

What to Expect as a U Visa Applicant

*Are there **any limits on the number of U Visas that can be approved?***

USCIS may grant no more than 10,000 U Visas in any year. The number of applicants far exceed the number of available visas. As of December 2022, USCIS reported that over 188,000 people were waiting for one of those 10,000 visas to become available. At this time, USCIS is processing temporary deferred action and employment authorization for those waiting for a U visa to become available.

*Am I or my family **protected from deportation while my application is pending?***

Generally, USCIS does not refer U visa applicants to ICE to initiate removal proceedings and most applicants should feel comfortable applying for U visas. There are risks, however, where applicants have significant criminal history, a history of fraud, or other negative encounters with the government. To accurately assess your risk of removal, you should work with Community HeLP or another licensed immigration attorney.

*Will the **person who committed the crime against me be contacted by USCIS?** Will he/she find out what is in my application?*

Your application and supporting documentation are completely confidential. It will not be revealed to the person who committed the crime against you or to others in the community. The person who committed the crime will not be contacted or interviewed about your U visa case.

How long does it take to get an answer on my application?

Due to the growing backlog of U visas, a final result will take more than 10 years under current law. USCIS is working on accelerating the process for temporary employment authorization and deferred action while waiting for the final U visa, but this process could still take several years.

What to do While Preparing to Apply

- Continue to cooperate reasonably in the investigation/prosecution of the crime you experienced, if asked.
- Continue to participate in your community to the extent you are able. You can gather evidence of this participation, if applicable, including: letters of support, awards, certificates, or any other official recognition of your involvement.
- Gather evidence about the crime, including any of the following that might apply to you: medical records, therapy records; a letter of support from individuals who witnessed what happened to you, police reports, court records, protection orders; news articles; and/or photographs of injuries.
- Gather all prior immigration and identity documents for yourself and your family members.
- **Avoid** arrests by police and/or immigration officials, as this can negatively impact your application.
- Do **not** leave the U.S. If you are considering leaving anyway, talk to Community HeLP or a licensed immigration attorney first.
- Do **not** get married without consulting with Community HeLP or a licensed immigration attorney.
- Notify your attorney or student representative if there are any changes, or if you have any questions.



**Community Health Law
Partnership Clinic**

School of Law

UNIVERSITY OF GEORGIA

Applying for a U Visa

What is a U Visa, and how can it help me?

A U Visa lets survivors of crimes who meet certain requirements stay in the United States. Its purpose is to encourage immigrants to report crimes to law enforcement without fear of removal, which is intended to make a safer community.

Applying for a U Visa has the following benefits:

Applicants may get deferred action while awaiting final U visa adjudication, leading to eligibility for employment authorization and a driver's license.

After three years of having the final U Visa, you **can apply for a green card to stay in the U.S. permanently.** U visas are a pathway to citizenship.

U visas have **one of the most generous waivers of inadmissibility of all immigration case types.** Even if you have been told you're ineligible for another form of immigration relief due to your immigration or criminal history, you might still qualify for a U visa.

If you are **under 21**, you can include your parents, spouse, unmarried children, and siblings under 18 in your application. If you are **over 21**, you can include your spouse and unmarried children.

How much does it cost?

There is no application fee for the U visa petition. However, most applicants also need a waiver of inadmissibility (\$930 as of January 2023) and employment authorization (\$410 as of January 2023). If you are unable to afford these fees, USCIS allows you to request a fee waiver.

Who can apply for a U Visa?

Must meet all 3 requirements:

Crime Requirement

Have you been affected by a crime that occurred in the United States?

Helpfulness Requirement

Have you been helpful to the investigation or prosecution of that crime?

Harm Requirement

Have you been hurt, either physically or mentally, because of the crime?

Crime Requirement

To be eligible for a U Visa, you (or a family member) must have been the direct or indirect target of one of these crimes or an attempt to commit any of these listed crimes or similar crimes:

- Abduction
- Domestic Abuse
- Felonious Assault
- Involuntary Servitude
- Peonage
- Rape
- Sexual Assault
- Abusive Sexual Contact
- Forced Prostitution
- Sexual Exploitation
- Female Genital Mutilation
- Incest
- Witness Tampering
- Obstruction of Justice
- Kidnapping or Abduction
- Being Held Hostage
- Slave Trade
- Unlawful Criminal Restraint
- False Imprisonment
- Manslaughter
- Murder
- Torture
- Trafficking
- Blackmail
- Extortion
- Perjury

It does not matter to USCIS whether the person who committed the crime was convicted or even arrested for the crime or if the person has immigration status. Additionally, in some cases you might qualify “indirectly” if for example your child was the one who was hurt but they are too young to cooperate with the police or prosecution and you cooperated for them.

Helpfulness Requirement

To be eligible for a U Visa, you must have helped or be willing to help law enforcement. Some of many ways to do this, for example, include:

- Did you call the police?
- Did you tell the police about what happened?
- Did you answer their questions?
- Did you let them take pictures?
- Did you help police find who did the crime?
- Did you talk to a prosecutor?
- Did you testify in court?

Form I-918 Supplement B

To qualify for a U visa, an applicant must submit a signed certification from a law enforcement official.

This is something your attorney or law student representative will request on your behalf.

Note *some law enforcement officials may not readily sign this certification*, however each case is different.

The certification gives USCIS basic information about the criminal activity and the survivor’s willingness to assist in the detection, investigation, prosecution, conviction, or sentencing.

KEEP IN MIND:

Your case *must be filed within 6 months* of the date your certification was signed by law enforcement.

It is important to comply with reasonable requests for your cooperation if the law enforcement agency asks you for additional information or testimony.

Law enforcement may sign a certification **at any time**, including while an investigation/prosecution is pending, or after the case is over. Law enforcement may sign a certification *regardless of how the case turns out*.

Law enforcement may also *withdraw the certification with USCIS if the individual stops cooperating with the investigation or prosecution*.

Harm Requirement

To qualify for a U Visa, you need to have suffered physically, mentally, or both, because of the crime. You do not need to still be hurt to apply for a U Visa, as you can apply for a U Visa if you were hurt in the past.

Psychological Evaluation

One way to show you have been harmed is to meet with a psychologist, who can evaluate your mental state and write a report explaining how the harm affected you. Community HeLP may be able refer you to our trusted partners for a free evaluation.

REQUIRED FORMS/DOCUMENTS

Community HeLP or your legal representative will guide you through preparing all of these things.

Filing Fee or Form I-912 Fee Waiver
(if applicable)

Form I-918 Supplement B
This form shows you helped law enforcement.

Form I-918
The petition for a U visa. If you have any qualifying family members, a **Form I-918 Supplement A** is required.

Personal Statement
Your story in your own words.

Form I-192 (if applicable)
Waiver form: You can request that USCIS waive any ineligibility factors applicable to your case.

Supporting Documents
Letters of Support from friends or family and evidence of your community involvement, if any.

Identity Documents
Passports, birth certificates, or other documents showing who you are.