

# In re Alice Lindgren

## *A step by step walk-through of your MPT method*

**The task:** your immigration office represents **Alice Lindgren**, a Swedish student robbed near campus who helped police convict her attacker. You draft the **persuasive cover letter to USCIS** that accompanies her **U visa** petition, arguing she meets every eligibility requirement.

### THE FIVE U-VISA REQUIREMENTS

- 1 **Victim of qualifying criminal activity** (the hard one: robbery is not listed).
- 2 **Substantial physical or mental abuse.**
- 3 **Possesses information** about the crime.
- 4 **Has been helpful** to law enforcement.
- 5 **The crime violated U.S. law and occurred in the U.S..**

**The challenge + format:** robbery is not an enumerated crime, so you must argue it is a “**similar activity**” to **felonious assault**. Write it as a **business letter that also briefs the case**: a heading per requirement, state the law then apply the facts, cite the INA/8 C.F.R./state statutes, and no separate statement of facts.

## YOUR METHOD    The six moves, applied to this file

*Structure first, rules second, facts last, matched to the rules, then write the letter.*

- 1 **Read the task memo twice:** the letter format and the five requirements you must prove.
- 2 **Work the Library and pull the rules:** the INA, 8 C.F.R. § 214.14, and the two penal-code sections. Tag each with a color.
- 3 **Anchor your client and matter:** Alice, robbed, injured, PTSD, helped police; certification in hand.
- 4 **Spot the challenge:** robbery is not listed, so you must argue it is 'similar' to felonious assault.
- 5 **Work the File and match facts to each requirement:** pull the affidavit, police report, and letters under each element.
- 6 **Outline, then write the letter:** one heading per requirement, state the law, argue the facts, cite.

## STEP 1    Read the task memo twice for the structure

Two memos front the File: the assignment and the office cover-letter conventions. Lock this spine first:

**WHO YOU ARE** Neighborhood Immigration Services, for pro bono client Alice Lindgren.

**WORK PRODUCT** a persuasive cover letter to USCIS (a business letter that also briefs eligibility).

**LETTER FORMAT** date; USCIS Franklin Service Center address; Re: name + A 21-454-988 + Form I-918; “Dear USCIS Officer:”; body; closing; “Elizabeth Saylor”; cc client; enclosures.

**BODY RULE** a heading per requirement; state the law, then argue the facts; cite the INA + 8 C.F.R. + state statutes; no separate statement of facts.

## STEP 2 Work the Library: pull the rules

Three sources. Read for the black letter, then color-tag; reuse the colors in Step 5.

### The authorities

- › **INA § 101(a)(15)(U)(i)** lists the requirements: **substantial abuse**, **possesses information**, **helpful**, and the crime **violated U.S. law or occurred here**; § (U)(iii) lists the **qualifying crimes**, including **felonious assault**.
- › **8 C.F.R. § 214.14** defines the terms: **physical or mental abuse (a)(8)** and the **substantial factors (b)(1)**; “**any similar activity**” = **substantially similar nature + elements (a)(9)**; and the **Supplement B certification**, signed within 6 months (c)(2)(i).
- › **Franklin Penal Code**: § 22 Aggravated Assault (a felony) and § 29 Robbery; both punish one who “**intentionally, knowingly, or recklessly causes bodily injury**”.

## STEP 3 Anchor your client and matter

**CLIENT** Alice Lindgren, 24, Swedish; F-1 student visa has lapsed; A 21-454-988.

**THE CRIME** robbed near campus at night; backpack stolen; face + wrist injured; now has PTSD.

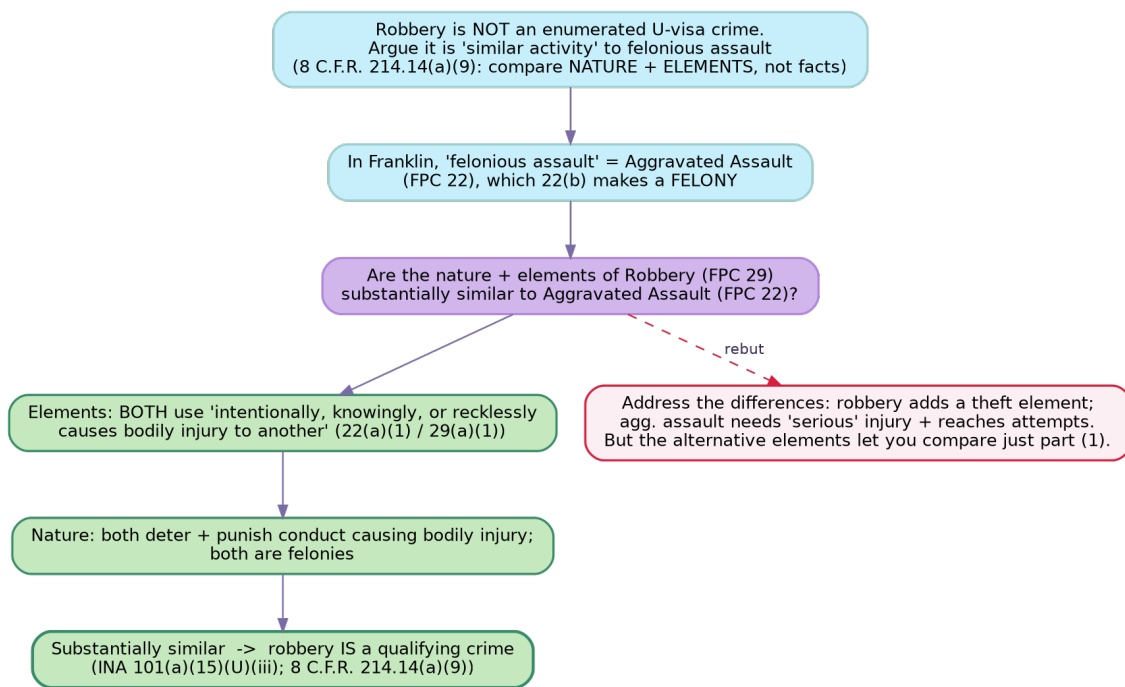
**HER HELP** reported to police, described the man + car + plate, testified; attacker convicted.

**IN HAND** Form I-918 Supplement B signed by Officer Sanders on April 26, 2020.

## STEP 4 Spot the challenge: robbery is not a listed crime

The certifying officer would only certify *robbery*, which is **not** an enumerated U-visa crime. So you must argue robbery is a “**similar activity**” to **felonious assault** (in Franklin, Aggravated Assault, a felony). Per the listserv, compare the **nature and elements of the statutes**, not the facts.

- › Elements: both FPC § 22(a)(1) and § 29(a)(1) punish one who “**intentionally, knowingly, or recklessly causes bodily injury to another**.”
- › Nature: both **deter and punish conduct that causes bodily injury**, and both are felonies.
- › Rebut the differences: **robbery adds a theft element and assault needs “serious” injury and reaches attempts**; but the **alternative elements** let you compare just part (1) of each.



*The centerpiece argument: robbery is 'similar activity' to felonious assault, compared statute-to-statute.*

## STEP 5 Work the File: match facts to each requirement

Take each requirement, snap it to the governing law, and marshal the File facts that satisfy it. Same color = one requirement's thread.

1 qualifying crime

2 substantial abuse

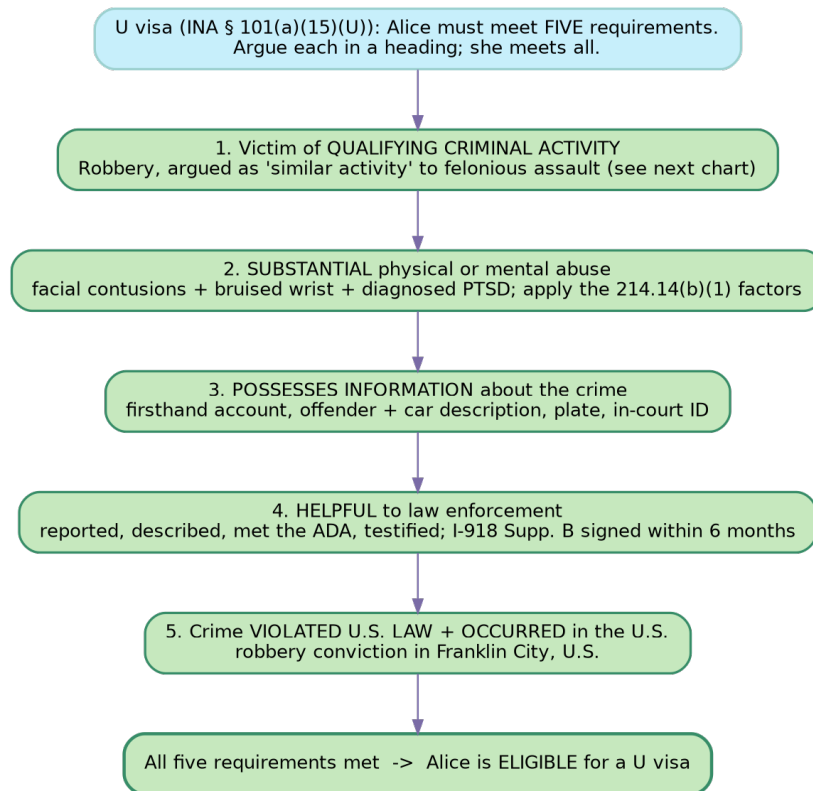
3 information

4 helpful

5 in the U.S.

certification

| REQUIREMENT + LAW (LIBRARY)                                                          | THE FACTS THAT SATISFY IT (THE FILE)                                                                                                                                  |
|--------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Victim of qualifying criminal activity (INA § (U)(iii); 8 C.F.R. § 214.14(a)(9)). | Robbery, argued as a "similar activity" to felonious assault (see Step 4). Certified robbery victim.                                                                  |
| 2. Substantial physical or mental abuse (§ (U)(i)(I); § 214.14(b)(1)).               | Physical: facial contusions, embedded gravel, bruised wrist. Mental: diagnosed PTSD, dropped out, isolation. Apply the factors + the aggravated pre-existing anxiety. |
| 3. Possesses credible information (§ (U)(i)(II); § 214.14(b)(2)).                    | Firsthand account; described the man, the car, and the first 3 plate digits; identified him in court. Einhorn + the pawn match confirm credibility.                   |
| 4. Has been helpful (§ (U)(i)(III); § 214.14(b)(3)).                                 | Reported, described, met the ADA, testified at trial though afraid; Supp. B signed 4/26/2020, within 6 months. Rebut the lineup refusal.                              |
| 5. Violated U.S. law + occurred here (§ (U)(i)(IV); § 214.14(b)(4)).                 | The robbery violated FPC § 29 and occurred in Franklin City, U.S.; the defendant was convicted.                                                                       |



*Prove all five and Alice is eligible; the cover letter devotes one heading to each.*

## STEP 6 Outline, then write the cover letter

Each requirement is a **heading** that names it, followed by the **law** and then the **facts** that satisfy it, with citations. Keep it persuasive but professional.

**HEADING** *Ms. Lindgren Was the Victim of Qualifying Criminal Activity Because Robbery Is Similar to Felonious Assault*

**LAW** A qualifying crime includes felonious assault or any similar activity, meaning an offense whose nature and elements are substantially similar. INA § 101(a)(15)(U)(iii); 8 C.F.R. § 214.14(a)(9).

**FACTS** Franklin's Aggravated Assault (§ 22) is a felony, and Robbery (§ 29) shares its core element, "intentionally, knowingly, or recklessly causes bodily injury"; both deter the same harm, so robbery qualifies.

**REPEAT** Run the same block for requirements 2 through 5, then close and sign.

## BEFORE YOU HAND IT IN Point-losers on this file

- › Arguing the facts of the robbery for the qualifying-crime issue. **Compare the statutes, not the facts** (listserv rule).
- › Skipping a requirement. **All five** must be argued; give each its own heading.
- › Ignoring the weak spots. Rebut the **lineup refusal** and the robbery/assault differences before USCIS does.

- › Forgetting the certification math. The Supplement B was signed **within six months** of filing (§ 214.14(c)(2)(i)).
- › Dropping the letter format. Use the **Re: block, greeting, closing, signature, cc, and enclosures**; cite as instructed.