

Via Certified Mail

DATE

U.S. Citizenship and Immigration Services  
Vermont Service Center - VAWA Unit  
75 Lower Welden Street  
St. Albans, VT 05479-0001

**FEE WAIVER**  
**INCLUDED**  
**DEFERRED**  
**ACTION-BASED**  
**I-765 INCLUDED**

**Re: I-918 PETITION FOR U NONIMMIGRANT STATUS FOR CLIENT**

Dear Officer:

This office represents Ms. CLIENT, a native and citizen of COUNTRY, as she files an application for U Nonimmigrant Status under the Victims of Trafficking and Violence Protection Act. INA § 101(a)(15)(U).

Ms. CLIENT is eligible for U non-immigrant status, as she meets the following requirements:

- 1) She has suffered substantial physical or mental abuse as a result of having been a victim of certain criminal activity;
- 2) She possesses information concerning that criminal activity;
- 3) She has been helpful in the prosecution of the crime; and,
- 4) The criminal activity described occurred in the United States and violated the laws of the United States.

Enclosed please find the following forms and credible evidence in support of Ms. CLIENT's Petition for U Nonimmigrant Status:

<b>Tab A: Relevant Forms and Identity Documents</b>
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| Exhibit 1 | Form G-28, Notice of Entry of Appearance as Attorney relating to the I-918 and I-192 Forms   |
| Exhibit 2 | Form I-918, Petition for U Nonimmigrant Status, <i>with addendum</i>   |
| Exhibit 3 | Copy of Ms. CLIENT's birth certificate, <i>with certified translation</i>  |
| Exhibit 4 | Copy of identity page of Ms. CLIENT's current COUNTRYn passport, <i>valid from April 15, 2011 to April 14, 2016</i> and prior COUNTRY passport, including B1/B2 visa page. |

U Visa (I-918) Cover Letter and Exhibit List – Indirect Victim and Complex Waiver Example

- Exhibit 5 Four passport-style photographs of Ms. CLIENT (two to accompany her I-918 application and two to accompany her I-765 application)
- Exhibit 6 Form I-918 Supplement B, U Nonimmigrant Status Certification, signed by the Honorable Paul B. Ebert, Virginia Commonwealth's Attorney for Prince William County, dated XX, certifying that Ms. CLIENT cooperated in the investigation as an indirect victim of sexual exploitation and unlawful filming perpetrated against her minor child, DAUGHTER, by ABUSER
- Exhibit 7 Form I-192, Application for Advance Permission to Enter as Nonimmigrant, *requesting waiver of inadmissibility arising under INA 212(a)(6)(C)(i) for material misrepresentation.*
- Exhibit 8 Form I-912, Fee Waiver, *requesting a waiver of I-192 and deferred-action-based I-765 filing fee, with supporting evidence including a sworn affidavit by Ms. CLIENT's unemployment and receipt of public benefits on behalf of her U.S. citizen daughters.*
- Exhibit 9 Sworn declaration of Ms. CLIENT, *attesting to unemployment and public benefits receipt on behalf of her U.S. citizen children*
- Exhibit 10 Appointment letter for renewal of SNAP (food stamps) benefits
- Exhibit 11 Copy of debit cards for public benefits, including Virginia EBT card for SNAP benefits, EPPICard for TANF benefits, and Virginia WIC card
- Exhibit 12 Form G-28, Notice of Entry of Appearance as Attorney relating to the I-765 Form
- Exhibit 13 Form I-765, Application for Employment Authorization, *requesting employment authorization based on deferred action, upon a USCIS grant of deferred action and placement of Ms. CLIENT on the U visa waitlist.*

**Tab B: Evidence in Support of Ms. CLIENT's Indirect Victim Status, Qualifying Criminal Activities (Sexual Exploitation and Unlawful Filming), Possession of Information Regarding Criminal Activity, and Helpfulness to Law Enforcement**

See also Exhibit 2, Form I-918; Exhibit 6, Form I-918, Supplement B

- Exhibit 14 Copy of applicable Virginia Commonwealth Criminal Code Section 18.2-386.1 (unlawful filming of another while that person is nude or in a state of undress). *Because DAUGHTER was a minor when she was sexually exploited by her stepfather, this crime was punishable as a Class 6 felony*
- Exhibit 15 Sworn declaration of Petitioner CLIENT *detailing her daughter, DAUGHTER's sexual victimization by her step-father, her own cooperation with law enforcement, the substantial harm that she has suffered as a result of the*

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*criminal activity, and her good moral character meriting favorable discretion in granting her application for waiver of inadmissibility and I-918 petition.*

- Exhibit 16 Birth Certificate of DAUGHTER, *confirming that she is the 17-year-old minor daughter of Petitioner CLIENT*
- Exhibit 17 Marriage Certificate of ABUSER and CLIENT
- Exhibit 18 Certified Copy of XXX, Sentencing Order, Circuit Court of Prince William County Case No. XXXXXX, *confirming that ABUSER was sentenced to five years of incarceration upon conviction for Felony Unlawful Filming, Videotaping or Photographing of a Minor.*
- Exhibit 19 Prince William County Circuit Court Case Detail Summary, *corroborating that ABUSER was charged with Unlawful Filming/Videotaping in violation of Virginia Commonwealth Criminal Code Section 18.2-386.1, that he pled guilty on XXX and was sentenced to five years incarceration.*
- Exhibit 20 Virginia Department of Social Services Petition for Finding of Child Abuse/Neglect and Affidavit of Support of Petition, *corroborating Ms. CLIENT's account of discovering her husband's acts of filming her daughter DAUGHTER in the bathroom, Ms. CLIENT's cooperation with the law enforcement and Department of Social Services investigation, and the recommendation that Ms. CLIENT, as well as DAUGHTER, obtain mental health counseling.*
- Exhibit 21 Copies of business cards for Prince William County Police detective and Department of Social Services social workers Ms. CLIENT cooperated with, as well as a notice given to Ms. CLIENT requiring her presence in Juvenile & Domestic Relations Court

Ms. CLIENT and her daughter, DAUGHTER, were the victims of Ms. CLIENT's estranged husband and DAUGHTER's step-father, ABUSER, when he sexually exploited DAUGHTER by planting his cell phone in her bathroom and secretly recorded her while she was getting in the shower. The videos that DAUGHTER's step-father made of her showed her undressing and exposed her genitalia. DAUGHTER was sexually violated by her stepfather in this way three times in XXX before Ms. CLIENT found out and reported him to the police.

U visa regulations define a qualifying victim as an individual "who has suffered direct and proximate harm as a result of the commission of qualifying criminal activity [. . .] parents [. . .] will be considered victims of qualifying criminal activity where the direct victim is [. . .] incapacitated, and therefore unable to provide information concerning the criminal activity or be helpful in the investigation or prosecution of the criminal activity." 8 CFR 214.14(a)(14)(i). Ms. CLIENT qualifies as an indirect victim because, as established by the evidence submitted, she is the biological mother of DAUGHTER CLIENT, the direct victim of sexual exploitation and violation. DAUGHTER, was victimized at age fifteen and lacked legal capacity due to her minority to report the crimes against her or fully cooperate with law enforcement. In fact, it was Ms. CLIENT who decided to report the crime to the authorities, despite DAUGHTER's reluctance and fear to report her step-father.

The crime of which Ms. CLIENT is the indirect victim – unlawful filming of another – falls squarely within the sexual exploitation category of U visa qualifying criminal activity. The essential elements of unlawful filming of another under Virginia law involve the intentional filming of a non-consenting victim when that person is “totally nude, clad in undergarments, or in a state of undress so as to expose the genitals.” Furthermore, a violation of this law involving a non-consenting victim under the age of eighteen is punishable as a Class 6 felony.

The videotaping of Ms. CLIENT’s daughter while she was undressing in the bathroom was sexual exploitation. Sexual exploitation is defined by the Virginia Department of Social Services including “pornographic photographing” or “filming.” *Child and Family Services Manual*, July 2012, 2.7.2.1. In the case of Ms. CLIENT, her minor daughter, DAUGHTER, was subjected to sexual exploitation when her perpetrator, ABUSER, secretly filmed her on three separate occasions when she was getting in and out of the shower. The video recordings made of DAUGHTER were pornographic and explicit. They showed her in various states of nudity and undress, including views of her exposed genitals from below.

Ms. CLIENT further qualifies as an indirect victim who possessed information related to the qualifying criminal activity. As detailed in her declaration (Exhibit 15), Ms. CLIENT promptly notified law enforcement of the crimes against her daughter, relaying to a Prince William County police officer and social worker the details of the sexual abuse DAUGHTER disclosed to her.

Ms. CLIENT was fully cooperative with law enforcement’s investigation into the crime. She was helpful to the investigation of the qualifying criminal activity by reporting the sexual abuse disclosure to law enforcement; transporting DAUGHTER to an interview with law enforcement; answering police and child protective services questions with all the information she had; assisting police in their attempts to locate and interview ABUSER; and granting the police officers permission to search her home for evidence, including giving them information on how to access the computer where it was suspected the perpetrator had stored the explicit videos of her daughter. In addition, Ms. CLIENT was subpoenaed as a witness to Mr. ABUSER’s trial. Although she was not asked to testify, she was present and available to speak to prosecutors and law enforcement at all times.

<p><b>Tab C: Evidence in Support of the Substantial Mental Abuse Suffered by Ms. CLIENT as a Result of the Qualifying Criminal Activity</b></p>
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See also: *Exhibit 15, Declaration of Ms. CLIENT, especially paragraphs ¶¶ 55, 57-59, 64, 68-80; Exhibit 20, detailing recommendation for counseling for Ms. CLIENT*

- Exhibit 22 Copy of Prince William County Community Services Board releases for DAUGHTER CLIENT, *authorized by Ms. CLIENT to permit her daughter, DAUGHTER, to receive mental health, medical, and other supportive services to recover from the sexual exploitation by her stepfather.*
- Exhibit 23 Virginia Commonwealth’s Attorney letter addressed to Ms. CLIENT, *advising her of her right to submit a victim impact statement expressing the physical, emotional, and financial losses that she incurred as a result of the crime against her daughter*
- Exhibit 24 Letter of Support from FRIEND, *with certified English translation, commending Ms. CLIENT that “[e]ven after all the difficulties that she has been through she is full of life and knows how to move forward and put her children on the front.”*

A determination of whether a U visa petitioner has suffered substantial abuse as a result of the criminal activity is based on multiple factors, including but not limited to: “[t]he nature of the injury inflicted or suffered; the severity of the perpetrator's conduct; the severity of the harm suffered; the duration of the infliction of the harm; and the extent to which there is permanent or serious harm to the appearance, health, or physical or mental soundness of the victim, including aggravation of pre-existing conditions...A series of acts taken together may be considered to constitute substantial physical or mental abuse even where no single act alone rises to that level.” 8 CFR § 214.14(b)(1).

Though Ms. CLIENT did not sustain any physical injuries from the sexual abuse of her young daughter, she has suffered substantial mental abuse that has had physical and emotional manifestations that have significantly affected her life in the wake of the criminal activity and investigation. See ¶¶ 69. When she thinks of the abuse, she gets headaches and begins to cry. In the weeks immediately following the disclosure she became depressed, lost her appetite and could not sleep. See ¶¶ 63. Ms. CLIENT was referred to counseling and she would like to seek therapy but is unable to due to her crippling financial situation and the time commitment of having a severely handicapped daughter. See ¶ 70. Ms. CLIENT is unable to even take the time to try and heal herself and DAUGHTER because she too worried about paying her rent and putting food on the table. See ¶¶ 73, 74. Ms. CLIENT therefore has established that the mental abuse she suffered as a result of the criminal activity was substantial.

**Tab D: Evidence in Support of Ms. CLIENT’s Application for Waiver of Grounds of Inadmissibility**

See also: Exhibit 15, Declaration of Ms. CLIENT; Exhibit 24, Letter from FRIEND

- Exhibit 25 Birth certificates of Ms. CLIENT’s three U.S. citizen children – DAUGHTERS
- Exhibit 26 Medical records of Ms. CLIENT’s daughter, DAUGHTER, *diagnosing DAUGHTER as having a history of global developmental delay, seizure disorder, feeding difficulties, chronic constipation, gastroesophageal reflux disease,*

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*tracheostomy for subglottic stenosis, and tracheomalacia; confirming her sole source of nutrition is received by gastronomy (tube) feedings*

- Exhibit 27      *Medical records of Ms. CLIENT’s daughter, DAUGHTER, confirming that Ms. CLIENT has sought treatment and medical attention for blood pressure issues DAUGHTER has suffered.*
- Exhibit 28      *Letter of Support from FRIEND, with certified English translation, describing Ms. CLIENT as “a good, responsible person, and a good mother.”*
- Exhibit 29      *Letter of Support from NEIGHBOR, detailing that since he has known her, Ms. CLIENT “has shown me what a caring, honest, reliable, and trustworthy person she is. CLIENT is always willing to lend a helping hand not only to myself, but many others. Over this time, I have also seen what a loving, and caring mother CLIENT is to her three daughters.”*
- Exhibit 30      *Letter of Support from FRIEND, describing Ms. CLIENT as “a good citizen and [...] a wonderful mother to her daughters often sacrificing herself for them.”*
- Exhibit 31      *Letter of Support from FRIEND, describing Ms. CLIENT as “trustworthy and very reliable.”*

Ms. CLIENT seeks a waiver of inadmissibility arising under INA 212(a)(6)(C)(i) for material misrepresentation and any other inadmissibility grounds uncovered during background checks. Ms. CLIENT entered the United States multiple times in the 1990s in valid B1/B2 visitor status. In YEAR, she was pregnant with her first-born daughter and remained in the U.S. to give birth, thus overstaying her authorized duration of stay before returning to COUNTRY. When she went back to COUNTRY with her then-infant daughter, she was terrified that she would not be able to return to the U.S., where her daughter was a citizen. Panicked and worried that she would not be able to support her daughter alone in COUNTRY, upon her return to COUNTRY, she took the advice of a friend and obtained from a COUNTRY official a date stamp in her passport that reflected a false, earlier date of entry to COUNTRY. Because she used this passport that misrepresented her date of prior departure from the US when she returned to the U.S. in February YEAR on the same tourist visa, the false date stamp may constitute a material misrepresentation to obtain entry into the United States, triggering inadmissibility under INA § 212(a)(6)(A)(i). USCIS, however, may, in its discretion, waive this ground of inadmissibility if it is determined to be “in the national or public interest.” INA § 212(d)(14).

It is in the national or public interest to waive Ms. CLIENT’s inadmissibility for entry without inspection because she is the single mother and primary caretaker of three U.S. citizen children, including one daughter who is severely disabled, one daughter who is only four years old, and one daughter who was the victim of a sexual exploitation crime. Despite being heartbroken and severely traumatized by the crime that her husband and father of her two young children perpetrated against her eldest daughter, Ms. CLIENT has not stopped doing everything in her power to care for her daughters. She devotes all her time to making sure they have everything they need. She spends every day from 6 a.m. to 12 a.m. taking care of her disabled daughter, DAUGHTER. See Exhibit 15, ¶¶ 71-73. Ms. CLIENT is a tireless advocate for making sure her daughters have all the services they need. Despite being homeless for eight months as a

result of this crime and the subsequent deportation of her husband, she has continued to be an inspiration and source of strength for her children. She is an exemplary mother that would do anything for her children. She is her children's sole source of support as they seek medical attention, education, and counseling services to cope with the trauma their family has endured as a result of the crime perpetrated by ABUSER. Ms. CLIENT has never had any interactions with the police in the United States that didn't involve her husband. She has not been arrested for, charged with, or convicted of any crimes in the United States or in her home country.

It is further in the national or public interest to grant Ms. CLIENT's waiver of inadmissibility because of her cooperation with law enforcement and child protective services to report the sexual exploitation crime perpetrated by ABUSER against her daughter, leading to his confession, guilty plea, conviction, sentencing, and ultimate deportation. Though Ms. CLIENT believes Mr. ABUSER to still be outside of the United States, Ms. CLIENT's continued presence in the United States is critical to ensure the ongoing safety of her daughters.

Ms. CLIENT, through counsel, herein submits sufficient credible evidence to meet or burden of a preponderance of the evidence to establish her eligibility for U nonimmigrant status as the indirect victim of a qualifying criminal activity who possesses information regarding the criminal activity, who has been helpful to the investigation of the criminal activity, and who suffered substantial mental abuse as a result of the criminal activity. INA § 101(a)(15)(U), 8 C.F.R. § 214.14(c)(4). Further, she has submitted sufficient credible evidence to meet her burden in establishing that it is in the national or public interest to grant a waiver of inadmissibility for her entry without inspection. INA § 212(d)(14).

Thank you for your assistance in this matter. If you have any further questions or require any additional information, please do not hesitate to contact me at XXX or XXXX.

Best regards,

ATTORNEY

Enclosures as stated.