

Certain Forms of Immigration Relief

* * * IMPORTANT * * *

- This sheet only has information on a few types of relief. There are other forms of relief for which you might qualify. This is general information only, and not legal advice.
- Certain risks may apply and certain waivers might be required when applying for immigration relief or benefits.
- Get help from an immigration lawyer or BIA accredited representative. **Beware of notarios and scammers.**

U Nonimmigrant Status (U Visa)

(for victims of certain serious crimes)

U visa gives temporary status, but can lead to permanent residency.

Requirements:

- Victim of a qualifying criminal activity, including attempt, conspiracy or solicitation:

Abduction	Hostage	Sexual Assault
Abusive Sexual Contact	Incest	Sexual Exploitation
Blackmail	Involuntary Servitude	Slave Trade
Domestic Violence	Kidnapping	Stalking
Extortion	Manslaughter	Torture
False Imprisonment	Murder	Trafficking
Felonious Assault	Obstruction of Justice	Unlawful Criminal
Female Genital	Peonage	Restraint
Mutilation	Perjury	Witness Tampering
Fraud in Foreign Labor	Prostitution	Related Crimes
Contracting	Rape	

- Suffered "substantial physical or mental abuse" as a result of being a victim of that criminal activity
- Have information about the criminal activity (or if under 16, a parent, guardian or next friend has information)
- Have been, is being, or is likely to be helpful to authorities investigating or prosecuting the criminal activity
- Criminal activity occurred in US or its territories or possession, or could be prosecuted in federal court

Application Process:

- Obtain a **certification** from a law enforcement authority confirming victim has been, is being, or is likely to be helpful in the investigation or prosecution
- Send petition to USICS, along with law enforcement certification and evidence showing you meet the eligibility requirements (you may need a lawyer to assist with this)
- After 3 years with U visa status, you may be eligible to apply for permanent residency (green card)

Special Immigrant Juvenile Status (SIJS)

(for immigrant youth)

With SIJS, you may obtain lawful permanent residency.

Requirements:

- Under 21 years old and unmarried
- Unable to reunify with one or both parents because of abuse, abandonment or neglect
- Declared dependent on a juvenile court or in custody of someone appointed by the court
- Determined by court that it is not in your best interests to return to your country of origin

You may qualify if:

- A parent abused you
- A parent allowed you to be in danger of abuse
- A parent abandoned you by leaving your home, not supporting you, and not remaining in contact

Application Process:

- Obtain **order** from a juvenile/family court that states the requirements listed above (consult with a lawyer licensed in Texas for assistance)
- Send petition to USICS for SIJS, including the juvenile/family court order in the petition packet
- Apply for permanent residency (green card)

Violence Against Women Act (VAWA)

(for victims of domestic violence)

VAWA can lead to lawful permanent residency.

Requirements:

- Be either:
 - Abused spouse of a US citizen or LPR (lawful permanent resident)
 - Parent of a child who has been abused by the parent's US citizen or LPR spouse
 - Parent abused by his/her US citizen son or daughter
 - Child abused by a US citizen or LPR parent
- Good faith marriage (for abused spouses)
- Battery or extreme cruelty by the abuser
- Resides or resided with the abuser
- Good moral character

Application Process:

- Send petition to USCIS, along with evidence showing you meet the eligibility requirements (you may need a lawyer to assist with this)
- With approved petition, you may get deferred action (preventing deportation) and a work permit
- Some petitioners are eligible for permanent residency (green card)

T Nonimmigrant Status (T Visa)

(for victims of severe forms of trafficking)

T visa gives temporary status, but can lead to permanent residency.

Requirements:

- Victim of severe form of trafficking of persons:
 - *Sex trafficking*: commercial sex act induced by force, fraud coercion, or where the person forced to perform sex act is not yet 18 years old; or
 - *Labor trafficking*: recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery
- Physically present in US on account of the trafficking
- Comply with any reasonable request for assistance in the investigation or prosecution (unless under 18 years old or unable to participate due to trauma)
- Would suffer extreme hardship involving unusual and severe harm upon removal from US

Application Process:

- Try to obtain a **certification** from a law enforcement authority confirming victim has been, is being, or is likely to be helpful in the investigation or prosecution (a law enforcement certification is *not required* for the T visa, but you should make a good faith effort to obtain one)
- Send petition to USCIS, along with law enforcement certification (if available) and evidence showing you meet the eligibility requirements (you may need a lawyer to assist with this)
- After 3 years with T visa status, you may be eligible to apply for permanent residency (green card)

Deferred Action for Childhood Arrivals (DACA)

(for immigrants who arrived as children)

DACA provides **temporary** protection from deportation and work authorization. It does not lead to permanent residency.

Requirements (original requirements from 2012):

- Came to the US before your 16th birthday
- Were under 31 years old on June 15, 2012
- Continuously resided in the US since June 15, 2007, up to the present time
- Physically present in the US on June 15, 2012, and at the time of application
- Had no lawful immigration status on June 15, 2012
- Currently in school, graduated or obtained a certificate of completion from high school, obtained a GED certificate, or are an honorably discharged veteran of the US Coast Guard or Armed Forces
- Have not been convicted of a felony, significant misdemeanor, three or more other misdemeanors, and do not otherwise pose a threat to national security or public safety
- Must be at least 15 years old to apply (unless currently in removal proceedings or have a final removal order or voluntary departure order)

Application Process:

- Send petition to USCIS, along with application for work authorization and evidence showing you meet the DACA eligibility requirements (you may need a lawyer or assistance at a DACA workshop)
- With approved DACA petition, you will have deferred action and a work permit valid for 2 years
- With approved DACA, you may apply for a social security number and Texas driver's license or ID
- You may be eligible for Advance Parole to travel outside the US, in limited circumstances
- You may be able to renew your DACA

Non-profit organizations that may be able to assist: (Call for consultation information and fees)

American Gateways
314 E Highland Mall, Suite 501
Austin, TX 78752
Phone: (512) 478-0546

Catholic Charities of Central Texas
Immigration Legal Services
1625 Rutherford Ln, Bldg A, 2nd Fl.
Austin, TX 78754
Phone: (512) 651-6100

The Bernardo Kohler Center, Inc.
4009 Banister Lane
Austin, TX 78704
Phone: (512) 831-4272

RAICES (Refugee and Immigrant Center
for Education and Legal Services)
Phone: (512) 994-2199

Texas Civil Rights Project
(VAWA)
Phone: (512) 474-5073

Texas Rio Grande Legal Aid
(VAWA, T Visa, U Visa)
Phone: (512) 374-2700

Justice for our Neighbors
(monthly legal clinics)
Phone: (512) 270-9883

Equal Justice Center
(DACA)
510 S. Congress Ave, Suite 206
Austin, TX 78704
Phone: (512) 474-0007 x209

For a Private Attorney:

Lawyer Referral Service of Central Texas:
(512) 472-8303

American immigration Lawyer Association (AILA)
Immigration Lawyer Search:
www.ailalawyer.com