



**I was the victim of a crime and I reported it to the police,
but the police say I did not cooperate
– can I still get legal status?**

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Question:

Catherine's daughter Eileen gets angry one day and attacks Catherine. A neighbor calls the police and Eileen is arrested on suspicion of domestic violence. However, the police report clearly states that Catherine refused to cooperate with the police in the investigation. Catherine says that she did give information to the police, but the police didn't understand her, due to a language barrier. Catherine is undocumented and her daughter is a U.S. citizen. Can Catherine get legal status?

Answer:

In this situation, Catherine has two potential cases for legal status. First, she might be eligible to get a U visa as the victim of a qualifying crime, in this case domestic violence. However, one of the requirements for applying for a U visa is cooperation with the police and/or prosecutor. In this case, the information in the police report will likely make her ineligible, because the police officer believed she was not cooperative. However, because Catherine actually did want to help but she couldn't communicate in English, Catherine can contact the police with an interpreter and ask to amend the original report. She can explain why it seemed like she didn't want to cooperate, and offer to help in any way necessary in the investigation. Some police departments will not be receptive to this, but some will – and after the report is amended Catherine can attempt to get a certification of the crime and her helpfulness, which she can then use to apply for a U visa.



Another option is for Catherine to write a detailed description of what happened during the police investigation, and explain that her willingness to help was not understood by the responding officers. Catherine’s attorney can then submit this to the police department U visa certifier, and request certification.

Because Catherine’s daughter is a U.S. citizen, she may have a second option in this case. The Violence Against Women Act (VAWA) has a provision where certain immigrants can get legal status if they have been abused by their U.S. citizen or lawful permanent resident spouse and children. However, eligibility for this route to legal status is more restrictive than others, so immigrants with certain issues (such as multiple unlawful entries to the U.S.) are not able to apply.

*This is general information about immigration in the U.S., and should not be taken as specific advice for any particular case. Immigration cases can be very complex and it is always best to work with an immigration attorney. **You can schedule a consultation with attorney Margaret O’Donnell by calling (206) 774-8758 or emailing jvargas@globallawadvocates.com.***

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