

**UNITED STATES DEPARTMENT OF HOMELAND SECURITY
US CITIZENSHIP AND IMMIGRATION SERVICES
VERMONT SERVICE CENTER**

IN THE MATTER OF:

CLIENT FULL NAME

File No. A XXX-XXX-XXX

**DECLARATION OF [CLIENT FULL NAME] IN SUPPORT OF HER APPLICATION FOR U
NONIMMIGRANT STATUS:**

I, [Client Full Name], hereby state under penalty of perjury that the following information is true and correct to the best of my knowledge and memory and that I incorporate the following statements into my application for U Nonimmigrant Status:

INTRODUCTION

1. Name and Date/Place of Birth.
2. I have XX children, born in __ and living in ____. *If there are US citizen children, please note that.*
3. I came to the United States in __ time.
4. *If the case is especially complex, you may wish to provide a brief summary of the crime, cooperation, and harm in the client's own words at the outset.*

PERSONAL BACKGROUND

We recommend including personal background if the client has suffered past trauma that the qualifying crime exacerbated or if the client is seeking to waive more than just entry without inspection as part of an I-192 and the background is compelling. Here are some sample questions:

- How did your parents treat each other? How did your siblings treat you and each other?
- How did your parents and/or siblings treat you?
- Did you go to school? Did your family have enough food to eat?
- Have you had any serious medical problems?
- Did you ever survive any violence before you met your abusive partner (use name) or before XYZ criminal incident?

MY RELATIONSHIP WITH ABUSER NAME

Describe how, when and where you met your intimate partner. Include dates if possible.

- When did you meet him/her?
- Where?
- How long did you date before you were married (if applicable)?
- Do you have any children together? If so, how many and how long after relationship started did you have your first child?
- Did you have any children from a prior relationship? How did your abuser treat them?

ABUSER NAME BEGAN INSULTING AND BEATING ME, AND I SUFFERED A LOT

Give a brief description of how and when your intimate partner began his abusive behavior towards you. You may want to focus on the first, worst and last incidence of violence. Include dates (even approximate) if possible. Make sure to include both physical and psychological abuse.

Please use the case summary provided by Tahirih as a starting point to discuss the abuse – for example, “I know from the notes [NAME OF TAHIRIH LAWYER] provided me that he eventually began hitting you. Do you remember what happened the first time that he hit you?” Please keep in mind that often recalling exact dates is stressful and/or not possible for our clients; focusing on what happened rather than “when” it happened can reduce the stress of the interview. You can try to put together a timeline later, or if she is able to provide dates or approximate dates easily, you can note them right away.

- About how long after you were together did he begin mistreating you?
- Did he call you names? Did he insult you? Did he raise his voice, threaten you, or hit or break furniture? About how often would he do these things? How did you feel when he would do this?
- Did he isolate you, establish rules you had to follow, control where you went or with whom you spoke? How did this make you feel?
- How often did he hit you? Did he use closed fists or an open hand? Did he ever hit you with things other than his hands?
- Did certain things provoke him or tend to make him angry and violent?
- About how often would he hit you? How would you feel when he was physically violent with you?
- Did you have bruises, scratches, or other injuries after he hit you?¹
- Did you ever have to see a doctor for medical help after he hit you?²
 - Did he make you do things sexually that you did not want to do? *Please note that sexual abuse is often the most difficult subject to discuss. The level of detail needed to meet the eligibility requirements of the U visa will depend on the facts of the case. We recommend that you speak with your Tahirih co-counsel about how necessary it is to delve into the specifics of the sexual abuse prior to interviewing your client about the sexual abuse.*
- Have you ever talked to a therapist, counselor, or worker at a shelter about what you have suffered?³
- Do you think the abuse still affects you? Do you have fear, anxiety, trouble sleeping, nightmares, or any lingering physical pain that you believe is related to the abuse? *You may wish to include this in a separate section detailing the ongoing effects of the abuse if the client is still suffering many effects of the abuse.*
- Do you feel like the abuse changed your relationship to friends, family and your community?

¹ If yes, please ask if anyone with whom she is close saw the marks and find out whether that person is able to provide a letter describing what they saw. This is especially important if there are not photographs or medical records.

² If yes, please ask the client to consent to us obtaining records from this doctor and consult with your Tahirih co-counsel if you are unsure how to go about this.

³ If yes, please ask the client for consent to speak with that therapist and request a letter. Please ask your Tahirih co-counsel for advice and sample therapist letters if you have doubts about how to go about this.

THE TIME I CALLED THE POLICE (*Please use another title as appropriate*)

- I know that you called the police one time in Month, Year. We will talk more about that incident, but did you ever call the police before that time? *If you have multiple incident reports, please begin with the first one chronologically unless your client naturally begins speaking about another incident.*
- **For each police incident:**
 - Where were you when this happened? Who else was there?
 - What happened before you called the police? (please get a detailed description of violence, threats and other verbal abuse, and what ultimately led to the call)
 - Who called the police?
 - When the police came, how many of them were there? Did they have a translator (if applicable).
 - Do you remember what you told the police? (If defendant fled the scene, did you describe him, his car, his friends, and any places where he might have gone?)
 - Did you sign a statement? Did the police take any pictures of your injuries? Did a doctor or nurse examine you?
 - Did a police officer give you his card or phone number? Did you give your phone number? Did that number stay the same after the incident?
 - Did the police call you after they left? Did a prosecutor or anyone else from the government call you?
 - How did you feel about talking to the police? Were you afraid? Did they have a translator? Did you understand them and feel comfortable with them?
 - Were you ever asked to go to court? Did you have to speak with the judge? Please ask about any court proceedings in detail (who was there? Who spoke? What floor/room were the proceedings in?) to determine whether she is describing a civil (protective order) hearing or a criminal hearing.
 - How did you feel about testifying in court? (if applicable) Did abuser threaten you at all to try to keep you from testifying? How did you overcome that?
 - Do you know how the case ended? Did he go to jail, to anger management, or get deported?
 - Have you heard from the police or prosecutor since that time?
 - Do you have any papers other than what I have here related to this incident? *Show her what you have.*
- **For the last police incident:** Have you heard from your abuser since that time?

[*You may wish to include a separate section here or in the section below detailing the ongoing effects of the abuse if the client is still suffering many effects of the abuse.*]

I WORK HARD, AM A GOOD MOM, AND HOPE TO CONTINUE RECOVERING FROM THE ABUSE IN THE UNITED STATES (*This section goes to the waiver of inadmissibility*)

If our client's only ground of inadmissibility is entry without inspection, this section can be short and simply leave things on a positive note talking about her future, her recovery, and her hopes. If there are criminal or other grounds of inadmissibility, please strategize with your co-counsel to make this section as robust as possible.

- Have you ever been arrested or in trouble with the police or immigration?
- Do you have any children? Where are they now? What do you do help take care of them? Are they healthy? Do they have any disabilities?
 - If they are in the US, do they go to school? Do you help with their homework? Do you talk to their teachers or anyone at their school to try to help them? Do you take them to religious ceremonies or classes? *Please look at report cards and include them if helpful, please be sure to include all birth certificates.*

U VISA DECLARATION DRAFTING GUIDE

- Do you belong to a religious community? Do you belong to other community groups? Have you been to any county parenting classes or other recreational community activities? *If so, can anyone write a letter about your involvement or do you have any certificates?*
- Do you work? *If so, can your employer provide a letter (even a to whom it may concern reference letter)?*
- Have you taken any English or other classes in the US? What are your goals if you are allowed to stay and work in the United States?
- Are you or your children receiving any ongoing therapy or counseling or other medical care?
- What do you think would happen to you and your children if you had to return home country? How do you feel thinking about the possibility of going back to home country? Is there anything or anyone you are afraid of there?

THE LAST PARAGRAPH of the declaration, if applicable, should say, “This statement has been read to me in ____, my native language, and I understood it.” The translator who reads the statement aloud in that language should also sign a certificate of translation, please feel free to use the format below.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

__<Signature line>__

__<date>__

CERTIFICATE OF TRANSLATION

I, NAME OF TRANSLATOR, hereby certify under penalty of perjury that I am competent to translate the attached document from English into Spanish, and that I read the attached document aloud in Spanish to CLIENT NAME, and she understood the contents of this statement.

Dated this ____ day of MONTH, YEAR.

__<Signature line>__