



## CLE Webinar

# Immigrant Survivor Relief for Unaccompanied Minors

Wednesday, August 30, 2023

## Index of Materials

### General

1. [8 USC § 1367](#) (protections for T, U, VAWA self-petitioners)
2. ASISTA, [Do you have the right email addresses for the hotline?](#)
3. ICE Directive 11005.3, [Using a Victim Centered Approach with Noncitizen Crime Victims](#)
4. [Memorandum from Kerry Doyle to All OPLA Attorneys](#) (Apr. 3, 2022)
5. NIWAP, [Public Benefits Flow Charts](#)
6. EOIR [OOD DM 22-03 Administrative Closure Guidance for EOIR Adjudicators](#) (Nov. 22, 2021)
7. [Contact Information](#) for USCIS Hotline on Humanitarian Case Issues (not currently accepting calls, only emails)
8. ASISTA, [Practice Pointer: Requesting Congressional Liaison Assistance](#)

### Trauma-Informed Lawyering

1. Catholic Legal Immigration Network, Inc. (CLINIC), [Recorded Webinar: Developing a Trauma-Informed Consciousness for Legal Practitioners](#)

2. Immigrant Power and Control [Wheel 1](#) and [Wheel 2](#)
1. [General Power and Control Wheel](#)
2. Mayo Clinic, [Kristin Lothman: Mindfulness & Meditation – A grounding exercise](#)

## **T Visa**

1. [USCIS Policy Manual on T Visas](#)
2. [HHS Fact Sheets](#) on Victim Support Services
3. ICE, [Continue Presence Resource Guide](#)
4. CAST, [Law Enforcement Cooperation Guide](#)
5. CAST, Freedom Network, [Physical Presence Advisory](#)
6. U.S. Dept. of Education, [Forced Criminality in Human Trafficking: Identifying and Intervening to Support Students](#)
7. ABA, Commission on Domestic and Sexual Violence, [Post-Conviction Advocacy for Survivors of Human Trafficking: A Guide for Attorneys](#)
8. [In re 10017259](#) (AAO, Oct. 26, 2021) (smuggling-turned-forced- drug-trafficking can be severe form of labor trafficking)
9. Jessica Aycock, Texas Tech University, [Criminalizing the Victim: Ending Prosecution of Human Trafficking Victims](#) (2019)
10. ILRC, [Special Considerations When Screening Youth for T Visa Eligibility](#) (July 2021)
11. Congressional Research Services, [Human Trafficking: Key Federal Criminal Statutes](#)
12. [National Human Trafficking Hotline](#)
13. Tahirih, [Sample T Visa Cover Letter and Evidence Index](#)

## **U Visa**

1. [USCIS Policy Manual on U Visas](#)

2. KIND [U-Visa Relief](#) (2015) (focusing on child U applicants)
3. DHS, [U-Visa Law Enforcement Resource Guide](#) (2022)
4. NIJC, [Frequently Asked Questions in Filing a U Visa Case](#)
5. ILRC, [U Visa Derivatives Age-Out: A Guide for Practitioners on Age-Out Protections](#) (June 2021)
6. NIWAP, [LEA Training Materials](#)
7. Administrative Appeals Office (AAO) [Non-Precedent Decisions Repository](#)
8. Qualifying Criminal Activity AAO Decisions (non-precedent)
  - a. [Matter of \\_\\_\\_\\_\\_ \(AAO Feb. 5, 2015\)](#) (unpublished) (finding QCA of domestic violence for roommate harassment crime)
  - b. [In Re: 23551003 \(AAO Jan 5, 2023\)](#) (unpublished) (applying exclusively the similar activity approach and finding no match for the asserted QCA, though allowing use of federal crime as the target statute)
  - c. [In re: 10531865 \(AAO Mar. 9, 2021\)](#) (unpublished) (finding extortion had been detected despite no mention in police reports, because I-918B signed by police stated it was detected and included facts from the reports adding up to extortion)
  - d. [Matter of M-R-B-C-, ID 1114583 \(AAO May 15, 2018\)](#) (unpublished) (finding QCA of felonious assault had been involved, where serious bodily injury was documented in hospital records external to the LEA reports)
  - e. [In re 9044400 \(AAO Oct. 15, 2021\)](#) (unpublished) (turning to Model Penal Code for definition of felonious assault where VA's state definition was unusually restrictive, and finding QCA had occurred)
  - f. [Attorney General Guidelines for Victim and Witness Assistance](#)
9. Indirect Victim AAO Decisions (non-precedent)
  - a. [March 11, 2020](#) (relationship measured at time of filing)

- b. [April 27, 2020](#) (finding 9-year-old direct victim who cooperated with law enforcement with assistance of sibling was incompetent/incapacitated; not applying presumption of incapacity to sibling, who was also under 16, and who was applying as indirect victim)
  - c. [August 16, 2021](#) (listing factors the AAO considers when determining whether indirect victim was incompetent or incapacitated)
  - d. [October 5, 2021](#) (17-year-old direct victim who cooperated with law enforcement is incompetent/incapacitated)
10. U Visa Samples
- a. [U-certification request](#)
  - b. [U-Visa Application Cover Letter](#)
  - c. [U-Visa Application Index and Argument](#)
  - d. [I-192 Waiver of Inadmissibility Application](#)
  - e. [I-912 Fee Waiver Arguments](#) if Initial Submission Rejected or Evidence is Scant

### **VAWA Self-Petition and LPR**

1. “[Virtue Memorandum](#)” (1998) (regarding VAWA’s any credible evidence standard and its purpose)
2. Paul Novak, USCIS Policy Memorandum, HQOPRD 70/8.1/8.2, [Determinations of Good Moral Character in VAWA-Based Self-Petitions](#) (Jan. 19, 2005)
  - a. Attachment 1: [Waivable Conduct Chart](#)
  - b. Attachment 2: [Authorities Affecting False Testimony Determinations](#)
3. ASISTA Chart: [VAWA & General Waivers to Grounds of Inadmissibility](#)
4. ASISTA Chart: [Abused Children: VAWA Self-Petition & SIJS](#)

### **VAWA Cancellation of Removal**

1. ILRC, "[VAWA Cancellation of Removal](#)" Primer
2. American University Washington College of Law, NIWAP, Legal Momentum Practice Advisory: [VAWA Cancellation of Removal](#)
3. American Gateways, [VAWA Cancellation Step-by-Step](#)
4. [Sample VAWA Cancellation Brief](#) (Word document)
5. [8 CFR § 1240.58](#) (extreme hardship factors, incorporated into VAWA cancellation cases by 8 CFR § 1240.20(c)).
6. *Matter of R-O-G-*, AXXX XXX 647 (BIA Dec. 16, 2020) (unpublished) (holding that removability-based bar to VAWA COR only applies to those charged as removable, not inadmissible)
7. [VAWA Cancellation Redux](#) Conference Session (available for purchase)

### **Considerations in Removal Proceedings/After Removal Order**

1. [Matter of Sanchez-Sosa, 25 I&N Dec. 807 \(BIA 2012\)](#) (naming factors to be considered by IJs when considering administrative closure, continuances based on pending U visa)
2. [ASISTA Practice Advisory: The Impact of Matter of L-N-Y-, 27 I&N Dec. 755 \(BIA 2020\)](#)
3. USCIS, [How to Make an Expedite Request](#) (Last Reviewed/Updated: 10/20/2022)
4. "[Morton Memo](#)," Guidance Regarding the Handling of Removal Proceedings of Aliens with Pending or Approved Applications or Petitions (August 20, 2010)
5. ASISTA [Conference Panel Notes](#), with confirmation Morton Memo remains in effect (June 2022)
6. AIC, NIPNLG Practice Advisory: [Reinstatement of Removal](#) (May 23, 2019)
7. ASISTA Chart: [Overview of Motions to Reopen Removal Proceedings](#)