

## **My U.S. citizen child was the victim of a crime – can I get legal status?**

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### **Question:**

**Julia is an undocumented immigrant living in the U.S. Her U.S. citizen daughter was sexually assaulted at age 14. Julia called the police when she found out about it and helped her daughter give information about the crime. Can Julia get legal status?**

There is a specific type of visa for victims of crime in the U.S. – the U visa. The U visa gives legal status in the US, and is a path to residency. The U visa requires three main things. First, the applicant must have been the victim of a qualifying crime – these are most commonly violent crimes such as certain types of assault and domestic violence, but there are many other possible crimes that qualify. Second, the applicant has to help the police and/or prosecutor in the investigation and prosecution of the crime. Reporting the crime, and/or providing information to the police or prosecutor, qualifies to meet this requirement. Third, the applicant must have suffered substantial harm as a result of the crime. There is no limit on how old the crime can be, although some law enforcement agencies are reticent to certify very old cases.

Applying for a U visa is currently a long process. The first step is to obtain law enforcement cooperation to certify that the person was a victim of a qualifying crime and was helpful in the investigation. If law enforcement does so certify, the next step is to apply for a U visa, proving that the victim suffered substantial harm as a result of the crime, and that he or she merits a waiver of any immigration infractions or criminal convictions. The wait times for processing and granting of a U visa are currently quite long, and of course applicants are never guaranteed to win a visa. However, U visa applications can include waivers of many issues (such as previous illegal entries to the U.S. and deportations) that bar immigrants from getting any other status. This makes the U visa is the only path for many undocumented immigrants to obtain legal status.

**Answer:**

Depending on the details of the case, Julia is likely eligible to apply for a U visa. This is because, given that her daughter was underage at the time of the crime and Julia worked with the police, Julia is an “indirect” victim of the crime. The fact that her daughter is a U.S. citizen does not matter. If her daughter was undocumented, she could apply for a U visa as well, as the direct victim of the crime.

*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](mailto:jvargas@globallawadvocates.com)***

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