

THE “U” VISA



WHAT IS THE U VISA?

- A temporary visa that allows victims of crime to live and work in the United States for 4 years in order to assist the authorities with the investigation of the crime.

WHEN WAS IT CREATED AND WHY?

In 2000, Congress passed the Victims of Trafficking and Violence Protection Act (VTVPA) which created two new types of non-immigrant status visas for victims of human trafficking (T Visa) and certain crimes (U Visa). This visa was created in order to strengthen the ability of law enforcement to investigate and persecute various crimes while simultaneously providing more protection for the victims of such crimes.

WHO IS ELIGIBLE?

- Eligible persons must:
 - Have suffered from physical or mental abuse as a result of the crime
 - Have information regarding the criminal activity to give to law enforcement
 - If under 16 or disabled, another person can present the information on your behalf.
 - Have helped, are helping or are likely to be helpful in the investigation and persecution of the crime.
 - If under 16 or disabled, another person may assist the authorities on your behalf.
- Be the victim of a crime that took place in the United States or broke United States laws
- Be admissible to the United States or fill out waiver Form I-192 Application for Advance Permission to Enter as a Non-Immigrant
- Be the victim of a qualifying criminal activity
 - Qualifying activities:
 - Abduction, abusive sexual content, blackmail, domestic violence, extortion, false imprisonment, female genital mutilation, felonious assault, hostage, incest, involuntary servitude, kidnapping, manslaughter, murder, obstruction of justice, peonage, perjury, prostitution, rape, sexual assault, sexual exploitation, slave trade, torture, trafficking, witness tampering, unlawful criminal restraint, and other related crimes



HOW DO YOU APPLY?

- If you are the victim of the crime, you must submit:
 - Form I-918, Petition for U Nonimmigrant Status,
 - Form I-918, Supplement B, U Nonimmigrant Status Certification
 - Law enforcement official certifies that you were or are likely to be helpful on the case
 - Personal statement describing the criminal activity
 - Evidence for each eligibility requirement above
- Immediate family members of the victim are eligible for derivative U Visa status. To apply you must fill out the Form I-914 Supplement A
 - If the victim is under 21 years of age, they can apply for spouses, children, parents, and unmarried siblings under 18 years of age.
 - If the victim is over 21 years of age or older, they can apply for spouses and children.
- There is no fee for filling out Form I-914 and the supplements



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WHAT IS THE PROCESS FOR APPROVAL?

To be approved for a U Visa you must fulfill and provide evidence for all of the eligibility requirements as listed above. The government also caps the number of U Visas available nationally at 10,000. If you are qualified for the U Visa but denied because of the government limits, you will be placed on the wait list.

WHAT ARE THE BENEFITS AVAILABLE IF YOU’RE APPROVED?

If you are granted for a U Visa you are automatically granted an employment authorization document (EAD) in order to work legally in the United States. However, family members under the derivative U Visa Status must apply separately for Form I-765, Employment Authorization Document (EAD).

ARE YOU ABLE TO APPLY FOR CITIZENSHIP AFTER?

- The U Visa is valid for four years. You may apply for permanent citizenship after 3 years of holding the U Visa. To apply for permanent citizenship you must fill out Form I-485, Application to Register Permanent Residence or Adjust Status.
- Qualifications for Permanent Residence
- Been physically present in the United States for at least 3 continuous years
- Must not have unreasonably refused to provide assistance to law enforcement under U Visa
- Not inadmissible under section 212(a)(3)(E) of the Immigration Nationality Act
- Presence in the United States is justified on humanitarian grounds, to ensure family unity or in the public interest

FOR MORE INFORMATION AND ASSISTANCE

For more information, to get help, or to meet other domestic workers, contact your local NDWA affiliate:

WHAT ARE SOME RESOURCES TO LEARN MORE ABOUT THE U VISA?

- United States Citizenship and Immigration Services Website
 - <http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=ee1e3e4d77d73210VgnVCM100000082ca60aRCRD&vgnnextchannel=ee1e3e4d77d73210VgnVCM100000082ca60aRCRD>
- Green Card Information for U Visa Holders
 - <http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnnextchannel=ad2f3a4107083210VgnVCM100000082ca60aRCRD&vgnnextoid=ad2f3a4107083210VgnVCM100000082ca60aRCRD>

SOURCE:

- http://www.womenslaw.org/laws_state_type.php?id=10271&state_code=US#content-10372
- <http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=ee1e3e4d77d73210VgnVCM100000082ca60aRCRD&vgnnextchannel=ee1e3e4d77d73210VgnVCM100000082ca60aRCRD>
- <http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=ee1e3e4d77d73210VgnVCM100000082ca60aRCRD&vgnnextchannel=ee1e3e4d77d73210VgnVCM100000082ca60aRCRD>
- <http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=ee1e3e4d77d73210VgnVCM100000082ca60aRCRD&vgnnextchannel=ee1e3e4d77d73210VgnVCM100000082ca60aRCRD>
- <http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=ee1e3e4d77d73210VgnVCM100000082ca60aRCRD&vgnnextchannel=ee1e3e4d77d73210VgnVCM100000082ca60aRCRD>

- <http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=ee1e3e4d77d73210VgnVCM100000082ca60aRCRD&vgnnextchannel=ee1e3e4d77d73210VgnVCM100000082ca60aRCRD>
- http://www.womenslaw.org/laws_state_type.php?id=10271&state_code=US&open_id=all#content-14734
- <http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnextoid=1b15306f31534210VgnVCM100000082ca60aRCRD&vgnnextchannel=ee1e3e4d77d73210VgnVCM100000082ca60aRCRD>
- http://www.womenslaw.org/laws_state_type.php?id=10271&state_code=US&open_id=all#content-14734
- <http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextchannel=ad2f3a4107083210VgnVCM100000082ca60aRCRD&vgnnextoid=ad2f3a4107083210VgnVCM100000082ca60aRCRD>