



Now that you are a U Nonimmigrant: Warnings, Rights and Responsibilities

This fact sheet is for people who already have U nonimmigrant status. If you are a crime victim and have already applied for U status or want to learn more about applying, see our fact sheet [Victims of Crime and U Visas](#). If you are being abused by a family member also see [Immigration Relief for Victims of Family Violence](#).

NOTE: U visa approval is different from being granted deferred action based on the U visa. Being granted deferred action is often the first step **but** is not the same as having U nonimmigrant status. Deferred action is granted when immigration reviews your U visa application and thinks you qualify but there are no U visas available right now. You need to wait until you get a final U visa approval before the information in this fact sheet applies to you.

My application for U Nonimmigrant Status was approved. Now what?

- **If you are living in the U. S. when USCIS approves your application**, your U nonimmigrant status starts when USCIS approves the application.
- **If you are NOT living in the U.S. when USCIS approves your application**, you have to apply for a visa and go to an interview at a U.S. Embassy or Consulate. There are steps you have to take, but each embassy or consulate has their own way of doing things. If you want more information about these steps, talk to an immigration lawyer.
 - If the U.S. Embassy or Consulate approves your case, they put the U visa on a page in your passport.
 - When you get to the U.S., show your passport and visa to the immigration officials, usually at the border or the airport.
 - If the immigration officials let you enter the U.S., then they grant you U nonimmigrant status. You get an admission stamp in your passport when you enter. This admission stamp shows the date you entered, your status at entry, and the date your status expires.



After you leave the airport, you have to go to the webpage www.cbp.gov/I94 to print your I-94 card. In the past, immigration officials put the I-94 card in your passport at the airport. But now they don't. The I-94 card is an important document that shows the date you entered, your status at entry and the date your status expires. Printing your I-94 card is important. Don't skip that step. Talk to an immigration lawyer if you have questions.

If you got your U visa abroad and never entered the U.S. then you never get U nonimmigrant status.

Who is a principal? Who is a derivative?

The main person on a U nonimmigrant case is called the “principal.”

The code for the principal on the approval letter, visa, and I-94 card is **U-1**.

The code for the principal on the work permit is **(a)(19)**.

The principal’s family member is called a “derivative.”

The code for the derivative on the approval letter, visa, and I-94 card is **U-2, U-3, U-4 or U-5**. The code for the derivative on the work permit is **(a)(20)**.

Can I get a Social Security card and a driver’s license?

Yes, you can get a Social Security card and a state driver’s license or identification card. It will be easier if you wait until you get your work permit. If you have trouble, talk to a lawyer.

Can I work?

An employment authorization document (EAD) lets you work in the U.S. The EAD is also called a work permit. The work permit says the date you can start work, and the date the permission to work ends.

- **If you are a principal and were living in the U.S. when you got your U nonimmigrant status** you should not have to send a work permit application to USCIS. You should automatically get a work permit that is good for 4 years.
- **If you are a principal and you got your visa outside the U.S. so you could come to the U.S.** you should be able to get a work permit. Send a letter with copies of your documents to the USCIS Vermont Service Center. It might be easier to send a work permit application, but it is not required.



If you are a derivative you have to send an application to USCIS to get a work permit.

- If you lived in the United States when you sent your U status application to USCIS, you could have sent your work permit application at the same time as the U status application.
- If you got a U visa abroad and then entered the United States, you can send your work permit application to USCIS after you come to the United States with a copy of your I-94 card and other documents.

Can I get public benefits now?

In Minnesota, if your income is low, you might be able to get a medical benefit. It depends on age and other things. If you are 50 or older and have a low income, you might be able to get food support. Check with your county public benefits office. Other states might have different programs and different rules. If you are denied, call your local legal aid office for help.

Should I sign up for health insurance now?

If you had health insurance through work before getting U status, that doesn't change. But, if you don't have insurance through work, getting U status might help you qualify for health insurance. In fact, **you could be fined if you qualify for health insurance and don't sign up for it.** Different states have different programs and different rules.

In Minnesota, a U nonimmigrant may be able to get public health insurance or a subsidy. Eligibility is based on household income and other factors. You can sign up for insurance through the [MNSure](#) system. There are people who help you do this called "Navigators". There are Navigators at many clinics, hospitals and agencies. Contact your local legal aid office for more information.

Which documents show that I have U nonimmigrant status?

- **If you were in the U.S. when you got your U nonimmigrant status:**
USCIS mailed you an approval letter for U status. There is an I-94 card at the bottom of the letter. This letter is proof that that you are a U nonimmigrant. Your work permit is also proof of your U status.
- **If you got your U visa outside the U.S. so you could come to the U.S.:**
Your admission stamp, your I-94 card and your work permit are the only proof that you have U status. The approval letter from USCIS and the visa in your passport are important, but they are not proof that you have U status.



When did my U nonimmigrant status start? When does it end?

You are allowed to stay in the United States while you have U nonimmigrant status.

- **If you were in the U.S. when you got your U nonimmigrant status:**
 - The approval letter from USCIS says the date your U status started and the date it ends at the top of the letter.
 - The I-94 card at the bottom of the approval letter also has the starting and ending dates.
 - If you have a work permit, it says the date your U status ends.
 - If you are a principal, you should have U nonimmigrant status for 4 years.
 - If you are a derivative, you could have U nonimmigrant status for 4 years, or it could be less.
- **If you got your U visa outside the U.S. so you could come to the U.S.:**
 - Your admission stamp and your I-94 card say the date you entered the U.S. as a U nonimmigrant. This is the date your U status started.
 - The date your U status ends is on your approval letter from the USCIS, the U visa in your passport, your admission stamp, your I-94 card and your work permit. If the ending date is not the same on all of these documents, talk to an immigration lawyer.

Warning: If your U status is shorter than 3 years, talk to an immigration lawyer right away.

Can I help family members get a visa or legal status?

- **If you are a principal:** Yes, you can use your U status to help some family members get a visa or legal status. The family members can live in the United States or in another country. Sometimes this can include someone who joins your family in the future, like if you get married later. Talk to an immigration lawyer to learn more.
- **If you are a derivative:** No, you cannot use U status to help family members. If you become a permanent resident someday, you might be able to help some family members then. Talk to an immigration lawyer to learn more.

Can I come back to the United States if I take a trip?

- **If you were in the U.S. when you got your U nonimmigrant status:**
If you leave the U.S. you have to apply for a U visa to come back. You apply for the U visa at a U.S. Embassy or Consulate abroad. You might have to ask for a waiver from USCIS, before the Embassy or Consulate can give you the U visa. Talk to an immigration lawyer if you want information about how to apply for a visa and waiver.

You could have a hard time getting a visa to come back to the U.S. 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.

This could keep you from becoming a permanent resident. **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.

- **If you got your U visa outside the U.S. so you could come to the U.S.:**
Check the U visa in your passport. It is probably good for multiple entries. If it is a multiple entry visa, you can use that visa to come back to the U.S. You do not have to apply for another visa. Check the date the visa expires. You have to come back before it expires.

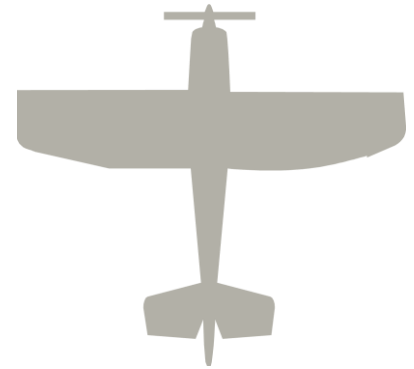
Warning: Every time you leave the U.S., immigration officials decide if they will let you back in. They could decide to say no at the border or in the airport, even if you have a visa. Talk to an immigration lawyer before you make plans to leave the country. The lawyer can tell you about the risks of travel in your case.

How much time can I spend outside the United States?

Long trips out of the U.S. can ruin your chance to become a permanent resident.

Warning:

- Do not take one trip that is more than 90 days.
- Do not take trips that add up to more than 180 days all together.



When can I apply for permanent resident status?

You can apply for permanent resident status **after 3 years** of living in the U.S. in U nonimmigrant status.

Note: When you apply for permanent resident status, you can apply to renew your work permit at the same time. That way you can get a new work permit while USCIS is processing your permanent resident status application. You will probably get your new work permit before the one you have expires, if you apply for both permanent resident status and the new work permit **while you still have 6 months or more left on your current work permit**.

Remember: Look at your I-94 card to find out when your status started. If you got U nonimmigrant status while in the U.S., your I-94 card is at the bottom of your approval letter from USCIS. If you came into the U.S. on a U visa, you need to print your I-94 card from the website www.cbp.gov/I94. You can also look at your admission stamp in your passport to find out when your U status started.

You have to prove that you have been in the U.S. for 3 years. You need to give USCIS a copy of all the pages of all your passports. It's important to renew your passport before it expires. If you let it expire it could cause problems. If you get a new passport, keep a copy of all of the pages of the old passport. If you travel outside the U.S., keep copies of all your old I-94 cards too.

Keep other papers that show you have been in the U.S. for 3 years. Here are some examples:

- rent receipts
- school records
- employment records
- tax returns
- other papers showing that you are in the U.S. that have your name and date on them.



Warning: If you have less than 3 years of U nonimmigrant status, talk to an immigration lawyer right away.

What is the deadline for applying for permanent resident status?

You must apply for permanent resident status before your U nonimmigrant status ends.

Again, remember:

- **If you were in the U.S. when you got your U nonimmigrant status**, look at your approval letter from USCIS or your work permit to find out when your status ends.
- **If you got your U visa outside the U.S. so you could come to the U.S.** your approval letter from USCIS, the U visa in your passport, your admission stamp, your I-94 card, and your work permit say the date your status ends. If the end date on these documents is not the same, talk to an immigration lawyer.

USCIS can sometimes give a person extra time on their U nonimmigrant status. But it is not common. It only happens in very specific situations. If you want to extend your U status, talk to an immigration lawyer.

What else should I know about becoming a permanent resident?

USCIS will only grant you permanent resident status 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.

A lot of things can hurt your chances of becoming a permanent resident. These are some examples:

- Committing crimes
- Using, selling, or having illegal drugs
- Not paying taxes
- Lying to government officials
- Saying you are a United States citizen when you are not
- Voting illegally
- Helping others come to the United States illegally

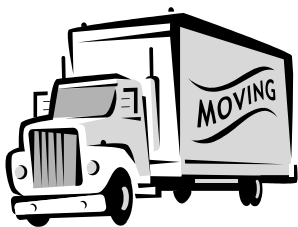
You must keep helping police or other government officials who are investigating or prosecuting the crime that was the reason for your U nonimmigrant status, unless it is unreasonable to do so.

If you are a derivative: Some changes in your life can keep you from becoming a permanent resident. Talk to a lawyer if you are thinking about making important changes. For example:

- 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.

Should I get help applying for permanent resident status?

It is a good idea to have an immigration lawyer help you apply for permanent resident status. Talk to an immigration lawyer before applying for permanent residency.



Do I need to tell USCIS if I move?

Yes. You need to tell USCIS every time you move or change your address. You have 10 days to tell them. Use Form AR-11, Change of Address. You can learn more by reading our fact sheet [Reporting Your Change of Address](#). You can stop sending Form AR-11 if you become a U.S. citizen.

Fact Sheets are legal information NOT legal advice. See a lawyer for advice.

Don't use this fact sheet if it is more than 1 year old. Ask us for updates, a fact sheet list, or alternate formats.

© 2020 Minnesota Legal Services Coalition. This document may be reproduced and used for non-commercial personal and educational purposes only. All other rights reserved. This notice must remain on all copies. Reproduction, distribution, and use for commercial purposes are strictly prohibited.