

In re Alice Lindgren

Model answer: the outline, then the written USCIS cover letter (annotated)

A persuasive cover letter to USCIS. Read the colors as in your marked-up File and Library: each highlight is the requirement or rule a fact serves, and the same color links a rule to the fact that satisfies it.

Key: a highlighted phrase is the fact; **the teal → text** after it is the shorthand takeaway (which requirement it satisfies).

1 qualifying crime 2 substantial abuse 3 information 4 helpful 5 in the U.S. elements
comparison certification rebuttal

STEP ONE The outline (what you jot before you write)

Five requirements, each its own heading; the hard one is that robbery is not a listed crime. Note the authority by each rule.

Frame: five requirements, one hard one

R INA § 101(a)(15)(U) lists five requirements: qualifying crime, substantial abuse, possesses info, helpful, occurred in the U.S. Robbery is NOT enumerated. → **argue robbery is a 'similar activity' to felonious assault**

The centerpiece: robbery = felonious assault

- ★ In Franklin, felonious assault = Aggravated Assault (FPC § 22), a felony; compare the nature + elements of § 22 vs § 29, not the facts (8 C.F.R. § 214.14(a)(9)).
 - › Elements: both § 22(a)(1) + § 29(a)(1) = “intentionally, knowingly, or recklessly causes bodily injury”. → **substantially similar**
 - › Nature: both deter + punish causing bodily injury; both felonies. → **same nature**
 - › Rebut differences: robbery adds theft; assault needs 'serious' injury + attempts; alternative elements let you compare just part (1). → **still qualifies**

The five requirements (each → met)

- 1 Qualifying crime:** robbery as similar to felonious assault (above). → **met**
 - 2 Substantial abuse:** facial contusions + gravel + bruised wrist; diagnosed PTSD, dropped out, isolation; apply the § 214.14(b)(1) factors + aggravated pre-existing anxiety. → **met**
 - 3 Possesses information:** firsthand; described the man, car, and plate; in-court ID; credible (Einhorn + pawn match). → **met**
 - 4 Helpful:** reported, described, testified though afraid; Supp. B signed 4/26/2020, within 6 months; rebut the lineup refusal. → **met**
 - 5 Occurred in the U.S.:** violated FPC § 29; occurred in Franklin City; convicted. → **met**
- C Conclude:** all five met → **Alice is eligible for a U visa**

STEP TWO The written cover letter (persuasive, one heading per requirement)

A business letter that briefs the case: the letter frame, then a heading per requirement stating the law and applying the facts. Essay left, teaching notes right.

July 28, 2020

USCIS, Franklin Service Center, 119 Exchange St., Franklin City, FR 33705

Re: Alice Lindgren · A 21-454-988 · Form I-918 Petition for U Nonimmigrant Status

Dear USCIS Officer:

We represent Ms. Alice Lindgren in her Form I-918 Petition for U Nonimmigrant Status. We submit this letter, her Form I-918, and the supporting documents in support of her petition for a U visa. As set out below, Ms. Lindgren satisfies each requirement for U nonimmigrant status.

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

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). Comparing the statutes rather than the facts, in Franklin felonious assault is Aggravated Assault, which § 22(b) makes a felony. Robbery and Aggravated Assault share their core element: each punishes one who “intentionally, knowingly, or recklessly causes bodily injury to another.” FPC §§ 22(a)(1), 29(a)(1). Both statutes deter and punish conduct that causes bodily injury, so their nature is the same. Although robbery adds a theft element and aggravated assault requires “serious” injury and reaches attempts, each statute sets out alternative elements, so § 29(a)(1) may be compared with § 22(a)(1) alone. Their nature and elements being substantially similar, robbery is a qualifying crime.

II. Ms. Lindgren Suffered Substantial Physical and Mental Abuse as a Result of the Robbery.

A petitioner must have suffered substantial physical or mental abuse. INA § 101(a)(15)(U)(i)(I); 8 C.F.R. § 214.14(b)(1). Abuse means injury or harm to the person or impairment of emotional or psychological soundness. § 214.14(a)(8). Physically, Ms. Lindgren suffered multiple facial contusions with embedded gravel and a bruised wrist. Emotionally, she has received

Letter frame. Follow the office letter conventions: date, the Franklin Service Center address, the Re block (name, A-number, form), and the greeting.

Purpose. Open with the purpose and representation, then preview that she meets every requirement.

Heading. Lead with the hard requirement. A full-sentence heading that names it and states your position.

Argue. Requirement 1. Compare statute to statute (not facts), rest on the shared ‘bodily injury’ element, and defuse the theft/serious-injury differences with the alternative-elements point.

Heading. Requirement 2 heading.

Argue. Requirement 2. Split physical vs mental, then march the (b)(1) factors, and use the aggravation-of-a-pre-existing-condition factor.

counseling since March 2020 and has been diagnosed with PTSD; she dropped out of her architecture program, withdrew from her classmates, and endures flashbacks, nightmares, and constant fear. Applying the § 214.14(b)(1) factors, the perpetrator's conduct was severe, the harm is severe and ongoing, and the robbery aggravated her pre-existing mild anxiety into intense anxiety and PTSD. Taken together, this abuse is substantial.

III. Ms. Lindgren Possesses Information Concerning the Qualifying Criminal Activity.

A petitioner must possess credible and reliable information about the crime. INA § 101(a)(15)(U)(i)(II); 8 C.F.R. § 214.14(b)(2). Ms. Lindgren experienced the robbery firsthand and gave police a description of the assailant, the getaway car, and the first three digits of its license plate, and she identified him in court. Her information is credible: her psychologist attests that her account is credible, and the man who tried to pawn her stolen laptop matched her descriptions. Officer Sanders relied on these specific facts in certifying her petition.

IV. Ms. Lindgren Has Been Helpful to Law Enforcement in the Investigation and Prosecution of the Crime.

A petitioner must have been, be, or be likely to be helpful to law enforcement. INA § 101(a)(15)(U)(i)(III); 8 C.F.R. § 214.14(b)(3). Ms. Lindgren reported the robbery within hours, spent an hour telling officers everything she knew, met the assistant district attorney, and testified at trial although she was afraid, identifying the defendant, who was convicted. Although she declined to attend a lineup because she could not bear to see her attacker again, her cooperation as a whole was substantial and directly aided his identification and conviction. Officer Sanders confirmed her helpfulness in a Form I-918 Supplement B signed on April 26, 2020, within the six months preceding this filing. 8 C.F.R. § 214.14(c)(2)(i).

V. The Qualifying Criminal Activity Violated the Laws of and Occurred in the United States.

The crime must have violated U.S. law or occurred in the United States. INA § 101(a)(15)(U)(i)(IV); 8 C.F.R. § 214.14(b)(4). The robbery violated Franklin Penal Code § 29, and a jury convicted the defendant. The crime occurred in Franklin City, Franklin, in the United States.

Ms. Lindgren satisfies every requirement for U nonimmigrant status. Please

Heading. Requirement 3 heading.

Argue. Requirement 3. She has the details firsthand; corroborate credibility with Einhorn and the pawn match.

Heading. Requirement 4 heading.

Argue. Requirement 4. Marshal every cooperative act, own and minimize the lineup refusal, and close with the timely Supplement B.

Heading. Requirement 5 heading.

Argue. Requirement 5. Short and clean: the conviction and the location dispose of it.

Close. Close per the conventions: invite questions, thank USCIS, sign as the

contact the undersigned with any questions or if you need additional information. Thank you for your consideration of this petition.

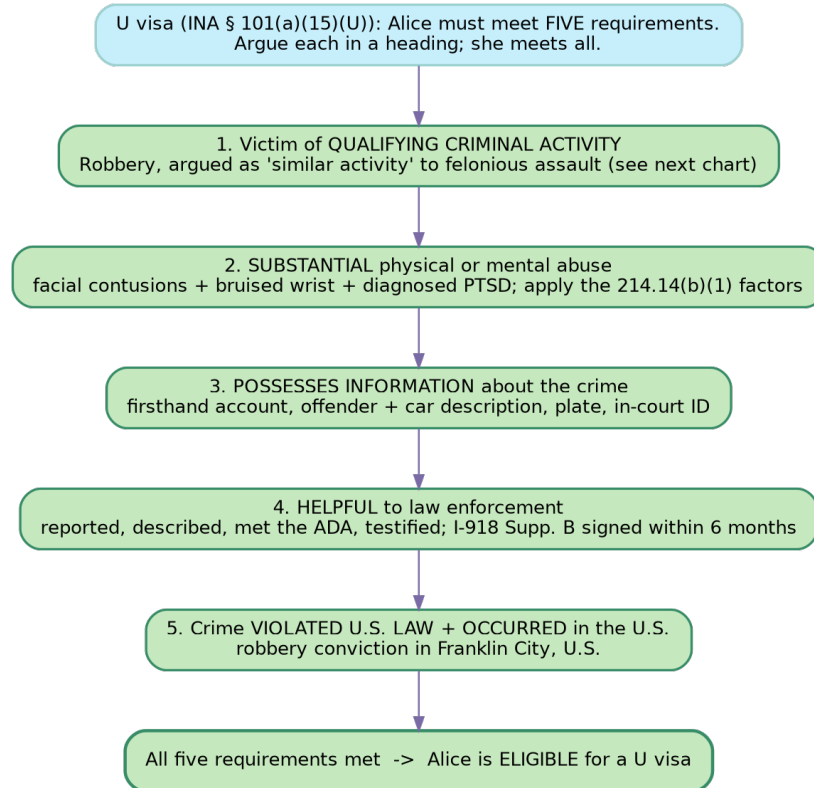
*supervising attorney, cc the client, and
note enclosures.*

Respectfully, Elizabeth Saylor, Supervising Attorney

cc: Alice Lindgren Enclosures

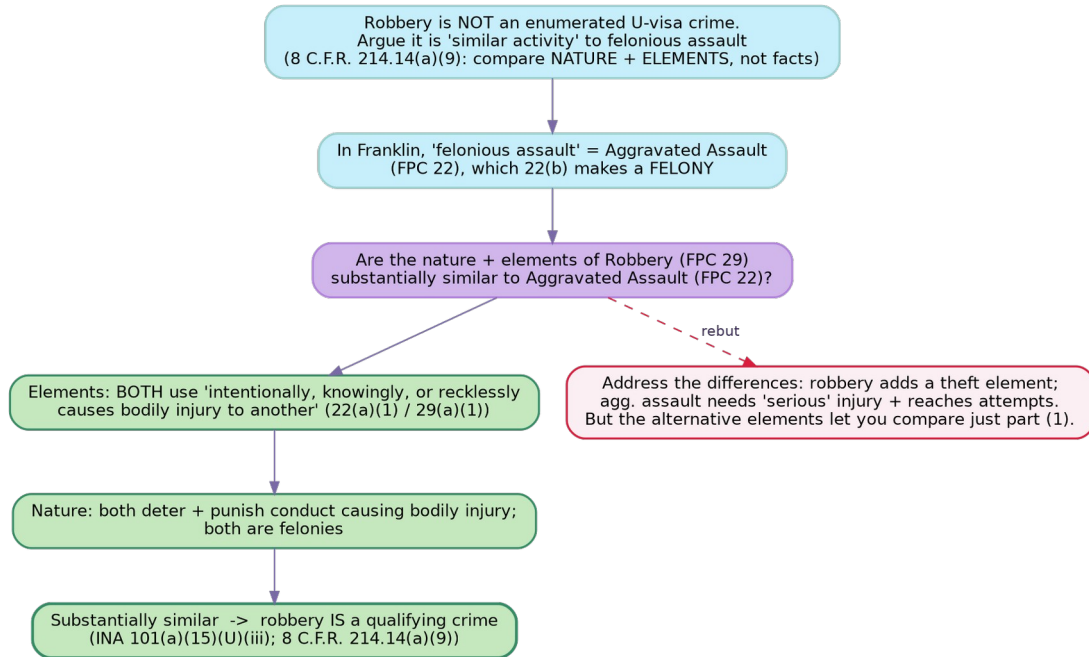
AT A GLANCE The eligibility map and the hard argument

The five requirements



Prove all five and Alice is eligible; one heading per requirement.

Robbery as a 'similar activity' to felonious assault



Compare the Franklin statutes element to element, not the facts.