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QUESTIONS AND ANSWERS ABOUT THE VISA FOR CRIME VICTIMS.

The U visa is a very important way for victims of domestic violence and other crimes to legalize themselves and often their entire family. But little is known about it in the immigrant community. Here answer some frequently asked questions about this very helpful visa:

What is the U visa?

The U visa is a legal status available to help many people who need status the most: victims of domestic violence, exploited workers, victims of sexual violence, street crimes or other criminal conduct.

Does it give applicants the right to work?

Yes. Persons approved for a U visa can obtain a work permit, a social security card and, if they want, a drivers license.

Do they get a green card?

Yes. After 3 years on a U visa, a person can apply for permanent residence.

Can their families get status too?

Yes. Spouses and children under 21 of persons approved for a U visa can also obtain a work permit, a social security card and, after 3 years, a green card.

What if the victim is a child?

If the child is undocumented, then the child, their parents and children under 21 can usually also get legal status, if the case is approved. If the child is a US citizen, often the child's undocumented parents can obtain status too as parents of a crime victim.

What if the person has a criminal record or an order of deportation?

Even if the person has an order of deportation, a qualified crime victim can often get a U visa. The order of deportation can be excused. Even if they have a criminal record

themselves, they can often get a waiver which allows them to obtain legal status, which would otherwise be impossible.

What are the requirements of the U visa?

Here are the requirements for approval of a U visa:

- There must have been a criminal act committed in the U.S., no matter how long ago. The crime must have violated Federal, State, or local law.
- The person applying must have suffered physical or mental harm as a result. The harm can be emotional. It is not necessary that there be physical harm.
- The person applying must possess information concerning the crime and have been helpful, are being helpful, or are likely to be helpful to the police, sheriff, district attorney or some other agency which investigated the crime.

How does one apply for this visa?

In order to qualify for the U visa, you or your representative must obtain a signature from the law enforcement authority responsible for investigation or prosecution of U crime.

This can include the victims rights offices of the District Attorney or police, or even agencies like Child Protective Services, Equal Employment Opportunity Commission, the Department of Labor.

Once this certification is obtained, an application is submitted to the Immigration Service with a statement of the applicant, affidavits from others, records of the crime, and other supporting material. Usually within 6-8 months, the person obtains legal status.

Anyone who qualifies for this visa should apply before the law is abolished or weakened. There are proposals submitted by Republicans in Congress intended to drastically limit the scope of this law. Depending upon the results of the coming election, those Republican proposals could severely reduce the amount of immigrants helped by this important law.

CHRISTOPHER A. KEROSKY of the law firm of KEROSKY PURVES & BOGUE has practiced law since 1984 and has been recognized as one of the top immigration lawyers in Northern California for the last seven years by San Francisco Magazine "Super Lawyers" edition (2006-2012). He graduated from University of California, Berkeley Law School and was a former counsel for the U.S. Department of Justice in Washington D.C. He has had his own law office in downtown San Francisco for 25 years.

WARNING: The foregoing is an article discussing legal issues. It is not intended to be a substitute for legal advice. We recommend that you get competent legal advice specific to your case. If you would like such advice from our office, call (415) 777-4445 (San Francisco); (916) 349-2900 (Sacramento), (707) 224-2722 (Napa); (707) 433-2060 (Santa Rosa) or (707) 376-1010 (Ukiah)