

## What Does “Helpfulness” Mean for the U Visa Certification Form Supplement B?

### I. The legal standard

Section 101(a)(15)(U) of the Immigration and Nationality Act permits crime victims to apply for a U Visa who:

- Are victims of a crime listed in the section (including domestic violence and sexual assault); and
- Have information regarding the crime; and
- Is helpful, Has been helpful, or Is Likely to be helpful
- In the *investigation* or *prosecution* of the crime
- Has not refused a reasonable request for cooperation

### II. Other U Visa Requirements. In addition to showing that she is, has been, or is likely to be helpful, an applicant for the U visa must also show:

- She has suffered substantial abuse as a result of the crime
- She is not a danger to public safety
- She is “admissible” to the United States – essentially, she has not committed serious crimes or immigration violations
- Her fingerprints are taken to ensure accurate records

### III. Guidance on Purpose of U Visa and Helpfulness Standard

- From the Immigration and Nationality Act section 101(a)(15)(U): The U visa will “facilitate the reporting of crimes to law enforcement officials by trafficked, exploited, victimized, and abused aliens who are not in lawful immigration status. . . . Providing temporary legal status to aliens who have been severely victimized by criminal activity also comports with the humanitarian interests of the United States.”
- From U.S. Citizenship and Immigration Service memorandum of October 8, 2003: “The fact that the criminal activity occurred a number of years prior to the current request or that the case in which the applicant is the victim is closed is not a determinative factor at this stage. The statute contemplates that a person may be eligible for U nonimmigrant status as a result of having been a victim of a crime that occurred at some point in the past.”
- From Form I-918 Supplement B:
  - “Being helpful means assisting law enforcement authorities in the investigation or prosecution of the qualifying criminal activity of which he or she is a victim. . . . There is ONLY “an ongoing responsibility on the part of the victim to be helpful, assuming there is an ongoing need for the victim’s assistance. (emphasis added)”
  - “. . . the certifying official will make the initial determination as to the helpfulness of the petitioner. . . . but it will not be considered conclusory [sic] evidence that the victim has met the eligibility requirements.”