



OFFICE OF LEGAL AFFAIRS

Advisory Opinion

Advisory Opinion # AO-2013-03

**Subject:** Derivative U Visas for Family Members of U Visa Applicants Represented by LSC Recipients

**Date:** June 13, 2013

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QUESTION

Whether a recipient is permitted to include, in an application for a primary U visa for an eligible client, requests for derivative U visas for family members of the client who are not themselves victims of domestic violence or other abuse or criminal conduct and/or who are not themselves in the United States.

BRIEF ANSWER

Yes. Aliens who qualify for a derivative U visa under the Immigration and Nationality Act



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PRLS is unsure as to whether it may include requ

The derivative U visa process is actually part of the primary U visa process and part of the primary U visa application form. The DHS/USCIS-918 form and supplement allow primary U visa applicants to apply for derivative U visas for family members as part of their own applications, and establish a single administrative process that allows a primary U visa applicant to incorporate requests for derivative U visa immigration relief for family members. Moreover, as described above, the supplemental form for derivative U visas clearly contemplates applications for derivative U visas for persons not in the United States.

In its request for this opinion, PRLS referenced LSC program letter permitting LSC recipients to formally adopt the VAWA exceptions into their eligibility criteria. Program Letter 6-02 (February 21, 2006). The program letter, consistent with the plain language of the statutory VAWA exceptions and statutory U visa exception, permits recipients to represent eligible clients applying for U visas who request derivative U visas for relatives. The question and answer section of the program letter includes the following exchange:

*May an LSC grantee represent individuals who are eligible for LSC services under the VAWA 2006 Amendments . . . ?*<sup>2</sup>

Yes . . .

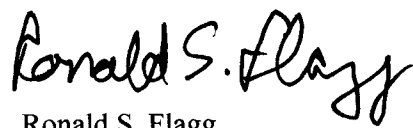
*Who is covered by the VAWA 2006 Amendments?*

In addition to covering aliens who have been battered or subjected to

  
Charis Mottel

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