



CONFERENCE

Strengthening Community and Organizational Responses: Serving Immigrant Victims of Domestic Violence, Sexual Assault, and Stalking

U Visa Helpfulness and Certification

Session 4C August 2023



Faculty



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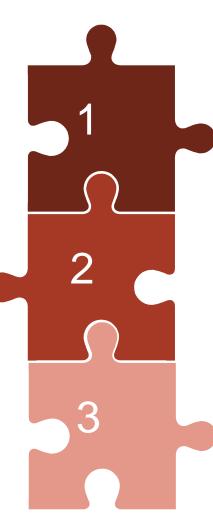
Thank You to OVW

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Learning Objectives

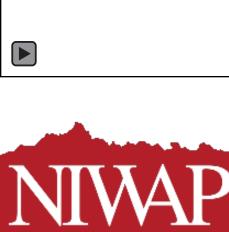
By the end of this webinar participants will be better able to



Assess helpfulness and sign U visa certifications consistent with federal law

Understand the U visa's ongoing assistance requirement and special exceptions

Employ the U visa as a tool to build trust with and support immigrant victims improving outcomes of cases and for victims





Primary Immigration Protections for Victims





Bipartisan Legislative Intent

- We want crimes reported to police and courts
- Improved community policing helps everyone
- No one should be a victim of crime
- Offenders prey upon the most vulnerable in our communities, often immigrants
- Without victims reporting crimes, we won't know about the most dangerous offenders
 - Domestic violence
 - Sexual Violence
 - Stalking



U Visa Basics

- Law enforcement certification is
 - A filing requirement
 - Just one part of the overall process; it does not = citizenship
- Meant to promote reporting of crime
- Targets offenders who prey on most vulnerable victims
- Offender may be citizen or non-citizen
- Can be "revoked"
- Increases immigrant victim justice system participation
 - Rises significantly after the victim receives bona fide determination = work authorization/deferred action
- Bona fide = work authorization and protection from deportation during wait for U visa - Limited to 10,000 per year



U Visa Requirements

Victim (Certification)

- Qualifying criminal activity
- Possesses information about the crime
- Criminal activity occurred in U.S. or violated U.S. law
- Admissible to US or granted waiver

Helpful (Certification)

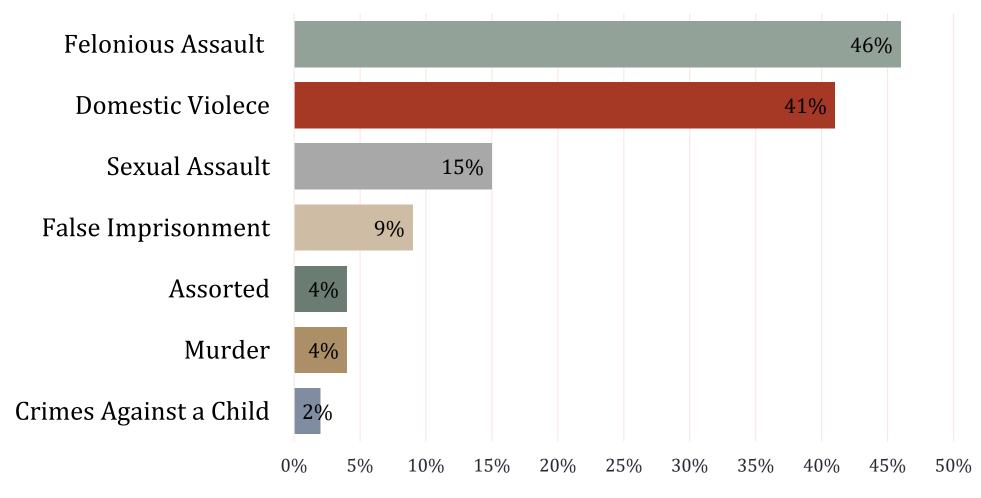
- Has been, is being, or is likely to be
- Detection, investigation, prosecution, conviction, or sentencing

Harm (Victim's Application)

Substantial physical or mental harm as a result of having been a victim of criminal activity



U-Visa Criminal Activities Certified (2012-2020)



Source: USCIS, U Visa Report (2020)



Qualifying Criminal Activity

| Abduction | Hostage | Sexual Assault |
|---------------------------------------|--|--------------------------------|
| Abusive Sexual Contact | Incest | Sexual Exploitation |
| Blackmail | Involuntary Servitude | Slave Trade |
| Domestic Violence | Kidnapping | Stalking |
| Extortion | Manslaughter | Torture |
| False Imprisonment | Murder | Trafficking |
| Felonious Assault | Obstruction of Justice | Witness Tampering |
| Female Genital Mutilation | Peonage | Unlawful Criminal Restraint |
| Fraud in Foreign Labor Contracting | Perjury | Prostitution |
| Rape | Attempt, conspiracy or solicitation to commit crime or similar activity | |
| | These are general categories, and not specific crimes or citations to a criminal code. | |



Types of Qualifying Criminal Activity

- Conviction of criminal activity is not required
 - Also includes attempt, conspiracy, or solicitation to commit any of the above and other related crimes
- Qualifying criminal activity includes any similar activity where the elements of the crime are substantially similar. Examples:
 - Hate crimes
 - Video voyeurism
 - Elder abuse/abuse of adults with disabilities
 - Child abuse
 - Robbery or aggravated robbery could be similar to felonious assault depending on the evidence and state law definition



Who Can Certify?

"law enforcement" & "law enforcement agencies" =

- Federal, state, and local
 - Police, sheriffs, FBI, HIS,
 ATF
 - Prosecutors
 - Head of agency or designee
 - Judges, Magistrates,
 Commissioners, other
 judicial official

- Departments of Labor (DOL) and the Equal Employment Opportunity Commission (EEOC)
- Child and Elder Abuse agencies
- Other government agencies with investigative authority

There is **NO** statute of limitations on signing a certification. However, U visa application must be filed within **six months** of the certification date.



Large Group Discussion

Why did Congress design the U visa to authorize multiple agencies to provide U visa certification?



Why Would Victims Seek U Visa Certification From State Courts?



- A. Only the justice system contacts a custody, protection order, civil employment, or child welfare case
- B. No language access to police when the victim called for help
- C. The judge observed the victim's attendance and participation in a criminal case
- D. All of the above

Large Group Discussion

What are the benefits for certifying agencies of completing the U visa certification form?



Large Group Discussion

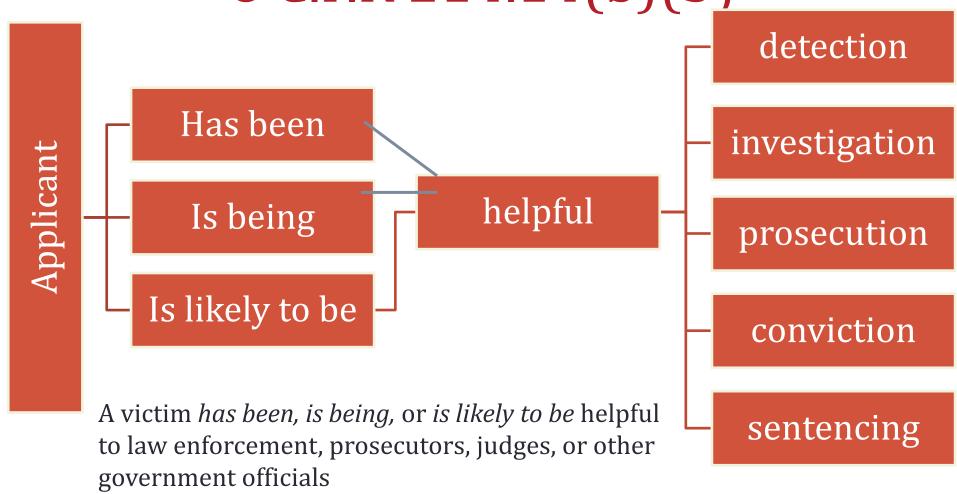
How does certification support collaboration on cases of immigrant survivors?



Helpfulness for Certification



Definition of "Helpfulness" 8 C.F.R 214.14(b)(3)





Determining Helpfulness

- Certifying agency determines "helpfulness"
- No degree (or timing) of helpfulness required
 - DHS adjudicates helpfulness based on– totality of the circumstances
- Any agency may complete U Visa certification as soon as they assess victim's helpfulness
- Victim's criminal history does not preclude U visa eligibility, particularly when crime connected to the abuse
- The investigation or prosecution can still be ongoing
- Certification can be "revoked"



Small Group Activity

- What are the different ways you have seen immigrant victims provide helpfulness to
 - o Police
 - o Prosecutors
 - o Courts
 - Other state/federal agencies
 - EEOC, departments of labor, child/adult protective services



Example of Helpfulness May Include:

Calling 911

Having a Rape Kit performed

Providing a description of offender or their whereabouts

Allowing photographs to be taken

Filing for a protection order

Bringing a minor victim to court

Providing a statement about "other bad acts"

Providing evidence of abuse in a custody, child welfare, or divorce case

Testifying at a bond hearing, trial, or sentencing



Judges May Sign Certification Based On ...

Review of court records;

Having conducted the sentencing in a criminal case; or

Having detected a qualifying crime during a family, criminal, or civil proceeding over which they presided.



In what types of cases can judges certify?
What are some ways courts are approaching judicial certification?





When Should You Certify?

- A. Immediately upon receipt of certification
- B. Once your agency has knowledge of a victim's past or present helpfulness or believes a victim is likely to be helpful
- C. When you are certain that the victim will testify at trial
- D. When the defendant is convicted



The Following are **Not Required** in Order to Certify That a Victim Has Been Helpful

- Certification signed within the statute of limitations of the qualifying criminal activity
- Conviction
- Charges filed
- Offender arrested/prosecuted
- Victim provides testimony at trial
- Victim is a necessary witness
- Offender is identified
- Offender alive
- Case involving offender is open or closed

Victim-Centered Approach



Analyzing Requests for Certification

What criminal activity occurred?

Identify the victim or indirect victim

Determine helpfulness

Identify if any family members were implicated in the crime

Note any injuries observed; provide documentation



Large Group Discussion

What do certifiers look for when deciding whether to certify?



Helpfulness Requirement Met *Even* When:

No further investigation or prosecution

Perpetrator absconds or is deported

Perpetrator is being prosecuted for a different crime

Victim is not needed as a witness

Victim is dead (indirect victim is applying)

Perpetrator is dead

Criminal case did not result in a guilty plea or conviction

Victim apply for civil protection order or custody and DV is not criminally prosecuted



Filing and VAWA Confidentiality

- Original signed certification must be included in the victim's U visa application
 - Certifier keeps a record of certification
 - Sealed original recommended
- Once the initial application is processed:
 - Victim's case is flagged in the DHS computer system which generates an alert that victim is protected by VAWA confidentiality (8 U.S.C. 1367)



Case is flagged notifying immigration officials about pending or approved VAWA, U visa or T visa case.



Updated U Visa Process

Helpfulness

Filing

Bona Fide or Wait List Determination Approval and Receive U visa Lawful Permanent Residency

Continuing obligation to provide assistance when reasonably requested



Why might you want to sign a certification for a crime that happened 20 years ago?



Agencies Signing U Visa and T Visa Certifications See:

- Increases in immigrant victims willingness
 - 70% to call police for help and to cooperate in criminal investigations and prosecutions
 - 29% willing to cooperate if their criminal case went forward
 - 67% to seek protection orders
 - 64% to seek custody of children

Overcoming Fear and Building Trust With Immigrant Communities and Crime Victims (Police Chief Magazine April 2018) https://niwaplibrary.wcl.american.edu/pubs/policechief-april-2018-building-trust-immigrant-victims; Promoting Access to Justice for Immigrant and LEP Crime Victims in an Age of Increased Immigration Enforcement – National Report (May 2018) https://niwaplibrary.wcl.american.edu/pubs/pb-tkit-uvisalawfulpermanentresidency-9-6-12.



After VAWA Self-Petitioners and U Visa Victims Receive Work Authorization and Deferred Action

- Increased justice system involvement
 - 114% increase in willingness to trust the police
 - 36% make police reports regarding future crimes
 - 22% help other victims report abuse and seek help/justice
 - 67% decline in immigrant victims who were not willing to participate in criminal investigations and prosecutions

Transforming Lives: How the VAWA Self-Petition and U Visa Change the Lives of Survivors and Their Children After Employment Authorization and Legal Immigration Status (June 8, 2021) https://niwaplibrary.wcl.american.edu/pubs/transforming-lives-final-report



After VAWA Self-Petitioners and U Visa Victims Receive Work Authorization and Deferred Action

- Significant reductions in abusers using the victim's immigration status as a tool to perpetuate abuse
 - 74% decline in immigration related abuse
 - 78% decline in threats to snatch/cut off access to children
 - 65% decline in efforts to use immigration status of the victim to gain advantage in family court



Ongoing Assistance – Post Filing Requirement and Exceptions



Ongoing Assistance

Continuing obligation to provide assistance when reasonably requested by law enforcement or prosecutors

After applying

U visa bona fide determination or waitlist and receipt of U Visa

Through receiving lawful permanent residency



Helpfulness vs. Cooperation/Assistance

For Certification Before Filing the U Visa

- Has been helpful Or
- Is being helpful *Or*
- Is likely to be helpful

TO.....

- Detection Or
- Investigation Or
- Prosecution *Or*
- Conviction *Or*
- Sentencing

After Filing the U visa & for Permanent Residency

- Ongoing obligation to provide cooperation or assistance
 - Reasonably requested by law enforcement or prosecutors
- Exception: may show that refusal to cooperate or assist was not unreasonable



Analysis

Is the request reasonable?

8 C.F.R. 214.14(b)(3) 8 C.F.R. 245.24(2)(2)(ii)

Is the refusal unreasonable?

8 C.F.R. 245.24(a)(5)



Unreasonable Requests

Subjective, but consider if the request:

- Endangers victim, witnesses, family members, or others
- Subjects the victim to greater harm
- Increases trauma to victim
- Negatively affects the victim's ability to support herself or her family
- Is reasonable in light of the perpetrator's force, fraud or coercion of the victim



Large Group Discussion

Why would a victim report a crime and then refuse to participate in the ensuing investigation, prosecution, trial or court case?



Reasonable Refusals

Subjective, but consider if it is reasonable to refuse a request if the victim is:

- In danger
- Unaware of request
- Being intimidated
- Being threatened
- Concerned about the safety of her family
- Under the belief that participating is more dangerous than not



Evaluating Unreasonableness

DHS regulations require affirmative evidence and consideration of:

- Totality of the circumstances
- The nature of the victimization
- Applicable guidelines for victim/witness assistance
- Victim's fear or the abuser
- Trauma suffered (both mental and physical)
- Force, fraud or coercion
- Age, maturity, capacity of the applicant
 - 8 C.F.R. 245.24(a)(5)



Practice Tips

- Proactively address witness intimidation
 - Monitor jail phone calls
 - Conduct wellness checks when appropriate
 - Recognize changes in communication patterns
- Collaborate with victim service professionals
- Communicate with victim's immigration attorney or victim advocate
- Establish safe points of contact with friends and family
- Identify tactics used by offender to assert power and control
- Continually safety plan with victim



If You Still Believe the Victim is Unreasonably Refusing...

- Note on the certification, sign, and return to victim or victim's attorney
- Burden shifts to victim to prove the refusal is not unreasonable
- DHS provides the victim an opportunity to explain
- DHS makes the ultimate decision



How Does This Discussion Help You Address the Following on the U Visa Certification Form?

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?

\[\sum_{Yes} \sum_{No} \]

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.



U Visa Certification Overview

https://www.uscis.gov/sites/default/files/document/forms/i-918supb.pdf





Supplement B, U Nonimmigrant Status Certification

Department of Homeland Security

U.S. Citizenship and Immigration Services

USCIS Form I-918

OMB No. 1615-0104 Expires 06/30/2023

| Fo USC Us On | CIS se sly | | Remark | is |
|-----------------------|----------------------------|---|--------|--|
| > ! | START HERE | - Type or print in black or blue ink. | | |
| Par | t 1. Victim I | nformation | | e of Head of Certifying Agency |
| 1. | Alien Registrat | tion Number (A-Number) (if any) | 4.a. | Family Name (Last Name) |
| | | ► A- | 4.b. | Given Name (First Name) |
| 2.a. | Family Name (Last Name) | | 4.c. | Middle Name |
| 2.b. | Given Name (First Name) | | Age | nıcy Address |
| 2.c. | Middle Name | | | Street Number |
| Othe | r Names Used | (Include maiden names, nicknames, and | 2.4. | and Name |
| alias | es, if applicable. |) | 5.b. | Apt. Ste. Flr. |
| | • | ce to provide additional names, use the rt 7. Additional Information. | 5.c. | City or Town |
| 3.a. | Family Name (Last Name) | | 5.d. | State ▼ 5.f. ZIP Code |
| 3.b. | Given Name (First Name) | | 5.g. | Province |
| 3.c. | Middle Name | | 5.h. | Postal Code |
| 4. | Date of Birth (| mm/dd/yyyy) | 5.i. | Country |
| 5. | Gender | Male Female | | |
| | | | Oth | er Agency Information |
| Par | t 2. Agency | Information | 6. | Agency Type |
| 1. | Name of Certif | Yying Agency | | Federal State Local |
| m | missio | ner/Judge Sue Sm | ith | Case Status |
| Nam | e of Certifying (| Official | | On-going Completed |
| 2.a. | Family Name | | | Other |
| 2.b. | (Last Name) Given Name | | 8. | Certifying Agency Category |
| | (First Name) | | | Judge Law Enforcement Prosecutor |
| 2.c. | Middle Name | | | Other |
| 3. | Title and Divis | ion/Office of Certifying Official | 9. | Case Number |
| | Judge | <u>, Family Division</u> | l | |
| | , , | | 10. | FBI Number or SID Number (if applicable) |
| | | | | |

Judges will always fill this out with the contact information of the judge signing the certification.

Head of certifying agency not applicable to judicial certifications



Certify all that you can detect from the evidence presented or in court records

No criminal case filing required

Not limited to the criminal charges, if any, filed

Dates do not have to be precise you can use months, seasons, or years.



| Part 3. Criminal Acts | | | 4.a. | Did the criminal activity occur in the United States (including Indian country and military installations) or the | | | |
|---|--|-----------------------------------|------|--|--|--|--|
| If you need extra space to complete this section, use the space provided in Part 7. Additional Information. | | | | territories or possessions of the United States? | | | |
| 1. | The petitioner is a victim of cr violation of one of the followi criminal offenses (or any simi applicable boxes) | ng Federal, state, or local | 4.b. | If you answered "Yes," where did the criminal activity occur? | | | |
| | Abduction | Manslaughter | | | | | |
| | Abusive Sexual Contact | Murder | 5.a. | Did the criminal activity violate a Federal extraterritorial | | | |
| | Attempt to Commit | Obstruction of Justice | | jurisdiction statute? Yes N | | | |
| | Any of the Named Crimes | Peonage | 5.b. | If you answered "Yes," provide the statutory citation | | | |
| | Being Held Hostage | Perjury | | providing the authority for extraterritorial jurisdiction. | | | |
| | Blackmail | Prostitution | | | | | |
| | Conspiracy to Commit | Rape | | | | | |
| | Any of the Named | Sexual Assault | 6. | Briefly describe the criminal activity being investigated and/or prosecuted and the involvement of the petitioner | | | |
| | Crimes Domestic Violence | Sexual Exploitation | | named in Part 1. Attach copies of all relevant reports and | | | |
| | Extortion | Slave Trade | | findings. | | | |
| | False Imprisonment | Solicitation to | | | | | |
| | Felonious Assault | Commit Any of the Named Crimes | | | | | |
| | Female Genital | Stalking | | | | | |
| | Mutilation | Torture | | | | | |
| | Fraud in Foreign Labor Contracting | Trafficking | | | | | |
| | Incest | Unlawful Criminal Restraint | | | | | |
| | Involuntary Servitude | Witness Tampering | | | | | |
| | Kidnapping | winess rampering | | | | | |
| Provi | de the dates on which the crimi | nal activity occurred | | | | | |
| | | | | | | | |
| 2.a. | Date (mm/dd/yyyy) | | | | | | |
| | Date (mm/dd/yyyy) | | 7. | Provide a description of any known or documented injury to the victim. Attach copies of all relevant reports and | | | |
| 2.c. | Date (mm/dd/yyyy) | | | findings. | | | |
| 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. | | | | | | |
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| 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? | | | | | | |
| 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. | | | | | | |
| | Make copies of all court orders, photographs, | | | | | | |
| | police reports in court record and attach. | | | | | | |
| 7. | Provide a description of any known or documented injury | | | | | | |
| | to the victim. Attach copies of all relevant reports and | | | | | | |

Be as specific as possible, highlighting visible injuries

If you are aware of mental injury, include as well.

observed (even if not photographed).

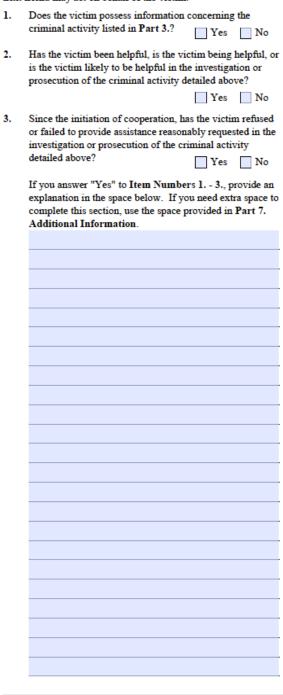
Under Department of
Homeland Security
Regulations and form
instructions, "being
investigated and/or
prosecuted" here means =
"Detection, investigation,
prosecution, conviction or
sentencing"

Judges: detect, convict, and sentence



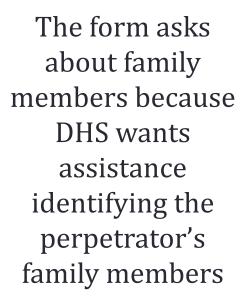
Part 4. Helpfulness Of The Victim For the following questions, if the victim is under 16 years of age, incompetent or incapacitated, then a parent, guardian, or next friend may act on behalf of the victim. Does the victim possess information concerning the criminal activity listed in Part 3.? prosecution of the criminal activity detailed above? investigation or prosecution of the criminal activity

NOTE: Investigation or prosecution includes detection in the context of family or civil court cases.



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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 | | | | | | | |
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| 4.e. | Involvement | | | | | | | |
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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.

| | Signature of Certifying Official (sign in ink) | | | | |
|----------|--|--|--|--|--|
| → | | | | | |
| 2. | Date of Signature (mm/dd/yyyy) | | | | |
| 3. | Daytime Telephone Number | | | | |
| | | | | | |
| l. | Fax Number | | | | |
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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 | | | | | |
| | | | | | | |

Judges can amend the form Examples: Based upon ...

- My findings of fact or ruling in [name type of proceeding]
- Probable cause
- My issuance of a protection order
- My sentencing of the defendant
- My having presided over a criminal case

<u>REMEMBER</u>: This is a certification that you believe the applicant was a victim of a crime.

Certification provides evidence to DHS.

DHS adjudicates and decides whether to grant the victim immigration relief.



| Par | t 7. Additio | nal Information | 5.a. | Page Number | 5.b. | Part Number | 5.c. | Item Numbe |
|--|----------------------------|-----------------------------------|--------|-------------|------|-------------|------|------------|
| 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 | | 1 | | | | | |
| | | |] | | | | | |
| Pet | itioner's Nan | ne | | | | | | |
| 2.a. | Family Name (Last Name) | |] | | | | | |
| 2.b. | Given Name (First Name) | | | | | | | |
| 2.c. | Middle Name | |] | | | | | |
| 3. | A-Number (if | any) | | | | | | |
| | | ► A- | 6.a. | Page Number | 6.b. | Part Number | 6.c. | Item Numbe |
| 4.a. | Page Number | 4.b. Part Number 4.c. Item Number | | | | | | |
| 4.d. | | | _ viai | | | | | |
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Clara and Eduardo Case Scenario

Clara met Eduardo a lawful permanent resident when he came back to his hometown to visit his family in El Salvador. Eduardo started dating Clara who was raising her 9 year old son Miguel. After Clara became pregnant and gave birth to a baby girl Lupe, Eduardo decided to bring Clara, Miguel and Lupe to the U.S. to live with him. When they arrived in the U.S. Eduardo took Clara, Miguel and Lupe's passports and became physically and sexually abusive of Clara and abusive of Miguel who tried to protect his mother from Eduardo's abuse. Eduardo also physically beat Lupe when he said she "misbehaved". Within a year following their arrival in the U.S. Eduardo forced both Clara and Miguel to work for his family's business and never paid them for their labor. One night when Miguel was 13 and Lupe was 5, Eduardo's rage led to severe beatings with a belt of Miguel and of Lupe. When Clara intervened to protect the children, Eduardo strangled her until she passed out. The neighbors call the police for help, Clara talked to police when they arrived. The police arrested Eduardo for attempted murder and child abuse, took Clara to the hospital and placed the children in the care of the state.



Small Group Activity

 Review your scenario with the participants at your table and complete the U Visa Certification Immigration Form I-918B



 If there is a piece of evidence you believe you need or would like to have to complete the form assume you have it and refer to it

Scenarios

- Law Enforcement
 - Clara is filing based on her own abuse
- Child abuse Agency
 - Clara is filing based on the abuse of the children (Clara was not abused, just the children)
- Judges
 - Clara is filing based on her own abuse and abuse of the children



Resources on Flash Drives and Conference Webpage

- U and T Visa Certification Toolkit
- DHS U Visa Certification Resource Guide
- USCIS Information for Certifying Officials: Law Enforcement, Judges and Other Agencies
- Roll call training videos
- DHS Victim Centered Approach



Technical Assistance and Materials

- NIWAP Technical Assistance:
 - Call (202) 274-4457
 - E-mail info@niwap.org
 - Web Library: www.niwaplibrary.wcl.american.edu
- Materials for this Workshop:
 - https://niwaplibrary.wcl.american.edu/Bosto nHelpfulness
- Contact NIWAP to provide training for your jurisdiction



Thank You!

