportability “by clear and convincing evidence”).

⁵² See INA § 101(a)(13)(C)(v).

U-based LPRs who have “committed an offense identified in” INA 212(a)(2) *after* becoming LPRs will be deemed to be “seeking admission” upon return to the United States. Note that the crimes identified in the “seeking admission” clause encompass a much broader class of crimes than appear in INA § 237(a)(2), which identifies the criminal grounds of deportation and is typically used to assess the immigration consequences of an LPR’s conviction. For this reason, defense counsel may correctly tell a criminalized LPR that a plea will not render them deportable under INA § 237(a)(2), but the LPR should not be lulled into a sense of security that the crime would be immigration-neutral if they traveled and were deemed to be seeking admission. For example, a single conviction for a crime involving moral turpitude more than five years after admission, or a single offense involving possession for one’s own use of 30 grams or less of marijuana, places the LPR in the “seeking admission” category, even though such an offense would not make the LPR deportable.⁵³

Thus, at case closing practitioners should advise all U-based LPRs to seek legal counsel *before* leaving the United States if they are convicted of *any* crime after becoming an LPR. Post-conviction relief (“PCR”) may be a possibility for LPRs with such offenses. The PCR process should be completed *before* travel, and the LPR should carry a copy of the PCR order when attempting to reenter the United States. To be effective for immigration purposes, the PCR must satisfy the standard in *Matter of Pickering*, 23 I&N Dec. 621, 624 (BIA 2003), meaning it must be based on a substantive or procedural defect in the underlying criminal proceedings.

Thankfully, by the plain statutory language of INA § 101(a)(13)(C)(v),⁵⁴ it appears only noncitizens who were already LPRs when they triggered their criminal inadmissibility ground should properly be deemed to be “seeking admission.” Those whose criminal history predates their LPR admission should arguably not be deemed to be “seeking admission.” That said, it may still be safest and best practice to advise against travel for these folks until they either obtain qualifying PCR or naturalize. It only takes one exceptionally zealous CBP or ICE official to initiate removal proceedings, whether they ultimately lead to removal or not.

B. Removal grounds

U-based LPRs who have “departed the United States while under legal process” seeking their removal will also be deemed “seeking admission” upon return.⁵⁵ This includes LPRs who depart the U.S. while in active removal proceedings, as well as LPRs who depart with unexecuted removal orders. The statute is phrased broadly, and thus appears to encompass such departures even if the removal order was issued

⁵³ Compare INA 212(a)(2) with INA 237(a)(2).

⁵⁴ See INA § 101(a)(13)(C)). The opening clause states the provisions apply to noncitizens already “lawfully admitted for permanent residence.” *Id.* In addition, the crime-specific clause has an exception for LPRs who “have been granted relief under section 212(h) ... or 240A(a).” *Id.* at § 101(a)(13)(C)(v). These are forms of relief only available to LPRs, suggesting Congress intended this section to apply only to those who committed the offenses as LPRs. ASISTA thanks Alison Kamhi of the Immigrant Legal Resource Center for sharing her interpretation of this statute.

⁵⁵ See INA 101(a)(13)(C)(iv).

before the noncitizen became an LPR. That said, based on context clues in the plain language of the rest of INA § 101(a)(13),⁵⁶ it seems only to apply to *departures* occurring *after* becoming an LPR. To avoid coming within this clause, the LPR should file motions to reopen and terminate removal proceedings,⁵⁷ and receive an order terminating proceedings, *before* leaving the United States. The LPR should carry the order when they return to the United States. Practitioners representing U-based LPRs in this posture should consider writing letters highlighting the termination of proceedings, which the clients can present to Customs and Border Protection (“CBP”) if necessary. They should also be prepared to advocate for their clients with CBP if there is a dispute.

V. Conclusion

As processing times increase, international travel is becoming an increasingly salient topic for applicants and holders of U Nonimmigrant Status. Practitioners should be mindful of the considerations and nuances surrounding travel at different stages of the U Nonimmigrant process, and should advise survivors and their qualifying family members accordingly.

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⁵⁶ See note 53, *supra*. ASISTA thanks Alison Kamhi of the Immigrant Legal Resource Center for her interpretation of this statute.

⁵⁷ Individuals granted U status and/or LPR status since their removal orders were issued generally have strong grounds for these motions. See 8 CFR § 214.14(c)(5)(i) & (f)(2)(i); 8 CFR §§ 1003.1(m)(1)(i), 1003.18(d)(1)(i). See also ASISTA, *New DOJ Rule: Administrative Closure and Termination in Removal Proceedings For Immigrants Seeking Survivor-Based Relief* (Aug. 19, 2024).

Appendix A:

International Travel at Different Stages of the U Nonimmigrant Process

	Travel Options (Subject to Cautions Described Above!)
In Removal/ Unexecuted Removal Order	<ul style="list-style-type: none"> • Advance parole not available through USCIS • Travel will generally constitute/execute removal order • Travel will likely create new inadmissibility grounds • Travel will likely cause LPR to be deemed “seeking admission”
U Visa Pending, and Not Yet Waitlisted	<ul style="list-style-type: none"> • No U-based options formally available • Rumors of BFD-based advance parole from certain field offices • Humanitarian parole may be attempted after departure • Travel with non-U-based advance parole or valid visa does not disrupt BFD-based deferred action
U Visa Pending, and Placed on Waitlist	<ul style="list-style-type: none"> • Parole mandated by regulation but not routinely granted • Courts have sometimes required <i>parole</i> for applicants <i>abroad</i> • Courts have <i>not</i> required <i>advance</i> parole if deferred action granted • Humanitarian parole may be attempted after departure • Travel with non-U-based advance parole or valid visa does not disrupt BFD-based deferred action
U Visa Granted and No Adjustment Application Yet	<ul style="list-style-type: none"> • Some U nonimmigrants receive multi-entry U <i>visas</i> in passport • U <i>visa</i> possibly available at consulate post-departure, but slow and new I-192 may be required if new inadmissibilities triggered • Scattered U-based advance parole from certain field offices • Beware of travel disrupting continuous physical presence for AOS • If extending status, must be in US when I-539 filed and decided
U Visa Granted and Adjustment Pending	<ul style="list-style-type: none"> • I-485-based advance parole (AP) available unless in removal • AP required to prevent abandonment of adjustment application • Beware of travel disrupting continuous physical presence for AOS
U Adjustment Granted	<ul style="list-style-type: none"> • Travel with LPR card • Beware of travel if client would be deemed “seeking admission” • Beware of travel disrupting naturalization requirements or causing abandonment of LPR status

Appendix B:

Broadly-Applicable Client Warnings About Advance Parole Travel⁵⁸

- Advance parole is discretionary for USCIS to grant. If denied, potential for NTA, depending on survivor's equities and applicable NTA memo.
- Advance parole is discretionary for CBP to honor. Though not common in recent years (barring discovery of material changes or previously-undisclosed negative facts), CBP can deny entry for discretion or issue NTA to inadmissible survivors.
- Departure, even with advance parole, may be treated as creating new inadmissibility. As of publication, USCIS follows *Matter of Arrabally and Yerrabally*, 25 I&N Dec. 771, and does not regard advance parole travel as triggering three- or ten-year unlawful presence bars under INA § 212(a)(9)(B). However, DOS (consulates) interpretation is different. Further, USCIS may regard advance parole travel as executing a removal order or otherwise triggering INA § 212(a)(6)(B) (departure after failing to attend removal proceedings without reasonable cause) or INA § 212(a)(9)(A) (departure after removal order).
- While outside country, survivors may be unable to comply with reasonable requests for LEA assistance, frustrating U or U-adjustment eligibility.
- While outside country, survivors may miss important case correspondence from USCIS or attorney, such as RFE, NOID, or decision requiring action. This can result in denials, denials for abandonment, or loss of post-decision opportunities.
- While outside country, survivors who do learn of USCIS correspondence may still be unable to comply due to inability to return and provide biometrics in time or to obtain certain requested documents from abroad.
- **While outside country, relevant U.S. law or policy may change, affecting survivor's ability to re-enter, or affecting legal consequences of using advance parole.**
- Re-entry as "parolee," rather than as a U visa holder, *prior* to filing I-485, may prevent USCIS from finding U recipient was in valid U status at time of filing I-485, as required under INA § 245(m). This is possible, although ASISTA is aware of various survivors having success with adjustment even after such travel.
- Civil strife, pandemic, falling ill or other unforeseen difficulties could frustrate return within window during which AP document permits travel.

⁵⁸ This Appendix pertains to U applicants and recipients only. Its content may apply similarly in other contexts, but practitioners should do their own research to verify where differences may exist. *See generally USCIS PM*. Further, as described throughout the advisory, additional warnings may be prudent for U applicants and recipients, depending on the survivor's case posture and other facts.



NEW USCIS FEE EXEMPTIONS

For Immigrant Survivors of Abuse, Trafficking, and Other Crimes

By Alison Kamhi, Elizabeth Taufu, Kate Mahoney, and Rachel Prandini

On January 31, 2024, USCIS Published its final rule on fee changes for applications, due to take effect on April 1, 2024 (“New Fee Rule”). The New Fee Rule can be found in the Federal Register at 89 Fed. Reg. 6,194 (Jan. 31, 2024), and USCIS has published Frequently Asked Questions at <https://www.uscis.gov/forms/filing-fees/frequently-asked-questions-on-the-uscis-fee-rule>. USCIS also published a new fee schedule reflecting the New Fee Rule, available here: <https://www.uscis.gov/g-1055>. Several forms and instructions will also be updated as a result of the New Fee Rule.

Although the New Fee Rule will result in increased fees for many applications, it eliminates most application fees for immigrant survivors of abuse, crime, and human trafficking (“survivors”), without the need to file a fee waiver request. The New Fee Rule also provides that applications filed online¹ where a fee is required are eligible for a \$50 discount.

This practice alert will explain which categories and forms will be eligible for fee exemptions under the New Fee Rule; address changes to the fee waiver policy that also benefit survivors; and identify some unknowns that need clarification. These fee exemptions are a welcome development, and the ILRC applauds USCIS for listening to our collective voices advocating to increase survivors’ access to immigration relief.

ALERT: On March 19, 2024, opponents of the New Fee Rule filed a lawsuit in Federal District Court in Colorado, challenging the regulation under the Federal Antideficiency Act and the Administrative Procedures Act. *See Moody, et al. v. Mayorkas, et al.*, Case No. 1:34-cv-00762-REB (D. Colo. Mar. 19, 2024).² At the time of writing, the New Fee Rule is still set to take effect on April 1, 2024, but practitioners should stay tuned for updates as this lawsuit progresses.

¹ A list of applications available for online filing can be found at <https://www.uscis.gov/file-online/forms-available-to-file-online>. The \$50 online filing discount is not available for Form I-821D, Consideration of Deferred Action for Childhood Arrivals, or for form I-821, Application for Temporary Protected Status.

² The lawsuit, brought by EB-5 investors and technology-sector advocates, challenges fee-hikes for employment-based visas and the Asylum Program Fee introduced by the New Fee Rule. The complaint does not appear to challenge any of the survivor-based fee exemptions discussed in this Practice Advisory.

I. How Does the New Fee Rule Expand Fee Exemptions?

The New Fee Rule makes most applications filed by survivors fee-exempt, meaning NO fee or fee waiver is required.³ These categories include:

- T Nonimmigrants (survivors of severe forms of human trafficking);
- U Nonimmigrants (survivors of certain qualifying crimes);
- Special Immigrant Juveniles (SIJS);
- VAWA Self-Petitioners;
- Applicants for VAWA Cancellation of Removal;
- Afghan & Iraqi Special Immigrants; and
- Applicants seeking benefits under other VAWA categories.⁴

This practice alert focuses on fee exemptions for T visas, U visas, SIJS, and VAWA self-petitioners, but practitioners should be aware of the New Fee Rule's benefits for the other groups as well. After the New Fee Rule goes into effect on April 1, 2024, applicants in these categories will no longer have to file a fee or fee waiver request with applications enumerated in the New Fee Rule.⁵

II. What Forms Are Fee Exempt for Survivor-Based Benefits?

Currently, most survivor-based benefits include fee exemptions for only the principal application or petition, which means that applicants must either pay the filing fee or seek a fee waiver for related applications and in subsequent application processes. For example, under the current fee schedule, although Form I-918, Petition for U Nonimmigrant Status, is fee-exempt, related forms such as the I-192, Request for Waiver of Inadmissibility, are not fee-exempt and therefore applicants must either file a fee waiver request or pay the fee. Under the New Fee Rule, applications filed in survivor-based categories are fee-exempt for all related applications through adjustment of status; only green card renewals and citizenship-related forms will require that a fee be paid, or a fee waiver be filed with the application.⁶

The chart below details which forms will be fee-exempt for survivors starting on April 1, 2024:

³ See U.S. Citizenship and Immigration Services Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements, 89 Fed. Reg. 6,194, 6,196 (Jan. 31, 2024). Table 5C lists the forms that will be eligible for fee exemptions and waivers starting on April 1, 2024.

⁴ These groups include conditional permanent residents filing a waiver of the joint-filing requirement based on battery or extreme cruelty; abused spouses and children adjusting status under the Cuban Adjustment Act and the Haitian Refugee Immigration Fairness Act; abused spouses and children seeking benefits under NACARA; and abused spouses of certain nonimmigrants. See 89 Fed. Reg. at 6,391 (to be codified at 8 CFR § 106.3(b) (Apr. 1, 2024)).

⁵ On April 1, 2024, USCIS will update its online fee calculator to reflect the new fees and new fee exemptions, <https://www.uscis.gov/feecalculator>.

⁶ See 89 Fed. Reg. at 6,392 (to be codified at 8 CFR § 106.3(b)).

U Nonimmigrants <ul style="list-style-type: none"> • Initial petitions (I-918, I-918 Supp A & B) • I-192, Application for Waiver of Inadmissibility • I-193, Application for Waiver of Passport • I-539, Application to Extend Nonimmigrant Status (only if filed before I-485) • I-485, Application to Adjust Status • I-601, Application for Waiver of Inadmissibility* • I-929, Petition for Qualifying Relative of a U-1 • I-824, Application for Action on an Approved Application or Petition • I-131, Application for Advance Parole • I-290B, Notice of Appeal or Motion to Reopen or Reconsider† • I-765, Application for Employment Authorization (includes all I-765s for all applicable categories at any stage, for principals and derivatives, including deferred action BFD, waitlist, nonimmigrant status, adjustment, renewals, and replacements) 	T Nonimmigrants <ul style="list-style-type: none"> • Initial petitions (I-914, I-914 Supp A & B) • I-192, Application for Waiver of Inadmissibility • I-193, Application for Waiver of Passport • I-539, Application to Extend Nonimmigrant Status • I-485, Application for Waiver of Inadmissibility • I-601, Application for Waiver of Inadmissibility • I-824, Application for Action on an Approved Application or Petition • I-131, Application for Advance Parole • I-290B, Notice of Appeal or Motion to Reopen or Reconsider† • I-765, Application for Employment Authorization (includes all I-765s for all applicable categories at any stage, for principals and derivatives, including nonimmigrant status, adjustment, renewals, and replacements)
Special Immigrant Juveniles <ul style="list-style-type: none"> • I-360, Petition for SIJ Classification • I-485, Application to Adjust Status • I-601, Application for Waiver of Inadmissibility • I-601A, Application for Provisional Waiver of Unlawful Presence* • I-824, Application for Action on an Approved Application or Petition • I-131, Application for Advance Parole • I-290B, Notice of Appeal or Motion to Reopen or Reconsider† • I-765, Application for Employment Authorization (includes all I-765s for all applicable categories at any stage, including deferred action, adjustment, renewals, and replacements) 	VAWA Self-Petitioners <ul style="list-style-type: none"> • I-360, Petition as VAWA Self-Petitioner • I-485, Application to Adjust Status • I-212, Application for Permission to Reapply for Admission • I-601, Application for Waiver of Inadmissibility • I-601A, Application for Provisional Waiver of Unlawful Presence • I-824, Application for Action on an Approved Application or Petition • I-131, Application for Advance Parole • I-290B, Notice of Appeal or Motion to Reopen or Reconsider† • I-765, Application for Employment Authorization (includes all I-765s for all applicable categories at any stage, including deferred action, adjustment, renewals, and replacements)
<p>* Form I-601 is included in the list of fee-exempt forms for U nonimmigrants, see 8 CFR § 106.3(b)(5), however, this form is not required for U nonimmigrants, either at the nonimmigrant stage or during adjustment of status. Similarly, Form I-601A is included in the list of fee-exempt forms for Special Immigrant Juveniles, however, applicants for SIJ adjustment are exempt from inadmissibility under INA § 212(a)(9)(B), the only ground that can be waived by Form I-601A. The ILRC is seeking clarification from USCIS on how or when these exemptions might apply, or if they are simply errors.</p> <p>† Form I-290B is fee exempt for survivor-based categories for all related applications filed prior to adjustment of status or for Form I-485 or an associated form.</p>	

III. Do Derivatives Also Get These Fee Exemptions?

Yes! The new survivor-based fee exemptions apply to derivatives to the same extent as principal applicants. This is true whether the principal applicant petitions for their family members at the initial stage or at any later stage through adjustment of status. Derivatives will receive the same fee exemptions for any related application filed through adjustment of status.

Example: Aiko filed a U visa petition and included her parents as derivatives by filing Forms I-918 Supplement A at the same time. Aiko later married, and she filed Form I-929 for her spouse at the adjustment of status stage. Aiko's parents and her spouse are entitled to the same fee exemptions as Aiko because they are all included as derivatives under a survivor-based benefit category.

IV. Will Fee Exemptions Be Available If a Fee or Fee Waiver Has Already Been Submitted?

Yes! After April 1, 2024, if an applicant falls into one of the fee exempt categories, future applications will be fee exempt even if the applicant paid fees at an earlier stage or if a fee waiver was submitted with an application. For applications filed before April 1, 2024, that remain pending after the New Fee Rule takes effect, however, applicants who paid the fees will not be refunded.

Example: In 2020, Sandra filed her T visa application along with Form I-192 and a fee waiver request for the I-192. Her T visa was granted, and she now wants to apply for adjustment of status after being a T nonimmigrant for three years. Sandra's adjustment of status application and all related application fees will be fee exempt under the New Fee Rule, meaning that Sandra does not have to file a fee or fee waiver request for any application in her adjustment process.

Additionally, where a fee waiver was denied previously for an application that will be fee exempt after April 1, 2024, and where re-filing is available, the applicant can re-file that application under the New Fee Rule without a fee or fee waiver request.

V. Do The Fee Exemptions Still Apply If the Applicant Later Proceeds on A Non-Fee-Exempt Track?

Language throughout the New Fee Rule strongly suggests that USCIS intends that the fee exemptions will not apply if the person "switches tracks," i.e., if someone previously sought relief as a survivor but is now applying for status in a category that is not fee-exempt, such as family-based adjustment of status. For some survivor-based categories, the new regulatory text is clear that the fee-exemptions will only apply as long as the applicant proceeds on the survivor-based track.⁷ For other categories, the new regulatory text is less clear but still

⁷ For U visas, T visas, SIJS, and Afghan and Iraqi Special Immigrants, the regulatory text limits fee exemptions to forms "related to" the survivor-based benefit and for adjustment of status filed under the applicable subsection of INA § 245 for that category of survivors. 89 Fed. Reg. at 6,392 (to be codified at 8 CFR § 106.3(b)(1), (2), (3), (5)).

strongly suggests this same limitation.⁸ At the time of writing, it is unclear how USCIS will treat these applicants who “switch tracks.” The ILRC plans to seek clarification from USCIS and will share out new information as it becomes available.

Example: Jorge entered the US with a tourist visa, was granted SIJS in 2022, and is waiting for his priority date to become current. He recently married his U.S. citizen husband and is now eligible to adjust status based on marriage under INA § 245(a). Even though he has an approved I-360, Jorge would not be eligible for a fee exemption because the fee exemptions for SIJ petitioners are limited to adjustment of status under INA § 245(h), and Jorge will now adjust under INA § 245(a) as the spouse of a US citizen.

VI. What About Forms That Still Require a Fee?

For any applications filed after the adjustment stage—including green card renewals (Form I-90), and applications related to citizenship and naturalization—immigrant survivors will still have to either pay the filing fee, apply for a fee reduction (which is only available for naturalization applications), or apply for a fee waiver if available for the application.⁹ The New Fee Rule does not expand eligibility for a fee waiver, but it does strengthen existing fee waiver policy and practice. These changes include:

- **Codifying fee waiver policy.**¹⁰ In the past, fee waiver policy has been set by USCIS agency memoranda, which could be easily revoked or superseded depending on the political climate and whims of the administration. With the policy now codified in the regulation, future administrations will need to go through the administrative process of amending the regulation, rather than simply issuing a new memorandum.
- **Expanding the “means-tested benefit” category to include benefits received by a household child.** Under previous policy, USCIS only considered evidence that the applicant or their spouse was receiving a means-tested benefit to determine if the applicant merited a fee waiver based on receipt of a means-tested benefit. While not codified in the regulations, the instructions for Form I-912 (Request for Fee Waiver)¹¹ will now allow for consideration of means-tested benefits being received by a household child—such as Medicaid, SNAP, TANF, or SSI—because the child’s eligibility for these benefits is dependent on household income.¹²

⁸ For VAWA self-petitioners, for example, the new regulatory text is less explicit, but still limits the fee exemptions only to forms “related to the benefit.” See *id.* (to be codified at 8 CFR § 106.3(b)(6)).

⁹ Note that the fee waiver is not available for every application. Some applications, such as family-based adjustment of status, remain ineligible for a fee waiver, meaning applicants must pay the fees to apply. 89 Fed. Reg. at 6,392 (to be codified at 8 CFR § 106.3(a)(3)(iv)).

¹⁰ See generally 89 Fed. Reg. at 6,391-6,393 (to be codified at 8 CFR § 106.3(a)(1)).

¹¹ Office of Mgmt. & Budget, Dep’t of Homeland Sec., U.S. Citizenship & Immigration Servs., OMB No. 1615-0116, *Table of Changes—Instructions, Form I-912, Request for Fee Waiver* (Jan. 31, 2024), available at <https://www.regulations.gov/document/USCIS-2021-0010-8214>.

¹² Even though immigrant survivors are generally not subject to the public charge rule, it is important to remind clients that the 2022 public charge rule clarified that receipt of public benefits by one’s child cannot be considered in the public charge analysis. See 8 CFR § 212.23(a) (2022).

Example: Leila filed an I-360 as a VAWA self-petitioner many years ago after surviving abuse by her LPR spouse. She is now applying to renew her green card. Leila does not receive any means-tested benefits, but her two children both receive SNAP benefits (food stamps). Leila may include evidence of her children’s SNAP benefits when seeking a fee waiver under the “means-tested benefit” category.

- **Income of abuser-household member may not be considered.** The new Form I-912 instructions state that applicants seeking benefits based on a pending or approved petition for VAWA, U, or T status, may exclude the income of a household member who is or was their abuser or human trafficker from Form I-912.¹³ At the time of writing, it is unclear how USCIS will apply this guidance, since most survivor-based applications will already be fee-exempt under the New Fee Rule.
- **Limited clarification of the “financial hardship” category.** The new Form I-912 instructions will provide a non-exhaustive list of factors that may be considered in determining whether someone qualifies for a fee waiver based on “financial hardship.” While the previous instructions included only “medical expenses of family members, unemployment, eviction, and homelessness,” the new instructions list thirteen factors, including victimization; medical emergency or illness, including mental or physical illness; divorce; and “situations that could not normally be expected in the regular course of life events.”¹⁴ The instructions will also list examples of evidence that might be included to demonstrate financial hardship, including receipt notices for victim-based immigration benefits.¹⁵
- **Expansion of N-400 Fee Reduction Eligibility.** Under previous policy, naturalization applicants seeking to pay a reduced fee for the N-400 had to show that their household income was at or below 200% of the federal poverty guidelines; this meant that a reduced fee was only available to a very small group of applicants who did not qualify for a full fee waiver but who still had relatively low incomes compared to the general population. The New Fee Rule increases this eligibility to 400% of the federal poverty guidelines.¹⁶ This increase will lessen the financial barrier to naturalization for many survivors and others who may not fall below 150% of the federal poverty guidelines but for whom the filing fee is still burdensome.

Example: Marlon survived a violent crime and was granted U nonimmigrant status 8 years ago. Marlon is now a lawful permanent resident, married with three children, and his household income is \$85,000. Marlon wants to apply for U.S. citizenship. Under previous guidance, Marlon would not qualify for either a fee waiver or fee reduction, because his income is above \$73,160, or 200% of the federal poverty guidelines for a

¹³ Office of Mgmt. & Budget, Dep’t of Homeland Sec., U.S. Citizenship & Immigration Servs., OMB No. 1615-0116, *Table of Changes—Instructions, Form I-912, Request for Fee Waiver* (Jan. 31, 2024), available at <https://www.regulations.gov/document/USCIS-2021-0010-8214>.

¹⁴ *Id.*

¹⁵ In recent years, many fee waiver requests have been denied in the “financial hardship” category. The ILRC is hopeful that this additional information for applicants, as well as forthcoming guidance for adjudicators on how to analyze this category, will eliminate erroneous denials in this category. See 89 Fed. Reg. at 6,259.

¹⁶ 89 Fed. Reg. at 6,236 (to be codified at 8 CFR §106.2(b)(3)(ii)).

household of five. Under the New Fee Rule, Marlon qualifies for a half-fee reduction because his income is less than \$146,320.

Naturalization applicants who do not qualify for a fee waiver or fee reduction can still take advantage of the \$50 filing fee discount if they choose to file their applications online.

VII. Conclusion

The New Fee Rule will expand fee exemptions for immigrant survivors who are particularly vulnerable and often face barriers to accessing immigration benefits, including financial barriers. The New Fee Rule will also strengthen and clarify fee waiver eligibility where a fee or fee waiver is required. Practitioners working with immigrant survivors should familiarize themselves with the New Fee Rule and should discuss with clients how it might impact their application process. The ILRC will publish additional alerts and information on the New Fee Rule as it becomes available: www.ilrc.org.



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About the Immigrant Legal Resource Center

The Immigrant Legal Resource Center (ILRC) works with immigrants, community organizations, legal professionals, law enforcement, and policy makers to build a democratic society that values diversity and the rights of all people. Through community education programs, legal training and technical assistance, and policy development and advocacy, the ILRC's mission is to protect and defend the fundamental rights of immigrant families and communities.

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USCIS PUBLISHES FINAL FEE RULE, EFFECTIVE APRIL 1, 2024

On January 31, 2024, USCIS published a final rule on fee changes for applications that is due to take effect on April 1, 2024. Any application, petition, or request **postmarked** on or after April 1, 2024 will be subject to this new rule.

What does this mean for our clients? The good news is that this new rule expands fee waiver exemptions to humanitarian applicants (VAWA, U, T) through their adjustment of status.

Humanitarian Application	New Rule Fee Exemptions
VAWA	<ul style="list-style-type: none">• I-131• I-212• I-290B (if for any benefit before adjustment or motion filed regarding I-485 or an associated ancillary form)• I-601• I-601A• I-765 for initial, renewal and replacement requests• I-824 <p>For Conditional Permanent Residents filing an I-751 based on Battery/Extreme Cruelty:</p> <ul style="list-style-type: none">• I-751• I-290B
U Visa	<ul style="list-style-type: none">• I-131• I-192• I-193• I-290B (for any benefit before adjustment or a motion to appeal with I-485)• I-485• I-539• I-601• I-765• I-824• I-929
T Visa	<ul style="list-style-type: none">• I-131• I-192• I-193• I-290B• I-485• I-539

	<ul style="list-style-type: none"> • I-601 • I-765 • I-824
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The following forms will still have required filing fees:

- DS-160
- DS-260
- Fees associated with consular processing for immigrant and non-immigrant visa applicants.

Naturalization: USCIS is also extending eligibility for the reduced Naturalization fee to those individuals with incomes between 150% and 400% of the Federal Poverty Guidelines (FPG). Applicants will be able to indicate their request for a reduced fee on the N-400, rather than on the separate I-942 form, although anyone requesting the reduced fee must file their N-400 on paper rather than online. Certain applicants may be eligible for a complete Fee Waiver by filing and I-912. See Form I-912 Instructions (<https://www.uscis.gov/i-912>).

- N-400 Paper Filing: \$760
- N-400 Online Filing: \$710
- Reduced Fee: \$380

GLOSSARY OF IMMIGRATION TERMS

A Number: The alien registration number, which the Department of Homeland Security assigns to each alien. It is an "A" followed by eight or nine numbers.

Adjustment to Immigrant Status (Adjustment of Status): Procedure allowing certain immigrants already in the United States to apply for immigrant status

Alien: Any person not a citizen or national of the United States

Board of Immigration Appeals (BIA): The part of the Executive Office for Immigration Review that is authorized to review most decisions of Immigration Judges and some types of decisions of Department of Homeland Security officers.

Beneficiary: An alien who is sponsored by a relative or a business, or has self-petitioned to obtain immigration status.

Bona Fide Determination (BFD): A designation given by USCIS to U nonimmigrant status petitions that meet certain requirements early in the adjudication process in order to provide deferred action and employment authorization to eligible petitioners without waiting for the full adjudication process to take place (currently approximately five years).

Deportable Alien: An alien admitted to the United States subject to any grounds of removal specified in the Immigration and Nationality Act.

Deportation: The pre-Immigration Reform and Immigrant Responsibility Act (IRIRA) term for the removal of an alien from the United States when the alien has been found removable for violating the immigration laws.

Derivative Beneficiary: An individual who may derive an immigration benefit as a qualifying relative of a principle applicant.

Entry Without Inspection (EWI): Refers to individuals who enter at a border without being inspected by immigration officials.

Executive Office for Immigration Review (EOIR): The part of the DOJ that is responsible for the Immigration Courts and the Board of Immigration Appeals.

Freedom of Information Act (FOIA): Process in which an individual can ask the government to give them any information/documents the government may have pertaining to the individual.

Immigration and Customs Enforcement (ICE): The part of the Department of Homeland Security that enforces the immigration laws.

Immediate Relatives: Spouses and children (unmarried under 21) of US citizens and parents of citizens who are 21 years or older.

Immigration and Nationality Act (INA): The laws pertaining to immigration are found in the INA.

Lawful Permanent Resident (LPR): Any person not a citizen of the United States who is residing in the U.S. under legally recognized and lawfully recorded permanent residence as an immigrant.

Nonimmigrant: An alien who seeks temporary entry to the United States for a specific purpose. The alien must qualify for the nonimmigrant classification sought.

Naturalization: The conferring, by any means, of citizenship upon a person after birth.

Petitioner: A person who files an immigration petition or application.

Priority Date: In the USCIS Immigrant visa petition application process, the priority date is the date the petition was filed. If the alien relative has a priority date on or before the date listed in the visa bulletin, then he or she is currently eligible for a visa.

Removal: The expulsion of an alien from the United States. The expulsion may be based on grounds of inadmissibility or deportability.

Service Centers: Four offices established to handle the filing, data entry, and adjudication of certain applications for immigration services and benefits.

Transfer Notice: A Notice issued by USCIS informing advocates that a case has been transferred from one USCIS Office to another USCIS office.

United States Citizenship and Immigration Service (USCIS): The part of the Department of Homeland Security that adjudicates immigration applications.

Visa: A U.S. visa allows the bearer to apply for entry to the U.S. at a U.S. port-of-entry in the classification under which the visa was issued. If the bearer is allowed to enter the U.S., he or she will be present in the U.S. in the status accorded to that visa type. For example, an individual abroad who has been issued a U visa, if allowed to enter the U.S. through a port-of-entry, will be present in the U.S. in U nonimmigrant status.

AUTHORIZATION FOR RELEASE OF INFORMATION

I, CLIENT NAME hereby authorize CURRENT ATTORNEY NAME of FIRM NAME, and any attorney or agent associated with said attorney or office to release any and all documents, records, memoranda or information pertaining to me in the matter of my domestic violence history and immigration case and to discuss details about this case with FORMER ATTORNEY NAME of FIRM NAME.

I, CLIENT NAME, hereby authorize FORMER ATTORNEY and FIRM NAME , and any attorney or agent associated with said attorney or office to release any and all documents, records, memoranda or information pertaining to me in the matter of my domestic violence history and immigration case and to discuss details about this case with CURRENT ATTORNEY NAME of FIRM.

I warrant and represent that I am over the age of 18 years and that I am free to enter into this agreement. I sign this instrument knowingly, willingly, voluntarily and without reservation, free from any coercion or duress, and am fully aware of its contents and legal effects.

Signature: _____

Printed Name: _____

Subscribed and sworn to before
me on the 16th day of August,
2016

Notary Public

1.C. Get to Know Your Client

BEST PRACTICES AND ETHICAL CONSIDERATIONS

Thank you so much for your time, effort and energy in providing pro bono legal representation to our clients. This document is meant to provide some useful framing of the unique experiences and needs of our clients as well as some best practices and ethical considerations to guide you in your practice.

POVERTY IS A RACE AND GENDER EQUITY ISSUE

The impacts of poverty are felt disproportionately amongst communities of color and communities with Limited English Proficiency (LEP) in New York City and New York State. A comprehensive study of poverty in New York City by the Poverty Tracker Research Group at Columbia University (2021) found that, before the pandemic, nearly one in five adults (or 1.2 million people) in New York City lived in poverty and more than 350,000 children (one in five) live in poverty¹. Research from the New York State Comptroller shows that one quarter of New York's foreign born population lived below the poverty level in 2021 compared to 15% nationwide². Further, a study by the Poverty Tracker Research Group at Columbia found that every year, from 2016 to 2019, Black and Latino New Yorkers were **twice** as likely as white New Yorkers to experience poverty; 22% of Black New Yorkers, 25% of Latino New Yorkers, 21% Asian New Yorkers lived in poverty from 2016 to 2019 compared to 12% of white New Yorkers.³ Further, due to structural racism and discrimination, "roughly 40% of Black New Yorkers and 30% of Latino New Yorkers who exited poverty were pushed back below the poverty threshold just a year later"⁴. According to researchers at the Poverty Tracker Research Group at Columbia, "the interaction between racism, discrimination, and economic inequality leaves Black and Latino New Yorkers significantly more likely to endure material hardship than white New Yorkers⁵."

People of marginalized gender identity, referring to women and individuals who identify outside of the gender binary⁶, in New York City were more likely to experience all forms of disadvantage than cisgender⁷ men⁸. In fact, families with female heads of household

¹ Poverty Tracker Research Group at Columbia University. (2021). The State of Poverty and Disadvantage in New York City. Volume 3.

² New Yorkers in Need: A Look at Poverty Trends in New York State for the Last Decade (2022) New York State Comptroller Thomas P. DiNapoli

³ Poverty Tracker Research Group at Columbia University. (2021). The State of Poverty and Disadvantage in New York City. Volume 3.

⁴ Poverty Tracker Research Group at Columbia University. (2021). The State of Poverty and Disadvantage in New York City. Volume 3.

⁵ Poverty Tracker Research Group at Columbia University. (2021). The State of Poverty and Disadvantage in New York City. Volume 3.

⁶ The gender binary refers to the idea that there are only two genders

⁷ Cisgender refers to someone whose gender identity is the same as the sex they were assigned at birth

⁸ Poverty Tracker Research Group at Columbia University. (2021). The State of Poverty and Disadvantage in New York City. Volume 3.

experience poverty at more than two times the rate of all families and four times the rate of married couples.⁹ A study conducted by Legal Services NYC (2016) found that Black Americans in same sex couples have poverty rates at least twice of those of different sex couples and Black people in same-sex couples are more than six times as likely to be impoverished than White men in same-sex couples¹⁰. This same study found that transgender Americans are nearly four times more likely to have a household income under \$10,000 per year than the population as a whole (15% vs. 4%)¹¹.

HER JUSTICE CLIENT POPULATION

Her Justice serves low-income folks of marginalized gender identities who reside in the 5 boroughs of New York with legal issues in the areas of family, matrimonial, and immigration law. Our clients' income falls 200% below the Federal Poverty Level (FPL), which was \$15,060 for a single person and \$62,400 for a family of 4 in 2024¹². Poverty is "when an individual or household does not have the financial resources to meet basic needs such as food, clothing, and shelter, or alternatively, access to a minimum standard of living".¹³ Our clients are 92% women of color, 85% self-identify as survivors of intimate partner violence, and 49% have Limited English Proficiency (LEP) and would need an interpreter to effectively engage in court proceedings¹⁴.

⁹ New Yorkers in Need: A Look at Poverty Trends in New York State for the Last Decade (2022) New York State Comptroller Thomas P. DiNapoli

¹⁰ Legal Services NYC. (2016). Poverty is an LGBT Issue: An Assessment of the Legal Needs of Low-Income LGBT People. Legal Services NYC.

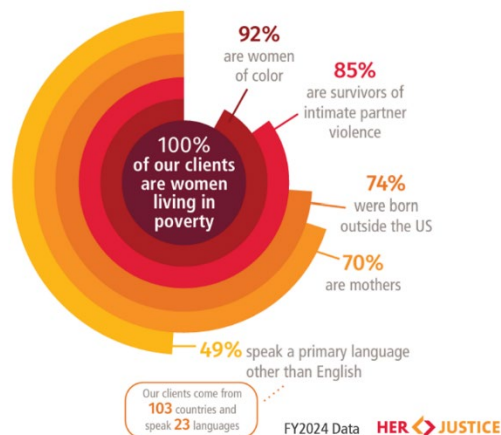
¹¹ Legal Services NYC. (2016). Poverty is an LGBT Issue: An Assessment of the Legal Needs of Low-Income LGBT People. Legal Services NYC.

¹² ASPE Office of the Assistant Secretary for Planning and Evaluation US Department of Health and Human Services Poverty Guidelines for 2024

<https://aspe.hhs.gov/sites/default/files/documents/1c92a9207f3ed5915ca020d58fe77696/detailed-guidelines-2023.pdf>

¹³ New Yorkers in Need: A Look at Poverty Trends in New York State for the Last Decade (2022) New York State Comptroller Thomas P. DiNapoli

¹⁴ Her Justice Annual Report FY 2022



Her Justice is a pro bono first organization which means we employ a small highly-skilled staff of attorneys that use their skills and expertise to educate and mentor pro bono attorneys, like yourself, on how to effectively serve and represent our client population. In FY 2024, our model allowed us to leverage the skills and expertise of our 13 in-house attorneys to mentor 1,484 pro bono volunteer attorneys who served 3,698 women children, donating 49,511 hours of their time and energy amounting to a value of \$45 million in legal services¹⁵.

BEST PRACTICES

Differences in Perspective – Cultural Humility

Her Justice clients come from diverse backgrounds. Our clients' culture and individual life histories influence their perspectives and priorities in making important decisions. It is possible that your client is making certain considerations in making these decisions or forming their perspective on their case that you are not aware of. This means that the perspective your client has on their case may vary significantly from yours. Take this as an opportunity to explore sensitivity and cultural humility.

The term cultural humility was coined by doctors Melanie Tervalon and Jann Murray-Garcia in 1998 and describes "a lifelong commitment to self-evaluation and self-critique, to redressing of power imbalances in the patient-physician dynamic, and to developing the mutually beneficial and non-paternalistic clinical and advocacy partnerships with

¹⁵ Her Justice Annual Report FY 2024

communities”¹⁶. Similar to medical professionals, a power imbalance exists between legal professionals and the people they serve. We acknowledge and are grateful for your professional expertise; however, in challenging this power imbalance, it is important to recognize the client as the expert regarding their life experience and the needs of their family. Remember “client-centered lawyering prioritizes the client, the client’s understanding of the problem, and achievement of the client’s goals in the way the client deems best”¹⁷. Empower your client to make informed decisions by explaining the law, legal processes and possible outcomes. Don’t assume things and be sure to leave space for inquiry and introspection.

Respect, Empathy & Trust

Many of our clients are survivors of various forms of victimization frequently related to their gender identity, race, ethnicity, sexual orientation, class, English language proficiency, and/or immigration status. They may have experienced further victimization in attempting to access help from agencies or individuals that did not give them the space to be understood. These experiences may cause them to feel hesitant, unsafe, or distrustful. It is important to prioritize building trust in your attorney-client relationship by approaching your client with respect, empathy, patience, and transparency.

Some suggestions for establishing a good relationship with your client are:

- Be prepared to listen. Do not be in a hurry to give advice without the complete picture
- Validate their experience and believe what they tell you unless there is clear evidence of the contrary
- Be mindful of your asks of the client. Keep in mind the other conflicting demands in their life and any existing restrictions on time or money and be as accommodating as possible
- Be realistic in your deliverables to your client and set clear boundaries
- Confirm with the client that you understand them, and they are understanding you
- Be patient in repeating information and be willing to rephrase information to improve understanding
- Listen carefully and encourage questioning
- Be responsive to the needs your client raises with you. If their need falls outside of the scope of your representation, speak with your mentor for appropriate referrals

¹⁶ Tervalon, M. & Murray-Garcia, J. (1998). Cultural Humility Versus Cultural Competence: A Critical Distinction in Defining Physician Training Outcomes in Multicultural Education. *Journal of Health Care for the Poor and Underserved*. Vol 9.2. pp 117-125

¹⁷ Stoeve, J. K. (2013). Transforming Domestic Violence Representation. *Kentucky Law Journal*. Vol. 101.3. Art. 3.

- Empower the client's informed decision making and respect the decisions they've made

Considerations for LGBTQ+ Clients

LGBTQ+ clients are often among the most marginalized communities served by Her Justice¹⁸. In working with LGBTQ+ clients it is important to not assume their gender identity or sexual orientation. In your initial conversation with your client introduce yourself by your name and gender pronouns. Ask your client their name and if they feel comfortable sharing their gender pronouns with you. Understand that your client may not feel comfortable sharing their gender pronouns with you initially. If they do not share their gender pronouns with you, please refer to the client by name or using gender neutral pronouns (they/them/theirs). If you make a mistake in your client's gender pronouns, acknowledge the mistake and move on.

Mirror the language the client uses in referring to their gender identity and sexual orientation. Always refer to your client with the name the client gave you. Referring to a client by a name they no longer use is called "deadnaming" and is very traumatizing as it negates your client's identity¹⁹. If you make a mistake in referring to your client by the wrong name, acknowledge the mistake and move on.

Lastly, be an ally and advocate for your client. According to a Lambda Legal survey of 2,376 LGBTQ+ people, 19% of the survey respondents who had appeared in a court at any time in the past five years had heard a judge, attorney, or other court employee make negative comments about their sexual orientation, gender identity, or gender expression²⁰. To the extent the client is comfortable, attempt to address bias in the courtroom and always respect the name, gender, and pronouns they identify with.

Considerations for Clients with Disabilities

Your client may have a physical, developmental, or emotional disability. Their disability may be the result of the abuse they've experienced. Their disability may or may not be diagnosed, and may or may not be visible or obvious to you. Talk with your client about what, if any, accommodations are needed. Be mindful of the accessibility of your building.

¹⁸ Meyer, E. (2021). Top 7 Best Practices for Representing Transgender and Nonbinary Pro Bono Clients. Proskauer for Good. Proskauer.

¹⁹ Meyer, E. (2021). Top 7 Best Practices for Representing Transgender and Nonbinary Pro Bono Clients. Proskauer for Good. Proskauer.

²⁰ as cited in Meyer, E. (2021). Top 7 Best Practices for Representing Transgender and Nonbinary Pro Bono Clients. Proskauer for Good. Proskauer.

Be patient with needing to repeat and rephrase information for your client. If you need additional resources to accommodate your client, speak to your Her Justice mentor.

Communication

Be thoughtful about the communication needs of your client. Frequently, our clients do not have experience with the legal system and may be unfamiliar with many of the terms commonly used in the court room or legal discourse. Due to circumstance, their formal education may be limited, and they may have a low level of literacy. Be mindful of the needs of your client. Ensure they are able to understand all materials presented to them to the fullest capacity. Always check for comprehension.

For limited English proficiency clients, please review the “Limited English Proficiency (LEP) Clients” on this document.

Scheduling

Before making your first phone call with your client, review the information we provided you with to ensure it is safe to call the client at the time you are calling and that it is safe to leave a voicemail. Remember that many of our clients self-identify as survivors of intimate partner violence and may still be residing with the opposing party.

In your initial conversation with your client establish what methods and times are best for you to contact your client. Keep in mind that our clients are low income and may not have sufficient resources to maintain a phone plan or continuously purchase more minutes for their phone. If possible, ask if there is a trusted friend or family member whose phone you can contact if you experience difficulty in contacting your client.

In making appointments, especially in person, be mindful of time and economic restrictions your client may be experiencing. Take into account their work and childcare schedules in making these appointments. Be mindful of any safety concerns your client may have in terms of what times are most appropriate in scheduling appointments. Consider whether the firm can pay for a car service or a MetroCard for the client if transportation is a barrier to effective representation.

When scheduling in person appointments with your client, consider the security requirements to enter the building. Many law offices require guests to present a valid form of identification and intense security checks to enter. This can be extremely anxiety inducing for undocumented clients that may not have a valid form of ID, LGBTQ+ clients that may not have a valid form of ID that reflects their gender identity, and clients with limited English proficiency. Some clients have difficulty navigating large office buildings and may not know where to enter, which elevator to use, or which security desk to go to. It is a

best practice to meet your client in the lobby of your building and escort them to the meeting room or your office.

Missed Appointments

We emphasize to our clients that they should call you in advance if they need to change or cancel their appointment or are running late. However, it is not unusual for clients to have trouble keeping appointments. Our clients are under-resourced. They may be experiencing a more pressing crisis, like an eviction, health crisis, or safety concern. Or attending the appointment may require them to take time off work, pay for round-trip transportation, and coordinate childcare which they may not have the resources to do. Your client, especially at the beginning of your relationship, may feel uncomfortable or embarrassed to share why they cannot make an appointment with you. We ask for your understanding, compassion, patience, and flexibility in this matter. Please keep in mind that the handling and outcome of the case primarily affects the client and any accommodation that can be provided is greatly appreciated.

Responsiveness

Our clients typically have incomes below 200% of the federal poverty line, \$14,580 for a single person and \$60,000 for a family of 4 in 2023²¹, and are typically juggling multiple urgent needs. Many of our clients do not have a phone plan and instead purchase minutes on a pre-paid phone. However, in light of food or housing insecurities, your client may choose to go without minutes to put food on the table. We understand how this choice may impact you and your ability to communicate with your client, however, we ask for your understanding and compassion. We encourage you to speak with your client during your initial call and establish a safe back-up contact in case this situation arises. Be creative in contacting your client and responsive to their needs. Explore alternatives like using work email, text messages, or mail.

Interacting with the legal system is inherently traumatizing and anxiety-inducing for many of our clients. Remember that for many of our clients the legal system is unfamiliar. This is not their area of expertise and they know they need to rely on your knowledge and support to successfully navigate their case. Be patient when fielding phone calls and questions from your client. Be transparent about your capacity and set clear boundaries with your client. For example, if you are receiving multiple calls a week from a client asking for case updates, call them back and schedule a regular check-in meeting with them that fits with your work schedule to go over any questions they have and provide any case

²¹ ASPE Office of the Assistant Secretary for Planning and Evaluation US Department of Health and Human Services Poverty Guidelines for 2023
<https://aspe.hhs.gov/sites/default/files/documents/1c92a9207f3ed5915ca020d58fe77696/detailed-guidelines-2023.pdf>

updates. This will help ease the clients' anxiety as they know a schedule to expect regular communication from you on their case.

Interviewing

Clients are often sharing sensitive personal information with you that can be difficult to share. It is imperative to build trust in your attorney-client relationship. Remind your client that the information they share with you is confidential. When asking questions about sensitive information make sure your questioning is grounded in what is needed for the case. It may be helpful to provide the client with some additional framing when asking questions as to why the information is needed and what it will be used for. For example,

- when asking questions regarding sensitive information we suggest this framing: "I am going to ask you some questions to better understand your case and how I can help. Please be as forthcoming as possible so I can provide you with the best assistance possible. Some of these questions may ask you about sensitive or private information. I want to assure you that everything you share with me is confidential, I will not share what you tell me here without your permission. Before we begin, I just want to emphasize that you do not have to share anything with me that you do not feel comfortable sharing. Please let me know if you would like to take a break or stop at any point during our interview."

At the end of the interview thank the client for sharing this information with you. It was likely not easy for them to share that level of vulnerability with you. Reground them in what this information will be used for and provide them with any next steps.

Limited English Proficiency (LEP) Clients

As stated previously, our clients come from diverse backgrounds and speak a multitude of languages. In 2022, 6 million people in New York spoke a language other than English; of that, 2.5 million speak English less well and would be considered Limited English Proficient or LEP.²² LEPs in New York City speak 151 different languages²³. New York City has acknowledged the need for greater language access through NYC Local Law No. 33 (LL 30) that requires covered agencies to translate commonly distributed documents into 10 designated languages and provide telephonic interpretation in at least 100 languages²⁴. However, LL 30, for the most part, does not apply to most legal organizations including legal nonprofits. This means that there is a huge gap in the legal services available for LEPs. Even in our own work we see cases for LEPs take much longer to receive services than similarly situated English speaking cases.

²² VOLS. (2022). Language Access in Pro Bono Practice.

²³ VOLS. (2022). Language Access in Pro Bono Practice.

²⁴ VOLS. (2022). Language Access in Pro Bono Practice.

We greatly appreciate your effort if you are handling a case for an LEP client. In working with LEP clients it is paramount that you ensure they are accurately understanding the information you are providing them with and that you are understanding the needs they are communicating to you. To do this, work with qualified interpreters. Qualified is a relative term so please consider the nature of the conversation and the language capacity of the interpreter you are working with. It is best practice to use an in-house qualified interpreter to work with your client for the duration of the case. If that is not accessible to you, think creatively about the interpretation and translation services available to you. See if it is possible to retain professional interpreter services or review the internal staff language capacity. For potentially non-sensitive information it may be appropriate to have a friend or family member interpret. **It is never appropriate to have a client's child interpret. It is never appropriate to rely on Google Translate or similar multilingual neural machines translation service.** The Spanish Group, an internationally recognized certified translation service list 5 reasons why you should not use Google Translate or a similar software for translations:

- Translation apps translate the text literally. Think about the number of times you speak in expressions in English. For example, the phrase "break a leg" is an expression of good luck, however, if translated literally it gives the impression that you are wishing that someone would break their leg.
- Many of these translation apps are not updated or operated by professional translators
- The translator apps do not account for the regional dialect your client may speak.
- Using a translator app frequently requires proofreading by someone fluent in the language to ensure the grammar and language choices match with the idea being expressed.
- Using a translator app for translating sensitive information is unsafe as the information may be compromised during a data breach²⁵

Here are some other best practices in working with interpreters:

- Always brief the interpreter on the nature of the call before starting the meeting with client
- Consult the interpreter regarding whether a legal interpreter is more appropriate for the call
- Speak to the client directly, do not address your comments to the interpreter
- Ask the interpreter to confirm the client can understand them
- Ask the client to ensure they understand you

²⁵ The Spanish Group. (2020). 5 Reasons why not to Use Google Translate for Business Purposes. The Spanish Group. <https://thespanishgroup.org/blog/top-5-reasons-not-use-google-translate-business-purposes/>

Managing Your Case

Even if there are no updates in your case for the client, continue to regularly check in with them. Remember our clients are facing many complex issues and conflicting demands. Without regular check-ins you may miss vital information about your client's living situation, access to phone and internet services, and safety.

Be affirmative in asking questions to your mentor and informing them of any case updates. It is your responsibility to inform your mentor in a timely fashion when documents are due to be filed in court or immigration authorities, when court dates are scheduled, and when final orders or judgements are received. Without this information we are unable to accurately report on our cases and are unable to monitor the needs of our clients.

GET TO KNOW YOUR CLIENT: EFFECTIVELY AND ETHICALLY **INTERVIEWING YOUR CLIENT AND SUPPORTING AFFIANTS**

Importance of Being Prepared

An individual petitioning for U nonimmigrant status will have, by definition, been the victim of a crime. There are, therefore, special factors to be considered in order to effectively and compassionately interact with your client. The client may be clinically depressed or anxious. They may be tearful or may present with a “flat” unemotional affect as she describes the most horrible details of the crime. They may be ashamed of the crime perpetuated against them (which is especially common with victims of sexual abuse, domestic violence and human trafficking). They may seem as if they do not want to share with you the very information that you, as the attorney, require in order to prepare the Petition. This is often compounded when the client is still fearful -- not only of an abuser -- but of the immigration service and its processes, of which they may have little or no knowledge.

So that your client has confidence in your abilities, you should prepare well for your first consultation. Be sure to read all of the information and documents contained in the client’s case file compiled by Her Justice. Please contact the appropriate Her Justice mentor to review your understanding of the case, your plan for your first client meeting, and the documents in your file. Be prepared to answer your client’s questions about how long the process of applying for U nonimmigrant status is likely to take and discuss any risks of filing this petition. You can best prepare yourself by reviewing all of the materials in this manual that will provide you with a basic understanding of U nonimmigrant status and how to prepare and file a petition for U nonimmigrant status.

You should also familiarize yourself with the materials in this manual related to representing survivors of domestic violence and other crimes involving gender-based violence.

How to Conduct the First Meeting with Your Client

Begin the interview by introducing yourself to your client and by making good eye contact with your client. Describe what you intend to achieve during the first interview, i.e., explain that during the first interview you will collect all the basic information, sign a retainer, and then ask your client questions about their personal history and the crime that was committed. You may also tell your client that during this first meeting you will want to steer the discussion towards the areas that you know are most important in order to prepare a strong Petition for U nonimmigrant status. Stress that whatever information is divulged during your discussions are confidential. The only information that will be shared with the immigration service will be information contained within the petition and which your client will have the opportunity to read and discuss with you before filing.

Also remind your client that it is important to be completely honest with you, as this will allow you to provide the best possible representation. Clearly explain the legal requirements and process of the Petition for U Nonimmigrant Status that you will be filing. You may want to provide a step-by-step explanation of the application process and the evidence that must be provided to immigration authorities to satisfy each element of the case.

Explain to your client that you will need their help in gathering documents to prove each element of the case. Involve the client in the process. Remind your client that you may be asking questions about extremely sensitive topics repeatedly and perhaps in multiple different ways and that this is part of the process of gathering the required information to make the strongest possible case.

Use the Interview Guide provided in this manual to compile the basic information about your client. Also review with your client the Inadmissibility Checklist to determine any potentially applicable inadmissibility grounds, and ask for detailed information regarding the circumstances surrounding any affirmative answers given to the questions on the checklist. Please call your mentor after the meeting with your client to discuss any affirmative answers. Remember that the client's affirmative answers suggest that there may be an applicable ground of inadmissibility, and may mean that your client will have to request a waiver of inadmissibility from the USCIS so as to become eligible to obtain U nonimmigrant status.

As you elicit your client's story, make notes about what evidence may be available to support the application, i.e., photographs, birth certificates, affidavits from neighbors, family and friends, police reports, orders of protection, medical records, affidavits from medical professionals, etc. Think inventively with your client to come up with all possible documents in support of each element of your client's case.

For instance, if during your interview with the client you learn that she is or has been in counseling, you should make a note to ask them to provide reports from the therapy sessions so that they may be used, if relevant, as supporting documentation for the application, to establish the substantial emotional trauma suffered as a result of the crime. If, however, the client has never been in counseling, but during the interview you come to believe that perhaps the client might need counseling or therapy, you should contact your Her Justice mentor for referrals to counseling services. Often, during the interview the attorney will become aware of other documents and evidence that might be available which will help prove some aspect of the case.

Due to the current national climate regarding immigration policies, there is a lot of fear and anxiety in immigrant communities. Your client may ask you general questions about the state of immigration in the United States stemming from rumors or truths that your client has heard. If your client asks questions you are unable to answer or don't feel comfortable answering, please consult with your Her Justice mentor regarding best ways to address your client's concerns and/or questions.

Interviewing Supporting Affiants

During your first or second interview with your client, you may need to solicit the names and contact information of individuals who might serve as “supporting affiants” to help substantiate specific elements of your burden of proof for your client’s Petition for U Nonimmigrant Status, and if needed, Application for a Waiver of Grounds of Inadmissibility. Of particular interest are medical professionals or mental health professionals who can attest to the substantial harm the client suffered as a result of the crime committed against them. Please be sure to obtain your client’s authorization before contacting any potential affiants. Always be cautious not to approach a witness or potential affiant if there is even a remote concern about the witness sharing information with an abuser (in a domestic violence case), and please remember to obtain your client’s authorization before contacting any potential affiants.

You may conduct these interviews by phone and draft your notes into affidavit format, then forward to the affiant for his or her signature. Affidavits from individuals attesting to information in their professional capacity should be on letterhead, and need not be notarized. Affidavits from individuals attesting to information in their personal capacity should either be signed and notarized, or accompanied by a copy of a valid form of the affiant’s government-issued photo identification.

GET TO KNOW YOUR CLIENT: WHAT IS DOMESTIC VIOLENCE?

The United Nations defines domestic abuse or domestic violence as a pattern of behavior in any relationship that is used to gain or maintain power and control over an intimate partner, child, relative, or any other household member¹. The epidemic of domestic violence involves physical acts of violence, emotional, psychological, verbal, sexual, legal and financial abuse against an intimate partner or family member². This includes any behaviors that “frighten, intimidate, terrorize, manipulate, hurt, humiliate, blame, injure, or wound someone”³. Fundamentally, domestic violence is “a pattern of coercive behavior or tactics that is culturally learned and socially condoned”⁴.

Domestic violence can impact anyone of any race, age, sexual orientation, gender identity, nationality, religion, socioeconomic background, immigration status, language of fluency, or education level⁵.

Although many domestic violence cases involve individuals in a romantic relationship (typically referred to as intimate partner violence), this may not always be the case. The individuals involved may be dating, cohabitating, married, divorced, separated, and/or have a child in common. Domestic violence can present and be interpreted differently depending on the surrounding cultural and social context of the individuals involved. However, a consistent theme is use of power and control to victimize the other party.

EXAMPLES OF ABUSIVE BEHAVIORS

Physical Abuse

This form of abuse includes acts like spitting, scratching, biting, grabbing, shaking, shoving, pushing, restraining, throwing, twisting, slapping, punching, choking, burning, forcing sexual contact, forcing alcohol and/or drug use, and other acts that inhibit physical well-being. Food and medication may be withheld and access to medical attention or police services may be prevented. They may be kidnapped or confined in an enclosed space or abandoned in an unfamiliar place. Physical abuse may or may not cause visible physical injuries⁶.

¹ United Nations (2023) “What is Domestic Abuse? United Nations. <https://www.un.org/en/coronavirus/what-is-domestic-abuse>

² Breger, M. L., Kennedy, D.A., Zuccardy, J.M., & Hon. Elkins, L.H. (2022). New York Law of Domestic Violence. Chapter 1. Domestic Violence Defined.

³ United Nations (2023) “What is Domestic Abuse? United Nations. <https://www.un.org/en/coronavirus/what-is-domestic-abuse>

⁴ New York State Coalition Against Domestic Violence (NYSCADV). (2011). Domestic Violence Handbook. NYSCADV.

⁵ United Nations (2023) “What is Domestic Abuse? United Nations. <https://www.un.org/en/coronavirus/what-is-domestic-abuse>

⁶ United Nations (2023) “What is Domestic Abuse? United Nations. <https://www.un.org/en/coronavirus/what-is-domestic-abuse> & New York State Coalition Against Domestic Violence (NYSCADV). (2011). Domestic Violence Handbook. NYSCADV.

Sexual Abuse

This form of abuse includes pressured sex when that is not consensual, coerced sex by manipulation or threat, physically forced sex, sexual assault accompanied by violence, or other acts the right to freely and safely express their sexuality⁷.

Emotional Abuse

This form of abuse includes acts and behaviors like undermining a person's self-worth through constant criticism; belittle one's abilities; name-calling or other verbal abuse; damaging a partner's relationship with their children; and isolating a partner from friends and family⁸.

Psychological Abuse

This form of abuse involves acts or behaviors causing fear or intimidation; threatening physical harm to self, a partner, or child(ren); attacking a partner's property, pets, or others acts of intimidation; and forcing isolation for anyone outside of the relationship or domestic violence situation⁹.

Financial or Economic Abuse

Economic abuse occurs when control is invoked over the ability to acquire, use and maintain financial resources, such as transportation, food, clothing, shelter, insurance, credit, and money. This form of abuse involves making or attempting to make a person financially dependent by maintaining total control over financial resources, withholding access to money, committing identity theft by opening fraudulent accounts or credit lines in their name, placing sole financial responsibility for supporting their household, and/or forbidding attendance at school or employment¹⁰.

Cyber Abuse

This form of abuse includes hacking, installation of spyware, cyber stalking, spoofing, identity theft, impersonation (including deep fakes), sexual extortion (colloquially known as sextortion), and the nonconsensual distribution or threat of distribution of sexually explicit images and videos¹¹.

⁷ United Nations (2023) "What is Domestic Abuse? United Nations. <https://www.un.org/en/coronavirus/what-is-domestic-abuse> & New York State Coalition Against Domestic Violence (NYSCADV). (2011). Domestic Violence Handbook. NYSCADV.

⁸ United Nations (2023) "What is Domestic Abuse? United Nations. <https://www.un.org/en/coronavirus/what-is-domestic-abuse> & New York State Coalition Against Domestic Violence (NYSCADV). (2011). Domestic Violence Handbook. NYSCADV.

⁹ United Nations (2023) "What is Domestic Abuse? United Nations. <https://www.un.org/en/coronavirus/what-is-domestic-abuse> & New York State Coalition Against Domestic Violence (NYSCADV). (2011). Domestic Violence Handbook. NYSCADV.

¹⁰ United Nations (2023) "What is Domestic Abuse? United Nations. <https://www.un.org/en/coronavirus/what-is-domestic-abuse> & New York State Coalition Against Domestic Violence (NYSCADV). (2011). Domestic Violence Handbook. NYSCADV.

¹¹ New York Cyber Sexual Abuse Task Force. About Cyber Sexual Abuse. New York Cyber Sexual Abuse Task Force. <https://cyberabuse.nyc/>

Abuse of Process

This form of abuse involves misusing and manipulating legal and social processes to weaponize them against the victimized person. This includes acts like making false reports of abuse, substance abuse, or child neglect to police or ACS, filing frivolous or fraudulent immigration or court proceedings, filing retaliatory orders of protection, intentionally delaying court or immigration proceedings, misleading or lying about their legal rights and options, threats of deportation, threats to withdraw or refusal to continue support in immigration applications, stealing newly received immigration benefits or identification – like employment authorization documents, A numbers, and social security numbers – to commit identity theft, etc.

POWER AND CONTROL WHEEL

Below is the original power and control wheel. Since its creation, subsequent power and control wheels have been developed to explore specific accepts of abuse in relation to a person's identity. It describes the tactics a responsible party may use to maintain control over the person they are victimizing¹². This wheel is not comprehensive but provides helpful framing to understand the aspects of victimization someone may be experiencing. *Other versions of the power and control wheel specific to victimization experienced immigrants and people with a disability can be found in the Appendix section of this manual*

¹² National Domestic Violence Hotline. (2023). Power and Control Break Free from Abuse. National Domestic Violence Hotline. <https://www.thehotline.org/identify-abuse/power-and-control/>



13

“WHY DO THEY STAY?” The Stages of Change Model

Domestic violence is a complex and multi-dimensional issue that’s presentation and impact cannot be generalized. Each person processes the complexities of their relationship and their trauma from the abuse they experienced differently. This process is uniquely personal to them and often not a linear process¹⁴. The psychology field has developed a tool for understanding the complex needs and actions of domestic violence survivors¹⁵. It describes the process survivors go through when they seek to end the violence and abuse they experienced. The model includes five distinct stages:

(1) *Pre-contemplation*

- a. In this stage the person experiencing the abuse is not aware of the extent of the problem and minimizes or denies the abuse. At this point they likely have no intention to change or leave the situation. They may feel responsible for

¹³ Copyright by the Domestic Abuse Intervention Project, 202 East Superior Street, Duluth, MN, 55802 218-722-2781

¹⁴ Stoeve, J. K. (2013). Transforming Domestic Violence Representation. Kentucky Law Journal. Vol. 101.3. Art. 3.

¹⁵ Stoeve, J. K. (2013). Transforming Domestic Violence Representation. Kentucky Law Journal. Vol. 101.3. Art. 3.

the abuse they are suffering and may be modifying their actions to avoid further abuse¹⁶.

(2) *Contemplation*

- a. Usually in this stage the abuse has increased in its severity. The survivor begins to consider the possibility of changing their current situation and may begin building social, emotional, and financial support. They may make an initial attempt to leave. However, the survivor may express ambivalence and fluctuate between feeling troubled and unconcerned as they consider whether the situation can continue unchanged¹⁷.

(3) *Preparation*

- a. In this stage the survivor begins to understand the abuse they experienced differently. They become more aware of the abuse they are experiencing and attempt to determine the best course of action and develop a plan to carry it out. In this stage the survivor may set aside money; call an abuse hotline; gather information about resources, services, and legal options for survivors of domestic violence; and reconnect with people they were isolated from¹⁸.

(4) *Action*

- a. In this stage the survivor begins to carry out strategies to protect themselves and their children from future violence by taking actions like: going into shelter, seeking a protection order, or having others intervene in the abuse¹⁹.

(5) *Maintenance*

- a. This stage involves a continuation of actions by the survivor that are needed to maintain the change. These actions may involve safety planning, seeking mental health counseling, and rebuilding financial health²⁰.

This model is cyclical and nonlinear. In fact, it is common for survivors to fluctuate between stages as they move towards maintenance²¹. Again, a survivor's process of leaving a domestic violence situation and healing from the trauma they experienced is specific and personal to them.

OTHER MODELS AND THEIR LIMITATIONS

Two of the most common models used to understand the intricacies of domestic violence are the Battered Woman Syndrome and the Cycle of Violence. The Battered Woman Syndrome and Cycle of Violence models were developed by Lenore Walker in her 1979 book *The Battered Woman* and further developed in her 1984 book *The Battered Woman Syndrome*²². The Cycle of Violence describes the cyclical nature of abuse in intimate partner

¹⁶ Stoeve, J. K. (2013). Transforming Domestic Violence Representation. Kentucky Law Journal. Vol. 101.3. Art. 3.

¹⁷ Stoeve, J. K. (2013). Transforming Domestic Violence Representation. Kentucky Law Journal. Vol. 101.3. Art. 3.

¹⁸ Stoeve, J. K. (2013). Transforming Domestic Violence Representation. Kentucky Law Journal. Vol. 101.3. Art. 3.

¹⁹ Stoeve, J. K. (2013). Transforming Domestic Violence Representation. Kentucky Law Journal. Vol. 101.3. Art. 3.

²⁰ Stoeve, J. K. (2013). Transforming Domestic Violence Representation. Kentucky Law Journal. Vol. 101.3. Art. 3.

²¹ Stoeve, J. K. (2013). Transforming Domestic Violence Representation. Kentucky Law Journal. Vol. 101.3. Art. 3.

²² Stoeve, J. K. (2013). Transforming Domestic Violence Representation. Kentucky Law Journal. Vol. 101.3. Art. 3.

violence. The cycle starts with building tension, acute abuse, and a honeymoon phase or a loving repentant period²³. Walker defines battered woman syndrome as “a cluster of psychological and behavioral characteristics that abused women develop as a result of how they perceive their batterer’s violence”²⁴. Walker posits that abused women developed “learned helplessness” as a result of the “cycle of violence”²⁵. Meaning that the continued and repeated abuse and control will cause the abused women to enter “psychological paralysis” and stop trying to leave the abusive situation²⁶. According to Walker, “Once the women are operating from a belief of helplessness, the perception becomes reality and they become passive, submissive, ‘helpless’”²⁷.

This model conflates domestic violence with intimate partner violence (IPV), imposes a heteronormative cisgender understanding of IPV that positions the cisgender woman as victim and the cisgender man as abuser, disempowers the survivor, and implies the survivor is complicit in the continuation of abuse. In addition, these models are not created to understand domestic violence and intimate partner violence from the perspective of the person being victimized. It instead gives justification to view people who remain in abusive relationships as lost causes.

²³ Stoeve, J. K. (2013). Transforming Domestic Violence Representation. Kentucky Law Journal. Vol. 101.3. Art. 3.

²⁴ as cited in Stoeve, J. K. (2013). Transforming Domestic Violence Representation. Kentucky Law Journal. Vol. 101.3. Art. 3.

²⁵ as cited in Stoeve, J. K. (2013). Transforming Domestic Violence Representation. Kentucky Law Journal. Vol. 101.3. Art. 3.

²⁶ as cited in Stoeve, J. K. (2013). Transforming Domestic Violence Representation. Kentucky Law Journal. Vol. 101.3. Art. 3.

²⁷ as cited in Stoeve, J. K. (2013). Transforming Domestic Violence Representation. Kentucky Law Journal. Vol. 101.3. Art. 3.

REPRESENTING VICTIMS OF DOMESTIC VIOLENCE

Safety Planning: An Overview and Practice Guide

By Gisselle Pardo

Edited and revised by Her Justice

It is important to understand that an Order of Protection does not guarantee a woman's safety and often will serve to further enrage an abuser. A woman is often in the greatest danger when she leaves a violent relationship or attempts to seek legal protection. Many women who leave or take action against their abusers are stalked, harassed, attacked and even killed by their abusers. Any woman who petitions for an Order of Protection should be especially conscious of her safety and plan accordingly before filing her petition.

Safety planning involves assessing the risk a batterer poses to a woman and her children and creating a practical plan to keep her and her children as safe as possible. It is likely that the woman has already engaged in safety planning in the past. Therefore, she can be encouraged to build on what she has already been doing to stay safe.

Safety planning is an ongoing process, which needs to be revisited as new decisions are made and changes occur in a client's circumstances. Safety planning should be done individually with a client, considering her needs, circumstances and realistic choices and with an understanding of her strengths and her current risks.

Attorneys should discuss the basic need for safety planning with their clients. There are several simple things that attorneys can and should discuss with their clients. Our suggestions are outlined below.

If your client is in immediate danger, have her call 911.

If your client is in crisis and needs help with safety planning, she can call **NYC Domestic Violence Hotline: 1-800-621-HOPE (4673)**.

For additional assistance with safety planning, pro bono attorneys are encouraged to contact their Her Justice mentor to discuss referring your client to counseling services.

Although it is advisable for your client to develop a complete safety plan with an experienced domestic violence social worker or advocate, you, as her lawyer, can best support her if you are aware of the many decisions your client will need to make and how her circumstances will affect her choices.

If your client is still residing with her batterer, she can:

- Collect telephone numbers and other contact information for agencies and people to call for help in an emergency, such as domestic violence hotlines, local police stations, battered women shelters, friends and family members, and the district attorney's office.

- Keep a list of all emergency contacts in her wallet or purse.
- Keep some extra cash with her, in case she needs to leave in a hurry.
- Contact the local shelter hotline for information now. Find out what to do in a crisis. Ask about accommodations for herself and her children and pets. Find out how to get there and how long she can stay. Figure out a motel to go to and how to get there, in the event that all shelters are full and no friends or relatives can house her in an emergency.
- Contact the New York City Domestic Violence Hotline (800) 621-4673, and review safety planning along with exploring her options for shelter.
- Pack a bag with emergency items, including a change of clothing, toiletries, cash, telephone numbers, extra sets of keys to the home and car, and ***copies of important documents*** for herself and any children. Leave the bag either at the home of a trusted friend or relative who lives nearby or at another safe place, such as at work.

Important Documents to Take when Leaving:

- ☐ Identification/driver's license
 - ☐ Birth certificate for self and children
 - ☐ School/vaccination cards
 - ☐ Medication
 - ☐ Public assistance, Medicaid cards
 - ☐ Divorce or separation papers
 - ☐ Lease, rental agreement or house deed
 - ☐ Sentimental items, photos
 - ☐ Social security cards
 - ☐ Credit cards
 - ☐ Keys - house, car, office
 - ☐ Insurance papers
 - ☐ Passports, green cards, work permits
 - ☐ Car/mortgage payment book
 - ☐ Money, checkbook, bankbook, ATM card
- Remove any knives or other sharp objects, such as scissors, ice-picks and letter openers from walls and countertops.
- Think of a safe place to go if an argument occurs, avoiding especially rooms with only one exit, such as bathrooms.
- Locate the nearest payphone to her home, in case the batterer cuts the phone lines. Locate the closest all-night restaurant, store or other location where there will be people present at all hours.
- Plan an escape route, in case she has to flee in an emergency.
- Keep gas in her car or money/Metrocard to access public transportation.
- Discuss with her children what steps to take in an emergency if

she is being attacked by her batterer, such as calling the police or running to a neighbor's house or nearby store or restaurant for help.

If your client is no longer residing with her batterer, she can:

- Change the locks on her house/apartment doors and windows. Install an alarm system and smoke detectors. Safe Horizon Project SAFE, (866) 689- HELP, will change locks for victims of domestic violence at no charge. Put dead bolts on all outside doors. Keep doors and windows locked, even when at home.
- Not open the door until the knocker identifies himself or herself. Always ask to see identification when it is not a friend or family member (e.g., service, delivery and sales people, people collecting for charity, or the police).
- Keep the fuse box locked. Keep flashlights and extra batteries on hand.
- Ask her neighbors to call the police if they notice the batterer around the home, or ask them to call her if they see suspicious vehicles or people around her home.
- Get an unlisted phone number. Make sure friends, family and colleagues know it is unlisted and to be kept confidential. **Discuss with her children that they should not disclose this new number to their father during visitation.** If the victim has moved to a new apartment or home, make sure people know not to disclose the new address to anyone without her permission.
- Leave the lights on in her home even when she is not there, or get an automatic timer for the lights.
- Consider getting a watchdog.
- Make sure the children's teachers, school personnel, babysitters and other childcare providers know not to release the children to the batterer's custody or to anyone she has not pre-approved to pick them up.
- Inform her employer of her situation. Provide colleagues at work, especially security guards and receptionists, with a picture of her batterer and a copy of her Order of Protection.
- Remove her home address from personal checks and business cards. Get a private mailbox or use her work address for all personal mail. File a change of address card with the post office listing her new address, and notify all friends, colleagues, creditors, etc., of her new address.

- Park in well-lit or secured areas, even at work. Ask a co-worker or security guard to escort her to the car or to the subway. Keep doors locked while driving. If she thinks she is being followed, drive or walk to the nearest police or fire station.
- Introduce herself to the domestic violence officer in the police precincts nearest her home and her work. The precincts will then be familiar with her and with her situation, should she need assistance.
- Vary her routes to work, the store, and children's school. Get a cell phone for the car and her purse. Her Justice provides free cell phones with limited amount of minutes for clients to use in emergencies.
- Make sure to carry a copy of her Order of Protection, once it is granted, with her at all times. Keep a copy in a safe location. Keep her attorney's card with her at all times.

If your client has decided to leave, she should have a plan to do it in the safest way possible. She can:

- Contact Safe Horizon hotline (1-800-621-4673) regarding shelter options. If shelter is not an option, identify other safe places she can go, such as to friends, family, etc.
- Plan when and how she will leave the home. When is it safe (i.e., when he is at work)? How will she get to her safe location? Consider contacting the police to escort her out.
- Prepare a bag with essential items and documents ahead of time, but not make it obvious that she is packing. Keep the bag in a safe location.
- Identify what help and support will she need once she has left. Have numbers to important resources she will need.
- Get information about what obtaining an Order of Protection entails, what it means and how to enforce it.

If your client is in emotional crisis or needs emotional support, she can:

- Know that this is a difficult process, but that she does not have to figure things out alone.
- Be aware that this process may be emotionally difficult. She may feel confused, overwhelmed, scared or alone. This is normal and there is help.
- Identify people in her life whom she trusts and who can be of support to

her.

- Contact the Domestic Violence Hotline (800) 621-4673 for crisis counseling, safety planning or referral to ongoing counseling and support groups.
- Get help, if she is feeling depressed or anxious or needs to talk to someone.
- Get help for her children, if she has concerns or notices changes in a child's mood or behavior.
- Contact: Safe Horizon **1-800-621-HOPE (4673) or 1-800-lifenet** (24-hour crisis counseling hotline).

Additional resources and tools regarding Safety Planning:

New York States Coalition against Domestic Violence

<http://www.nyscadv.org/docs/Safety%20Planning.pdf>

If you have any questions or concerns, please feel free to discuss with your Her Justice mentor.

1.1

Dynamics of Domestic Violence Experienced by Immigrant Victims¹

By Leslye Orloff and Olivia Garcia

A victim of domestic violence faces a variety of complex legal and personal issues that can be further exacerbated by the pressures of immigration and culture concerns. Battered immigrant² women often feel isolated from their communities, both domestically and internationally. Moreover, foreign-born women are frequently uninformed, unfamiliar with or simply confused about, their legal rights and the social services available to them in the United States. This is due, in part, to the lack of interactions between immigrant victims and government agencies. Unfortunately, too often both, governmental and non-governmental agencies that help to redress domestic violence are not prepared to meet the diverse needs of battered immigrant women. Many lack language accessibility, cultural sensitivity, and have insufficient information regarding the legal rights of battered immigrants. The needs of immigrant victims can be met by educating advocates and attorneys, and ensuring that justice- system employees in all communities know immigrant victims' legal rights. Immigrant victims' access to services can be significantly improved by increasing the cultural sensitivity of these professionals. This means replacing prior assumptions individuals might have had about immigrant victims and their perpetrators. In doing so, these professionals can serve as culturally sensitive and well-informed guides to help immigrant victims navigate through their legal and personal challenges resulting from the violence they have endured.

In order for readers to better understand immigrant victims of violence against women, this manual seeks to explain the complex topics of domestic violence and immigration laws that are intended to assist immigrant

¹ The assistance of Nadia Firozvi of the University of Baltimore School of Law, Lisa Herrmann of the University of Virginia, Shiwali Patel of Boston University and Jessica Shpall of the University of California at San Diego in developing this chapter is greatly appreciated.

² The term "immigrant," unless otherwise noted, will be used in this manual as a general term to also include both documented and undocumented immigrants, refugees and migrants. The term "undocumented" refers to people currently living in the United States without permission from the Department of Homeland Security (formerly the Immigration and Naturalization Service). This unauthorized residence could result from a visa violation or an unlawful entry. "Documented" immigrants are those who hold valid visas to live in the United States, and include legal permanent residents ("green card" holders). These documented populations, although they are lawfully present in the United States, are often uninformed or misinformed about their legal rights. Many battered immigrants who are currently undocumented immigrants may qualify to attain legal immigration status either through the Violence Against Women Act (VAWA) or the U-Visa crime victim visa provisions discussed in Chapters 3 of this manual.

survivors. The goal of this manual is to provide support and assistance to advocates and attorneys, arming them with the knowledge they need to confidently provide effective assistance to battered immigrant victim and the immigrant community. Additionally, this text is being written to provide immigrant advocates, immigrant attorneys, and social service providers to immigrant communities, with an understanding of general domestic violence dynamics and how these affect immigrant victims. Each of the following chapters will highlight particular issues of importance for advocates and attorneys helping immigrant victims overcome systemic barriers and find ways to navigate through systems that are not often responsive to immigrant victims' needs.

This chapter provides background information about the dynamics of domestic violence as experienced by immigrant victims. It provides a definition for domestic violence. Nine subsequent sections explain how immigrant victims fear deportation, the specific economic issues they experience, particular concerns about child custody, popular misconceptions about the U.S. legal system, and how advocates can help rebuild social support networks for immigrant victims. The chapter addresses culturally sensitive topics regarding health care, police relations and women's efforts to leave abusers.

Definition of Domestic Violence

Violence against a woman caused by an intimate partner is a common occurrence in the United States. Domestic violence crosses racial, ethnic, national origin, religious, age, socioeconomic, and sexual lines.³ It is also important to note that same-sex violence happens at approximately the same rate as opposite-sex battering.⁴ The July 2000 *National Violence Against Women Survey* by the United States Department of Justice found that violence against women is primarily intimate-partner violence: 64.0% of the surveyed women who reported being raped, physically assaulted, and/or stalked since age 18 were attacked by a current or former spouse, boyfriend, cohabiting partner, or date.⁵ According to a 1998 Commonwealth Fund Survey, nearly one-third of American women (31%) report being physically or sexually abused by a husband or boyfriend at some point in their lives.⁶ Violence by an intimate partner is far more likely to end in injury than violence by a stranger, and should, therefore, be considered more dangerous. Statistics from the Department of Justice revealed that in approximately 2 million of the 4.8 million intimate partner rapes and assaults reported, the victim was injured.⁷ Victims sustain injuries in 48% of incidents of violence committed by an intimate partner, and in 32% of incidents of violence committed by a family member.⁸

³ American Bar Association Commission on Domestic Violence <http://www.abanet.org/domviol/stats.html> & Heise, Lori L., Jacqueline Pitanguy and Adrienne Germain. *Violence Against Women: The Hidden Health Burden*. The World Bank. No. 255. Washington, DC page 14. Lisa E. Martin, *Providing Equal Justice for the Domestic Violence Victim: Due Process and the Victim's right to Counsel*, 34 Gonz. L. Review. 329, 332 (1998-1999). See generally, Honorable Karen Burstein, *Naming the Violence: Destroying the Myth*, 58 ALB. L. Review 961 (1995); Zanita E. Gfenton, *Domestic violence in Black and white: Racialized Stereotypes in Gender violence*, 8 Colum J. Gender and Law. 1 (1998).

⁴ David M. Zlotnik, *Empowering the Battered Woman: The use of Criminal Contempt Sanctions to Enforce Civil Protection Orders*. 59 Ohio St. Law Journal 1153, 1162-63, 1215 (1995). Kathleen Finley Duthu, *Why Doesn't Anyone Talk about Gay and Lesbian Domestic Violence?* 18 Thomas Jefferson Law Rev. 23, 24 (1996).

⁵ Tjaden, P. & Thoennes, N. (July 2000). *Full report of the prevalence, incidence, and consequences of violence against women*. (Publication #NCJ83781). Washington, DC: United States Department of Justice, Bureau of Justice Statistics. Available at: <http://www.ncjrs.org/pdffiles1/nij/181867.pdf>.

⁶ Karen Scott Collins, Cathy Schoen, Susan Joseph, Lisa Duchon, Elisabeth Simantov, and Michele Yellowitz. *The Commonwealth Fund. Health Concerns Across a Woman's Lifespan: 1998 Survey of Women's Health*, May 1999. Available at: http://www.cmf.org/programs/women/ksc_who_survey99_332.asp

⁷ Tjaden, P. & Thoennes, N. (July 2000). *Full report of the prevalence, incidence, and consequences of violence against women*. (Publication #NCJ83781). Washington, DC: United States Department of Justice, Bureau of Justice Statistics. Available at <http://www.ojp.usdoj.gov/bjs>.

⁸ Thomas Simon, James Mercy, and Craig Perkins. *Injuries from Violent Crime 1992-98*, Bureau of Justice statistics, Center for Disease Control and Prevention. <http://www.ojp.usdoj.gov/bjs/pub/pdf/ivc98.pdf> National Crime Victimization Survey June 2001. NCJ 168633

A study of Latina immigrants who were surveyed in the Washington, DC metro area showed that, almost 50% have been abused physically, 11% sexually abused, and 40% had been psychologically abused.⁹ Although the domestic violence rates are numerically close between US-born women and immigrant women, the dynamics are quite different for immigrant battered women. For example, immigrant women who have been in the U.S. for less than three years are less likely to call the police for help for fear of language barriers,¹⁰ or because they fear a lack of responsiveness from police officers in documenting the event or arresting the abuser.¹¹ In turn, these obstacles for battered immigrant victims are tools of power and control for the abusers.

Domestic violence is a harsh reality for any woman, and for a woman who is unfamiliar with language, resources or a social support network, intimate partner violence can be even more traumatic. Abuse is an extension of power and control the abuser has over the victim. Some specific examples of power and control tactics are; emotional abuse, economic abuse, sexual abuse, coercion and threats, using children as leverage for the victim to endure the abuse, using citizenship or residency privilege, intimidation, isolation or manipulating situations in order to keep the victim dependent upon him. For many years domestic violence was seen in law as mainly consisting of physical and/or sexual abuse. In 1994, the Violence Against Women Act (VAWA) introduced the concept of the term *extreme cruelty*, which includes being the victim of any act or threatened act of violence, including any forceful detention, which results or threatens to result in physical or mental injury. Psychological or sexual abuse or exploitation, including rape, molestation, incest (if the victim is a minor), or forced prostitution is also considered domestic violence

BATTERING AND EXTREME CRUELTY

It is important for advocates and attorneys working with immigrant victims to become familiar with the definition of “domestic violence” under U.S. immigration law. Department of Homeland Security regulations state that abuse encompasses both battery and extreme cruelty.¹² Physical abuse and sexual abuse are the most common forms of abuse. Domestic violence includes, but is not limited, to: throwing objects, pushing or shoving, physical restraint by forcefully holding or tying up the victim (such as locking her in the house or room), slapping, pulling hair, punching, kicking, burning, choking, strangling or smothering, slamming the victim’s head into a hard object, beating up the victim, throwing the victim on the floor, running into the victim with an automobile, putting a dangerous substance, such as gasoline, on the victim’s skin, hair, or eyes, pushing, scratching, biting, burning, attacking, hitting, cutting, or stabbing the victim with a knife or machete, attacking, hitting, or shooting the victim with a gun, hitting the victim with other objects, and/or assaulting during pregnancy.¹³

Sexual abuse is typically defined as: rape, forcing a victim to participate in unwanted sexual behavior, making derogatory remarks about the victim, such as calling her a prostitute or mail-order bride,¹⁴ telling her that she is legally required to have sex with him whenever he wants until they are divorced (in most states, a couple cannot be legally divorced until they are separated and have not had sex for six months),¹⁵

⁹ Giselle Aguilar Hass et al., *Lifetime Prevalence of Violence Against Latina Immigrants: Legal and Policy Implications*, in DOMESTIC VIOLENCE: GLOBAL RESPONSES 93(2000).

¹⁰ Leslye E. Orloff et al., *Battered Immigrant Women’s Willingness to Call for Help and Police Response*, 13 UCLA WOMEN’S L.J. 44, 71 (2003).

¹¹ Orloff, Leslye, Deeana Jang and Catherine Klein. American Bar Association. Vol. 29, No. 2, 316, Summer 1995.

¹² 8 C.F.R. 204.2(c)(1)(E); see also INA §216(c)(4)(C), 8 U.S.C. 1186(c)(4)(C) (1994).

¹³ This list derived from Mary Ann Dutton Et Al., American Bar Association, *Domestic Violence & Immigration: Applying the Immigration Provisions of the Violence Against Women Act: A Training Manual for Attorneys & Advocates* 3-4 (Bette Garlow et al. eds., 2000) and from focus groups with Latina immigrant victims of domestic violence who participated in the development of the Needs Assessment Survey of Undocumented Women the results of which were published in Mary Ann Dutton et al., *Characteristics of Help Seeking Behaviors, Resources and Service Needs of Battered Immigrant Latinas: Legal and Policy Implications*, 7 GEO. J. ON POVERTY L. & POL’Y 245, 4 (2000).

¹⁴ Instead of using the term “mail-order brides,” which has been interpreted by many to somehow blame the victim for any abuse she may suffer at the hands of her husband, the preferred description is wives who met their husbands through international matchmaking organizations.

¹⁵ Need to look at Family Law or matrimonial horn book that we had at Ayuda to get cites for divorce separation requirements in all states also include here sample case law on ongoing sexual relations and separation for purposes of divorce.

making the victim view or perform in pornographic material, forcing the victim to have sexual relations with other men or engage in prostitution, accusing her of having sex with other men or of trying to attract other men through such behavior as applying makeup, and/or suggesting on legal documents that the victim has a history of prostitution.

In addition to physical battery and sexual abuse, the domestic violence definition under immigration law explicitly includes “acts that, in and of themselves, may not initially appear violent but that are a part of an overall pattern of violence.”¹⁶ This expanded definition also includes harassment, which involves following the victim, threatening the victim, calling the victim names, preventing the victim from leaving the room or from calling the police, interfering with the victim’s living, making unwanted telephone calls to the victim, moving within two blocks of the victim’s house, loitering in front of the battered women’s shelter where the victim is staying, and contacting the petitioner’s employer.¹⁷ This definition also encompasses a pattern of interactions in which one intimate partner is forced to change her¹⁸ behavior in response to the threats or abuse. The definition is more inclusive than the state criminal or family law domestic violence definitions, which are generally limited to violent acts, kidnapping, threats, and attempts to harm or physically injure a partner.¹⁹

Psychological abuse is typically shown through emotional/verbal abuse and/or through dominance and isolation of resources.²⁰ Psychological abuse plays an important role in abusive relationships because it is often a precursor to physical and/or sexual abuse. Moreover, psychological abuse does not have a concrete beginning or end, like physical and sexual abuse, and this can create a constant climate of terror for the victim. Psychological abuse may consist of: insulting the victim or driving her friends away, continually criticizing her and calling her names, ignoring her feelings, manipulating, humiliating the victim in private or public, mocking or insulting personal beliefs, regularly threatening the victim, regularly threatening to leave or kidnap the children, threatening to abuse her loved ones, locking the victim out of the house, taking possession of the victim’s belongings and keeping control of them, throwing away the victim’s belongings, controlling what the victim can and cannot do, stalking, checking the victim’s mail, phone messages, and anything that may be private to her, becoming jealous and accusing the victim of sexual activity with others, controlling money and accounts without letting the victim have any control, forbidding the victim to go to work or school, or forbidding her from accepting a promotion.

Isolation falls under the category of psychological abuse. An abuser can isolate his partner by: keeping her from accessing supportive individuals in the community, telling lies about her to her family, preventing her from having contact with her family, monitoring all her phone calls, disconnecting the phone, threatening to harm someone in her family, (in the United States or in her country of origin), destroying her personal belongings (such as clothes, letters, heirlooms, photos or other items brought from her home country), threatening to bring shame on the victim’s family, convincing her that his actions are not illegal unless they occur in public, threatening to throw her out of the house, blaming her for breaking up the family if she leaves him, telling her that she provoked the violence and is responsible for it. By isolating his partner, an abuser creates an environment where the immigrant victim feels she has no reliable support network.

¹⁶ Department of Homeland Security Regulations [8 C.F.R. § 204.2(c)(1)].

¹⁷ Catherine F. Klein and Leslye Orloff, *Providing Legal Protection for Battered Women: An Analysis of State Statutes and Case Law*, 21 Hofstra Law Review 801, 866-867 (Summer 1993)

¹⁸ The use of “he” for the abuser and “her” for the victim is based on the fact that statistics show that the majority of perpetrators are male and the majority of victims are female. *Supra* note 1, at 17; Gerald T. Hotelling & David B. <http://www.vawnet.org/DomesticViolence/ServicesAndProgramDev/ServiceProvAndProg/BIW99-c1.pdf>. Tjaden, P. & Thoennes, N. (July 2000). *Full report of the prevalence, incidence, and consequences of violence against women*. (Publication #NCJ83781). Washington, DC: United States Department of Justice, Bureau of Justice Statistics. Available at <http://www.ojp.usdoj.gov/bjs>

¹⁹ Leslye Orloff and Janice Kaguyutan, *Offering a Helping Hand: Legal Protections for Battered Immigrant Women: A History of Legislative Responses*, 10 Am. U. J. Gender Soc. Pol’y & L. 95, 106 (2001). See also Illinois’ Domestic Violence Act, where domestic violence is defined as “physical abuse, harassment, intimidation of a dependent, interference with personal liberty or willful deprivation,” Ill. St. Ch.750 §60/227 (1986). Catherine F. Klein & Leslye Orloff, *Providing Legal Protection for Battered Women: An Analysis of State Statutes and Case Law*, 21 Hofstra L. 801 (Summer 1993).

²⁰ Giselle Aguilar Hass et al., *Lifetime Prevalence of Violence Against Latina Immigrants: Legal and Policy Implications*, in DOMESTIC VIOLENCE: GLOBAL RESPONSES 103-104 (2000).

The following are specific ways in which immigrant women are abused, although the experiences of individual victims will vary from case to case.²¹

Emotional Abuse:

- Lying about her immigration status.
- Telling her family lies about her.
- Calling her racist names.
- Belittling and embarrassing her in front of family and friends.
- Causing her to “lose face”.
- Telling her that she has abandoned her culture and become “white,” or “American.”
- Preventing her from visiting sick or dying relatives.
- Abuser lying about his ability to have the immigration status of his lawful permanent resident abuse victims changed.

Economic Abuse:

- Forcing her to work “illegally” when she does not have a work permit.
- Threatening to report her to immigration authorities if she works “under the table.”
- Not letting her get job training or schooling.
- Taking the money that her family back home was depending upon her to send them.
- Forcing her to sign papers in English that she does not understand -- court papers, IRS forms, immigration papers.
- Harassing her at the only job she can work at legally in the U. S., so that she loses that job and is forced to work “illegally.”

Using Coercion and threats:

- Threatening to report her to immigration authorities and get her deported.
- Threatening that he will not file immigration papers to legalize her immigration status.
- Threatening to withdraw the petition he filed to legalize her immigration status.
- Telling her that he will harm someone in her family.
- Telling her that he will have someone harm her family members in her home country.
- Threatening to harm or harass her employer or co-workers.

Using Children:

- Threatening to remove her children from the United States.
- Threatening to report her children to the immigration authorities.
- Taking the money she was to send to support her children in her home country.
- Telling her he will have her deported and he will keep the children with him in the U S
- Convincing her that if she seeks help from the courts or the police, the U.S. legal system will give him custody of the children. (In many countries men are given legal control over the children and he convinces her that the same will occur here).

Using Citizenship or Residency Privilege:

- Failing to file papers to legalize her immigration status.
- Withdrawing or threatening to withdraw immigration papers filed for her residency.
- Controlling her ability to work.
- Using the fact of her undocumented immigration status to keep her from reporting abuse or leaving with the children.
- Telling her that the police will arrest her for being undocumented if she calls the police for help because of the abuse.

²¹ This document was developed at Ayuda Inc., Washington, D.C.

Under VAWA, actions that, in and of themselves, may not constitute abuse, but are part of a pattern of actions that together amount to extreme cruelty and considered domestic violence.²² Some illustrations of “extreme cruelty” are:

Intimidation:

- Hiding or destroying important papers (i.e. her passport, her children’s passports, ID cards, health care cards, etc.)
- Destroying the only property that she brought with her from her home country.
- Destroying photographs of her family members.
- Threatening persons who serve as a source of support for her.
- Threatening to do or say something that will shame her family or cause them to lose face.
- Threatening to divulge family secrets.

Minimizing, Denying, Blaming:

- Convincing her that his violent actions are not criminal unless they occur in public.
- Telling her that he is allowed to physically punish her because he is the “man.”
- Blaming her for the breakup of the family, if she leaves him because of the violence.
- Telling her that she is responsible for the violence because she did not do as he wished.

The enigmatic nature of domestic violence makes it a moving target because it can take on many different shapes. In addition to the most commonly recognized forms of domestic violence, physical violence and sexual aggression, psychological abuse also plays an important role in the pattern of abuse. Keeping in mind that immigration laws include some forms of emotional abuse and extreme cruelty, in the definition of domestic violence, it is important for advocates and attorneys working with immigrant victims to recognize and document extreme cruelty in the same manner as they collect information from victims about sexual abuse evidence when preparing an application for an immigration benefit under the Violence Against Women Act.²³

Domestic Violence as Experienced by Immigrant Women

Immigrant victims face added fears of being deported, i.e. removed from the U.S.,²⁴ losing the chance of any immigration status, losing custody and access to their children, to a partner with more stable immigration or citizen status, and confronting the cultural ramifications of leaving an abusive spouse. Furthermore, battered immigrant women often lack information about the United States legal system, the services offered by the U.S. to help domestic violence victims, and about access to the public benefits safety net.

IMMIGRATION-RELATED ABUSE

Abusers of immigrant spouses and intimate partners often use immigration-status-related abuse to lock their victims in abusive relationships. For immigrant victims, this form of power and centrality is particularly malicious and effective. The fear induced by immigration related abuse makes it extremely difficult for a victim to leave her abuser, obtain a protection order, call the police for help, or participate in the abuser’s prosecution. Immigration-related abuse plays upon the fact that the abuser may control whether or not his spouse attains legal immigration status in this country, whether any temporary legal immigration status she has *may* become permanent, and how long it may take her to become a naturalized citizen. Immigration-

²² Department of Homeland Security Regulations [8 C.F.R. § 204.2(c)(1)].

²³ See chapter 3 for more information. This evidence should be collected and included in VAWA self-petitioning cases both when the case is based solely on extreme cruelty and when the extreme cruelty co-occurs with psychical and sexual abuse.

²⁴ Removal is defined as, “the expulsion of an alien from the United States. This expulsion may be based on grounds of inadmissibility or deportability.” See U.S. Citizenship and Immigration Services website at <http://uscis.gov/graphics/glossary3.htm>

related abuse plays upon particular vulnerabilities for immigrant victims and usually coexists with and/or predicts escalation.

In addition to deterring a victim from seeking help to counter abuse, immigration related abuse could be used to interfere with the victim's abilities to survive economically apart from their abusers. Legal immigration status leads to access to work authorization that allows immigrant victims to work legally in the United States. Moreover, abusers of immigrant victims who are the mothers of their children often keep the victim from attaining legal immigration status, and then try to raise her lack of legal immigration status in a custody case in order to win custody of the children despite his history of abuse.²⁵

Some examples of immigration related abuse include, but are not limited to:²⁶

- Threatening to report her or her children to the Department of Homeland Security
- Threatening to turn her into Department of Homeland Security for deportation
- Not filing papers to confer legal immigration status on her or her children
- Threatening to withdraw or withdrawing immigration papers he filed for her and/or her children
- Asking Department of Homeland Security to revoke any family-related non-immigrant visa issued to the victim and/or her children as dependents on the abuser's work-related- diplomatic, student visa, or other visa.
- Asking Department of Homeland Security to revoke an approved family based visa petition filed by the abuser.
- Making her come to the United States on a visitor's or fiancé visa although she is already married to her spouse.
- Forcing her to sign papers written in English that she does not understand, that have to do with her immigration claims
- Not giving her access to documents that she needs for her application for lawful immigration status
- Threatening to tell immigration authorities that she married him only to obtain lawful immigration status and that their marriage is fraudulent
- Getting the immigration authorities to revoke a visa it has granted to her as his spouse
- Turning her into the immigration authorities for deportation, controlling the mail, and hiding from her notices to appear before an Immigration Judge to defend against her deportation.
- Telling her that if she calls the police for help he will have her deported
- Misinforming her about the legal system and her rights in the legal system and under immigration laws.

Research on immigration-related abuse has found that it appears to be a lethality factor. If advocates or attorneys working with battered immigrants discover that the behaviors listed above are occurring, they should be vigilant about the possibility that the immigration-related abuse a lethality factor that predicts escalation toward physical and/or sexual violence.²⁷ When immigration-related abuse is occurring in a relationship, advocates and attorneys working with immigrant victims should fully explore whether the client is also experiencing physical or sexual abuse. Some clients may not mention physical abuse because they are ashamed, fear the abuser, or have been taught that physical abuse is a normal occurrence. Immigrant victims of sexual abuse maybe unaware that the forced sexual relations to which they have been subjected to are abusive. When physical and/or sexual abuse is not occurring, the presence of immigration-related abuse should inform the advocate or attorney that the abuse in the relationship is likely to escalate, and that they should do careful safety planning with the victim.²⁸ Advocates and attorneys should build trust in order to help the immigrant victim feel comfortable in revealing abuse that has occurred. Building a

²⁵ Chapter 6 of this manual discusses how to successfully counter these arguments when they arise in custody cases.

²⁶ Advocates and attorneys working with battered immigrants on immigration cases should help the victim identify and document these types of abuse in the same manner as they document physical and sexual abuse.

²⁷ See Leslye Orloff and Janice Kaguyutan, *Offering a Helping Hand: Legal Protections for Battered Immigrant Women: A History of Legislative Responses*, 10 Am. U. J. Gender Soc. Pol'y & L. 95, 136 (2001).

²⁸ See safety planning in Chapter 5

strong relationship between the victim and advocate can offer critical assistance to an immigrant abuse victim, helping her to document the pattern of physical, sexual and emotional abuse to support a VAWA immigration case or a battered spouse waiver.

FEAR OF DEPORTATION

Fear of deportation²⁹ is the principal barrier to immigrant victims' seeking any type of aid after experiencing abuse, including assistance from shelters, advocates, hospitals, and the police.³⁰ This fear of deportation affects both immigrant victims of domestic violence who have legal permission to live and work in the United States, and those that are undocumented.³¹ As a result, many battered immigrants believe that they have no legal right to protection from their abuser.³² Many immigrant victims of domestic violence fear deportation because their relationship to the abuser is often the basis for their eligibility to reside legally in the United States. Many victims who qualify for VAWA, battered spouse waivers or the crime victim (U) visa³³ have no knowledge that options exist to attain legal immigration status without dependence on their abusers. Advocates and attorneys should be extremely sensitive to this issue and immediately assure battered immigrant women that they are not in danger of being deported because they seek help from advocates and attorneys, report the abuse, and/or obtain help.

The abusive spouse may be a citizen or lawful permanent resident who uses the fact that the law grants him control over his undocumented wife's and/or child's immigration status as a tool for perpetrating domestic violence and for keeping his victims from leaving him or seeking help. In other instances the abuser may have "non immigrant" status, which is as legal permission to live and work in the United States but not permanently.³⁴ A holder of a "non immigrant" visa can in turn file for "derivative" status for his spouse and children.³⁵ In both the lawful permanent resident/United States citizen and non-immigrant visa-holder cases, immigration status becomes a factor that reinforces an abuser's power and discourages a woman from escaping, him or acting to stop the violence. Although there are now provisions, such as the Violence

²⁹ Being placed in removal proceedings in front of an immigration judge and losing the case can lead to deportation, which is defined as being returned to one's country of origin. It should be noted; however, that many immigrants are not aware that they have the right to a trial and thus fear that any "official" (which they may believe to include shelter directors and doctors, who in reality have no right to ask for her immigration status or report her as an illegal alien) will be able to simply send her out of the country. Leslye E. Orloff, Mary Ann Dutton, Giselle Aguilar Hass and Nawal Ammar, *Battered Immigrant Women's Willingness to Call for Help and Police Response*, 7 13 UCLA WOMEN'S L.J. 43 (2003).

³⁰ Mary Ann Dutton et al., *Characteristics of Help Seeking Behaviors, Resources and Service Needs of Battered Immigrant Latinas: Legal and Policy Implications*, 7 GEO. J. ON POVERTY L. & POL'Y 245, 55 (2000).

³¹ Raj, Anita and Jay Silverman. *Violence Against Immigrant Women: Roles of Culture, Context and Legal Immigrant Status on Intimate Partner Violence*. Violence Against Women, Vol 8. No. 3, 2002 Sage Publications. March 2002 (367-398). Specific citation on pages 385-387

³² Hogeland, Chris and Karen Rosen. *Dreams Lost, Dreams Found: Undocumented in the Land of Opportunity*. Independently published, 16, Spring 1990.

³³ The U-Visa is for undocumented abused immigrants who are not married to a citizen or a legal permanent resident of the United States. This legislation offers relief in cases of "certain serious crimes that tend to target vulnerable foreign individuals without immigration status if the victim has suffered substantial physical or mental abuse as a result of the crime, the victim has information about the crime, and a law enforcement official or judge certifies that the victim has been helpful, is being helpful, or is likely to be helpful in investigating or prosecuting the crime."

³⁴ Examples of non-immigrant status include: college professors (INA §101(a)(15)(H)(i)(b), 8 U.S.C. 1101(a)(15)(H)(i)(b), information technology workers (id.), diplomats (INA §101(a)(15)(A)(i), 8 U.S.C. 1101(a)(15)(A)(i), international organization employees (INA §101(a)(15)(G), 8 U.S.C. 1101(a)(15)(G), students (INA 101(a)(15)(F), 8 U.S.C. 1101(a)(15)(F), or religious workers (INA §101(a)(15)(R), 8 U.S.C. 1101(a)(15)(R).

³⁵ Derivative status is open to dependent spouses and children of visa holders who want to join their parents or spouses in the United States. Spouses and children are granted a form of legal immigration status that is completely dependent on the abusive visa holder. A non-immigrant visa holder can decide whether to apply for legal immigration status for their dependent spouse and children and can seek to have her legal status terminated at any time. In some instances dependent spouses and children can also obtain legal work authorization along with their temporary legal immigration status in other instances they cannot. Certain classes of derivative non-immigrants may apply independently for USCIS work authorization after arrival in the United States. See, e.g., Pub. L. No. 107-124, 115 Stat. 2402 (Jan. 16, 2002); Pub. L. No. 107-125, 115 Stat. 2403 (Jan. 16, 2002) amending INA §§214(e) and 214(c)(2) permitting spouses of E or L-1 visa holders, respectively, to apply for work permission; 8 CFR § 214.2(j)(1)(v). The derivative recipient of an H visa holder cannot work unless they acquire their own non-immigrant visa that allows them to work. 8 C.F.R. §214.2(h)(9)(iv).

Against Women Act (VAWA), Crime Victim (U) Visa, and the Battered Spouse Waiver³⁶ that provide access to legal immigration status for many abused immigrant spouses and children who would otherwise be completely dependent on their abusers to attain legal immigration status, many isolated domestic violence victims who may qualify for these immigration benefits are not aware of these options.

Immigrant women may fear deportation even when they are legally residing in the United States with immigration authorities knowledge and permission. This occurs particularly when battered women have gained legal immigration status because of their family relationships with their abusers. Victims who received lawful permanent residency based on a petition filed with immigration authorities by their citizen or legal permanent resident spouse may wrongly believe their abuser's claims that because he gave her legal immigration status, he has the power to take it away.³⁷

The United States offers victims of domestic violence a range of services in the social services, health care and judicial systems designed to help victims and their children bring an end to the abuse they are experiencing and overcome the effects of the abuse.³⁸ In the United States, domestic violence is a crime, and victims can receive help through protection orders, police and criminal courts to hold their abusers and accountable. Many immigrant victims of domestic are in abusive relationships in which their abusive spouse or intimate partner has United States citizenship or a form of legal immigration status superior to the victim's immigration status. Along with this citizenship or legal immigration status comes the right to travel freely in and out of the United States. If an immigrant battered woman is deported and removed from the United States, her abuser can easily travel to follow her.³⁹ Returning a woman to her country of origin could endanger her if that country has no effective legal approach for deterring and punishing domestic violence perpetrators.

Some immigrant victims have been willing to cooperate with law enforcement and prosecutors to have their abusers prosecuted for domestic violence crimes he committed in the United States. The abuser's criminal domestic violence conviction can lead to his deportation. If the victim is later deported to her home country, the abuser can be waiting in the home country to retaliate against her. Both in this case and in the case where the abuser can freely travel in and out of the United States. The prospect of deportation makes it difficult for an immigrant victim to even consider seeking a court protection order, prosecuting her abuser for his crimes, and/or leaving her abuser.

The threat of being turned over to the immigration authorities and subsequently placed in removal proceedings⁴⁰ deters a battered immigrant woman from seeking help from police stations, shelters,

³⁶ VAWA allows spouses and children of lawful permanent residents and United States Citizens to file a "self petition" if they can prove that the relationship of good faith, that the petitioner has been abusive, and that the self-petitioner is of good moral character. A Battered Spouse Waiver helps lawful conditional residents who would otherwise have two years, who have suffered abuse, by allowing them to file for full lawful permanent residency then abusers without help or knowledge and without having to wait two years. See Chapter 3 for more information.

³⁷ An abuser cannot have a victim's her lawful permanent residency taken away even if she received her legal permanent residency based on a petition he filed for her. Once an immigrant attains legal permanent residency there are very few instances by which ways it can be lost. If the survivor leaves the United States without Department of Homeland Security permission for more than 6 months, they can lose lawful permanent residency. See INA §212 (a)(7)(A)(i)(I), 8 U.S.C. 1182(a)(7)(A)(i)(I) (1991), and also *Khodagholian v. Ascroft*, 335 F.3d 1003, 1005-7 (2003). Additionally many criminal convictions can cause immigrants to lose lawful permanent residency. For battered immigrants this could pose the most serious risk of harm, particularly if she is living in a jurisdiction in which the police officers practice dual arrest, rather than arresting only the predominate perpetrator of abuse in the relationship. For more detailed information about domestic violence and crimes see Chapter 1 of this manual. Leslye Orloff and Janice Kaguyutan, *Offering a Helping Hand: Legal Protections for Battered Immigrant Women: A History of Legislative Responses*, 10 Am. U. J. Gender Soc. Pol'y & L. 95, 136 (2001).

³⁸ Orloff, Leslye. Lifesaving Welfare Safety Net access for Battered Immigrant Women and Children: Accomplishments and Next Steps. William and Mary Journal of Women and the Law, Vol 7, Issue 3. Spring, 599 2001.

³⁹ Leslye Orloff and Janice Kaguyutan, *Offering a Helping Hand: Legal Protections for Battered Immigrant Women: A History of Legislative Responses*, 10 Am. U. J. Gender Soc. Pol'y & L. 95, 133 (2001).

⁴⁰ Removal proceedings are proceedings before immigration judges in which the government is seeking the immigrants' removal from the United States and the immigration judge can order a person deported the United States. It is extremely important that battered immigrant women who are placed in removal proceedings consult a skilled immigration attorney who has been trained on VAWA to help her National Network to End Violence Against Immigrant Women may be able to successfully obtain VAWA "cancellation of removal". If there are no local immigration attorneys familiar with VAWA Immigration Protection, contact the

counseling programs, and the courts.⁴¹ Domestic violence programs, either non-profit or government-sponsored, and justice-system agencies generally, have no federal obligation to inquire about the immigration status of domestic violence victims.⁴² However, many battered immigrant victims believe that if they seek help they will be turned in to the immigration authorities by that agency's staff.⁴³ Abusers reinforce this fear by telling their wives and girlfriends that if they turn to service-providers, police, courts, or health care personnel for help, they will be reported to the immigration authorities. The battered immigrant women who do turn to the justice and social service systems for help and who are asked questions about their immigration status, or who are provided less assistance because they are non-citizens or are non-English speaking, are scared away from seeking further assistance. Knowledge of such treatment spread from woman to woman by word of mouth in immigrant communities, and can cause a ripple effect that deters other immigrant women from seeking help.⁴⁴

Many immigrant victims of domestic violence who find their way to the doors of domestic violence and legal services programs across the country may, as a matter of law, qualify for one of several forms of immigration relief available to help immigrant victims. Despite this fact, if a battered immigrant is turned into immigration authorities by her abuser, picked up in a traffic stop by an immigration officer, or detained by immigration authorities at her place of employment, there is little possibility that immigration authorities personnel will ask about her domestic violence history. She could be deported without ever having a meaningful opportunity to file for the immigration relief for which she qualifies.

If the abuser files a petition with immigration authorities seeking legal immigration status for the victim and/or her children and then retracts it or stops replying to immigration authorities' inquiries for evidence, the abused immigrant and her children can be placed in removal proceedings. If her abuser is controlling the immigrant's correspondence, she may not find out about her date to appear in court before an immigration judge, and she maybe ordered deported without her knowledge. An abuser's threats about his wife's immigration status, and the fear of being deported, decrease the possibility that she will seek help and/or refuge.

National Alliance to End Violence Against Immigrant Women (formerly known as National Network on Behalf of Battered Immigrant Women). (info@endabuse.org or Phone: 415- 252-8900)

⁴¹ See generally Mary Ann Dutton, *Battered Women's Strategic Response to Violence: The Role of Context*, in Future interventions with Battered Women and their Families 105 (J.L. Edelson & Zvi C. Eisikovits eds. 1996).

⁴² Orloff, Leslye. Lifesaving Welfare Safety Net access for Battered Immigrant Women and Children: Accomplishments and Next Steps. William and Mary Journal of Women and the Law, Vol 7, Issue 3. Spring 2001 (597-657) Page 626; Leslye E. Orloff, Mary Ann Dutton, Giselle Aguilar Hass and Nawal Ammar, *Battered Immigrant Women's Willingness to Call for Help and Police Response*, 7 13 UCLA WOMEN'S L.J. 43, 55 (2003).

⁴³ Nonprofit non-governmental programs have no obligation to inquire into, or report, victim's immigration status. See also AG Order No. 2170-98. 63 FR 41664 (Aug. 4 1998). Law enforcement officers in virtually all jurisdictions (except Dade County Florida and Alabama at the time of this writing) have no federal obligation to ask about the immigration status of crime victims when the police are called for help. Leslye E. Orloff, Mary Ann Dutton, Giselle Aguilar Hass and Nawal Ammar, *Battered Immigrant Women's Willingness to Call for Help and Police Response*, 7 13 UCLA WOMEN'S L.J. 43, 89 (2003). The only agency staff who are required as a matter of federal law to ask about immigration status and report persons known to be in the U.S. unlawfully are the staff of certain public benefits-granting agencies (e.g. TANF, Food Stamps, Medicaid, SSI). Interim Guidance Verification of Citizenship, Qualified Alien Status, and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. 62 Fed. Reg. 61344, 61345 (1997). For a fuller discussion of this issues see chapter on Public Benefits, Chapter 4 of his manual.

⁴⁴ Raj, Anita, and Jay Silverman, "Violence Against Women: The Roles of Culture, Context, and Legal Immigrant Status on Intimate Partner Violence," *Violence Against Women* Vol. 8 No. 3, March 2002, page 385.

Bauer, H.M. et al. 2000. Barriers to health care for abused Latina and Asian immigrant women. *Journal of Health Care for the Poor and Underserved*, 11 33-44. Bui, H.N. & Morash, M. 1999. Domestic violence in the Vietnamese immigrant community: an exploratory study. *Violence Against Women*, 5, 769-795. Dasgupta, S.D. & Warriar, S. 1996. In the footsteps of Arundati: Asian Indian Women's Experience of domestic violence in the U.S. *Violence Against Women*, 2, 238-259. George, M.S. & Rahangdale, L. 1999. Domestic Violence and South Asian Women. *North Carolina Medical Journal*, 60, 157-159. Haile-Mariam, T. & Smith, J. 1999. Domestic violence Against Women in the International Community. *Emergency Medicine of North America*, 17, 617-630. Huisman, K.A. 1996. Wife battering in Asian American Communities: Identifying the service needs of an overlooked segment of the U.S. population. *Violence Against Women*, 2, 260-283. Kulwicki, A.D. & Miller, J. 1999. Domestic Violence in the Arab American population: Transforming environmental conditions through community education. *Issues in Mental Health Nursing*, 20, 199-215. Perry, C. M.et al., Voices from an Afghan community. *Journal of Cultural Diversity*, 5, 181-205. (1998). Sorenson, S. B. 1996. Violence against women: Examining ethnic differences and commonalities. *Evaluation Review*, 20, 123-145.

FEAR OF DEPORTATION AND ITS IMPLICATIONS FOR SERVICE PROVIDERS

VAWA and other forms of immigration protection for battered immigrant women were created by Congress with the express intention of removing immigration status as a tool used by abusers to intimidate their spouses, children and intimate partners who are immigrants.⁴⁵ Fear of deportation is the primary deterrent to a battered immigrant woman taking steps to escape her abuser. To counter this fear it is essential that service providers make it clear to all seeking domestic violence related services that they will not be deported for seeking help. In fact, under current law, battered immigrants who seek help from the criminal justice system to stop domestic violence and hold perpetrators accountable, may have new options to attain legal immigration status open to them as immigrant crime victims.

It is very important to head off immigration/deportation concerns in the first interview with a battered woman. It is important that this be done with all battered women whether or not the advocate or an attorney suspects she may be a non-citizen.⁴⁶ As a matter of federal law⁴⁷ all services of domestic violence advocates, shelters, and other victim services are to be provided without any requirement that service providers ask questions regarding the victim's immigration status. Legal services providers can help battered immigrants who qualify for relief under VAWA's immigration provisions and any other victims abused by spouses or parents,⁴⁸ and can make referrals to other agencies that can provide services to those who may not qualify for assistance, without collecting any information about the immigration status of the domestic violence victim.

A good example of what to say to an immigrant victim of domestic violence would be,

"My name is _____. I work for _____ and am here to answer any questions you may have. My job is to help women find safety, and everything you tell me is confidential, which means no information I collect will be disclosed to anyone. All abused women can seek services and justice system help to end domestic violence without regard to immigration status. I will ask you questions to see if you are eligible for relief under the Violence Against Women Act, which was designed to help immigrant victims of domestic violence. Regardless of your immigration status, you have access to police protection, shelters, protection orders, custody, child support, hospitals, emergency medical care, and criminal prosecution of your abuser. I can help you access these services and other forms of assistance that will help you overcome the abuse."

Economic Abuse As Power and Control Over Immigrant Victims

As for all battered women, economic stability can serve as a gateway to autonomy and independence for immigrant victims of domestic violence. Thus, it is often an issue of significant concern and vulnerability for immigrant women.⁴⁹ Immigrant women still residing with their abusers list "lack of money" as a

⁴⁵ Congress stated that the passage of VAWA was "an essential step in forging a national consensus that our society will not tolerate violence against women." S. Rep. No. 103-138, at 41-42 (1993). See also Kaguyutan, *Offering a Helping Hand: Legal Protections for Battered Immigrant Women: A History of Legislative Responses*, 10 Am. U. J. Gender Soc. Pol'y & L. 95, 109 (2001).

⁴⁶ There are many victims who are immigrants who may not have an accent, may be fluent in English, may be Caucasian and may have a higher level of education. Regardless, the victim could still be an immigrant. Thus we recommend that all advocates and attorneys should notify all who seek their services that assistance is open to all domestic violence victims without regard to immigration status.

⁴⁷ Interim Guidance: Verification of Citizenship, Qualified Alien Status, and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. 62 Fed. Reg. 61344, 61345 (1997). See also AG Order No. 2170-98. 63 Fed. Reg. 41664 (Aug. 4 1998).

⁴⁸ Ibid. 61346.

⁴⁹ Orloff, Leslye. Lifesaving Welfare Safety Net access for Battered Immigrant Women and Children: Accomplishments and Next Steps. William and Mary Journal of Women and the Law, Vol 7, Issue 3. Spring 2001 (597-657). Page 617; Mary Ann Dutton, Leslye E. Orloff, and Giselle Aguilar Hass. Georgetown Journal of Gender, Social Policy & the Law Offering a Helping Hand Page 249

primary reason for remaining in an abusive relationship.⁵⁰ Research has found that more than two-thirds of battered immigrant women who stayed with their abusers reported a lack of money as the primary reason for not leaving a violent home.⁵¹ Economic dependence on the abuser dramatically limits an immigrant victim's options for physical and legal separation from her abuser. She may be totally dependent upon him for economic survival. The immigrant victim of domestic violence often has less exposure to the English language and/or vocational skills than her abuser, which could be due to her husband's isolation tactics. She may lack access to education, and she may be unsure of her ability to secure jobs that allow her to be economically independent. When immigrant victims leave abusive partners who have been financially supporting them, they often have less access to the public benefits safety net than other battered women.⁵²

Economic-related abuse is abuse committed by one's spouse or intimate partner designed to exploit a victim's economic vulnerabilities. This abuse can include:⁵³

- Dominating control of the family finances
- Refusing to give her money to buy clothes, food, etc.
- Harassing her while she is at work, potentially causing her to lose her job
- Harassing her at her job when her legal immigration status is based on working for a particular employer, and, losing access to this job causes her to rescind her legal immigration status.
- Forcing her to work illegally
- Preventing her from working or attaining the skills necessary for obtaining a job
- Refusing to pay child support
- Stealing money that she needed to support her family members in her home country⁵⁴

Although most immigrants ultimately succeed economically in the U S, economic success is initially challenging, even for those immigrants with permission from immigration authorities to legally reside and work in the United States. A variety of factors including discrimination, lack of vocational skills, and insufficient knowledge of American systems contribute to economic difficulty faced by new immigrants. When immigrant women come from countries that lack a public education system, that deny access to educate women, or that maintain customs that stop girls from attending school at a young age. Their earning capacity and options for economic survival apart from her abuser are limited.⁵⁵

Economic survival, however, can be easier for documented women than for undocumented immigrant women. Undocumented immigrants, if they work, do so in the underground economy often taking jobs that earn below the minimum wage, and regularly do not include benefits such as medical insurance, paid vacation, sick leave, and pensions.⁵⁶ To address this issue and to provide immigrant victims who qualify for immigration benefits with a chance to sever economic dependence from their abusers, both VAWA and U Visa immigration relief enable a battered immigrant woman to obtain legal work authorization.⁵⁷ Battered

⁵⁰ Mary Ann Dutton, Leslye E. Orloff, and Giselle Aguilar Hass. *Georgetown Journal of Gender, Social Policy & the Law Offering a Helping Hand* Page 271

⁵¹ About a third cited lack of a place to go (35%) and lack of employment (32%) as reasons that they have not left an abusive relationship. See Mary Ann Dutton et al., *Characteristics of Help Seeking Behaviors, Resources and Service Needs of Battered Immigrant Latinas: Legal and Policy Implications*, 7 GEO. J. ON POVERTY L. & POL'Y 245, 271 (2000).

⁵² See Chapter 4 on Public Benefits for a fuller discussion.

⁵³ This document was developed at Ayuda Inc., Washington, D.C.

⁵⁴ This document was developed at Ayuda Inc., Washington, D.C.

⁵⁵ Randolph Capps et al., *A Profile of the Low-Wage Immigrant Workforce*. Brief No. 4 in Series "Immigrant Families and Workers: Facts and Perspectives" October 27, 2003

⁵⁶ Mary Ann Dutton & Giselle Aguilar Hass, *Expert Testimony Concerning Battering*, in MARY ANN DUTTON, ET AL., AMERICAN BAR ASSOCIATION, DOMESTIC VIOLENCE & IMMIGRATION: APPLYING THE IMMIGRATION PROVISIONS OF THE VIOLENCE AGAINST WOMEN ACT, Appendix C. (Bette Garlow, et al., eds., 2000).

⁵⁷ Counseling expeditiously helping battered immigrant women to file for VAWA immigration relief or the crime victim U visa can set them on a path toward obtaining legal work authorization based on deferred action status (Counseling expeditiously helping battered immigrant women to file for VAWA immigration relief or the crime victim U visa can set them on a path toward obtaining legal work authorization based on deferred action status⁵⁷ either after the VAWA self-petition or cancellation application has been approved, or after receiving deferred action status in the U visa case. A battered immigrant woman who obtains work

immigrants who qualify for VAWA are additionally granted special access to public benefits which they can use to help sever economic dependence on their abusers, and, which they can rely if their abuser interferes with their ability to work.

Since economic concerns, ranging from suffering economic abuse to obtaining economic independence, make it difficult for an immigrant woman to leave her abuser confidently, it is extremely important for service providers to inform a battered immigrant woman about opportunities that can help them financially independent. Service providers should be familiar with, and able to explain, the various options for battered immigrant women to survive the abuse and to support her children. Options that should be examined are:

- Obtaining child support from her abuser (including rent payments, repairs to property, payment of medical bills or health insurance)
- Accessing public benefits for which she and her children qualify
- Obtaining legal work authorization.

Many community-based programs offer battered women, including immigrant women, important lifesaving services (including shelter, food, healthcare and clothing.). It is important for advocates and attorneys to emphasize that all battered immigrant women, regardless of their qualifications for permanent public benefits, are allowed access to a plethora of services such as shelters, soup kitchens, food banks, and transitional housing for up to two years.⁵⁸

Battered immigrant women and children who qualify for immigration relief under the Violence Against Women Act can be eligible to access certain public benefits, including: housing and post secondary educational loans.⁵⁹ Battered immigrants who have been in the United States since August 22, 1996, or who live in a state that has chosen to offer benefits to most immigrants may also be eligible for Medicaid, Temporary Assistance to Needy Families (TANF), and State Child Health Insurance Program (SCHIP). U.S. citizen children of immigrant victims independently qualify to receive benefits even when their parents do not.⁶⁰

Concerns over Custody of Children as a Barrier for Immigrant Victims

Many battered immigrant women are the primary caretakers of their children⁶¹ and are concerned that, if they leave their abusers, it will have a negative impact on their children. An immigrant woman may believe her abuser when he tells her that if she leaves him, he will obtain custody of the children because he has secure immigration status and she does not.⁶² These threats lead immigrant victims to fear that their

authorization is better able to support herself and her children after separating from her abuser.) either after the VAWA self-petition or cancellation application has been approved, or after receiving deferred action status in the U visa case. A battered immigrant woman who obtains work authorization is better able to support herself and her children after separating from her abuser.

⁵⁸ See also AG Order No. 2170-98. 63 FR 41664 (Aug. 4 1998)

⁵⁹ Qualified Immigrants may access certain Federal Programs; Supplemental Security Income (SSI), Food Stamps, Temporary Assistance for Needy Families (TANF), Emergency Medicaid/Full Scope Medicaid, State Children's Health Insurance Program (SCHIP), Medicare "Premium Free" Part A, Premium "Buy-in" Medicare, HUD Public Housing Section 8 Programs, Title XX Block Grants, Social Security, Other Federal Public Benefits subject to welfare law restrictions, and Benefits exempt from welfare law's restrictions. See National Immigration Law Center Fact sheet on Public Benefits at http://www.nilc.org/immspbs/special/ovrvw_imm_elig_fed_pgms_031904.pdf

⁶⁰ Advocates and attorneys working with immigrant victims need to know that immigrant victims are entitled to apply for benefits on behalf of their children that qualify without having to apply for benefits for themselves and without having to answer any questions about their own immigration status or whether they have a social security number. Also, battered immigrants should not be sent to apply for benefits unaccompanied since state benefits workers are often uninformed about immigrant victims and their children's legal rights access about public benefits. See Chapter 4 on Public Benefits.

⁶¹ Mary Ann Dutton & Giselle Aguilar Hass, *Expert Testimony Concerning Battering*, in MARY ANN DUTTON, ET AL., AMERICAN BAR ASSOCIATION, DOMESTIC VIOLENCE & IMMIGRATION: APPLYING THE IMMIGRATION PROVISIONS OF THE VIOLENCE AGAINST WOMEN ACT, Appendix C. (Bette Garlow, et al., eds., 2000).

⁶² When an immigrant woman comes from a country that traditionally awards custody and control over children to their fathers as a matter of law, she often believes her abuser's threats that if she leaves him he will obtain custody of the children (Leslye Orloff

abusers will cut them off from any access to their children. Additionally, many battered immigrant women have worked hard to protect their children from the abuser's violence, and are rightly afraid that, if they leave the abuser and he gets custody, his violence may shift to the children, or he will use control over the children to continue to harm her and them. Even if she takes the children with her and is awarded custody by the court, she is concerned that the children will be harmed during unsupervised visitation. Her fear that her abuser will redirect the abuse towards the children is a legitimate concern since in 60% of households where women face abuse, children are also abused.⁶³ Many women will hesitate to leave a relationship if that decision could potentially place their children in care of the abuser.⁶⁴ Immigrant women believe they will lose custody of children to their abusers if they leave the relationship because they are unfamiliar with the family laws in the U. S. that require courts to consider domestic violence in custody cases⁶⁵ and to protect victims of domestic violence, regardless of their immigration status.⁶⁶

Battered immigrant women need to be informed about laws that create a preference for placing children in the custody of non-abusive parents. A study by the American Psychological Association concluded that "in matters of custody, preference should be given to the non-violent parent whenever possible, and unsupervised visitation and unsupervised visitation should not be granted to the perpetrator until an offender-specific treatment program is successfully completed, or the offender proves that he is no longer a threat to the physical and emotional safety to the children and the other parent."⁶⁷ The American Bar Association (ABA) Center on Children has urged courts to offer the same protection to children of immigrant parents.⁶⁸

Service providers should become familiar with, and inform battered immigrant women about U. S. laws aimed at protecting the best interest of children who have lived in abusive homes. Advocates and attorneys should obtain protection orders on behalf of battered immigrant women that award immigrant victim's custody, prove for safe visitation and prevent child kidnapping. Well-crafted protection orders can be an integral defense mechanism to prevent violence from shifting toward children and parental kidnapping.⁶⁹ In addition to protection orders, other measures, which can help to mitigate the threat of violence towards a domestic violence victim's children, include:

and Rachel Little, *Somewhere to Turn: Making Domestic Violence Services Accessible to Battered Immigrant Women*, (AYUDA 1999). In the context of her upbringing and unfamiliarity with the United States legal system, her husband's threats may seem quite realistic and she may be legitimately concerned that she will lose custody of her children to her abusive husband (This document was developed at Ayuda Inc., Washington, D.C.) Thus it is not surprising that fear of losing custody is one of the main reasons that immigrant women hesitate to leave an abusive relationship.

⁶³ Memoranda from the National Network on Behalf of Battered Immigrant Women to Walter Laramie at the Vermont Service Center 5 (April 25, 2001) (on file with author). The separation of the victim and batterer can enhance the danger of redirected abuse towards the children. The batterer can use the children as a way to continue abusing the victim by means of manipulation of the children and/or threatening to harm them. Concerns about the children and their safety consequently complicate a battered immigrant's decision-making about whether leaving her batterer will reduce or increase the safety of her children (Dutton and Hass, Appendix C at note 25-26).

⁶⁴ A battered immigrant woman may worry that if she tries to leave her abuser, he will kidnap her children and may take them outside of the United States to the abuser's home country, where she will have great difficulty getting them back and where there may not be legal protections against ongoing abuse. The risk of kidnapping by a batterer is a very real threat. Often times a batterer has more social connections than his victims and may be able to exploit these relationships to successfully abduct their children. If the abuser was not born in the United States he may be successful in his kidnapping attempts due to connections with the police, government, or other family members, or others he has outside of the United States who are willing to help him. (For a full discussion see Leslye Orloff and Janice Kaguyutan, *Offering a Helping Hand: Legal Protections for Battered Immigrant Women: A History of Legislative Responses*, 10 Am. U. J. Gender Soc. Pol'y & L. 95, 135 (2001)

⁶⁵ For example, see North Dakota's Best Interest and Welfare of Child – Court Consideration – Factors; N.D.C.C. §14-09-06.2(1)(j) (2003). See also California's Family Code, Ca. Fam. Code §3044.

⁶⁶ See Jurisdiction Chapter of this manual.

⁶⁷ Id. at note 29

⁶⁸ The ABA recognizes that information about domestic violence should be accessible by all peoples and urges legal professionals, who have dealings with battered immigrant parents and their children, to help them better understand the legal system while adequately addressing their fears and concerns. For non-English speaking battered immigrant parents, their greatest barrier to accessing legal services remains their inability to effectively communicate. The ABA further proposes that multi-lingual court reporters should be made available to help battered immigrants. See *The Impact of Domestic Violence on Children*, A report to the President of the American Bar Association (October 1994).

⁶⁹ See chapter 5.

- Removing the abuser from the family home
- Granting the battered immigrant custody and limiting the abuser to only supervised visitation during specified hours
- Warning the children's school about the abusive parent and giving them a copy of the protection orders that limit his access to the children
- Helping the battered immigrant get her children into counseling programs designed for children who have witnessed or experienced abuse.

Advocates for battered immigrant women need to identify domestic violence lawyers who can represent immigrant victims in custody cases. Some will work for legal services offices, or for program that receive funding from the Legal Assistance for Victims Grant Program awarded by the office on Violence Against Women of the U.S. Department of Justice. Others can be recruited and trained as pro-bono lawyers.⁷⁰

Language Issues

Any immigrant in the United States whose first language is not English faces substantial challenges in overcoming the language barriers in the United States. Sometimes an immigrant woman's spouse may serve as a translator or even her language teacher. Language barriers are exacerbated when the person who provides linguistic support is abusing an immigrant woman. Learning English becomes difficult when an immigrant lacks the money, time, and resources to attend English as a Second Language Classes. Immigrant women who are working and who are the primary caretaker of their children and who are the family cook and homemaker, often have little time of their own to devote to English classes. An immigrant may be able to survive within her immediate community without having to learn English. However, immigrants living in rural communities, and immigrant victims living in areas of the country where they are isolated from their own cultural community may, have a harder time encountering speakers of their native language. If an immigrant woman is abused, she may need to seek assistance beyond her immigrant community. The shelters, victim service programs, legal service offices, police departments, prosecutor's offices and courts may not have employees who can speak her native language and may not provide interpreters.⁷¹ If a battered immigrant woman needs to seek work to become financially independent, her ability to speak English can affect the type of employment she can obtain. These linguistic limitations can seriously cripple a woman's ability to respond to domestic violence.

Language is particularly significant barrier to obtaining police assistance during an abusive incident. In one survey of Latina battered immigrant women, the overwhelming majority (75.6%) of participants spoke little or no English. In the case of the women who did not speak English, two-thirds of the time, the police who responded to the domestic violence calls did not speak Spanish to the victim or use an interpreter.⁷² Without the ability to communicate safely and effectively with police, abused immigrant women are blocked from obtaining the police protection. When language barriers prevent communication with the victim, often police will speak only with the English-speaking abuser, who then has the power to twist the story to blame, the victim and play down the violence, or pretend that the violence never occurred. These language barriers lead to results from police calls harmful to victims and their children, including:

⁷⁰ Lawyers with experience representing battered women need training on the special issues that can affect cases of immigrant victims. Lawyers working with battered women should be encouraged to see themselves as a valuable community resources and should consider focusing their representing battered women and battered immigrant women in more difficult contested custody cases.

⁷¹ The Department of Justice recognizes that "[I]n certain circumstances, failure to ensure that LEP [limited English proficient] persons can effectively participate in or benefit from federally assisted programs and activities may violate prohibition under Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d and Title VI regulations against national and origin discrimination." 67 Fed. Reg. 41455, 21 (2002).

⁷² Jorge Banales. "Abuse Among Immigrants: As their Numbers Grow so Does the Need for Services." The Washington Post. 16 Oct. 1990; American Bar Association (ABA) Center on Children and the Law. "Special Groups: Immigrant Women and Children" in The Impact of Domestic Violence on Children: A Report to the President of the American Bar Association. ABA 1994, 20; Leslye E. Orloff et al., *Battered Immigrant Women's Willingness to Call for Help and Police Response*, 13 UCLA WOMEN'S L.J. 43 (2003).

- The police do not arrest abuser, despite the presence of evidence that a crime has been committed against the battered immigrant woman.⁷³
- Abusive behavior is condoned when police arrive and take no action against the abuser.
- Battered immigrant women and their children learn to believe their abuser's claims that no one in the United States justice system will offer them help because of their lack of legal immigration status.
- In the worst cases, the abuser is effective in convincing the police that she should be arrested either in addition to, or instead of, him. This arrest of the victim could lead to an innocent immigrant victim and a victim who has a valid self-defense claim getting poor legal advice and entering a guilty plea in her criminal case, which could result in her being deported.⁷⁴

The absence of interpreters and bilingual staff at police stations, social service organizations, courts, and lawyers' offices complicates a victim's efforts to obtain help.⁷⁵ Employing trained interpreters and bilingual police would increase access to protection for immigrant victims of domestic violence. The current lack of competent linguistic support for domestic violence victims throughout the legal and social service systems in many jurisdictions makes reporting the violence, seeking help, and leaving abusers difficult for battered immigrant women.

Service Providers as a Linguistic Bridge Between the System and the Client

All advocates and attorneys working with battered immigrants should have a system for offering interpretation services to non-English speaking victims who cannot communicate comfortably in English. Programs serving battered immigrants should not rely on the victim's friends, children, or family members for interpretation. Depending on friends or family members to interpret is often ineffective, and may even be dangerous, because it will be difficult if not impossible to determine whether the interpreter may be allied with, or likely to be contacted by, the abuser. One way to help ensure unbiased knowledgeable and accurate translations is to recruit and train a team of interpreters who are loyal to and work for your agency. Interpreters who will be working with battered immigrants should receive the same domestic violence training as provided to volunteers who work for your program. It is important that translators are not biased and can give an accurate representation of the facts.⁷⁶

In order to address the need for linguistic support, and in lieu of relying on the client to identify an interpreter, advocates and attorneys working with battered women should plan and implement a strategy for securing and training persons who can provide interpretive services. Appropriate steps that the staff can take are to hire bilingual and bicultural staff from language minority communities living in the area they serve. Relationships should be established with churches and local social services, or community-based agencies serving the various immigrant populations living in your area. Staff from these organizations could be trained and hired to serve as interpreters for your clients, and could perhaps serve as on-call interpreters. Another good source for finding interpreters and particularly persons who are speakers of less common languages⁷⁷ are students and/or faculty from local universities.⁷⁸

⁷³ Leslye E. Orloff et al., Battered Immigrant Women's Willingness to Call for Help and Police Response, 13 UCLA WOMEN'S L.J. 43, 70-71 (2003).

⁷⁴ See Criminal chapter of this manual for how to effectively assist immigrant victims who have been arrested.

⁷⁵ Daniel Klaidman, *Courts Stumble in Serving Latinos*, LEGAL TIMES, Aug. 26, 1991; United States Department Susan M. Breall and Deborah A. Adler. Working with Battered Immigrant Women: A Guidebook for Prosecutors at 8. Hereafter Breall

⁷⁶ Loke, Tien Li, note, *Trapped in Domestic Violence: The Impact of United States Immigration Laws on Battered Immigrant Women*, 6 B.U. Pub. Int. L.J. 589, 624 (1997) (citation omitted); Susan M. Breall and Deborah A. Adler. Working with Battered Immigrant Women: A Guidebook for Prosecutors

⁷⁷ i.e. Languages that are not prevalent within the greater community of immigrants, making finding well-trained interpreters more difficult.

⁷⁸ The approaches listed above will be useful for immigrant victims who live within a cultural community in the United States. However, there are many battered immigrant women who are totally isolated from anyone who knows their language or culture except perhaps their abuser. For this reason it is important to set up systems for providing language access to these isolated victims. One way to address the needs of isolated victims is to set up an account with the AT&T language line, which can

When setting up language interpretation services it is also important for advocates and attorneys to keep in mind political, class, and social distinctions that may serve as a barrier for an interpreter to successfully understand a victim. If there are distinctions in social class or dialect, these can come between the victim and interpreter, and can pose an impediment to the interpreter's ability to translate. Similarly, ideological and political differences may also pose challenges for interpreters.

Domestic violence and legal service programs can help women from diverse cultures feel comfortable receiving services by hiring bilingual and culturally fluent staff. These programs should collaborate with other services in the community that work with immigrant populations in order to provide as comprehensive a service as possible. Finally, advocates and attorneys working on coordinated community response teams should work to ensure that other agencies, including the courts, police, shelters, and prosecutors include line items in their budget for interpreters.

Misconceptions About the Legal System

Battered immigrant women may see the United States legal system not as a resource to help them overcome the abuse, but as an entity that will help her abuser. If a battered immigrant woman believes that the American legal system will operate unjustly, it may be hard for her to trust law enforcement, prosecutors, and United States courts. If a battered immigrant's country of origin functions on a system in which "law enforcement, government officials, and the judiciary all function within a repressive government,"⁷⁹ she may be understandably skeptical that the United States legal system will be any different, and will offer her protection. Institutional gender bias in victims' home countries can further misconceptions about the way the American legal system will treat their claims. An immigrant victim of domestic violence may come from a legal system where a woman's testimony is not considered valid evidence, or her word does not share the evidentiary weight of a man's as a matter of law.⁸⁰

In some countries, success in legal proceedings is determined by money and power.⁸¹ As a result, battered immigrant women may fear the American legal system because they have the mistaken belief that their lack

provide interpretive services in 150 languages.⁷⁸ Having bilingual staff and a local system of paid interpreters will be significantly more cost effective than relying exclusively on AT&T language line for interpretations. However, for the purpose of using AT&T Language line and/or other teams of trained interpreters, programs in a state or region can pool resources.

⁷⁹ Research of Latina immigrants found that only 27% called the police for assistance following abuse (Research of Latina immigrants found that only 27% called the police for assistance following abuse. Willingness to call was substantially related to the victim's immigration status. Among immigrant women surveyed, immigrant victims who were naturalized citizens or lawful permanent residents were the most likely to be willing to call police for help 34.4% of the time. This reporting rate appears to be significantly lower than the natural coverage (34.4% versus 53%). Fears about turning to the justice system for help continue despite attaining legal immigration status. Reporting rates among battered immigrants living in the United States with a form of non-permanent, usually time limited, legal immigration statuses are even lower (16.7%). For undocumented abused immigrants the rate at which they were willing to call the police for help dropped to 14.8%. Leslye E. Orloff, Mary Ann Dutton & Giselle Aguilar, *Battered Immigrant Women's Willingness to Call the Police for Help and Police Response* (to be published UCLA Journal on Women and the Law 2003), finding that 75.6% of the survey participants spoke little or no English, yet two-thirds of the time that officers were called to the scene of a domestic violence offense, they did not speak Spanish. Hereafter Orloff, Dutton, Aguilar Battered Immigrant Women's Willingness). Willingness to call was substantially related to the victim's immigration status. Among immigrant women surveyed, immigrant victims who were naturalized citizens or lawful permanent residents were the most likely to be willing to call police for help 34.4% of the time. This reporting rate appears to be significantly lower than the natural coverage (34.4% versus 53%). Fears about turning to the justice system for help continue despite attaining legal immigration status. Reporting rates among battered immigrants living in the United States with a form of non-permanent, usually time limited, legal immigration statuses are even lower (16.7%). For undocumented abused immigrants the rate at which they were willing to call the police for help dropped to 14.8%.

⁸⁰ Racial and Ethnic Tensions in American Communities: Poverty, Inequality and Discrimination – A Report of the United States Commission on Civil Rights, 75 (January 1993). (Referencing Leslye E. Orloff's testimony before the Round Table Forum on Hispanics in the Courts, November 2, 1991.)

⁸¹ The victim may come from a country in which testimony is not considered valid evidence or a legal system in which as a matter of law testimony offered by a man is valid evidence and testimony offered by a woman is not.⁸¹ Immigrant victims who come from countries in which testimony particularly of a woman, is not considered valid evidence, have a very hard time believing that testimony is valid evidence in U. S. Courts and that a U. S. Judge will believe her testimony as opposed to testimony presented by her abuser. This lack of confidence can lead to her testify in a way that may not sound credible.

of financial and political capital, as well as lack of immigration status, prevents them from obtaining United States protection from the legal system.⁸² The victim may believe that government officials in the United States will not be receptive to her claims, much less treat her with respect. When a battered immigrant comes from a country where the law enforcement officers themselves have been participants in violence against women, her belief in the potential value of calling on United States law enforcement officers is further undermined.⁸³

Finally, a victim of domestic violence's misconceptions of the legal system may be magnified because she maintains a view of the legal system that was shaped by her abuser. He may misinform her that law enforcement agencies will not protect her.⁸⁴ He may also tell her that she will be ignored or even deported if she approaches the authorities. Since a battered immigrant woman may be cut off from other sources of information by language barriers and by her abuser, she may believe this misinformation. A 1998 Department of Justice survey found that only 53%⁸⁵ of all domestic violence victims call the police for help. The reporting rate for immigrant victims of domestic violence appears to be significantly lower, suggesting that victims do not believe that police are sources of help.⁸⁶

Advocates and attorneys can facilitate a battered immigrant woman's rehabilitation by countering her misconceptions and educating her about how our legal system works to help battered women. In order to inform immigrant victims of their rights and make them comfortable with the legal system, advocates and attorneys must be familiar with the full range of services and legal options available to immigrant domestic violence victims.

An advocate or attorney should work to make a client more comfortable with the United States legal system, which may understandably differ from the legal system in her home country. A lawyer or advocate working with a battered immigrant woman who will be testifying in court or filing affidavits in an immigration case should make it especially clear to her that her testimony has value in this country. To alleviate the immigrant victim's fears about testifying and the court process, the advocate or attorney should take her to court to observe the proceedings so she knows what to expect, and so that she can see other women obtaining orders and other relief from the court. Advocates should accompany immigrant women applying for protection orders, and lawyers should represent them, particularly when the abuser is represented by counsel.

A victim's lack of knowledge about the legal system exacerbates physical and emotional abuse, as these misconceptions become a tool for the abuser. Augmenting the victim's fear of deportation and her misconceptions about the United States legal system through immigration related threats, an abuser is able to retain control over his victim, and, in many cases, effectively prevent her from seeking help about domestic violence.

Culture Barriers Faced By Immigrant Victims

ISOLATION OF CULTURE

⁸² UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, LA VIOLENCIA DUELE/VIOLENCE HURTS: SYMPOSIUM ON DOMESTIC VIOLENCE IN THE HISPANIC COMMUNITY 7 (30 DEC. 1996); Tracy Lai, *Asian women: Resisting the Violence*, in THE SPEAKING PROFITS US: VIOLENCE IN THE LIVES OF WOMEN OF COLOR, 10 (M. C. Burns ed., 1986);. 19-20

⁸³ Id at 20.lai

⁸⁴ Id at 20. lai

⁸⁵ CALLIE MARIE RENNISON & SARAH WELCHANS, BUREAU OF JUSTICE STATISTICS, INTIMATE PARTNER VIOLENCE 7 (2000).
HEREAFTER RENNISON AND WELCHANS IPV

⁸⁶ Leslye E. Orloff et al., *Battered Immigrant Women's Willingness to Call for Help and Police Response*, 13 UCLA Women's L.J. 43, 55 (2003); ROBIN L. CAMP ET AL., UNTOLD STORIES: CASES DOCUMENTING ABUSE BY U.S. CITIZENS AND LAWFUL RESIDENTS ON IMMIGRANT SPOUSES (1993).

Domestic violence takes a tremendous emotional toll on any woman, whether the victim is a citizen, an immigrant or a refugee. Survivors are confronted with a loss of trust in the person that they may have believed in the most. Some immigrant victims are so isolated that the abuser and his family maybe the only source of support in the victim's community or in the United States.⁸⁷ Like other domestic violence survivors, in order to find support and validation, immigrant victims need to turn to sources of support outside their immediate family. This support network plays a fundamental role in victims' first efforts to seek help to address the domestic violence she has been experiencing. Immigrant women are most likely to confide in other women about domestic violence, including predominately women friends, mothers, and perhaps sisters.⁸⁸ Confiding in other women serves as a safer outlet for the sometimes-complex emotional responses that domestic violence evokes.

Immigrant victims of domestic violence are at a substantial disadvantage in building this important network of support. Battered women typically seek help first from this informal network of support, and, afterwards, they may begin to seek help from formal social, legal, and justice systems. A domestic violence survivor who has lived in the United States may be able to piece together this important informal network through a lifetime of connections. This process is often much more complex for battered immigrant victim. Battered immigrant victims who have only lived in the United States for a comparatively short time may not have made as many trustworthy personal relationships, and as a result, have a harder time seeking support outside their relationship with the abuser and his family.

In addition to threats associated with immigration status, an immigrant woman may also encounter challenges from her cultural community as she begins to explore addressing her abuser's domestic violence. Her cultural or religious community may so highly value marriage that she fears being held responsible for breaking up hr family if she tries to escape her abuser.⁸⁹ Community members may not want them to take any action against their abuser. They discourage battered immigrant victim from seeking help outside the community.⁹⁰ As a result when a battered immigrant does seek help from formal justice and social service systems, she may feel even more socially isolated than when she was with her husband.⁹¹

The tension between a domestic violence victim's traditional upbringing and the United States' new social system often cause immigrants feel caught between two cultural environments. Culture is most appropriately "based on the region of origin."⁹² While a domestic violence survivor may find support, assistance, and acceptance of her plight in America, she may also face tremendous pressure from her cultural upbringing, family, friends and her cultural community in the United States. The American notion of "independence" may have a different meaning for immigrant women, and levels of tolerance for violence may change from culture to culture. In many cultures, domestic violence is seen as a private issue, one that

⁸⁷ The abuser may seek to isolate his wife from her own immigrant community and/or from U. S. society, depending on the circumstances. For many victims, domestic violence aggravates the isolation and lack of social and community support mechanisms that are part of migrating to a new country. Traditionally, immigrants from the same country tend to gravitate towards each other for linguistic and cultural support within the greater US community. An abuser who removes his immigrant spouse or intimate partner from this support network makes it difficult for a domestic violence victim to feel as though she has the resources to safely leave her abuser or find help to end his violence. This problem is exacerbated in cases of immigrant victims living with their abusers in rural communities totally isolated from any immigrant population from her country of origin.

⁸⁸ Mary Ann Dutton et al., *Characteristics of Help Seeking Behaviors, Resources and Service Needs of Battered Immigrant Latinas: Legal and Policy Implications*, 7 GEO. J. ON POVERTY L. & POL'Y 245, 265 (2000).

⁸⁹ In Asian and Pacific Islander communities many community and church leaders do not recognize domestic and/or sexual violence as a problem (Tracy A. Lai, *Asian Women Restricting the Violence*, in *The Speaking Profits US: Violence in the Lives of Women of Color* 10-11 (Maryviolet C. Burns & M. Div. eds., 1986).

⁹⁰ Edna Erez & Carolyn Copps Harley, *Battered Immigrant Women and the Legal System: A Therapeutic Jurisprudence Perspective*, 2003 W. Criminology Rev. 161.

⁹¹ Dutton and Hass Appendix at Pg. 8. Wives who met their husbands through international match-making organizations or who married military personnel stationed abroad may be at an even greater risk of social isolation due to the fact that the victim's husband may be the only person she knows in this country. Instead of having friends or other family members in her immediate immigrant community, a military or internationally matched wife will most likely have no community network in the United States.

⁹² Raj, Anita, and Jay Silverman, "Violence Against Women: The Roles of Culture, Context, and Legal Immigrant Status on Intimate Partner Violence," *Violence Against Women* Vol. 8 No. 3, March 2002, 369.

should be resolved within the household, not in public using the justice system or law enforcement assistance.⁹³

Seeking refuge in a shelter means leaving the home environment, a place of comfort, albeit abusive. The mere action of relocating to a shelter and leaving roots within the immigrant community may compound the trauma and loneliness a battered immigrant faces.⁹⁴ Elements of tradition, such as food, sleeping accommodations, and religious observance may not be preserved nor understood by shelter staff and other residents.⁹⁵ It is important to understand that some immigrant women will be more comfortable seeking social support from persons in their own cultural community while others will prefer obtaining help from persons outside their cultural community. Some battered immigrant women feel that they cannot safely access support in their own cultural community and seek help identifying programs that can connect them with women outside their communities, thereby establishing a support system not connected to the cultural community. Everyone is better able to heal and recover from trauma when familiar things surround them. Providing bilingual staff, options to cook, familiar foods, and sleeping arrangements that are more familiar can make the shelter a more welcoming place and more of a healing opportunity for immigrant victims. A battered immigrant woman is especially vulnerable after fleeing her husband and every effort to keep her comfortable should be made at the moment of transition.

HOW SERVICE PROVIDERS CAN HELP EASE IMMIGRANT VICTIMS FIND CULTURAL SUPPORT

Although there may be cultural differences between an immigrant culture and United States society as a whole, it is important not to make any stereotypical assumptions about any immigrant victim's culture because members of that culture accept the abuse, or because domestic violence is a cultural norm. Just as with situations of other battered women, leaving an abusive relationship can be difficult⁹⁶ and dangerous.⁹⁷ Yet battered immigrant women encounter barriers including language, immigration status, and culture that make it even more challenging for them to leave.

Service providers should work with clients to help them break their isolation by developing support networks they can trust. One of the best ways to do this is to identify and connect them with women's groups in their own cultural community.⁹⁸ Since the early-to-mid 1990s several groups have developed in immigrant communities across the United States that have included providing assistance and support to battered immigrant women in their communities.⁹⁹

Another successful approach can be for your agency to introduce clients from the same cultural community to one another. These efforts in some instances have lead to clients choosing to share housing together.

⁹³ Edna Erez. *Immigration, Culture Conflict and Domestic Violence/Woman Battering*. 12(1) Crime Prevention and Community Safety: An Int'l Journal. 30 (2002).

⁹⁴ Rennison and Welchans IPV at 9, at 9; Orloff, Dutton, Aguilar Battered Immigrant Women's Willingness.

⁹⁵ Lai, *supra* note 14, at 10; Julia L. Perilla, *Violence en La Familia: An exploration of the Ecology and Dynamics of Domestic Abuse in a Latino Population 4*, presented at National Coalition of Hispanic Health and Human Services Organizations Biennial Conference (September 1996).

⁹⁶ It is difficult for an immigrant woman to report her husband's abuse because she may fear that her family and community in her country of origin will condemn her for publicly announcing the abuse and breaking apart the traditional family structure. If she leaves her husband and returns back to her country of origin, the woman may be penalized by the community for leaving her abusive husband. Leslye E. Orloff & Janice Kaguyutan, *Offering a Helping Hand: Legal Protections for Battered Immigrant Women*, 10(1) J. Gender, Soc. Pol'y & The Law, 135 (2002)

⁹⁷ INA OKUN?? 2-5 separation attempts

⁹⁸ Research data (2002) is pending publication, available from Dr. Rachel Rodriguez, University of Wisconsin Madison, School of Nursing.

⁹⁹ In making referrals to women's groups in immigrant communities it is important to determine whether they have experience working with domestic violence victims. If not, the victim should also become involved in other programs in the community specifically designed for battered women and the two groups should be encouraged to collaborate. If these programs are conducted only in English, advocates will need to identify interpreters who can help immigrant victims participate in these programs and activities.

Such efforts have also served as catalysts for immigrant women to work together on domestic violence issues in their communities, leading to the formation of more immigrant women's groups.

Advocates and attorneys should assist immigrant victims in gaining acceptable counseling and support groups. Support groups for the battered women serve as a vehicle for emotional rehabilitation and also establish social relationships with other battered women that play a critical role in each woman's healing and survival. Support groups are an important complement to individual therapy sessions for overcoming the emotional strain of domestic abuse. When battered immigrant women have children who have witnessed or experienced abuse, it is important to connect the children with culturally and linguistically competent support groups, counselors, and counseling programs that can help resulting psychological injuries, and help make it less likely that the children will repeat the cycle of violence as adults.

Cultural Differences

Immigrant domestic violence victims often face cultural stigmatization for having revealed domestic violence. The myth that immigration to America will translate into instant success exacerbates this problem. Though seen as a cliché by many Americans, the notion of the American Dream is still very alive in immigrant communities, both abroad and in the United States. Friends and relatives may not understand that it is possible to have anything short of an ideal experience in the United States, because America has been billed for so long as the "land of opportunity." A domestic violence victim who speaks publicly about her experiences may be rejected from her community and viewed as having "failed," because her experience challenges the myth and deviates from the accepted cultural norm.¹⁰⁰

When battered immigrants begin to explore or attempt to leave abusive relationships, they encounter systemic barriers, and face enhanced isolation that can come from having to leave or being ostracized from their cultural community.¹⁰¹ In recent years, many immigrant women have begun to be able to utilize alternative sources of support from other immigrant women.¹⁰²

THE NEED TO OFFER HELP AND PROTECTION TO IMMIGRANT VICTIMS WHO DO NOT SEPARATE FROM OR RETURN TO THEIR ABUSER

A multitude of factors influence a battered immigrant's response to domestic violence. These factors include:

- Immigration related abuse,
- Fear of deportation,
- Economic dependence on her abuser,
- Concerns over loss of custody of her children,
- Language barriers,
- Lack of Understanding about the U.S. legal systems help for battered women,
- Cultural barriers,
- Lack of culturally competent social support and,
- Isolation

¹⁰⁰ MARY ANN DUTTON & GISELLE AGUILAR HASS, *EXPERT TESTIMONY CONCERNING BATTERING*, IN MARY ANN DUTTON, ET AL., AMERICAN BAR ASSOCIATION, DOMESTIC VIOLENCE & IMMIGRATION: APPLYING THE IMMIGRATION PROVISIONS OF THE VIOLENCE AGAINST WOMEN ACT, APPENDIX C, PAGE 8. (Bette Garlow, et al., eds., 2000).

¹⁰¹ See Raj, Anita, and Jay Silverman, "Violence Against Immigrant Women: The Roles of Culture, Context, and Legal Immigrant Status on Intimate Partner Violence," *Violence Against Women*, Vol. 8 No. 3, Thousand Oaks: Sage, March 2002, 384.

¹⁰² Mary Ann Dutton et al., *Characteristics of Help Seeking Behaviors, Resources and Service Needs of Battered Immigrant Latinas: Legal and Policy Implications*, 7 GEO. J. ON POVERTY L. & POL'Y 245, 265 (2000); An important barrier to keep in mind when working with battered immigrant victims is the inability to communicate effectively. Interpreters are substantial to better help the battered immigrant woman when working with service providers. Leslye E. Orloff & Minty Siu Chang, *supra* note 128, at 10

It may be difficult for an outside observer to understand that for many battered immigrant women, the response to the abuse may not necessarily be to leave her abuser, but rather to stay with him for personal safety reasons.¹⁰³ A battered immigrant woman who is in an intimidating and unfamiliar culture may find comfort and continuity with an abuser, however physically oppressive he may be.¹⁰⁴ As with all battered women, a battered immigrant woman may hesitate to leave her abuser because she does not want to give up the positive, nurturing parts of their relationship. Research indicates that it takes 2 to 5 attempts before battered women in the U.S. permanently separate from their abusers. It is critical that attorneys and advocates offer assistance to all battered women, including battered immigrant women, whether they are currently choosing to leave their abusers, or choose to return to their abuser. For battered immigrants, culture, language, immigration status, unfamiliarity with United States society, and religious concerns make leaving even more difficult. Service providers need to be aware of the range of services that they can provide that offer real assistance to battered immigrants when they choose not to separate from their abusers. These victims can:

- Obtain full-contact protection orders that order the abuser not to molest, assault, threaten, abuse, or harass the victim in the future; order the abuser into counseling, order him to turn over the children's passports, and order him to turn over immigration documents and important papers to the victim.
- File for VAWA immigration relief
- Participate in counseling programs for battered women
- Participate in immigrant women's community based organizations
- Enroll in English as a Second Language programs
- Receive help accessing health care
- Access public benefits for which their citizen children qualify
- Verify their qualification for accessing public benefits for themselves before they have separated from their abuser. However, women who qualify for public benefits must *show proof of separation* from husband and *apply* for VAWA-related benefits in order to claim benefits for themselves.¹⁰⁵

Conclusion

Victims of domestic violence face a complicated set of challenges, compounded by the multifaceted struggles of being an immigrant concerned about how her options might be affected by her immigrant status. Due to their abuser's control over the information they have about their legal rights, many immigrant victims may fear deportation even when they have legal permanent residence. Battered immigrants who have temporary or undocumented immigration status will face even greater hurdles. The problem of domestic violence must be addressed in immigrant communities as well as in the country at large. Immigrant victims need improved access to the legal, social services, and health care systems that help battered women, and systematic barriers to access them must be eliminated.

Advocates, attorneys, immigrant community-based organizations, and other service providers are the key to combating domestic violence because of their proximity both to the systems, that are designed to improve the lives of battered women, and to the women themselves. To make program services most accessible to immigrant victims, collaboration among professionals is key.

¹⁰³ Lifetime Incidences at footnote, pages 29-30

¹⁰⁴ MARY ANN DUTTON & GISELLE AGUILAR HASS, *EXPERT TESTIMONY CONCERNING BATTERING*, IN MARY ANN DUTTON, ET AL., AMERICAN BAR ASSOCIATION, DOMESTIC VIOLENCE & IMMIGRATION: APPLYING THE IMMIGRATION PROVISIONS OF THE VIOLENCE AGAINST WOMEN ACT, APPENDIX C, PAGE 8. (Bette Garlow, et al., eds., 2000).

¹⁰⁵ Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 62 Fed. Reg. 61, 366. (1997); This criterion can be satisfied in a number of ways. One recommended approach is that adopted by Illinois, which finds that this requirement is satisfied as long as the applicant has separated from her abuser within 30 days of her first receipt of benefits. She is not required to present evidence of separation before receiving her first payment benefits. Letter from Dan Lesser, National Center on Poverty Law, June 18, 2000.

It is critical for immigration attorneys, domestic violence advocates, legal services and domestic violence lawyers, shelter programs, and immigrant community-based organizations to establish formal collaborations to effectively serve battered immigrant women. By collaborating, organizations can help provide support for allied organizations that may have less expertise on immigrant victim's legal rights or domestic violence. Immigrant rights organizations can train domestic violence staff on immigration laws and cultural issues; while domestic violence program staff can train immigrant rights and community groups on domestic violence issues. Each provider should offer frequent trainings about the relevant issues in their field. The advantages of collaboration include the creation of a comprehensive support network for immigrant victims of domestic violence that addresses the concerns facing immigrant victims of domestic violence.¹⁰⁶

A network of service providers can help to ease the struggles that battered immigrant and refugee women endure. The support of collaborating professionals enables advocates and attorneys to assist battered immigrant and refugee women in overcoming the abuse they have suffered and in countering the many systemic barriers detailed in this chapter. This section has outlined some of the specific strategies that advocates and attorneys can employ to help the battered immigrant women and children with whom they work. Other strategies will be discussed in the chapters that follow.

¹⁰⁶ See Chapter 1 of this manual for a fuller discussion of collaboration.

EXCERPT FROM

Representing Domestic Violence Survivors Who Are Experiencing Trauma and Other Mental Health Challenges: A Handbook for Attorneys

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Section One: Interviewing

Do Not Exacerbate the Harm or Risks

Lawyers working with survivors who are experiencing trauma and other mental health-related challenges should aim to ensure that their representation does not exacerbate the harm done to a client or create additional harms. Every domestic violence survivor faces risks. Some risks are batterer-generated; some risks are life-generated.⁴ Survivors who are experiencing trauma or other mental health challenges may face additional risks when they come in contact with systems and individuals who are ill equipped to address their particular mental health needs. Thus, attorneys must take steps to ensure that their relationship with the client does not exacerbate the risks or further harm the mental health of the survivor.

Be Aware of the Signs of Trauma

Lawyers working with survivors of domestic violence should be aware of signs of trauma and mental health challenges, such as:

- ◆ The client does not talk about her experience(s) in a linear manner. She may go off on tangents or her speech may not seem coherent.
- ◆ What would seem to be highly emotional facets of her experience are expressed with little emotion both in terms of facial expression and body language, and in terms of the tone of her voice (sometimes referred to as “flat affect”). She may be intellectually present but emotionally detached.
- ◆ The client develops a deep, blank stare or an absent look during meetings with her; this could be a sign that she is dissociating.
- ◆ The client is unable to remember key details of the abuse.

If you notice any of the above signs, you will want to take steps to avoid triggering feelings that are disruptive to your client as you work together on her case. While an attorney cannot ensure that an individual remains present and does not dissociate or otherwise disengage, there are steps you can take to remove as many barriers as possible to help your client be psychologically present for her own advocacy.

⁴ See Jill Davies, Eleanor Lyon, and Diane Monti-Catania, *Safety Planning with Battered Women: Complex Lives/Difficult Choices* (Sage Publications 1998).

Survivor-Defined Representation When the Client is Living with Trauma-Related or Other Mental Health Conditions

Survivor-defined advocacy requires that attorneys tailor their advocacy approach to meet the individualized needs of survivors. For survivors facing mental health challenges, this means that lawyers must:

- ◆ Gain an understanding of the ways in which *this client's* challenges impact her ability to engage in the advocacy process, and
- ◆ Tailor interviewing and counseling approaches to meet the needs of and maximize the self-determination of each individual client.

Survivors facing mental health challenges will often require more time and resource-intensive advocacy than other survivors. To use their time and resources wisely, lawyers must consider how to tailor their advocacy approach to be responsive to the issues and needs of survivors experiencing trauma related conditions and mental health concerns.

Begin a Dialogue about the Survivor's Mental Health Needs

The lawyer should begin a dialogue with the survivor about her mental health needs as it relates to the lawyer/client relationship. This type of conversation provides a space for the survivor to explain her circumstances and for both lawyer and survivor to develop strategies for accommodating those challenges in the course of their relationship.

Lawyers need not, and should not, try to gather the client's entire mental health history at this stage in the process. Rather, these preliminary conversations about the client's mental health should focus upon how any mental health challenges affect her functioning. To get this conversation going, lawyers might ask, "Is there anything that I should know to help us work better together?" Or, "How can I, as your lawyer, accommodate what you need in this process?" For example, if the lawyer's office creates too much sensory stimulation or causes sensory overload, your client might suggest meeting somewhere else. If she has difficulty focusing for long periods of time, the attorney might suggest taking several breaks or scheduling shorter appointments.

It is best practice for lawyers working with survivors to take the time necessary to build relationships and trust with their clients. Trust is key to developing the type of lawyer-client relationship required for effective representation. There are times, however, when lawyers have a limited amount of time or are meeting clients just before a hearing. In these situations, you need to gather as much information as possible, as quickly as possible, in preparation for your case. It is important to know that, when working under such tight deadlines, your client may not feel comfortable enough yet to disclose details about trauma

and mental health conditions. In those situations, you are not likely to get complete and accurate information about this from your client. Under such circumstances, you may want to partner with an advocate who has been working with the survivor to assist in gathering this information and to provide you with the context necessary to understand and advocate for the comprehensive and individual needs of the survivor.

Techniques for Building Trust and Ensuring Informed Consent with Survivors Who Experience Trauma and/or Mental Health Symptoms

Survivor-centered interviewing skills are critical to providing comprehensive, individualized advocacy to survivors of domestic violence, whether or not a survivor has experienced trauma or mental health concerns. First, by offering a survivor the space to tell her own story, from her own perspective, an attorney can begin to lay the foundation for building trust. Second, when an attorney actively listens to a survivor's story, she gains a more comprehensive, contextual understanding of the survivor's needs. This rich understanding, when combined with a working relationship based on trust and respect for survivor agency, forms the basis of an effective survivor-attorney partnership that can work toward the expressed goals and objectives of the survivor.

Oftentimes in the lives of survivors, people were abusive or let them down, service providers responded ineffectively to them, and/or systems ignored or added to their pain. Each survivor has a unique perspective of these realities and lives with the effects of these negative experiences. A survivor's cultural background will also impact the way in which she perceives her prior experiences.

Many survivors who have experienced violence from an intimate partner and/or have trauma related concerns are often likely to accommodate what they think you want. This can play out in different ways. A client may ask you directly, "What do you think I should do?" Or, a client may intuitively pick up from your discussion with her what she believes you want her to do. You may think the survivor is making an informed decision when in fact she is trying to do what she thinks you want.

To overcome the distrust that survivors who are dealing with trauma-related or other mental health symptoms experience, lawyers must take steps to nurture a respectful working relationship with them. Lawyers should:

- ◆ Develop a basic understanding of trauma-related and mental health conditions that survivors may experience;
- ◆ Be skilled in listening and asking questions to understand a survivor's perspective and needs; and
- ◆ Know how to decide what information and options to offer to meet those needs.

It is within the context of a respectful relationship that lawyers can provide opportunities for survivors experiencing trauma and mental health challenges to access the resources they need and to exercise more control over their own lives.

Jill Davies has crafted a list of the ways in which advocates can offer concrete assistance to survivors who have experienced trauma resulting from multiple victimizations. Attorneys for survivors who are dealing with mental health challenges can assist clients by:

- ◆ Recognizing that survivors may be unable to access all of the details;
- ◆ Providing options and the time and space for survivors to make fully-informed decisions;
- ◆ Validating the survivor's feelings throughout the process;
- ◆ Being responsive to a survivor's requests for information and support, even if she asks for the same information several times;
- ◆ Partnering with survivors to identify alternative coping strategies, when they are engaging in self-harming behaviors;
- ◆ Finding supports for developing alternative or additional coping strategies;
- ◆ Connecting survivors who are experiencing a mental health crisis with a trusted mental health referral/resource; and
- ◆ Offering support to survivors who are using alcohol and/or drugs by safety planning and strategizing to the greatest extent possible at the time (including assessing risks and developing strategies that mitigate the risks posed by alcohol and drug use) and encouraging them to contact you again.⁵

⁵ Adapted from Jill Davies, *Helping Sexual Assault Survivors with Multiple Victimizations and Needs, A Guide for Agencies Serving Sexual Assault Survivors* (July 2007).

FURTHER READING ON ETHICAL ISSUES IN IMMIGRATION REPRESENTATION

- 1) Melissa Chavin, Robert Juceam, Meghan Morre and Reid Trautz, Anticipating and Managing Future Conflicts of Interest in Immigration Law, American Immigration Lawyers Association, Immigration Practice Pointers: Tips for Handling Complex Cases, 2015-16 Ed.
- 2) Sarah Z. Brown, Dale M. Schwartz, Maurice H. Goldman and Ilana J. Drummond, Sticky Situations and Ethical Dilemmas—What Not to Do!, American Immigration Lawyers Association, Immigration Practice Pointers: Tips for Handling Complex Cases, 2015-16 Ed.
- 3) Cyrus D. Mehta, Counterpoint: Ethically Handling Conflicts Between Two Clients Through the “Golden Mean”, 12 Bender’s Immigration Bulletin 1147, August 15, 2007

IDENTIFYING POTENTIAL EFFECTS OF DOMESTIC VIOLENCE AND OTHER QUALIFYING CRIMES, DURING YOUR INTERVIEW

The following list contains some potential effects of domestic violence and other qualifying crimes. You may use this list to have a conversation with your client about the harm she has suffered, as appropriate. These effects may or may not be applicable to your client, and this list is not meant to be exhaustive.

Physical Injuries

- Scratches
- Bruises
- Swelling
- Pelvic pain
- Back pain
- Headaches
- Lesions
- Gynecological injuries
- Broken bones
- Miscarriages or stillborn children
- Sexually transmitted diseases
- Gastrointestinal disorders
- Chronic pain
- Aggravated medical conditions (e.g., arthritis, hypertension and heart disease)

Emotional or Psychological Injuries

- Chronic depression
- Feelings of hopelessness
- Inability to trust
- Inability to concentrate
- Loss of family and friends due to abuser's isolation¹
- Feelings of embarrassment, shame or humiliation
- Anxiety, panic attacks or feelings of danger
- Sleep disorders (e.g., insomnia, nightmares, sleep disruption)
- Loss of appetite or malnutrition
- Excessive weight gain
- Excessive or uncontrollable crying
- Alcohol or drug abuse
- Repeated self-injury
- Suicide attempts
- Inability to respond to needs of children
- Emotional numbing
- Flashbacks or intrusive memories
- Low self-esteem

TIPS FOR CLIENT COMMUNICATION

In order to ensure as effective and safe communication as possible, Her Justice has compiled the following list of communications considerations for you to address with your client by phone, before beginning substantive legal interviewing

- First, acknowledge that **communication may be challenging for your client**. Assure **your client** that you will work with them and will do your best to adjust to their circumstances to effectively and safely move her case forward.
- Even if **your client** seems to speak English, ask if **they are** comfortable communicating in English. If **your client** needs an interpreter, identify one who is available by the client's preferred communication method (e.g., phone or video conference). As with all interpretation:
 - Set ground rules and explain the interpreter's role, to interpret the words spoken directly between you and the client
 - Use simple words, avoiding jargon or acronyms, and short phrases, pausing often to allow time for interpretation
 - Confirm understanding of what was communicated
- What is the best method to speak with **your client**?
 - Do **they** have a reliable phone number? Note that many of our clients have prepaid cell phones that may run out at a moment's notice if they run out of funds for the phone. Is there a safe, alternate phone number that **your client** can share with you in case you can't reach them?
 - Does **your client** have access to a safe computer with a camera for video-conferencing ?
- In general, both phone calls and video conferences are acceptable for brief conversations, lengthy substantive discussions about the case or when reviewing documents. Some clients-- especially those who are survivors of digital violence--may feel more comfortable communicating by phone rather than video even if they have safe access to both options. So, offer both options and accommodate your client's preferences to the best of your ability. Please note the rules for notarizing documents: <https://dos.ny.gov/notary-public>

-
-) Does **your client** have safe access to a safe email address? If so, how often do they check email?
 -) If you are comfortable communicating with your client by text-message, does **your client** consent to communications by text message? If so, please text with your client using a

U NONIMMIGRANT STATUS INTERVIEW GUIDE

Note that this interview guide suggests questions to ask but is not meant as a strict form to follow. It may be appropriate to complete these questions over the course of 1-3 interview sessions. Please review the excerpt from the article entitled "Representing Domestic Violence Survivors Who Are Experiencing Trauma and Other Mental Health Challenges: A Handbook for Attorneys" before proceeding with this interview. Please also review "Tips for Working with an Interpreter" if relevant to your case.

Date of Interview: _____

Interview Conducted by: _____

Introduction: In order to assist you with a U visa petition, I must first gather some basic information about you, including information about your family and income. The family information is to determine if any family members qualify for a U visa as well, and the financial information is to determine if you qualify for a fee waiver for the immigration application fees.

CLIENT INFORMATION

Legal name (as appears on passport/birth certificate/government-issued ID):

Name Client goes by or other names used? _____

Date of birth: _____ **City and country of birth:** _____

Is Client 21 yrs or older? ☐ Yes ☐ No

Address: _____

City: _____ **State:** _____

Zip code: _____

Does Client live with her abuser? ☐ Yes ☐ No **Safe to mail?** ☐ Yes ☐ No

Telephone: (____) _____ ☐ Cell ☐ Home ☐ Work ☐ Other: _____

(____) _____ ☐ Cell ☐ Home ☐ Work ☐ Other: _____

Safe to call and leave a message? ☐ Yes ☐ No

Email address: _____

Preferred method of communication: _____

DERIVATIVE INFORMATION

(1) CHILDREN – FOR ALL CLIENTS

Do you have any unmarried children under 21? ☐ Yes ☐ No

If Yes, list children below:

Name	Date of Birth	Age	Country of Birth	Current Location (Country of residence)	Passport? (Y/N)

Would you like to include any of your children, who are not U.S. citizens, on your U nonimmigrant status petition so that your children may obtain lawful status to enter or remain in the U.S.? ☐ Yes ☐ No

If Yes, are any of your children soon to turn 21 or be married? ☐ Yes ☐ No

If Yes, which child(ren): _____

Are any of your children under 21 living abroad at risk of harm, including abuse or neglect by a caretaker? If so, please describe the circumstances: _____

(2) PARENTS – FOR CLIENTS UNDER 21

Would you like to include your parents, who do not have lawful status, on your U
nonimmigrant status petition so that 1 or both of your parents may obtain lawful status
to enter or remain in the U.S.? ☐ Yes ☐ No

PARENTS – FOR CLIENTS UNDER 21

If Yes, list parent(s) below:

Name	Date of Birth	Country of Birth	Current Location (Country of residence)	Marital Status	Passport? (Y/N)

(3) SIBLINGS – FOR CLIENTS UNDER 21

Would you like to include any siblings, who do not have lawful status, on your U
nonimmigrant status petition so that your siblings may obtain lawful status to enter or
remain in the U.S.? ☐ Yes ☐ No

If yes, list sibling(s) below:

Name	Date of Birth	Country of Birth	Current Location (Country of residence)	Marital Status	Passport? (Y/N)

(4) SPOUSES – FOR ALL CLIENTS

Are you married? ☐ Yes ☐ No

If Yes, date and place of marriage: _____

Are you planning to marry your current partner in order to include them on your U nonimmigrant status petition and obtain lawful status for your spouse?

☐ Yes ☐ No

Is your spouse the person who committed a crime against you? ☐ Yes ☐ No

If No, would you like to include your spouse, who does not have lawful status, on your U nonimmigrant status petition so that your spouse may obtain lawful status to enter or remain in the U.S.? ☐ Yes ☐ No

If Yes, list spouse below:

Name	Date of Birth	Country of Birth	Current Location (Country of residence)	Passport? (Y/N)

Introduction to next section: I am now going to ask you some questions about how and when you entered the U.S. Try your best to remember at least the month or year that you entered and/or exited the U.S., but if there are any questions where you are unsure of the answer, it is okay to say so.

IMMIGRATION INFORMATION

Have any immigration applications ever been filed on your behalf? ☐ Yes ☐ No

If Yes, which applications? _____

Do you have copies of prior immigration applications? ☐ Yes ☐ No

When did you first enter the U.S.? _____

How did you enter the U.S.? _____

Did you present any documents to a U.S. border agent upon entry? ☐ Yes ☐ No

If Yes, what document(s) did you present at the border? _____

Were these documents legitimately issued to you in your name? ☐ Yes ☐ No

If No, explain: _____

Have you left the U.S. since your first entry? ☐ Yes ☐ No

If Yes, list exits and re-entries, including most recent entry, below:

Date of Entry Into U.S.	Date of Departure from U.S.	Reason for Departure	Date of Re-Entry Into U.S.	Manner of Re-Entry

Have you ever had any encounters with immigration authorities? ☐ Yes ☐ No

If Yes, explain: _____

Have you ever...

a) Been fingerprinted? ☐ Yes ☐ No ☐ Not sure

Explain: _____

b) Had your picture taken by a government agency or official?

☐ Yes ☐ No ☐ Not sure

Explain: _____

c) Been asked to sign papers by an immigration official?

☐ Yes ☐ No ☐ Not sure

Explain: _____

d) Been questioned by a law enforcement officer? ☐ Yes ☐ No ☐ Not sure

Explain: _____

e) Been detained at the border or U.S. airport? ☐ Yes ☐ No ☐ Not sure

Explain: _____

f) Been arrested at the border or U.S. airport? ☐ Yes ☐ No ☐ Not sure

Explain: _____

g) Seen an immigration or criminal judge? ☐ Yes ☐ No ☐ Not sure

Explain: _____

h) Been granted voluntary departure by an immigration judge?

☐ Yes ☐ No ☐ Not sure

Explain: _____

i) Been deported or been subject to deportation proceedings?

☐ Yes ☐ No ☐ Not sure

Explain, including when deported, had knowledge of deportation, or appeared in
immigration court: _____

Are you currently in deportation/removal proceedings? ☐ Yes ☐ No

Explain, including date of next immigration court appearance: _____

Are any derivatives currently in deportation/removal proceedings? ☐ Yes ☐ No

Explain, including date of next immigration court appearance: _____

INCOME INFORMATION (FOR FEE WAIVER AND WORK AUTHORIZATION WORKSHEET

PURPOSES)

Are you currently receiving any means-tested benefits (e.g., cash assistance, food stamps,

Medicaid) for yourself? Yes ___ No ___

Which ones? _____

Are you currently working (on or off the books)? Yes ___ No ___

How much do you earn every month? _____

Do you receive any other types of income?

- ☐ Worker's Compensation \$_____ monthly
- ☐ Unemployment \$_____ monthly
- ☐ Supplemental Security Income (SSI) \$_____ monthly
- ☐ Disability (SSD) \$_____ monthly
- ☐ Social Security Retirement \$_____ monthly
- ☐ Child Support \$_____ monthly
- ☐ Spousal Support/Maintenance \$_____ monthly
- ☐ Monetary gifts \$_____ monthly
- ☐ Other: _____ \$_____ monthly

What are your average monthly living expenses?

- ☐ Rent \$_____
- ☐ Utilities \$_____
- ☐ Food \$_____
- ☐ Transportation \$_____
- ☐ Phone \$_____
- ☐ Childcare \$_____
- ☐ Other: _____ \$_____

How many people are in your household? _____

How many of these people do you currently support using your income? _____

What proof of your income do you have? Tax returns ☐ Pay Stubs ☐

Letter from Employer ☐ Public Assistance Budget letter/ printout ☐

Medicaid Acceptance letter ☐

Other: _____

What assets do you own in the United States or abroad? To which of these assets do you have access (if any)? _____

Please explain any special circumstances that may constitute “financial hardship” (e.g., illness/disability, children’s illness/ disability, homelessness, medical bills, credit card debt, personal/bank loans, etc.)

Introduction to next section: I am now going to ask you about the crime upon which the U visa petition will be based. I understand that remembering and talking about the crime may be difficult but it is important for purposes of the U visa petition that we are able to describe what happened and how you have been substantially harmed – physically and/or mentally – by the crime. I also understand that there may be other incidents that were not reported to the police, and we will include the history of abuse in your immigration application. However, we will first focus on the crime for which your abuser was investigated or prosecuted.

INFORMATION REGARDING THE CRIME

Name of abuser: _____

Relationship to abuser: _____

Date of crime: _____ Location of crime: _____

Describe what happened and what your abuser did to hurt you: _____

Who reported the crime to authorities, or how did you come to speak to authorities about the crime? _____

Did you have to go to the hospital after the crime? ☐ Yes ☐ No

If Yes, what hospital did you go to and what were you treated for? _____

Do you have copies of your medical records? ☐ Yes ☐ No

What physical injuries did you suffer as a result of the crime? _____

How did you feel (mentally or emotionally) during the incident? _____

How have you been feeling since the incident? _____

Since the incident, have you experienced any of the following?

a) Permanent physical injury? ☐ Yes ☐ No

Explain: _____

b) Trembling, tics, or involuntary physical movements? ☐ Yes ☐ No

Explain: _____

c) Increase or decrease in appetite? ☐ Yes ☐ No

Explain: _____

d) Difficulty sleeping? ☐ Yes ☐ No

Explain: _____

e) Continued fear that abuser will hurt you, or your family members, again?

☐ Yes ☐ No

Explain: _____

f) Mistrust of people? ☐ Yes ☐ No

Explain: _____

g) Fear of public places? ☐ Yes ☐ No

Explain: _____

h) Feel the need to look over your shoulder for fear abuser is following you?

☐ Yes ☐ No

Explain: _____

i) Difficulty controlling emotions (i.e., crying, sadness, mood swings)?

☐ Yes ☐ No

Explain: _____

j) Inability to concentrate? ☐ Yes ☐ No

Explain: _____

k) Other: _____

Explain: _____

Have you spoken to a mental health professional (i.e., therapist, counselor, psychologist, psychiatrist) about what happened? ☐ Yes ☐ No

If Yes, explain including name(s) of mental health professional(s); when sessions occurred; frequency of sessions; where sessions took place; what was discussed during sessions; whether individual or group: _____

Has anything like this happened to you before? ☐ Yes ☐ No

If Yes and crime is Domestic Violence, *skip to next section.*

If Yes and non-domestic violence crime, explain including name(s) of abuser(s); when prior abuse occurred; how long abuse occurred; where occurred; and harm suffered: _____

FOR DOMESTIC VIOLENCE CRIMES

Has your abuser ever done the following to you?

a) Pushed you? ☐ Yes ☐ No

Explain: _____

b) Pulled your hair? ☐ Yes ☐ No

Explain: _____

c) Spit at you? ☐ Yes ☐ No

Explain: _____

d) Destroyed your belongings or household items? ☐ Yes ☐ No

Explain: _____

e) Kicked you? ☐ Yes ☐ No

Explain: _____

f) Scratched you? ☐ Yes ☐ No

Explain: _____

g) Thrown things at you? ☐ Yes ☐ No

Explain: _____

h) Slapped or punched you? ☐ Yes ☐ No

Explain: _____

i) Forcibly restrained you from moving and/or speaking? ☐ Yes ☐ No

Explain: _____

j) Put one or both hands around your throat? ☐ Yes ☐ No

Explain: _____

k) Used anything as a weapon against you? ☐ Yes ☐ No

Explain: _____

l) Forced you to have sex? ☐ Yes ☐ No

Explain: _____

m) Physically hurt your children or pets? ☐ Yes ☐ No

Explain: _____

n) Other: _____

Explain: _____

o) Any of the above in front of your children, family, neighbors, etc.?

Explain: _____

If Yes to any of the above, when did the physical abuse first start? _____

Describe this first incident, including where occurred, actions of abuser, and harm suffered: _____

How often did the physical violence occur? _____

Describe the worst incident of *physical* abuse, including when, where, and harm suffered? _____

In addition to the physical abuse, or if no physical violence, has your abuser ever done the following to you?

a) Prevented you from contacting friends or family? ☐ Yes ☐ No

Explain: _____

b) Threatened to hurt you or people/things you care about? ☐ Yes ☐ No

Explain: _____

c) Threatened to have you deported or report you to authorities?

☐ Yes ☐ No

Explain: _____

d) Threatened to take away your children? ☐ Yes ☐ No

Explain: _____

e) Confiscated your belongings (i.e., cell phone, birth certificate, passport, etc.)? ☐

Yes ☐ No

Explain: _____

f) Falsely accused you of having affairs with other people? ☐ Yes ☐ No

Explain: _____

g) Imposed rules or restrictions on you and your behavior (i.e., what to wear, limit on spending, who can talk to, what activities/work allowed to do, etc.)? ☐ Yes ☐ No

Explain: _____

h) Limited your access to money, or demanded/took money from you?

☐ Yes ☐ No

Explain: _____

i) Called you names or insulted you and/or your family? ☐ Yes ☐ No

Explain: _____

j) Made menacing gestures or faces to cause you fear or alarm? ☐ Yes ☐ No

Explain: _____

k) Used social media or other electronic communications to abuse or intimidate you?

Explain: _____

l) Other: _____

Explain: _____

m) Any of the above in front of your children, family, neighbors, etc.?

Explain: _____

Throughout your relationship, what is the worst thing your abuser has done to you, including where, when, and harm suffered? _____

Do you have any social media accounts? Are you active on social media? Please describe your use of social media:

Do you have any safety concerns with respect to the person who committed the crimes against you? If so, please describe:

OBSERVATIONS AND/OR SPECIAL NOTES TO DISCUSS WITH HER JUSTICE MENTOR:

FREQUENTLY ASKED QUESTIONS

Thank you for taking a pro bono case through Her Justice. We hope the following frequently asked questions will help guide your representation and troubleshoot some common challenges in pro bono work. Our manuals provide additional information and guidance specific to each type of case in our program. Of course, your mentor is always available to answer questions about legal strategy and client expectations as your case progresses.

1. What is my firm's relationship with Her Justice for the purpose of this matter?

Her Justice is a consultant to the firm. We provide mentoring, training, sample documents, and will also review any written materials that you produce in the case. When we put a client on our waitlist, we explain to them that they will be represented directly by a firm, and that we will act as consultants to their lawyers. We assert attorney-client privilege over our direct communications with clients and over our communications with our pro bono teams.

We recommend that you explain this relationship to your client at your initial meeting so that they can be reminded of our relationship with the firm and understand that the firm should be their main point of contact going forward. We recommend that Her Justice be described in your retainer agreement as an outside consultant with whom you may have privileged and confidential discussions and share documents and information.

2. This is my first pro bono client and I don't feel like I understand their perspective on the case. What should I do?

Our clients' culture and individual life histories influence their perspectives and priorities in making important decisions. It is possible that your client is making certain considerations in making these decisions or forming their perspective on their case that you are not aware of. This means that the perspective our client has on their case may vary significantly from you. Take this as an opportunity to explore sensitivity and cultural humility. Do not assume. Leave space for inquiry and introspection.

For more information, please see the Best Practices and Ethical Considerations section of this manual. Consult your mentor for further guidance.

3. What is required if my client and I do not speak the same languages?

We are grateful to firms that take cases for clients with limited English proficiency, who are even less likely to have access to justice than our similarly situated clients with English fluency. In working with LEP clients it is paramount that you ensure they are accurately understanding the information you are providing them with and that you are understanding the needs they are communicating to you. To do this, work with qualified interpreters. Qualified is a relative term so please consider the nature of the conversation and the language capacity of the interpreter you are working with. It is best practice to work with a qualified interpreter - any staff member that demonstrates written and spoken fluency - at your firm that can consistently interpret during all calls and communications with your client. If that is not accessible to you, think creatively about the interpretation and translation services available to you. Ask your pro bono coordinator if it is possible to retain professional interpreter services, or assist you in reviewing the internal staff language capacity. For potentially non-sensitive information it may be appropriate to have a friend or family member interpret. **It is never appropriate to have a client's child interpret. It is never appropriate to rely on Google Translate or similar multilingual neural machines translation service.**

For more information, please see the Best Practices and Ethical Considerations section of this manual. Consult your mentor for further guidance.

4. What special considerations are there for working with domestic violence survivors?

In 2024, 85% of Her Justice client self-identified as survivors of Intimate Partner Violence (IPV). Your representation may or may not be directly related to the abuse that they have experienced. Depending on your client's specific circumstances, there are multiple ways that your client's experiences as a survivor may impact your work together. It is best practice in the course of your representation to make your client's safety and autonomy paramount.

For more information, please see the Best Practices and Ethical Considerations, and What is Domestic Violence sections, and Appendix Resources of this manual. Consult your mentor for further guidance.

5. What special considerations are there for working with clients with physical or cognitive disabilities?

Your client may have a physical, developmental, or emotional disability. Their disability may be the result of the abuse they've experienced. Their disability may or may not be diagnosed and may or may not be visible or obvious to you. Talk with your client about what, if any, accommodation is needed. Check in with your client periodically about what

they need in order to work most effectively with you throughout your representation, e.g., instead of handing them a written paper, ask if they are comfortable reading it to themselves or if they would like you to read it out loud to them. Be mindful of potential obstacles like the accessibility of your building or public transportation to get to your office or a court building.

For more information, please see the Best Practices and Ethical Considerations section of this manual. Consult your mentor for further guidance.

6. I am having trouble getting in contact with my client. What should I do?

We emphasize to clients that your time is valuable, and that they must be responsive to their pro bono attorney's calls, and respectful of attorney time. It is important for attorneys, however, to remember that Her Justice clients typically fall within 200% of the federal poverty line (approximately \$30,000 for a household of one), are juggling multiple urgent needs, and are prioritizing accordingly. For example, in light of food or housing insecurities, your client may choose to forego buying cell phone minutes in order to put food on the table. We understand how this choice may impact you and your ability to communicate with your client, however, we ask for your understanding and compassion. We encourage you to speak with your client during your initial call and establish a safe back-up contact in case this situation arises. Be creative in contacting your client and responsive to their needs. Explore alternatives like using work email, text messages, or mail.

For more information, please see the Best Practices and Ethical Considerations section of this manual. Consult your mentor for further guidance.

7. My client has been late to meetings or hasn't shown up to court or my office. What should I do?

We emphasize to clients that they should call you if they need to change or cancel their appointment, or if they are running late. It is helpful if the pro bono attorneys understand that it is not unusual for a client to have trouble keeping an appointment. Our clients are under-resourced. They may be experiencing a more pressing crisis, like an eviction, health crisis, or safety concern. It is possible that attending an appointment may require them to take time off work, pay for round-trip transportation, and coordinate childcare which they may not have the resources to do. Your client, especially at the beginning of your relationship, may feel uncomfortable or embarrassed to share why they cannot make an appointment with you. We ask for your understanding, compassion, patience, and flexibility in this matter. Please keep in mind that the handling and outcome of the case primarily affects the client and any accommodation that can be provided is greatly appreciated.

Consider whether the firm could pay for a car service or a MetroCard for the client if transportation is a barrier to effective representation. At your first meeting with the client, ask them about their work and childcare schedules so you can select meeting dates and times that are easy to keep. For example, if your case will involve court appearances, tell the client that they should expect to meet with you or attend court during business hours, and that they will have to ask for time off from work or arrange for childcare in order to do so. Plan to meet up early on the day of a court appearance, taking into account the likelihood of the client needing extra time to get to court from home with everything they need and childcare in place. These expectations should be clear at the outset of the case so that the client can plan and does not feel surprised or overwhelmed later on. We thank you for your patience and compassion and encourage you to use your time with your client efficiently, to keep the number of meetings manageable.

For more information, please see the Best Practices and Ethical Considerations section of this manual. Consult your mentor for further guidance.

8. My client wants me to help with a new case or another issue. What should I tell them?

Remember that your firm is retained only for a specific case, and your retainer agreement should state the scope of the representation simply and specifically. For Family Court cases, we recommend that you specify the docket number for your case on the retainer, as you are not obligated to represent the client on future violation and modification petitions. While we encourage firms to assist clients if possible, with related cases, we do not recommend that the firm take on additional cases for a client without consulting with Her Justice or another legal services organization, if the new case is unrelated to family, matrimonial, or immigration work.

Be consistent with the client and maintain appropriate boundaries, remembering that you are their attorney for a discrete issue, and cannot provide social work services or unrelated legal services (for more information on these services, see Question 9, below). If the client has new legal issues, contact Her Justice for a new intake for the client. It is possible that Her Justice can provide advice or an appropriate referral. If the new issue is one that we would typically assist with, we can discuss whether the firm would like to expand its representation to include the new case (for example, the client now has an order of protection case in addition to a child support case).

9. I think my client needs to talk to a counselor or social worker. What should I do?

The litigation process can be very stressful and upsetting for clients. Many clients have underlying mental health concerns, such as depression or post-traumatic stress disorder, or would benefit from extra support in making decisions about the trajectory of their cases.

Contact your mentor about connecting your client to the in-house social work program at Her Justice. If your client is a survivor of domestic violence or elder abuse, they also qualify for services at a New York City Family Justice Center (FJC). Your mentor can assist with making a referral. Many clients already have case managers assigned at their local FJC.

10. How can I get up to speed on the substantive law that affects my case?

Our manuals provide an overview of the relevant law for each type of case that we mentor. In addition, we offer live and video training on every type of case, plus some additional advanced topics such as child support enforcement and division of pensions in a litigated divorce. It is imperative that you attend or view the relevant training before you start the case so that you are competent to answer basic questions that your client will have at the first meeting. Your mentor is available to answer your substantive law questions and provide guidance on any research you need to conduct, once you have viewed the training and reviewed our manual. It is also important to remember your general obligation as an attorney to familiarize yourself with the relevant law, so be sure to review, for example, the sections of the Family Court Act, Domestic Relations Law, Civil Practice Law and Rules, or applicable immigration laws you will be relying upon in your case.

11. I have a trial coming up in the Family or Supreme Court and I don't know where to begin. What should I do?

Getting courtroom experience as the lead attorney is one reason that pro bono attorneys, and leadership at their firms, seek out our cases. Our staff attorneys have personally litigated many cases, but we are primarily your consultants on substantive law, client management, and case strategy, rather than trial advocacy skills. For general litigation practice skills (for example, understanding hearsay, entering exhibits into evidence, and conducting cross examination), remember that your firm's litigation department has in-house expertise and resources in addition to the knowledge we can provide.

12. I am going on secondment, parental or other extended leave, or leaving the firm—what happens to my client? Can Her Justice take the case back?

The client has retained your firm, not any individual attorney, for pro bono representation. Her Justice is a pro-bono-first organization. With a relatively small staff of attorneys, we are able to mentor thousands of cases a year because the firms represent the clients directly, aided by our training and mentoring. Because of this leverage model, usually it is not possible for Her Justice to take the case back. Although it is possible to take on a client as an attorney working alone, it is best if the client has two associates in addition to a supervising partner. This will allow each attorney to accommodate very busy times for billable work and allows for seamless transition of cases in the event that an attorney

leaves the firm for any reason. If you are leaving, it is imperative that you find a replacement attorney at the firm before you go. The client should meet their new attorney with you, ideally in person, before you leave, and the new attorney should take possession of all files and materials. Contact Her Justice right away if you are leaving the firm for any significant period of time. Ultimately, when a pro bono attorney is no longer available to the client, it is the responsibility of the firm to re-staff the case. If your firm has taken an uncontested divorce that has become contested, and the firm has a policy against pro-bono contested matrimonial work, speak with your mentor immediately about your options.

**EXHIBIT 2 - DRAFT
FORMS, COMPILE
SUPPORTING
EVIDENCE & SEND
FILING TO USCIS**

**EXHIBIT 2 - DRAFT FORMS, COMPILE SUPPORTING EVIDENCE &
SEND FILING TO USCIS**

(A) Cover Page and Contents

(B) Freedom of Information Act (FOIA) Requests

1. Sample Form G28, Notice of Entry of Appearance as Attorney, for FOIA Request
2. Sample Form G-639, Freedom of Information/Privacy Act Request

(C) Filing Overview, Tips, Assembly Instructions, Cover Letter and Forms G-28 and I-918B

1. Checklist: U Nonimmigrant Status Filing
2. *Figure 2*, Determining Which Forms to File for Your Client's U Nonimmigrant Status Petition
3. USCIS Forms: Warning
4. Signatures & Declarations
5. Application Packet Assembly Instructions
6. Sample Cover Letter
7. Sample Form G-28, Notice of Entry of Appearance as Attorney
8. Sample Form I-918B, U Nonimmigrant Status Certification

(D) Forms I-918 & I-918A, Petitions for U Nonimmigrant Status

1. Checklist: Forms I-918 & I-918A, Petitions for U Nonimmigrant Status
2. Unofficial Spanish Translation of Form I-918
3. Sample Form I-918
4. Sample Form I-918A (Derivative in U.S.)
5. Sample Affidavit Explaining Affirmative or Unclear Answers on Form I-918 or I-918A
6. Sample Affidavit in Support of I-918 Petition: Domestic Violence Sample 1 (Criminal Prosecution)
7. Sample Affidavit in Support of I-918 Petition: Domestic Violence Sample 2 (Criminal Prosecution)
8. Sample Affidavit in Support of I-918 Petition: Domestic Violence Sample 3 (ACS Investigation)
9. Sample Affidavit in Support of I-918 Petition: Minor Child as Direct Victim
10. Sample Index of Evidence for I-918 Petition
11. Sample Index of Evidence for I-918A Petition
12. Sample Photo Affidavit

(E) Form I-192, Application for Advance Permission to Enter as Nonimmigrant (Inadmissibility Waiver)

1. Checklist: Form I-192, Application for Advance Permission to Enter as Nonimmigrant
2. Checklist: Inadmissibility Questions to Review with Your Client
3. ILRC Practice Advisory: Alien Smuggling
4. Sample Form I-192
5. Sample Index of Evidence for I-192 Application
6. Sample Affidavit in Support of I-192 Application: Fraud/Misrepresentation & Alien Smuggling
7. Sample Affidavit in Support of I-192 Application: Fraud/Misrepresentation, Expedited Removal & Prior Removal/Deportation from U.S.
8. Sample Affidavit in Support of I-192 Application: Entry Without Inspection & Unlawful Presence – Petitioner on Behalf of Derivative Under Age of 14
9. Sample Affidavit in Support of I-192 Application: Criminal History – Derivative

(F) Form I-765, Application for Employment Authorization

1. Checklist: Form I-765, Application for Employment Authorization
2. Sample Form I-765 under category C14
3. Sample Form I-765 under category A20

(G) Supporting Evidence

1. Sample Therapist Affidavit: Mental Health Diagnosis
2. Sample Therapist Affidavit
3. Sample Therapist/Counselor Letter
4. Sample Translator Affidavit
5. Sample I-94 & Visa
6. Sample Form I-94 from CBP Website
7. Instructions for How to Obtain Record of Arrests and Prosecutions (RAP) Sheet from New York State Division of Criminal Justice Services (NYS DCJS)
8. Sample NYS DCJS RAP Sheet
9. Instructions for How to Obtain Criminal Court Dispositions
10. Sample Criminal Court Disposition Record
11. Instructions for How to Obtain Metropolitan Transit Authority (MTA) Tickets or Citations

2.B. Freedom of Information Act (FOIA) Requests



Notice of Entry of Appearance as Attorney or Accredited Representative

Department of Homeland Security

DHS
Form G-28
OMB No. 1615-0105
Expires 05/31/2021

Part 1. Information About Attorney or Accredited Representative

1. USCIS Online Account Number (if any)



Name of Attorney or Accredited Representative

2.a. Family Name (Last Name)

2.b. Given Name (First Name)

2.c. Middle Name

Address of Attorney or Accredited Representative

3.a. Street Number and Name

3.b. ☐ Apt. ☐ Ste. ☒ Flr.

3.c. City or Town

3.d. State [\(USPS ZIP Code Lookup\)](#)

3.f. Province

3.g. Postal Code

3.h. Country

Contact Information of Attorney or Accredited Representative

4. Daytime Telephone Number

5. Mobile Telephone Number (if any)

6. Email Address (if any)

7. Fax Number (if any)

Part 2. Eligibility Information for Attorney or Accredited Representative

Select **all applicable** items.

1.a. ☒ I am an attorney eligible to practice law in, and a member in good standing of, the bar of the highest courts of the following states, possessions, territories, commonwealths, or the District of Columbia. If you need extra space to complete this section, use the space provided in **Part 6. Additional Information**.

Licensing Authority

1.b. Bar Number (if applicable)

1.c. I (select **only one** box) ☒ am not ☐ am subject to any order suspending, enjoining, restraining, disbaring, or otherwise restricting me in the practice of law. If you are subject to any orders, use the space provided in **Part 6. Additional Information** to provide an explanation.

1.d. Name of Law Firm or Organization (if applicable)

2.a. ☐ I am an accredited representative of the following qualified nonprofit religious, charitable, social service, or similar organization established in the United States and recognized by the Department of Justice in accordance with 8 CFR part 1292.

2.b. Name of Recognized Organization

2.c. Date of Accreditation (mm/dd/yyyy)

3. ☐ I am associated with

,
the attorney or accredited representative of record who previously filed Form G-28 in this case, and my appearance as an attorney or accredited representative for a limited purpose is at his or her request.

4.a. ☐ I am a law student or law graduate working under the direct supervision of the attorney or accredited representative of record on this form in accordance with the requirements in 8 CFR 292.1(a)(2).

4.b. Name of Law Student or Law Graduate



Part 3. Notice of Appearance as Attorney or Accredited Representative

If you need extra space to complete this section, use the space provided in **Part 6. Additional Information**.

This appearance relates to immigration matters before (select **only one** box):

1.a. ☒ U.S. Citizenship and Immigration Services (USCIS)

1.b. List the form numbers or specific matter in which appearance is entered.

G-639

2.a. ☐ U.S. Immigration and Customs Enforcement (ICE)

2.b. List the specific matter in which appearance is entered.

3.a. ☐ U.S. Customs and Border Protection (CBP)

3.b. List the specific matter in which appearance is entered.

4. Receipt Number (if any)



5. I enter my appearance as an attorney or accredited representative at the request of the (select **only one** box):

☐ Applicant ☐ Petitioner ☒ Requestor

☐ Beneficiary/Derivative ☐ Respondent (ICE, CBP)

Information About Client (Applicant, Petitioner, Requestor, Beneficiary or Derivative, Respondent, or Authorized Signatory for an Entity)

6.a. Family Name (Last Name) **Client**

6.b. Given Name (First Name) **Carla**

6.c. Middle Name

7.a. Name of Entity (if applicable)

7.b. Title of Authorized Signatory for Entity (if applicable)

8. Client's USCIS Online Account Number (if any)



9. Client's Alien Registration Number (A-Number) (if any)

▶ A-

0 1 2 3 4 5 6 7 8

Client's Contact Information

10. Daytime Telephone Number

11. Mobile Telephone Number (if any)

12. Email Address (if any)

Mailing Address of Client

NOTE: Provide the client's mailing address. **Do not** provide the business mailing address of the attorney or accredited representative **unless** it serves as the safe mailing address on the application or petition being filed with this Form G-28.

13.a. Street Number and Name **c/o Law Firm, 100 Main St.**

13.b. ☐ Apt. ☐ Ste. ☒ Flr. **21**

13.c. City or Town **New York**

13.d. State **NY** 13.e. ZIP Code **10005**

13.f. Province

13.g. Postal Code

13.h. Country

USA

Part 4. Client's Consent to Representation and Signature

Consent to Representation and Release of Information

I have requested the representation of and consented to being represented by the attorney or accredited representative named in **Part 1.** of this form. According to the Privacy Act of 1974 and U.S. Department of Homeland Security (DHS) policy, I also consent to the disclosure to the named attorney or accredited representative of any records pertaining to me that appear in any system of records of USCIS, ICE, or CBP.



Part 4. Client's Consent to Representation and Signature (continued)

Options Regarding Receipt of USCIS Notices and Documents

USCIS will send notices to both a represented party (the client) and his, her, or its attorney or accredited representative either through mail or electronic delivery. USCIS will send all secure identity documents and Travel Documents to the client's U.S. mailing address.

If you want to have notices and/or secure identity documents sent to your attorney or accredited representative of record rather than to you, please select **all applicable** items below. You may change these elections through written notice to USCIS.

- 1.a. ☒ I request that USCIS send original notices on an application or petition to the business address of my attorney or accredited representative as listed in this form.
- 1.b. ☒ I request that USCIS send any secure identity document (Permanent Resident Card, Employment Authorization Document, or Travel Document) that I receive to the U.S. business address of my attorney or accredited representative (or to a designated military or diplomatic address in a foreign country (if permitted)).

NOTE: If your notice contains Form I-94, Arrival-Departure Record, USCIS will send the notice to the U.S. business address of your attorney or accredited representative. If you would rather have your Form I-94 sent directly to you, select **Item Number 1.c.**

- 1.c. ☐ I request that USCIS send my notice containing Form I-94 to me at my U.S. mailing address.

Signature of Client or Authorized Signatory for an Entity

- 2.a. Signature of Client or Authorized Signatory for an Entity



- 2.b. Date of Signature (mm/dd/yyyy)

Part 5. Signature of Attorney or Accredited Representative

I have read and understand the regulations and conditions contained in 8 CFR 103.2 and 292 governing appearances and representation before DHS. I declare under penalty of perjury under the laws of the United States that the information I have provided on this form is true and correct.

1. a. Signature of Attorney or Accredited Representative

- 1.b. Date of Signature (mm/dd/yyyy)

- 2.a. Signature of Law Student or Law Graduate

- 2.b. Date of Signature (mm/dd/yyyy)



Part 6. Additional Information

If you need extra space to provide any additional information within this form, use the space below. If you need more space than what is provided, you may make copies of this page to complete and file with this form or attach a separate sheet of paper. Type or print your name at the top of each sheet; indicate the **Page Number**, **Part Number**, and **Item Number** to which your answer refers; and sign and date each sheet.

1.a. Family Name (Last Name)

1.b. Given Name (First Name)

1.c. Middle Name

2.a. Page Number 2.b. Part Number 2.c. Item Number

2.d. _____

3.a. Page Number 3.b. Part Number 3.c. Item Number

3.d. _____

4.a. Page Number 4.b. Part Number 4.c. Item Number

4.d. _____

5.a. Page Number 5.b. Part Number 5.c. Item Number

5.d. _____

6.a. Page Number 6.b. Part Number 6.c. Item Number

6.d. _____





Freedom of Information/Privacy Act Request

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

USCIS
Form G-639
OMB No. 1615-0102
Expires 07/31/2025

What Is the Purpose of Form G-639?

Use Form G-639 to request access to U.S. Citizenship and Immigration Services (USCIS) records under the Freedom of Information Act (FOIA) at 5 U.S.C. 552 and the Privacy Act of 1974 (PA) at 5 U.S.C. 552a, if applicable. You may also use this form to request amendment or correction of records pertaining to you under the PA, if applicable.

Your Options to Make a FOIA or PA Request with USCIS

You can make a FOIA or PA request:

- Online at www.uscis.gov/foia;
- Using this Form G-639; or
- In writing and in accordance with the requirements of the FOIA and PA.

Request and Receive Records Faster Online

Our online FOIA and PA services are a more efficient way to request and receive records than by using Form G-639 to make a request.

When you make your request online, USCIS receives it immediately and we can deliver the response to you immediately after the records are processed.

You will also be able to:

- Receive instant updates when we act on your request;
- Respond faster if we ask you to give us more information; and

Making your request online helps ensure your request contains the required information and reaches us immediately, rather than through a mailed postal delivery. Once you provide the information necessary to process your request, we will add it to the same first-in, first-out processing queue ordinarily used for all requests.

Once we release records you request online, you can use your online account to:

- View them on any internet connected device, such as a smartphone, tablet, or computer;
- Access the records as soon as they are available, rather than waiting for them by mail; and
- Continue to access your records through your online account and print them whenever you need.

If You Make Your Request Using This Form

If you complete and submit this form, we will send all correspondence and any records we release through U.S. mail, requiring time for transit and receiving. Unless you specify another format, any records responsive to your request will be sent to you on a CD-ROM, so you will need to use a computer with an optical drive to view them. Alternately, if you request records online (www.uscis.gov/foia) using FIRST, you can download them without the need for equipment other than a computer, smartphone, or tablet that is connected to the internet.

Do not use Form G-639 for:

- **Status Inquires.** Contact the USCIS office where the application or petition was filed or visit <https://egov.uscis.gov> to check your case status online. You may also reach out to the USCIS Contact Center at www.uscis.gov/contactcenter. The USCIS Contact Center provides information in English and Spanish. For those who are deaf or hard of hearing and use a TTY relay service, call **1-800-767-1833**.
- **Consular Notification of a Visa Petition Approval.** Use Form I-824, Application for Action on an Approved Application or Petition, to request consular notification of visa petition approval.

- **Return of Original Documents.** Use Form G-884, Request for the Return of Original Documents, to request the return of original documents.
- **Requesting a Certificate of Non-Existence**
- **Naturalization Records Before September 27, 1906.** Contact the clerk of court where the naturalization occurred to request naturalization records before September 27, 1906.
- **USCIS Manifest Arrivals Before December 1982.** Contact the National Archives at <https://www.archives.gov/contact> to request information on USCIS manifest arrivals before December 1982.
- **Proof of Status for Non-Immigration Benefits.** Contact the Federal agency responsible for the benefit (for example, Social Security benefit, Selective Service requirement) to obtain proof of status.

General Instructions

USCIS provides forms free of charge through the USCIS website. To view, print, or fill out our forms, you should use the latest version of Adobe Reader, which you can download for free at <https://get.adobe.com/reader/>. If you do not have internet access, you may call the USCIS Contact Center at **1-800-375-5283** (TTY **1-800-767-1833**) and ask that we mail a form to you. The USCIS Contact Center provides information in English and Spanish.

How To Fill Out Form G-639

1. Type or print legibly in black ink.
2. If you need extra space to complete any item within this request, use the space provided in **Part 5. Additional Information** or attach a separate sheet of paper. Type or print the Subject of Record's name and Alien Registration Number (A-Number) (if any) at the top of each sheet; indicate the **Page Number**, **Part Number**, and **Item Number** to which your answer refers; and sign and date each sheet.
3. Answer all questions fully and accurately. If a question does not apply to you (for example, if you have never been married and the question asks, "Provide the name of your current spouse"), type or print "N/A" unless otherwise directed. If your answer to a question which requires a numeric response is zero or none (for example, "How many children do you have" or "How many times have you departed the United States"), type or print "None" unless otherwise directed.

Read the Entire Form and Complete as Much as Possible

The information USCIS requests in this form helps us locate the records and information you request.

You are not required to respond to every item, but if you do not provide enough information we may:

- Require more time to fulfill your request;
- Need to request more information from you, delaying our response; or
- Not be able to locate the records or information you request.

► **START HERE - Type or print in black ink.**

Part 1. Specify the Nature of your Request

NOTE: On this form, the individual to whom a record pertains is described as the subject of record.

1. Select Type of Request

Select the box that indicates the nature of your request, and the type of records you are requesting. If you need extra space to complete this section, use the space provided in **Part 5. Additional Information**.

- ☐ **A.** Information from your own immigration record;
- ☒ **B.** Information from another person's immigration record;
- ☐ **C.** USCIS business, operational, or policy records;
- ☐ **D.** An amendment or correction of your record under the Privacy Act;
[]
- ☐ **E.** An amendment or correction of another person's immigration record on their behalf under the Privacy Act;
[] or
- ☐ **F.** Other records in USCIS custody.
[]

If you selected **Item B.** or **E.** in **Item Number 1.**, complete **Part 4. Third-Party Requestor**, along with other pertinent sections of this form.

If you selected **Item A., C., D.,** or **F.** in **Item Number 1.**, **do not** complete **Part 4. Third-Party Requestor** section of this form.

2. Request Specific Documents

If you request specific documents, USCIS will usually be able to process your request faster than if you request a large set of records, such as an entire A-File.

Select the types of records you are requesting, if applicable, from this list of commonly requested records:

- ☒ Apprehensions, and Date of Apprehension (mm/dd/yyyy) [~1994]
- ☐ Birth certificate
- ☒ Form I-94, with Date of Entry (mm/dd/yyyy) [06/1991]
- ☒ Passport
- ☐ Other Arrival/Departure documents into the U.S., with Date of Entry (mm/dd/yyyy) []
- ☐ I-129, Petition for a Nonimmigrant Worker
- ☐ I-90, Application to Replace Permanent Resident Card (Green Card)
- ☒ I-130, Petition for Alien Relative
- ☐ I-140, Immigrant Petition for Alien Workers
- ☒ I-485, Application to Register Permanent Residence or Adjust Status
- ☐ I-751, Petition to Remove Conditions on Residence
- ☐ N-400, Application for Naturalization
- ☐ Labor certification issued by the U.S. Department of Labor
- ☐ Naturalization certificate
- ☐ Proof of Lawful Permanent Resident (LPR) status
- ☒ Record of removal from the U.S., with Date of Removal (mm/dd/yyyy) [~1995]
- ☒ Other (Explain): [Complete A-file]

If you need extra space to complete this section, use the space provided in **Part 5. Additional Information**.

Part 1. Specify the Nature of your Request (continued)

3. Qualifications for Expedited Processing

Select any of the following circumstances if applicable to your request:

- ☐ Circumstances in which the lack of expedited processing could reasonably be expected to pose an imminent threat to the life or physical safety of an individual.
- ☐ An urgency to inform the public about an actual or alleged Federal government activity, if made by a person primarily engaged in disseminating information.
- ☐ The loss of substantial due process rights.
- ☐ A matter of widespread and exceptional media interest in which there are possible questions about the government's integrity which affect public confidence. Requests for expedited processing based upon this category must be submitted to the Senior Director of FOIA Operations, the Privacy Office, U.S. Department of Homeland Security, 245 Murray Lane SW STOP - 0655, Washington, DC 20598-0655.

4. Statement Requesting Expedited Processing

To receive expedited processing, you must further explain why you are requesting it. In **Part 5. Additional Information**, type or print a detailed statement explaining your selection in **Item Number 3**.

5. Information Pertaining to an Upcoming Immigration Court Proceeding

If the subject of record has an upcoming immigration court proceeding, USCIS may be able to process the request on an accelerated track. Select the box if the following circumstance applies to your request.

- ☐ The subject of record has a date scheduled for an immigration court proceeding.

If selected, include a copy of one of the following forms, as issued by the U.S. Department of Homeland Security or U.S. Department of Justice, with your request:

- Form I-862, Notice to Appear, documenting the upcoming date of the Subject's hearing before the Immigration Judge;
- Form I-122, Order to Show Cause, documenting the upcoming date of the Subject's hearing before the Immigration Judge;
- Form I-863, Notice of Referral to Immigration Judge; or
- A written notice of continuation of a future scheduled hearing before the Immigration Judge.

Part 2. Provide Information to Identify the Subject of Record

The individual to whom a record pertains is described as the subject of record. The more information you provide about the subject of record, the better USCIS can identify the records you are requesting.

Subject of Record's Identifying Information

1. Alien Registration Number (A-Number):

USCIS issues Alien Registration Numbers, otherwise known as an "A-Number," to persons who apply for, or are granted, certain immigration benefits. U.S. Customs and Border Protection (CBP) or U.S. Immigration and Customs Enforcement (ICE) may also issue A-Numbers. If the subject of record was issued an A-Number(s), type or print it in the spaces provided. If they do not have an A-Number, or do not remember it, leave this space blank.

► A-

0	1	2	3	4	5	6	7	8
---	---	---	---	---	---	---	---	---

 ► A-

--	--	--	--	--	--	--	--	--	--

 ► A-

--	--	--	--	--	--	--	--	--	--

2. Date of Birth (mm/dd/yyyy)

03	15	1975
----	----	------

3. Country of Birth

Provide the name of the country where the subject of record was born. If the country's name has changed or the country no longer exists, list the country as it was named when the subject of record was born.

Mexico

Part 2. Provide Information to Identify the Subject of Record (continued)**4. Receipt Number**

Provide the USCIS receipt number that corresponds to any request the subject of record filed with USCIS.

A. ▶	<input type="text"/>	B. ▶	<input type="text"/>
C. ▶	<input type="text"/>		

Subject of Record**5. Subject of Record's Name**

Family Name (Last Name)	Given Name (First Name)	Middle Name (if applicable)
Client	Carla	

6. Additional Names Used

If applicable, list any additional names the subject of record has used, including any nicknames, aliases, and maiden name. If the subject's name has changed since they entered the United States, indicate the name used at the time of entry in **Item Number 7**. If you need extra space to complete this section, use the space provided in **Part 5. Additional Information**.

A. Additional Name 1

Family Name (Last Name)	Given Name (First Name)	Middle Name (if applicable)
Maiden Name	Carla	

B. Additional Name 2

Family Name (Last Name)	Given Name (First Name)	Middle Name (if applicable)

C. Additional Name 3

Family Name (Last Name)	Given Name (First Name)	Middle Name (if applicable)

7. Name Used Upon Entry to the United States

Family Name (Last Name)	Given Name (First Name)	Middle Name (if applicable)
At Entry	Alias	

Subject of Record's Mailing Address and Contact Information**8. List the subject's contact information. You may list a valid residence, Army Post Office (APO), Fleet Post Office (FPO), or commercial address in the United States. You may list a post office address (PO Box) if that is how the subject receives their mail.**

Street Number and Name		Apt. Ste. Flr.		Number
c/o Law Firm, 100 Main St		<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>		21
City or Town		State	ZIP Code (USPS ZIP CodeLookup)	
New York		NY	10005	
Province	Postal Code	Country		
		USA		
Telephone Number		Email Address		

Part 2. Provide Information to Identify the Subject of Record (continued)**9. Subject of Record's Father**

Family Name (Last Name)	Given Name (First Name)	Middle Name (if applicable)
Client	Father	

☐ Father's Name is unknown.

10. Subject of Record's Mother

Family Name (Last Name)	Maiden Name, or previous last names
Client	Birth Name

Given Name (First Name)	Middle Name (if applicable)
Mother	

☐ Mother's Name is unknown.

11. Additional Family Members that May Appear on Requested Records

Provide the family member's full name and their relationship to the subject of record for any individual that may appear on the requested records, for example, a spouse or children.

A. Name 1

Family Name (Last Name)	Given Name (First Name)	Middle Name (if applicable)
Husband	Harry	

Relationship

B. Name 2

Family Name (Last Name)	Given Name (First Name)	Middle Name (if applicable)
<input type="text"/>	<input type="text"/>	<input type="text"/>

Relationship

C. Name 3

Family Name (Last Name)	Given Name (First Name)	Middle Name (if applicable)
<input type="text"/>	<input type="text"/>	<input type="text"/>

Relationship

If you need extra space to complete this section, use the space provided in **Part 5. Additional Information**.

12. Avoiding Redaction of Records Mentioning Additional Persons

To protect the privacy of each person mentioned in records we release, we redact their information unless you provide:

- Their consent for us to release their information, either in a notarized document, or a document signed under penalty of perjury, or;
- Proof they are deceased, with a death certificate, obituary, photograph of a funeral memorial or monument; or screen print from the Social Security Death Index; or probate documents filed in court. This is not required if they were born more than 100 years before you submit this form.

Include these documents with this Form G-639 and complete pertinent sections of **Part 5. Additional Information**.

Part 3. Certification of Request and Consent to Release, Amend, or Correct Records

Requestor Consent to Pay Potential Fees

USCIS will contact you with instructions if any fees are required. **Please do not send any payment at the time of your request.**

In accordance with Department of Homeland Security Regulations, your request constitutes an agreement to pay any fees that may be chargeable up to **\$25.00**. We may charge fees for searching for records at the respective clerical, professional, and/or managerial rates of **\$4.00/\$7.00/\$10.25** per quarter hour, and for duplication of copies at the rate of **\$.10** per copy. We do not charge for the first 100 copies and two hours of search time, and the remaining combined charges for search and duplication must exceed **\$14.00** before we will charge you any fees. Search and processing fees are not applicable for Privacy Act requests.

If the total anticipated fees are more than **\$250**, or you have failed to pay fees in the past, USCIS may request an advance deposit. USCIS will not process any Form G-639 until you pay all fees from prior requests.

☒ I, the requestor, consent to pay all costs incurred for search, duplication, and review of documents up to **\$25**.

Declaration that the Request is True and Complete

If you are the subject of record and requesting records about yourself or requesting a correction or amendment of your records, you must verify your identity by providing the information requested in **Part 2**. You **MUST** also sign your request below and have your signature notarized **OR** submitted under penalty of perjury.

Sign and date the request. A stamped or typewritten name in place of a signature is not acceptable.

I certify, swear, or affirm, under penalty of perjury under the laws of the United States of America, that the information in this request is complete, true, and correct.

1. Signature of Requestor

Date of Signature (mm/dd/yyyy)

		
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Part 4. Third-Party Requestor

1. Third-Party Requestor Identifying Information

Family Name (Last Name)

Given Name (First Name)

Middle Name (if applicable)

Attorney

Alice

2. Third-Party Requestor Mailing Address and Contact Information

In Care Of Name (if any)

Law Firm LLC

Street Number and Name

100 Main St.

Apt. Ste. Flr. Number

☐ ☐ ☒

21

City or Town

New York

State

NY

ZIP Code ([USPS ZIP CodeLookup](#))

10005

Province

Postal Code

Country

USA

Telephone Number

2125551212

Email Address

alice.attorney@lawfirm.org

Part 4. Third-Party Requestor (continued)

3. Third-Party Requestor's Relationship to the Subject of Record

What is the relationship of the subject of record to the third-party requestor?

If you are requesting information or amendment or correction of records on behalf of the subject of record (select **only** one for **Items A. - F.**):

- ☒ **A.** I am an attorney or accredited representative, acting on behalf of the subject of record.
- ☐ **B.** I am requesting information about someone who is deceased.
- ☐ **C.** I am requesting information on behalf of my child or a minor for whom I am a legal guardian.
- ☐ **D.** Other (Explain):

If you are requesting information about a subject of record with whom you have no relationship:

- ☐ **E.** I am requesting as a member of the media.
- ☐ **F.** Other (Explain):

If you selected **Item B.** in **Item Number 3.**, provide proof they are deceased, with a death certificate, obituary, photograph of a funeral memorial or monument; or screen print from the Social Security Death Index; or probate documents filed in court. This is not required if they were born more than 100 years before you submit this form.

- 4.** If you selected **Item C.** in **Item Number 3.**, you must provide proof of parentage/guardianship, such as a birth certificate, adoption decree, or similar document naming the requestor as the legal parent or guardian. You must also provide:

A. Parent/Guardian's Legal Name

Family Name (Last Name)

Given Name (First Name)

Middle Name (if applicable)

B. Parent/Guardian's Date of Birth

(mm/dd/yyyy)

C. Parent/Guardian's Country of Birth

Consent by Subject of Record to Release Records to a Third-Party Requestor or Allow Amendment or Correction of Records by a Third-Party Requestor

USCIS generally requests that third-party requestors prove they have the subject of the record's consent to receive the records. Alternately, third-party requestors must prove the subject of record is deceased, or otherwise demonstrate that the requested records are subject to release, such as when there is no privacy interest in the records, or if there is a public interest in the records that outweighs the subject's privacy interests. Consent by the subject of record is generally not requested if the subject of record's birthdate is more than 100 years before the submission of this request. Third party requestors who are seeking amendment or correction of records pertaining to the subject of record must demonstrate that they have the subject of record's consent and that they are acting on behalf of the subject of record.

To provide consent, complete one of the following options:

Option 1: Declaration Under Penalty of Perjury

- ☐ I, the subject of record, consent to USCIS releasing my records to a third-party requestor and/or allowing amendment or correction of my records by a third-party requestor, as named in **Part 4.** I certify, swear, or affirm, under penalty of perjury under the laws of the United States of America, that the information in this request is complete, true, and correct.

5. Signature of Subject of Record

Date of Signature (mm/dd/yyyy)

Part 4. Third-Party Requestor (continued)

Option 2: Notarized Affidavit of Identity

IMPORTANT: Do **NOT** sign and date below until the notary public provides instructions to you.

By my signature, I consent to USCIS releasing my records to a third-party requestor and/or allowing amendment or correction of the requested records to the third-party requestor, as named in **Part 4**. I certify, swear, or affirm that the information in this request is complete, true, and correct.

6. Signature of Subject of Record **Client must sign here before a notary.**

7. Date of Signature (mm/dd/yyyy)

8. Subscribed and Sworn to Before Me on (mm/dd/yyyy)

9. Signature of Notary

10. Notary's Telephone Number

11. My Commission Expires on (mm/dd/yyyy)

If you need extra space to complete this section, use the space provided in **Part 5. Additional Information**.

Part 5. Additional Information

If you need extra space to provide any additional information within this request, use the space below. You may also make copies of this page to complete this request or attach a separate sheet of paper.

If you attach additional paper:

- Type or print the subject of record's name and their A-number (if known) at the top of each sheet;
- Indicate the **Page Number**, **Part Number**, and **Item Number** to which your answer refers; and
- Sign and date each sheet.

1. Subject of Record's Family Name (Last Name) Subject of Record's Given Name (First Name) Subject of Record's Middle Name

2. Subject of Record's A-Number (if any) ▶ A-

3. A. Page Number B. Part Number C. Item Number

<input type="text"/>	<input type="text"/>	<input type="text"/>
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D.

4. A. Page Number B. Part Number C. Item Number

<input type="text"/>	<input type="text"/>	<input type="text"/>
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D.

5. A. Page Number B. Part Number C. Item Number

<input type="text"/>	<input type="text"/>	<input type="text"/>
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D.

6. A. Page Number B. Part Number C. Item Number

<input type="text"/>	<input type="text"/>	<input type="text"/>
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D.

7. A. Page Number B. Part Number C. Item Number

<input type="text"/>	<input type="text"/>	<input type="text"/>
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D.

DHS Privacy Notice

AUTHORITIES: The information requested on this form, and the associated evidence, is collected under the Freedom of Information Act (FOIA), 5 U.S.C. Section 552, and the Privacy Act of 1974 (PA), 5 U.S.C. Section 552a, together with the Department of Homeland Security implementing regulations found in volume 6 of the Code of Federal Regulations (CFR).

PURPOSE: The primary purpose for providing the requested information on this form is to request access to information under the FOIA and/or PA, or amendment or correction of records under the PA. DHS uses the information you provide to grant or deny the information request you are seeking.

DISCLOSURE: The information you provide is voluntary. However, failure to provide the requested information, and any requested evidence, may delay access to information or result in denial of your information or amendment request.

ROUTINE USES: DHS may share the information you provide on this form and any additional requested evidence with other Federal, state, local, and foreign government agencies and authorized organizations. DHS follows approved routine uses described in the associated published system of records notices [DHS/ALL-001 DHS FOIA and Privacy Act Record System and DHS/ALL-037 E-Authentication Records System of Records] and the published privacy impact assessments [DHS/USCIS/PIA-077 FOIA Immigration Records System (FIRST) and DHS/ALL/PIA-038 FOIA/PA Information Processing System], which you can find at www.dhs.gov/privacy. DHS may also share this information, as appropriate, for law enforcement purposes or in the interest of national security.

Paperwork Reduction Act

An agency may not conduct or sponsor an information collection, and a person is not required to respond to a collection of information, unless it displays a currently valid Office of Management and Budget (OMB) control number. The public reporting burden for this collection of information is estimated at 40 minutes per response, including the time for reviewing instructions, gathering the required documentation and information, completing the request, preparing statements, attaching necessary documentation, and submitting the request. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: U.S. Citizenship and Immigration Services, Office of Policy and Strategy, Regulatory Coordination Division, 5900 Capital Gateway Drive, Mail Stop #2140, Camp Springs, MD 20588-0009; OMB No. 1615-0102. **Do not mail your completed Form G-639 to this address.**

**2.C. Filing
Overview, Tips,
Assembly
Instructions,
Cover Letter and
Forms G-28 and
I- 918B**

CHECKLIST: U NONIMMIGRANT STATUS FILING

Listed in order of application packet contents: (from top to bottom)

☐ Cover letter outlining entirety of submission

For Client/Principal Petitioner

☐ Form I-918, Petition for U Nonimmigrant Status

- **Form G-28, Notice of Entry of Appearance as Attorney**, on light blue paper
- *Original* client and attorney signatures, in blue ink, and interpreter signature (as needed) on Form I-918
- Affidavit of Affirmative Answers to Form I-918 (as needed)
- Index of Evidence
- Supporting evidence, including:
 - **Form I-918, Supplement B, U Nonimmigrant Status Certification** – *must be submitted within six (6) months of date of certification*
 - Affidavit in Support of I-918 Petition
 - Birth certificate with certified English translation. Birth certificate must conform to the U.S. Department of State Visa Reciprocity Schedule found here: <https://travel.state.gov/content/travel/en/us-visas/Visa-Reciprocity-and-Civil-Documents-by-Country.html>.
 - Police report
 - Letter from therapist/mental health evaluation

☐ Form I-192, Application for Advance Permission to Enter as Nonimmigrant (Inadmissibility Waiver), as needed

- **Form G-28, Notice of Entry of Appearance as Attorney**, on light blue paper
- *Original* client and attorney signatures, in blue ink, and interpreter signature (as needed) on Form I-192
- Index of Evidence
- Supporting evidence, including:
 - Arrest reports
 - Relevant excerpts of penal law for charges imposed
 - Criminal dispositions
 - Birth certificates of U.S. citizen children
 - Letters of support
 - Documents supporting favorable exercise of discretion

☐ Form I-765, Application for Employment Authorization, under category (c)(14) based on anticipated Bona Fide Determination (BFD) and grant of deferred action

- **Form G-28, Notice of Entry of Appearance as Attorney**, on light blue paper
- *Original* client and attorney signatures, in blue ink, and interpreter signature (as needed) on Form I-765
- Two (2) passport photos of applicant, with applicant's name and A# or DOB written on back of each photo – *placed in envelope or plastic photo bag with envelope/bag stapled to first page of application*
- Copy of biographic information page of current passport or other photo ID

- For Each Derivative

❑ **Form I-918A, Petition for Qualifying Family Member**

- **Form G-28, Notice of Entry of Appearance as Attorney**, on light blue paper, signed by client/principal petitioner
- *Original* client, derivative (if in U.S. and age 14 or over), and attorney signatures, in blue ink, and interpreter signature (as needed) on Form I-918A
- Copy of birth or marriage certificate showing qualifying relationship between principal and derivative. Birth and marriage certificates must conform to the U.S. Department of State Visa Reciprocity Schedule found here: <https://travel.state.gov/content/travel/en/us-visas/Visa-Reciprocity-and-Civil-Documents-by-Country.html>.

❑ **Form I-192, Application for Advance Permission to Enter as Nonimmigrant (Inadmissibility Waiver)**, as needed

- **Form G-28, Notice of Entry of Appearance as Attorney**, on light blue paper, signed by derivative (if in U.S. and age 14 and over)
- *Original* client and attorney signatures, in blue ink, and interpreter signature (as needed) on Form I-192
- Index of Evidence
- Supporting evidence, including:
 - Arrest reports
 - Relevant excerpts of penal law for charges imposed
 - Criminal dispositions
 - Birth certificates of U.S. citizen children
 - Letters of support
 - Documents supporting favorable exercise of discretion

❑ **Form I-765, Application for Employment Authorization, under category (c)(14) based on anticipated Bona Fide Determination (BFD) and grant of deferred action**

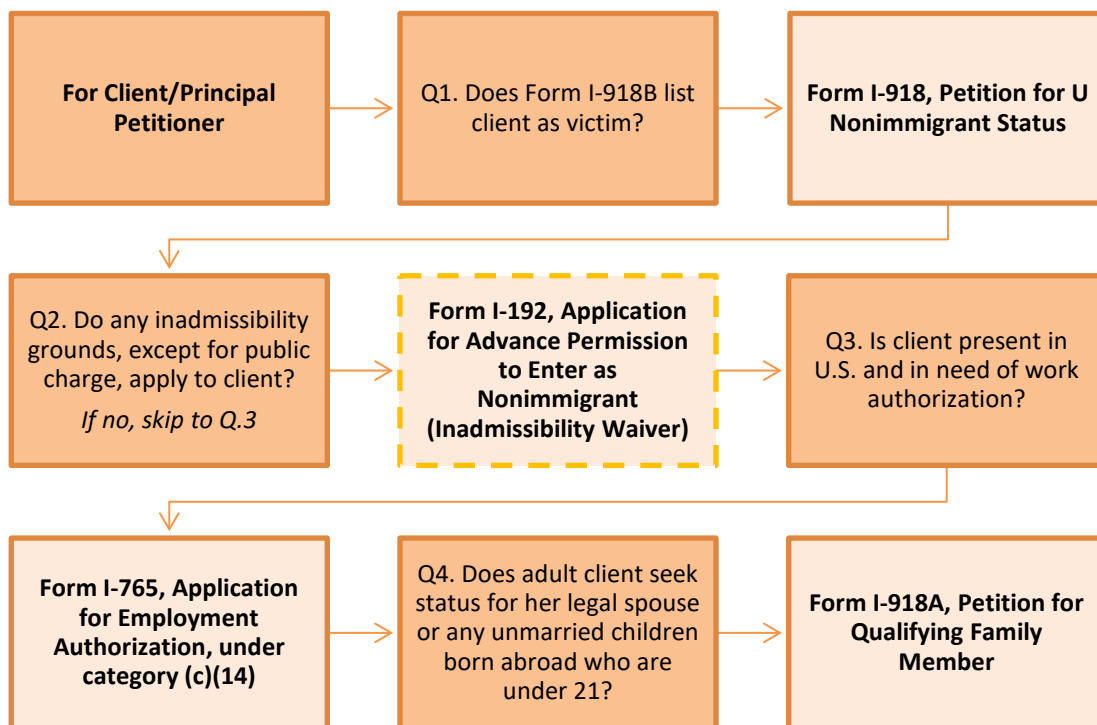
- **Form G-28, Notice of Entry of Appearance as Attorney**, on light blue paper, signed by derivative (if in U.S. and age 14 or over)
- *Original* derivative and attorney signatures, in blue ink, and interpreter signature (as needed) on Form I-765

- Two (2) passport photos of applicant, with applicant's name and A# or DOB written on back of each photo – *placed in envelope or plastic photo bag with envelope/bag stapled to first page of application*
- Copy of derivative's biographic information page of current passport or other photo ID

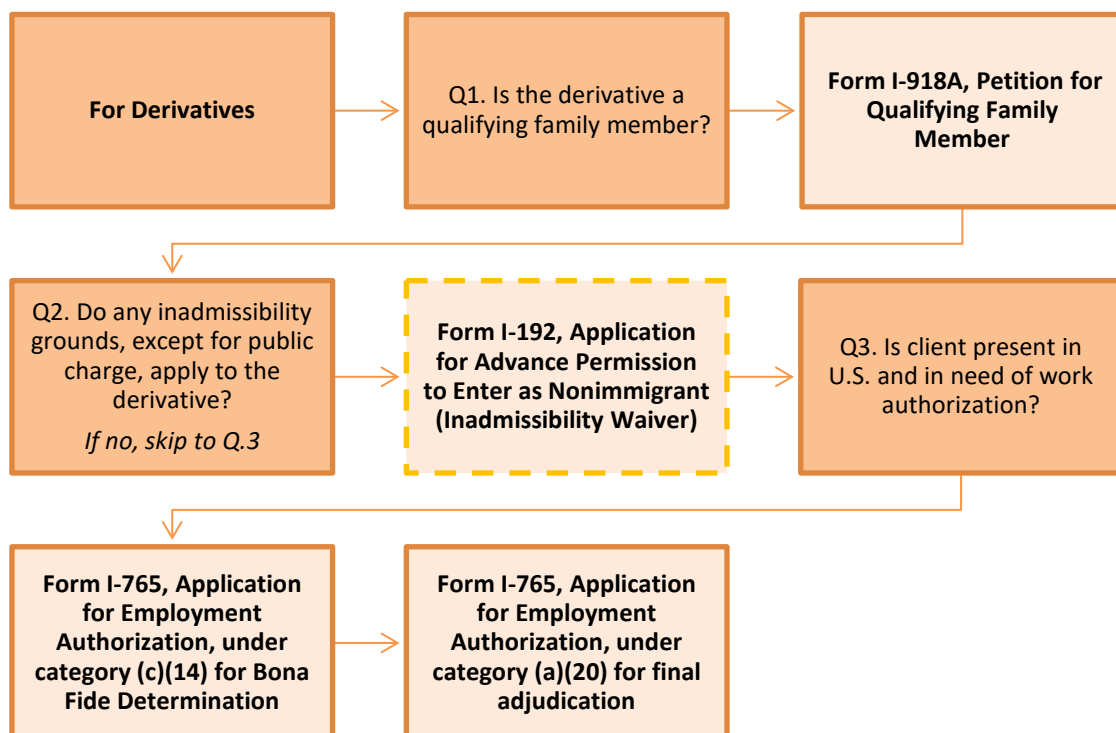
❑ **Form I-765, Application for Employment Authorization, under category (a)(20) based on anticipated U nonimmigrant status approval**

- **Form G-28, Notice of Entry of Appearance as Attorney**, on light blue paper, signed by derivative (if in U.S. and age 14 or over)
- *Original* derivative and attorney signatures, in blue ink, and interpreter signature (as needed) on Form I-765
- Two (2) passport photos of applicant, with applicant's name and A# or DOB written on back of each photo – *placed in envelope or plastic photo bag with envelope/bag stapled to first page of application*
- Copy of derivative's biographic information page of current passport or other photo ID

**FIGURE 2. DETERMINING WHICH FORMS TO FILE FOR YOUR CLIENT'S
U NONIMMIGRANT STATUS PETITION**



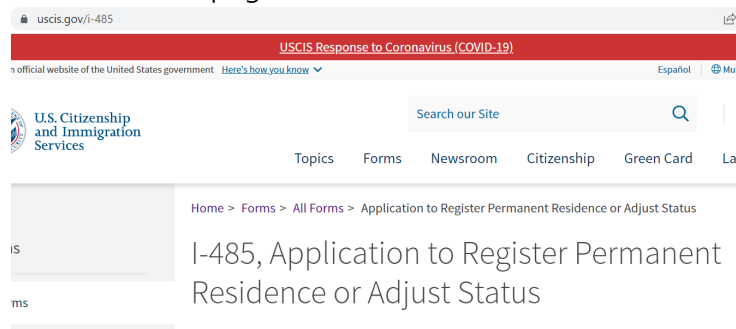
NOTE: If your client is under 21 years of age, Form I-918A can be filed for any parent or unmarried siblings under the age of 18.



USCIS FORMS: WARNING

The forms contained in this manual are for instructional and educational purposes only. They are not necessarily the most up to date forms. USCIS forms change periodically. If you do not file the current edition of the form, the filing will be rejected by USCIS, potentially causing a missed deadline and malpractice. It is critical that you confirm that you are using the current edition of the relevant form by following the steps below. You should do this both before the client signs the form and also before you mail the form to USCIS:

1. Go to www.uscis.gov/ forms. Find the form number that you are looking for.
2. Go to the webpage for that form:



3. Scroll down to where it says "Form Details" - "Edition Date":

Form Details

Close All Open All

Edition Date

03/29/21. We will also accept the 03/10/21 edition. You can find the edition date at the bottom of the page on the form and instructions.

Dates are listed in mm/dd/yy format.

4. Check the bottom left corner of the form you are filing (not the top right corner where it says “expires”) and make sure that it matches the Edition Date on the webpage. If so, your form is the current version and you are ready to file. If not, you must download the current edition and execute that one instead:


Form I-485 Edition 03/29/21

13.d. City or Town

13.e. State 13.f. ZIP Code

24. Date of Last Arrival (mm/yy)

Form I-485 Edition 03/29/21



SIGNATURES & DECLARATIONS

CLIENT SIGNATURES

U.S. Citizenship and Immigration Services (USCIS) announced that, due to the ongoing COVID-19 National Emergency announced by President Trump on March 13, 2020, they will accept all benefit forms and documents with reproduced original signatures, for submissions dated March 21, 2020, "and beyond". **USCIS has made this policy permanent** and incorporated it into its Policy Manual. See <https://www.uscis.gov/policy-manual/volume-1-part-b-chapter-2#:~:text=Signature%20Requirement,before%20filing%20it%20with%20USCIS>.

Acceptable	Unacceptable
<ul style="list-style-type: none">• Original signature• Handwritten "X," or similar mark, in ink (including a fingerprint, if unable to write)• Abbreviated signature, if that is the normal signature• Signature of parent or legal guardian of benefit requestor if requestor is under 14 years of age• Signature by the benefit requestor's legal guardian, surrogate, or person with a valid durable power of attorney or a similar legally binding document^[7]• An original signature on the benefit request that is later photocopied, scanned, faxed, or similarly reproduced, unless otherwise required by form instructions• For benefit requests filed electronically as permitted by form instructions, USCIS accepts	<ul style="list-style-type: none">• Typed name on signature line• Signature by an attorney or representative signing for the requestor or requestor's child• Signature created by a typewriter, word processor, stamp, auto-pen, or similar device^[9]

Acceptable	Unacceptable
signatures in an electronic format. Benefit requestors must follow the instructions provided to properly sign electronically, see 8 CFR 103.2(a)(2).	

DECLARATIONS/ STATEMENTS FOR CLIENT AND SUPPORTING WITNESSES

It is not legally required to provide notarized affidavits to USCIS as evidence in support of VAWA, U or T nonimmigrant status petitions. The samples in this manual contain notarized affidavits because that is the best possible evidence to provide. The standard for evidence for VAWA filings with USCIS is “any credible evidence”. **Unsworn statements will be accepted as evidence.**

- If you are providing unsworn statements in support of your client’s application(s), we recommend including the following language pursuant to 28 U.S. Code Section 1746:
 - (1) If executed outside the United States: “I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on *(date)* *(Signature)*”.
 - (2) If executed within the United States, its territories, possessions, or commonwealths: “I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on *(date)* *(Signature)*”.
- If you choose to notarize a document remotely during COVID-19, please refer to the New York State Department of State website for current guidance on how to properly do this: <https://dos.ny.gov/notary-public>

INSTRUCTIONS FOR ASSEMBLING THE APPLICATION PACKETS

Use colored paper to separate exhibits.

Avoid using exhibit tabs to separate exhibits. Instead, use colored paper (any color except light blue) to separate exhibits.

Use numbers not letters.

Mark each supporting exhibit with a number, printed on colored paper as "Exhibit 1," "Exhibit 2," etc.

Use a 2-hole punch.

Two hole punch all forms, affidavits, documents, etc. – including the sealed envelope containing the passport photos – at the top, making sure the holes are 2 inches apart. Be careful not to punch through and destroy the passport photos when doing so.

Use metal prong fasteners to bind each application packet.

"Acco-bind" each application separately with a metal prong fastener. The prongs should be inserted from the back and the fastener attached to the front so that USCIS can add documents easily to the top of the application packet. You should have separate Acco-bound packets for:

- The I-918;
- Each I-918A;
- Each I-192; and
- Each I-765 to be filed.

Do not bind the cover letter to an application packet.

Order all of the relevant applications as noted above and place a rubber band around the entire submission. Place the cover letter on top of the entire submission and enclose all contents in a large envelope/mailed.

Use trackable mail delivery.

On the outside of the large envelope/mailed, write "Att: VAWA Unit" in red to alert USCIS that the package should be routed to the VAWA Unit at the Vermont Service Center. All submissions to USCIS should be sent via trackable mail, such as FedEx, UPS, or DHL. Avoid using USPS as there have been delays when using USPS. PRINT OUT DELIVERY RECEIPT FOR YOUR RECORDS in case of dispute in delivery date.

NOTE ON MAIL DELIVERY: Since an application for U nonimmigrant status is time sensitive please use next day delivery and send with plenty of time to spare in case of fee rejection or other filing rejection.

Scan any applications before mailing.

Remember that a full copy of everything that is mailed to USCIS should also be sent to your client, and a copy should be kept for your files. In addition, please send a full copy of the submission to your Her Justice mentor via email as a PDF.

**SAMPLE COVER LETTER FOR U FILING:
PRINCIPAL PETITIONER WITH DERIVATIVES**

March 10, 2024

VIA FEDEX

TRACKING NUMBER xx-xxxxxxx

United States Citizenship and Immigration Services
Vermont Service Center
Attn: I-918
38 River Road
Essex Junction, VT 05479-0001

Re: CLIENT, Carla – DOB: mm/dd/yyyy
Form I-918, Petition for U Nonimmigrant Status
Form I-192, Application for Advance Permission to Enter as Nonimmigrant
Form I-765, Application for Employment Authorization, under category (c)(14)

Commented [ss1]: Insert client's Alien # instead of DOB if one has been previously issued.

Commented [ss2]: Include only if inadmissibility grounds are applicable which must be waived

Re: DERIVATIVE CLIENT, Jose – DOB: mm/dd/yyyy
Form I-918A, Petition for Qualifying Family Member
Form I-192, Application for Advance Permission to Enter as Nonimmigrant
Form I-765, Application for Employment Authorization, under category (c)(14)
Form I-765, Application for Employment Authorization, under category (a)(20)

Commented [ss3]: Insert client's Alien # instead of DOB if one has been previously issued.

Commented [ss4]: Include if filing I-918A for derivative beneficiary

Commented [ss5]: Include only if inadmissibility grounds are applicable and must be waived for derivative

Commented [ss6]: Include only if derivative is present in the U.S.

Dear Sir or Madam:

I am an associate with Law Firm Extraordinaire, which has been retained to provide pro bono services to Ms. Carla Client. We write on behalf of Ms. Client and her derivative child, Jose Derivative Client, who is physically present in the U.S., to request that they be granted U nonimmigrant status pursuant to INA §101(a)(15)(U), 8 USC §1101(a)(15)(U) and INA §214(p), 8 USC §1184(p).

As further explained in the attached documents, Ms. Client meets the U nonimmigrant status eligibility requirements as she was the victim of the qualifying crime of domestic violence perpetrated against her by her spouse, Daniel Defendant. She reported the domestic violence to law enforcement and cooperated with the family court, police, and district attorney's office to have her abuser arrested and convicted for his crimes against her. The Kings County District Attorney's Office has issued Form I-918B, dated December 1, 2023, certifying domestic violence as the criminal activity investigated or prosecuted and Ms. Client's helpfulness. Ms. Client suffered substantially as a result of her victimization as explained in her enclosed affidavit and supporting documents showing physical and emotional trauma. In addition to the physical wounds inflicted on her by her husband, Ms. Client also suffered depression, anxiety and loss of self-esteem as a result of the domestic violence.

We respectfully request that USCIS issue a Bona Fide Determination (BFD) and grants of deferred action for both Ms. Client and her child Jose Derivative Client. Ms. Client and her derivative child meet the criteria for a BFD because they are submitting a properly executed Forms I-918, I-918A, and I-918B, along with Ms. Client's personal statement describing the facts of her victimization. In addition, they both merit a favorable exercise of discretion because there are no indications that they pose a threat to public safety or to national security.

Commented [ss7]: Speak to your Her Justice mentor if there are any arrests or convictions that need to be explained here.

We are also enclosing Forms I-192 to request the waiver of grounds of inadmissibility applicable to both Ms. Client and her child. Ms. Client entered the United States without inspection, was subject to removal proceedings, and facilitated the unlawful entry of her child. Her child, Jose, is present in the U.S. without admission or parole. Both Ms. Client and Jose merit a favorable exercise of discretion for the approval of their respective I-192 applications. Ms. Client is a devoted mother and a person of strong religious conviction who would suffer hardship if she were not allowed to remain in the U.S. She cares for three minor children, two of whom are U.S. citizens who rely wholly on her for support. Jose is a 12th grade student who is on track to graduate from high school in the U.S. in May 2024. He would suffer hardship if he were not allowed to remain in the U.S., where he has lived since he was 2 years old, to finish his education.

In addition, please find enclosed Forms I-765 for the issuance of an Employment Authorization Document (EAD) under category C14 to Ms. Client and her child Jose to be adjudicated following a BFD and grant of deferred action. Also enclosed is an I-765 application for Jose under category A20 to be adjudicated upon the approval of their I-918A petition.

No filing fees are required for the enclosed Forms I-192 and I-765. As of April 1, 2024, all forms associated with U nonimmigrant status, including Forms I-192 and I-765, are fee exempt.

In summary, we enclose the following documents in support of the enclosed U nonimmigrant status petitions for your review:

FORMS I-918 & I-918A

Carla Client (principal)

- Form G-28, Notice of Entry of Appearance as Attorney, signed by the principal;
- Form I-918, Petition for U Nonimmigrant Status;
- Affidavit/Addendum Explaining Any Unclear or Affirmative Answers on Form I-918;
- Index of Evidence;
- Supporting evidence, which includes:
 - Completed and signed Form I-918B, U Nonimmigrant Status Certification, dated December 1, 2023;
 - Affidavit of Harm in Support of I-918 Petition describing the qualifying crime of domestic violence, cooperation with law enforcement, and substantial abuse;
 - Principal's identity documents with certified English translations (where applicable);
 - Police reports;
 - Orders of protection issued by the Kings County Criminal Court;
 - Orders of protection issued by the Kings County Family Court;
 - Medical records; and
 - Letter or affidavit from therapist.

Jose Derivative Client (derivative)

- Form G-28, Notice of Entry of Appearance as Attorney, signed by the principal;
- Form I-918A, Petition for Qualifying Family Member;
- Affidavit/Addendum Explaining Any Unclear or Affirmative Answers on Form I-918A;
- Derivative's identity documents, with certified English translations (where applicable), showing qualifying relationship to principal petitioner

FORMS I-192

Carla Client (principal)

- Form G-28, Notice of Entry of Appearance as Attorney, signed by the principal;
- Form I-192, Application for Advance Permission to Enter as Nonimmigrant;
- Index of evidence;
- Supporting evidence, which includes:
 - Affidavit in Support of I-192 Application explaining inadmissibility and establishing factors in favor of a positive exercise of discretion;
 - Principal's identity documents with certified English translations (where applicable);
 - Birth certificates of U.S. citizen children; and
 - Letters or affidavits of support.

Jose Derivative Client (derivative)

- Form G-28, Notice of Entry of Appearance as Attorney, signed by the derivative;
- Form I-192, Application for Advance Permission to Enter as Nonimmigrant;
- Index of evidence;
- Supporting evidence, which includes:
 - Affidavit in Support of I-192 Application explaining inadmissibility and establishing factors in favor of a positive exercise of discretion;
 - Derivative's identity documents with certified English translations (where applicable);
 - School transcript; and
 - Letters or affidavits of support.
 -

FORMS I-765

Carla Client (principal) – under category (c)(14)

- Form G-28, Notice of Entry of Appearance as Attorney, signed by the principal;
- Form I-765, Application for Employment Authorization;
- Two (2) passport-size photographs; and
- Biographic information page from principal's current, valid passport.
-

Jose Derivative Client (derivative) – under category (c)(14)

- Form G-28, Notice of Entry of Appearance as Attorney, signed by the derivative;
- Form I-765, Application for Employment Authorization;
- Two (2) passport-size photographs; and
- Biographic information page from derivative's current, valid passport.
-

Jose Derivative Client (derivative) – under category (a)(20)

- Form G-28, Notice of Entry of Appearance as Attorney, signed by the derivative;
- Form I-765, Application for Employment Authorization;
- Two (2) passport-size photographs; and
- Biographic information page from derivative's current, valid passport.
-

Should you require any further information, please do not hesitate to contact me. I may be reached by telephone at (212) 555-1234, by fax at (212) 555-5678, by e-mail at aattorney@LFEonline.org, or by mail at Law Firm Extraordinaire, LLP, 750 5th Ave. Suite 200, New York, NY 10018.

Sincerely,

Alice Attorney
Associate
Law Firm Extraordinaire

Encl.



Print on light
blue paper

Notice of Entry of Appearance as Attorney or Accredited Representative

Department of Homeland Security

DHS
Form G-28

OMB No. 1615-0105
Expires 05/31/2021

Part 1. Information About Attorney or Accredited Representative

1. USCIS Online Account Number (if any)

▶

Name of Attorney or Accredited Representative

2.a. Family Name (Last Name) **Attorney**

2.b. Given Name (First Name) **Alice**

2.c. Middle Name

Address of Attorney or Accredited Representative

3.a. Street Number and Name **100 Main St**

3.b. ☐ Apt. ☐ Ste. ☒ Flr. **4**

3.c. City or Town **New York**

3.d. State **NY** 3.e. ZIP Code **10005**

3.f. Province

3.g. Postal Code

3.h. Country

USA

Contact Information of Attorney or Accredited Representative

4. Daytime Telephone Number

2125551212

5. Mobile Telephone Number (if any)

6. Email Address (if any)

aattorney@abl1p.com

7. Fax Number (if any)

2124567890

Part 2. Eligibility Information for Attorney or Accredited Representative

Select **all** applicable items.

1.a. ☒ I am an attorney eligible to practice law in, and a member in good standing of, the bar of the highest courts of the following states, possessions, territories, commonwealths, or the District of Columbia. If you need extra space to complete this section, use the space provided in **Part 6. Additional Information**.

Licensing Authority

New York

1.b. Bar Number (if applicable)

506455

1.c. I (select **only one** box) ☒ am not ☐ am subject to any order suspending, enjoining, restraining, disbaring, or otherwise restricting me in the practice of law. If you are subject to any orders, use the space provided in **Part 6. Additional Information** to provide an explanation.

1.d. Name of Law Firm or Organization (if applicable)

A Attorney Law Offices

2.a. ☐ I am an accredited representative of the following qualified nonprofit religious, charitable, social service, or similar organization established in the United States and recognized by the Department of Justice in accordance with 8 CFR part 1292.

2.b. Name of Recognized Organization

2.c. Date of Accreditation (mm/dd/yyyy)

3. ☐ I am associated with

,
the attorney or accredited representative of record who previously filed Form G-28 in this case, and my appearance as an attorney or accredited representative for a limited purpose is at his or her request.

4.a. ☐ I am a law student or law graduate working under the direct supervision of the attorney or accredited representative of record on this form in accordance with the requirements in 8 CFR 292.1(a)(2).

4.b. Name of Law Student or Law Graduate

Part 3. Notice of Appearance as Attorney or Accredited Representative

If you need extra space to complete this section, use the space provided in **Part 6. Additional Information**.

This appearance relates to immigration matters before (select **only one** box):

- 1.a. ☒ U.S. Citizenship and Immigration Services (USCIS)
- 1.b. List the form numbers or specific matter in which appearance is entered.
I-918
- 2.a. ☐ U.S. Immigration and Customs Enforcement (ICE)
- 2.b. List the specific matter in which appearance is entered.
- 3.a. ☐ U.S. Customs and Border Protection (CBP)
- 3.b. List the specific matter in which appearance is entered.
4. Receipt Number (if any)
5. I enter my appearance as an attorney or accredited representative at the request of the (select **only one** box):
☐ Applicant ☒ Petitioner ☐ Requestor
☐ Beneficiary/Derivative ☐ Respondent (ICE, CBP)

Information About Client (Applicant, Petitioner, Requestor, Beneficiary or Derivative, Respondent, or Authorized Signatory for an Entity)

- 6.a. Family Name (Last Name) CLIENT
- 6.b. Given Name (First Name) Tracey
- 6.c. Middle Name T
- 7.a. Name of Entity (if applicable)
- 7.b. Title of Authorized Signatory for Entity (if applicable)
8. Client's USCIS Online Account Number (if any)
9. Client's Alien Registration Number (A-Number) (if any)

Client's Contact Information

10. Daytime Telephone Number
11. Mobile Telephone Number (if any)
12. Email Address (if any)

Mailing Address of Client

NOTE: Provide the client's mailing address. **Do not** provide the business mailing address of the attorney or accredited representative **unless** it serves as the safe mailing address on the application or petition being filed with this Form G-28.

- 13.a. Street Number and Name 100 Main St
- 13.b. ☐ Apt. ☐ Ste. ☒ Flr. 4
- 13.c. City or Town New York
- 13.d. State NY 13.e. ZIP Code 10005
- 13.f. Province
- 13.g. Postal Code
- 13.h. Country USA

Part 4. Client's Consent to Representation and Signature

Consent to Representation and Release of Information

I have requested the representation of and consented to being represented by the attorney or accredited representative named in **Part 1.** of this form. According to the Privacy Act of 1974 and U.S. Department of Homeland Security (DHS) policy, I also consent to the disclosure to the named attorney or accredited representative of any records pertaining to me that appear in any system of records of USCIS, ICE, or CBP.

Part 4. Client's Consent to Representation and Signature (continued)

Options Regarding Receipt of USCIS Notices and Documents

USCIS will send notices to both a represented party (the client) and his, her, or its attorney or accredited representative either through mail or electronic delivery. USCIS will send all secure identity documents and Travel Documents to the client's U.S. mailing address.

If you want to have notices and/or secure identity documents sent to your attorney or accredited representative of record rather than to you, please select **all applicable** items below. You may change these elections through written notice to USCIS.

- 1.a. ☒ I request that USCIS send original notices on an application or petition to the business address of my attorney or accredited representative as listed in this form.
- 1.b. ☒ I request that USCIS send any secure identity document (Permanent Resident Card, Employment Authorization Document, or Travel Document) that I receive to the U.S. business address of my attorney or accredited representative (or to a designated military or diplomatic address in a foreign country (if permitted)).

NOTE: If your notice contains Form I-94, Arrival-Departure Record, USCIS will send the notice to the U.S. business address of your attorney or accredited representative. If you would rather have your Form I-94 sent directly to you, select **Item Number 1.c.**

- 1.c. ☐ I request that USCIS send my notice containing Form I-94 to me at my U.S. mailing address.

Signature of Client or Authorized Signatory for an Entity

2.a. Signature of Client or Authorized Signatory for an Entity



2.b. Date of Signature (mm/dd/yyyy)

Part 5. Signature of Attorney or Accredited Representative

I have read and understand the regulations and conditions contained in 8 CFR 103.2 and 292 governing appearances and representation before DHS. I declare under penalty of perjury under the laws of the United States that the information I have provided on this form is true and correct.

1. a. Signature of Attorney or Accredited Representative

1.b. Date of Signature (mm/dd/yyyy)

2.a. Signature of Law Student or Law Graduate

2.b. Date of Signature (mm/dd/yyyy)



Part 6. Additional Information

If you need extra space to provide any additional information within this form, use the space below. If you need more space than what is provided, you may make copies of this page to complete and file with this form or attach a separate sheet of paper. Type or print your name at the top of each sheet; indicate the **Page Number**, **Part Number**, and **Item Number** to which your answer refers; and sign and date each sheet.

1.a. Family Name (Last Name) **CLIENT**
1.b. Given Name (First Name) **Tracey**
1.c. Middle Name **T**

2.a. Page Number 2.b. Part Number 2.c. Item Number

2.d. My client resides at a confidential address. Please send all correspondence to Alice Attorney Attorney at A.Attorney Law Firm at 100 Main St, 4th Fl, New York, NY 10005.

3.a. Page Number 3.b. Part Number 3.c. Item Number

3.d. _____

4.a. Page Number 4.b. Part Number 4.c. Item Number

4.d. _____

5.a. Page Number 5.b. Part Number 5.c. Item Number

5.d. _____

6.a. Page Number 6.b. Part Number 6.c. Item Number

6.d. _____





Supplement B, U Nonimmigrant Status Certification

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

USCIS
Form I-918
OMB No. 1615-0104
Expires 02/28/2026

For USCIS Use Only	Remarks

► **START HERE - Type or print in black or blue ink.**

Part 1. Victim Information

1. Alien Registration Number (A-Number) (if any)

► A-

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2.a. Family Name (Last Name) **Client Survivor**

2.b. Given Name (First Name) **Carla**

2.c. Middle Name **Middle**

Other Names Used (Include maiden names, nicknames, and aliases, if applicable.)

If you need extra space to provide additional names, use the space provided in **Part 7. Additional Information.**

3.a. Family Name (Last Name) **Client**

3.b. Given Name (First Name) **Carla**

3.c. Middle Name

4. Date of Birth (mm/dd/yyyy) **01/01/1990**

5. Sex ☐ Male ☒ Female

Part 2. Agency Information

1. Name of Certifying Agency
New York City Police Department

Name of Certifying Official

2.a. Family Name (Last Name) **Certifier**

2.b. Given Name (First Name) **Amy**

2.c. Middle Name

3. Title and Division/Office of Certifying Official
Sergeant

Name of Head of Certifying Agency

4.a. Family Name (Last Name) **O Neill**

4.b. Given Name (First Name) **James**

4.c. Middle Name

Agency Address

5.a. Street Number and Name **One Police Plaza**

5.b. ☐ Apt. ☐ Ste. ☐ Flr.

5.c. City or Town **New York**

5.d. State **NY** 5.f. ZIP Code **10038**

5.g. Province

5.h. Postal Code

5.i. Country

USA

Other Agency Information

6. Agency Type
☐ Federal ☐ State ☒ Local

7. Case Status
☐ On-going ☒ Completed
☐ Other

8. Certifying Agency Category
☐ Judge ☒ Law Enforcement ☐ Prosecutor
☐ Other

9. Case Number
1234567

10. FBI Number or SID Number (if applicable)

Part 3. Criminal Acts

If you need extra space to complete this section, use the space provided in **Part 7. Additional Information**.

1. The petitioner is a victim of criminal activity involving a violation of one of the following Federal, state, or local criminal offenses (or any similar activity). (Select **all applicable** boxes)

- | | |
|---|---|
| <input type="checkbox"/> Abduction | <input type="checkbox"/> Manslaughter |
| <input type="checkbox"/> Abusive Sexual Contact | <input type="checkbox"/> Murder |
| <input type="checkbox"/> Attempt to Commit Any of the Named Crimes | <input type="checkbox"/> Obstruction of Justice |
| <input type="checkbox"/> Being Held Hostage | <input type="checkbox"/> Peonage |
| <input type="checkbox"/> Blackmail | <input type="checkbox"/> Perjury |
| <input type="checkbox"/> Conspiracy to Commit Any of the Named Crimes | <input type="checkbox"/> Prostitution |
| <input checked="" type="checkbox"/> Domestic Violence | <input type="checkbox"/> Rape |
| <input type="checkbox"/> Extortion | <input type="checkbox"/> Sexual Assault |
| <input type="checkbox"/> False Imprisonment | <input type="checkbox"/> Sexual Exploitation |
| <input type="checkbox"/> Felonious Assault | <input type="checkbox"/> Slave Trade |
| <input type="checkbox"/> Female Genital Mutilation | <input type="checkbox"/> Solicitation to Commit Any of the Named Crimes |
| <input type="checkbox"/> Fraud in Foreign Labor Contracting | <input type="checkbox"/> Stalking |
| <input type="checkbox"/> Incest | <input type="checkbox"/> Torture |
| <input type="checkbox"/> Involuntary Servitude | <input type="checkbox"/> Trafficking |
| <input type="checkbox"/> Kidnapping | <input type="checkbox"/> Unlawful Criminal Restraint |
| | <input type="checkbox"/> Witness Tampering |

Provide the dates on which the criminal activity occurred.

2.a. Date (mm/dd/yyyy)

2.b. Date (mm/dd/yyyy)

2.c. Date (mm/dd/yyyy)

2.d. Date (mm/dd/yyyy)

3. List the statutory citations for the criminal activity being investigated or prosecuted, or that was investigated or prosecuted.

NY PL 120.00

- 4.a. 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

- 4.b. If you answered "Yes," where did the criminal activity occur?

321 Avenue D, New York NY

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

☐ Yes ☒ No

- 5.b. If you answered "Yes," provide the statutory citation providing the authority for extraterritorial jurisdiction.

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

Carla Client was assaulted by her husband.

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

Carla Client suffered bruising and cuts to her face.

Part 4. Helpfulness Of The Victim

For the following questions, if the victim is under 16 years of age, incompetent or incapacitated, then a parent, guardian, or next friend may act on behalf of the victim.

1. Does the victim possess information concerning the criminal activity listed in **Part 3**? ☒ Yes ☐ No
2. Has the victim been helpful, is the victim being helpful, or is the victim likely to be helpful in the investigation or prosecution of the criminal activity detailed above? ☒ Yes ☐ No
3. Since the initiation of cooperation, has the victim refused or failed to provide assistance reasonably requested in the investigation or prosecution of the criminal activity detailed above? ☐ Yes ☒ No

If you answer "Yes" to **Item Numbers 1. - 3.**, provide an explanation in the space below. If you need extra space to complete this section, use the space provided in **Part 7**.

Additional Information.

Carla Client made a full police report with the NYPD and provided a statement of allegations to the responding officers. She told the officers where her husband could be located, as he had fled upon her calling the police.

4. Other. Include any additional information you would like to provide.

Part 5. Family Members Culpable In Criminal Activity

1. Are any of the victim's family members culpable or believed to be culpable in the criminal activity of which the petitioner is a victim? ☒ Yes ☐ No

If you answered "Yes," list the family members and their criminal involvement. (If you need extra space to complete this section, use the space provided in **Part 7. Additional Information.**)

2.a.	Family Name (Last Name)	SMITH
2.b.	Given Name (First Name)	John
2.c.	Middle Name	
2.d.	Relationship	Husband
2.e.	Involvement	Perpetrator

3.a.	Family Name (Last Name)	
3.b.	Given Name (First Name)	
3.c.	Middle Name	
3.d.	Relationship	
3.e.	Involvement	

4.a.	Family Name (Last Name)	
4.b.	Given Name (First Name)	
4.c.	Middle Name	
4.d.	Relationship	
4.e.	Involvement	

Part 6. Certification

I am the head of the agency listed in **Part 2.** or I am the person in the agency who was specifically designated by the head of the agency to issue a U Nonimmigrant Status Certification on behalf of the agency. Based upon investigation of the facts, I certify, under penalty of perjury, that the individual identified in **Part 1.** is or was a victim of one or more of the crimes listed in **Part 3.** I certify that the above information is complete, 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 U.S. Citizenship and Immigration Services (USCIS), 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 or she is a victim, I will notify USCIS.

1. Signature of Certifying Official (sign in ink)



2. Date of Signature (mm/dd/yyyy)

3. Daytime Telephone Number

4. Fax Number



Part 7. Additional Information

If you need extra space to complete any item within this supplement, use the space below or attach a separate sheet of paper; type or print the agency's name, petitioner's name, and the Alien Registration Number (A-Number) (if any) at the top of each sheet; indicate the **Page Number**, **Part Number**, and **Item Number** to which your answer refers; and sign and date each sheet. If you need more space than what is provided, you may also make copies of this page to complete and file with this supplement.

1. Agency Name
- | |
|---------------------------------|
| New York City Police Department |
|---------------------------------|

Petitioner's Name

- 2.a.** Family Name (Last Name) Client Survivor

- 2.b. Given Name (First Name) **Carla**

- | | |
|------------------|--------|
| 2.c. Middle Name | Middle |
|------------------|--------|

- 3.** A-Number (if any) ▶ A-

- 4.a.** Page Number **4.b.** Part Number **4.c.** Item Number

- [illegible]

- 5.a.** Page Number **5.b.** Part Number **5.c.** Item Number

- [illegible]

- 6.a.** Page Number **6.b.** Part Number **6.c.** Item Number

- [illegible]



**2.D. Forms I-918 &
I-918A,
Petitions for U
Non-immigrant
Status**

CHECKLIST: FORMS I-918 & I-918A, U NONIMMIGRANT STATUS PETITIONS

Assembled in order listed below:

- ☐ **Cover letter** addressing all concurrently filed petitions (i.e. I-918A, I-192, I-765)

For Client/Principal Petitioner

- ☐ **Original Form G-28, Notice of Entry of Appearance of Attorney**, for I-918 and any I-918As, signed by client/principal and attorney in blue ink and printed on light blue paper
- ☐ **Original Form I-918, U Nonimmigrant Status Petition**, signed in blue ink by client and attorney, and interpreter (as needed)
- ☐ **Notarized Affidavit Explaining Unclear or Affirmative Answers** on Form I-918
- ☐ **Original and valid Form I-918B, U Nonimmigrant Status Certification** – *valid only for six (6) months from date of certification*
- ☐ Index of evidence
- ☐ **Notarized Affidavit in Support of Form I-918** describing victimization, cooperation with law enforcement, and substantial abuse suffered. (NOTE: If crime victim was under 16 at time of crime, affidavit will be executed by the minor crime victim's parent).
- ☐ **Copy of birth certificate with certified English translation**
- ☐ **Copy of biographic information page from current, valid passport**, if available
- ☐ **Copy of passport and visa used at entry**, if applicable, and Form I-94, if available
- ☐ **Copies of police reports** concerning the crime perpetrated against the U petitioner, if any
- ☐ **Copies of orders of protection** protecting U petitioner or family members, if any
- ☐ **Copies of excerpts of agency records relevant to the investigation**, if the case was investigated by an alternate law enforcement agency, such as the U.S. Department of Labor (DOL) or Administration for Children's Services (ACS)
- ☐ **Copies of relevant civil documents (i.e., marriage, divorce, family, or other civil documents)** involving the U petitioner, the petitioner's family and the criminal perpetrator, if applicable (e.g. the U petitioner and criminal perpetrator are married and the U petitioner has custody of their minor children)
- ☐ **Copies of excerpts of relevant hospital or other medical records** concerning treatment of, or trauma to, U petitioner or family members, if any
- ☐ **Original letters, affidavits, or health evaluations from medical professionals, counselors, therapists, case managers or shelter workers** who interacted with the principal U petitioner and/or family members in connection with criminal activity perpetrated against the U petitioner, if any and as needed

If U petitioner has a criminal record:

- ☐ **Copies of arrest reports**, if available
- ☐ **RAP sheet**, if available
- ☐ **Certificates of disposition** showing outcome of criminal prosecution
- ☐ **Excerpts of relevant penal law** showing charges, elements of crime, and maximum penalties

For Each Derivative

- ☐ **Original I-918A, Petition for Qualifying Family Member**, signed in blue ink by client, attorney, and derivative if in U.S. and age 14 or over, and interpreter, as needed. (NOTE: If derivative is under age 14, or if derivative resides abroad, form need only be signed by principal U petitioner).
- ☐ Notarized Affidavit Explaining Unclear or Affirmative Answers on Form I-918A, if applicable
- ☐ **Index of evidence**
- ☐ **Copy of derivative's birth certificate with certified English translation.** Birth certificate must conform to the U.S. Department of State Visa Reciprocity Schedule found here: <https://travel.state.gov/content/travel/en/us-visas/Visa-Reciprocity-and-Civil-Documents-by-Country.html>. (NOTE: *For U-3 children*, if the child's birth certificate is unavailable, secondary evidence can be used to show the qualifying relationship between the principal and derivative (i.e., birth records, baptismal certificates, acknowledgment of paternity, school records, etc.)).
- ☐ *For U-2 spouse:* **Copies of marriage certificates or divorce/annulment decrees** showing legal, valid marriage between principal and derivative.
- ☐ **Copy of biographic information page from derivative's current, valid passport**, if any
- ☐ **Copy of passport and visa used at entry**, if applicable, and Form I-94, if available

If derivative has a criminal record:

- ☐ **Copies of arrest reports**, if available
- ☐ **RAP sheet**, if available
- ☐ **Certificates of disposition** showing outcome of criminal prosecution
- ☐ **Excerpts of relevant penal law** showing charges, elements of crime, and maximum penalties



Solicitud de estatus U para no-inmigrante

Departamento de Seguridad Nacional

Servicio de Ciudadanía e Inmigración de Estados Unidos

USCIS

Formulario I-918

OMB No. 1615-0104

Vence 02/28/2019

Para uso exclusivo de USCIS	Comentarios		Recibido		Bloque de acción
	Embajada o Consulado de EE. UU.	Fechas de validez (mm/dd/aaaa)	Espera indicada		
		Desde: / /			
		Hasta: / /	Número de sello	Date (mm/dd/aaaa)	

Para ser completado por un abogado o representante acreditado (si corresponde).	<input type="checkbox"/> Marque esta casilla si se adjunta el formulario G-28.	Núm. de registro estatal de abogado (si corresponde) <input type="text"/>	Núm. de cuenta en línea USCIS de abogado o representante autorizado (si corresponde) <input type="text"/>
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► COMIENZE AQUÍ - A máquina o a mano, tinta azul o negra.

Parte 1. Información personal (persona que presenta esta solicitud como víctima)

1.a. Apellido completo

1.b. Primer nombre

1.c. Segundo nombre

Otros nombres usados (Incluya nombre de soltera, apodos y alias, si corresponde)

2.a. Apellido completo

2.b. Primer nombre

2.c. Segundo nombre

Dirección particular

3.a. Núm. y calle

3.b. ☐ Dep ☐ Calle ☐ Piso

3.c. Ciudad

3.d. Estado 3.e. Cód Postal

3.f. Provincia

3.g. Cód Postal

3.h. País

Dirección de correo seguro (si no es la dir. particular)

4.a. A/A (a la atención de)

4.b. Núm. y calle

4.c. ☐ Dep ☐ Calle ☐ Piso

4.d. Ciudad

4.e. Estado 4.f. Cód Postal

4.g. Provincia

4.h. Código Postal

4.i. País

Otra información

5. Número de registro de extranjero (Número A) (si existe)
► A-

6. Número de Seguro Social de EE.UU. (si corresponde)
►

7. Número de cuenta en línea de USCIS (si corresponde)
►

8. Estado civil
☐ Soltero/a ☐ Casado/a ☐ Divorciado/a ☐ Viudo/a

Parte 1. Información personal (continuación)

9. Género ☐ Masculino ☐ Femenino
10. Fecha de nacimiento (mm/dd/aaaa)
11. País de nacimiento
12. País de ciudadanía o nacionalidad
13. Formulario I-94 - Número de Registro de Llegada y Salida
▶
14. Número de pasaporte
15. Número de documento de viaje
16. País de emisión del pasaporte o documento de viaje
17. Fecha de emisión del pasaporte o documento de viaje (mm/dd/aaaa)
18. Fecha de expiración del pasaporte o documento de viaje (mm/dd/aaaa)
- Lugar y fecha de la última entrada a los Estados Unidos y Fecha de expiración de la estadía autorizada
- 19.a. Ciudad
- 19.b. Estado
20. Fecha de última entrada a los Estados Unidos (mm/dd/aaaa)
21. Fecha de expiración de la estadía autorizada (mm/dd/aaaa)
22. Estado inmigratorio actual

Parte 2. Información personal adicional

Una respuesta "Sí" a las siguientes preguntas requiere explicaciones y documentación de apoyo. Adjunte los documentos pertinentes en apoyo de sus afirmaciones de que es víctima de una actividad delictiva enumerada en la sección 101 (a)(15)(U)(iii) de la Ley de Inmigración y Nacionalidad (INA). También debe añadir una declaración personal que describa la actividad criminal de la cual usted ha sido víctima. Si usted está solicitando solamente el estado derivado de U para miembros de su familia que califiquen después de la entrega de su solicitud (como solicitante principal), no se le requiere presentar evidencia que respalde la petición original con el nuevo Formulario I-918.

Si necesita espacio adicional para completar la **Parte 2**, use el espacio proporcionado en la **Parte 8, Información adicional**.

Seleccione "Sí" o "No", según corresponda, para cada una de las siguientes preguntas.

1. Soy víctima de una actividad criminal enumerada en el INA en la sección 101(a)(15)(U)(iii). ☐ Sí ☐ No
2. He sufrido abuso físico o mental sustancial como resultado de haber sido víctima de esta actividad criminal. ☐ Sí ☐ No
3. Tengo información sobre la actividad criminal de la cual fui víctima. ☐ Sí ☐ No
4. Estoy presentando el Formulario I-918, Suplemento B, Certificación de Estado de No Inmigrante, de un agente de orden público certificador. ☐ Sí ☐ No
5. El crimen del que soy víctima ocurrió en los Estados Unidos (incluyendo el territorio de las tribus indígenas estadounidenses y las instalaciones militares) o violó las leyes de los Estados Unidos. ☐ Sí ☐ No
6. Soy menor de 16 años. ☐ Sí ☐ No
- 7.a. Estaba o estoy en proceso de inmigración ☐ Sí ☐ No

Si respondió "Sí", seleccione el tipo de procedimiento. Si usted estuvo en un proceso en el pasado y ya no está en un proceso, provea la fecha de la acción. Si se encuentra actualmente en un proceso, escriba o imprima "Current" (actual en inglés) en la casilla de la fecha correspondiente. Seleccione todas las casillas aplicables. Use el espacio proporcionado en la Parte 8. Información adicional para dar una explicación.

- 7.b. ☐ Procedimientos de remoción
Fecha de remoción (mm/dd/aaaa)
- 7.c. ☐ Procedimientos de exclusión
Fecha de exclusión (mm/dd/aaaa)
- 7.d. ☐ Procedimientos de deportación
Fecha de deportación (mm/dd/aaaa)
- 7.e. ☐ Procedimientos de rescisión
Fecha de rescisión (mm/dd/aaaa)
- 7.f. ☐ Procedimientos judiciales
Fecha de juicio (mm/dd/aaaa)

Parte 2. Información personal adicional (Continuación)

Indique la fecha de ingreso, lugar de entrada y estado bajo el cual ingresó a los Estados Unidos para cada entrada durante los cinco años anteriores a la presentación de esta solicitud.

8.a. Fecha de entrada (mm/dd/aaaa)

Lugar de entrada a los Estados Unidos

8.b. Ciudad

8.c. Estado

8.d. Estado en el momento de la entrada (por ejemplo, estudiante F-1, turista B-2, ingresado sin inspección)

9.a. Fecha de entrada (mm/dd/aaaa)

Lugar de entrada a los Estados Unidos

9.b. Ciudad

9.c. Estado

9.d. Condición al momento de la entrada (por ejemplo, estudiante F-1, turista B-2 ingresado sin inspección)

10.a. Fecha de entrada (mm/dd/aaaa)

Lugar de entrada a los Estados Unidos

10.b. Ciudad

10.c. Estado

10.d. Condición al momento de la entrada (por ejemplo, estudiante F-1, turista B-2 ingresado sin inspección)

Si usted está fuera de los Estados Unidos, provea la dirección del Consulado de los EE. UU. o de la oficina de inspección o una dirección de correo extranjera segura en la que desea que se le notifique si esta solicitud es aprobada.

11.a. Tipo de oficina (Seleccione **solo una** casilla):

- ☐ Consulado de EE. UU. ☐ Inspección previa al vuelo
☐ Puerto de entrada

11.b. Ciudad

11.c. Estado

11.d. País

Dirección segura en el extranjero a donde quiere que se le envíe la notificación

(si no es la de un Consulado de los EE. UU., Inspección previa al vuelo o Puerto de entrada)

12.a. Núm. y calle

12.b. ☐ Dep ☐ Calle ☐ Piso

12.c. Ciudad

12.d. Provincia

12.e. Código Postal

12.f. País

Parte 3. Información de procesamiento

Responda las siguientes preguntas sobre su persona. A los fines de esta solicitud, usted debe responder "Sí" a las siguientes preguntas, si corresponde, incluso si sus expedientes fueron sellados o aprobados de alguna otra manera o si alguien, incluso un juez, funcionario del orden público o abogado le indicaron que ya no tiene un expediente.

NOTA: Si responde "Sí" a **CUALQUIER** pregunta en la **Parte 3**, provea una explicación en el espacio proporcionado en la **Parte 8. Información adicional**.

NOTA: Si responde "Sí" no significa necesariamente que los Servicios de Ciudadanía e Inmigración de los Estados Unidos (USCIS) rechazarán su Solicitud por su condición de no inmigrante U.

¿ALGUNA VEZ:

1.a. ha cometido un delito por el cual no ha sido arrestado?

☐ Sí ☐ No

1.b. ha sido arrestado, citado o detenido por cualquier agente del orden público (incluyendo el Departamento de Seguridad Nacional (DHS), el ex Servicio de Inmigración y Naturalización (INS) y oficiales militares) por alguna razón?

☐ Sí ☐ No

1.c. ha sido acusado de cometer algún delito o infracción?

☐ Sí ☐ No

1.d. ha sido condenado por algún delito o infracción (aun si después este hubiera sido cancelado o perdonado)?

☐ Sí ☐ No

1.e. lo han colocado en un programa de sentencia alternativa o de rehabilitación (por ejemplo, régimen alterno al enjuiciamiento, enjuiciamiento aplazado, sentencia retenida, sentencia aplazada)?

☐ Sí ☐ No

Parte 3. Información de procesamiento

- 1.f. ha recibido una sentencia suspendida o ha sido puesto libertad condicional o libertad probatoria? ☐ Sí ☐ No
- 1.g. ha estado en la cárcel o en prisión? ☐ Sí ☐ No
- 1.h. ha sido beneficiario de un indulto, amnistía, rehabilitación u otro acto de clemencia o acción similar? ☐ Sí ☐ No
- 1.i. ha ejercido la inmunidad diplomática para evitar ser juzgado por un delito penal en los Estados Unidos? ☐ Sí ☐ No

Información de arrestos, citaciones, detenciones o acusaciones

Si respondió "Sí" a cualquiera de las preguntas anteriores, responda a las preguntas a continuación para proveer detalles adicionales. Si necesita espacio adicional, use el espacio proporcionado en la **Parte 8. Información adicional**.

- 2.a. ¿Por qué fue arrestado, citado, detenido o acusado?

- 2.b. Fecha de arresto, citación, detención o acusación (mm/dd/aaaa)

¿Dónde fue arrestado, citado, detenido o acusado?

- 2.c. Ciudad

- 2.d. Estado

- 2.e. País

- 2.f. Resultado o disposición (por ejemplo, sin cargos presentados, cargos desestimados, sentencia de prisión, libertad condicional)

- 3.a. ¿Por qué fue arrestado, citado, detenido o acusado?

- 3.b. Fecha de arresto, citación, detención o acusación (mm/dd/aaaa)

¿Dónde fue arrestado, citado, detenido o acusado?

- 3.c. Ciudad

- 3.d. Estado

- 3.e. País

- 3.f. Resultado o disposición (por ejemplo, sin cargos presentados, cargos desestimados, sentencia de prisión, libertad condicional)

¿ALGUNA VEZ:

- 4.a. ha participado o tiene la intención de participar en el ejercicio de la prostitución o incitación a la prostitución? ☐ Sí ☐ No
- 4.b. ha participado en cualquier vicio ilícito comercializado incluyendo, a modo enumerativo, las apuestas ilegales? ☐ Sí ☐ No
- 4.c. ha alentado, inducido, asistido, fomentado o ayudado conscientemente el ingreso de un extranjero a los Estados Unidos ilegalmente? ☐ Sí ☐ No
- 4.d. ha traficado ilegalmente alguna sustancia controlada o ha asistido, fomentado o conspirado con respecto al tráfico ilícito de sustancias controladas? ☐ Sí ☐ No

ALGUNA VEZ ha cometido, planeado, preparado, participado en, amenazado con, intentado o conspirado para cometer o conseguido información o ha recaudado fondos para una de las siguientes actividades:

- 5.a. secuestro o sabotaje de cualquier medio de transporte (incluyendo aeronaves, buques o vehículos)? ☐ Sí ☐ No
- 5.b. Aprender o detener y amenazar con matar, herir o seguir manteniendo detenida a una persona con el fin de forzar a otro individuo (incluyendo una organización gubernamental) a hacer o abstenerse de hacer algún acto como condición, sea implícita o explícita, de la liberación de una persona aprehendida o detenida? ☐ Sí ☐ No
- 5.c. asesinato? ☐ Sí ☐ No
- 5.d. usar un arma de fuego con intenciones de poner en peligro, sea directa o indirectamente, la seguridad de uno o más individuos o de causar daño sustancial a la propiedad? ☐ Sí ☐ No
- 5.e. usar un agente biológico, agente químico, arma o dispositivo nuclear, explosivo, u otra arma o dispositivo peligroso con la intención de poner en peligro, directa o indirectamente, la seguridad de uno o más individuos o causar daño sustancial a la propiedad? ☐ Sí ☐ No

¿ALGUNA VEZ ha sido miembro, recaudado fondos o buscado miembros, apoyado, asistido a un entrenamiento militar (según se define en el Artículo 2339D(c) (1) título 18 del Código de los Estados Unidos) o se ha asociado a algún otro grupo de dos o más individuos, organizados o no, que haya sido designado como, o haya participado en o tenga un subgrupo que haya sido designado como o haya participado en:

- 6.a. una organización terrorista bajo la sección 219 del INA? ☐ Sí ☐ No
- 6.b. secuestro o sabotaje de cualquier medio de transporte (incluyendo aeronaves, buques o vehículos)? ☐ Sí ☐ No

Parte 3. Información de procesamiento

- 6.c. aprehender o detener y amenazar con matar, herir o seguir manteniendo detenida a una persona con el fin de forzar a otro individuo (incluyendo una organización gubernamental) a que se abstenga de algún acto como condición, sea implícita o explícita, de la libertad de la persona aprehendida o detenida? ☐ Sí ☐ No
- 6.d. asesinato? ☐ Sí ☐ No
- 6.e. usar un arma de fuego con intenciones de poner en peligro, directa o indirectamente, la seguridad de uno o más o de causar daño sustancial a la propiedad? ☐ Sí ☐ No
- 6.f. usar un agente biológico, agente químico o arma o dispositivo nuclear, explosivo, u otra arma o dispositivo peligroso con la intención de poner en peligro, directa o indirectamente, la seguridad de uno o más individuos o causar daños sustanciales a la propiedad? ☐ Sí ☐ No
- 6.g. reunir fondos o buscar miembros o brindar apoyo material a una organización terrorista? ☐ Sí ☐ No
- En los Estados Unidos, ¿piensa usted participar en:
- 7.a. espionaje? ☐ Sí ☐ No
- 7.b. cualquier actividad ilegal o cualquier actividad cuyo fin sea oponerse, controlar o derrocar el gobierno de los Estados Unidos? ☐ Sí ☐ No
- 7.c. solo, principalmente o incidentalmente en alguna actividad relacionada con el espionaje o sabotaje o violación de una ley de exportación de bienes, tecnología o información sensible? ☐ Sí ☐ No
8. ¿ALGUNA VEZ ha sido o continúa siendo miembro del Partido Comunista o de otro partido totalitario, excepto cuando la afiliación fuera involuntaria? ☐ Sí ☐ No
9. ¿ALGUNA VEZ, durante el período del 23 de marzo de 1933 al 8 de mayo de 1945, en asociación con el Gobierno nazi de Alemania o con cualquier organización o asociado del gobierno o aliado con el Gobierno nazi de Alemania, ordenó, incitó, asistió o de otro modo participó en la persecución de cualquier persona por motivos de raza, religión, nacionalidad, pertenencia a un determinado grupo social u opinión política? ☐ Sí ☐ No

¿ALGUNA VEZ ha ordenado, incitado, pedido, cometido, ayudado o de alguna otra manera participado en alguno de los siguientes actos:

- 10.a. tortura o genocidio? ☐ Sí ☐ No
- 10.b. matar a una persona? ☐ Sí ☐ No
- 10.c. lesionar intencional y gravemente a una persona? ☐ Sí ☐ No
- 10.d. participar en cualquier tipo de conducta sexual o relaciones con una persona que fue forzada o amenazada? ☐ Sí ☐ No
- 10.e. limitar o negar la capacidad de una persona de practicar sus creencias religiosas? ☐ Sí ☐ No
- 10.f. la persecución de una persona debido a raza, religión, origen nacional, pertenencia a un grupo social particular u opinión política? ☐ Sí ☐ No
- 10.g. desplazar o mover a una persona de su residencia por la fuerza, amenaza de fuerza, compulsión o coacción? ☐ Sí ☐ No

NOTE: Si respondió "Sí" a cualquiera de las preguntas en los puntos de 10.a. a 10.g., describa las circunstancias en **Parte 8. Información adicional.**

11. ¿ALGUNA VEZ ha insistido a otra persona que cometa alguno de los actos descritos en la pregunta anterior, instado o alentado a otra persona a cometer tales actos? ☐ Sí ☐ No

¿ALGUNA VEZ presenció o estuvo cerca de una situación en la que una persona fuera:

- 12.a. intencionalmente asesinada, torturada, golpeada o lesionada? ☐ Sí ☐ No
- 12.b. desplazada o retirada de su domicilio por la fuerza, bajo amenaza de usar la fuerza o por coacción? ☐ Sí ☐ No
- 12.c. de alguna manera obligada o forzada a mantener algún tipo de contacto o relación sexual? ☐ Sí ☐ No

¿ALGUNA VEZ:

- 13.a. ha servido, ha sido miembro de, o ha estado involucrado en una unidad militar, paramilitar, policíaca, de autodefensa, de patrulla ciudadana, grupo rebelde, grupo guerrillero u otra organización insurgente? ☐ Sí ☐ No

Parte 3. Información de procesamiento(continuación)

13.b. ha prestado servicios en una prisión, cárcel, campo de prisioneros, centro de detención, campo de trabajos forzado o cualquier otra situación que involucrara la detención de personas? ☐ Sí ☐ No

13.c. ha prestado servicios, ha sido miembro, ha colaborado o ha participado en algún grupo, unidad u organización de cualquier clase en la que usted u otras personas transportaron, poseyeron o usaron algún tipo de arma? ☐ Sí ☐ No

NOTA: Si respondió "Sí" a cualquiera de las preguntas en los puntos de 13.a. a 13.c., describa las circunstancias en

Parte 8. Información adicional.

¿ALGUNA VEZ:

14.a. ha recibido algún tipo de entrenamiento militar, paramilitar o de manejo de armas? ☐ Sí ☐ No

14.b. ha sido miembro, asistió o participó en algún grupo, unidad u organización de cualquier tipo en la que usted u otras personas usaron algún tipo de arma contra alguna persona o amenazaron con hacerlo? ☐ Sí ☐ No

14.c. ha ayudado o participado en la venta o provisión de armas a alguna persona que usted sepa que las usó contra otra persona, o en el transporte de armas para alguna persona que usted sabe que la utilizó en contra de otra persona? ☐ Sí ☐ No

NOTA: Si respondió "Sí" a cualquiera de las preguntas en los puntos de 14.a. a 14.c., describa las circunstancias en

Parte 8. Información adicional.

¿ALGUNA VEZ:

15.a. ha reclutado o enrolado a una persona menor de 15 años para servir o ayudar en una fuerza o grupo armado? ☐ Sí ☐ No

15.b. ha usado a una persona menor de 15 años para participar en acciones hostiles, o para ayudar o brindar servicios a personas en combate? ☐ Sí ☐ No

16. ¿Está usted **AHORA** en procedimientos de remoción, exclusión, rescisión o deportación? ☐ Sí ☐ No

17. ¿ALGUNA VEZ se iniciaron procesos de remoción, exclusión, rescisión o deportación en su contra? ☐ Sí ☐ No

18. ¿ALGUNA VEZ fue removido, excluido o deportado de los Estados Unidos? ☐ Sí ☐ No

19. ¿ALGUNA VEZ le han ordenado ser removido, excluido o deportado de los Estados Unidos? ☐ Sí ☐ No

20. ¿ALGUNA VEZ se le ha negado la visa o la entrada a los Estados Unidos? ☐ Sí ☐ No

21. ¿ALGUNA VEZ un funcionario de migraciones o un juez del tribunal de inmigración le otorgó una salida voluntaria y usted no salió dentro del período asignado? ☐ Sí ☐ No

22. ¿Se encuentra usted **AHORA** bajo orden final o penal civil por violar la sección 274C del INA (producir o usar documentación falsa para satisfacer ilegalmente un requisito del INA)? ☐ Sí ☐ No

23. ¿ALGUNA VEZ, por fraude o declaración falsa deliberada de un hecho material, buscó obtener u obtuvo una visa u otra documentación, para entrar a los EE. UU. o algún beneficio migratorio? ☐ Sí ☐ No

24. ¿ALGUNA VEZ ha salido de los Estados Unidos para evitar ser reclutado por las Fuerzas Armadas o Guardacostas de los EE.UU.? ☐ Sí ☐ No

25. ¿ALGUNA VEZ ha sido visitante de intercambio no inmigrante de clase J sujeto a un requisito de dos años de residencia en otro país y que aún no lo haya cumplido o no haya obtenido un perdón? ☐ Sí ☐ No

26. ¿ALGUNA VEZ ha demorado o retenido la custodia de un niño, que tenía derecho legítimo a la ciudadanía de los Estados Unidos, fuera de los Estados Unidos a un ciudadano quien se le otorgó la custodia? ☐ Sí ☐ No

27. ¿Piensa practicar la poligamia en los Estados Unidos? ☐ Sí ☐ No

28. ¿Ha ingresado ALGUNA VEZ a los Estados Unidos como polizón? ☐ Sí ☐ No

29.a. ¿Tiene **AHORA** una enfermedad contagiosa de importancia para la salud pública? ☐ Sí ☐ No

29.b. ¿Tiene usted **AHORA** o ha tenido ALGUNA VEZ un trastorno o comportamiento físico o mental (o historial de comportamiento que es probable que se repita) asociado con el trastorno que ha representado o puede representar una amenaza para la propiedad, la seguridad o su bienestar o el de terceros? ☐ Sí ☐ No

29.c. ¿**AHORA** es o ALGUNA VEZ ha sido consumidor de drogas o drogadicto? ☐ Sí ☐ No

Parte 4. Información sobre su cónyuge o hijos

Si necesita espacio adicional para completar la **Parte 4**, use el espacio proporcionado en la **Parte 8 Información adicional**.

1.a.	Apellido completo	<input type="text"/>
1.b.	Primer nombre	<input type="text"/>
1.c.	Segundo nombre	<input type="text"/>
2.	Fecha de nacimiento (mm/dd/aaaa)	<input type="text"/>
3.	País de nacimiento	<input type="text"/>
4.	Vínculo	<input type="text"/>
5.	Ubicación actual	<input type="text"/>
6.a.	Apellido completo	<input type="text"/>
6.b.	Primer nombre	<input type="text"/>
6.c.	Segundo nombre	<input type="text"/>
7.	Fecha de nacimiento (mm/dd/aaaa)	<input type="text"/>
8.	País de nacimiento	<input type="text"/>
9.	Vínculo	<input type="text"/>
10.	Ubicación actual	<input type="text"/>
11.a.	Apellido completo	<input type="text"/>
11.b.	Primer nombre	<input type="text"/>
11.c.	Segundo nombre	<input type="text"/>
12.	Fecha de nacimiento (mm/dd/aaaa)	<input type="text"/>
13.	País de nacimiento	<input type="text"/>
14.	Vínculo	<input type="text"/>
15.	Ubicación actual	<input type="text"/>

16.a.	Apellido completo	<input type="text"/>
16.b.	Primer nombre	<input type="text"/>
16.c.	Segundo nombre	<input type="text"/>
17.	Fecha de nacimiento (mm/dd/aaaa)	<input type="text"/>
18.	País de nacimiento	<input type="text"/>
19.	Vínculo	<input type="text"/>
20.	Ubicación actual	<input type="text"/>
21.a.	Apellido completo	<input type="text"/>
21.b.	Primer nombre	<input type="text"/>
21.c.	Segundo nombre	<input type="text"/>
22.	Fecha de nacimiento (mm/dd/aaaa)	<input type="text"/>
23.	País de nacimiento	<input type="text"/>
24.	Vínculo	<input type="text"/>
25.	Ubicación actual	<input type="text"/>

Presentación en nombre de miembros de la familia

26. Hago esta solicitud en nombre de uno o más miembros de la familia que cumplen con los requisitos. ☐ Sí ☐ No

NOTA: Si contestó "Sí" a 26., debe completar e incluir el Suplemento A para cada miembro de la familia para quien está haciendo la solicitud.

Parte 5. Declaración, información de contacto y testimonio y firma del solicitante

NOTA: Lea la sección de **Sanciones** de las instrucciones del Formulario I-918 antes de completar esta parte.

Declaración del Solicitante

NOTA: Marque la casilla **1.a.** o **1.b.** Si corresponde, seleccione la casilla **2.**

- 1.a. ☐ Puedo leer y entender inglés, y he leído y entendido todas las preguntas e instrucciones en esta solicitud y mi respuesta a cada pregunta.
- 1.b. ☐ El intérprete nombrado en la **Parte 6.** me ha leído cada pregunta y las instrucciones en esta solicitud y mi respuesta a cada pregunta en

un idioma que conozco con fluidez, y he entendido todo.
2. ☐ A mi pedido, el preparador nombrado en la **Parte 7.**

ha preparado esta solicitud para mí, basado únicamente en la información que he proporcionado o autorizado.

Información de contacto del solicitante

3. Número de teléfono del solicitante durante el día
4. Número de teléfono móvil del solicitante (si corresponde)
5. Correo electrónico del solicitante (si corresponde)

Testimonio y certificación de solicitante

Las copias de los documentos presentados son copia fiel de los documentos originales no alterados, y entiendo que USCIS puede requerir que presente los documentos originales a USCIS en una fecha posterior. Además, autorizo la divulgación de cualquier información de todos mis registros que USCIS pueda necesitar para determinar mi elegibilidad para el beneficio de inmigración que solicito.

Además, autorizo la entrega de la información contenida en esta solicitud, en los documentos de respaldo y en mis expedientes de USCIS a otras entidades y personas cuando fuera necesario para la administración y aplicación de las leyes de inmigración de los EE.UU.

Entiendo que USCIS puede solicitarme que comparezca para tomar mis datos biométricos (huellas dactilares, fotografía o firma) y, en ese momento, si se me solicita brindar datos biométricos, se me requerirá firmar un juramento que reafirmará que:

- 1) he provisto o autorizado toda la información contenida en mi solicitud y presentada con ella;
- 2) he revisado y entendido toda la información contenida en mi solicitud y presentada con ella y
- 3) toda esta información estaba completa, era verdadera y correcta al momento de la presentación.

Certifico, bajo pena de perjurio, que toda la información incluida en mi solicitud y en los documentos presentados, fue brindada y autorizada por mí, que he revisado y entiendo toda la información en mi solicitud y presentada con ella y que toda esta información es completa, verdadera y correcta.

Firma del solicitante

6.a. Firma del solicitante



6.b. Fecha de la firma (mm/dd/aaaa)

NOTA PARA TODOS LOS SOLICITANTES: Si usted no llena por completo esta solicitud o no presenta los documentos requeridos, indicados en las instrucciones, USCIS puede negar su solicitud.

NOTA: Un progenitor o tutor legal puede firmar en nombre de una persona menor de 14 años de edad. Un tutor legal puede firmar en nombre de una persona mentalmente incompetente.

Parte 6. Información de contacto, certificación y firma del intérprete

Provea la siguiente información sobre el intérprete.

Nombre completo del intérprete

1.a. Apellido del intérprete

1.b. Nombre del intérprete

2. Empresa u organización del intérprete (si corresponde)

Parte 6. Información de contacto, certificación y firma del intérprete

Dirección de correo del intérprete

- 3.a. Núm. y calle
- 3.b. ☐ Dep ☐ Calle ☐ Piso
- 3.c. Ciudad
- 3.d. Estado 3.e. Cód Postal
- 3.f. Provincia
- 3.g. Código Postal
- 3.h. País

Información de contacto del intérprete

4. Número de teléfono durante el día del intérprete
5. Número de teléfono móvil del intérprete (si corresponde)
6. Correo electrónico del intérprete (si corresponde)

Certificación del intérprete

Certifico bajo pena de perjurio que:

Hablo inglés y con fluidez, que es el mismo idioma especificado en la **Parte 5, 1.b.** y he leído a este solicitante en el idioma identificado todas y cada una de las preguntas e instrucciones de esta solicitud, al igual que su respuesta a cada una de las preguntas. El solicitante me ha informado que entiende todas y cada una de las instrucciones, preguntas, y respuestas en la solicitud, incluso la **Declaración y certificación del solicitante** y ha verificado la exactitud de todas las respuestas.

Firma del intérprete

- 7.a. Firma del intérprete (firme con tinta)
- 7.b. Fecha de la firma (mm/dd/aaaa)

Parte 7. Información de contacto, testimonio y firma de la persona que prepara esta solicitud que no sea el solicitante

Provea la siguiente información sobre el preparador.

Nombre completo del preparador

- 1.a. Apellido del preparador
- 1.b. Nombre del preparador
2. Negocio u organización del preparador (si alguno)

Dirección de correo del preparador

- 3.a. Núm. y calle
- 3.b. ☐ Dep ☐ Calle ☐ Piso
- 3.c. Ciudad
- 3.d. Estado 3.e. Cód Postal
- 3.f. Provincia
- 3.g. Código postal
- 3.h. País

Información de contacto del preparador

4. Número de teléfono durante el día del preparador
5. Número de teléfono móvil del preparador (si corresponde)
6. Correo electrónico del preparador (si corresponde)

Declaración del preparador

- 7.a. ☐ No soy abogado ni representante acreditado, pero he preparado esta solicitud en nombre del solicitante y con el consentimiento del solicitante.
- 7.b. ☐ Soy abogado o representante acreditado y mi representación del solicitante en este caso
☐ incluye ☐ no va más allá de la preparación de esta solicitud.

NOTA: Si usted es abogado o representante acreditado cuya representación va más allá de la preparación de esta aplicación, puede verse obligado a enviar el Formulario G-28, Notificación de Comparecencia como Abogado o Representante Autorizado, con esta solicitud.

Certificación del preparador

Con mi firma, certifico, bajo pena de perjurio que he preparado esta solicitud a petición del solicitante. El solicitante revisó la solicitud completa y me informó que entiende toda la información que contiene su solicitud y que se presenta en ella, incluido el **Testimonio y certificación de solicitante**, y que toda la información está completa, es verdadera y correcta. He completado esta solicitud basándome solo en la información que me proporcionó el solicitante o que me autorizó a obtener o usar.

Firma del preparador

- 8.b. Firma del Preparador (firme con tinta)

- 8.a. Fecha de la firma (mm/dd/aaaa)

Parte 8. Información adicional

Si necesita espacio adicional para proveer información adicional dentro de esta solicitud, utilice el espacio a continuación. Si necesita más espacio del que se proporciona, puede hacer copias de esta página para completar y presentar con esta solicitud o adjuntar una hoja de papel aparte. Incluya su nombre y número A (si corresponde) en la parte superior de cada hoja; indique el **número de página, número de parte y número de inciso** al que se refiere su respuesta; y firme y coloque la fecha en cada hoja.

1.a. Apellido completo

1.b. Primer
nombre

1.c. Segundo
nombre

2. Núm. A (si corresp.) ► A-

3.a. Núm. de página **3.b.** Núm. de parte **3.c.** Núm. de inciso

3.b. Núm. de parte

--	--

3.c. Núm. de inciso

3.d.

4.a. Núm. de página **4.b.** Núm. de parte **4.c.** Núm. de inciso

4.b. Núm. de parte

4.c. Núm. de inciso

11/11/2019

4.d.

5.a. Núm. de página **5.b.** Núm. de parte **5.c.** Núm. de inciso

Page 10 of 10

Núm. de parte


Page 10 of 10

5.c. Núm. de inciso

5.d.

6.a. Núm. de página **6.b.** Núm. de parte **6.c.** Núm de inciso

6.b. Núm. de parte



6.c. Núm de inciso

□

6.d.

7.a. Núm. de página **7.b.** Núm. de parte **7.c.** Núm. de inciso

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Núm. de parte

Page 10

7.c. Núm. de inciso

11

7.d.



Petition for U Nonimmigrant Status

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

USCIS
Form I-918
OMB No. 1615-0104
Expires 02/28/2026

For USCIS Use Only	Remarks		Receipt		Action Block
	U.S. Embassy Consulate	Validity Dates (mm/dd/yyyy)	Wait Listed		
		From: / / To: / /	Stamp Number	Date (mm/dd/yyyy)	

Do not forget to fill in this top portion

To be completed by an attorney or accredited representative (if any).	<input checked="" type="checkbox"/> Select this box if Form G-28 is attached.	Attorney State Bar Number (if applicable) 123456	Attorney or Accredited Representative USCIS Online Account Number (if any)
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► **START HERE** - Type or print in black or blue ink.

Part 1. Information About You (Person filing this petition as a victim)

1.a. Family Name (Last Name) **Client Survivor**

1.b. Given Name (First Name) **Carla**

1.c. Middle Name **Middle**

Other Names Used (Include maiden name, nicknames, and aliases, if applicable)

2.a. Family Name (Last Name) **Client**

2.b. Given Name (First Name) **Carla**

2.c. Middle Name

Home Address

3.a. Street Number and Name **Confidential**

3.b. ☐ Apt. ☐ Ste. ☐ Flr.

3.c. City or Town **New York**

3.d. State **NY** 3.e. ZIP Code **10005**

3.f. Province

3.g. Postal Code

3.h. Country **USA**

Check USCIS' website for the most current accepted Edition date

Safe Mailing Address (if other than Home Address)

4.a. In Care Of Name **Alice Attorney**

4.b. Street Number and Name **100 Broadway**

4.c. ☐ Apt. ☐ Ste. ☒ Flr. **10**

4.d. City or Town **New York**

4.e. State **NY** 4.f. ZIP Code **10005**

4.g. Province

4.h. Postal Code

4.i. Country **USA**

Other Information

5. Alien Registration Number (A-Number) (if any)
► A-

6. U.S. Social Security Number (if any)
►

7. USCIS Online Account Number (if any)
►

8. Marital Status
☐ Single ☒ Married ☐ Divorced ☐ Widowed

Part 1. Information About You (continued)

9. Sex ☐ Male ☒ Female
10. Date of Birth (mm/dd/yyyy)
11. Country of Birth
12. Country of Citizenship or Nationality
13. Form I-94 Arrival-Departure Record Number
▶
14. Passport Number
15. Travel Document Number
16. Country of Issuance for Passport or Travel Document
17. Date of Issuance for Passport or Travel Document (mm/dd/yyyy)
18. Expiration Date for Passport or Travel Document (mm/dd/yyyy)

Place and Date of Last Entry into the United States and Date Authorized Stay Expired

- 19.a. City or Town
- 19.b. State
20. Date of Last Entry into the United States (mm/dd/yyyy)
21. Date Authorized Stay Expired (mm/dd/yyyy)
22. Current Immigration Status

Part 2. Additional Information About You

Answering "Yes" to the following questions below requires 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)(iii). You must also attach a personal narrative statement describing the criminal activity of which you are a victim. If you are only petitioning for U derivative status for qualifying family members subsequent to your (the principal petitioner) initial filing, you are not required to submit evidence supporting the original petition with the new Form I-918.

If you need extra space to complete **Part 2.**, use the space provided in **Part 8. Additional Information.**

Select "Yes" or "No," as appropriate, for each of the following questions.

1. I am a victim of criminal activity listed in the INA at section 101(a)(15)(U)(iii). ☒ Yes ☐ No
2. I have suffered substantial physical or mental abuse as a result of having been a victim of this criminal activity. ☒ Yes ☐ No
3. I possess information concerning the criminal activity of which I was a victim. ☒ Yes ☐ No
4. I am submitting Form I-918, Supplement B, U Nonimmigrant Status Certification, from a certifying official. ☒ Yes ☐ No
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
6. I am under 16 years of age. ☐ Yes ☒ No
- 7.a. I was or am in immigration proceedings. ☐ Yes ☒ No

If you answered "Yes," select the type of proceedings. If you were in proceedings in the past and are no longer in proceedings, provide the date of action. If you are currently in proceedings, type or print "Current" in the appropriate date field. Select **all applicable** boxes. Use the space provided in **Part 8. Additional Information** to provide an explanation.

- 7.b. ☐ Removal Proceedings
Removal Date (mm/dd/yyyy)
- 7.c. ☐ Exclusion Proceedings
Exclusion Date (mm/dd/yyyy)
- 7.d. ☐ Deportation Proceedings
Deportation Date (mm/dd/yyyy)
- 7.e. ☐ Rescission Proceedings
Rescission Date (mm/dd/yyyy)
- 7.f. ☐ Judicial Proceedings
Judicial Date (mm/dd/yyyy)



Part 2. Additional Information About You (continued)

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

8.a. Date of Entry (mm/dd/yyyy)

Place of Entry into the United States

8.b. City or Town

8.c. State

8.d. Status at the Time of Entry (for example, F-1 student, B-2 tourist, entered without inspection)

9.a. Date of Entry (mm/dd/yyyy)

Place of Entry into the United States

9.b. City or Town

9.c. State

9.d. Status at the Time of Entry (for example, F-1 student, B-2 tourist, entered without inspection)

10.a. Date of Entry (mm/dd/yyyy)

Place of Entry into the United States

10.b. City or Town

10.c. State

10.d. Status at the Time of Entry (for example, F-1 student, B-2 tourist, entered without inspection)

If you are outside of the United States, provide the U.S. Consulate or inspection facility or a safe foreign mailing address you want notified if this petition is approved.

11.a. Type of Office (Select **only one** box):

- ☐ U.S. Consulate ☐ Pre-Flight Inspection
☐ Port-of-Entry

11.b. City or Town

11.c. State

11.d. Country

Safe Foreign Address Where You Want Notification Sent
(if other than U.S. Consulate, Pre-Flight Inspection, or Port-of-Entry)

12.a. Street Number and Name

12.b. ☐ Apt. ☐ Ste. ☐ Flr.

12.c. City or Town

12.d. Province

12.e. Postal Code

12.f. Country

Part 3. Processing Information

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.

NOTE: If you answer "Yes" to **ANY** question in **Part 3**., provide an explanation in the space provided in **Part 8. Additional Information**.

NOTE: Answering "Yes" does not necessarily mean that U.S. Citizenship and Immigration Services (USCIS) will deny your Petition for U Nonimmigrant Status.

1.a. Check with your mentor for EWI entrants

Have you **EVER**:

- 1.a. Committed a crime or offense for which you have not been arrested? ☐ Yes ☒ No
- 1.b. Been arrested, cited, or detained by any law enforcement officer (including Department of Homeland Security (DHS), former Immigration and Naturalization Service (INS), and military officers) for any reason? ☒ Yes ☐ No
- 1.c. Been charged with committing any crime or offense? ☒ Yes ☐ No
- 1.d. Been convicted of a crime or offense (even if the violation was subsequently expunged or pardoned)? ☐ Yes ☒ No
- 1.e. Been placed in an alternative sentencing or a rehabilitative program (for example, diversion, deferred prosecution, withheld adjudication, deferred adjudication)? ☐ Yes ☒ No



Part 3. Processing Information (continued)

- 1.f. Received a suspended sentence, been placed on probation, or been paroled? ☐ Yes ☒ No
- 1.g. Been in jail or prison? ☒ Yes ☐ No
- 1.h. Been the beneficiary of a pardon, amnesty, rehabilitation, or other act of clemency or similar action? ☐ Yes ☒ No
- 1.i. Exercised diplomatic immunity to avoid prosecution for a criminal offense in the United States? ☐ Yes ☒ No

Information About Arrests, Citations, Detentions, or Charges

If you answered "Yes" to any of the above questions, respond to the questions below to provide additional details. If you need extra space, use the space provided in **Part 8. Additional Information**.

- 2.a. Why were you arrested, cited, detained, or charged?

Immigration Violation

- 2.b. Date of arrest, citation, detention, or charge (mm/dd/yyyy)

02/02/2006

Where were you arrested, cited, detained, or charged?

- 2.c. City or Town Nogales

- 2.d. State AZ

- 2.e. Country

USA

- 2.f. Outcome or disposition (for example, no charges filed, charges dismissed, jail, probation)

Unknown

- 3.a. Why were you arrested, cited, detained, or charged?

- 3.b. Date of arrest, citation, detention, or charge (mm/dd/yyyy)

Where were you arrested, cited, detained, or charged?

- 3.c. City or Town

- 3.d. State

- 3.e. Country

- 3.f. Outcome or disposition (for example, no charges filed, charges dismissed, jail, probation)

Have you **EVER**:

- 4.a. Engaged in, or do you intend to engage in, prostitution or procurement of prostitution? ☐ Yes ☒ No
- 4.b. Engaged in any unlawful commercialized vice, including, but not limited to, illegal gambling? ☐ Yes ☒ No
- 4.c. Knowingly encouraged, induced, assisted, abetted, or aided any alien to try to enter the United States illegally? ☐ Yes ☒ No
- 4.d. Illicitly trafficked in any controlled substance or knowingly assisted, abetted, or colluded in the illicit trafficking of any controlled substance? ☐ Yes ☒ No

Have you **EVER** committed, planned or prepared, participated in, threatened to, attempted to, conspired to commit, gathered information for, or solicited funds for any of the following:

- 5.a. Hijacking or sabotage of any conveyance (including an aircraft, vessel, or vehicle)? ☐ Yes ☒ No
- 5.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
- 5.c. Assassination? ☐ Yes ☒ No
- 5.d. The use of any firearm with intent to endanger, directly or indirectly, the safety of one or more individuals or to cause substantial damage to property? ☐ Yes ☒ No
- 5.e. The use of any biological agent, chemical agent, nuclear weapon or device, 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

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 any other group of two or more individuals, whether organized or not, which has been designated as, or has engaged in or has a subgroup which has been designated as, or has engaged in:

- 6.a. A terrorist organization under section 219 of the INA? ☐ Yes ☒ No
- 6.b. Hijacking or sabotage of any conveyance (including an aircraft, vessel, or vehicle)? ☐ Yes ☒ No



Part 3. Processing Information (continued)

- 6.c.** 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
- 6.d.** Assassination? ☐ Yes ☒ No
- 6.e.** The use of any firearm with intent to endanger, directly or indirectly, the safety of one or more individuals or to cause substantial damage to property? ☐ Yes ☒ No
- 6.f.** The use of any biological agent, chemical agent, nuclear weapon or device, 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.g.** Soliciting money or members or otherwise providing material support to a terrorist organization? ☐ Yes ☒ No

Do you intend to engage in the United States in:

- 7.a.** Espionage? ☐ Yes ☒ No
- 7.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
- 7.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
- 8.** 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
- 9.** Have you **EVER**, 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, 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

Have you **EVER** ordered, incited, called for, committed, assisted, helped with, or otherwise participated in any of the following:

- 10.a.** Acts involving torture or genocide? ☐ Yes ☒ No
- 10.b.** Killing any person? ☐ Yes ☒ No
- 10.c.** Intentionally and severely injuring any person? ☐ Yes ☒ No
- 10.d.** Engaging in any kind of sexual conduct or relations with any person who was being forced or threatened? ☐ Yes ☒ No
- 10.e.** Limiting or denying any person's ability to exercise religious beliefs? ☐ Yes ☒ No
- 10.f.** The persecution of any person because of race, religion, national origin, membership in a particular social group, or political opinion? ☐ Yes ☒ No
- 10.g.** Displacing or moving any person from their residence by force, threat of force, compulsion, or duress? ☐ Yes ☒ No

NOTE: If you answered "Yes" to any question in **Item Numbers 10.a. - 10.g.**, please describe the circumstances in **Part 8. Additional Information.**

- 11.** 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? ☐ Yes ☒ No

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

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

Have you **EVER**:

- 13.a.** Served in, been a member of, assisted in, or participated in any military unit, paramilitary unit, police unit, self-defense unit, vigilante unit, rebel group, guerilla group, militia, or other insurgent organization? ☐ Yes ☒ No



Part 3. Processing Information (continued)

13.b. Served in any prison, jail, prison camp, detention facility, labor camp, or any other situation that involved detaining persons? ☐ Yes ☒ No

13.c. Served in, been a member of, assisted in, or participated in any group, unit, or organization of any kind in which you or other persons transported, possessed, or used any type of weapon? ☐ Yes ☒ No

NOTE: If you answered "Yes" to any question in **Item Numbers 13.a. - 13.c.**, please describe the circumstances in **Part 8. Additional Information.**

Have you **EVER**:

14.a. Received any type of military, paramilitary, or weapons training? ☐ Yes ☒ No

14.b. Been a member of, assisted in, or participated in any group, unit, or organization of any kind in which you or other persons used any type of weapon against any person or threatened to do so? ☐ Yes ☒ No

14.c. Assisted or participated in selling or providing weapons to any person who to your knowledge used them against another person, or in transporting weapons to any person who to your knowledge used them against another person? ☐ Yes ☒ No

NOTE: If you answered "Yes" to any question in **Item Numbers 14.a. - 14.c.**, please describe the circumstances in **Part 8. Additional Information.**

Have you **EVER**:

15.a. Recruited, enlisted, conscripted, or used any person under 15 years of age to serve in or help an armed force or group? ☐ Yes ☒ No

15.b. Used any person under 15 years of age to take part in hostilities, or to help or provide services to people in combat? ☐ Yes ☒ No

16. Are you **NOW** in removal, exclusion, rescission, or deportation proceedings? ☐ Yes ☒ No

17. Have you **EVER** had removal, exclusion, rescission, or deportation proceedings initiated against you? ☐ Yes ☒ No

18. Have you **EVER** been removed, excluded, or deported from the United States? ☐ Yes ☒ No

19. Have you **EVER** been ordered to be removed, excluded, or deported from the United States? ☐ Yes ☒ No

20. Have you **EVER** been denied a visa or denied admission to the United States? ☐ Yes ☒ No

21. 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

22. Are you **NOW** under a final order or civil penalty for violating section 274C of the INA (producing and/or using false documentation to unlawfully satisfy a requirement of the INA)? ☐ Yes ☒ No

23. 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

24. Have you **EVER** left the United States to avoid being drafted into the U.S. Armed Forces or U.S. Coast Guard? ☐ Yes ☒ No

25. Have you **EVER** been a J nonimmigrant exchange visitor who was subject to the 2-year foreign residence requirement and not yet complied with that requirement or obtained a waiver of such? ☐ Yes ☒ No

26. 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

27. Do you plan to practice polygamy in the United States? ☐ Yes ☒ No

28. Have you **EVER** entered the United States as a stowaway? ☐ Yes ☒ No

29.a. Do you **NOW** have a communicable disease of public health significance? ☐ Yes ☒ No

29.b. Do you **NOW** have or have you **EVER** 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

29.c. Are you **NOW** or have you **EVER** been a drug abuser or drug addict? ☐ Yes ☒ No



Part 4. Information About Your Spouse and/or Children

If you need extra space to complete **Part 4.**, use the space provided in **Part 8. Additional Information.**

1.a.	Family Name (Last Name)	<input type="text"/>
1.b.	Given Name (First Name)	<input type="text"/>
1.c.	Middle Name	<input type="text"/>
2.	Date of Birth (mm/dd/yyyy)	<input type="text"/>
3.	Country of Birth	<input type="text"/>
4.	Relationship	<input type="text"/>
5.	Current Location	<input type="text"/>
6.a.	Family Name (Last Name)	<input type="text"/>
6.b.	Given Name (First Name)	<input type="text"/>
6.c.	Middle Name	<input type="text"/>
7.	Date of Birth (mm/dd/yyyy)	<input type="text"/>
8.	Country of Birth	<input type="text"/>
9.	Relationship	<input type="text"/>
10.	Current Location	<input type="text"/>
11.a.	Family Name (Last Name)	<input type="text"/>
11.b.	Given Name (First Name)	<input type="text"/>
11.c.	Middle Name	<input type="text"/>
12.	Date of Birth (mm/dd/yyyy)	<input type="text"/>
13.	Country of Birth	<input type="text"/>
14.	Relationship	<input type="text"/>
15.	Current Location	<input type="text"/>

16.a.	Family Name (Last Name)	<input type="text"/>
16.b.	Given Name (First Name)	<input type="text"/>
16.c.	Middle Name	<input type="text"/>
17.	Date of Birth (mm/dd/yyyy)	<input type="text"/>
18.	Country of Birth	<input type="text"/>
19.	Relationship	<input type="text"/>
20.	Current Location	<input type="text"/>
21.a.	Family Name (Last Name)	<input type="text"/>
21.b.	Given Name (First Name)	<input type="text"/>
21.c.	Middle Name	<input type="text"/>
22.	Date of Birth (mm/dd/yyyy)	<input type="text"/>
23.	Country of Birth	<input type="text"/>
24.	Relationship	<input type="text"/>
25.	Current Location	<input type="text"/>

Filing On Behalf of Family Members

26. I am petitioning for one or more qualifying family members. ☒ Yes ☐ No

NOTE: If you answered “Yes” to **26.**, you must complete and include Supplement A for each family member for whom you are petitioning.



Part 5. Petitioner's Statement, Contact Information, Declaration, and Signature

NOTE: Read the **Penalties** section of the Form I-918 Instructions before completing this part.

Petitioner's Statement

NOTE: Select the box for either **1.a.** or **1.b.** If applicable, select the box for **2.**

- 1.a.** ☐ I can read and understand English, and I have read and understand every question and instruction on this petition and my answer to every question.
- 1.b.** ☒ The interpreter named in **Part 6.** read to me every question and instruction on this petition and my answer to every question in

LANGUAGE OF INTERPRETATION

,
a language in which I am fluent, and I understood everything.
- 2.** ☒ At my request, the preparer named in **Part 7.**,

ALICE ATTORNEY

,
prepared this petition for me based only upon information I provided or authorized.

Petitioner's Contact Information

- 3.** Petitioner's Daytime Telephone Number

2125551212
- 4.** Petitioner's Mobile Telephone Number (if any)
- 5.** Petitioner's Email Address (if any)

Petitioner's Declaration and Certification

Copies of any documents I have submitted are exact photocopies of unaltered, original documents, and I understand that USCIS may require that I submit original documents to USCIS at a later date. Furthermore, I authorize the release of any information from any of my records that USCIS may need to determine my eligibility for the immigration benefit I seek.

I further authorize release of information contained in this petition, in supporting documents, and in my USCIS records to other entities and persons where necessary for the administration and enforcement of U.S. immigration laws.

I understand that USCIS may require me to appear for an appointment to take my biometrics (fingerprints, photograph, and/or signature) and, at that time, if I am required to provide biometrics, I will be required to sign an oath reaffirming that:

- 1) I provided or authorized all of the information contained in, and submitted with, my petition;
- 2) I reviewed and understood all of the information in, and submitted with, my petition; and
- 3) All of this information was complete, true, and correct at the time of filing.

I certify, under penalty of perjury, that all of the information in my petition and any document submitted with it were provided or authorized by me, that I reviewed and understand all of the information contained in, and submitted with, my petition, and that all of this information is complete, true, and correct.

Petitioner's Signature

6.a. Petitioner's Signature



6.b. Date of Signature (mm/dd/yyyy)

NOTE TO ALL PETITIONERS: If you do not completely fill out this petition or fail to submit required documents listed in the Instructions, USCIS may deny your petition.

NOTE: A parent or legal guardian may sign for a person who is less than 14 years of age. A legal guardian may sign for a mentally incompetent person.

Part 6. Interpreter's Contact Information, Certification, and Signature

Provide the following information about the interpreter.

Interpreter's Full Name

1.a. Interpreter's Family Name (Last Name)

INTERPRETER

1.b. Interpreter's Given Name (First Name)

PAUL

2. Interpreter's Business or Organization Name (if any)

InterpretersRUs



Part 6. Interpreter's Contact Information, Certification, and Signature (continued)

Interpreter's Mailing Address

3.a. Street Number and Name

3.b. ☐ Apt. ☐ Ste. ☐ Flr.

3.c. City or Town

3.d. State 3.e. ZIP Code

3.f. Province

3.g. Postal Code

3.h. Country

Interpreter's Contact Information

4. Interpreter's Daytime Telephone Number

5. Interpreter's Mobile Telephone Number (if any)

6. Interpreter's Email Address (if any)

Interpreter's Certification

I certify, under penalty of perjury, that:
I am fluent in English and ,
which is the same language specified in **Part 5., 1.b.**, and I have
read to this petitioner in the identified language every question
and instruction on this petition and his or her answer to every
question. The petitioner informed me that he or she understands
every instruction, question, and answer on the petition,
including the **Petitioner's Declaration and Certification**, and
has verified the accuracy of every answer.

Interpreter's Signature

7.a. Interpreter's Signature (sign in ink)

7.b. Date of Signature (mm/dd/yyyy)

Part 7. Contact Information, Declaration, and Signature of the Person Preparing this Petition, if Other Than the Petitioner

Provide the following information about the preparer.

Preparer's Full Name

1.a. Preparer's Family Name (Last Name)

1.b. Preparer's Given Name (First Name)

2. Preparer's Business or Organization Name (if any)

Preparer's Mailing Address

3.a. Street Number and Name

3.b. ☐ Apt. ☐ Ste. ☒ Flr.

3.c. City or Town

3.d. State 3.e. ZIP Code

3.f. Province

3.g. Postal Code

3.h. Country

Preparer's Contact Information

4. Preparer's Daytime Telephone Number

5. Preparer's Mobile Telephone Number (if any)

6. Preparer's Email Address (if any)



Preparer's Statement

- 7.a. ☐ I am not an attorney or accredited representative but have prepared this petition on behalf of the petitioner and with the petitioner's consent.
- 7.b. ☒ I am an attorney or accredited representative and my representation of the petitioner in this case
☒ extends ☐ does not extend beyond the preparation of this petition.

NOTE: If you are an attorney or accredited representative whose representation extends beyond preparation of this petition, you may be obliged to submit a completed Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, with this petition.

Preparer's Certification

By my signature, I certify, under penalty of perjury, that I prepared this petition at the request of the petitioner. The petitioner then reviewed this completed petition and informed me that he or she understands all of the information contained in, and submitted with, his or her petition, including the **Petitioner's Declaration and Certification**, and that all of this information is complete, true, and correct. I completed this petition based only on information that the petitioner provided to me or authorized me to obtain or use.

Preparer's Signature

- 8.a. Preparer's Signature (sign in ink)

- 8.b. Date of Signature (mm/dd/yyyy)



Part 8. Additional Information

If you need extra space to provide any additional information within this petition, use the space below. If you need more space than what is provided, you may make copies of this page to complete and file with this petition or attach a separate sheet of paper. Include your name and A-Number (if any) at the top of each sheet; indicate the **Page Number**, **Part Number**, and **Item Number** to which your answer refers; and sign and date each sheet.

1.a. Family Name (Last Name)

1.b. Given Name (First Name)

1.c. Middle Name

2. A-Number (if any) ► A-

3.a. Page Number 3.b. Part Number 3.c. Item Number

3.d. I answered this question as NO because
I entered the US without inspection
and I am not sure this act constitutes
a crime or offense for which I was not
arrested. Please see my I-192 for my
complete statement regarding these
actions.

4.a. Page Number 4.b. Part Number 4.c. Item Number

4.d. Please see my affirmative answers
affidavit attached.

5.a. Page Number 5.b. Part Number 5.c. Item Number

5.d. I answered these questions in the
affirmative because my former partner
has hit me on various occasions and
forced me to have sex with him and has
forced me to leave the home where I
lived.

6.a. Page Number 6.b. Part Number 6.c. Item Number

6.d. _____

7.a. Page Number 7.b. Part Number 7.c. Item Number

7.d. _____



Part 3. Information About Your Qualifying Family Member (The Derivative) (continued)

Safe Mailing Address (if other than Residence)

- 4.a. In Care Of Name
Alice Attorney
- 4.b. Street Number and Name
100 Main Street
- 4.c. ☐ Apt. ☐ Ste. ☒ Flr. **4**
- 4.d. City or Town
New York
- 4.e. State **NY** 4.f. ZIP Code **10005**
- 4.g. Province
N/A
- 4.h. Postal Code
N/A
- 4.i. Country
USA

Other Information About Qualifying Family Member

5. A-Number (if any) ▶ A-
6. U.S. Social Security Number (if any)
▶
7. USCIS Online Account Number (if any)
▶
8. Date of Birth (mm/dd/yyyy) **09/07/2007**
9. Country of Birth
Brazil
10. Country of Citizenship or Nationality
Brazil
11. Marital Status
☒ Single ☐ Married ☐ Divorced ☐ Widowed
12. Gender ☒ Male ☐ Female
13. Form I-94 Arrival-Departure Record Number
▶ **9 8 7 6 5 4 3 2 1 1 1**
14. Passport Number **B12345567**
15. Travel Document Number **None**
16. Country of Issuance for Passport or Travel Document
Brazil

17. Date of Issuance for Passport or Travel Document (mm/dd/yyyy)

18. Expiration Date for Passport or Travel Document (mm/dd/yyyy)

Part 4. Additional Information About Your Qualifying Family Member

Provide the date of last entry, place of last entry, and current immigration status for your family member if he or she is currently in the United States.

- 1.a. Date of Last Entry into the United States (mm/dd/yyyy)
01/01/2016

Place of Last Entry into the United States

- 1.b. City or Town **New York**
- 1.c. State **NY**
- 1.d. Current Immigration Status
none

Provide the date of entry, place of entry, and status at entry for your family member's last entry if he or she has previously traveled to the United States but is not currently in the United States.

- 2.a. Date of Last Entry into the United States (mm/dd/yyyy)

Place of Last Entry into the United States

- 2.b. City or Town
- 2.c. State
- 2.d. Date Authorized Stay Expired (mm/dd/yyyy)
- 2.e. Status at the Time of Entry (for example, F-1 student, B-2 tourist, entered without inspection)

Part 4. Additional Information About Your Qualifying Family Member (continued)

If your family member is outside the United States, provide the U.S. Consulate or inspection facility or a safe foreign mailing address you want notified if this supplement is approved.

3.a. Type of Office (Select **only one** box):

- ☐ U.S. Consulate ☐ Pre-Flight Inspection
☐ Port-of-Entry

3.b. City or Town

3.c. State

3.d. Country

Safe Foreign Address Where You Want Notification Sent
(if other than U.S. Consulate, Pre-Flight Inspection, or Port-of-Entry)

4.a. Street Number and Name

4.b. ☐ Apt. ☐ Ste. ☐ Flr.

4.c. City or Town

4.d. Province

4.e. Postal Code

4.f. Country

If your family member was previously married, list the names of your family member's prior spouses and the dates his or her marriages were terminated. You must attach documents such as divorce decrees or death certificates.

5.a. Family Name (Last Name)

5.b. Given Name (First Name)

5.c. Middle Name

5.d. Date Marriage Ended (mm/dd/yyyy)

5.e. Where did the marriage end?

5.f. How did the marriage end?

6.a. Family Name (Last Name)

6.b. Given Name (First Name)

6.c. Middle Name

6.d. Date Marriage Ended (mm/dd/yyyy)

6.e. Where did the marriage end?

6.f. How did the marriage end?

Other Information

7.a. Your family member was or is in immigration proceedings. ☐ Yes ☒ No

If you answered "Yes," select the type of proceedings. If your family member was in proceedings in the past and is no longer in proceedings, provide the date of action. If your family member is currently in proceedings, type or print "Current" in the appropriate date field. Select **all applicable** boxes. Use the space provided in **Part 11. Additional Information** to provide an explanation.

7.b. ☐ Removal Proceedings
Removal Date (mm/dd/yyyy)

7.c. ☐ Exclusion Proceedings
Exclusion Date (mm/dd/yyyy)

7.d. ☐ Deportation Proceedings
Deportation Date (mm/dd/yyyy)

7.e. ☐ Rescission Proceedings
Rescission Date (mm/dd/yyyy)

7.f. ☐ Judicial Proceedings
Judicial Date (mm/dd/yyyy)

8. Your family member would like an Employment Authorization Document. ☒ Yes ☐ No

NOTE: If you answered "Yes," submit Form I-765, Application for Employment Authorization Document, separately. 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 Form I-765 for a family member living outside the United States.

Part 5. Processing Information

Answer the following questions about the family member for whom you are filing this supplement. For the purposes of this supplement, you must answer "Yes" to the following questions, if applicable, even if your family member's records were sealed or otherwise cleared or if anyone, including a judge, law enforcement officer, or attorney, told your family member that he or she no longer has a record.

NOTE: If you answer "Yes" to **ANY** question in **Part 5**, provide an explanation in the space provided in **Part 11**.

Additional Information.

NOTE: Answering "Yes" does not necessarily mean that U.S. Citizenship and Immigration Services (USCIS) will deny your Supplement A, Petition for Qualifying Family Member of U-1 Recipient.

Has your family member **EVER**:

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

Information About Arrests, Citations, Detentions, or Charges

- 2.a.** Why was your family member arrested, cited, detained, or charged?

- 2.b.** Date of arrest, citation, detention, or charge (mm/dd/yyyy)

Where was your family member arrested, cited, detained, or charged?

- 2.c.** City or Town

- 2.d.** State

- 2.e.** Country

- 2.f.** Outcome or disposition (for example, no charges filed, charges dismissed, jail, probation)

- 3.a.** Why was your family member arrested, cited, detained, or charged?

- 3.b.** Date of arrest, citation, detention, or charge (mm/dd/yyyy)

Where was your family member arrested, cited, detained, or charged?

- 3.c.** City or Town

- 3.d.** State

- 3.e.** Country

- 3.f.** Outcome or disposition (for example, no charges filed, charges dismissed, jail, probation)

Part 5. Processing Information (continued)

Has your family member **EVER**:

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

Has your family member **EVER** committed, planned or prepared, participated in, threatened to, attempted to, conspired to commit, gathered information for, or solicited funds for any of the following:

- 5.a. Hijacking or sabotage of any conveyance (including an aircraft, vessel, or vehicle)? ☐ Yes ☒ No
- 5.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
- 5.c. Assassination? ☐ Yes ☒ No
- 5.d. The use of any firearm with intent to endanger, directly or indirectly, the safety of one or more individuals or to cause substantial damage to property? ☐ Yes ☒ No
- 5.e. The use of any biological agent, chemical agent, nuclear weapon or device, 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

Has your family member **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 any other group of two or more individuals, whether organized or not, which has been designated as, or has engaged in or has a subgroup which has been designated as, or has engaged in:

- 6.a. A terrorist organization under section 219 of the Immigration and Nationality Act (INA)? ☐ Yes ☒ No
- 6.b. Hijacking or sabotage of any conveyance (including an aircraft, vessel, or vehicle)? ☐ Yes ☒ No
- 6.c. 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
- 6.d. Assassination? ☐ Yes ☒ No
- 6.e. The use of any firearm with intent to endanger, directly or indirectly, the safety of one or more individuals or to cause substantial damage to property? ☐ Yes ☒ No
- 6.f. The use of any biological agent, chemical agent, nuclear weapon or device, 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.g. Soliciting money or members or otherwise providing material support to a terrorist organization? ☐ Yes ☒ No

Does your family member intend to engage in the United States in:

- 7.a. Espionage? ☐ Yes ☒ No
- 7.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
- 7.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
8. Has your family member **EVER** been or does he or she continue to be a member of the Communist or other totalitarian party, except when membership was involuntary? ☐ Yes ☒ No

Part 5. Processing Information (continued)

9. Has your family member **EVER**, 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, 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

Has your family member **EVER** ordered, incited, called for, committed, assisted, helped with, or otherwise participated in any of the following:

- 10.a. Acts involving torture or genocide? ☐ Yes ☒ No
- 10.b. Killing any person? ☐ Yes ☒ No
- 10.c. Intentionally and severely injuring any person? ☐ Yes ☒ No
- 10.d. Engaging in any kind of sexual conduct or relations with any person who was being forced or threatened? ☐ Yes ☒ No
- 10.e. Limiting or denying any person's ability to exercise religious beliefs? ☐ Yes ☒ No
- 10.f. The persecution of any person because of race, religion, national origin, membership in a particular social group, or political opinion? ☐ Yes ☒ No
- 10.g. Displacing or moving any person from their residence by force, threat of force, compulsion, or duress? ☐ Yes ☒ No

NOTE: If you answered "Yes" to any question in **Item Numbers 10.a. - 10.g.**, please describe the circumstances in the spaces provided in **Part 11. Additional Information**.

11. Has your family member **EVER** advocated that another person commit any of the acts described in **Item Numbers 10.a. - 10.g.**, urged, or encouraged another person, to commit such acts? ☐ Yes ☒ No

Has your family member **EVER** been present or nearby when any person was:

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

Has your family member **EVER**:

- 13.a. Served in, been a member of, assisted in, or participated in any military unit, paramilitary unit, police unit, self-defense unit, vigilante unit, rebel group, guerilla group, militia, or other insurgent organization? ☐ Yes ☒ No
- 13.b. Served in any prison, jail, prison camp, detention facility, labor camp, or any other situation that involved detaining persons? ☐ Yes ☒ No
- 13.c. Served in, been a member of, assisted in, or participated in any group, unit, or organization of any kind in which you or other persons transported, possessed, or used any type of weapon? ☐ Yes ☒ No

NOTE: If you answered "Yes" to any question in **Item Numbers 13.a. - 13.c.**, please describe the circumstances in **Part 11. Additional Information**.

Has your family member **EVER**:

- 14.a. Received any type of military, paramilitary, or weapons training? ☐ Yes ☒ No
- 14.b. Been a member of, assisted in, or participated in any group, unit, or organization of any kind in which you or other persons used any type of weapon against any person or threatened to do so? ☐ Yes ☒ No
- 14.c. Assisted or participated in selling or providing weapons to any person who to your knowledge used them against another person, or in transporting weapons to any person who to your knowledge used them against another person? ☐ Yes ☒ No

NOTE: If you answered "Yes" to any question in **Item Numbers 14.a. - 14.c.**, please describe the circumstances in **Part 11. Additional Information**.

Has your family member **EVER**:

- 15.a. Recruited, enlisted, conscripted, or used any person under 15 years of age to serve in or help an armed force or group? ☐ Yes ☒ No
- 15.b. Used any person under 15 years of age to take part in hostilities, or to help or provide services to people in combat? ☐ Yes ☒ No
16. Is your family member **NOW** in removal, exclusion, rescission, or deportation proceedings? ☐ Yes ☒ No
17. Has your family member **EVER** had removal, exclusion, rescission, or deportation proceedings initiated against him or her? ☐ Yes ☒ No

Part 5. Processing Information (continued)

18. Has your family member **EVER** been removed, excluded, or deported from the United States? ☐ Yes ☒ No
19. Has your family member **EVER** been ordered to be removed, excluded, or deported from the United States? ☐ Yes ☒ No
20. Has your family member **EVER** been denied a visa or denied admission to the United States? ☐ Yes ☒ No
21. Has your family member **EVER** been granted voluntary departure by an immigration officer or an immigration judge and failed to depart within the allotted time? ☐ Yes ☒ No
22. Is your family member **NOW** under a final order or civil penalty for violating section 274C of the INA (producing and/or using false documentation to unlawfully satisfy a requirement of the INA)? ☐ Yes ☒ No
23. Has your family member **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
24. Has your family member **EVER** left the United States to avoid being drafted into the U.S. Armed Forces or U.S. Coast Guard? ☐ Yes ☒ No
25. Has your family member **EVER** been a J nonimmigrant exchange visitor who was subject to the 2-year foreign residence requirement and not yet complied with that requirement or obtained a waiver of such? ☐ Yes ☒ No
26. Has your family member **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
27. Does your family member plan to practice polygamy in the United States? ☐ Yes ☒ No
28. Has your family member **EVER** entered the United States as a stowaway? ☐ Yes ☒ No
- 29.a. Does your family member **NOW** have a communicable disease of public health significance? ☐ Yes ☒ No
- 29.b. Does your family member **NOW** have or has your family member **EVER** 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

- 29.c. Is your family member **NOW** or has your family member **EVER** been a drug abuser or drug addict? ☐ Yes ☒ No

Part 6. Information About Your Qualifying Family Member's Spouse and/or Children

Provide the following information about your family member's spouse and/or children. If you need extra space to complete this section, use the space provided in **Part 11. Additional Information**.

- 1.a. Family Name (Last Name)
- 1.b. Given Name (First Name)
- 1.c. Middle Name
2. Date of Birth (mm/dd/yyyy)
3. Country of Birth
4. Relationship
-
- 5.a. Family Name (Last Name)
- 5.b. Given Name (First Name)
- 5.c. Middle Name
6. Date of Birth (mm/dd/yyyy)
7. Country of Birth
8. Relationship
-
- 9.a. Family Name (Last Name)
- 9.b. Given Name (First Name)
- 9.c. Middle Name
10. Date of Birth (mm/dd/yyyy)
11. Country of Birth
12. Relationship

Part 7. Petitioner's Statement, Contact Information, Declaration, and Signature

NOTE: Read the **Penalties** section of the Form I-918 Instructions before completing this part.

Petitioner's Statement

NOTE: Select the box for either **Item Number 1.a.** or **1.b.** If applicable, select the box for **Item Number 2.**

- 1.a. ☒ I can read and understand English, and I have read and understand every question and instruction on this supplement and my answer to every question.
- 1.b. ☐ The interpreter named in **Part 9.** read to me every question and instruction on this supplement and my answer to every question in
a language in which I am fluent, and I understood everything.
2. ☒ At my request, the preparer named in **Part 10.**,

Alice Attorney

, prepared this supplement for me based only upon information I provided or authorized.

Petitioner's Contact Information

3. Petitioner's Daytime Telephone Number

2125551212
4. Petitioner's Mobile Telephone Number (if any)
5. Petitioner's Email Address (if any)

Petitioner's Declaration and Certification

Copies of any documents I have submitted are exact photocopies of unaltered, original documents, and I understand that USCIS may require that I submit original documents to USCIS at a later date. Furthermore, I authorize the release of any information from any of my records that USCIS may need to determine my eligibility for the immigration benefit I seek.

I further authorize release of information contained in this supplement, in supporting documents, and in my USCIS records to other entities and persons where necessary for the administration and enforcement of U.S. immigration laws.

I understand that USCIS may require me to appear for an appointment to take my biometrics (fingerprints, photograph, and/or signature) and, at that time, if I am required to provide biometrics, I will be required to sign an oath reaffirming that:

- 1) I provided or authorized all of the information contained in, and submitted with, my supplement;
- 2) I reviewed and understood all of the information in, and submitted with, my supplement; and
- 3) All of this information was complete, true, and correct at the time of filing.

I certify, under penalty of perjury, that all of the information in my supplement and any document submitted with it were provided or authorized by me, that I reviewed and understand all of the information contained in, and submitted with, my supplement, and that all of this information is complete, true, and correct.

Petitioner's Signature

- 6.a. Petitioner's Signature (sign in ink)



- 6.b. Date of Signature (mm/dd/yyyy)

NOTE TO ALL PETITIONERS: If you do not completely fill out this supplement or fail to submit required documents listed in the Instructions, USCIS may deny your supplement.

Part 8. Qualifying Family Member's Statement, Contact Information, Declaration, and Signature

NOTE: Read the **Penalties** section of the Form I-918 Instructions before completing this part.

Qualifying Family Member's Statement

NOTE: Select the box for either **Item Number 1.a.** or **1.b.** If applicable, select the box for **Item Number 2.**

- 1.a. ☒ I can read and understand English, and I have read and understand every question and instruction on this supplement and my answer to every question.
- 1.b. ☐ The interpreter named in **Part 9.** read to me every question and instruction on this supplement and my answer to every question in
a language in which I am fluent, and I understood everything.
2. ☒ At my request, the preparer named in **Part 10.**,

Alice Attorney

, prepared this supplement for me based only upon information I provided or authorized.

Part 8. Qualifying Family Member's Statement, Contact Information, Declaration, and Signature
(continued)

Qualifying Family Member's Contact Information

3. Qualifying Family Member's Daytime Telephone Number
4. Qualifying Family Member's Mobile Telephone Number (if any)
5. Qualifying Family Member's Email Address (if any)

Qualifying Family Member's Declaration and Certification

Copies of any documents I have submitted are exact photocopies of unaltered, original documents, and I understand that USCIS may require that I submit original documents to USCIS at a later date. Furthermore, I authorize the release of any information from any of my records that USCIS may need to determine my eligibility for the immigration benefit I seek.

I further authorize release of information contained in this supplement, in supporting documents, and in my USCIS records to other entities and persons where necessary for the administration and enforcement of U.S. immigration laws. Any disclosure shall be in accordance with 8 U.S.C. section 1367 and 8 CFR 214.14(e).

I understand that USCIS may require me to appear for an appointment to take my biometrics (fingerprints, photograph, and/or signature) and, at that time, if I am required to provide biometrics, I will be required to sign an oath reaffirming that:

- 1) I provided or authorized all of the information contained in, and submitted with, my supplement;
- 2) I reviewed and understood all of the information in, and submitted with, my supplement; and
- 3) All of this information was complete, true, and correct at the time of filing.

I certify, under penalty of perjury, that all of the information in my supplement and any document submitted with it were provided or authorized by me, that I reviewed and understand all of the information contained in, and submitted with, my supplement, and that all of this information is complete, true, and correct.

Qualifying Family Member's Signature

- 6.a. Qualifying Family Member's Signature (sign in ink)
- 6.b. Date of Signature (mm/dd/yyyy)

NOTE TO ALL QUALIFYING FAMILY MEMBERS: If you do not completely fill out this supplement or fail to submit required documents listed in the Instructions, USCIS may deny your supplement.

Part 9. Interpreter's Contact Information, Certification, and Signature

Provide the following information about the interpreter.

Interpreter's Full Name

- 1.a. Interpreter's Family Name (Last Name)
- 1.b. Interpreter's Given Name (First Name)
2. Interpreter's Business or Organization Name (if any)

Interpreter's Mailing Address

- 3.a. Street Number and Name
- 3.b. ☐ Apt. ☐ Ste. ☐ Flr.
- 3.c. City or Town
- 3.d. State 3.e. ZIP Code
- 3.f. Province
- 3.g. Postal Code
- 3.h. Country

Interpreter's Contact Information

4. Interpreter's Daytime Telephone Number
5. Interpreter's Mobile Telephone Number (if any)
6. Interpreter's Email Address (if any)

Part 9. Interpreter's Contact Information, Certification, and Signature (continued)

Interpreter's Certification

I certify, under penalty of perjury, that:

I am fluent in English and , which is the same language specified in **Part 7., Item Number 1.b.**, and **Part 8. Item Number 1.b.**, and I have read to this petitioner and qualifying family member in the identified language(s) every question and instruction on this supplement and the petitioner's and qualifying family member's answer to every question. The petitioner and qualifying family member informed me that they understand every instruction, question, and answer on the supplement, including the **Petitioner's Declaration and Certification and the Qualifying Family Member's Declaration and Certification**, and have verified the accuracy of every answer.

Interpreter's Signature

7.a. Interpreter's Signature (sign in ink)

7.b. Date of Signature (mm/dd/yyyy)

Part 10. Contact Information, Declaration, and Signature of the Person Preparing this Petition, if Other Than the Petitioner or Qualifying Family Member

Provide the following information about the preparer.

Preparer's Full Name

1.a. Preparer's Family Name (Last Name)

Attorney

1.b. Preparer's Given Name (First Name)

Alice

2. Preparer's Business or Organization Name (if any)

AB LLP

Preparer's Mailing Address

3.a. Street Number and Name

3.b. ☐ Apt. ☐ Ste. ☒ Flr.

3.c. City or Town

3.d. State 3.e. ZIP Code

3.f. Province

3.g. Postal Code

3.h. Country

USA

Preparer's Contact Information

4. Preparer's Daytime Telephone Number

2125551212

5. Preparer's Mobile Telephone Number (if any)

6. Preparer's Email Address (if any)

aattorney@abllp.com

Preparer's Statement

- 7.a. ☐ I am not an attorney or accredited representative but have prepared this supplement on behalf of the petitioner and qualifying family member and with the petitioner's and qualifying family member's consent.
- 7.b. ☒ I am an attorney or accredited representative and my representation of the petitioner and qualifying family member in this case ☒ extends ☐ does not extend beyond the preparation of this supplement.

NOTE: If you are an attorney or accredited representative whose representation extends beyond preparation of this supplement, you may be obliged to submit a completed Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, with this supplement.

Part 10. Contact Information, Declaration, and Signature of the Person Preparing this Petition, if Other Than the Petitioner or Qualifying Family Member (continued)

Preparer's Certification

By my signature, I certify, under penalty of perjury, that I prepared this supplement at the request of the petitioner and qualifying family member. The petitioner and qualifying family member then reviewed this completed supplement and informed me that they understand all of the information contained in, and submitted with, this supplement, including the **Petitioner's Declaration and Certification, and the Qualifying Family Member's Declaration and Certification**, and that all of this information is complete, true, and correct. I completed this supplement based only on information that the petitioner and qualifying family member provided to me or authorized me to obtain or use.

Preparer's Signature

8.a. Preparer's Signature (sign in ink)

8.b. Date of Signature (mm/dd/yyyy)

Part 11. Additional Information

If you need extra space to provide any additional information within this supplement, use the space below. If you need more space than what is provided, you may make copies of this page to complete and file with this supplement or attach a separate sheet of paper. Include your name and A-Number (if any) at the top of each sheet; indicate the **Page Number**, **Part Number**, and **Item Number** to which your answer refers; and sign and date each sheet.

Your Full Name (Principal)

1.a. Family Name (Last Name) **CLIENT**

1.b. Given Name (First Name) **Carla**

1.c. Middle Name **Evelyn**

2. A-Number (if any) ► A-

3.a. Page Number 3.b. Part Number 3.c. Item Number

3.d. _____

4.a. Page Number 4.b. Part Number 4.c. Item Number

4.d. _____

5.a. Page Number 5.b. Part Number 5.c. Item Number

5.d. _____

6.a. Page Number 6.b. Part Number 6.c. Item Number

6.d. _____

7.a. Page Number 7.b. Part Number 7.c. Item Number

7.d. _____

**SAMPLE AFFIDAVIT/ADDENDUM EXPLAINING AFFIRMATIVE OR
UNCLEAR ANSWERS ON FORM I-918 OR I-918A**

NOTE: Sample answers below are meant to be read separately and not as a whole. These answers are examples of questions commonly answered as affirmative or that need further explanation.

UNITED STATES DEPARTMENT OF HOMELAND SECURITY
UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

-----X
IN THE MATTER OF : AFFIDAVIT OF
[Name of Applicant] : [NAME OF APPLICANT]
: EXPLAINING AFFIRMATIVE
: OR UNCLEAR ANSWERS ON
A # xxx-xxx-xxx : FORM I-918
-----X

State of New York)
) ss.:
County of New York)

I, **[Name of Applicant]**, presently residing at a confidential address, with mailing address c/o Avery Attorney, Law Office of Avery Attorney, 100 Broadway, New York, NY 10005, being duly sworn, depose and say:

1. My name is [Name of Applicant]. I am also known as [Aliases]. I was born on [DOB] in [City, Country of Birth].
2. I make this affidavit to explain my answers to the following questions on Form I-918, Petition for U Nonimmigrant Status:

Page 2, Part 2, Item 7: Immigration Proceedings

3. I answered "Yes" to questions 7.a. and 7b. because I have been in immigration proceedings on two separate occasions. I was apprehended once on January 10, 2000, at the airport in Atlanta, and was charged with fraud under 8 USC 1182 (A)(6)(C)(I), then ordered removed from the United States. I was apprehended again on July 21, 2000 at the United States/Mexico Border and was subject to expedited removal.

Page 3, Part 3, Item 1: Crimes

4. I answered "No" to question 1.a. because I am I am not sure as to whether you would categorize entry without inspection to the United States as my having committed a crime

or offense for which I have not been arrested. I also gave money to my sister so that they could send my daughter to the United States illegally. I know that this was wrong, but I saw this as the only way to bring my daughter to the United States. **Please see my I-192 Application and Affidavit in Support of I-192 for my complete statement regarding these actions.**

5. I answered “Yes” to questions 1.b. and 1.c. because I was arrested for allegedly loitering in front of a deli. After school, I went with a group of friends to a deli to buy something to eat. Some of us, including me, stood outside while two friends went into the deli to buy snacks. The deli owner didn’t like us standing outside so he called the cops and had us arrested for loitering. I was charged with loitering and responsibly went to court. The charges against me were ultimately dismissed and I have never been convicted of a crime.
6. *For criminal convictions & sentences:* I answered “Yes” to questions 1.d., 1.f., and 1.g. because I have been convicted of Driving Under the Influence (DUI). I was sentenced to 2 days in jail and 3 years of probation. My period of probation ended in June 2023. I also successfully completed a DUI program. **Please see my I-192 Application and Affidavit in Support of I-192 for my complete statement regarding these actions.**

Page 4, Part 3, Item 4: Alien Smuggling

7. I answered “Yes” to question 4.c. because I helped my minor daughter to enter the U.S. illegally by sending money so that she could make the trip and making arrangements with smugglers to have her brought over the U.S.-Mexico border. **Please see my I-192 application and Affidavit in Support of I-192 for my complete statement regarding these actions.**

Page 5, Part 3, Item 12: Present Nearby When Person Intentionally Injured

8. *For derivative who witnessed family violence:* I answered “Yes” to questions 12.a., 12.b. and 12.c. because Child was present and nearby I was intentionally tortured, beaten, and injured by Child’s parent, Adley Abuser. Abuser imprisoned me in a room in Ciudad Juarez, Mexico and physically and sexually assaulted me almost daily, including when I was pregnant with Child and after Child was born. Abuser also kicked us out of the house, forcing us to leave the residence and live on the street. **Please see Affidavit of Harm in Support of I-918 Petition for additional information.**

Pages 5-6, Part 3, Items 13-14: Military

9. I answered “Yes” to questions 13.a., 13.c. and 14.a. because I was a member of the Mexican army for about 2 years, starting when I was approximately 18 years old. I received weapons training and had to transport weapons during this time. However, I never had to use my weapon against anyone nor was I in any situation in which a weapon was used against another person.

Page 6, Part 3, Items 16-19: Removal Proceedings

10. I answered "Yes" to questions 16, 17, 18 and 19 because I have been in removal proceedings on two separate occasions. I was apprehended once on January 10, 2000, at the airport in Atlanta, and was charged with fraud under 8 USC 1182 (A)(6)(C)(I), then ordered removed from the United States. I was removed from the U.S. in or about July 2000. I then attempted to re-enter the U.S., was apprehended again on July 21, 2000 at the U.S.-Mexico Border, was subject to expedited removal, and was removed to Mexico. **Please see my I-192 application and Affidavit in Support of I-192 for my complete statement regarding my entry/exit history.**

Page 6, Part 3, Item 20: Denied Visa or Admission

11. I answered "Yes" to this question because I applied for a tourist visa in or about 1999. My visa application was denied by the U.S. Embassy in Mexico City.

Page 6, Part 3, Item 23: Fraud or Willful Misrepresentation

12. I answered "Yes" this question because I entered the United States on March 3, 1993, using someone else's passport and visa. When I entered, I said I was just visiting family in the U.S. temporarily when I really intended to remain in the U.S. long-term. I have not left the U.S. since then. I know that it was wrong to enter with someone else's passport, but I saw it as the only way to get to the United States and provide for my daughter in Guyana. I am no longer in possession of this passport and visa as it was returned to the person who arranged for me to enter in this manner almost immediately after I got to the U.S. **Please see my I-192 Application and Affidavit in Support of I-192 for additional information.**
13. Also, I just recently found out that someone made a false Application for Permanent Residence using my name. My attorney made a FOIA request on my behalf prior to filing the U Petition. I was shocked when they brought me into their office and showed me the papers that they received from the immigration service. Someone filed an Application for Permanent Residence in my name and signed my name to the forms. The signature on these forms is different than my signature on the G-325A that was filed with the I-130 that my spouse, Devin Defendant, filed on my behalf. I was also shocked to find out that this Application was based on a marriage to Max Fraud. The FOIA file included a marriage certificate naming me as the marrier and Max Fraud as the marrier. I was never married to Max Fraud. This document is either forged or someone posed as me at this wedding. The only thing I knew was that my family was going to help me get papers in the United States. They said they knew someone who could help me. I only remember going to an office in New York City to get my Employment Authorization Card and Social Security card. I never used these documents for work.

Wherefore, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Name of Applicant

Subscribed and sworn to before me
on _____, 2024

Notary Public

My commission expires on _____

SAMPLE AFFIDAVIT IN SUPPORT OF I-918 PETITION:
DOMESTIC VIOLENCE SAMPLE 1 (CRIMINAL PROSECUTION)

United States Department of Homeland Security

United States Citizenship and Immigration Services

**In the Matter of the Petition for U
Nonimmigrant Status on Form I-918
of Camryn Client**

A# 123-456-789

Affidavit of Camryn Client describing facts
of victimization, including substantial harm
suffered and cooperation with law
enforcement, as required by 8 CFR §
214.14(c)(2)(iii)

STATE OF NEW YORK)
) ss.:
COUNTY OF KINGS)

I, Camryn Client, being duly sworn, depose and say:

1. My name is Camryn Client. I am also known as Camry Survivor. I was born on March 10, 1974 in Pubela, Mexico. I provide this affidavit in support of my I-918 Petition for U Nonimmigrant Status.

Background

2. I have known Devin Defendant, the parent of my three children, since 1989. We met at school in Mexico, and started dating soon after our first meeting. When we first started dating I was 12 years old, and they were 15.

3. We dated for only a short time, and then Devin left school to find work in the United States. Devin and I lost touch for a period of about five years in the early 90's, while they were working in Chicago, Illinois.

4. Devin returned to Mexico in February 1995, and we rekindled our relationship. We were married on September 23, 1995. Six months later, in early 1996, Devin returned to work in Chicago and left me in Mexico, pregnant with our first child.

Coming to the United States

5. About two months after returning to the United States, Devin called and told me that I should join them here. I told them that I did not want to come. I was in my third trimester of pregnancy with our first child and did not want to risk travelling in that condition. Devin would not accept my refusal to join them here. They told me that if I did not come to the United States to be with them, they would not help to take care of our child. Afraid that I would not be able to

provide for my daughter without my spouse's financial support, I gave in to Devin and entered the United States in May 1996, through the U.S./Mexico Border at Tijuana.

6. I was stopped by Border Patrol while attempting to cross the border, fingerprinted and returned to Mexico. I tried to enter the United States again the next day and, that time, was successful.

7. I moved in with Devin in Chicago, and gave birth to our daughter Elia Perez on July 19, 1996. I stayed in Chicago for about a year, and began to work in a food manufacturing plant. It was there that I was apprehended by immigration authorities in early 1997. I went to court, and believe that I was granted voluntary departure. I returned to Mexico in May 1997.

8. Once in Mexico, I moved back to my family's home, and lived there for about two years. Devin would send me money every now and then to help me with our daughter. I worked as a seamstress to make ends meet.

9. In 1999, Devin gave me an ultimatum: either I returned to the United States with our daughter, or they would start a new family. Even with Devin's support, I was having a very difficult time making ends meet in Mexico. I could not imagine how hard it would be to raise my daughter without their help. In March 1999, I crossed the U.S./Mexico Border again through Tijuana. I was stopped by Border Patrol, had my fingerprints taken, and returned to Mexico. I crossed the border again a few days later with my daughter, and, that time, was able to successfully enter the United States.

10. By that time, Devin was living in Camden, New Jersey. I moved in with them, and lived together with them in Camden for about three years, after which we moved to Brooklyn, NY.

Abuse

11. Devin began to abuse me emotionally in 1997, while I was living in Mexico after having left the United States. They would call me every now and then, seemingly only to accuse me of sleeping with other people. They would also ask me if our daughter was OK, and if I needed money. My daughter and I were living hand-to-mouth, so I would tell them that, yes, we needed money. Their response was to taunt me, telling me that they would not send us money, that I was nothing but a "bitch in heat" who would sleep with anyone. That would make me cry. It was a very hurtful thing for them to say. I had been a virgin when we got married, and they had been my only sexual partner. I took pride in that, and for them to accuse me of sleeping around hurt my feelings and my pride tremendously.

12. The first time Devin hit me was about a week after having crossed the border into the United States in 1999. After crossing, the coyote made me wait in Los Angeles for Devin to send money to buy a plane ticket for the East Coast. I had to wait for about five days, because Devin could not put together the money. During those five days, I became friendly with the coyotes. One of them suggested that I stay in Los Angeles. "Your spouse", the coyote told me, "does not love you. If they did, they would hurry up and send us the money for the plane ticket". I did not pay attention to what they were saying because I believed that Devin loved me.

13. About four days after leaving Los Angeles for New Jersey, once my daughter and I were home with Devin in Camden, I received a phone call from the coyote. They had called to check how my daughter and I were doing. Devin picked up the phone, and passed it to me. They

heard a voice on the line, and began accusing me again of being a whore. I ignored them for a short while, but that seemed to upset them more, and they smacked me across the face twice and threw me to the floor in front of my daughter.

14. About four months later, Devin came home drunk one night, and found that I had not cooked dinner. They got very upset, and pushed me to the floor. They tried to punch me in the face, but missed, and hit the wall beside my head instead; they hit it so hard that they made a hole in the plaster.

15. Soon after my arrival Devin also began to force me to have sex against my will. During one particularly bad period, we were sharing a one-bedroom apartment with ten people. Devin, our daughter, I and two other men shared the living room. Devin would get home from work and want to have sex. I would tell them that I did not want to because there were other people in the room. I would tell them that I was ashamed, and would tightly close my legs against them. It never worked; they would just pry my legs apart and rape me. I tried to make as little noise as possible so that no-one would hear us, but I knew it was pointless because the room was so crowded.

16. On June 5th 2000, Devin's birthday, I put together a small celebration for them and some of their friends. Devin often became angry and resentful when they drank, so I asked that no-one bring alcohol to the party. Unfortunately, their friends did not respect my wishes. I left the party at about 1 AM, and went downstairs to sleep in the basement where we were living. At three am I woke up and heard no-one upstairs, so I went up to find out what was happening. None of the friends were there; they were out buying more alcohol. They returned a few minutes later. Devin was very drunk. I asked them to please not drink any more, to come downstairs to bed. In front of their friends, they grabbed me by my hair, and threw me to the floor. I was so scared that I ran away to the basement. They followed me to the basement, and started to slap me, then punch me. They then threw me to the floor, and began kicking at me. Our then three-year-old daughter, who had been sleeping next to me in bed, woke up and began screaming: "don't hit them, don't hit mami". This beating left me so bruised that I was not able to leave the house during two weeks.

17. I became pregnant with our son Luis during the summer of 2000. When I first told Devin, they refrained from hitting me during a few months. Then, one day when I was around seven months pregnant, I was not feeling well and asked Devin to accompany me to the doctor. They refused, and went out drinking instead. When I came home, I asked them why he had refused to come with me. I guess I sounded angry, because their response was "don't you speak to me like that", then they slapped me so hard that I trembled.

18. Twenty days after Luis's birth in February of 2001, Devin raped me. Then, about eight months later, when I told them that I was pregnant with our third child, Rocio, they responded by saying: "you stupid bitch" and smacking me across the face.

19. In January 2002, we moved to Brooklyn, NY. In March of that year, when I was about five months pregnant, Devin got angry at me because I had not done the laundry, and pushed me. I fell back onto a sofa and began to cry. That only made them angrier, and they smacked me too, as they put it: "to give me a real reason to cry".

20. Devin did not hit me again for about a year and a half. They still raped me, even during the last stages of my pregnancy, and they controlled me by preventing me from leaving home, and keeping me from talking to neighbors or friends, but they did not hit me again until

Rocio was about one year old. One day in the summer of 2003, I arrived a few minutes late from the park, where I had been playing with the kids, and Devin accused me of having been outside cheating on them. I asked them to stop talking to me that way, and they responded by punching me in the face.

21. On September 5, 2004, I held a baptism for our three children. That evening, after the party, when there were only one or two people left, Devin accused me of cheating on them during the party, and told me that they were going to kill me. They then broke a glass bottle on a tabletop and brandished it at me. They asked me “How do you want to die?” I tried to get away from them, and they lifted and threw one of the tables at me. I was so ashamed, and didn’t want to call attention to us, so I just started to clean up. They came closer to me and punched me in the face with their left hand. People intervened and took them off of me. Later, when we arrived at home, I locked myself in the bedroom. Devin kept knocking at the bedroom door and telling me that I had to open the door or they would kill me. The neighbors called the police. When the police arrived they were hiding in the bathroom, and they came out and rushed at me. They wrapped their hands around my neck and began to squeeze. The police grabbed at them, pulled them off of me, and threw them to the floor. The police asked me if I wanted to press charges. I was too afraid and embarrassed to say yes, so they just took them to the hospital to sober up.

22. Devin hit me again about five months later. I was on the phone with my uncle, and Devin began to accuse me of talking to a lover. They smacked me, then dragged me into the bathroom and began to kick me as I lay huddled on the floor. They left me covered in blood, battered and bruised. I had no money to go to the doctor, so I did not receive medical care.

Qualifying Crime: Domestic Violence

23. The abuse continued. At one point, when Devin lost their job, it became almost daily. Devin would get angry with me for countless reasons, and would then use their anger as an excuse to hit me. They would get angry at me if their dinner was too salty, or if it did not have enough salt. They would hit me if they couldn’t wear their favorite shirt because it was still wet from the laundry, or if I moved a pen they had been using days before to write something—and they would still hit me when they drank.

24. By the fall of 2005, I found a job at a neighborhood Laundromat. I needed to earn money to feed and clothe our children, because Devin was drinking away their earnings. I worked the night shift at the Laundromat, from 9 PM to 9AM six days a week. I had to leave my children with a kind neighbor, because Devin was drinking so much that I could not rely on them to help with the children.

25. Devin hated that I was working. They would scream at me about it constantly. They would accuse me of saying that I was working while really going out with other people or potential sexual partners. Numerous times, they hit me because I would not stop working; they did not seem to understand that I could not stop, because if I did, who was going to pay the rent and feed the children?

26. Because Devin thought that I was not really working at the Laundromat, they developed the habit of dropping by to check on me at work during all hours of the night, often drunk, to berate me. On April 26, 2006, Devin came to my job at about 12 AM. They were slightly drunk, and came in and demanded money. They threatened that if I did not give them money, they would

start screaming at the top of their lungs to embarrass me. I gave them all the money I had on me, and they left. They came back to the Laundromat at 2 AM. They asked me for more money. I had nothing else to give them, so they began to scream at me that I was a bitch and a whore, and punched me in the face. One of their punches landed on my nose, which began bleeding profusely. Devin then grabbed me by the neck of my shirt, and dragged me outside the Laundromat, threw me to the floor, and began kicking me in the stomach and legs. I screamed for help, and someone, heard me scream and called the police.

27. When the police arrived, they asked me a lot of questions. Amongst them was whether this was the first time Devin had ever hit me. I told the officers that it wasn't, that this had been going on for many years. It so happened that I was covered in old bruises from one of Devin's beatings from some days before, when they had beaten me with a belt because they claimed that I had been talking to a partner on the phone (I had really been speaking to their sister, but they did not believe me and flew into a jealous rage despite my asking them to call their sister to ask her.) I showed the three-day -old bruises to a female officer, and she photographed them. The police wanted me to go to the hospital, but I refused. I did not want to leave the Laundry unattended because I knew that, if I did, I would get fired from my job.

28. The police arrested Devin, and I spoke to the District Attorney and told them everything that had happened. There was a criminal case against Devin, and I was issued an Order of Protection from the Kings County Criminal Court, but Devin was released on bail while the case was pending.

29. Devin did not respect the Criminal Court Order of Protection. On one occasion soon after their arrest, they showed up at the Laundromat at around 11 PM, and started accusing me of cheating on them, pushed me down on one of the counters, wrapped their hands around my throat, and began to choke me. Thankfully, one of the people who were using the Laundromat pulled them off of me. I wanted to call the police and tell them what Devin had done, but Devin threatened me that, if I called them, they would hurt the children. I was so afraid that they would do it that I did not call the police.

30. On November 30, 2006, I was at work when Devin showed up at about 2 AM. There was a client at the Laundromat, picking up their laundry. Devin asked to speak to me, but I told them that they could not because there was an order of protection in place. They walked out of the Laundromat, and so, when the client left, I walked out from behind the counter, and sat down at one of the chairs near the front of the Laundromat. About 20 minutes later, Devin suddenly showed up again, grabbed me by the arms, and threw me towards a wall of dryers, then grabbed me again by the arms and began to slam my head against the metal doors of the dryers. Thankfully, a client saw what was happening and called the police.

31. The police came and arrested Devin. I told the police everything, and spoke to the Kings County District Attorney once more, to help them prosecute Devin. I knew that that would be the only way that I could stop their hurting me again.

32. Devin was convicted of all the crimes they had committed against me, and deported to Mexico in June 2007.

Substantial Harm

33. I have suffered enormous pain, both physical and emotional at Devin's hands. I continue to suffer. I feel constant anxiety, and have horrible nightmares where I dream that Devin comes

back to kill me. I wake up in a sweaty panic, afraid that they will find me and the children and kill us to punish me for leaving them.

34. When this happens, I sometimes have headaches throughout the rest of the day, or I am so tired that I cannot function normally. Other nights I cannot sleep because I am anxious about my nightmares.

35. The worst part of all is the fear I have that my children will be forever scarred by having witnessed what Devin did to me. I have no way of knowing how witnessing Devin's abuse of me has affected them, or if it will keep them from forming healthy relationships in the future.

Wherefore, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Camryn Client

Subscribed and sworn to before
On _____, 2024

NOTARY PUBLIC

My commission expires on _____.

CERTIFICATION OF TRANSLATION

I, Carmen Gonzalez, certify that I am competent to translate English into Spanish and that I have read and translated this affidavit to Camryn Client to the best of my abilities.

Carmen Gonzalez

Subscribed and sworn to before
On _____, 2024

NOTARY PUBLIC

My commission expires on _____.

SAMPLE AFFIDAVIT IN SUPPORT OF I-918 PETITION:
DOMESTIC VIOLENCE SAMPLE 2 (CRIMINAL PROSECUTION)

**In the Matter of the Petition for U
Nonimmigrant Status on Form I-918
of**

DCM

DOB: 01/01/1978

Affidavit of DCM describing facts of
victimization, including substantial harm
suffered and cooperation with law
enforcement, as required by 8 CFR §
214.14(c)(2)(iii)

State of New York)
) ss.:
County of New York)

I, **Mx. DCM**, presently residing at a confidential address with mailing address c/o Carmen Maria Rey, Esq., Her Justice, 100 Broadway 10th Floor, New York, NY 10005, being duly sworn, depose and say:

BACKGROUND

1. I was born in La Ceiba, Honduras, and lived most of my life in Tela, Honduras. On February 27, 2006, I came to the United States through the U.S./Mexico border. I came to escape my former abusive partner, MAM, who lived in Tela.
2. I had been forced to move from Tela to Comayagua, Honduras, for several years because I was constantly harassed M. Unfortunately, I had to return to Tela because it was too difficult to care for my four children and work to support them. Since M knew I had returned, I decided to come to the U.S. to avoid them and left my four children in under my mother's care. I was apprehended by immigration authorities at the U.S. border, and detained for 2 weeks. I was sent back to Honduras and moved again with my mother because I had nowhere to go. When I returned I was dating OB, and in early 2007, learned that I was pregnant with my youngest daughter, K.
3. I came back to the U.S. border and tried to enter the U.S. again in February of 2007. On this occasion I was not apprehended by immigration authorities and I moved to New York City to live with my sister, YF. On September 19, 2007, I gave birth to my daughter, K.
4. I met OS on Halloween night of 2008. I was coming back from a cousin's house with my daughter and my nephews. When I got into the elevator, I had a lot of bags and my daughter's stroller; O was also in the elevator and offered to help me because I was having a hard time carrying everything in addition to handling the kids.

5. O came into my sister's apartment to help me get settled. They were very friendly and we talked for hours getting to know each other; we exchanged numbers before they left. I liked O right away; they were easy to talk to and seemed very genuine. After that night, we spoke on the phone constantly and one week later they asked me out on our first date. O invited to have dinner at their apartment. They were very welcoming and very respectful. They spoke very nicely to me, and never made me feel uncomfortable.
6. After our first date, O and I would see each other almost on a daily basis for about a year. They would take me out to dinner, for walks in the park, to dance, to the movies, or invite me to their house to cook me dinner. In beginning of relationship, O was very caring with me and more so with my daughter; they tried to help me out as much as they could. They would give me money whenever they could to help pay for K's diapers or food; it was not a lot of money but I grateful for their help and concern.
7. O told me that they also had children, two grown ups and a nine year old that was in foster care; O was trying to win custody back. When I met their son, I realized how much O missed their son. I could tell that they were a loving a parent, I think that is why they helped me so much with K. O also knew how much I missed my four children in Honduras and let me vent my feelings when I was sad. They gave me a lot of comfort and always listened to me. More than anything, O gave me hope.

ABUSE

8. I started noticing that O was very jealous about five or six months after we began to date. They did not like when I looked at other people, and did not like it if other people were at my sister's apartment. Since I didn't have work authorization, I made money by selling Honduran home cooked food to people in my neighborhood. Since I had my daughter to take care of, clients would have to come pick up the food and this meant that sometimes people would be in the apartment and talk to me. If O was also in the apartment they would get upset and raise their voice at me when I spoke to customers or if they thought that I was being too friendly with them.
9. O's jealousy wasn't the only problem. After dating for about one year, they began treating me differently. O became very possessive, wanting to control everything I did. They would tell me what clothes I could and could not wear. If we went out to a restaurant, I had to eat what they wanted or if I was making us dinner, it had to be whatever they said. If I didn't do what they wanted, they would lose their patience with me very quickly. When we were out a public place, they always wanted to make a scene or talk loudly so people would hear them. Other times they would embarrass me in public if my English wasn't correct or yell at me to shut up, and made sure everyone around us heard what they said. I started feeling uncomfortable when I was with them in public places and preferred to go out with them to places where there were few people around.
10. One night I called O and someone else answered. They asked who I was and wanted to know why I was calling O. The next time I saw O they said that it was a joke, that they had asked their daughter to answer the phone and talk to me. I did not like that and told them that they would not like it either if I played that joke on them. O looked at me and said that

if another person answered my phone they would punch me in the face. I was really shocked by their response but I didn't say anything to them.

11. By August of 2009, I had moved out of my sister's house and was living alone. Around that time, I began to notice that they would not answer my calls at night and always gave an excuse for not answering. If we were together and their phone rang, they would be very secretive.
12. O started spending fewer nights with me and I suspected that they had another partner. On their birthday, September 14, 2009, they told me that they didn't want to go out at night. I thought it was strange that they didn't want to be with me on that day. I was tired of O's excuses and finally I asked them to tell me if they were living with someone else. O told me they were but that it was only out of convenience. They said that the person they lived with had more stability than me and that was what they needed to get their son out of foster care. They said they couldn't do that with me because I was undocumented and I spoke little English.
13. I felt ridiculous about having to share my partner. I told them that I didn't want to keep seeing them because I didn't want to have that kind of relationship. They begged to not break off our relationship. They asked me to put myself in their shoes and think about how I would do anything for my daughter. They asked me to wait for them until they regained custody of their son. I felt very guilty and sad for O. I didn't break up with them because I didn't want to be selfish. I knew O was right, I would do whatever it took to be with my daughter.
14. O and I kept dating for almost another year but I was getting tired of the situation. O would constantly make promises to see me or to spend time with me but then they never showed up. When I did see them, I felt that they only came for sex when they wanted and then left to go back to their other partner. When we weren't together they constantly called to check up on me and to tell me that would soon be together all the time.
15. On Halloween night of 2010, O came up with an excuse as usual for not wanting to go out with me so I went out with my friend, J, and her boyfriend to a party. My cousin's brother-in-law was also at the party and we agreed to take the bus together after J decided to leave. He offered to walk me to my apartment since it was late and let me borrow his jacket because it was very cold that night. When I gave him back his jacket I accidentally left my phone in the pocket.
16. The next day I went to my aunt's house and my cousin's brother-in-law had dropped off the phone at my aunt's house. When I picked up my phone, I checked the messages and O had left several. I called them back and they said they were going to pick me up wherever I was; I told them I was at my aunt's house. O picked me up, and we began to argue about the night before. Apparently, O had called my cell phone the night before and my cousin's brother-in-law answered. I explained that I left my phone in this guys' jacket by accident. O didn't believe me; they said that I probably didn't answer the phone because I was sleeping with the other person. My cousin's brother in law called me right as I was with O and O got furious.

17. They began hitting a tree and yelling at me. They got in my face and asked if I knew why they had been in jail, because they didn't want to go back to jail for the same thing. O grabbed me by the arms and started shaking me while they cursed at me. I was so afraid and wanted to leave but O said that I was not allowed to go anywhere and that I had to stay with them. They were so angry that I thought they were going to kill me in their rage.
18. O made me go with them to their friend's house and they finally took me back to my house around 5 a.m. They asked me for a key to the apartment and told me they would come back later. Later, when I left my apartment, I saw garbage everywhere. The super came to talk to me and told me that the cameras had recorded O and their friends throwing trash all over the stairs and hallway. The super said I had to move out but I told her that O would never come to the apartment again and she let me stay.
19. After that, I knew I had to end things. I was so afraid that they would hurt me after that night. I knew how controlling they could be so I decided to move somewhere else and not tell them. I was afraid that if I told them I wanted to break up they would get angry and accuse me of being with someone else. I didn't want that for myself so I decided to change my number and move to the Bronx in February of 2011. A month later, they called me; they had called a cousin of mine to ask for my new number.
20. They told me they were sad that I stopped talking to them and that they wanted to see me. Part of me missed O but I didn't think it was a good idea to see them. I knew that if I saw O, they would convince me to spend time with them and then they would leave me like they always did so I told them that we could just keep talking on the phone as friends.
21. Over the next few months, O and I spoke on the phone occasionally. As my birthday was approaching, they kept asking to go out with me but I never gave them an answer. The week before my birthday they kept insisting that they wanted to take somewhere to celebrate. I told them that I would go, I already had plans with my friend N but if I said yes to O, they would stop bothering and constantly calling. I figured that they would cancel on me at the last minute like they usually did or just never show up.

QUALIFYING CRIME: DOMESTIC VIOLENCE

22. On Saturday, October 8, the day before my birthday, O called wanting to know if we were still going out. I was surprised because they never kept their word so I felt obligated to go out with them. I remembered the last time that they were upset with me on Halloween and wanted to avoid an argument on my birthday, so I said yes and told them my friend would come with us. I told O where I lived and they arrived around 9 p.m., they said that they wanted to buy a few bottles for us to drink at my house before we went out.
23. I walked with O to the liquor store and they were upset when a stranger looked at me. O got angry so fast and wanted to know if I knew the stranger that had looked at me. I told them that I didn't know the stranger; it was as if O was just looking for a reason to have a fight. After we left the liquor store, O wanted to buy food because they were hungry. At that point I didn't want to go out anymore, it was late and I knew N was tired but I was

afraid to tell them that I didn't want to go out since they had already gotten upset with me so easily. After they ate, we took some pictures and had some drinks.

24. By 11 p.m. I was anxious to go out because I felt bad that N had to wait on O and I knew that she had wanted to go out. O called their friend, who was going to come out with us, and they came to pick us up in their car. O said we were going to a club that I would really like.
25. When we got to the "club," I couldn't believe it; O had taken us to a strip club not a club where we could dance. O told me that we would have a good time that there was no reason to be bothered because it was a strip club. I didn't think it was a good idea to argue with them, so I just went inside. Once inside, I had to use the bathroom; O came with me and went into a door next to the women's bathroom. When I came out O was not waiting for me so I went back to the dance floor where N and O's friend were. They said that O was talking to some other friends of their's who were also at the club. The three of us kept talking but O stayed with their friends watching the strippers and didn't come to talk to us.
26. I was really bothered by O; I was bored of waiting for them since it was my birthday and they just left me. I wanted to leave and so did N and O's friend. N and I asked O's friend to let us get our bags from their car so we could leave. They offered to give us a ride so we left and I didn't say anything to O; O was busy with their friends and ignored us all night.
27. N and I decided to go to a Honduran Restaurant and bar. During the drive, O called me but I didn't answer. O's friend got a phone call but I didn't know who it was because I was talking to N. They asked where we were going while they were still on the phone and we told them to drop us off on Brock Avenue and 146th Street. They hung up and the phone and drove us to our destination but they didn't stop. They kept driving around saying that they were looking for parking.
28. When they finally parked the car, O was there and flung open the door. O pulled me out of the car by my hair and slapped me so hard that I fell on to the curb. Then O started punching my face; they punched me in the eye and on the lip, giving me a cut. While I was on the ground they started kicking me in my back. I tried to climb back into the car but O's friend started yelling that I was getting blood on the seats, and told me to get out because the seat would get dirty.
29. As O kept hitting me, I thought of the first time I was assaulted in Honduras. I felt so stupid that this happened to me again. O was yelling and cursing at me as they kept hitting me. They screamed said that I was a bitch and started laughing. People kept walking by and no one did anything. I was so embarrassed that people saw me on the street getting hit and them laughing at me.
30. I don't remember what happened next. The next thing I remember is being at the police station. N told me that she pulled me away from O and got us into a cab. When I looked at my hands I had blood everywhere; I had to go to the bathroom to clean myself up. When I looked at myself in the bathroom, all I could see was a monster.

31. When I spoke to the police they didn't ask me any questions, they said that I needed to get to a hospital. A police officer took me and N to Lincoln Hospital in the Bronx. My lips were swollen, the left side of my face was swollen, I could barely open my left eye and my chin was also swollen. I had to get stitches on the left side of my inner lip where I was cut.
32. At the hospital I met with a social worker and a police officer. They asked me questions about what happened and I told them that O, an ex-partner of mine had done this. I gave them all of the information that I knew, including their phone number and the number of one of their relatives. I was discharged later that day and took a cab back to my apartment. When I got home, I didn't want to talk to anyone because it hurt to talk or make any movement with my mouth. I felt so ashamed after O hit me that I wanted to stay hidden so no one could see my face. I didn't want people to see my face because I knew they would ask questions. I thought people would blame me. The worst part of it all was that it was my birthday. I didn't even get to talk to my children in Honduras who had called me.
33. O's friend called N that night, October 9, 2011. He told her that he wanted to come to my apartment to return my things that I left in his car. N told him no because she was afraid that O might be with him. N came to my apartment and we called O's friend from her phone. I told him that I didn't want any problems and he said that nothing would happen, O wasn't with him and that he just wanted to give me my things. Since N was with me, I told him to come and he gave me back all of my things including my cell phone.
34. I listened to all the messages that I missed on my birthday and then heard 5 messages O had left threatening me. In the first message they sang happy birthday and the last verse said "I'm going to kick your ass." The second message from O said "Did you like that? Did you like what I did to you?" The next one said "You don't know what I'm capable of doing to you." Another message said that if I called the police they would call immigration on me, and the last message said that they knew where they could find my daughter K, and the rest of my family to make them hurt.
35. I was so frightened when I heard the last message. I didn't want anything to happen to my daughter and I couldn't believe they were threatening her. More than anything, I was afraid that they would come to my apartment and do something to me and no one would find out. After October 9th, O left me messages like that every day after that until October 12th. I called my sister Yolanda and I told her what happened. She was furious that O had done that to me and that I was still in my apartment. She told me to go to her house right away because she was afraid that O was going to kill me for having called the cops. I was so scared by the messages that I called the police and they came to my sister's house and listened to the messages.
36. The next day, October 13, 2011, O called again from a private number and left a message. This time their voice and tone were different; they were calm but indignant. They told me that they couldn't believe that I called the police, that I was inconsiderate given the situation with their son. They said that I wasn't thinking of their son because if they got in trouble with the police it would affect their ability to get custody of their son. O kept telling me that they didn't understand why I had to report them to the police since that was the first time they had done that and that they were never going to do it again. Another message

they left said that they were sorry, that they had acted out of anger and that they had lied to the police because O said that they didn't know me. I never returned their phone calls.

37. That same morning, October 13th, I went to Family Court, obtained an order of protection from O and moved into a shelter. At the Family Court, I was referred to Social Worker who then had referred me to the Bronx's District Attorney's Office. At the District Attorney's office, I met with Assistant District Attorney S Folkard, to discuss what happened to me. I told him everything and agreed to cooperate in O's prosecution.
38. Over the next five months I met with Assistant District Attorney Folkard to discuss the case and prepare to give testimony at O's trial. I received subpoena's to appear but the trial was postponed several times.
39. In December of 2011, O called me from a private number so I answered not thinking it would be them. O wanted to apologize about what they did and to ask me to not testify against them. They told me that I didn't have to go to court and that I could tell the Assistant District Attorney that I was going back to Honduras. I didn't listen to them, they just wanted to avoid getting in trouble for what they did and I was not going to lie for them. The police and the Assistant District Attorney had helped me; I was not going to waste their time or help O lie.
40. After that conversation, O kept calling and I would hang up the phone on them because I remembered how much they hurt me. Sometimes, though, I did want to hear their voice; it was nice to hear someone tell me that they loved me. But then O would start to make me feel bad because they would tell me that if I really loved them I wouldn't have called the cops on them since it would affect their ability to regain custody of their son. I didn't want to hurt their son and I didn't want them to hurt me. I was so afraid. O could've killed me and then my children would have been all alone. O's words from the day they hit me, still haunt me. I didn't think that someone that loved me would have done what they did or said the things that they said to me.
41. I went to court on March of 2012 to testify against O. I was told to wait until I was called but then was told that I wouldn't have to testify. O had pled guilty and I was granted an order of protection by the Bronx County Criminal Court in force until March 28, 2014.
42. After O pled guilty, they kept calling me to ask for forgiveness and to give them a second chance. They told me that they had overreacted because I had left them when they took me out and that I had never done that to them before?. O said they felt hurt and embarrassed.

SUBSTANTIAL HARM

43. The more we spoke the sadder I became. I realized that if I wanted to get better I had to get O out of my life. I didn't want to keep remembering what they did to me so I changed my number for good this time. I couldn't believe that after all that time we were together, they had fooled me; it was as if I hadn't really known who they were. I never thought O would hit me. I always thought that the worse they could do was to insult me.

44. I realized I was wrong; I ended up in the hospital and had to go for several check-ups. A week after they attacked me, I went to Metropolitan Hospital because I still had a lot of pain on the left inside part of my mouth. My stitches had not fallen off the way they were supposed to and it hurt to open my mouth to eat. I was given two prescriptions for the pain and had to see a dentist for several months to make sure that I didn't have any other permanent injury.
45. The dentist had X-rays taken to make sure that O hadn't broken part of my jaw. My jaw was fine but the doctor told me that the pain I was feeling wouldn't go away. To this day I still feel pain in my mouth and am very sensitive when I eat certain foods. I eventually had to stop going to the dentist because the bills were too expensive and I am unable to pay for the treatment since I am out of work.
46. I thought I was getting better but sometimes I get very depressed and I have a very hard time concentrating and remembering at times. I want a better life, one that doesn't involve O. I want to be able to work here and provide for my daughter K and hopefully be reunited with my four children that are in Honduras. I dream of them coming here to live with me and their baby sister, so they can get an education.
47. I never thought that I could get away from O but I did and I know that I will eventually be better.

Wherefore, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

DCM

Subscribed and sworn to me on

this _____ day of _____ 2024

Notary Public

My commission expires on _____.

CERTIFICATION OF TRANSLATION

I, Michelle Moon, certify that I am competent to translate English into Spanish and that I have read and translated this affidavit to **DCM** to the best of my abilities.

Michelle Moon

Subscribed and sworn to me on

this _____ day of _____ 2024

Notary Public

My commission expires on _____.

SAMPLE AFFIDAVIT IN SUPPORT OF I-918 PETITION:
DOMESTIC VIOLENCE SAMPLE 3 (ACS INVESTIGATION)

UNITED STATES DEPARTMENT OF HOMELAND SECURITY
UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

**In the Matter of the Petition for U
Nonimmigrant Status on Form I-918 of**

DF

A# 123-456-789

Affidavit of DF describing facts of victimization including substantial harm suffered and cooperation with law enforcement, as required by 8 CFR § 214.14(c)(2)(iii)

STATE OF NEW YORK)
COUNTY OF NEW YORK) ss

I, DF, being duly sworn, depose and say:

1. I submit this affidavit in support of my petition for a U nonimmigrant visa.

Background

2. I was born on July 31, 1978 in Tela, Honduras. I currently live at 567 8th Street, Apartment #1, Bronx, NY, 10470, with my two children.
3. I came to the United States on June 7, 1998 by taking a minibus across the border with Mexico. I have not left the United States since I arrived in 1998. I have never been detained by U.S. immigration authorities, nor have I ever been in deportation proceedings.
4. I have known S H, who is also originally from Honduras, since April 1999, when we met in Alexandria, Virginia. We began dating soon afterwards, and we began living together in 2000.
5. S is the parent of my two children. We had our first child, Miguel, on January 15, 2002. We had our second child, Rosa, on December 7, 2003. Both of our children were born in Alexandria, Virginia. Our family moved together to New York in 2006. I was in a relationship with S until February 2010.
6. S was deported to Honduras in 2012 because of crimes they committed in 2011 against the family of a person with whom they were having an affair with.
7. I continue to live with my children in the Bronx, in the same apartment in which we used to live with S. Our apartment is located in the same building as S's brother, who lives in the apartment one floor above us.

Abuse Suffered and Cooperation with Law Enforcement

8. After our family moved to New York in the summer of 2006, S began to abuse me, then our children, physically, verbally, and emotionally.
9. S began to constantly accuse me of sleeping with other people, even though I never saw other people while we were in a relationship. They would claim that they saw me in public with other people. Without warning, S would enter into a rage, screaming at me loudly and calling me a “whore,” “evil bitch,” or “prostitute.” They would shout accusations such as: “Your sister is a slut!” or “Your friends are prostitutes!” They would tell me that I’m a “bad person” because I “hang out with prostitute friends,” even though none of my friends are prostitutes. They also said “cursed is the day you became the parent of Miguel and Rosa because you are a prostitute.”
10. On several occasions, S ran around the house frenetically, disconnecting the cords for all of the electronics in our house—the TV cord, the computer cord, and the telephone cords—while shouting at me and accusing me of speaking on the phone with my supposed lovers while they were paying the phone bill.
11. These outbursts and S’s name-calling hurt me deeply because I had never cheated on them. They made me feel ashamed of myself when they would call me those names.
12. S also frequently insulted my parenting skills. They accused me of not taking good care of our children and said that Miguel and Rosa are not their biological children, even though they are their children. Those comments were very hurtful to me because they were denying that our kids belonged to them. Even after seeing that I was hurt by their comments, they would make additional comments such as: “You should be ashamed that I am taking care of children that are not mine,” “You do not take care of Rosa,” or “It doesn’t matter to you what the children do.”
13. S has also attempted to use my poor financial situation to their benefit by threatening me and making me feel helpless. (I am not working and I have no source of income other than public assistance.). S would threaten to stop supporting me and our children economically. When S and I were living together, they would say that they would no longer pay for food or gas for no reason. Sometimes they would give me only twenty dollars and tersely say: “Have fun” or “Here. Go buy food”. They would tell me to “get out of here” and would threaten to take the children away because they had money and I didn’t.
14. The children would be in the house during S’s outbursts, so they could hear when they would verbally abuse me. Towards the end of our relationship, these incidents would take place approximately on a monthly basis.
15. In 2009, S’s abuse became physical. On one occasion, S suddenly entered into a fit of rage and twisted my arm and pinned me against the wall, causing my arm to hit against a plastic motorbike that belonged to our children. On two other occasions, S pushed me while the children slept in another room in our apartment. They also pushed me in front of the children once.
16. On another occasion, in 2009, they yelled at and hit both of our children with their hands and a belt. They hit our daughter Rosa with a belt on her back and legs because she had lost her glasses at school. The same day, they hit me and told me that they would kill

me. I called the police after that incident, but they said they needed to see blood before they could press charges so no report was filed.

17. I called the police about ten times between 2009 and 2010 about S's abuse, but they never made a report when they arrived at our apartment. They told me that, since there were no marks on my body or no signs of blood, they could not do anything for me. Additionally, S's brother, who lives in the apartment upstairs, would lie to the police when they arrived at our apartment, telling them that nothing happened and that S had not been abusive towards me and our children.
18. On February 23, 2010, the last incident of physical abuse occurred. Our children were supposed to attend karate class that day, but did not go because they were extremely tired. S became enraged upon learning that our kids had not attended their karate class, and hit both Miguel and Rosa with a belt. They began to cry. S told me that I was an "evil bitch" and threatened: "I'm going to kill you." Then they pushed me against the wall. They pushed their hands into my face, shoving it against the wall, which left marks on my face. As they shoved me, they said "I'm going to take the kids away from you because you are a beggar."
19. That incident prompted the New York City Administration for Child Services ("ACS") to come to our apartment on March 1, 2010 because our daughter Rosa told a guidance counselor at her school that S had hit her with a belt after she had missed her karate class. The school authorities alerted ACS, who launched an investigation into S's abuse. As part of ACS's investigation, they came to our apartment to speak with S, our children, and me. ACS's investigation and visit to our apartment made S very angry. They left the house that day and did not return.
20. ACS launched a neglect case against S. I cooperated with that investigation by describing to the ACS caseworker the abuse I suffered at S's hands, and about the abuse to which they have subjected our children.
21. On February 24, 2010, I sought an Order of Protection against S in Bronx Family Court, which was granted. The Order of Protection expired, however, on June 29, 2011.
22. On December 19, 2011, S admitted to sexually abusing Nathaly Moreno, the 6-year-old daughter of a woman with whom they had been having an affair. He was arrested and sent to prison in Westchester, New York for eight months, then deported to Honduras in 2012.
23. Even after S moved out of the apartment, while they were in jail and while detained by the immigration authorities, they would call me every day, shouting and screaming at me on the phone. When I took our children to visit them in jail, they would shout at me there, too. For example, they would say that their sister told them I was dating other people and would call me names and yell at me in front of everyone at the jail.
24. On September 25, 2012, for example, S called me to accuse me of cheating on them and told me that they had seen me with other people in public places like the laundromat. They have told our children that they should report to them about my whereabouts and who I am with.
25. Even once they was deported to Honduras, S continued to call me every day for the first few months they were there and shout and yell at me.

26. I stopped answering S's phone calls after a while, but they have begun to send me many abusive text messages along the same lines of the verbally abusive language they used to use towards me in person.
27. S also has been very aggressive about demanding that I send our children to Honduras. Most recently, on April 11, April 23, April 30, May 2, May 3, and June 7, 2013, S has sent me text messages demanding that I send our children to Honduras. Although I do not respond to their text messages, they continue to send me those messages, saying things such as, "Are you sending the children?" "If you send our kids to me in Honduras, I'll send you a car. I need a response right away." "I will start sending you money for food if you send our kids to Honduras. If you don't send the kids, I won't send you any money."
28. S gave our children cell phones to stay in contact with them, but they use the cell phones to send our children abusive text messages, too. For example, they have sent them lewd photos of scantily clad and naked women posing in a lewd manner. They tell our children that they are dating these people.
29. S also has sent me text messages from Honduras, which contain vulgarities and lewd pictures of scantily clad and naked people, similar to the pictures they had sent to our children. For example, on April 13, 2013, they sent me a text message saying: "You are so ignorant!!! You should be smarter even if you are a little bit intelligent." On April 30, 2013, they sent me a text message saying that they were "sick and tired with [my] bullshit." The same day they sent me another text message stating: "What are you doing bitch?" Again on May 2, 2013, they sent me a text message saying that they don't know why they continue spending money in rent only for my supposed "idiot behavior."
30. Because of S's abuse, our children and I have had to seek mental and emotional counseling. We saw a mental health professional in Yonkers, NY in 2011 through early 2012 about the abuse we have suffered.
31. In addition to the humiliation, low self-esteem, and physical injury I have suffered as a result of S's abuse, I also suffer from insomnia. When I fall asleep, I constantly toss and turn in my sleep, and never feel fully rested.
32. Although S is no longer in the country, S's brother lives in the apartment downstairs from me and constantly lets me know that he blames me for S's deportation. S's brother also has entered into angry fits, and has come to my apartment to shout at me, placing his face very close to my face and screaming at me that I am an idiot. He tells me that if I don't shut up, he will hurt me.
33. S's sister-in-law also has harassed me. I called the police and filed a police report against her on March 13, 2011 because of her harassment. Because I do not feel safe in this living situation with S's brother and his family living in the apartment upstairs, I am planning to move to my mother's house, which is located in a different state, at the end of June 2013, after my children finish the school year.

Wherefore, I declare under penalty of perjury that the foregoing I true and correct to the best of my knowledge.

DF

Subscribed and sworn to before me
On this __ day of ____ 2024

NOTARY PUBLIC

My commission expires on _____.

CERTIFICATION OF TRANSLATION

I, Taylor Translator, certify that I am competent to translate English into Spanish and that I have read and translated this affidavit to DF to the best of my abilities.

Taylor Translator

Subscribed and sworn to before me
On this __ day of ____ 2024

NOTARY PUBLIC

My commission expires on _____.

SAMPLE AFFIDAVIT IN SUPPORT OF I-918 PETITION:
MINOR CHILD AS DIRECT VICTIM

UNITED STATES DEPARTMENT OF HOMELAND SECURITY
UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

**In the Matter of the Petition for U
Nonimmigrant Status on Form I-918 of
Cacey Client**

A# 123-456-789

Affidavit of Cacey Client describing facts of
victimization of her son, Voir Victim,
including substantial harm suffered
and cooperation with law enforcement, as
required by 8 CFR § 214.14(c)(2)(iii)

STATE OF NEW YORK)
) ss.:
COUNTY OF KINGS)

I, Cacey CLIENT, being duly sworn, depose and say:

1. My name is Cacey CLIENT. I was born in Tel Aviv, Israel, on June 1, 1977. I am writing this affidavit to explain the harm I have suffered as a result of a crime that was committed against my now fourteen year old son, Voir VICTIM, by Devon Defendant, a Rabbi, and my cooperation with law enforcement to ensure that Mx. Defendant was punished for thier crimes.
2. I am Jewish, and so are my spouse and my children. We live in a predominantly Jewish neighborhood in Brooklyn, NY. We keep Kosher and our four children go to Yeshivah. The Yeshiva is expensive, but my family has made sacrifices for our children to attend. We thought that it was safer for them to attend Yeshiva, to raise them in the faith. Our community is very close-knit. We all know each other, and everyone knows, or at least pretends to know, each other's business.
3. As is common in our community, about 6 months before my son's 13th birthday, my spouse and I hired a Rabbi, Mr. Daniel Defendant, to prepare our son for his Bar Mitzvah. The Rabbi was older, close to his 60's, and a grandfather. He did not live in our community; he lived in a Jewish community in New Jersey, but he was preparing about five more boys from our community for their Bar Mitzvah, and he came recommended by their parents, so we felt comfortable hiring him.
4. Each of the families with whom the Rabbi worked paid him about fifty dollars an hour to teach their sons the Torah and prepare them for their reading of the Book.

5. In January 2008 the Rabbi began coming to my house twice a week for an hour to work with my son, Voir. Voir was very excited to have his Bar Mitzvah, so he was very happy to meet and work with the Rabbi, at least at first.
6. Rabbis are respected as a matter of course in our community because of their religious devotion and knowledge. I was honored to have the Rabbi in my home, and welcomed him as I would a family member, offering him food and drink and treating him with the utmost respect.
7. The first day that the Rabbi came to the house, I introduced him to Voir. I offered them a place to study, but the Rabbi said that they would both be easily distracted there, and asked to meet with Voir in his bedroom, with the door closed, to facilitate their concentration on the Torah.
8. Slowly over the next four months I saw a marked deterioration in my son. Voir began telling me that he did not want to meet with the Rabbi anymore, and he began having problems at school. The first time I received a call from my son's school to complain about his being disrespectful towards his teachers I was shocked and confronted my son about what was happening to cause his behavioral problems. Voir adamantly maintained that nothing was going on, so I attributed his behavioral changes to his becoming a teenager.
9. Yet, I was increasingly noticing that Voir seemed very unhappy. He began to complain that he could not sleep, and he appeared to have very little appetite. Even more disturbingly, he also seemed to be losing interest in maintaining the traditions of our faith. I was very concerned because the period leading up to his Bar Mitzvah should have been a happy one, but I did not know what it could be that was making him so unlike himself.
10. Then, at 6pm on June 26, 2010, while I was at Shul, I received a phone call from the mother of one of my son's classmates whose son had also been working with the Rabbi in preparation for his Bar Mitzvah. During that phone call she told me that the Rabbi had been sexually abusing her son during his visits to their home, and that she believed from what her son had said that the Rabbi had also been abusing Voir. I knew instantly that it was true, and went into shock and began shaking uncontrollably. She asked me what I was going to do, and I told her that I was going to speak to my son, and if it was true that the Rabbi had been abusing him, I was going to call the police. She became angry and told me to not do anything rash like calling the police. She said that, before we involved the authorities, we should first speak to another well-respected Rabbi in the community and ask his advice on how to proceed.
11. Every once in a while one hears about incidents of sexual abuse in the community, but they are usually shushed up. I did not want that to happen, and told her that if my son confirmed his sexual abuse, I would call the police to report the crime, not wait for another Rabbi's advice.
12. When I confronted my son, he confirmed that Rabbi Daniel Defendant had sexually abused him, and that he had done the same to other boys he was preparing for their Bar Mitzvah.

I called the police right away and reported the crime. I also explained to the police that I believed that my son had not been the Rabbi's sole victim, that he had done this to other children in my community. The police asked me to speak to the other parents whose children had been getting lessons from the Rabbi and to gather them all in one place so that the police could speak with them to encourage them to let them speak to their sons.

13. I called other parents whose sons were being tutored by the Rabbi, but faced a lot of resistance. Many of them refused to speak to the police because they were afraid of the stigma that would attach to their families if others discovered that their children had been victims of sexual abuse. In our community, it can ruin a child's chances of marriage to have something like being the victim of sexual abuse in their background.
14. I was well aware of this, but knew that I had to report the Rabbi to the police, not only so that my son would receive justice, but also because I knew that if the Rabbi were not punished, he would go on to do the same to other children.
15. I was able to convince the parents of three other children to come in and speak to the police, and I worked with the District Attorney's office for over a year to gain a conviction against Rabbi Daniel Defendant. I facilitated my son's testimony at the Grand Jury proceedings, and my spouse and I also provided testimony to the District Attorney. Daniel Defendant was convicted of what he did to my son, and he is currently serving time in prison. We have been told that he will lose his immigration status and be deported at the end of his prison term. The Criminal Court issued my son an order of protection that will be in place until 1/1/2024.
16. Because issues of sexual abuse are so often swept under the rug in my community, and because I was adamant that that should not happen in this case, I also spoke to a Jewish newspaper so that they could publicize Daniel Defendant's prosecution, and hopefully encourage other parents to come forward and report what he did to their sons.
17. Despite the order of protection, my son has not been the same since the crime. He once was a very religious boy, but has since lost his faith, and is not willing to keep Shabbat, or wear the Tefillin during morning prayers. I am worried for my son and what this will do to his future. He has undergone counseling, but it has not seemed to help him much. He used to be a social child, with lots of friends, he enjoyed doing activities, and his teachers liked him. That has changed. My son won't go out by himself, he does not want to spend time with his friends, he will not talk to his father or me, and just spends his time in his room by himself.
18. I too have had a very difficult time after I reported the Rabbi to the police. I have confronted a lot of prejudice in the community because I was willing to go outside of the religious courts for justice. People from the community came to my home and tried to convince my family to stop cooperating with Daniel Defendant's prosecution. They told me that the right thing to do would be for us to have pity on him and ask for the charges against him to be dropped. They made me feel like I was heartless because I would not take pity on an old man who sexually molested my son. They told me that, if he were prosecuted for his

crimes, his wife would divorce him and his children would stop talking to him, as though that would be my fault.

19. Despite this pressure, my spouse and I continued to help convict the Rabbi for what he did, and we remain convinced that, if we did not help to put him away, he would continue doing this to other children. In fact, we have since heard rumors that he had been doing this to Jewish children throughout New York, but that every time someone found out about it, they would simply ban him from giving classes in that community, so that he would move on to the next. I can't imagine how many children he has hurt, and I am glad that my family was able to help punish him for his crimes.
20. I am glad that he has been convicted and that my family can finally try and move on with our lives. This Rabbi took away my son's innocence, and my and my spouse's peace of mind. It has affected me deeply. I am undergoing counseling now, to try to cope with the immense guilt I feel for having let this man into my house and near to my son. I have not been able to sleep for a long time. I am afraid to fall asleep, afraid that I will start thinking once again about what was done to my son in my own home.

Wherefore, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Cacey Client

Subscribed and sworn to before me
On this ____ day of _____ 2024

NOTARY PUBLIC

My commission expires on _____.

SAMPLE INDEX OF EVIDENCE FOR I-918 PETITION

Index of Supporting Documents for the **Form I-918, U Nonimmigrant Status Petition** of
Client Victim, A#:123-456-789

Exhibit #	Document	Document relates to:				
		Substantial physical or mental harm	Information about the crime	Helpfulness	Qualifying U.S. crime	Alien (& family member) information
1.	Original I-918B signed by New York Police Department on 07/13/2016		X	X	X	
2.	Affidavit of Client Victim describing her experiences as a crime victim and the substantial harm that she has suffered	X	X	X	X	X
3.	Order of Protection issued by Queens County Family Court, against Abusive Spouse on behalf of Client Victim, dated November 20, 2015		X	X	X	X
4.	New York Police Department Domestic Incident Report, dated November 1, 2015	X	X	X	X	X
5.	Copy of valid passport of Client Victim					X
6.	Birth Certificate of Client Victim, with English translation					X

SAMPLE INDEX OF EVIDENCE FOR I-918A PETITION

**Index of Supporting Documents for the I-918A OF HENRY HOMBRE
Derivative Child of MARIA HOMBRE
A# 123-456-789**

Exhibit #	Document
1.	Affidavit of Henry Hombre explaining affirmative answers to Form I-918A
2.	Biographic information page from derivative's valid Passport
3.	Birth Certificate with certified English translation
4.	Certificate of Disposition
5.	Relevant New York Penal Law Sections

**SAMPLE PHOTO AFFIDAVIT : PHOTOGRAPHS OF INJURIES FROM
VICTIMIZATION**

UNITED STATES DEPARTMENT OF HOMELAND SECURITY
UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

IN THE MATTER OF THE I-918 PETITION FOR
U NONIMMIGRANT STATUS OF

HARPER CLIENT

PHOTO AFFIDAVIT OF
HARPER CLIENT

A#

Commented [e1]: If no A#, use DOB

State of New York)
) ss.:
County of Bronx)

I, HARPER CLIENT, being duly sworn, depose and say:

1. I am the petitioner in this matter. I am submitting this affidavit to explain and describe the photographs that I am submitting in support of my I-918 Petition for U Nonimmigrant Status.
2. Photograph #1 is a photograph of me after an incident of abuse in December of 2014 taken in the Bronx, NY. You can see visible bruises on my eyebrow and forehead. These injuries are a result of my spouse hitting me in the head with their fist.
3. Photograph #2 is a photograph of me, after the same incident of abuse in December of 2014. The photos were taken in the Bronx, NY. You can see visible bruises on my arm. These injuries are a result of my spouse hitting me in the arm with their fist.

(Continued on next page)

4. Photographs # 3-5 are photographs of me after an incident of abuse in April of 2016. The photos were taken in the Bronx, NY. You can see visible bruises on my right and left legs. These injuries are a result of my spouse kicking me in my legs.

Harper Client

Subscribed and sworn to me on

This ____ day of _____ 20__

Notary Public

My commission expires on _____.

**2.E. Form I-192,
Application for
Advance Permission
to Enter as
Nonimmigrant
(Inadmissibility
Waiver)**

CHECKLIST: FORM I-192, APPLICATION FOR ADVANCE PERMISSION TO ENTER AS NONIMMIGRANT (INADMISSIBILITY WAIVER)

NOTE: There is no separate cover letter for the I-192 application as the I-192 application should be addressed in the main cover letter accompanying the entire U nonimmigrant status filing.

Assembled in order listed below as separate packets for the Principal Petitioner and Derivative:

- ☐ **Original Form G-28, Notice of Entry of Appearance of Attorney**, signed in blue ink and printed on light blue paper
- ☐ **Original Form I-192, Application for Advance Permission to Enter**, signed in blue ink signed by individual applicant. NOTE: If derivative is under age 14, the principal should sign on behalf of the derivative. If the derivative is age 14 or over, the form must be signed by the derivative *whether present in the U.S. or residing abroad*.
- ☐ **Index of evidence**
- ☐ **Notarized Affidavit in Support of I-192 Application** explaining applicable grounds of inadmissibility and establishing positive factors in support of a favorable exercise of discretion. NOTE: If derivative is under age 14, the principal should sign on behalf of the derivative. If the derivative is age 14 or over, the affidavit must be signed by the derivative *whether present in the U.S. or residing abroad*.
- ☐ **Supporting evidence** to demonstrate why the government should exercise positive discretion and waive the applicable grounds of inadmissibility, such as:
 - Copies of birth certificates of any U.S. citizen children
 - Evidence that the applicant has been a contributing member of U.S. society (i.e., copies of tax filings, letters from employers/supervisors, records of volunteer work, etc.)
 - Evidence of country conditions in the applicant's home country that would place them in danger if they were forced to return
 - Evidence of hardship to U.S. citizen family members (i.e., loss of economic support, family court orders granting custody of U.S. citizen children to applicant, school/medical records showing special needs of children/spouse)
 - *If prior criminal history:*
 - Arrest reports
 - RAP sheet
 - Criminal dispositions
 - Evidence that applicant has completed their sentence and been rehabilitated (i.e., certificates of program completion, letter verifying end of probation, court records showing sentence completion, documents showing voluntary participation in related programs, history of non-recidivism)
 - Letters of support

- Letters of support from church, coworkers, friends/family members describing hardship to applicant and their family if they are not allowed to remain in U.S. and attesting to their good moral character

CHECKLIST: INADMISSIBILITY QUESTIONS TO REVIEW WITH YOUR CLIENT

Ask the client the following questions and check the box beside the question if the client answers in the affirmative. Affirmative responses may mean that you will have to file Form I-192 on your client's behalf to waive a ground of inadmissibility. Please obtain additional information from the client about their affirmative answer(s) and contact your mentor to discuss:

- ☐ **Have you ever entered the U.S. without permission from the U.S. government (for example, without a visa)?**

Spanish: En alguna vez, Ud. ha entrado por los EE.UU sin permiso del gobierno estadounidense (por ejemplo, sin una visa)?

- ☐ **Have you ever applied for a visa to the U.S.?**

Spanish: En alguna vez, Ud. ha solicitado una visa para entrar a los EE.UU?

- ☐ **Have you ever been denied a visa to the U.S.?**

Spanish: En alguna vez, se le ha negado Ud. una visa a los EE.UU?

- ☐ **Have you ever lied to a government official to obtain an immigration benefit such as a visa or entry to the U.S.?**

Spanish: En alguna vez, Ud. ha dicho una mentira delante de un funcionario del gobierno para conseguir un beneficio inmigratorio, como una visa o para entrar a los EE. UU?

- ☐ **Have you ever used a false document to enter into the U.S.?**

Spanish: En alguna vez, Ud. ha utilizado algún documento falso para entrar a los EE.UU?

- ☐ **Have you ever used a document that did not belong to you to enter the U.S.?**

Spanish: En alguna vez, Ud. ha utilizado algún documento que no le pertenecía a Ud. para entrar a los EE.UU?

- ☐ **Have you ever told someone that you were a U.S. Citizen?**

Spanish: En alguna vez, Ud. ha dicho a otra persona que Ud. es ciudadana de los EE.UU?

- ☐ **Have you ever used false documents to work in the U.S.?**

Spanish: En alguna vez, Ud. ha utilizado documentos falsos para trabajar en los EE.UU?

- ☐ **Do you have a valid passport from your home country? If not, can you obtain one?**

Spanish: Ud. tiene un pasaporte válida de su propio país? Si no, puede conseguir uno?

- ☐ **Have you ever spent 180 days or more in the U.S. without authorization from the U.S. government?**

Spanish: En alguna vez, Ud. se ha quedado en los EE.UU sin autorización del gobierno estadounidense por 180 días o más?

- ☐ **Have you ever donated money to any organization?**

Spanish: En alguna vez, Ud. ha donado dinero a alguna organización?

- ☐ **Have you ever left the U.S. after ever being here for more than 180 days? (Regardless of whether you had permission from the government to travel out of the U.S.)**

Spanish: En alguna vez, Ud. se ha salido de los EE.UU después de quedarse por más de 180 días (independientemente de si Ud. tuviera permiso del gobierno a viajar fuera de los EE.UU)?

- ☐ **Have you ever committed a crime for which you have not been arrested (including anything that you might think is minor – e.g. turnstile jumping)?**

Spanish: En alguna vez, Ud. ha cometido un delito por lo cual Ud. no ha sido arrestada (incluyendo algo que Ud. quizá piense es un delito menor, como saltar la entrada del metro/tren)?

- ☐ **Have you ever been arrested, here or abroad, by anyone, whether or not they were wearing a uniform?**

Spanish: En alguna vez, Ud. ha sido arrestada, aquí o en el extranjero, por cualquier persona, sea o no, que llevaban puesto un uniforme?

- ☐ **Have you ever been cited (given a ticket)?**

Spanish: En alguna vez, Ud. ha sido citado (dado un ticket/una citación)?

- ☐ **Have you ever been taken before a judge?**

Spanish: En alguna vez, Ud. se ha presentado ante de un juez?

- ☐ **Have you ever been in a jail or prison?**

Spanish: En alguna vez, Ud. ha estado de preso o encarcelada?

☐ **Have you ever been convicted of a crime (here or abroad)?**

Spanish: En alguna vez, Ud. ha sido condenada por un delito (aquí o por el extranjero)?

☐ **Could there be an outstanding warrant for your arrest?**

Spanish: Podría haber una orden de detención pendiente contra Ud.?

☐ **Have you ever been deported or removed from the U.S.?**

Spanish: En alguna vez, Ud. ha sido deportada de los EE. UU?

☐ **Have you ever been refused entry to the U.S.?**

Spanish: En alguna vez, ha negado la entrada a los EE.UU?

☐ **Have you ever been apprehended or questioned by anyone that worked for U.S. Customs and Border Patrol, or another immigration agency?**

Spanish: En alguna vez, Ud. ha sido detenida o interrogada por cualquier persona que trabajó por los EE.UU Aduanas y Protección Fronteriza, u otra agencia de inmigración?

☐ **Have you ever been in deportation or removal proceedings?**

Spanish: En alguna vez, Ud. ha estado en el proceso o procedimientos de deportación?

☐ **Have you ever been before an immigration judge?**

Spanish: En alguna vez, se ha presentado Ud. delante de un juez de inmigración?

☐ **Have you worked as a prostitute in the last ten years?**

Spanish: En los últimos diez años, Ud. ha trabajado como prostituta?

☐ **Have you ever been married to more than one person at one time?**

Spanish: En alguna vez, Ud. ha sido casada con más de una persona a la vez?

☐ **Have you been a member or former member of the Communist party or other totalitarian party?**

Spanish: Ud ha sido un miembro o ex miembro del partido comunista u otro partido totalitario?

- ☐ **Have you participated in the persecution of others because they were of a different race, religion, national origin, or political opinion from yours?**

Spanish: Ud. ha participado en la persecución de otras personas por razón de raza, religión, origen, u opinión político, porque fue diferente de lo suya?

- ☐ **Have you been diagnosed with a contagious disease (e.g., HIV, tuberculosis, hepatitis B, etc.)?**

Spanish: Ud. ha sido diagnosticado con una enfermedad contagiosa (por ejemplo, VIH, tuberculosis, hepatitis B, etc.)?

- ☐ **Have you ever received a diagnosis of depression or mental illness?**

Spanish: En alguna vez, Ud. ha recibido un diagnóstico de depresión o enfermedad mental?

- ☐ **Have you ever hurt yourself or another person because of diagnosed depression or a diagnosed mental illness?**

Spanish: En alguna vez, Ud. ha hecho daño a si misma u otra persona basado en un diagnóstico de depresión o otra enfermedad mental?

- ☐ **Are you or have you ever been addicted to drugs, or do you use/have you used drugs?**

Spanish: Es Ud. una drogadicta o en alguna vez ha abusado las drogas?

- ☐ **Have you ever, in any way, helped to bring someone into the U.S. illegally (for example, by paying for someone to enter the U.S. through the border?)**

Spanish: En alguna vez, de alguna manera, Ud. ha ayudado alguien entrar por los EE.UU ilegalmente (por ejemplo, el pago de un coyote para traer una persona a través de la frontera)?

- ☐ **Have you ever belonged to a political party or other organization with political leanings?**

Spanish: En alguna vez, Ud. ha pertenecido a un partido político u otra organización con inclinaciones políticas?

- ☐ **Have you ever made someone work for you without paying them?**

Spanish: En alguna vez, Ud. ha forzado o ha hecho alguien a trabajar para Ud. sin pagar a ellos?



ALIEN SMUGGLING: WHAT IT IS AND HOW IT CAN AFFECT IMMIGRANTS

By Alison Kamhi & Rachel Prandini

I. Introduction to Alien Smuggling

“Alien smuggling” is the term given to the act of assisting anyone in any way and at any time to enter the United States unlawfully, regardless of whether that person is a family member, or whether it was done for monetary gain. Alien smuggling can affect an immigrant in several different ways: Alien smuggling is a ground of inadmissibility, a ground of deportability, a bar to good moral character, and a conviction for alien smuggling is an aggravated felony. This practice advisory will walk through what “alien smuggling” is, how it can affect an immigrant client in each of these contexts, and practice tips for when alien smuggling might come up in your client’s case.

Screening for alien smuggling is particularly important in light of Secretary of U.S. Department of Homeland Security (DHS) John Kelly’s memoranda directing DHS to prioritize immigration enforcement against alien smugglers, and U.S. Attorney General Sessions’ directive to federal prosecutors to prioritize prosecution of alien smuggling.¹ Because the law and policies regarding alien smuggling are evolving, it is important to check the law in your circuit and consult local practitioners in any case involving potential alien smuggling.

A. Definition of “Alien Smuggling”

The Immigration & Nationality Act (INA) defines an alien smuggler as “[a]ny person who *knowingly* has encouraged, induced, assisted, abetted, or aided” any other person to enter or try to enter the United States illegally.² These provisions are worded very broadly and have been interpreted to include sending money to someone to pay a smuggler, as well as merely encouraging someone to enter the United States illegally. The person must know she is helping someone enter illegally. If she was not aware that the other person did not have legal status to enter, she has not committed alien smuggling. Alien smuggling does not just cover professional smugglers; it also applies to people who bring in their family members.

Example: Suzanna went to Mexico and physically helped her younger brother cross the border without inspection. This could constitute alien smuggling.

Example: Amelia arranged for her elderly mother to enter the United States illegally. Amelia contacted a coyote to bring her and helped pay for the expenses, although Amelia was not there herself. This could constitute alien smuggling.

1. Alien Smuggling Requires Affirmative and Knowing Conduct

Despite the broad reach of the alien smuggling definition, some limitations do exist. The courts have clarified that the person must have made 1) an affirmative and 2) knowing act to constitute alien smuggling.³ In any case in which there

are facts that could potentially constitute alien smuggling, it is crucial to review the case law in your circuit to see if it is possible to argue that the person in fact did not know or did not make an affirmative act required to trigger this ground. We have outlined a few cases below that could be helpful in making this argument:

In *Altamirano v. Gonzales*, the Ninth Circuit reversed a finding of inadmissibility for alien smuggling where the petitioner knew that someone was hiding in the trunk of the vehicle she was riding in as a passenger, but where she made no affirmative act to help.⁴ The Court held:

The plain meaning of this statutory provision requires an affirmative act of help, assistance, or encouragement. Here, because Altamirano did not affirmatively act to assist Martinez-Marin, she did not engage in alien smuggling. That she was present in the vehicle and knew that Martinez-Marin was in the trunk does not amount to a violation of § 212(a)(6)(E)(i).⁵

In *Aguilar-Gonzales v. Mukasey*, the Ninth Circuit also held that knowledge is not enough. The Court found that the petitioner was merely present and acquiesced to another's fraudulent use of a document, and therefore did not commit an affirmative act to constitute alien smuggling.⁶ In that case, after refusing multiple times to allow her father to borrow her son's U.S. birth certificate to smuggle two infants into the United States, the petitioner finally agreed to accompany and allow him to use and present the birth certificate to immigration authorities because she feared that he would stop paying the mortgage on her house if she did not do so. The Ninth Circuit found that she had not committed alien smuggling.

Similarly, the Sixth Circuit reversed a finding of inadmissibility for alien smuggling for a lawful permanent resident (LPR) who shared driving responsibilities with three friends, one of whom was an undocumented immigrant, where the LPR mistakenly believed the undocumented immigrant could travel back and forth across the border because he was in the process of applying for a green card.⁷

These cases support the proposition that the statutory definition of alien smuggling requires an *affirmative act* of help, assistance, or encouragement, such as paying alien smugglers, making the arrangements to get undocumented immigrants across the border, or providing false information and documents to immigration authorities. Mere presence during the actual act of alien smuggling with knowledge that it is being committed should not be sufficient.

2. Alien Smuggling Can Include Prearranged Plans and Sending Money

Courts have provided guidance that knowing and affirmative acts of assistance, even if they do not include physically bringing the person over or being present at the border, are sufficient to constitute alien smuggling. A common alien smuggling charge is for planning and funding the trip of a relative or friend to come to the United States unlawfully. The following cases illustrate a few ways that this scenario can arise:

The Fourth Circuit has held that sending financial assistance directly to a child at a hotel on the border constituted alien smuggling, where the parents knew that the funds would be used for the child to cross the border illegally.⁸ In this case, the parents sent money separately to four different children over the years, and each time right after the money was sent, the child immediately crossed the border illegally and joined his or her parents in the United States. This pattern, together with the father's admission that he believed he was doing "something illegal" contributed to this finding.⁹

The Ninth Circuit has also found that smuggling includes knowingly participating in a prearranged plan to bring people to the border and then meeting them on the U.S. side of the border to transport them within the United States.¹⁰ In that case, the petitioner picked up seven individuals in Mexico, drove them to a town near the border where they made arrangements with a smuggler to cross, and then met up with them again once they were within the United States to drive them from Arizona to Washington.¹¹

Remember, however, that to constitute alien smuggling, the assistance must have been given *knowing* that the person was entering unlawfully.

Example: Juana, an LPR, wanted to help her family reunite in the United States. Soon after she entered, she sent money to El Salvador to help her sister pay to come to the United States illegally. She did not bring her

sister herself; she just greeted her when she arrived safely. Juana nevertheless could be charged with being deportable for alien smuggling because she knowingly assisted someone to enter the United States unlawfully.

Example: Carlos sent his cousins in Honduras some money every month to help with bills. Without his knowing it, they saved the money and used it to cross into the United States unlawfully. Carlos should not be charged with alien smuggling because he did not knowingly fund their trip.

3. Alien Smuggling Can Include Assistance on the U.S. Side of the Border

Some courts have held that affirmative assistance provided shortly after the person who was smuggled entered the United States constitutes alien smuggling, even though the assistor had no intention to help the person enter in the first place.

The Ninth Circuit held that alien smuggling includes an agreement by a family member to pay a smuggler after the person was already in the United States, but before the smuggler released and ceased to transport the person.¹² In that case, the petitioner knew that his brother planned to cross the border illegally, but he did not agree to help him until after he had crossed the border. He collected money from his other siblings and arranged payment to the smuggler. The court emphasized that he helped his brother before the smuggler released and ceased to transport him.¹³

Similarly, the First Circuit found that an LPR petitioner was removable for alien smuggling even though the petitioner, after discovering that her friends intended to enter illegally, initially refused to assist them and entered the United States on her own.¹⁴ The petitioner, however, had a change of heart due to concern for the safety of the friends' small child and returned to a designated meeting point on the U.S. side of the border to pick them up. The Court held that because the petitioner went back to the border within hours of the friends' having walked across, an "entry" had not yet been completed by the friends at the point she picked them up. As a result, petitioner was an "alien smuggler" because she assisted in her friends' attempted entry by facilitating their travel. The Court held that there is no exception for alien smuggling committed out of humanitarian concern.¹⁵

4. Alien Smuggling Is Distinct From Harboring or Transporting

Courts have also clarified, however, that the act of harboring or transporting undocumented immigrants is a separate offense that does not in and of itself trigger the inadmissibility or deportability ground for alien smuggling (although it may carry criminal penalties, and a conviction for harboring or transportation may trigger the aggravated felony ground, see Section V below).

In *United States v. Lopez*, the Ninth Circuit reversed a conviction for alien smuggling under 8 USC § 1324(a)(2) because the evidence showed that the defendant did not aid and abet the undocumented immigrants' initial transportation into the United States but instead transported them within the United States only after they had already entered.¹⁶ This finding is consistent with the Fifth Circuit, which stated, in *Rodriguez-Gutierrez v. INS*, that a conviction for illegally transporting undocumented immigrants does not trigger inadmissibility for smuggling because the statute only refers to aiding and abetting, not transporting.¹⁷ Similarly, the Third Circuit found that a guilty plea for "bringing and harboring" pursuant to 8 USC § 1324(a)(B)(ii) and 18 USC § 2 did not constitute alien smuggling. In this case, the LPR was being paid by an "employer" to pick up people in an upstate New York town and transport them elsewhere. However, the Third Circuit held he was not inadmissible as an "alien smuggler."¹⁸

The BIA has also found that transporting undocumented persons within the United States does not necessarily create inadmissibility for alien smuggling.¹⁹

Warning: This distinction is limited to the definition of alien smuggling for the inadmissibility and deportability grounds for alien smuggling under INA § 212(a)(6)(E)(i) and INA § 237(a)(1)(E)(i), respectively; a *conviction* for harboring or transporting may be an aggravated felony, as described below in Section V.

II. Alien Smuggling Inadmissibility Ground

Noncitizens who in any way and at any time help bring other noncitizens illegally into the United States are inadmissible.²⁰ Before 1990, only people who smuggled noncitizens *in exchange for money* were inadmissible. The post-1990 ground harshly imposes inadmissibility more broadly, including on people who have sympathetic reasons for helping family members enter the United States. You must inform your clients of the consequences of telling the Department of Homeland Security (DHS) that they helped family members or others to come in illegally. That person could be barred from relief and referred to criminal prosecution.

A. Alien Smuggling Inadmissibility Waivers and Exemption

1. Alien Smuggling Inadmissibility Waiver

A limited waiver exists for the alien smuggling ground of inadmissibility. There are two basic requirements for this discretionary waiver:

- a) The person applying for the waiver must be EITHER:
 - a. A lawful permanent resident who temporarily traveled abroad voluntarily (not under an order of deportation or removal), and is otherwise admissible;²¹ OR
 - b. A person applying for a green card based on a family-based petition (including immediate relatives or through a first, second, or third preference visa petition—but not through a fourth preference visa petition for brothers and sisters of U.S. citizens).²²

AND

- b) The person must have smuggled only her spouse, parent, son, or daughter (and no other individual).

These are the basic eligibility criteria for the inadmissibility waiver. Once a person has met these requirements, she then must convince the adjudicator to grant the waiver because of one or more of the following grounds:

- a) For “humanitarian purposes.” For example, the person might be ill and unable to get good medical care in the home country;
- b) To “assure family unity.” For example, the person might be leaving behind a U.S. citizen spouse and child in the United States; or
- c) When it is “otherwise in the public interest.” For example, the person might be an active church member or a valued employee whom the community would miss.

Example: Sofia arranged for someone to smuggle her baby into the United States. Now she has married a U.S. citizen and wants to immigrate through her husband as an immediate relative. When she goes to her visa appointment, she will need to submit a waiver application to the official. She will need to demonstrate that she smuggled only her child, and that USCIS should grant the waiver based on humanitarian, family unity, or public interest grounds.

Many noncitizens will not fall within the narrow requirements for this waiver. Note that this waiver does not apply to anyone who:

- assisted someone other than, or in addition to, her own son/daughter, parent, or spouse;
- must establish good moral character;²³
- seeks to immigrate through the fourth preference category (siblings of U.S. citizens);
- seeks to immigrate through a work visa; or
- applies for some other form of relief (although certain forms of relief have general waivers that may apply, see Section II(A)(2) below).

Example: Mary smuggled her fiancé Harry across the border. Although they later married, Mary is not eligible for this waiver because, at the time she smuggled him, Harry was not her husband.

Example: Stefan smuggled his children into the United States. They were all granted asylum, and Stefan is now applying to adjust status. Stefan will not qualify for the alien smuggling inadmissibility waiver because it does not apply to asylum adjustment. However, he can apply to waive alien smuggling under the general asylum adjustment waiver at INA § 209(c).

2. General Inadmissibility Waivers

Although the alien smuggling inadmissibility waiver is limited, as described in Section II(A)(1) above, certain forms of humanitarian relief have general waivers that can apply to alien smuggling. These include:

- U nonimmigrant status, under INA § 212(d)(14);
- T nonimmigrant status, under INA § 212(d)(13);
- Special immigrant juveniles seeking adjustment of status, under INA § 245(h); and
- Asylees and refugees seeking adjustment of status, under INA § 209(c).²⁴

3. Family Unity Exemption

A person is automatically exempt from the alien smuggling ground of inadmissibility if she is eligible for the “Family Unity” program as originally enacted in 1990. Family Unity was a program to allow admission of spouses and children of people granted legalization, or “amnesty,” under the Immigration Reform and Control Act of 1986.²⁵ This exemption only applies if the person *before May 5, 1988*, smuggled only a spouse, parent, son or daughter. Someone who qualifies for this exemption is automatically **not** inadmissible, under INA § 212(a)(6)(E)(ii). She does not have to apply for a waiver for inadmissibility.

III. Alien Smuggling Deportability Ground

This discussion is limited to the alien smuggling deportation ground and does not include the aggravated felony deportation ground covered in Section V, which requires a conviction and is defined differently. The deportation ground is for someone who *commits* alien smuggling—even if there is no conviction—if it occurred at the time of any entry, prior to any entry, or within five years after any entry.²⁶

The deportation ground is more lenient than the ground of inadmissibility, because it has a time limit. The person must have committed alien smuggling before, during, or within five years of any entry into the United States to be deportable.²⁷ The word “entry” means coming into the United States legally or illegally, with or without inspection and authorization by an immigration officer. Advocates should not concede deportability unless they have confirmed that 1) the client knew that the person whom they helped enter the United States did not have the legal right to enter, 2) the act itself meets the definition of alien smuggling, and 3) the act occurred during the time periods described above.

Example: Domingo was admitted to the United States in 2007 as an LPR, and has never left the United States since then. In 2015 he paid someone to help bring his father up from Mexico. Domingo’s actions could fit within the definition of smuggling, because he helped his father enter illegally. But he is not deportable, because he did it more than five years since his last entry into the United States in 2007.

A. Alien Smuggling Deportability Waivers and Exemptions

A waiver also exists for the alien smuggling ground of deportation. In order to qualify for the waiver, the LPR must have smuggled only his or her parent, spouse, son or daughter (and no other individual), and that person must have had that family status at the time the smuggling occurred.²⁸ Furthermore, the same exemption applies for noncitizens eligible for Family Unity with regards to deportability under INA § 237(a)(1)(E)(ii), as to inadmissibility under INA § 212(a)(6)(E)(ii).²⁹ See Section II(A)(3).

IV. Alien Smuggling Bar to Good Moral Character

Alien smuggling is a bar to establishing good moral character under INA § 101(f). The only exception to the statutory bar for alien smuggling is if the person could have qualified for Family Unity under the 1990 Act and, before May 5, 1988, encouraged, induced, assisted, abetted, or aided only his or her spouse, parent, son, or daughter to enter the United States illegally. See Section II(A)(3) on Family Unity above. A discretionary waiver of inadmissibility or deportability for alien smuggling will not help an applicant establish good moral character.³⁰

Good moral character is a requirement for naturalization, non-LPR cancellation of removal, self-petitioning and cancellation of removal under the Violence Against Women Act (VAWA), registry, and one of the forms of voluntary departure. Alien smuggling for purposes of good moral character is defined as in the grounds of inadmissibility and deportability described in Section I above, and does not require an admission or conviction. It is a statutory bar to good moral character, which means that anyone who is found to have committed alien smuggling within the good moral character time period required for that form of relief is barred from establishing good moral character.

Interestingly, however, alien smuggling is not an absolute bar to many forms of relief that require good moral character, including naturalization, non-LPR cancellation of removal, and relief under VAWA. This means that if someone committed alien smuggling *before* the good moral character period, she could still be granted relief – although applying for relief in this context could be risky, as the adjudicator could find that the alien smuggling is an independent ground of inadmissibility and/or deportability.

Example: Bai paid a “snakehead” in 2005 to smuggle his wife into the United States from China. They have been living here ever since, and have had two U.S. citizen children. Bai was apprehended in 2017 and placed in removal proceedings. He is applying for non-LPR cancellation of removal based on hardship to his two U.S. citizen children. The alien smuggling will not bar him from establishing good moral character because it occurred before the ten-year good moral character time period began.

Example: Alicia, an LPR, helped her son cross the border illegally into the United States ten years ago. Alicia went to Mexico, obtained a false green card for her son, and tried to re-enter the United States with him. Immigration authorities stopped Alicia and her son at the border. Alicia’s car was confiscated, and her son was returned to Mexico. Immigration authorities released Alicia and eventually returned her car. Alicia applied for naturalization. In reviewing Alicia’s file, the USCIS naturalization adjudicator saw that Alicia attempted to smuggle her son into the United States. Although Alicia is not statutorily ineligible to establish good moral character (the smuggling took place more than five years ago and thus outside the good moral character time period for naturalization), she is deportable for committing alien smuggling at the time of an entry. Instead of granting the naturalization application, the officer placed Alicia in removal proceedings. Alicia will need to ask the judge to grant her a waiver for having smuggled her son.

USCIS has some discretion in deciding whether or not to place a person in removal proceedings. In sympathetic cases such as Alicia’s, USCIS often may choose to exercise its discretion to deny naturalization, but not to place the person in removal proceedings. It is also possible that the deportable person might be naturalized even without being put into removal proceedings because the naturalization officer thinks the person has a strong waiver case and would be granted relief by an immigration judge anyway. However, individuals who have smuggled relatives in the past need to be aware of the risks of applying for naturalization, including denial and/or deportation.

V. Alien Smuggling Can Be an Aggravated Felony

In addition to being a ground of inadmissibility, deportability, and a bar to good moral character, a *conviction* for alien smuggling can be an aggravated felony.³¹ An aggravated felony is a ground of deportability, a bar to many forms of relief, and a permanent bar to good moral character if the conviction occurred on or after November 29, 1990. A conviction of alien smuggling as defined in INA § 274(a)(1)(A) or § 274(a)(2) is an aggravated felony, even if the “smuggler” was not paid and was helping a friend or relative, and even if no sentence was imposed. The only exception is for a first offense smuggling of a spouse, child, or parent.³²

The inadmissibility and deportability grounds for alien smuggling discussed in Sections I, II, and III are different from the aggravated felony based on alien smuggling in two ways. First, the inadmissibility and deportability grounds can be triggered by conduct, while an alien smuggling aggravated felony requires a criminal conviction. Second, the definition of alien smuggling is different for purposes of an aggravated felony. The alien smuggling inadmissibility and deportability grounds only apply to people who have knowingly assisted, abetted, etc. the *entry* of an unauthorized person into the United States. The federal criminal offense of alien smuggling, which is an aggravated felony, includes convictions for smuggling *or harboring or transporting* undocumented immigrants.³³

Example: Maria was convicted for the crime of smuggling her brother. She has an aggravated felony conviction. Even if this is a first offense, she does not fall within the exception because she did not smuggle her parent, spouse, or child.

V. Screening for Alien Smuggling

Because alien smuggling can arise in many different contexts in an immigration case, it is critical to inform clients about alien smuggling and how it could potentially affect them. USCIS adjudicators, consulate officials, and immigration judges may ask clients pointed questions about alien smuggling, especially when the applicant has undocumented children in the United States. Remember, however, that even if the applicant does not admit to alien smuggling, if the adjudicator has evidence that the applicant was an alien smuggler, she could find the applicant inadmissible, deportable, or barred from establishing good moral character on this ground.

Immigration and Customs Enforcement (ICE) or Customs and Border Protection (CBP) officers may also ask people they arrest questions about alien smuggling. This is particularly true in the context of unaccompanied minors, as discussed below. In addition, the Office of Refugee Resettlement (ORR) – the agency responsible for detaining children classified as unaccompanied minors (UCs) – interviews children when they come into ORR custody and regularly questions youth about their travel to the United States and the involvement of their family or friends in the United States in that travel.

A. Special Concerns for Sponsors of Unaccompanied Minors

Although alien smuggling has been a longstanding concern for immigrant clients, President Donald Trump's administration has prioritized enforcement based on alien smuggling, particularly for sponsors of unaccompanied minors. On February 20, 2017, the current administration released a memorandum directing DHS to take action against parents, family members, and any other individual who "directly or indirectly . . . facilitates the illegal smuggling or trafficking of an alien child into the United States"³⁴ This provision is so broad that it could include persons who help to arrange the child's travel to the United States, help pay for a guide for the child's journey to the United States, or otherwise encourage the child to enter the United States. The memorandum directs that enforcement against parents, family members, or other individuals involved in the child's unlawful entry into the United States could include (but is not limited to) placing such person in removal proceedings if they are removable, or referring them for criminal prosecution.³⁵

As of June 29, 2017, ICE confirmed that it has begun targeting individuals in the United States who may have paid a guide to smuggle children into the United States. Although ICE has failed to disclose any details regarding the scope or length of this enforcement action, the apparent focus has been on "sponsors" (individuals, often parents or other close family members, who agree to sponsor a child out of immigration detention).³⁶ This means that individuals who have or will sponsor a child out of immigration detention may currently be at increased risk. While it still remains to be seen how this enforcement action will play out, the impact for sponsors who have been involved in facilitating the child's travel to the United States could include the following:

- Placement of undocumented sponsors into removal proceedings, based on their lack of immigration status (for example, for being present without admission or parole³⁷), or based on the alien smuggling ground of inadmissibility,³⁸ discussed in Section II above;
- Placement of sponsors with some type of immigration status (for example, a green card) into removal proceedings, based on the alien smuggling ground of deportation, discussed in Section III above;

- Referral of sponsors regardless of immigration status, including U.S. citizens, for criminal prosecution. Criminal charges could potentially be brought under federal law, such as for smuggling/harboring under 8 USC § 1324, visa fraud under 18 USC § 1546, or conspiracy under 18 USC § 371,³⁹ or under state criminal provisions that may criminalize alien smuggling or harboring. As discussed in Section V above, the federal criminal offense for alien smuggling at 8 USC § 1324 is an aggravated felony. Whether a given state criminal provision of alien smuggling would constitute an aggravated felony or other removable offense would require analyzing the provision under the categorial approach.⁴⁰

Warning: Some of the recent ICE interview notices for sponsors of unaccompanied minors state that the purpose of the interview with ICE is regarding criminal charges. Any one who receives such a notice should consult with both immigration and criminal experts as soon as possible.

It is important for individuals to be aware of these risks, and for advocates to prepare to defend against potential alien smuggling charges. For additional information about the Trump Administration's enforcement actions against sponsors, as well as tips for mitigating risks to family members as a result of their participation in a child's immigration case, see Catholic Legal Immigration Network, Inc. & Public Counsel, *Practice Advisory: Working with Child Clients and Their Family Members in Light of the Trump Administration's Focus on "Smugglers"* (July 2017), available at <https://cliniclegal.org/resources/working-child-clients-and-their-family-members-light-trump-administrations-focus-smugglers>.

End Notes

¹ Attorney General Jefferson Sessions, *Memorandum for All Federal Prosecutors regarding Renewed Commitment to Criminal Immigration Enforcement* (Apr. 11, 2017), available at www.justice.gov/opa/speech/file/956856/download.

² INA § 212(a)(6)(E)(i); INA § 237(a)(1)(E)(i).

³ This means that “belief that the alien was entitled to enter legally, although mistaken, would be a defense to inadmissibility for a suspected ‘smuggler.’” 9 FAM 302.9-7(B)(3).

⁴ 427 F.3d 586, 591-96 (9th Cir. 2005).

⁵ *Id.* at 592.

⁶ 534 F.3d 1204 (9th Cir. 2008).

⁷ *Tapucu v. Gonzales*, 399 F.3d 736 (6th Cir. 2005).

⁸ *Ramos v. Holder*, 660 F.3d 200 (4th Cir. 2011).

⁹ *Id.*

¹⁰ *Hernandez-Guadarrama v. Ashcroft*, 394 F.3d 674, 679 (9th Cir. 2005).

¹¹ *Id.*

¹² *Covarrubias v. Gonzales*, 487 F.3d 742 (9th Cir. 2007); see also *United States v. Lopez*, 484 F.3d 1186 (9th Cir. 2007) (“We hold that although all of the elements of the “bringing to” offense [under 8 USC § 1324(a)(2)] are satisfied once the aliens cross the border, the crime does not terminate until the initial transporter who brings the aliens to the United States ceases to transport them—in other words, the offense continues until the initial transporter drops off the aliens on the U.S. side of the border.”).

¹³ *Covarrubias*, 487 F.3d at 742.

¹⁴ *Dimova v. Holder*, 783 F.3d 30 (1st Cir. 2015).

¹⁵ *Id.* at 41.

¹⁶ See *United States v. Lopez*, 484 F.3d 1186 (9th Cir. 2007).

¹⁷ 59 F.3d 504, 509 n. 3 (5th Cir. 1995).

¹⁸ *Parra-Rojas v. Att’y Gen.*, 747 F.2d 164 (3rd Cir. 2014).

¹⁹ *Matter of M-*, 7 I&N Dec. 389 (BIA 1957).

²⁰ See INA § 212(a)(6)(E).

²¹ This waiver applies to LPRs only if the LPRs are subject to the grounds of inadmissibility. For example, the LPR might have been found deportable and is seeking relief from deportation, or the LPR might fall into one of the categories in INA § 101(a)(13)(C) that causes an LPR to be “seeking admission” after a trip outside the United States, such as being absent for over 180 days, or being inadmissible under the criminal grounds of inadmissibility at INA § 212(a)(2).

²² See INA § 212(d)(11).

²³ *Sanchez v. Holder*, 560 F.3d 1028 (9th Cir. 2009). Unlike other good moral character determinations, however, the good moral character bars for VAWA self-petitioners may be waived if 1) a waiver would be available for this offense for adjustment of status, and 2) the offense is connected to the battering or extreme cruelty. See INA § 204(a)(1)(C).

According to a USCIS memo, a VAWA self-petitioner may thus be able to waive alien smuggling as a bar to good moral character. See USCIS, *Determinations of Good Moral Character in VAWA-Based Self-Petitions*, App’x 1 (Jan. 19, 2005), available at www.uscis.gov/sites/default/files/USCIS/Laws/Memoranda/Static_Files_Memoranda/Archives%201998-2008/2005/gmc_011905.pdf. The good moral character bars may also be waived for VAWA cancellation of removal applicants if they can show that the offense is connected to the battering or extreme cruelty and that they warrant a finding of good moral character in the exercise of discretion. INA § 240A(b)(2)(C).

²⁴ For more information, see the following ILRC’s publications: *The U Visa: Obtaining Status for Immigrant Victims of Crime*; *Representing Survivors of Human Trafficking*; *Special Immigrant Juvenile Status and Other Immigration Options for Children & Youth*; and *Essentials of Asylum Law* (available for purchase at: www.ilrc.org/publications).

²⁵ In particular, the person must:

1. Be an “eligible immigrant” for Family Unity, which includes the spouse or child of a legalized alien (“child” is defined as less than 21 years of age as of one of two specific dates in 1988);
2. Have been physically present in the United States on May 5, 1988;
3. Be immigrating as a second preference beneficiary, or immediate relative, or as someone who is applying for Family Unity; and
4. Have, before May 5, 1988, smuggled only a spouse, parent, son or daughter.

²⁶ See INA § 237(a)(1)(E).

²⁷ *Id.*

²⁸ INA § 237(a)(1)(E)(iii).

²⁹ INA § 237(a)(1)(E)(ii).

³⁰ *Sanchez v. Holder*, 560 F.3d 1028 (9th Cir. 2009). However, there are exceptions to the good moral character bars for VAWA self-petitions and VAWA cancellation of removal. See INA § 204(a)(1)(C); INA § 240A(b)(2)(C); see also note 23, *supra*.

³¹ See INA § 101(a)(43)(N).

³² See *Matter of Ruiz-Romero*, 22 I&N Dec. 486 (BIA 1999); INA § 101(a)(43)(N).

³³ See INA § 101(a)(43)(N), referencing INA § 274(a), which includes “transporting”; see also *Matter of Ruiz-Romero*, 22 I&N Dec. 486 (BIA 1999); *United States v. Solis-Camposano*, 312 F.3d 164 (5th Cir. 2002).

³⁴ Sec. John Kelly, *Implementing the President’s Border Security and Immigration Enforcement Improvements Policies* (Feb. 20, 2017), Sec. M; see also Donald J. Trump, Exec. Order No. 13767, *Border Security and Immigration Enforcement Improvements* (Jan. 25, 2017).

³⁵ *Id.*

³⁶ “ICE aims to disrupt and dismantle end-to-end the illicit pathways used by transnational criminal organizations and human smuggling facilitators,” said Jennifer Elzea, deputy press secretary for ICE. “As such, we are currently conducting a surge initiative focused on the identification and arrest of individuals involved in illicit human smuggling operations, to include sponsors who have paid criminal organizations to smuggle children into the United States.” Franco Ordonez, McClatchy DC Bureau, *Trump Administration Targets Parents Who Paid to Smuggle Children Into U.S.* (June 29, 2017), available at <http://amp.mcclatchydc.com/news/nation-world/national/article158952939.html>.

³⁷ INA § 212(6)(A)(i).

³⁸ It is likely in this instance that ICE would charge the individual based on their lack of immigration status rather than alien smuggling, since that would be an easier burden for ICE to meet.

³⁹ These examples of possible federal criminal charges are based on a July 5, 2017, notice that a sponsor received requiring that they appear at an ICE Homeland Security Investigations office for a “non-custodial interview regarding Conspiracy (18 USC 371), Visa Fraud (18 USC § 1546), and Smuggling/Harboring Illegal Alien (8 USC § 1324).” This document is on file with the author.

⁴⁰ For more information on determining whether a criminal conviction triggers a ground of removal, see ILRC, *How to Use the Categorical Approach Now* (Apr. 10, 2017), available at www.ilrc.org/how-use-categorical-approach-now.



Application for Advance Permission to Enter as a Nonimmigrant

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

USCIS
Form I-192
OMB No. 1615-0017
Expires 03/31/2027

For DHS Use Only		
Received	Returned Trans. Out	Fee Stamp
Trans. In	Completed	
Action by the Department of Homeland Security		
Ground of Inadmissibility		Action Stamp
<div><div><input type="checkbox"/> INA 212(a)(1) _____ <input type="checkbox"/> INA 212(a)(2) _____ <input type="checkbox"/> INA 212(a)(3) _____ <input type="checkbox"/> INA 212(a)(4) _____ <input type="checkbox"/> INA 212(a)(6) _____ <input type="checkbox"/> INA 212(a)(7) _____ <input type="checkbox"/> INA 212(a)(8) _____</div><div><input type="checkbox"/> INA 212(a)(9) _____ <input type="checkbox"/> INA 212(a)(10) _____ <input type="checkbox"/> Other: _____ <input type="checkbox"/> Granted, subject to revocation at any time, upon the following terms and conditions</div></div> <div>Mark off that a G-28 is included and insert Attorney State Bar Number</div>		
Benefits Category:		
<input type="checkbox"/> T Nonimmigrant/Advance Permission under INA 212(d)(3) and 8 CFR 212.16 <input type="checkbox"/> T Nonimmigrant/Waiver under INA 212(d)(13) and 8 CFR 212.16 <input type="checkbox"/> U Nonimmigrant/Waiver under INA 212(d)(14) and 8 CFR 212.17 <input type="checkbox"/> U Nonimmigrant/Advance Permission under INA 212(d)(3)(A) and 8 CFR 212.17 <input type="checkbox"/> Nonimmigrant other than T or U nonimmigrant/Advance Permission under INA 212(d)(3)(A) and 8 CFR 212.4		
Date of Action (mm/dd/yyyy) _____ DD or OIC _____ Office _____		

To be completed by an attorney or accredited representative (if any).			
<input checked="" type="checkbox"/> Select this box if Form G-28 or Form G-28I is attached.	Volag Number (if any) <div></div>	Attorney State Bar Number (if applicable) <div>123456</div>	Attorney or Accredited Representative USCIS Online Account Number (if any) <div></div>

► **START HERE - Type or print in black ink.**

Part 1. Application Type

I am applying to the Secretary of Homeland Security for permission to enter the United States temporarily under the provisions of the Immigration and Nationality Act (INA) section 212(d)(3)(A)(ii), 212(d)(13), or 212(d)(14).

1. I am seeking this permission so that I may obtain (select **only one** box):
- ☐ Status as a victim of trafficking (T nonimmigrant status) or a victim of qualifying criminal activity (U nonimmigrant status).
- ☒ Admission as a nonimmigrant (other than as a T or U nonimmigrant).

If filing this form concurrently with a USCIS Form I-914/I-914A or Form I-918/I-918A (T or U nonimmigrant, respectively) or in relation to one that you previously filed, you should complete **Item Numbers 1. - 10.** and then skip to **Item Number 26.**

Check USCIS' website
for the most current
accepted Edition date



Part 2. Information About You

1. Your Full Legal Name (Do not provide a nickname)

Family Name (Last Name)

Client Survivor

Given Name (First Name)

Carla

Middle Name (if applicable)

Middle

2. Other Names Used (if any)

Provide all other names you have ever used, including aliases, maiden name, and nicknames. If you need extra space to complete this section, use the space provided in **Part 6. Additional Information**.

Family Name (Last Name)

Client

Given Name (First Name)

Carla

Middle Name (if applicable)

Other Information

3. Alien Registration Number (A-Number) (if any)

▶ A-

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4. USCIS Online Account Number (if any)

▶

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5. Date of Birth (mm/dd/yyyy)

01/01/1990

6. Place of Birth

City or Town

Recife

State or Province

Country

Brazil

7. Country of Citizenship or Nationality

Brazil

8. Sex

☐

Male

☒

Female

9. Mailing Address (Safe address, if applicable)

Please provide an address where you can safely receive correspondence from USCIS.

In Care Of Name (if any)

Alice Attorney

Street Number and Name

100 Broadway

Apt. Ste. Flr.

☐☐☒

Number

10

City or Town

New York

State

NY

ZIP Code

10005

Province

Postal Code

Country

USA



Part 2. Information About You (continued)

Address History

Provide physical addresses for everywhere you have lived during the last five years, whether inside or outside the United States. Provide your current address first. If you need extra space to complete this section, use the space provided in **Part 6. Additional Information**.

10. Physical Address 1 (current address)

Street Number and Name

Confidential

Apt. Ste. Flr.

☐ ☐ ☐

Number

City or Town

New York

State

NY

ZIP Code

10005

Province

Postal Code

Country

USA

Dates of Residence

From (mm/dd/yyyy)

01/01/2020

To (mm/dd/yyyy)

PRESENT

11. Physical Address 2

Street Number and Name

Apt. Ste. Flr.

☐ ☐ ☐

Number

City or Town

State

ZIP Code

Province

Postal Code

Country

Dates of Residence

From (mm/dd/yyyy)

To (mm/dd/yyyy)

Information About Your Marital History

12. What is your current marital status?

☐ Single, Never Married ☒ Married ☐ Divorced ☐ Widowed ☐ Legally Separated ☐ Marriage Annulled

☐ Other

13. How many times have you been married (including annulled marriages and marriages to the same person)?

1

Information About Your Current Marriage (including if you are legally separated)

If you are currently married, provide the following information about your **current spouse**.

14. Current Spouse's Legal Name

Family Name (Last Name)

SMITH

Given Name (First Name)

John

Middle Name (if applicable)

15. Spouse's Alien Registration Number (A-Number) (if any) ▶ A-

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Part 2. Information About You (continued)

16. Date of Birth (mm/dd/yyyy) 17. Date of Marriage (mm/dd/yyyy)

18. Place of Birth

City or Town

State or Province

Country

19. Place of Marriage

City or Town

State or Province

Country

Information About Prior Marriages (if any)

If you have been married before, anywhere in the world, provide the information requested in **Item Numbers 20. - 25.** about your prior marriage. If you have had more than one previous marriage, use the space provided in **Part 6. Additional Information** to provide the answers to **Item Numbers 20. - 25.** for each additional marriage.

20. Prior Spouse's Legal Name (provide family name before marriage)

Family Name (Last Name)

Given Name (First Name)

Middle Name (if applicable)

21. Date of Birth (mm/dd/yyyy)

22. Date of Marriage (mm/dd/yyyy)

23. Place of Marriage

City or Town

State or Province

Country

24. Date Marriage Legally Ended (mm/dd/yyyy)

25. Place Where Marriage Legally Ended

City or Town

State or Province

Country

Immigration and Criminal History

26. Explain the grounds of inadmissibility that may apply in your case.

List the INA citation
for each ground of
inadmissibility that
applies

I entered the United States without inspection and believe I am inadmissible under
INA Sec. 212(a)(6)(A). Please see my attached affidavit for more details.



Part 2. Information About You (continued)

27. Have you previously filed an application for advance permission to enter the United States as a nonimmigrant? ☐ Yes ☒ No

If you answered "Yes" to **Item Number 27.**, provide the details in **Item Numbers 28. - 29.**

If you need extra space to complete this section, use the space provided in **Part 6. Additional Information.**

28. Date Application Filed (mm/dd/yyyy)

29. Location where you filed your application (for example, USCIS Office or Port of Entry).

USCIS Office or U.S. Port-of-Entry

City or Town

State or Province

Country

Receipt Number (if available) ▶

30. Have you **EVER** been in the United States for a period of six months or more? ☒ Yes ☐ No

If you answered "Yes" to **Item Number 30.**, provide the dates you were in the United States (from and to) and your immigration status at the time of entry into the United States in the space provided in **Part 6. Additional Information.**

31. Have you **EVER** filed an application or petition for immigration benefits with the U.S. Government, or has one ever been filed on your behalf? ☒ Yes ☐ No

If you answered "Yes" to **Item Number 31.**, provide the information requested in **Item Numbers 32. - 34.**

If you have (or somebody else on your behalf has) filed multiple applications or petitions for immigration benefits with the U.S. Government, use the space provided in **Part 6. Additional Information** to provide the answers to **Item Numbers 32. - 34.** for each of your additional applications or petitions.

32. Type of application or petition filed

Petition for U Nonimmigrant Status

33. Location the application or petition was filed (for example, USCIS office or Port of Entry)

USCIS Nebraska Service Center

34. Outcome of the application or petition (for example, approved, denied, or pending).

Pending

35. Have you **EVER** been denied or refused an immigration benefit by the U.S. Government, or had a benefit revoked or terminated (including but not limited to visas)? ☐ Yes ☒ No

If you answered "Yes" to **Item Number 35.**, provide an explanation the information in the space provided in **Part 6. Additional Information.**

36. Have you **EVER**, in or outside the United States, been arrested, cited, charged, indicted, fined, convicted, or imprisoned for breaking or violating any law or ordinance, excluding minor traffic violations? ☐ Yes ☒ No

If you answered "Yes" to **Item Number 36.**, describe the incidents in detail and include all offenses where impaired driving may have been an issue in the space provided in **Part 6. Additional Information.**



Part 2. Information About You (continued)

Travel Information

NOTE: If you are applying for T or U nonimmigrant status and are in the United States, you may skip **Item Numbers 37. - 43.**

Location at Which you Plan to Enter the United States (desired Port of Entry)

37. City	38. State	39. Name of Port of Entry
<input type="text"/>	<input type="text"/>	<input type="text"/>
40. How do you plan to travel to the United States? (For example, by plane, ship, car)	41. When do you plan to enter the United States? (mm/dd/yyyy)	
<input type="text"/>	<input type="text"/>	
42. Approximate Length of Stay in the United States	<input type="text"/>	
43. What is the purpose of your stay in the United States? Explain fully below.		
<input type="text"/>		
<input type="text"/>		
<input type="text"/>		
<input type="text"/>		
<input type="text"/>		

Employment History

Provide your employment history for the last five years, whether inside or outside the United States. Provide the most recent employment first. If you need extra space to complete this section, use the space provided in **Part 6. Additional Information.**

44. Employer 1 (current or most recent)

Name of Employer or Company

Self Employed

Address of Employer or Company

Street Number and Name

Confidential

Apt. Ste. Flr.

☐ ☐ ☐

Number

City or Town

New York

State

NY

ZIP Code

10005

Province

Postal Code

Country

USA

Your Occupation

Home Health Aide

Dates of Employment

From (mm/dd/yyyy)

12/01/2014

To (mm/dd/yyyy)

Part 2. Information About You (continued)

45. Employer 2

Name of Employer or Company

Address of Employer or Company

Street Number and Name

Apt. Ste. Flr.

Number

City or Town

State

ZIP Code

Province

Postal Code

Country

Your Occupation

Dates of Employment

From (mm/dd/yyyy)

To (mm/dd/yyyy)

Part 3. Applicant's Statement, Contact Information, Certification, and Signature

Applicant's Contact Information

Provide your daytime telephone number, mobile telephone number (if any), and email address (if any).

1. Applicant's Daytime Telephone Number

2. Applicant's Mobile Telephone Number (if any)

3. Applicant's Email Address (if any)

Applicant's Certification and Signature

I certify, under penalty of perjury, that I provided or authorized all of the responses and information contained in and submitted with my application, I read and understand or, if interpreted to me in a language in which I am fluent by the interpreter listed in **Part 4.**, understood, all of the responses and information contained in, and submitted with, my application, and that all of the responses and the information is complete, true, and correct. Furthermore, I authorize the release of any information from any and all of my records that USCIS may need to determine my eligibility for an immigration request and to other entities and persons where necessary for the administration and enforcement of U.S. immigration law.

4. Applicant's Signature

Date of Signature (mm/dd/yyyy)



Part 4. Interpreter's Contact Information, Certification, and Signature

Interpreter's Full Name

1. Interpreter's Family Name (Last Name)
Traductor
- Interpreter's Given Name (First Name)
Tess
2. Interpreter's Business or Organization Name
Lawyers R Us

Interpreter's Contact Information

3. Interpreter's Daytime Telephone Number
2125551212
4. Interpreter's Mobile Telephone Number (if any)
5. Interpreter's Email Address (if any)
TTraductor@lawyersrus.org

Interpreter's Certification

I certify, under penalty of perjury, that I am fluent in English and **Spanish**, and I have interpreted every question on the application and instructions and interpreted the applicant's answers to the questions in that language, and the applicant informed me that he or she understood every instruction, question, and answer on the application.

6. Interpreter's Signature
- Date of Signature (mm/dd/yyyy)

Part 5. Contact Information, Declaration, and Signature of the Person Preparing this Application, if Other Than the Applicant

Preparer's Full Name

1. Preparer's Family Name (Last Name)
Attorney
- Preparer's Given Name (First Name)
Alice
2. Preparer's Business or Organization Name
Lawyers R Us

Preparer's Contact Information

3. Preparer's Daytime Telephone Number
2124421196
4. Preparer's Mobile Telephone Number (if any)
5. Preparer's Email Address (if any)
aattorney@lawyersrus.org

Preparer's Certification

I certify, under penalty of perjury, that I prepared this application for the applicant at his or her request and with express consent and that all of the responses and information contained in and submitted with the application is complete, true, and correct and reflects only information provided by the applicant. The applicant reviewed the responses and information and informed me that he or she understands the responses and information in or submitted with the application.

6. Preparer's Signature
- Date of Signature (mm/dd/yyyy)



Part 6. Additional Information

If you need extra space to provide any additional information within this application, use the space below. If you need more space than what is provided, you may make copies of this page to complete and file with this application or attach a separate sheet of paper. Type or print your name and A-Number (if any) at the top of each sheet; indicate the **Page Number**, **Part Number**, and **Item Number** to which your answer refers; and sign and date each sheet.

1. Family Name (Last Name) Given Name (First Name) Middle Name (if applicable)

2. A-Number (if any) ▶ A-

3. Page Number Part Number Item Number

I have been present in the United States since on or about January 1, 2016. I have not left the United States since that time. During this time I have not had a lawful immigration status.

4. Page Number Part Number Item Number

5. Page Number Part Number Item Number

6. Page Number Part Number Item Number



SAMPLE INDEX OF EVIDENCE FOR I-192 APPLICATION

Index of Supporting Documents for the **I-192, Application for Advance Permission to Enter as Nonimmigrant** of
Carla CLIENT, DOB mm/dd/yyyy

Exhibit #	Document	Document relates to:			
		Applicant's grounds of inadmissibility	Applicant's reasons for seeking admission to U.S.	Evidence of Rehabilitation	Alien (& family member) information
1.	Affidavit of Carla Client supporting her request on Form I-192 for the positive exercise of discretion	X	X	X	X
2.	Criminal Court of the City of New York, Part APAR County of Kings statement of offenses committed by Daniel Defendant, dated December 1, 2009		X		
3.	New York Police Department Domestic Incident Report, dated November 17, 2009		X		X
4.	New York Police Department Domestic Incident Report, dated March 14, 2004		X		
5.	Letter from Dr. Eric Giniger, MD, dated July 7, 2010, detailing the sequelae of violence exhibited by Ms. Client		X		X
6.	Letter from Dr. Miriam Siddiq, L.M.S.W., dated July 6, 2010 describing Ms. Client's ongoing mental health treatment		X		X
7.	Educational and psychological evaluation of Carla Client's United States Citizen Child, Anita Anchor by Dr. Hazel Goodwin, MD, Developmental and Behavioral Pediatrician, dated November 24, 2009		X		X
8.	Copy of valid passport of Carla Client				X

Exhibit #	Document	Document relates to:			
		Applicant's grounds of inadmissibility	Applicant's reasons for seeking admission to U.S.	Evidence of Rehabilitation	Alien (& family member) information
9.	Copy of student card indicating that Carla Client is a student at Kingsboro Community College			X	X
10.	Copy of transcript of Carla Client from Kingsboro Community College			X	X
11.	Birth Certificate of Carla Client with certified English translation				X
12.	Birth Certificate of Carla Clients' United States Citizen child		X		X
13.	Birth Certificate of Carla Clients' other United States Child		X		X

SAMPLE AFFIDAVIT IN SUPPORT OF I-192 APPLICATION:
FRAUD/MISREPRESENTATION & ALIEN SMUGGLING

UNITED STATES DEPARTMENT OF HOMELAND SECURITY
UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

-----X	:	AFFIDAVIT OF MS. CLIENT IN
IN THE MATTER OF	:	SUPPORT OF I-192 APPLICATION
CARLA CLIENT	:	FOR ADVANCE PERMISSION TO
	:	ENTER AS NONIMMIGRANT
A # xxx-xxx-xxx	:	
	:	
	:	
-----X		

State of New York)
) ss.:
County of New York)

I, **Carla Client**, presently residing at a confidential address, with mailing address c/o Esther Limb, Esq., Her Justice, 100 Broadway, 10th Floor, New York, NY 10005, being duly sworn, depose and say:

1. My name is Carla Client. I am also known as Carla Client Smith. I was born on January 31, 1969 in Guyana.
2. I am married to Daniel Defendant, a lawful permanent resident. We were married on May 24, 1999. We met in 1997 and were introduced to each other by my family in the United States.
3. I am filing an I-918 Petition for U Nonimmigrant Status because I am a victim of domestic violence at the hands of my husband, Daniel Defendant.
4. I am submitting this affidavit in support of my I-192 application to request the waiver of any applicable grounds of inadmissibility; to describe my entry to the United States with someone else's passport and visa; to describe my assistance in bringing my daughter to the U.S. illegally; to describe how my identity was used without my knowledge to make a fraudulent application for permanent residence; and to request the positive exercise of discretion in support of my I-192 application.
5. I entered the United States on March 3, 1993 at JFK Airport in New York, using someone else's passport. It had my photo and someone else's name on it. I think it was a Canadian passport. I was told that I could go to the US or Canada with this passport. I was inspected by an immigration officer, using these documents, and was granted entry to the United States. The officer asked me if it was my first time coming to the U.S. I told him it was.

6. I came to the United States to make a better life for my family back home in Guyana, which included my 5-year-old daughter, Amy Client. I also left Guyana to get away from my abusive common-law husband Rajant, Amy's father. My family wanted me to come to the United States because of him. He was always drunk and wanted to start arguments. He would always say bad things about my family. He would say that I liked my family more than him and that I listened to whatever they told me to do. He would call my mother a bitch, and say that she thinks she can do whatever she wants because she has 7 sons. My brothers would stand up for me when he wanted to start a fight. He would say my family was no good because they didn't have any education. Rajant was living with me on and off before I left. He would leave on his own and go to his mother's. When he behaved badly there, his mother would send him back home to me.
7. One day in 1993 I decided to end it and leave. That was after Rajant had thrown a knife at my mother that missed her, but ended up cutting my daughter's face. My family helped me to get the papers I would need to get to the United States. The passport had my photo with someone else's name. I know that entering with these papers was wrong, but at the time, I felt it was my only way to get to the United States. I didn't have a job in Guyana and I was poor, so I knew that it would be impossible for me to get a visitor visa to come here legally.
8. When I first arrived here, I lived in Queens with my aunt and uncle and worked at their bakery in Queens until it closed down in 1999. I was able to send money home to my mother to take care of my daughter. When I first arrived, I lived with my aunt and uncle for 2 years, and later moved in with my brother and sister-in-law in Queens.
9. I first met my current husband, Daniel Defendant, at a family gathering in October 1997 in Queens at my brother and sister-in-law's home. I was introduced to him by my sister-in-law. After Daniel and I moved in together in September 1988, we I talked a lot about my daughter and how I had to leave her behind when she was just a baby. Then, suddenly, Daniel offered to bring my daughter to America. It was like a dream come true for me. He explained that he knew some people that could bring my daughter to America because she didn't have her papers. In addition, her father messed up my daughter's birth certificate so that I could not bring her to the United States. My daughter's father had listed my mother's name as my daughter's mother on my daughter's birth certificate. When I explained all of this to Daniel, he assured me he would bring my daughter to the United States and he would marry me. I put all of my hopes and trust into his words. He was like a dream come true for me.
10. At first, I didn't want my daughter to come to the United States because I didn't have anyone to take care of her while I was working. My mom took care of Amy in Guyana, and Amy was happy with my mom. They were poor, but I sent money to my mother. But, my mother was getting old and had arthritis, and my father died of a heart attack one day when he went to get Amy from school. I decided it would be best for Amy to come here and be with me. Daniel told me that because I didn't have papers I couldn't bring her here. So, he offered to bring her here illegally. He arranged with a family that he knew to bring her here. I gave \$7,000 to Daniel toward the \$10,000 required to bring Amy here. She arrived

in August 2000. When Amy got to the apartment with the family, my husband went out to meet them. I never met or spoke with the family that brought Amy here. Later, Amy's father went to my mom's house asking for Amy. My mother told him she's not here, she's with her mom, and to leave them alone or she will call the police. I heard from my family that when he came to the US he was asking for me and Amy, but they told me they didn't tell him where I was.

11. I know that it was wrong to bring my daughter here illegally, but, at the time, I saw it as the only way. As my mom in Guyana was getting older, she was finding it so difficult to continue to care for Amy. My husband was only a lawful permanent resident and I knew that it would take a long time for him to petition for her. I knew that in the United States I could make a good life for Amy, and she could get a good education here. I had already lost 7 years of her life and wanted to make it up to her.
12. My attorney made a FOIA request on my behalf prior to filing the U Petition. I was shocked when she brought me into her office and showed me the papers that she received from the immigration service. Someone filed an Application for Permanent Residence in my name and signed my name to the forms. The signature on these forms is different than my signature on the G-325A that was filed with the immigration service with the I-130 that Daniel filed on my behalf. I was also shocked to find out that this Application was based on a marriage to Michael Fraud. The FOIA file included a marriage certificate naming me as the bride and Michael Fraud as the groom. I was never married to Michael Fraud. This document is either forged or someone posed as me at this wedding. The only thing I knew was that my family was going to help me get papers in the United States. They said they knew a man who could help me. I didn't know what this man was going to do for me. I only remember going to an office in New York City to get my Employment Authorization Card and Social Security card. I never used these documents for work because at the time I was working in my uncle's store and he paid me in cash. At one point my family told me that this Michael Fraud had disappeared and then they told me that he must have been doing something that wasn't right or legal.
13. I am afraid that if I were forced to return to Guyana, either I would need to leave behind my sons or they would have to come with me and lose the opportunities available to them in the United States. I fear that if I left my sons in the United States, they would be subject to more abuse from my husband. But, due to the horrible conditions in Guyana, I would not take them with me. It would not be a good place for us. I don't know if I could get a job, and they would grow up very poor. There is a lot of crime because everyone is so poor. My mom is poor and I don't know if there would be room for us to live with her because my brother, his wife, and their two children already live with my mother.
14. Also, I would be very afraid to go to Guyana because Daniel has told me that if I leave New York, he would find me wherever I go. He could easily find me in Guyana and the police there don't protect women the way they do in the United States. In my culture, even if the husband hurts the wife, the wife must stay and shouldn't call the police.

15. I am also afraid I couldn't be able to get the free counseling I have been able to get in New York. The counseling has helped me to recognize the abuse in my life and work through it, and has also helped me to access social services for my sons. My sons may also need counseling as they're growing up, having been abused at such a young age.
16. I understand that I was wrong in entering the United States with someone else's passport and visa, and I was wrong in helping to bring my daughter to the United States illegally. With regard to the Application for Permanent Residence based on an I-130 filed by Michael Fraud, I was never married to him and I never filed this Application. Someone must have forged my name on the marriage certificate and on the immigration forms.
17. I don't have a criminal record, and I have always worked hard in the US to provide for my children.
18. I am hopeful that this waiver will be approved so that I can make a good life here in the United States and continue to provide for my sons. If I get my immigration papers, I can get a better job and a better home for my children. I am also hopeful that this waiver will be approved, so I can continue to receive the counseling and support that I need to cope with everything that has happened.

Wherefore, I declare under penalty of perjury that that the foregoing is true and correct to the best of my knowledge.

Carla Client

Subscribed and sworn to before me

This____ day of _____, 2024

Notary Public

My commission expires on _____.

SAMPLE AFFIDAVIT IN SUPPORT OF I-192 APPLICATION:
FRAUD/MISREPRESENTATION, EXPEDITED REMOVAL & PRIOR
REMOVAL/DEPORTATION FROM U.S.

United States Department of Homeland Security
United States Citizenship and Immigration Services

In the Matter of
Carla Client

A#: 000-000-000

Affidavit of Carla Client in Support of
the Application for Advance
Permission to Enter as a Non-
Immigrant on Form I-192

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

I, Carla CLIENT, being duly sworn, depose and say:

1. I was born in Colon, Colon, Panama, on December 12, 1979. I currently reside at 826 X St., Apt. 3, Brooklyn, NY 11211
2. I am submitting this affidavit in support of my I-192 Application for Advance Permission to Enter as a Nonimmigrant, which I filed in conjunction with a Petition for U Non-immigrant Status, to request the waiver of any applicable grounds of inadmissibility that may apply to me and to ask for the positive exercise of discretion on my behalf.
3. I came to the United States for the first time in 1990, when I was 16 years old. My mother and aunt had obtained a visitor's visa for me and told me that I was coming to the United States with my aunt on vacation.
4. We entered the United States through Kennedy Airport, and stayed with family members in Brooklyn, NY. Despite having been told that we were coming on vacation, I was happy once we arrived in the United States, and did not question my aunt's decision to stay past the time allotted us on our visas.
5. I met my husband, Daniel Defendant, in 1991, here in the United States, through family members. He is ten years older than I am, and was about 27 years old when we met. After about 6-7 months of knowing each other, we began to go out.
6. I gave birth to our first child in 1992 and to our second child in 1994. We were married on January 19, 2000. I spent the next 17 years with my husband, a man who was physically and sexually abusive, manipulative and controlling. In 2008, I finally called the police and reported

his having assaulted me, and he was arrested and prosecuted. I wish I felt better after having done so, but I still don't feel safe.

7. My husband was abusive from almost the start of our relationship. The first time he hit me was in 1995 or 1996. One night we had gone out dancing, and ran into a female friend named Tony. She had recently moved and had a new phone number. I had no paper to write it down on, so I wrote her name and number on my hand. When Daniel DEFENDANT saw it, he began screaming at me, demanding to know who Tony was. I tried to explain, but he refused to listen, and kept on accusing me of writing down a man's phone number. He began to smack and punch me all over my body, and stopped only after my daughter ran across the hallway and got my aunt to come and pull him off of me.
8. In May of 1999 I received news that my brother had been killed, and Daniel DEFENDANT encouraged me to return to Panama for the funeral. When I told him that I was afraid that I would not be allowed to return to the United States to be with him and the children, he told me that I would have no problem obtaining a visa, I just had to go to the U.S. Consulate in Panama and ask for a tourist visa. I was really afraid of going, afraid to have the Consulate deny me the opportunity to be with my children, so when Daniel DEFENDANT told me to lie on the visa application and say that I had not previously overstayed a visa so that the Consulate would allow me to come back to the United States, I did exactly that.
9. The U.S. Consulate in Panama issued me another tourist visa. I wanted to comply with the law, so I left the United States again in December of 1999, before the period of time that the government had allowed me to stay. This time, I took my kids with me so that they could meet my mom.
10. About a month later I bought a ticket to come back to the United States with my children. When I landed in Atlanta, the Immigration Officer at the Airport asked me questions about why I was traveling with United States Citizens. I told the truth, that these were my children, and was asked to sign some papers. I signed those, and my children and I were returned to Panama.
11. A month later, at Daniel DEFENDANT's insistence, I sent my children back to the United States so that they could go back to school, and I tried to resign myself to staying in Panama. I despaired that I would not live with my children again, not see them grow up. It was awful.
12. Daniel DEFENDANT wouldn't stand for it. He was not respectful of the law in the best of times, and he was not going to let the United States government keep me away from him. Later in 2000 he flew to Panama and bought both of us tickets to Mexico, then rented a car and tried to have me cross with him into the United States through the Border Crossing at El Paso with a false Green card. The officer at the Border took me into a room and fingerprinted me, then gave me documents to sign and I was returned to Mexico.
13. Just days later Daniel DEFENDANT drove me across the U.S. Border with Mexico again, this time through Tijuana. We were not stopped, and came to New York, where I have been living ever since.

14. I understand that what I have done constitute serious violations of the immigration laws of the United States, and I am truly sorry. I am otherwise a law-abiding person.
15. There is nothing left in Panama for me. I have been in the United States for 20 years. I have a job here, and two children. I don't want to have to go back to Panama. I would like to be able to stay here, see my children go to college, get married, and have children of their own.
16. Although Daniel DEFENDANT was prosecuted for his crimes against me, I continue to experience the aftereffects of years of abuse at his hands. I spent a long time suffering from insomnia, only to be awoken by nightmares in which Daniel DEFENDANT was beside me. I still am afraid of him, constantly on the lookout to make sure that he does not find me. I am afraid of what he would do to me if he were to find me alone. I receive counseling to deal with some of the aftereffects, but it is very hard. I suffer from anxiety, and my blood pressure is very high because of the stress.
17. I spent close to half my life with a man who made me live in fear, and who tried to control every aspect of my life. I met him when I was 17; I am now 35 years old. I know it is time for me to start life again, but I have a hard time envisioning being in another relationship. My children are everything to me; I just want them to be safe, and to finally know what it is like to get home to a peaceful happy house.

Wherefore, I declare under penalty of perjury that that the foregoing is true and correct to the best of my knowledge.

Carla Client

Subscribed and sworn to before me
This ___ day of _____, 2024

Notary Public
My commission expires on _____.

CERTIFICATION OF TRANSLATION

I, Trudy Translator, certify that I am competent to translate English into Spanish and that I have read and translated this affidavit to Carla Client to the best of my abilities.

Trudy Translator

Subscribed and sworn to before me
This ___ day of _____, 2024

Notary Public
My commission expires on _____.

**SAMPLE AFFIDAVIT IN SUPPORT OF I-192 APPLICATION:
ENTRY WITHOUT INSPECTION & UNLAWFUL PRESENCE –
PETITIONER ON BEHALF OF DERIVATIVE CHILD UNDER 14**

UNITED STATES DEPARTMENT OF HOMELAND SECURITY
UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

In the Matter of

Charlie Child

DOB:

Affidavit of CARLA CLIENT
PETITIONER on behalf of CHARLIE
CHILD filed pursuant to 8 CFR §
212.17(b) in connection with Form I-
192, Application for Advance
Permission to Enter as a Nonimmigrant

[illegible]

I, CARLA CLIENT PETITIONER, being duly sworn, depose and say:

1. My name is CARLA CLIENT PETITIONER, aka Carla Client. I was born in Puebla, Mexico on *mm/dd/yyyy*. My birth certificate with translation and passport are attached as **Exhibit _** and **Exhibit _**, respectively.
2. I provide this affidavit on behalf of my derivative son, CHARLIE CHILD (age 12), who was born on *mm/dd/yyyy* in support of his application for Advance Permission to Enter as a Nonimmigrant on Form I-192 and to request the positive exercise of discretion on Charlie's behalf to waive any grounds of inadmissibility that may apply to him.
3. I believe that Charlie be inadmissible because he entered the United States without inspection through the United States-Mexico border twice, in or about October 2003 and again in or about June 2006. The first time Charlie entered in or about October 2003, he was just a baby. When he entered again in or about June 2006, Charlie was still a very young child and I carried him over the border. I carried him over the border both times. Charlie did not have a choice as to whether or not to enter the U.S. illegally and is an alien present without admission or parole under INA §212(a)(6)(A).
4. Charlie may also be inadmissible because he accrued unlawful presence in the U.S. and triggered a bar to admissibility by staying in the U.S. for more than 1 year and then leaving. After entering in or about October 2003, we stayed in the U.S. until about September 2005 when we were forced to flee from Charlie's abusive father. I returned with Charlie to Mexico where his father tracked us down and persuaded me that the best thing for our family was to reconcile and return to the U.S. So we returned to the U.S. in

or about June 2006, triggering the ten-year bar to admissibility under INA §212(a)(9)(B)(i)(II).

5. Charlie grew up in the United States and is essentially American. English is his primary language and the U.S. is the only home he truly remembers. I fear that if Charlie were to return to Mexico, he would have a very difficult time adjusting to life in Mexico. Additionally, Charlie is currently in counseling for the family violence he has witnessed. Such programs and services would not be available to Charlie in Mexico. Attached as **Exhibit __** is a letter from Charlie's counselor.
6. I also fear the anxiety and hardship it would cause to my U.S. citizen child, Amber, born on *mm/dd/yyyy* if Charlie and I were forced to return to Mexico. Charlie and Amber are very close as siblings, and Amber would be left alone without any family in the U.S. or forced to come with us to Mexico where she knows little Spanish and, like Charlie, would not be accustomed to the standard of living there. Amber's birth certificate is attached as **Exhibit __**.
7. Charlie is a full-time student who enjoys math and art. He hopes to attend college and one day become a police detective. He has never been arrested or committed any crimes. He is a good boy. Attached as **Exhibit __** is Charlie's report card.
8. On behalf of my derivative son, Charlie, I respectfully ask that you waive any grounds of inadmissibility that may apply to him and grant his Application for Advance Permission to Enter the United States as a Nonimmigrant on Form I-192.

Wherefore, I declare under penalty of perjury that the foregoing is true and correct to correct to the best of my knowledge.

Subscribed and sworn to me on
this _____ day of _____ 2024

Carla Client

Notary Public
My commission expires on _____.

CERTIFICATION OF TRANSLATION

I, Trudy Translator, certify that I am competent to translate English into Spanish and that I have read and translated this affidavit to Carla Client to the best of my abilities.

Subscribed and sworn to me on
this _____ day of _____ 2024

Trudy Translator

Notary Public
My commission expires on _____.

**SAMPLE AFFIDAVIT IN SUPPORT OF I-192 APPLICATION: CRIMINAL
HISTORY – DERIVATIVE**

**United States Department of Homeland Security
United States Citizenship and Immigration Services**

In the Matter of

Devon DERIVATIVE

Affidavit of Devon DERIVATIVE filed
pursuant to 8 CFR § 212.17(b) in
connection with Form I-192, Application
for Advance Permission to Enter as a
Non-Immigrant

A#: 000-000-000

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

I, Devon DERIVATIVE, being duly sworn, depose and say:

1. My name is Devon DERIVATIVE. I am fourteen years old and was born on *mm/dd/yyyy*. I provide this affidavit in support of my application for Advance Permission to Enter as a Nonimmigrant on Form I-192, to request the waiver of any inadmissibility grounds that may apply to me and the positive exercise of discretion on my behalf.
2. I came to the United States with my mother and my younger brother in December of 2004 on a visitor's visa, fleeing from my father's abuse in our home country of Trinidad.
3. My father, Abuser Father, was emotionally, sexually and physically abusive towards my mother, my siblings and I. He sexually molested my elder sister, my younger brother and me, and he beat my mom very badly in front of us. He also hit me often. He once hit me over and over again with a garden hose. He left my back covered in raised bruises and open wounds.
4. After coming to the United States, my mother, brother and I lived through difficult times and were homeless for two months. Nevertheless, it was better than living with my father.
5. In 2006, my mother married a man named Daniel Defendant, who was a United States citizen. Daniel Defendant was very, very abusive. He constantly demanded money from me. He said that I had to contribute to the household, but I did not have immigration papers, so no-one would hire me to work for them. To make money for him, Daniel forced me to sell beer illegally on the beach in Coney Island. One day I told him that I would not sell beer for him anymore, and he punched me in the jaw so badly that he broke it, and I had to be hospitalized for treatment. I was afraid to tell my mother what

had happened, because I was afraid that she would get mad at Daniel, and that he would retaliate by having us deported back to Trinidad, where my father would find us again.

6. After Daniel punched me, I did not have the strength to argue with him anymore. James screamed at me all of the time that I was not contributing to the household.

7. In November of that year, I was in high school and living in Brooklyn NY. I went to visit a friend from school in another, unsafe, part of Brooklyn where I had been attacked by six people in Summer 2006. While in the neighborhood, I was stopped by the police, who said that I fit the profile of a man who had robbed someone earlier that day in that neighborhood.

8. I denied being that person, but the police arrested me anyway. When they searched me, they found that I was carrying a small knife.

9. I was taken to the police precinct and charged with robbery and with possession of a weapon. I was arraigned before a judge, and, under the advice of my attorney I pled guilty to possession of a weapon in the 4th degree. The robbery charges against me, which I think were listed as “theft by force with a deadly weapon” and “menacing” were dismissed, so they do not appear in the certificate of disposition that I have obtained from the court.

10. Because of my immigration hold, I had to await trial in prison, so I spent over a year in jail, awaiting trial. I was then taken into immigration detention and held there for eight months. I was released on August 8, 2008, but am still in immigration proceedings.

11. I am afraid to go back to Trinidad and Tobago. My father still lives there. He still terrorizes my sister and brother who stayed in Trinidad, and I am afraid of what he would do to me if I had to return. My dad is a very rich man in Trinidad and has paid off police officers; there would be no one who would help or protect me if I had to go back.

12. I would like to study here in the United States, and become an accountant. I realize that I have made mistakes, but would like to be given the opportunity to live free from abuse in the United States. I have tried to better myself. I successfully completed a year-long program sponsored by the King’s County District Attorney’s Office, called the “Youth and Congregations in Partnership (YCP)” Program and I attend a GED program from which I hope to graduate in the near future. I also have a young son, just over a month old, with my girlfriend, and am working hard to be a good father.

13. I am truly sorry for what I did, and recognize that it was wrong. I have improved my life. My brother and I are helping our mother to rebuild her life. She and my brother were heartbroken by my arrest and conviction, and were immensely depressed by my separation from them while I was in jail awaiting trial and later in immigration detention. We have always been together, the three of us, and are each other’s emotional support. We would all suffer so much by being separated.

14. I have matured a great deal over the last two years, and would never do now what I did, stupidly, at the age of nineteen. I beg of you to consider my regret, my attempts at becoming a better person, and the harm it would cause my mother, brother and child if I were deported, and grant me the opportunity of remaining in the United States.

Wherefore, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Devon DERIVATIVE

Subscribed and sworn to before me
On this _____ day of _____, 2024

NOTARY PUBLIC
My commission expires on _____.

**2.F. Form I-765,
Application for
Employment
Authorization**

CHECKLIST: FORM I-765, APPLICATION FOR EMPLOYMENT AUTHORIZATION

NOTE: There is no separate cover letter for the I-192 application as the I-192 application should be addressed in the main cover letter accompanying the entire U nonimmigrant status filing.

Assembled in order listed below as separate packets for:

Client/Principal Petitioner

- ☐ **Original Form G-28, Notice of Entry of Appearance of Attorney**, for I-765, signed by client/principal and attorney in blue ink and printed on light blue paper
- ☐ **Two (2) passport photos** of petitioner with name and DOB or A# written on back in pencil and enclosed in sealed envelope or plastic photo bag – *envelope/photo bag should be stapled to the first page of Form I-765, making sure not to staple the actual photos themselves*
- ☐ **Original Form I-765, Application for Employment Authorization, under category (c)(14)**, signed in blue ink
- ☐ **Copy of applicant's biographic information page from current, valid passport or other government issued photo ID** (i.e. previously issued Employment Authorization Document, consular or foreign ID, driver's license or state/city ID with address redacted)

Derivatives Present in U.S. Only

- ☐ **Original Form G-28, Notice of Entry of Appearance of Attorney**, for I-765, signed by derivative age 14 and over and attorney in blue ink and printed on light blue paper
 - ☐ **Four (4) passport photos** of derivative with name and DOB or A# written on back in pencil and enclosed in two (2) separate sealed envelopes or plastic photo bags – *one (1) envelope/photo bag should be stapled to the first page of each Form I-765, making sure not to staple the actual photos themselves*
 - ☐ **Original Form I-765, Application for Employment Authorization, under category (c)(14)**, for Bona Fide Determination, signed in blue ink
 - ☐ **Original Form I-765, Application for Employment Authorization, under category (a)(20)**, for final adjudication, signed in blue ink
 - ☐ **Copy of applicant's biographic information page from current, valid passport or other government issued photo ID** (i.e. previously issued Employment Authorization Document, consular or foreign ID, driver's license or state/city ID with address redacted)
-
- ☐ NOTE: If derivative in U.S. is under age 14, Forms G-28 and I-765 must be signed by the principal petitioner. If derivative in U.S. is age 14 or over, these forms must be signed by the derivative.



Application For Employment Authorization

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

USCIS
Form I-765
OMB No. 1615-0040
Expires 09/30/2027

For USCIS Use Only	<input type="checkbox"/> Authorization/Extension Valid From _____	Fee Stamp	Action Block										
	<input type="checkbox"/> Authorization/Extension Valid Through _____												
	Alien Registration Number A- <table border="1"><tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>												Make sure to check off this box
Remarks													

To be completed by an attorney or Board of Immigration Appeals (BIA)-accredited representative (if any).	<input checked="" type="checkbox"/> Select this box if Form G-28 is attached.	Attorney or Accredited Representative USCIS Online Account Number (if any) <table border="1"><tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>										

► **START HERE** - Type or print in black ink.

Part 1. Reason for Applying

I am applying for (select **only one** box):

- 1.a. ☒ Initial permission to accept employment.
- 1.b. ☐ Replacement of lost, stolen, or damaged employment authorization document, or correction of my employment authorization document **NOT DUE** to U.S. Citizenship and Immigration Services (USCIS) error.

NOTE: Replacement (correction) of an employment authorization document due to USCIS error does not require a new Form I-765 and filing fee. Refer to **Replacement for Card Error** in the **What is the Filing Fee** section of the Form I-765 Instructions for further details.

- 1.c. ☐ Renewal of my permission to accept employment. (Attach a copy of your previous employment authorization document.)

Part 2. Information About You

Your Full Legal Name

- 1.a. Family Name (Last Name)

Client

- 1.b. Given Name (First Name)

Daughter

- 1.c. Middle Name

--

Other Names Used

Provide all other names you have ever used, including aliases, maiden name, and nicknames. If you need extra space to complete this section, use the space provided in **Part 6**.

Additional Information.

- 2.a. Family Name (Last Name)

Client Survivor

- 2.b. Given Name (First Name)

Daughter

- 2.c. Middle Name

--
- 3.a. Family Name (Last Name)

--
- 3.b. Given Name (First Name)

--
- 3.c. Middle Name

--
- 4.a. Family Name (Last Name)

--
- 4.b. Given Name (First Name)

--
- 4.c. Middle Name

--

Check USCIS' website
for the most current
accepted Edition date



Part 2. Information About You (continued)

Your U.S. Mailing Address

List the firm
address for the
mailing address

5.a. In Care Of Name (if any)

Alice Attorney Attorneys R Us

5.b. Street Number and Name 100 Main Street

5.c. ☐ Apt. ☐ Ste. ☐ Flr.

5.d. City or Town New York

5.e. State NY 5.f. ZIP Code 10005

6. Is your current mailing address the same as your physical address? ☐ Yes ☒ No

NOTE: If you answered "No" to Item Number 6., provide your physical address below.

U.S. Physical Address

7.a. Street Number and Name Confidential

7.b. ☐ Apt. ☐ Ste. ☐ Flr.

7.c. City or Town Astoria

7.d. State NY 7.e. ZIP Code 10006

Other Information

8. Alien Registration Number (A-Number) (if any)

▶ A-

9. USCIS Online Account Number (if any)

▶

10. Gender ☐ Male ☒ Female

11. Marital Status

☐ Single ☒ Married ☐ Divorced ☐ Widowed

12. Have you previously filed Form I-765?

☐ Yes ☒ No

13.a. Has the Social Security Administration (SSA) ever officially issued a Social Security card to you?

☐ Yes ☒ No

NOTE: If you answered "No" to Item Number 13.a., skip to Item Number 14. If you answered "Yes" to Item Number 13.a., provide the information requested in Item Number 13.b.

13.b. Provide your Social Security number (SSN) (if known).



14. Do you want the SSA to issue you a Social Security card? (You must also answer "Yes" to Item Number 15., Consent for Disclosure, to receive a card.)

☒ Yes ☐ No

NOTE: If you answered "No" to Item Number 14., skip to Part 2., Item Number 18.a. If you answered "Yes" to Item Number 14., you must also answer "Yes" to Item Number 15.

15. **Consent for Disclosure:** I authorize disclosure of information from this application to the SSA as required for the purpose of assigning me an SSN and issuing me a Social Security card.

☒ Yes ☐ No

NOTE: If you answered "Yes" to Item Numbers 14. - 15., provide the information requested in Item Numbers 16.a. - 17.b.

Father's Name

Provide your father's birth name.

16.a. Family Name (Last Name) Client

16.b. Given Name (First Name) Father

Mother's Name

Provide your mother's birth name.

17.a. Family Name (Last Name) Client

17.b. Given Name (First Name) Mother

Your Country or Countries of Citizenship or Nationality

List all countries where you are currently a citizen or national. If you need extra space to complete this item, use the space provided in Part 6. Additional Information.

18.a. Country

Mexico

18.b. Country

Part 2. Information About You (continued)

Place of Birth

List the city/town/village, state/province, and country where you were born.

19.a. City/Town/Village of Birth

Mexico City

19.b. State/Province of Birth

CDMX

19.c. Country of Birth

Mexico

20. Date of Birth (mm/dd/yyyy)

03/15/2001

Information About Your Last Arrival in the United States

21.a. Form I-94 Arrival-Departure Record Number (if any)

►

21.b. Passport Number of Your Most Recently Issued Passport

21.c. Travel Document Number (if any)

21.d. Country That Issued Your Passport or Travel Document

21.e. Expiration Date for Passport or Travel Document (mm/dd/yyyy)

22. Date of Your Last Arrival Into the United States, On or About (mm/dd/yyyy)

23. Place of Your Last Arrival Into the United States

Unknown California

24. Immigration Status at Your Last Arrival (for example, B-2 visitor, F-1 student, or no status)

No Status

25. Your Current Immigration Status or Category (for example, B-2 visitor, F-1 student, parolee, deferred action, or no status or category)

Deferred Action upon BFD grant

26. Student and Exchange Visitor Information System (SEVIS) Number (if any)

► N-

Information About Your Eligibility Category

27. **Eligibility Category.** Refer to the **Who May File Form I-765** section of the Form I-765 Instructions to determine the appropriate eligibility category for this application. Enter the appropriate letter and number for your eligibility category below (for example, (a)(8), (c)(17)(iii)).

(c) (1) (4)

28. **(c)(3)(C) STEM OPT Eligibility Category.** If you entered the eligibility category (c)(3)(C) in **Item Number 27.**, provide the information requested in **Item Numbers 28.a - 28.c.**

28.a. Degree

28.b. Employer's Name as Listed in E-Verify

28.c. Employer's E-Verify Company Identification Number or a Valid E-Verify Client Company Identification Number

29. **(c)(26) Eligibility Category.** If you entered the eligibility category (c)(26) in **Item Number 27.**, provide the receipt number of your H-1B spouse's most recent Form I-797 Notice for Form I-129, Petition for a Nonimmigrant Worker.

►

30. **(c)(8) Eligibility Category.** If you entered the eligibility category (c)(8) in **Item Number 27.**, have you **EVER** been arrested for and/or convicted of any crime?

☐ Yes ☐ No

NOTE: If you answered "Yes" to **Item Number 30.**, refer to **Special Filing Instructions for Those With Pending Asylum Applications (c)(8)** in the **Required Documentation** section of the Form I-765 Instructions for information about providing court dispositions.

31.a. **(c)(35) and (c)(36) Eligibility Category.** If you entered the eligibility category (c)(35) in **Item Number 27.**, please provide the receipt number of your Form I-797 Notice for Form I-140, Immigrant Petition for Alien Worker. If you entered the eligibility category (c)(36) in **Item Number 27.**, please provide the receipt number of your spouse's or parent's Form I-797 Notice for Form I-140.

►

31.b. If you entered the eligibility category (c)(35) or (c)(36) in **Item Number 27.**, have you **EVER** been arrested for and/or convicted of any crime?

☐ Yes ☐ No

NOTE: If you answered "Yes" to **Item Number 31.b.**, refer to **Employment-Based Nonimmigrant Categories, Items 8. - 9.**, in the **Who May File Form I-765** section of the Form I-765 Instructions for information about providing court dispositions.



Part 3. Applicant's Statement, Contact Information, Declaration, Certification, and Signature

NOTE: Read the **Penalties** section of the Form I-765 Instructions before completing this section. You must file Form I-765 while in the United States.

Applicant's Statement

NOTE: Select the box for either **Item Number 1.a.** or **1.b.** If applicable, select the box for **Item Number 2.**

- 1.a. ☐ I can read and understand English, and I have read and understand every question and instruction on this application and my answer to every question.
- 1.b. ☒ The interpreter named in **Part 4.** read to me every question and instruction on this application and my answer to every question in

Spanish

, a language in which I am fluent, and I understood everything.
2. ☒ At my request, the preparer named in **Part 5.**,

Alice Attorney

, prepared this application for me based only upon information I provided or authorized.

Applicant's Contact Information

You can leave this section blank

3. Applicant's Daytime Telephone Number
4. Applicant's Mobile Telephone Number (if any)
5. Applicant's Email Address (if any)
6. ☐ Select this box if you are a Salvadoran or Guatemalan national eligible for benefits under the ABC settlement agreement.

Applicant's Declaration and Certification

Copies of any documents I have submitted are exact photocopies of unaltered, original documents, and I understand that USCIS may require that I submit original documents to USCIS at a later date. Furthermore, I authorize the release of any information from any and all of my records that USCIS may need to determine my eligibility for the immigration benefit that I seek.

I furthermore authorize release of information contained in this application, in supporting documents, and in my USCIS records, to other entities and persons where necessary for the administration and enforcement of U.S. immigration law.

I understand that USCIS may require me to appear for an appointment to take my biometrics (fingerprints, photograph, and/or signature) and, at that time, if I am required to provide biometrics, I will be required to sign an oath reaffirming that:

- 1) I reviewed and understood all of the information contained in, and submitted with, my application; and
- 2) All of this information was complete, true, and correct at the time of filing.

I certify, under penalty of perjury, that all of the information in my application and any document submitted with it were provided or authorized by me, that I reviewed and understand all of the information contained in, and submitted with, my application and that all of this information is complete, true, and correct.

Applicant's Signature

7.a. Applicant's Signature



7.b. Date of Signature (mm/dd/yyyy)

NOTE TO ALL APPLICANTS: If you do not completely fill out this application or fail to submit required documents listed in the Instructions, USCIS may deny your application.

Part 4. Interpreter's Contact Information, Certification, and Signature

Provide the following information about the interpreter.

Interpreter's Full Name

1.a. Interpreter's Family Name (Last Name)

Interpreter

1.b. Interpreter's Given Name (First Name)

George

2. Interpreter's Business or Organization Name (if any)

Attorneys R Us



Part 4. Interpreter's Contact Information, Certification, and Signature

Interpreter's Mailing Address

3.a. Street Number and Name

3.b. ☐ Apt. ☐ Ste. ☐ Flr.

3.c. City or Town

3.d. State 3.e. ZIP Code

3.f. Province

3.g. Postal Code

3.h. Country

Interpreter's Contact Information

4. Interpreter's Daytime Telephone Number

5. Interpreter's Mobile Telephone Number (if any)

6. Interpreter's Email Address (if any)

Interpreter's Certification

I certify, under penalty of perjury, that:

I am fluent in English and , which is the same language specified in **Part 3., Item Number 1.b.**, and I have read to this applicant in the identified language every question and instruction on this application and his or her answer to every question. The applicant informed me that he or she understands every instruction, question, and answer on the application, including the **Applicant's Declaration and Certification**, and has verified the accuracy of every answer.

Interpreter's Signature

7.a. Interpreter's Signature

7.b. Date of Signature (mm/dd/yyyy)

Part 5. Contact Information, Declaration, and Signature of the Person Preparing this Application, If Other Than the Applicant

Provide the following information about the preparer.

Preparer's Full Name

1.a. Preparer's Family Name (Last Name)

1.b. Preparer's Given Name (First Name)

2. Preparer's Business or Organization Name (if any)

Preparer's Mailing Address

3.a. Street Number and Name

3.b. ☐ Apt. ☐ Ste. ☐ Flr.

3.c. City or Town

3.d. State 3.e. ZIP Code

3.f. Province

3.g. Postal Code

3.h. Country

Preparer's Contact Information

4. Preparer's Daytime Telephone Number

5. Preparer's Mobile Telephone Number (if any)

6. Preparer's Email Address (if any)



Part 5. Contact Information, Declaration, and Signature of the Person Preparing this Application, If Other Than the Applicant
(continued)

Preparer's Statement

- 7.a. ☐ I am not an attorney or accredited representative but have prepared this application on behalf of the applicant and with the applicant's consent.
- 7.b. ☒ I am an attorney or accredited representative and my representation of the applicant in this case ☒ extends ☐ does not extend beyond the preparation of this application.

NOTE: If you are an attorney or accredited representative, you may need to submit a completed Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, with this application.

Preparer's Certification

By my signature, I certify, under penalty of perjury, that I prepared this application at the request of the applicant. The applicant then reviewed this completed application and informed me that he or she understands all of the information contained in, and submitted with, his or her application, including the **Applicant's Declaration and Certification**, and that all of this information is complete, true, and correct. I completed this application based only on information that the applicant provided to me or authorized me to obtain or use.

Preparer's Signature

- 8.a. Preparer's Signature

- 8.b. Date of Signature (mm/dd/yyyy)



Part 6. Additional Information

If you need extra space to provide any additional information within this application, use the space below. If you need more space than what is provided, you may make copies of this page to complete and file with this application or attach a separate sheet of paper. Type or print your name and A-Number (if any) at the top of each sheet; indicate the **Page Number**, **Part Number**, and **Item Number** to which your answer refers; and sign and date each sheet.

1.a. Family Name (Last Name) **Client**

1.b. Given Name (First Name)	Daughter
---------------------------------	----------

1.c. Middle Name	
-------------------------	--

2. A-Number (if any) ► A-

3.a. Page Number **3.b.** Part Number **3.c.** Item Number

3.d.

4.a. Page Number **4.b.** Part Number **4.c.** Item Number

[illegible]

5.a. Page Number **5.b.** Part Number **5.c.** Item Number

5.d.	

6.a. Page Number **6.b.** Part Number **6.c.** Item Number

[illegible]

7.a. Page Number **7.b.** Part Number **7.c.** Item Number

[illegible]



Application For Employment Authorization

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

USCIS
Form I-765
OMB No. 1615-0040
Expires 09/30/2027

For USCIS Use Only	<input type="checkbox"/> Authorization/Extension Valid From _____	Fee Stamp	Action Block										
	<input type="checkbox"/> Authorization/Extension Valid Through _____												
	Alien Registration Number A- <table border="1"><tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>												<div>Make sure to check off this box</div>
Remarks													

To be completed by an attorney or Board of Immigration Appeals (BIA)-accredited representative (if any).	<input checked="" type="checkbox"/> Select this box if Form G-28 is attached.	Attorney or Accredited Representative USCIS Online Account Number (if any) <table border="1"><tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>										

► **START HERE** - Type or print in black ink.

Part 1. Reason for Applying

I am applying for (select **only one** box):

- 1.a. ☒ Initial permission to accept employment.
- 1.b. ☐ Replacement of lost, stolen, or damaged employment authorization document, or correction of my employment authorization document **NOT DUE** to U.S. Citizenship and Immigration Services (USCIS) error.

NOTE: Replacement (correction) of an employment authorization document due to USCIS error does not require a new Form I-765 and filing fee. Refer to **Replacement for Card Error** in the **What is the Filing Fee** section of the Form I-765 Instructions for further details.

- 1.c. ☐ Renewal of my permission to accept employment. (Attach a copy of your previous employment authorization document.)

Part 2. Information About You

Your Full Legal Name

- 1.a. Family Name (Last Name)

Client

- 1.b. Given Name (First Name)

Daughter

- 1.c. Middle Name

--

Check USCIS' website for the most current accepted Edition date

Other Names Used

Provide all other names you have ever used, including aliases, maiden name, and nicknames. If you need extra space to complete this section, use the space provided in **Part 6**.

Additional Information.

- 2.a. Family Name (Last Name)

Client Survivor

- 2.b. Given Name (First Name)

Daughter

- 2.c. Middle Name

--
- 3.a. Family Name (Last Name)

--
- 3.b. Given Name (First Name)

--
- 3.c. Middle Name

--
- 4.a. Family Name (Last Name)

--
- 4.b. Given Name (First Name)

--
- 4.c. Middle Name

--



Part 2. Information About You (continued)

Your U.S. Mailing Address

List the firm
address for the
mailing address

5.a. In Care Of Name (if any)

Alice Attorney Attorneys R Us

5.b. Street Number and Name 100 Main Street

5.c. ☐ Apt. ☐ Ste. ☐ Flr.

5.d. City or Town New York

5.e. State NY 5.f. ZIP Code 10005

6. Is your current mailing address the same as your physical address? ☐ Yes ☒ No

NOTE: If you answered "No" to Item Number 6., provide your physical address below.

U.S. Physical Address

7.a. Street Number and Name Confidential

7.b. ☐ Apt. ☐ Ste. ☐ Flr.

7.c. City or Town Astoria

7.d. State NY 7.e. ZIP Code 10006

Other Information

8. Alien Registration Number (A-Number) (if any)

▶ A-

9. USCIS Online Account Number (if any)

▶

10. Gender ☐ Male ☒ Female

11. Marital Status

☐ Single ☒ Married ☐ Divorced ☐ Widowed

12. Have you previously filed Form I-765?

☐ Yes ☒ No

13.a. Has the Social Security Administration (SSA) ever officially issued a Social Security card to you?

☐ Yes ☒ No

NOTE: If you answered "No" to Item Number 13.a., skip to Item Number 14. If you answered "Yes" to Item Number 13.a., provide the information requested in Item Number 13.b.

13.b. Provide your Social Security number (SSN) (if known).

▶

14. Do you want the SSA to issue you a Social Security card? (You must also answer "Yes" to Item Number 15., Consent for Disclosure, to receive a card.)

☒ Yes ☐ No

NOTE: If you answered "No" to Item Number 14., skip to Part 2., Item Number 18.a. If you answered "Yes" to Item Number 14., you must also answer "Yes" to Item Number 15.

15. **Consent for Disclosure:** I authorize disclosure of information from this application to the SSA as required for the purpose of assigning me an SSN and issuing me a Social Security card.

☒ Yes ☐ No

NOTE: If you answered "Yes" to Item Numbers 14. - 15., provide the information requested in Item Numbers 16.a. - 17.b.

Father's Name

Provide your father's birth name.

16.a. Family Name (Last Name) Client

16.b. Given Name (First Name) Father

Mother's Name

Provide your mother's birth name.

17.a. Family Name (Last Name) Client

17.b. Given Name (First Name) Mother

Your Country or Countries of Citizenship or Nationality

List all countries where you are currently a citizen or national. If you need extra space to complete this item, use the space provided in Part 6. Additional Information.

18.a. Country

Mexico

18.b. Country

Part 2. Information About You (continued)

Place of Birth

List the city/town/village, state/province, and country where you were born.

19.a. City/Town/Village of Birth

Mexico City

19.b. State/Province of Birth

CDMX

19.c. Country of Birth

Mexico

20. Date of Birth (mm/dd/yyyy)

03/15/2001

Information About Your Last Arrival in the United States

21.a. Form I-94 Arrival-Departure Record Number (if any)



--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

21.b. Passport Number of Your Most Recently Issued Passport

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

21.c. Travel Document Number (if any)

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

21.d. Country That Issued Your Passport or Travel Document

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

21.e. Expiration Date for Passport or Travel Document (mm/dd/yyyy)

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22. Date of Your Last Arrival Into the United States, On or About (mm/dd/yyyy)

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23. Place of Your Last Arrival Into the United States

Unknown California

24. Immigration Status at Your Last Arrival (for example, B-2 visitor, F-1 student, or no status)

No Status

25. Your Current Immigration Status or Category (for example, B-2 visitor, F-1 student, parolee, deferred action, or no status or category)

U3 upon grant of I-918A

26. Student and Exchange Visitor Information System (SEVIS) Number (if any)

▶ N-

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Information About Your Eligibility Category

27. **Eligibility Category.** Refer to the **Who May File Form I-765** section of the Form I-765 Instructions to determine the appropriate eligibility category for this application. Enter the appropriate letter and number for your eligibility category below (for example, (a)(8), (c)(17)(iii)).

(a) (2) (0)

28. **(c)(3)(C) STEM OPT Eligibility Category.** If you entered the eligibility category (c)(3)(C) in **Item Number 27.**, provide the information requested in **Item Numbers 28.a - 28.c.**

28.a. Degree

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28.b. Employer's Name as Listed in E-Verify

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28.c. Employer's E-Verify Company Identification Number or a Valid E-Verify Client Company Identification Number

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29. **(c)(26) Eligibility Category.** If you entered the eligibility category (c)(26) in **Item Number 27.**, provide the receipt number of your H-1B spouse's most recent Form I-797 Notice for Form I-129, Petition for a Nonimmigrant Worker.



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30. **(c)(8) Eligibility Category.** If you entered the eligibility category (c)(8) in **Item Number 27.**, have you **EVER** been arrested for and/or convicted of any crime?

☐ Yes ☐ No

NOTE: If you answered "Yes" to **Item Number 30.**, refer to **Special Filing Instructions for Those With Pending Asylum Applications (c)(8)** in the **Required Documentation** section of the Form I-765 Instructions for information about providing court dispositions.

31.a. **(c)(35) and (c)(36) Eligibility Category.** If you entered the eligibility category (c)(35) in **Item Number 27.**, please provide the receipt number of your Form I-797 Notice for Form I-140, Immigrant Petition for Alien Worker. If you entered the eligibility category (c)(36) in **Item Number 27.**, please provide the receipt number of your spouse's or parent's Form I-797 Notice for Form I-140.



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31.b. If you entered the eligibility category (c)(35) or (c)(36) in **Item Number 27.**, have you **EVER** been arrested for and/or convicted of any crime?

☐ Yes ☐ No

NOTE: If you answered "Yes" to **Item Number 31.b.**, refer to **Employment-Based Nonimmigrant Categories, Items 8. - 9.**, in the **Who May File Form I-765** section of the Form I-765 Instructions for information about providing court dispositions.



Part 3. Applicant's Statement, Contact Information, Declaration, Certification, and Signature

NOTE: Read the **Penalties** section of the Form I-765 Instructions before completing this section. You must file Form I-765 while in the United States.

Applicant's Statement

NOTE: Select the box for either **Item Number 1.a.** or **1.b.** If applicable, select the box for **Item Number 2.**

- 1.a. ☐ I can read and understand English, and I have read and understand every question and instruction on this application and my answer to every question.
- 1.b. ☒ The interpreter named in **Part 4.** read to me every question and instruction on this application and my answer to every question in

Spanish

, a language in which I am fluent, and I understood everything.
2. ☒ At my request, the preparer named in **Part 5.**,

Alice Attorney

, prepared this application for me based only upon information I provided or authorized.

Applicant's Contact Information

You can leave this section blank

3. Applicant's Daytime Telephone Number
4. Applicant's Mobile Telephone Number (if any)
5. Applicant's Email Address (if any)
6. ☐ Select this box if you are a Salvadoran or Guatemalan national eligible for benefits under the ABC settlement agreement.

Applicant's Declaration and Certification

Copies of any documents I have submitted are exact photocopies of unaltered, original documents, and I understand that USCIS may require that I submit original documents to USCIS at a later date. Furthermore, I authorize the release of any information from any and all of my records that USCIS may need to determine my eligibility for the immigration benefit that I seek.

I furthermore authorize release of information contained in this application, in supporting documents, and in my USCIS records, to other entities and persons where necessary for the administration and enforcement of U.S. immigration law.

I understand that USCIS may require me to appear for an appointment to take my biometrics (fingerprints, photograph, and/or signature) and, at that time, if I am required to provide biometrics, I will be required to sign an oath reaffirming that:

- 1) I reviewed and understood all of the information contained in, and submitted with, my application; and
- 2) All of this information was complete, true, and correct at the time of filing.

I certify, under penalty of perjury, that all of the information in my application and any document submitted with it were provided or authorized by me, that I reviewed and understand all of the information contained in, and submitted with, my application and that all of this information is complete, true, and correct.

Applicant's Signature

7.a. Applicant's Signature



7.b. Date of Signature (mm/dd/yyyy)

NOTE TO ALL APPLICANTS: If you do not completely fill out this application or fail to submit required documents listed in the Instructions, USCIS may deny your application.

Part 4. Interpreter's Contact Information, Certification, and Signature

Provide the following information about the interpreter.

Interpreter's Full Name

1.a. Interpreter's Family Name (Last Name)

Interpreter

1.b. Interpreter's Given Name (First Name)

George

2. Interpreter's Business or Organization Name (if any)

Attorneys R Us



Part 4. Interpreter's Contact Information, Certification, and Signature

Interpreter's Mailing Address

3.a. Street Number and Name

3.b. ☐ Apt. ☐ Ste. ☐ Flr.

3.c. City or Town

3.d. State 3.e. ZIP Code

3.f. Province

3.g. Postal Code

3.h. Country

Interpreter's Contact Information

4. Interpreter's Daytime Telephone Number

5. Interpreter's Mobile Telephone Number (if any)

6. Interpreter's Email Address (if any)

Interpreter's Certification

I certify, under penalty of perjury, that:

I am fluent in English and , which is the same language specified in **Part 3., Item Number 1.b.**, and I have read to this applicant in the identified language every question and instruction on this application and his or her answer to every question. The applicant informed me that he or she understands every instruction, question, and answer on the application, including the **Applicant's Declaration and Certification**, and has verified the accuracy of every answer.

Interpreter's Signature

7.a. Interpreter's Signature

7.b. Date of Signature (mm/dd/yyyy)

Part 5. Contact Information, Declaration, and Signature of the Person Preparing this Application, If Other Than the Applicant

Provide the following information about the preparer.

Preparer's Full Name

1.a. Preparer's Family Name (Last Name)

1.b. Preparer's Given Name (First Name)

2. Preparer's Business or Organization Name (if any)

Preparer's Mailing Address

3.a. Street Number and Name

3.b. ☐ Apt. ☐ Ste. ☐ Flr.

3.c. City or Town

3.d. State 3.e. ZIP Code

3.f. Province

3.g. Postal Code

3.h. Country

Preparer's Contact Information

4. Preparer's Daytime Telephone Number

5. Preparer's Mobile Telephone Number (if any)

6. Preparer's Email Address (if any)



**Part 5. Contact Information, Declaration, and
Signature of the Person Preparing this
Application, If Other Than the Applicant**
(continued)

Preparer's Statement

- 7.a. ☐ I am not an attorney or accredited representative but have prepared this application on behalf of the applicant and with the applicant's consent.
- 7.b. ☒ I am an attorney or accredited representative and my representation of the applicant in this case ☒ extends ☐ does not extend beyond the preparation of this application.

NOTE: If you are an attorney or accredited representative, you may need to submit a completed Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, with this application.

Preparer's Certification

By my signature, I certify, under penalty of perjury, that I prepared this application at the request of the applicant. The applicant then reviewed this completed application and informed me that he or she understands all of the information contained in, and submitted with, his or her application, including the **Applicant's Declaration and Certification**, and that all of this information is complete, true, and correct. I completed this application based only on information that the applicant provided to me or authorized me to obtain or use.

Preparer's Signature

- 8.a. Preparer's Signature

- 8.b. Date of Signature (mm/dd/yyyy)



Part 6. Additional Information

If you need extra space to provide any additional information within this application, use the space below. If you need more space than what is provided, you may make copies of this page to complete and file with this application or attach a separate sheet of paper. Type or print your name and A-Number (if any) at the top of each sheet; indicate the **Page Number**, **Part Number**, and **Item Number** to which your answer refers; and sign and date each sheet.

1.a. Family Name (Last Name)	Client
--	---------------

1.b. Given Name (First Name)	Daughter
--	-----------------

1.c. Middle Name	
-------------------------	--

2. A-Number (if any) ▶ A-

3.a. Page Number **3.b.** Part Number **3.c.** Item Number

3.d.

4.a. Page Number **4.b.** Part Number **4.c.** Item Number

[illegible]

5.a. Page Number **5.b.** Part Number **5.c.** Item Number

5.d.

6.a. Page Number	6.b. Part Number	6.c. Item Number
<input type="text"/>	<input type="text"/>	<input type="text"/>

[illegible]

7.a. Page Number **7.b.** Part Number **7.c.** Item Number

[illegible]

2.G.

Supporting Evidence

SAMPLE THERAPIST AFFIDAVIT: MENTAL HEALTH DIAGNOSIS

UNITED STATES DEPARTMENT OF HOMELAND SECURITY UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

IN THE MATTER OF THE I-918 U
NONIMMIGRANT STATUS APPLICATION OF
CAMRNYCLIENT

DOB:

AFFIDAVIT OF MS.
THERAPIST IN SUPPORT OF
CARLA CLIENT'S U
NONIMMIGRANT STATUS
APPLICATION

State of New York)
) ss.:
County of Kings)

I, Mx. Therapist, being duly sworn, depose and say:

1. I am a social worker and therapist at the out-patient mental health clinic at the Woodhull Medical and Mental Health Center, 760 Broadway, Brooklyn, New York 11206. I have been providing psycho-therapy to patients at the clinic since February 2010. Typically, I begin to see patients after they have been diagnosed by one of our psychiatrists.
2. Mx. Client has been my patient since May 6, 2010. Since then, I have seen Mx. Client twice a month. Additionally, Mx. Client has seen a psychiatrist, Dr. Psychiatrist, once a month since they became a patient.
3. Typically, we see patients once every three weeks but because Mx. Client is severely depressed, we continue to see them twice a month. During our sessions, they have brought up the domestic violence that occurred during their relationship with Mx. Defendant, their anxiety relating to their undocumented status, and more generally, their concern about the impact of their situation on their children.
4. At our first session on May 6, 2010, Mx. Client presented very bad affect. They cried throughout the whole session and expressed how hopeless they felt. Mx. Client displayed very low self-esteem. They appeared to be extremely overwhelmed and spoke very quickly and

anxiously. Mx. Client continues to seem unable to see past their current situation and remains depressed.

5. Mx. Client's demeanor at our first session was especially notable because the incident prompting them to seek therapy occurred in December 2009, nearly five months before they became my patient. The event on December 13, 2009 in conjunction with prior incidents of domestic violence traumatized them so much so that even months later, Mx. Client displayed the emotional affect of someone much more recently traumatized.

6. Mx. Client was diagnosed with Post-Traumatic Stress Disorder on June 22, 2010. Generally, post-traumatic stress disorder is a condition resulting from a traumatic event. Patients with the condition tend to have flashbacks and relive the traumatic experience consistently, exhibiting the same affect one would normally exhibit as the actual traumatic experience occurs. Mx. Client constantly thinks about the traumatic violence they endured during their relationship with Mx. Defendant. Thinking about specific incidents, such as the December 13, 2009 event, causes them great emotional distress as a result of which they begin to cry. Mx. Client is so shaken by the mere memory of their victimization that their body responds as it did in the actual moment of that victimization. Thus, as a result of the crime of domestic violence at the hands of Mx. Defendant, Mx. Client was so traumatized that they are constantly in fear and cannot move forward with their life.

7. Upon diagnosing Mx. Client on June 22, 2010, Dr. Psychiatrist prescribed them *Buspirone HCl* 10mg and *Mirtazapine* 15mg. The prescription is meant to treat Mx. Client's depression and anxiety, as well as help them sleep. Because the treatment takes some time to benefit the patient, Mx. Client will remain on the medication until Dr. Psychiatrist determines it is no longer necessary.

8. Mx. Client had never exhibited depressive symptoms nor had a history of depression prior to Mx. Defendant's outburst of violence on December 13, 2009. This fact suggests that what occurred that evening constitutes the traumatizing event that broke Mx. Client's emotional and mental health down causing depression and resulting in post-traumatic stress disorder. Prior to this event that put her over the edge, Mx. Client was simply trying to escape from a pattern of violence and find a way to move on with their life without an abusive partner.

9. Because Mx. Client not only suffers from depression but from PTSD as well, they are internally reliving the traumatic incident of violence every day. It will take some time for them to work through the trauma and get to a place where they can move forward without being paralyzed by fear each time they think or try to deal with what has happened to them. The healing process is personal and after assessing Mx. Client's progress, I predict that their treatment will require at the very least another year of therapy.

10. Obtaining work authorization and adjusting their status in this country is imperative to Mx. Client's progress. Mx. Client is an extremely motivated individual that is willing to work as hard it takes to move forward and provide a safe and stable life for their daughters. However, the depression and anxiety they have experienced since living through consistent and escalating violence in their former relationship have left Mx. Client feeling hopeless about their situation and uncertain about their future. When Mx. Client receives their work authorization they will begin to see the light at the end of their traumatic experience and they will once again begin to feel like they will be able to overcome their past and do something with themselves. The work authorization is the means that will allow Mx. Client to put her motivation and desire to move forward to work. Adjusting Mx. Client's status is imperative to improving their mental health and outlook on life.

Wherefore, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Mx. Therapist

Subscribed and sworn to before me
on this _____ day of _____, 2024.

NOTARY PUBLIC
My commission expires on _____.

SAMPLE THERAPIST AFFIDAVIT

UNITED STATES DEPARTMENT OF HOMELAND SECURITY UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

-----X
IN THE MATTER OF : AFFIDAVIT OF
CARLA CLIENT : MS. THERAPIST, LCSW
 : IN SUPPORT OF
 : MS. CLIENT'S
 : I-918 PETITION FOR
A # xxx-xxx-xxx : U NONIMMIGRANT STATUS
 : AND I-192 APPLICATION FOR
 : ADVANCE PERMISSION TO
 : ENTER AS NONIMMIGRANT
-----X

State of New York)
) ss.:
County of New York)

I, Ms. Therapist, hereby declare under penalty of perjury that the following is true and correct to the best of my knowledge and belief:

Qualifications

1. My name is Ms. Therapist, and I am the Non-Residential Counselor and South Asian Community Specialist at Sanctuary for Families, a non-profit agency primarily serving women and children affected by domestic violence. I received a Master of Social Work (MSW) degree from Columbia University in 2007, focusing on International Social Welfare Policy. From September 2006 to May 2007, I interned at Sanctuary for Families, working primarily with the South Asian community. In June 2007, I officially joined Sanctuary for Families as a full-time counselor. In addition, I am a Licensed Clinical Social Worker in the State of New York.
2. Sanctuary for Families offers many services including a crisis shelter, a transitional shelter, individual counseling and support groups for women and children, legal services, advocacy, and community outreach and education. Sanctuary for Families serves a wide variety of clients from various ethnic and cultural backgrounds. In my position as Non-Residential Counselor and South Asian Community Specialist, I provide therapeutic counseling, case management, outreach, and advocacy services for a caseload of approximately twenty-five female South Asian clients, and facilitate a support group for Hindi and Urdu-speaking women.
3. Since 2002, I have spent four one-month leaves working in Pakistan, developing educational and therapeutic programs around women's issues including reproductive health, human rights, and gender-based violence. My work has focused on the

intersection of gender and culture-based violence, using an empowerment model to educate and address community members and survivors. Most recently, in December 2010, I worked at the Edhi Foundation, the largest social service agency in Pakistan. I worked in their shelter for women affected by violence implementing a project to use art to illustrate the resilience of South Asian women.

4. Ms. Satyawantie Client was a client of Sanctuary for Families from 2005 to 2009 and has been seen by other clinicians prior to me joining the agency. I worked with Ms. Client from 2006 to 2009, upon which she disclosed suffering from an extensive history of emotional, psychological, financial, and physical abuse by her husband, Daniel Defendant. Ms. Client attended weekly individual and support group counseling sessions.
5. My comments in the following paragraphs are based on my direct and frequent contact with Ms. Client. I summarize the content of our conversations and provide an assessment of the emotional and psychological consequences of the abuse Ms. Client has suffered.

History of Ms. Client's Relationship and Abuse

6. In the past, Ms. Client had been in an abusive relationship with her first husband while living in her home country, Guyana. Due to excessive use of alcohol coupled with his abusive behavior, Ms. Client decided to leave her first husband in 1993. At the time, she feared for her own safety and that of her daughter. Ms. Client recalls many times when her first husband was violent and aggressive, particularly when he was under the influence of alcohol. In one instance, he pulled a knife on Ms. Client's mother and ended up cutting her daughter's face. With the support of her family, she was able to leave her first husband and the painful memories in hopes of starting a new life for her and her daughter. However, this was only the beginning of her struggles.
7. Ms. Client was convinced by her parents that she could not survive as a single mother and female in Guyana, knowing that the decision to leave her husband was unconventional and not part of the Indian culture. Like many South Asian women, Ms. Client agreed to follow the decision made by her family. Unbeknownst to Ms. Client, her parents made arrangements for her to enter the United States illegally and join her other siblings. It was decided that her daughter would be cared for by her maternal grandparents in Guyana. Ms. Client did not agree with her family but she did not challenge their authority, as it is not traditionally acceptable in her culture. Instead, she made a vow to return for her daughter when she was settled.
8. Ms. Client arrived in the United States in 1993, and a few years later was introduced to Mr. Defendant through a family member. Ms. Client felt pressured from her family and community members to enter a new relationship since she was a single South Asian woman. Ms. Client felt that in order to be accepted by her family and community, she would eventually have to remarry. Feeling coerced by her family and the urgency to fulfill her cultural role as a wife, Ms. Client began seeing Mr. Defendant for a few months.

9. Ms. Client describes the beginning of the relationship with Mr. Defendant filled with happiness and joyful memories. According to Ms. Client she felt that Mr. Defendant understood and empathized with Ms. Client's past relationship and experience. He promised to care for Ms. Client and her daughter and to reunite Ms. Client with her daughter – an assurance that Ms. Client could only dream to hear. Ms. Client was overwhelmed with happiness and relief to find a South Asian man in her culture that would agree to marry a woman from a previous marriage and promise to care for her daughter as if she were his own. Ms. Client agreed to marry Mr. Defendant with the expectation of living a happy and fulfilling life with her husband. However, it was a shock to Ms. Client that her husband became abusive and cruel to her after the birth of their two sons, Christopher and Mark. Mr. Defendant's abuse and controlling behavior escalated with time.
10. On numerous occasions, Mr. Defendant physically abused Ms. Client. Throughout their marriage, Ms. Client continued to hope that their relationship would improve over time. Ms. Client recalled an incident in which Mr. Defendant became angry after an argument about her daughter's chores in the home, which resulted in Mr. Defendant pulling Ms. Client's hair, slapping her on the face, and verbally abusing her. As Ms. Client attempted to get away from her husband, Mr. Defendant took a steel chair attempting to hit Ms. Client but instead he broke the glass wall unit and the television. The landlord came to the home after hearing the argument and seeing first hand Ms. Client's physical state. Ms. Client sustained a cut on her mouth and a bruised eye. The landlord threatened to call the police and encouraged Ms. Client to call the police. However when the police arrived, Ms. Client refused to file a report because she feared that the police would deport her and her daughter since they were undocumented. Ms. Client believed this to be true after Mr. Defendant instilled a fear in Ms. Client convincing her that he would deport the both of them back to Guyana due to their lack of legal status.
11. Ms. Client frequently discussed that, throughout their marriage, Mr. Defendant used Ms. Client and her daughter's lack of immigration status as a reason for emotional abuse and mental cruelty, frequently threatening that he would refuse to file their immigration papers and have them both deported. Ms. Client describes how her husband's constant threat impacted her decision to endure years of his abuse before seeking help. As a result, Ms. Client asked that Mr. Defendant leave the home. With a minimum wage job, Ms. Client was unable to financially support the family or pay for the household expenses. In fear of becoming homeless with her children, Ms. Client moved into the home of her in-laws and later found an apartment.
12. A few months after moving into her new apartment, Mr. Defendant returned to live with the family, promising that he would change and apologizing for his past abusive behavior. Ms. Client was hoping she could save her marriage, unlike her previous relationship. However, Mr. Defendant reverted back to his old habits and began drinking excessively and returning home late. Ms. Client attempted several times to confront Mr. Defendant about his behavior, but instead that resulted in an escalation of abuse which in turn resulted in Mr. Defendant physically abusing the children.

13. After a few years, Ms. Client was beginning to lose hope. She continued to stay in the relationship out of fear of being ostracized by her community and family if she decided to divorce her husband. Ms. Client understood from the end of her first marriage the cultural stigmas associated with single divorced South Asian females and its implications on their children,, and whether or not they will be able to find suitable spouses if they came from a divorced family. Ms. Client believed that if she maintained her marriage that it would be beneficial for her and the children. Ms. Client feared the reaction and response from her family and the South Asian community and endured the abuse.
14. It was not until 2005 that Ms. Client was able to break away from this abusive relationship. At the time, Ms. Client had learned, after reading her daughter's diary, that Mr. Defendant sexually abused her daughter while she was away at work for five years. Feeling guilty and betrayed, Ms. Client felt responsible for jeopardizing the safety of her daughter and began to doubt her cultural and traditional teachings. After years of hoping that her situation would change, Ms. Client came to the realization that the situation would not change and she was not willing to put her daughter at risk.

Professional Assessment

15. Based on my professional relationship with Ms. Client, I find her history of abuse highly credible. While demonstrating a great deal of courage and resiliency, Ms. Client endured physical, emotional and psychological consequences of the abuse. Always believing that she was a strong individual with high levels of confidence, Ms. Client struggled to cope with the many forms of abuse by Mr. Defendant. Ms. Client suffered from low self-esteem. She often blamed herself for remaining silent. Ms. Client loved her husband and worked hard to make her marriage a healthy and loving marriage. Her disappointment in her marriage and feelings of isolation led to depression. Ms. Client reported symptoms of depression such as lack of appetite and problems sleeping.
16. She also reported suffering from anxiety also caused by her husband's physical abuse and assaults, particularly at times when she encountered him at Family and Criminal Court during the time she was seen at Sanctuary. In addition, she suffers the immense guilt about not being able to protect her daughter from harm by Mr. Defendant, which has deeply affected her relationship with her daughter.
17. Although she has improved tremendously in the course of our work together, she reports that she continues to suffer from periods of anxiety from the trauma caused by the abuse she suffered. She is employed and is living independently.

Conclusion

18. Throughout our sessions, Ms. Client has explored the psychological and emotional impact of domestic violence on her life. Through counseling, Ms. Client has worked to address the trauma she has suffered as a result of her husband's cruelty. The support from Sanctuary for Families has enabled Ms. Client to make important progress in

healing from the emotional trauma and working towards building a new life for her and her children. If Ms. Client were unable to remain in the United States, it is likely that she would not be able to obtain the free counseling and support that she needs.

Wherefore, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Ms. Therapist

Subscribed and sworn to before me
on this __ day of _____ 2024.

NOTARY PUBLIC

My commission expires on _____.

SAMPLE THERAPIST/COUNSELOR LETTER

October 10, 2006

USCIS
Vermont Service Center
75 Lower Welden Street
St. Albans VT 05479-0001

Re: Camryn CLIENT

To Whom it May Concern:

I am a Supervising Social Worker at Sanctuary for Families. Sanctuary for Families is an organization that offers a wide range of clinical, residential and legal services to victims of domestic violence. Among the services we offer are individual counseling for adults and children, domestic violence support groups for women, parenting groups, children's individual counseling and support groups, a mentoring program, legal consultation and representation in family court, matrimonial and immigration cases. I am a graduate of New York University School of Social Work and have worked in the field of domestic violence for 6 years. Before coming to the United States, I worked in a women's prison in my native Colombia, providing clinical services to women who had experienced domestic violence.

I am writing this letter in support of the immigration petition of Camryn CLIENT, who has been receiving individual counseling sessions with me.

CLIENT shows signs of severe depression due to the domestic violence they suffered at the hands of their spouse. Their feelings of depression are also a result of the traumatic aftermath of their abusive marriage to SPOUSE and the many emotional and economic hardships they suffered as a result. The symptoms of CLIENT's depression include difficulty sleeping, eating and concentrating, mild phobia and fears of unexpected encounters. As a result of the many traumatic experiences suffered by CLIENT, they also suffer from acute memory loss, one of the symptoms of disassociative disorder and an adaptive defense mechanism exhibited by many victims of domestic violence.

During our individual sessions, CLIENT has revealed experiences of sexual, physical, emotional/psychological and economic abuse at the hands of their husband. These experiences were all related to their attempts to exercise full control over their actions and behavior and cause them isolation from others. CLIENT shared with me that at certain times they felt consumed by a paralyzing fear as their spouse always commented on them. SPOUSE also intimidated them, telling them frequently that there would be no one they could turn to for help, for they were nothing but, in their words, an "illegal alien" without any rights. This fear has been described by many Latinx victims of domestic violence. In Latinx communities more so than in others, people, especially women, are expected to suffer their spouse's abusive treatment in silence and to bear the suffering with dignity. In literature, this phenomenon is referred to as "Marianismo."

For all the time CLIENT was in a relationship with their spouse, CLIENT was completely alone in their physical and emotional pain, like so many survivors of domestic violence. Consumed by fears and SPOUSE's threats, they never reached out to the police or any community based organization for help. Only after the couple separated did CLIENT start attending church services where they were connected to our organization for immigration services.

As is often the case with domestic violence survivors, recounting exact dates and details of their experiences with violence is often extremely difficult, as they seem to have blocked out the most devastating of all personal attacks on them. Often during our sessions, as is the case with many other survivors of this degree of violence, CLIENT struggled to capture details, timeframes and time sequences of specific abusive episodes. As I have seen happen so many times during sessions with other clients, CLIENT was trying hard to respond to my questions, which often caused them to break down in tears as they had long tried to bury the answers.

Domestic violence survivors who suffer from Post-Traumatic Stress Disorder often present with a wide range of symptoms: Confusion, depression, agitation, memory lapses, difficulty sleeping, and suicidal thoughts. Many of the symptoms presented by CLIENT are consistent with PTSD, and reflect typical mechanisms developed by survivors of domestic violence to cope with the trauma of this abuse they endured.

Having seen and counseled many survivors of domestic violence in situations of mental crisis, it is my professional opinion that CLIENT is a victim of domestic violence at the hands of their spouse.

In the event of any questions concerning the above, please contact me at

Sincerely,

Sarah Social Worker, MSW
Supervising Social Worker

SAMPLE TRANSLATOR AFFIDAVIT

UNITED STATES DEPARTMENT OF HOMELAND SECURITY
UNITED STATES CITIZENSHIP & IMMIGRATION SERVICES

-----X

IN THE MATTER OF THE
_____ APPLICATION OF

TRANSLATOR'S
AFFIDAVIT

HANNAH CLIENT

A# *(if no A#, use DOB)*

-----X

State of New York)
) ss.:
County of New York)

I, **Translator Name**, being duly sworn, depose and say:

1. I work at LAW FIRM located at 123 Main St., New York, NY 10005.
2. I am fluent in both the English and *(indicate foreign language)* languages.
3. I have read the attached *(indicate name of document(s))* of **Hannah Client** and translated it word for word from English to *(indicate foreign language)* after which s/he signed the document based on my translation.
4. I certify that the translation is accurate, true, and complete to the best of my ability.

Translator Name

Subscribed and sworn to before me
On this _____ day of _____ 2024.

Notary Public
My commission expires on _____.

12

A

Departure Number

OMB No. 1651-0111

443181925 12

MAY 14 2007
JIS

I-94

Departure Record

14. Family Name

15. First (Given) Name

16. Birth Date (Day/Mo/Yr)

17. Country of Citizenship

CBP Form I-94 (10/04)

VISA

UNITED STATES OF AMERICA

Issuing Post Name

CHISINAU

Surname

Control Number

20071079450012

Given Name

Visa Type /Class

R J1

Passport Number

Sex

F

Birth Date

Nationality

MLD

Entries

Issue Date

19APR2007

Expiration Date

28AUG2007

1011

Annotation

N0004107324

P-4-10675

LIFE ADVENTURES, INC.

TWO YEAR RULE DOES NOT APPLY

88327634

VNUSA

A

1MLD8607298F0708281J1CHS00CK5221263



For: [REDACTED]



U.S. Customs and Border Protection

Securing America's Borders

Most Recent I-94

Admission (I-94) Record Number : [REDACTED]

Most Recent Date of Entry: [REDACTED]

Class of Admission : B2

Admit Until Date : [REDACTED]

Details provided on the I-94 Information form:

Last/Surname : [REDACTED]

First (Given) Name : [REDACTED]

Birth Date : [REDACTED]

Passport Number : [REDACTED]

Country of Issuance : [REDACTED]

[Get Travel History](#)

► Effective April 26, 2013, DHS began automating the admission process. An alien lawfully admitted or paroled into the U.S. is no longer required to be in possession of a preprinted Form I-94. A record of admission printed from the CBP website constitutes a lawful record of admission. See 8 CFR § 1.4(d).

► If an employer, local, state or federal agency requests admission information, present your admission (I-94) number along with any additional required documents requested by that employer or agency.

► Note: For security reasons, we recommend that you close your browser after you have finished retrieving your I-94 number.

OMB No. 1551-0111
Expiration Date: 03/31/2019

[For inquiries or questions regarding your I-94, please click here](#)

[Accessibility](#) | [Privacy Policy](#)

INSTRUCTIONS FOR HOW TO OBTAIN NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES (DCJS) RECORD OF ARRESTS AND PROSECUTIONS (RAP) SHEET

Individuals can request a record of their criminal history in New York from the Division of Criminal Justice Services (DCJS) by submitting their fingerprints and the payment of a fee, or an application for fee waiver. Individuals can request “Suppressed” or “Unsuppressed” records. Suppressed records do not contain information about sealed, or hidden, cases. It is recommended that you request unsuppressed records so that you have a complete picture of your client’s prior arrests and criminal history regardless of case outcome.

To make a request, you will need to:

1. Have your client fingerprinted*(may require payment of separate fingerprinting fee).
2. Pay the DCJS criminal record request fee, or prepare and submit fee waiver application.
3. Send the fingerprints and requisite fee, or approved fee waiver, to DCJS.

***Please contact your Her Justice mentor for assistance with fingerprinting and a DCJS criminal records request.**

Once a request has been made, individuals will receive a copy of their New York State criminal history record (also known as a RAP sheet) or a “No Record” response verifying that the individual has no criminal history in New York State.

For additional information, see NYS DCJS website at:

<https://www.criminaljustice.ny.gov/ojs/recordreview.htm#:~:text=Individuals%20who%20have%20no%20convictions,Application%20Forms%20and%20Instructions.>

Fingerprint Response Summary

NYSID: [REDACTED] ORI: [REDACTED] NYCPD PCT 032

NYSID: [REDACTED] FBI Number: [REDACTED] Current Transaction Name: [REDACTED]
Fax Number: MP2812 Current Arrest Number: [REDACTED] DOB: [REDACTED]
Probation Client ID#: [REDACTED] III Status: Status in other states unknown

Alerts

* See **Additional Information** at the bottom of this response for more banners pertaining to the criminal history

New York State Arrest/Conviction/Warrant Information

Total Arrests: 1 Date of Earliest Arrest: February 21, 2018 Latest Prior Arrest Date:

Total Arrests:	1	Total Arraigned Arrests:	0	Total Open Cases:	1	Cycles (max 5)
Felony:	0	Felony:	0	Felony:	0	
Violent Felony:	0	Violent Felony:	0	Violent Felony:	0	
Firearm:	0	Firearm:	0	Misdemeanor:	1	1
Misdemeanor:	1	Misdemeanor:	0	Open ACD:	0	
Other:	0	Other:	0	Non Docketed Cases:	1	1
				Other:	0	

Total Convictions:	0	Cycles (max 5)	Warrant Information:	Cycles (max 5)	DOC Classification:	Cycles (max 5)
Felony:	0		Failure to Appear Counts:	0	Escape Charges:	0
Violent Felony:	0		Total Open:	0	Sex Offender Convictions:	0
Firearm:	0		Active NYC:	0	Probation Revoc:	0
Misdemeanor:	0				Parole Revoc:	0
Other:	0					
YO Adjud.:	0					

Identification Information



Name: [REDACTED]

Date of Birth: [REDACTED]

Sex:
Female

Eye Color:
Brown

SSN: [REDACTED]

Place of Birth :
Peru

Race:
White

Hair Color:
Black

Ethnicity:
Hispanic

Height:
5' 00"

Skin Tone:
Light / Light

Weight: .
110

Latest Arrests(Max 10):

Arrest Date	Name	Date of Birth	Address
February 21, 2018	[REDACTED]	[REDACTED]	[REDACTED] BRONX, NY

Fingerprint Response

ORI: [REDACTED]
NYCPD PCT 032

Attention: A fingerprint search shows no available prior NYS information for this individual.

Identification Summary Criminal History Job/License Wanted Missing NCIC/III

Transaction Data



Name: [REDACTED]
Transaction ID: [REDACTED]
Agency ORI: [REDACTED]
SSN: [REDACTED]
Type of Submission: ARREST
Date Fingerprinted: February 21, 2018
Reason Fingerprinted: Adult Arrest

Arrest/Charge Information

Arrest Date: February 21, 2018 10:30 pm (22:30:00)

Name: [REDACTED]
Date of Birth: [REDACTED]
US Citizen: [REDACTED]
Sex: Female
Race: White
Ethnicity: Hispanic
Height: 5' 00"
Weight: 110
Age at time of crime/arrest: 34
Address: [REDACTED]
Fax Number: [REDACTED]
Place of Arrest: NYCPD 32
Arrest Type: Unknown
Date of Crime: November 07, 2017
Place of Crime: NYCPD 32
Criminal Justice Tracking No.: [REDACTED]
Arresting Agency: NYCPD PCT 032
Arresting Officer ID: 933973
Arrest Number: [REDACTED]
Arraignment: New York County Criminal Court
Arrest Charges:

-- Aggravated Harassment 2 - Cause Physical Injury to Family Member

PL240.30 Sub 04

Class A

Misdemeanor

Degree 2

NCIC 3899

Criminal Court of the City of New York

*I hereby certify this to be a true copy
of the record on file in this Court.*

1/29/20 *Cliff Bueck* *CA*
Date Court Official / Title

Transaction Status Information

Activity	Date/Time	Elapsed
Initial Transaction Received	February 21, 2018 11:27:25 pm	
Online Data Received	February 21, 2018 11:27:25 pm	
Transaction Completed	February 21, 2018 11:27:52 pm	0 Hour(s) 0 Minute(s)
Rapsheet Produced	February 21, 2018 11:27:55 pm	

Wanted Information

There is no NYS Wanted Information associated with this history.

Missing Person Information

There is no NYS Missing Information associated with this history.

WARNING: Release of any of the information presented in this computerized Case History to unauthorized individuals or agencies is prohibited by federal law TITLE 42 USC 3771b.
This report is to be used for this one specific purpose as described in the Use and Dissemination Agreement your agency has on file with DCJS. **Destroy after use and request an updated rap sheet for subsequent needs.**
All information presented herein is as complete as the data furnished to DCJS.

New York State Division of Criminal Justice Services
4 Tower Place
Albany NY 12203-3764
Tel: 1-800-262-DCJS

Michael C. Green, Executive Deputy Commissioner of the NYS Division of Criminal Justice Services

Criminal Court of the City of New York

*I hereby certify this to be a true copy
of the record on file in this Court.*

1/29/20 Alf Burtas CA
Date Court Official / Title

INSTRUCTIONS FOR OBTAINING A CRIMINAL CERTIFICATE OF DISPOSITION

If your client or any derivatives have been convicted of a crime, you must include a Certificate of Disposition along with the U visa petition. To request a Certificate of Disposition an individual must go to the Central Clerk's office in the Criminal Court of the **county in which the case was filed**.

The individual should have the criminal **docket number** or the Defendant's full name and date of birth, or date of arrest, to provide to the court clerk. They must also bring **\$10.00** (exact change only) to satisfy the fee for a Certificate of Disposition.

If requesting a disposition for a Defendant who has a **sealed case**, and you are not the Defendant, you must attach a *notarized letter* from the Defendant giving the court permission to release the Certificate of Disposition to you.

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF QUEENS

THE PEOPLE OF THE STATE OF NEW YORK
VS

CERTIFICATE OF DISPOSITION
NUMBER: 114447

Defendant

06/23/19_____
Date of Birth

Address

NYSID Number

QUEENS NY
City State Zip

09/09/2008
Date of Arrest/Issue

Docket Number: 2008QN_____

Summons No:

155.25 165.40
Arraignment Charges

Case Disposition Information:

Date	Court Action	Judge	Part
09/09/2008	ADJOURNED - CPL SECTION 170.55	RACITI, R	APAR3
03/06/2009	DISMISSED - CPL SECTION 170.55	MELENDEZ, S	AP5

SEALED

pursuant to Section 160.50 of the CPL

NO FEE CERTIFICATION

__ GOVERNMENT AGENCY __ COUNSEL ASSIGNED
__ NO RECORD OF ATTORNEY READILY AVAILABLE. DEFENDANT STATES COUNSEL WAS ASSIGNED
SOURCE __ ACCUSATORY INSTRUMENT __ DOCKET BOOK/CRIMS __ CRC3030[CRS963]

I HEREBY CERTIFY THAT THIS IS A TRUE EXCERPT OF THE RECORD ON FILE IN
THIS COURT.

PEARAYLALL, P
COURT OFFICIAL SIGNATURE AND SEAL

06/26/2009
DATE

FEE: NONE

(CAUTION: THIS DOCUMENT IS NOT OFFICIAL UNLESS EMBOSSED WITH THE COURT
SEAL OVER THE SIGNATURE OF THE COURT OFFICIAL.)

METROPOLITAN TRANSIT AUTHORITY, NYC Transit

SUBWAY or BUS "TICKETS", etc.

Clients often reveal that they have received a "ticket" on a NY subway or bus. If your client discloses any interaction with law enforcement in a location run by the Metropolitan Transit Authority (MTA), it is important that you first determine whether their interaction was civil or criminal in nature (many violations that occur on MTA property can be charged (per the discretion of an officer) as civil or criminal. See here:

The easiest way to determine how your client was charged is by sending them to the MTA Transit Adjudications Bureau <http://web.mta.info/nyct/TransitAdjudicationBureau.html> to obtain evidence that their "ticket" was resolved. If there is no evidence of a ticket being issued against your client at the Transit Adjudication Bureau, you should have your client follow the instructions on obtaining a certificate of disposition in this manual.

The MTA Transit Adjudications Bureau is located at 29 Gallatin Pl, New York, NY 11201, and can be reached by phone at: (347) 643-5805

EXHIBIT / STEP 3 - RECEIVE RECEIPT NOTICES

EXHIBIT/STEP 3: RECEIVE RECEIPT NOTICES

- A. Cover Page and Contents
- B. After the U Filing Has Been Sent to USCIS
 - i. What to Expect After Filing
 - ii. Post-Filing FAQ
 - iii. Guide to Contacting USCIS
 - iv. USCIS Online Tools and Resources
 - v. Sample I-918 Receipt Notice (Form I-797C, Notice of Action)
 - vi. Sample I-918A Receipt Notice (Form I-797C, Notice of Action)
 - vii. Sample I-192 Receipt Notice (Form I-797C, Notice of Action)
 - viii. Sample I-765 Receipt Notice under category C14 (Form I-797C, Notice of Action)
 - ix. Sample I-765 Receipt Notice under category A20 (Form I-797C, Notice of Action)

3.B. After the U Filing Has Been Sent to USCIS

WHAT TO EXPECT AFTER FILING AN APPLICATION FOR U NONIMMIGRANT STATUS

Immediately After Filing

1. USCIS will issue an I-797C Receipt Notice for the I-918 and any I-192, I-918A, and I-765 Applications or Petitions filed. For a sample of the notices, see Exhibit 20 "Sample USCIS Notices." Please provide your client with copies of the receipt notices. Sometimes USCIS is delayed issuing receipt notices. If you do not receive a receipt notice within two months after you file, please alert your Her Justice mentor.
2. Sign up for case updates by email: <https://egov.uscis.gov/casestatus/disclaimer.do>. Note that, because of strict confidentiality laws, the USCIS case status website will not register I-918 receipt numbers. Only the email updates system will register and update you on the status of the I-918 case.
3. Within a month to two months after filing, Petitioner and all derivatives will receive notices advising them to be fingerprinted. Those who are within the U.S. will be told when to appear at a USCIS Application Support Center. It is not necessary to accompany client to that appointment. Those outside of the United States will have to be fingerprinted at a U.S. Consulate or military facility abroad (please refer to Exhibit 8 for tips on getting derivatives abroad fingerprinted promptly).

During Pendency of Case

1. ****The average processing time for adjudication of petitions for U Nonimmigrant Status is currently over five years.**** During the adjudication period, some petitioners for U Nonimmigrant Status will be granted a "Bona Fide Determination" (BFD) and will be able to receive Deferred Action and an Employment Authorization Document ("EAD" or "work permit").
2. After fingerprints have been completed, please let your client know that you will probably not hear anything from USCIS for 1-3 years or more.
3. Please emphasize that your client should contact you every three months during the pendency of the case to check in. If your client does not contact you, please reach out to her every three months to six months. It is important to maintain communication with your client every few months in order to be aware of changes in address, telephone number, any contacts with the criminal legal system or immigration authorities, etc. You must be able to reach your client at all times during the pendency of the petition. Best practice is to put a calendar reminder to call your client every few months.

4. USCIS may send a Request for Further Evidence (RFE) on any of the applications filed. The RFE may arrive at any point during the adjudication process. The RFE will address why USCIS believes you have failed to overcome your burden of proof. **The RFE will have a strict response deadline; contact your Her Justice mentor immediately.** For sample Requests for Evidence, please see Exhibit 19, "Sample USCIS Notices."
5. If your client informs you of significant changes that occur post-filing of the I-918, including arrests, travel abroad, derivatives getting arrested or anything else deemed relevant, speak to your Her Justice mentor to determine if the changes have triggered any additional inadmissibility grounds that require an amendment of her petition.
6. If your client is found to be eligible either at the interim bona fide determination (BFD) stage, or at the full adjudication stage, USCIS will send you a letter granting your client "Deferred Action Status". If you initially included form I-765 Application for Employment Authorization with your initial filing packet, at this stage USCIS will also provide your client with an employment authorization card ("EAD" or "work permit). USCIS will send you the EAD approximately one to three months after receiving the Deferred Action letter. Once your client receives Deferred Action status and employment authorization, you must renew your client's EAD every two years. It takes 90-150 days for USCIS to process renewals for EAD. Once the initial EAD is received, you should mark your calendar to remind yourself of when the renewal application must be submitted (at least 90 days before the expiration date). When your client picks up her initial EAD, please provide her with the Deferred Action letter included in Exhibit 18 of this manual and remind her to contact you every three months to keep in touch, as well as 120 days before the expiration of the EAD to schedule an appointment to prepare the EAD renewal application. You can also provide your client with the letter at Exhibit 18, item L "Reminder Notice for Client Regarding Renewal of Employment Authorization."
 - a. Once your client has employment authorization, she will receive a social security number if she affirmatively requested it on the I-765. If your client did not affirmatively request the Social Security Administration issue her a social security number on the I-765, your client will be eligible to apply for a social security number at the social security office in person. Note that if your client is a resident of Brooklyn or Queens, she must apply for a social security number in her borough of residence. For more information, see the Social Security Administration web site at www.ssa.gov.
7. Because the Deferred Action period may be up to a few years, you may opt to return the case to Her Justice during the Deferred Action waiting period. Please give your client the relevant "Deferred Action Case Status letter" included in Exhibit 18. If you are keeping the case, make sure to keep an updated G-28 on file with USCIS so that they are able to properly notify you once your client's U nonimmigrant status is granted. Currently, derivatives abroad are not able to come to the U.S. with a U visa while your client is in Deferred Action status. Your client will also not be authorized

to re-enter the U.S. after travel abroad. Please speak to your Her Justice mentor if there are emergency circumstances and your client wishes to travel abroad or apply for humanitarian parole for their derivative family member(s) while she is in deferred action status.

After U Visa Grant

1. Your client's U nonimmigrant status will be granted once there is a visa available for her. Once a petitioner is granted U nonimmigrant status, she will receive work authorization in the form of an Employment Authorization document that will be valid for up to four years. Please provide your client with a concluding letter terminating representation as per the sample provided in Exhibit 18 ("Sample Concluding Letter to Client After Approval of U Nonimmigrant Status for Client and her Children"). If any inadmissibility grounds arise after the approval of the I-918 Petition, please speak to your Her Justice mentor.
2. Once a derivatives' petition is approved, any derivatives in the United States for whom you filed Form I-765 will also receive a work authorization document that will be valid for up to four years when they are granted U nonimmigrant status.
3. Derivatives abroad will be issued an I-797C Notice advising them that their petitions have been approved. Please remember that, as they are abroad, that notice confers no benefit upon them. They must consular process to be allowed to enter the U.S. and be reunited with their family members. **Please ask Her Justice for the separate Consular Processing manual and training video for instructions on this process.**

FAQ's: What happens after I file an application with USCIS?

This is a general advisory covering the range of immigration cases mentored by Her Justice.

When will I get the receipt notice?

- The receipt notice(s) should arrive about three weeks after sending the application to USCIS, assuming the application was sent via FedEx or another courier service. If you do not receive a receipt notice within three weeks of submitting your case to USCIS, please alert your Her Justice mentor.

What information does the receipt notice contain?

- You will get a receipt notice for each application that was filed. If you used your address as the client's "safe address", you will receive two copies of the receipt notices for each application (an attorney copy and a client copy).
- The notice will contain a "receipt date" which is the date that USCIS officially accepted the filing. Make sure that the receipt date is before any applicable filing deadline. If it was not before the deadline, you will have the burden of proving (via trackable mail receipt) that USCIS received it and should have receipted it in before the deadline. If you believe you missed a deadline, speak to your Her Justice mentor immediately.

What should I do with the receipt notice?

- The receipt notice is a critical document in every immigration case. It is extremely important that you keep the receipt notice in the digital and hard copy file. You, or whomever else works on the case in the future, will need this notice to follow up on the case if there are any issues.
- Give your client her copy of the receipt notice(s).
- Send a pdf of the receipt notice(s) to your Her Justice mentor.
- For most cases, the receipt notice alone does not convey any immigration status on your client. However, for **I-751 Petitions to Remove Conditions on Residence**, the receipt notice is the document that extends your client's lawful immigration status, including the right to work lawfully in the U.S. and to travel outside of the U.S. and return. **For I-485 Adjustment of Status for U Nonimmigrants, the I-485 receipt notice extends your client's lawful immigration status and extends the right to work lawfully in the U.S. for one year from expiration of her previous employment authorization.**¹
- For other types of immigration relief, the receipt notice may be used to apply for certain public assistance, including Medicaid. Note that this is very important if you filed both applications where the fee waiver was denied and applications that do not require a fee. In these cases, Her Justice recommends that the client use the

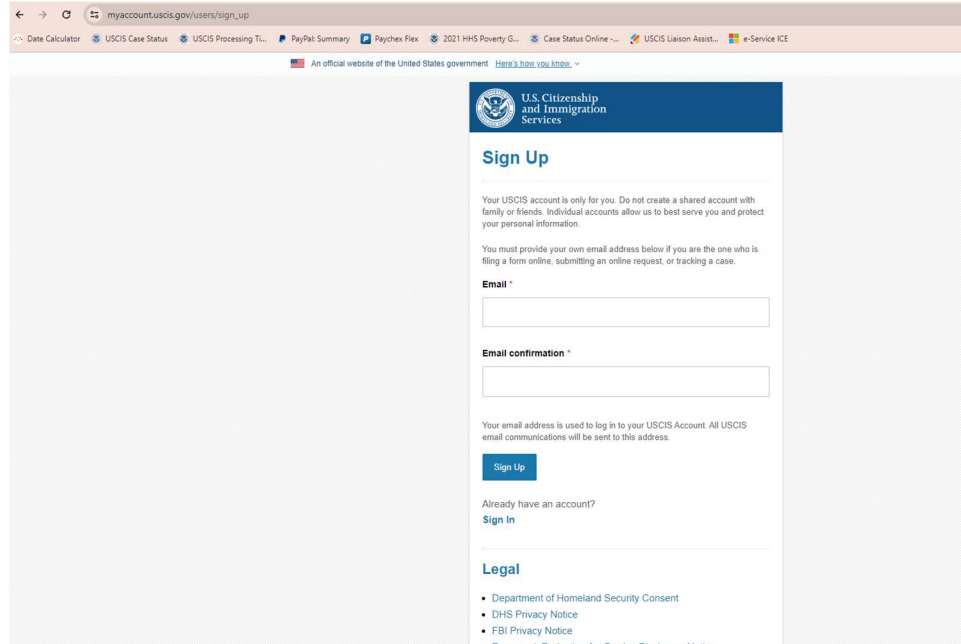
¹ See attached USCIS Policy Memorandum – Extension of Status for T and U Nonimmigrants, at Exhibit 2

March 2025

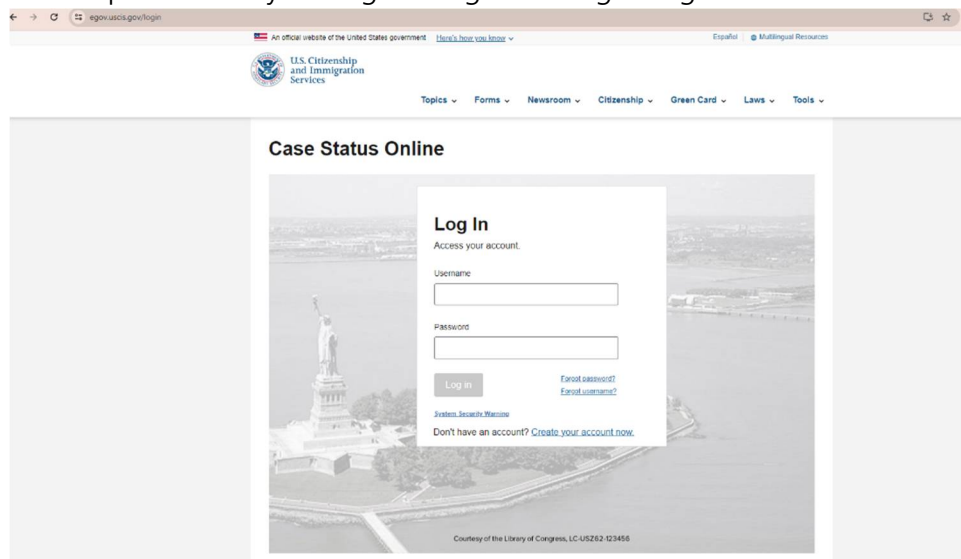
receipt notice to apply for Medicaid and, assuming the client is approved for Medicaid, re-submit the fee waiver request on the basis of receipt of “means tested benefit”. Speak to your Her Justice mentor about how to do this.

Can the receipt notice help me keep track of the progress of the case?

- After you submit a paper filing with USCIS, you should create an electronic account (“USCIS online account”) on the USCIS website. (
 - Step 1: Create an account and follow the instructions on the USCIS website here: <https://www.uscis.gov/file-online/how-to-create-a-uscis-online-account>.

A screenshot of the USCIS website's 'Sign Up' page. The page has a blue header with the USCIS logo and the text 'U.S. Citizenship and Immigration Services'. Below the header, the title 'Sign Up' is displayed. A paragraph explains that the account is for personal use and that users must provide their own email address. There are two input fields: 'Email' and 'Email confirmation'. Below these fields is a blue 'Sign Up' button. A link for 'Sign In' is provided for users who already have an account. At the bottom, there is a 'Legal' section with links to 'Department of Homeland Security Consent', 'DHS Privacy Notice', and 'FBI Privacy Notice'.

-
- Step 2: Once you have created an account, you can access the Case Status Online portal with your login at egov.uscis.gov/login

A screenshot of the USCIS 'Case Status Online' portal. The page features a large background image of the Statue of Liberty. Overlaid on this is a white 'Log In' box. The box contains the text 'Access your account.' followed by input fields for 'Username' and 'Password'. Below these fields is a blue 'Log in' button. To the right of the button are links for 'Forgot password?' and 'Forgot username?'. At the bottom of the box are links for 'System Search/Message' and 'Don't have an account? Create your account now.'.

○

March 2025

- Step 3: You will receive a receipt notice for each application you file for your client. Each application will have a unique receipt number that you can input into the Case Status portal.

U.S. Citizenship and Immigration Services

Welcome Prathiba Desai

[My Cases](#) | [My Account](#) | [Logout](#)

Cases

Use this tool to manage all of your applications and petitions. You can use the [My Cases](#) page to add, remove, or check the status of your applications and petitions. Additionally, you can turn on or off email and mobile alerts.

Enter a Receipt Number

EAC1234567890

Your Tracking Number

1234564526

[Add Case](#)

< 1 > Selected 0 of 6

<input type="checkbox"/>	Receipt Number	Tracking Number	Last Updated (MM/DD/YYYY)	Form	E-mail Alert	Mobile Alert
<input type="checkbox"/>	[REDACTED]	[REDACTED]	02/20/2024	I-485	Yes	No

- If there were multiple applications filed, be sure to input the receipt numbers for all receipt notices. You can also assign a tracking number for each receipt number. We recommend using the same tracking number for each client. Make sure to select “Yes” to receive E-mail alerts for each receipt number entered. That way, you will receive an email any time USCIS takes any action on the case.

Case Status Information for Tracking Number: [REDACTED]

USCIS-CaseStatus@uscis.dhs.gov

To: Prathiba Desai

*** DO NOT RESPOND TO THIS E-MAIL ***

There has been a recent processing action taken on your case.

Receipt Number: [REDACTED]

Application Type: 751, PETITION TO REMOVE CONDITIONS ON RESIDENCE

Your Case Status: Card/ Document Production

On November 13, 2023, we mailed your new card for your Form 751, PETITION TO REMOVE CONDITIONS ON RESIDENCE, Receipt Number [REDACTED] to the address you gave us. If you do not receive your card by November 28, 2023, please go to www.uscis.gov/e-request to request that we send your new card to you. If you move, go to www.uscis.gov/addresschange to give us your new mailing address.

This step applies to applications that result in an applicant receiving a card (such as a "green card") or other document (such as a naturalization certificate, employment authorization document, travel document, or advance parole). Applications will be in this step from the time the order to produce the card/document is given until the card/document is produced and mailed to the applicant. You can expect to receive your card/document within 30 days of the approval of your application. If you do not receive your document, please contact our National Customer Service Center at 1-800-375-5283.

- Log-in to your myUSCIS account to view your case history and understand what you can expect to happen next on your case.
- Current processing times can be found on the USCIS website at [under Check Processing Times](#).

Sincerely,
The U.S. Citizenship and Immigration Services (USCIS)

- Note that, due to VAWA confidentiality provisions, some applications will not show the case status on the USCIS online system (e.g., form I-360 VAWA self-petition, form I-918 U nonimmigrant status petition, form I-914 T nonimmigrant status petition). For these case types, you should still sign up

for an online account using the I-765 receipt number associated with the case.

- Even if you create an online account at USCIS, it is essential that you maintain an accurate mailing address for the case on file with USCIS. The most important correspondence will only be sent by USCIS via paper mail. If you miss a paper notice sent by USCIS, the case could be denied.
- You can also periodically check on the status of the case by going to the USCIS website and clicking on "[Check Case Status](#)" using the receipt number.
- If you need to make a status inquiry with USCIS about the case through the Contact Center, the receipt number will be required.
- Note that some applications are covered by the Violence Against Women Act (VAWA) Confidentiality provisions (e.g., I-918 Petition for U Nonimmigrant Status, I-360 Self-Petition for Battered Spouse). Information about the status of those cases will not show up on the USCIS website or be accessible through the USCIS Contact Center. Speak to your Her Justice mentor about how to obtain information about the status of those cases.

How long will it take to get a decision on the case?

- Find out **how long the case will take to be adjudicated** (on average) by going to the USCIS website (www.uscis.gov) and clicking on "Check Processing Times". The drop-down menu will ask you to input the application form number (e.g., I-360, I-918, etc.) and the USCIS office where you sent the filing (e.g., Vermont Service Center, Texas Service Center).
 - You will see a time range for the average case processing time for that application.
 - If your receipt date is before the "Receipt date for a case inquiry", you can submit an "outside normal processing time" service request. Speak to your Her Justice mentor about how to do this.

What will happen after the receipt notice is issued?

- It depends on the type of case. Most cases require that the client and any derivative beneficiaries (e.g., children) who are age 14 or older and are present in the U.S. attend a "**Biometrics**" appointment to take fingerprints and photographs. This appointment will take place at a USCIS office called an "**Application Support Center**" (ASC). The location of the ASC will be determined based on the address listed for the client in the application.
- The Biometrics Appointment Notice will be sent on form I-797C Notice of Action. An "Application Information Worksheet" (AIW) will also be sent. Please assist your client in filling out the AIW before they attend the biometrics appointment.
- It is important that the client and derivative beneficiaries attend this appointment promptly. A lawyer does not need to attend with the client.

- The client should bring valid, government-issued identification and an original Biometrics scheduling notice, along with the completed AIW.
- If the client/derivatives cannot attend at the required time, it may be possible to appear at the ASC a few days before or after the appointment and ask for biometrics to be done at that time. If it is necessary to reschedule the appointment, please follow the directions on the Biometrics appointment notice.

What is a Prima Facie Determination Notice?

- For **I-360 VAWA Self-Petitions**, USCIS may issue a “Prima Facie Determination” notice about two months after the case is filed. This notice means that USCIS has determined that the petitioner meets the general requirements “at first review”. The notice does not guarantee any particular outcome in the case. USCIS could still issue a “Request for Evidence” (RFE) or deny the case.
- When the notice arrives, notify your client and ask if she is interested in applying for public assistance benefits. If so, please notify your Her Justice mentor for further assistance.

GUIDE TO CONTACTING USCIS

Before contacting USCIS on any matter, please contact your Her Justice mentor to discuss the issue. Many issues can be resolved without communicating with USCIS.

The USCIS website (www.uscis.gov) has a number of tools, including average case processing times for each application type (<https://egov.uscis.gov/processing-times/>) and a case status check (<https://egov.uscis.gov/>) for individual cases using a receipt number, that can eliminate the need for direct contact with USCIS.

After consulting your mentor, if it is determined that you need to contact USCIS, please keep the following in mind:

Phone

- USCIS has centralized all communications and inquiries including attorney communications. To communicate with USCIS you must have a G-28 Notice of Appearance as Attorney on file with USCIS. **The USCIS Contact Center number is 1-800-375-5283.**

Email

- Information about VAWA petitions, including I-360 Self-Petitions and I-918 Petitions for U Nonimmigrant Status, are covered by special confidentiality provisions and therefore the USCIS Contact Center does not have access to information about those filings. There are separate email hotlines for attorney use only for the purpose of submitting case-related inquiries.
- Email inquiries can be sent about the following applications as follows:
 - For all VAWA petitions: HotlineFollowUpI360.vsc@uscis.dhs.gov
 - For I-751 Battered Spouse Waiver Petitions pending at **VSC**: hotlinefollowupi751ef.vsc@uscis.gov
 - For I-918/I-918A and I-192 U Nonimmigrant Status Petition and related applications pending at **VSC**: hotlinefollowupi918i914.vsc@uscis.dhs.gov or if at the **NSC**: nsc.i-918inquiries@uscis.dhs.gov
 - For I-914/I-914A T Nonimmigrant Status Petition and related applications pending at **VSC**: HotlineFollowUpI918I914.vsc@uscis.dhs.gov
 - For I-485 Adjustment Applications for U and T Nonimmigrants pending at VSC: hotlinefollowupi918i914.vsc@uscis.dhs.gov
 - For any U (I-918/I-918A) or T (I-914/I-914A) nonimmigrant status petitions and related applications pending at **NSC**: nsc.i-918inquiries@uscis.dhs.gov
 - For I-485 Adjustment Applications for U or T Nonimmigrants pending at **NSC**: nsc.i-918inquiries@uscis.dhs.gov

- All email inquiries should include:
 - Subject Line: To streamline the processing of inquiry submission, utilize the subject line of your email to detail the nature of your inquiry.
 - For example:
 - EXPEDITE REQUEST
 - ONPT (Outside of Normal Processing Times)
 - Status Inquiry
 - Change of Address
 - Body of the Email: Your client's full name, A-number, and receipt numbers
 - The attorney of record, should be either the sender of the email or cc-ed on the inquiry
 - Attach a new G-28 if a different attorney is submitting the email inquiry and the attorney of record is being replaced
- After sending an email through any of these email hotlines, you should receive an automated response. If you do not receive an automated response, please check to make sure that the email went through in your "Sent" mailbox. Sometimes there are problems with emails (e.g. attachments are too large) and you should always confirm that your email was actually sent.
- You should receive an email response to your inquiry within 1-3 months of submission. If you have not received a reply or have not received any new correspondence by mail, it is recommended that you resubmit your inquiry with "SECOND REQUEST" in the Subject line.
- Be sure to contact your Her Justice mentor prior to emailing USCIS.

Online Service Tools

- You may also submit case inquiries via the USCIS website at <https://egov.uscis.gov/e-Request/Intro.do> for the following issues:
 - Case outside normal processing times
 - Did not receive notice by mail
 - Did not receive card by mail
 - Did not receive document by mail
 - Appointment accommodations
 - Typographic error
- For online submissions, you will generally need to input the relevant receipt number, client's A-number, date of filing, and type of petition/application filed. NOTE: There is no way to save a copy of your inquiry/request submitted except through screenshots.
- Upon submitting an online inquiry/request, you will be given a service request number along with an expected reply date. NOTE: For VAWA and U nonimmigrant

status petitions, USCIS will not contact you following an online submission due to special confidentiality provisions. Thus, online inquiries/requests are a form of 1-way communication with USCIS only and generally serve as an additional way to document efforts to contact USCIS to resolve the issue at hand.

- For making an appointment at a local USCIS field office, you can schedule an *Infopass* appointment at: <https://my.uscis.gov/en/appointment/v2>. Infopass appointments are limited to requests for:
 - Alien Documentation Identification and Telecommunication (ADIT) stamp (also known as an I-551 stamp) issued to Lawful Permanent Residents (LPR) in need of proof of status
 - Emergency Advance Parole (EAP) for urgent I-131 applications
 - USCIS action following an Immigration Judge grant of asylum or LPR status
- The Infopass website is also used to schedule biometrics appointments for applicants abroad in certain countries. See, Step 4. Receive Biometrics Notices.



USCIS Online Tools and Resources

SELF-SERVICE TOOLS

myUSCIS Online Portal

my.uscis.gov

- Create a secure account at my.uscis.gov/account
- File your form online, upload evidence
- Get detailed case status, send us a secure message
- Pay with a credit or debit card



File Online

uscis.gov/file-online



Online Tools Shortcut

uscis.gov/tools



Need help? Ask Emma

uscis.gov/emma



Explore My Options

my.uscis.gov/exploremyoptions



Case Status Online

uscis.gov/casestatus



e-Request (online case inquiry)

uscis.gov/e-request



Appointments

my.uscis.gov/appointment



Change of Address

uscis.gov/addresschange

LOCATORS



Find a Doctor

my.uscis.gov/findadoctor



Class Locator

my.uscis.gov/findaclass



Office Locator

uscis.gov/about-us/find-uscis-office



Forms and Fees

uscis.gov/forms/our-fees

CITIZENSHIP RESOURCES



Practice Civics Test Mobile App

Download our free civics study app at Google Play or the App Store. Search “USCIS civics test” and make sure USCIS is the developer.



Citizenship Resource Center

uscis.gov/citizenship



Naturalization Eligibility Tool

my.uscis.gov/apply/eligibility_tool

(myUSCIS account required)



N-400 Early Filing Calculator

uscis.gov/forms/uscis-early-filing-calculator



Practice Civics Test

my.uscis.gov/prep/test/civics

OTHER ONLINE RESOURCES



Case Processing Times

uscis.gov/processingtimes



“How Do I?” Guides

uscis.gov/howdoi



Multilingual Resource Center

uscis.gov/multilingual



Get Legal Help

uscis.gov/avoid-scams/find-legal-services



E-Verify (for employers & employees)

e-verify.gov



I-9 Central (for employers)

uscis.gov/I-9central



Join a USCIS Presentation

uscis.gov/outreach



USCIS History/Genealogy

uscis.gov/historyandgenealogy



Contact Us

uscis.gov/about-us/contact-us



THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.

Receipt Notification		NOTICE DATE: 01/29/14
CASE TYPE: I-918 Petition for U Nonimmigrant Status		RECEIVE DATE: 01/24/14
RECEIPT NUMBER: EAC [REDACTED]	APPLICANT NAME: [REDACTED]	
MAILING ADDRESS: [REDACTED] HER JUSTICE 100 BROADWAY NEW YORK NY 10005	Manual Receipt Notice	

Receipt Notice- This notice confirms that USCIS received your application or petition ("this case") as shown above. **If any of the above information is incorrect, please immediately call 802-527-4888 or notify us in writing, with your signature.** This will help avoid future problems.

This notice does not grant any immigration status or benefit, nor is it evidence that this case is still pending. It only shows that the application or petition was filed on the date shown.

We will notify you by mail when we make a decision on this case or if we need something from you. If you do not receive an initial decision or update from us within our current processing time, check our website at WWW.USCIS.GOV or call 802-527-4888. Please save this notice, and any other notice we send you about this case, and please make and keep a copy of any papers you send us by any means, along with any proof of delivery to us. Please have all these papers with you if you contact us about this case.

Applications requiring biometrics- In some types of cases USCIS requires biometrics. In such cases, USCIS will send you a SEPARATE appointment notice with a specific date, time and place for you to go to a USCIS Application Support Center (ASC) for biometrics processing. You must WAIT for that separate appointment notice and take it (NOT this receipt notice) to your ASC appointment along with your photo identification. Acceptable kinds of photo identification are: a passport or national photo identification issued by your country, a drivers license, military photo identification, or a state-issued photo identification card. If you receive more than one ASC appointment notice, even for different cases, take them both to the first appointment.

If your address changes- If your mailing address changes while your case is pending, submit your address change in writing, with your signature, to Vermont Service Center. Otherwise, you might not receive notice of our action on this case.

Please note: If you do not have an attorney of record or representative on your case changes must be submitted to the Vermont Service Center in writing and must contain your signature.

If you have other concerns about human trafficking or have reason to file a complaint and be referred to a Federal Law Enforcement Agency (LEA), contact the Department of Justice, Civil Rights Division, Trafficking in Persons and Worker Exploitation Task Force complaint line at 1-888-428-7581.

NOTICE: Pursuant to the terms of the United States Immigration & Nationality Act (INA), the information provided on and in support of applications and petitions is submitted under penalty of perjury. USCIS and the U.S. Department of Homeland Security reserve the right to verify information before and/or after adjudication to ensure conformity with applicable laws, rules, regulations, and other authorities. Methods used for verifying information may include, but are not limited to, the review of public information and records, contact by correspondence, the internet, or telephone, and site inspections of business and residences. Information obtained during the course of verification will be used to determine eligibility for the benefit sought. Applicants, petitioners, and representatives of record will be provided an opportunity to address derogatory information before any formal decision is made and/or proceeding is initiated.

Please see attached additional information on the back. You will be notified separately about other cases you filed.
U.S. Citizenship and Immigration Services
Vermont Service Center
75 Lower Welden Street
St. Albans, VT 05479
VAWA Customer Service Hotline: 802-527-4888

For Official Use Only

Please see the back of this notice for important information.

THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.

Receipt Notification [REDACTED]		NOTICE DATE: 01/29/14
CASE TYPE: I-918A Petition for Qualifying Family Member of U-1 Recipient		RECEIVE DATE: 01/24/14
RECEIPT NUMBER: EAC [REDACTED] /VTU [REDACTED]	APPLICANT NAME: [REDACTED]	
MAILING ADDRESS: [REDACTED] ATTN HER JUSTICE 100 BROADWAY NEW YORK NY 10005	Manual Receipt Notice	

Receipt Notice- This notice confirms that USCIS received your application or petition ("this case") as shown above. **If any of the above information is incorrect, please immediately call 802-527-4888 or notify us in writing, with your signature.** This will help avoid future problems.

This notice does not grant any immigration status or benefit, nor is it evidence that this case is still pending. It only shows that the application or petition was filed on the date shown.

We will notify you by mail when we make a decision on this case or if we need something from you. If you do not receive an initial decision or update from us within our current processing time, check our website at WWW.USCIS.GOV or call 802-527-4888. Please save this notice, and any other notice we send you about this case, and please make and keep a copy of any papers you send us by any means, along with any proof of delivery to us. Please have all these papers with you if you contact us about this case.

Applications requiring biometrics- In some types of cases USCIS requires biometrics. In such cases, USCIS will send you a SEPARATE appointment notice with a specific date, time and place for you to go to a USCIS Application Support Center (ASC) for biometrics processing. You must WAIT for that separate appointment notice and take it (NOT this receipt notice) to your ASC appointment along with your photo identification. Acceptable kinds of photo identification are: a passport or national photo identification issued by your country, a drivers license, military photo identification, or a state-issued photo identification card. If you receive more than one ASC appointment notice, even for different cases, take them both to the first appointment.

If your address changes- If your mailing address changes while your case is pending, submit your address change in writing, with your signature, to Vermont Service Center. Otherwise, you might not receive notice of our action on this case.

Please note: If you do not have an attorney of record or representative on your case changes must be submitted to the Vermont Service Center in writing and must contain your signature.

If you have other concerns about human trafficking or have reason to file a complaint and be referred to a Federal Law Enforcement Agency (LEA), contact the Department of Justice, Civil Rights Division, Trafficking in Persons and Worker Exploitation Task Force complaint line at 1-888-428-7581.

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Please see attached additional information on the back. You will be notified separately about other cases you filed.
U.S. Citizenship and Immigration Services
Vermont Service Center
75 Lower Welden Street
St. Albans, VT 05479

THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.

RECEIPT NUMBER EAC- [REDACTED]		CASE TYPE I192 APPLICATION FOR ADVANCE PERMISSION TO ENTER AS NONIMMIGRANT
RECEIVED DATE August 9, 2013	PRIORITY DATE	APPLICANT [REDACTED]
NOTICE DATE August 14, 2013	PAGE 1 of 1	
SUSANNA EVE SAUL INMOTION INC 100 BROADWAY 10TH FLR NEW YORK NY 10005		Notice Type: Receipt Notice Fee Waived

Receipt Notice- This notice confirms that USCIS received your application or petition ("this case") as shown above. If any of the above information is incorrect, please immediately call 800-375-5283 to let us know. This will help avoid future problems.

This notice does not grant any immigration status or benefit, nor is it evidence that this case is still pending. It only shows that the application or petition was filed on the date shown.

Processing time - Processing times vary by case type. You can check our website at www.uscis.gov for our current "processing times" for this case type at the particular office to which this case is or becomes assigned. On our website's "case status online" page, you can also view status or sign up to receive free e-mail updates as we complete key processing steps on this case. During most of the time this case is pending, however, our systems will show only that the case has been received, and the processing status will not have changed, because we will be working on other cases that were filed earlier than this one. We will notify you by mail, and show in our systems, when we make a decision on this case or if we need something from you. If you do not receive an initial decision or update from us within our current processing time, check our website or call 800-375-5283. Please save this notice, and any other notice we send you about this case, and please make and keep a copy of any papers you send us by any means, along with any proof of delivery to us. Please have all these papers with you if you contact us about this case.

If this case is an I-130 Petition - Filing and approval of a Form I-130, Petition for Alien Relative, is only the first step in helping a relative immigrate to the United States. The beneficiaries of a petition must wait until a visa number is available before they can take the next step to apply for an immigrant visa or adjustment of status to lawful permanent residence. To best allocate resources, USCIS may wait to process I-130 forms until closer to the time when a visa number will become available, which may be years after the petition was filed. Nevertheless, USCIS processes I-130 forms in time not to delay relatives' ability to take the next step toward permanent residence once a visa number does become available. If, before final action on the petition, you decide to withdraw your petition, your family relationship with the beneficiary ends, or you become a U.S. citizen, call 800-375-5283.

Applications requiring biometrics- In some types of cases USCIS requires biometrics. In such cases, USCIS will send you a SEPARATE appointment notice with a specific date, time and place for you to go to a USCIS Application Support Center (ASC) for biometrics processing. You must WAIT for that separate appointment notice and take it (NOT this receipt notice) to your ASC appointment along with your photo identification. Acceptable kinds of photo identification are: a passport or national photo identification issued by your country, a drivers license, a military photo identification, or a state-issued photo identification card. If you receive more than one ASC appointment notice, even for different cases, take them both to the first appointment.

If your address changes- If your mailing address changes while your case is pending, call 800-375-5283 or use the "Online Change of Address" function on our website. Otherwise, you might not receive notice of our action on this case.

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Please see the additional information on the back. You will be notified separately about any other cases you filed.

U.S. CITIZENSHIP & IMMIGRATION SVCS

VERMONT SERVICE CENTER

75 LOWER WELDEN STREET

SAINT ALBANS VT 05479-0001

Customer Service Telephone: (800) 375-5283



Please see the back of this notice for important information.

THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.

RECEIPT NUMBER [REDACTED]		CASE TYPE I765 APPLICATION FOR EMPLOYMENT AUTHORIZATION
RECEIVED DATE November 17, 2015	PRIORITY DATE	APPLICANT [REDACTED] C [REDACTED]
NOTICE DATE November 19, 2015	PAGE 1 of 2	
[REDACTED] C/O HER JUSTICE 100 BROADWAY FLR 10TH NEW YORK NY 10005		Notice Type: Receipt Notice Fee Waived Class requested: C14

This notice is to advise you of action taken on this case. The official notice has been mailed according to the mailing preferences noted on the Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative. Any relevant documentation was mailed according to the specified mailing preferences.

Receipt Notice- This notice confirms that USCIS received your application or petition ("this case") as shown above. **If any of the above information is incorrect, please immediately call 800-375-5283 to let us know.** This will help avoid future problems.

This notice does not grant any immigration status or benefit, nor is it evidence that this case is still pending. It only shows that the application or petition was filed on the date shown.

Processing time - Processing times vary by case type. You can check our website at www.uscis.gov for our current "processing times" for this case type at the particular office to which this case is or becomes assigned. On our website's "case status online" page, you can also view status or sign up to receive free e-mail updates as we complete key processing steps on this case. During most of the time this case is pending, however, our systems will show only that the case has been received, and the processing status will not have changed, because we will be working on other cases that were filed earlier than this one. We will notify you by mail, and show in our systems, when we make a decision on this case or if we need something from you. If you do not receive an initial decision or update from us within our current processing time, check our website or call 800-375-5283. Please save this notice, and any other notice we send you about this case, and please make and keep a copy of any papers you send us by any means, along with any proof of delivery to us. Please have all these papers with you if you contact us about this case.

If this case is an I-130 Petition - Filing and approval of a Form I-130, Petition for Alien Relative, is only the first step in helping a relative immigrate to the United States. The beneficiaries of a petition must wait until a visa number is available before they can take the next step to apply for an immigrant visa or adjustment of status to lawful permanent residence. To best allocate resources, USCIS may wait to process I-130 forms until closer to the time when a visa number will become available, which may be years after the petition was filed. Nevertheless, USCIS processes I-130 forms in time not to delay relatives' ability to take the next step toward permanent residence once a visa number does become available. If, before final action on the petition, you decide to withdraw your petition, your family relationship with the beneficiary ends, or you become a U.S. citizen, call 800-375-5283.

Applications requiring biometrics- In some types of cases USCIS requires biometrics. In such cases, USCIS will send you a SEPARATE appointment notice with a specific date, time and place for you to go to a USCIS Application Support Center (ASC) for biometrics processing. You must WAIT for that separate appointment notice and take it (NOT this receipt notice) to your ASC appointment along with your photo identification. Acceptable kinds of photo identification are: a passport or national photo identification issued by your country, a drivers license, a military photo identification, or a state-issued photo identification card. If you receive more than one ASC appointment notice, even for different cases, take them both to the first appointment.

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Please see the additional information on the back. You will be notified separately about any other cases you filed.

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Customer Service Telephone: (800) 375-5283



THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.

RECEIPT NUMBER EAC-[REDACTED]		CASE TYPE I765 APPLICATION FOR EMPLOYMENT AUTHORIZATION
RECEIVED DATE May 15, 2012	PRIORITY DATE	APPLICANT [REDACTED]
NOTICE DATE May 18, 2012	PAGE 1 of 2	
KLARA NG INMOTION INC 100 BROADWAY 10TH FL NEW YORK NY 10005		Notice Type: Receipt Notice Fee Waived Class requested: A20

Receipt Notice- This notice confirms that USCIS received your application or petition ("this case") as shown above. If any of the above information is incorrect, please immediately call 800-375-5283 to let us know. This will help avoid future problems.

This notice does not grant any immigration status or benefit, nor is it evidence that this case is still pending. It only shows that the application or petition was filed on the date shown.

Processing time - Processing times vary by case type. You can check our website at www.uscis.gov for our current "processing times" for this case type at the particular office to which this case is or becomes assigned. On our website's "case status online" page, you can also view status or sign up to receive free e-mail updates as we complete key processing steps on this case. During most of the time this case is pending, however, our systems will show only that the case has been received, and the processing status will not have changed, because we will be working on other cases that were filed earlier than this one. We will notify you by mail, and show in our systems, when we make a decision on this case or if we need something from you. If you do not receive an initial decision or update from us within our current processing time, check our website or call 800-375-5283. Please save this notice, and any other notice we send you about this case, and please make and keep a copy of any papers you send us by any means, along with any proof of delivery to us. Please have all these papers with you if you contact us about this case.

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Please see the additional information on the back. You will be notified separately about any other cases you filed.

U.S. CITIZENSHIP & IMMIGRATION SVCS

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Customer Service Telephone: (800) 375-5283



Please see the back of this notice for important information.

EXHIBIT/STEP 4: RECEIVE BIOMETRICS NOTICES

EXHIBIT/STEP 4: RECEIVE BIOMETRICS NOTICES

- A. Cover Page and Contents
- B. Biometrics Notices for Applicants Present in U.S.
 - i. Fingerprinting Instructions for Applicants in U.S.
 - ii. Sample Biometrics Appointment Notice at Notice of Action)
 - iii. Sample Application Information Worksheet (AIW) for Biometrics Appointment
- C. Biometrics Notices for Applicants Outside U.S.
 - i. Fingerprinting Instructions for Applicants Abroad
 - ii. Sample Overseas Biometrics Notice (Notice of Action)
 - iii. Sample Overseas Biometrics Response Cover Letter

**4.B. Biometric
Notices for
Applicants
Present in U.S.**

INSTRUCTIONS FOR HOW TO COMPLETE BIOMETRICS FOR APPLICANTS PRESENT IN THE U.S.

Biometrics is required of your client and any derivatives age 14 and older. If you have filed an I-918 petition for your client and any I-918A petitions for derivatives age 14 and older who are present in the U.S., you will receive a **Biometrics Notice** with a date and time for each individual to appear at an Application Support Center (ASC). The location of the ASC will be determined based on the address (city and state) listed for the client in the application.

It is important that the client and derivative beneficiaries attend this appointment promptly. A lawyer does not need to attend with the client.

To complete biometrics for your client and any derivatives age 14 and older who are present in the U.S., you should follow the instructions below.

- 1. Notify your client and Her Justice mentor immediately of the date, time, and location of biometrics appointments.**

Call your client to inform her of the date, time and location of the scheduled biometrics appointment. Confirm that your client can attend and schedule a meeting to meet briefly with your client *prior* to the biometrics appointment date.

Send your Her Justice mentor a PDF copy of any Biometrics Notices received.

If the client/derivatives cannot attend at the required time, it may be possible to appear at the ASC a few days before or after the appointment and ask for biometrics to be done at that time.

If it is necessary to reschedule the appointment, please follow the directions on the Biometrics Notice.

- 2. Complete Application Information Worksheet (AIW).**

During your client meeting, you must provide your client with an *original* Biometrics Notice. You should also complete with her the AIW form that accompanied the Biometrics Notice. Your client will need to take both the *original* Biometrics Notice and completed AIW form with her to her biometrics appointment.

- 3. Confirm Client/Derivatives attended ASC appointment and completed biometrics.**

On the day of their biometrics appointment, each individual will need to bring the following with them to their appointment:

- Original Biometrics Notice
- Completed AIW form
- Government-issued photo ID

NOTE: If the derivative does not have a government-issued photo ID, original birth certificates or school IDs have been deemed sufficient by some ASC officers.

After the biometrics appointment, confirm that the client/derivatives attended by seeking verbal confirmation and/or requesting a copy of the Biometrics Notice stamped by USCIS (photo of stamped notice sent via email or text message will suffice). Retain a copy of the stamped Biometrics Notice in your client's case file.

If your client or her derivatives were unable to attend their appointment, contact your Her Justice mentor to discuss next steps. If an appointment was missed, it is recommended that they go to their assigned ASC to try to complete biometrics within 1-2 weeks of their appointment date.

THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.

Important Information for Your Biometric Services Appointment

You have been scheduled for a biometric services appointment at an Application Support Center (ASC). Please note the following:

- Application Support Centers (ASC) offer biometrics collection services by appointment.
- You must have a scheduled appointment before arriving at an ASC.
- Your notice will provide specific instructions on what you should bring to your ASC appointment. You must also bring:
 - your printed ASC appointment notice (Form I-797C).
 - valid photo identification (such as your Green Card, passport, or driver's license)
 - the completed Applicant Information Worksheet (AIW) below
- If you received multiple biometrics appointment notices, please bring all notices to your appointment:
 - Interpreters, attorneys or those providing needed assistance if you are disabled are permitted to accompany you.
 - Family groups may appear together, even if they are scheduled for a different day.
 - Military members may appear without an appointment.
- If you arrive more than 15 minutes before your appointment, you may be asked to wait until your appointment time to be processed.
- On the day of your appointment, please check for office closures or delays here: www.uscis.gov/about-us/uscis-office-closings
- For more information for visiting USCIS facilities, please visit: www.uscis.gov/about-us/uscis-visitor-policy
- ASCs do not provide information services or case services relating to the status of applications. To track the status of an immigration application, petition, or request, visit: <https://egov.uscis.gov/casestatus/landing.do>

APPLICANT'S INFORMATION WORKSHEET (AIW)

NAME:

FIRST

MIDDLE

LAST

LIST ANY OTHER NAMES USED (MAIDEN NAME, PREVIOUS MARRIAGE, ALIAS, ETC.):

1)

FIRST

MIDDLE

LAST

2)

FIRST

MIDDLE

LAST

DATE OF BIRTH:

MONTH

DAY

YEAR

COUNTRY OF BIRTH:

COUNTRY OF CITIZENSHIP:

GENDER: (CHECK ONE)

- ☐ MALE
☐ FEMALE
☐ OTHER

RACE: (CHECK ONE)

- ☐ ASIAN
☐ BLACK
☐ CAUCASIAN/LATINO

- ☐ NATIVE AMERICAN
☐ UNKNOWN

EYE COLOR: (CHECK ONE)

- ☐ BLACK
☐ BLUE
☐ BROWN
☐ GRAY
☐ GREEN

- ☐ HAZEL
☐ MAROON
☐ MULTICOLOR
☐ PINK
☐ UNKNOWN

HAIR COLOR: (CHECK ONE)

- ☐ BALD
☐ BLACK
☐ BLOND OR STRAWBERRY
☐ BLUE
☐ BROWN
☐ GRAY
☐ GREEN

- ☐ ORANGE
☐ PINK
☐ PURPLE
☐ RED OR AUBURN
☐ SANDY
☐ WHITE
☐ UNKNOWN

HEIGHT:

OR

FEET/INCHES

CENTIMETERS

WEIGHT:

OR

POUNDS

KILOGRAMS

When you provide your digital signature, you will be attesting to the following:

I declare under penalty of perjury that I have reviewed and understand the document(s) identified by the receipt number displayed on the screen above, and that all the information in these materials is complete, true, and correct. This includes any:

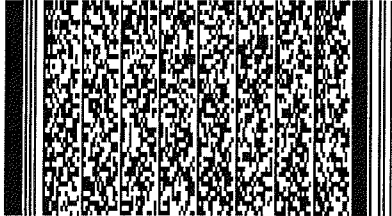
- application, petition, or request that I submitted;
- application, petition, or request that I provided on behalf of my derivative beneficiary;
- application, petition, or request that was submitted on my behalf; and
- supporting documents, applications, petitions, or requests filed with my application, petition, or request that I (or my attorney or accredited representative) filed with USCIS, or that was filed on my behalf.

RETURN "AIW" TO APPLICANT

THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.

ASC Appointment Notice		APPLICATION NUMBER EAC [REDACTED]	NOTICE DATE 1/30/2014
CASE TYPE I918 Application for U Nonimmigrant Status	SOCIAL SECURITY NUMBER	USCIS A# A [REDACTED]	CODE 3
	TCR	SERVICE CENTER ESC	PAGE 1 of 1

[REDACTED]
c/o SUSANNA EVE SAUL
HER JUSTICE
100 BROADWAY
NEW YORK, NY 10005-



To process your application, the U. S. Citizenship & Immigration Services (USCIS) must capture your biometrics.
PLEASE APPEAR AT THE BELOW APPLICATION SUPPORT CENTER AT THE DATE AND TIME SPECIFIED.
IF YOU FAIL TO APPEAR AS SCHEDULED, YOUR APPLICATION WILL BE CONSIDERED ABANDONED.

APPLICATION SUPPORT CENTER USCIS BROOKLYN 1260 - 1278 60TH STREET BROOKLYN, NY 11219	PLEASE READ THIS ENTIRE NOTICE CAREFULLY. DATE AND TIME OF APPOINTMENT 02/19/2014 2:00 PM
--	--

WHEN YOU GO TO THE APPLICATION SUPPORT CENTER TO HAVE YOUR BIOMETRICS TAKEN, YOU MUST BRING:

- 1. THIS APPOINTMENT NOTICE** and
- 2. PHOTO IDENTIFICATION.** Naturalization applicants must bring their Alien Registration Card. All other applicants must bring a passport, driver's license, national ID, military ID, or State-issued photo ID. If you appear without proper identification, your biometrics may not be taken.

CELL PHONES, CAMERAS, OR OTHER RECORDING DEVICES ARE NOT PERMITTED.

REQUEST FOR RESCHEDULING

☐ Please reschedule my appointment. Upon receipt of your request, you will be provided a new appointment notice. Make a copy of this notice for your records, then mail the original with your request to BPU, Alexandria ASC, Suite 100, 8850 Richmond Hwy, Alexandria, VA 22309-1586

APPLICATION NUMBER 1 1918 - EAC1408050268
--



If you have any questions regarding this notice, please call 1-800-375-5283.

WARNING!

Due to limited seating availability in our lobby area, only persons who are necessary to assist with transportation or completing the biometrics worksheet should accompany you.

If you have open wounds or bandages/casts when you appear, the USCIS may reschedule your appointment if it is determined your injuries will interfere with taking your biometrics.

Please see the back of this notice for important information.

4.C. Biometrics for Applicants Abroad

INSTRUCTIONS FOR HOW TO COMPLETE BIOMETRICS FOR APPLICANTS RESIDING OUTSIDE THE U.S.

Biometrics is required of all derivative petitioners residing abroad. If you have filed an I-918A for any derivative age 14 and older living outside the U.S., you will receive an **Overseas Biometrics Notice** requesting that the derivative be fingerprinted at a U.S. Embassy or consulate, or USCIS office overseas. The notice will indicate the **deadline** for USCIS to receive a response to the request for overseas biometrics. The Overseas Biometrics Notice may be accompanied by two (2) blank fingerprint cards (Form FD-258) and instructions on how to complete the fingerprint cards.

To complete biometrics for any derivatives age 14 and older living abroad, you should follow the instructions below:

1. Calendar the deadline and notify your Her Justice mentor and client immediately upon receipt of an Overseas Biometrics Notice.

Time is of the essence in responding to this notice. Please prioritize the notice you have received and send a scanned PDF copy of the notice to your Her Justice mentor to discuss next steps, potential issues, and suggested consulates.

Discuss with your client the response deadline, feasibility of having the derivative travel to the nearest U.S. Embassy/Consulate, the means by which she normally sends documents/packages to the derivative, and whether the derivative has access to email, a printer, and/or fax machine.

2. Determine which U.S. Embassy or Consulate is nearest to Derivative.

Go to: <http://www.usembassy.gov/> for a list of U.S. Embassies/Consulates listed by country and determine which location is nearest to where the derivative lives. You should consult with your mentor to see if such embassy/consulate is problematic for fingerprinting. You may need to research the U.S. Embassy or Consulate's website, or call the Embassy/Consulate directly, to confirm that fingerprinting services are offered on-site.

If fingerprinting services are offered, you will also need to determine if the U.S. Embassy or Consulate captures electronic/digital fingerprints or ink fingerprints. You may need to research the U.S. Embassy or Consulate's website, or call the Embassy/Consulate directly to confirm. You should also confer with your Her Justice mentor.

3. Schedule overseas biometrics appointment for Derivative.

Overseas biometrics appointments can be scheduled online at an overseas USCIS office (often located within or near a U.S. Embassy or Consulate) via the USCIS Infopass website (<https://my.uscis.gov/en/appointment/v2>) for the following countries:

- China (Beijing)
- China (Guangzhou)
- Cuba

- El Salvador –can also email El Salvador.uscis@uscis.dhs.gov to request appointment
- Guatemala- can also call (502) 2354-0762 or email Guatemala.uscis@uscis.dhs.gov to request appointment
- Honduras
- India
- Kenya
- Mexico (Mexico City only)

NOTE: List above is non-exhaustive. Biometrics completed at an overseas USCIS office will generally be captured electronically/digitally with the fingerprints sent directly to USCIS (Form FD-258 fingerprint cards not needed).

For all other countries, call or email the Nonimmigrant Visa (NIV) section of the consulate and request an appointment for the derivative to be fingerprinted. Confirm with the consular officer whether the fingerprint cards will be given back to the applicant in an envelope for the applicant to mail to USCIS, or whether the fingerprints will be mailed directly to USCIS.

If you are not receiving a prompt response to your attempts to contact the consulate, please contact your Her Justice mentor for advice.

Notify your client and derivative (if direct contact is possible) of the date and time of the biometrics appointment immediately.

4. Send necessary documents to Derivative in order for them to complete biometrics abroad.

The derivative will need the following documents in order to complete biometrics abroad:

- **Original Overseas Biometrics Notice**, or printout of PDF printed on blue paper
- **Biometrics appointment confirmation** (printout of Infopass appointment or email from U.S. Embassy/Consulate with date and time of appointment)
- *If ink fingerprints are captured:* Two (2) fingerprint cards (Form FD-258), manila envelope, and prepaid express return envelope

If the documents cannot be sent electronically to the derivative, or if the derivative is not able to print or receive faxed documents, you will need to send the documents to the derivative via express mail. Using a courier or delivery service recommended by your Her Justice mentor or your client, send the documents to the derivative and confirm delivery with the courier service.

If the U.S. Embassy/Consulate does not send fingerprints directly to USCIS, be sure to include with your mailing an express return envelope with your name, address, and pre-paid mailing costs for the derivative to return the original fingerprint cards to you, or arrange with your client to have the original fingerprint cards returned to you as soon as possible.

5. Confirm Derivative attended fingerprinting appointment and completed biometrics.

On the day of their biometrics appointment, the derivative will need to bring the following with them to their appointment:

- Original Overseas Biometrics Notice
- Biometrics Appointment Confirmation
- Government-issued photo ID
- *If ink fingerprints are captured:* Two (2) fingerprint cards (Form FD-258) and manila envelope

NOTE: If the derivative does not have a government-issued photo ID, original birth certificates or school IDs have been deemed sufficient by some U.S. Embassies/Consulates.

After the derivative's overseas biometrics appointment, confirm that the derivative attended by seeking verbal confirmation from your client or the derivative and/or requesting a copy of any documents that were stamped and returned to the derivative (photos of documents by email or text message may be acceptable). If ink fingerprints were captured, instruct your client or derivative to keep the manila envelope sealed and to return the envelope containing original fingerprint cards to you in the prepaid express return envelope, or via a courier or delivery service that will be able to promptly deliver the envelope to you. The manila envelope containing original fingerprint cards must remain sealed at all times.

If the derivative was unable to attend their appointment, contact the NIV section immediately to make alternate arrangements.

6. Submit response to Overseas Biometrics Notice *prior* to deadline.

If the derivative sent back to you the manila envelope containing original fingerprint cards, be sure to mail the sealed envelope, along with a cover letter and the original Overseas Biometrics Notice requesting fingerprints, via trackable mail to USCIS prior to the notice deadline.

If electronic/digital fingerprints were captured and are to be sent directly to USCIS by the U.S. Embassy/Consulate, you should submit a response to USCIS prior to the notice deadline. The response should consist of a cover letter confirming timely completion of biometrics, original Overseas Biometrics Notice, and proof of biometrics appointment attendance (i.e, stamped appointment notice, Infopass appointment confirmation).

Email the Vermont Service Center U Visa Hotline at HotlineFollowUpI918I914.VSC@uscis.dhs.gov about 2-3 weeks after submitting your response to confirm that fingerprints – whether captured electronically/digitally or by ink – were received by USCIS.

If the derivative is unlikely to complete biometrics by the notice deadline, contact your Her Justice mentor to discuss next steps, including emailing the Vermont Service Center U Visa Hotline at HotlineFollowUpI918I914.VSC@uscis.dhs.gov to explain the circumstances and to

request that a new Overseas Biometrics Notice be reissued to give the derivative additional time to complete biometrics.

Applicant A# A [REDACTED]		Application/Petition I-918 Sup A For Qualifying Fam Mem of U1 Recipient	
Receipt # VTU [REDACTED]		Principal Applicant [REDACTED]	
Notice Date January 30, 2014	Page 1	Derivative Applicant [REDACTED]	

[REDACTED]
C/O HER JUSTICE
ATTN SUSANNA EVE SAUL
100 BROADWAY
NEW YORK NY 10005

IMPORTANT: THIS NOTICE CONTAINS YOUR UNIQUE NUMBER AND MUST BE RESUBMITTED IN THE ORIGINAL WITH THE REQUESTED INFORMATION. WHEN YOU HAVE COMPLIED WITH THE INSTRUCTIONS ON THIS FORM, RESUBMIT THIS NOTICE AND ALL REQUESTED DOCUMENTS AND/OR INFORMATION.

1. YOUR RESPONSE MUST BE RECEIVED IN THIS OFFICE ON OR BEFORE **April 24, 2014**.
2. REGULATIONS REQUIRE THAT THE REQUESTED EVIDENCE BE SUBMITTED WITHIN 12 WEEKS.
3. ALL DOCUMENTATION REQUESTED SHOULD BE SUBMITTED TOGETHER.

YOUR PETITION MAY BE DENIED IF YOU FAIL TO RESPOND TO THIS REQUEST.

To continue processing this petition for you or your family member, U.S. Citizenship and Immigration Services (USCIS) must first conduct a criminal record check with the Federal Bureau of Investigation. To do this, [REDACTED] [REDACTED]'s fingerprints must be taken. The petition was either not received with a completed fingerprint card or the fingerprint card submitted could not be used.

Because you or your family member currently resides outside of the United States, the fingerprints may be taken by the nearest overseas USCIS office, U.S. Consulate, or U.S. military installation.

INSTRUCTIONS for Overseas USCIS Office, U.S. Consulate or U.S. Military Installation:

Enclosed with this notice are two blank fingerprint cards (Form FD-258) with instructions on the back to be used by the person that takes the fingerprints of your family member. The person taking the fingerprints will complete the information on the fingerprint card. Once the fingerprints have been taken, the person who took the fingerprints must seal the completed FD-258 in an envelope and affix his or her signature across the seal of the envelope. The completed FD-258 must be returned to this office with a copy of this notice attached to the sealed envelope.

You will be notified separately about any other applications or petitions you filed. Please enclose this original notice with your response. You may wish to make a copy of it for your records. If you write to us about this case, or if you file another application based on this decision, please enclose a copy of this notice. Our address is:

U.S. CITIZENSHIP AND IMMIGRATION SERVICES
VERMONT SERVICE CENTER
75 LOWER WELDEN STREET
ST. ALBANS, VT 05479-0001

HSL

**SAMPLE COVER LETTER FOR RESPONSE TO OVERSEAS BIOMETRICS
NOTICE**

March 10, 2024

VIA FEDEX

TRACKING NUMBER xx-xxxxxxx

United States Citizenship and Immigration Services
Vermont Service Center
Attn: I-918
38 River Road
Essex Junction, VT 05479-0001

Re: Response to Request for Fingerprints for Pending I-918A Petition

Principal Petitioner : Carla CLIENT
A-No. : 123-456-789
I-918 Receipt No. : EACXXXXXX

Derivative Beneficiary : Jose DERIVATIVE
A-No. : 123-456-790
I-918A Receipt No. : EACXXXXXX

Dear USCIS Officer:

My office represents Carla Client (Principal Petitioner) and her child Jose Derivative (Derivative Beneficiary) who resides abroad in Guatemala. On February 6, 2024, your office issued an Overseas Biometrics Notice requesting that Jose be fingerprinted abroad at an overseas USCIS office or U.S. Embassy or Consulate. The deadline for a response is May 1, 2024.

On March 8, 2024, Jose timely completed biometrics by attending an overseas fingerprinting appointment at the U.S. Embassy in Tegucigalpa.

Attached in response to the request for fingerprints, please find the following:

- Overseas biometrics notice (attached as cover)
- Copy of Infopass appointment confirmation, stamped by U.S. Embassy

Given the completion of biometrics for the Derivative Beneficiary abroad, please continue to process the I-918A petition for Jose Derivative.

Sincerely,

Alice Attorney
Associate
Law Firm Extraordinaire

Encl.

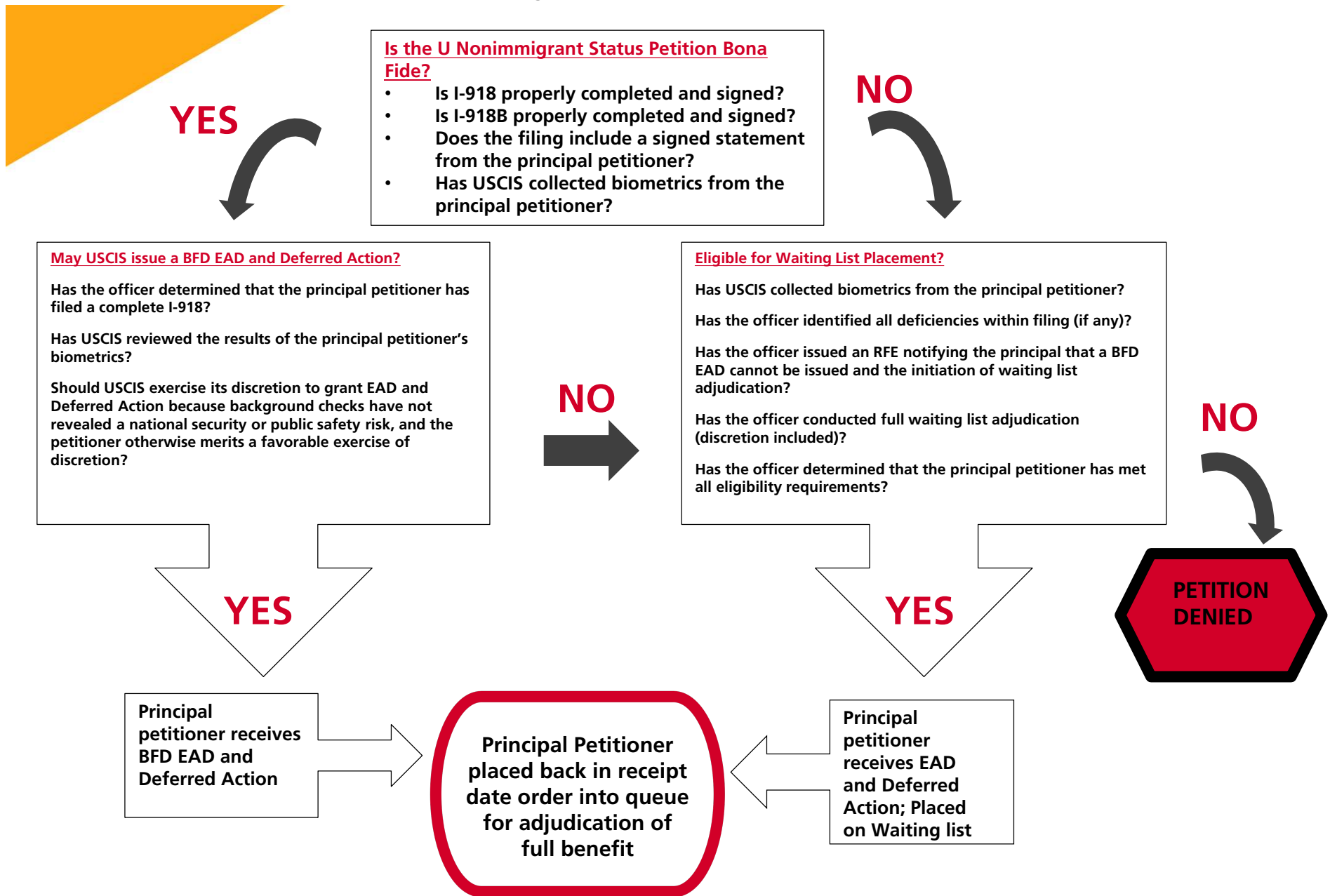
**EXHIBIT 5: RECEIVE
BONA FIDE
DETERMINATION
NOTICE & C14
EMPLOYMENT
AUTHORIZATION
DOCUMENT**

EXHIBIT/STEP 5: RECEIVE BONA FIDE DETERMINATION NOTICE & C14 EMPLOYMENT AUTHORIZATION DOCUMENT

- (A) Cover Page and Contents
- (B) Bona Fide Determination (BFD)
 - (i) *Figure 3. BFD Process Flowchart*
 - (ii) Instructions Upon Receipt of BFD Notice & C14 EAD
 - (iii) Sample Cover Letter to Client (English and Spanish):
BFD, Deferred Action, and C14 EAD Issuance -
Continued Representation
 - (iv) Sample BFD Notice (Form I-797, Notice of Action)
 - (v) Sample Informational Waitlist Notice
- (C) Initial Employment Authorization Document (EAD) Under
Category (c)(14)
 - (i) Sample Reminder Notice to Client for EAD Renewal
 - (ii) Sample I-765 Approval Notice (Form I-797, Notice of
Action)
 - (iii) Sample C14 EAD & Social Security Card
- (D) Maintaining Communication with or Representation of Your
Client
 - (i) Client Post-Filing Questionnaire

5.B. BONA FIDE DETERMINATION (BFD)

Figure 3. BFD Process Flowchart



INSTRUCTIONS UPON RECEIPT OF BONA FIDE DETERMINATION (BFD)
NOTICE AND EMPLOYMENT AUTHORIZATION DOCUMENT (EAD)
UNDER CATEGORY C14, DEFERRED ACTION

Now that your client has received a BFD notice on Form I-797C, Notice of Action, please follow the following steps:

1. Await the receipt of your client's corresponding C14 EAD and I-765 Approval Notice on Form I-797, Notice of Action

Shortly after receiving a BFD notice, you should receive a corresponding approval notice of Form I-765 under category C14 and your client's new C14 EAD. If you have not received the EAD within 2-4 weeks of the BFD, you should submit an inquiry to USCIS via the email hotline.

NOTE: Sometimes, you may receive an I-765 approval notice and/or C14 EAD before a BFD notice. If this happens, you should wait for the BFD notice and submit an inquiry to USCIS via the email hotline if the BFD notice is not received within 2-4 weeks of the EAD.

2. Notify your Her Justice mentor and send PDF copy of BFD, C14 EAD, and I-765 approval notice.

Please notify your Her Justice mentor upon receipt of a BFD notice, C14 EAD or I-765 approval notice and send PDF copies of the documents to your mentor. You should discuss with your mentor any notices/cards that have not yet been received and the steps to submit a case inquiry via the VSC email hotline.

You should also confirm if your firm will continue to represent the client in her pending U nonimmigrant status petition or the possibility of transferring your client's case to Her Justice. Any termination of representation at the BFD stage should be done in close collaboration with Her Justice. See, Sample Termination Letter for Transfer of BFD Case to Her Justice.

3. Notify your client.

You should prepare a letter to your client with important information about the BFD, deferred action, and newly issued C14 EAD. See, Sample Cover Letter to Client: BFD, Deferred Action and C14 EAD (English & Spanish) and contact her to schedule a brief meeting for the transfer of documents.

During this meeting, you should review with her the information about a BFD, deferred action, and C14 EAD and provide her with the original notices and EAD. You should also

take the opportunity to check-in with your client regarding her current contact information and the circumstances of herself and her derivatives.

If you have discussed case transference with your Her Justice mentor, you should also terminate representation during this meeting and provide your client with a termination letter and copy of her entire case file. See, [Sample Termination Letter for Transfer of BFD Case to Her Justice](#).

SAMPLE COVER LETTER TO CLIENT: BONA FIDE DETERMINATION, DEFERRED ACTION, & C14 EAD ISSUANCE

[Date]

Re: **Bona Fide Determination on Pending I-918 Petition for U Nonimmigrant Status, Grant of Deferred Action, and Issuance of Employment Authorization Document Under Category (c)(14)**

Dear Mx. _____,

The U.S. Citizenship and Immigration Service (USCIS) has issued a Bona Fide Determination Notice on your pending I-918, Petition for U Nonimmigrant Status, and approved your I-765, Application for Employment Authorization, under category (c)(14). As a result, USCIS has now granted you “deferred action” for a period of four (4) years.

Please read the following information carefully regarding the Bona Fide Determination and deferred action on your case:

Bona Fide Determination

- “Bona Fide Determination” means that you have met certain basic procedural requirements of your petition for U Nonimmigrant Status (U Visa), specifically that your paperwork has been preliminarily and properly completed and that the background check based on your fingerprints revealed no criminal history. A Bona Fide Determination is not a substantive review of your pending U Visa petition. USCIS has not yet fully reviewed or made a final decision about your eligibility for a U Visa.
- A Bona Fide Determination does not guarantee that your petition will be approved in the future. Your U Visa petition remains pending a final decision of eligibility that will be made when an actual U visa is available. By law, USCIS can only issue 10,000 U visas per year and your petition will remain in the queue for processing until there is a visa available to you based on your date of filing. USCIS will process U visa petitions in order of receipt.

Changes in Circumstances and Contact Information

- At any time in the future, USCIS could request further information from you. It is also possible that USCIS will not do anything on your case for several years given the limited availability of U visas. It is extremely important that you contact me every 6 months to check in. I must be able to communicate with you in case I receive anything from USCIS regarding your case.

- **You must notify me if you change your address or phone number.** I will receive additional notices from USCIS. If I cannot contact you, I cannot make you aware of important information about your case or act on your behalf. You may lose certain rights if I am unable to communicate with you about your case.
- Should you move to a new residence, please be aware that U.S. federal law requires that you file a change of address form within 10 days of moving.
- **Being arrested, cited, charged, or convicted of any crime or violation of local, state or federal law may have a detrimental effect on your U Visa petition.** Should you be arrested, cited, or charged with any crime we recommend that you *make your criminal defense lawyer aware of your immigration status and of your plans to apply for lawful permanent resident status in the United States in the future should you be approved for a U nonimmigrant status.*
- You should notify me of any arrests or encounters with law enforcement and keep records of any criminal or immigration proceedings that follow. Any arrests may adversely impact your pending U Visa petition. You should work with a separate attorney to help defend you in these proceedings and keep me informed of the outcome.

Deferred Action

- While your petition is pending, USCIS has granted you “deferred action.” Deferred action is not a legal status. Rather, deferred action is an exercise of discretion in which USCIS recognizes your presence in the U.S. and defers to refer you for removal/deportation for a limited period of time while your petition is pending or until deferred action is revoked.
- Deferred action provides you with temporary protection from removal/deportation. Your period of deferred action is valid for 4 years and must be renewed prior to expiration.

Work Authorization

- Under deferred action, you are now eligible for work authorization and an Employment Authorization Document (EAD) or “work permit” has now been issued as proof of deferred action and eligibility for employment.
- **Your EAD is valid for 4 years – from _____ to _____.** You must renew your EAD prior to expiration. The renewal of your EAD also renews your deferred action.
- Please contact me by phone at _____ or email at _____ at least 6 months before your EAD expires to discuss EAD renewal. If you are unable to contact me directly because I am no longer with the firm, please call my office’s main number

at _____ to identify yourself as a client and request to speak to the pro bono department.

- Now that you have an EAD, you are now eligible to receive a social security number. A social security card [was/was not] requested as part of your I-765 application.
 - *If SS card was requested on I-765:* Enclosed along with your Bona Fide Determination Notice and EAD is your new social security card with social security number.
 - *If SS card was not requested on I-765:* You will need to apply for a social security card at a local Social Security Administration (SSA) office. Note that if you are a resident of Brooklyn or Queens, you must apply through the SSA office in your borough of residence. You will need to complete an application and bring your EAD with you. You may access more information at the Social Security Administration web site at www.ssa.gov.
- With your EAD, you may also apply for a New York State ID or a New York State driver's license. You may access more information at the New York State Department of Motor Vehicle web site at <http://www.nydmv.state.ny.us>.

Travel Limitations

- **Please be advised that you are not authorized to travel outside of the United States.** If you travel outside of the United States, you may not be able to lawfully re-enter. If there is an emergency and you believe that you must leave the United States, please contact me as soon as possible *before* you leave to discuss immigration consequences.
- If you have derivative family members abroad, there is currently no process for your derivative family members to lawfully enter the U.S. at this time. A Bona Fide Determination and grant of deferred action does not confer upon your derivative family members the right to enter the U.S. Your derivative family members can only enter the U.S. lawfully with a valid visa or an approved parole application.
- Please be advised that you must wait until you have been granted U nonimmigrant status and USCIS has made a final decision on your case to begin the process of bringing your derivative family members to the U.S. with a valid U visa.
- Please be sure to inform me of any changes to residency of your derivative family members with pending I-918A U Visa petitions. ***If your family member is no longer in the U.S. or has entered the U.S., please notify me as soon as possible as this may affect their pending U Visa petition.***
- Congratulations on your Bona Fide Determination and grants of deferred action and employment authorization!

Sincerely,

[Name]

[Title]

Encl.

[Fecha]

Re: **Determinación de Autenticidad de Su Petición de Estatus U de No Inmigrante en Formulario I-918 Pendiente, Otorgamiento de Acción Diferida, y Emisión del Permiso de Trabajo Bajo la Categoría de (c)(14)**

Estimada _____,

Los Servicios de Ciudadanía e Inmigración de los EE.UU. (USCIS) emitió un aviso de Determinación de Autenticidad, o Determinación de Buena Fe (BFD), en su Petición de Estatus U de No Inmigrante en Formulario I-918 pendiente y aprobó su Solicitud de Autorización de Empleo en Formulario I-765, bajo la categoría de (c)(14). Consecuentemente, USCIS le otorgó la “acción diferida” por un periodo de cuatro (4) años.

Favor de leer bien la información siguiente sobre la Determinación de Autenticidad, o de Buena Fe, y la acción diferida que se pertenece a su caso:

Determinación de Autenticidad, o Buena Fe

- “Determinación de buena fe” significa que ha cumplido ciertos requisitos procesales de su petición de estatus de no inmigrante U (la visa U), específicamente que el papeleo preliminar está completo y que la verificación de huellas no mostró una historia de delitos. Una determinación de buena fe no es una revisión sustantiva de su petición pendiente. USCIS no ha revisado detalladamente ni ha tomado una decisión final sobre su elegibilidad para la visa U.
- Una determinación de buena fe no garantiza que su petición va a estar aprobada en el futuro. Su petición para la visa U permanece pendiente de una decisión final de elegibilidad que ocurrirá en el futuro cuando hay una visa U oficial disponible. Por ley, USCIS solamente puede otorgar 10,000 visas U cada año y su petición permanece pendiente en la fila de procesamiento hasta que hay una visa disponible a usted basado en la fecha de su petición. USCIS procesa las peticiones de la visa U según el orden de recibo.

Cambio de Circunstancias y de su Información de Contacto

- En cualquier momento en el futuro, USCIS podría solicitarle más información. También es posible que USCIS no haga nada en su caso durante varios años dado la disponibilidad limitada de visas U oficiales. Es extremadamente importante que se comunique conmigo cada 6 meses para registrarse. Debo poder comunicarme con usted en caso de que reciba algo de USCIS con respecto a su caso.

- **Usted me debe notificar si cambia de dirección o número de teléfono.** Es posible que reciba avisos adicionales de USCIS, incluyendo una petición por pruebas adicionales o el aviso de aprobación de la visa U. Si no puedo contactarla, no puedo darle a conocer información importante sobre su caso o actuar en su nombre. Puede perder ciertos derechos si no puedo comunicarme con usted sobre su caso.
- Si usted se muda a un domicilio nuevo, por favor tenga en cuenta que la ley federal de EE.UU. requiere que usted presente un formulario de cambio de dirección dentro de los primeros 10 días de haberse mudado.
- **Ser arrestado, detenido, citado, acusado o condenado de algún delito o violación de la ley local, estatal o federal puede tener un efecto perjudicial en su petición para la visa U,** y cualquier estatus migratorio en el futuro. En caso de ser arrestada, detenido, citada, o acusada de algún delito, se recomienda que *discute con su abogado de defensa criminal su estatus migratorio y sus planes futuros para solicitar la residencia permanente legal en los Estados Unidos si su petición para la visa U esté aprobada.*
- Debe notificarme de algunos arrestos o enfrentamientos con la policía o las autoridades, y mantenga los documentos sobre los procedimientos criminales o migratorios que resulta. Algunos arrestos pueden afectar negativamente su petición pendiente. Debe trabajar con otro abogado para defenderle contra cualesquiera cargos e informarme de la disposición del caso.

Acción Diferida

- Mientras que su petición está pendiente, USCIS le ha otorgado la “acción diferida.” La acción diferida no es un estatus legal. Más bien, la acción diferida es un ejercicio de discrecionalidad de USCIS por lo cual el gobierno reconoce su presencia en los EE.UU y aplaza de referirle para la deportación por un periodo de tiempo limitado mientras que su petición está pendiente, o hasta la acción diferida está revocada.
- La acción diferida le da protección temporal contra la deportación. Su periodo de acción diferida está válido por 4 años y tiene que ser renovada antes de vencimiento.

Permiso de Trabajo

- Bajo la acción diferida, ahora está elegible para un permiso de trabajo y está autorizada trabajar. Su permiso de trabajo emitido sirve como comprobante de su acción diferida y habilidad de trabajar legalmente en los EE.UU.

- **Su permiso de trabajo está válido por 4 años – desde ____ hasta ____.**
Tiene que renovar su permiso de trabajo antes de la fecha de vencimiento. La renovación de su permiso de trabajo también renueva su acción diferida.
- Por favor, póngase en contacto conmigo por teléfono a _____ o por email a _____ por lo menos 6 meses antes de que su permiso de trabajo se vence para discutir la renovación. Si no puede contactarme directamente porque ya no trabajo por el bufete legal, favor de llamar la línea principal de mi oficina a _____ e identificar si misma como cliente y que quiere hablar con el departamento pro bono.
- Ahora que tiene un permiso de trabajo, usted está elegible para solicitar un número de seguro social. Una pedida por una tarjeta de seguro social [*fue/no fue*] incluida en su solicitud del permiso de trabajo en Formulario I-765.
 - *Si tarjeta de SS fue incluida en I-765:* Adjuntado con su aviso de Determinación de Buena Fe y su permiso de trabajo es su nueva tarjeta de seguro social con su número de seguro social.
 - *Si tarjeta de SS no fue incluida en I-765:* Tiene que aplicar por una tarjeta de seguro social personalmente en una oficina local de Administración de Seguro Social (SSA). Tenga en cuenta que si usted es residente de Brooklyn o Queens, debe solicitar un número de seguro social la oficina SSA en su condado de residencia. Tendrá que cumplir una aplicación y traer su permiso de trabajo en la oficina SSA. Puede acceder más información en el sitio web de SSA en www.ssa.gov.
- Con su permiso de trabajo, también puede solicitar una identificación estatal o una licencia de conducir. Puede acceder más información en el sitio web del Departamento de Vehículos Motorizados (DMV) del Estado de Nueva York en <http://www.nydmv.state.ny.us>.

Restricciones a los Viajes al Extranjero

- **Por favor, tenga en cuenta que no tiene autorización para viajar fuera de los Estados Unidos.** Si viaja fuera de los Estados Unidos, es posible que no pueda volver a entrar legalmente al país. Si hay una emergencia y usted cree que debe salir de los Estados Unidos, póngase en contacto conmigo tan pronto que sea posible *antes* de salir para discutir las consecuencias migratorias.
- Si tiene miembros de su familia en el extranjero que son derivados/beneficiarios de su petición, no existe un proceso para que sus parientes puedan entrar legalmente en este momento. Una Determinación de Autenticidad y la acción diferida no les confiere a sus derivados/beneficiarios el derecho de entrar a los EE.UU. Sus parientes solamente pueden entrar legalmente con una visa válida o una solicitud aprobada del permiso humanitario.

- Debe tener en cuenta que tiene que esperar hasta que USCIS haya hecho una decisión final en su caso y le haya otorgado el estatus U de no inmigrante hasta que pueda comenzar el proceso consular para reunificarse con sus derivados/beneficiarios en los EE.UU con visas U válidos en sus pasaportes.
- Asegúrese de avisarme de cualesquier cambios de domicilio de su derivado/beneficiario con una petición para la visa U pendiente en Formulario I-918A. ***Si su derivado/beneficiario ya no está presente en los EE.UU o se ha entrado al país, debe notificarme lo más pronto posible porque puede afectar la petición pendiente de ellos.***

Felicidades en su Determinación de Autenticidad y otorgamiento de la acción diferida y permiso de trabajo!

Atentamente,

[Nombre]

[Título]

Adj.



Receipt Number [REDACTED]		Case Type I918 - PETITION FOR U NONIMMIGRANT STATUS
Received Date 11/04/2022	Priority Date	Applicant A [REDACTED]
Notice Date 12/15/2023	Page 1 of 1	Beneficiary A [REDACTED]
[REDACTED] c/o [REDACTED] NEW YORK NY 10001		Notice Type: Bona Fide Determination Notice

CORRESPONDENCE

On 11/04/2022, you submitted a Form I-918, Petition for U Nonimmigrant Status. As the statutory cap for U-1 nonimmigrant status has been reached for this fiscal year, U.S. Citizenship and Immigration Services (USCIS) may not grant U-1 nonimmigrant status to any petitioner until new visas become available. Under 8 U.S.C. 1184(p)(6) and 1103(a), the Department of Homeland Security (DHS) may conduct a bona fide determination, and if warranted as a matter of discretion, provide employment authorization and deferred action.

At this time, the evidence demonstrates your petition for U nonimmigrant status is bona fide, and you warrant a favorable exercise of discretion to receive employment authorization and deferred action. Because USCIS has determined your petition is bona fide and you warrant a favorable exercise of discretion, you may be issued an employment authorization document and may be placed in deferred action. Deferred action is an act of administrative convenience to the government which gives some cases lower priority for removal.

Under 8 U.S.C. 1184(p)(6), if USCIS determines your petition is bona fide, you may submit a Form I-765, Application for Employment Authorization with this office. USCIS grants employment authorization based on the bona fide determination and favorable exercise of discretion described above under 8 U.S.C. 1184(p)(6), as well as under 8 CFR 274a.12(c)(14), which gives the agency the authority to provide employment authorization to noncitizens placed in deferred action. You filed a Form I-765 based on your pending Form I-918, which USCIS has determined is bona fide. Please be aware that your currently filed Form I-765 will be adjudicated as if it were filed under 8 CFR, section 274a.12(c)(14). You will receive separate correspondence regarding the adjudication of your Form I-765.

Priority for the issuance of U nonimmigrant status will be determined by the date the petition was received by USCIS. Once a visa is available to you, USCIS will determine your eligibility for U nonimmigrant status, and whether you are admissible to the United States.

If you are represented by an attorney, all further correspondence should be accompanied by Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative.

This notice does not constitute valid U nonimmigrant status or employment authorization, and may not be used to demonstrate legal immigration or employment status.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

USCIS encourages you to sign up for a USCIS online account. To learn more about creating an account and the benefits, go to <https://www.uscis.gov/file-online>.

Vermont Service Center
U.S. CITIZENSHIP & IMMIGRATION SVC
38 River Road
Essex Junction VT 05479-0001

USCIS Contact Center: www.uscis.gov/contactcenter



June 2, 2020

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
75 Lower Welden St.
St. Albans, VT 05479



U.S. Citizenship
and Immigration
Services

[REDACTED]
[REDACTED]
[REDACTED]
MIAMI, FL 33166

[REDACTED]
EAC [REDACTED]

RE: [REDACTED]
I-918, Petition for U Nonimmigrant Status

[REDACTED]
A [REDACTED]

INFORMATIONAL

Dear Sir or Madam:

On December 9, 2015, you submitted a Form I-918, Petition for U Nonimmigrant Status. At this time, the evidence submitted with your petition appears to demonstrate that you have established the eligibility requirements for U nonimmigrant status. However, the statutory cap for U-1 nonimmigrant status has been reached for this fiscal year. Therefore, U.S. Citizenship and Immigration Services (USCIS) may not grant U-1 nonimmigrant status to any petitioner until new visas become available.


As the fiscal year limit is the sole reason you cannot be granted U-1 nonimmigrant status, your petition is being placed on a waiting list. Once new visas become available, USCIS will issue approval notices for those cases on the waiting list provided that the petitioner remains admissible to the United States and otherwise eligible for U nonimmigrant status. Priority for the issuance of approval notices will be determined by the date the petition was received by USCIS.

You have been placed in deferred action as permitted by regulation. Deferred action is an act of administrative convenience to the government which gives some cases lower priority for removal. Being placed in deferred action makes you eligible for work authorization during the validity period of deferred action.

Under Title 8 Code of Federal Regulations, section 274a.12(c)(14), an alien who is under deferred action is eligible to submit a Form I-765, Application for Employment Authorization with this office. In order to receive employment authorization, the alien must establish an economic necessity for employment. The alien must provide information regarding his or her assets, income and expenses in accordance with the instructions on the Form I-765.

If you are represented by an attorney, all further correspondence should be accompanied by Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative.

**5.C. Initial
Employment
Authorization
Document (EAD)
Under Category
(c)(14)**



Your employment authorization ("work permit") expires on _____(date).

Please call me on or before _____
(120 days before expiration date) so that we
can prepare an application to renew your
employment authorization.

My phone number is: _____

I-797 | NOTICE OF ACTION | DEPARTMENT OF HOMELAND SECURITY
U.S. CITIZENSHIP AND IMMIGRATION SERVICES

Receipt Number EAC [REDACTED]	USCIS Account Number	Case Type I765 - APPLICATION FOR EMPLOYMENT AUTHORIZATION
Received Date 11/05/2019	Priority Date	Applicant A [REDACTED]
Notice Date 12/21/2023	Page 1 of 1	

[REDACTED]
c/o [REDACTED]
[REDACTED]
NEW YORK NY 10004

Notice Type: Approval Notice
Class: C14
Valid from 12/21/2023 to 12/20/2027

We have approved your application for employment authorization. We will send your Employment Authorization Document (EAD) (also known as an EAD card or Form I-766) to you separately. Your EAD card should be produced within one to two weeks. Your EAD card will be mailed via U.S. Postal Service (USPS) Priority Mail with Delivery Confirmation to the address you designated. The time frame in which you will receive your EAD card may vary, depending on USPS delivery times. Please allow a total of 30 days from approval before inquiring with USCIS. We encourage you to use Case Status Online <https://egov.uscis.gov/> to find your USPS tracking number for EAD card delivery. If you have not received your EAD card within this time frame, please visit <https://egov.uscis.gov/e-request/Intro.do> for instructions on how to submit an inquiry.

Your EAD card is proof that you are allowed to work in the United States. Show the card to your employer to verify your authorization to work during the dates on the card. You cannot use this approval notice as proof of your employment authorization.

When you receive your EAD card, please check that all the information on the card is correct. If you need to change any information on the card, please mail all of the following to the office listed below:

- A letter explaining what information needs to be corrected,
- Your EAD card,
- A photocopy of this notice, and
- Evidence to show what the correct information should be. For example, if you need to correct your name, submit a copy of your birth certificate or official name change.

If You Have a Pending Form I-485

If you have a pending or approved Form I-140 and a pending Form I-485, you may request to change employers if your Form I-485 has been pending for at least 180 days. In order to do so, you need to submit documentation about your new job offer. For more information on how to request a change of employers and what information you must submit, please visit the USCIS website at www.uscis.gov.

If your EAD card expires before we make a final decision on your Form I-485, you may apply for a new EAD card.

THIS FORM IS NOT A VISA AND MAY NOT BE USED IN PLACE OF A VISA OR EVIDENCE OF EMPLOYMENT AUTHORIZATION.

NOTICE: Although this application or petition has been approved, USCIS and the U.S. Department of Homeland Security reserve the right to verify this information before and/or after making a decision on your case so we can ensure that you have complied with applicable laws, rules, regulations, and other legal authorities. We may review public information and records, contact others by mail, the internet or phone, conduct site inspections of businesses and residences, or use other methods of verification. We will use the information obtained to determine whether you are eligible for the benefit you seek. If we find any derogatory information, we will follow the law in determining whether to provide you (and the legal representative listed on your Form G-28, if you submitted one) an opportunity to address that information before we make a formal decision on your case or start proceedings.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

USCIS encourages you to sign up for a USCIS online account. To learn more about creating an account and the benefits, go to <https://www.uscis.gov/file-online>.

Vermont Service Center
U.S. CITIZENSHIP & IMMIGRATION SVC
38 River Road
Essex Junction VT 05479-0001



USCIS Contact Center: www.uscis.gov/contactcenter

IMPORTANT INFORMATION – SAVE THIS NOTICE

Use this tear-off portion to speed your application for an extension or replacement card.

A# [REDACTED]

Scan QR for more
information on
your card, rights,
and benefits.



UNITED STATES OF AMERICA
EMPLOYMENT AUTHORIZATION

GOMEZ CHAN ZNGR30 11-ABR 1972

Surname [REDACTED]
Given Name [REDACTED]
UACIS# [REDACTED] Category Card# C14 [REDACTED]
Country of Birth Guatemala
Terms and Conditions None
Date of Birth [REDACTED] Sex F
Valid From 01/02/23
Card Expires 01/01/27
NOT VALID FOR REENTRY TO U.S.

RECEIPT # [REDACTED]



CARD # [REDACTED]



Help USCIS Serve You Better

We recommend that you keep this notice for your records. It has important information.

The tear-off portion of this notice can help speed your application for an extension or replacement card. When you file for another card, we recommend you attach the tear-off portion to your completed application.

Keep this stub with your personal records. The other side contains important information.

Please note: The date we issued this card is shown below the signature line.



NEW YORK NY 10022-7615

YOUR SOCIAL SECURITY CARD

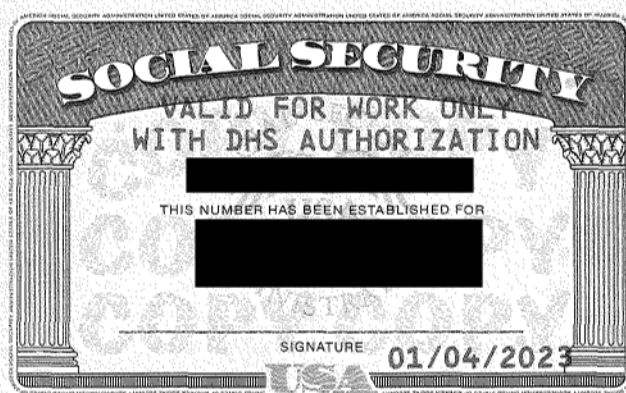
ADULTS: Sign this card in ink immediately.

CHILDREN: Do not sign until age 18 or your first job, whichever is earlier.

Keep your card in a safe place to prevent loss or theft.

DO NOT CARRY THIS CARD WITH YOU.

Do not laminate.



5.D. Maintaining Communication with or Representation of Your Client

CLIENT POST-FILING QUESTIONNAIRE

This questionnaire should be used when there is a pending application with USCIS for over 6 months. Please contact your client every six months and go through the questions listed below. Please communicate with your Her Justice mentor if there are any changes to the information below.

Personal Information:

1. Has your contact Information changed? If so, what is your new:
 - a. Address
 - b. Phone Number
 - c. Email
 - d. Notes: (e.g., Expected changes in the future regarding any of these contacts? Is it safe to send mail/ email?)
2. Has your Relationship Status changed? If yes, please indicate whether and when the following took place:
 - a. Married
 - i. Name and DOB of new spouse
 - ii. Immigration status of new spouse
 - iii. Notes: (e.g., Will client want to include new spouse in immigration application? Will client's new spouse petition for them?)
 - b. Divorced
 - i. Date of final judgement of divorce
 - ii. Notes: (e.g., Does client have any questions about the legal implications of the divorce?)
3. Children:
 - a. Verify address of any derivatives already included in the pending applications (e.g., Same as what was written in the pending applications? Have any derivative family members moved? If so, where to?)
 - b. Were any children (or stepchildren) born who are not included in the pending application?

Immigration:

1. Have you filed for any additional immigration relief?
 - a. If so, what form?
 - b. Do you have copies of what was filed and any receipt notices or decisions? If yes, ask them if they would share a copy of those documents for review.
2. Have you had any contact with ICE/CBP?
3. Are there any updates in the immigration status of your close family members (e.g., spouse obtaining green card or citizenship or US citizen children turning 21?)

Law Enforcement:

1. Have you had any contact with any law enforcement agencies?
 - a. Arrests?
 - b. Tickets/ citations/fines?
 - c. Requested law enforcement assistance?
2. Have you had any recent court dates?
3. Have you filed any petitions in court? (Example: Family court)

Travel

1. Have you left the United States since we last talked?

Trafficking: Note – Trafficking involves the use of force, fraud, or coercion to obtain some type of labor or commercial sex act. Many survivors do not self-identify as “human trafficking victims” due to a lack of knowledge about the crime and the power and control dynamics typically involved in human trafficking situations. The questions in this section are purposely open-ended so that you can gauge whether there may be trafficking that has occurred or is ongoing.

1. Inquire about their current living or working conditions.
 - a. Do you feel safe at your current place of living or workplace?
 - b. Are there any conditions or people at your current job that make you feel unsafe?
2. Have you felt pressured to do something that you did not want to do or felt uncomfortable doing?
3. Have you felt like you were deceived about anything related to your job?

Note the client's responses and any follow-up questions that may naturally arise during your conversation. Based on their responses, if you believe your client may be a survivor of trafficking, please alert your Her Justice Mentor to complete a full screening.



EXHIBIT 6:
RECEIVE REQUEST FOR
EVIDENCE (RFE) OR
NOTICE OF INTENT TO
DENY (NOID))

**EXHIBIT/STEP 6: RECEIVE REQUEST FOR EVIDENCE (RFE) OR
NOTICE OF INTENT TO DENY (NOID)**

- A. Exhibit 6 Table of Contents
- B. Requests for Evidence (RFE) and Notices of Intent to Deny (NOID)
 - i. Instructions Upon Receipt of RFE or NOID
 - ii. Sample RFE on Form I-918
 - iii. Sample RFE on Form I-918A
 - iv. Sample RFE on Form I-192
 - v. Sample I-192 RFE Cover Letter to USCIS

6.B. Requests for Evidence (RFE) and Notices of Intent to Deny (NOID)

INSTRUCTIONS UPON RECEIPT OF REQUEST FOR EVIDENCE (RFE) OR NOTICE OF INTENT TO DENY (NOID)

You may receive a Request for Evidence (RFE) at any stage of processing following the submission of your client's petition for U nonimmigrant status petition. Most commonly, USCIS may issue an RFE at the Bona Fide Determination (BFD) stage or during the final adjudication stage.

RFEs that are issued at the BFD stage may request missing documents (i.e., missing page of form, biometrics) or additional information to determine if your client merits discretion for deferred action (i.e., evidence related to prior arrests or criminal history, discretionary evidence).

RFEs that are issued at the final adjudication stage may request additional information/evidence regarding the qualifying criminal activity, substantial abuse, inadmissibility grounds, biometrics, or additional information/evidence to determine if your client merits discretion for approval.

A timely response to the RFE must be submitted to USCIS in order for the continued processing of your client's case.

A Notice of Intent to Deny (NOID) is generally only issued at the final adjudication stage. A NOID may follow the issuance of an RFE and submitted response but need not be preceded by an RFE. The issuance of a NOID provides your client with another opportunity to overcome USCIS doubts about their case.

A timely response to the NOID must be submitted to USCIS in order to avoid the denial of your client's case.

If you receive an RFE or NOID, you should complete the following steps:

- 1. Calendar the RFE/NOID deadline and notify your Her Justice mentor immediately.**

Time is of the essence if an RFE or NOID is issued in your client's case. The maximum number of days you may be given to respond is 85 days but the deadline will depend on the date actually printed on the RFE/NOID. ***You must ensure that a response is received by USCIS by the deadline.***

You should send a PDF copy of the RFE/NOID to your Her Justice mentor to discuss strategies and next steps for responding to USCIS.

- 2. Notify your client and schedule meeting, as needed.**

You should notify your client promptly of the RFE/NOID and deadline to respond. You should also discuss with her the additional information/evidence you will need in order to submit a response to USCIS, after having consulted with your Her Justice mentor. You

should also advise her of the consequences of failing to submit a timely response and need to work collaboratively in order to avoid adverse consequences to her pending petition.

If needed, schedule a meeting with your client to draft any necessary affidavits/declarations and to gather any necessary documents/evidence for the RFE/NOID response.

If you do not believe you will be able to submit a response to the RFE/NOID by the deadline, please contact your Her Justice mentor immediately to discuss next steps.

3. Gather supporting evidence and submit timely response to RFE/NOID.

As part of your response to the RFE/NOID, you will need to gather supporting evidence and prepare a cover letter. You may also need to prepare a legal brief in response to the RFE/NOID. Consult with your Her Justice mentor to discuss the evidence and documents that should be submitted as part of your client's RFE/NOID response.

The RFE/NOID response should be timely sent to USCIS to the mailing address indicated on the RFE/NOID. It is recommended that any RFE/NOID response be sent by trackable overnight delivery.

The original, or a copy of the, RFE/NOID should be placed on top of your responsive packet to ensure that the response is promptly and properly routed to the USCIS officer reviewing your client's case.

4. Follow up on the RFE/NOID response.

After you have sent the RFE/NOID response, track delivery and save proof of delivery to your client's case file.

If you have not received any new case notices/correspondence from USCIS within 90 days of submitting an RFE/NOID response, you should email USCIS to request confirmation of receipt of RFE/NOID response and continued processing of your client's case. Speak to your Her Justice mentor if you have not received any new case notices/correspondence after 90 days following the submission of an RFE/NOID response.

Applicant/Petitioner A # A [REDACTED]	Application/Petition Petition For U Nonimmigrant Status (form I-918)
Notice Date January 08, 2014	Response due by April 5, 2014

[REDACTED]
KAYE SCHOLER LLP
425 PARK AVENUE STE 10-36
NEW YORK NY 10022



EAC [REDACTED]

Applicant/Petitioner [REDACTED]
Beneficiary [REDACTED]
Receipt Number EAC [REDACTED] (I918)

IMPORTANT: THIS NOTICE CONTAINS YOUR UNIQUE NUMBER AND MUST BE SUBMITTED IN THE ORIGINAL WITH THE REQUESTED EVIDENCE.

1. U.S. Citizenship and Immigration Services (USCIS) requires additional evidence to process your form. Please provide the evidence listed on the attached page(s). Include duplicate copies when consular notification is requested.
2. Your response must be received in this office on or before **April 5, 2014**. Please note the required deadline for providing a response to this Request for Evidence. The deadline reflects the maximum period for responding to this RFE. However, since many immigration benefits are time sensitive, you are encouraged to respond to this request as early as possible but no later than the date provided on the request. You will not be granted an extension of time to submit the requested evidence.
3. You must submit all requested evidence at the same time. If you submit only some of the requested evidence, USCIS will consider it a request for a decision on the record [8 CFR 103.2(b)(11)].
4. You will be notified separately about any other applications or petitions you have filed.
5. From the date this office receives your submission, it will take a minimum of 14 days to process your form. If you have not heard from USCIS within 60 days, you may contact the USCIS National Customer Service Center (NCSC) at 1-800-375-5283. If you are hearing impaired, please call the NCSC TDD at 1-800-767-1833.
6. Mail this notice and your response to:

U.S. CITIZENSHIP AND IMMIGRATION SERVICES
VERMONT SERVICE CENTER
75 LOWER WELDEN STREET
ST. ALBANS, VT 05479-0001

A [REDACTED]
EAC [REDACTED] (I918)

U.S. Citizenship and Immigration Services (USCIS) has reviewed your Petition for U Nonimmigrant Status (Form I-918) and the supporting evidence. In order to be eligible for this classification the submitted evidence must meet all the necessary requirements. At this time the evidence you've submitted is insufficient to support all the requirements. Therefore, additional evidence is needed.

Certification

The U Nonimmigrant Status Certification (Form I-918, Supplement B), submitted by you was signed more than six (6) months immediately preceding the submission of your petition. Please provide an updated or newly issued Form I-918, Supplement B, containing an original signature from a certifying official.

Qualifying Crime

The U Nonimmigrant Status Certification (Form I-918, Supplement B) that you submitted indicates that you were a victim of Domestic Violence. However, Page 2, Part 3, Question 3, indicates that the criminal activity being investigated or prosecuted was Aggravated Harassment. Please note that Aggravated Harassment is not among those specifically listed in regulation, nor does the evidence provided with your filing include sufficient information to indicate that the noted criminal activity is similar to those crimes.

Please provide additional evidence to demonstrate that the crime listed on your law enforcement certification would be considered a crime related to those listed in regulation. Such evidence may include:

- a) Criminal statutes showing the essential elements of the crime;
- b) Legal opinions regarding the nature of the crime;
- c) Factual information about the crime including police reports, court transcripts, news reports, etc.

Substantial Physical or Mental Abuse

Because you have not established that you are the victim of a qualifying crime it cannot be determined that you are a victim of substantial physical or mental abuse. The factors for determining whether physical or mental abuse is substantial are: the nature of the injury inflicted or suffered; the severity of the perpetrator's conduct; the severity of the harm suffered; and the extent to which there is permanent or serious harm to the victim's appearance, health, or physical or mental soundness of the victim. No single factor is a prerequisite to establish that the abuse suffered was substantial. Additionally, the existence of one or more of the factors does not automatically create a presumption that the abuse suffered was substantial.

Please provide evidence to demonstrate that you are the victim of substantial physical or mental abuse as a result of qualifying criminal activity. Such evidence may include but is not limited to:

1. Reports and affidavits from police, judges and other court officials;
2. Reports and affidavits from medical personnel, school officials, clergy, social workers or other social agency personnel;
3. Counseling/psychological evaluations, diagnoses and treatment related to your victimization as a result of the qualifying criminal activity;
4. Evidence of occupational therapy referrals or other measures taken to assist you following medical or psychological treatment needed as a result of qualifying criminal activity;
5. Affidavits from friends and family detailing the impact of the crime on you;

A [REDACTED]
EAC [REDACTED] (I918)

6. A statement, in your own words, describing your victimization and its impact on you. Please be as detailed as possible.

Evidence submitted to support this requirement should address, in detail, the following:

- a) The nature of the damage suffered;
- b) The severity of the perpetrator's conduct;
- c) The severity of the harm suffered;
- d) The duration of the harm;
- e) The duration of infliction of the harm while the qualifying criminal act was being committed; and
- f) The extent to which there is serious or permanent harm to the appearance, health, or physical or mental soundness of the victim.

You may also include evidence to demonstrate that the qualifying criminal activity aggravated a pre-existing physical or mental injury. Evidence of a pre-existing condition as well as any exacerbation of that condition should be provided.



Applicant/Petitioner A #	Application/Petition Petition for Qualifying Family Member of U-1 Recipient (Form I-918, Supplement A)
Notice Date June 25, 2013	Response due by September 20, 2013



INMOTION INC
100 BROADWAY 10TH FL
NEW YORK NY 10005



VTU [REDACTED]

Applicant/Petitioner [REDACTED]
Beneficiary
Receipt Number EAC [REDACTED] (I918)

IMPORTANT: THIS NOTICE CONTAINS YOUR UNIQUE NUMBER AND MUST BE SUBMITTED IN THE ORIGINAL WITH THE REQUESTED EVIDENCE.

1. U.S. Citizenship and Immigration Services (USCIS) requires additional evidence to process your form. Please provide the evidence listed on the attached page(s). Include duplicate copies when consular notification is requested.
2. Your response must be received in this office on or before **September 20, 2013**. Please note the required deadline for providing a response to this Request for Evidence. The deadline reflects the maximum period for responding to this RFE. However, since many immigration benefits are time sensitive, you are encouraged to respond to this request as early as possible but no later than the date provided on the request. You will not be granted an extension of time to submit the requested evidence.
3. You must submit all requested evidence at the same time. If you submit only some of the requested evidence, USCIS will consider it a request for a decision on the record [8 CFR 103.2(b)(11)].
4. You will be notified separately about any other applications or petitions you have filed.
5. From the date this office receives your submission, it will take a minimum of 14 days to process your form. If you have not heard from USCIS within 60 days, you may contact the USCIS National Customer Service Center (NCSC) at 1-800-375-5283. If you are hearing impaired, please call the NCSC TDD at 1-800-767-1833.
6. Mail this notice and your response to:

U.S. CITIZENSHIP AND IMMIGRATION SERVICES
VERMONT SERVICE CENTER
75 LOWER WELDEN STREET
ST. ALBANS, VT 05479-0001

FOR OFFICE USE ONLY

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EAC [REDACTED] (1918)

U. S. Citizenship and Immigration Services (USCIS) is in receipt of the evidence you submitted on May 15, 2012, in support of your Petition for U Nonimmigrant Status (Form I-918). It is noted; however, that further documentation is required in order to continue processing your petition. Please comply with the following requirements:

Late Registration of Birth

The birth certificate submitted on behalf of [REDACTED] shows that the birth was registered on August 23, 2000, two years after the actual event occurred.

The document submitted as evidence of relationship was executed so long after the event in question that it has insufficient reliability and weight, alone, upon which to grant a visa petition. Therefore, you must submit additional documentary evidence.

Submit the oldest available evidence that establishes that [REDACTED] is the mother of [REDACTED]. Submit as much evidence as possible. This evidence may include, but is not limited to:

Religious documents: Examples may include birth or baptismal certificates, or other notable religious documents. Religious documents must:

- show the names of the parents,
- bear an authorizing signature,
- display the official stamp or seal of a religious body such as a church, mosque, temple, or synagogue, and
- show the date and place of the commemorative occasion.

Affidavits: Written statements sworn to or affirmed by two persons, other than yourself and the person for whom you are petitioning, who were living at the time the event occurred and have personal knowledge of the event you are trying to prove. The persons making the affidavits may be relatives and need not be citizens of the United States. Each affidavit must contain the following information regarding the person making the affidavit:

- his or her full name and address;
- date and place of birth;
- relationship to you, if any;
- full information concerning the event; and
- complete details concerning how he or she acquired knowledge of the event.

Early school records: Records (preferably from the first school attended) showing:

- the date of admission,
- the child's date and place of birth, and
- name of the child's parent.

Medical records: Hospital birth record or hospital admittance records that name parents and child.

Census Records: State or federal census records showing the subject's name and place of birth, and date of birth or age of each person listed.

You may choose to undergo blood testing to establish the stated relationship. Testing is conducted at the expense of the petitioner or beneficiary.

Specific Blood Group Antigen test: This test is conducted to provide laboratory evidence of the child/parent

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EAC [REDACTED] (I918)

relationship between a petitioner/beneficiary. A specific Blood Group Antigen test is to be conducted on the beneficiary and the beneficiary's father and mother.

Human Leukocyte Antigen (HLA) test: If the specific Blood Group Antigen test is found not to be conclusive, a Human Leukocyte Antigen (HLA) test can be conducted.

Deoxyribonucleic Acid (DNA) test: You may choose to have a DNA test completed instead of the specific Blood Group Antigen test or the HLA test. The DNA test is more conclusive in establishing the claimed relationship.

All testing must be conducted by a parentage testing laboratory that is accredited by the American Association of Blood Banks (AABB). A current list of the AABB accredited parentage testing laboratories can be viewed at the following website:

<http://www.aabb.org/SA/FACILITIES/Pages/RTestAccrFac.aspx>

If the beneficiary is abroad, consult the appropriate U.S. consulate for a list of specialists/physicians where the beneficiary resides.

If you are pursuing testing, you must provide a copy of this notice to the laboratory. The laboratory will forward the notice with the test kit and will then submit the results to USCIS. An original copy of the results and the copy of this notice must be submitted to USCIS directly from the laboratory. The testing results may be reported on Form G-620 or other laboratory-issued form(s). All testing reports must include the results indicating the likelihood of the claimed relationship.

You must respond to all requests in this notice. If you choose to pursue blood testing, you must indicate your intent in writing or submit evidence, such as receipts from the testing laboratory, to show that you are pursuing this testing.

Documents and Copies

You may submit either the original documents or legible photocopies of the originals, including copies of the front and back of each document. If you choose to submit original documents, they will not be returned to you.

Translations

If you submit a document in any language other than English, you must include a full English translation. The translator must certify that the translation is complete and accurate, and that he or she is competent to translate from the foreign language to English. Official extracts are acceptable, but only if they contain all the information necessary to make a decision on the case. Only extracts prepared by an authorized official, the "keeper of record," are acceptable. A summary of a document prepared by a translator is unacceptable.

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September 10, 2019

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
75 Lower Welden St.
St. Albans, VT 05479



U.S. Citizenship
and Immigration
Services

AMANDA WASERSTEIN DOROSHOW
HER JUSTICE
100 BROADWAY FLR 10
NEW YORK, NY 10005



RE: [REDACTED]
I-192, Application for Advance Permission to Enter as
Nonimmigrant

REQUEST FOR EVIDENCE

IMPORTANT: THIS NOTICE CONTAINS YOUR UNIQUE RECEIPT NUMBER. THIS PAGE MUST BE SUBMITTED WITH THE REQUESTED EVIDENCE.

You are receiving this notice because U.S. Citizenship and Immigration Services (USCIS) requires additional evidence to process your form. Please provide the evidence requested on the attached page(s). Include duplicate copies if you are requesting consular notification.

Your response must be received in this office by December 6, 2019.

Please note that you have been allotted the maximum period allowed for responding to a Request for Evidence (RFE). The time period for responding cannot be extended. See Title 8 Code of Federal Regulations (8 CFR), Section 103.2(b)(8)(iv). Because many immigration benefits are time sensitive, you are encouraged to respond to this request as early as possible, but no later than the deadline provided above. If you do not respond to this notice within the allotted time, your case may be denied. The regulations do not provide for an extension of time to submit the requested evidence.

You must submit all requested evidence at the same time. If you submit only some of the requested evidence, USCIS will consider your response a request for a decision on the record. See 8 CFR 103.2(b)(11). If you submit a document in any language other than English, the document must be accompanied by a full and **complete** English translation. The translator must certify that the translation is accurate and he or she is competent to translate from that language to English. **If you submit a foreign language translation in response to this request for evidence, you must also include a copy of the foreign language document.** The processing of your form or benefit request will resume upon timely receipt of your response. Written inquiries may be mailed to:

USCIS/ Vermont Service Center
ATTN: VAWA T U Division
75 Lower Welden Street
St. Albans, VT 05479-0001

Your written inquiry must be signed and should include your A-number, receipt number, and indicate the purpose of your inquiry.

U.S. Citizenship and Immigration Services (USCIS) has reviewed your Form I-192, Application for Advance Permission to Enter as a Nonimmigrant, and supporting evidence. Additional evidence is needed.

Evidence in the record indicates that you are inadmissible under section 212(a)(6)(A)(i) of the Immigration and Nationality Act (INA or the Act) as an alien present without admission or parole (EWI/PWI). The record establishes that you entered without inspection on or around July 24, 2002.

Arrest Records Needed

A criminal history check has been conducted based upon the fingerprints provided at the Application Support Center. These fingerprints were transmitted to the Federal Bureau of Investigation. A criminal history check has revealed that on October 17, 2014, you were arrested and charged with:

- Criminal Possession of a Controlled Substance with Intent to Sell (PL 220.16)
- Criminal Possession of a Narcotic (PL 220.09)
- Criminal Use of Drug Paraphernalia - Package (PL 220.050)
- Criminal Use of Drug Paraphernalia - Scales (PL 220.050)
- Criminal Possession of Marihuana with an Aggregate Weight of More than 2 Ounces (PL 221.15)

Please provide additional information establishing your culpability or mitigating circumstances as relating to these charges. Evidence may include but is not limited to:

- Arresting officer's report of the arrest and/or citation;
- Criminal complaint or charging document from the prosecuting attorney's office;
- The certified court disposition or complete court minutes;
- Relevant excerpts of law for that jurisdiction showing the maximum possible penalty for each charge;
- Evidence of completion of sentence, if any sentence imposed has been completed. If not, submit an explanation of which part(s) of the sentence has yet to be completed; or
- Witness statements; and
- A personal statement from you explaining the circumstances of your arrest(s).

USCIS acknowledges receipt of the Criminal Court of the City of New York Certificate of Disposition showing that the case was dismissed. However, USCIS may consider your arrest in determining whether to exercise discretion in the adjudication of your Form I-192.

Waiver

As an individual seeking classification as a U nonimmigrant, the waivers available to you are found in section 212(d)(3) of the Act based on the Secretary of Homeland Security's discretion and section 212(d)(14) of the Act as a matter of national or public interest.

In reviewing a waiver based on the Secretary of Homeland Security's discretion, USCIS considers the following criteria:

1. The risk of harm to society if the applicant is admitted;
2. The seriousness of the applicant's prior immigration law, or criminal law, violations, if any; and
3. The reasons for wishing to enter the United States.

Please provide a statement and any relevant supporting evidence to address these criteria as they pertain to your specific circumstances.

In addition, submit evidence to demonstrate that USCIS should exercise its discretion to approve your application for a waiver. Such evidence may include but is not limited to:

1. Evidence of rehabilitation.
2. Your reasons for wishing to remain in the United States.
3. Any mitigating factors in your favor (family ties, financial impact of departure on others, contributions or ties to the community in the United States).
4. An explanation, in your own words, of the specific circumstances surrounding the act or conviction that prompted the need for this waiver request.
5. Loss of access to U.S. criminal justice system as it relates to your claim to victimization (or if you are a derivative the impact of your departure on the principal's access to the criminal justice system if you were to depart).
6. Any physical, medical, mental health or social services you require that are not readily available in your home country.

PLEASE RETURN THE REQUESTED INFORMATION AND ALL SUPPORTING DOCUMENTS
WITH THIS ORIGINAL REQUEST ON TOP TO:

U.S. CITIZENSHIP AND IMMIGRATION SERVICES
75 LOWER WELDEN ST
ST ALBANS VT 05479

[Date]

VIA FEDEX

Tracking No. _____

U.S. Citizenship & Immigration Services
Vermont Service Center
Attn: VAWA U T Division
38 River Rd.
Essex Junction, VT 05479

Re: Response to Request for Evidence on Pending I-192 – due by [RFE deadline date]

Petitioner: [Name of Client]

A-No.: [A-number]

I-192 Receipt No.: [Receipt number]

Dear VSC Officer:

My office represents [Name of Client] in her pending I-192 application under the above-referenced receipt number and her associated I-918 petition pending under receipt number EACxxxxx. Ms. [Client] concurrently filed her I-918 petition and I-192 application with USCIS on [date of filing].

On [date of RFE notice], USCIS issued a Request for Evidence (RFE) on Ms. [Client]'s I-192 application under the above-referenced receipt number with a deadline to respond by [RFE deadline date]. The RFE, attached as cover, requests additional information related to Ms. [Client]'s criminal history and a statement from Ms. [Client], and any relevant supporting evidence, addressing waiver criteria under INA Secs. 212(d)(3) and 212(d)(14). This letter and enclosures hereby constitute Ms. [Client]'s complete and timely response to the RFE.

I. Criminal History

Although Ms. [Client] was arrested on _____, the criminal charges against her do not render her inadmissible. All of the charges stemming from this arrest were dismissed, and she has never been convicted of any crime. Therefore, USCIS should not deem Ms. [Client] inadmissible under criminal grounds.

Enclosed in response to the RFE, please find the following as requested with regard to criminal history:

- Arrest report
- Certified court disposition showing dismissal of all charges

- Relevant excerpts of New York law showing maximum possible penalty for each charge
- Affidavit of Ms. [Client] explaining the circumstances of her arrest, her reasons for wishing to remain in the U.S., and factors warranting a favorable exercise of discretion

II. Waiver

As a petitioner for U nonimmigrant status, Ms. [Client]’s inadmissibility should be analyzed under the specific waiver available for U petitioners under INA Sec. 212(d)(14) which provides for the waiver of *all* grounds except for INA Sec. 212(a)(3)(E) [participation in Nazi persecution, genocide, torture, or extrajudicial killing]. Under this standard, Ms. [Client]’s prior arrest should not be given any weight as all charges against her were dismissed and she has never been convicted of a crime.

The statutory standard for a (d)(14) waiver discretionarily allows for a waiver to be granted “if the Secretary of Homeland Security considers it to be in the public or national interest.” Ms. [Client] clearly meets this standard as it is in the public interest grant a waiver given the extreme hardship her U.S. citizen child will experience if she is not allowed to remain in the U.S. Ms. [Client]’s child is minor with special needs who relies wholly on her for economic, physical, and emotional support. It is in the public interest to prevent the minor child from becoming a public charge and from suffering emotional trauma as a result of parent-child separation.

Further, Ms. [Client] merits a favorable exercise of discretion for a waiver given her: reasons for wishing to remain in the U.S.; lengthy residence in the U.S.; extensive family and community ties to the U.S.; hardship to family members in the U.S.; history of productivity and employment in the U.S.; and loss of access to needed medical and mental health services that would not be available to Ms. [Client] in her home country.

Enclosed in response to the RFE, please find the following as requested with regard to discretionary waiver:

- Affidavit of Ms. [Client] explaining the circumstances of her arrest, her reasons for wishing to remain in the U.S., and factors warranting a favorable exercise of discretion
- Birth certificate of U.S. citizen child
- Letter from child’s doctor explaining child’s condition and need for treatment
- Individualized Education Plan (IEP) of child
- Federal tax returns
- Employment verification letter
- Certificates of recognition for volunteer service at child’s school and church
- Letters of support from:
 - Current employer
 - Prior co-worker
 - Child’s teacher

- Church pastor
- U.S. Citizen or LPR family members

With the enclosed additional information evidence, we respectfully request the approval of Ms. [Client]'s I-192 application and I-918 petition. Thank you very much for your prompt attention to and adjudication of this matter.

Sincerely,

[Name of Attorney]

**EXHIBIT 7: RENEW C14
EMPLOYMENT
AUTHORIZATION
DOCUMENT (EAD) OR
SUBMIT NEW G-28 FOR
CHANGE OF ATTORNEY**

**EXHIBIT/STEP 7: RENEW C14 EMPLOYMENT AUTHORIZATION
DOCUMENT (EAD) OR SUBMIT NEW G-28 FOR CHANGE OF ATTORNEY**

- A. Cover Page and Contents
- B. Renewal of EAD Under Category (c)(14)
 - i. Sample Cover Letter for C14 EAD Renewal
 - ii. Sample Form G-28, Notice of Entry of Appearance as Attorney
 - iii. Sample Form I-765, Application for Employment Authorization
- C. Submit New G-28 for Change of Attorney
 - (i) Sample Cover Letter for New G-28
 - (ii) Sample Form G-28, Notice of Entry of Appearance as Attorney, for Change of Attorney
- D. Maintaining Communication with Your Client
 - (iii) D1. Client Post-Filing Questionnaire

7.B. Renewal of EAD Under Category (c)(14)

SAMPLE COVER LETTER: C14 EAD RENEWAL APPLICATION

January 29, 2024

United States Citizenship and Immigration Services
Vermont Service Center
Attn: I-918
38 River Road
Essex Junction, VT 05479-0001

**Re: Renewal of Deferred Action and EAD Under Category
(c)(14) for I-918 Petitioner**

Petitioner/Applicant: Carla CLIENT
A-No.: A12-3456-789
I-918 Receipt No.: EACxxxxxxx

Dear VSC Officer:

My office represents Carla Client, a petitioner for U nonimmigrant status with a pending I-918 petition filed with USCIS under the above-referenced receipt number. On _____, USCIS issued to Ms. Client a bona fide determination and grant of deferred action. Accordingly, she was issued an Employment Authorization Document (EAD) under category (c)(14) on _____, valid from _____ to _____.

Ms. Client hereby encloses Form I-765, Employment Authorization Application, to renew her C14 EAD and deferred action. As a petitioner for U nonimmigrant status, Ms. Client is exempt from paying the filing fee for renewal.

Enclosed are the following documents in support of her EAD renewal application:

- Form G-28, Notice of Entry of Appearance as Attorney
- Two (2) passport-style photos
- Form I-765, Employment Authorization Application, for renewal under category (c)(14) – *no fee required*
- Copy of Bona Fide Determination Notice
- Copy of previously issued C14 EAD.
-

Thank you very much for your prompt attention to and processing of this C14 EAD renewal application.

Sincerely yours,

Abby Attorney
Law Firm Extraordinaire



Notice of Entry of Appearance as Attorney or Accredited Representative

Department of Homeland Security

DHS
Form G-28
OMB No. 1615-0105
Expires 05/31/2021

Part 1. Information About Attorney or Accredited Representative

1. USCIS Online Account Number (if any)



Name of Attorney or Accredited Representative

2.a. Family Name (Last Name)

2.b. Given Name (First Name)

2.c. Middle Name

Address of Attorney or Accredited Representative

3.a. Street Number and Name

3.b. ☐ Apt. ☐ Ste. ☒ Flr.

3.c. City or Town

3.d. State [\(USPS ZIP Code Lookup\)](#)

3.f. Province

3.g. Postal Code

3.h. Country

Contact Information of Attorney or Accredited Representative

4. Daytime Telephone Number

5. Mobile Telephone Number (if any)

6. Email Address (if any)

7. Fax Number (if any)

Part 2. Eligibility Information for Attorney or Accredited Representative

Select **all applicable** items.

1.a. ☒ I am an attorney eligible to practice law in, and a member in good standing of, the bar of the highest courts of the following states, possessions, territories, commonwealths, or the District of Columbia. If you need extra space to complete this section, use the space provided in **Part 6. Additional Information**.

Licensing Authority

1.b. Bar Number (if applicable)

1.c. I (select **only one** box) ☒ am not ☐ am subject to any order suspending, enjoining, restraining, disbaring, or otherwise restricting me in the practice of law. If you are subject to any orders, use the space provided in **Part 6. Additional Information** to provide an explanation.

1.d. Name of Law Firm or Organization (if applicable)

2.a. ☐ I am an accredited representative of the following qualified nonprofit religious, charitable, social service, or similar organization established in the United States and recognized by the Department of Justice in accordance with 8 CFR part 1292.

2.b. Name of Recognized Organization

2.c. Date of Accreditation (mm/dd/yyyy)

3. ☐ I am associated with

,
the attorney or accredited representative of record who previously filed Form G-28 in this case, and my appearance as an attorney or accredited representative for a limited purpose is at his or her request.

4.a. ☐ I am a law student or law graduate working under the direct supervision of the attorney or accredited representative of record on this form in accordance with the requirements in 8 CFR 292.1(a)(2).

4.b. Name of Law Student or Law Graduate



Part 3. Notice of Appearance as Attorney or Accredited Representative

If you need extra space to complete this section, use the space provided in **Part 6. Additional Information**.

This appearance relates to immigration matters before (select **only one** box):

- 1.a. ☒ U.S. Citizenship and Immigration Services (USCIS)
- 1.b. List the form numbers or specific matter in which appearance is entered.
- 2.a. ☐ U.S. Immigration and Customs Enforcement (ICE)
- 2.b. List the specific matter in which appearance is entered.
- 3.a. ☐ U.S. Customs and Border Protection (CBP)
- 3.b. List the specific matter in which appearance is entered.
4. Receipt Number (if any)
▶
5. I enter my appearance as an attorney or accredited representative at the request of the (select **only one** box):
☒ Applicant ☐ Petitioner ☐ Requestor
☐ Beneficiary/Derivative ☐ Respondent (ICE, CBP)

Information About Client (Applicant, Petitioner, Requestor, Beneficiary or Derivative, Respondent, or Authorized Signatory for an Entity)

- 6.a. Family Name (Last Name)
- 6.b. Given Name (First Name)
- 6.c. Middle Name
- 7.a. Name of Entity (if applicable)
- 7.b. Title of Authorized Signatory for Entity (if applicable)
8. Client's USCIS Online Account Number (if any)
▶
9. Client's Alien Registration Number (A-Number) (if any)
▶ A-

Client's Contact Information

10. Daytime Telephone Number
11. Mobile Telephone Number (if any)
12. Email Address (if any)

Mailing Address of Client

NOTE: Provide the client's mailing address. **Do not** provide the business mailing address of the attorney or accredited representative **unless** it serves as the safe mailing address on the application or petition being filed with this Form G-28.

- 13.a. Street Number and Name
- 13.b. ☐ Apt. ☐ Ste. ☒ Flr.
- 13.c. City or Town
- 13.d. State
- 13.e. ZIP Code
- 13.f. Province
- 13.g. Postal Code
- 13.h. Country

Part 4. Client's Consent to Representation and Signature

Consent to Representation and Release of Information

I have requested the representation of and consented to being represented by the attorney or accredited representative named in **Part 1.** of this form. According to the Privacy Act of 1974 and U.S. Department of Homeland Security (DHS) policy, I also consent to the disclosure to the named attorney or accredited representative of any records pertaining to me that appear in any system of records of USCIS, ICE, or CBP.



Part 4. Client's Consent to Representation and Signature (continued)

Options Regarding Receipt of USCIS Notices and Documents

USCIS will send notices to both a represented party (the client) and his, her, or its attorney or accredited representative either through mail or electronic delivery. USCIS will send all secure identity documents and Travel Documents to the client's U.S. mailing address.

If you want to have notices and/or secure identity documents sent to your attorney or accredited representative of record rather than to you, please select **all applicable** items below. You may change these elections through written notice to USCIS.

- 1.a. ☒ I request that USCIS send original notices on an application or petition to the business address of my attorney or accredited representative as listed in this form.
- 1.b. ☒ I request that USCIS send any secure identity document (Permanent Resident Card, Employment Authorization Document, or Travel Document) that I receive to the U.S. business address of my attorney or accredited representative (or to a designated military or diplomatic address in a foreign country (if permitted)).

NOTE: If your notice contains Form I-94, Arrival-Departure Record, USCIS will send the notice to the U.S. business address of your attorney or accredited representative. If you would rather have your Form I-94 sent directly to you, select **Item Number 1.c.**

- 1.c. ☐ I request that USCIS send my notice containing Form I-94 to me at my U.S. mailing address.

Signature of Client or Authorized Signatory for an Entity

- 2.a. Signature of Client or Authorized Signatory for an Entity



- 2.b. Date of Signature (mm/dd/yyyy)

Part 5. Signature of Attorney or Accredited Representative

I have read and understand the regulations and conditions contained in 8 CFR 103.2 and 292 governing appearances and representation before DHS. I declare under penalty of perjury under the laws of the United States that the information I have provided on this form is true and correct.

1. a. Signature of Attorney or Accredited Representative

- 1.b. Date of Signature (mm/dd/yyyy)

- 2.a. Signature of Law Student or Law Graduate

- 2.b. Date of Signature (mm/dd/yyyy)



Part 6. Additional Information

If you need extra space to provide any additional information within this form, use the space below. If you need more space than what is provided, you may make copies of this page to complete and file with this form or attach a separate sheet of paper. Type or print your name at the top of each sheet; indicate the **Page Number**, **Part Number**, and **Item Number** to which your answer refers; and sign and date each sheet.

1.a. Family Name (Last Name)

1.b. Given Name (First Name)

1.c. Middle Name

2.a. Page Number 2.b. Part Number 2.c. Item Number

2.d. _____

3.a. Page Number 3.b. Part Number 3.c. Item Number

3.d. _____

4.a. Page Number 4.b. Part Number 4.c. Item Number

4.d. _____

5.a. Page Number 5.b. Part Number 5.c. Item Number

5.d. _____

6.a. Page Number 6.b. Part Number 6.c. Item Number

6.d. _____





Application For Employment Authorization

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

USCIS
Form I-765
OMB No. 1615-0040
Expires 10/31/2025

For USCIS Use Only	<input type="checkbox"/> Authorization/Extension Valid From _____	Fee Stamp	Action Block									
	<input type="checkbox"/> Authorization/Extension Valid Through _____											
	Alien Registration Number A- <table border="1"><tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>											
Remarks												

To be completed by an attorney or Board of Immigration Appeals (BIA)-accredited representative (if any).	<input checked="" type="checkbox"/> Select this box if Form G-28 is attached.	Attorney or Accredited Representative USCIS Online Account Number (if any) <table border="1"><tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>										

► **START HERE - Type or print in black ink.**

Part 1. Reason for Applying

I am applying for (select **only one** box):

- 1.a. ☐ Initial permission to accept employment.
- 1.b. ☐ Replacement of lost, stolen, or damaged employment authorization document, or correction of my employment authorization document **NOT DUE** to U.S. Citizenship and Immigration Services (USCIS) error.

NOTE: Replacement (correction) of an employment authorization document due to USCIS error does not require a new Form I-765 and filing fee. Refer to **Replacement for Card Error** in the **What is the Filing Fee** section of the Form I-765 Instructions for further details.

- 1.c. ☒ Renewal of my permission to accept employment. (Attach a copy of your previous employment authorization document.)

Part 2. Information About You

Your Full Legal Name

- 1.a. Family Name (Last Name)

Client Name

- 1.b. Given Name (First Name)

Carla

- 1.c. Middle Name

--

Other Names Used

Provide all other names you have ever used, including aliases, maiden name, and nicknames. If you need extra space to complete this section, use the space provided in **Part 6**.

Additional Information.

- 2.a. Family Name (Last Name)

Client

- 2.b. Given Name (First Name)

Carla

- 2.c. Middle Name

--
- 3.a. Family Name (Last Name)

--
- 3.b. Given Name (First Name)

--
- 3.c. Middle Name

--
- 4.a. Family Name (Last Name)

--
- 4.b. Given Name (First Name)

--
- 4.c. Middle Name

--



Part 2. Information About You (continued)

Your U.S. Mailing Address

- 5.a. In Care Of Name (if any)
Abby Attorney, Law Firm LLC
- 5.b. Street Number and Name
100 Main St.
- 5.c. ☐ Apt. ☐ Ste. ☒ Flr. **24**
- 5.d. City or Town
New York
- 5.e. State **NY** 5.f. ZIP Code **10016**
(USPS ZIP Code Lookup)
6. Is your current mailing address the same as your physical address?
☐ Yes ☒ No

NOTE: If you answered “No” to **Item Number 6.**, provide your physical address below.

U.S. Physical Address

- 7.a. Street Number and Name
Confidential
- 7.b. ☐ Apt. ☐ Ste. ☐ Flr.
- 7.c. City or Town
Jamaica
- 7.d. State **NY** 7.e. ZIP Code **11432**

Other Information

8. Alien Registration Number (A-Number) (if any)
▶ A- **1 2 3 4 5 6 7 8 9**
9. USCIS Online Account Number (if any)
▶
10. Gender ☐ Male ☒ Female
11. Marital Status
☒ Single ☐ Married ☐ Divorced ☐ Widowed
12. Have you previously filed Form I-765?
☒ Yes ☐ No
- 13.a. Has the Social Security Administration (SSA) ever officially issued a Social Security card to you?
☒ Yes ☐ No

NOTE: If you answered “No” to **Item Number 13.a.**, skip to **Item Number 14.** If you answered “Yes” to **Item Number 13.a.**, provide the information requested in **Item Number 13.b.**

- 13.b. Provide your Social Security number (SSN) (if known).

▶

0	1	2	3	4	5	6	7	8
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14. Do you want the SSA to issue you a Social Security card? (You must also answer “Yes” to **Item Number 15., Consent for Disclosure**, to receive a card.)

☐ Yes ☒ No

NOTE: If you answered “No” to **Item Number 14.**, skip to **Part 2., Item Number 18.a.** If you answered “Yes” to **Item Number 14.**, you must also answer “Yes” to **Item Number 15.**

15. **Consent for Disclosure:** I authorize disclosure of information from this application to the SSA as required for the purpose of assigning me an SSN and issuing me a Social Security card.

☐ Yes ☐ No

NOTE: If you answered “Yes” to **Item Numbers 14. - 15.**, provide the information requested in **Item Numbers 16.a. - 17.b.**

Father's Name

Provide your father's birth name.

- 16.a. Family Name (Last Name)
- 16.b. Given Name (First Name)

Mother's Name

Provide your mother's birth name.

- 17.a. Family Name (Last Name)
- 17.b. Given Name (First Name)

Your Country or Countries of Citizenship or Nationality

List all countries where you are currently a citizen or national. If you need extra space to complete this item, use the space provided in **Part 6. Additional Information.**

- 18.a. Country
El Salvador

- 18.b. Country



Part 2. Information About You (continued)

Place of Birth

List the city/town/village, state/province, and country where you were born.

19.a. City/Town/Village of Birth

San Salvador

19.b. State/Province of Birth

19.c. Country of Birth

El Salvador

20. Date of Birth (mm/dd/yyyy)

03/14/1980

Information About Your Last Arrival in the United States

21.a. Form I-94 Arrival-Departure Record Number (if any)

► N / A

21.b. Passport Number of Your Most Recently Issued Passport

N/A

21.c. Travel Document Number (if any)

N/A

21.d. Country That Issued Your Passport or Travel Document

N/A

21.e. Expiration Date for Passport or Travel Document (mm/dd/yyyy)

N/A

22. Date of Your Last Arrival Into the United States, On or About (mm/dd/yyyy)

~2001

23. Place of Your Last Arrival Into the United States

Unknown, Texas

24. Immigration Status at Your Last Arrival (for example, B-2 visitor, F-1 student, or no status)

No status

25. Your Current Immigration Status or Category (for example, B-2 visitor, F-1 student, parolee, deferred action, or no status or category)

Deferred action (pending I-918)

26. Student and Exchange Visitor Information System (SEVIS) Number (if any)

► N-

Information About Your Eligibility Category

27. **Eligibility Category.** Refer to the **Who May File Form I-765** section of the Form I-765 Instructions to determine the appropriate eligibility category for this application. Enter the appropriate letter and number for your eligibility category below (for example, (a)(8), (c)(17)(iii)).

(c) (14) ()

28. **(c)(3)(C) STEM OPT Eligibility Category.** If you entered the eligibility category (c)(3)(C) in **Item Number 27.**, provide the information requested in **Item Numbers 28.a - 28.c.**

28.a. Degree

28.b. Employer's Name as Listed in E-Verify

28.c. Employer's E-Verify Company Identification Number or a Valid E-Verify Client Company Identification Number

29. **(c)(26) Eligibility Category.** If you entered the eligibility category (c)(26) in **Item Number 27.**, provide the receipt number of your H-1B spouse's most recent Form I-797 Notice for Form I-129, Petition for a Nonimmigrant Worker.

►

30. **(c)(8) Eligibility Category.** If you entered the eligibility category (c)(8) in **Item Number 27.**, have you **EVER** been arrested for and/or convicted of any crime?

☐ Yes ☐ No

NOTE: If you answered "Yes" to **Item Number 30.**, refer to **Special Filing Instructions for Those With Pending Asylum Applications (c)(8)** in the **Required Documentation** section of the Form I-765 Instructions for information about providing court dispositions.

31.a. **(c)(35) and (c)(36) Eligibility Category.** If you entered the eligibility category (c)(35) in **Item Number 27.**, please provide the receipt number of your Form I-797 Notice for Form I-140, Immigrant Petition for Alien Worker. If you entered the eligibility category (c)(36) in **Item Number 27.**, please provide the receipt number of your spouse's or parent's Form I-797 Notice for Form I-140.

►

31.b. If you entered the eligibility category (c)(35) or (c)(36) in **Item Number 27.**, have you **EVER** been arrested for and/or convicted of any crime?

☐ Yes ☐ No

NOTE: If you answered "Yes" to **Item Number 31.b.**, refer to **Employment-Based Nonimmigrant Categories, Items 8. - 9.**, in the **Who May File Form I-765** section of the Form I-765 Instructions for information about providing court dispositions.



Part 3. Applicant's Statement, Contact Information, Declaration, Certification, and Signature

NOTE: Read the **Penalties** section of the Form I-765 Instructions before completing this section. You must file Form I-765 while in the United States.

Applicant's Statement

NOTE: Select the box for either **Item Number 1.a.** or **1.b.** If applicable, select the box for **Item Number 2.**

- 1.a. ☐ I can read and understand English, and I have read and understand every question and instruction on this application and my answer to every question.
- 1.b. ☒ The interpreter named in **Part 4.** read to me every question and instruction on this application and my answer to every question in

Spanish

, a language in which I am fluent, and I understood everything.
2. ☒ At my request, the preparer named in **Part 5.**,

Abby Attorney

, prepared this application for me based only upon information I provided or authorized.

Applicant's Contact Information

3. Applicant's Daytime Telephone Number
4. Applicant's Mobile Telephone Number (if any)
5. Applicant's Email Address (if any)
6. ☐ Select this box if you are a Salvadoran or Guatemalan national eligible for benefits under the ABC settlement agreement.

Applicant's Declaration and Certification

Copies of any documents I have submitted are exact photocopies of unaltered, original documents, and I understand that USCIS may require that I submit original documents to USCIS at a later date. Furthermore, I authorize the release of any information from any and all of my records that USCIS may need to determine my eligibility for the immigration benefit that I seek.

I furthermore authorize release of information contained in this application, in supporting documents, and in my USCIS records, to other entities and persons where necessary for the administration and enforcement of U.S. immigration law.

I understand that USCIS may require me to appear for an appointment to take my biometrics (fingerprints, photograph, and/or signature) and, at that time, if I am required to provide biometrics, I will be required to sign an oath reaffirming that:

- 1) I reviewed and understood all of the information contained in, and submitted with, my application; and
- 2) All of this information was complete, true, and correct at the time of filing.

I certify, under penalty of perjury, that all of the information in my application and any document submitted with it were provided or authorized by me, that I reviewed and understand all of the information contained in, and submitted with, my application and that all of this information is complete, true, and correct.

Applicant's Signature

7.a. Applicant's Signature



7.b. Date of Signature (mm/dd/yyyy)

NOTE TO ALL APPLICANTS: If you do not completely fill out this application or fail to submit required documents listed in the Instructions, USCIS may deny your application.

Part 4. Interpreter's Contact Information, Certification, and Signature

Provide the following information about the interpreter.

Interpreter's Full Name

1.a. Interpreter's Family Name (Last Name)

Traductor

1.b. Interpreter's Given Name (First Name)

Sara

2. Interpreter's Business or Organization Name (if any)

Law Firm LLC



Part 4. Interpreter's Contact Information, Certification, and Signature

Interpreter's Mailing Address

3.a. Street Number and Name

3.b. ☐ Apt. ☐ Ste. ☒ Flr.

3.c. City or Town

3.d. State 3.e. ZIP Code

3.f. Province

3.g. Postal Code

3.h. Country

Interpreter's Contact Information

4. Interpreter's Daytime Telephone Number

5. Interpreter's Mobile Telephone Number (if any)

6. Interpreter's Email Address (if any)

Interpreter's Certification

I certify, under penalty of perjury, that:

I am fluent in English and , which is the same language specified in **Part 3., Item Number 1.b.**, and I have read to this applicant in the identified language every question and instruction on this application and his or her answer to every question. The applicant informed me that he or she understands every instruction, question, and answer on the application, including the **Applicant's Declaration and Certification**, and has verified the accuracy of every answer.

Interpreter's Signature

7.a. Interpreter's Signature

7.b. Date of Signature (mm/dd/yyyy)

Part 5. Contact Information, Declaration, and Signature of the Person Preparing this Application, If Other Than the Applicant

Provide the following information about the preparer.

Preparer's Full Name

1.a. Preparer's Family Name (Last Name)

1.b. Preparer's Given Name (First Name)

2. Preparer's Business or Organization Name (if any)

Preparer's Mailing Address

3.a. Street Number and Name

3.b. ☐ Apt. ☐ Ste. ☒ Flr.

3.c. City or Town

3.d. State 3.e. ZIP Code

3.f. Province

3.g. Postal Code

3.h. Country

Preparer's Contact Information

4. Preparer's Daytime Telephone Number

5. Preparer's Mobile Telephone Number (if any)

6. Preparer's Email Address (if any)



**Part 5. Contact Information, Declaration, and
Signature of the Person Preparing this
Application, If Other Than the Applicant**
(continued)

Preparer's Statement

- 7.a. ☐ I am not an attorney or accredited representative but have prepared this application on behalf of the applicant and with the applicant's consent.
- 7.b. ☒ I am an attorney or accredited representative and my representation of the applicant in this case ☒ extends ☐ does not extend beyond the preparation of this application.

NOTE: If you are an attorney or accredited representative, you may need to submit a completed Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, with this application.

Preparer's Certification

By my signature, I certify, under penalty of perjury, that I prepared this application at the request of the applicant. The applicant then reviewed this completed application and informed me that he or she understands all of the information contained in, and submitted with, his or her application, including the **Applicant's Declaration and Certification**, and that all of this information is complete, true, and correct. I completed this application based only on information that the applicant provided to me or authorized me to obtain or use.

Preparer's Signature

- 8.a. Preparer's Signature

- 8.b. Date of Signature (mm/dd/yyyy)



Part 6. Additional Information

If you need extra space to provide any additional information within this application, use the space below. If you need more space than what is provided, you may make copies of this page to complete and file with this application or attach a separate sheet of paper. Type or print your name and A-Number (if any) at the top of each sheet; indicate the **Page Number**, **Part Number**, and **Item Number** to which your answer refers; and sign and date each sheet.

1.a. Family Name (Last Name) Client Name

1.b. Given Name (First Name)

1.c. Middle Name

2. A-Number (if any) ► A-

1	2	3	4	5	6	7	8	9
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3.a. Page Number **3.b.** Part Number **3.c.** Item Number

[illegible]

4.a. Page Number **4.b.** Part Number **4.c.** Item Number

[illegible]

5.a. Page Number **5.b.** Part Number **5.c.** Item Number

[illegible]

6.a. Page Number **6.b.** Part Number **6.c.** Item Number

[illegible]

7.a. Page Number **7.b.** Part Number **7.c.** Item Number

[illegible]

7.C. Submit New G-28 for Change of Attorney

SAMPLE COVER LETTER: NEW G-28 FOR CHANGE OF ATTORNEY

[Date]

Via Federal Express

Tracking No.

USCIS Vermont Service Center

Attn: G-28

38 River Road

Essex Junction, VT 05479-0001

Re: New Form G-28 for Pending I-918 Petition & Related Applications

Petitioner: Camryn C. Client

A-No.: 000-000-000

I-918 Receipt No.: EACxxxxxx

Commented [A1]: Make sure to send to the relevant USCIS office. Check the most recent receipt or transfer notice for the relevant application to make sure you know where the case is being processed.

Dear USCIS Officer:

Please be informed that I am an attorney with the Law Office of Alice Attorney, which has been retained to provide pro bono representation to Camryn C. Client. Mx. Client is a petitioner for U nonimmigrant status whose petition was filed with USCIS on _____.

I am taking over representation of Mx. Client's pending U nonimmigrant status petition and related applications. **Accordingly, a new Form G-28, Notice of Entry of Appearance as Attorney, is enclosed for the following petitions/applications:**

Form Type – Receipt Number

I-918 – EACxxxxxx

I-918A – EACxxxxxx

I-192 – EACxxxxxx

I-765 – EACxxxxxx

Kindly update USCIS records to reflect this change in representation and send any and all notices or correspondence related to Mx. Client's aforementioned petitions/applications to me at the following address: c/o Alice Attorney, Esq., Law Office of Alice Attorney, 45 Alice Lane, Suite 903, New York, NY 10018.

Sincerely,

Alice Attorney, Esq.



Notice of Entry of Appearance as Attorney or Accredited Representative

Department of Homeland Security

DHS
Form G-28
OMB No. 1615-0105
Expires 05/31/2021

Part 1. Information About Attorney or Accredited Representative

1. USCIS Online Account Number (if any)

▶

Name of Attorney or Accredited Representative

2.a. Family Name (Last Name)

2.b. Given Name (First Name)

2.c. Middle Name

Address of Attorney or Accredited Representative

3.a. Street Number and Name

3.b. ☐ Apt. ☐ Ste. ☒ Flr.

3.c. City or Town

3.d. State [\(USPS ZIP Code Lookup\)](#)

3.f. Province

3.g. Postal Code

3.h. Country

Contact Information of Attorney or Accredited Representative

4. Daytime Telephone Number

5. Mobile Telephone Number (if any)

6. Email Address (if any)

7. Fax Number (if any)

Part 2. Eligibility Information for Attorney or Accredited Representative

Select **all applicable** items.

1.a. ☒ I am an attorney eligible to practice law in, and a member in good standing of, the bar of the highest courts of the following states, possessions, territories, commonwealths, or the District of Columbia. If you need extra space to complete this section, use the space provided in **Part 6. Additional Information**.

Licensing Authority

1.b. Bar Number (if applicable)

1.c. I (select **only one** box) ☒ am not ☐ am subject to any order suspending, enjoining, restraining, disbaring, or otherwise restricting me in the practice of law. If you are subject to any orders, use the space provided in **Part 6. Additional Information** to provide an explanation.

1.d. Name of Law Firm or Organization (if applicable)

2.a. ☐ I am an accredited representative of the following qualified nonprofit religious, charitable, social service, or similar organization established in the United States and recognized by the Department of Justice in accordance with 8 CFR part 1292.

2.b. Name of Recognized Organization

2.c. Date of Accreditation (mm/dd/yyyy)

3. ☐ I am associated with , the attorney or accredited representative of record who previously filed Form G-28 in this case, and my appearance as an attorney or accredited representative for a limited purpose is at his or her request.

4.a. ☐ I am a law student or law graduate working under the direct supervision of the attorney or accredited representative of record on this form in accordance with the requirements in 8 CFR 292.1(a)(2).

4.b. Name of Law Student or Law Graduate



Part 3. Notice of Appearance as Attorney or Accredited Representative

If you need extra space to complete this section, use the space provided in **Part 6. Additional Information**.

This appearance relates to immigration matters before (select **only one** box):

1.a. ☒ U.S. Citizenship and Immigration Services (USCIS)

1.b. List the form numbers or specific matter in which appearance is entered.

I-918, I-918A, I-192, I-765

2.a. ☐ U.S. Immigration and Customs Enforcement (ICE)

2.b. List the specific matter in which appearance is entered.

3.a. ☐ U.S. Customs and Border Protection (CBP)

3.b. List the specific matter in which appearance is entered.

4. Receipt Number (if any)

▶ E A C 2 3 0 0 0 0 0 0 0 0

5. I enter my appearance as an attorney or accredited representative at the request of the (select **only one** box):

☒ Applicant ☐ Petitioner ☐ Requestor

☐ Beneficiary/Derivative ☐ Respondent (ICE, CBP)

Information About Client (Applicant, Petitioner, Requestor, Beneficiary or Derivative, Respondent, or Authorized Signatory for an Entity)

6.a. Family Name (Last Name) Client

6.b. Given Name (First Name) Carla

6.c. Middle Name

7.a. Name of Entity (if applicable)

7.b. Title of Authorized Signatory for Entity (if applicable)

8. Client's USCIS Online Account Number (if any)

▶

9. Client's Alien Registration Number (A-Number) (if any)

▶ A- 1 2 3 4 5 6 7 8 9

Client's Contact Information

10. Daytime Telephone Number

11. Mobile Telephone Number (if any)

12. Email Address (if any)

Mailing Address of Client

NOTE: Provide the client's mailing address. **Do not** provide the business mailing address of the attorney or accredited representative **unless** it serves as the safe mailing address on the application or petition being filed with this Form G-28.

13.a. Street Number and Name c/o LawFirm LLC, 100 Main St.

13.b. ☐ Apt. ☐ Ste. ☒ Flr. 54

13.c. City or Town New York

13.d. State NY 13.e. ZIP Code 10005

13.f. Province

13.g. Postal Code

13.h. Country

USA

Part 4. Client's Consent to Representation and Signature

Consent to Representation and Release of Information

I have requested the representation of and consented to being represented by the attorney or accredited representative named in **Part 1.** of this form. According to the Privacy Act of 1974 and U.S. Department of Homeland Security (DHS) policy, I also consent to the disclosure to the named attorney or accredited representative of any records pertaining to me that appear in any system of records of USCIS, ICE, or CBP.

Part 4. Client's Consent to Representation and Signature (continued)

Options Regarding Receipt of USCIS Notices and Documents

USCIS will send notices to both a represented party (the client) and his, her, or its attorney or accredited representative either through mail or electronic delivery. USCIS will send all secure identity documents and Travel Documents to the client's U.S. mailing address.

If you want to have notices and/or secure identity documents sent to your attorney or accredited representative of record rather than to you, please select **all applicable** items below. You may change these elections through written notice to USCIS.

- 1.a. ☒ I request that USCIS send original notices on an application or petition to the business address of my attorney or accredited representative as listed in this form.
- 1.b. ☒ I request that USCIS send any secure identity document (Permanent Resident Card, Employment Authorization Document, or Travel Document) that I receive to the U.S. business address of my attorney or accredited representative (or to a designated military or diplomatic address in a foreign country (if permitted)).

NOTE: If your notice contains Form I-94, Arrival-Departure Record, USCIS will send the notice to the U.S. business address of your attorney or accredited representative. If you would rather have your Form I-94 sent directly to you, select **Item Number 1.c.**

- 1.c. ☐ I request that USCIS send my notice containing Form I-94 to me at my U.S. mailing address.

Signature of Client or Authorized Signatory for an Entity

- 2.a. Signature of Client or Authorized Signatory for an Entity



- 2.b. Date of Signature (mm/dd/yyyy)

Part 5. Signature of Attorney or Accredited Representative

I have read and understand the regulations and conditions contained in 8 CFR 103.2 and 292 governing appearances and representation before DHS. I declare under penalty of perjury under the laws of the United States that the information I have provided on this form is true and correct.

1. a. Signature of Attorney or Accredited Representative

- 1.b. Date of Signature (mm/dd/yyyy)

- 2.a. Signature of Law Student or Law Graduate

- 2.b. Date of Signature (mm/dd/yyyy)



Part 6. Additional Information

If you need extra space to provide any additional information within this form, use the space below. If you need more space than what is provided, you may make copies of this page to complete and file with this form or attach a separate sheet of paper. Type or print your name at the top of each sheet; indicate the **Page Number**, **Part Number**, and **Item Number** to which your answer refers; and sign and date each sheet.

1.a. Family Name (Last Name)

1.b. Given Name (First Name)

1.c. Middle Name

2.a. Page Number 2.b. Part Number 2.c. Item Number

2.d. Receipt numbers in which appearance

is entered:

Form I-918: EAC2300000000

Form I-918A: EAC2300000001

Form I-192: EAC2300000002

Form I-765: EAC2300000003

3.a. Page Number 3.b. Part Number 3.c. Item Number

3.d. _____

4.a. Page Number 4.b. Part Number 4.c. Item Number

4.d. _____

5.a. Page Number 5.b. Part Number 5.c. Item Number

5.d. _____

6.a. Page Number 6.b. Part Number 6.c. Item Number

6.d. _____



7.D.
Maintaining
Communication
With Your Client

CLIENT POST-FILING QUESTIONNAIRE

This questionnaire should be used when there is a pending application with USCIS for over 6 months. Please contact your client every six months and go through the questions listed below. Please communicate with your Her Justice mentor if there are any changes to the information below.

Personal Information:

1. Has your contact Information changed? If so, what is your new:
 - a. Address
 - b. Phone Number
 - c. Email
 - d. Notes: (e.g., Expected changes in the future regarding any of these contacts? Is it safe to send mail/ email?)
2. Has your Relationship Status changed? If yes, please indicate whether and when the following took place:
 - a. Married
 - i. Name and DOB of new spouse
 - ii. Immigration status of new spouse
 - iii. Notes: (e.g., Will client want to include new spouse in immigration application? Will client's new spouse petition for them?)
 - b. Divorced
 - i. Date of final judgement of divorce
 - ii. Notes: (e.g., Does client have any questions about the legal implications of the divorce?)
3. Children:
 - a. Verify address of any derivatives already included in the pending applications (e.g., Same as what was written in the pending applications? Have any derivative family members moved? If so, where to?)
 - b. Were any children (or stepchildren) born who are not included in the pending application?

Immigration:

1. Have you filed for any additional immigration relief?
 - a. If so, what form?
 - b. Do you have copies of what was filed and any receipt notices or decisions? If yes, ask them if they would share a copy of those documents for review.
2. Have you had any contact with ICE/CBP?
3. Are there any updates in the immigration status of your close family members (e.g., spouse obtaining green card or citizenship or US citizen children turning 21?)

Law Enforcement:

1. Have you had any contact with any law enforcement agencies?
 - a. Arrests?
 - b. Tickets/ citations/fines?
 - c. Requested law enforcement assistance?
2. Have you had any recent court dates?
3. Have you filed any petitions in court? (Example: Family court)

Travel

1. Have you left the United States since we last talked?

Trafficking: Note – Trafficking involves the use of force, fraud, or coercion to obtain some type of labor or commercial sex act. Many survivors do not self-identify as “human trafficking victims” due to a lack of knowledge about the crime and the power and control dynamics typically involved in human trafficking situations. The questions in this section are purposely open-ended so that you can gauge whether there may be trafficking that has occurred or is ongoing.

1. Inquire about their current living or working conditions.
 - a. Do you feel safe at your current place of living or workplace?
 - b. Are there any conditions or people at your current job that make you feel unsafe?
2. Have you felt pressured to do something that you did not want to do or felt uncomfortable doing?
3. Have you felt like you were deceived about anything related to your job?

Note the client's responses and any follow-up questions that may naturally arise during your conversation. Based on their responses, if you believe your client may be a survivor of trafficking, please alert your Her Justice Mentor to complete a full screening.

EXHIBIT/STEP 8: RECEIVE DECISION NOTICES

EXHIBIT/STEP 8: RECEIVE DECISION NOTICES

A. Cover Page and Contents

B. Approval Notices

- i. Checklist of Post-Approval Steps
- ii. Sample Post-U Approval Concluding Letter
- iii. Sample I-918 Approval Notice (Form I-797, Notice of Action)
- iv. Sample I-918A Approval Notice (Form I-797, Notice of Action) for Derivative in U.S.
- v. Sample I-918A Approval Notice (Form I-797, Notice of Action) for Derivative Outside U.S.
- vi. Sample I-192 Approval Notice (Form I-797, Notice of Action)
- vii. Sample I-765 Approval Notice (Form I-797, Notice of Action) under category (a)(20) for Derivative in U.S.
- viii. Sample A19 EAD for U-1 Principal
- ix. Sample A20 EAD for Derivative in U.S.

C. Denial Notices

- i. Checklist of Post-Denial Steps
- ii. Sample Decision Notice of I-918 Denial
- iii. Sample Decision Notice of I-192 Denial
- iv. Sample Decision Notice of I-918A Denial
- v. Sample Cover Letter for Form I-290B
- vi. Sample Form I-290B, Notice of Appeal or Motion

8.B. Approval Notices

CHECKLIST OF POST-APPROVAL STEPS

Congratulations on the approval of your client's U nonimmigrant status petition! Below is a checklist of steps to take to notify your client and conclude representation.

☐ Check I-918 approval notice for accuracy.

Make sure the I-918 approval notice correctly grants your client U-1 nonimmigrant status for a period of four (4) years, that your client's name has been spelled correctly, and the bottom of the notice contains a Form I-94. The Form I-94 on the I-918 approval notice is proof of your client's admission to the U.S. as a U nonimmigrant.

☐ Check A19 EAD for accuracy.

Make sure that an Employment Authorization Document (EAD) under category A19 has been issued to your client, and that the EAD correctly lists your client's biographical information with a correct photo.

☐ Check I-192 approval notice for accuracy, if an inadmissibility waiver was filed.

The I-192 approval notice should list the grounds of inadmissibility under INA Sec. 212 that were waived for your client. You should review the grounds requested to be waived in the original I-192 application to ensure that all grounds that were requested were included on the I-192 approval notice.

☐ Check I-918A approval notice(s) for accuracy, if petitions were filed for derivatives in your client's case.

If your client's derivative is present in the U.S., be sure to check that their I-918A approval notice contains a Form I-94 at the bottom of the notice. The Form I-94 on the I-918A approval notice is proof of the derivative's admission to the U.S. as a U nonimmigrant.

If the derivative resides outside the U.S., their I-918A approval notice will not contain a Form I-94 at the bottom of the notice since they have not yet been admitted to the U.S. as a U nonimmigrant. In order for them to be admitted to the U.S. as U nonimmigrants, any approved derivatives abroad must complete consular processing. Their date of U nonimmigrant admission will be the date they actually arrive to the U.S. with a valid U visa.

As with the I-918 approval notice, you should also make sure the I-918A approval notice grants the derivative four (4) years of U nonimmigrant status under the correct category: U-2 for spouses; U-3 for children; U-4 for parents if principal was under 21 at time of filing; and U-5 for siblings who were under 18 at time of filing if principal was under 21 at time of filing.

- ☐ **Check A20 EADs for accuracy**, if derivatives present in the U.S. were approved for U nonimmigrant status.

If an I-918A approval notice was issued to a derivative who lives in the U.S., make sure that an I-765 approval notice and EAD under category A20 have also been issued to the derivative. The EAD should correctly contain the derivative's biographical information and photo.

If the approved derivative resides outside the U.S., they are not eligible for employment authorization and will not be issued an A20 EAD until they are physically present in the U.S. and have affirmatively submitted an I-765 application under category A20.

If there are any errors on any approval notices or EADs, or if you have not received any expected notices/EADs above, please contact your Her Justice mentor.

- ☐ **Send PDF copies of approval notices and EADs to Her Justice mentor.**
- ☐ **Send PDF of entire U nonimmigrant status filing to Her Justice mentor (if that has not been done previously).**
- ☐ **Prepare closing letter with important information about your client's new U nonimmigrant status and case file.**

See, Sample Post U-Approval Concluding Letter.

- ☐ **Notif your client and schedule meeting for transfer of documents.**

Promptly notify your client of the approval of their U nonimmigrant status case by phone and schedule a meeting to meet with her personally. During this meeting, you should review the contents of the concluding letter with your client and provide her with original approval notices, original EADs, and a copy of her complete case file.

If your client has approved derivatives abroad, you will want to discuss with her the necessary consular processing steps to be completed in order for her to be reunified with her loved ones in the U.S. You should speak to your Her Justice mentor about consular processing representation prior to meeting with your client.

It is recommended that you have tissues available during this meeting as it may be very emotional for your client. Your client has been through a lengthy yearslong journey to obtain lawful immigration status in the U.S., and finally receiving her approval notices and A19 EAD may elicit an emotional response from your client.

SAMPLE POST-APPROVAL CONCLUDING LETTER: FOR PETITIONER & DERIVATIVES

[Date]

[Client Name]

[Address]

Re: **Approval of U Nonimmigrant Status and Conclusion of Representation**

Dear [Client],

Congratulations on your grant of U nonimmigrant status by United States Citizenship and Immigration Services (USCIS)! You have been granted valid U nonimmigrant status for a period of four (4) years, from [date of beginning of U status] and lasting until [date of ending of U status]. Please read the following information regarding your new immigration status carefully.

Eligibility to Adjust Status to Lawful Permanent Resident

- As a result of having been granted U nonimmigrant status on [date of beginning of U status], you will become **eligible to apply for lawful permanent residence (also known as a “green card”) on or after [date 3 years from beginning of U status] – three (3) years from when you were officially granted U nonimmigrant status.**
- If you wish to apply for lawful permanent residence, **you must do so before [date of ending of U status] – the date your U nonimmigrant status expires.** If your application for lawful permanent residence is not received by USCIS by that date, your eligibility for lawful permanent residence will expire along with your U nonimmigrant status.
- In order to be eligible to apply for adjustment of status to Lawful Permanent Resident, you will need to establish that you:
 - **1) Have lived continuously in the United States for at least three (3) years as a U nonimmigrant** prior to the date that you file your adjustment of status application. You will need to provide documentary proof of your continuous, physical presence in the U.S. as a U nonimmigrant. To that end, ***we recommend that you save copies of any paystubs, bills (i.e. cable, phone, electricity), rent agreements or payments, record of money transfers, bank statements, tax returns, and other applications/correspondence you may submit or receive as of today and for the next three (3) years*** which will establish your ongoing presence in the United States.

- **2) Have a current, valid passport at the time of filing your adjustment of status application.** If you are able to do so, it is recommended that you maintain a current passport during your period of U nonimmigrant status. However, if you are unable to do so, you are still eligible to file for lawful permanent residency and should speak to your immigration attorney representing you in your adjustment of status application about filing without a valid passport. You should keep any expired and current passports in a safe place. If you need to renew your passport, it is recommended that you keep a *complete copy of your passport* before applying for a new passport.
-
- **3) Have not unreasonably refused to cooperate with law enforcement** in the investigation or prosecution of the crime upon which your U nonimmigrant status is based. Thus, it is recommended that you continue cooperating with the authorities should they ask for your help and if you are reasonably able to do so.
- **4) Demonstrate good moral character** since being granted U nonimmigrant status. *Any arrests, detentions, citations, charges, or convictions against you of any crime or violation of local, state or federal law may adversely affect any future adjustment of status application.* Should you be arrested, detained cited, or charged with any crime, or have any encounters with police or immigration law enforcement officers, we recommend that you *work with a separate lawyer to defend you in any proceedings that may result and discuss the potential immigration consequences* to your current status as a U nonimmigrant, as well as your future plans to apply for adjustment of status. You should keep all records related to your criminal case as these documents will be needed for any future adjustment of status application.
- When you become eligible to apply for lawful permanent residence you may contact Her Justice at (212) 695-3800 to request assistance with an adjustment of status application. Her Justice *cannot guarantee* that the organization will have the resources to assist you. We encourage and welcome you to contact other organizations for your adjustment of status application.
- Travel Limitations
- Your new U nonimmigrant status does not grant you the right to travel outside the U.S. At this time the U.S. government has not yet established a clear procedure to allow individuals who have been granted U nonimmigrant status to re-enter lawfully after international travel abroad. There is *no guarantee* that if you leave the U.S. without prior USCIS permission that you will be allowed to lawfully re-enter the country. Thus, **we do not recommend that you travel outside of the United States during your period of U nonimmigrant status.**

- We do not have a continuing obligation to assist or represent you with a lawful return to the U.S. should you travel outside the U.S.
- Further, any periods of time spent outside the U.S. may affect your ability to apply for adjustment of status in the future given that you must show your *continuous, physical presence in the U.S. for at least three (3) years* as a U nonimmigrant. Any absences from the U.S. may interrupt the continuity of your presence in the U.S.

Your Responsibilities

- Should you move to a new residence, please be aware that U.S. federal law requires that you **must file a change of address form within ten (10) days of moving**. You may file a change of address with USCIS:
 - *By mail:* You will need to send a completed Form AR-11, Alien Change of Address card to U.S Citizenship and Immigration Services, Attn: Humanitarian Division, Vermont Service Center, 38 River Road, Essex Junction, VT 05479-0001;
 - *By phone:* You may call the USCIS Contact Center at (800) 375-5283 to update your address; or
 - *Online:* You may submit Form AR-11 through the USCIS web site at www.uscis.gov.
- FOR MALE U NONIMMIGRANTS ONLY: Selective Service registration for males living in the U.S. between the ages of 17 and 25 is mandatory. If you have a male derivative/beneficiary living in the U.S., please note the following:
 - If your male derivative/beneficiary is under 17 years and 3 months of age and was granted U nonimmigrant status, please note that federal law requires that your **male derivative/beneficiary must register with the Selective Service within thirty (30) days of turning 18**. Information about Selective Service registration is available at the Selective Service System web site at www.sss.gov.
 - If your male derivative/beneficiary is between the ages of 17 years and 3 months and 25 years and was granted U nonimmigrant status, then he should **register immediately** for the Selective Service at www.sss.gov.
 -

Eligibility for Benefits

- **Your I-918 approval notice serves as proof of your new immigration status.** As a U nonimmigrant, you may qualify for additional public benefits. The receipt of public benefits will not affect your current status nor any future application for residency based on an adjustment from U nonimmigrant to Lawful Permanent Resident.
- As a U nonimmigrant, you are authorized to lawfully remain and work in the U.S. for a period of four (4) years. You have been issued a **new Employment Authorization Document (EAD) under category A19**. If you have any derivatives/beneficiaries in the U.S. that have been granted U nonimmigrant status, they have also been issued new EADs under category A20. Please note the following about these new EADs:
 - It is recommended that you switch immediately from using your previous EAD issued under category C14 for deferred action to your new EAD. Your new EAD under category A19/A20 shows that you are a U nonimmigrant with lawful status in the U.S. You should provide your employer with your updated EAD and inform them of your new immigration status.
 - A19/A20 EADs are not renewable. In order to obtain a new EAD in the future, you will need to apply for adjustment of status.
- You do not need to apply for a new social security number unless you have never received one. If you have previously been issued a social security number, this number will remain the same regardless of your immigration status.

Conclusion of Representation

Enclosed is a complete copy of your U nonimmigrant status case file, including original approval notices and your new EAD. *Please keep these documents in a safe place.* When you are eligible for adjustment of status, you should provide a copy of your case file to any immigration attorneys that you consult with to represent you in an application for lawful permanent residency.

Now that your case has been approved and you have been granted U nonimmigrant status, my firm's representation of you in this matter has hereby concluded. This letter confirms that [**Name of Law Firm**] no longer represents you and that the attorney-client relationship between you and our firm has ended. Accordingly, your case is now closed and [**Name of Law Firm**] has no continuing obligations toward you.

Should you need legal **help** in the future on a divorce, family court, or **new** immigration matter, you may **contact** Her Justice at (212) 695-3800 **to request assistance**.

Again, congratulations on your new immigration status as a U nonimmigrant! It has been a pleasure working with you, and we wish you and your family all the best in the future.

Sincerely,

[*Name of Attorney*]

Encl.

[Fecha]

[Nombre del Cliente]

[Dirección de Cliente]

Re: **Aprobación de Estatus U de No Inmigrante (la Visa U) y Conclusión de Representación Legal**

Estimada [Cliente]:

Felicidades! Su petición de estatus U de no inmigrante (la visa U) fue aprobada por los Servicios de Ciudadanía e Inmigración (USCIS) y ahora tiene estatus legal como U no-inmigrante por un periodo de cuatro (4) años, desde [fecha de inicio] hasta [fecha de expiración]. Favor de revisar bien la información siguiente sobre su nuevo estatus migratorio:

Elegibilidad para Ajustar Estatus a Residente Legal Permanente

- Como resultado de la aprobación de la visa U en [fecha de inicio], **estará elegible aplicar para la residencia legal permanente (también conocido como una “tarjeta verde”) en o después de [fecha de expiración] – tres (3) años desde que fue aprobada oficialmente para la visa U.**
- Si quiere convertirse en residente legal permanente, **debe presentar una aplicación de ajustar estatus antes de [fecha de expiración] – la fecha de vencimiento de su visa U.** Si su aplicación para ajustar estatus no está recibido por USCIS antes de esta fecha, su elegibilidad para la residencia legal permanente se vence junto con su estatus como U no-inmigrante.
- Para mantener su elegibilidad para ajustar estatus como residente legal permanente, tendrá que mostrar lo siguiente:
 - **1) Ha vivido continuamente en los EE.UU por mínimo de tres (3) años como U no-inmigrante** antes de la fecha de presentación de su aplicación para la residencia. Tendrá que proporcionar documentación de su presencia continua y física en los EE.UU como U no-inmigrante. *Con ese fin, le recomienda que guarde copias de cualesquier talones de cheque, facturas (por ejemplo, de luz/electricidad, teléfono, o cable), contratos o recibos de alquiler, historial de remesas, extractos de cuentas bancarias, declaraciones de impuestos, y otros aplicaciones/correspondencia que entregaría o recibiría a partir de hoy y por los próximos tres (3) años.* Esos documentos pueden probar su presencia seguida en los EE.UU.
 - **2) Tiene pasaporte vigente y válido cuando presente su aplicación para ajustar estatus.** Si puede hacerlo, es recomendado que usted mantiene un pasaporte vigente durante su periodo de validez de su visa U. Sin embargo, si no

puede mantener o conseguir un pasaporte vigente, retendrá la elegibilidad para ajustar su estatus y lograr la residencia. Debe hablar con el abogado de inmigración representándole en su aplicación de residencia sobre la presentación de su aplicación sin un pasaporte vigente. También debe guardar sus pasaportes vencidos y vigente en un lugar seguro. Si tiene que renovar su pasaporte, *es recomendado que saque fotocopias o fotos de todas las páginas de su pasaporte antes de aplicar por un pasaporte nuevo.*

- **3) No dejó de colaborar con las autoridades sin razón razonable** en la investigación o prosecución del crimen que fue el basis de su visa U. Así es recomendado que usted sigue colaborando con las autoridades si ellos necesiten su ayuda y usted pueda proveerlo razonablemente.
- **4) Un buen caracter moral** desde la aprobación de su visa U. *Cualesquier arrestos, detenciones, citaciones, cargos, o condenas contra usted por la comisión de cualquier delito bajo la ley federal, estatal o local pueden perjudicar una futura aplicación de residencia.* Si está arrestado, detenido, citado, cargado, o condenado de un delito, o tiene algunos Encuentros con oficiales de la policía penal o de inmigración, le recomendamos que usted *trabaja con otro abogado para defenderle contra cualesquier procedimientos penales o migratorios que resulten, y que usted discuta las consecuencias migratorias potenciales* en su estatus actual bajo la visa U y en sus planes futuros de aplicar para la residencia.
- Cuando esté eligible para presentar una aplicación de residencia, puede comunicarse con Her Justice al (212) 695-3800 para solicitar asistencia legal con esa aplicación.

Restricciones de Viajar al Extranjero

- Su nuevo estatus bajo la visa U no es una visa que le confiere autorización de viajar al extranjero. En este momento, el gobierno de los EE.UU no ha establecido un proceso claro para autorizar la re-entrada legal de individuos quien tienen estatus como U no-inmigrante. No hay garantía que si salga de los EE.UU sin permisión de USCIS, puede entrar el país de nuevo de una manera legal. Por eso, **no le recomendamos que viaje fuera de los EE.UU durante su periodo de validez de su visa U.**
- No tenemos una obligación continua hacia usted para ayudarle o representarle en la re-entrada legal a los EE.UU si salga del país.
- Además, cualesquier periodos de tiempo fuera de los EE.UU pueden afectar su elegibilidad para la residencia. Dado que la presencia *seguida y física en los EE.UU por mínimo de tres (3) años* como U no-inmigrante es requisito para la residencia, las ausencias de los EE.UU pueden interrumpir la continuidad de su presencia en este país.

Sus Responsabilidades

- Si se cambie su domicilio, favor de tener en cuenta que la ley federal requiere que **presenta un formulario del cambio de dirección dentro de diez (10) días de haberse mudado**. Puede registrar un cambio de dirección con USCIS:
 - *Por correo*: Tiene que cumplir el Formulario AR-11, Tarjeta de Cambio de Dirección de Extranjero, y mandarlo a: U.S Citizenship and Immigration Services, Attn: Humanitarian Division, Vermont Service Center, 38 River Road, Essex Junction, VT 05479-0001;
 - *Por teléfono*: Puede llamar al Centro de Contacto de USCIS al (800) 375-5283 para registrar su nueva dirección; o
 - *En línea*: Puede entregar el Formulario AR-11 en el sitio de web USCIS: www.uscis.gov.
- **SOLAMENTE PARA LOS U NO-INMIGRANTES MASCULINOS**: Es mandatorio que los hombres viviendo en los EE.UU quienes tienen entre 17 y 25 años de edad se registran para el Servicio Selectivo. Si tiene un derivado/beneficiario masculino viviendo en los EE.UU, anote lo siguiente:
 - Si su derivado/beneficiario masculino tiene menos de 17 años y 3 meses de edad y fue otorgado estatus bajo la visa U, tenga en cuenta que la ley federal requiere que ***su derivado/beneficiario masculino tiene que registrarse con el Servicio Selectivo entre treinta (30) días de haberse cumplir 18 años***. Información sobre el registro de Servicio Selectivo está disponible en el sitio de web: www.sss.gov.
 - Si su derivado/beneficiario masculino tiene entre 17 años y 3 meses de edad y 25 años de edad y fue otorgado estatus bajo la visa U, él debe registrarse inmediatamente para el Servicio Selectivo en el sitio de web: www.sss.gov.

Elegibilidad Para los Beneficios

- **El aviso de aprobación I-918 sirve como comprobante de su nuevo estatus migratorio**. Como U no-inmigrante, puede calificar para ciertos beneficios públicos adicionales. El recibo de beneficios públicos no afecta su estatus actual ni ninguna aplicación de residencia en el futuro si está basado en el ajustamiento de la visa U.
- Como U no-inmigrante, está autorizada de quedarse y trabajar legalmente en los EE.UU por un periodo de cuatro (4) años. **Un nuevo permiso de trabajo bajo la categoría A19** fue otorgado a usted. Si tiene algunos derivados/beneficiarios en los EE.UU que fue aprobados para estatus de U no-inmigrante, ellos también recibieron nuevos permisos de trabajo bajo la categoría A20. Favor de tener en cuenta lo siguiente sobre sus nuevos permisos de trabajo:

- Es recomendado que deja el uso de su permiso de trabajo anterior, bajo la categoría C14 para la acción diferida, y utilice su nuevo permiso de trabajo. Su nuevo permiso de trabajo bajo la categoría A19/A20 muestra que tiene estatus legal bajo la visa U. Debe proporcionar su nuevo permiso de trabajo a su empleador y actualizar su estatus en su trabajo.
- No puede renovar los permisos de trabajo bajo la categoría A19/A20. Para conseguir un nuevo permiso de trabajo en el future, tiene que presentar una aplicación de residencia a USCIS.
- No tiene que solicitar por un nuevo número de seguro social con la excepción de que nunca recibió un número inicial. Si ha recibido un número de seguro social previamente, este número permanece lo mismo independiente de su estatus migratorio.

Conclusión de Representación Legal

Se adjunta una copia completa de su expediente de la visa U, incluyendo avisos de aprobación originales y su nuevo permiso de trabajo. *Favor de guardar estos documentos en un lugar seguro.* Cuando esté elegible para la residencia, debe presentar una copia de su expediente cuando solicite los abogados de inmigración para representarle en su aplicación de residencia.

Ahora que su caso ha sido aprobado y fue otorgado estatus como U no-inmigrante, la representación de mi bufete legal se ha concluido. Esta carta confirma que [*Nombre de bufete legal*] ya no le representa y que la relación entre abogado y cliente se ha terminado. Por lo tanto, su caso ahora está cerrado y [*Nombre de bufete legal*] no tiene ningunas obligaciones continuas hacia usted.

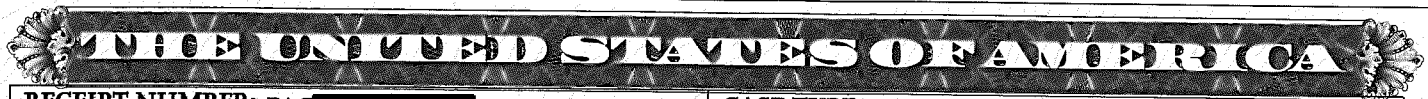
Si necesita ayuda legal en el futuro con el divorcio, asunto familiar, o nuevo asunto migratorio, puede comunicarse con Her Justice at (212) 695-3800 para solicitar asistencia legal.

Otra vez, felicidades en su nuevo estatus migratorio como U no-inmigrante! Fue un placer de trabajar con usted. Deseamos lo mejor por usted y su familia en el futuro.

Atentamente,

[*Nombre del abogado*]

Adj.



RECEIPT NUMBER: EAC [REDACTED]		CASE TYPE: I-918 Petition for U Nonimmigrant Status
RECEIPT DATE: May 18, 2012	PRIORITY DATE	Principal Applicant: [REDACTED]
NOTICE DATE: June 28, 2013	PAGE: 1 of 1	Principal A#: A [REDACTED]
[REDACTED] INMOTION INC 100 BROADWAY 10TH FL NEW YORK NY 10005		Notice Type: Approval Class: U1 Valid From: June 27, 2013 To: June 26, 2017

Your Petition for U Nonimmigrant Status has been approved. Attached below please find a completed Form I-94, Arrival-Departure Record, indicating that you have been granted U nonimmigrant status for a period of 4 years.

EMPLOYMENT AUTHORIZATION:

You are authorized to work in the United States for the validity period of your U nonimmigrant status. Your Employment Authorization Document will be mailed to you separately.

ADJUSTMENT OF STATUS:

Federal law provides that you may be eligible to adjust your status to that of a lawful permanent resident. A U-1 nonimmigrant may submit an application for adjustment of status after he/she has been physically present in the United States for a continuous period of at least 3 years after the date he/she was admitted as a U-1 nonimmigrant.

DERIVATIVE U NONIMMIGRANT CLASSIFICATION:

You may request derivative U nonimmigrant status for qualifying family members. To request derivative status, you must submit a Form I-918 with Supplement A in accordance with the instructions printed on the form. If you included qualifying family members on your original application, a notice of decision on the derivative petition(s) will be mailed to you separately.

DEPARTING FROM THE UNITED STATES:

Aliens with U nonimmigrant status may travel outside the United States. However, in order to return to the United States, you must obtain a U nonimmigrant visa for re-entry to the United States unless you are visa exempt or obtain a waiver. Also, if you accrued "unlawful presence" prior to obtaining U nonimmigrant status, you may be unable to re-enter the United States and may need to obtain a waiver of inadmissibility prior to or upon your return to the United States.

Contact the Vermont Service Center if you would like to be provided a list of nongovernmental organizations that may be of assistance to you.

Please see attached additional information on the back. You will be notified separately about other cases you filed.

U. S. Citizenship and Immigration Services
Vermont Service Center
75 Lower Welden Street
St. Albans, VT 05479

VAWA Customer Service Hotline: 1-802-527-4888

For Official Use Only

PLEASE TEAR OFF FORM I-94 PRINTED BELOW AND STAPLE TO ORIGINAL I-94 IF AVAILABLE

Detach This Half for Personal Records		Receipt Number: EAC [REDACTED] U. S. Citizenship and Immigration Services	
Receipt # EAC [REDACTED] I-94 # [REDACTED] NAME [REDACTED] CLASS U1 VALID FROM 06/27/2013 UNTIL 06/26/2017		I-94 Departure Record	
		14. Family Name [REDACTED]	
		15. First (Given) Name [REDACTED]	16. Date of Birth [REDACTED]
		17. Country of Citizenship MEXICO	



I-918 Principal A#: A [REDACTED] I-918A Derivative A#: A [REDACTED]		CASE TYPE: I-918A Petition for Qualifying Family Member of U-1 Recipient
RECEIPT DATE: December 20, 2011	RECEIPT NUMBER: VTU [REDACTED]	PRINCIPAL: [REDACTED] \ EAC [REDACTED]
NOTICE DATE: November 30, 2012	PAGE: 1 of 1	QUALIFYING FAMILY MEMBER: [REDACTED]
[REDACTED] ATTN INMOTION INC 100 BROADWAY 10TH FLOOR NEW YORK NY 10005		Notice Type: Approval Class: U4 Valid From: November 29, 2012 To: November 28, 2016

The Petition for Qualifying Family Member of U-1 Recipient filed on your behalf has been approved. Attached below please find a completed Form I-94, Arrival-Departure Record, indicating that you have been granted U Nonimmigrant status for the specified period.

EMPLOYMENT AUTHORIZATION:

You are authorized to work in the United States for the validity period of your U nonimmigrant status. To receive evidence of employment authorization, submit a Form I-765 to the office listed below. If you filed a Form I-765, Application for Employment Authorization, in conjunction with the petition for U nonimmigrant status file on your behalf, a decision on that form will be mailed to you separately.

ADJUSTMENT OF STATUS:

Federal law provides that you may be eligible to adjust your status to that of a lawful permanent resident. A U nonimmigrant may submit an application for adjustment of status after he/she has been physically present in the United States for a continuous period of at least 3 years after the date he/she was admitted as a U nonimmigrant.

DEPARTING FROM THE UNITED STATES:

Aliens with U nonimmigrant status may travel outside the United States. However, in order to return to the United States, you must obtain a U nonimmigrant visa for re-entry to the United States unless you are visa exempt or obtain a waiver. Also, if you accrued "unlawful presence" prior to obtaining U nonimmigrant status, you may be unable to re-enter the United States and may need to obtain a waiver of inadmissibility prior to or upon your return to the United States.

Contact the Vermont Service Center if you would like to be provided a list of nongovernmental organizations that may be of assistance to you.

Please see attached additional information on the back. You will be notified separately about other cases you filed.

U. S. Citizenship and Immigration Services
Vermont Service Center
75 Lower Welden Street
St. Albans, VT 05479

VAWA Customer Service Hotline: 1-802-527-4888

For Official Use Only

PLEASE TEAR OFF FORM I-94 PRINTED BELOW AND STAPLE TO ORIGINAL I-94 IF AVAILABLE

Detach This Half for Personal Records		Receipt Number: VTU [REDACTED] U. S. Citizenship and Immigration Services	
Receipt # VTU [REDACTED] I-94 # [REDACTED] NAME [REDACTED] CLASS U4 VALID FROM 11/29/2012 UNTIL 11/28/2016		I-94 Departure Record	
		14. Family Name [REDACTED]	
		15. First (Given) Name [REDACTED]	16. Date of Birth [REDACTED]
		17. Country of Citizenship ECUADOR	



I-918 Principal A#: A [REDACTED] I-918 A Qualifying Family Member A#: A [REDACTED]		CASE TYPE: I-918A Petition for Qualifying Family Member of U-1 Recipient
RECEIPT DATE: November 21, 2012	RECEIPT NUMBER VTU [REDACTED]	PRINCIPAL: [REDACTED] / EAC [REDACTED]
NOTICE DATE: November 01, 2013	PAGE: 1 of 1	QUALIFYING FAMILY MEMBER: [REDACTED]
[REDACTED] ATTN DLA PIPER LLP 1251 AVE OF THE AMERICAS 6TH AVE NEW YORK NY 10020		Notice Type: Approval Class: U3 Valid From: October 31, 2013 To: October 30, 2017

Your Petition for Qualifying Family Member of U-1 Recipient (Form I-918, Supplement A) has been approved. We have sent the approved petition to the Kentucky Consular Center (KCC) for processing. Your derivative family member will need to contact the nearest consulate directly to obtain instructions on how to apply for their U nonimmigrant visa. Your derivative family member may contact the consulate or embassy, at any time, after you receive this notice. In order to be admitted to the United States as a U nonimmigrant, your derivative family member must obtain a visa from a consulate. THIS FORM IS NOT A VISA AND MAY NOT BE USED IN PLACE OF A VISA.

The approval of this petition does not grant any immigration status and does not guarantee your derivative family member will be found eligible for a visa or for subsequent admission to the United States, or for an extension, change or adjustment of status.

Upon admission to the United States your family member will be eligible to apply for work authorization for the validity period of their U nonimmigrant status. To receive employment authorization, your family member will need to submit an I-765, Application for Employment Authorization, along with a copy of this notice and a copy of their Arrival-Departure Record (Form I-94) to the office listed below.

THIS FORM DOES NOT CONSTITUTE EMPLOYMENT AUTHORIZATION NOR MAY IT BE USED IN PLACE OF AN EMPLOYMENT AUTHORIZATION DOCUMENT.

Contact the Vermont Service Center if you would like to be provided a list of nongovernmental organizations that may be of assistance to you.

Please see attached additional information on the back. You will be notified separately about other cases you filed.

U. S. Citizenship and Immigration Services
Vermont Service Center
75 Lower Welden Street
St. Albans, VT 05479
VAWA Customer Service Hotline: 1-802-527-4888

For Official Use Only

Receipt Number [REDACTED]		Case Type I192 - APPLICATION FOR ADVANCE PERMISSION TO ENTER AS NONIMMIGRANT
Received Date 09/23/2016	Priority Date	Applicant A [REDACTED]
Notice Date 01/19/2024	Page 1 of 1	Beneficiary A [REDACTED]
[REDACTED] c/o [REDACTED] [REDACTED] NEW YORK NY 10016		Notice Type: Approval Notice Consulate: KENTUCKY CNSUL CTR

The above application for advance permission to enter the U.S. as a nonimmigrant has been approved.

Grounds of Inadmissibility Waiver(s):

212(a)(6)(A)(i) An alien present in the United States without being admitted or paroled (EWI/PWI).

The back of this form contains additional general information. If the applicant has questions about the conditions of this approval, he or she should contact the nearest U.S. consulate.

Enclosures.

THIS NOTICE IS NOT A VISA AND MAY NOT BE USED IN PLACE OF A VISA.

NOTICE: Although this application or petition has been approved, USCIS and the U.S. Department of Homeland Security reserve the right to verify this information before and/or after making a decision on your case so we can ensure that you have complied with applicable laws, rules, regulations, and other legal authorities. We may review public information and records, contact others by mail, the internet or phone, conduct site inspections of businesses and residences, or use other methods of verification. We will use the information obtained to determine whether you are eligible for the benefit you seek. If we find any derogatory information, we will follow the law in determining whether to provide you (and the legal representative listed on your Form G-28, if you submitted one) an opportunity to address that information before we make a formal decision on your case or start proceedings.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

USCIS encourages you to sign up for a USCIS online account. To learn more about creating an account and the benefits, go to <https://www.uscis.gov/file-online>.

Vermont Service Center
U.S. CITIZENSHIP & IMMIGRATION SVC
38 River Road
Essex Junction VT 05479-0001

USCIS Contact Center: www.uscis.gov/contactcenter



ADDITIONAL INFORMATION FOR APPLICANT/PETITIONER

Please save this Form I-797, Notice of Action (approval notice) for your records. Please note that simply filing an application, petition or request, or having an approved petition does not give the person it was filed for (also known as the beneficiary) permission to legally enter the United States. It also does not grant any legal immigration status.

Include a copy of this notice if you:

- Write to USCIS or a U.S. Consulate about your case or
- File another application or petition with USCIS based on this decision.

USCIS will notify you separately about any other applications or petitions you have filed.

Inquiries

If you have questions about your application or petition, you may:

- Go to <https://egov.uscis.gov/casestatus> to check your case status online.
- Call the National Customer Service Center at 1-800-375-5283.
- Telecommunications Device for the Deaf (TDD): 1-800-767-1833.
- Send us a letter and include a copy of this notice.
- Schedule an appointment at a local USCIS office using InfoPass at <https://infopass.uscis.gov>.

If you filed Form I-907, Request for Premium Processing Service, and you have any questions about your application or petition, please follow the instructions for contacting the Premium Processing Unit printed on the receipt notice we mailed you.

APPROVAL OF A NONIMMIGRANT PETITION

If we approved a nonimmigrant petition, it means that the beneficiary is eligible for the requested nonimmigrant classification. If this notice says that we are notifying a U.S. Consulate about the approval for the purpose of issuing a visa, contact the appropriate U.S. Consulate directly if you or the beneficiary has questions about the process.

APPROVAL OF AN IMMIGRANT PETITION

An approved immigrant petition does not grant any legal immigration status or guarantee that the beneficiary will receive a visa or an adjustment of status. The approved petition means the beneficiary can:

- Apply for an immigrant or fiancé(e) visa if he or she is outside the United States, or
- Apply for adjustment of status as a permanent resident if he or she is already in the United States.

If this notice states we approved your immigrant petition and forwarded it to the National Visa Center (NVC), the NVC will directly contact the beneficiary with information about how to apply for a visa. If any changes occur that could affect visa eligibility, visit the NVC website at <http://nvc.state.gov/ask> to find contact information and a public inquiry form.

For more information about obtaining Lawful Permanent Residence status and a Green Card, visit our website at www.uscis.gov.



RECEIPT NUMBER EAC- [REDACTED]		CASE TYPE I765 APPLICATION FOR EMPLOYMENT AUTHORIZATION
RECEIPT DATE December 20, 2011	PRIORITY DATE	APPLICANT A [REDACTED]
NOTICE DATE November 29, 2012	PAGE 1 of 1	
CARMEN MARIA REY ESQ INMOTION INC 100 BROADWAY 10TH FLOOR NEW YORK NY 10005		Notice Type: Approval Notice Class: A20 Valid from 11/29/2012 to 11/28/2016

Your application for employment authorization has been approved. The Form I-766, Employment Authorization Document, was sent under separate cover to the beneficiary.

This card authorizes your employment in the United States. Show this card to your employer to verify authorization to work during the dates on the card.

If any information on the card is incorrect, please write the office listed below. Include your Employment Authorization Document, I-766, a photocopy of this notice, and evidence to support the necessary corrections.

THIS APPROVAL NOTICE IS NOT A VISA OR EVIDENCE OF EMPLOYMENT AUTHORIZATION, NOR MAY IT BE USED IN PLACE OF A VISA OR FORM I-766.

As a reminder, you may request to change employers under INA 204(j) if your Form I-485 Adjustment application has been pending for at least 180 days and your underlying Form I-140 is approved or is still pending. In order to do so, you should supplement the Form I-485 record of proceeding with documentation relating to the new job offer that forms the basis of the INA 204(j) portability request. For more information on how to request to change employers and what information is required to supplement the Form I-485, please visit www.uscis.gov.

THIS FORM IS NOT A VISA NOR MAY IT BE USED IN PLACE OF A VISA.

NOTICE: Although this application/petition has been approved, USCIS and the U.S. Department of Homeland Security reserve the right to verify the information submitted in this application, petition and/or supporting documentation to ensure conformity with applicable laws, rules, regulations, and other authorities. Methods used for verifying information may include, but are not limited to, the review of public information and records, contact by correspondence, the internet, or telephone, and site inspections of businesses and residences. Information obtained during the course of verification will be used to determine whether revocation, rescission, and/or removal proceedings are appropriate. Applicants, petitioners, and representatives of record will be provided an opportunity to address derogatory information before any formal proceeding is initiated.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

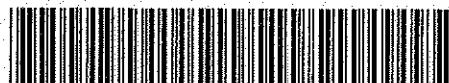
U.S. CITIZENSHIP & IMMIGRATION SVCS

VERMONT SERVICE CENTER

75 LOWER WELDEN STREET

SAINT ALBANS VT 05479-0001

Customer Service Telephone: (800) 375-5283



UNITED STATES OF AMERICA
EMPLOYMENT AUTHORIZATION

Surname [REDACTED]
Given Name [REDACTED]
UCCISE [REDACTED] Category Card# [REDACTED]
Country of Birth A20 [REDACTED]
Guatemala
Terms and Conditions
None
Date of Birth [REDACTED] Sex
M
Valid From 02/15/22
Card Expires 02/14/26
NOT VALID FOR REENTRY TO U.S.

8.C. Denial Notices

CHECKLIST OF POST-DENIAL STEPS

If USCIS has issued a Decision Notice denying your client's I-918, I-918A or I-192 petition/application, you should complete the following steps:

☐ Calendar 33 days from the date of the Decision Notice.

Time is of the essence if your client's case has been denied. You will have a maximum of 33 days from the date of issuance of the denial to preserve your client's right to appeal the decision by filing Form I-290B, Notice of Appeal or Motion. An I-290B allows for an appeal with the Administrative Appeals Office (AAO) or a motion to reconsider (based on incorrect application of law or policy) or motion to reopen (based on new facts and evidence) with USCIS.

An appeal with the AAO must include a statement that specifically identifies an erroneous conclusion of law or fact in the decision being appealed and be accompanied by a legal brief. You may file the brief *after* submitting Form I-290B, within 30 days of filing.

A motion to reopen with USCIS must state new facts and be supported by documentary evidence demonstrating eligibility for the required immigration benefit at the time the petition/application was filed.

A motion to reconsider with USCIS must demonstrate that the decision was based on an incorrect application of law or policy, and that the decision was incorrect based on the evidence in the case record at the time of the decision. The motion must be supported by citations to appropriate statutes, regulations, precedent decisions, or statements of USCIS policy.

On Form I-290B, you may file a combined motion to reopen and motion to reconsider. USCIS will separately determine whether the combined motion satisfies the requirements of a motion to reopen and a motion to reconsider. USCIS may grant both motions, grant one motion but deny the other, or deny both motions.

☐ Send a PDF copy of Decision Notice to your Her Justice mentor immediately.

Send a scanned PDF copy of the denial to your Her Justice mentor immediately to discuss strategies and next steps.

☐ Notify your client immediately and schedule a meeting, as needed.

After consulting with your Her Justice mentor on a plan for appeal, contact your client immediately to inform her of the decision and reason for denial. Discuss with her the plan for appeal and deadline for filing an I-290B.

Schedule a meeting with your client, as needed. During this meeting, you should review and obtain your client's signature on Forms G-28 and I-290B. You should also gather any additional evidence from your client and draft any affidavits, as necessary.

❑ Send draft of I-290B packet to your Her Justice mentor for review.

Send a draft of your I-290B packet to your Her Justice mentor for review. Allow a turnaround of 2-4 business days for review. The I-290B packet should contain:

- Cover letter that includes list of any evidence included
- Form G-28
- Form I-290B
- Copy of Decision Notice
- Legal brief, if filing with I-290B
- Affidavit of client, if necessary

As of April 1, 2024, U nonimmigrant status petitioners are exempt from paying the I-290B filing fee.

❑ Timely file the I-290B packet to arrive *prior* to the appeal deadline.

Send the I-290B packet to the appropriate mailing address according to the [USCIS website](#) for I-290B direct filing addresses via trackable overnight mail.

Track delivery of the filing and save proof of delivery confirmation to your client's case file. Within 1-2 months of delivery, you should expect to receive an I-290B Receipt Notice on Form I-797C, Notice of Action.

For an appeal with the AAO: Once filed, the service center that issued the unfavorable decision has 45 days to evaluate the appeal and determine whether to take favorable action on the appeal. If that office does not take favorable action, it will forward the appeal to the AAO and send the appellant a Notice of Transfer to the AAO.

The AAO will then generally complete its appellate review within 180 days (about 6 months) from the time it receives a complete case record. If the appeal is successful, the case will be remanded to USCIS for re-adjudication.

For motions to reconsider or reopen with USCIS: USCIS will generally review motions to reconsider or reopen within 180 days (about 6 months). It is possible that case review may take longer. If the motion is successful, USCIS will issue a Notice to Reopen.

September 17, 2021

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
P.O. Box 82521
Lincoln, NE 68501-2521



U.S. Citizenship
and Immigration
Services

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

NEW YORK, NY 10004-2756

RE: [REDACTED]
I-918, Petition for U Nonimmigrant Status



DECISION

On April 13, 2021, USCIS issued a Request For Evidence, providing you 84 days to respond. The time period to respond has elapsed and, as of this date, there is no record of a response to that request.

Title 8, Code of Federal Regulations ("8 CFR") section 103.2(b)(13)(i) states, in pertinent part:

If the petitioner or applicant fails to respond to a request for evidence or to a notice of intent to deny by the required date, the benefit request may be summarily denied as abandoned, denied based on the record, or denied for both reasons.

Accordingly, your visa petition is denied as abandoned.

In response to the coronavirus (COVID-19) pandemic, USCIS announced flexibilities to assist applicants and petitioners responding to Requests for Evidence and Notices. These flexibilities apply to certain notices issued between March 1, 2020 and September 30, 2021, inclusive.

The announcement advised that USCIS will consider a response to the above requests and notices received within 60 calendar days after the response due date set in the request or notice before taking action. As a result, you had until September 7, 2021, to respond and submit the requested evidence.

A denial due to abandonment may not be appealed. However, there are limited motion rights. You may file a motion to reopen a petition or application denied due to abandonment with evidence that the decision was in error because:

1. The requested evidence was not material to the issue of eligibility;
2. The required initial evidence was submitted with the application or petition, or the request for initial evidence or additional information or appearance was complied with during the allotted period; or
3. The request for additional information or appearance was sent to an address other than that on the application, petition, or notice of representation, or you advised USCIS, in writing, of a change of address or change of representation subsequent to filing and before USCIS' request was sent, and the request did not go to the new address.

If you believe this decision to be in error, you may file a motion to reopen on Form I-290B, Notice of Appeal or Motion. It must be filed within 33 days from the date of this notice. You must send your completed Form I-290B and supporting documents with the appropriate filing fee to:

U.S. Citizenship and Immigration Services
Nebraska Service Center
850 "S" Street
Lincoln, NE 68508-1225

To obtain the Form I-290B, visit www.uscis.gov/forms. For the latest information on filing location, fee, and other requirements, refer to the Form I-290B instructions; review 8 CFR 103.3 or 103.5; call our USCIS Contact Center at 1-800-375-5283; or visit your local USCIS office.

Sincerely,



L. Miller
Director
Officer: 0426



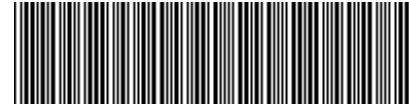
September 17, 2021

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
P.O. Box 82521
Lincoln, NE 68501-2521



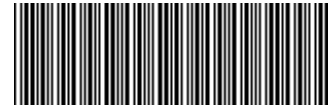
U.S. Citizenship
and Immigration
Services

SABRINA MEDINA CASTILLO
c/o FRAGOMEN DEL REY BERNSEN & LOEWY L
7 HANOVER SQ
NEW YORK, NY 10004-2756



EAC1615050353

RE: SABRINA MEDINA CASTILLO
I-918, Petition for U Nonimmigrant Status



A209-019-979

DECISION

On April 13, 2021, USCIS issued a Request For Evidence, providing you 84 days to respond. The time period to respond has elapsed and, as of this date, there is no record of a response to that request.

Title 8, Code of Federal Regulations ("8 CFR") section 103.2(b)(13)(i) states, in pertinent part:

If the petitioner or applicant fails to respond to a request for evidence or to a notice of intent to deny by the required date, the benefit request may be summarily denied as abandoned, denied based on the record, or denied for both reasons.

Accordingly, your visa petition is denied as abandoned.

In response to the coronavirus (COVID-19) pandemic, USCIS announced flexibilities to assist applicants and petitioners responding to Requests for Evidence and Notices. These flexibilities apply to certain notices issued between March 1, 2020 and September 30, 2021, inclusive.

The announcement advised that USCIS will consider a response to the above requests and notices received within 60 calendar days after the response due date set in the request or notice before taking action. As a result, you had until September 7, 2021, to respond and submit the requested evidence.

A denial due to abandonment may not be appealed. However, there are limited motion rights. You may file a motion to reopen a petition or application denied due to abandonment with evidence that the decision was in error because:

1. The requested evidence was not material to the issue of eligibility
2. The required initial evidence was submitted with the application or petition, or the request for initial evidence or additional information or appearance was complied with during the allotted period or
3. The request for additional information or appearance was sent to an address other than that on the application, petition, or notice of representation, or you advised USCIS, in writing, of a change of address or change of representation subsequent to filing and before USCIS' request was sent, and the request did not go to the new address.

If you believe this decision to be in error, you may file a motion to reopen on Form I-290B, Notice of Appeal or Motion. It must be filed within 33 days from the date of this notice. You must send your completed Form I-290B and supporting documents with the appropriate filing fee to:

U.S. Citizenship and Immigration Services
Nebraska Service Center
850 "S" Street
Lincoln, NE 68508-1225

To obtain the Form I-290B, visit www.uscis.gov/forms. For the latest information on filing location, fee, and other requirements, refer to the Form I-290B instructions review 8 CFR 103.3 or 103.5 call our USCIS Contact Center at 1-800-375-5283 or visit your local USCIS office.

Sincerely,



L. Miller
Director
Officer: 0426

September 17, 2021

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
P.O. Box 82521
Lincoln, NE 68501-2521



U.S. Citizenship
and Immigration
Services



NEW YORK, NY 10004-2756



RE: [REDACTED]
I-192, Application for Advance Permission to Enter as
Nonimmigrant

DECISION

On April 19, 2016, you filed a Form I-192, Application for Advance Permission to Enter as Nonimmigrant. U.S. Citizenship and Immigration Services (USCIS) may in its discretion, waive certain grounds of inadmissibility. However, waivers are not automatically granted.

USCIS records indicate that you are inadmissible to the United States under section(s) 212(a)(6)(A)(i) - Alien Present Without Admission or Parole - (PWAP) of the Immigration and Nationality Act (INA).

Title 8 of the Code of Federal Regulations (8 CFR), section 212.17(b) allows USCIS to exercise discretion and waive the ground of inadmissibility if it is in the national interest. USCIS may waive all grounds of inadmissibility except the following sections of the INA:

- Section 212(a)(3)(A)(i)(I)
- Section 212(a)(3)(A)(ii)
- Section 212(a)(3)(A)(iii)
- Section 212(a)(3)(C)
- Section 212(a)(3)(E)(i)
- Section 212(a)(3)(E)(ii)

On September 14, 2021, the Form I-918, Petition for U Nonimmigrant Status that you filed on April 19, 2016, was denied. The approval of Form I-192 is contingent upon the approval of the Form I-918. Because the Form I-918 has been denied, you are not eligible to receive a waiver of inadmissibility.

Therefore, the Form I-192 is denied. You will receive separate notification from USCIS regarding the decision on your Form I-918.

This decision may not be appealed. However, if you disagree with this decision, or if you have additional evidence that shows this decision is incorrect, you may submit a motion to reopen or a motion to reconsider by completing a Form I-290B, Notice of Appeal or Motion. A motion to reopen must state the new facts to be considered and must be supported by affidavits or other new documentary evidence. A motion to reconsider must show that the decision was legally incorrect according to statute, regulation, and/or precedent decision.

The motion must be filed within 33 days from the date of this notice. You must send your completed Form I-290B and supporting documents with the appropriate filing fee to:

U.S. Citizenship and Immigration Services
Nebraska Service Center
850 S Street
Lincoln, NE 68508

To obtain the Form I-290B, visit www.uscis.gov/forms. For the latest information on filing location, fee, and other requirements, refer to the Form I-290B instructions; review 8 CFR 103.3 or 103.5; call our USCIS Contact Center at 1-800-375-5283; or visit your local USCIS office.

Sincerely,



L. Miller
Director
Officer: 0426

May 7, 2019

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
75 Lower Welden St.
St. Albans, VT 05479



U.S. Citizenship
and Immigration
Services

[REDACTED]
[REDACTED]
[REDACTED]

NEW YORK, NY 10166

RE: [REDACTED]
I-918A, Petition for Qualifying Family Member of U-1
Recipient (Form I-918, Supplement A)



[REDACTED]



[REDACTED]

DECISION

Principal Name: [REDACTED]

Principal A-Number: [REDACTED]

Dear Sir/Madam:

On June 5, 2014, you filed the Form I-918A, Petition for Qualifying Family Member of U-1 Recipient to classify [REDACTED] as a qualifying family member of a U-1 nonimmigrant under section 101(a)(15)(U) of the Immigration and Nationality Act (INA).

Your petition is denied as the record does not establish that [REDACTED] is admissible to the United States.

Title 8 Code of Federal Regulations (8 CFR) 214.14(f)(1) provides in order to be eligible for this classification, it must be demonstrated that the individual for whom U-2, U-3, U-4, or U-5 nonimmigrant status is being sought is a qualifying family member as defined in 8 CFR 214.14(a)(10).

Additionally, 8 CFR 214.1 sets forth the general requirements for admission as a nonimmigrant. Title 8 CFR 214.1(a)(3)(i) states, in pertinent part:

Every nonimmigrant alien who applies for admission to, or an extension of stay in, the United States, must establish that he or she is admissible to the United States, or that any ground of inadmissibility has been waived...

Based on the evidence in the record, USCIS finds that your family member is inadmissible to the United States under 212(a)(6)(A)(i) - Alien present without admission or parole - (EWI/PWI), because he entered the United States without admission or parole.

On June 05, 2014, your family member filed Form I-192, Application for Advance Permission to Enter as a Nonimmigrant, requesting that USCIS waive his or her grounds of inadmissibility. On ADD DATE USCIS denied your family member's Form I-192, and he/she remains inadmissible to the United States under the above grounds.

Therefore, your Form I-918, Supplement A is denied.

In visa petition proceedings, the petitioner bears the burden of establishing eligibility for the benefits sought. See *Matter of Brantigan*, 11 I. & N. Dec. 493 (BIA 1966).

If you disagree with this decision, or if you have additional evidence that shows this decision is incorrect, you may file a motion or appeal of this decision by completing a Form I-290B, Notice of Appeal or Motion. You may also include a brief or other written statement in support of your appeal. The appeal must be filed within 33 days from the date of this notice. If an appeal or a motion is not filed within 33 days, this decision is final.

You must send your completed Form I-290B and supporting documentation with the appropriate filing fee to:

U.S. Citizenship and Immigration Services
Vermont Service Center
75 Lower Welden Street
St. Albans, VT 05479

To obtain the Form I-290B, visit www.uscis.gov/forms. For the latest information on filing location, fee, and other requirements, refer to the Form I-290B instructions; review 8 CFR 103.3 or 103.5; call our USCIS Contact Center at 1-800-375-5283; or visit your local USCIS office.

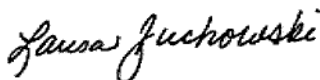
OVERSTAY WARNING

The evidence of record shows that your family member is not lawfully present in the United States. If they do not depart the United States within 33 days of the date of this letter, USCIS may issue them a Notice to Appear which commences removal proceedings against them once filed with the immigration court. That may result in their being removed from the United States and found ineligible for a future visa or other U.S. immigration benefit. See sections 237(a) and 212(a)(9) of the INA.

Because USCIS does not issue a copy of this notice to the beneficiary, it is strongly recommended that you communicate this information to the beneficiary.

To review information regarding your family member's period of authorized stay, check travel compliance, or find information on how to validate departure from the United States with Customs and Border Protection (CBP), please see: <https://i94.cbp.dhs.gov/I94/#/home>.

Sincerely,



Laura B. Zuchowski
Director

SAMPLE COVER LETTER FOR I-290B

[DATE]

VIA FEDEX

Tracking No.

U.S. Citizenship and Immigration Services
Vermont Service Center
38 River Road
Essex Junction, VT 05479-0001

RE: Form I-290B, Notice of Appeal or Motion

Appellant: [Client Name]
A-No.: [A-number]
Receipt No.: EACxxxxxxx

Dear VSC Officer,

My office represents [Name of Client] in her enclosed Motion to Reconsider and Motion to Reopen, filed on Form I-290B, for the denial of her Form I-918, Petition for U Nonimmigrant Status.

On _____, the VSC issued a decision notice denying Ms. [Client]'s I-918 petition. Accordingly, the deadline to file an appeal/motion is _____ - 33 days from the date of denial. The enclosed Form I-290B is timely filed within the deadline for appeal/motion.

Pursuant to 89 FR 6194, Ms. Client is exempt from paying the filing fee for the enclosed Form I-290B as a U nonimmigrant petitioner.

In support of Ms. [Client]'s Form I-290B, please find enclosed:

- Form G-28, Notice of Entry of Appearance as Attorney
- Form I-290B, Notice of Appeal or Motion – *no fee required*
- Decision Notice, dated _____, denying Form I-918
- Legal brief in support of Motion to Reconsider and Motion to Reopen
- Additional supporting evidence for Motion to Reopen, including Affidavit of [Name of Client]

Should Ms. [Client]'s I-918 petition be reopened, we respectfully request that her associated Form I-192, Application for Advance Permission to Enter as Nonimmigrant, under receipt number EACxxxxxxx also be reopened.

Please direct any and all correspondence regarding the enclosed matter to my attention as follows:

c/o [Name of Attorney], Esq.
[Name of Law Firm]
[Address of Law Firm 1]
[Address of Law Firm 2]

Thank you very much for your prompt attention to this filing.

Respectfully submitted,

[Name of Attorney], Esq.

Part 2. Information About the Appeal or Motion (continued)

- 1.a. ☐ I am filing an **appeal** to the AAO. My brief and/or additional evidence is attached.
- 1.b. ☐ I am filing an **appeal** to the AAO. I will submit my brief and/or additional evidence to the AAO within 30 calendar days of filing the appeal.
- 1.c. ☐ I am filing an **appeal** to the AAO. I will not be submitting a brief and/or additional evidence.
- 1.d. ☐ I am filing a **motion to reopen**. My brief and/or additional evidence is attached.
- 1.e. ☐ I am filing a **motion to reconsider**. My brief is attached.
- 1.f. ☒ I am filing a **motion to reopen** and a **motion to reconsider**. My brief and/or additional evidence is attached.
2. USCIS Form for the Application or Petition That is the Subject of This Appeal or Motion (for example, Form I-140, I-360, I-129, I-485, I-601)
- I192**
3. Receipt Number for the Application or Petition
- EAC123456789**
4. Requested Nonimmigrant or Immigrant Classification (for example, H-1B, R-1, O-1, EB-1, EB-2, if applicable)
- I-192**
5. Date of the Adverse Decision (mm/dd/yyyy)
- 02/16/2019**
6. Office That Issued the Adverse Decision
- Vermont Service Center (EAC)**

Part 3. Basis for the Appeal or Motion

In **Part 7. Additional Information**, or on a separate sheet of paper, **you must provide a statement regarding the basis for the appeal or motion**. If you attach a separate sheet of paper, type or print your name and A-Number (if any) at the top of each sheet; indicate the **Page Number**, **Part Number**, and **Item Number** to which your answer refers; and sign and date each sheet.

Appeal: Provide a statement that specifically identifies an erroneous conclusion of law or fact in the decision being appealed. **You must provide this information with your Form I-290B even if you intend to submit a brief later.**

Motion to Reopen: A motion to reopen must state new facts and be supported by documentary evidence demonstrating eligibility for the requested immigration benefit at the time you filed the application or petition.

Motion to Reconsider: A motion to reconsider must demonstrate that the decision was based on an incorrect application of law or policy, and that the decision was incorrect based on the evidence in the case record at the time of the decision. The motion must be supported by citations to appropriate statutes, regulations, precedent decisions, or statements of USCIS policy.

Part 4. Applicant's or Petitioner's Statement, Contact Information, Certification, and Signature

NOTE: Read the **Penalties** section of the Form I-290B Instructions before completing this part.

Section A

If you are filing an appeal or motion based on an **APPLICATION OR PETITION FILED BY AN INDIVIDUAL (NOT A BUSINESS OR ORGANIZATION)**, complete this section:

Applicant's or Petitioner's Statement

NOTE: Select the box for either **Item Number 1.a.** or **1.b.** If applicable, select the box for **Item Number 2.**

- 1.a. ☒ I can read and understand English, and I have read and understand every question and instruction on this form and my answer to every question.
- 1.b. ☐ The interpreter named in **Part 5.** has read to me every question and instruction on this form, and my answer to every question, in _____, a language in which I am fluent. I understood all of this information as interpreted.
2. ☒ At my request, the preparer named in **Part 6.** prepared this form for me based only upon information I provided or authorized.

Applicant's or Petitioner's Contact Information

3. Applicant's or Petitioner's Daytime Telephone Number
- _____
4. Applicant's or Petitioner's Mobile Telephone Number (if any)
- _____
5. Applicant's or Petitioner's Email Address (if any)
- _____

Part 4. Applicant's or Petitioner's Statement, Contact Information, Certification, and Signature (continued)

Applicant's or Petitioner's Certification

Copies of any documents I have submitted are exact photocopies of unaltered, original documents, and I understand that USCIS may require that I submit original documents to USCIS at a later date. Furthermore, I authorize the release of any information from any of my records that USCIS may need to determine my eligibility for the immigration benefit that I seek.

I further authorize release of information contained in this form, in supporting documents, and in my USCIS records, to other entities and persons where necessary for the administration and enforcement of U.S. immigration law.

I certify, under penalty of perjury, that all of the information in my form and any document submitted with it were provided or authorized by me, that I reviewed and understand all of the information contained in, and submitted with, my form, and that all of this information is complete, true, and correct.

Applicant's or Petitioner's Signature

6.a. Applicant's or Petitioner's Signature

6.b. Date of Signature (mm/dd/yyyy)

Section B

If you are filing an appeal or motion based on a **PETITION FILED BY A BUSINESS OR ORGANIZATION (NOT AN INDIVIDUAL)**, complete this section:

Petitioner's Statement

NOTE: Select the box for either **Item Number 1.a.** or **1.b.** If applicable, select the box for **Item Number 2.**

1.a. ☒ I can read and understand English, and I have read and understand every question and instruction on this form and my answer to every question.

1.b. ☐ The interpreter named in **Part 5.** has read to me every question and instruction on this form, and my answer to every question, in

a language in which I am fluent. I understood all of this information as interpreted.

2. ☐ At my request, the preparer named in **Part 6.** prepared this form for me based only upon information I provided or authorized.

Petitioner's Contact Information

Provide the following information about the petitioner's authorized signatory.

3.a. Family Name (Last Name)

3.b. Given Name (First Name)

3.c. Middle Name

4. Title

5. Daytime Telephone Number

6. Mobile Telephone Number (if any)

7. Email Address (if any)

Petitioner's Certification

Copies of any documents submitted are exact photocopies of unaltered, original documents, and I understand that, as the petitioner, I may be required to submit original documents to USCIS at a later date.

I authorize the release of any information from my records, or from the petitioning organization's records, to USCIS or other entities and persons where necessary to determine eligibility for the immigration benefit sought or where authorized by law. I recognize the authority of USCIS to conduct audits of this form using publicly available open source information. I also recognize that any supporting evidence submitted in support of this form may be verified by USCIS through any means determined appropriate by USCIS, including but not limited to, on-site compliance reviews.

If filing this form on behalf of an organization, I certify that I am authorized to do so by the organization.

I certify, under penalty of perjury, that I have reviewed this form, I understand all of the information contained in, and submitted with, my appeal or motion, and all of this information is complete, true, and correct.

Petitioner's Signature

8.a. Petitioner's Signature

8.b. Date of Signature (mm/dd/yyyy)

NOTE TO ALL APPLICANTS AND PETITIONERS: If you do not completely fill out this form or fail to submit required documents listed in the Instructions, USCIS may dismiss, deny, or reject your appeal or motion.

Part 5. Interpreter's Contact Information, Certification, and Signature

Provide the following information about the interpreter.

Interpreter's Full Name

1.a. Interpreter's Family Name (Last Name)

1.b. Interpreter's Given Name (First Name)

2. Interpreter's Business or Organization Name (if any)

Interpreter's Mailing Address

3.a. Street Number and Name

3.b. ☐ Apt. ☐ Ste. ☐ Flr.

3.c. City or Town

3.d. State

3.e. ZIP Code

3.f. Province

3.g. Postal Code

3.h. Country

Interpreter's Contact Information

4. Interpreter's Daytime Telephone Number

5. Interpreter's Mobile Telephone Number (if any)

6. Interpreter's Email Address (if any)

Interpreter's Certification

I certify, under penalty of perjury, that:

I am fluent in English and , which is the same language specified in **Part 4., Item Number 1.b. in Section A or Section B**, and I have read to this applicant or petitioner in the identified language every question and instruction on this form and his or her answer to every question. The applicant or petitioner informed me that he or she understands every instruction, question, and answer on the form, including the **Applicant's or Petitioner's Certification**, and has verified the accuracy of every answer.

Interpreter's Signature

7.a. Interpreter's Signature

7.b. Date of Signature (mm/dd/yyyy)

Part 6. Contact Information, Declaration, and Signature of the Person Preparing this Form, if Other Than the Applicant or Petitioner

Provide the following information about the preparer.

Preparer's Full Name

1.a. Preparer's Family Name (Last Name)

1.b. Preparer's Given Name (First Name)

2. Preparer's Business or Organization Name (if any)

Preparer's Mailing Address

3.a. Street Number and Name

3.b. ☐ Apt. ☐ Ste. ☐ Flr.

3.c. City or Town

3.d. State

3.e. ZIP Code

3.f. Province

3.g. Postal Code

3.h. Country

Preparer's Contact Information

4. Preparer's Daytime Telephone Number

5. Preparer's Mobile Telephone Number (if any)

6. Preparer's Email Address (if any)

**Part 6. Contact Information, Declaration, and
Signature of the Person Preparing this Form, if
Other Than the Applicant or Petitioner**
(continued)

Preparer's Statement

- 7.a. ☐ I am not an attorney or accredited representative but have prepared this form on behalf of the applicant or petitioner and with the applicant's or petitioner's consent.
- 7.b. ☒ I am an attorney or accredited representative and have prepared this form on behalf of the applicant or petitioner and with the applicant's or petitioner's consent.

Preparer's Certification

By my signature, I certify, under penalty of perjury, that I prepared this form at the request of the applicant or petitioner. The applicant or petitioner then reviewed this completed form and informed me that he or she understands all of the information contained in, and submitted with, his or her form, including the **Applicant's or Petitioner's Certification**, and that all of this information is complete, true, and correct. I completed this form based only on information that the applicant or petitioner provided to me or authorized me to obtain or use.

Preparer's Signature

8.a. Preparer's Signature

8.b. Date of Signature (mm/dd/yyyy)

Part 7. Additional Information

If you need extra space to provide any additional information within this form, use the space below. If you need more space than what is provided, you may make copies of this page to complete and file with this form or attach a separate sheet of paper. Type or print your name and A-Number at the top of each sheet; indicate the **Page Number**, **Part Number**, and **Item Number** to which your answer refers; and sign and date each sheet.

1.a. Family Name (Last Name) **McClient**

1.b. Given Name (First Name) **Tracy**

1.c. Middle Name **Brenda**

2. A-Number (if any) ► A-

1	1	1	1	1	1	1	1	1	1
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3.a. Page Number

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 3.b. Part Number

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 3.c. Item Number

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3.d. Please see attached brief in support
of motion to reopen and reconsider.

4.a. Page Number

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 4.b. Part Number

--

 4.c. Item Number

--

4.d. _____

5.a. Page Number

--

 5.b. Part Number

--

 5.c. Item Number

--

5.d. _____

6.a. Page Number

--

 6.b. Part Number

--

 6.c. Item Number

--

6.d. _____

7.a. Page Number

--

 7.b. Part Number

--

 7.c. Item Number

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7.d. _____

NOTE: Make sure your appeal or motion is complete before filing.