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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 crime¹,
- 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 client² to gather facts
- Preparing client affidavit in support of U Visa and Waiver of Inadmissibility (if waiver required)
- Gathering evidence , 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 an NIJC U Visa training or accepting a case for representation, please contact Sylvia Wolak at 312-660-1318 or sywolak@heartlandalliance.org.

¹ 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).

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

Frequently Asked Questions In Filing a U Visa Case

FORMS

- **Where can I find the government forms?**
 - www.uscis.gov
- **What version of the forms should I use?**
 - Please check www.uscis.gov for the most recent version of the forms. The government updates the forms frequently. Upon updating the forms, USCIS will indicate on the website under the relevant forms section whether or not it will accept previous versions of the forms.
- **What forms do I need?**
 - It depends on your client's individual case.
 - If your client is applying as a principal applicant, he/she will need:
 - Form G-28, Notice of Appearance as Attorney
 - Form I-918, Petition for U Nonimmigrant Status
 - Form I-918 Supplement B, U Nonimmigrant Status Certification (original document)
 - Form I-192, Application for Advance Permission to Enter as a Nonimmigrant (if your client is inadmissible under any ground found at INA § 212(a))
 - Form I-912, Request for Fee Waiver (if eligible for a waiver for the filing fee)
 - Form I-765, Application for Employment Authorization (based on Deferred Action(c)(14))
 - If your client is also petitioning for derivative applicants:
 - Form G-28, Notice of Appearance as Attorney
 - Form I-918 Supplement A, Petition for Qualifying Family Member of U-1 Recipient
 - Form I-192, Application for Advance Permission to Enter as a Nonimmigrant (if derivative is inadmissible under any ground found at INA § 212(a))
 - Form I-765, Application for Employment Authorization (filed for derivative applicant only; not needed for principal)
 - Form I-765, Application for Employment Authorization (based on Deferred Action (c) (14))
 - Form I-912, Request for Fee Waiver (if your client is eligible for a waiver of the Form I-192 and/or Form I-765 filing fee)
- **Does my client need to sign the forms or is the attorney signature sufficient?**
 - Both the applicant and the person preparing the form (generally the attorney) need to sign the forms
 - Children under 14 years of age may have a parent or guardian sign on their behalf
- **Does the Form I-918, Supplement B, U Nonimmigrant Status Certification expire?**
 - YES! The Form I-918, Supplement B, is valid only six months from the date of certification.

ELIGIBILITY

- **What applications can my client file? Is my client inadmissible?**
 - Please consult with NIJC if this is unclear. This information should be in the case summary as well as in the NIJC case notes. It is important to confirm eligibility for the application before filing.

COMMON INADMISSIBILITY GROUNDS FOR U VISA

CIMT	INA § 212 (a)(2)(A)(i)(I)
Entering Without Inspection	INA § 212(a)(6)(A)(i)
Failure to Attend Removal Proceedings	INA § 212(a)(6)(B)
Fraud/Misrepresentation	INA § 212(a)(6)(C)(i)
False Claim to USC	INA § 212(a)(6)(C)(ii)
Smuggling	INA § 212(a)(6)(E)
Prior Removal Order	INA § 212(a)(9)(A)
Expedited Removal	INA § 212(a)(9)(A)(i)
10 Year Bar	INA § 212(a)(9)(B)(i)(II)
Permanent Bar	INA § 212(a)(9)(C)(i)

USCIS FEES AND FEE WAIVERS

- **What are the USCIS fees for the applications?**
 - Please check www.uscis.gov for the current fees for each application
- **Can we submit a request for a waiver of the fees? If so, how do we submit this request?**
 - U Visa applicants can request a fee waiver for the I-192 and I-765. There is no fee for the I-918 and I-918A, and thus, no need for a fee waiver.
 - A request for a fee waiver should be made on Form I-912. USCIS will exercise its discretion to grant a fee waiver in the case of an applicant who: a) is receiving a means-tested benefit, b) has a household income of 150% or below of the poverty guidelines or c) can demonstrate financial hardship. An applicant may claim eligibility for a fee waiver on more than one ground. It is recommended that you submit any documentation that would substantiate the fee waiver request such as means-tested benefits statements, taxes, pay stubs, utility bills, rent receipts, medical bills, etc.
 - In addition, please note in the cover letter that the client is requesting a fee waiver request.

ENGLISH TRANSLATION

- **Does NIJC provide translators for client phone calls and/or interview?**
 - Unfortunately, NIJC does not have the resources to provide translators. We ask that *pro bono* attorneys attempt to find a translator at their firm. If this is not an option, please check with the client to see if she/he has a translator. The translator cannot be the client's family member. If all fails, please contact NIJC to inquire about volunteer interpreters.
- **Does the translator need to be certified to conduct the translation?**
 - No, but they should be competent in both English and the foreign language.

- **Do all documents that contain foreign language require translations?**
 - Yes, except when the entire document is issued in both English and the foreign language. For example, some passports have all information in the foreign language and also English.
- **What if only part of the document is in a foreign language?**
 - You need to submit a translation for the foreign language portion of the document.
- **What are the requirements for the translation?**
 - The English translation must have a signed certificate of translator's competence:

Certificate of Translator's Competence

I, (translator's name), hereby certify that the above is an accurate translation of the original document in (foreign language) and that I am competent in both English and (foreign language) to render such a translation.

Signature

Date

- **Do translations need to be notarized?**
 - No, but they must be signed by the translator.
- **Is there a format for translation of foreign birth certificates, marriage certificates, and divorce decrees?**
 - Yes, please see the appendix for samples.
- **Is a full translation of the entire document required or can you submit a translation of only the relevant portion?**
 - A full translation is generally required. However, USCIS will accept the translation templates for birth, marriage, and divorce certificates found in the appendix.

FILING QUESTIONS

- **When an immigrant qualifies to file multiple applications simultaneously, including Forms I-918, I-918A, and I-192, should these be mailed in the same envelope?**
 - Yes. However, each individual applicant should submit their forms and supporting evidence as its own application packet including a separate cover letter. In addition, it is helpful to place each application packet in its own individual envelope labeled accordingly (e.g., "Patricia Flores I-918"), then place all envelopes together in one large envelope for mailing.
- **Where should I mail the U visa application packets?**
 - U.S. Citizenship and Immigration Services
Vermont Service Center
Attn: VAWA Unit
75 Lower Welden St.
St. Albans, VT 05479
- **Should the application and supporting documents be professionally bound?**
 - No. Instead, two-hole punch the entire filing (including the cover letter, applications, and documents) and either use a two-hole fastener to bind the filing or a binder clip.

- **Should the supporting documents be tabbed?**
 - Vermont Service Center discourages the use of tabs and has commented that they oftentimes have to remove the tabs in order to fit the filing in their government files. Instead of using tabs, please use page numbers or exhibit stickers that stick directly on the exhibit and do not extend past the edge of the paper.
 -
- **When do I need to send passport photos?**
 - The Form I-765 requires 2 passport-style photos at the time of filing.
- **Should the passport photos be stapled or clipped and to what?**
 - Place them in a small envelope writing the clients name and A number (if the client has one) both on the back of the photo (in pencil) and on the envelope. Staple the envelope to the upper left corner of the relevant application.

SUPPORTING DOCUMENTS

- **Should letters of support from family and friends be notarized?**
 - We recommend notarizing letters, but it is not required as long as the writer has signed the letter himself/herself.

PROCESSING TIMES

- **How long will it take for my client to receive Deferred Action?**
 - At this time, USCIS does not publish its processing times.
 - If you filed a (c)(14) EAD with the U visa application, USCIS will automatically issue the I-765, Application for Employment Authorization, upon a grant of Deferred Action
 - If you did not file a (c)(14) EAD with the U visa application, you can file the EAD application once the client is placed on the U visa waitlist and granted Deferred Action.
- **How long will it take VSC to adjudicate the U visa application?**
 - At this time, USCIS does not publish its processing times. Processing times will vary and are continuing to grow.
- **How long will it take for my client to receive her work permit?**
 - Principal U visa applicants will receive a work permit automatically upon approval of the U visa.
 - Derivative U visa applicants will receive a work permit automatically upon approval of the U visa if the (a)(20) I-765 was filed concurrently with the Form I-918A.
 - A derivative applicant may elect to file the I-765 after approval of the U visa, at any point during its validity. Please check the processing times at www.uscis.gov for the VSC for I-765.

BIOMETRICS APPOINTMENT

- **My client has been scheduled for a biometrics appointment. What is this appointment and should I attend with my client?**
 - The biometrics appointment is required for all U visa applicants aged 14-75. At the appointment, the official will take client's digital fingerprints and a digital photograph. Your client must attend this appointment or she will abandon her application. There is no need for you to accompany your client to the appointment.

- **What should my client take to the appointment?**
 - The client should take the original biometrics appointment notice and a photo identification
- **My client is outside of the United States and has received a “Request for Evidence” with an enclosed FBI fingerprint card. What should I do with this?**
 - You or your client should send the Request for Evidence and attached fingerprint card to the derivative family member residing abroad. The family member should take this to the nearest U.S. embassy or consular office where Department of State officials will process the fingerprints and then send the results directly to the VSC. The family member *should not* return the card to you for you to send to VSC.
- **My client abroad is having difficulty scheduling an appointment for fingerprinting at their nearest consulate or embassy.**
 - Contact NIJC for most updated information.
 - Because fingerprinting procedures vary widely from consulate to consulate, we recommend reviewing the website of the particular embassy/consulate for specific instructions. www.usembassy.gov. If you still are experiencing difficulties, please contact NIJC as we may be able to provide you with country-specific instructions.

U VISA APPROVAL

- **The Vermont Service Center approved my client’s U visa and employment authorization for 4 years. Is this a normal time frame for validity?**
 - Yes, the VSC may issue U nonimmigrant status for a maximum period of four years under 8 C.F.R. § 214.14(g)(1).
- **My client’s derivatives were granted U visa status for less than four years. Why?**
 - Derivative U status (U-2, U-3, U-4, and U-5) cannot be granted for a period not to exceed the initial grant period of the principal U applicant (U-1).
 - If you believe that your client’s period of authorization in U nonimmigrant status was issued in error, please contact the Vermont Service Center directly via either the attorney hotline or inquiry email address.
- **My client’s derivative was granted U visa status for less than three years which means s/he will not be able to accrue the continuous physical presence required for adjustment of status. Is there any way to extend the U visa validity period?**
 - Yes. Your client’s derivatives may be eligible to extend their U visa status to allow them to accrue sufficient continuous physical presence for purposes of adjusting.
 - Please refer these individuals to NIJC for an assessment of eligibility and assistance in this process. At this time, we do not have sufficient resources to provide technical support to *pro bono* attorneys in U visa extension applications.
- **The U visas of my client’s derivatives have been approved, but they are outside of the United States. Can they now travel to the United States with their U visas?**
 - Yes. However, they must first complete a non-immigrant visa application and attend a non-immigrant visa at a U.S. embassy or consulate in their home country.
 - Because U nonimmigrant consular processing requires the complex coordination of the Department of Homeland Security and the Department of State, we strongly recommend that you refer your clients back to NIJC for updated information on

consular processing procedures and for assistance in this additional application process.

EMPLOYMENT

- **What are the consequences of my client working under a false name?**
 - It depends. There are permanent bars to several forms of immigration relief for individuals who make a false claim to U.S. citizenship on a Form I-9 in order to work. On the other hand, if your client did not make a false claim to U.S. citizenship, it is likely that they did not trigger an inadmissibility ground and he/she remains eligible for the U visa. *Please contact NIJC if your client states that she made a false claim to U.S. citizenship.*
- **What are the categories under which a U Visa client qualifies for employment authorization?**
 - The regulations providing eligibility for employment authorization are found at 8 CFR § 274a.12:
 - (a)(19) – an alien in valid U-1 nonimmigrant status
 - (a)(20) – an alien in valid U-2, U-3, U-4, or U-5 nonimmigrant status
 - (c) (14) - Deferred Action
- **My client received her employment authorization card. What does she need to do to work?**
 - The client should go to the nearest social security office with her employment authorization card and request a social security number. Upon receipt of the social security number, the client can work lawfully so long as the employment authorization is valid.

TRAVEL

- **Now that my client has an approved U visa, can she travel outside of the United States?**
 - Technically, individuals in U nonimmigrant status are eligible to apply for a U visa abroad at a U.S. consulate and may be able to use that visa to reenter the United States after a trip abroad. However, NIJC strongly urges all U visa holders to avoid overseas travel until they become lawful permanent residents. Some areas of concern with regard to travel:
 - If the U visa holder accrued “unlawful presence,” departure from the United States may trigger a three- or ten-year bar to admissibility. Once a U nonimmigrant that is outside of the country has triggered a new ground of inadmissibility such as the unlawful presence bars, she will need to apply for a new waiver of inadmissibility on Form I-192 and remain outside of the United States during the adjudication of this waiver.
 - In order for U visa holders to apply for adjustment of status to lawful permanent residence, she must demonstrate continuous physical presence in the United States. The regulations state that “an alien shall be considered to have failed continuous physical presence...if the alien has departed from the United States for any period in excess of 90 days or for any periods in the aggregate of 180 days.” Because it may take longer than 90 days to process the visa and/or waiver if needed, your client will risk losing eligibility for adjustment of status.

ADJUSTMENT OF STATUS

- **My client's U visa was approved. When can she apply for lawful permanent residence?**
 - Pursuant to INA § 245(m), a U nonimmigrant must be able to demonstrate three years of continuous physical presence in the United States, in valid U nonimmigrant status, in order to be eligible to apply for lawful permanent residence.
- **Are there any other eligibility requirements for lawful permanent residence besides the above?**
 - Yes. According to INA § 245(m) a U nonimmigrant must also be able to demonstrate that:
 - The applicant is not inadmissible under INA § 212(a)(3)(E);
 - The applicant has not unreasonably refused to provide assistance to an official or law enforcement agency...after the alien was granted U nonimmigrant status, as determined by the Attorney General, based on affirmative evidence; and
 - A favorable exercise of discretion is “justified on humanitarian grounds, to ensure family unity, or is in the public interest.”
- **I have accepted a *pro bono* case for representation on a U visa application. Does this mean that I should also be filing the adjustment of status application three years from the date of approval of the U visa?**
 - No. Your representation is limited to the U visa application for the principal applicant and any qualifying derivatives only.
 - At this time NIJC does not have the resources to provide technical support to *pro bono* attorneys in U Adjustment of Status cases. We recommend that you refer your clients back to NIJC for a consultation regarding lawful permanent once the U visa applications have been approved.

CLOSING A CASE

- **My client has been placed on the waitlist and has been granted Deferred Action. What do I do?**
 - You have the option of transferring the case back to NIJC.
 - Send NIJC a copy of all applications and approvals, along with the client's updated mailing address. You may send this information electronically or as a hard-copy.
 - Please check with your firm for internal case closing procedures.
 - We recommend sending the client a closing letter.
 - NIJC will assist client in filing for an employment authorization document (EAD) under the (c)(14) category.
 - NIJC will monitor the client's case until the client receives a U Visa approval and then close out the case.
- **My client has been granted her U visa application and employment authorization. What do I need to do to close out the case with the client and NIJC?**
 - Please check with your firm for internal case closing procedures.
 - We recommend sending the client a closing letter.
 - Send NIJC a copy of all applications and approvals, along with the client's updated mailing address. You may send this information electronically or as a hard-copy.
 - Upon receipt of the file, NIJC will mail the client our closing letter with advice regarding her status and will close out the case.

How to Find an Interpreter

Nearly all of NIJC's *pro bono* cases require the use of an interpreter. Even if a client speaks English fairly proficiently, attorneys may find that they need an interpreter or translator to prepare a detailed affidavit or to translate foreign language documents. Immigrant clients who speak English may also benefit from the assistance of an interpreter because the information regarding their immigration case may be difficult for the client to discuss and the client may be able to communicate more effectively in her native language.

Attorneys who accept an NIJC *pro bono* case should expect that they will need an interpreter for the case unless specifically informed otherwise and are responsibly for finding an interpreter, although NIJC will assist with the interpreter search when possible.

There are various volunteer and fee-based resources that *pro bono* attorneys can use to try to find an interpreter for their case. Generally, NIJC recommends that attorneys not use a client's family member as the primary interpreter because the family member may have a difficult time remaining objective. Moreover, at times, the family relationship may inhibit the client from speaking openly with her attorney.

Below is a list of foreign language resources that NIJC *pro bono* attorneys have utilized to secure an interpreter or translator for their case:

- **Other attorneys or support staff** within the *pro bono* attorney's law firm.
- **University foreign language programs.**
- **Community organizations** from your client's country or ethnic group.
- **Fee-based language services**, such as Heartland Alliance's Cross-Cultural Interpreting Services (<http://www.heartlandalliance.org/ccis>) and Transperfect Translations (<http://www.transperfect.com/>).
- **NIJC's Language of Human Rights: Volunteer Interpreter Project** (please see the Language of Human Rights Volunteer Interpreter Project link on NIJC's website. Information regarding the volunteer interpreters is available for registered users only).

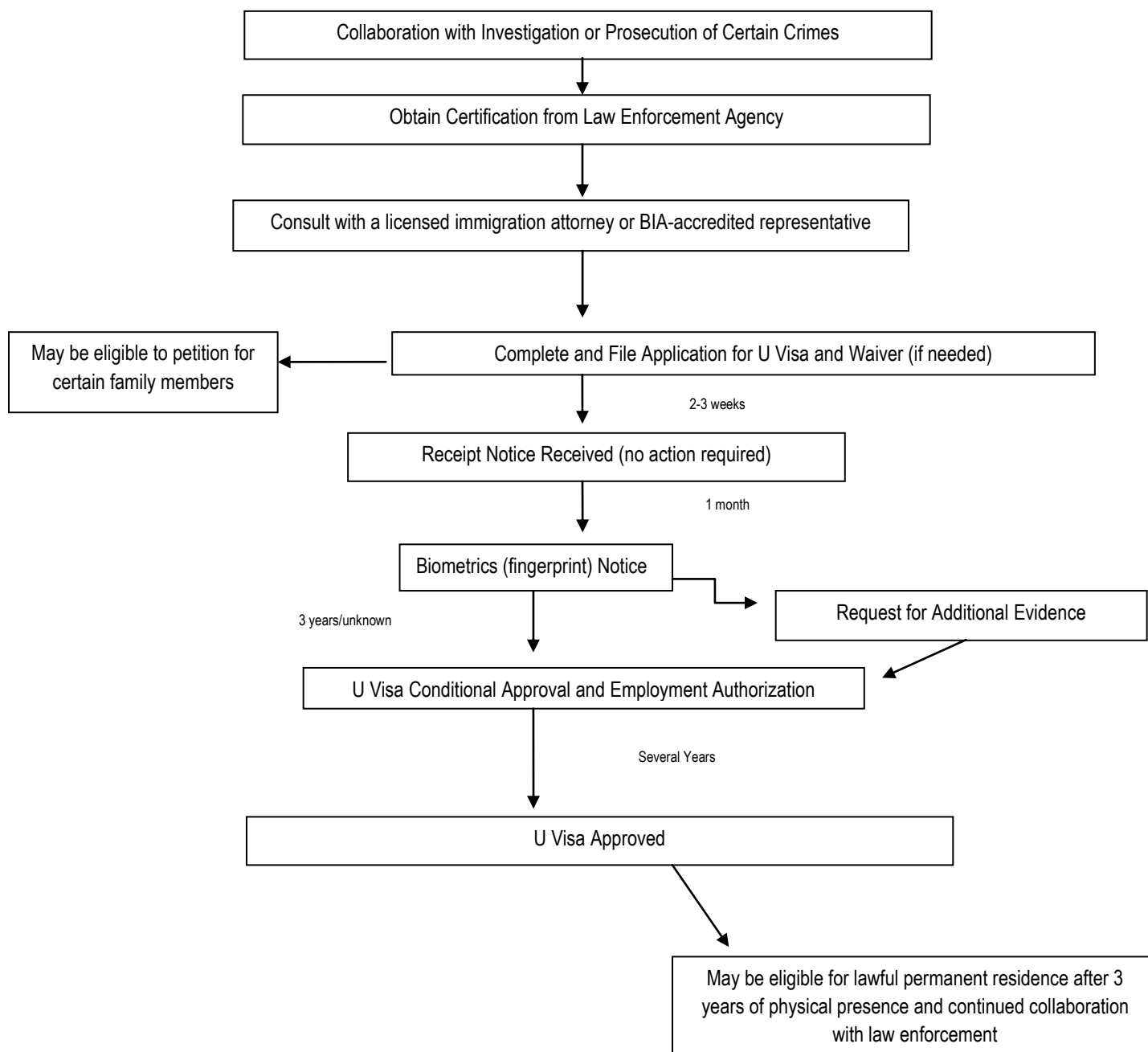
How to Work with an Interpreter¹

- Initiate a pre-session with the interpreter. Explain that you would like him or her to interpret everything that is said without adding, deleting, or changing the meaning of anything. Explain that if the interpreter needs clarification of a term (as frequently happens with legal and technical terms), the interpreter should ask you to clarify, rather than attempt to explain it to the client. Ask the interpreter to speak in the first person, so if the client says, “my husband hit me,” the interpreter should state, “my husband hit me.” Explain the purpose of the interview or client meeting to the interpreter.
- Ask the interpreter to sign a confidentiality agreement.
- Allow for additional time for the interview/meeting as it will generally take twice as long.
- Provide an area that is private. **Arrange seating comfortably with the interpreter sitting diagonally behind the client so that you are looking and speaking directly to the client.**
- Introduce yourself and the client to the interpreter. Inform the client that what is discussed will remain confidential, that both you and the interpreter are bound by a code of ethics which includes confidentiality.
- **Speak directly to the client, not the interpreter (say "How can I help you" rather than "Ask her how I can help her").**
- Use short sentences in plain English. Avoid using legal jargon or slang terms. Pause after two or three sentences to allow the interpreter to interpret.
- Encourage the interpreter to take notes if it will assist him or her in interpreting accurately
- **Maintain your role in managing the interview. The interpreter should not conduct the interview, you should.** Avoid side conversations between the interpreter and the client. If a side conversation begins, gently steer the interpreter back into her role as an interpreter by reminding her that you need to know everything that the client is saying. Reaffirm that if the client has questions they are asking the interpreter, you will answer those questions.
- Expect the interpreter to interpret everything that is said by you and your client. Confirm your understanding of the client's situation with the client to ensure accurate interpreting and accurate comprehension on your part. Check the client's understanding of any important or difficult information to ensure accurate interpreting and accurate comprehension on the client's part.
- Summarize where necessary during and at the end of the interview and confirm that your understanding of the situation is accurate. Ask the client to repeat back to you any difficult or complicated information to ensure accurate interpreting and accurate comprehension.
- Ask the client if there are any further questions and confirm what will happen next.

¹ 1 Adapted from Immigrant Women's Support Service Fact Sheet available at: http://www.iwss.org.au/iwss_publications/fact_2.htm and Legal Momentum's Identifying Whether an Interpreter is Needed and Tips for Working with an Interpreter, available at http://www.legalmomentum.org/assets/pdfs/15-tips_for_working_with_an_interpreter.pdf)

Protection for Victims of Certain Crimes (U Visa)

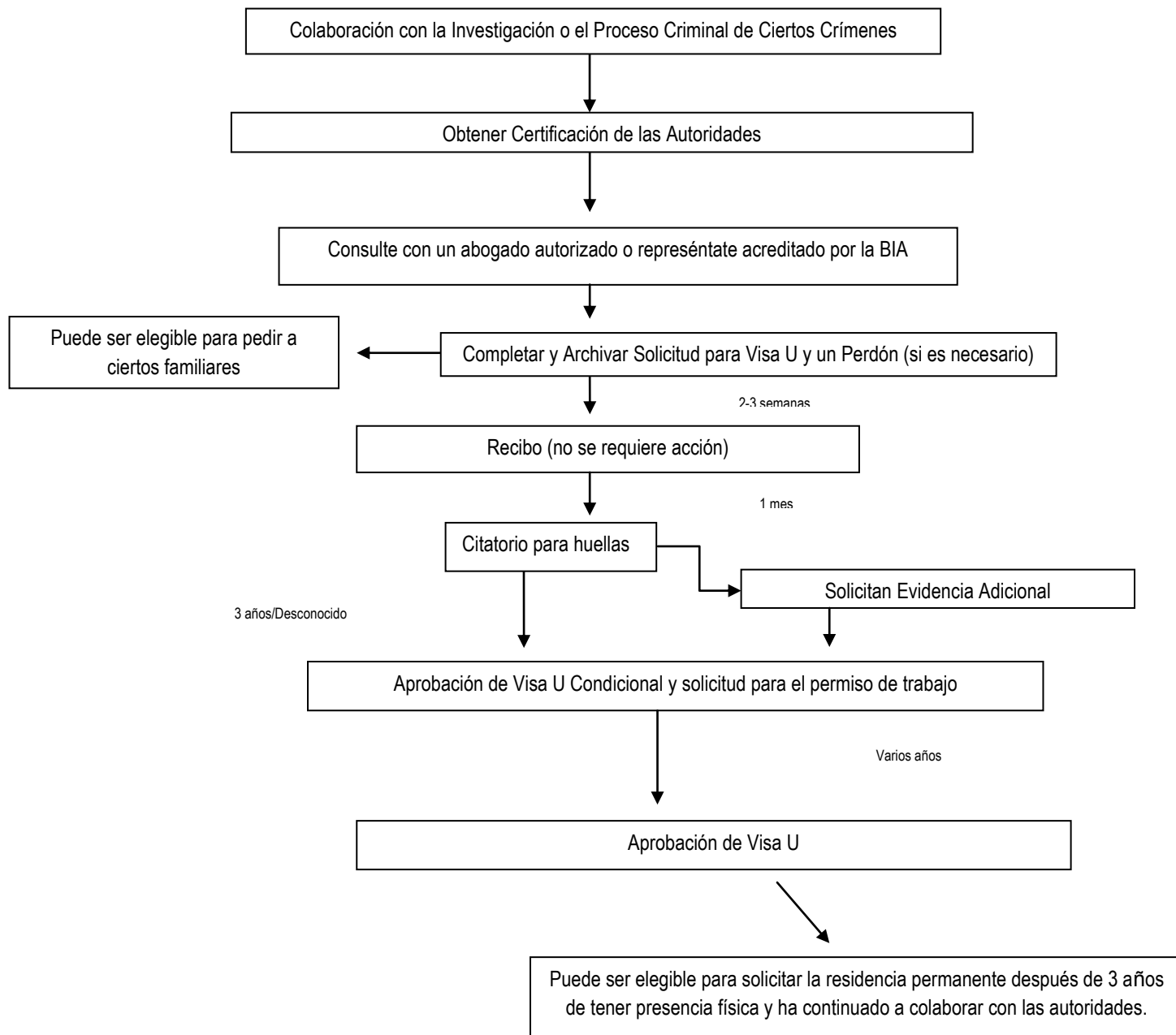
Non-citizens who have been victims of certain crimes may be eligible for protection in the form of a non-immigrant visa if they collaborate with the prosecution or investigation of certain crimes. Please consult with a licensed immigration attorney or BIA-accredited representative.



This flow chart is not intended as legal advice. These estimated times are subject to change at any time.
Please visit www.USCIS.gov for current processing times.

Protección para Víctimas de Ciertos Crímenes (Visa U)

Inmigrantes que han sido víctimas de ciertos crímenes pueden ser elegibles para protección en la forma de una visa si colaboran con la investigación o el proceso judicial de ciertos crímenes. Por favor consulte con un abogado autorizado o representante acreditado por la BIA



Este diagrama de flujo no debe interpretarse como asesoramiento legal. Estos tiempos estimados están sujetos a cambios en cualquier momento. Por favor, visite www.USCIS.gov para los tiempos actuales de procesamiento.

U VISA (I-918)

- 2 passport-style photos (2 in. X 2 in.) for the principal; 2 passport-style photos for the derivatives
- Birth certificate
- Passport
- U Visa Certification Form signed by a law enforcement agency (e.g., police, sheriff, state's attorney/district attorney, judge, FBI, DCFS, etc.)
- Marriage certificate
- Evidence of termination of prior marriages
- Birth certificates of children
- Other evidence of crime and harm suffered
 - Order of protection
 - Police report
 - Certified court disposition of crime
 - Newspaper articles
 - Medical records
 - Counselor letter
- Certified dispositions for all of applicant's arrests

PETICIÓN PARA LA VISA U (I-918)

- 2 fotos tamaño pasaporte (2 x 2 pulgadas) para el principal; 4 fotos tamaño pasaporte para los derivados
- Acta de nacimiento
- Pasaporte
- Formulario de Certificación de la Visa U llenado por un oficial de la ley (p.ej., policía, sheriff, fiscal/procurador del estado, juez, FBI, DCFS, etc.)
- Acta de matrimonio
- Prueba de terminación de matrimonios anteriores
- Actas de nacimiento de todos sus hijos
- Otra evidencia de crimen y daño sufrido
 - Orden de protección
 - Records policíacos
 - Archivos de la corte
 - Artículos de periódicos
 - Records médicos
 - Carta de una consejera
- Disposiciones certificadas de arrestos

LIST OF DOCUMENTS FOR NON-IMMIGRANT WAIVER (I-192)
**YOU MUST DEMONSTRATE TO THE GOVERNMENT THAT YOU MERIT
THIS WAIVER IN THE EXERCISE OF DISCRETION**

- Birth certificate
- Marriage certificate
- Divorce certificate(s)
- Employment letter
- Paycheck statements from the last 3-4 months
- Federal income taxes with W-2s from all available years
- Copy of birth certificates, citizenship certificates, or U.S. passports of ALL U.S. Citizen relatives in the United States
- Copy of both sides of the permanent resident card (i.e., the green card) of ALL Legal Permanent Resident (LPR) relatives in the United States
- Medical records of yourself/children/parents/spouse (but only if the person has a serious or chronic illness or a physical or mental disability)
- School records of yourself and/or your child(ren): diplomas/GED, report cards/transcripts; awards and certificates of participation/achievement; Individualized Education Program (IEP) plans
- Letters from relatives and friends explaining how difficult it would be if they were separated from applicant
- Letters of support from church, mosque, community group
- Certified dispositions for all arrests
- Police clearance letter

FEES

- ❑ \$930 Money order made payable to “U.S. Department of Homeland Security”

OR

- ❑ Fee Waiver: Documents that demonstrate that you cannot pay the application fee:
 - Letter that says the amount of food stamps (SNAP), SSI, or other public benefit your family receives
 - Federal Income Tax Return and W-2s
 - Paycheck statements from the last 2 months

**LISTA DE DOCUMENTOS PARA EL PERDÓN I-192
TIENE QUE DEMOSTRAR QUE CALIFICA PARA EL PERDÓN
BAJO LA DISCRECIÓN DEL GOBIERNO**

- Acta de nacimiento
- Acta de matrimonio
- Acta de divorcio(s)
- Carta de empleo
- Talones de cheque de pago de los últimos 3-4 meses
- Declaración de impuestos federales y formularios W-2 de todos los años disponibles
- Copias de actas de nacimiento, actas de ciudadanía o pasaporte estadounidense de TODOS los parientes que son ciudadanos de los EEUU
- Copias de ambos lados de la tarjeta de residencia (i.e., la tarjeta verde) de TODOS los parientes que son residentes legales
- Archivos médicos de usted/hijos/padres/esposo(a) (pero solamente si la persona tiene una enfermedad crónica/grave o una discapacidad física o mental)
- Archivos de escuela de usted o su(s) hijo(s): diplomas/GED; calificaciones de estudios; premios y certificados de participación/logros académicos; plan de IEP (el programa educativo individualizado)
- Cartas de parientes y amigos que explican lo difícil sería estar separado del solicitante
- Cartas de apoyo de la iglesia, mezquita, o grupo de la comunidad
- Disposiciones certificadas de todos arrestos
- Carta de antecedentes penales

CUOTAS

- ❑ \$930 Giro Postal (Money Order) para “U.S. Department of Homeland Security”

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- ❑ Excepción de pago: Documentos que demuestran que usted no puede pagar las cuotas de la solicitud:
 - Carta que dice la cantidad de estampillas (SNAP), SSI, u otro beneficio público que su familiar reciba
 - Declaración de impuestos federales y formulario(s) W-2
 - Talones de cheque de los últimos 2 meses

FEE WAIVER FOR USCIS (I-912)

- Documents that demonstrate your household income:
 - Income tax returns and W-2s for the most recent year, from all household members
 - Recent pay stubs for all household members
 - Statements for all bank accounts, investments, retirement account, and other assets for all household members
 - Letter from employer indicating salary and employment hours for all household members
 - Statements for any public benefits received by any household members (SNAP, SSI, medical card, etc)
 - If no income, documents to demonstrate how you support yourself and your dependents
- Documents that demonstrate your household expenses:
 - Copy of lease or mortgage agreement
 - Bills (electricity, telephone, gas, credit card, insurance, medical bills, television/internet, etc.)
 - Receipts (groceries, medicine, transportation)
 - Proof of any other debt you may owe

EXCEPCIÓN DE PAGO PARA USCIS (I-912)

Documentos que demuestran los ingresos:

- Declaración de impuestos y formularios W-2 del último año para todos que viven en su hogar
- Talones de cheque recientes de todos que viven en su hogar
- Estados de sus cuentas en el banco u otros cuentas de todos que viven en su hogar
- Carta de trabajo que indica su sueldo y cuantas horas se trabaja para todos que viven en su hogar
- Estados de beneficios públicos de todos que viven en su hogar
- Si no tiene sueldo, documentos que comprueban como mantiene a su mismo y sus dependientes

Documentos que demuestran los gastos:

- Copia del contrato de la casa / copia de pagos de la renta
- Facturas (Recibos) (de la luz, teléfono, gas, tarjeta de crédito, medico, seguros)
- Recibos (comida, medicina, transporte)
- Comprobante de cualquier otra deuda que tenga

States for participation in investigative or judicial processes associated with an act or a perpetrator of trafficking;

(III)(aa) has complied with any reasonable request for assistance in the Federal, State, or local investigation or prosecution of acts of trafficking or the investigation of crime where acts of trafficking are at least one central reason for the commission of that crime;

(bb) in consultation with the Attorney General, as appropriate, is unable to cooperate with a request described in item (aa) due to physical or psychological trauma; or

(cc) has not attained 18 years of age; and

(IV) the alien¹ would suffer extreme hardship involving unusual and severe harm upon removal; and

(ii) if accompanying, or following to join, the alien described in clause (i)—

(I) in the case of an alien described in clause (i) who is under 21 years of age, the spouse, children, unmarried siblings under 18 years of age on the date on which such alien applied for status under such clause, and parents of such alien;

(II) in the case of an alien described in clause (i) who is 21 years of age or older, the spouse and children of such alien; or

(III) any parent or unmarried sibling under 18 years of age, or any adult or minor children of a derivative beneficiary of the alien, as of an alien described in subclause (I) or (II) who the Secretary of Homeland Security, in consultation with the law enforcement officer investigating a severe form of trafficking, determines faces a present danger of retaliation as a result of the alien's escape from the severe form of trafficking or cooperation with law enforcement.

(iii) Repealed. Pub.L. 110-457, Title II, § 201(a)(3), Dec. 23, 2008, 122 Stat. 5053

(U)(i) subject to section 1184(p) of this title, an alien who files a petition for status under this subparagraph, if the Secretary of Homeland Security determines that—

(I) the alien has suffered substantial physical or mental abuse as a result of having been a victim of criminal activity described in clause (iii);

(II) the alien (or in the case of an alien child under the age of 16, the parent, guardian, or next friend of the alien) possesses information concerning criminal activity described in clause (iii);

(III) the alien (or in the case of an alien child under the age of 16, the parent, guardian, or next friend of the alien) 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, or local authorities investigating or prosecuting criminal activity described in clause (iii); and

(IV) the criminal activity described in clause (iii) violated the laws of the United States or occurred in the United States (including in Indian country and military installations) or the territories and possessions of the United States; (ii) if accompanying, or following to join, the alien described in clause (i)—

(I) in the case of an alien described in clause (i) who is under 21 years of age, the spouse, children, unmarried siblings under 18 years of age on the date on which such alien applied for status under such clause, and parents of such alien; or

(II) in the case of an alien described in clause (i) who is 21 years of age or older, the spouse and children of such alien; and

(iii) the criminal activity referred to in this clause is that involving one or more of the following or any similar activity in violation of Federal, State, or local criminal law: rape; torture; trafficking; incest; domestic violence; sexual assault; abusive sexual contact; prostitution; sexual exploitation; stalking; female genital mutilation; being held hostage; peonage; involuntary servitude; slave trade; kidnapping; abduction; unlawful criminal restraint; false imprisonment; blackmail; extortion; manslaughter; murder; felonious assault; witness tampering; obstruction of justice; perjury; fraud in foreign labor contracting (as defined in section 1351 of Title 18); or attempt, conspiracy, or solicitation to commit any of the above mentioned crimes; or

(V) subject to section 1184(q) of this title, an alien who is the beneficiary (including a child of the principal alien, if eligible to receive a visa under section 1153(d) of this title) of a petition to accord a status under section 1153(a)(2)(A) of this title that was filed with the Attorney General under section 1154 of this title on or before December 21, 2000, if—

(i) such petition has been pending for 3 years or more; or

(ii) such petition has been approved, 3 years or more have elapsed since such filing date, and—

(I) an immigrant visa is not immediately available to the alien because of a waiting list of applicants for visas under section 1153(a)(2)(A) of this title; or

(II) the alien's application for an immigrant visa, or the alien's application for adjustment of status under section 1255 of this title, pursuant to the approval of such petition, remains pending.

(16) The term "immigrant visa" means an immigrant visa required by this chapter and properly issued by a consular officer at his office outside of the United States to an eligible immigrant under the provisions of this chapter.

(17) The term "immigration laws" includes this chapter and all laws, conventions, and treaties of the United States relating to the immigration, exclusion, deportation, expulsion, or removal of aliens.

(18) The term "immigration officer" means any employee or class of employees of the Service or of the United States designated by the Attorney General, individually or by regulation, to perform the functions of an immigration officer specified by this chapter or any section of this title.

(19) The term "ineligible to citizenship," when used in reference to any individual, means, notwithstanding the provisions of any treaty relating to military service, an individual who is, or was at any time permanently debarred from becoming a citizen of the United States under section 3(a) of the Selective Training and Service Act of 1940, as amended (54 Stat. 885; 55 Stat. 844), or under section 4(a) of the Selective Service Act of 1948, as amended (62 Stat. 605; 65 Stat. 76), or under any section of this chapter, or any other Act, or under any law amendatory of, supplementary to, or in substitution for, any of such sections or Acts.

(20) The term "lawfully admitted for permanent residence" means the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws, such status not having changed.

(21) The term "national" means a person owing permanent allegiance to a state.

(22) The term "national of the United States" means (A) a citizen of the United States, or (B) a person who, though not a citizen of the United States, owes permanent allegiance to the United States.

(23) The term "naturalization" means the conferring of nationality of a state upon a person after birth, by any means whatsoever.

(24) Repealed. Pub.L. 102-232, Title III, § 305(m)(1), Dec. 12, 1991, 105 Stat. 1750.

(25) The term "noncombatant service" shall not include service in which the individual is not subject to military discipline, court martial, or does not wear the uniform of any branch of the armed forces.

(26) The term "nonimmigrant visa" means a visa properly issued to an alien as an eligible nonimmigrant by a competent officer as provided in this chapter.

(27) The term "special immigrant" means—

(A) an immigrant, lawfully admitted for permanent residence, who is returning from a temporary visit abroad;

(B) an immigrant who was a citizen of the United States and may, under section 1435(a) or 1438 of this title, apply for reacquisition of citizenship;

(C) an immigrant, and the immigrant's spouse and children if accompanying or following to join the immigrant, who—

(i) for at least 2 years immediately preceding the time of application for admission, has been a member of a religious denomination having a bona fide nonprofit, religious organization in the United States;

(ii) seeks to enter the United States—

(I) solely for the purpose of carrying on the vocation of a minister of that religious denomination,

(II) before September 30, 2015, in order to work for the organization at the request of the organization in a professional capacity in a religious vocation or occupation, or

(III) before September 30, 2015, in order to work for the organization (or for a bona fide organization which is affiliated with the religious denomination and is exempt from taxation as an organization described in section 501(c)(3) of Title 26) at the request of the organization in a religious vocation or occupation; and

(iii) has been carrying on such vocation, professional work, or other work continuously for at least the 2-year period described in clause (i);

(D) an immigrant who is an employee, or an honorably retired former employee, of the United States Government abroad, or of the American Institute in Taiwan, and who has performed faithful service for a total of fifteen years, or more, and his accompanying spouse and children: *Provided*, That the principal officer of a Foreign Service establishment (or, in the case of the American Institute in Taiwan, the Director thereof), in his discretion, shall have recommended the granting of special immigrant status to such alien in exceptional circumstances and the Secretary of State approves such recommendation and finds that it is in the national interest to grant such status;

(E) an immigrant, and his accompanying spouse and children, who is or has been an employee of the Panama Canal Company or Canal Zone Government before the date on which the Panama Canal Treaty of 1977 (as described in section 3602(a)(1) of Title 22) enters into force [October 1, 1979], who was resident in the Canal Zone on the effective date of the exchange of instruments of ratification of such Treaty [April 1,

J-1 exchange visitor category, within 12 months following the initial notice of denial is not required to repay the SEVIS fee.

(6) Re-application following denial of an application for a change of status. A nonimmigrant who fully paid a SEVIS fee in connection with an initial application for a change of status within in the United States to F-1, F-3, M-1, or M-3 classification, or for a change of status to a particular J-1 exchange visitor category, whose initial application was denied, and who is granted a motion to reopen the denied case is not required to repay the SEVIS fee if the motion to reopen is granted within 12 months of receipt of initial notice of denial.

(f) [Reserved]

(g) Procedures for payment of the SEVIS fee.

(1) Options for payment. An alien subject to payment of a fee under this section may pay the fee by any procedure approved by DHS, including:

(i) Submission of Form I-901, to DHS by mail, along with the proper fee paid by check, money order, or foreign draft drawn on a financial institution in the United States and payable in United States currency, as provided by 8 CFR 103.7(a)(1);

(ii) Electronic submission of Form I-901 to DHS using a credit card or other electronic means of payment accepted by DHS; or

(iii) A designated payment service and receipt mechanism approved and set forth in future guidance by DHS.

(2) Receipts. DHS will provide a receipt for each fee payment under paragraph (g)(1) of this section until such time as DHS issues a notice in the Federal Register that paper receipts will no longer be necessary. Further receipt provisions include:

(i) DHS will provide for an expedited delivery of the receipt, upon request and receipt of an additional fee;

(ii) If payment was made electronically, both DHS and the Department of State will accept a properly completed receipt that is printed-out electronically, in lieu of the receipt generated by DHS;

(iii) If payment was made through an approved payment service, DHS and the Department of State will accept a properly completed receipt issued by the payment service, in lieu of the receipt generated by DHS.

(3) Electronic record of fee payment. DHS will maintain an electronic record of payment for the alien as verification of receipt of the required fee under this section. If DHS records indicate that the fee has been paid, an alien who has lost or did not receive a receipt for a fee payment under this section will not be denied an immigration benefit, including visa issuance or admission to the United States, solely because of a failure to present a paper receipt of fee payment.

(4) Third-party payments. DHS will accept payment of the required fee for an alien from an approved school or a designated exchange visitor program sponsor, or from another source, in accordance with procedures approved by DHS.

(h) Failure to pay the fee. The failure to pay the required fee is grounds for denial of F, M, or J nonimmigrant status or status-related benefits. Payment of the fee does not preserve the lawful status of any F, J, or M nonimmigrant that has violated his or her status in some other manner.

(1) For purposes of reinstatement to F or M status, failure to pay the required fee will be considered a "willful violation" under 8 CFR 214.2(f)(16) or (m)(16), unless DHS determines that there are sufficient extenuating circumstances (as determined at the discretion of the Student and Exchange Visitor Program).

(2) For purposes of reinstatement to valid J program status, failure to pay the required fee will not be considered a "minor or technical infraction" under 22 CFR 62.45.

[69 FR 39825, July 1, 2004; 69 FR 41388, July 9, 2004; 73 FR 55704, Sept. 26, 2008]

§ 214.14 Alien victims of certain qualifying criminal activity.

(a) Definitions. As used in this section, the term:

(1) BIWPA means Battered Immigrant Women Protection Act of 2000 of the Victims of Trafficking and Violence Protection Act of 2000, div. B, Violence Against Women Act of 2000, tit. V, Pub.L. 106-386, 114 Stat. 1464, (2000), amended by Violence Against Women and Department of Justice Reauthorization Act of 2005, tit. VIII, Pub.L. 109-162, 119 Stat. 2960 (2006), amended by Violence Against Women and Department of Justice Reauthorization Act—Technical Corrections, Pub.L. 109-271, 120 Stat. 750 (2006).

(2) Certifying agency means a Federal, State, or local law enforcement agency, prosecutor, judge, or other authority, that has responsibility for the investigation or prosecution of a qualifying crime or criminal activity. This definition includes agencies that have criminal investigative jurisdiction in their respective areas of expertise, including, but not limited to, child protective services, the Equal Employment Opportunity Commission, and the Department of Labor.

(3) Certifying official means:

(i) The head of the certifying agency, or any person(s) in a supervisory role who has been specifically designated by the head of the certifying agency to issue U nonimmigrant status certifications on behalf of that agency; or

(ii) A Federal, State, or local judge.

(4) Indian Country is defined as:

(i) All land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation;

(ii) All dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state; and

(iii) All Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through such allotments.

(5) Investigation or prosecution refers to the detection or investigation of a qualifying crime or criminal activity, as well as to the prosecution, conviction, or sentencing of the perpetrator of the qualifying crime or criminal activity.

(6) Military Installation means any facility, base, camp, post, encampment, station, yard, center, port, aircraft, vehicle, or vessel under the jurisdiction of the Department of Defense, including any leased facility, or any other location under military control.

(7) Next friend means a person who appears in a lawsuit to act for the benefit of an alien under the age of 16 or incapacitated or incompetent, who has suffered substantial physical or mental abuse as a result of being a victim of qualifying criminal activity. The next friend is not a party to the legal proceeding and is not appointed as a guardian.

(8) Physical or mental abuse means injury or harm to the victim's physical person, or harm to or impairment of the emotional or psychological soundness of the victim.

(9) Qualifying crime or qualifying criminal activity includes one or more of the following or any similar activities in violation of Federal, State or local criminal law of the United States: Rape; torture; 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; false imprisonment; blackmail; extortion; manslaughter; murder; felonious assault; witness tampering; obstruction of justice; perjury; or attempt, conspiracy, or solicitation to commit any of the above mentioned crimes. The term "any similar activity" refers to criminal offenses in which the nature and elements of the offenses are substantially similar to the statutorily enumerated list of criminal activities.

(10) Qualifying family member means, in the case of an alien victim 21 years of age or older who is eligible for U nonimmigrant status as described in section 101(a)(15)(U) of the Act, 8 U.S.C. 1101(a)(15)(U), the spouse or child(ren) of such alien; and, in the case of an alien victim under the age of 21 who is eligible for U

nonimmigrant status as described in section 101(a)(15)(U) of the Act, qualifying family member means the spouse, child(ren), parents, or unmarried siblings under the age of 18 of such an alien.

(11) Territories and Possessions of the United States means American Samoa, Swains Island, Bajo Nuevo (the Petrel Islands), Baker Island, Howland Island, Jarvis Island, Johnston Atoll, Kingman Reef, Midway Atoll, Navassa Island, Palmyra Atoll, Serranilla Bank, and Wake Atoll.

(12) U nonimmigrant status certification means Form I-918, Supplement B, "U Nonimmigrant Status Certification," which confirms that the petitioner has been helpful, is being helpful, or is likely to be helpful in the investigation or prosecution of the qualifying criminal activity of which he or she is a victim.

(13) U interim relief refers to the interim benefits that were provided by USCIS to petitioners for U nonimmigrant status, who requested such benefits and who were deemed prima facie eligible for U nonimmigrant status prior to the publication of the implementing regulations.

(14) Victim of qualifying criminal activity generally means an alien who has suffered direct and proximate harm as a result of the commission of qualifying criminal activity.

(i) The alien spouse, children under 21 years of age and, if the direct victim is under 21 years of age, parents and unmarried siblings under 18 years of age, will be considered victims of qualifying criminal activity where the direct victim is deceased due to murder or manslaughter, or is incompetent or incapacitated, and therefore unable to provide information concerning the criminal activity or be helpful in the investigation or prosecution of the criminal activity. For purposes of determining eligibility under this definition, USCIS will consider the age of the victim at the time the qualifying criminal activity occurred.

(ii) A petitioner may be considered a victim of witness tampering, obstruction of justice, or perjury, including any attempt, solicitation, or conspiracy to commit one or more of those offenses, if:

(A) The petitioner has been directly and proximately harmed by the perpetrator of the witness tampering, obstruction of justice, or perjury; and

(B) There are reasonable grounds to conclude that the perpetrator committed the witness tampering, obstruction of justice, or perjury offense, at least in principal part, as a means:

(1) To avoid or frustrate efforts to investigate, arrest, prosecute, or otherwise bring to justice the perpetrator for other criminal activity; or

(2) To further the perpetrator's abuse or exploitation of or undue control over the petitioner through manipulation of the legal system.

(iii) A person who is culpable for the qualifying criminal activity being investigated or prosecuted is excluded from being recognized as a victim of qualifying criminal activity.

(b) Eligibility. An alien is eligible for U-1 nonimmigrant status if he or she demonstrates all of the following in accordance with paragraph (c) of this section:

(1) The alien has suffered substantial physical or mental abuse as a result of having been a victim of qualifying criminal activity. Whether abuse is substantial is based on a number of factors, including but not limited to: The nature of the injury inflicted or suffered; the severity of the perpetrator's conduct; the severity of the harm suffered; the duration of the infliction of the harm; and the extent to which there is permanent or serious harm to the appearance, health, or physical or mental soundness of the victim, including aggravation of pre-existing conditions. No single factor is a prerequisite to establish that the abuse suffered was substantial. Also, the existence of one or more of the factors automatically does not create a presumption that the abuse suffered was substantial. A series of acts taken together may be considered to constitute substantial physical or mental abuse even where no single act alone rises to that level;

(2) The alien possesses credible and reliable information establishing that he or she has knowledge of the details concerning the qualifying criminal activity upon which his or her petition is based. The alien must possess specific facts regarding the criminal activity leading a certifying official to determine that the petitioner has, is, or is likely to provide assistance to the investigation or prosecution of the qualifying criminal activity. In the event that the alien has not yet reached 16 years of age on the date on which an act constituting an element of the qualifying criminal activity first occurred, a parent, guardian or next friend of the alien may possess the information regarding a qualifying crime. In addition, if the alien is incapacitated or incompetent, a parent, guardian, or next friend may possess the information regarding the qualifying crime;

(3) The alien 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. In the event that the alien has not yet reached 16 years of age on the date on which an act constituting an element of the qualifying criminal activity first occurred, a parent, guardian or next friend of the alien may provide the required assistance. In addition, if the petitioner is incapacitated or incompetent and, therefore, unable to be helpful in the investigation or prosecution of the qualifying criminal activity,

a parent, guardian, or next friend may provide the required assistance; and

(4) The qualifying criminal activity occurred in the United States (including Indian country and U.S. military installations) or in the territories or possessions of the United States, or violated a U.S. federal law that provides for extraterritorial jurisdiction to prosecute the offense in a U.S. federal court.

(c) Application procedures for U nonimmigrant status—

(1) Filing a petition. USCIS has sole jurisdiction over all petitions for U nonimmigrant status. An alien seeking U-1 nonimmigrant status must submit, by mail, Form I-918, "Petition for U Nonimmigrant Status," applicable biometric fee (or request for a fee waiver as provided in 8 CFR 103.7(c)), and initial evidence to USCIS in accordance with this paragraph and the instructions to Form I-918. A petitioner who received interim relief is not required to submit initial evidence with Form I-918 if he or she wishes to rely on the law enforcement certification and other evidence that was submitted with the request for interim relief.

(i) Petitioners in pending immigration proceedings. An alien who is in removal proceedings under section 240 of the Act, 8 U.S.C. 1229a, or in exclusion or deportation proceedings initiated under former sections 236 or 242 of the Act, 8 U.S.C. 1226 and 1252 (as in effect prior to April 1, 1997), and who would like to apply for U nonimmigrant status must file a Form I-918 directly with USCIS. U.S. Immigration and Customs Enforcement (ICE) counsel may agree, as a matter of discretion, to file, at the request of the alien petitioner, a joint motion to terminate proceedings without prejudice with the immigration judge or Board of Immigration Appeals, whichever is appropriate, while a petition for U nonimmigrant status is being adjudicated by USCIS.

(ii) Petitioners with final orders of removal, deportation, or exclusion. An alien who is the subject of a final order of removal, deportation, or exclusion is not precluded from filing a petition for U-1 nonimmigrant status directly with USCIS. The filing of a petition for U-1 nonimmigrant status has no effect on ICE's authority to execute a final order, although the alien may file a request for a stay of removal pursuant to 8 CFR 241.6(a) and 8 CFR 1241.6(a). If the alien is in detention pending execution of the final order, the time during which a stay is in effect will extend the period of detention (under the standards of 8 CFR 241.4) reasonably necessary to bring about the petitioner's removal.

(2) Initial evidence. Form I-918 must include the following initial evidence:

(i) Form I-918, Supplement B, "U Nonimmigrant Status Certification," signed by a certifying official within the six months immediately preceding the filing of Form I-918. The certification must state that: the

person signing the certificate is the head of the certifying agency, or any person(s) in a supervisory role who has been specifically designated by the head of the certifying agency to issue U nonimmigrant status certifications on behalf of that agency, or is a Federal, State, or local judge; the agency is a Federal, State, or local law enforcement agency, or prosecutor, judge or other authority, that has responsibility for the detection, investigation, prosecution, conviction, or sentencing of qualifying criminal activity; the applicant has been a victim of qualifying criminal activity that the certifying official's agency is investigating or prosecuting; the petitioner possesses information concerning the qualifying criminal activity of which he or she has been a victim; the petitioner has been, is being, or is likely to be helpful to an investigation or prosecution of that qualifying criminal activity; and the qualifying criminal activity violated U.S. law, or occurred in the United States, its territories, its possessions, Indian country, or at military installations abroad.

(ii) Any additional evidence that the petitioner wants USCIS to consider to establish that: the petitioner is a victim of qualifying criminal activity; the petitioner has suffered substantial physical or mental abuse as a result of being a victim of qualifying criminal activity; the petitioner (or, in the case of a child under the age of 16 or petitioner who is incompetent or incapacitated, a parent, guardian or next friend of the petitioner) possesses information establishing that he or she has knowledge of the details concerning the qualifying criminal activity of which he or she was a victim and upon which his or her application is based; the petitioner (or, in the case of a child under the age of 16 or petitioner who is incompetent or incapacitated, a parent, guardian or next friend of the petitioner) has been helpful, is being helpful, or is likely to be helpful to a Federal, State, or local law enforcement agency, prosecutor, or authority, or Federal or State judge, investigating or prosecuting the criminal activity of which the petitioner is a victim; or the criminal activity is qualifying and occurred in the United States (including Indian country and U.S. military installations) or in the territories or possessions of the United States, or violates a U.S. federal law that provides for extraterritorial jurisdiction to prosecute the offense in a U.S. federal court;

(iii) A signed statement by the petitioner describing the facts of the victimization. The statement also may include information supporting any of the eligibility requirements set out in paragraph (b) of this section. When the petitioner is under the age of 16, incapacitated, or incompetent, a parent, guardian, or next friend may submit a statement on behalf of the petitioner; and

(iv) If the petitioner is inadmissible, Form I-192, "Application for Advance Permission to Enter as Non-Immigrant," in accordance with 8 CFR 212.17.

(3) Biometric capture. All petitioners for U-1 nonimmigrant status must submit to biometric capture and pay a biometric capture fee. USCIS will notify the petitioner of the proper time and location to appear for biometric capture after the petitioner files Form I-918.

(4) Evidentiary standards and burden of proof. The burden shall be on the petitioner to demonstrate eligibility for U-1 nonimmigrant status. The petitioner may submit any credible evidence relating to his or her Form I-918 for consideration by USCIS. USCIS shall conduct a de novo review of all evidence submitted in connection with Form I-918 and may investigate any aspect of the petition. Evidence previously submitted for this or other immigration benefit or relief may be used by USCIS in evaluating the eligibility of a petitioner for U-1 nonimmigrant status. However, USCIS will not be bound by its previous factual determinations. USCIS will determine, in its sole discretion, the evidentiary value of previously or concurrently submitted evidence, including Form I-918, Supplement B, "U Nonimmigrant Status Certification."

(5) Decision. After completing its de novo review of the petition and evidence, USCIS will issue a written decision approving or denying Form I-918 and notify the petitioner of this decision. USCIS will include in a decision approving Form I-918 a list of nongovernmental organizations to which the petitioner can refer regarding his or her options while in the United States and available resources.

(i) Approval of Form I-918, generally. If USCIS determines that the petitioner has met the requirements for U-1 nonimmigrant status, USCIS will approve Form I-918. For a petitioner who is within the United States, USCIS also will concurrently grant U-1 nonimmigrant status, subject to the annual limitation as provided in paragraph (d) of this section. For a petitioner who is subject to an order of exclusion, deportation, or removal issued by the Secretary, the order will be deemed canceled by operation of law as of the date of USCIS' approval of Form I-918. A petitioner who is subject to an order of exclusion, deportation, or removal issued by an immigration judge or the Board may seek cancellation of such order by filing, with the immigration judge or the Board, a motion to reopen and terminate removal proceedings. ICE counsel may agree, as a matter of discretion, to join such a motion to overcome any applicable time and numerical limitations of 8 CFR 1003.2 and 1003.23.

(A) Notice of Approval of Form I-918 for U-1 petitioners within the United States. After USCIS approves Form I-918 for an alien who filed his or her petition from within the United States, USCIS will notify the alien of such approval on Form I-797, "Notice of Action," and include Form I-94 (see § 1.4), "Arrival-Departure Record," indicating U-1 nonimmigrant status.

(B) Notice of Approval of Form I-918 for U-1 petitioners outside the United States. After USCIS approves Form I-918 for an alien who filed his or her petition from outside the United States, USCIS will notify the alien of such approval on Form I-797, "Notice of Action," and will forward notice to the Department of State for delivery to the U.S. Embassy or Consulate having jurisdiction over the area in which the alien is located, or, for a visa exempt alien, to the appropriate port of entry.

(ii) Denial of Form I-918. USCIS will provide written notification to the petitioner of the reasons for the denial. The petitioner may appeal a denial of Form I-918 to the Administrative Appeals Office (AAO) in accordance with the provisions of 8 CFR 103.3. For petitioners who appeal a denial of their Form I-918 to the AAO, the denial will not be deemed administratively final until the AAO issues a decision affirming the denial. Upon USCIS' final denial of a petition for a petitioner who was in removal proceedings that were terminated pursuant to 8 CFR 214.14(c)(1)(i), DHS may file a new Notice to Appear (see section 239 of the Act, 8 U.S.C. 1229) to place the individual in proceedings again. For petitioners who are subject to an order of removal, deportation, or exclusion and whose order has been stayed, USCIS' denial of the petition will result in the stay being lifted automatically as of the date the denial becomes administratively final.

(6) Petitioners granted U interim relief. Petitioners who were granted U interim relief as defined in paragraph (a)(13) of this section and whose Form I-918 is approved will be accorded U-1 nonimmigrant status as of the date that a request for U interim relief was initially approved.

(7) Employment authorization. An alien granted U-1 nonimmigrant status is employment authorized incident to status. USCIS automatically will issue an initial Employment Authorization Document (EAD) to such aliens who are in the United States. For principal aliens who applied from outside the United States, the initial EAD will not be issued until the petitioner has been admitted to the United States in U nonimmigrant status. After admission, the alien may receive an initial EAD, upon request and submission of a copy of his or her Form I-94, "Arrival-Departure Record," to the USCIS office having jurisdiction over the adjudication of petitions for U nonimmigrant status. No additional fee is required. An alien granted U-1 nonimmigrant status seeking to renew his or her expiring EAD or replace an EAD that was lost, stolen, or destroyed, must file Form I-765 in accordance with the instructions to the form.

(d) Annual cap on U-1 nonimmigrant status—

(1) General. In accordance with section 214(p)(2) of the Act, 8 U.S.C. 1184(p)(2), the total number of aliens who may be issued a U-1 nonimmigrant visa or grant-

ed U-1 nonimmigrant status may not exceed 10,000 in any fiscal year.

(2) Waiting list. All eligible petitioners who, due solely to the cap, are not granted U-1 nonimmigrant status must be placed on a waiting list and receive written notice of such placement. Priority on the waiting list will be determined by the date the petition was filed with the oldest petitions receiving the highest priority. In the next fiscal year, USCIS will issue a number to each petition on the waiting list, in the order of highest priority, providing the petitioner remains admissible and eligible for U nonimmigrant status. After U-1 nonimmigrant status has been issued to qualifying petitioners on the waiting list, any remaining U-1 nonimmigrant numbers for that fiscal year will be issued to new qualifying petitioners in the order that the petitions were properly filed. 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. USCIS, in its discretion, may authorize employment for such petitioners and qualifying family members.

(3) Unlawful presence. During the time a petitioner for U nonimmigrant status who was granted deferred action or parole is on the waiting list, no accrual of unlawful presence under section 212(a)(9)(B) of the INA, 8 U.S.C. 1182(a)(9)(B), will result. However, a petitioner may be removed from the waiting list, and the deferred action or parole may be terminated at the discretion of USCIS.

(e) Restrictions on use and disclosure of information relating to petitioners for U nonimmigrant classification—

(1) General. The use or disclosure (other than to a sworn officer or employee of DHS, the Department of Justice, the Department of State, or a bureau or agency of any of those departments, for legitimate department, bureau, or agency purposes) of any information relating to the beneficiary of a pending or approved petition for U nonimmigrant status is prohibited unless the disclosure is made:

(i) By the Secretary of Homeland Security, at his discretion, in the same manner and circumstances as census information may be disclosed by the Secretary of Commerce under 13 U.S.C. 8;

(ii) By the Secretary of Homeland Security, at his discretion, to law enforcement officials to be used solely for a legitimate law enforcement purpose;

(iii) In conjunction with judicial review of a determination in a manner that protects the confidentiality of such information;

(iv) After adult petitioners for U nonimmigrant status or U nonimmigrant status holders have provided written consent to waive the restrictions prohibiting the release of information;

(v) To Federal, State, and local public and private agencies providing benefits, to be used solely in making determinations of eligibility for benefits pursuant to 8 U.S.C. 1641(c);

(vi) After a petition for U nonimmigrant status has been denied in a final decision;

(vii) To the chairmen and ranking members of the Committee on the Judiciary of the Senate or the Committee on the Judiciary of the House of Representatives, for the exercise of congressional oversight authority, provided the disclosure relates to information about a closed case and is made in a manner that protects the confidentiality of the information and omits personally identifying information (including locational information about individuals);

(viii) With prior written consent from the petitioner or derivative family members, to nonprofit, nongovernmental victims' service providers for the sole purpose of assisting the victim in obtaining victim services from programs with expertise working with immigrant victims; or

(ix) To federal prosecutors to comply with constitutional obligations to provide statements by witnesses and certain other documents to defendants in pending federal criminal proceedings.

(2) Agencies receiving information under this section, whether governmental or non-governmental, are bound by the confidentiality provisions and other restrictions set out in 8 U.S.C. 1367.

(3) Officials of the Department of Homeland Security are prohibited from making adverse determinations of admissibility or deportability based on information obtained solely from the perpetrator of substantial physical or mental abuse and the criminal activity.

(f) Admission of qualifying family members—

(1) Eligibility. An alien who has petitioned for or has been granted U-1 nonimmigrant status (i.e., principal alien) may petition for the admission of a qualifying family member in a U-2 (spouse), U-3 (child), U-4 (parent of a U-1 alien who is a child under 21 years of age), or U-5 (unmarried sibling under the age of 18) derivative status, if accompanying or following to join such principal alien. A qualifying family member who committed the qualifying criminal activity in a family violence or trafficking context which established the principal alien's eligibility for U nonimmigrant status shall not be granted U-2, U-3, U-4, or U-5 nonimmigrant status. To be eligible for U-2, U-3, U-4, or U-5 nonimmigrant status, it must be demonstrated that:

(i) The alien for whom U-2, U-3, U-4, or U-5 status is being sought is a qualifying family member, as defined in paragraph (a)(10) of this section; and

(ii) The qualifying family member is admissible to the United States.

(2) Filing procedures. A petitioner for U-1 nonimmigrant status may apply for derivative U nonimmi-

grant status on behalf of qualifying family members by submitting a Form I-918, Supplement A, "Petition for Qualifying Family Member of U-1 Recipient," for each family member either at the same time the petition for U-1 nonimmigrant status is filed, or at a later date. An alien who has been granted U-1 nonimmigrant status may apply for derivative U nonimmigrant status on behalf of qualifying family members by submitting Form I-918, Supplement A for each family member. All Forms I-918, Supplement A must be accompanied by initial evidence and the required fees specified in the instructions to the form. Forms I-918, Supplement A that are not filed at the same time as Form I-918 but are filed at a later date must be accompanied by a copy of the Form I-918 that was filed by the principal petitioner or a copy of his or her Form I-94 demonstrating proof of U-1 nonimmigrant status, as applicable.

(i) Qualifying family members in pending immigration proceedings. The principal alien of a qualifying family member who is in removal proceedings under section 240 of the Act, 8 U.S.C. 1229a, or in exclusion or deportation proceedings initiated under former sections 236 or 242 of the Act, 8 U.S.C. 1226 and 1252 (as in effect prior to April 1, 1997), and who is seeking U nonimmigrant status, must file a Form I-918, Supplement A directly with USCIS. ICE counsel may agree to file, at the request of the qualifying family member, a joint motion to terminate proceedings without prejudice with the immigration judge or Board of Immigration Appeals, whichever is appropriate, while the petition for U nonimmigrant status is being adjudicated by USCIS.

(ii) Qualifying family members with final orders of removal, deportation, or exclusion. An alien who is the subject of a final order of removal, deportation, or exclusion is not precluded from filing a petition for U-2, U-3, U-4, or U-5 nonimmigrant status directly with USCIS. The filing of a petition for U-2, U-3, U-4, or U-5 nonimmigrant status has no effect on ICE's authority to execute a final order, although the alien may file a request for a stay of removal pursuant to 8 CFR 241.6(a) and 8 CFR 1241.6(a). If the alien is in detention pending execution of the final order, the time during which a stay is in effect will extend the period of detention (under the standards of 8 CFR 241.4) reasonably necessary to bring about the alien's removal.

(3) Initial evidence. Form I-918, Supplement A, must include the following initial evidence:

(i) Evidence demonstrating the relationship of a qualifying family member, as provided in paragraph (f)(4) of this section;

(ii) If the qualifying family member is inadmissible, Form I-192, "Application for Advance Permission to

Enter as a Non-Immigrant," in accordance with 8 CFR 212.17.

(4) Relationship. Except as set forth in paragraphs (f)(4)(i) and (ii) of this section, the relationship between the U-1 principal alien and the qualifying family member must exist at the time Form I-918 was filed, and the relationship must continue to exist at the time Form I-918, Supplement A is adjudicated, and at the time of the qualifying family member's subsequent admission to the United States.

(i) If the U-1 principal alien proves that he or she has become the parent of a child after Form I-918 was filed, the child shall be eligible to accompany or follow to join the U-1 principal alien.

(ii) If the principal alien was under 21 years of age at the time he or she filed Form I-918, and filed Form I-918, Supplement A for an unmarried sibling under the age of 18, USCIS will continue to consider such sibling as a qualifying family member for purposes of U nonimmigrant status even if the principal alien is no longer under 21 years of age at the time of adjudication, and even if the sibling is no longer under 18 years of age at the time of adjudication.

(5) Biometric capture and evidentiary standards. The provisions for biometric capture and evidentiary standards in paragraphs (c)(3) and (c)(4) of this section also are applicable to petitions for qualifying family members.

(6) Decision. USCIS will issue a written decision approving or denying Form I-918, Supplement A and send notice of this decision to the U-1 principal petitioner. USCIS will include in a decision approving Form I-918 a list of nongovernmental organizations to which the qualifying family member can refer regarding his or her options while in the United States and available resources. For a qualifying family member who is subject to an order of exclusion, deportation, or removal issued by the Secretary, the order will be deemed canceled by operation of law as of the date of USCIS' approval of Form I-918, Supplement A. A qualifying family member who is subject to an order of exclusion, deportation, or removal issued by an immigration judge or the Board may seek cancellation of such order by filing, with the immigration judge or the Board, a motion to reopen and terminate removal proceedings. ICE counsel may agree, as a matter of discretion, to join such a motion to overcome any applicable time and numerical limitations of 8 CFR 1003.2 and 1003.23.

(i) Approvals for qualifying family members within the United States. When USCIS approves a Form I-918, Supplement A for a qualifying family member who is within the United States, it will concurrently grant that alien U-2, U-3, U-4, or U-5 nonimmigrant status. USCIS will notify the principal of such approval on Form I-797, "Notice of Action," with Form I-94, "Arrival-Departure Record," indicating U-2, U-3, U-4,

or U-5 nonimmigrant status. Aliens who were previously granted U interim relief as defined in paragraph (a)(13) of this section will be accorded U nonimmigrant status as of the date that the request for U interim relief was approved. Aliens who are granted U-2, U-3, U-4, or U-5 nonimmigrant status are not subject to an annual numerical limit. USCIS may not approve Form I-918, Supplement A unless it has approved the principal alien's Form I-918.

(ii) Approvals for qualifying family members outside the United States. When USCIS approves Form I-918, Supplement A for a qualifying family member who is outside the United States, USCIS will notify the principal alien of such approval on Form I-797. USCIS will forward the approved Form I-918, Supplement A to the Department of State for delivery to the U.S. Embassy or Consulate having jurisdiction over the area in which the qualifying family member is located, or, for a visa exempt alien, to the appropriate port of entry.

(iii) Denial of the Form I-918, Supplement A. In accordance with 8 CFR 103.3(a)(1), USCIS will provide written notification of the reasons for the denial. The principal alien may appeal the denial of Form I-918, Supplement A to the Administrative Appeals Office in accordance with the provisions of 8 CFR 103.3. Upon USCIS' final denial of Form I-918, Supplement A for a qualifying family member who was in removal proceedings that were terminated pursuant to 8 CFR 214.14(f)(2)(i), DHS may file a new Notice to Appear (see section 239 of the INA, 8 U.S.C. 1229) to place the individual in proceedings again. For qualifying family members who are subject to an order of removal, deportation, or exclusion and whose order has been stayed, USCIS' denial of the petition will result in the stay being lifted automatically as of the date the denial becomes administratively final.

(7) Employment authorization. An alien granted U-2, U-3, U-4, or U-5 nonimmigrant status is employment authorized incident to status. To obtain an Employment Authorization Document (EAD), such alien must file Form I-765, "Application for Employment Authorization," with the appropriate fee or a request for a fee waiver, in accordance with the instructions to the form. For qualifying family members within the United States, the Form I-765 may be filed concurrently with Form I-918, Supplement A, or at any time thereafter. For qualifying family members who are outside the United States, Form I-765 only may be filed after admission to the United States in U nonimmigrant status.

(g) Duration of U nonimmigrant status—

(1) In general. U nonimmigrant status may be approved for a period not to exceed 4 years in the aggregate. A qualifying family member granted U-2, U-3, U-4, and U-5 nonimmigrant status will be approved for an initial period that does not exceed the

expiration date of the initial period approved for the principal alien.

(2) Extension of status.

(i) Where a U nonimmigrant's approved period of stay on Form I-94 is less than 4 years, he or she may file Form I-539, "Application to Extend/Change Nonimmigrant Status," to request an extension of U nonimmigrant status for an aggregate period not to exceed 4 years. USCIS may approve an extension of status for a qualifying family member beyond the date when the U-1 nonimmigrant's status expires when the qualifying family member is unable to enter the United States timely due to delays in consular processing, and an extension of status is necessary to ensure that the qualifying family member is able to attain at least 3 years in nonimmigrant status for purposes of adjusting status under section 245(m) of the Act, 8 U.S.C. 1255.

(ii) Extensions of U nonimmigrant status beyond the 4-year period are available upon attestation by the certifying official that the alien's presence in the United States continues to be necessary to assist in the investigation or prosecution of qualifying criminal activity. In order to obtain an extension of U nonimmigrant status based upon such an attestation, the alien must file Form I-539 and a newly executed Form I-918, Supplement B in accordance with the instructions to Form I-539.

(h) Revocation of approved petitions for U nonimmigrant status—

(1) Automatic revocation. An approved petition for U-1 nonimmigrant status will be revoked automatically if, pursuant to 8 CFR 214.14(d)(1), the beneficiary of the approved petition notifies the USCIS office that approved the petition that he or she will not apply for admission to the United States and, therefore, the petition will not be used.

(2) Revocation on notice.

(i) USCIS may revoke an approved petition for U nonimmigrant status following a notice of intent to revoke. USCIS may revoke an approved petition for U nonimmigrant status based on one or more of the following reasons:

(A) The certifying official withdraws the U nonimmigrant status certification referred to in 8 CFR 214.14(c)(2)(i) or disavows the contents in writing;

(B) Approval of the petition was in error;

(C) Where there was fraud in the petition;

(D) In the case of a U-2, U-3, U-4, or U-5 nonimmigrant, the relationship to the principal petitioner has terminated; or

(E) In the case of a U-2, U-3, U-4, or U-5 nonimmigrant, the principal U-1's nonimmigrant status is revoked.

(ii) The notice of intent to revoke must be in writing and contain a statement of the grounds for the revoca-

tion and the time period allowed for the U nonimmigrant's rebuttal. The alien may submit evidence in rebuttal within 30 days of the date of the notice. USCIS shall consider all relevant evidence presented in deciding whether to revoke the approved petition for U nonimmigrant status. The determination of what is relevant evidence and the weight to be given to that evidence will be within the sole discretion of USCIS. If USCIS revokes approval of a petition and thereby terminates U nonimmigrant status, USCIS will provide the alien with a written notice of revocation that explains the specific reasons for the revocation.

(3) Appeal of a revocation of approval. A revocation on notice may be appealed to the Administrative Appeals Office in accordance with 8 CFR 103.3 within 30 days after the date of the notice of revocation. Automatic revocations may not be appealed.

(4) Effects of revocation of approval. Revocation of a principal alien's approved Form I-918 will result in termination of status for the principal alien, as well as in the denial of any pending Form I-918, Supplement A filed for qualifying family members seeking U-2, U-3, U-4, or U-5 nonimmigrant status. Revocation of a qualifying family member's approved Form I-918, Supplement A will result in termination of status for the qualifying family member. Revocation of an approved Form I-918 or Form I-918, Supplement A also revokes any waiver of inadmissibility granted in conjunction with such petition.

(i) Removal proceedings. Nothing in this section prohibits USCIS from instituting removal proceedings under section 240 of the Act, 8 U.S.C. 1229(a), for conduct committed after admission, for conduct or a condition that was not disclosed to USCIS prior to the granting of U nonimmigrant status, for misrepresentations of material facts in Form I-918 or Form I-918, Supplement A and supporting documentation, or after revocation of U nonimmigrant status.

[72 FR 53036, Sept. 17, 2007; 72 FR 54813, Sept. 27, 2007; 74 FR 55738, Oct. 28, 2009; 78 FR 18472, March 27, 2013]

§ 214.15 Certain spouses and children of lawful permanent residents.

(a) Aliens abroad. Under section 101(a)(15)(v) of the Act, certain eligible spouses and children of lawful permanent residents may apply for a V nonimmigrant visa at a consular office abroad and be admitted to the United States in V-1 (spouse), V-2 (child), or V-3 (dependent child of the spouse or child who is accompanying or following to join the principal beneficiary) nonimmigrant status to await the approval of:

(1) A relative visa petition;

(2) The availability of an immigrant visa number; or

(3) Lawful permanent resident (LPR) status through adjustment of status or an immigrant visa.

month after the month in which this Act is enacted [Nov. 1986].

"(j) **Definitions.**—In this section:

"(1) The term 'employer sanctions' means the provisions of section 274A of the Immigration and Nationality Act [8 U.S.C.A. § 1324a].

"(2) The term 'legalization program' refers to the provisions of section 245A of the Immigration and Nationality Act [8 U.S.C.A. § 1255a].

"(3) The term 'seasonal agricultural services' has the meaning given such term in section 210(h) of the Immigration and Nationality Act [subsec. (h) of this section].

"(4) The term 'special agricultural worker provisions' refers to sections 210 and 210A of the Immigration and Nationality Act [8 U.S.C.A. §§ 1160 and 1161]."

[Amendment by section 308(c) of Pub.L. 102-232 effective as if included in the enactment of Pub.L. 101-649, see section 310(1) of Pub.L. 101-232, set out as a note under section 1101 of this title.]

PART II—ADMISSION QUALIFICATIONS FOR ALIENS; TRAVEL CONTROL OF CITIZENS AND ALIENS

§ 1181. Admission of immigrants into the United States

[INA § 211]

(a) Documents required; admission under quotas before June 30, 1968

Except as provided in subsection (b) and subsection (c) of this section no immigrant shall be admitted into the United States unless at the time of application for admission he (1) has a valid unexpired immigrant visa or was born subsequent to the issuance of such visa of the accompanying parent, and (2) presents a valid unexpired passport or other suitable travel document, or document of identity and nationality, if such document is required under the regulations issued by the Attorney General. With respect to immigrants to be admitted under quotas of quota areas prior to June 30, 1968, no immigrant visa shall be deemed valid unless the immigrant is properly chargeable to the quota area under the quota of which the visa is issued.

(b) Readmission without required documents; Attorney General's discretion

Notwithstanding the provisions of section 1182(a)(7)(A) of this title in such cases or in such classes of cases and under such conditions as may be by regulations prescribed, returning resident immigrants, defined in section 1101(a)(27)(A) of this title, who are otherwise admissible may be readmitted to the United States by the Attorney General in his discretion without being required to obtain a passport, immigrant visa, reentry permit or other documentation.

(c) Nonapplicability to aliens admitted as refugees

The provisions of subsection (a) of this section shall not apply to an alien whom the Attorney General

admits to the United States under section 1157 of this title.

(June 27, 1962, c. 477, Title II, ch. 2, § 211, 66 Stat. 181; Oct. 3, 1965, Pub.L. 89-236, § 9, 79 Stat. 917; Oct. 20, 1976, Pub.L. 94-571, § 7(c), 90 Stat. 2706; Mar. 17, 1980, Pub.L. 96-212, Title II, § 202, 94 Stat. 106; Nov. 29, 1990, Pub.L. 101-649, Title VI, § 603(a)(7), 104 Stat. 5083.)

HISTORICAL AND STATUTORY NOTES

Effective and Applicability Provisions

1990 Acts. Amendment by section 603(a)(7) of Pub.L. 101-649 applicable to individuals entering the United States on or after June 1, 1991, see section 601(e)(1) of Pub.L. 101-649, set out as a note under section 1101 of this title.

1980 Acts. Amendment by Pub.L. 96-212 effective on March 17, 1980, and applicable to fiscal years beginning with the fiscal year beginning Oct. 1, 1979, see section 204(a) of Pub.L. 96-212, set out as a note under section 1101 of this title.

1976 Acts. Amendment by Pub.L. 94-571 effective on first day of first month which begins more than sixty days after Oct. 20, 1976, see section 10 of Pub.L. 94-571, set out as a note under section 1101 of this title.

1965 Acts. Amendment of section by Pub.L. 89-236 effective, except as otherwise provided, on the first day of the first month after the expiration of thirty days following the date of enactment of Pub.L. 89-236, which was approved on Oct. 3, 1965, see § 20 of Pub.L. 89-236, set out as a note under § 1151 of this title.

Transfer of Functions

For abolition of Immigration and Naturalization Service, transfer of functions, and treatment of related references, see note set out under 8 U.S.C.A. § 1551.

§ 1182. Inadmissible aliens

[INA § 212]

(a) Classes of aliens ineligible for visas or admission

Except as otherwise provided in this chapter, aliens who are inadmissible under the following paragraphs are ineligible to receive visas and ineligible to be admitted to the United States:

(1) Health-related grounds

(A) In general

Any alien—

(i) who is determined (in accordance with regulations prescribed by the Secretary of Health and Human Services) to have a communicable disease of public health significance;

(ii) except as provided in subparagraph (C), who seeks admission as an immigrant, or who seeks adjustment of status to the status of an alien lawfully admitted for permanent residence, and who has failed to present documentation of having received vaccination against vaccine-preventable diseases, which shall include at least the following diseases: mumps, measles, rubella, polio, tetanus and diphtheria toxoids, pertussis,

influenza type B and hepatitis B, and any other vaccinations against vaccine-preventable diseases recommended by the Advisory Committee for Immunization Practices,

(iii) who is determined (in accordance with regulations prescribed by the Secretary of Health and Human Services in consultation with the Attorney General)—

(I) to have a physical or mental disorder and behavior associated with the disorder that may pose, or has posed, a threat to the property, safety, or welfare of the alien or others, or

(II) to have had a physical or mental disorder and a history of behavior associated with the disorder, which behavior has posed a threat to the property, safety, or welfare of the alien or others and which behavior is likely to recur or to lead to other harmful behavior, or

(iv) who is determined (in accordance with regulations prescribed by the Secretary of Health and Human Services) to be a drug abuser or addict,

is inadmissible.

(B) Waiver authorized

For provision authorizing waiver of certain clauses of subparagraph (A), see subsection (g) of this section.

(C) Exception from immunization requirement for adopted children 10 years of age or younger

Clause (ii) of subparagraph (A) shall not apply to a child who—

- (i) is 10 years of age or younger,
- (ii) is described in subparagraph (F) or (G) of section 1101(b)(1) of this title; and
- (iii) is seeking an immigrant visa as an immediate relative under section 1151(b) of this title,

if, prior to the admission of the child, an adoptive parent or prospective adoptive parent of the child, who has sponsored the child for admission as an immediate relative, has executed an affidavit stating that the parent is aware of the provisions of subparagraph (A)(ii) and will ensure that, within 30 days of the child's admission, or at the earliest time that is medically appropriate, the child will receive the vaccinations identified in such subparagraph.

(2) Criminal and related grounds

(A) Conviction of certain crimes

(i) In general

Except as provided in clause (ii), any alien convicted of, or who admits having committed,

or who admits committing acts which constitute the essential elements of—

(I) a crime involving moral turpitude (other than a purely political offense) or an attempt or conspiracy to commit such a crime, or

(II) a violation of (or a conspiracy or attempt to violate) any law or regulation of a State, the United States, or a foreign country relating to a controlled substance (as defined in section 802 of Title 21),

is inadmissible.

(ii) Exception

Clause (i)(I) shall not apply to an alien who committed only one crime if—

(I) the crime was committed when the alien was under 18 years of age, and the crime was committed (and the alien released from any confinement to a prison or correctional institution imposed for the crime) more than 5 years before the date of application for a visa or other documentation and the date of application for admission to the United States, or

(II) the maximum penalty possible for the crime of which the alien was convicted (or which the alien admits having committed or of which the acts that the alien admits having committed constituted the essential elements) did not exceed imprisonment for one year and, if the alien was convicted of such crime, the alien was not sentenced to a term of imprisonment in excess of 6 months (regardless of the extent to which the sentence was ultimately executed).

(B) Multiple criminal convictions

Any alien convicted of 2 or more offenses (other than purely political offenses), regardless of whether the conviction was in a single trial or whether the offenses arose from a single scheme of misconduct and regardless of whether the offenses involved moral turpitude, for which the aggregate sentences to confinement were 5 years or more is inadmissible.

(C) Controlled substance traffickers

Any alien who the consular officer or the Attorney General knows or has reason to believe—

(i) is or has been an illicit trafficker in any controlled substance or in any listed chemical (as defined in section 802 of Title 21), or is or has been a knowing aider, abettor, assister, conspirator, or colluder with others in the illicit trafficking in any such controlled or listed substance or chemical, or endeavored to do so; or

(ii) is the spouse, son, or daughter of an alien inadmissible under clause (i), has, within the

previous 5 years, obtained any financial or other benefit from the illicit activity of that alien, and knew or reasonably should have known that the financial or other benefit was the product of such illicit activity,

is inadmissible.

(D) Prostitution and commercialized vice

Any alien who—

(i) is coming to the United States solely, principally, or incidentally to engage in prostitution, or has engaged in prostitution within 10 years of the date of application for a visa, admission, or adjustment of status,

(ii) directly or indirectly procures or attempts to procure, or (within 10 years of the date of application for a visa, admission, or adjustment of status) procured or attempted to procure or to import, prostitutes or persons for the purpose of prostitution, or receives or (within such 10-year period) received, in whole or in part, the proceeds of prostitution, or

(iii) is coming to the United States to engage in any other unlawful commercialized vice, whether or not related to prostitution,

is inadmissible.

(E) Certain aliens involved in serious criminal activity who have asserted immunity from prosecution

Any alien—

(i) who has committed in the United States at any time a serious criminal offense (as defined in section 1101(h) of this title),

(ii) for whom immunity from criminal jurisdiction was exercised with respect to that offense,

(iii) who as a consequence of the offense and exercise of immunity has departed from the United States, and

(iv) who has not subsequently submitted fully to the jurisdiction of the court in the United States having jurisdiction with respect to that offense,

is inadmissible.

(F) Waiver authorized

For provision authorizing waiver of certain subparagraphs of this paragraph, see subsection (h) of this section.

(G) Foreign government officials who have committed particularly severe violations of religious freedom

Any alien who, while serving as a foreign government official, was responsible for or directly carried out, at any time, particularly severe violations of religious freedom, as defined in section 6402 of Title 22, is inadmissible.

(H) Significant traffickers in persons

(i) In general

Any alien who commits or conspires to commit human trafficking offenses in the United States or outside the United States, or who the consular officer, the Secretary of Homeland Security, the Secretary of State, or the Attorney General knows or has reason to believe is or has been a knowing aider, abettor, assister, conspirator, or colluder with such a trafficker in severe forms of trafficking in persons, as defined in the section 7102 of Title 22, is inadmissible.

(ii) Beneficiaries of trafficking

Except as provided in clause (iii), any alien who the consular officer or the Attorney General knows or has reason to believe is the spouse, son, or daughter of an alien inadmissible under clause (i), has, within the previous 5 years, obtained any financial or other benefit from the illicit activity of that alien, and knew or reasonably should have known that the financial or other benefit was the product of such illicit activity, is inadmissible.

(iii) Exception for certain sons and daughters

Clause (ii) shall not apply to a son or daughter who was a child at the time he or she received the benefit described in such clause.

(I) Money laundering

Any alien—

(i) who a consular officer or the Attorney General knows, or has reason to believe, has engaged, is engaging, or seeks to enter the United States to engage, in an offense which is described in section 1956 or 1957 of Title 18 (relating to laundering of monetary instruments); or

(ii) who a consular officer or the Attorney General knows is, or has been, a knowing aider, abettor, assister, conspirator, or colluder with others in an offense which is described in such section;

is inadmissible.

(3) Security and related grounds

(A) In general

Any alien who a consular officer or the Attorney General knows, or has reasonable ground to believe, seeks to enter the United States to engage solely, principally, or incidentally in—

(i) any activity (I) to violate any law of the United States relating to espionage or sabotage or (II) to violate or evade any law prohibiting the export from the United States of goods, technology, or sensitive information,

(ii) any other unlawful activity, or

(iii) any activity a purpose of which is the opposition to, or the control or overthrow of, the Government of the United States by force, violence, or other unlawful means,

is inadmissible.

(B) Terrorist activities

(i) In general

Any alien who—

(I) has engaged in a terrorist activity;

(II) a consular officer, the Attorney General, or the Secretary of Homeland Security knows, or has reasonable ground to believe, is engaged in or is likely to engage after entry in any terrorist activity (as defined in clause (iv));

(III) has, under circumstances indicating an intention to cause death or serious bodily harm, incited terrorist activity;

(IV) is a representative (as defined in clause (v)) of—

(aa) a terrorist organization (as defined in clause (vi)); or

(bb) a political, social, or other group that endorses or espouses terrorist activity;

(V) is a member of a terrorist organization described in subclause (I) or (II) of clause (vi);

(VI) is a member of a terrorist organization described in clause (vi) (III), unless the alien can demonstrate by clear and convincing evidence that the alien did not know, and should not reasonably have known, that the organization was a terrorist organization;

(VII) endorses or espouses terrorist activity or persuades others to endorse or espouse terrorist activity or support a terrorist organization;

(VIII) has received military-type training (as defined in section 2339D(c)(1) of Title 18) from or on behalf of any organization that, at the time the training was received, was a terrorist organization (as defined in clause (vi)); or

(IX) is the spouse or child of an alien who is inadmissible under this subparagraph, if the activity causing the alien to be found inadmissible occurred within the last 5 years, is inadmissible.

An alien who is an officer, official, representative, or spokesman of the Palestine Liberation Organization is considered, for purposes of this chapter, to be engaged in a terrorist activity.

(ii) Exception

Subclause (IX) of clause (i) does not apply to a spouse or child—

(I) who did not know or should not reasonably have known of the activity causing the alien to be found inadmissible under this section; or

(II) whom the consular officer or Attorney General has reasonable grounds to believe has renounced the activity causing the alien to be found inadmissible under this section.

(iii) "Terrorist activity" defined

As used in this chapter, the term "terrorist activity" means any activity which is unlawful under the laws of the place where it is committed (or which, if it had been committed in the United States, would be unlawful under the laws of the United States or any State) and which involves any of the following:

(I) The hijacking or sabotage of any conveyance (including an aircraft, vessel, or vehicle).

(II) The 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.

(III) A violent attack upon an internationally protected person (as defined in section 1116(b)(4) of Title 18) or upon the liberty of such a person.

(IV) An assassination.

(V) The use of any—

(a) biological agent, chemical agent, or nuclear weapon or device, or

(b) explosive, firearm, or other weapon or dangerous device (other than for mere personal monetary gain),

with intent to endanger, directly or indirectly, the safety of one or more individuals or to cause substantial damage to property.

(VI) A threat, attempt, or conspiracy to do any of the foregoing.

(iv) "Engage in terrorist activity" defined

As used in this chapter, the term "engage in terrorist activity" means, in an individual capacity or as a member of an organization—

(I) to commit or to incite to commit, under circumstances indicating an intention to cause death or serious bodily injury, a terrorist activity;

- (II) to prepare or plan a terrorist activity;
- (III) to gather information on potential targets for terrorist activity;

(IV) to solicit funds or other things of value for—

(aa) a terrorist activity;

(bb) a terrorist organization described in clause (vi)(I) or (vi)(II); or

(cc) a terrorist organization described in clause (vi)(III), unless the solicitor can demonstrate by clear and convincing evidence that he did not know, and should not reasonably have known, that the organization was a terrorist organization;

(V) to solicit any individual—

(aa) to engage in conduct otherwise described in this subsection;

(bb) for membership in a terrorist organization described in clause (vi)(I) or (vi)(II); or

(cc) for membership in a terrorist organization described in clause (vi)(III) unless the solicitor can demonstrate by clear and convincing evidence that he did not know, and should not reasonably have known, that the organization was a terrorist organization; or

(VI) to commit an act that the actor knows, or reasonably should know, affords material support, including a safe house, transportation, communications, funds, transfer of funds or other material financial benefit, false documentation or identification, weapons (including chemical, biological, or radiological weapons), explosives, or training—

(aa) for the commission of a terrorist activity;

(bb) to any individual who the actor knows, or reasonably should know, has committed or plans to commit a terrorist activity;

(cc) to a terrorist organization described in subclause (I) or (II) of clause (vi) or to any member of such an organization; or

(dd) to a terrorist organization described in clause (vi)(III), or to any member of such an organization, unless the actor can demonstrate by clear and convincing evidence that the actor did not know, and should not reasonably have known, that the organization was a terrorist organization.

(v) "Representative" defined

As used in this paragraph, the term "representative" includes an officer, official, or spokesman of an organization, and any person who directs, counsels, commands, or induces an or-

ganization or its members to engage in terrorist activity.

(vi) "Terrorist organization" defined

As used in this section, the term "terrorist organization" means an organization—

(I) designated under section 1189 of this title;

(II) otherwise designated, upon publication in the Federal Register, by the Secretary of State in consultation with or upon the request of the Attorney General or the Secretary of Homeland Security, as a terrorist organization, after finding that the organization engages in the activities described in subclauses (I) through (VI) of clause (iv); or

(III) that is a group of two or more individuals, whether organized or not, which engages in, or has a subgroup which engages in, the activities described in subclauses (I) through (VI) of clause (iv).

(C) Foreign policy

(i) In general

An alien whose entry or proposed activities in the United States the Secretary of State has reasonable ground to believe would have potentially serious adverse foreign policy consequences for the United States is inadmissible.

(ii) Exception for officials

An alien who is an official of a foreign government or a purported government, or who is a candidate for election to a foreign government office during the period immediately preceding the election for that office, shall not be excludable or subject to restrictions or conditions on entry into the United States under clause (i) solely because of the alien's past, current, or expected beliefs, statements, or associations, if such beliefs, statements, or associations would be lawful within the United States.

(iii) Exception for other aliens

An alien, not described in clause (ii), shall not be excludable or subject to restrictions or conditions on entry into the United States under clause (i) because of the alien's past, current, or expected beliefs, statements, or associations, if such beliefs, statements, or associations would be lawful within the United States, unless the Secretary of State personally determines that the alien's admission would compromise a compelling United States foreign policy interest.

(iv) Notification of determinations

If a determination is made under clause (iii) with respect to an alien, the Secretary of State must notify on a timely basis the chairmen of the Committees on the Judiciary and Foreign Affairs of the House of Representatives and of the Committees on the Judiciary and Foreign Relations of the Senate of the identity of the alien and the reasons for the determination.

(D) Immigrant membership in totalitarian party

(i) In general

Any immigrant who is or has been a member of or affiliated with the Communist or any other totalitarian party (or subdivision or affiliate thereof), domestic or foreign, is inadmissible.

(ii) Exception for involuntary membership

Clause (i) shall not apply to an alien because of membership or affiliation if the alien establishes to the satisfaction of the consular officer when applying for a visa (or to the satisfaction of the Attorney General when applying for admission) that the membership or affiliation is or was involuntary, or is or was solely when under 16 years of age, by operation of law, or for purposes of obtaining employment, food rations, or other essentials of living and whether necessary for such purposes.

(iii) Exception for past membership

Clause (i) shall not apply to an alien because of membership or affiliation if the alien establishes to the satisfaction of the consular officer when applying for a visa (or to the satisfaction of the Attorney General when applying for admission) that—

(I) the membership or affiliation terminated at least—

(a) 2 years before the date of such application, or

(b) 5 years before the date of such application, in the case of an alien whose membership or affiliation was with the party controlling the government of a foreign state that is a totalitarian dictatorship as of such date, and

(II) the alien is not a threat to the security of the United States.

(iv) Exception for close family members

The Attorney General may, in the Attorney General's discretion, waive the application of clause (i) in the case of an immigrant who is the parent, spouse, son, daughter, brother, or sister of a citizen of the United States or a spouse,

son, or daughter of an alien lawfully admitted for permanent residence for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest if the immigrant is not a threat to the security of the United States.

(E) Participants in Nazi persecution, genocide, or the commission of any act of torture or extrajudicial killing

(i) Participation in Nazi persecutions

Any alien who, during the period beginning on March 23, 1933, and ending on May 8, 1945, under the direction of, or in association with—

(I) the Nazi government of Germany,

(II) any government in any area occupied by the military forces of the Nazi government of Germany,

(III) any government established with the assistance or cooperation of the Nazi government of Germany, or

(IV) any government which was an ally of the Nazi government of Germany,

ordered, incited, assisted, or otherwise participated in the persecution of any person because of race, religion, national origin, or political opinion is inadmissible.

(ii) Participation in genocide

Any alien who ordered, incited, assisted, or otherwise participated in genocide, as defined in section 1091(a) of Title 18, is inadmissible.

(iii) Commission of acts of torture or extrajudicial killings

Any alien who, outside the United States, has committed, ordered, incited, assisted, or otherwise participated in the commission of—

(I) any act of torture, as defined in section 2340 of Title 18; or

(II) under color of law of any foreign nation, any extrajudicial killing, as defined in section 3(a) of the Torture Victim Protection Act of 1991 (28 U.S.C. 1350 note),

is inadmissible.

(F) Association with terrorist organizations

Any alien who the Secretary of State, after consultation with the Attorney General, or the Attorney General, after consultation with the Secretary of State, determines has been associated with a terrorist organization and intends while in the United States to engage solely, principally, or incidentally in activities that could endanger the welfare, safety, or security of the United States is inadmissible.

(G) Recruitment or use of child soldiers

Any alien who has engaged in the recruitment or use of child soldiers in violation of section 2442 of Title 18, is inadmissible.

(4) Public charge**(A) In general**

Any alien who, in the opinion of the consular officer at the time of application for a visa, or in the opinion of the Attorney General at the time of application for admission or adjustment of status, is likely at any time to become a public charge is inadmissible.

(B) Factors to be taken into account

(i) In determining whether an alien is inadmissible under this paragraph, the consular officer or the Attorney General shall at a minimum consider the alien's—

(I) age;

(II) health;

(III) family status;

(IV) assets, resources, and financial status; and

(V) education and skills.

(ii) In addition to the factors under clause (i), the consular officer or the Attorney General may also consider any affidavit of support under section 1183a of this title for purposes of exclusion under this paragraph.

(C) Family-sponsored immigrants

Any alien who seeks admission or adjustment of status under a visa number issued under section 1151(b)(2) or 1153(a) of this title is inadmissible under this paragraph unless—

(i) the alien has obtained—

(I) status as a spouse or a child of a United States citizen pursuant to clause (ii), (iii), or (iv) of section 1154(a)(1)(A) of this title;

(II) classification pursuant to clause (ii) or (iii) of section 1154(a)(1)(B) of this title; or

(III) classification or status as a VAWA self-petitioner; or

(ii) the person petitioning for the alien's admission (and any additional sponsor required under section 1183a(f) of this title or any alternative sponsor permitted under paragraph (5)(B) of such section) has executed an affidavit of support described in section 1183a of this title with respect to such alien.

(D) Certain employment-based immigrants

Any alien who seeks admission or adjustment of status under a visa number issued under section 1153(b) of this title by virtue of a classification

petition filed by a relative of the alien (or by an entity in which such relative has a significant ownership interest) is inadmissible under this paragraph unless such relative has executed an affidavit of support described in section 1183a of this title with respect to such alien.

(E) Special rule for qualified alien victims

Subparagraphs (A), (B), and (C) shall not apply to an alien who—

(i) is a VAWA self-petitioner;

(ii) is an applicant for, or is granted, nonimmigrant status under section 1101(a)(15)(U) of this title; or

(iii) is a qualified alien described in section 1641(c) of this title.

(5) Labor certification and qualifications for certain immigrants**(A) Labor certification****(i) In general**

Any alien who seeks to enter the United States for the purpose of performing skilled or unskilled labor is inadmissible, unless the Secretary of Labor has determined and certified to the Secretary of State and the Attorney General that—

(I) there are not sufficient workers who are able, willing, qualified (or equally qualified in the case of an alien described in clause (ii)) and available at the time of application for a visa and admission to the United States and at the place where the alien is to perform such skilled or unskilled labor; and

(II) the employment of such alien will not adversely affect the wages and working conditions of workers in the United States similarly employed.

(ii) Certain aliens subject to special rule

For purposes of clause (i)(I), an alien described in this clause is an alien who—

(I) is a member of the teaching profession, or

(II) has exceptional ability in the sciences or the arts.

(iii) Professional athletes**(I) In general**

A certification made under clause (i) with respect to a professional athlete shall remain valid with respect to the athlete after the athlete changes employer, if the new employer is a team in the same sport as the team which employed the athlete when the athlete first applied for the certification.

(II) "Professional athlete" defined

For purposes of subclause (I), the term "professional athlete" means an individual who is employed as an athlete by—

(aa) a team that is a member of an association of 6 or more professional sports teams whose total combined revenues exceed \$10,000,000 per year, if the association governs the conduct of its members and regulates the contests and exhibitions in which its member teams regularly engage; or

(bb) any minor league team that is affiliated with such an association.

(iv) Long delayed adjustment applicants

A certification made under clause (i) with respect to an individual whose petition is covered by section 1154(j) of this title shall remain valid with respect to a new job accepted by the individual after the individual changes jobs or employers if the new job is in the same or a similar occupational classification as the job for which the certification was issued.

(B) Unqualified physicians

An alien who is a graduate of a medical school not accredited by a body or bodies approved for the purpose by the Secretary of Education (regardless of whether such school of medicine is in the United States) and who is coming to the United States principally to perform services as a member of the medical profession is inadmissible, unless the alien (i) has passed parts I and II of the National Board of Medical Examiners Examination (or an equivalent examination as determined by the Secretary of Health and Human Services) and (ii) is competent in oral and written English. For purposes of the previous sentence, an alien who is a graduate of a medical school shall be considered to have passed parts I and II of the National Board of Medical Examiners if the alien was fully and permanently licensed to practice medicine in a State on January 9, 1978, and was practicing medicine in a State on that date.

(C) Uncertified foreign health-care workers

Subject to subsection (r) of this section, any alien who seeks to enter the United States for the purpose of performing labor as a health-care worker, other than a physician, is inadmissible unless the alien presents to the consular officer, or, in the case of an adjustment of status, the Attorney General, a certificate from the Commission on Graduates of Foreign Nursing Schools, or a certificate from an equivalent independent credentialing organization approved by the Attorney

General in consultation with the Secretary of Health and Human Services, verifying that—

(i) the alien's education, training, license, and experience—

(I) meet all applicable statutory and regulatory requirements for entry into the United States under the classification specified in the application;

(II) are comparable with that required for an American health-care worker of the same type; and

(III) are authentic and, in the case of a license, unencumbered;

(ii) the alien has the level of competence in oral and written English considered by the Secretary of Health and Human Services, in consultation with the Secretary of Education, to be appropriate for health care work of the kind in which the alien will be engaged, as shown by an appropriate score on one or more nationally recognized, commercially available, standardized assessments of the applicant's ability to speak and write; and

(iii) if a majority of States licensing the profession in which the alien intends to work recognize a test predicting the success on the profession's licensing or certification examination, the alien has passed such a test or has passed such an examination.

For purposes of clause (ii), determination of the standardized tests required and of the minimum scores that are appropriate are within the sole discretion of the Secretary of Health and Human Services and are not subject to further administrative or judicial review.

(D) Application of grounds

The grounds for inadmissibility of aliens under subparagraphs (A) and (B) shall apply to immigrants seeking admission or adjustment of status under paragraph (2) or (3) of section 1153(b) of this title.

(6) Illegal entrants and immigration violators

(A) Aliens present without admission or parole

(i) In general

An alien present in the United States without being admitted or paroled, or who arrives in the United States at any time or place other than as designated by the Attorney General, is inadmissible.

(ii) Exception for certain battered women and children

Clause (i) shall not apply to an alien who demonstrates that—

(I) the alien is a VAWA self-petitioner;

(II) (a) the alien has been battered or subjected to extreme cruelty by a spouse or parent, or by a member of the spouse's or parent's family residing in the same household as the alien and the spouse or parent consented or acquiesced to such battery or cruelty, or (b) the alien's child has been battered or subjected to extreme cruelty by a spouse or parent of the alien (without the active participation of the alien in the battery or cruelty) or by a member of the spouse's or parent's family residing in the same household as the alien when the spouse or parent consented to or acquiesced in such battery or cruelty and the alien did not actively participate in such battery or cruelty, and

(III) there was a substantial connection between the battery or cruelty described in subclause (I) or (II) and the alien's unlawful entry into the United States.

(B) Failure to attend removal proceeding

Any alien who without reasonable cause fails or refuses to attend or remain in attendance at a proceeding to determine the alien's inadmissibility or deportability and who seeks admission to the United States within 5 years of such alien's subsequent departure or removal is inadmissible.

(C) Misrepresentation

(i) In general

Any alien who, by fraud or willfully misrepresenting a material fact, seeks to procure (or has sought to procure or has procured) a visa, other documentation, or admission into the United States or other benefit provided under this chapter is inadmissible.

(ii) Falsely claiming citizenship

(I) In general

Any alien who falsely represents, or has falsely represented, himself or herself to be a citizen of the United States for any purpose or benefit under this chapter (including section 1324a of this title) or any other Federal or State law is inadmissible.

(II) Exception

In the case of an alien making a representation described in subclause (I), if each natural parent of the alien (or, in the case of an adopted alien, each adoptive parent of the alien) is or was a citizen (whether by birth or naturalization), the alien permanently resided in the United States prior to attaining the age of 16, and the alien reasonably believed at the time of making such representation that he or she was a citizen, the alien shall not be con-

sidered to be inadmissible under any provision of this subsection based on such representation.

(iii) Waiver authorized

For provision authorizing waiver of clause (i), see subsection (i) of this section.

(D) Stowaways

Any alien who is a stowaway is inadmissible.

(E) Smugglers

(i) In general

Any alien who at any time knowingly has encouraged, induced, assisted, abetted, or aided any other alien to enter or to try to enter the United States in violation of law is inadmissible.

(ii) Special rule in the case of family reunification

Clause (i) shall not apply in the case of alien who is an eligible immigrant (as defined in section 301(b)(1) of the Immigration Act of 1990), was physically present in the United States on May 5, 1988, and is seeking admission as an immediate relative or under section 1153(a)(2) of this title (including under section 112 of the Immigration Act of 1990) or benefits under section 301(a) of the Immigration Act of 1990 if the alien, before May 5, 1988, has encouraged, induced, assisted, abetted, or aided only the alien's spouse, parent, son, or daughter (and no other individual) to enter the United States in violation of law.

(iii) Waiver authorized

For provision authorizing waiver of clause (i), see subsection (d)(11) of this section.

(F) Subject of civil penalty

(i) In general

An alien who is the subject of a final order for violation of section 1324c of this title is inadmissible.

(ii) Waiver authorized

For provision authorizing waiver of clause (i), see subsection (d)(12) of this section.

(G) Student visa abusers

An alien who obtains the status of a nonimmigrant under section 1101(a)(15)(F)(i) of this title and who violates a term or condition of such status under section 1184(l) of this title is inadmissible until the alien has been outside the United States

for a continuous period of 5 years after the date of the violation.

(7) Documentation requirements

(A) Immigrants

(i) In general

Except as otherwise specifically provided in this chapter, any immigrant at the time of application for admission—

(I) who is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing identification card, or other valid entry document required by this chapter, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality if such document is required under the regulations issued by the Attorney General under section 1181(a) of this title, or

(II) whose visa has been issued without compliance with the provisions of section 1153 of this title,

is inadmissible.

(ii) Waiver authorized

For provision authorizing waiver of clause (i), see subsection (k) of this section.

(B) Nonimmigrants

(i) In general

Any nonimmigrant who—

(I) is not in possession of a passport valid for a minimum of six months from the date of the expiration of the initial period of the alien's admission or contemplated initial period of stay authorizing the alien to return to the country from which the alien came or to proceed to and enter some other country during such period, or

(II) is not in possession of a valid nonimmigrant visa or border crossing identification card at the time of application for admission, is inadmissible.

(ii) General waiver authorized

For provision authorizing waiver of clause (i), see subsection (d)(4) of this section.

(iii) Guam and Northern Mariana Islands visa waiver

For provision authorizing waiver of clause (i) in the case of visitors to Guam or the Commonwealth of the Northern Mariana Islands, see subsection (f) of this section.

(iv) Visa waiver program

For authority to waive the requirement of clause (i) under a program, see section 1187 of this title.

(8) Ineligible for citizenship

(A) In general

Any immigrant who is permanently ineligible to citizenship is inadmissible.

(B) Draft evaders

Any person who has departed from or who has remained outside the United States to avoid or evade training or service in the armed forces in time of war or a period declared by the President to be a national emergency is inadmissible, except that this subparagraph shall not apply to an alien who at the time of such departure was a nonimmigrant and who is seeking to reenter the United States as a nonimmigrant.

(9) Aliens previously removed

(A) Certain aliens previously removed

(i) Arriving aliens

Any alien who has been ordered removed under section 1225(b)(1) of this title or at the end of proceedings under section 1229a of this title initiated upon the alien's arrival in the United States and who again seeks admission within 5 years of the date of such removal (or within 20 years in the case of a second or subsequent removal or at any time in the case of an alien convicted of an aggravated felony) is inadmissible.

(ii) Other aliens

Any alien not described in clause (i) who—

(I) has been ordered removed under section 1229a of this title or any other provision of law, or

(II) departed the United States while an order of removal was outstanding,

and who seeks admission within 10 years of the date of such alien's departure or removal (or within 20 years of such date in the case of a second or subsequent removal or at any time in the case of an alien convicted of an aggravated felony) is inadmissible.

(iii) Exception

Clauses (i) and (ii) shall not apply to an alien seeking admission within a period if, prior to the date of the alien's reembarkation at a place outside the United States or attempt to be admitted from foreign contiguous territory, the

Attorney General has consented to the alien's reapplying for admission.

(B) Aliens unlawfully present

(i) In general

Any alien (other than an alien lawfully admitted for permanent residence) who—

(I) was unlawfully present in the United States for a period of more than 180 days but less than 1 year, voluntarily departed the United States (whether or not pursuant to section 1254a(e)¹ of this title) prior to the commencement of proceedings under section 1225(b)(1) of this title or section 1229a of this title, and again seeks admission within 3 years of the date of such alien's departure or removal, or

(II) has been unlawfully present in the United States for one year or more, and who again seeks admission within 10 years of the date of such alien's departure or removal from the United States,

is inadmissible.

(ii) Construction of unlawful presence

For purposes of this paragraph, an alien is deemed to be unlawfully present in the United States if the alien is present in the United States after the expiration of the period of stay authorized by the Attorney General or is present in the United States without being admitted or paroled.

(iii) Exceptions

(I) Minors

No period of time in which an alien is under 18 years of age shall be taken into account in determining the period of unlawful presence in the United States under clause (i).

(II) Asylees

No period of time in which an alien has a bona fide application for asylum pending under section 1158 of this title shall be taken into account in determining the period of unlawful presence in the United States under clause (i) unless the alien during such period was employed without authorization in the United States.

(III) Family unity

No period of time in which the alien is a beneficiary of family unity protection pursuant to section 301 of the Immigration Act of 1990 shall be taken into account in determining the period of unlawful presence in the United States under clause (i).

(IV) Battered women and children

Clause (i) shall not apply to an alien who would be described in paragraph (6)(A)(ii) if "violation of the terms of the alien's nonimmigrant visa" were substituted for "unlawful entry into the United States" in subclause (III) of that paragraph.

(V) Victims of a severe form of trafficking in persons

Clause (i) shall not apply to an alien who demonstrates that the severe form of trafficking (as that term is defined in section 7102 of Title 22) was at least one central reason for the alien's unlawful presence in the United States.

(iv) Tolling for good cause

In the case of an alien who—

(I) has been lawfully admitted or paroled into the United States,

(II) has filed a nonfrivolous application for a change or extension of status before the date of expiration of the period of stay authorized by the Attorney General, and

(III) has not been employed without authorization in the United States before or during the pendency of such application,

the calculation of the period of time specified in clause (i)(I) shall be tolled during the pendency of such application, but not to exceed 120 days.

(v) Waiver

The Attorney General has sole discretion to waive clause (i) in the case of an immigrant who is the spouse or son or daughter of a United States citizen or of an alien lawfully admitted for permanent residence, if it is established to the satisfaction of the Attorney General that the refusal of admission to such immigrant alien would result in extreme hardship to the citizen or lawfully resident spouse or parent of such alien. No court shall have jurisdiction to review a decision or action by the Attorney General regarding a waiver under this clause.

(C) Aliens unlawfully present after previous immigration violations

(i) In general

Any alien who—

(I) has been unlawfully present in the United States for an aggregate period of more than 1 year, or

(II) has been ordered removed under section 1225(b)(1) of this title, section 1229a of this title, or any other provision of law,

and who enters or attempts to reenter the United States without being admitted is inadmissible.

(ii) Exception

Clause (i) shall not apply to an alien seeking admission more than 10 years after the date of the alien's last departure from the United States if, prior to the alien's reembarkation at a place outside the United States or attempt to be readmitted from a foreign contiguous territory, the Secretary of Homeland Security has consented to the alien's reapplying for admission.

(iii) Waiver

The Secretary of Homeland Security may waive the application of clause (i) in the case of an alien who is a VAWA self-petitioner if there is a connection between—

(I) the alien's battering or subjection to extreme cruelty; and

(II) the alien's removal, departure from the United States, reentry or reentries into the United States; or attempted reentry into the United States.

(10) Miscellaneous

(A) Practicing polygamists

Any immigrant who is coming to the United States to practice polygamy is inadmissible.

(B) Guardian required to accompany helpless alien

Any alien—

(i) who is accompanying another alien who is inadmissible and who is certified to be helpless from sickness, mental or physical disability, or infancy pursuant to section 1222(e) of this title, and

(ii) whose protection or guardianship is determined to be required by the alien described in clause (i),
is inadmissible.

(C) International child abduction

(i) In general

Except as provided in clause (ii), any alien who, after entry of an order by a court in the United States granting custody to a person of a United States citizen child who detains or retains the child, or withholds custody of the child, outside the United States from the person granted custody by that order, is inadmissible until the child is surrendered to the person granted custody by that order.

(ii) Aliens supporting abductors and relatives of abductors

Any alien who—

(I) is known by the Secretary of State to have intentionally assisted an alien in the conduct described in clause (i),

(II) is known by the Secretary of State to be intentionally providing material support or safe haven to an alien described in clause (i), or

(III) is a spouse (other than the spouse who is the parent of the abducted child), child (other than the abducted child), parent, sibling, or agent of an alien described in clause (i), if such person has been designated by the Secretary of State at the Secretary's sole and unreviewable discretion, is inadmissible until the child described in clause (i) is surrendered to the person granted custody by the order described in that clause, and such person and child are permitted to return to the United States or such person's place of residence.

(iii) Exceptions

Clauses (i) and (ii) shall not apply—

(I) to a government official of the United States who is acting within the scope of his or her official duties;

(II) to a government official of any foreign government if the official has been designated by the Secretary of State at the Secretary's sole and unreviewable discretion; or

(III) so long as the child is located in a foreign state that is a party to the Convention on the Civil Aspects of International Child Abduction, done at The Hague on October 25, 1980.

(D) Unlawful voters

(i) In general

Any alien who has voted in violation of any Federal, State, or local constitutional provision, statute, ordinance, or regulation is inadmissible.

(ii) Exception

In the case of an alien who voted in a Federal, State, or local election (including an initiative, recall, or referendum) in violation of a lawful restriction of voting to citizens, if each natural parent of the alien (or, in the case of an adopted alien, each adoptive parent of the alien) is or was a citizen (whether by birth or naturalization), the alien permanently resided in the United States prior to attaining the age of 16, and the alien reasonably believed at the time of such violation that he or she was a citizen, the alien

shall not be considered to be inadmissible under any provision of this subsection based on such violation.

(E) Former citizens who renounced citizenship to avoid taxation

Any alien who is a former citizen of the United States who officially renounces United States citizenship and who is determined by the Attorney General to have renounced United States citizenship for the purpose of avoiding taxation by the United States is inadmissible.

(b) Notices of denials

(1) Subject to paragraphs (2) and (3), if an alien's application for a visa, for admission to the United States, or for adjustment of status is denied by an immigration or consular officer because the officer determines the alien to be inadmissible under subsection (a) of this section, the officer shall provide the alien with a timely written notice that—

(A) states the determination, and

(B) lists the specific provision or provisions of law under which the alien is inadmissible or adjustment² of status.

(2) The Secretary of State may waive the requirements of paragraph (1) with respect to a particular alien or any class or classes of inadmissible aliens.

(3) Paragraph (1) does not apply to any alien inadmissible under paragraph (2) or (3) of subsection (a) of this section.

(c) Repealed. Pub.L. 104-208, Div. C, Title III, § 304(b), Sept. 30, 1996, 110 Stat. 3009-597

(d) Temporary admission of nonimmigrants

(1) The Attorney General shall determine whether a ground for inadmissibility exists with respect to a nonimmigrant described in section 1101(a)(15)(S) of this title. The Attorney General, in the Attorney General's discretion, may waive the application of subsection (a) of this section (other than paragraph (3)(E)) in the case of a nonimmigrant described in section 1101(a)(15)(S) of this title, if the Attorney General considers it to be in the national interest to do so. Nothing in this section shall be regarded as prohibiting the Immigration and Naturalization Service from instituting removal proceedings against an alien admitted as a nonimmigrant under section 1101(a)(15)(S) of this title for conduct committed after the alien's admission into the United States, or for conduct or a condition that was not disclosed to the Attorney General prior to the alien's admission as a nonimmigrant under section 1101(a)(15)(S) of this title.

(2) Repealed. Pub.L. 101-649, Title VI, § 601(d)(2)(A), Nov. 29, 1990, 104 Stat. 5076

(3)(A) Except as provided in this subsection, an alien (i) who is applying for a nonimmigrant visa and is

known or believed by the consular officer to be ineligible for such visa under subsection (a) of this section (other than paragraphs (3)(A)(i)(I), (3)(A)(ii), (3)(A)(iii), (3)(C), and clauses (i) and (ii) of paragraph (3)(E) of such subsection), may, after approval by the Attorney General of a recommendation by the Secretary of State or by the consular officer that the alien be admitted temporarily despite his inadmissibility, be granted such a visa and may be admitted into the United States temporarily as a nonimmigrant in the discretion of the Attorney General, or (ii) who is inadmissible under subsection (a) of this section (other than paragraphs (3)(A)(i)(I), (3)(A)(ii), (3)(A)(iii), (3)(C), and clauses (i) and (ii) of paragraph (3)(E) of such subsection), but who is in possession of appropriate documents or is granted a waiver thereof and is seeking admission, may be admitted into the United States temporarily as a nonimmigrant in the discretion of the Attorney General. The Attorney General shall prescribe conditions, including exaction of such bonds as may be necessary, to control and regulate the admission and return of inadmissible aliens applying for temporary admission under this paragraph.

(B)(i) The Secretary of State, after consultation with the Attorney General and the Secretary of Homeland Security, or the Secretary of Homeland Security, after consultation with the Secretary of State and the Attorney General, may determine in such Secretary's sole unreviewable discretion that subsection (a)(3)(B) of this section shall not apply with respect to an alien within the scope of that subsection or that subsection (a)(3)(B)(vi)(III) of this section shall not apply to a group within the scope of that subsection, except that no such waiver may be extended to an alien who is within the scope of subsection (a)(3)(B)(i)(II) of this section, no such waiver may be extended to an alien who is a member or representative of, has voluntarily and knowingly engaged in or endorsed or espoused or persuaded others to endorse or espouse or support terrorist activity on behalf of, or has voluntarily and knowingly received military-type training from a terrorist organization that is described in subclause (I) or (II) of subsection (a)(3)(B)(vi) of this section, and no such waiver may be extended to a group that has engaged terrorist activity against the United States or another democratic country or that has purposefully engaged in a pattern or practice of terrorist activity that is directed at civilians. Such a determination shall neither prejudice the ability of the United States Government to commence criminal or civil proceedings involving a beneficiary of such a determination or any other person, nor create any substantive or procedural right or benefit for a beneficiary of such a determination or any other person. Notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of Title 28, or any other habeas corpus provision, and sections 1361 and 1651 of Title 28, no court shall have jurisdiction to review such a determination or revocation except in a proceeding for review

shall not be considered to be inadmissible under any provision of this subsection based on such violation.

(E) Former citizens who renounced citizenship to avoid taxation

Any alien who is a former citizen of the United States who officially renounces United States citizenship and who is determined by the Attorney General to have renounced United States citizenship for the purpose of avoiding taxation by the United States is inadmissible.

(b) Notices of denials

(1) Subject to paragraphs (2) and (3), if an alien's application for a visa, for admission to the United States, or for adjustment of status is denied by an immigration or consular officer because the officer determines the alien to be inadmissible under subsection (a) of this section, the officer shall provide the alien with a timely written notice that—

(A) states the determination, and

(B) lists the specific provision or provisions of law under which the alien is inadmissible or adjustment² of status.

(2) The Secretary of State may waive the requirements of paragraph (1) with respect to a particular alien or any class or classes of inadmissible aliens.

(3) Paragraph (1) does not apply to any alien inadmissible under paragraph (2) or (3) of subsection (a) of this section.

(c) Repealed. Pub.L. 104-208, Div. C, Title III, § 304(b), Sept. 30, 1996, 110 Stat. 3009-597

(d) Temporary admission of nonimmigrants

(1) The Attorney General shall determine whether a ground for inadmissibility exists with respect to a nonimmigrant described in section 1101(a)(15)(S) of this title. The Attorney General, in the Attorney General's discretion, may waive the application of subsection (a) of this section (other than paragraph (3)(E)) in the case of a nonimmigrant described in section 1101(a)(15)(S) of this title, if the Attorney General considers it to be in the national interest to do so. Nothing in this section shall be regarded as prohibiting the Immigration and Naturalization Service from instituting removal proceedings against an alien admitted as a nonimmigrant under section 1101(a)(15)(S) of this title for conduct committed after the alien's admission into the United States, or for conduct or a condition that was not disclosed to the Attorney General prior to the alien's admission as a nonimmigrant under section 1101(a)(15)(S) of this title.

(2) Repealed. Pub.L. 101-649, Title VI, § 601(d)(2)(A), Nov. 29, 1990, 104 Stat. 5076

(3)(A) Except as provided in this subsection, an alien (i) who is applying for a nonimmigrant visa and is

known or believed by the consular officer to be ineligible for such visa under subsection (a) of this section (other than paragraphs (3)(A)(i)(I), (3)(A)(ii), (3)(A)(iii), (3)(C), and clauses (i) and (ii) of paragraph (3)(E) of such subsection), may, after approval by the Attorney General of a recommendation by the Secretary of State or by the consular officer that the alien be admitted temporarily despite his inadmissibility, be granted such a visa and may be admitted into the United States temporarily as a nonimmigrant in the discretion of the Attorney General, or (ii) who is inadmissible under subsection (a) of this section (other than paragraphs (3)(A)(i)(I), (3)(A)(ii), (3)(A)(iii), (3)(C), and clauses (i) and (ii) of paragraph (3)(E) of such subsection), but who is in possession of appropriate documents or is granted a waiver thereof and is seeking admission, may be admitted into the United States temporarily as a nonimmigrant in the discretion of the Attorney General. The Attorney General shall prescribe conditions, including exaction of such bonds as may be necessary, to control and regulate the admission and return of inadmissible aliens applying for temporary admission under this paragraph.

(B)(1) The Secretary of State, after consultation with the Attorney General and the Secretary of Homeland Security, or the Secretary of Homeland Security, after consultation with the Secretary of State and the Attorney General, may determine in such Secretary's sole unreviewable discretion that subsection (a)(3)(B) of this section shall not apply with respect to an alien within the scope of that subsection or that subsection (a)(3)(B)(vi)(III) of this section shall not apply to a group within the scope of that subsection, except that no such waiver may be extended to an alien who is within the scope of subsection (a)(3)(B)(i)(II) of this section, no such waiver may be extended to an alien who is a member or representative of, has voluntarily and knowingly engaged in or endorsed or espoused or persuaded others to endorse or espouse or support terrorist activity on behalf of, or has voluntarily and knowingly received military-type training from a terrorist organization that is described in subclause (I) or (II) of subsection (a)(3)(B)(vi) of this section, and no such waiver may be extended to a group that has engaged terrorist activity against the United States or another democratic country or that has purposefully engaged in a pattern or practice of terrorist activity that is directed at civilians. Such a determination shall neither prejudice the ability of the United States Government to commence criminal or civil proceedings involving a beneficiary of such a determination or any other person, nor create any substantive or procedural right or benefit for a beneficiary of such a determination or any other person. Notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of Title 28, or any other habeas corpus provision, and sections 1361 and 1651 of Title 28, no court shall have jurisdiction to review such a determination or revocation except in a proceeding for review

of a final order of removal pursuant to section 1252 of this title, and review shall be limited to the extent provided in section 1252(a)(2)(D) of this title. The Secretary of State may not exercise the discretion provided in this clause with respect to an alien at any time during which the alien is the subject of pending removal proceedings under section 1229a of this title.

(ii) Not later than 90 days after the end of each fiscal year, the Secretary of State and the Secretary of Homeland Security shall each provide to the Committees on the Judiciary of the House of Representatives and of the Senate, the Committee on International Relations of the House of Representatives, the Committee on Foreign Relations of the Senate, and the Committee on Homeland Security of the House of Representatives a report on the aliens to whom such Secretary has applied clause (i). Within one week of applying clause (i) to a group, the Secretary of State or the Secretary of Homeland Security shall provide a report to such Committees.

(4) Either or both of the requirements of paragraph (7)(B)(i) of subsection (a) of this section may be waived by the Attorney General and the Secretary of State acting jointly (A) on the basis of unforeseen emergency in individual cases, or (B) on the basis of reciprocity with respect to nationals of foreign contiguous territory or of adjacent islands and residents thereof having a common nationality with such nationals, or (C) in the case of aliens proceeding in immediate and continuous transit through the United States under contracts authorized in section 1223(c) of this title.

(5)(A) The Attorney General may, except as provided in subparagraph (B) or in section 1184(f) of this title, in his discretion parole into the United States temporarily under such conditions as he may prescribe only on a case-by-case basis for urgent humanitarian reasons or significant public benefit any alien applying for admission to the United States, but such parole of such alien shall not be regarded as an admission of the alien and when the purposes of such parole shall, in the opinion of the Attorney General, have been served the alien shall forthwith return or be returned to the custody from which he was paroled and thereafter his case shall continue to be dealt with in the same manner as that of any other applicant for admission to the United States.

(B) The Attorney General may not parole into the United States an alien who is a refugee unless the Attorney General determines that compelling reasons in the public interest with respect to that particular alien require that the alien be paroled into the United States rather than be admitted as a refugee under section 1157 of this title.

(6) Repealed. Pub.L. 101-649, Title VI, § 601(d)(2)(A), Nov. 29, 1990, 104 Stat. 5076

(7) The provisions of subsection (a) of this section (other than paragraph (7)) shall be applicable to any

alien who shall leave Guam, the Commonwealth of the Northern Mariana Islands, Puerto Rico, or the Virgin Islands of the United States, and who seeks to enter the continental United States or any other place under the jurisdiction of the United States. The Attorney General shall by regulations provide a method and procedure for the temporary admission to the United States of the aliens described in this proviso.¹ Any alien described in this paragraph, who is denied admission to the United States, shall be immediately removed in the manner provided by section 1231(c) of this title.

(8) Upon a basis of reciprocity accredited officials of foreign governments, their immediate families, attendants, servants, and personal employees may be admitted in immediate and continuous transit through the United States without regard to the provisions of this section except paragraphs (3)(A), (3)(B), (3)(C), and (7)(B) of subsection (a) of this section.

(9), (10) Repealed. Pub.L. 101-649, Title VI, § 601(d)(2)(A), Nov. 29, 1990, 104 Stat. 5076

(11) The Attorney General may, in his discretion for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest, waive application of clause (i) of subsection (a)(6)(E) of this section in the case of any alien lawfully admitted for permanent residence who temporarily proceeded abroad voluntarily and not under an order of removal, and who is otherwise admissible to the United States as a returning resident under section 1181(b) of this title and in the case of an alien seeking admission or adjustment of status as an immediate relative or immigrant under section 1153(a) of this title (other than paragraph (4) thereof), if the alien has encouraged, induced, assisted, abetted, or aided only an individual who at the time of such action was the alien's spouse, parent, son, or daughter (and no other individual) to enter the United States in violation of law.

(12) The Attorney General may, in the discretion of the Attorney General for humanitarian purposes or to assure family unity, waive application of clause (i) of subsection (a)(6)(F) of this section—

(A) in the case of an alien lawfully admitted for permanent residence who temporarily proceeded abroad voluntarily and not under an order of deportation or removal and who is otherwise admissible to the United States as a returning resident under section 1181(b) of this title, and

(B) in the case of an alien seeking admission or adjustment of status under section 1151(b)(2)(A) of this title or under section 1153(a) of this title,

if no previous civil money penalty was imposed against the alien under section 1324c of this title and the offense was committed solely to assist, aid, or support the alien's spouse or child (and not another individual). No court shall have jurisdiction to review a decision of

the Attorney General to grant or deny a waiver under this paragraph.

(13)(A) The Secretary of Homeland Security shall determine whether a ground for inadmissibility exists with respect to a nonimmigrant described in section 1101(a)(15)(T) of this title, except that the ground for inadmissibility described in subsection (a)(4) of this section shall not apply with respect to such a nonimmigrant.

(B) In addition to any other waiver that may be available under this section, in the case of a nonimmigrant described in section 1101(a)(15)(T) of this title, if the Secretary of Homeland Security considers it to be in the national interest to do so, the Secretary of Homeland Security, in the Attorney General's⁴ discretion, may waive the application of—

(i) subsection (a)(1) of this section; and

(ii) any other provision of subsection (a) of this section (excluding paragraphs (3), (4), (10)(C), and (10)(E))⁵ if the activities rendering the alien inadmissible under the provision were caused by, or were incident to, the victimization described in section 1101(a)(15)(T)(i)(I) of this title.

(14) The Secretary of Homeland Security shall determine whether a ground of inadmissibility exists with respect to a nonimmigrant described in section 1101(a)(15)(U) of this title. The Secretary of Homeland Security, in the Attorney General's⁴ discretion, may waive the application of subsection (a) of this section (other than paragraph (3)(E)) in the case of a nonimmigrant described in section 1101(a)(15)(U) of this title, if the Secretary of Homeland Security considers it to be in the public or national interest to do so.

(e) Educational visitor status; foreign residence requirement; waiver

(i) No person admitted under section 1101(a)(15)(J) of this title or acquiring such status after admission (i) whose participation in the program for which he came to the United States was financed in whole or in part, directly or indirectly, by an agency of the Government of the United States or by the government of the country of his nationality or his last residence, (ii) who at the time of admission or acquisition of status under section 1101(a)(15)(J) of this title was a national or resident of a country which the Director of the United States Information Agency, pursuant to regulations prescribed by him, had designated as clearly requiring the services of persons engaged in the field of specialized knowledge or skill in which the alien was engaged, or (iii) who came to the United States or acquired such status in order to receive graduate medical education or training, shall be eligible to apply for an immigrant visa, or for permanent residence, or for a nonimmigrant visa under section 1101(a)(15)(H) or section 1101(a)(15)(L) of this title until it is established that such person has resided and been physically present in

the country of his nationality or his last residence for an aggregate of at least two years following departure from the United States: *Provided*, That upon the favorable recommendation of the Director, pursuant to the request of an interested United States Government agency (or, in the case of an alien described in clause (iii), pursuant to the request of a State Department of Public Health, or its equivalent), or of the Commissioner of Immigration and Naturalization after he has determined that departure from the United States would impose exceptional hardship upon the alien's spouse or child (if such spouse or child is a citizen of the United States or a lawfully resident alien), or that the alien cannot return to the country of his nationality or last residence because he would be subject to persecution on account of race, religion, or political opinion, the Attorney General may waive the requirement of such two-year foreign residence abroad in the case of any alien whose admission to the United States is found by the Attorney General to be in the public interest except that in the case of a waiver requested by a State Department of Public Health, or its equivalent, or in the case of a waiver requested by an interested United States Government agency on behalf of an alien described in clause (iii), the waiver shall be subject to the requirements of section 1184(l) of this title: *And provided further*, That, except in the case of an alien described in clause (iii), the Attorney General may, upon the favorable recommendation of the Director, waive such two-year foreign residence requirement in any case in which the foreign country of the alien's nationality or last residence has furnished the Director a statement in writing that it has no objection to such waiver in the case of such alien.

(f) Suspension of entry or imposition of restrictions by President

Whenever the President finds that the entry of any aliens or of any class of aliens into the United States would be detrimental to the interests of the United States, he may by proclamation, and for such period as he shall deem necessary, suspend the entry of all aliens or any class of aliens as immigrants or nonimmigrants, or impose on the entry of aliens any restrictions he may deem to be appropriate. Whenever the Attorney General finds that a commercial airline has failed to comply with regulations of the Attorney General relating to requirements of airlines for the detection of fraudulent documents used by passengers traveling to the United States (including the training of personnel in such detection), the Attorney General may suspend the entry of some or all aliens transported to the United States by such airline.

(g) Bond and conditions for admission of alien inadmissible on health-related grounds

The Attorney General may waive the application of—

(5) Revocation of certificate or certified statement. When a credentialing organization notifies the DHS, via the Nebraska Service Center, that an individual's certification or certified statement has been revoked, the DHS will take appropriate action, including, but not limited to, revocation of approval of any related petitions, consistent with the Act and DHS regulations at 8 CFR 205.2, 8 CFR 214.2(h)(11)(iii), and 8 CFR 214.6(d)(5)(iii).

[63 FR 55011, Oct. 14, 1998; 64 FR 23177, April 30, 1999; 66 FR 3444, Jan. 16, 2001; 68 FR 43915, July 25, 2003; 69 FR 43731, July 22, 2004; 74 FR 26938, June 5, 2009; 76 FR 53787, Aug. 29, 2011; 76 FR 73477, Nov. 29, 2011]

§ 212.16 Applications for exercise of discretion relating to T nonimmigrant status.

(a) Filing the waiver application. An alien applying for the exercise of discretion under section 212(d)(13) or (d)(3)(B) of the Act (waivers of inadmissibility) in connection with an application for T nonimmigrant status shall submit the request on the form designated by USCIS, with the appropriate fee in accordance with § 103.7(b)(1) of this chapter or an application for a fee waiver, to USCIS with the application for status under section 101(a)(15)(T)(i) of the Act.

(b) Treatment of waiver application.

(1) USCIS shall determine whether a ground of inadmissibility exists with respect to the alien applying for T nonimmigrant status. If a ground of inadmissibility is found, USCIS shall determine if it is in the national interest to exercise discretion to waive the ground of inadmissibility, except for grounds of inadmissibility based upon sections 212(a)(3), 212(a)(10)(C) and 212(a)(10)(E) of the Act, which USCIS may not waive. Special consideration will be given to the granting of a waiver of a ground of inadmissibility where the activities rendering the alien inadmissible were caused by or incident to the victimization described under section 101(a)(15)(T)(i) of the Act.

(2) In the case of applicants inadmissible on criminal and related grounds under section 212(a)(2) of the Act, USCIS will only exercise its discretion in exceptional cases unless the criminal activities rendering the alien inadmissible were caused by or were incident to the victimization described under section 101(a)(15)(T)(i) of the Act.

(3) An application for waiver of a ground of inadmissibility for T nonimmigrant status (other than under section 212(a)(6) of the Act) will be granted only in exceptional cases when the ground of inadmissibility would prevent or limit the ability of the applicant to adjust to permanent resident status after the conclusion of 3 years.

(4) USCIS shall have sole discretion to grant or deny a waiver, and there shall be no appeal of a decision to deny a waiver. However, nothing in this paragraph (b) is intended to prevent an applicant from

re-filing a request for a waiver of a ground of inadmissibility in appropriate cases.

(c) Incident to victimization. When an applicant for status under section 101(a)(15)(T) of the Act seeks a waiver of a ground of inadmissibility under section 212(d)(13) of the Act on grounds other than those described in sections 212(a)(1) and (a)(4) of the Act, the applicant must establish that the activities rendering him or her inadmissible were caused by, or were incident to, the victimization described in section 101(a)(15)(T)(i) of the Act.

(d) Revocation. The Service may at any time revoke a waiver previously authorized under section 212(d) of the Act. Under no circumstances shall the alien or any party acting on his or her behalf have a right to appeal from a decision to revoke a waiver. [67 FR 4796, Jan. 31, 2002; 76 FR 53788, Aug. 29, 2011]

§ 212.17 Applications for the exercise of discretion relating to U nonimmigrant status.

(a) Filing the waiver application. An alien applying for a waiver of inadmissibility under section 212(d)(3)(B) or (d)(14) of the Act (waivers of inadmissibility), 8 U.S.C. 1182(d)(3)(B) or (d)(14), in connection with a petition for U nonimmigrant status being filed pursuant to 8 CFR 214.14, must submit the waiver request and the petition for U nonimmigrant status on the forms designated by USCIS in accordance with the form instructions. An alien in U nonimmigrant status who is seeking a waiver of section 212(a)(9)(B) of the Act, 8 U.S.C. 1182(a)(9)(B) (unlawful presence ground of inadmissibility triggered by departure from the United States), must file the waiver request prior to his or her application for reentry to the United States in accordance with the form instructions.

(b) Treatment of waiver application.

(1) USCIS, in its discretion, may grant the waiver based on section 212(d)(14) of the Act, 8 U.S.C. 1182(d)(14), if it determines that it is in the public or national interest to exercise discretion to waive the applicable ground(s) of inadmissibility. USCIS may not waive a ground of inadmissibility based upon section 212(a)(3)(E) of the Act, 8 U.S.C. 1182(a)(3)(E). USCIS, in its discretion, may grant the waiver based on section 212(d)(3) of the Act, 8 U.S.C. 1182(d)(3), except where the ground of inadmissibility arises under sections 212(a)(3)(A)(i)(I), (3)(A)(ii), (3)(A)(iii), (3)(C), or (3)(E) of the Act, 8 U.S.C. 1182(a)(3)(A)(i)(I), (3)(A)(ii), (3)(A)(iii), (3)(C), or (3)(E).

(2) In the case of applicants inadmissible on criminal or related grounds, in exercising its discretion USCIS will consider the number and severity of the offenses of which the applicant has been convicted. In cases involving violent or dangerous crimes or inadmissibility based on the security and related grounds in section

212(a)(3) of the Act, USCIS will only exercise favorable discretion in extraordinary circumstances.

(3) There is no appeal of a decision to deny a waiver. However, nothing in this paragraph is intended to prevent an applicant from re-filing a request for a waiver of ground of inadmissibility in appropriate cases.

(c) Revocation. The Secretary of Homeland Security, at any time, may revoke a waiver previously authorized under section 212(d) of the Act, 8 U.S.C. 118(d). Under no circumstances will the alien or any party acting on his or her behalf have a right to appeal from a decision to revoke a waiver.

[72 FR 53035, Sept. 17, 2007; 76 FR 53788, Aug. 29, 2011]

§ 212.18 Applications for waivers of inadmissibility in connection with an application for adjustment of status by T nonimmigrant status holders.

(a) Filing the waiver application. An alien applying for a waiver of inadmissibility under section 245(l)(2) of the Act in connection with an application for adjustment of status under 8 CFR 245.23(a) or (b) must submit:

- (1) A completed Form I-485 application package;
- (2) The appropriate fee in accordance with 8 CFR 103.7(b)(1) or an application for a fee waiver; and, as applicable,
- (3) Form I-601, Application for Waiver of Grounds of Excludability.

(b) Treatment of waiver application.

(1) USCIS may not waive an applicant's inadmissibility under sections 212(a)(3), 212(a)(10)(C), or 212(a)(10)(E) of the Act.

(2) If an applicant is inadmissible under sections 212(a)(1) or (4) of the Act, USCIS may waive such inadmissibility if it determines that granting a waiver is in the national interest.

(3) If any other provision of section 212(a) renders the applicant inadmissible, USCIS may grant a waiver of inadmissibility if the activities rendering the alien inadmissible were caused by or were incident to the victimization and USCIS determines that it is in the national interest to waive the applicable ground or grounds of inadmissibility.

(c) Other waivers. Nothing in this section shall be construed as limiting an alien's ability to apply for any other waivers of inadmissibility for which he or she may be eligible.

(d) Revocation. The Secretary of Homeland Security may, at any time, revoke a waiver previously granted through the procedures described in 8 CFR 103.5. [73 FR 75557, Dec. 12, 2008]

PART 213—ADMISSION OF ALIENS ON GIVING BOND OR CASH DEPOSIT

Sec.

213.1 Admission under bond or cash deposit.

Authority: 8 U.S.C. 1103; 8 CFR part 2.

Source: 62 FR 10349, March 6, 1997, unless otherwise noted.

§ 213.1 Admission under bond or cash deposit.

The district director having jurisdiction over the intended place of residence of an alien may accept a public charge bond prior to the issuance of an immigrant visa to the alien upon receipt of a request directly from a United States consular officer or upon presentation by an interested person of a notification from the consular officer requiring such a bond. Upon acceptance of such a bond, the district director shall notify the U.S. consular officer who requested the bond, giving the date and place of acceptance and the amount of the bond. The district director having jurisdiction over the place where the examination for admission is being conducted or the special inquiry officer to whom the case is referred may exercise the authority contained in section 213 of the Act. All bonds and agreements covering cash deposits given as a condition of admission of an alien under section 213 of the Act shall be executed on Form I-352 and shall be in the sum of not less than \$1,000. The officer accepting such deposit shall give his receipt therefor on Form I-305. For procedures relating to bond riders, acceptable sureties, cancellation or breaching of bonds, see § 103.6 of this chapter.

[29 FR 10579, July 30, 1964, as amended at 32 FR 9626, July 4, 1967; 62 FR 10349, March 6, 1997]

PART 213a—AFFIDAVITS OF SUPPORT ON BEHALF OF IMMIGRANTS

Sec.

213a.1 Definitions.

213a.2 Use of affidavit of support.

213a.3 Change of address.

213a.4 Actions for reimbursement, public notice, and congressional reports.

213a.5 Relationship of this part to other affidavits of support.

Authority: 8 U.S.C. 1183a; 8 CFR part 2.

Source: 62 FR 54352, Oct. 20, 1997; 71 FR 35749, June 21, 2006, unless otherwise noted.

§ 213a.1 Definitions.

As used in this part, the term:

Domicile means the place where a sponsor has his or her principal residence, as defined in section 101(a)(33)

(7) The Secretary of Homeland Security shall permit aliens to apply for a waiver of any fees associated with filing an application for relief through final adjudication of the adjustment of status for a VAWA self-petitioner and for relief under sections 101(a)(15)(T), 101(a)(15)(U), 106, 240A(b)(2), and 244(a)(3) (as in effect on March 31, 1997).

(m) Adjustment of status for victims of crimes against women

(1) The Secretary of Homeland Security may adjust the status of an alien admitted into the United States (or otherwise provided nonimmigrant status) under section 1101(a)(15)(U) of this title to that of an alien lawfully admitted for permanent residence if the alien is not described in section 1182(a)(3)(E) of this title, unless the Secretary determines based on affirmative evidence that the alien unreasonably refused to provide assistance in a criminal investigation or prosecution, if—

(A) the alien 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 clause (i) or (ii) of section 1101(a)(15)(U) of this title; and

(B) in the opinion of the Secretary of Homeland Security, the alien's continued presence in the United States is justified on humanitarian grounds, to ensure family unity, or is otherwise in the public interest.

(2) An alien shall be considered to have failed to maintain continuous physical presence in the United States under paragraph (1)(A) if the alien has departed from the United States for any period in excess of 90 days or for any periods in the aggregate exceeding 180 days 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.

(3) Upon approval of adjustment of status under paragraph (1) of an alien described in section 1101(a)(15)(U)(i) of this title the Secretary of Homeland Security may adjust the status of or issue an immigrant visa to a spouse, a child, or, in the case of an alien child, a parent who did not receive a nonimmigrant visa under section 1101(a)(15)(U)(ii) of this title if the Secretary considers the grant of such status or visa necessary to avoid extreme hardship.

(4) Upon the approval of adjustment of status under paragraph (1) or (3), the Secretary of Homeland Security shall record the alien's lawful admission for permanent residence as of the date of such approval.

(5)(A) The Secretary of Homeland Security shall consult with the Attorney General, as appropriate, in making a determination under paragraph (1) whether affirmative evidence demonstrates that the alien unreasonably refused to provide assistance to a Federal law

enforcement official, Federal prosecutor, Federal judge, or other Federal authority investigating or prosecuting criminal activity described in section 1101(a)(15)(U)(iii) of this title.

(B) Nothing in paragraph (1)(B) may be construed to prevent the Secretary from consulting with the Attorney General in making a determination whether affirmative evidence demonstrates that the alien unreasonably refused to provide assistance to a State or local law enforcement official, State or local prosecutor, State or local judge, or other State or local authority investigating or prosecuting criminal activity described in section 1101(a)(15)(U)(iii) of this title.

(June 27, 1952, c. 477, Title II, ch. 5, § 245, 66 Stat. 217; Aug. 21, 1958, Pub.L. 85-700, § 1, 72 Stat. 699; July 14, 1960, Pub.L. 86-648, § 10, 74 Stat. 505; Oct. 3, 1965, Pub.L. 89-236, § 13, 79 Stat. 918; Oct. 20, 1976, Pub.L. 94-571, § 6, 90 Stat. 2705; Dec. 29, 1981, Pub.L. 97-116, § 5(d)(2), 95 Stat. 1614; Nov. 6, 1986, Pub.L. 99-603, Title III, §§ 117, 313(c), 100 Stat. 3384, 3438; Nov. 6, 1986, Pub.L. 99-608, Title III, § 313(c), as amended Oct. 24, 1988, Pub.L. 100-525, § 2(p)(3), 102 Stat. 2613; Nov. 10, 1986, Pub.L. 99-639, §§ 2(e), 3(b), 5(a), 100 Stat. 3542, 3543; Nov. 10, 1986, Pub.L. 99-639, § 3(b), as amended Oct. 24, 1988, Pub.L. 100-525, § 7(b), 102 Stat. 2616; Oct. 24, 1988, Pub.L. 100-525, § 2(f)(1), 102 Stat. 2611; Nov. 29, 1990, Pub.L. 101-649, Title I, §§ 121(b)(4), 162(e)(3), Title VII, § 702(a), 104 Stat. 4994, 5011, 5086; Oct. 1, 1991, Pub.L. 102-110, § 2(c), 105 Stat. 556; Dec. 12, 1991, Pub.L. 102-232, Title III, §§ 302(d)(2), (e)(7), 308(a), 105 Stat. 1744, 1746, 1757; Aug. 26, 1994, Pub.L. 103-317, Title V, § 506(b), (c), 108 Stat. 1765, 1766; Sept. 13, 1994, Pub.L. 103-322, Title XIII, § 130003(c), 108 Stat. 2025; Oct. 25, 1994, Pub.L. 103-416, Title II, § 219(k), 108 Stat. 4317; Apr. 24, 1996, Pub.L. 104-132, Title IV, § 413(d), 110 Stat. 1269; Sept. 30, 1996, Pub.L. 104-208, Div. C, Title III, §§ 308(f)(1)(O), (2)(C), (g)(10)(B), 375, 376(a), Title VI, § 671(a)(4)(A), (5), 110 Stat. 3009-621, 3009-625, 3009-648, 3009-721; Nov. 26, 1997, Pub.L. 105-119, Title I, §§ 110(3), 111(a), (c), 111 Stat. 2458; Oct. 28, 2000, Pub.L. 106-386, Div. A, § 107(f), Div. B, Title V, §§ 1506(a), 1513(f), 114 Stat. 1479, 1527, 1536; Dec. 21, 2000, Pub.L. 106-563, § 1(a)(2) [Title XI, §§ 1102(c), (d)(2), 1103(c)(3)], 114 Stat. 2762, 2762A-143, 2762A-144, 2762A-145; Dec. 21, 2000, Pub.L. 106-554, § 1(a)(4) [Div. B, Title XV, § 1502], 114 Stat. 2763, 2763A-324; Dec. 19, 2003, Pub.L. 108-193, § 4(b)(3), 8(a)(4), 117 Stat. 2879, 2886; Jan. 5, 2006, Pub.L. 109-162, Title VIII, § 803, 119 Stat. 3054; Aug. 12, 2006, Pub.L. 109-271, § 6(f), 120 Stat. 763; Dec. 23, 2008, Pub.L. 110-457, Title II, §§ 201(d), (e), 235(d)(3), 122 Stat. 5053, 5080.)

¹ So in original. The comma probably should be a semicolon.

² So in original. Probably should be followed by a comma.

³ So in original. The words "the alien" probably should not appear.

⁴ So in original. The period probably should be a comma.

⁵ So in original. The term "Attorney General's" probably should be "Secretary's".

⁶ So in original. Probably should be "(10)(E)".

HISTORICAL AND STATUTORY NOTES

References in Text

VAWA, referred to in subsecs. (a) and (c), means the Violence Against Women Act of 1994, Pub.L. 103-322, Title IV, Sept. 13, 1994, 108 Stat. 1902, as amended. For complete

SEC. 603. ADDRESSING THE HOUSING NEEDS OF VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING.

Subtitle N of the Violence Against Women Act of 1994 (42 U.S.C. 14043e et seq.) is amended—

(1) in section 41404(i) (42 U.S.C. 14043e–3(i)), by striking “\$10,000,000 for each of fiscal years 2007 through 2011” and inserting “\$4,000,000 for each of fiscal years 2014 through 2018”; and

(2) in section 41405(g) (42 U.S.C. 14043e–4(g)), by striking “\$10,000,000 for each of fiscal years 2007 through 2011” and inserting “\$4,000,000 for each of fiscal years 2014 through 2018”.

TITLE VII—ECONOMIC SECURITY FOR VICTIMS OF VIOLENCE

SEC. 701. NATIONAL RESOURCE CENTER ON WORKPLACE RESPONSES TO ASSIST VICTIMS OF DOMESTIC AND SEXUAL VIOLENCE.

Section 41501(e) of the Violence Against Women Act of 1994 (42 U.S.C. 14043f(e)) is amended by striking “fiscal years 2007 through 2011” and inserting “fiscal years 2014 through 2018”.

TITLE VIII—PROTECTION OF BATTERED IMMIGRANTS

SEC. 801. U NONIMMIGRANT DEFINITION.

Section 101(a)(15)(U)(iii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(U)(iii)) is amended by inserting “stalking;” after “sexual exploitation;”.

SEC. 802. ANNUAL REPORT ON IMMIGRATION APPLICATIONS MADE BY VICTIMS OF ABUSE.

Not later than December 1, 2014, and annually thereafter, the Secretary of Homeland Security shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that includes the following:

(1) The number of aliens who—

(A) submitted an application for nonimmigrant status under paragraph (15)(T)(i), (15)(U)(i), or (51) of section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) during the preceding fiscal year;

(B) were granted such nonimmigrant status during such fiscal year; or

(C) were denied such nonimmigrant status during such fiscal year.

(2) The mean amount of time and median amount of time to adjudicate an application for such nonimmigrant status during such fiscal year.

(3) The mean amount of time and median amount of time between the receipt of an application for such nonimmigrant status and the issuance of work authorization to an eligible applicant during the preceding fiscal year.

(4) The number of aliens granted continued presence in the United States under section 107(c)(3) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(c)(3)) during the preceding fiscal year.

(5) A description of any actions being taken to reduce the adjudication and processing time, while ensuring the safe and competent processing, of an application described in paragraph (1) or a request for continued presence referred to in paragraph (4).

SEC. 803. PROTECTION FOR CHILDREN OF VAWA SELF-PETITIONERS.

Section 204(l)(2) of the Immigration and Nationality Act (8 U.S.C. 1154(l)(2)) is amended—

- (1) in subparagraph (E), by striking “or” at the end;
- (2) by redesignating subparagraph (F) as subparagraph (G); and
- (3) by inserting after subparagraph (E) the following:

“(F) a child of an alien who filed a pending or approved petition for classification or application for adjustment of status or other benefit specified in section 101(a)(51) as a VAWA self-petitioner; or”.

SEC. 804. PUBLIC CHARGE.

Section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)) is amended by adding at the end the following:

“(E) SPECIAL RULE FOR QUALIFIED ALIEN VICTIMS.—Subparagraphs (A), (B), and (C) shall not apply to an alien who—

- “(i) is a VAWA self-petitioner;
- “(ii) is an applicant for, or is granted, non-immigrant status under section 101(a)(15)(U); or
- “(iii) is a qualified alien described in section 431(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641(c)).”.

SEC. 805. REQUIREMENTS APPLICABLE TO U VISAS.

(a) IN GENERAL.—Section 214(p) of the Immigration and Nationality Act (8 U.S.C. 1184(p)) is amended by adding at the end the following:

“(7) AGE DETERMINATIONS.—

“(A) CHILDREN.—An unmarried alien who seeks to accompany, or follow to join, a parent granted status under section 101(a)(15)(U)(i), and who was under 21 years of age on the date on which such parent petitioned for such status, shall continue to be classified as a child for purposes of section 101(a)(15)(U)(ii), if the alien attains 21 years of age after such parent’s petition was filed but while it was pending.

“(B) PRINCIPAL ALIENS.—An alien described in clause (i) of section 101(a)(15)(U) shall continue to be treated as an alien described in clause (ii)(I) of such section if the alien attains 21 years of age after the alien’s application for status under such clause (i) is filed but while it is pending.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if enacted as part of the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386; 114 Stat. 1464).

Appendix III

Memorandum



96act.036

Subject

Non-Disclosure and Other Prohibitions
Relating to Battered Aliens: IIRIRA §384

Date

MAY - 5 1997

To

All INS Employees

From

Office of Programs

This memorandum is designed to inform all INS employees of their obligations under Section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 ("IIRIRA") and the potential liability for violation of these obligations. As discussed in more detail below, section 384 (copy attached) prohibits the release of any information relating to aliens who are seeking or have been approved for immigrant status under the provisions for battered spouses and children in the Violence Against Women Act ("the VAWA"). Moreover, section 384 prohibits any Department of Justice employee -- including both INS officers and immigration judges -- from making an adverse determination of admissibility or deportability using information provided solely by the abusive spouse or parent or other member of the household. Violation of either of these prohibitions can result in disciplinary action or in civil penalties of up to \$5,000 for each violation.

Prohibition on Disclosure of Information

Section 384(a)(2) provides that in no case may any INS employee "permit use by or disclosure to anyone . . . of any information which relates to an alien who is the beneficiary of an application for relief" under the VAWA provisions, which relate to battered spouses and children who:

- self-petition for immigrant status under §204(a)(1)(A)(iii)-(iv) or §204(a)(1)(B)(ii)-(iii) of the Immigration and Nationality Act ("INA"); or
 - petition for removal of conditions upon residency pursuant to INA §216(c)(4)(C); or
 - seek suspension of deportation under INA §244(a)(3).
- [Note: there is no parallel cite to the new cancellation of removal provisions, but Congress may include this in future technical correction legislation.]

II-5p

Appendix III, continued

Prohibitions Relating to Battered Aliens

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It is important to emphasize that the prohibition extends to any information relating to the battered spouse or child, which could include verification of status or any other routine information. Exceptions to the prohibition are provided for:

- disclosure to another Department of Justice employee for legitimate Department of Justice purposes;
- disclosure to law enforcement officials for legitimate law enforcement purposes, at the discretion of the Service;
- disclosure for purposes of judicial review in a manner that protects the confidentiality of the information; and
- disclosure in such manner as census information may be disclosed by the Secretary of Commerce under 13 U.S.C. § 8.

The statute provides that an adult can execute a waiver to allow disclosure of information pertaining to him/herself, but does not provide for any waiver allowing disclosure of information pertaining to a child. Benefit granting agencies seeking verification for benefit eligibility purposes will be obtaining such waivers and submitting them with their verification requests. Additional guidance on this issue will be provided to immigration status verifiers.

Although the legislative history is scant, this provision appears to have been enacted in response to concerns from the advocacy community that INS officers have provided information on the whereabouts of self-petitioners or on their pending applications for relief to the allegedly abusive spouse or parent. The VAWA provisions enumerated above were created by Congress so that the battered alien can seek status independent of the abuser. Thus, disclosure of information to the alleged abuser or any other family member was inappropriate even prior to the new law. With enactment of section 384, however, such inappropriate conduct is now also grounds for disciplinary action or fine, or both.

Limitations on Use of Information Provided by Abusive Family Members

Section 384(a)(1) is a complex provision which prohibits any employee of the Department of Justice from making "an adverse determination of admissibility or deportability of an alien ... using information furnished solely by" any person falling within one of four categories:

- a spouse or parent who has battered the alien or subjected the alien to extreme cruelty;

Appendix III. continued

Prohibitions Relating to Battered Aliens

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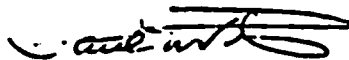
- a member of the spouse's or parent's family, residing in the same household as the alien, who has battered the alien or subjected the alien to extreme cruelty, with the spouse's or parent's acquiescence;
- a spouse or parent who has battered the alien's child or subjected the alien's child to extreme cruelty (and the alien has not participated in the abuse); or
- a member of the spouse's or parent's family, residing in the same household as the alien, who has battered the alien's child or subjected the alien's child to extreme cruelty, with the acquiescence of the alien's spouse or parent (and the alien has not participated in the abuse).

In the interests of full compliance in what could be difficult fact situations, the following guideline is to be followed:

If an INS employee receives information adverse to an alien from the alien's U.S. citizen or lawful permanent resident spouse or parent, or from relatives of that spouse or parent, the INS employee must obtain independent corroborative information from an unrelated person before taking any action based on that information.

While the first category of potential abusers enumerated above -- spouse or parent -- parallels the category which can give rise to a claim of immigration status under the VAWA provisions, the other three categories reflect an expansion of protection to battered aliens who are not eligible for status under VAWA. Such expansion to include those who have suffered abuse at the hands of another family member in the same household is similar to IIRIRA section 501, which makes individuals abused by other members of the spouse or parent's family "qualified aliens" for purposes of public benefits.

These provisions, and the Congressional and public scrutiny which accompany them, warrant particular care whenever an INS officer or employee suspects that an alien with whom they are dealing might have been subject to domestic violence. It is important to note, however, that nothing in IIRIRA changes the eligibility standards of the basic VAWA provisions identified at p. 1, above, nor does IIRIRA alter the effectiveness of the interim VAWA self-petitioning rule published in the Federal Register on March 28, 1996.



Paul W. Virtue
Acting Executive Associate Commissioner

II-58



June 22, 2010

PM-602-0001

Policy Memorandum

SUBJECT: Extension of U Nonimmigrant Status for Derivative Family Members Using the Application to Extend/Change Nonimmigrant Status (Form I-539)
Revisions to Adjudicator's Field Manual (AFM), New Chapter 39.1(g)(2)(i) (AFM Update AD10-08)

Purpose

This Policy Memorandum (PM) authorizes the Vermont Service Center (VSC) to approve an Application to Extend/Change Nonimmigrant Status (Form I-539) to extend U nonimmigrant status for a derivative family member whose initial period of stay is less than four years.

Scope

Unless specifically exempted herein, this PM applies to and is binding on all USCIS employees.

Authority

Sections 214(a)(1), 214(p)(6), and 245(m) of the Immigration and Nationality Act (INA); 8 U.S.C. §§ 1184(a)(1), 1184(p)(6), and 1255(m), as amended; and 8 CFR 214.14(g).

Background

8 CFR 214.14(g)(2) permits a derivative U nonimmigrant to request an extension of status using Form I-539 when the derivative is unable to enter the United States timely due to a delay in consular processing. The regulations are silent about any other situations in which a derivative U nonimmigrant may extend his or her status beyond the U nonimmigrant status of the principal (i.e., beyond the time of the principal's adjustment to lawful permanent residency).

There are, however, additional factors other than a delay in consular processing that may, in the interest of family unity, warrant an extension of the derivative's status beyond that of the principal. For example, delays in promulgating the U nonimmigrant regulations, delays in clarifying fee waiver authority for required inadmissibility waivers, and multi-track processing of principal and derivative petitions (Forms I-918 and I-918A, respectively) resulted in many derivatives receiving an initial nonimmigrant status period of less than three years. Nevertheless, all U nonimmigrants, including derivatives, must accrue at least three years in U nonimmigrant status before they may apply to adjust status to that of a lawful permanent resident under section 245(m) of the INA. Therefore, extensions of status may be necessary to ensure that the derivatives are able to attain at least three years in U nonimmigrant status for purposes of adjustment to lawful permanent residency.

Policy

This PM clarifies that adjudicators at the VSC may consider delays other than consular processing as a valid basis for an extension of status. To preserve the derivative family member's eligibility to adjust status, the VSC may approve a Form I-539 to extend U nonimmigrant status for a derivative family member whose initial period of stay is less than four years. The extension should not exceed four years in the aggregate.

Nothing in the INA or relevant regulations precludes USCIS from extending the stay of a derivative U nonimmigrant in cases where the principal U nonimmigrant has already adjusted status to that of a lawful permanent resident. In fact, the statutory and regulatory scheme appear to contemplate treating the U principal and U derivatives separately once the U derivative has been initially admitted in the U nonimmigrant classification. Specifically, the text of both sections 214(p)(6) and 245(m) of the INA apply to all U nonimmigrants equally and not just to principal petitioners. By contrast, provisions such as sections 214(o) and 245(l) of the INA, which were enacted at the same time as the U nonimmigrant provisions, explicitly differentiate between the principal and his or her derivative family members. Further, the U nonimmigrant regulations at 8 CFR 214.14(g) contemplate granting extensions of status for derivatives beyond the expiration date of the principal U nonimmigrant's status. Together, these provisions lead USCIS to conclude that it may, in its plenary authority under section 214(a)(1) of the INA, promulgate regulations regarding the conditions of admission of nonimmigrants and may, consistent with Congressional intent, extend the U nonimmigrant status of derivative family members even when the principal U nonimmigrant has already adjusted status.

This guidance shall be retroactive to December 23, 2008, the date the President signed the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, Pub. L. 110-457. Further, the provisions of section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 shall apply in the processing or handling of these and any other applications or petitions filed by the beneficiary of a U nonimmigrant petition.

Implementation

U nonimmigrant derivatives seeking to extend their status should file their Form I-539, justification for extension, filing fee (or request for a fee waiver), and supporting documents directly with the VSC regardless of geographical jurisdiction. Supporting documents should include evidence of U status for both principal and derivative, showing all dates in that status; evidence of adjustment of status of the principal (if applicable); evidence of relationship with U visa principal; and applicant's statement of need and reason(s) for extension. Petitioners should also check the USCIS website under "I-539, Application to Extend/Change Nonimmigrant Status," for detailed instructions regarding this specific category.

Any other service center, field office, the National Benefits Center, or USCIS Lockbox facility that receives an I-539 U visa extension request should forward the entire application packet to VSC without issuing a receipt notice, receipting any filing fee, or conducting any data entry. VSC will

be solely responsible for these functions. Upon receipt of a Form I-539, VSC will evaluate the request in accordance with all applicable regulations and policies.

Adjudicator's Field Manual Update

The Adjudicator's Field Manual (AFM) is revised to include new Chapter 39.1(g)(2)(i):

* * *

(2) Extension of status.

(i) Where a U nonimmigrant's approved period of stay on Form I-94 is less than 4 years, he or she may file Form I-539, "Application to Extend/Change Nonimmigrant Status," to request an extension of U nonimmigrant status for an aggregate period not to exceed 4 years. If a qualifying family member requests an extension of status beyond the expiration of the principal U-1 nonimmigrant's status, USCIS may approve the extension for any reason that is consistent with the goals of the statute, including but not limited to a situation where the qualifying family member is unable to enter the United States timely due to delays in consular processing, and where an extension of status is necessary to ensure that the qualifying family member is able to attain at least 3 years in nonimmigrant status for purposes of adjusting status under section 245(m) of the Act, 8 U.S.C. § 1255.

The AFM **Transmittal Memorandum** button of the AFM is revised by adding, in numerical order, the following entry:

AD10-08 6/22/2010	Chapter 39.1(g)(2)(i)	This memorandum revises AFM Chapter 39.1(g) to clarify that the status of a U-1 or a dependent of a U-1 nonimmigrant may be extended for any valid reason that is consistent with the goals of the statute and not merely to overcome a consular processing delay.
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Use

This PM is intended solely for the guidance of USCIS personnel in the performance of their official duties. It is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law or by any individual or other party in removal proceedings, in litigation with the United States, or in any other form or manner.

Contact Information

Questions or suggestions regarding this PM should be addressed through appropriate supervisory channels to the Service Center Operations Directorate.

PM-602-0001: Extension of U Nonimmigrant Status for Derivative Family Members Using the
Application to Extend/Change Nonimmigrant Status (Form I-539)
Revisions to Adjudicator's Field Manual (AFM), New Chapter 39.1(g)(2)(i)
(AFM Update AD10-08)

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October 4, 2016

PM-602-0032.2

Policy Memorandum

SUBJECT: Extension of Status for T and U Nonimmigrants (Corrected and Reissued)

Purpose

This policy memorandum (PM) provides guidance about extensions of status for T and U nonimmigrants, including any related Forms I-485, Application to Register Permanent Residence or Adjust Status. This PM rescinds and replaces PM 602-0032.1, as discussed below. This PM revises chapters 39.1 and 39.2 of the Adjudicator's Field Manual (AFM).

PM 602-0032.1 contained information relating to a derivative T nonimmigrant's ability to adjust status to a lawful permanent resident (LPR). Under the superseded PM, a derivative T nonimmigrant could not adjust status after the principal had adjusted status and had become an LPR. USCIS reasoned that because the derivative family member's nonimmigrant status was derived from the principal, upon the principal's adjustment of status, the derivative would no longer maintain derivative T nonimmigrant status and therefore would be ineligible for adjustment of status. This meant that the derivative would have to adjust at the same time as the principal in order to preserve the eligibility to adjust status. USCIS noted statutory differences with the U nonimmigrant program, which requires derivative U nonimmigrants to meet their own physical presence requirement. No similar physical presence requirement applies to adjustment of status for derivative T nonimmigrants.

USCIS has reconsidered this interpretation of the T derivative adjustment of status provision and has edited the policy below accordingly. While applicable regulations require that a derivative T nonimmigrant must hold T nonimmigrant status at the time of filing Form I-485, the revised policy states that the derivative will not lose his or her derivative T nonimmigrant status when the principal adjusts status and becomes an LPR. Note that family members who have not previously entered or resided in the United States as derivative T nonimmigrants must be initially admitted in T nonimmigrant status before the T principal adjusts status. A derivative T nonimmigrant is eligible for adjustment of status if: (a) the principal has applied for and meets the eligibility requirements for adjustment of status under 8 CFR 245.23; and (b) the derivative was admitted in T nonimmigrant status and continues to hold such status at the time of the principal's application for adjustment of status. 8 CFR 245.23(b)(1) and (2).

Applicants may file a motion to reopen a derivative T nonimmigrant's Form I-485 if USCIS denied the application solely because the principal had already adjusted status. Applicants should file a Form I-290B, Notice of Appeal or Motion, and include a copy of the previous denial.

Scope

Unless specifically exempted herein, this PM applies to and is binding on all USCIS employees.

Authorities

- Victims of Trafficking and Violence Protection Act of 2000 (VTVPA), div. A; Trafficking Victims Protection Act of 2000 (TVPA), div. B; Violence Against Women Act of 2000 (VAWA 2000), Public Law No. 106-386, 114 Stat. 1464 (2000).
- Trafficking Victims Protection Reauthorization Act of 2003 (TVPRA 2003), Public Law No. 108-193, 117 Stat. 2875 (2003).
- Violence Against Women and Department of Justice Reauthorization Act of 2005 (VAWA 2005), Public Law No. 109-162, 119 Stat. 2960 (2006).
- Violence Against Women and Department of Justice Reauthorization Act – Technical Amendments, Public Law No. 109-271, 120 Stat. 750 (2006).
- William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA 2008), Public Law No. 110-457, 122 Stat. 5044 (2008).

Background

T Nonimmigrant Status

On January 31, 2002, USCIS published an interim rule codified at 8 CFR 214.11, “New Classification for Victims of Severe Forms of Trafficking in Persons; Eligibility for ‘T’ Nonimmigrant Status,” implementing the T nonimmigrant status created by the TVPA. This regulation contained brief information on adjustment of status and required a T nonimmigrant to file for adjustment of status within the 90 days immediately preceding the third anniversary of the approval of T nonimmigrant status. 8 CFR 214.11(p)(2) (2002). The regulation also stated that proper filing of Form I-485 would allow the applicant to remain in T nonimmigrant status, with all the rights and privileges of a T nonimmigrant, until a final decision is rendered on the application.

On January 5, 2006, the President signed VAWA 2005, lengthening the duration of status for a T nonimmigrant from three years to four years. Immigration and Nationality Act (INA) § 214(o)(7)(A). It also created an extension of T nonimmigrant status beyond the four years based on a certification from a law enforcement official that the T nonimmigrant’s presence was necessary to assist in the investigation or prosecution of the acts of trafficking. INA § 214(o)(7)(B).

On December 12, 2008, USCIS published an interim rule, “Adjustment of Status to Lawful Permanent Resident for Aliens in T or U Nonimmigrant Status,” implementing the adjustment of status provisions for T nonimmigrants at 8 CFR 245.23. Significant points of this rule, which became effective on January 12, 2009, include:

- To be eligible to file for adjustment of status, an alien must have been lawfully admitted as a T nonimmigrant and continue to hold that status at the time of the application for adjustment of status. However, T nonimmigrants who had already accrued four years in T nonimmigrant

status remained eligible for adjustment of status as long as they filed a complete application for adjustment of status before April 13, 2009. 8 CFR 245.23(a)(2)(ii).

- The failure to apply for adjustment of status in accordance with 8 CFR 245.23 will result in termination of T nonimmigrant status at the end of the four-year period unless T nonimmigrant status has been extended. 8 CFR 214.11(p)(2).
- A derivative T nonimmigrant is eligible for adjustment of status only if the principal is also eligible, and may file only concurrently with the principal T nonimmigrant or after the principal T nonimmigrant has filed for adjustment of status. 8 CFR 245.23(b)(1).
- The denial of a principal T nonimmigrant's application for adjustment of status will result in denial of the derivative T nonimmigrant's application for adjustment of status, including any adjustment application filed by a derivative after the denial of the principal's application for adjustment of status.

On December 23, 2008, the President signed the TVPRA 2008, which in section 201 amended the eligibility requirements for T nonimmigrant status at INA § 101(a)(15)(T), nonimmigrant duration of status and extension provisions at INA § 214(o), and adjustment of status requirements at INA § 245(l). Amended INA § 214(o)(7) now provides that T nonimmigrant status *may* be extended if:

- A Federal, State, or local law enforcement official, prosecutor, judge, or other authority investigating or prosecuting activity relating to human trafficking certifies that the presence of the T nonimmigrant in the United States is necessary to assist in the investigation or prosecution of acts of trafficking; or
- USCIS determines that an extension of the period of T nonimmigrant status is warranted due to exceptional circumstances.

Amended INA § 214(o)(7) now provides that USCIS *must* extend T nonimmigrant status while a Form I-485 under INA § 245(l) is pending.

U Nonimmigrant Status

On September 17, 2007, USCIS published an interim rule codified at 8 CFR 214.14, "New Classification for Victims of Criminal Activity; Eligibility for 'U' Nonimmigrant Status," implementing the U nonimmigrant status created by VAWA 2000. Title 8 CFR 214.14(g) provides that U nonimmigrant status may be approved for a period not to exceed four years in the aggregate. USCIS may grant the derivative the extra time needed to make his or her period in the United States equal four full years. 8 CFR 214.14(g)(2)(i) provides extensions of U nonimmigrant status if:

- The U nonimmigrant's initial period of stay is less than four years; or

- A qualifying family member is unable to enter the United States timely due to delays in consular processing, in which case the family member's status may be extended beyond the expiration of the principal nonimmigrant's status to ensure the family member will accrue at least three years in U nonimmigrant status for purposes of adjusting status (see PM 602-0001).

8 CFR 214.14(g)(2)(ii) provides extensions of U nonimmigrant status beyond the statutorily permissible four-year period if the certifying official on the U nonimmigrant petition attests that the nonimmigrant's presence in the United States continues to be necessary to assist in the investigation or prosecution of the qualifying criminal activity.

On December 12, 2008, USCIS published an interim rule, "Adjustment of Status to Lawful Permanent Resident for Aliens in T or U Nonimmigrant Status," implementing the adjustment of status provisions for U nonimmigrants at 8 CFR 245.24. This rule became effective on January 12, 2009. As per 8 CFR 245.24(b)(2), to be eligible to file for adjustment of status, an alien must:

- Have been lawfully admitted as a U nonimmigrant and continue to hold that status at the time of application for adjustment of status; or
- Have accrued at least four years in U interim relief status and file a complete adjustment application within 120 days of the date of approval of the U nonimmigrant petition.

Under the adjustment regulations, a derivative U nonimmigrant can adjust status at any time he or she meets the requirements to adjust status at 8 CFR 245.24. The adjustment of status of a derivative U nonimmigrant is not tied to the principal, so derivative U nonimmigrants can adjust status as long as they meet the adjustment requirements at the time of filing. Specifically, derivative U nonimmigrants must have three years of continuous physical presence in the United States and be in U nonimmigrant status at the time of filing. A derivative U nonimmigrant may need to request an extension of derivative status to accrue sufficient continuous physical presence in derivative U nonimmigrant status before applying for adjustment of status.

The TVPRA 2008 became effective on December 23, 2008. Section 201 of the TVPRA 2008 amended the duration of status and extension provisions at INA § 214(p). Amended INA § 214(p)(6) now provides that U nonimmigrant status *may* be extended if the Secretary of Homeland Security determines that an extension of such period is warranted due to exceptional circumstances.

Amended INA § 214(p)(6) now provides that USCIS *must* extend U nonimmigrant status in *any* of the following circumstances:

- A Federal, State, or local law enforcement official, prosecutor, judge, or other Federal, State, or local authority investigating or prosecuting criminal activity described in INA § 101(a)(15)(U)(iii) certifies that the alien's presence in the United States is required to assist in the investigation or prosecution of such criminal activity; or

- When an application for adjustment of status under INA § 245(m) is pending.

Policy

T Nonimmigrants

Due to the complex changes to the statutory and regulatory requirements for T nonimmigrant status and related adjustment of status applications, this section on T nonimmigrants is divided into four groups with specific instructions for those applications that fall within each group.

The following information applies to T nonimmigrants afforded an extension of status during the pendency of an application for adjustment of status under INA § 245(l):

- To receive an extension of T nonimmigrant status based on the filing of an application for adjustment of status, the T nonimmigrant must file Form I-485 in accordance with the form instructions. If the T nonimmigrant files the Form I-485 while still in valid T nonimmigrant status, there is no need to file the Form I-539, Application to Extend/Change Nonimmigrant Status.
- All Forms I-485 will be adjudicated according to the T adjustment regulation at 8 CFR 245.23.
- When a T nonimmigrant properly files for adjustment of status, USCIS will issue two new Forms I-797, Notice of Action: a receipt notice for the application for adjustment of status, and a notice of extension of the T nonimmigrant status.
- The extension of T nonimmigrant status will be valid until a decision is rendered on the pending Form I-485 and, during that time, the applicant will continue in valid T nonimmigrant status with all the associated rights, privileges, and responsibilities.
- While the Form I-485 is pending, the applicant is authorized to work. The Form I-797, Notice of Action that indicates an extension of status can be used for verifying the employment authorization of individuals on a Form I-9, Employment Eligibility Verification for one year from the expiration date of the applicant's previous period of T nonimmigrant status, unless the Form I-485 is denied or withdrawn, whichever is earlier. The applicant may also apply for an employment authorization document (EAD) by filing Form I-765, Application for Employment Authorization. An applicant may file Form I-765 concurrently with Form I-485. Any EAD, including renewals, will be issued using the (c)(9) eligibility code.

Derivative T nonimmigrants who properly file Form I-485 will be issued two new Forms I-797, as described above. Derivative T nonimmigrant status will not be extended based on the principal T nonimmigrant's pending Form I-485. A derivative T nonimmigrant's status will be automatically extended when the derivative properly files for adjustment of status.

The following information applies to T nonimmigrants seeking an extension of status based on law enforcement need or exceptional circumstances:

- To request an extension of T nonimmigrant status based on law enforcement need or exceptional circumstances, the T nonimmigrant must file Form I-539, Application to Extend/Change Nonimmigrant Status, along with supporting evidence, in accordance with the form instructions.
- For derivative T nonimmigrant family member extension of status requests, follow the instructions for Form I-539. Derivative family members who have not previously entered or resided in the United States as T nonimmigrants cannot receive an extension of status. Instead, USCIS may issue an amended approval notice with updated validity dates.
- The Form I-539 should be filed before the T nonimmigrant status expires but no more than 90 days before expiration. However, if the T nonimmigrant can explain in writing why he or she is filing the Form I-539 after the T nonimmigrant status has expired, USCIS has discretion to grant, on a case-by-case basis, an extension based on an untimely filed Form I-539.
- When a T nonimmigrant properly files a Form I-539, USCIS will issue two new Forms I-797, Notice of Action: a receipt notice for Form I-539 and, if the Form I-539 is approved, a notice of extension of the T nonimmigrant status.
- The extension of T nonimmigrant status based on law enforcement need or exceptional circumstances will be valid for one year from the date the T nonimmigrant status ends. In the case of a Form I-539 untimely filed after T nonimmigrant status has expired, the extension will be valid from the date the previous status expired and for one year from approval of the extension. During that period, the applicant will continue in valid T nonimmigrant status with all the associated rights, privileges, and responsibilities.
- Any EAD (including renewals) will be issued using the (a)(16) eligibility code for principals and (c)(25) eligibility code for derivatives. An applicant may file Form I-765 concurrently with Form I-539.

Group 1: Applicant Filed for Adjustment of Status While in T Nonimmigrant Status

Under the T nonimmigrant regulations that were in effect before the adjustment regulations, a proper filing for adjustment of status must have been made within the 90 days preceding the third anniversary of the approval of the T nonimmigrant status. 8 CFR 214.11(p)(2) (2002). Those T nonimmigrants who properly filed for adjustment of status in accordance with the previous regulations, even though they had accrued less than three years in T nonimmigrant status, will have the Form I-485 adjudicated. Based on the proper filing made under old 8 CFR 214.11(p)(2), these applicants are considered to continue in T nonimmigrant status until a final decision is made on the application for adjustment of status. Because these T nonimmigrants filed their adjustment of status applications prior to the promulgation of the T adjustment regulations, adjudicators may need to send a Request For Evidence to request evidence required by the adjustment regulation. 8 CFR 245.23(e)

Apart from those T nonimmigrants who filed in accordance with the filing instructions in the previous version of 8 CFR 214.11(p)(2) (2002), USCIS will not accept early filings for adjustment of status from principal T nonimmigrants with less than three years in T nonimmigrant status (except for those adjustment of status applications based on the exception at 8 CFR 245.23(a)(3) allowing for filing before three years in T nonimmigrant status because an investigation or prosecution is complete). Any Form I-485 filed before the principal T nonimmigrant accrues three years in T nonimmigrant status (other than the exception) will be rejected as untimely filed.

Group 2: Applicant Filed for Adjustment of Status After T Nonimmigrant Status Expired but Before April 13, 2009

The adjustment regulation allowed those applicants with expired T nonimmigrant status to file for adjustment of status by April 13, 2009 (90 days from the effective date of the T adjustment regulation). 8 CFR 245.23(a)(2)(ii).

Those applicants in Group 2 with expired T nonimmigrant status who properly filed a Form I-485 *before* April 13, 2009, are considered to continue in T nonimmigrant status until a final decision is made on the adjustment of status application.

Group 3: Applicant's T Nonimmigrant Status Expired and Applicant Failed to File for Adjustment of Status Before April 13, 2009

Those T nonimmigrants whose status has expired but who did not file for adjustment of status before April 13, 2009, should not have their T nonimmigrant status extended, unless they request an extension based on law enforcement need or exceptional circumstances. See INA § 214(o)(7)(B)(i) and (iii). One of these extensions is necessary for the T nonimmigrant, whose status has expired, to be eligible to file for adjustment of status.

As outlined above, to request either of these extensions, the T nonimmigrant files Form I-539 along with supporting evidence. The nonimmigrant bears the burden of establishing eligibility for an extension. To establish law enforcement need, supporting evidence may include a new Form I-914 Supplement B, Declaration of Law Enforcement Officer for Victim of Trafficking in Persons, or other evidence from law enforcement explaining that the applicant's presence is necessary, and any other credible evidence. To establish exceptional circumstances, supporting evidence may include an applicant's affirmative statement or any other credible evidence. The T nonimmigrant should explain in writing why he or she is filing the Form I-539 after the T nonimmigrant status has expired. USCIS will exercise its discretion to grant or deny an untimely filed extension request based upon the justification for the untimely filing in the specific circumstances of the case. If USCIS grants an extension of T nonimmigrant status, USCIS will issue a new Form I-797 extension notice valid from the date the previous status expired and for one year from approval of the extension. Once an applicant receives this new Form I-797, he or she may then file Form I-485 to adjust status to LPR before the expiration of the extension.

One example of possible exceptional circumstances is when a principal T nonimmigrant's status has expired and the approved derivative did not receive a T visa from a U.S. consulate to enter

the United States before the expiration of the principal's T nonimmigrant status. In the evidence submitted to establish exceptional circumstances, the principal should explain what exceptional circumstances prevented the derivative(s) from entering the United States. Once the extension is granted and the derivative(s) enter the United States, the principal and derivative T nonimmigrants can file for adjustment of status.

Group 4: Derivative Family Members

Once a principal T nonimmigrant is no longer a T nonimmigrant, whether through adjustment of status to lawful permanent residence or through expiration of the T nonimmigrant status, any derivative T nonimmigrants may no longer be eligible for initial admission into the United States on a T visa.

To be eligible to apply for adjustment of status, a derivative T nonimmigrant must continue to hold T nonimmigrant status at the time of filing the application for adjustment of status. 8 CFR 245.23(b)(2). For ease of processing, derivative T nonimmigrants are encouraged, but are not required, to file for adjustment of status concurrently with the principal T nonimmigrant. A derivative T nonimmigrant's status will be automatically extended when the derivative properly files for adjustment of status.

Where the approved derivative of a principal T nonimmigrant is awaiting initial issuance of a T visa by a consulate and the principal's nonimmigrant status is soon to expire, the principal is strongly encouraged to seek an extension of status based on exceptional circumstances, following the instructions to the Form I-539, and then wait for the derivatives to enter the United States before applying for adjustment of status. This step will prevent the derivative from being ineligible for initial admission to the United States on a derivative T visa due to the expiration of the principal's T nonimmigrant status.

U Nonimmigrants

The following information applies to U nonimmigrants afforded an extension of status during the pendency of an application for adjustment of status under INA § 245(m):

- To receive an extension of U nonimmigrant status based on the filing of an application for adjustment of status, the U nonimmigrant must file Form I-485, Application to Register Permanent Residence or Adjust Status, in accordance with the form instructions. If the U nonimmigrant files the Form I-485 while still in valid U nonimmigrant status, there is no need to file Form I-539, Application to Extend/Change Nonimmigrant Status.
- All adjustment of status applications will be adjudicated according to the U adjustment regulation at 8 CFR 245.24.
- When a U nonimmigrant properly files for adjustment of status, USCIS will issue two Forms I-797, Notice of Action: a receipt notice for the adjustment of status application and a notice of extension of the U nonimmigrant status.

- The extension of U nonimmigrant status will be valid until a decision is rendered on the pending Form I-485 and, during that time, the applicant will continue in valid U nonimmigrant status with all the associated rights, privileges, and responsibilities.
- While the Form I-485 is pending, the applicant is authorized to work. The Form I-797, Notice of Action that indicates an extension of status can be used to verify the employment authorization of individuals on a Form I-9 for one year from the expiration date of the applicant's previous period of U nonimmigrant status, unless the Form I-485 is denied or withdrawn, whichever is earlier. The applicant may also apply for an employment authorization document (EAD) by filing Form I-765. An applicant may file Form I-765 concurrently with Form I-485. Any EAD (including renewals) will be issued using the (c)(9) eligibility code.

Derivative U nonimmigrants who properly file an adjustment of status application will be issued two Forms I-797, as described above. Derivative U nonimmigrant status will not be extended based on the principal U nonimmigrant's pending Form I-485. A derivative U nonimmigrant's status will be automatically extended when the derivative properly files for adjustment of status.

To be eligible to file for adjustment of status, a U nonimmigrant must be in valid U nonimmigrant status and may therefore require an extension of U nonimmigrant status. The INA allows for an extension of U nonimmigrant status based on law enforcement need or upon a determination that the extension is warranted due to exceptional circumstances. INA § 214(p)(6). When an approved principal U nonimmigrant is awaiting issuance of a U visa by a consulate, the principal can seek an extension of status based on exceptional circumstances. The following information applies to U nonimmigrants seeking an extension of status based on law enforcement need or exceptional circumstances:

- To request an extension of U nonimmigrant status based on law enforcement need or exceptional circumstances, the U nonimmigrant must file Form I-539, Application to Extend/Change Nonimmigrant Status, along with supporting evidence, in accordance with the form instructions.
- For derivative U nonimmigrant family member extension of status requests, follow the instructions to Form I-539. Derivative family members who have not previously entered or resided in the United States as U nonimmigrants cannot receive an extension of status. Instead, USCIS may issue an amended approval notice with updated validity dates.
- The Form I-539 should be filed before the U nonimmigrant status expires but no more than 90 days before expiration. However, if the U nonimmigrant can explain in writing why he or she is filing the Form I-539 after the U nonimmigrant status has expired, USCIS has discretion to grant, on a case-by-case basis, an extension based upon an untimely filed Form I-539.
- When a U nonimmigrant properly files a Form I-539, USCIS will issue two Forms I-797, Notice of Action: a receipt notice for the Form I-539 and, if the Form I-539 is approved, a notice of extension of the U nonimmigrant status.

- The extension of U nonimmigrant status based on law enforcement need or exceptional circumstances will be valid for one year from the date the U nonimmigrant status ends. In the case of an untimely Form I-539 filed after U nonimmigrant status has expired, the extension will be valid from the date the previous status expired and for one year from approval of the extension. During such period, the applicant will continue in valid U nonimmigrant status with all the associated rights, privileges, and responsibilities.
- Any EAD (including renewals) will be issued using the (a)(19) eligibility code for principals and (a)(20) eligibility code for derivatives. An applicant may file Form I-765 concurrently with Form I-539.

The nonimmigrant bears the burden of establishing eligibility for an extension. In the case of law enforcement need, supporting evidence includes a new Form I-918 Supplement B, U Nonimmigrant Status Certification, or other evidence from law enforcement explaining that the applicant's presence is necessary, as well as any other credible evidence. In the case of exceptional circumstances, supporting evidence may include an affirmative statement or any other credible evidence to establish exceptional circumstances.

U Nonimmigrant Derivative Family Members

Once a principal U nonimmigrant is no longer a U nonimmigrant, whether through adjustment of status or through expiration of the U nonimmigrant status, any derivative U nonimmigrants may no longer be eligible for initial admission into the United States on a U visa. After admission into the United States as a derivative U nonimmigrant, derivative status may be extended beyond the expiration of the principal U nonimmigrant's status to ensure the derivative will accrue at least three years in U nonimmigrant status for purposes of adjusting status under INA § 245(m). See PM 602-0001.

To be eligible to apply for adjustment of status, a derivative U nonimmigrant must continue to hold U nonimmigrant status at the time of filing the Form I-485. 8 CFR 245.24(b)(2). A derivative U nonimmigrant's status will be automatically extended when the derivative properly files for adjustment of status under INA § 245(m).

Where the approved derivative of a principal U nonimmigrant is awaiting initial issuance of a U visa by a consulate and the principal's nonimmigrant status is soon to expire, the principal is strongly encouraged to seek an extension of status based on exceptional circumstances, following the instructions to Form I-539, and then wait for the derivatives to enter the United States before applying for adjustment of status. This step will prevent the derivative from being ineligible for initial admission to the United States on a derivative U visa due to the expiration of the principal's U nonimmigrant status. Alternatively, the principal U nonimmigrant can file Form I-929, Petition for Qualifying Family Member of a U-1 Nonimmigrant, concurrently or after approval of the principal's Form I-485, for certain derivative family members who have never held derivative U nonimmigrant status. After approval of the Form I-929, the derivative can apply for a visa at a U.S. consulate to enter the United States as an LPR.

Implementation

Chapters 39.1 and 39.2 of the Adjudicator's Field Manual (AFM) are revised as follows:

- ☞ 1. The title of Chapter 39.1 and paragraph (g) of chapter 39.1 of the AFM are revised to read:

CHAPTER 39.1 U Nonimmigrants

* * * * *

(g) Duration of U Nonimmigrant Status.

* * * * *

(2) Extension of Status.

(A) USCIS will extend U nonimmigrant status in the following two circumstances:

- If the law enforcement official investigating or prosecuting the criminal activity described in INA § 101(a)(15)(U)(iii) certifies that the presence of the U nonimmigrant is necessary to assist in the investigation or prosecution.
- During the time that Form I-485, Application to Register Permanent Residence or Adjust Status under section 245(m) of the INA is pending. INA § 214(p)(6).

(B) In its discretion, USCIS may extend U nonimmigrant status if USCIS determines that an extension of the period of nonimmigrant status is warranted due to exceptional circumstances. INA § 214(p)(6).

(3) Procedures for Extension of Status.

(A) Filing.

- The extension of status based on the pendency of an application for adjustment of status is automatic when the applicant files Form I-485.
- To request an extension of status based on law enforcement need or exceptional circumstances, the applicant must file Form I 539, Application to Extend/Change Nonimmigrant Status.
- The Form I-539 should be filed no more than 90 days before U nonimmigrant status expires. However, if the U nonimmigrant can explain in writing why he or she is filing the Form I-539 after U nonimmigrant status has expired, USCIS has discretion to grant an extension based

upon on an untimely filed Form I-539 on a case-by-case basis.

(B) Documentation.

- In general, when granting an extension of status, USCIS will issue a Form I-797, Notice of Action.
- The applicant continues in valid U nonimmigrant status with all the rights, privileges, and responsibilities provided to a U nonimmigrant.
- Extensions of status based on a pending Form I-485 will be valid until USCIS makes a final decision on the Form I-485.
- Extensions of status based on law enforcement need or exceptional circumstances will be valid for a period of one year beginning on the date U nonimmigrant status ends. In the case of a Form I-539 that is untimely filed after U nonimmigrant status has expired, the extension will be valid from the date the previous status expired and for one year from approval of the extension. Thus, the total length of the extension will be greater than one year if an untimely filed Form I-539 is approved.
- Any employment authorization document (EAD) issued in connection with a pending Form I-485 will be issued using the (c)(9) eligibility code.
- Any EAD issued in connection with an approved Form I-539 will be issued using the (a)(19) or (a)(20) eligibility code, as applicable.
- Derivatives who have been granted an extension of status will also be issued a Form I-797 by regular mail.

(C) Supporting evidence.

- If seeking an extension of status due to a law enforcement need, an applicant must submit evidence demonstrating law enforcement need, such as a new Form I-918 Supplement B, U Nonimmigrant Status Certification, or other evidence from law enforcement explaining that the applicant's presence is necessary to assist in the investigation or prosecution of the qualifying criminal activity, and any other credible evidence.
- If seeking an extension of status due to exceptional circumstances, an applicant must submit evidence demonstrating exceptional circumstances, such as an affirmative statement or any other credible evidence.

* * * * *

- ☞ 2. The title of chapter 39.2 and paragraph (g) of chapter 39.2 of the *AFM* is revised to read:

Chapter 39.2 T Nonimmigrants

* * * * *

(g) Duration of T Nonimmigrant Status.

(1) [Reserved].

(2) Extension of Status.

(A) USCIS will extend T nonimmigrant status during the pendency of Form I-485, Application to Register Permanent Residence or Adjust Status under section 245(l) of the INA. INA § 214(o)(7)(C).

(B) In its discretion, USCIS may extend T nonimmigrant status in the following circumstances:

- If the law enforcement official investigating or prosecuting the activity related to human trafficking certifies that the presence of the T nonimmigrant is necessary to assist in the investigation or prosecution.
- If USCIS determines that an extension of the period of nonimmigrant status is warranted due to exceptional circumstances. INA § 214(o)(7)(B).

(3) Procedures for Extension of Status.

(A) Filing.

- The extension of status based on a pending Form I-485 is automatic when the applicant files Form I-485.
- To request an extension of status based on law enforcement need or exceptional circumstances, the applicant must file Form I-539, Application to Extend/Change Nonimmigrant Status.
- The Form I-539 should be filed no more than 90 days before T nonimmigrant status expires. However, if the T nonimmigrant can explain in writing why he or she is filing the Form I-539 after T nonimmigrant status has expired, USCIS has discretion to grant an extension based on an untimely filed Form I-539 on a case-by-case basis.

(B) Documentation.

- In general, when granting an extension of status, USCIS will issue a Form I-797, Notice of Action.
- The applicant continues in valid T nonimmigrant status with all the rights, privileges, and responsibilities provided to a T nonimmigrant.
- Extensions of status based on a pending Form I-485 will be valid until USCIS makes a final decision on the Form I-485.
- Extensions of status based on exceptional circumstances or a law enforcement need will be valid for a period of one year beginning on the date the T nonimmigrant status ends. In the case of an untimely filed Form I-539 after T nonimmigrant status has expired, the extension will be valid from the date the previous status expired and for one year from approval of the extension. Thus, the total length of the extension will be greater than one year if an untimely filed Form I-539 is approved.
- Any employment authorization document (EAD) issued in connection with a pending Form I-485 will be issued using the (c)(9) eligibility code.
- Any EAD issued in connection with an approved Form I-539 will be issued using the (a)(16) or (c)(25) eligibility code, as applicable.
- Derivatives who have been granted an extension of status will also be issued a Form I-797 by regular mail.

(C) Supporting evidence.

- If seeking an extension of status due to law enforcement need, an applicant must submit evidence demonstrating law enforcement need, such as a new Form I-914 Supplement B, Declaration of Law Enforcement Officer for Victims of Trafficking in Persons, or other evidence from law enforcement explaining that the presence of the T nonimmigrant is necessary to assist in the investigation or prosecution relating to human trafficking, and any other credible evidence.
- If seeking an extension of status due to exceptional circumstances, an applicant must submit evidence demonstrating exceptional circumstances, such as an affirmative statement or any other credible evidence.

* * * * *

- ☞ 3. The *AFM Transmittal Memoranda* button is revised by adding, in numerical order, the following entry:

PM-602-0032.2 (10/04/2016)	Chapter 39.1 and Chapter 39.2	Provides guidance regarding extensions of T and U nonimmigrant status for applicants for adjustment of status to lawful permanent residence
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Use

This PM is intended solely for the guidance of USCIS personnel in the performance of their official duties. It is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law or by any individual or other party in removal proceedings, in litigation with the United States, or in any other form or manner.

Contact Information

This guidance is effective immediately. Questions or suggestions regarding this PM should be addressed through appropriate channels to the Office of Policy and Strategy or the Service Center Operations Directorate.

INTERIM MEMO FOR COMMENT

Posted: 12-12-2012

Comment period ends: 1-10-2013

This memo is in effect until further notice.

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of the Director (MS 2000)
Washington, DC 20529-2000



**U.S. Citizenship
and Immigration
Services**

October 24, 2012

PM-602-0077

Policy Memorandum

SUBJECT: Age-Out Protection for Derivative U Nonimmigrant Status Holders: Pending Petitions, Initial Approvals, and Extensions of Status

Purpose

This policy memorandum (PM) provides guidance relating to certain U-3 derivative nonimmigrant petitions that are being held for final adjudication or have had their prior approvals limited in time due to the derivative aging-out. This PM also authorizes the approval of U-3 derivative nonimmigrant petitions for the full eligibility period of four years, allowing the U-3 derivative to remain in U nonimmigrant status past his or her 21st birthday, if necessary. This PM updates the Adjudicator's Field Manual (AFM) by adding Chapter 39.1(f)(4)(v-viii); AFM Update AD11-41.

Scope

Unless specifically exempted herein, this PM applies to and is binding on all U.S. Citizenship and Immigration Services (USCIS) employees.

Authority

- Victims of Trafficking and Violence Protection Act (VTVPA)
- William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA 2008)
- Immigration and Nationality Act (INA) sections 101(b)(1), 214(a)(1), and 214(p)

Background

In order for a derivative of a principal U nonimmigrant to be considered a qualifying family member, the qualifying relationship between the principal and the derivative must: (1) exist at the time the principal files the petition; (2) continue to exist at the time the derivative's petition is adjudicated; and, (3) continue to exist at the time of the derivative's subsequent admission to the United States.¹ Therefore, a derivative child must meet the definition of "child" under the INA, which is an unmarried person under 21 years of age,² at the time his or her derivative petition is filed, adjudicated, and admitted. Due to unforeseen delays, some derivative children aged-out of derivative eligibility while their derivative petitions for U nonimmigrant status were pending.

¹ 8 CFR 214.14(f)(4)

² INA section 101(b)(1)

The INA allows qualifying family members to hold U nonimmigrant status for up to four years.³ At this time, USCIS does not accord U nonimmigrant status beyond a derivative child's 21st birthday, and affords no possibility of extending derivative U nonimmigrant status beyond the age of 21. However, all U nonimmigrants, including derivatives, must be physically present in the United States for a continuous period of at least three years from the date of admission as a U nonimmigrant before they may apply to adjust status to that of a lawful permanent resident under INA section 245(m) and must continue to hold such status at the time of filing the application for adjustment.⁴ Derivatives who were accorded U nonimmigrant status only until their 21st birthday are currently unable to file for an extension of derivative status beyond the age of 21 and may, therefore, not have the requisite physical presence necessary to apply for adjustment of status. Ensuring these derivative U nonimmigrants are afforded the opportunity to maintain their status is important to preserve family unity, which ultimately benefits law enforcement because the principal U nonimmigrant will be more likely to continue to cooperate knowing his or her family member is in status.

Policy

A. Deferred Action for Certain U Derivative Petitioners who Age-Out while the Form I-918A Petition is Pending with USCIS

USCIS is currently holding U nonimmigrant petitions for qualifying family members who aged-out of eligibility after turning 21 years of age while their petitions were pending. USCIS is engaging in rulemaking to change its current regulations to provide protection for these U-3 derivatives. Until such regulations are promulgated, USCIS will review such petitions on an individualized case-by-case basis predicated on the exercise of prosecutorial discretion to determine if deferred action is warranted. If USCIS determines that a derivative has submitted *prima facie* evidence of his or her eligibility for derivative U nonimmigrant status, the case will be reviewed to determine whether to exercise USCIS's discretion to provide deferred action. Absent adverse factors, deferred action should be reviewed following established USCIS guidelines. Deferred action should not be permitted in any petition that includes adverse factors, such as where the petitioner is clearly ineligible for derivative U nonimmigrant status, has an aggravated criminal history, or otherwise poses a threat to public safety or national security. Deferred action does not preclude USCIS, U.S. Immigration and Customs Enforcement, or other federal entities from initiating or conducting removal or deportation proceedings at any time against the derivative petitioner.

Deferred action is an act of administrative convenience to give some cases lower priority for removal and does not constitute an immigration status. While deferred action is not an immigration status, an individual may request and be granted employment authorization if deferred action has been provided in his or her case. If the individual is provided deferred action, he or she shall be notified that he or she may submit a Form I-765, Application for Employment Authorization. If the derivative petitioner is provided deferred action, USCIS will hold the file and reassess the deferred action upon each application for extension of work authorization until the regulations containing amended age-out provisions are published.

³ INA section 214(p)(6)

⁴ 8 CFR 245.24(b)(2)

B. Granting/Allowing U-3 Derivative Status for Full Validity Period of Four Years

In accordance with the humanitarian nature of the U nonimmigrant program, USCIS will extend age-out protection to certain U-3 derivatives whose petitions are adjudicated on or after the effective date of this PM. For any Form I-918 Supplement A, approved on or after the effective date of this PM, USCIS will grant derivative U nonimmigrant status for the full four-year validity period if the derivative child meets the definition of “child” at the time the derivative is granted derivative U nonimmigrant status, regardless of whether the derivative child will become 21 years of age during the four-year validity period after the initial approval. USCIS will send the derivative child an approval notice with an I-94, Arrival-Departure Record, reflecting the full four-year validity period of U nonimmigrant status. For derivative children who are overseas, USCIS will send the principal petitioner an approval notice and will forward the notice and all other necessary documentation to the Department of State for delivery to the proper U.S. Embassy or Consulate. The overseas derivative will have the responsibility of scheduling an appointment with the U.S. Embassy or Consulate to apply for his or her U visa and of entering the United States in U nonimmigrant status before reaching 21 years of age.

Additionally, if a derivative child had previously received an initial grant of U nonimmigrant status for a period of less than four years, is still currently in U nonimmigrant status, and has yet to turn 21 years of age, USCIS will extend derivative status up to a total of not more than four years, regardless of whether the derivative child would age-out during this extended time period. The derivative petitioner should request this extension by filing a Form I-539, Application to Extend/Change Nonimmigrant Status, with USCIS. This procedure will allow the derivative child the ability to meet the necessary physical presence requirement to apply for adjustment of status to lawful permanent resident. Any subsequent extensions beyond the statutory four-year period would need to fall within the extension provisions of INA section 214(p)(6).

C. Late-Filed Extensions of Status for Previously Granted Derivative U Nonimmigrants Who Aged-out While in U Nonimmigrant Status

Prior to publication of this PM, USCIS approved U nonimmigrant status for derivative children for the full four-year statutory period only if the derivative child remained under 21 years of age for the entire four-year period. If the derivative child turned 21 years of age while in derivative U nonimmigrant status, USCIS previously granted valid U nonimmigrant status only until the derivative child’s 21st birthday. This resulted in the derivative child not only losing his or her lawful U nonimmigrant status, but also possibly not accruing the requisite three years of continuous physical presence in the United States necessary for eligibility to adjust status under INA section 245(m).⁵ Recognizing this, USCIS has determined that, for those derivative U nonimmigrants who aged out of derivative eligibility prior to implementation of the age-out policy described above, the failure to maintain the derivative U nonimmigrant status was due to extraordinary circumstances beyond the control of the derivative U nonimmigrant. USCIS will therefore allow derivatives previously granted U nonimmigrant status whose lawful U nonimmigrant status expired on his or

⁵ See 8 CFR 245.24(b). One of the eligibility requirements for adjustment of status as a U nonimmigrant is three years of continuous physical presence in the United States in valid U nonimmigrant status.

her 21st birthday to file for an extension of status in order to receive the remaining time in U nonimmigrant status allowed by statute.

A U nonimmigrant derivative child whose status expired upon turning 21 years of age may file for an extension of derivative U nonimmigrant status by filing Form I-539. If approved, USCIS will grant the extension of U nonimmigrant status dating back to the derivative's 21st birthday, which was the date the previously authorized derivative U nonimmigrant status expired. Upon approval of the extension of status, the remaining time of the four-year statutory limit of U nonimmigrant status will be granted.

In cases where the approval of an extension of U nonimmigrant status to the derivative child does not in the aggregate exceed the four-year statutory maximum for U nonimmigrant status,⁶ the derivative child will be granted the remaining time available in U nonimmigrant status, not to exceed four years.

An example is a U nonimmigrant derivative child whose derivative status expired on the child's 21st birthday, when the derivative had only been in U nonimmigrant status for one year. Upon the approval of the Form I-539, the remaining three years of derivative U nonimmigrant status is granted to the derivative, dating back to the date the initial derivative U nonimmigrant status ended. If the derivative's 21st birthday occurred two years ago, the derivative child, with the approval of the extension of derivative U nonimmigrant status, would have one year remaining in derivative U nonimmigrant status before that status expires.

In cases where the approval of an extension of U nonimmigrant status to the derivative child would result in the derivative receiving more than four years of U nonimmigrant status, the derivative child will be granted the remaining time available in U nonimmigrant status, to equal four years, as well as an additional period of time from expiration of the four-year period up to one year from the date of approval of the Form I-539. USCIS has determined that, for those derivative U nonimmigrants who aged out of derivative eligibility prior to implementation of the age-out policy described above, the extension of U nonimmigrant status beyond the statutorily allowed four years is warranted due to exceptional circumstances.⁷

An example is a U nonimmigrant derivative child whose derivative status expired on the child's 21st birthday, when the derivative had been in U nonimmigrant status for 2½ years. Upon the approval of the Form I-539, the remaining 1½ years of derivative U nonimmigrant status is granted to the derivative, dating back to the date the initial derivative U nonimmigrant status ended. But if the derivative's 21st birthday occurred two years ago, the derivative child, with the approval of the extension of derivative U nonimmigrant status, would have no remaining time in derivative U nonimmigrant status and would therefore need an additional extension beyond the statutorily allowed four years. Therefore, upon approval of the Form I-539, the derivative child will receive an additional period of time from the conclusion of the four-year period up to one year from approval of the Form I-539.

⁶ INA section 214(p)(6)

⁷ *Id*

Once an extension of status is granted, the derivative U nonimmigrant can accrue the three years of continuous physical presence necessary to apply for adjustment of status. After approval of an extension of status in accordance with this PM, a derivative U nonimmigrant must independently demonstrate that any subsequent requests for an extension of status are warranted due to exceptional circumstances.⁸

USCIS will notify the derivative U nonimmigrant of the decision on the Form I-539 and the updated expiration date of the derivative's U nonimmigrant status. The derivative will also be eligible for an employment authorization document (EAD) if the extension of status is granted, as the derivative will again be in valid U nonimmigrant status. The derivative may file Form I-765 to request employment authorization concurrently with the Form I-539.⁹

Upon the filing of an application for adjustment of status to lawful permanent resident, the derivative U nonimmigrant status is automatically extended during the pendency of the adjustment application,¹⁰ and the derivative U nonimmigrant is also eligible for an EAD¹¹ during this period.

Implementation

Chapter 39.1 of the AFM is updated as follows (AFM Update AD11-41):

☞ 1. In Chapter 39.1, new paragraphs (f)(4)(v), (vi), (vii), and (viii) are added to read:

(v) USCIS will review, on a case-by-case basis, petitions in which the qualifying family member has aged-out of eligibility by turning 21 years of age while his or her petition was pending to determine whether an assessment of deferred action is warranted. Absent adverse factors, if the derivative petitioner is determined to have submitted *prima facie* evidence of eligibility for derivative U nonimmigrant status, deferred action may be provided.

(vi) USCIS will grant the full four-year statutory period for U nonimmigrant status to those qualifying family members who are under 21 years of age at the time of approval, but who will turn 21 years of age during the four-year statutory period. Current qualifying family members who are under 21 years of age and in valid derivative U nonimmigrant status, but will turn 21 years of age during the four-year statutory period, may apply for an extension of U nonimmigrant status to receive the full four years of U nonimmigrant status.

(vii) In cases where the qualifying family members were previously granted U nonimmigrant status and the derivative status expired upon reaching 21 years of age, the derivative petitioner may file for an extension of status. Upon approval of the extension, the derivative will be granted status that dates back to his or her 21st birthday when the

⁸ *Id*

⁹ 8 CFR 274a.12(a)(20)

¹⁰ INA section 214(p)(6)

¹¹ 8 CFR 274a.12(c)(9)

initial grant expired, and will be granted any remaining time of the four-year statutory period for U nonimmigrant status.

If this time period totals more than the statutory period of four years of U nonimmigrant status, the qualifying family member will be given an additional extension period of up to one year of U nonimmigrant status from the date of the approval of the extension of status to allow for sufficient time to apply for adjustment of status to a lawful permanent resident.

- ☞ 2. The AFM Transmittal Memorandum table is revised by adding, in numerical order, the following entry:

AD11-41 10/24/2012	Chapter 39.1(f)(4)(v)-(viii)	Provides guidance on providing age-out protection for derivative petitioners for U nonimmigrant status, including those petitioners who aged-out while the derivative petition was pending or whose U nonimmigrant status expired upon turning 21 years of age.
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Use

This PM is intended solely for the guidance of USCIS personnel in the performance of their official duties. It is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law or by any individual or other party in removal proceedings, in litigation with the United States, or in any other form or manner.

Contact Information

Questions or suggestions regarding this PM should be addressed through appropriate channels to the Office of Policy and Strategy or the Service Center Operations Directorate.



May 13, 2016

PM-602-0133

Policy Memorandum

SUBJECT: *Matter of L-S-M-*, Adopted Decision 2016-03 (AAO Feb. 23, 2016)

Purpose

This policy memorandum (PM) designates the attached decision of the Administrative Appeals Office (AAO) in *Matter of L-S-M-* as an Adopted Decision. Accordingly, this adopted decision establishes policy guidance that applies to and binds all U.S. Citizenship and Immigration Services (USCIS) employees. USCIS personnel are directed to follow the reasoning in this decision in similar cases.

Matter of L-S-M- clarifies that the exception to the civil penalties for failure to comply with an order of voluntary departure, available for certain victims of domestic violence or related abuse, does not extend to U-1 nonimmigrant victims of qualifying criminal activity. See sections 240B(d)(1)-(2) of the Immigration and Nationality Act. That said, the civil penalties only apply if an alien's failure to timely depart was voluntary. *Matter of Zmijewska*, 24 I&N Dec. 87 (BIA 2007), followed.

Use

This PM is intended solely for the guidance of USCIS personnel in the performance of their official duties. It is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law or by any individual or other party in removal proceedings, in litigation with the United States, or in any other form or manner.

Contact Information

Questions or suggestions regarding this PM should be addressed through appropriate directorate channels to the AAO.



U.S. Citizenship
and Immigration
Services

ADOPTED DECISION

MATTER OF L-S-M-

ADMINISTRATIVE APPEALS OFFICE
U.S. CITIZENSHIP AND IMMIGRATION SERVICES
DEPARTMENT OF HOMELAND SECURITY

February 23, 2016^[1]

- (1) The exception under section 240B(d)(2) of the Immigration and Nationality Act to the civil penalties for failure to comply with an order of voluntary departure, available for certain victims of domestic violence or related abuse, does not extend to U-1 nonimmigrant victims of qualifying criminal activity.
- (2) The civil penalties under section 240B(d)(1) of the Immigration and Nationality Act apply only to aliens who voluntarily fail to comply with an order of voluntary departure. *Matter of Zmijewska*, 24 I&N Dec. 87 (BIA 2007), followed.

FOR THE APPLICANT: John L. Minnella, Esquire, Santa Ana, California

The Applicant seeks to become a lawful permanent resident based on her U-1 nonimmigrant status. *See* Immigration and Nationality Act (the Act) section 245(m), 8 U.S.C. § 1255(m). The Director, Vermont Service Center, initially denied the application. The matter is now before us on certification. Upon *de novo* review, we will withdraw the initial decision and remand the matter to the Director for further proceedings consistent with this decision and for the entry of a new decision.

I. PERTINENT FACTS AND PROCEDURAL HISTORY

The Applicant is a native and citizen of Mexico who was placed into removal proceedings under section 240 of the Act, 8 U.S.C. § 1229a, for having entered the United States without inspection. At the conclusion of those proceedings, the immigration judge granted her the privilege of voluntary departure until March 12, 2007, as authorized under section 240B of the Act, 8 U.S.C. § 1229c, with an alternate order of removal to Mexico should she fail to depart as required. The Applicant reserved her right to appeal and her attorney indicated that she would advise the Applicant of the

¹ On May 13, 2016, U.S. Citizenship and Immigration Services designated this Administrative Appeals Office (AAO) decision as an Adopted Decision. The original AAO decision is *Matter of L-S-M-*, ID# 14367 (AAO Feb. 23, 2016).

consequences of failing to voluntarily depart the United States as required, including the penalties described at section 240B(d)(1) of the Act, which include a 10-year bar from eligibility for adjustment of status under section 245 of the Act, 8 U.S.C. § 1255.

The Applicant properly filed an appeal with the Board of Immigration Appeals (the Board), which the Board dismissed. In its decision, the Board extended the Applicant's voluntary departure period until October 14, 2008, and also included written notice of the penalties for failure to depart under section 240B(d)(1) of the Act.

The Applicant, however, did not depart the United States as required in the time specified, and has remained in the United States without interruption. The Applicant subsequently filed a Form I-918, Petition for U Nonimmigrant Status, in February 2009, seeking U-1 nonimmigrant status as a victim of qualifying criminal activity.² The Applicant's request was granted and, in April 2013, she applied for adjustment of status by filing a Form I-485, Application to Register Permanent Residence or Adjust Status, based on her U-1 nonimmigrant status.

The Director denied the Applicant's Form I-485, determining that, pursuant to section 240B(d)(1) of the Act, the Applicant is ineligible for lawful permanent resident status until October 14, 2018 (10 years from the final date of her voluntary departure), because she failed to timely depart the United States as required.

The Director has certified the matter to us as a novel legal issue because the civil penalties at section 240B(d)(1) of the Act pre-date the codification of the adjustment of status provisions for U nonimmigrants found at subsection 245(m) of the Act, raising the question of whether they should apply in light of the later provisions. The Director notified the Applicant of the certification and provided 30 days to submit a written brief or other written statement, but we received no brief or further evidence from the Applicant. 8 C.F.R. § 103.4(a)(2).

II. APPLICABLE LAW

A. Statute

1. Adjustment of Status for U Nonimmigrants

Section 245 of the Act provides generally for the adjustment of status of nonimmigrants to lawful permanent residents. The requirements for U nonimmigrants are included specifically at subsection 245(m) of the Act. U.S. Citizenship and Immigration Services (USCIS) has exclusive jurisdiction over a Form I-485 filed pursuant to this subsection. 8 C.F.R. § 245.24(k).

2. Civil Penalties for Failure to Voluntarily Depart

² "U-1" classification affords nonimmigrant status to victims of certain crimes who assist authorities investigating or prosecuting the criminal activity. Section 101(a)(15)(U) of the Act, 8 U.S.C. § 1101(a)(15)(U).

Individuals in removal proceedings who are granted voluntary departure in lieu of an order of removal are subject to certain penalties if they fail to timely depart the United States. These penalties, which include a 10-year period of ineligibility for relief under section 245 of the Act, are outlined at section 240B of the Act. This section states, in pertinent part, as follows:

(d) Civil Penalty for Failure To Depart

(1) IN GENERAL- Subject to paragraph (2), if an alien is permitted to depart voluntarily under this section and voluntarily fails to depart the United States within the time period specified, the alien--

(A) shall be subject to a civil penalty of not less than \$1,000 and not more than \$5,000; and

(B) shall be ineligible, for a period of 10 years, to receive any further relief under this section and sections 240A, 245, 248, and 249.

(2) APPLICATION OF VAWA PROTECTIONS³- The restrictions on relief under paragraph (1) shall not apply to relief under section 240A or 245 on the basis of a petition filed by a VAWA *self-petitioner*,⁴ or a petition filed under section 240A(b)(2), or under section 244(a)(3) (as in effect prior to March 31, 1997), if the extreme cruelty or battery was at least one central reason for the alien's overstaying the grant of voluntary departure.

(3) NOTICE OF PENALTIES- The order permitting an alien to depart voluntarily shall inform the alien of the penalties under this subsection.

Section 240B(d) of the Act, 8 U.S.C. § 1229c(d) (emphasis added). The civil penalties under section 240B(d) of the Act were initially created in the Immigration and Nationality Act of 1990 (IMMACT 90), Pub. L. No. 101-649, 104 Stat. 4978 (1990), and contained an exception for "exceptional circumstances" for the alien's failure to timely depart voluntarily.⁵ These civil penalties were substantially modified through passage of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), Div. C of Pub. L. No. 104-208, § 304(a)(3), 110 Stat. 3009 (1996), which eliminated the earlier "exceptional circumstances" exception.

³ The acronym "VAWA" means "The Violence Against Women Act," which allows an abused spouse, child or parent of a U.S. citizen, or an abused spouse or child of a lawful permanent resident, to self-petition for immigrant classification rather than remain with or rely upon the abuser to secure that benefit. See section 204(a)(1)(A)-(B) of the Act, 8 U.S.C. § 1154(a)(1)(A)-(B).

⁴ The term "VAWA self-petitioner" has a specific meaning when used throughout the Act, and is not limited to only persons seeking immigrant classification as abused spouses, children or parents under section 204 of the Act. See section 101(a)(51) of the Act, 8 U.S.C. § 1101(a)(51).

⁵ Under IMMACT 90, the term "exceptional circumstances" was defined as "the serious illness of the alien or death of an immediate relative of the alien, but not including less compelling circumstances that were beyond the control of the alien." Section 242B(f)(2) of the Act, 8 U.S.C. § 1252b(f)(2), *repealed by* IIRIRA.

In 2005, nine years after the IIRIRA amendments, Congress revisited the voluntary departure statute by enacting a new exception to the civil penalties under section 240B(d) for certain victims of domestic violence or related abuse. Violence Against Women and Department of Justice Reauthorization Act of 2005 (VAWA 2005), Pub. L. No. 109-162, §§ 811-812, 119 Stat. 2960, 3057 (2006). These provisions are currently found in subsection (2) of section 240B(d) as set forth above.

B. Case Law

In *Matter of Zmijewska*, 24 I&N Dec. 87 (BIA 2007), the Board contrasted the term “exceptional circumstances” used in IMMACT 90 with the phrase “voluntarily fails to depart” that first appeared through the passage of IIRIRA. The Board’s discussion of the differences between these two concepts provides a framework for determining whether an individual’s failure to depart the United States was voluntary:

The term “voluntarily” ordinarily refers to conduct that is “brought about of one’s own accord or by free choice. . . .” Congress has used the phrase “voluntarily fails” in a number of provisions. . . . In each instance, the phrase “voluntarily fails” refers to a failure to complete an act or requirement within the actor’s control. . . . Under the terms of section 240B(d) of the Act, a respondent who, through no fault of her own, remains unaware of the grant of voluntary departure until after the period for voluntary departure has expired cannot be said to have “voluntarily” failed to depart within the period of voluntary departure.

We emphasize that the “voluntariness” exception is not a substitute for the repealed “exceptional circumstances” exception. It is a much narrower exception limited to situations in which an alien, through no fault of his or her own, is unaware of the voluntary departure order or is physically unable to depart. It would not include situations in which departure within the period granted would involve exceptional hardships to the alien or close family members. Nor would lack of funds for departure be considered an involuntary failure to depart.

24 I&N Dec. at 93-94.

III. ANALYSIS

The issues we must resolve are whether U nonimmigrants are also included under the VAWA exception at section 240B(d)(2) of the Act and, if not, whether the Applicant has demonstrated that she did not “voluntarily fail to depart” the United States by October 14, 2008.

The Director correctly notes that the civil penalties for not complying with the terms of a voluntary departure order first appeared in IMMACT 90 and thus pre-date the creation of the U crime victim adjustment provisions at subsection 245(m) of the Act. Congress created the U adjustment provisions a decade later in the Victims of Trafficking and Violence Protection Act of 2000

(VTVPA), Pub. L. No. 106-386, 114 Stat. 1464 (2000).⁶ In addition, the purpose of the U and VAWA provisions is similar, in that both offer immigration benefits for the victims of certain crimes and domestic abuse, respectively.

Although the U nonimmigrant classification did not exist in 1990 when the civil penalties were originally enacted, or in 1996 when the penalties were amended, the ability of U nonimmigrants to adjust status under subsection 245(m) of the Act had existed for more than five years by the time Congress passed VAWA 2005. Although Congress created an exception from the civil penalties under section 240B(d)(2) of the Act in this legislation for VAWA self-petitioners, it did not do so for U nonimmigrants. Moreover, Congress similarly did not do so later when it enacted the Violence Against Women Reauthorization Act of 2013 (VAWA 2013), Pub. L. No. 113-14, 127 Stat. 54 (2013), the most recent legislation with provisions impacting U nonimmigrants. These facts are significant because “[C]ongress is assumed to act with the knowledge of existing law and interpretations when it passes new legislation.” *White v. Mercury Marine, Div. of Brunswick, Inc.*, 129 F.3d 1428, 1434 (11th Cir. 1997) (citing *Merrill Lynch, Pierce, Fenner & Smith, Inc. v. Curran*, 456 U.S. 353, 382 (1982)).

We recognize that a central purpose in creating the U nonimmigrant classification was to protect crime victims in keeping with the humanitarian interests of the United States.⁷ In this regard, the U nonimmigrant category does serve a similar purpose to the VAWA provisions. Nevertheless, only three classes of individuals are specified at section 240B(d)(2) of the Act who may be protected from the civil penalties thereunder: VAWA self-petitioners; individuals who file petitions for special rule cancellation as battered spouses or children under section 240A(b)(2) of the Act, 8 U.S.C. § 1229b(b)(2); and individuals who filed for suspension of deportation as battered spouses under former section 244(a)(3) of the Act (pre-IIRIRA). Persons in valid U status are not enumerated under section 240B(d)(2) of the Act. In addition, the statutory authorities relating to U nonimmigrants at sections 101(a)(15)(U) and 214(p) of the Act are not included in the definition of “VAWA self-petitioner” at section 101(a)(51) of the Act. When Congress includes language in one part of a statute, but omits in others, it is presumed to do so purposefully. *Russello v. United States*, 464 U.S. 16, 23 (1983) (citing *United States v. Wong Kim Bo*, 472 F.2d 720, 722 (5th Cir. 1972)). The plain language of the statute excludes U nonimmigrants from the exception to the penalties listed at section 240B(d)(1) of the Act, and so we conclude that the Applicant cannot avail herself of its protections.⁸

Although the Applicant does not fall within the VAWA protections at section 240B(d)(2) of the Act, the civil penalties under that provision would not apply to her if she can demonstrate that she did not “voluntarily fail to depart” the United States prior to the final October 14, 2008, deadline that the Board imposed. *Matter of Zmijewska*, 24 I&N Dec. at 93-94.

⁶ The VTPVA included among its many provisions the Violence Against Women Act of 2000 (VAWA 2000), which created the U nonimmigrant visa category and the related adjustment of status provisions within the Battered Immigrant Women Protection Act (BIWPA). See VAWA 2000, Title V, BIWPA at § 1513.

⁷ H.R. Rep. No. 106-939, at 72 (2000).

⁸ We note that the Applicant also has not sought relief from removal as a battered spouse under section 240A(b)(2) of the Act or former section 244(a)(3) of the Act.

The record does not reflect that the Applicant has had an opportunity to demonstrate whether or not her failure to depart was voluntary under the framework discussed in *Zmijewska*. Accordingly, we will remand the matter to the Director to develop the record on this issue, such as through the issuance of a request for evidence, and thereafter to determine whether she is subject to the civil penalties at section 240B(d)(1) of the Act.

IV. CONCLUSION

The exception for the civil penalties for failure to voluntarily depart the United States in section 240B(d)(2) of the Act is available to certain victims of domestic violence under the Violence Against Women Act, or “VAWA self-petitioners,” as that term is defined under section 101(a)(51) of the Act. The exception does not apply to U nonimmigrant victims of specified criminal activity under section 101(a)(15)(U) of the Act. A U nonimmigrant who failed to depart the United States during the period of voluntary departure is barred from adjusting status under section 245 of the Act, 8 U.S.C. § 1255, for a period of 10 years, unless he or she can establish that the failure to depart was not voluntary. *Matter of Zmijewska*, 24 I&N Dec. at 93-94.

The Applicant bears the burden of establishing her eligibility for lawful permanent resident status under subsection 245(m) of the Act. Section 291 of the Act, 8 U.S.C. § 1361. The Director was correct in finding that the Applicant is subject to the civil penalties at section 240B(d)(1) of the Act, and therefore is ineligible to adjust her status under section 245(m). We withdraw the Director’s decision, however, so that the Director may provide the Applicant with an opportunity to submit evidence demonstrating the voluntary or involuntary nature of her failure to depart the United States during the prescribed period.

ORDER: The initial decision of the Director, Vermont Service Center, is withdrawn. The matter is remanded to the Director, Vermont Service Center, for further proceedings consistent with the foregoing opinion and for the entry of a new decision.

Cite as *Matter of L-S-M-*, Adopted Decision 2016-03 (AAO Feb. 23, 2016)

CONFIDENTIALITY AGREEMENT

- I. **Purpose.** The purpose of this Confidentiality Agreement is to protect the identity and privacy of our clients. Volunteers at the National Immigrant Justice Center (NIJC) encounter personal and sensitive information about clients. This is particularly true when assisting immigrant survivors of domestic violence, human trafficking, torture and persecution, and unaccompanied immigrant children. Therefore, it is very important to refrain from disclosing any information to third parties about our clients to avoid causing them harm.
- II. **Confidential Information.** Confidential client information should never be discussed in the presence of third parties, except under the Terms outlined below. Any files and/or documents containing confidential information should never be shared or released to third parties, except under the Terms outlined below. Confidential information includes, but is not limited to, the following:
1. Identifying information about the client, including name, address or phone number;
 2. Information relating to the client's family;
 3. Information regarding the client's immigration status;
 4. Information about the abuse, trauma, and/or persecution experienced by the client; or
 5. Any other information that would identify the client or potentially place the client and/or family members at risk.
- III. **Terms.** By signing this Confidentiality Agreement, you agree to the highest ethical standards and to abide by the following provisions:
1. All communications between NIJC staff, volunteers, and clients are confidential.
 2. The volunteer shall not disclose confidential information to a third party without the client's express consent to release such information.
 3. The volunteer shall not disclose confidential information to a third party without NIJC's knowledge and consent.
 4. I understand that as a volunteer, I have a duty to keep client information confidential throughout my term as a volunteer as well as after my volunteer status ends.
 5. I understand that my failure to abide by the terms of this Confidentiality Agreement may result in the termination of my participation as a volunteer at NIJC.

Name of client: _____

I, _____ (print name), have read the above NIJC Confidentiality Agreement and understand its terms and my responsibilities as a volunteer.

Signature of Volunteer

Signature of Supervisor

Date

AUTHORIZATION FOR RELEASE OF INFORMATION

I, _____, born on _____.
(Client's Name) (Date of Birth)

hereby authorize the National Immigrant Justice Center (NIJC) to disclose to and/or receive from third parties any relevant verbal and/or a written information regarding the following immigration matter:

I authorize this release for the duration of my legal proceedings before the Department of Homeland Security (DHS) or the Executive Office of Immigration Review (EOIR), with NIJC as my designated attorneys and representatives.

I understand that NIJC will notify me prior to providing or obtaining any information relating to my case to or from any individual or entity.

I further understand that I may revoke this authorization at any time.

Client (or parent/guardian if client is a minor): _____ Date: _____
(Signature)

Minor: _____ Date: _____
(Signature)

NIJC Staff: _____ Date: _____
(Signature)

**NATIONAL
IMMIGRANT
JUSTICE CENTER**
A HEARTLAND ALLIANCE PROGRAM

VIA FEDERAL EXPRESS

DATE

U.S. Citizenship & Immigration Services
Vermont Service Center
Attn: VAWA Unit
75 Lower Weldon St
St Albans, VT 05479

**RE: PETITION FOR U NONIMMIGRANT STATUS, Form I-918
CLIENT NAME (A NUMBER)**

Dear Officer:

Our office represents CLIENT in her Petition for U nonimmigrant status, Form I-918. CLIENT is eligible for a U visa as demonstrated below.

CLIENT meets all of the elements pursuant to INA §101(a)(15)(U) and is statutorily eligible for a U visa. CLIENT is a victim of a qualifying criminal activity designated in INA §101(a)(15)(U). She suffered severe physical and mental abuse throughout a three year relationship with her boyfriend, ABUSER. After being severely beaten on March 22, 2014, CLIENT filed a police report. ABUSER was subsequently charged with domestic battery pursuant to Illinois criminal statute 720 ILCS 5/12 - 3.2(A)(1) and simple battery pursuant to 720 ILCS 5/12-3.2(A)(1). CLIENT testified against ABUSER and he was convicted of domestic battery on May 27, 2014.

The burden is on the petitioner to establish eligibility through the submission of **any credible evidence relating to the petition**. 8 CFR §214.14(c)(4).

Client's supplemental documentation supports all requirements that U visa applicants must prove under the INA §101(a)(15)(U). Specifically, CLIENT is able to prove that (1) she suffered substantial physical or mental abuse as a result of having been a victim of qualifying criminal activity; (2) she possesses information concerning the qualifying criminal activity of which she was a victim; (3) a Federal, State or local government official investigating or prosecuting a qualifying criminal activity certifies (using **Supplement B** of this petition) that she has been, is being or is likely to be helpful to the official in the investigation or prosecution of the criminal act of which she is a victim; and (4) the criminal activity of which she is a victim violated the laws of the United States or occurred in the United States (including Indian country and military installations) or the territories and possessions of the United States. See INA 101(a)(15)(U); 8 CFR §214.14 *et.al*.

(1) Suffered substantial physical or mental abuse as a result of having been a victim of qualifying criminal activity

The regulations provide a list of factors to be considered for purposes of establishing whether a victim suffered substantial physical or mental abuse: the nature of the injury inflicted or suffered; the severity of the perpetrator's conduct; the severity of the harm suffered; the duration of the infliction

of harm; and the extent to which there is permanent or serious harm to the appearance, health, or physical or mental soundness of the victim. See 8 CFR §214.14(b)(1).

CLIENT suffered mental and physical abuse at the hands of ABUSER. CLIENT sustained physical injuries in the form of ...

(2) Possesses information concerning the qualifying criminal activity of which she was a victim

CLIENT contacted law enforcement and collaborated in the investigation and prosecution of the crime whereby ABUSER was convicted of domestic battery. CLIENT provided information regarding the criminal activity to law enforcement agencies to facilitate the investigation and prosecution of the qualifying criminal activity.

*(3) A Federal, State or local government official investigating or prosecuting a qualifying criminal activity certifies (using **Supplement B** of this petition) that she has been, is being or is likely to be helpful to the official in the investigation or prosecution of the criminal act of which she is a victim*

Included, please find Form I-918 Supplement B, as required by the regulations.

(4) The criminal activity of which she is a victim violated the laws of the United States or occurred in the United States (including Indian country and military installations) or the territories and possessions of the United States

CLIENT was the victim of criminal activity that occurred in and violated laws of the United States. ABUSER was charged with and convicted of domestic battery in the state of Illinois, pursuant to 720 ILCS 5/12 – 3.2(A)(1) and simple battery pursuant to 720 ILCS 5/12-3.2(A)(1).

An application for employment authorization for CLIENT is attached under eligibility category (c)(14) for Deferred Action. This is included so that CLIENT can receive work authorization if she is granted deferred action while her application for U nonimmigrant status is being adjudicated.

IF INADMISSIBLE:

CLIENT is inadmissible pursuant to _____, and is eligible for a waiver pursuant to INA §212(d)(3) and INA §212(d)(14). CLIENT can demonstrate that it is in the national or public interest for her waiver to be granted. Form I-192 is hereby included.

Please refer to the index of applications and documents in support of CLIENT's eligibility for U nonimmigrant status with a waiver of inadmissibility.

Thank you for your time and consideration of this important matter. Please do not hesitate to contact me at (XXX) XXX-XXXX if any further information is needed.

Sincerely,

Trisha K. Teofilo Olave
DOJ Accredited Representative

**INDEX OF FORMS AND DOCUMENTS IN SUPPORT OF U VISA
AND WAIVER OF INADMISSIBILITY
CLIENT NAME AND A#**

Forms:

- Form G-28, Notice of Entry of Appearance as Attorney
- Form I-912, Request for Fee Waiver (OR MONEY ORDER FOR FILING FEE(S))
 - Supporting documents for fee waiver request
- Form I-918, Petition for U Nonimmigrant Status
- ORIGINAL Form I-918 Supplement B, U Nonimmigrant Status Certification
- Form G-28, Notice of Entry of Appearance as Attorney
- Form I-192, Application for Advance Permission to Enter as a Nonimmigrant
- Form G-28, Notice of Entry of Appearance as Attorney
- Form I-765, Application for Employment Authorization, under category (c)(14)
 - 2 passport style photographs
- \$930.00 Money Order for Waiver of Inadmissibility (if fee waiver not included)

Supporting Documents:

Eligibility for U Nonimmigrant Status:

- A. Copy of CLIENT's birth certificate, with English translation
- B. Copy of birth certificates of CLIENT's derivative children
- C. Copy of CLIENT's current passport
- D. Copy of CLIENT's Form I-94
- E. Affidavit of CLIENT
- F. Police Incident Report for Domestic Battery Incident, dated March 22, 2014
- G. Police Incident Report for arrest of ABUSER for Domestic Battery on March 22, 2014, dated May 24, 2014
- H. Printout from Paul Pavlus, Assistant States Attorney, regarding arrest and conviction of ABUSER for domestic battery. Mr. Pavlus's handwritten note states that ABUSER is in violation of his sentence of conditional discharge
- I. Photographs of bruising on CLIENT from March 23, 2014 incident where ABUSER physically assaulted her
- J. Mt. Sinai Hospital Emergency Department Discharge Instructions indicating blunt head trauma
- K. Letter of support from CLIENT's counselor at Rape Victim Advocates

Eligibility for Waiver of Inadmissibility:

- See above, Affidavit of CLIENT, Ex. E.
- L. Copy of birth certificates of CLIENT's U.S. citizen children
- M. Medical records
- N. Hardship documents
- O. Letter of support from community-based organization



VIA FEDERAL EXPRESS

DATE

U.S. Citizenship & Immigration Services
Vermont Service Center
Attn: VAWA Unit
75 Lower Welden St
St Albans, VT 05479

RE: PETITION FOR U-3 DERIVATIVE STATUS
DERIVATIVE (DOB: 02/18/2005)
Principal Applicant: NAME; A#

Dear Officer:

Per the attached G-28, our office represents Ms. DERIVATIVE (DOB 02/18/2005) in her application for U-3 derivative status (form I-918 Supplement A). Ms. DERIVATIVE is the minor child of PRINCIPAL (A#). In November of 2017, PRINCIPAL filed forms I-918 and I-192 with the Vermont Service Center, in order to apply for U nonimmigrant status. Currently, PRINCIPAL's I-918 petition, and her I-192 application are pending with USCIS. Because Ms. DERIVATIVE is the minor child (under 21) of U visa applicant PRINCIPAL, Ms. DERIVATIVE is eligible to petition for U-3 derivative status under INA §101(a)(15)(U)(ii).

Ms. DERIVATIVE is inadmissible pursuant to INA § 212(a)(6)(A)(i), and is eligible for a waiver pursuant to INA §212(d)(3) and INA §212(d)(14). Ms. DERIVATIVE can demonstrate that it is in the national or public interest for her waiver to be granted. Form I-192 is hereby included. Ms. DERIVATIVE is also requesting a waiver of INA §212(a)(7)(B)(i), and of 8 C.F.R. §212.1, the requirement that she have a valid passport. Ms. DERIVATIVE has been unable to obtain a passport from the Mexican consulate in Chicago, because the consulate requires that minor children obtain the signatures of both of their parents in order to receive a passport. Ms. DERIVATIVE and her mother, PRINCIPAL, are no longer in contact with Ms. DERIVATIVE's father, because of FATHER's abusive behavior. Therefore, Ms. DERIVATIVE is not able to obtain her father's signature for the purposes of obtaining a Mexican passport.

An application for employment authorization for Ms. DERIVATIVE is attached under eligibility category (c)(14) for Deferred Action. This is included so that Ms. DERIVATIVE can receive work authorization if she is granted deferred action while her application for U nonimmigrant status is being adjudicated.

Thank you for your time and consideration of this matter. Please do not hesitate to contact me at XXX-XXX-XXXX if any further information is needed.

Sincerely

Trisha K. Teofilo Olave
DOJ Accredited Representative

**INDEX OF FORMS AND DOCUMENTS IN SUPPORT OF U VISA
AND WAIVER OF INADMISSIBILITY
DERIVATIVE (DOB: 02/18/2005)**

Forms:

- Form G-28, Notice of Entry of Appearance as Attorney
- Form I-912, Request for Fee Waiver (OR MONEY ORDER FOR FILING FEE(S))
 - Supporting documents for fee waiver request
- Form I-918 Supplement A, Petition for Qualifying Family Member of U-1 Recipient
- Form G-28, Notice of Entry of Appearance as Attorney
- Form I-192, Application for Advance Permission to Enter as a Nonimmigrant
- Form G-28, Notice of Entry of Appearance as Attorney
- Form I-765, Application for Employment Authorization, under category (a)(20)
 - 2 passport style photographs
- Form G-28, Notice of Entry of Appearance as Attorney
- Form I-765, Application for Employment Authorization, under category (c)(14)
 - 2 passport style photographs

Supporting Documents:

Eligibility for U Nonimmigrant Status:

- A. Copy of DERIVATIVE's birth certificate, with English translation
- B. Copy of birth certificate of PRINCIPAL, with English translation
- C. Copy of form I-918 Receipt Notice for PRINCIPAL (A#)
- D. Copy of form I-192 Receipt Notice for PRINCIPAL
- E. Copy of DERIVATIVE's current passport
- F. Copy of CLIENT's Form I-94

Eligibility for Waiver of Inadmissibility:

- G. Affidavit of CLIENT
- H. Copy of birth certificates of U.S. citizen siblings
- I. School records

NATIONAL IMMIGRANT JUSTICE CENTER

A HEARTLAND ALLIANCE PROGRAM

November 8, 2017

U.S. Citizenship & Immigration Services
Vermont Service Center
Attn: VAWA Unit
75 Lower Welden St
St Albans, VT 05479-0001

RE: Form I-912, REQUEST FOR FEE WAIVER

Form I-918, Petition for U Nonimmigrant Status
Form I-192, Application for Waiver
Form I-765, Application for Employment Authorization

Dear Officer:

Our office represents [REDACTED] in her Petition for U nonimmigrant status, Form I-918. [REDACTED] is eligible for a U visa as demonstrated below.

Ms. [REDACTED] meets all of the elements pursuant to INA § 101(a)(15)(U) and is statutorily eligible for a U visa. Ms. [REDACTED] is a victim of a qualifying criminal activity designated in INA § 101(a)(15)(U). She was the victim of an armed robbery at her workplace, 720 ILCS § 5/18-2. See Form I-918, Supplement B. Armed robbery qualifies as a felonious assault for the purposes of the U visa. The crime of armed robbery is itself a felony. 720 ILCS § 5/18-2. In Illinois, armed robbery with a firearm is a class X felony, which is the most severe classification of crime in the state of Illinois. *Id.* An offender commits armed robbery when he or she knowingly takes property from the person of another by the use of force or by threatening the imminent use of force, and he is armed with a firearm. 720 ILCS § 5/18-1, 2.

After being victim of the armed robbery on [REDACTED] 2017, Ms. [REDACTED] assisted in filing a police report and cooperating with law enforcement authorities from the [REDACTED] Police Department and the Federal Bureau of Investigation. The perpetrator, [REDACTED], was subsequently arrested because Ms. [REDACTED] assisted in the investigation of the crime.

The burden is on the petitioner to establish eligibility through the submission of any credible evidence relating to the petition. See 8 C.F.R. § 214.14(c)(4).

NATIONAL IMMIGRANT JUSTICE CENTER

A HEARTLAND ALLIANCE PROGRAM

Ms. _____'s supplemental documentation supports all requirements that a U visa applicant must prove under the INA § 101(a)(15)(U). Specifically, Ms. _____ is able to prove that (1) she suffered substantial physical or mental abuse as a result of having been a victim of qualifying criminal activity; (2) she possess information concerning the qualifying criminal activity of which she was a victim; (3) a Federal, State or local government official investigating or prosecuting a qualifying criminal activity certifies (using **Supplement B** of this petition) that she has been, is being or is likely to be helpful to the official in the investigation or prosecution of the criminal act of which she is a victim; and (4) the criminal activity of which she is a victim violated the laws of the United States or occurred in the United States (including Indian country and military installations) or the territories and possessions of the United States. *See* INA § 101(a)(15)(U); 8 C.F.R. § 214.14.

(1) Suffered substantial physical or mental abuse as a result of having been a victim of qualifying criminal activity

The regulations provide a list of factors to be considered for purposes of establishing whether a victim suffered substantial physical or mental abuse: the nature of the injury inflicted or suffered; the severity of the perpetrator's conduct; the severity of the harm suffered; the duration of the infliction of harm; and the extent to which there is permanent or serious harm to the appearance, health, or physical or mental soundness of the victim. *See* 8 C.F.R. § 214.14(b)(1).

Ms. _____ suffered mental and physical abuse at the hands of the perpetrator. Ms. _____ sustained physical and mental injuries, including but not limited to anxiety, post-traumatic stress, and insomnia.

(2) Possesses information concerning the qualifying criminal activity of which she was a victim

Ms. _____ contacted law enforcement and collaborated in the investigation and prosecution of the crime whereby the perpetrator was arrested for armed robbery. Ms. _____ provided information regarding the criminal activity to law enforcement agencies to facilitate the investigation and prosecution of the qualifying criminal activity.

*(3) A Federal, State or local government official investigating or prosecuting a qualifying criminal activity certifies (using **Supplement B** of this petition) that she has been, is being or is likely to be helpful to the official in the investigation or prosecution of the criminal act of which she is a victim*

Included, please find Form I-918 Supplement B signed by the _____ Police Department on _____, 2017, as required by the regulations.

NATIONAL IMMIGRANT JUSTICE CENTER

A HEARTLAND ALLIANCE PROGRAM

(4) The criminal activity of which she is a victim violated the laws of the United States or occurred in the United States (including Indian country and military installations) or the territories and possessions of the United States

Ms. _____ was the victim of criminal activity that occurred and violated laws of the United States. The perpetrator was arrested and charged with armed robbery in the state of Illinois, pursuant to 720 ILCS 5/18-2.

An application for employment authorization for Ms. _____ is attached under eligibility category (c)(14) for Deferred Action. This is included so that Ms. _____ can receive work authorization if she is granted deferred action while her application for U nonimmigrant status is being adjudicated.

Ms. _____ is inadmissible pursuant to INA § 212(a)(7)(A)(i)(I) because she presented herself for admission at the United States border without proper documentation and INA § 212(a)(6)(E)(i) because she brought her children with her and presented them for admission at the United States border without proper documentation. Ms. _____ is eligible for a waiver pursuant to INA §§ 212(d)(3) and 212(d)(14). Ms. _____ can demonstrate that it is in the national or public interest for her waiver to be granted. Form I-192 is hereby included.

Please refer to the index of applications and documents in support of Ms. _____'s eligibility for U nonimmigrant status with a waiver of inadmissibility.

Thank you for your time and consideration of this important matter. Please do not hesitate to contact me at (312) 660-1304 if any further information is needed.

Sincerely,



Trisha K. Teofilo Olave
DOJ Accredited Representative

INDEX OF FORMS AND DOCUMENTS IN SUPPORT OF U VISA AND WAIVER OF INADMISSIBILITY

Forms:

- Form G-28, Notice of Entry of Appearance
- Form I-918, Petition for U Nonimmigrant Status
- Form I-918, Supplement B, U Nonimmigrant Status Certification with original signature
- Form I-912, Request for Fee Waiver
 - Benefits statement from Illinois Department of Human Services, awarding medical benefits
- Form G-28, Notice of Entry of Appearance
- Form I-192, Request for Waiver of Inadmissibility
- Form G-28, Notice of Entry of Appearance
- Form I-765, Application for Employment Authorization, based on category (c)(14)
 - Two immigration-style photographs

Supporting Documents:

Eligibility for U Nonimmigrant Status:

- A. Affidavit of Ms. _____ in support of petition for U nonimmigrant status and waiver of inadmissibility
- B. Copy of birth certificate for _____, with English translation
- C. Copy of marriage certificate for Ms. _____, with English translation
- D. Copy of biographic information page from Ms. _____ current passport
- E. Copy of I-94 card that was issued to Ms. _____, when she was paroled into the United States on _____, 2014
- F. Copy of _____ Police Department incident report from _____
- G. Copy of _____ Police Department incident report suspect list and incident report related property list
- H. Copy of _____ Police Department case supplement report from _____ 2017
- I. Copy of letter from Ms. _____ doctor, _____
- J. Copy of medical records for Mr. _____

Eligibility for Waiver of Inadmissibility:

See above Affidavit of Client at Exh. A

- K. Copy of _____ birth certificate with English translation for son, _____, born on _____, 2000
- L. Copy of _____ birth certificate with English translation for son, _____, born on _____, 2000
- M. Employment letter from Ms. _____'s employer, _____
- N. Letter of support from _____
 - i. Copy of U.S. Certificate of Naturalization of _____
- O. Letter of support from _____
 - i. Copy of U.S. Passport of _____

- P. Letter of support from _____
 - i. Copy of U.S. Permanent Resident card of _____
- Q. Letter of support from _____
 - i. Copy of U.S. Passport of _____
- R. Letter of support from _____
 - i. Copy of U.S. Permanent Resident card of _____
- S. Letter of support from _____
- T. Letter of support from Ms. _____ landlord, _____

Proof that applicant is in removal proceedings:

- U. Copy of Notice to Appear, dated _____, 2014
- V. Copy of Notice of Hearing, dated _____, 2016

Part 2. Notice of Appearance as Attorney or Accredited Representative (continued)

Information About Applicant, Petitioner, Requestor, or Respondent (continued)

7. USCIS ELIS Account Number (if any)

▶

8. Alien Registration Number (A-Number) or Receipt Number

9. Daytime Telephone Number

10. Mobile Telephone Number (if any)

11. E-Mail Address (if any)

Mailing Address of Applicant, Petitioner, Requestor, or Respondent

NOTE: Provide the mailing address of the applicant, petitioner, requestor, or respondent. Do not provide the business mailing address of the attorney or accredited representative unless it serves as the safe mailing address on the application, petition, or request being filed with this Form G-28.

12.a. Street Number and Name

12.b. Apt. ☒ Ste. ☐ Flr. ☐

12.c. City or Town

12.d. State 12.e. ZIP Code

12.f. Province

12.g. Postal Code

12.h. Country

Part 3. 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 additional space, use Part 6.)

Licensing Authority

1.b. Bar Number (if applicable)

1.c. Name of Law Firm

1.d. I (choose one) ☐ am not ☐ am

subject to any order of any court or administrative agency disbaring, suspending, enjoining, restraining, or otherwise restricting me in the practice of law. If you are subject to any orders, explain in the space below. (If you need additional space, use Part 6.)

2.a. ☒ I am an accredited representative of the following qualified nonprofit religious, charitable, social service, or similar organization established in the United States, so recognized by the Department of Justice, Board of Immigration Appeals, in accordance with 8 CFR 292.2. Provide the name of the organization and the expiration date of accreditation.

2.b. Name of Recognized Organization

2.c. Date accreditation expires

(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 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)(iv).

Part 4. Applicant, Petitioner, Requestor, or Respondent Consent to Representation, Contact Information, and Signature

1. I have requested the representation of and consented to being represented by the attorney or accredited representative named in **Part I.** of this form. According to the Privacy Act of 1974 and DHS policy, I also consent to the disclosure to the named attorney or accredited representative of any record pertaining to me that appears in any system of records of USCIS, ICE or CBP.

DHS will also send the Form I-94, Arrival Departure Record, to you **unless** you select **Item Number 2.a.** in **Part 4.** All secure identity documents and Travel Documents will be sent to you (the applicant, petitioner, requestor, or respondent) at your U.S. mailing address **unless** you ask us to send your secure identity documents to your attorney of record or accredited representative.

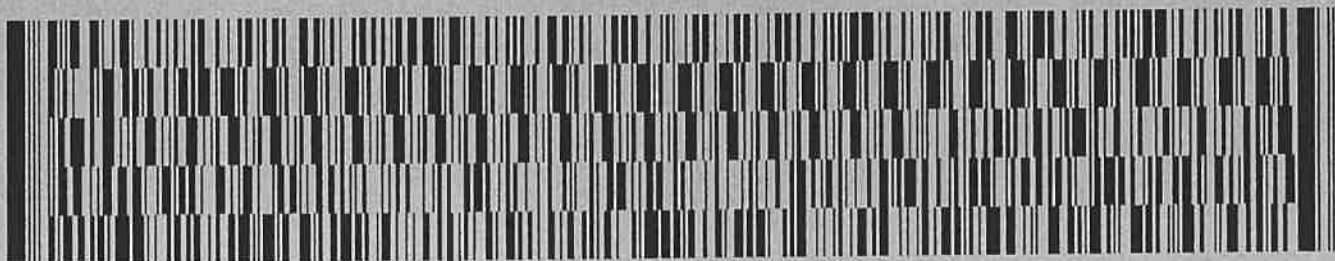
2.a ☐ I request DHS send any notice (including Form I-94) on an application, petition, or request to the U.S. business address of my attorney of record or accredited representative as listed in this form. I understand that I may change this election at any future date through written notice to DHS.

3.a. Signature of Applicant, Petitioner, Requestor, or Respondent

Part 5. Signature of Attorney or Accredited Representative

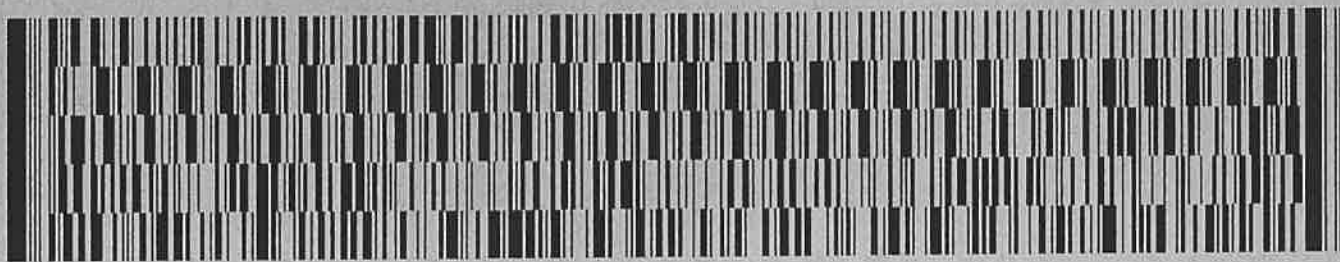
1. Signature of Attorney or Accredited Representative

3. Date of Signature (mm/dd/yyyy) ▶ 10/11/2017



Part 6. Additional Information

Use the space provided below to provide additional information pertaining to **Part 3., Item Numbers 1.a. - 1.d.** or to provide your U.S. business address for purposes of receiving secure identity documents for your client (if your client has consented to your receipt of such documents under **Part 4.**)





Petition for U Nonimmigrant Status

Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form I-918

OMB No. 1615-0104
Expires 02/28/2019

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)	

To be completed by an attorney or accredited representative (if any).	<input type="checkbox"/> Select this box if Form G-28 is attached.	Attorney State Bar Number (if applicable) <div></div>	Attorney or Accredited Representative USCIS Online Account Number (if any) <div></div>
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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)

1.b. Given Name (First Name)

1.c. Middle Name

Other Names Used (Include maiden name, nicknames, and aliases, if applicable)

2.a. Family Name (Last Name)

2.b. Given Name (First Name)

2.c. Middle Name

Home Address

3.a. Street Number and Name

3.b. ☒ Apt. ☐ Ste. ☐ Flr.

3.c. City or Town

3.d. State

IL

 3.e. ZIP Code

3.f. Province

3.g. Postal Code

3.h. Country

USA

Safe Mailing Address (if other than Home Address)

4.a. In Care Of Name

4.b. Street Number and Name

4.c. ☐ Apt. ☐ Ste. ☐ Flr.

4.d. City or Town

4.e. State 4.f. ZIP Code

4.g. Province

4.h. Postal Code

4.i. Country

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. Gender ☐ 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.

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?

- 2.b. Date of arrest, citation, detention, or charge (mm/dd/yyyy)

Where were you 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 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)	
1.b.	Given Name (First Name)	
1.c.	Middle Name	
2.	Date of Birth (mm/dd/yyyy)	
3.	Country of Birth	
4.	Relationship	spouse
5.	Current Location	
6.a.	Family Name (Last Name)	
6.b.	Given Name (First Name)	
6.c.	Middle Name	
7.	Date of Birth (mm/dd/yyyy)	
8.	Country of Birth	
9.	Relationship	son
10.	Current Location	USA
11.a.	Family Name (Last Name)	
11.b.	Given Name (First Name)	
11.c.	Middle Name	
12.	Date of Birth (mm/dd/yyyy)	
13.	Country of Birth	
14.	Relationship	son
15.	Current Location	USA

16.a.	Family Name (Last Name)	
16.b.	Given Name (First Name)	
16.c.	Middle Name	
17.	Date of Birth (mm/dd/yyyy)	
18.	Country of Birth	
19.	Relationship	
20.	Current Location	
21.a.	Family Name (Last Name)	
21.b.	Given Name (First Name)	
21.c.	Middle Name	
22.	Date of Birth (mm/dd/yyyy)	
23.	Country of Birth	
24.	Relationship	
25.	Current Location	

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

Spanish

,
a language in which I am fluent, and I understood everything.
2. ☐ At my request, the preparer named in **Part 7.**,
,
prepared this petition for me based only upon information I provided or authorized.

Petitioner's Contact Information

3. Petitioner's Daytime Telephone Number
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)

TEOFILO OLAVE
- 1.b. Interpreter's Given Name (First Name)

Trisha
2. Interpreter's Business or Organization Name (if any)

National Immigrant Justice Ctr

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)

10/11/2017

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.

3.d.

4.a. Page Number 4.b. Part Number 4.c. Item Number

4.d. I was issued a Notice to Appear and placed in removal proceedings on [REDACTED]. I am currently in removal proceedings. My next master calendar hearing is scheduled for 2018 in [REDACTED]

5.a. Page Number 5.b. Part Number 5.c. Item Number

6	3	17
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5.d. I was issued a Notice to Appear and placed in removal proceedings on .

I am currently in removal proceedings. My next master calendar hearing is scheduled for 2018 in ' .

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

7.d.

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 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 checked="" 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.

720 ILCS 5.0/18-2 ARMED ROBBERY

- 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?

- 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.

APPLICANT WAS THE VICTIM IN AN ARMED ROBBERY AT HER PLACE OF EMPLOYMENT

7. Provide a description of any known or documented injury to the victim. Attach copies of all relevant reports and findings.

NO KNOWN INJURIES

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.**

VICTIM WITNESSED CRIME AND WAS HELPFUL
WHEN INITIAL INVESTIGATION WAS
CONDUCTED BY POLICE
DEPARTMENT. THE INVESTIGATION WAS
SUBSEQUENTLY TURNED OVER TO THE FBI,
WHO WOULD COORDINATE WITH THE VICTIM
TO PERSUE THE CASE.

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)
- 2.b. Given Name (First Name)
- 2.c. Middle Name
- 2.d. Relationship
- 2.e. Involvement
-
- 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

POLICE DEPARTMENT

Petitioner's Name

2.a. Family Name
(Last Name)

2.b. Given Name
(First Name)

2.c. Middle Name

3. A-Number (if any)

► A-

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.



Request for Fee Waiver
Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form I-912
OMB No. 1615-0116
Expires 05/31/2015

► Before you fill out this form, please read the instructions.

Section 1. Information About You *(Provide information about yourself. If you are applying for a minor child, provide information about the minor child.)*

Line 1. a. Family Name (Last Name)

Line 1. b. Given Name (First Name)

Line 1. c. Middle Initial

Line 2. Alien Registration Number

► A-

Line 3. Date of Birth

(mm/dd/yyyy) ►

Line 4. Marital Status ☐ Never Married ☐ Divorced ☐ Marriage Annulled
☒ Married ☐ Widow(er) ☐ Legally Separated

Line 5. Applications and Petitions (Enter the form number(s) of the application(s) and/or petition(s) for which you are requesting a fee waiver.)

Biometrics services fees, where applicable, will be included in the fee waiver request.

I-192, I-765

FOR USCIS USE ONLY

Application Received At
(check only one box):

USCIS Field Office

☐ Fee Waiver Approved

Date: _____

☐ Fee Waiver Denied

Date: _____

USCIS Service Center

☐ Fee Waiver Approved

Date: _____

☐ Fee Waiver Denied

Date: _____

Section 2. Additional Information for Dependent(s)

Line 6. Complete the Table below if applicable. (If you need more space, attach a separate sheet of paper.)

Name (First, MI, Last)	A-Number (If applicable)	Is Individual Included in Fee Waiver Request?	Date of Birth (mm/dd/yyyy)	Relationship to You
		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		son
		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		son
	A-	<input type="checkbox"/> Yes <input type="checkbox"/> No		
	A-	<input type="checkbox"/> Yes <input type="checkbox"/> No		
	A-	<input type="checkbox"/> Yes <input type="checkbox"/> No		
	A-	<input type="checkbox"/> Yes <input type="checkbox"/> No		
	A-	<input type="checkbox"/> Yes <input type="checkbox"/> No		

Section 3. Basis for Your Request *(Check any that apply. For additional information, see the form instructions.)*

- Line 7. a.** ☒ I am or a relevant member of my household is currently receiving a means-tested benefit. *(Complete Sections 4 and 7.)*
- Line 7. b.** ☐ My household income is at or below 150% of the Federal Poverty Guidelines. *(Complete Sections 5 and 7.)*
- Line 7. c.** ☐ I have a financial hardship. *(Complete Sections 5, 6 and 7.)*

Section 4. Means-Tested Benefit

Line 8. Complete the Table Below *(If you need more space, attach a separate sheet of paper.)*

Name of Person Receiving the Benefit	Name of Agency Awarding Benefit	Date Benefit Was Awarded	Is This Benefit Being Received Now?
	IL Department of Human Services *	02/01/2017	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No

Section 5. Household Income *(Provide evidence of monthly income or other support.)*

Line 9. Other than you, how many others in your household depend on the stated income? ?

▶

(round to the nearest dollar)

Line 10. Average monthly wage income from household members

▶

Line 11. Enter other money received each month that is not included in **Line 14.**
(This could include spousal support, child support, unemployment, etc.)

▶

TOTAL (USCIS will compare this amount to Federal Poverty Guidelines)

▶

Section 6. Financial Hardship

Describe your particular situation. Be sure to include how this situation has caused you to incur costs (and what the costs were) or loss of income that you have experienced (and what that loss was). Complete this section in English; otherwise, provide an accompanying English translation. *(If you need more space, attach a separate sheet of paper.)*

If you are currently unemployed, you must complete Lines 13 and 14.

Line 13. Date that you became unemployed (mm/dd/yyyy) ►

Line 14. Amount of unemployment compensation (monthly) that you are receiving (enter dollars)

Line 15. List your assets and the value of your assets. (If you need more space, attach a separate sheet of paper.)

Type of Asset	Value (enter dollars)
TOTAL Value of Assets	

Section 6. Financial Hardship (Cont'd)

Line 16. List your average monthly costs, and provide evidence of monthly payments where possible. (If you need more space, attach a separate sheet of paper.)

Type of Cost	Value (Enter Dollars)	Type of Cost	Value (Enter Dollars)
Rent		Loan Payment	
Mortgage		Commuting Costs	
Food		Medical	
Utilities		School	
Child/Elder Care		Other Expenses	
Insurance		TOTAL Monthly Costs	

Section 7. Your Signature and Authorization

Do not sign your Form I-912 until it is complete and you are ready to file.


I take full responsibility for the accuracy of all the information provided, including all supporting documentation. I authorize the release of any information, including the release of my Federal tax returns, that USCIS needs to determine my eligibility.

Each person applying for a fee waiver request must sign Form I-912. This includes individuals identified in Sections 1 and 2 if 14 years of age or older. (If you need more space, attach a separate sheet of paper.)

Line 17. Your Signature  Date (mm/dd/yyyy) ▶ 10/26/2017

Printed Name 

Line 17.1. Additional Signature  Date (mm/dd/yyyy) ▶ 10/26/2017

Printed Name 

Line 17.2. Additional Signature  Date (mm/dd/yyyy) ▶ 10/26/2017

Printed Name 

Line 17.3. Additional Signature  Date (mm/dd/yyyy) ▶ 

Printed Name 

Line 17.4. Additional Signature  Date (mm/dd/yyyy) ▶ 

Printed Name 

Section 7. Your Signature and Authorization *(continued)*

Line 17.5. Additional Signature Date (mm/dd/yyyy) ▶

Printed Name

Line 17.6. Additional Signature Date (mm/dd/yyyy) ▶

Printed Name

Line 17.7. Additional Signature Date (mm/dd/yyyy) ▶

Printed Name

11/81



State of Illinois
Department of Human Services

SEQ: 45569

Notice of Decision on Application for Cash,
Medical and/or SNAP Benefits

Date of Notice	Cat.	L.O.	Group	Basic	Caseload Number
JULY 25, 2017	94	226	00	RB7572	

Local Office Address

226

THIS NOTICE TELLS YOU WHAT ASSISTANCE YOU WILL GET AND WHO WILL GET IT. THIS NOTICE ALSO TELLS YOU WHAT ASSISTANCE YOU WILL NOT GET AND WHY. THE NOTICE THEN TELLS YOU HOW YOU CAN APPEAL IF YOU DISAGREE WITH OUR DECISIONS.

LOCAL OFFICE TELEPHONE NUMBER: (708) 293-4700
FOR THE HEARING IMPAIRED WHO HAVE A
TELEPHONE DEVICE FOR THE DEAF (TTY), CALL: (866) 439-3715

REGARDING YOUR APPLICATION FOR ASSISTANCE FILED ON: 05/31/17

THE FOLLOWING PEOPLE WILL RECEIVE MEDICAL BENEFITS.

NAME	RECIPIENT NUMBER
------	---------------------

YOU AND/OR YOUR FAMILY ARE ELIGIBLE TO RECEIVE MEDICAL BENEFITS BEGINNING 02/01/17.

YOU WILL RECEIVE ONE MEDICAL CARD SEPARATELY FROM THIS NOTICE. THE MEDICAL CARD LISTS THE NAME(S) OF THE PERSON(S) APPROVED, THEIR DATE OF BIRTH AND THEIR ID NUMBER. PLEASE KEEP THE CARD. DO NOT THROW THE CARD AWAY. IF YOU STILL QUALIFY AT YOUR ANNUAL REVIEW, ANOTHER CARD WILL BE SENT TO YOU AT THAT TIME.

PLEASE KEEP THIS NOTICE TO SHOW THE DATE YOUR COVERAGE BEGINS. YOU WILL GET ANOTHER NOTICE IF YOUR COVERAGE ENDS.

HAVE ANY OF THE PEOPLE LISTED ABOVE GOTTEN MEDICAL CARE ON OR AFTER THE DATE SHOWN ABOVE WHEN THEIR MEDICAL BENEFITS BEGIN? IF THE ANSWER IS YES AND YOU HAVE MEDICAL BILLS FOR THE CARE THEY GOT, THE BILLS MAY QUALIFY FOR PAYMENT BY THE STATE. CONTACT THE DOCTOR, PHARMACY, HOSPITAL OR OTHER MEDICAL PROVIDER AND TELL THEM THE DATE COVERAGE BEGAN AND THE ID# LISTED ABOVE FOR THE PERSON. THE MEDICAL PROVIDER CAN CHECK TO FIND OUT IF THE DEPARTMENT WILL PAY THE MEDICAL BILLS FOR YOU.

NOTICE TO PROVIDERS: TO VERIFY ELIGIBILITY ON THE DATE OF SERVICE FOR THE PERSON(S) NAMED ABOVE, USE THE MEDI WEB SITE AT [HTTP://WWW.MYHFS.COM](http://www.MYHFS.COM) OR YOUR REV VENDOR OR HFS'S AUTOMATED VOICE RESPONSE SYSTEM (AVRS).

YOU HAVE CERTAIN RESPONSIBILITIES

YOU MUST TELL YOUR LOCAL OFFICE WITHIN 10 DAYS IF:

- YOU MOVE.
- ANYONE WHO GETS BENEFITS MOVES OUT OF ILLINOIS, DIES OR GOES TO JAIL OR PRISON.

THERE ARE OTHER CHANGES YOU CAN REPORT IF YOU WANT TO. IF YOU DECIDE TO TELL YOUR LOCAL OFFICE, YOUR CHILDREN MAY BE ABLE TO GET MEDICAL BENEFITS LONGER. THESE CHANGES ARE:

- YOUR FAMILY'S INCOME GOES DOWN.
- THE NUMBER OF FAMILY MEMBERS LIVING WITH YOU GOES UP.
- SOMEONE IN YOUR FAMILY LIVING WITH YOU GETS PREGNANT.

YOU CAN FIND THE ADDRESS AND PHONE NUMBER FOR YOUR LOCAL OFFICE ON THE FIRST PAGE OF THIS NOTICE.

CASH AND MEDICAL

If you were denied cash and/or medical aid, you have the right to meet with a local office worker to ask about the reason for denial. The meeting will be informal. Any added information you have should be presented at that time. You have the right to be represented at this meeting by any person(s) you choose. If you wish such a meeting, contact the local office named on the front of this form. You should do this right away. If you choose not to have an informal meeting, you still have a right to appeal this action.

SNAP

If Your SNAP Application Was Denied

You may apply for SNAP benefits again any time you think you may be eligible. If you don't agree with our decision to deny your application, you may ask for a fair hearing. You will not receive any SNAP benefits just because you ask for a fair hearing. You will have the chance to explain your disagreement to a local office worker and later to a hearing officer. If it is decided that you are right, you may be entitled to SNAP benefits from the date you applied.

If Your SNAP Application Was Approved

But you don't agree with the decision, you may ask for a fair hearing. You will then have the chance to explain your disagreement to a local office worker and later to a hearing officer.

YOU HAVE THE RIGHT TO APPEAL THIS DECISION

If you do not agree with this action, you have the right to appeal and be given a fair hearing. Such an appeal must be filed with the Department in writing or by calling (toll-free) 1-800-435-0774. You may represent yourself at this hearing or you may be represented by anyone else, such as a lawyer, relative or friend. Your local office will give you an appeal form and help you fill it out if you wish. If you are appealing the decision on your cash and/or medical aid decision you must do so within 60 days after the "Date of Notice." If you are appealing a decision about your SNAP application you must do so within 90 days after the "Date of Notice".

To apply for free legal help:

In Cook County (including the City of Chicago) -
Legal Assistance Foundation of Metropolitan Chicago - 312-341-1070.

In other counties in northern or central Illinois with area codes (309), (630), (815) or (847) - Prairie State Legal Services - 800-531-7057 (toll-free).

In other counties in central or southern Illinois with area codes (217) or (618) -
Land of Lincoln Legal Assistance Foundation - 877-342-7891 (toll-free).

Part 2. Notice of Appearance as Attorney or Accredited Representative (continued)

Information About Applicant, Petitioner, Requestor, or Respondent (continued)

7. USCIS ELIS Account Number (if any)

▶

8. Alien Registration Number (A-Number) or Receipt Number

9. Daytime Telephone Number

10. Mobile Telephone Number (if any)

11. E-Mail Address (if any)

Mailing Address of Applicant, Petitioner, Requestor, or Respondent

NOTE: Provide the mailing address of the applicant, petitioner, requestor, or respondent. Do not provide the business mailing address of the attorney or accredited representative unless it serves as the safe mailing address on the application, petition, or request being filed with this Form G-28.

12.a. Street Number and Name

12.b. Apt. ☒ Ste. ☐ Flr. ☐

12.c. City or Town

12.d. State 12.e. ZIP Code

12.f. Province

12.g. Postal Code

12.h. Country

Part 3. 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 additional space, use Part 6.)

Licensing Authority

1.b. Bar Number (if applicable)

1.c. Name of Law Firm

1.d. I (choose one) ☐ am not ☐ am

subject to any order of any court or administrative agency disbaring, suspending, enjoining, restraining, or otherwise restricting me in the practice of law. If you are subject to any orders, explain in the space below. (If you need additional space, use Part 6.)

2.a. ☒ I am an accredited representative of the following qualified nonprofit religious, charitable, social service, or similar organization established in the United States, so recognized by the Department of Justice, Board of Immigration Appeals, in accordance with 8 CFR 292.2. Provide the name of the organization and the expiration date of accreditation.

2.b. Name of Recognized Organization

2.c. Date accreditation expires

(mm/dd/yyyy) ▶



Part 3. Eligibility Information for Attorney or Accredited Representative (continued)

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 is at his or her request.

NOTE: If you select this item, also complete **Item Numbers 1.a. - 1.b. or Item Numbers 2.a. - 2.c. in Part 3.** (whichever is appropriate).

- 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)(iv).

- 4.b. Name of Law Student or Law Graduate

Part 4. Applicant, Petitioner, Requestor, or Respondent Consent to Representation, Contact Information, and Signature

Consent to Representation and Release of Information

1. 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 DHS policy, I also consent to the disclosure to the named attorney or accredited representative of any record pertaining to me that appears in any system of records of USCIS, ICE or CBP.

When you (the applicant, petitioner, requestor, or respondent) are represented, DHS will send notices to both you and your attorney or accredited representative either through mail or electronic delivery.

DHS will also send the Form I-94, Arrival Departure Record, to you **unless** you select **Item Number 2.a. in Part 4.** All secure identity documents and Travel Documents will be sent to you (the applicant, petitioner, requestor, or respondent) at your U.S. mailing address **unless** you ask us to send your secure identity documents to your attorney of record or accredited representative.

If you do not want to receive original notices or secure identity documents directly, but would rather have such notices and documents sent to your attorney of record or accredited representative, please select **all applicable** boxes below:

- 2.a. ☐ I request DHS send any notice (including Form I-94) on an application, petition, or request to the U.S. business address of my attorney of record or accredited representative as listed in this form. I understand that I may change this election at any future date through written notice to DHS.
- 2.b. ☐ I request that DHS send any secure identity document, such as a Permanent Resident Card, Employment Authorization Document, or Travel Document, that I am approved to receive and authorized to possess, to the U.S. business address of my attorney of record or accredited representative as listed in this form or to a designated military or diplomatic address for pickup in a foreign country (if permitted). I consent to having my secure identity document sent to my attorney of record or accredited representative's U.S. business address and understand that I may request, at any future date and through written notice to DHS, that DHS send any secure identity document to me directly.

- 3.a. Signature of Applicant, Petitioner, Requestor, or Respondent

→

- 3.b. Date of Signature (mm/dd/yyyy) ▶ 10/11/2017

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 the Department of Homeland Security. 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. Signature of Attorney or Accredited Representative

2. Signature of Law Student or Law Graduate

3. Date of Signature (mm/dd/yyyy) ▶ 10/11/2017



Use the space provided below to provide additional information pertaining to **Part 3., Item Numbers 1.a. - 1.d.** or to provide your U.S. business address for purposes of receiving secure identity documents for your client (if your client has consented to your receipt of such documents under **Part 4.**)





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 06/30/2018

For DHS Use Only	Received	Returned Trans. Out	Fee Stamp
	Trans. In	Completed	
	Action by the Department of Homeland Security		
	<input type="checkbox"/> Granted, subject to revocation at any time, upon the following terms and conditions:		Date of Action (mm/dd/yyyy) _____ DD or OIC _____ Office _____

To be completed by an attorney or accredited representative (if any).			
<input type="checkbox"/> Select this box if Form G-28 or Form G-28I is attached.	Volag Number <div></div>	Attorney State Bar Number (if applicable) <div></div>	Attorney or Accredited Representative USCIS ELIS Online 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 section 212(d)(3)(A)(ii), section 212(d)(13), or section 212(d)(14) of the Immigration and Nationality Act (INA).

I am seeking this permission so that I may obtain (Select **only one** box):

1. A. ☐ Admission as a nonimmigrant (other than as a T or U nonimmigrant)
B. ☒ Status as a victim of trafficking (T nonimmigrant status) or a victim of a crime (U nonimmigrant status)

Part 2. Information About You

1. Family Name (Last Name)	Given Name (First Name)	Middle Name
<div></div>	<div></div>	<div></div>
2. Alien Registration Number (A-Number) (if any)	3. USCIS Online Account Number (if any)	4. Date of Birth (mm/dd/yyyy)
► A- <div></div>	► <div></div>	<div></div>
5. Place of Birth		
City or Town	State or Province	Country
<div></div>	<div></div>	<div></div>
6. Country of Citizenship or Nationality	<div></div>	

Part 2. Information About You (continued)**7. Physical Address**

Street Number and Name	Apt. Ste. Flr.	Number
<input type="text"/>	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="text"/>
City or Town	State	ZIP Code
<input type="text"/>	IL	<input type="text"/>
Province	Postal Code	Country
<input type="text"/>	<input type="text"/>	USA

8. Provide the addresses where you have resided during the past five years, starting with the last place you lived prior to your current physical address listed under **Item Number 7**. If you need extra space to complete this section, use the space provided in **Part 7. Additional Information**.

A. Residence Number 1

Date of Residence From (mm/dd/yyyy)	<input type="text"/>	To (mm/dd/yyyy)	<input type="text"/>
Street Number and Name	Apt. Ste. Flr.	Number	
<input type="text"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="text"/>	
City or Town	State	ZIP Code	
<input type="text"/>	IL	<input type="text"/>	
Province	Postal Code	Country	
<input type="text"/>	<input type="text"/>	USA	

B. Residence Number 2

Date of Residence From (mm/dd/yyyy)	<input type="text"/>	To (mm/dd/yyyy)	<input type="text"/>
Street Number and Name	Apt. Ste. Flr.	Number	
<input type="text"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="text"/>	
City or Town	State	ZIP Code	
<input type="text"/>	IL	<input type="text"/>	
Province	Postal Code	Country	
<input type="text"/>	<input type="text"/>	USA	

C. Residence Number 3

Date of Residence From (mm/dd/yyyy)	<input type="text"/>	To (mm/dd/yyyy)	<input type="text"/>
Street Number and Name	Apt. Ste. Flr.	Number	
<input type="text"/>	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="text"/>	
City or Town	State	ZIP Code	
<input type="text"/>	<input type="text"/>	<input type="text"/>	
Province	Postal Code	Country	
<input type="text"/>	<input type="text"/>	USA	

Part 2. Information About You (continued)

D. Residence Number 4

Date of Residence From (mm/dd/yyyy)	
-------------------------------------	--

To (mm/dd/yyyy)

--

--

--

11/11/2019

--

Travel Information

9. Location at which you plan to enter the United States (desired Port-of-Entry)

CA _____

10. Name of Port-of-Entry

11. How do you plan to travel to the United States? (For example, by plane, ship, car)

Approximate Length of Stay in the United States

12. When do you plan to enter the United States?

13. Approximate Length of Stay in the United States

What is the purpose of your stay in the United States? Explain fully below.

14. What is the purpose of your stay in the United States? Explain fully below.

I want to apply for a U visa and support my family.

Immigration and Criminal History

15. Do you believe that you may be inadmissible to the United States? ☒ Yes ☐ No

If you answered "Yes," explain the reasons why you believe, according to the best of your knowledge, that you may be inadmissible in **Part 7. Additional Information**. If you were told that you are inadmissible, provide the reason you were given.

16. Have you previously filed an application for advance permission* to enter the United States as a nonimmigrant? ☐ Yes ☒ No

If you answered “Yes,” provide the details in **Items A. - C. in Item Number 17**. If you need extra space to complete this section, use the space provided in **Part 7. Additional Information**.

17. A. Date Application Filed (mm/dd/yyyy)

B. Location where you filed your application (For example, U.S. Citizenship and Immigration Services (USCIS) Office or Port-of-Entry)

City or Town _____

--

--

C. Receipt Number (if available) ▶

Part 2. Information About You (continued)

NOTE: If you are an applicant for T nonimmigrant status or a petitioner for U nonimmigrant status, you do not need to answer Item Numbers 18. - 21.

18. Have you **EVER** been in the United States for a period of six months or more? ☐ Yes ☐ No

If you answered "Yes," 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 7. Additional Information**.

19. 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 19**, provide the information in the space provided in **Part 7. Additional Information**.

NOTE: If you (or somebody else on your behalf) have filed multiple applications or petitions for immigration benefits with the U.S. Government, use the space provided in **Part 7**, to also provide the following information:

- A. Type of application or petition filed;
- B. Location where you (or the other person) filed the application or petition (for example, USCIS office or Port-of-Entry);
- C. Outcome of the application or petition (for example, approved, denied, or is pending)

20. 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 20**., provide the information in the space provided in **Part 7. Additional Information**.

21. 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? If you answered "Yes," describe the incidents in detail and include all offenses where impaired driving may have been an issue in the space provided in **Part 7. Additional Information**. ☐ Yes ☐ No

Part 3. Biographic Information

1. Ethnicity (Select **only one** box) ☒ Hispanic or Latino ☐ Not Hispanic or Latino

2. Race (Select **all applicable** boxes)

☐ White ☐ Asian ☐ Black or African American ☐ American Indian or Alaska Native ☐ Native Hawaiian or Other Pacific Islander

3. Height Feet Inches 4. Weight Pounds

5. Eye Color (Select **only one** box)

☐ Black ☐ Blue ☒ Brown ☐ Gray ☐ Green ☐ Hazel ☐ Maroon ☐ Pink ☐ Unknown/Other

6. Hair Color (Select **only one** box)

☐ Bald (No hair) ☒ Black ☐ Blond ☐ Brown ☐ Gray ☐ Red ☐ Sandy ☐ White ☐ Unknown/Other

Part 4. Applicant's Statement, Contact Information, Certification, and Signature

NOTE: Read the information on penalties in the **Penalties** section of the Form I-192 Instructions before completing this part.

NOTE: Select the box for either **Item A.** or **B.** in **Item Number 1.** If applicable, select the box for **Item Number 2.**

1. Applicant's Statement Regarding the Interpreter

- A. ☐ I can read and understand English, and have read and understand every question and instruction on this application and my answer to every question.
- B. ☒ The interpreter named in **Part 5.** 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. Applicant's Statement Regarding the Preparer

- ☐ At my request, the preparer named in **Part 6.**, , 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)

Applicant'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 I seek.

I further 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 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 reviewed and provided or authorized all of the information in my application;
- 2) I understood all of the information contained in, and submitted with, my application; and
- 3) All of this information was complete, true, and correct at the time of filing.

I certify, under penalty of perjury, that I provided or authorized all of the information in my application, I 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

6. Applicant's Signature



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 5. Interpreter's Contact Information, Certification, and Signature

Provide the following information about the interpreter.

Interpreter's Full Name

1. Interpreter's Family Name (Last Name)

TEOFILO OLAVE

Interpreter's Given Name (First Name)

Trisha

2. Interpreter's Business or Organization Name (if any)

National Immigrant Justice Ctr

Interpreter's Mailing Address

3. Street Number and Name

208 S LaSalle Street

Apt. Ste. Flr. Number

☐

☒

☐

1300

City or Town

Chicago

State

ZIP Code

IL

60604

Province

Postal Code

Country

USA

Interpreter's Contact Information

4. Interpreter's Daytime Telephone Number

3126601304

5. Interpreter's Mobile Telephone Number (if any)

6. Interpreter's Email Address (if any)

tteofilo@heartlandalliance.org

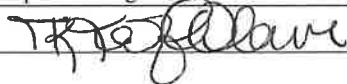
Interpreter's Certification

I certify, under penalty of perjury, that:

I am fluent in English and Spanish, which is the same language specified in Part 4., Item B. in Item Number 1., 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 Certification**, and has verified the accuracy of every answer.

Interpreter's Signature

7. Interpreter's Signature



Date of Signature (mm/dd/yyyy)

10/11/2017

Part 6. 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. Preparer's Family Name (Last Name) Preparer's Given Name (First Name)
2. Preparer's Business or Organization Name (if any)

Preparer's Mailing Address

3. Street Number and Name Apt. ☐ Ste. ☒ Flr. ☐ Number
- City or Town State ZIP Code
- Province Postal Code Country

Preparer's Contact Information

4. Preparer's Daytime Telephone Number 5. Preparer's Mobile 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 application on behalf of the applicant and with the applicant's consent.
- 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 whose representation extends beyond preparation of this application, you may be obliged to submit a completed Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, or G-28I, Notice of Entry of Appearance as Attorney In Matters Outside the Geographical Confines of the United States, 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 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. Preparer's Signature Date of Signature (mm/dd/yyyy)

Part 7. 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. Include your name and A-Number (if any) at the top of every 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

2. A-Number (if any) ▶ A-

3. A. Page Number B. Part Number C. Item Number

D. I believe I am inadmissible because I presented myself for admission at the U.S. border without proper documentation (INA 212(a)(7)(A)(i)(I)) and for bringing my children with me and presenting them for admission at the U.S. border without proper documentation (INA 212(a)(6)(E)(i)). Please waive these and any other grounds that USCIS deems apply to my case.

4. A. Page Number B. Part Number C. Item Number

D.

5. A. Page Number B. Part Number C. Item Number

D.

6. A. Page Number B. Part Number C. Item Number

D.



Notice of Entry of Appearance
as Attorney or Accredited Representative
Department of Homeland Security

DHS
Form G-28
OMB No. 1615-0105
Expires 03/31/2018

Part 1. Information About Attorney or Accredited Representative

1. USCIS ELIS Account Number (if any)

►

Name and Address of Attorney or Accredited Representative

2.a. Family Name (Last Name)

2.b. Given Name (First Name)

2.c. Middle Name

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

4. Daytime Telephone Number

5. Fax Number

6. E-Mail Address (if any)

7. Mobile Telephone Number (if any)

Part 2. Notice of Appearance as Attorney or Accredited Representative

This appearance relates to immigration matters before
(Select only one box):

1.a. ☒ USCIS

1.b. List the form numbers

2.a. ☐ ICE

2.b. List the specific matter in which appearance is entered

3.a. ☐ CBP

3.b. List the specific matter in which appearance is entered

I enter my appearance as attorney or accredited representative at the request of:

4. Select only one box:

☒ Applicant ☐ Petitioner ☐ Requestor

☐ Respondent (ICE, CBP)

Information About Applicant, Petitioner, Requestor, or Respondent

5.a. Family Name (Last Name)

5.b. Given Name (First Name)

5.c. Middle Name

6. Name of Company or Organization (if applicable)



Part 2. Notice of Appearance as Attorney or Accredited Representative (continued)

Information About Applicant, Petitioner, Requestor, or Respondent (continued)

7. USCIS ELIS Account Number (if any)

▶

8. Alien Registration Number (A-Number) or Receipt Number

9. Daytime Telephone Number

10. Mobile Telephone Number (if any)

11. E-Mail Address (if any)

Mailing Address of Applicant, Petitioner, Requestor, or Respondent

NOTE: Provide the mailing address of the applicant, petitioner, requestor, or respondent. Do not provide the business mailing address of the attorney or accredited representative unless it serves as the safe mailing address on the application, petition, or request being filed with this Form G-28.

12.a. Street Number and Name

12.b. Apt. ☒ Ste. ☐ Flr. ☐

12.c. City or Town

12.d. State

TL

12.e. ZIP Code

12.f. Province

12.g. Postal Code

12.h. Country

USA

Part 3. 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 additional space, use Part 6.)

Licensing Authority

1.b. Bar Number (if applicable)

1.c. Name of Law Firm

1.d. I (choose one) ☐ am not ☐ am

subject to any order of any court or administrative agency disbaring, suspending, enjoining, restraining, or otherwise restricting me in the practice of law. If you are subject to any orders, explain in the space below. (If you need additional space, use Part 6.)

2.a. ☒ I am an accredited representative of the following qualified nonprofit religious, charitable, social service, or similar organization established in the United States, so recognized by the Department of Justice, Board of Immigration Appeals, in accordance with 8 CFR 292.2. Provide the name of the organization and the expiration date of accreditation.

2.b. Name of Recognized Organization

National Immigrant Justice Ctr

2.c. Date accreditation expires

(mm/dd/yyyy) ▶ 11/03/2017

Part 3. Eligibility Information for Attorney or Accredited Representative (continued)

3. ☐ I am associated with
[redacted]
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 is at his or her request.

NOTE: If you select this item, also complete **Item Numbers 1.a. - 1.b. or Item Numbers 2.a. - 2.c. in Part 3. (whichever is appropriate).**

- 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)(iv).

4.b. Name of Law Student or Law Graduate

[redacted]

Part 4. Applicant, Petitioner, Requestor, or Respondent Consent to Representation, Contact Information, and Signature

Consent to Representation and Release of Information

1. 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 DHS policy, I also consent to the disclosure to the named attorney or accredited representative of any record pertaining to me that appears in any system of records of USCIS, ICE or CBP.

When you (the applicant, petitioner, requestor, or respondent) are represented, DHS will send notices to both you and your attorney or accredited representative either through mail or electronic delivery.

DHS will also send the Form I-94, Arrival Departure Record, to you **unless** you select **Item Number 2.a. in Part 4.** All secure identity documents and Travel Documents will be sent to you (the applicant, petitioner, requestor, or respondent) at your U.S. mailing address **unless** you ask us to send your secure identity documents to your attorney of record or accredited representative.

If you do not want to receive original notices or secure identity documents directly, but would rather have such notices and documents sent to your attorney of record or accredited representative, please select **all applicable** boxes below:

- 2.a. ☐ I request DHS send any notice (including Form I-94) on an application, petition, or request to the U.S. business address of my attorney of record or accredited representative as listed in this form. I understand that I may change this election at any future date through written notice to DHS.
- 2.b. ☐ I request that DHS send any secure identity document, such as a Permanent Resident Card, Employment Authorization Document, or Travel Document, that I am approved to receive and authorized to possess, to the U.S. business address of my attorney of record or accredited representative as listed in this form or to a designated military or diplomatic address for pickup in a foreign country (if permitted). I consent to having my secure identity document sent to my attorney of record or accredited representative's U.S. business address and understand that I may request, at any future date and through written notice to DHS, that DHS send any secure identity document to me directly.

- 3.a. Signature of Applicant, Petitioner, Requestor, or Respondent

→ [redacted]

- 3.b. Date of Signature (mm/dd/yyyy) ▶

[redacted]

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 the Department of Homeland Security. 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. Signature of Attorney or Accredited Representative

[Signature]

2. Signature of Law Student or Law Graduate

[redacted]

3. Date of Signature (mm/dd/yyyy) ▶

10/11/2017



Use the space provided below to provide additional information pertaining to **Part 3., Item Numbers 1.a. - 1.d.** or to provide your U.S. business address for purposes of receiving secure identity documents for your client (if your client has consented to your receipt of such documents under **Part 4.**)





Application For Employment Authorization

Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form I-765

OMB No. 1615-0040
Expires 02/28/2018

For USCIS Use Only	Fee Stamp	Action Block	Initial Receipt	Resubmitted
	<input type="checkbox"/> Application Approved <input type="checkbox"/> Authorization/Extension Valid From _____ <input type="checkbox"/> Authorization/Extension Valid To _____ Subject to the following conditions: _____		Relocated	
			Received	Sent
			Completed	
			<input type="checkbox"/> Application Denied - Failed to establish: <input type="checkbox"/> Eligibility under 8 CFR 274a.12 (a) or (c) <input type="checkbox"/> Economic necessity under 8 CFR 274a.12(c)(14), (18) and 8 CFR 214.2(f) <input type="checkbox"/> Applicant is filing under section 274a.12 _____	Approved
		A#		

► **START HERE - Type or print in black ink.**

I am applying for:

- ☒ Permission to accept employment.
- ☐ Replacement (of lost employment authorization document).
- ☐ Renewal of my permission to accept employment (attach a copy of your previous employment authorization document).

1. Full Name

Family Name First Name Middle Name

2. Other Names Used (include Maiden Name)

Family Name First Name Middle Name

3. U.S. Mailing Address

Street Number and Name Apt. Number

Town or City State ZIP Code
_____ IL _____

4. Country / Citizenship or Nationality

5. Place of Birth

Town or City State/Province Country

6. Date of Birth (mm/dd/yyyy)

7. Gender ☐ Male ☒ Female

8. Marital Status

☐ Single ☒ Married ☐ Divorced ☐ Widowed

9.a. Has the Social Security Administration (SSA) ever officially issued a Social Security card to you?

☐ Yes ☒ No

NOTE: If you answered "Yes" to Item Number 9.a., provide the information requested in Item Number 9.b.

9.b. Provide your Social Security number (SSN) (if known)

►

10. Do you want the SSA to issue you a Social Security card? (You must also answer "Yes" to Item Number 11., Consent for Disclosure, to receive a card.)

☒ Yes ☐ No

NOTE: If you answered "No" to Item Number 10., skip to Item Number 14. If you answered "Yes" to Item Number 10., you must also answer "Yes" to Item Number 11.

11. **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 10. - 11., provide the information requested in Item Numbers 12.a. - 13.b.

Father's Name

12.a. Family Name (Last Name)

12.b. Given Name (First Name)

Mother's Name (Provide your mother's birth name.)

13.a. Family Name (Last Name)

13.b. Given Name (First Name)

14. Alien Registration Number (A-Number) or Form I-94 Number (if any)

15. Have you ever before applied for employment authorization from USCIS?

☐ Yes (Complete the following questions.)

Which USCIS Office?	Dates
<input type="text"/>	<input type="text"/>
Results (Granted or Denied - attach all documentation)	
<input type="text"/>	

☒ No (Proceed to Item Number 16.)

16. Date of Your Last Arrival or Entry Into the U.S., On or About (mm/dd/yyyy)

17. Place of Your Last Arrival or Entry Into the U.S.

18. Status at Last Entry (B-2 Visitor, F-1 Student, No Lawful Status, etc.)

19. Current Immigration Status (Visitor, Student, etc.)

U visa applicant

20. Eligibility Category. Go to the Who May File Form I-765? section of the Instructions. In the space below, place the letter and number of the eligibility category you selected from the instructions. For example, (a)(8), (c)(17)(iii), etc.

(c) (14) ()

21. (c)(3)(C) Eligibility Category. If you entered the eligibility category (c)(3)(C) in Item Number 20. above, list your degree, your employer's name as listed in E-Verify, and your employer's E-Verify Company Identification Number or a valid E-Verify Client Company Identification Number in the space below.

Degree	Employer's Name as listed in E-Verify
<input type="text"/>	<input type="text"/>

Employer's E-Verify Company Identification Number or a Valid E-Verify Client Company Identification Number

22. (c)(26) Eligibility Category. If you entered the eligibility category (c)(26) in Item Number 20. above, please provide the receipt number of your H-1B principal spouse's most recent Form I-797 Notice of Approval for Form I-129.

23. (c)(35) and (c)(36) Eligibility Category

a. If you entered the eligibility category (c)(35) or (c)(36) in Item Number 20. above, please provide the receipt number of the Form I-140 beneficiary's Form I-797 Notice of Approval for Form I-140.

b. Have you EVER been arrested for and/or convicted of any crime? ☐ Yes ☒ No

NOTE: If you answered "Yes" to Item Number 23.b., refer to Item Number 5., Item H. or Item I. in the Who May File Form I-765 section of these Instructions for information about providing court dispositions.

Certification

I certify, under penalty of perjury, that the foregoing is true and correct. Furthermore, I authorize the release of any information that U.S. Citizenship and Immigration Services needs to determine eligibility for the benefit I am seeking. I have read the Who May File Form I-765 section of the Instructions and have identified the appropriate eligibility category in Item Number 20.

Applicant's Signature

Date of Signature (mm/dd/yyyy)

Telephone Number

7088023417

Signature of Person Preparing Form, If Other Than Applicant

I declare that this document was prepared by me at the request of the applicant and is based on all information of which I have any knowledge.

Preparer's Signature

Date of Signature (mm/dd/yyyy)

10/11/2017

Printed Name

Trisha K Teofilo Olave

Address

208 S LaSalle St Ste 1300 Chicago IL 60604

AFFIDAVIT OF

I, _____, hereby declare the following under penalty of perjury of law:

1. My name is(_____) and I was born in _____, _____ on _____.
2. I got married on _____ to _____, but we separated after four years of marriage because I was physically mistreated during the marriage.
3. I had two children with my husband: _____ was born on _____ in _____ and _____ was born on _____ in _____.
4. _____ was born with a physical problem (_____) and _____ was born with a _____ and _____. For this reason, both of my sons have had operations. _____ had four operations and _____ had nine operations.
5. In _____ I made the decision to emigrate from _____ because my sons were in danger. They were being threatened by gangs. The gangs wanted to force my sons to join the gangs. I received telephone threats. The gangs followed my sons and watched them vigilantly when they left school. Months passed by that my sons couldn't leave the house because I didn't want to put them in danger. They even missed classes.
6. I decided to come to the United States to ask for help. In _____, my sons and I arrived at the United States border and turned ourselves in to immigration authorities. We entered the line at the _____ crossing after a very long trip that lasted one month. I went directly to an immigration agent. My children and I were kept in an immigration office. The next day they let us go free in/ _____.
7. At first we went to live in _____ with my mother for six months. After this time, I made the decision to come to _____. I went to Immigration in _____ to ask for permission and they gave me authorization to move.
8. I arrived in _____ I began working at _____ restaurant shortly after we moved to _____. I continue working there today. I have been working there for three years.
9. In _____, on a Tuesday, I was working my shift from _____ p.m. to _____. At approximately _____ p.m. the restaurant was empty. Only the cook and two other coworkers, _____, were there with me. _____ was washing the dishes and _____ was mopping the floor when a Latino man entered the restaurant. He was dressed all covered up, with a large sweater, hat and gloves. I waited on him and he ordered some tacos and a beverage. I went to the back to bring his drink and charged him. Then he asked how long it was going to be, so I said about five minutes. He told me that he was going to come back, he just had to go outside a minute. I noticed that he seemed a

AFFIDAVIT OF

bit nervous. When he was walking towards the door, I called out to him to tell him that his food was ready. He returned, took his food and left. About five minutes later he returned. I waited on him again. When I was going to charge him, I was behind the register. He gave me a \$20 bill. When I opened the register, this man quickly came to my side and pointed a gun at me. He pushed the gun into my right side, in my ribs. He had the gun in his right hand and with his left hand he took the money from the register. Behind me was my coworker _____, and a few meters behind was my coworker _____. I was so scared because this man was very nervous. He just kept repeating many times "I have a gun." I yelled out to my coworkers "He has a gun!" and repeated this about three times. But no one could do anything for fear that the man was going to shoot me. I couldn't move because he pushed me closer to the gun.

10. When the man took the money and let me go I don't remember exactly what he did because I immediately dropped to the ground and covered myself out of fear. I was crouched down, trembling, crying uncontrollably, hugging _____ while _____ called the police who arrived at the restaurant in a few minutes.
11. I couldn't stop trembling, but at the same time thanking God for still being alive, because God didn't allow him to hurt us physically.
12. When the police arrived, they took down the information. I couldn't calm down. I just wanted to go home and hug my children. I wanted to feel safe and protected.
13. When I arrived home, my children saw me trembling. I just hugged them. I couldn't stop crying. That night one of my children had to sleep with me. I couldn't control myself. I woke up many times crying. The next day I couldn't leave or be alone in the house. I had to be with someone at all times.
14. Two days later I went to the doctor because I had so much anxiety and I couldn't stop crying. I couldn't control it. They had to give me medicine to calm me down and a few days off work.
15. I spent many months that I couldn't be close to anyone. I couldn't handle seeing people who were all covered up with clothing or dressed in all black.
16. A few weeks later, some FBI agents arrived at the restaurant to interview us and ask us to identify this person by photos because they had arrested him. He was wanted by the FBI. I collaborated with them and followed their orders with whatever they needed.
17. The police have video of the incident. I never had to go to court to testify. The FBI and the police both have my contact information and know how to reach me. I have always been willing to cooperate in any investigation and prosecution of this crime.
18. I have suffered severely since this incident. I went to the doctor for anxiety. My doctor recommended that I go to therapy, but I didn't know where to go and I don't have extra money to pay for counseling sessions.

AFFIDAVIT OF

19. I have no criminal record. I am sorry for bringing my children to the United States and presenting ourselves without proper documents. I was so scared for their safety in _____ that I didn't know what else to do. Bringing my children to the United States seemed like the only safe option.
20. I love my sons dearly. They are good children. I go to meetings with their teachers at school and am very involved in their lives. I provide them with love and support and I want them to have a good education and opportunities for their future.
21. I am a good person and I want to obtain legal status in the United States in order to provide for my family and contribute to society. Please grant my U visa and waiver applications.
22. Thank you for considering my request.

AFFIDAVIT OF

I have provided the foregoing statement in my native language, Spanish, and it has been translated back to me in its entirety in Spanish. I declare that it is true and correct to the best of my ability.

Signature of Applicant

Date

NATIONAL IMMIGRANT JUSTICE CENTER

A HEARTLAND ALLIANCE PROGRAM

November 8, 2017

U.S. Citizenship & Immigration Services
Vermont Service Center
Attn: VAWA Unit
75 Lower Welden St
St Albans, VT 05479

RE: PETITION FOR U-3 DERIVATIVE STATUS

Principal Applicant:

Dear Officer:

Per the attached G-28, our office represents [redacted] in his application for U-3 derivative status (Form I-918 Supplement A).

[redacted] is the minor child of [redacted]. In November 2017, Ms. [redacted] filed forms I-918 and I-192 with the Vermont Service Center, in order to apply for U nonimmigrant status. Currently, Ms. [redacted] I-918 petition and her I-192 application are pending with USCIS.

Because [redacted] is the minor child (under 21) of U visa applicant Ms. [redacted] is eligible to petition for U-3 derivative status under INA §101(a)(15)(U)(ii).

[redacted] is inadmissible pursuant to INA § 212(a)(7)(A)(i)(I) because he presented himself for admission at the United States border without proper documentation. He is eligible for a waiver pursuant to INA §212(d)(3) and INA §212(d)(14). [redacted] can demonstrate that it is in the national or public interest for his waiver to be granted. Form I-192 is hereby included.

An application for employment authorization for [redacted] is attached under eligibility category (c)(14) for Deferred Action. This is included so that [redacted] can receive work authorization if he is granted deferred action while his application for U nonimmigrant status is being adjudicated.

Thank you for your time and consideration of this important matter. Please do not hesitate to contact me at (312) 660-1304 if any further information is needed.

Sincerely,



Trisha K. Teofilo Olave
DOJ Accredited Representative

INDEX OF DOCUMENTS IN SUPPORT OF U VISA AND WAIVER OF INADMISSIBILITY

Forms:

- Form G-28, Notice of Entry of Appearance, signed by principal applicant/petitioner
- Form G-28, Notice of Entry of Appearance, signed by derivative applicant
- Form I-918 Supplement A, Petition for Qualifying Family Member of U-1 Recipient
- Form I-912, Request for Fee Waiver
 - Benefits statement from Illinois Department of Human Services, awarding medical benefits
- Form G-28, Notice of Entry of Appearance
- Form I-192, Request for Waiver of Inadmissibility
- Form G-28, Notice of Entry of Appearance
- Form I-765, Application for Employment Authorization, based on category (a)(20)
- Form G-28, Notice of Entry of Appearance
- Form I-765, Application for Employment Authorization, based on category (c)(14)
 - Two immigration-style photographs

Supporting Documents:

Eligibility for U Nonimmigrant Status:

- A. Affidavit of _____ in support of petition for U nonimmigrant status and waiver of inadmissibility
- B. Copy of birth certificate for _____, with English translation
- C. Copy of biographic information page from _____'s current passport
- D. Copy of I-94 card that was issued to _____ when he was paroled into the United States on _____

Eligibility for Waiver of Inadmissibility:

See above Affidavit of Client at Exh. A

- E. _____'s school records from _____ High School
- F. Letter of support from _____ English Language Learning Teacher at _____ High School
- G. Letter of support from _____, Illinois State Senator
- H. Copy of diploma from _____ Middle School
- I. Copy of certificate from State of Illinois General Assembly
- J. Copy of certificate of recognition from Illinois House of Representatives
- K. Copy of certificates for _____ Middle School Honor Roll

Proof that applicant is in removal proceedings:

- L. Copy of Notice of Hearing, dated _____

Part 2. Notice of Appearance as Attorney or Accredited Representative (continued)

Information About Applicant, Petitioner, Requestor, or Respondent (continued)

7. USCIS ELIS Account Number (if any)

▶

8. Alien Registration Number (A-Number) or Receipt Number

9. Daytime Telephone Number

10. Mobile Telephone Number (if any)

11. E-Mail Address (if any)

Mailing Address of Applicant, Petitioner, Requestor, or Respondent

NOTE: Provide the mailing address of the applicant, petitioner, requestor, or respondent. **Do not** provide the business mailing address of the attorney or accredited representative **unless** it serves as the safe mailing address on the application, petition, or request being filed with this Form G-28.

12.a. Street Number and Name

12.b. Apt. ☒ Ste. ☐ Flr. ☐

12.c. City or Town

12.d. State 12.e. ZIP Code

12.f. Province

12.g. Postal Code

12.h. Country

Part 3. 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 additional space, use Part 6.)

Licensing Authority

1.b. Bar Number (if applicable)

1.c. Name of Law Firm

1.d. I (choose one) ☐ am not ☐ am

subject to any order of any court or administrative agency disbaring, suspending, enjoining, restraining, or otherwise restricting me in the practice of law. If you are subject to any orders, explain in the space below. (If you need additional space, use Part 6.)

2.a. ☒ I am an accredited representative of the following qualified nonprofit religious, charitable, social service, or similar organization established in the United States, so recognized by the Department of Justice, Board of Immigration Appeals, in accordance with 8 CFR 292.2. Provide the name of the organization and the expiration date of accreditation.

2.b. Name of Recognized Organization

2.c. Date accreditation expires

(mm/dd/yyyy) ▶



Part 3. Eligibility Information for Attorney or Accredited Representative (continued)

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 is at his or her request.

NOTE: If you select this item, also complete **Item Numbers 1.a. - 1.b. or Item Numbers 2.a. - 2.c. in Part 3.** (whichever is appropriate).

- 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)(iv).

- 4.b. Name of Law Student or Law Graduate

Part 4. Applicant, Petitioner, Requestor, or Respondent Consent to Representation, Contact Information, and Signature

Consent to Representation and Release of Information

1. 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 DHS policy, I also consent to the disclosure to the named attorney or accredited representative of any record pertaining to me that appears in any system of records of USCIS, ICE or CBP.

When you (the applicant, petitioner, requestor, or respondent) are represented, DHS will send notices to both you and your attorney or accredited representative either through mail or electronic delivery.

DHS will also send the Form I-94, Arrival Departure Record, to you **unless** you select **Item Number 2.a. in Part 4.** All secure identity documents and Travel Documents will be sent to you (the applicant, petitioner, requestor, or respondent) at your U.S. mailing address **unless** you ask us to send your secure identity documents to your attorney of record or accredited representative.

If you do not want to receive original notices or secure identity documents directly, but would rather have such notices and documents sent to your attorney of record or accredited representative, please select **all applicable** boxes below:

- 2.a. ☐ I request DHS send any notice (including Form I-94) on an application, petition, or request to the U.S. business address of my attorney of record or accredited representative as listed in this form. I understand that I may change this election at any future date through written notice to DHS.
- 2.b. ☐ I request that DHS send any secure identity document, such as a Permanent Resident Card, Employment Authorization Document, or Travel Document, that I am approved to receive and authorized to possess, to the U.S. business address of my attorney of record or accredited representative as listed in this form or to a designated military or diplomatic address for pickup in a foreign country (if permitted). I consent to having my secure identity document sent to my attorney of record or accredited representative's U.S. business address and understand that I may request, at any future date and through written notice to DHS, that DHS send any secure identity document to me directly.

- 3.a. Signature of Applicant, Petitioner, Requestor, or Respondent

→

- 3.b. Date of Signature (mm/dd/yyyy) ▶

Part 5. Signature of Attorney or Accredited Representative

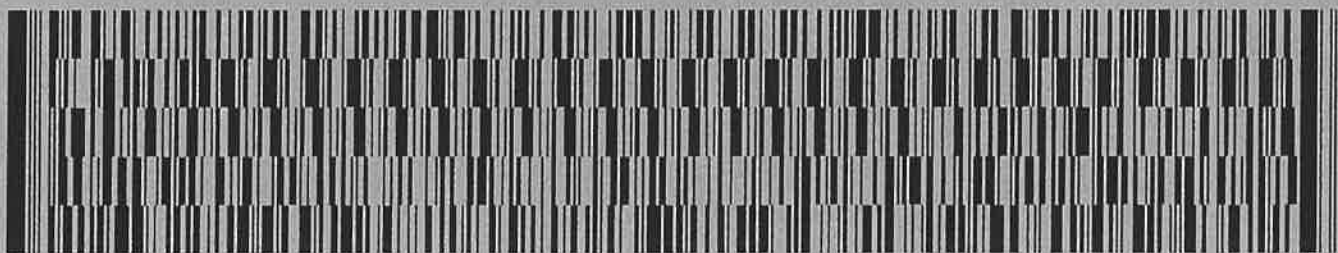
I have read and understand the regulations and conditions contained in 8 CFR 103.2 and 292 governing appearances and representation before the Department of Homeland Security. I declare under penalty of perjury under the laws of the United States that the information I have provided on this form is true and correct.

1. Signature of Attorney or Accredited Representative

2. Signature of Law Student or Law Graduate

3. Date of Signature (mm/dd/yyyy) ▶

10/11/2017



Use the space provided below to provide additional information pertaining to **Part 3., Item Numbers 1.a. - 1.d.** or to provide your U.S. business address for purposes of receiving secure identity documents for your client (if your client has consented to your receipt of such documents under **Part 4.**)





Notice of Entry of Appearance as Attorney or Accredited Representative

Department of Homeland Security

DHS
Form G-28
OMB No. 1615-0105
Expires 03/31/2018

Part 1. Information About Attorney or Accredited Representative

1. USCIS ELIS Account Number (if any)

►

Name and Address of Attorney or Accredited Representative

2.a. Family Name (Last Name)

2.b. Given Name (First Name)

2.c. Middle Name

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

4. Daytime Telephone Number

5. Fax Number

6. E-Mail Address (if any)

7. Mobile Telephone Number (if any)

Part 2. Notice of Appearance as Attorney or Accredited Representative

This appearance relates to immigration matters before
(Select only one box):

1.a. ☒ USCIS

1.b. List the form numbers

2.a. ☐ ICE

2.b. List the specific matter in which appearance is entered

3.a. ☐ CBP

3.b. List the specific matter in which appearance is entered

I enter my appearance as attorney or accredited representative at
the request of:

4. Select only one box:

☒ Applicant ☐ Petitioner ☐ Requestor

☐ Respondent (ICE, CBP)

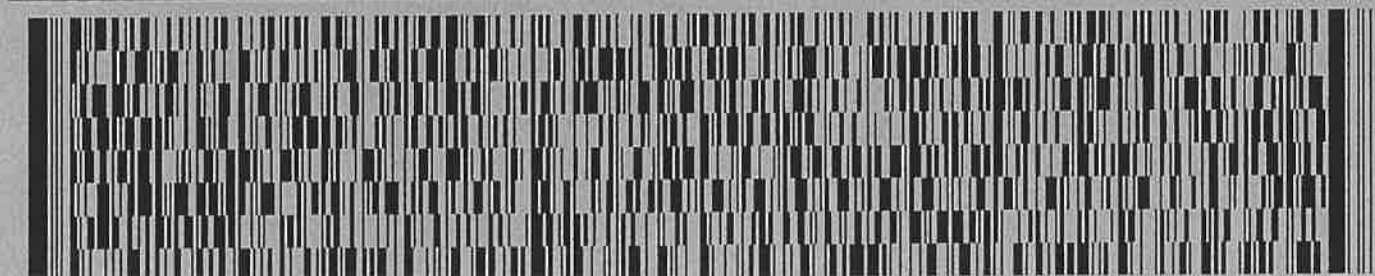
Information About Applicant, Petitioner, Requestor, or Respondent

5.a. Family Name (Last Name)

5.b. Given Name (First Name)

5.c. Middle Name

6. Name of Company or Organization (if applicable)



Part 2. Notice of Appearance as Attorney or Accredited Representative (continued)

Information About Applicant, Petitioner, Requestor, or Respondent (continued)

7. USCIS ELIS Account Number (if any)

▶

8. Alien Registration Number (A-Number) or Receipt Number

9. Daytime Telephone Number

10. Mobile Telephone Number (if any)

11. E-Mail Address (if any)

Mailing Address of Applicant, Petitioner, Requestor, or Respondent

NOTE: Provide the mailing address of the applicant, petitioner, requestor, or respondent. **Do not** provide the business mailing address of the attorney or accredited representative unless it serves as the safe mailing address on the application, petition, or request being filed with this Form G-28.

12.a. Street Number and Name

12.b. Apt. ☒ Ste. ☐ Flr. ☐

12.c. City or Town

12.d. State 12.e. ZIP Code

12.f. Province

12.g. Postal Code

12.h. Country

Part 3. 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 additional space, use Part 6.)

Licensing Authority

1.b. Bar Number (if applicable)

1.c. Name of Law Firm

1.d. I (choose one) ☐ am not ☐ am

subject to any order of any court or administrative agency disbaring, suspending, enjoining, restraining, or otherwise restricting me in the practice of law. If you are subject to any orders, explain in the space below. (If you need additional space, use Part 6.)

2.a. ☒ I am an accredited representative of the following qualified nonprofit religious, charitable, social service, or similar organization established in the United States, so recognized by the Department of Justice, Board of Immigration Appeals, in accordance with 8 CFR 292.2. Provide the name of the organization and the expiration date of accreditation.

2.b. Name of Recognized Organization

2.c. Date accreditation expires

(mm/dd/yyyy) ▶



Part 3. Eligibility Information for Attorney or Accredited Representative *(continued)*

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 is at his or her request.

NOTE: If you select this item, also complete **Item Numbers 1.a. - 1.b. or Item Numbers 2.a. - 2.c. in Part 3.** (whichever is appropriate).

- 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)(iv).

- 4.b. Name of Law Student or Law Graduate

Part 4. Applicant, Petitioner, Requestor, or Respondent Consent to Representation, Contact Information, and Signature

Consent to Representation and Release of Information

1. 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 DHS policy, I also consent to the disclosure to the named attorney or accredited representative of any record pertaining to me that appears in any system of records of USCIS, ICE or CBP.

When you (the applicant, petitioner, requestor, or respondent) are represented, DHS will send notices to both you and your attorney or accredited representative either through mail or electronic delivery.

DHS will also send the Form I-94, Arrival Departure Record, to you **unless** you select **Item Number 2.a. in Part 4.** All secure identity documents and Travel Documents will be sent to you (the applicant, petitioner, requestor, or respondent) at your U.S. mailing address **unless** you ask us to send your secure identity documents to your attorney of record or accredited representative.

If you do not want to receive original notices or secure identity documents directly, but would rather have such notices and documents sent to your attorney of record or accredited representative, please select **all applicable** boxes below:

- 2.a. ☐ I request DHS send any notice (including Form I-94) on an application, petition, or request to the U.S. business address of my attorney of record or accredited representative as listed in this form. I understand that I may change this election at any future date through written notice to DHS.
- 2.b. ☐ I request that DHS send any secure identity document, such as a Permanent Resident Card, Employment Authorization Document, or Travel Document, that I am approved to receive and authorized to possess, to the U.S. business address of my attorney of record or accredited representative as listed in this form or to a designated military or diplomatic address for pickup in a foreign country (if permitted). I consent to having my secure identity document sent to my attorney of record or accredited representative's U.S. business address and understand that I may request, at any future date and through written notice to DHS, that DHS send any secure identity document to me directly.

- 3.a. Signature of Applicant, Petitioner, Requestor, or Respondent

→

- 3.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 the Department of Homeland Security. 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. Signature of Attorney or Accredited Representative

2. Signature of Law Student or Law Graduate

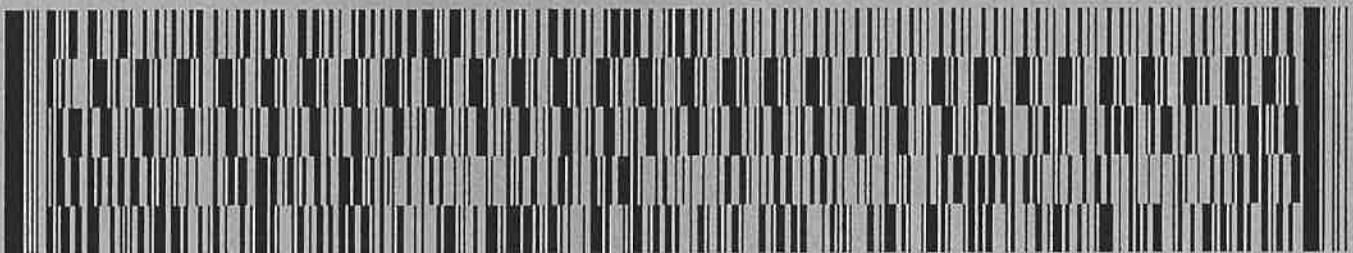
3. Date of Signature (mm/dd/yyyy) ▶

10/11/2017



Part 6. Additional Information

Use the space provided below to provide additional information pertaining to **Part 3., Item Numbers 1.a. - 1.d.** or to provide your U.S. business address for purposes of receiving secure identity documents for your client (if your client has consented to your receipt of such documents under **Part 4.**)





Supplement A, Petition for Qualifying Family Member of U-1 Recipient

Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form I-918
OMB No. 1615-0104
Expires 02/28/2019

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)	
To be completed by an attorney or accredited representative (if any).		<input type="checkbox"/> Select this box if Form G-28 is attached.	Attorney State Bar Number (if applicable)	Attorney or Accredited Representative USCIS Online Account Number (if any)	

► **START HERE** - Type or print in black or blue ink.

NOTE: The recipient of the U-1 nonimmigrant classification is referred to as the "principal." His or her family members are referred to as "derivatives." The principal should complete Supplement A.

Part 1. Family Member's Relationship To You (Principal)

1. The family member that I am filing for is my:
- ☐ Spouse ☐ Parent ☒ Child
- ☐ Unmarried sibling under 18 years of age

Part 2. Information About You (Principal)

- 1.a. Family Name (Last Name) _____
- 1.b. Given Name (First Name) _____
- 1.c. Middle Name _____

Other Information

2. Date of Birth (mm/dd/yyyy) _____
3. Alien Registration Number (A-Number) (if any)
► A- _____
4. USCIS Online Account Number (if any)
► _____
5. Status of your Form I-918
☒ Pending ☐ Approved

Part 3. Information About Your Qualifying Family Member (Derivative)

- 1.a. Family Name (Last Name) _____
- 1.b. Given Name (First Name) _____
- 1.c. Middle Name _____

Other Names Used (Include maiden name, nicknames, and aliases, if applicable)

- 2.a. Family Name (Last Name) _____
- 2.b. Given Name (First Name) _____
- 2.c. Middle Name _____

NOTE: If you need extra space to complete this section, use the space provided in **Part 11. Additional Information.**

Residence or Intended Residence in the United States

- 3.a. Street Number and Name _____
- 3.b. ☒ Apt. ☐ Ste. ☐ Flr. _____
- 3.c. City or Town _____
- 3.d. State **IL** 3.e. ZIP Code _____

Part 3. Information About Your Qualifying Family Member (The Derivative) (continued)

Safe Mailing Address (if other than Residence)

4.a. In Care Of Name

4.b. Street Number and Name

4.c. ☐ Apt. ☐ Ste. ☐ Flr.

4.d. City or Town

4.e. State

4.f. ZIP Code

4.g. Province

4.h. Postal Code

4.i. Country

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)

9. Country of Birth

10. Country of Citizenship or Nationality

11. Marital Status

☒ Single ☐ Married ☐ Divorced ☐ Widowed

12. Gender ☒ Male ☐ Female

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)

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)

Place of Last Entry into the United States

1.b. City or Town

1.c. State

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?

NA

- 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 Spanish, a language in which I am fluent, and I understood everything.
2. ☐ At my request, the preparer named in **Part 10.**, , prepared this supplement for me based only upon information I provided or authorized.

Petitioner's Contact Information

3. Petitioner's Daytime Telephone Number
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 Spanish, a language in which I am fluent, and I understood everything.
2. ☐ At my request, the preparer named in **Part 10.**, , 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)

TEOFILO OLAVE

- 1.b. Interpreter's Given Name (First Name)

Trisha

2. Interpreter's Business or Organization Name (if any)

National Immigrant Justice Cnt

Interpreter's Mailing Address

- 3.a. Street Number and Name 208 S LaSalle Street

- 3.b. ☐ Apt. ☒ Ste. ☐ Flr. 1300

- 3.c. City or Town Chicago

- 3.d. State IL 3.e. ZIP Code 60604

- 3.f. Province

- 3.g. Postal Code

- 3.h. Country

USA

Interpreter's Contact Information

4. Interpreter's Daytime Telephone Number

3126601304

5. Interpreter's Mobile Telephone Number (if any)

6. Interpreter's Email Address (if any)

tteofilo@heartlandalliance.org

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 Spanish, 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) 10/11/2017

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)

TEOFILO OLAVE

1.b. Preparer's Given Name (First Name)

Trisha

2. Preparer's Business or Organization Name (if any)

National Immigrant Justice Ctr

Preparer's Mailing Address

3.a. Street Number and Name 208 S LaSalle Street

3.b. ☐ Apt. ☒ Ste. ☐ Flr. 1300

3.c. City or Town Chicago

3.d. State IL 3.e. ZIP Code 60604

3.f. Province

3.g. Postal Code

3.h. Country

USA

Preparer's Contact Information

4. Preparer's Daytime Telephone Number

3126601304

5. Preparer's Mobile Telephone Number (if any)

6. Preparer's Email Address (if any)

tteofilo@heartlandalliance.org

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)

10/11/2017

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)

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. was issued a Notice to Appear and placed in removal proceedings on . He is currently in removal proceedings. His next master calendar hearing is scheduled for in

4.a. Page Number 4.b. Part Number 4.c. Item Number

4.d. was issued a Notice to Appear and placed in removal proceedings on . He is currently in removal proceedings. His next master calendar hearing is scheduled for in

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.



Request for Fee Waiver
Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form I-912
OMB No. 1615-0116
Expires 05/31/2015

► Before you fill out this form, please read the instructions.

Section 1. Information About You *(Provide information about yourself. If you are applying for a minor child, provide information about the minor child.)*

Line 1. a. Family Name (Last Name)

Line 1. b. Given Name (First Name)

Line 1. c. Middle Initial

Line 2. Alien Registration Number

► A-

Line 3. Date of Birth

(mm/dd/yyyy) ►

Line 4. Marital Status ☐ Never Married ☐ Divorced ☐ Marriage Annulled
☒ Married ☐ Widow(er) ☐ Legally Separated

Line 5. Applications and Petitions (Enter the form number(s) of the application(s) and/or petition(s) for which you are requesting a fee waiver.)

Biometrics services fees, where applicable, will be included in the fee waiver request.

I-192, I-765

FOR USCIS USE ONLY

Application Received At
(check only one box):

USCIS Field Office

☐ Fee Waiver Approved

Date:

☐ Fee Waiver Denied

Date:

USCIS Service Center

☐ Fee Waiver Approved

Date:

☐ Fee Waiver Denied

Date:

Section 2. Additional Information for Dependent(s)

Line 6. Complete the Table below if applicable. (If you need more space, attach a separate sheet of paper.)

Name (First, MI, Last)	A-Number (If applicable)	Is Individual Included in Fee Waiver Request?	Date of Birth (mm/dd/yyyy)	Relationship to You
		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		1
		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
	A-	<input type="checkbox"/> Yes <input type="checkbox"/> No		
	A-	<input type="checkbox"/> Yes <input type="checkbox"/> No		
	A-	<input type="checkbox"/> Yes <input type="checkbox"/> No		
	A-	<input type="checkbox"/> Yes <input type="checkbox"/> No		
	A-	<input type="checkbox"/> Yes <input type="checkbox"/> No		

Section 3. Basis for Your Request *(Check any that apply. For additional information, see the form instructions.)*

- Line 7. a.** ☒ I am or a relevant member of my household is currently receiving a means-tested benefit. *(Complete Sections 4 and 7.)*
- Line 7. b.** ☐ My household income is at or below 150% of the Federal Poverty Guidelines. *(Complete Sections 5 and 7.)*
- Line 7. c.** ☐ I have a financial hardship. *(Complete Sections 5, 6 and 7.)*

Section 4. Means-Tested Benefit

Line 8. Complete the Table Below *(If you need more space, attach a separate sheet of paper.)*

Name of Person Receiving the Benefit	Name of Agency Awarding Benefit	Date Benefit Was Awarded	Is This Benefit Being Received Now?
	IL Department of Human Services	02/01/2017	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No

Section 5. Household Income *(Provide evidence of monthly income or other support.)*

Line 9. Other than you, how many others in your household depend on the stated income?

▶

(round to the nearest dollar)

Line 10. Average monthly wage income from household members

▶

Line 11. Enter other money received each month that is not included in **Line 14.**
(This could include spousal support, child support, unemployment, etc.)

▶

TOTAL (USCIS will compare this amount to Federal Poverty Guidelines)

▶

Section 6. Financial Hardship

Line 12. Describe your particular situation. Be sure to include how this situation has caused you to incur costs (and what the costs were) or loss of income that you have experienced (and what that loss was). Complete this section in English; otherwise, provide an accompanying English translation. *(If you need more space, attach a separate sheet of paper.)*

If you are currently unemployed, you must complete Lines 13 and 14.

Line 13. Date that you became unemployed

(mm/dd/yyyy) ►

Line 14. Amount of unemployment compensation (monthly) that you are receiving (enter dollars)

Line 15. List your assets and the value of your assets. *(If you need more space, attach a separate sheet of paper.)*

Type of Asset	Value (enter dollars)
TOTAL Value of Assets	

Section 6. Financial Hardship (Cont'd)

Line 16. List your average monthly costs, and provide evidence of monthly payments where possible. *(If you need more space, attach a separate sheet of paper.)*

Type of Cost	Value (Enter Dollars)	Type of Cost	Value (Enter Dollars)
Rent		Loan Payment	
Mortgage		Commuting Costs	
Food		Medical	
Utilities		School	
Child/Elder Care		Other Expenses	
Insurance		TOTAL Monthly Costs	

Section 7. Your Signature and Authorization

Do not sign your Form I-912 until it is complete and you are ready to file.

I take full responsibility for the accuracy of all the information provided, including all supporting documentation. I authorize the release of any information, including the release of my Federal tax returns, that USCIS needs to determine my eligibility.

Each person applying for a fee waiver request must sign Form I-912. This includes individuals identified in Sections 1 and 2 if 14 years of age or older. (If you need more space, attach a separate sheet of paper.)

Line 17. Your Signature

 Date (mm/dd/yyyy) ► 

Printed Name



Line 17.1. Additional Signature

 Date (mm/dd/yyyy) ► 

Printed Name



Line 17.2. Additional Signature

 Date (mm/dd/yyyy) ► 

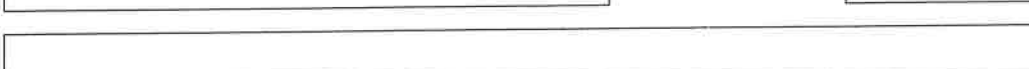
Printed Name



Line 17.3. Additional Signature

 Date (mm/dd/yyyy) ► 

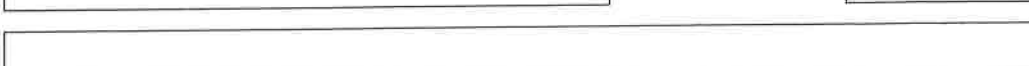
Printed Name



Line 17.4. Additional Signature

 Date (mm/dd/yyyy) ► 

Printed Name



Section 7. Your Signature and Authorization *(continued)***Line 17.5. Additional Signature**

Date (mm/dd/yyyy) ▶

Printed Name

Line 17.6. Additional Signature

Date (mm/dd/yyyy) ▶

Printed Name

Line 17.7. Additional Signature

Date (mm/dd/yyyy) ▶

Printed Name

11/81



State of Illinois
Department of Human Services

SEQ: 45569

Notice of Decision on Application for Cash,
Medical and/or SNAP Benefits

Date of Notice

JULY 25, 2017

Cat. L.O. Group Basic

94

226

00

RB7572

Caseload Number

1VW

Local Office Address

226

THIS NOTICE TELLS YOU WHAT ASSISTANCE YOU WILL GET AND WHO WILL GET IT. THIS NOTICE ALSO TELLS YOU WHAT ASSISTANCE YOU WILL NOT GET AND WHY. THE NOTICE THEN TELLS YOU HOW YOU CAN APPEAL IF YOU DISAGREE WITH OUR DECISIONS.

LOCAL OFFICE TELEPHONE NUMBER: (708) 293-4700
FOR THE HEARING IMPAIRED WHO HAVE A
TELEPHONE DEVICE FOR THE DEAF (TTY), CALL: (866) 439-3715

REGARDING YOUR APPLICATION FOR ASSISTANCE FILED ON: 05/31/17

THE FOLLOWING PEOPLE WILL RECEIVE MEDICAL BENEFITS.

NAME

RECIPIENT
NUMBER

YOU AND/OR YOUR FAMILY ARE ELIGIBLE TO RECEIVE MEDICAL BENEFITS BEGINNING 02/01/17.

YOU WILL RECEIVE ONE MEDICAL CARD SEPARATELY FROM THIS NOTICE. THE MEDICAL CARD LISTS THE NAME(S) OF THE PERSON(S) APPROVED, THEIR DATE OF BIRTH AND THEIR ID NUMBER. PLEASE KEEP THE CARD. DO NOT THROW THE CARD AWAY. IF YOU STILL QUALIFY AT YOUR ANNUAL REVIEW, ANOTHER CARD WILL BE SENT TO YOU AT THAT TIME.

PLEASE KEEP THIS NOTICE TO SHOW THE DATE YOUR COVERAGE BEGINS. YOU WILL GET ANOTHER NOTICE IF YOUR COVERAGE ENDS.

HAVE ANY OF THE PEOPLE LISTED ABOVE GOTTEN MEDICAL CARE ON OR AFTER THE DATE SHOWN ABOVE WHEN THEIR MEDICAL BENEFITS BEGIN? IF THE ANSWER IS YES AND YOU HAVE MEDICAL BILLS FOR THE CARE THEY GOT, THE BILLS MAY QUALIFY FOR PAYMENT BY THE STATE. CONTACT THE DOCTOR, PHARMACY, HOSPITAL OR OTHER MEDICAL PROVIDER AND TELL THEM THE DATE COVERAGE BEGAN AND THE ID# LISTED ABOVE FOR THE PERSON. THE MEDICAL PROVIDER CAN CHECK TO FIND OUT IF THE DEPARTMENT WILL PAY THE MEDICAL BILLS FOR YOU.

NOTICE TO PROVIDERS: TO VERIFY ELIGIBILITY ON THE DATE OF SERVICE FOR THE PERSON(S) NAMED ABOVE, USE THE MEDI WEB SITE AT [HTTP://WWW.MYHFS.COM](http://www.myhfs.com) OR YOUR REV VENDOR OR HFS'S AUTOMATED VOICE RESPONSE SYSTEM (AVRS).

YOU HAVE CERTAIN RESPONSIBILITIES

YOU MUST TELL YOUR LOCAL OFFICE WITHIN 10 DAYS IF:

- YOU MOVE.
- ANYONE WHO GETS BENEFITS MOVES OUT OF ILLINOIS, DIES OR GOES TO JAIL OR PRISON.

THERE ARE OTHER CHANGES YOU CAN REPORT IF YOU WANT TO. IF YOU DECIDE TO TELL YOUR LOCAL OFFICE, YOUR CHILDREN MAY BE ABLE TO GET MEDICAL BENEFITS LONGER. THESE CHANGES ARE:

- YOUR FAMILY'S INCOME GOES DOWN.
- THE NUMBER OF FAMILY MEMBERS LIVING WITH YOU GOES UP.
- SOMEONE IN YOUR FAMILY LIVING WITH YOU GETS PREGNANT.

YOU CAN FIND THE ADDRESS AND PHONE NUMBER FOR YOUR LOCAL OFFICE ON THE FIRST PAGE OF THIS NOTICE.

CASH AND MEDICAL

If you were denied cash and/or medical aid, you have the right to meet with a local office worker to ask about the reason for denial. The meeting will be informal. Any added information you have should be presented at that time. You have the right to be represented at this meeting by any person(s) you choose. If you wish such a meeting, contact the local office named on the front of this form. You should do this right away. If you choose not to have an informal meeting, you still have a right to appeal this action.

SNAP

If Your SNAP Application Was Denied

You may apply for SNAP benefits again any time you think you may be eligible. If you don't agree with our decision to deny your application, you may ask for a fair hearing. You will not receive any SNAP benefits just because you ask for a fair hearing. You will have the chance to explain your disagreement to a local office worker and later to a hearing officer. If it is decided that you are right, you may be entitled to SNAP benefits from the date you applied.

If Your SNAP Application Was Approved

But you don't agree with the decision, you may ask for a fair hearing. You will then have the chance to explain your disagreement to a local office worker and later to a hearing officer.

YOU HAVE THE RIGHT TO APPEAL THIS DECISION

If you do not agree with this action, you have the right to appeal and be given a fair hearing. Such an appeal must be filed with the Department in writing or by calling (toll-free) 1-800-435-0774. You may represent yourself at this hearing or you may be represented by anyone else, such as a lawyer, relative or friend. Your local office will give you an appeal form and help you fill it out if you wish. If you are appealing the decision on your cash and/or medical aid decision you must do so within 60 days after the "Date of Notice." If you are appealing a decision about your SNAP application you must do so within 90 days after the "Date of Notice".

To apply for free legal help:

In Cook County (including the City of Chicago) -
Legal Assistance Foundation of Metropolitan Chicago - 312-341-1070.

In other counties in northern or central Illinois with area codes (309), (630), (815) or (847) - Prairie State Legal Services - 800-531-7057 (toll-free).

In other counties in central or southern Illinois with area codes (217) or (618) -
Land of Lincoln Legal Assistance Foundation - 877-342-7891 (toll-free).

Part 2. Notice of Appearance as Attorney or Accredited Representative (continued)

Information About Applicant, Petitioner, Requestor, or Respondent (continued)

7. USCIS ELIS Account Number (if any)

▶

8. Alien Registration Number (A-Number) or Receipt Number

9. Daytime Telephone Number

10. Mobile Telephone Number (if any)

11. E-Mail Address (if any)

Mailing Address of Applicant, Petitioner, Requestor, or Respondent

NOTE: Provide the mailing address of the applicant, petitioner, requestor, or respondent. **Do not** provide the business mailing address of the attorney or accredited representative **unless** it serves as the safe mailing address on the application, petition, or request being filed with this Form G-28.

12.a. Street Number and Name

12.b. Apt. ☒ Ste. ☐ Flr. ☐

12.c. City or Town

12.d. State 12.e. ZIP Code

12.f. Province

12.g. Postal Code

12.h. Country

Part 3. 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 additional space, use Part 6.)

Licensing Authority

1.b. Bar Number (if applicable)

1.c. Name of Law Firm

1.d. I (choose one) ☐ am not ☐ am

subject to any order of any court or administrative agency disbaring, suspending, enjoining, restraining, or otherwise restricting me in the practice of law. If you are subject to any orders, explain in the space below. (If you need additional space, use Part 6.)

2.a. ☒ I am an accredited representative of the following qualified nonprofit religious, charitable, social service, or similar organization established in the United States, so recognized by the Department of Justice, Board of Immigration Appeals, in accordance with 8 CFR 292.2. Provide the name of the organization and the expiration date of accreditation.

2.b. Name of Recognized Organization

2.c. Date accreditation expires

(mm/dd/yyyy) ▶



Part 3. Eligibility Information for Attorney or Accredited Representative *(continued)*

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 is at his or her request.

NOTE: If you select this item, also complete **Item Numbers 1.a. - 1.b. or Item Numbers 2.a. - 2.c. in Part 3.** *(whichever is appropriate).*

- 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)(iv).

- 4.b. Name of Law Student or Law Graduate

Part 4. Applicant, Petitioner, Requestor, or Respondent Consent to Representation, Contact Information, and Signature

Consent to Representation and Release of Information

1. 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 DHS policy, I also consent to the disclosure to the named attorney or accredited representative of any record pertaining to me that appears in any system of records of USCIS, ICE or CBP.

When you (the applicant, petitioner, requestor, or respondent) are represented, DHS will send notices to both you and your attorney or accredited representative either through mail or electronic delivery.

DHS will also send the Form I-94, Arrival Departure Record, to you **unless** you select **Item Number 2.a. in Part 4.** All secure identity documents and Travel Documents will be sent to you (the applicant, petitioner, requestor, or respondent) at your U.S. mailing address **unless** you ask us to send your secure identity documents to your attorney of record or accredited representative.

If you do not want to receive original notices or secure identity documents directly, but would rather have such notices and documents sent to your attorney of record or accredited representative, please select **all applicable** boxes below:

- 2.a. ☐ I request DHS send any notice (including Form I-94) on an application, petition, or request to the U.S. business address of my attorney of record or accredited representative as listed in this form. I understand that I may change this election at any future date through written notice to DHS.
- 2.b. ☐ I request that DHS send any secure identity document, such as a Permanent Resident Card, Employment Authorization Document, or Travel Document, that I am approved to receive and authorized to possess, to the U.S. business address of my attorney of record or accredited representative as listed in this form or to a designated military or diplomatic address for pickup in a foreign country (if permitted). I consent to having my secure identity document sent to my attorney of record or accredited representative's U.S. business address and understand that I may request, at any future date and through written notice to DHS, that DHS send any secure identity document to me directly.

- 3.a. Signature of Applicant, Petitioner, Requestor, or Respondent

- 3.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 the Department of Homeland Security. 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. Signature of Attorney or Accredited Representative

2. Signature of Law Student or Law Graduate

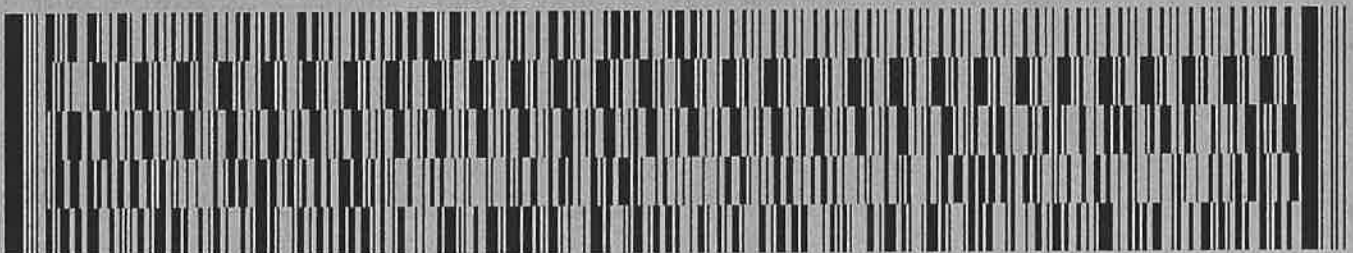
3. Date of Signature (mm/dd/yyyy)

10/11/2017



Part 6. Additional Information

Use the space provided below to provide additional information pertaining to **Part 3., Item Numbers 1.a. - 1.d.** or to provide your U.S. business address for purposes of receiving secure identity documents for your client (if your client has consented to your receipt of such documents under **Part 4.**)





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 06/30/2018

For DHS Use Only	Received	Returned Trans. Out	Fee Stamp
	Trans. In	Completed	
	Action by the Department of Homeland Security		
	<input type="checkbox"/> Granted, subject to revocation at any time, upon the following terms and conditions:		Date of Action (mm/dd/yyyy) _____ DD or OIC _____ Office _____

To be completed by an attorney or accredited representative (if any).			
<input type="checkbox"/> Select this box if Form G-28 or Form G-28I is attached.	Volag Number <div></div>	Attorney State Bar Number (if applicable) <div></div>	Attorney or Accredited Representative USCIS ELIS Online 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 section 212(d)(3)(A)(ii), section 212(d)(13), or section 212(d)(14) of the Immigration and Nationality Act (INA).

I am seeking this permission so that I may obtain (Select **only one** box):

1. A. ☐ Admission as a nonimmigrant (other than as a T or U nonimmigrant)
B. ☒ Status as a victim of trafficking (T nonimmigrant status) or a victim of a crime (U nonimmigrant status)

Part 2. Information About You

1. Family Name (Last Name)	Given Name (First Name)	Middle Name
<div></div>	<div></div>	<div></div>
2. Alien Registration Number (A-Number) (if any)	3. USCIS Online Account Number (if any)	4. Date of Birth (mm/dd/yyyy)
► A- <div></div>	► <div></div>	<div></div>
5. Place of Birth		
City or Town	State or Province	Country
<div></div>	<div></div>	<div></div>
6. Country of Citizenship or Nationality		
<div></div>		

Part 2. Information About You (continued)**7. Physical Address**

Street Number and Name

Apt. Ste. Flr. Number

☒ ☐ ☐

City or Town

State

ZIP Code

IL

Province

Postal Code

Country

USA

- 8. Provide the addresses where you have resided during the past five years, starting with the last place you lived prior to your current physical address listed under Item Number 7. If you need extra space to complete this section, use the space provided in Part 7. Additional Information.**

A. Residence Number 1

Date of Residence From (mm/dd/yyyy)

To (mm/dd/yyyy)

Street Number and Name

Apt. Ste. Flr. Number

☐ ☐ ☐

City or Town

State

ZIP Code

IL

Province

Postal Code

Country

USA

B. Residence Number 2

Date of Residence From (mm/dd/yyyy)

To (mm/dd/yyyy)

Street Number and Name

Apt. Ste. Flr. Number

☐ ☐ ☐

City or Town

State

ZIP Code

IL

Province

Postal Code

Country

USA

C. Residence Number 3

Date of Residence From (mm/dd/yyyy)

To (mm/dd/yyyy)

Street Number and Name

Apt. Ste. Flr. Number

☒ ☐ ☐

City or Town

State

ZIP Code

CA

Province

Postal Code

Country

USA

Part 2. Information About You (continued)

D. Residence Number 4

Date of Residence From (mm/dd/yyyy)

To (mm/dd/yyyy)

Street Number and Name

Apt. Ste. Flr. Number

City or Town

State

ZIP Code

Province

Postal Code

Country

Travel Information

9. Location at which you plan to enter the United States (desired Port-of-Entry)

City

State

10. Name of Port-of-Entry

11. How do you plan to travel to the United States? (For example, by plane, ship, car)

n/a

12. When do you plan to enter the United States?

(mm/dd/yyyy)

13. Approximate Length of Stay in the United States

indefinite

14. What is the purpose of your stay in the United States? Explain fully below.

I want to apply for a U visa and stay with my family.

Immigration and Criminal History

15. Do you believe that you may be inadmissible to the United States?

☒ Yes ☐ No

If you answered "Yes," explain the reasons why you believe, according to the best of your knowledge, that you may be inadmissible in **Part 7. Additional Information**. If you were told that you are inadmissible, provide the reason you were given.

16. Have you previously filed an application for advance permission to enter the United States as a nonimmigrant?

☐ Yes ☒ No

If you answered "Yes," provide the details in **Items A. - C. in Item Number 17**. If you need extra space to complete this section, use the space provided in **Part 7. Additional Information**.

17. A. Date Application Filed (mm/dd/yyyy)

B. Location where you filed your application (For example, U.S. Citizenship and Immigration Services (USCIS) Office or Port-of-Entry)

USCIS Office or U.S. Port-of-Entry

City or Town

State or Province

Country

C. Receipt Number (if available)



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Part 2. Information About You (continued)

NOTE: If you are an applicant for T nonimmigrant status or a petitioner for U nonimmigrant status, you do not need to answer Item Numbers 18. - 21.

18. Have you **EVER** been in the United States for a period of six months or more? ☐ Yes ☐ No

If you answered "Yes," 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 7. Additional Information**.

19. 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 19**, provide the information in the space provided in **Part 7. Additional Information**.

NOTE: If you (or somebody else on your behalf) have filed multiple applications or petitions for immigration benefits with the U.S. Government, use the space provided in **Part 7**, to also provide the following information:

- A. Type of application or petition filed;
- B. Location where you (or the other person) filed the application or petition (for example, USCIS office or Port-of-Entry);
- C. Outcome of the application or petition (for example, approved, denied, or is pending)

20. 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 20**., provide the information in the space provided in **Part 7. Additional Information**.

21. 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? If you answered "Yes," describe the incidents in detail and include all offenses where impaired driving may have been an issue in the space provided in **Part 7. Additional Information**. ☐ Yes ☐ No

Part 3. Biographic Information

1. Ethnicity (Select **only one** box) ☒ Hispanic or Latino ☐ Not Hispanic or Latino

2. Race (Select **all applicable** boxes)

☐ White ☐ Asian ☐ Black or African American ☐ American Indian or Alaska Native ☐ Native Hawaiian or Other Pacific Islander

3. Height Feet Inches 4. Weight Pounds

5. Eye Color (Select **only one** box)

☐ Black ☐ Blue ☒ Brown ☐ Gray ☐ Green ☐ Hazel ☐ Maroon ☐ Pink ☐ Unknown/Other

6. Hair Color (Select **only one** box)

☐ Bald (No hair) ☒ Black ☐ Blond ☐ Brown ☐ Gray ☐ Red ☐ Sandy ☐ White ☐ Unknown/Other

Part 4. Applicant's Statement, Contact Information, Certification, and Signature

NOTE: Read the information on penalties in the **Penalties** section of the Form I-192 Instructions before completing this part.

NOTE: Select the box for either **Item A.** or **B.** in **Item Number 1.** If applicable, select the box for **Item Number 2.**

1. Applicant's Statement Regarding the Interpreter

- A. ☐ I can read and understand English, and have read and understand every question and instruction on this application and my answer to every question.
- B. ☒ The interpreter named in **Part 5.** 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. Applicant's Statement Regarding the Preparer

- ☐ At my request, the preparer named in **Part 6.**, , 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)

Applicant'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 I seek.

I further 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 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 reviewed and provided or authorized all of the information in my application;
- 2) I understood all of the information contained in, and submitted with, my application; and
- 3) All of this information was complete, true, and correct at the time of filing.

I certify, under penalty of perjury, that I provided or authorized all of the information in my application, I 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

6. Applicant's Signature

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 5. Interpreter's Contact Information, Certification, and Signature

Provide the following information about the interpreter.

Interpreter's Full Name

1. Interpreter's Family Name (Last Name)

TEOFILO OLAVE

Interpreter's Given Name (First Name)

Trisha

2. Interpreter's Business or Organization Name (if any)

National Immigrant Justice Ctr

Interpreter's Mailing Address

3. Street Number and Name

208 S LaSalle Street

Apt. Ste. Flr. Number

☐ ☒ ☐ 1300

City or Town

Chicago

State

IL

ZIP Code

60604

Province

Postal Code

Country

USA

Interpreter's Contact Information

4. Interpreter's Daytime Telephone Number

3126601304

5. Interpreter's Mobile Telephone Number (if any)

6. Interpreter's Email Address (if any)

tteofilo@heartlandalliance.org

Interpreter's Certification

I certify, under penalty of perjury, that:

I am fluent in English and **Spanish**, which is the same language specified in **Part 4., Item B.** in **Item Number 1.**, 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 Certification**, and has verified the accuracy of every answer.

Interpreter's Signature

7. Interpreter's Signature



Date of Signature (mm/dd/yyyy)

10/11/2017

Part 6. 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. Preparer's Family Name (Last Name)

TEOFILO OLAVE

Preparer's Given Name (First Name)

Trisha

2. Preparer's Business or Organization Name (if any)

National Immigrant Justice Ctr

Preparer's Mailing Address

3. Street Number and Name

208 S LaSalle Street

Apt. Ste. Flr. Number

☐☒☐

1300

City or Town

Chicago

State

IL

ZIP Code

60604

Province

Postal Code

Country

USA

Preparer's Contact Information

4. Preparer's Daytime Telephone Number

3126601304

5. Preparer's Mobile 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 application on behalf of the applicant and with the applicant's consent.

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.

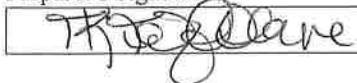
NOTE: If you are an attorney or accredited representative whose representation extends beyond preparation of this application, you may be obliged to submit a completed Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, or G-28I, Notice of Entry of Appearance as Attorney In Matters Outside the Geographical Confines of the United States, 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 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. Preparer's Signature



Date of Signature (mm/dd/yyyy)

10/11/2017

Part 7. 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. Include your name and A-Number (if any) at the top of every 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

2. A-Number (if any) ▶ A-

3. A. Page Number B. Part Number C. Item Number

D. I believe I am inadmissible because I presented myself for admission at the U.S. border without proper documentation (INA 212(a)(7)(A)(i)(I)). Please waive this and any other grounds that USCIS deems apply to my case.

4. A. Page Number B. Part Number C. Item Number

D.

5. A. Page Number B. Part Number C. Item Number

D.

6. A. Page Number B. Part Number C. Item Number

D.

Part 2. Notice of Appearance as Attorney or Accredited Representative (continued)

Information About Applicant, Petitioner, Requestor, or Respondent (continued)

7. USCIS ELIS Account Number (if any)

▶

8. Alien Registration Number (A-Number) or Receipt Number

9. Daytime Telephone Number

10. Mobile Telephone Number (if any)

11. E-Mail Address (if any)

Mailing Address of Applicant, Petitioner, Requestor, or Respondent

NOTE: Provide the mailing address of the applicant, petitioner, requestor, or respondent. **Do not** provide the business mailing address of the attorney or accredited representative **unless** it serves as the safe mailing address on the application, petition, or request being filed with this Form G-28.

12.a. Street Number and Name

12.b. Apt. ☒ Ste. ☐ Flr. ☐

12.c. City or Town

12.d. State 12.e. ZIP Code

12.f. Province

12.g. Postal Code

12.h. Country

Part 3. 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 additional space, use Part 6.)

Licensing Authority

1.b. Bar Number (if applicable)

1.c. Name of Law Firm

1.d. I (choose one) ☐ am not ☐ am

subject to any order of any court or administrative agency disbaring, suspending, enjoining, restraining, or otherwise restricting me in the practice of law. If you are subject to any orders, explain in the space below. (If you need additional space, use Part 6.)

2.a. ☒ I am an accredited representative of the following qualified nonprofit religious, charitable, social service, or similar organization established in the United States, so recognized by the Department of Justice, Board of Immigration Appeals, in accordance with 8 CFR 292.2. Provide the name of the organization and the expiration date of accreditation.

2.b. Name of Recognized Organization

2.c. Date accreditation expires

(mm/dd/yyyy) ▶



Part 3. Eligibility Information for Attorney or Accredited Representative (continued)

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 is at his or her request.

NOTE: If you select this item, also complete **Item Numbers 1.a. - 1.b. or Item Numbers 2.a. - 2.c. in Part 3.** (whichever is appropriate).

- 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)(iv).

- 4.b. Name of Law Student or Law Graduate

Part 4. Applicant, Petitioner, Requestor, or Respondent Consent to Representation, Contact Information, and Signature

Consent to Representation and Release of Information

1. 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 DHS policy, I also consent to the disclosure to the named attorney or accredited representative of any record pertaining to me that appears in any system of records of USCIS, ICE or CBP.

When you (the applicant, petitioner, requestor, or respondent) are represented, DHS will send notices to both you and your attorney or accredited representative either through mail or electronic delivery.

DHS will also send the Form I-94, Arrival Departure Record, to you **unless** you select **Item Number 2.a. in Part 4.** All secure identity documents and Travel Documents will be sent to you (the applicant, petitioner, requestor, or respondent) at your U.S. mailing address **unless** you ask us to send your secure identity documents to your attorney of record or accredited representative.

If you do not want to receive original notices or secure identity documents directly, but would rather have such notices and documents sent to your attorney of record or accredited representative, please select **all applicable** boxes below:

- 2.a. ☐ I request DHS send any notice (including Form I-94) on an application, petition, or request to the U.S. business address of my attorney of record or accredited representative as listed in this form. I understand that I may change this election at any future date through written notice to DHS.
- 2.b. ☐ I request that DHS send any secure identity document, such as a Permanent Resident Card, Employment Authorization Document, or Travel Document, that I am approved to receive and authorized to possess, to the U.S. business address of my attorney of record or accredited representative as listed in this form or to a designated military or diplomatic address for pickup in a foreign country (if permitted). I consent to having my secure identity document sent to my attorney of record or accredited representative's U.S. business address and understand that I may request, at any future date and through written notice to DHS, that DHS send any secure identity document to me directly.

- 3.a. Signature of Applicant, Petitioner, Requestor, or Respondent

➔

- 3.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 the Department of Homeland Security. 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. Signature of Attorney or Accredited Representative

2. Signature of Law Student or Law Graduate

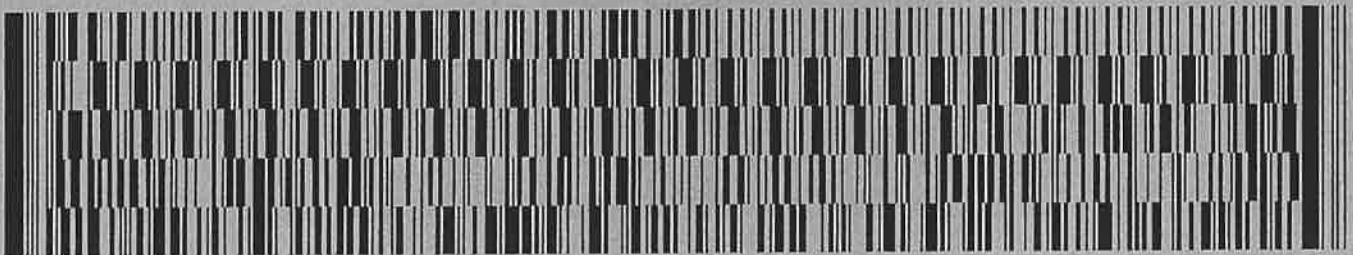
3. Date of Signature (mm/dd/yyyy) ➔

10/11/2017



Part 6. Additional Information

Use the space provided below to provide additional information pertaining to **Part 3., Item Numbers 1.a. - 1.d.** or to provide your U.S. business address for purposes of receiving secure identity documents for your client (if your client has consented to your receipt of such documents under **Part 4.**)





Application For Employment Authorization

Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS

Form I-765

OMB No. 1615-0040

Expires 02/28/2018

For USCIS Use Only	Fee Stamp	Action Block	Initial Receipt	Resubmitted
	<input type="checkbox"/> Application Approved <input type="checkbox"/> Authorization/Extension Valid From _____ <input type="checkbox"/> Authorization/Extension Valid To _____ Subject to the following conditions: _____		Relocated	
			Received	Sent
			Completed	
<input type="checkbox"/> Application Denied - Failed to establish: <input type="checkbox"/> Eligibility under 8 CFR 274a.12 (a) or (c) <input type="checkbox"/> Economic necessity under 8 CFR 274a.12(c)(14), (18) and 8 CFR 214.2(f)		Approved	Denied	
		A#		
		<input type="checkbox"/> Applicant is filing under section 274a.12 _____		

► **START HERE - Type or print in black ink.**

I am applying for:

- ☒ Permission to accept employment.
- ☐ Replacement (of lost employment authorization document).
- ☐ Renewal of my permission to accept employment (attach a copy of your previous employment authorization document).

1. Full Name

Family Name _____ First Name _____ Middle Name _____

2. Other Names Used (include Maiden Name)

Family Name	First Name	Middle Name

3. U.S. Mailing Address

Street Number and Name _____ Apt. Number _____

Town or City _____ State _____ ZIP Code _____

4. Country of Citizenship or Nationality

5. Place of Birth

Town or City _____ State/Province _____ Country _____

6. Date of Birth (mm/dd/yyyy)

7. Gender ☒ Male ☐ Female

8. Marital Status

☒ Single ☐ Married ☐ Divorced ☐ Widowed

9.a. Has the Social Security Administration (SSA) ever officially issued a Social Security card to you?

☐ Yes ☒ No

NOTE: If you answered "Yes" to Item Number 9.a., provide the information requested in Item Number 9.b.

9.b. Provide your Social Security number (SSN) (if known)

►

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10. Do you want the SSA to issue you a Social Security card? (You must also answer "Yes" to Item Number 11., **Consent for Disclosure**, to receive a card.)

☒ Yes ☐ No

NOTE: If you answered "No" to Item Number 10., skip to Item Number 14. If you answered "Yes" to Item Number 10., you must also answer "Yes" to Item Number 11.

11. 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 10. - 11., provide the information requested in Item Numbers 12.a. - 13.b.

Father's Name

12.a. Family Name (Last Name)

12.b. Given Name (First Name)

Mother's Name (Provide your mother's birth name.)

13.a. Family Name (Last Name)

13.b. Given Name (First Name)

14. Alien Registration Number (A-Number) or Form I-94 Number (if any)

15. Have you ever before applied for employment authorization from USCIS?

☐ Yes (Complete the following questions.)

Which USCIS Office?

Dates

Results (Granted or Denied - attach all documentation)

☒ No (Proceed to **Item Number 16.**)

16. Date of Your Last Arrival or Entry Into the U.S., On or About (mm/dd/yyyy)

17. Place of Your Last Arrival or Entry Into the U.S.

18. Status at Last Entry (B-2 Visitor, F-1 Student, No Lawful Status, etc.)

19. Current Immigration Status (Visitor, Student, etc.)

U visa applicant

20. Eligibility Category. Go to the **Who May File Form I-765?** section of the Instructions. In the space below, place the letter and number of the eligibility category you selected from the instructions. For example, (a)(8), (c)(17)(iii), etc.

() () ()

21. (c)(3)(C) Eligibility Category. If you entered the eligibility category (c)(3)(C) in **Item Number 20.** above, list your degree, your employer's name as listed in E-Verify, and your employer's E-Verify Company Identification Number or a valid E-Verify Client Company Identification Number in the space below.

Degree

Employer's Name as listed in E-Verify

Employer's E-Verify Company Identification Number or a Valid E-Verify Client Company Identification Number

22. (c)(26) Eligibility Category. If you entered the eligibility category (c)(26) in **Item Number 20.** above, please provide the receipt number of your H-1B principal spouse's most recent Form I-797 Notice of Approval for Form I-129.

23. (c)(35) and (c)(36) Eligibility Category

a. If you entered the eligibility category (c)(35) or (c)(36) in **Item Number 20.** above, please provide the receipt number of the Form I-140 beneficiary's Form I-797 Notice of Approval for Form I-140.

b. Have you **EVER** been arrested for and/or convicted of any crime? ☐ Yes ☒ No

NOTE: If you answered "Yes" to **Item Number 23.b.**, refer to **Item Number 5.**, **Item H.** or **Item I.** in the **Who May File Form I-765** section of these Instructions for information about providing court dispositions.

Certification

I certify, under penalty of perjury, that the foregoing is true and correct. Furthermore, I authorize the release of any information that U.S. Citizenship and Immigration Services needs to determine eligibility for the benefit I am seeking. I have read the **Who May File Form I-765** section of the Instructions and have identified the appropriate eligibility category in **Item Number 20.**

Applicant's Signature

Date of Signature (mm/dd/yyyy)

Telephone Number

Signature of Person Preparing Form, If Other Than Applicant

I declare that this document was prepared by me at the request of the applicant and is based on all information of which I have any knowledge.

Preparer's Signature

Date of Signature (mm/dd/yyyy)

10/11/2017

Printed Name

Trisha K Teofilo Olave

Address

208 S LaSalle St Ste 1300 Chicago IL 60604



Notice of Entry of Appearance
as Attorney or Accredited Representative

Department of Homeland Security

DHS
Form G-28
OMB No. 1615-0105
Expires 03/31/2018

Part 1. Information About Attorney or
Accredited Representative

1. USCIS ELIS Account Number (if any)

▶

Name and Address of Attorney or Accredited
Representative

2.a. Family Name (Last Name)
2.b. Given Name (First Name)
2.c. Middle Name
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
4. Daytime Telephone Number
5. Fax Number
6. E-Mail Address (if any)
7. Mobile Telephone Number (if any)

Part 2. Notice of Appearance as Attorney or
Accredited Representative

This appearance relates to immigration matters before
(Select only one box):

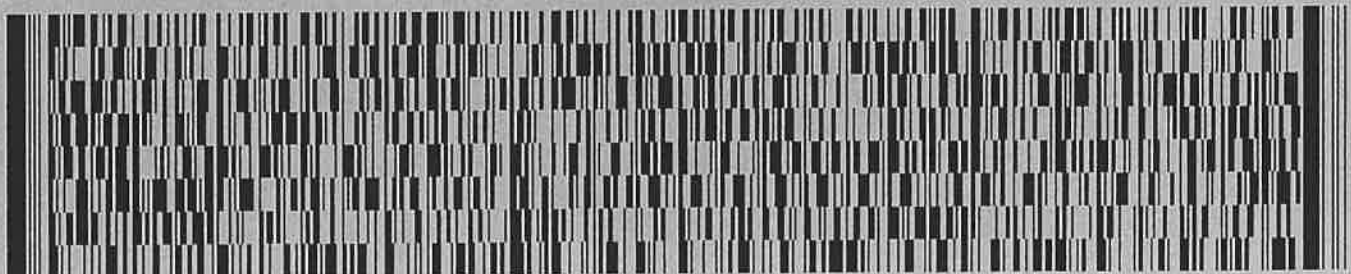
1.a. ☒ USCIS
1.b. List the form numbers
2.a. ☐ ICE
2.b. List the specific matter in which appearance is entered
3.a. ☐ CBP
3.b. List the specific matter in which appearance is entered

I enter my appearance as attorney or accredited representative at
the request of:

4. Select only one box:
☒ Applicant ☐ Petitioner ☐ Requestor
☐ Respondent (ICE, CBP)

Information About Applicant, Petitioner,
Requestor, or Respondent

5.a. Family Name (Last Name)
5.b. Given Name (First Name)
5.c. Middle Name
6. Name of Company or Organization (if applicable)



Part 2. Notice of Appearance as Attorney or Accredited Representative (continued)

Information About Applicant, Petitioner, Requestor, or Respondent (continued)

7. USCIS ELIS Account Number (if any)

▶

8. Alien Registration Number (A-Number) or Receipt Number

9. Daytime Telephone Number

10. Mobile Telephone Number (if any)

11. E-Mail Address (if any)

Mailing Address of Applicant, Petitioner, Requestor, or Respondent

NOTE: Provide the mailing address of the applicant, petitioner, requestor, or respondent. Do not provide the business mailing address of the attorney or accredited representative unless it serves as the safe mailing address on the application, petition, or request being filed with this Form G-28.

12.a. Street Number and Name

12.b. Apt. ☒ Ste. ☐ Flr. ☐

12.c. City or Town

12.d. State

IL

12.e. ZIP Code

12.f. Province

12.g. Postal Code

12.h. Country

USA

Part 3. 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 additional space, use Part 6.)

Licensing Authority

1.b. Bar Number (if applicable)

1.c. Name of Law Firm

1.d. I (choose one) ☐ am not ☐ am

subject to any order of any court or administrative agency disbaring, suspending, enjoining, restraining, or otherwise restricting me in the practice of law. If you are subject to any orders, explain in the space below. (If you need additional space, use Part 6.)

- 2.a. ☒ I am an accredited representative of the following qualified nonprofit religious, charitable, social service, or similar organization established in the United States, so recognized by the Department of Justice, Board of Immigration Appeals, in accordance with 8 CFR 292.2. Provide the name of the organization and the expiration date of accreditation.

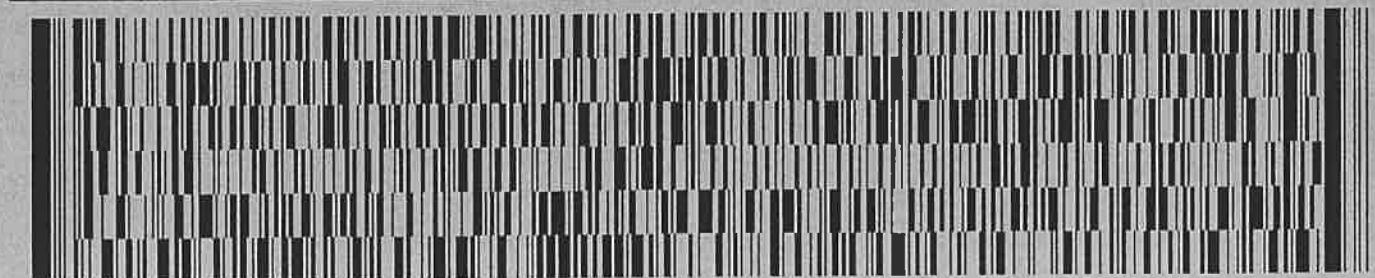
2.b. Name of Recognized Organization

National Immigrant Justice Ctr

2.c. Date accreditation expires

(mm/dd/yyyy) ▶

11/03/2017



Part 3. Eligibility Information for Attorney or Accredited Representative (continued)

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 is at his or her request.

NOTE: If you select this item, also complete **Item Numbers 1.a. - 1.b. or Item Numbers 2.a. - 2.c. in Part 3.** (whichever is appropriate).

- 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)(iv).

- 4.b. Name of Law Student or Law Graduate

Part 4. Applicant, Petitioner, Requestor, or Respondent Consent to Representation, Contact Information, and Signature

Consent to Representation and Release of Information

1. 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 DHS policy, I also consent to the disclosure to the named attorney or accredited representative of any record pertaining to me that appears in any system of records of USCIS, ICE or CBP.

When you (the applicant, petitioner, requestor, or respondent) are represented, DHS will send notices to both you and your attorney or accredited representative either through mail or electronic delivery.

DHS will also send the Form I-94, Arrival Departure Record, to you unless you select **Item Number 2.a. in Part 4.** All secure identity documents and Travel Documents will be sent to you (the applicant, petitioner, requestor, or respondent) at your U.S. mailing address unless you ask us to send your secure identity documents to your attorney of record or accredited representative.

If you do not want to receive original notices or secure identity documents directly, but would rather have such notices and documents sent to your attorney of record or accredited representative, please select **all applicable** boxes below:

- 2.a. ☐ I request DHS send any notice (including Form I-94) on an application, petition, or request to the U.S. business address of my attorney of record or accredited representative as listed in this form. I understand that I may change this election at any future date through written notice to DHS.
- 2.b. ☐ I request that DHS send any secure identity document, such as a Permanent Resident Card, Employment Authorization Document, or Travel Document, that I am approved to receive and authorized to possess, to the U.S. business address of my attorney of record or accredited representative as listed in this form or to a designated military or diplomatic address for pickup in a foreign country (if permitted). I consent to having my secure identity document sent to my attorney of record or accredited representative's U.S. business address and understand that I may request, at any future date and through written notice to DHS, that DHS send any secure identity document to me directly.
- 3.a. Signature of Applicant, Petitioner, Requestor, or Respondent

→

- 3.b. Date of Signature (mm/dd/yyyy) ▶

Part 5. Signature of Attorney or Accredited Representative

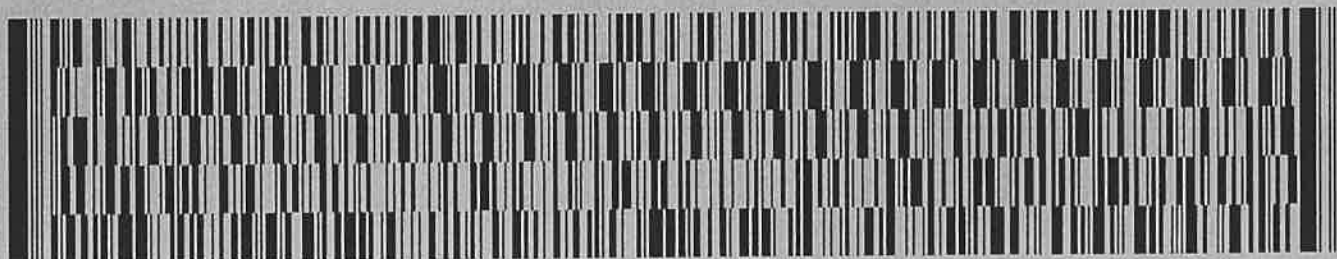
I have read and understand the regulations and conditions contained in 8 CFR 103.2 and 292 governing appearances and representation before the Department of Homeland Security. I declare under penalty of perjury under the laws of the United States that the information I have provided on this form is true and correct.

1. Signature of Attorney or Accredited Representative

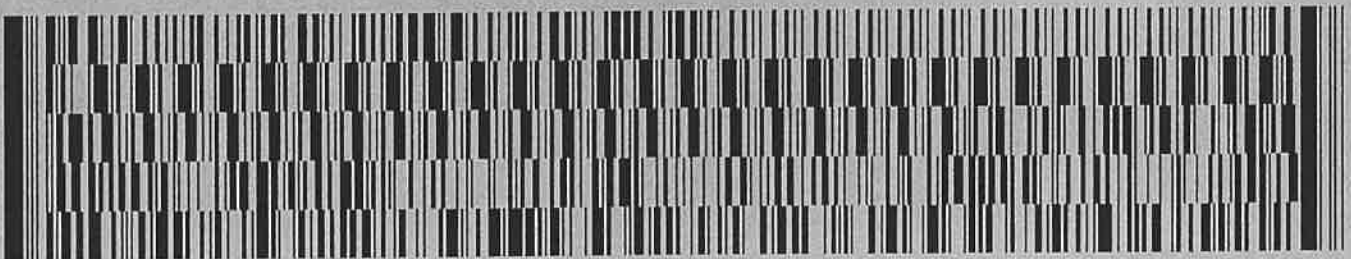
2. Signature of Law Student or Law Graduate

3. Date of Signature (mm/dd/yyyy) ▶

10/11/2017



Use the space provided below to provide additional information pertaining to **Part 3., Item Numbers 1.a. - 1.d.** or to provide your U.S. business address for purposes of receiving secure identity documents for your client (if your client has consented to your receipt of such documents under **Part 4.**)





Application For Employment Authorization

Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form I-765
OMB No. 1615-0040
Expires 02/28/2018

For USCIS Use Only	Fee Stamp	Action Block	Initial Receipt	Resubmitted	
			Relocated		
			Received	Sent	
	Completed				
<input type="checkbox"/> Application Approved		<input type="checkbox"/> Application Denied - Failed to establish:		Approved	Denied
<input type="checkbox"/> Authorization/Extension Valid From _____		<input type="checkbox"/> Eligibility under 8 CFR 274a.12 (a) or (c)		A#	
<input type="checkbox"/> Authorization/Extension Valid To _____		<input type="checkbox"/> Economic necessity under 8 CFR 274a.12(c)(14), (18) and 8 CFR 214.2(f)			
Subject to the following conditions: _____			<input type="checkbox"/> Applicant is filing under section 274a.12 _____		

► **START HERE** - Type or print in black ink.

I am applying for:

- ☒ Permission to accept employment.
- ☐ Replacement (of lost employment authorization document).
- ☐ Renewal of my permission to accept employment (attach a copy of your previous employment authorization document).

1. Full Name

Family Name	First Name	Middle Name

2. Other Names Used (include Maiden Name)

Family Name	First Name	Middle Name

3. U.S. Mailing Address

Street Number and Name		Apt. Number
Town or City	State	ZIP Code
	IL	

4. Country of Citizenship or Nationality

--

5. Place of Birth

Town or City	State/Province	Country

6. Date of Birth (mm/dd/yyyy)

--

7. Gender ☒ Male ☐ Female

8. Marital Status

☒ Single ☐ Married ☐ Divorced ☐ Widowed

9.a. Has the Social Security Administration (SSA) ever officially issued a Social Security card to you?

☐ Yes ☒ No

NOTE: If you answered "Yes" to **Item Number 9.a.**, provide the information requested in **Item Number 9.b.**

9.b. Provide your Social Security number (SSN) (if known)

►

--	--	--	--	--	--	--	--	--	--

10. Do you want the SSA to issue you a Social Security card? (You must also answer "Yes" to **Item Number 11.**, **Consent for Disclosure**, to receive a card.)

☒ Yes ☐ No

NOTE: If you answered "No" to **Item Number 10.**, skip to **Item Number 14.** If you answered "Yes" to **Item Number 10.**, you must also answer "Yes" to **Item Number 11.**

11. 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 10. - 11.**, provide the information requested in **Item Numbers 12.a. - 13.b.**

Father's Name

12.a. Family Name (Last Name)

--

12.b. Given Name (First Name)

--

Mother's Name (Provide your mother's birth name.)

13.a. Family Name (Last Name)

13.b. Given Name (First Name)

14. Alien Registration Number (A-Number) or Form I-94 Number (if any)

15. Have you ever before applied for employment authorization from USCIS?

☐ Yes (Complete the following questions.)

Which USCIS Office?

Dates

Results (Granted or Denied - attach all documentation)

☒ No (Proceed to Item Number 16.)

16. Date of Your Last Arrival or Entry Into the U.S., On or About (mm/dd/yyyy)

17. Place of Your Last Arrival or Entry Into the U.S.

18. Status at Last Entry (B-2 Visitor, F-1 Student, No Lawful Status, etc.)

19. Current Immigration Status (Visitor, Student, etc.)

U visa applicant

20. Eligibility Category. Go to the Who May File Form I-765? section of the Instructions. In the space below, place the letter and number of the eligibility category you selected from the instructions. For example, (a)(8), (c)(17)(iii), etc.

(c) (14) ()

21. (c)(3)(C) Eligibility Category. If you entered the eligibility category (c)(3)(C) in Item Number 20. above, list your degree, your employer's name as listed in E-Verify, and your employer's E-Verify Company Identification Number or a valid E-Verify Client Company Identification Number in the space below.

Degree

Employer's Name as listed in E-Verify

Employer's E-Verify Company Identification Number or a Valid E-Verify Client Company Identification Number

22. (c)(26) Eligibility Category. If you entered the eligibility category (c)(26) in Item Number 20. above, please provide the receipt number of your H-1B principal spouse's most recent Form I-797 Notice of Approval for Form I-129.

23. (c)(35) and (c)(36) Eligibility Category

a. If you entered the eligibility category (c)(35) or (c)(36) in Item Number 20. above, please provide the receipt number of the Form I-140 beneficiary's Form I-797 Notice of Approval for Form I-140.

b. Have you EVER been arrested for and/or convicted of any crime? ☐ Yes ☒ No

NOTE: If you answered "Yes" to Item Number 23.b., refer to Item Number 5., Item H. or Item I. in the Who May File Form I-765 section of these Instructions for information about providing court dispositions.

Certification

I certify, under penalty of perjury, that the foregoing is true and correct. Furthermore, I authorize the release of any information that U.S. Citizenship and Immigration Services needs to determine eligibility for the benefit I am seeking. I have read the Who May File Form I-765 section of the Instructions and have identified the appropriate eligibility category in Item Number 20.

Applicant's Signature

Date of Signature (mm/dd/yyyy)

10/11/2017

Telephone Number

Signature of Person Preparing Form, If Other Than Applicant

I declare that this document was prepared by me at the request of the applicant and is based on all information of which I have any knowledge.

Preparer's Signature

Date of Signature (mm/dd/yyyy)

10/11/2017

Printed Name

Trisha K Teofilo Olave

Address

208 S LaSalle St Ste 1300 Chicago IL 60604


AFFIDAVIT OF

I, _____, hereby declare the following under penalty of perjury of law:

1. My name is _____, I was born in _____, on _____.
2. My life in _____ was terrifying. I remember that I would always go to the doctor because I was born with a _____ and I remember that my mom was always with me. My mom was the one person I could trust. I felt protected with her. She always took care of us in any situation.
3. When I grew up, my brother and I knew people would follow us from school to our house. We felt worried and terrified.
4. One day my mom decided to come to the United States. We didn't understand how much danger we were in if we stayed in _____ The day we left from _____ I felt worried. I was so scared of going back to _____. We crossed Mexico and we stayed in a house to pass the nights in. The people that let us stay were good to us. I felt safe.
5. After a few days we left to an airport and my mom explained to us what happened and they put us in a room where there were people and my mom stayed always by our side. One day after, they took us in a car to a place that looked like jail and then they let us get out and they took us to my grandma's house. From that moment I felt more calm.
6. Three or four years passed by and I felt safe. Here I have no worries and I don't have to worry that someone is following us. I realize that here I can do more things, go out and play with my friends. When I grow up I want to study to be an architect or learn music. The teachers make me happy for helping the people that don't speak English. I feel happy and protected here.

AFFIDAVIT OF

I have provided the foregoing statement in my native language, Spanish, and it has been translated back to me in its entirety in Spanish. I declare that it is true and correct to the best of my ability.



Signature of Applicant

11 - 6 - 17
Date

**YOU MUST DEMONSTRATE TO THE GOVERNMENT THAT YOU MERIT THIS WAIVER IN THE EXERCISE
OF DISCRETION**

Dear Sir or Madam:

In October 2000, Congress passed the Victims of Trafficking and Violence Protection Act (the Act). As part of this Act, Congress sought to strengthen the ability of law enforcement agencies to detect, investigate and prosecute crimes against immigrants. In order to do this, Congress recognized that victim cooperation and assistance is often the key to effective detection, investigation, and prosecution of crimes. And, where the victims are immigrants, their immigration status in the United States can directly affect their ability to cooperate and assist in these efforts.

Thus, Congress created the U visa to provide a specific avenue for certain immigrant crime victims to obtain lawful immigration status. To qualify for a U visa, an applicant must demonstrate that she meets the requirements set forth at INA §101(a)(15)(U); 8 U.S.C. §1101(a)(15)(U). This provision requires, among other things, that the U visa applicant includes with her/his application a certification from a Federal, State or local qualifying official (such as, but not limited to a law enforcement officer, prosecutor or judge). The Department of Homeland Security (DHS) created a form that must be used to certify cooperation from the victim. See Form I-918, Supplement B. This certification affirms that the immigrant victim, "has been helpful, is being helpful, or is likely to be helpful" in the investigation of certain criminal activity set forth in the statute. Certain individuals may stand in for children under 16 to meet several prongs of the certification. The completed certification form will be submitted to U.S. Citizenship and Immigration Services (USCIS), a part of DHS, by the immigrant victim as part of her application for a U visa.

Immigration law requires that victims submit a completed Supplement B form to qualify for a U visa that is signed by a person with supervisory responsibilities that has been designated to sign these forms by the head of the agency. It is important to note that certifying that the victim has cooperated in an investigation or prosecution of a crime **does not** in any way grant or recommend that the victim be granted any immigration benefit. A completed Supplement B form indicating collaboration with law enforcement is one of the many requirements necessary to obtain a U visa. USCIS will carefully screen and consider each application to determine if the applicant is eligible and merits a U visa.

Attached please find Form I-918, Supplement B, and all relevant instructions. You can also find the form and more information about the U visa online at www.uscis.gov. Please do not hesitate to contact us at (312) 660-1370 should you have any questions or concerns.

Thank you for your collaboration in assisting in the prevention and prosecution of crimes committed against this vulnerable population.

Sincerely,

National Immigrant Justice Center

Notice To Client Regarding Pending Matters

Client's Name: _____

Date: _____ Representative: _____

Type of matter pending: ☐ I-918/I-918A, U Visa Application
☐ I-192, Non-Immigrant Waiver of Inadmissibility
☐ Other _____

We appreciate you coming to our office today to prepare the above application. Today we have explained to you what you will need to bring back to us so that we may fully complete this stage of your case.

It is important that we promptly prepare this part of your case. We are not able to hold your case indefinitely with this matter pending. We are, therefore, giving you a deadline date of:

Date: _____

by which to mail the needed documents and/or fees. Please mail the documents and/or fees to the following address:

If you do not return the requested documents and/or government fees by this date, we will close your case with our office without further notice and the National Immigrant Justice Center will also close your case. If we close your case you may need to seek representation elsewhere

Please promptly gather together the items we discussed and mail the documents as discussed.

Client Signature

Date

Original: Give to client
Copies to: Client's file and NIJC

**NATIONAL
IMMIGRANT
JUSTICE CENTER**
A **HEARTLAND ALLIANCE** PROGRAM

NAME: _____ DATE: _____

ADDITIONAL DOCUMENTS NEEDED

- [illegible]

Aviso al Cliente Con Respecto a Materiales Pendientes

Nombre del Cliente: _____

Fecha: _____ Representante: _____

Tipo de Caso Pendiente ☐ I-918/I-918A, Aplicación para la Visa-U
 ☐ I-192, Aplicación para un Perdón
 ☐ Otro _____

Apreciamos el que hoy haya venido a nuestra oficina para preparar su aplicación. Le hemos explicado lo que necesita presentar para poder completar esta etapa de su caso.

Es importante que preparemos esta etapa de su caso lo más pronto posible. Nuestra oficina no puede continuar con este asunto pendiente indefinidamente. Por lo tanto hemos decidido plazo límite hasta la fecha siguiente:

Fecha: _____

Usted necesita enviar los documentos y/o honorarios necesarios por correo antes de la fecha límite. Por favor, envía los documentos y/o honorarios a la siguiente dirección:

Si usted no envía la información necesaria antes la fecha límite, **se cerrará su caso sin más notificación** y el Centro Nacional de Justicia para Inmigrantes (NIJC) va a cerrar su caso también. Si cerramos su caso, es posible que usted necesite buscar otro representante legal.

Favor de juntar la información/documentación que le hemos indicado y envíe los documentos pedidos antes de la fecha indicada.

Firma del cliente

Fecha

Original: Dar al Cliente
Copias a: Archivo del Cliente y NIJC

NOMBRE: _____ FECHA: _____

DOCUMENTOS ADICIONALES

[illegible]

**NATIONAL
IMMIGRANT
JUSTICE CENTER**
A **HEARTLAND ALLIANCE** PROGRAM

VIA FEDERAL EXPRESS

DATE

U.S. Customs and Border Protection
FOIA Division
799 9th Street NW, Mint Annex
Washington, D.C. 20229-1177

RE: FREEDOM OF INFORMATION ACT REQUEST
CLIENT NAME:
D/O/B:

I am writing to request a copy of my immigration record with the U.S. Customs and Border Protection. I was detained by Border Patrol officers at or around Tijuana/San Diego in or around November of 2008.

Please send a copy of my record to the following address:

NAME
ADDRESS

Thank you for your time and attention to this matter.

Sincerely,

<Client Signature>

**NATIONAL
IMMIGRANT
JUSTICE CENTER**
A HEARTLAND ALLIANCE PROGRAM

VIA FEDERAL EXPRESS

DATE

Office of the General Counsel
Attn: FOIA Service Center
Executive Office for Immigration Review
5107 Leesburg Pike, Suite 1903
Falls Church, VA 22041

RE: FREEDOM OF INFORMATION ACT REQUEST
CLIENT NAME:
A#:
DOB:

I am writing to request a copy of my record with the Executive Office for Immigration Review pursuant to 5 U.S.C. § 552. Attached please find my completed Form DOJ-361.

Please send a copy of my record to the following address:

NAME
ADDRESS

If you have any questions, please do not hesitate to call me at _____. Thank you for your time and attention to this matter.

Sincerely,

<Client Signature>

**NATIONAL
IMMIGRANT
JUSTICE CENTER**
A HEARTLAND ALLIANCE PROGRAM

VIA FEDERAL EXPRESS

DATE

USCIS National Records Center
FOIA – PA Office
150 NW Space Center Loop, Ste 300
Lee's Summit, MO 64064-2140

RE: FREEDOM OF INFORMATION ACT REQUEST
CLIENT NAME:
A#:
D/O/B:

Dear FOIA Officer:

This is a request pursuant to the Freedom of Information Act ("FOIA"), 5 USC Section 552, et seq. Enclosed please find my form G-639. I am writing to request all written materials pertaining to my immigration file. I am particularly interested in any records pertaining to my previous application for adjustment of status.

As provided in the FOIA, I will be expecting a response to my request within 10 working days. Thank you for your prompt attention to this request.

Please forward your response and any written materials to me, the subject of record, at the following address:

CLIENT NAME
ADDRESS

Sincerely,

<Client Signature>

1. NAME: _____
(First) (Middle) (Last)

2. Birth: -Place: _____
(City/Town) (State/Province) (Country)

-Date: _____
(Month) (Day) (Year)

3. Father's Name: _____
(First) (Middle) (Last)

4. Mother's Name: _____
(First) (Middle) (Last)

5. Certificate Issued:
Date: _____
(Month) (Day) (Year)

Place: _____
(City/Town) (State/Province) (Country)

Magistrate: _____
(Full name)

6. Certificate Found: Archive or Register: _____
Page _____ No. _____

7. Notations of Importance:

Certificate of Translation

I, (*) _____, hereby certify that the above is an accurate translation of the original "birth certificate" in (**) _____; and that I am competent in both English and (**) _____ to render such translation.

(Signature of Translator)

(Date)

(*) Printed or typed, name of the translator in full

(**) Language of the original certificate- Spanish, French, Chinese, German, etc...

*****Note: A copy of the original document should be attached to this summary translation form and certification.

Translation of a Marriage Certificate

1. Mr. _____
& (First) (Middle) (Last)

Ms./Mrs. _____
(First) (Middle) (Last)

2. Were married on: _____
(Month) (Day) (Year)

3. In: _____
(City/Town) (State/Province) (Country)

4. By _____
(Judge or Minister's full name)

5. Witnesses: 1) _____
(First) (Middle) (Last)

2) _____
(First) (Middle) (Last)

6. Certificate Issued:
Date: _____
(Month) (Day) (Year)

Place: _____
(City/Town) (State/Province) (Country)

Magistrate: _____
(Full name)

7. Certificate Found: Archive or Register: _____
Page _____ No. _____

8. Important Notations:

Certificate of Translation

I, _____, hereby certify that the above is an accurate translation of the original "marriage certificate" in _____; and that I am competent in both English and _____ to render such translation.

(Signature of Translator)

(Date)

TRANSLATION OF A "DECREE OF DIVORCE"

(print or type)

1. Mr. _____
& (first name) (middle) (last)

Mrs. _____
(first name) (middle) (last)
2. WERE DIVORCED: on _____
(month) (day) (year)
3. in _____
(city/town) (state/province) (country)
4. before _____
(name of Judge or Magistrate)
5. MAIN REASONS FOR THE DIVORCE (stated briefly):
6. PARTY SEEKING VISA: _____
(last name) (middle) (first)
7. is now: Single _____ Married _____ Widow(er) _____
8. (If married) name of new SPOUSE: _____
(first) (middle) (last)
9. IMPORTANT NOTATIONS: (Statement that the "Decree of Divorce"
is final and absolute, and other pertinent information):

CERTIFICATION OF TRANSLATOR'S COMPETENCE

I, _____, hereby certify that the above is
an accurate translation of the original "decree of divorce" in
_____, and that I am competent in both English and
_____ to render such translation.

(Signature of translator)

Date

**GUIDELINES FOR DOMESTIC VIOLENCE EXPERTS AND COUNSELORS WHO PROVIDE AFFIDAVITS IN
SUPPORT OF IMMIGRANT SURVIVORS OF DOMESTIC VIOLENCE**

If you have received this instruction letter you have probably come in contact with a battered immigrant who is seeking relief under the Victims of Trafficking and Violence Protection Act (VTVPA) or “U Visa.” A U Visa allows a battered immigrant and her or his children to file for lawful nonimmigrant status, and eventual legal permanent residence, in the United States without the help of his/her abuser. However, in order to petition successfully she/he needs to gather evidentiary documentation of the physical and psychological abuse she/he suffered at the hands of her/his spouse.

The following is a guide for individuals who have provided counseling and/or support services, and are willing to write a letter in support of our client. It is very important to provide as much information as possible about the applicant and her/his situation.

All affidavits in support of U Visa applicants should be signed and on letterhead of the organization or individual writing the affidavit, and should include the following:

- 1) Credentials of the individual(s) who write the affidavit(s), including:
 - a) educational degrees;
 - b) licenses;
 - c) length of experience working with domestic violence survivors;
 - d) number of clients expert has served; and
 - e) any other information relating to qualifications.
- 2) A detailed description of what the client told the expert about the domestic violence, including:
 - a) Emotional abuse;
 - b) Psychological abuse; and/or
 - c) Physical abuse
- 3) Any effects the client may still suffer from (i.e. cannot sleep or eat, depression, difficulty with daily tasks, etc.) due to the abuse he or she was subjected to.
- 4) An explanation as to why the individual's abuse fits within the legally recognized definition of domestic violence.
- 5) Any information about how abuse involved threats about immigration status and/or deportation or other immigration-related matters.
- 6) An explanation as to why you find the individual's story to be credible given your experience with domestic violence survivors.

The letter should be **addressed** as follows:

U.S. Citizenship and Immigration Services
Vermont Service Center
Attn: VAWA Unit
75 Lower Weldon Street
St. Albans, VT 05479-001

Thank you for your assistance. Please mail the letter to our offices at the address listed below. Your letter will contribute to helping a survivor of family violence leave an abusive situation and gain independence – your assistance is greatly appreciated.

**GUIDELINES FOR MENTAL HEALTH PROFESSIONALS AND COUNSELORS WHO PROVIDE AFFIDAVITS
IN SUPPORT OF IMMIGRANT SURVIVORS OF CRIME**

If you have received this instruction letter you have probably come in contact with an immigrant who is seeking relief under the Victims of Trafficking and Violence Protection Act (VTVPA) or “U Visa.” A U Visa allows an immigrant victim of crime and his/her children to file for lawful nonimmigrant status, and eventual legal permanent residence, in the United States. However, in order to petition successfully she/he needs to gather evidentiary documentation of the physical and psychological harm she/he suffered as a result of the criminal incident.

The following is a guide for individuals who have provided counseling and/or support services, and are willing to write a letter in support of our client. It is very important to provide as much information as possible about the applicant and her/his situation.

All affidavits in support of U Visa applicants should be signed and on letterhead of the organization. The individual writing the affidavit should include the following:

- 1) Credentials of the individual(s) who write the affidavit(s), including:
 - a) educational degrees;
 - b) licenses;
 - c) length of experience working with trauma survivors;
 - d) number of clients expert has served; and
 - e) any other information relating to qualifications.
- 2) A detailed description of what the client told the expert about the criminal incident that the individual reported to law enforcement, including:
 - a) Emotional harm;
 - b) Psychological harm; and/or
 - c) Physical harm
- 3) Any effects the client may still suffer from (i.e. cannot sleep or eat, depression, difficulty with daily tasks, etc.) due to the violence to which he or she was subjected.
- 4) An explanation as to why you find the individual’s story to be credible given your experience with trauma survivors.

The letter should be **addressed** as follows:

U.S. Citizenship and Immigration Services
Vermont Service Center
Attn: VAWA Unit
75 Lower Weldon Street
St. Albans, VT 05479-001

Thank you for your assistance. Please mail the letter to our offices at the address listed below. Your letter will contribute to helping a survivor of violence – your assistance is greatly appreciated.

GUIDELINES FOR INDIVIDUALS (FAMILY, FRIENDS, EMPLOYERS) WHO PROVIDE A LETTER IN SUPPORT OF IMMIGRANT SURVIVORS OF DOMESTIC VIOLENCE⁶⁸

If you have received this instruction letter you have probably come in contact with a battered immigrant who is seeking relief under the Victims of Trafficking and Violence Protection Act (VTVPA) or “U Visa.” The U Visa allows a battered immigrant and her or his children to file for lawful nonimmigrant status and eventually legal permanent residence status in the United States without the help of his/her abuser. However, in order to petition successfully she/he needs to gather evidentiary documentation of the physical and psychological abuse she/he suffered at the hands of her/his spouse.

The following is a guide for individuals who are aware of the abuse and are willing to write a letter in support of our client. It is very important to provide as much detailed information as possible about the applicant and her/his situation. If possible, please include a description of specific incidents you witnessed or that the individual informed you of. ***This is not a letter of recommendation for immigration status. Therefore, please refrain from “recommending” that Immigration grant this individual immigration status.***

All statements in support of U Visa applicants should be signed and dated and should include the following:

- 1) Information as to how you know the individual and how long you have known the individual
- 2) Information about whether you have knowledge that the individual and her/his partner or spouse live together or previously lived together, and how you obtained this information
- 3) A detailed description about your personal knowledge of domestic violence between the individual and her/his partner/spouse (ex-spouse), including how you obtained the information, i.e., from the individual or through observation. Please include details as to whether the abuse involved:
 - a) Emotional abuse
 - b) Psychological abuse
 - c) Physical abuse
- 4) Any information about whether the abuse involved threats about immigration status and/or deportation or other immigration related matters
- 5) Provide information regarding the individual’s good moral character and why you think she or he is of good moral character.

The letter should be **addressed** as follows:

U.S. Citizenship & Immigration Services
Vermont Service Center
Attn: VAWA Unit
75 Lower Welden Street
St. Albans, VT 05479-001

Please provide the letter to the applicant. Thank you for your assistance.

⁶⁸ *Your letter will contribute to helping a battered immigrant leave an abusive situation and gain independence – your assistance is greatly appreciated.*

GUIA PARA PERSONAS (FAMILIARES, AMIGOS, CONOCIDOS) QUIENES PUEDEN ESCRIBIR UNA DECLARACION EN APOYO A UN SOBREVIVIENTES DE VIOLENCIA INTRAFAMILIAR

Si usted ha recibido esta guía probablemente ha estado en contacto con una persona inmigrante que fue maltratada y que está solicitando ayuda bajo la Ley de Víctimas de Trata de Personas y Protección Contra la Violencia o “La Visa-U.” La Visa-U le permite a un inmigrante maltratado (y sus familiares) solicitar un estatus legal de no-inmigrante, y eventualmente la residencia permanente en los Estados Unidos, sin la ayuda del agresor(a). Para solicitar este remedio de inmigración se requiere extensa documentación acerca del abuso físico y/o psicológico que ha sufrido el individuo por parte de su esposo/a.

Lo siguiente es una guía para personas quienes tienen información acerca del abuso y que están dispuestas a escribir una carta de apoyo para nuestro cliente. Es muy importante que usted ofrezca toda la información que puede sobre el solicitante y su situación. Si es posible, incluya una descripción de los incidentes específicos de los cuales usted fue testigo o la información que le dio la solicitante.

Todas las declaraciones de apoyo para las peticiones de la Visa-U deben ser firmadas con la fecha y deben incluir lo siguiente:

- 1) Información acerca de cómo conoce a la persona y cuánto tiempo la ha conocido
- 2) Información si tiene algún conocimiento si la persona y su esposo/a viven o vivieron juntos y como obtuvo esa información
- 3) Una descripción detallada acerca de su conocimiento personal de violencia doméstica entre el individuo y su esposo (o ex-esposo), incluyendo como obtuvo esa información, por ejemplo, por medio de la solicitante o por observación. Por favor incluya detalles acerca del abuso:
 - a) Abuso emocional;
 - b) Abuso psicológico; y/o
 - c) Abuso físico
- 4) Cualquier información acerca del abuso incluyendo cualquier amenaza en relación al estatus migratorio de la solicitante o amenazas de deportación
- 5) Proveer información acerca del buen carácter moral de la solicitante y ejemplos de este buen carácter moral

Por favor dirija su carta a:

U.S. Citizenship & Immigration Services
Vermont Service Center
Attn: VAWA Unit
75 Lower Welden Street
St. Albans, VT 05479-001

Favor de entregar la carta a la solicitante y el/ella se encargará de enviarla a Inmigración. Gracias por su ayuda y atención.

**GUIDELINES FOR INDIVIDUALS (FAMILY, FRIENDS, EMPLOYERS) WHO PROVIDE A LETTER IN
SUPPORT OF IMMIGRANT SURVIVORS OF CRIME**

If you have received this instruction letter you have probably come in contact with a battered immigrant who is seeking relief under the Victims of Trafficking and Violence Protection Act (VTVPA) or “U Visa.” The U Visa allows an immigrant survivor of violence and her/his children to file for lawful nonimmigrant status and eventually legal permanent residence status in the United States. However, in order to petition successfully she/he needs to gather evidentiary documentation of the physical and psychological abuse she/he suffered as a result of criminal incident.

The following is a guide for individuals who are aware of the abuse and are willing to write a letter in support of our client. It is very important to provide as much detailed information as possible about the applicant and her/his situation. If possible, please include a description the specific criminal incident. ***This is not a letter of recommendation for immigration status. Therefore, please refrain from “recommending” that Immigration grant this individual immigration status.***

All statements in support of U Visa applicants should be signed and dated and should include the following:

- 1) Information as to how you know the individual and how long you have known the individual
- 2) Information about whether you have knowledge about the relationship between the victim and the perpetrator, and how you obtained this information
- 3) Any information about the details of the criminal event and how you obtained this information i.e., from the individual or through observation.
- 4) A detailed description about your personal knowledge of the harmful effects that the crime survivor experienced due to the crime he/she suffered, including how you obtained the information, i.e., from the individual or through observation. Also, explain the way that the crime has significantly altered the survivor’s life (and/or family) in a negative way. Please include details of the harmful effects as follows:
 - d) Emotional effects
 - e) Psychological effects
 - f) Physical effects
- 5) Provide information regarding the individual’s good moral character and why you think she or he is of good moral character.

The letter should be **addressed** as follows:

U.S. Citizenship & Immigration Services
Vermont Service Center
Attn: VAWA Unit
75 Lower Welden Street
St. Albans, VT 05479-001

Please provide the letter to the applicant. Thank you for your assistance.

GUIA PARA INDIVIDUOS (FAMILIARES, AMIGOS, CONOCIDOS) QUIENES PUEDAN ESCRIBIR UNA DECLARACION QUE BRINDA APOYO A SOBREVIVIENTES DE VIOLENCIA CRIMINAL

Si usted ha recibido esta guía probablemente ha estado en contacto con una persona inmigrante que fue agredida en un incidente de violencia y que está solicitando ayuda bajo la Ley de Víctimas de Trata de Personas y Protección Contra la Violencia o “La Visa-U.” La Visa-U permite a un inmigrante que haya sido agredido/a en un incidente criminal solicitar un estatus legal de no-inmigrante, y eventualmente la residencia permanente en los Estados Unidos. Para solicitar este remedio de inmigración se requiere documentación extensa acerca del abuso físico y/o psicológico que ha sufrido el individuo.

Lo siguiente es una guía para personas quienes tienen información acerca del incidente y que están dispuestas a escribir una carta de apoyo para nuestro cliente. Es muy importante que usted ofrezca toda la información que pueda sobre el solicitante y su situación. Si es posible, incluya una descripción de su conocimiento del incidente de violencia contra el/la solicitante.

Todas las declaraciones de apoyo para las peticiones de la Visa-U deben ser firmadas con la fecha y deben incluir lo siguiente:

- 1) Información acerca de como conoce a la persona y cuanto tiempo la has conocido
- 2) Cualquier información acerca de los detalles del incidente de violencia contra la solicitante, y como obtuvo esa información (por ejemplo, por medio de la solicitante o por observación propia)
- 3) Una descripción detallada acerca de su conocimiento de los efectos dañinos que ha sufrido la víctima (y su familia), incluyendo como obtuvo esa información, por ejemplo, por medio de la solicitante o por observación propia. También, debe explicar como el crimen ha impactado negativamente la vida de la víctima. Por favor incluya detalles acerca de los efectos dañinos:
 - a) Efectos emocionales;
 - b) Efectos psicológicos; y/o
 - c) Efectos físicos
- 4) Proveer información acerca del buen carácter moral de la solicitante y ejemplos de este buen carácter moral

Por favor dirija su declaración a:

U.S. Citizenship & Immigration Services
Vermont Service Center
Attn: VAWA Unit
75 Lower Welden Street
St. Albans, VT 05479-001

Favor de entregar la carta a la solicitante y el/ella se encargará de enviarla a Inmigración. Gracias por su ayuda y atención.

NATIONAL IMMIGRANT JUSTICE CENTER

A HEARTLAND ALLIANCE PROGRAM

Obtaining Certified Dispositions

A **certified disposition** is an official document describing the arrest, the charge, and what happened during your court trial. You will need to obtain certified dispositions for all arrests before applying for immigration relief.

Please refer to the chart below to learn how and where to obtain a certified disposition.

If you were arrested in:	Obtain a certified disposition at:	Information:
Chicago (misdemeanors)	Cook County Circuit Court Richard J. Daley Center 50 W. Washington, Room 1006 (312) 603-5031	Hours: Monday through Friday 8:30 am – 4:30 pm Certified dispositions \$9 Records can be requested by mail. Records prior to 1985 are not available.
Chicago (felonies)	2650 S. California, 5 th Floor (773) 674-3152	Certified Dispositions \$9
DuPage County	DuPage County Court 505 N. County Farm Rd. Wheaton, IL 60187 (630) 407-8700	Hours: Monday through Friday 8:30 am – 4:30 pm Certified dispositions \$6 per page Files prior to 1990 must be requested 24 hours in advance of visit.
Kane County	Kane County Court 540 S. Randall Rd. St. Charles, IL 60174 (630) 232-3413	Hours: Monday through Friday 8:30 am – 4:30 pm Wednesdays 8:30 am – 7:00 pm Files can be viewed in person.
Lake County	Lake County Court 18 N. County Court Waukegan, IL 60085 (847) 377-3380 (847) 377-3291	Hours: Monday through Friday 8:30 am – 5:00 pm Certified dispositions \$6 Records can be requested by mail or in person. Call in advance if in person.
McHenry County	McHenry County Court 2200 N. Seminary Ave., Room 136 Woodstock, IL 60098 (815) 334-4302	Hours: Monday through Friday 8:00 am – 4:30 pm Certified dispositions \$8 Files can be viewed in person, requested online or by mail.
Will County	Will County Court House 14 W. Jefferson St., 2 nd Floor Joliet, IL 60432 (815) 727-8592	Hours: Monday through Friday 8:30 am – 4:30 pm Certified dispositions \$2 Files can be viewed in person, requested online or by mail. Call in advance if file older than 5 years.
Outside the Chicago metropolitan area	The county courthouse of that area	

Immigration officials may also request a police record, known as an **Access and Review**. If you need an Access and Review from the Chicago Police Department, you can request one at:

Chicago Police Headquarters
3510 S. Michigan Ave.
Chicago, IL 60653
(312) 745-5508
8:30 am - 12:00 pm

For the Access and Review, the police officials will take your fingerprints and issue the records between 5 to 7 days later. You will need to arrive between 8:30 am - 12:00 pm, Monday through Friday for fingerprinting. Please bring your photo identification and the fee of \$16 either in cash or check/money order payable to the "Department of Revenue."

Heartland Alliance for Human Needs & Human Rights | National Immigrant Justice Center
208 S. LaSalle Street, Suite 1300, Chicago, Illinois 60604 | ph: 312-660-1370 | fax: 312-660-1505 | www.immigrantjustice.org

September 2014

NATIONAL IMMIGRANT JUSTICE CENTER

A HEARTLAND ALLIANCE PROGRAM

Como obtener una disposición certificada

Una **disposición certificada** (en inglés, “**certified disposition**”) es un documento oficial describiendo el arresto, el cargo y lo que pasó durante la corte. Tiene que pedir sus disposiciones certificadas antes de aplicar para un beneficio de inmigración.

Usted puede obtener su disposición certificada usando la tabla siguiente:

Si fue arrestado en:	Obtenga su disposición certificada en:	Más información:
Chicago (delitos menores/ misdemeanors)	Cook County Circuit Court Richard J. Daley Center 50 W. Washington, Room 1006 (312) 603-5031	Horas: Lunes a Viernes 8:30 am – 4:30 pm Disposiciones certificadas \$9 Se puede pedir disposiciones por correo. Disposiciones antes del 1985 no están disponibles.
Chicago (delitos graves/ felonies)	2650 S. California, 5º Piso (773) 674-3152	Disposiciones certificadas \$9
DuPage County	DuPage County Court 505 County Farm Rd. Wheaton, IL 60187 (630) 407-8700	Horas: Lunes a Viernes 8:30 am – 4:30 pm Disposiciones certificadas \$6 por página Para disposiciones antes del 1990, necesita pedir las con 24 horas de anticipación.
Kane County	Kane County Court 540 S. Randall Rd. St. Charles, IL 60174 (630) 232-3413	Horas: Lunes a Viernes 8:30 am – 4:30 pm Miércoles 8:30 am – 7:00 pm Se puede pedir las disposiciones en persona.
Lake County	Lake County Court 18 N. County Court Waukegan, IL 60085 (847) 377-3380 (847) 377-3291	Horas: Lunes a Viernes 8:30 am – 4:30 pm Disposiciones certificadas \$6 Se puede pedir disposiciones por correo o en persona. Llame de antemano si va a llegar en persona.
McHenry County	McHenry County Court 2200 N. Seminary Ave. Woodstock, IL 60098 (815) 334-4302	Horas: Lunes a Viernes 8:30 am – 4:30 pm Disposiciones certificadas \$8 Se puede pedir disposiciones en persona, por correo o por internet.
Will County	Will County Court House 14 W. Jefferson Street, 2º Piso Joliet, IL 60432 (815) 727-8592	Horas: Lunes a Viernes 8:30 am – 4:30 pm Disposiciones certificadas \$2 Se puede pedir disposiciones en persona, por correo o por internet. Llame antes de ir si las disposiciones son de hace más de 5 años.
Fuera del área metropolitana de Chicago	La corte del condado en esa localidad	

Los oficiales de inmigración también puede pedir un Access & Review (su historial criminal de la ciudad de Chicago).

Un **Access & Review** se puede conseguir en la sede principal de la policía de Chicago en el:

Chicago Police Headquarters
3510 S. Michigan Ave.
Chicago, IL 60653
(312) 745-5508
8:30 am - 12:00 pm

Para el Access & Review, la policía le toma las huellas por la mañana y le da su historial criminal después de 7 días. Tiene que llegar entre las 8:30 am y las 12:00 pm, lunes a viernes. Debe traer su identificación con foto y la cuota de \$16 en efectivo o en cheque/orden de moneda pagado al “Department of Revenue.”

Heartland Alliance for Human Needs & Human Rights | National Immigrant Justice Center
208 S. LaSalle Street, Suite 1300, Chicago, Illinois 60604 | ph: 312-660-1370 | fax: 312-660-1505 | www.immigrantjustice.org

September 2014

Obtaining a U-visa I-918, Supplement B from the Chicago Police Department

You will need to go to the Chicago Police Records Department at 3510 South Michigan to request that the police department sign your certification form (Form I-918, Supplement B). Please bring the following information:

- Police report and/or police report number
- Blank Form I-918, Supplement B
- Photo identification

If you do not have a copy of the police report, please request the police report at the records department, located at the same address. You may need the following information:

- suspect's name
- date crime occurred
- address where crime occurred
- Nature of crime
- Alternate names that might have been recorded at the time of the crime

You will need to provide your contact information, including your name, address and phone number. It may be useful to bring your own interpreter. The Chicago Police Department will review your request and it may take 5-7 business days to reach a decision on whether to sign the certification. Before leaving, please ask the officer if they will mail you the signed certification form or if you need to return to pick it up. Please return to our office or talk to an immigration attorney once you have the signed certification form.

Para Obtener una Certificación para la Visa U (Form I-918, Supplement B) de la Policía de Chicago

Vaya al Departamento de Réconds de la Policía de Chicago en el 3510 South Michigan para pedir que la policía firme su certificación (Form I-918, Supplement B). Traiga con usted los siguientes documentos:

- Reporte de policía y/o numero de reporte de policía
- Forma I-918, Supplement B (en blanco, la policía llenará esta forma)
- Identificación con foto

Si no tiene copia del reporte de policía, favor de pedirlo en el Departamento de Réconds ubicado en la misma dirección. Debe tener la información siguiente:

- el nombre del sospechoso/acusado
- la fecha que ocurrió el incidente
- la dirección donde ocurrió el crimen
- el tipo de crimen
- otros nombres que tal vez fueron escritos cuando ocurrió el crimen

Tiene que proveer a la policía su nombre, dirección, y teléfono. Si no entiende ingles, tal vez seria útil que llevara un acompañante con usted que pueda interpretar. La Policía de Chicago revisara su caso y puede tardar de 5-7 días laborales para decidir si ellos pueden firmar la certificación. Antes de salir del Departamento de Policía, pregunte si el oficial va a mandarle la forma o si usted tiene que regresar para recogerla. Regrese a nuestra oficina o hable con otro abogado de inmigración cuando tenga la certificación firmada.

IF AN ORDER OF PROTECTION IS SOMETHING YOU ARE CONSIDERING

Please review the following to ensure that you are well informed and prepared to proceed with this legal process. To get an order of protection, you must go to 555 W Harrison, 1st Floor. While there, you can request a domestic violence legal advocate to assist you.

For a criminal case when you want to press criminal charges in addition to getting an order of protection

1. You need a police report or an RD #. If a police report was not made, one can be made on the phone by calling 311.
2. Plan on spending at least 4 hours at court.
3. An Assistant State's Attorney (ASA) will interview you to see if you are eligible for a criminal Emergency Order of Protection (EOP). Examples of questions: What is the nature of the abuse that took place? Is there any evidence (bruises, hospital records etc.) or witnesses (neighbors, friends, coworkers etc.)? How many times and in what period of time did the abuse occur?
4. If you are deemed eligible, you must be ready and willing to press charges and put out a warrant for the abuser's arrest (if he/she hasn't already been arrested).
5. You may bring your children. There is a children's advocacy center on the 1st floor which will keep your child(ren) if they are potty trained and do not have a cold or any contagious illness.
6. An ASA will be presenting your case in court. This is the State's case. You are their star witness.
7. There will be at least one other court date at which you will need to appear. You will be notified of each mandatory court date, and an ASA will present your case each time, so you don't need your own attorney.

For a civil order of protection

1. You do not need a police report, evidence or witnesses. Although, if your case should go to a hearing, any of those will be helpful in supporting/proving your case.
2. This is an EMERGENCY order of protection. Therefore, the judge needs to find that a) some form of abuse has indeed taken place, which places you in danger of, or in fear of the abuser (it does not have to be physical abuse!) and b) that the abuse took place recently (within 1-2 weeks). Note that only the most recent incident needs to have taken place within 1-2 weeks. There is space provided for you to tell the judge about other incidents of abuse that have taken place throughout the relationship.
3. The entire process will take at least 2-3 hours. This includes: a) filling out the EOP forms (1hr) b) going before the judge to explain why you need an EOP and answering some basic questions (30-60mins.) Please be aware that courtrooms close down from 11:30 to 2:00.
4. A Cook County Sheriff will serve the abuser with the EOP; usually within 24-48 hours of receiving it from the judge. *This means you need to have an address for the abuser, where the sheriffs may find him/her in order to serve the EOP. This address can be a home, work, family member's, etc.* Keep in mind that this also means that the abuser will have a copy of everything you wrote.
5. The abuser will also be informed of the next court date, in case he/she wants to be heard before the judge. If there is information that you do not want the abuser to know (such as your home address or telephone number), ask your advocate or court staff what your options are.
6. If the judge grants your EOP, you will be given a new court date (because the EOP only lasts for 21 days). It is EXTREMELY important that you show up to this court date and that you be on time! This is YOUR case, so if you don't show up (or if you are late, and your case is called), the judge has no choice but to dismiss it. You are allowed to request that the order be extended for up to 2 years. This would now become a Plenary Order of Protection (POP) if granted. *Remember that the abuser may be present, since the Sheriff made him aware of the date, and that he/she has a right to disagree to the order. If this should happen, the judge will set a hearing date in order to hear both sides of the whole story (which is where your evidence or witnesses will be helpful)*

IF YOU HAVE ANY QUESTIONS REGARDING ORDERS OF PROTECTION, PLEASE FEEL FREE TO CALL US AT VIOLENCE RECOVERY SERVICES, A PARTNER OF HEARTLAND ALLIANCE: (773) 847-4417.

List of Domestic Violence Shelters/Social Service Providers

Organizations that provide 24-hour assistance:

Chicago Domestic Violence Helpline (Referrals) 877-863-6338

Chicago Abused Women Coalition (Near North) 773-278-4566

Community Crisis Center (Elgin): Español 847-697-9740 / 847-697-2380

Between Friends (Referrals) (Far North) 1-800-603-4357 (1-800-603-HELP)

Apna Ghar (Uptown) 1-800-717-0757

Rainbow House (South) 1-800-913-0065

Neopolitan Lighthouse (West) 773-722-0005

Mujeres Latinas en Acción 312-738-5358

LifeSpan 847-824-4454

Sarah's Inn (West/Oak Park) 708-386-4225

Mutual Ground 24 Hour Hotline (Aurora): 630-897-0080

Other:

Family Rescue: 800-360-6619

Greenhouse Shelter: 773-278-4566

House of the Good Shepherd: 773-935-3434

Mujeres Latinas: 773-890-7676

Casa Central: 773-782-8820

Mutual Ground (Aurora): 630-897-0084

Partners for Nonviolence (for both abusers and victims): 708 532 4020

NIJC prepared this document by compiling information available to the public.

CENTROS DE ATENCIÓN A VÍCTIMAS DE VIOLENCIA FAMILIAR

Atención de 24 horas:

Chicago Domestic Violence Helpline (Referrals) 877-863-6338

Chicago Abused Women Coalition (Near North) 773-278-4566

Community Crisis Center (Elgin): Español 847-697-9740 / 847-697-2380

Between Friends (Referrals) (Far North) 1-800-603-4357 (1-800-603-HELP)

Apna Ghar (Uptown) 1-800-717-0757

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Mutual Ground 24 Hour Hotline (Aurora): 630-897-0080

Otros:

Family Rescue: 800-360-6619

Greenhouse Shelter: 773-278-4566

House of the Good Shepherd: 773-935-3434

Mujeres Latinas: 773-890-7676

Casa Central: 773-782-8820

Mutual Ground (Aurora): 630-897-0084

Partners for Nonviolence (para la victimas y también los agresores): 708 532 4020

NIJC preparó este documento, recopilando información disponible al público.