

Neighborhood Immigration Services

July 28, 2019

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, Ms. Lindgren's Form I-918, and documents in support of her petition for a U visa. As discussed below, Ms. Alice Lindgren qualifies for a U visa as she meets all eligibility requirements in the jurisdiction of Franklin.

(1) Ms. Lindgren has suffered substantial physical and mental abuse resulting from a qualifying crime.

In order to qualify for a U visa, an alien must suffer substantial physical or mental abuse as a result of having been a victim of a qualifying crime. INA Section 101(a)(15)(U) (i)(I). Ms. Lindgren's February 5 mugging began when she initially saw her attacker, and made her best attempt to flee in response to the attacker's behavior, as he appeared to be chasing her.

(A) Injury

Physical or mental abuse is defined as "injury or harm to the victim's physical person, or harm to or impairment of the emotional or psychological soundness of the victim. 8 C.F.R. Section 214.14(8). When she fell, Ms. Lindgren stated that she felt a "sharp pain" and was aware that she had skinned her face. The bloody appearance of Ms. Lindgren's face shocked her architecture classmates when they first viewed it. Ms. Lindgren's primary physician confirmed the wrist injury was a bruised wrist. These injuries were harmful to Ms. Lindgren's person and as such, qualify as physical abuse under the applicable law.

Additionally, Ms. Lindgren suffered from emotional abuse as a result of the accident. Ms. Lindgren's psychologist has affirmed that, in his professional opinion, the current intense anxiety and Post Traumatic Stress Disorder that Ms. Lindgren was afflicted with after the attack was directly related to the robbery. As such, Ms. Lindgren suffered from emotional abuse under the applicable law.

(B) Qualifying Crime

The abuse Ms. Lindgren suffers must also have been as a result of a qualifying crime or any similar activity in violation of... state law. INA Section 101(a)(15)(U)(i)(I). As robbery is not expressly listed, it must be a "similar activity" in violation of state law. 101(a)(15)(U)(iii). According to 8 C.F.R. Section 214.14(9) "any similar activity refers to criminal offenses in which the nature and elements of the offenses are substantially similar to the statutorily enumerated list of criminal activities. Since aggravated assault is a listed crime, and robbery is not, examination of the two yields a result that shows us that they are similar criminal activities. An *aggravated assault* occurs when the person: (1) attempts to cause serious bodily injury to another, or causes such injury intentionally, knowingly, or recklessly; or (2) attempts to cause or intentionally or knowingly causes bodily injury to another with a deadly weapon. FPC Section 22. *Robbery* occurs when a person (1) commits an offense if, in the course of committing theft with intent to obtain or maintain control of the property the person (1) intentionally, knowingly, or recklessly causes bodily injury to another; or (2) intentionally or knowingly threatens or places another in fear of imminent bodily injury or death. The aggravated assault (2) definition and the robbery (2) definition are substantially similar. Under this definition aggravated assault just requires an attempt to to cause bodily injury to another with a deadly weapon. Robbery adds the element of theft, but according to the definition requires to intentionally place another in fear of imminent bodily injury or death. The overlapping language here is strong. It actually appears that under these definition, aggravated assault could be a lesser included offense to robbery. As such, the crime of robbery is substantially similar to aggravated assault.

(2) Ms. Lindgren possesses information concerning qualifying criminal activity.

Ms. Lindgren was able to see her attacker, the vehicle her attacker got into to flee, as well as 3 license plate numbers on the fleeing car. All of this is relevant information regarding the qualifying similar criminal activity of robbery.

(3) Ms. Lindgren has been helpful to the jurisdiction of Franklin law enforcement's efforts to investigate and prosecute the qualifying crime.

Investigation or prosecution refers to the detection or investigation of a qualifying crime. Ms. Lindgren gave law enforcement a description of her attacker, a description of the getaway vehicle, and

3 license plate numbers. While she did not immediately identify her attacker, she assisted the prosecution by testifying in court against the robber. This constitutes help to the jurisdiction of Franklin's law enforcement.

(4) The criminal activity in question occurred in the United States.

The jurisdiction of Franklin is in the US. The police officer's report indicates that is where this crime occurred. Therefore, the criminal activity in question did occur in the United States which houses the jurisdiction of Franklin.

Please contact our office with any question or concerns you may have. Thank you for your time and consideration in reviewing this application.

s/

cc: Alice Lindgren

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