

# Casa Cornelia Law Center

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## SAMPLE

August 28, 2009

Attorney Name  
County of San Diego  
District Attorney's Office  
330 W. Broadway, Suite 1220,  
San Diego CA 92101

**Re: Jane DOE**  
**Date of Crime: 1/1/1997**

Dear Law Enforcement Official/Prosecutor:

Casa Cornelia Law Center represents **many victims, such as Jane DOE** in their immigration case. We are a non-profit pro bono immigration law firm that is committed to helping the indigent immigrant population with their immigration needs. Our main focus is on aiding women and children who are victims of domestic violence and violent crimes.

Due to the fact that **Jane DOE** was a victim of X CRIME on January 1, 1997, she is eligible to apply for a U Visa, a crime victim visa legislated by Congress under the "Victims of Trafficking and Violence Prevention Act of 2000". This visa is provided for individuals who are victims of a crime and report them to law enforcement, and provide information that is helpful to the investigation or prosecution of the crime. In this way, the U Visa allows non-citizens to feel safe in reporting crimes committed against them without fear of deportation. Recipients of U Visas may receive work authorization, enabling them to be self-sufficient while they are aiding in the prosecution or investigation of their abuser.

In order to proceed with her case, your assistance is vital. Under U Visa requirements, **Ms. DOE** must have a law enforcement officer or prosecutor involved with her case sign the enclosed certification. It verifies that she was or is willing to provide information helpful to the investigation and that she was indeed a victim of the crime and she suffered substantial mental or physical harm.

As a law enforcement official of the District Attorney's Office, you or anyone who can verify Ms. Doe's victim status can sign the U Visa certification and enable **Ms. DOE** to move forward and gain more security in her life.

There has been some discussion about whether the U Visa regulations, promulgated by the United States Department of Homeland Security, Citizenship and Immigration Services, permits the signing of a U Visa Certification when the qualifying crime happened significantly in the past. I have attached to this letter a memo, issued on October 8, 2003, which details many of the concerns raised by law enforcement officials. Included in this memo on page 4 is a specific paragraph in which USCIS addresses this issue stating:

2760 Fifth Ave. Suite 200. San Diego, CA 92101 619 231 7788 Fax 619 231 7784

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The fact that the criminal activity occurred a number of years prior to the current request or that the case in which the applicant is the victim is closed is not a determinative factor at this stage. The statute contemplates that a person may be eligible for U nonimmigrant status as a result of having been a victim of a crime that occurred at some point in the past. Until there are regulations interpreting this statutory requirement, VSC [Vermont Service Center] personnel should not deny interim relief based on the fact that the criminal activity at issue occurred prior to the enactment date of the VTVPA [Victims of Trafficking and Violence Protection Act.]

Although the regulations interpreting many parts of the U Visa were released on September 17, 2007, none of the provisions in this memorandum were challenged or overturned in the subsequent Regulations, including the provision relating to the timing of the crime.

Additionally, even though Ms. DOE was under the age of 16 at the time of the crime, she is still eligible for the U Visa. According to the U Visa regulations, "when the alien victim is under sixteen years of age, the statute does not require him or her to possess information regarding the qualifying criminal activity. Rather the parent...may possess that information if the alien victim does not." 8 C.F.R. § 214.14(b)(2). It is our understanding that Ms. Doe was very helpful in the case in the identification of her abuser and other vital information to the case.

Enclosed please find the U Visa Certification form for completion. We ask that once you have completed the certification that you please mail it to us in the enclosed stamped envelope as soon as possible. Unfortunately, the Immigration Service will not accept a faxed certification as part of the immigration application.

*By signing the certification, you as a law enforcement official are not conferring any immigration benefit upon **Ms. DOE**. United States Citizenship and Immigration Services has an extensive application process that allows **Ms. Doe's** case to be fully examined for its worthiness when reviewed by a trained immigration official.*

Thank you for your prompt attention to this matter. Please advise me at Casa Cornelia if you are unable to sign this certification. Also, if you have any questions about this or the U Visa in general, please do not hesitate to contact me at (619) 231-7788.

Respectfully Yours,

Sue Lake, Esq.  
Domestic Violence Program Coordinator  
Casa Cornelia Law Center