

## Evidence Checklist FOR IMMIGRANT VICTIMS APPLYING FOR THE CRIME VICTIM VISA (U VISA)<sup>1</sup>

***This is a comprehensive list. In most cases, these documents are not mandatory. However, the more documentation available, the easier it will be for a U visa applicant to be successful in her application.***

Under the Victims of Trafficking and Violence Protection Act of 2000 (“VTVPA”), battered noncitizens and other crime victims may be eligible for a nonimmigrant visa, the U Visa. This form of relief, if granted, gives the applicant immediate legal status as a nonimmigrant and possible lawful permanent residence in the long-term. The following is a list of the requirements that must be met by an applicant, and some suggestions of evidence that may be offered to meet each requirement. Additionally, the Department of Homeland Security (DHS) is required to consider “any credible evidence” in its adjudication of an applicant’s case. The suggested evidentiary documents in this memo are meant to be guidelines, and not exhaustive descriptions of the types of evidence that may be offered to support an application under the U Visa.

### A. Who is eligible to apply for a U Visa?

Certain battered noncitizens and other noncitizen crime victims who have suffered substantial physical or mental abuse flowing from criminal activity and who are cooperating with government officials investigating or prosecuting such criminal activity.

### B. What are qualifying criminal activities?

- Rape
- Torture
- Human Trafficking
- Incest
- Domestic Violence
- Sexual Assault
- Abusive Sexual Contact
- Prostitution
- Sexual Exploitation
- Female Genital Mutilation
- Being Held Hostage
- Peonage
- Involuntary Servitude
- Slave Trade
- Kidnapping
- Abduction
- Unlawful Criminal Restraint

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- False Imprisonment
- Blackmail
- Extortion
- Manslaughter
- Murder
- Felonious Assault
- Witness Tampering
- Obstruction of Justice
- Perjury
- Attempt, Conspiracy, or Solicitation to Commit Any of the Above-Mentioned Crimes
- Stalking
- Other state or federal crimes the nature and elements of which are substantially similar

**C. What are the requirements that an applicant needs to prove in a U Visa application?**

An individual applying for a U Visa must complete immigration Form I-918, “Petition for U Nonimmigrant Status” and establish the following requirements:

**1. Applicant is a victim of listed criminal activity:**

Exists	Brought In	
_____	_____	Trial transcripts or rulings from criminal case
_____	_____	Trial transcripts or rulings from protection order case
_____	_____	Trial transcripts or rulings from other court or administrative law proceedings
_____	_____	Court documents
_____	_____	News articles
_____	_____	Police reports
_____	_____	Affidavits of victim
_____	_____	Affidavits of witnesses to crime or injuries
_____	_____	Medical records
_____	_____	Ambulance reports
_____	_____	State statute defining crime
_____	_____	Form I-918B Certification from state, federal or local government official

**2. Nature of the physical or mental abuse suffered by the victim:**

Exists	Brought In	
_____	_____	Reports or affidavits from police
_____	_____	Reports or affidavits from judges or other court officials
_____	_____	Reports or affidavits from medical personnel
_____	_____	Reports or affidavits from school officials
_____	_____	Reports or affidavits from clergy
_____	_____	Reports or affidavits from victim advocates, rape crisis center, shelter, social workers or social services agency personnel
_____	_____	Bond orders

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_____	_____	Other court orders or administrative agency orders (e.g. stay away orders, findings documenting facts of criminal activity)
_____	_____	Photographs of injury, crime scene
_____	_____	Medical records from U.S. based provider documenting the diagnosis and treatment of physical injuries
_____	_____	Copies of any ambulance call reports
_____	_____	Records of any 911 calls
_____	_____	Records from a health care provider documenting diagnosis and treatment of mental abuse
_____	_____	Affidavit of applicant detailing the substantial physical abuse and injury and mental abuse and injury suffered as a result of the crime (both what the perpetrator did and how the victim was affected)
_____	_____	Copies of any protection order issued for the applicant or her/his children
_____	_____	Copies of any domestic violence incident report
_____	_____	Affidavits from neighbors, landlords, friends, or family attesting to the criminal activity or having witnessed injuries that resulted from the criminal activity that occurred in the U.S.
_____	_____	Affidavits from police officers or prosecutors detailing the violence that the applicant has endured
_____	_____	Affidavits from victim advocates, shelter workers, battered women’s advocates, counselors or mental health professionals detailing the physical and mental abuse that the applicant has endured

**2. Possession of information concerning the criminal activity alleged**

Exists	Brought In	
_____	_____	Affidavit of applicant detailing the applicant’s knowledge of the criminal activity
_____	_____	Affidavits from police officers and prosecutors detailing the applicant’s knowledge of the criminal activity
_____	_____	Any documents that may show applicant’s knowledge of the criminal activity
_____	_____	Copies of any police reports
_____	_____	Copies of any statements that the applicant has made to a law enforcement agency
_____	_____	Copies of any complaint reports
_____	_____	Copies of any evidence that was obtained as a result of the applicant’s help
_____	_____	Copies of any documents that the applicant has given to a law enforcement agency
_____	_____	Transcripts of testimony that the applicant has given

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		to a law enforcement agency
_____	_____	Any incriminating photographs that applicant may have
_____	_____	Affidavits from witnesses that may place the applicant at the scene of the criminal activity or attest to the applicant's knowledge of the criminal activity

**3. Crime victim has been helpful, is helpful, or is likely to be helpful to a Federal, State, or local investigation or prosecution other than the signed Law Enforcement Certification Form I-918B**

Exists	Brought In	
_____	_____	Affidavit of applicant detailing the applicant's helpfulness with the investigation or prosecution
_____	_____	Affidavit of a law enforcement official, prosecutor, judge, DHS official, or other federal or state authorities that the applicant has been helpful, is helpful, or is likely to be helpful to the investigation or prosecution
_____	_____	Certificate from a law enforcement official, prosecutor, judge, or DHS official, or other federal or state authorities that the applicant has been helpful, is helpful, or is likely to be helpful to the investigation or prosecution
_____	_____	Copies of any police reports
_____	_____	Copies of any complaint reports
_____	_____	Copies of any statements that the applicant has made to a law enforcement agency
_____	_____	Copies of any evidence that was obtained as a result of the applicant's help
_____	_____	Copies of any documents that the applicant has given to a law enforcement agency
_____	_____	Transcripts of testimony that the applicant has given to a law enforcement agency
_____	_____	Affidavits of witnesses that applicant has been helpful, is helpful, or is likely to be helpful to a Federal, State, or local investigation or prosecution
_____	_____	Brief description by the applicant's advocate regarding applicant's activities in assisting the investigation or prosecution

**4. I-918 Supplement B,U Nonimmigrant Status Certification from a law enforcement official, prosecutor, judge, DHS official or other federal or state authorities**

Exists	Brought In	
_____	_____	Certification from a law enforcement official, prosecutor, judge, DHS official, or other federal or state authorities

**5. Criminal activity violated the laws of the United States or occurred in the United States or its territories**

Exists	Brought In	
_____	_____	Certificate from a law enforcement official, prosecutor, judge, INS official, or other federal or state authorities that the criminal activity violated the laws of the United States or occurred in the United States or its territories
_____	_____	Copies of the relevant law that the criminal activity has violated
_____	_____	Copies of any arrest warrants
_____	_____	Copies of any complaint reports
_____	_____	Copies of any police reports
_____	_____	Copies of any domestic violence incident report
_____	_____	Affidavit of the pertinent law enforcement officer regarding the nature of the criminal activity

**D. Additional Documents Needed to Apply for U visa**

Each family members applying with U visa applicant must complete Form I-1918, Supplement A, “Petition for Qualifying Family Member of U-1 Recipient”.

**1. Identity Documents of Applicant and Qualifying Family Members**

_____	_____	Copy of Birth Certificate of self and children/spouse (translated)
_____	_____	Copy of ID, Valid Passport (must copy each page), I-94 card immigration documentation
_____	_____	Copy of marriage certificate (translated)

**2. Waiver of Inadmissibility (if client falls under a ground of inadmissibility)**

Each family members applying with U visa applicant must submit a waiver of inadmissibility and supporting evidence if the family member falls under a ground of inadmissibility on Form I-192, along with \$545 filing fee of filing or fee waiver request.

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_____	_____	Filed on Form I-192 and \$545 filing fee of filing or fee waiver request.
_____	_____	Include evidence of “public of national interest” for this discretionary waiver.
_____	_____	Statement explaining the details of victimization
_____	_____	Statement explaining the details of inadmissibility along with any details of any mitigating factors
_____	_____	Reasons and circumstances for needing the waiver, and any supporting documentation