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A Great Answer for Many Desperate Immigrants without Status

By Christopher Kerosky

There is a legal way in which many persons who are undocumented in this country can obtain status, quickly, within a few months, without leaving the country, and without having any legal relatives in the US. Even better, if they qualify, they can get status for their entire family. Often this is possible even if they are in deportation proceedings or were ordered deported in the past.

Unfortunately, although it is a solution that applies to many in our community, most undocumented immigrants know nothing about it.

It is the U visa – and it can offer help to many people who need status the most: victims of domestic violence, exploited workers, victims of sexual violence, street crimes or other criminal conduct.

Here is how this extraordinary program works:

- There must have been a criminal act committed in the U.S., no matter how long ago. The crime must have violated Federal, State, or local law.
- The person applying must have suffered physical or mental harm as a result. The harm can be emotional. It is not necessary that there be physical harm.
- The person applying must possess information concerning the crime and have been helpful, are being helpful, or are likely to be helpful to the police, sheriff, district attorney or some other agency which investigated the crime.

Here are some examples of persons who may qualify for a U Visa:

- Women who were abused by their spouse, boyfriend or domestic partner; the couple did not need to be married or even living together.
- Parents of minor children who were the victims of domestic violence;
- Persons who were victims of gang violence;
- Parents or siblings of young people who were victims of violence, including gang violence.
- Persons who were victims of other street crimes;
- Persons who were the victims of traffickers or prostitution

- Women who were victims of statutory rape;
- Persons who were kidnapped or subject to ransom by immigrant smugglers;
- Workers whose employer was guilty of criminal violation of workplace laws.

How does one apply for this visa?

In order to qualify for the U visa, you or your representative must obtain a signature from the police, sheriff, district attorney, court or other law enforcement authority responsible for investigation or prosecution of U crime. This can include the victims rights offices of the District Attorney or police, or even agencies like Child Protective Services, Equal Employment Opportunity Commission, the Department of Labor. Our office has had no problem obtaining such certifications for victims of crimes in Sonoma and Napa Counties. Once this certification is obtained, an application is submitted to the Immigration Service with a statement of the applicant, affidavits from others, police, court or medical records and other supporting material. Usually within 6-8 months, the person obtains legal status. After 3 years, they qualify for a green card.

Many people tired of waiting for immigration reform may be able to find a quick solution to their anxiety and uncertainty through this special program. Our office has helped more than 75 such families in the last year alone. The next article will describe some of the examples of people who have been changed by this law.

CHRISTOPHER A. KEROSKY of the law firm of KEROSKY PURVES & BOGUE has practiced law since 1984 and has been recognized as one of the top immigration lawyers in Northern California for the last six years by San Francisco Magazine "Super Lawyers" edition (2006-2011). He graduated from University of California, Berkeley Law School and was a former counsel for the U.S. Department of Justice in Washington D.C. He has had an office in San Francisco for 20 years, but recently opened a Santa Rosa office and lives in West Sonoma County.

WARNING: The foregoing is an article discussing legal issues. It is not intended to be a substitute for legal advice. We recommend that you get competent legal advice specific to your case. If you would like such advice from our office, call (415) 777-4445 (San Francisco); (916) 349-2900 (Sacramento) or (707) 433-2060 (Santa Rosa).