

## Substantial Harm Factors in U Visa Cases 72 Fed. Reg. 53018 (January 7, 2015)

The preamble to the U visa regulations and the U visa regulations 8 C.F.R.214.14(b)(1) require consideration of the following factors as proof that the victim “has suffered substantial physical or mental abuse as a result of having been a victim of qualifying criminal activity.”

- Nature of the physical or mental injury
  - Inflicted or suffered
- Severity of the perpetrator’s conduct
- Severity of the harm suffered
- The duration of the infliction of the harm
- Extent to which there is *permanent* or *serious* harm to the victim’s
  - Appearance; *or*
  - Health; *or*
  - Physical soundness; *or*
  - Mental soundness
- No single factor is a prerequisite
- No requirement that harm be permanent
- For those with a pre-existing physical or mental injury or condition
  - Consider aggravation
- 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