



# Screening for Victims Who Qualify for Immigration Protective Relief

## Eligibility Questions for Certain Options

Immigration protective relief is an important tool for community policing that strengthens the ability of law enforcement agencies to detect, investigate, prosecute, and solve cases of domestic violence, sexual assault, trafficking, and other types of criminal activity. Without adequate language assistance, many immigrant victims cannot obtain police protection, obtain emergency medical assistance, or give police crucial information. Use this card as a checklist to screen for potential immigration relief and language issues.

### VAWA Self-Petitions — is the victim:

- Married to a U.S. citizen or lawful permanent resident and living with their spouse *or*
- Divorced from a U.S. citizen or lawful permanent resident spouse within the last two years *or*
- The child of a U.S. citizen or lawful permanent resident *or*
- The parent of an adult U.S. citizen son or daughter
- Has the victim resided with the abuser?
- Does the victim have good moral character?
- Has the victim been a victim of battery or extreme cruelty?

### VAWA Cancellation of Removal – is the victim:

- Currently in Deportation or Removal Proceedings?
- Lived continuously in the U.S. for at least five years?
- Been physically hurt or suffered extreme cruelty?
- What is the victim's relationship to the abuser is it:
  - Their current or former spouse who is a U.S. citizen or lawful permanent resident *or*
  - Their citizen or lawful permanent resident parent or step parent if they are under the age of 21
  - The citizen or lawful permanent resident other parent of the victim's abused child?
- Where did the abuse occur?
- What would happen to the victim and their child if the victim were deported?

### Battered Spouse Waiver

- Victim has a lawful permanent residency card "green card" that ends 2 years after it was issued
- Battered immigrant victim is married or divorced from a U.S. citizen spouse
- Victim was battered or subjected to extreme cruelty by the citizen spouse
- Inform victim that they can file for full lawful permanent residency without her abuser's knowledge or help

## Crime Fighting Tools for Law Enforcement

### U-Visa (Crime Victims):

- Applicant must be a victim of a qualifying criminal activity and have suffered substantial physical or mental abuse as a result of the crime;
- The criminal activity must have violated a U.S. law;
- The victim must possess information about the qualifying criminal activity;
- The victim is being, has been, or is likely to be helpful in the detection, investigation or prosecution of the qualifying criminal activity.

### QUALIFYING CRIMES

Rape	Involuntary servitude	Extortion
Torture	Slave trade	Manslaughter
Trafficking	Being held hostage	Murder
Incest	Kidnapping	Felonious assault
Domestic violence	Abduction	Witness tampering
Sexual assault	Peonage	Obstruction of justice
Stalking	False Imprisonment	Abduction
Prostitution	Blackmail	Perjury
Female genital mutilation	Fraud in Foreign Labor Contracting	

Attempt, threats, conspiracy or solicitation to commit any of these crimes (have this below crimes)

**Law enforcement's role:**

- Identify that criminal activity occurred
- Identify the victim or indirect victim
- May note injuries observed, if any
- Determine helpfulness of the victim
- Determine if any family members were implicated in the crime
- Sign qualifying applications

**T-Visa (Trafficking victim):** Victim is...

- A victim of a severe form of trafficking in persons
- Physically present in the United States on account of the trafficking
- Victim has complied with any reasonable requests for assistance in the investigation or prosecution (or is under the age of 18)
- Victim would suffer extreme hardship involving unusual or severe harm if removed from the United States

**Law enforcement's role**

- Identify the victim
- Describe the severe form(s) of human trafficking the victim was subject to:
  - sex trafficking by force fraud or coercion, sex trafficking of a minor or
  - labor trafficking by force fraud or coercion
- Describe victim cooperation
- Determine if any family members were implicated in the crime

**Language Access:** A victim who...

- Does not speak English as their primary language, and
- Has a limited ability to read, write, speak or understand English

**Law enforcement's role:**

- Identify whether the victim is in need of language assistance by asking open-ended questions and questions that require an opinion
- Determine what language is needed using the "I Speak" cards
- Find an interpreter, or provide the victim with the phone number for the language lines
- If you choose to use an interpreter at the scene, make sure the interpreter is not:
  - A child or family friend
  - A family member of the victim or the perpetrator/primary aggressor
  - The perpetrator or primary aggressor
  - The interpreter used by the perpetrator/primary aggressor

**For Additional Resources or Technical Assistance: Contact the National Immigrant Women's Advocacy Project at 202-274-4457 or [info@niwap.org](mailto:info@niwap.org).**

**DHS Blue Campaign, [www.uscis.gov/humantrafficking](http://www.uscis.gov/humantrafficking)**

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