

"Securing communities" with U Visas

By Jerry Grzeca and John Sesini
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In some communities, tensions run high between immigrants and local law enforcement agencies. Through its Secure Community initiative, the federal government has pushed state and local police to help detect and often detain undocumented immigrants. And for their part, several states have passed their own laws encouraging local authorities to investigate immigration violations. As a result, immigrants increasingly fear and mistrust law enforcement. That makes the U Visa, designed to combat such fear and mistrust, all the more important.

The U Visa is a path toward lawful permanent residence that is available for victims of many types of crimes that occurred within the United States. The law, passed in 2000, was designed to bridge the gap between law enforcement and immigrant victims. An individual may qualify for a U visa if they entered the country illegally, over-stayed a visa, or even if the victim has also committed offenses. And benefits may also be available for the family of the victims.

To qualify, an individual must show four things. First, he or she must have been the victim of a qualifying crime in the US. Those crimes include domestic violence, sexual assault, felonious assault, kidnapping, false imprisonment, among many others. Second, an individual must have suffered substantial physical or mental abuse as a result of that crime.

After the crime occurs, it is important that the applicant cooperate with law enforcement in its investigation. Thus third, an individual must have information about the crime itself. And fourth, the victim must be helpful in the investigation or prosecution of that crime. A victim must be, at a minimum, willing to work with police or prosecutors. Even if the crime does not result in prosecution or conviction, the victim's willingness to help is essential.

An applicant who meets the above criteria may then apply for a U Visa, which is a non-immigrant status. If the individual maintains that status for three years, he or she will be eligible for lawful permanent residence. During that time, the applicant will be eligible to work, but may not be able to travel outside of the United States.

Even now, some legislators are working toward increasing U visa protections. A bill in Congress right now (the VAWA re-authorization bill) would do so in several ways. The new law would open the U Visa to the victims of stalking and dating violence and would significantly simplify the application process. Also, it would increase the annual number of U visas from 10,000 to 15,000. This is particularly important because over the last two years, the annual cap has been reached.

As law enforcement works harder than ever to find and detain criminal immigrants, immigrant victims must be similarly proactive in working with law enforcement. Experienced attorneys or victim advocates can help an individual work with local and federal authorities to help bring justice to the criminal actors and protection for the victim.

For more information about U visas, or any of the laws that protect victims of crimes, or for information on any other immigration matter, please contact Grzeca Law Group at (414) 342-3000 or visit our website at www.grzecalaw.com.

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