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## MEMORANDUM

TO: Immigration Students  
FROM: Professor Fiorentino  
DATE: February 19, 2025  
RE: Fatou N'Daw; Possible U-Visa claim

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Northern Virginia Legal Aid is representing Ms. Fatou N'Daw in a public housing eviction matter. Alexandria Redevelopment and Housing Authority (ARHA) served Ms. N'Daw with a notice to vacate because the Alexandria Police Department arrested her husband for felony drug distribution. During this process, ARHA discovered that Ms. N'Daw is an undocumented immigrant, and ARHA has reported that information to the U.S. Citizenship and Immigration Services.

Based upon the information on the clinic intake sheet, Ms. N'Daw is a native of Senegal who arrived in the U.S. in 2010 on a visitor's visa. She has lived in the U.S. undocumented for the past six years with her husband, a U.S. citizen. Although Ms. N'Daw was aware that her husband was selling marijuana, she felt there was nothing that she could do because he is very aggressive towards her. The intake sheet indicates that her husband has hit her on several occasions, but she never left the marriage because her husband threatened to report her to the Department of Homeland Security.

Although we generally do not represent clients in U-Visa applications, we have too few facts to determine if there is a pending removal proceeding and whether Ms. N'Daw qualifies for a U-Visa. [The U-Visa applies to immigrants, including undocumented immigrants, who are the victims of certain serious crimes and agree to support law enforcement. Law enforcement authorities must also certify that the victim has been, is being, or is likely to be helpful in the investigation or prosecution of the criminal activity.]

Congress created the U-Visa as part of the Victims of Trafficking and Violence Protection Act of 2000, title V, Pub. L. No. 106-386, 114 Stat. 1464, 1518-37 (entitled Battered Immigrant Women Protection Act of 2000 ("BIWPA")). [Victims of Criminal Activity: U Nonimmigrant Status](#). See 8 U.S.C. § 1101(a)(15)(U)(i) (2006) (providing the eligible for U-1 nonimmigrant status.) The implementing regulations for section 101(a)(15)(U)(i) are codified at 8 C.F.R. § 214.14 (2012).

Ms. N'Daw is schedule to meet with you at a future date. In preparation for the client interview, please read the relevant statute and the implementing regulation to determine the legally significant facts you must obtain during the client interview. **You will not complete the actual**

**application but you should be familiar with which materials that the client will be required to file.**

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