

## 1. What is a U visa?

The U visa is a type of non-immigrant visa in the United States that is available to victims of certain crimes who have suffered substantial mental or physical abuse and are willing to assist law enforcement and government officials in the investigation or prosecution of criminal activity.

Specifically, the U visa provides temporary legal status and work eligibility for up to 4 years to immigrants who:

- Are victims of qualifying criminal activities, such as domestic violence, sexual assault, human trafficking, kidnapping, or other specified crimes.
- Have suffered substantial physical or mental abuse as a result of being a victim of criminal activity.
- Possess information concerning the criminal activity.
- Are helpful, were helpful, or are likely to be helpful in the investigation or prosecution of the crime.

To be eligible for the U visa, applicants must obtain a certification from a federal, state, or local law enforcement agency confirming their assistance in the investigation or prosecution of the qualifying crime. It provides a pathway for victims to temporarily remain and work in the U.S. legally, as well as potentially apply for lawful permanent resident status (green card) after 3 years in U visa status.

## 2. What crimes qualify for U visa eligibility?

To be eligible for a U visa, the applicant must be a victim of certain qualifying criminal activities – here is an enumerated list:

- 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

3. How do I demonstrate that I have suffered substantial physical or mental abuse as a result of the crime?

Applicants need to provide evidence, such as medical records (if injuries are physical), psychological evaluations or a letter from the therapist, and a sworn statement, to demonstrate the physical or mental impact of the crime. It is always preferred for the therapist to screen for a diagnosis and at least list symptoms related to a specific diagnosis. This should all be consistent with what an attorney addresses in a U-Visa filing (cover letter/argument) and the victim's affidavit that must accompany this.

4. What is the role of law enforcement certification in the U visa process?

Applicants must obtain a certification from a law enforcement agency confirming their cooperation in the investigation or prosecution of the crime. Without this signed form confirming cooperation, the applicant cannot file for the U-Visa.

5. Can family members also be included in the U visa application?

Yes, if you are the principal applicant and under 21 years of age, you can add as derivatives your spouse, children, parents, and unmarried siblings under 18. If you are the principal and over 21, you can only add your spouse and children as derivatives.

6. What happens after the U visa is approved?

Once the applicant is approved, they have “U Nonimmigrant” status for a total of 4 years. Sometimes derivatives’ status may be just under 4 years if they get approved a short time after the principal applicant. The applicant must have U status for at least 3 years and prove they are continuously present in the U.S. in that status for 3 years before they can submit their residency application.

7. Is there a cap on the number of U visas granted each year?

Yes, the U visa program has an annual cap of 10,000 visas. This means that only 10,000 visas get issued each year and some applicants will remain on what is called the “waitlist.”

8. Can I work while my U visa application is pending?

U visa applicants are eligible to apply for work authorization while their petition is pending once they receive notice that they are placed in “Deferred Action,” commonly known as the Waitlist. They do not have to wait for this notice to file for their work permit, but instead can file for it when the U-Visa is initially applied for, but USCIS will not approve the work permit until the applicant is officially on the waitlist. Right now, these work permits, when issued are valid for 4-year increments.

9. How long does it take to process a U visa application?

Generally, it takes between 5-8 years for USCIS to approve a U visa application. Please refer to our list of Processing Times on this website.

10. Can I travel outside the United States while my U visa application is pending?

You have no legal authorization to travel while the U-Visa application is pending. No travel document application comes with the U-visa application. Also, it is advised against leaving the country because there are no legal grounds to re-enter just because you have the application pending. Also, it can affect your filed waiver, so you may need to submit additional documents about your departure and ask for your waiver to be amended.

11. What happens if my U visa application is denied?

If your application is denied, you may have the option to appeal the decision or, in some cases, reapply. This will be best evaluated if/when the application is denied because they typically lay out reasons for the denial which can vary, for example: if the crime was not a qualifying crime; the applicant was found to not be helpful in the investigation/prosecution; the applicant did not suffer substantial physical or mental harm, etc.

12. Can I request an extension of my U visa status?

Yes, under certain circumstances, you can request an extension of your status beyond the 4 years. The limited circumstances are a need based on a request for law enforcement; exceptional circumstances that are not defined by USCIS; delays in consular processing; and automatic extension upon filing the pendency of a residency application (through the whole time the residency app is pending). Aside from the automatic request, in any of the other circumstances, you must wait to file 90 days before the status expires to request an extension.

