

Know Your Rights: Immigration

Presentation by CARECEN

CARECEN is the largest immigration legal services provider on Long Island. Their zealous and knowledgeable bilingual attorneys and paralegals provide free and low-cost legal representation on a wide variety of cases to the island's diverse immigrant communities through traditional and innovative service models. Their close ties to immigrant communities, of which they are proudly part, allows them to respond proactively to ever-changing needs.

What is a U Visa?

The U non-immigrant status (U visa) was created by the Victims of Trafficking and Violence Protection Act in October 2000. This temporary status allows victims of crimes in the United States to stay in the country, obtain a work permit, and apply for permanent residency (after 3 years of physical presence from the U visa approval). It may also help certain family members of the U visa applicant to also receive legal status. The U Visa is valid for 4 years, but it can be extended. There is a limit of 10,000 U Visas approved every year.

U Visa Requirements:

Substantial physical harm or mental abuse resulting from having been a victim of certain crimes; the applicant can help or has helped the police in the criminal investigation; the applicant has a certification signed by a federal, state, or local authorities that certifies that the applicant helped in the investigation of the criminal activity; the criminal activity violates a law of the United States and occurred in the United States; the applicant is admissible to the United States or may establish eligibility for a waiver of inadmissibility.

List of Eligible Crimes - U Visa

- Kidnapping
- **Abusive Sexual Contact**
- Blackmail
- **Domestic Violence**
- Extortion
- False imprisonment
- Female Genital Mutilation
- Felony assault
- Fraud in foreign labor contacts
- Incest
- Involuntary servitude
- Involuntary homicide
- Homicide
- Obstruction of Justice
- Slavery
- Perjury
- **Prostitution**
- **Rape**
- **Sexual Assault**
- Sexual exploitation
- **Stalking**
- Torture
- Trafficking
- Witness tampering
- Other related crimes



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Substantial Physical Harm and Mental Abuse

It is important to note that the abuse does not necessarily need to be physical, mental abuse may also qualify. To determine if the physical or mental abuse was substantial, immigration official will look at:

- The nature of the harm
- Severity of the conduct by the perpetrator or abuser
- Severity of the harm
- Duration or period of harm
- Severe or permanent physical or emotional harm to the victim

What Could Help the Criminal Investigation?

A key component in helping the criminal investigation is acquiring governmental certification exhibiting your desire to help in the detention, investigation, or persecution of criminal activity. The certifying agency can be from the local, state, or federal government.

Benefits for Family Members

Certain family members of a U-Visa applicant are eligible for a derivative U-Visa. If the applicant is 21 years of age or younger, they can petition for their **spouse, children, parents, and siblings who are unmarried and under 18**. If the applicant is over 21 years of age, they can petition for spouses and children

Attention!

If you or someone you know may be eligible for any of these benefits, please consult an attorney

For **immigration questions** you can call Office for New Americans (ONA) at **1-800-566-7636**.



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