

## Activities to Avoid

### Traveling outside of the U.S.

*You are not eligible to travel outside the U.S. with U visa based deferred action.*

If you leave the country before your final U visa adjudication, you generally need to wait until a U visa number is available before you'd be eligible to return. Depending on where you are in line for the visa, that could be over a decade. Once the number is available, you'd need to get your visa from the consulate. This is riskier than getting your visa from USCIS. Leaving the U.S. may also trigger new inadmissibility grounds that make it harder for your U Visa to be ultimately approved.

*If you decide you must leave anyway, please consult with a representative at Community HeLP prior to your departure.*

## Criminal Activity

Arrests could jeopardize your deferred action grant. Please contact Community HeLP if you are ticketed or arrested so we can advise you as to the safest course of action for your immigration case.

## Benefits of an Approved U Visa

Once a visa number is available for you and you get your four-year U visa, there are a number of benefits:

- Your U visa will be valid for four years. After three years with a U Visa you can apply for a green card to stay in the U.S. permanently. If you get a green card, you can eventually apply to become a U.S. citizen.
- If approved, qualified family members can receive the same benefits.

# What happens after I apply for a U Visa?

### *How long does it take to get a U Visa?*

Applicants wait 10 or more years before receiving a U Visa. Wait time may increase or decrease in the future. Fortunately, you may be eligible for some limited **interim benefits** before a final decision is made on your U Visa application.

### *Why does it take so long?*

The number of U applicants far exceeds the number of U visas available each year. USCIS is only allowed to grant 10,000 U Visas a year, and as of December 2022, over 188,000 applicants are waiting for one of those 10,000 visas to become available. This has created a backlog and long delays for U applicants.



**Community Health Law  
Partnership Clinic**

*School of Law*

**UNIVERSITY OF GEORGIA**

*Is there anything I need to do after my U Visa application is filed?*

Once your application is submitted, you will receive a receipt notice. After that, you will get a second notice scheduling a **biometrics appointment** with USCIS. The purpose of this appointment is to take fingerprints and a photo of you, not to ask you about the details of your application. USCIS uses your biographical data to run background checks on your criminal and immigration history. For most of our clients, the appointment will be in Atlanta and last about thirty minutes. You will need to bring the appointment notice and an ID.

*Are there benefits immediately after applying for a U Visa?*

A pending U visa does not give you any immigration status and does not offer absolute protection against immigration enforcement actions. However, survivors of serious crimes are not considered a priority for removal and ICE **could** exercise discretion not to take enforcement against you based on your status as a U applicant. Additionally, Immigration Judges **can** postpone deportation hearings based on a pending U Visa.

The Community HeLP Clinic will give you copies of the **receipt notices** that indicate your application is pending, along with a **letter** that explains your situation, in case you are in a situation where you believe showing that would be useful. Contact your clinic representative for more details.

## Work Authorization and Deferred Action

After you apply, USCIS may do an initial review of your application in the form of a **bona fide determination** or **waiting list determination**. If your application passes either type of initial review, you can receive:

- **Four years work authorization** to legally work in the United States. If necessary, work authorization can be renewed after four years.
- **Deferred action grant**. Deferred action does not grant “lawful status,” but it does provide some protection—similar to DACA. It is very rare for ICE to try to deport individuals with deferred action.

**Note:** USCIS may take several years to make a bona fide or waiting list determination.

*Do family members receive any interim immigration benefits?*

If you receive a bona fide or waiting list determination, **qualified family members** (children, spouses, parents, or siblings who have been included in your U Visa application) can receive the same benefits. However, these **benefits are not guaranteed**. USCIS will evaluate family member’s eligibility for deferred action and work authorization independently. Some types of criminal history or other factors could prevent family members from receiving the same benefits as the principal petitioner (the main person applying for the U Visa).

*What are other potential benefits of work authorization and deferred action?*

- Get a **Georgia Driver’s license**
- Get Social Security card
- Purchase Health Insurance on Exchanges
- Potentially qualify for an Earned Income Tax Credit

*What documents do I need to get a Georgia driver’s license?*

1. Your work authorization (EAD) card
2. An unexpired foreign passport
3. A Social Security Card
4. Two documents showing that you are a Georgia resident. For example, bills or a paycheck with your address on it.

*Does deferred action open new opportunities for higher education?*

Deferred action does not significantly change your higher education options in Georgia. Undocumented immigrants, including those with deferred action are:

- **Ineligible** to attend Georgia Tech, Georgia College & State University, or the University of Georgia
- **Eligible** to attend other public colleges and universities in Georgia but **ineligible** for in-state tuition
- **Eligible** to attend private colleges

If you or your family member, with or without deferred action, are interested in higher education, we highly recommend contacting a local organization, **U-Lead Athens** ([www.uleadathens.org](http://www.uleadathens.org)), for help applying to college and locating scholarships.