Evidence Checklist
FOR IMMIGRANT VICTIMS APPLYING FOR THE CRIME VICTIM VISA (U VISA)

This is a comprehensive list. In most cases, these documents are not mandatory. However, the more documentation available, the easier it will be for a U visa applicant to be successful in her application.

Under the Victims of Trafficking and Violence Protection Act of 2000 ("VTVPA"), battered noncitizens and other crime victims may be eligible for a nonimmigrant visa, the U Visa. This form of relief, if granted, gives the applicant immediate legal status as a nonimmigrant and possible lawful permanent residence in the long-term. The following is a list of the requirements that must be met by an applicant, and some suggestions of evidence that may be offered to meet each requirement. Additionally, the Department of Homeland Security (DHS) is required to consider “any credible evidence” in its adjudication of an applicant's case. The suggested evidentiary documents in this memo are meant to be guidelines, and not exhaustive descriptions of the types of evidence that may be offered to support an application under the U Visa.

A. Who is eligible to apply for a U Visa?

Certain battered noncitizens and other noncitizen crime victims who have suffered substantial physical or mental abuse flowing from criminal activity and who are cooperating with government officials investigating or prosecuting such criminal activity.

B. What are qualifying criminal activities?

- Rape
- Torture
- Human 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

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Adapted and updated from Legal Momentum and Organización en California de Líderes Campesinas, Inc., Page 1
False Imprisonment  
Blackmail  
Extortion  
Manslaughter  
Murder  
Felonious Assault  
Witness Tampering  
Obstruction of Justice  
Perjury  
Attempt, Conspiracy, or Solicitation to Commit Any of the Above-Mentioned Crimes  
Stalking  
Other state or federal crimes the nature and elements of which are substantially similar

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

An individual applying for a U Visa must complete immigration Form I-918, “Petition for U Nonimmigrant Status” and establish the following requirements:

1. Applicant is a victim of listed criminal activity:

   Exists | Brought In
   ------ | ---------
   Trial transcripts or rulings from criminal case
   Trial transcripts or rulings from protection order case
   Trial transcripts or rulings from other court or administrative law proceedings
   Court documents
   News articles
   Police reports
   Affidavits of victim
   Affidavits of witnesses to crime or injuries
   Medical records
   Ambulance reports
   State statute defining crime
   Form I-918B Certification from state, federal or local government official

2. Nature of the physical or mental abuse suffered by the victim:

   Exists | Brought In
   ------ | ---------
   Reports or affidavits from police
   Reports or affidavits from judges or other court officials
   Reports or affidavits from medical personnel
   Reports or affidavits from school officials
   Reports or affidavits from clergy
   Reports or affidavits from victim advocates, rape crisis center, shelter, social workers or social services agency personnel
   Bond orders

Adapted and updated from Legal Momentum and Organización en California de Líderes Campesinas, Inc.
2. Possession of information concerning the criminal activity alleged

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Affidavit of applicant detailing the applicant’s knowledge of the criminal activity
Affidavits from police officers and prosecutors detailing the applicant’s knowledge of the criminal activity
Any documents that may show applicant’s knowledge of the criminal activity
Copies of any police reports
Copies of any statements that the applicant has made to a law enforcement agency
Copies of any complaint reports
Copies of any evidence that was obtained as a result of the applicant’s help
Copies of any documents that the applicant has given to a law enforcement agency
Transcripts of testimony that the applicant has given
to a law enforcement agency

Any incriminating photographs that applicant may have

Affidavits from witnesses that may place the applicant at the
scene of the criminal activity or attest to the applicant’s
knowledge of the criminal activity

3. Crime victim has been helpful, is helpful, or is likely to be helpful to a
Federal, State, or local investigation or prosecution other than the signed Law
Enforcement Certification Form I-918B

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Affidavit of applicant detailing the applicant’s helpfulness
with the investigation or prosecution

Affidavit of a law enforcement official, prosecutor, judge, DHS official, or
other federal or state authorities that the applicant has been helpful,
is helpful, or is likely to be helpful to the investigation or prosecution

Certificate from a law enforcement official, prosecutor, judge, or
DHS official, or other federal or state authorities that the applicant has been helpful,
is helpful, or is likely to be helpful to the investigation or prosecution

Copies of any police reports

Copies of any complaint reports

Copies of any statements that the applicant has made to
a law enforcement agency

Copies of any evidence that was obtained as a result of the
applicant’s help

Copies of any documents that the applicant has given to a
law enforcement agency

Transcripts of testimony that the applicant has given to
a law enforcement agency

Affidavits of witnesses that applicant has been helpful, is helpful,
or is likely to be helpful to a Federal, State, or local investigation
or prosecution

Brief description by the applicant’s advocate regarding
applicant’s activities in assisting the investigation or prosecution

4. I-918 Supplement B,U Nonimmigrant Status Certification from a law enforcement official,
prosecutor, judge, DHS official or other federal or state authorities

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Certification from a law enforcement official, prosecutor, judge,
DHS official, or other federal or state authorities

Adapted and updated from Legal Momentum and Organización en California de Líderes Campesinas, Inc.
5. Criminal activity violated the laws of the United States or occurred in the United States or its territories

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<td>Certificate from a law enforcement official, prosecutor, judge, INS official, or other federal or state authorities that the criminal activity violated the laws of the United States or occurred in the United States or its territories</td>
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<td>Copies of the relevant law that the criminal activity has violated</td>
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<td>Copies of any arrest warrants</td>
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<td>Copies of any domestic violence incident report</td>
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<td>Affidavit of the pertinent law enforcement officer regarding the nature of the criminal activity</td>
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D. Additional Documents Needed to Apply for U visa

Each family members applying with U visa applicant must complete Form I-1918, Supplement A, “Petition for Qualifying Family Member of U-1 Recipient”.

1. Identity Documents of Applicant and Qualifying Family Members

| ______ | ______     |
| Copy of Birth Certificate of self and children/spouse (translated) |
| ______ | ______     |
| Copy of ID, Valid Passport (must copy each page), I-94 card immigration documentation |
| ______ | ______     |
| Copy of marriage certificate (translated) |

2. Waiver of Inadmissibility (if client falls under a ground of inadmissibility)

Each family members applying with U visa applicant must submit a waiver of inadmissibility and supporting evidence if the family member falls under a ground of inadmissibility on Form I-192, along with $545 filing fee of filing or fee waiver request.
Filed on Form I-192 and $545 filing fee of filing or fee waiver request. Include evidence of “public of national interest” for this discretionary waiver.

Statement explaining the details of victimization

Statement explaining the details of inadmissibility along with any details of any mitigating factors

Reasons and circumstances for needing the waiver, and any supporting documentation

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