

The U Visa: A Nonimmigrant Status for Crime Victims

What is U nonimmigrant status (U visa)?

The **U visa** is a nonimmigrant legal status for people who have been victims of certain crimes. Its purpose is to allow victims without lawful status to report crimes to law enforcement without fear of reprisal, such as deportation.

Who is eligible for the U visa?

1. **In order to be eligible for the U visa**, an applicant must meet the following requirements:

2. Be a **victim of one of the qualifying crimes** listed below.

- Abduction
- Abusive Sexual Contact
- Blackmail
- Domestic Violence
- Extortion
- False Imprisonment
- Female Genital Mutilation
- Felonious Assault
- Fraud in Foreign Labor Contracting
- Hostage
- Incest
- Involuntary Servitude
- Kidnapping
- Manslaughter
- Murder
- Obstruction of Justice
- Peonage
- Perjury
- Prostitution
- Rape
- Sexual Assault
- Sexual Exploitation
- Slave Trade
- Stalking
- Torture
- Trafficking
- Witness Tampering
- Unlawful Criminal Restraint
- Other Related Crimes

3. Have suffered **substantial physical or mental abuse** as a result of the crime.

4. **Possess information** about the crime.

5. Was, is or is likely to be **helpful in the investigation or prosecution** of the crime.

NOTE: There are many ways to show an applicant's helpfulness.

For example:

- The applicant contacted the police and alerted them to the crime; or
- The applicant filed charges against the perpetrator; or
- The applicant went to court or is willing to go to court to testify against the accused.

AND

6. The crime **occurred in the United States** or violated U.S. laws.

What are the benefits of the U visa?

Eligibility for work authorization and a social security number.

Eligibility to apply for lawful permanent residence (green card) after having a U visa for three (3) years.

Eligibility of family members, who were not victims of the crime, to apply for a U visa.

- If the applicant is under age 21, then his or her spouse, children, parents and unmarried siblings under age 18 can apply for a U visa with the applicant.
- If the applicant is over age 21, then his or her spouse and unmarried children under age 21 can apply for a U visa with the applicant.

Protection from deportation.

- U visa holders have legal status and will not be placed in removal proceedings unless they incur crimes or immigration violations subsequent to the U visa grant.

Legal representation is vital to obtaining a U visa!

Applicants should consult an immigration attorney or Board of Immigration Appeals (BIA) accredited representative before submitting an application.

To locate a nonprofit organization to assist you with your U visa, search the Immigration Advocates Network's legal directory at immigrationadvocates.org/nonprofit/legaldirectory.

What are some limitations of the U visa?

It is temporary. A U visa is valid for only four (4) years and cannot be renewed. However, a U visa holder can apply for a green card after having a U visa for three (3) years.

There is an annual limit of 10,000 U visas. This limit means applicants might have to wait awhile before they are able to obtain a U visa. However, if eligible for a U visa, applicants will be placed on a waitlist and may apply for work authorization while waiting for a visa to become available.

Travel abroad is still not recommended. U visa holders who have previously been in the United States without permission for more than 180 days risk being unable to re-enter the country and having complications during their green card application process.

Complications due to applicant's criminal history or violations of immigration laws. Applicants will have to disclose their criminal and immigration history in the process of applying for a U visa. While applicants for the U visa can apply for generous waivers of many activities that violate immigration laws, including crimes, an immigration representative should be consulted prior to the submission of the application.

What is the process to apply for a U visa?

All applications for immigration benefits involve completing forms and submitting documents. For U visas, these documents include a signed statement from the applicant discussing the criminal activity, substantial physical or mental abuse, and his or her helpfulness to law enforcement.

In addition, the applicant must submit a certification, completed on Form I-918B, from the law enforcement agency that investigated or prosecuted the crime attesting to the applicant's helpfulness, that he or she possesses information about the crime, and the harm he or she suffered as a consequence.

Crime victims will need to contact the law enforcement entity where the crime was reported or that prosecuted the crime to obtain this certification. Some, but not all, law enforcement agencies have procedures in place for requesting the completed form. If applicants are unable to get that information from the agency itself, they should contact a local legal services provider for help.

Caution!

A certification is valid for only six (6) months. Applicants should seek legal assistance as soon as they obtain the signed form.



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