

# The Path to Permanent Residency

USCIS will only grant permanent resident status (a Green Card) if **letting you stay in the U.S. is justified** on humanitarian grounds, to keep family members together, or if it is in the public interest.

Some things can hurt your chances of becoming a permanent resident. Some examples are:

- Criminal or drug history
- Lying to government officials
- Saying you are a U.S. citizen
- Voting illegally
- Helping others come to the U.S. illegally

If requested, **you must keep being cooperative** with police or other government officials who are investigating or prosecuting the crime that was the reason for your U nonimmigrant status, unless it is unreasonable to do so.

**If you are a derivative:** some types of changes in your life can keep you from becoming a permanent resident. Talk to a lawyer if you are thinking about making important changes like...

- If you are **married to the principal**, getting a divorce could keep you from becoming a permanent resident.
- If you are a **child of the principal**, getting married could prevent you from becoming a permanent resident.

**REMEMBER: U Status does not guarantee a green card. USCIS does not have to approve applications even if they meet the requirements for a Green Card.** Negative factors (like criminal history) could hurt chances of approval; however, favorable factors (like family ties, hardship, and length of residence in the U.S.) may be enough for approval.

When making this discretionary decision on your application, USCIS will consider all factors in your favor and adverse to you. Generally, favorable factors like those listed above may be sufficient for approval.

# Getting your Green Card

- To be eligible for a Green Card based on U non-immigrant status (as a principal or derivative), **you must meet the following requirements:**
- You must pass a medical exam conducted by a specialized doctor. These exams can be expensive. You can find the list of approved doctors here: <https://www.uscis.gov>
- /tools/find-a-civil-surgeon and you can contact them to ask their rates. However, **you should not schedule the appointment until advised to do so by your advocate.**
- Your U status must not have expired yet.
- You have been **physically present in the United States for a continuous period of at least three years since you were admitted as a U-1 non-immigrant.\*** You must continue to be physically present through the date that USCIS decides on your adjustment application.
- You have not unreasonably refused to help in the investigation or prosecution of the qualifying criminal activity, starting from when law enforcement certified your cooperation through the date that USCIS decides your application.
- Your presence in the U.S. is justified on humanitarian grounds, to ensure family unity, or is in the public interest.

## **\*CONTINUOUS PRESENCE IN THE U.S.**

To prove your physical presence, you should **start saving proof of continuous residence:** for example, monthly Georgia Power bills, taxes, pay stubs, bank account statements, school records, medical records, or other different types of evidence that have your name on them which reflect that you have been living in the U.S.

**WHY?** You or your legal representative will need to include at least one piece of evidence from each month of your time in U status when you apply to adjust your status. This evidence should come from at least two different sources.

# U Visa Status

*Now that your U Visa has been approved and you have U non-immigrant status, you may have access to the following benefits:*

During the four-year term of your U Visa, you may **live and work in the U.S.**

**You may obtain an employment authorization document** to legally work in the U.S.

After three years of having the final U Visa, you **can apply for a green card to stay in the U.S. permanently.** In rare situations, you might also be able to extend your U visa beyond the four years it is granted.

We **do not** recommend that you travel outside the U.S. More information is inside the brochure. **Talk to an immigration lawyer before you make any plans to leave the country.**

**If your family members are eligible and granted derivative U status, they are also allowed to file for work authorization.**

**Additionally, if you apply to adjust your status and become a Legal Permanent Resident, other family members might also be eligible for status if you file Form I-929, Petition for Qualifying Family Member of U-1 Nonimmigrant, even though they never had a U visa. Talk with your advocate at Community HeLP or a licensed immigration attorney for more information.**

# Documents and Benefits You Can Now Receive

U.S. Social Security Card

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State Driver's License or ID Card  
*(with valid, unexpired  
passport from country of origin)*

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Employment Authorization Document

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You may be eligible for certain  
public benefits, like health insurance

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I-94 Card, which serves as  
proof of your U Status

## Getting U Visa Status If you Reside Outside the U.S.

If you live in the U.S. when your application is approved, your U status starts when USCIS approves the application.

*If you are NOT living in the U.S. when USCIS approves your application, you must...*

1. Attend an interview at a U.S. Embassy or Consulate in your country of residence. Your Community HeLP representative will guide you in the process specific to your country. This process will include a medical examination.
2. You will need: **your passport, Form DS-160 confirmation page, Form I-797, Notice of Action indicating approval of a U nonimmigrant petition, the application fee, and a photo.** Your Community HeLP representative will prepare a packet for you to bring to your interview. The officer will ask you questions about your immigration history.
3. **The officer can make a decision that day or ask you for further documentation.** If approved, you will need to follow the officer's instructions on getting the visa placed in your passport.
4. When you get to the U.S., show your passport and visa to Immigration Officials.
5. If Immigration Officials let you enter the U.S., they grant you U nonimmigrant status. You get an admission stamp in your passport when you enter which shows the date you entered, your status at entry, and when your status expires.

After you leave the airport, **you must print your I-94 card**, which shows the date you entered, your status at entry and when your status expires. You should also apply for employment authorization.

**KEEP IN MIND:** If you receive a U visa while living abroad and never enter the U.S., you never get U nonimmigrant status and cannot get LPR status on this basis.

## Traveling with a U Visa

*If you leave the U.S. you **MUST** apply for a U visa to come back.*

Only individuals who applied for U visas **outside** the U.S. have the ability to travel on a U visa. If you applied from **inside** the U.S. and depart the U.S., you must then re-apply for a U visa at a U.S. Embassy or Consulate abroad in order to return to the U.S. Note that:

- Departing the U.S. will likely require asking USCIS to amend your waiver of inadmissibility. This can take a long time.
- There is a "continuous physical presence" requirement to lawful permanent residence. **Being outside the U.S. for more than 90 days at once or over 180 days in combined trips may permanently prevent you from getting lawful permanent residence on the basis of a U visa. The process of amending your waiver and getting your visa from the consulate can easily take more than 90 days and jeopardize your ability to become a permanent resident.**

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### CAUTION WITH TRAVEL:

**You may have a hard time getting a visa to come back to the U.S. once you leave.** This means if you travel, you might not be able to come back. Or you might be forced to stay outside the U.S. for a long time.

If you come back into the U.S. without permission, you could be detained, deported, and/or criminally charged and you would risk not being able to get back your U visa status.

**If possible, stay inside the U.S. until you become a permanent resident.**

**Talk to an immigration lawyer before you make plans to leave the country, no matter how short or to where you may intend your trip to be.**

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