

## OVERVIEW OF PRO BONO REPRESENTATION IN A U VISA APPLICATION

The National Immigrant Justice Center (NIJC) and its *pro bono* attorneys represent immigrant victims of crime who are seeking a U visa. With an approved U Visa, an immigrant will live free of fear and united with family members. The client will be eligible for lawful employment, a valid social security number, legal permanent residency after maintaining three years in U visa status, and eventually U.S. citizenship. Your representation will make a difference.

### **NIJC's Role in Pro Bono Representation:**

NIJC screens immigrants for U Visa relief and places eligible clients on our case list. *Pro bono* attorneys who have attended NIJC's U Visa training and received NIJC's detailed U Visa manual are encouraged to accept cases for representation. After *pro bono* representation begins, the *pro bono* attorney maintains client communication. A designated NIJC attorney is available to *pro bono* attorneys for case questions and to review filings.

### **U Visa Eligibility:**

An immigrant may be eligible for a U visa if he/she:

- has suffered substantial mental or physical harm as a victim of a qualifying crime<sup>1</sup>,
- possesses information concerning the criminal activity,
- has been helpful, is being helpful, or is likely to be helpful to law enforcement during the investigation and/or prosecution of the crime; and
- demonstrates that the qualifying crime violates U.S. federal or state law.

U visa applicants must also be admissible to the United States as a nonimmigrant or obtain a waiver of inadmissibility. Certain qualifying family members may apply for U nonimmigrant status as derivatives of the principal applicant.

### **Pro Bono Representation in a U Visa Application:**

*Pro bono* representation is critical to immigrant victims as many do not have the resources for a private attorney and the U Visa approval rate is significantly higher with counsel. Representing a client requires the following:

- Interviewing client<sup>2</sup> to gather facts
- Preparing client affidavit in support of U Visa and Waiver of Inadmissibility (if waiver required)
- Gathering supporting documents, including obtaining a signed certification form from law enforcement as to client's helpfulness in the investigation and/or prosecution of qualifying crime
- Preparing applications (Forms G-28, I-918, and if needed, Forms I-192 and/or I-912; and for derivatives, Forms I-918, Supp. A, I-765, when appropriate, and if needed, Forms I-192 and/or I-912)
- Compiling applications and supporting documents with a cover letter outlining legal eligibility
- If necessary, filing a fee waiver request with supporting documents
- Filing a timely response to any Request for Evidence or Notice of Intent to Deny
- Advising the client on future eligibility for legal permanent residence, employment authorization for any derivatives in the United States, and consular processing for any derivatives outside the United States
- Maintaining representation until all matters have either been approved or denied for both the principal applicant and any derivative applicants

*If you are interested in attending a NIJC U Visa training or accepting a case for representation, please contact Joe Gietl at 312-660-1362 or [jgietl@heartlandalliance.org](mailto:jgietl@heartlandalliance.org).*

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<sup>1</sup> Qualifying crimes include: rape, torture, trafficking, incest, domestic violence, sexual assault, abusive sexual contact, kidnapping, abduction, unlawful criminal restraint, false imprisonment, blackmail, forced prostitution, sexual exploitation, being held hostage, peonage, involuntary servitude, witness tampering, obstruction of justice, felonious assault, manslaughter, murder, female genital mutilation, extortion, attempt to commit such crimes, and any similar activity. See INA § 101(a)(15)(U); 8 U.S.C. § 1101(a)(15)(U); 8 C.F.R. § 214.14; INA § 212(d)(14); 8 U.S.C. § 1182(d)(14); INA § 212(a); 8 U.S.C. § 1182(a).

<sup>2</sup> Many of NIJC's clients are Spanish speaking and we request that *pro bono* attorneys provide for translators as needed.