

U Visa Update: Practice Pointers on New CIS Policies

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This project is supported by Grant No. 2004-WT-AX-K071 awarded by the United States Department of Justice, Office on Violence Against Women. The opinions, findings, and recommendations expressed in this document are those of the author(s) and do not necessarily reflect the views of the United States Department of Justice, Office on Violence Against Women.



GOALS

- OVERVIEW OF U VISA ISSUES DISCUSSED WITH CIS
- PROVIDE PRACTITIONER'S TIPS ON NEW DEVELOPMENTS AND UPDATES

Overview

- General process issues
- Hottest topics
- Practice Pointers & Q & A

VSC Updates

- Changes in personnel
- Numbers & dates they are doing
 - 5,400 principals already this year;
 - Expect to hit 10,000 cap in September
 - Working on . . .
 - 7/23/10 - VAWA
 - 10/31/10 - Us
 - 10/15/10 - Ts
 - 10/8/10 - U & T adjustments

FILING ISSUES

- Supplemental filings- wait for RFEs
- VSC Customer Service = Tatum Kane
- USE ONLY ONE!!!
 - VAWA Hotline - 802/527-4888 (72 hours)
 - hotlinefollowup19181914.vsc@dhs.gov
 - hotlinefollowup1360.vsc@dhs.gov
 - USCIS, VSC, 75 Lower Welden St., St. Albans, VT 05479

VSC Practice Pointers

- Use blue pen (not black)
- Make sure signatures where needed (192s; G-28s)
- G-28s for derivatives, not just principal
- Remember EAD options
 - Immediately eligible to adjust = (c)(9)
 - Deferred Action = (c)(14)
 - Incident to grant = (c)(31) for VAWA; (a)(19) for Us
 - U derivatives = (a)(20)

Derivatives & Extensions

- New policy that locks in age at filing
- Once they have U, they are NOT TIED to principal
 - Only revocation if principal revoked
- Current on extensions
- Will grant for period required, not 1 yr increments
- File within 120 days of expiring
 - Includes derivatives with initial less than 3 years

ADJUSTMENT OF STATUS- U

- Medical exams are required but wait for RFE
- I-929 processing cases
 - Not subject to grounds of inadmissibility
 - Continued presence in the US is justified on humanitarian grounds, to ensure family unity or is otherwise in the public interest
 - Failure to comply with LEO requests: write statement stating that they have not been asked for assistance or would not refuse to collaborate if asked
 - AOS derivatives are “tied” to U visa principal (unlike U derivs with their own Us) so status depends on principal’s status
 - Family unity is the central factor re hardship
 - Need statement from qualifying member re discretion

Processing Abroad Problems

- Scott Whelan at CIS helps navigate DOS problems
 - Scott.Whelan@dhs.gov
- Remember 90/180 absence bar
- Triggering unlawful presence
 - VSC will swiftly decide new unlawful presence
 - 192 with signature (so prep ahead of time)

After-Acquired Family Members

- Do 929 (not 918A)
- include with 485 for principal U

Prima Facie/Expedited Cases

- Detention
- Imminent Removal
- Humanitarian
- Case-by-case
- You or ICE send request to VSC; they communicate with ICE or EOIR
- Otherwise, VSC does not communicate with ICE on U decisions

Ongoing Discussions: Contact Us

- Derivative Status Measurement Date: Current position
- LPR & U VISAS
- Bona Fide implementation of EADs
- ICE policies on not removing & joining motions
- Us from labor context

Framing Crimes Not on the List

- Category is better than “similar”
- Depends on “the wording of the essential elements of the codified crime and the other evidence provided in the record”
- E.g., robbery may fall under felonious assault; many things may be DV crimes depending on facts
- Certifying official should explain facts that meet codified crime definition
- Smuggling and fraud do NOT WORK; must find enumerated crime for facts in case

OTHER TOPICS

- VAWA 21 - 25 category
- VAWA Adjustments, Inadmissibility
 - File 601 with VSC but can't adjudicate
- VAWA Reinstatement of Removal
 - CIS HQ will help educate districts
 - Let's try filing 601 & I-212 at VSC (work with us)

MOST RECENT ISSUES

- Systems Updates
- Policy updates
- U visas
- VAWA
- Trafficking issues/visas

NEED TECHNICAL ASSISTANCE?

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