



# Other Options: DACA, TPS, Special Immigrants, U, T, S and VAWA (Bad can be Good!)

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# Getting Started

- Screening is Crucial! See “New Client Consultation Checklist” in materials
- Trustworthy translation
- If possible and appropriate, screen the client alone
- Keep Kleenex in the room – trust us

# U Visas

- Client was a victim of violent crime?
- Need to know:
  - What type of crime?
  - Where did it happen?
  - Did they assist police?
  - Was anyone arrested?
  - Injuries – Physical or Emotional?
  - Were charges dropped?
- Gen: violent crimes, sexual offenses, witness tampering, obstruction of justice

# U Visa Pro Tip

- Ask questions about being a victim several ways:
  - Ever had to call the police for help?
  - Ever helped the police catch a bad guy/criminal?
  - Ever been in the back of a police car?
  - Ever talked to a judge?
  - Ever had a gun or knife pointed at you in the USA?
  - Ever been hit in the USA?
  - Ever been in a store or restaurant when it was being robbed?

# VAWA

- Violence Against Women Act
- Men, too!
- Questions:
  - Victim of Domestic Violence?
  - Married to abuser?
  - Abuser LPR or USC?
  - Were children victims?
  - Still married, or divorced in last two years?

# VAWA Pro Tip

- Use the Immigrant Wheel of Power and Control in the materials to ask good questions and explore all possible areas of abuse
- Review affidavit in workbook for a sample setting out different kinds of abuse

# SIJ- Special Immigrant Juvenile

- Minors subject to abuse or neglect at hands of one or both parents
- Declared independent by family court
- In best interest for child to remain in USA

# SIJ Pro Tip

- Must be under 18 in PA – but can be up to 21 in NJ.



# T Visas

- Enables certain victims of severe form of human trafficking to remain in United States if assisted law enforcement.
- Question them:
  - Exploited at work, threatened with reprisal because of immigration status?
  - Employer held onto their passport or other immigration docs and refused to give them back?
  - Forced to work at a location by actual force or coercion?
  - Forced to work long hours or 7 days a week and not free to stop, quit, or leave?

# T Visa

- Be on lookout for victims of sexual trafficking
- Ask if ever forced, coerced, or tricked into having sex or doing sex industry work like stripping or working as an escort
- No backlog – unlike the U visa.

# DACA, TPS, S Visas

- New DACA's are dead. Long live DACA Renewals!
  - The *real* value of DACA is that they are in your office getting screened for other forms of relief. Some DACA's are US citizens and don't know it. Others qualify for U, T, VAWA, or other forms of relief.
  - Try to speak to and screen the parents, too.
- TPS – check to see if their country has TPS. Be aware that some countries being taken off the list.
- S Visa: Sponsored by law enforcement organizations. Tread carefully, and get everything in writing.

# Questions?

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