



## **EVIDENCE LIST FOR IMMIGRANT VICTIMS APPLYING FOR THE CRIME VICTIM VISA (U VISA)**

Under the Victims of Trafficking and Violence Protection Act of 2000 (“VTVPA”), battered non-citizens and other crime victims may be eligible for a new nonimmigrant visa, the U Visa. This form of relief 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. Currently, no federal regulations exist for the issuance of U Visas, but an interim procedure has been implemented by the Citizenship and Immigration Services (CIS, formerly INS) to provide protection to individuals found to meet the requirements for a U Visa.

The CIS is required to consider “any credible evidence” in its adjudication of an applicant’s case. The lists of evidence to be submitted are meant to be guidelines, and not exhaustive list of the types of evidence that may be offered to support an application under the U-Visa. **It is not necessary to submit every document listed below, and not all will be available in every case. The U visa application will be stronger, however, if advocates work with their clients to obtain as many of the suggested documents as possible.**

### **Who is eligible to apply for a U-Visa?**

Certain battered non-citizens and other non-citizen 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.

## What are qualifying criminal activities?

Rape	Abduction
Torture	Unlawful Criminal Restraint
Trafficking	False Imprisonment
Incest	Blackmail
Domestic Violence	Extortion
Sexual Assault	Manslaughter
Abusive Sexual Contact	Murder
Prostitution	Felonious Assault
Sexual Exploitation	Witness Tampering
Female Genital Mutilation	Obstruction of Justice
Being Held Hostage	Perjury
Peonage	Attempt, Conspiracy, or Solicitation to
Involuntary Servitude	Commit Any of the Above-Mentioned
Slave Trade	Crimes
Kidnapping	

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

An individual applying for a U Visa must establish the following five requirements:

### 1. Substantial Physical and Mental Abuse as a Crime Victim

- ❑ Affidavit of applicant detailing the substantial physical and mental abuse suffered as a result of the crime (one affidavit can be used to establish all five U visa requirements).
- ❑ Medical records from U.S. based provider documenting the diagnosis and treatment of physical injuries
- ❑ Records from a health care provider documenting diagnosis and treatment of mental abuse.
- ❑ 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

- q Affidavits from police officers or prosecutors detailing the violence that the applicant has endured.
- q Affidavits from victim advocates, shelter workers, 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**

- q *Affidavit of applicant detailing the applicant's knowledge of the criminal activity (does not need to be a separate affidavit from the one listed in number 1 above).*
- q Affidavits from police officers and prosecutors detailing the applicant's knowledge of the criminal activity.
- q Any documents that may show applicant's knowledge of the criminal activity.
- q Copies of any police reports.
- q Copies of any statements that the applicant has made to a law enforcement agency.
- q Copies of any complaint reports.
- q Copies of any evidence that was obtained as a result of the applicant's help.
- q Copies of any documents that the applicant has given to a law enforcement agency.
- q Transcripts of testimony that the applicant has given to a law enforcement agency.
- q Any incriminating photographs that applicant may have.
- q 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.**

- q *Affidavit of applicant detailing the applicant's helpfulness with the investigation*

*or prosecution (does not need to be a separate affidavit).*

- q Certification from a law enforcement official, prosecutor, judge, INS 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.
- q Copies of any statements or testimony that the applicant has made to a law enforcement agency or copies of any evidence that was obtained as a result of the applicant's help.
- q Copies of any documents that the applicant has given to a law enforcement agency.

**4. Certification from a law enforcement official, prosecutor, judge, INS official, or other federal or state authorities.**

- q Certificate from a law enforcement official, prosecutor, judge, INS 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.**

- q 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.
- q Copies of any arrest warrants, complaint reports, or police reports listing the statute violated.

