



Victims of Crimes and “U Visas”

What is a U visa?

A **U visa** or **U nonimmigrant status** is sometimes given to people who are not U.S. citizens or permanent residents and are victims of certain crimes in the U.S. If you or someone in your family (spouse, child, sibling, parent) is the victim of a crime, there may be ways for you to change your immigration status. You may be able to apply for a U visa.

U visa or U nonimmigrant status gives you 4 years of lawful status, 4 years of work permission, and the chance to apply for permanent resident status. There is also a chance of relief in some immigration court cases for deportation or removal.

Who can apply for a U visa?

If you, your spouse, your child, your sibling, or your parent were the victim of a crime, you might be able to apply for U status. Even if the family member who is the crime victim is a U.S. citizen you may still be eligible for U status.

If you apply for U status, your spouse and unmarried children under the age of 21 can apply for U status with you no matter how old you are. If you are under 21 when you apply for U status, your parents and your unmarried siblings under the age of 18 can also apply for U status with you.

Also, if you were the victim of a qualifying crime anywhere under U.S. jurisdiction you might be able to apply for the U visa. You also might be able to apply for a U visa if you were the victim of the crime outside the U.S. but the crime violated U.S. law. You can apply for a U visa even if you are not in the U.S. right now.



Not all crime victims can get a U visa. It depends on the crime, how the crime has affected you, and more. See sections below about eligibility.

If you think you or someone in your family might be eligible, call an immigration lawyer for help.

What crimes qualify?

Victims of sexual assault and domestic violence can apply for a U visa. Here is a list of all the qualifying crimes. **Note:** crimes that are similar to these or an attempt to commit the crimes listed can also be used to apply for U nonimmigrant status.

Rape	Involuntary servitude
Torture	Slave trade
Trafficking	Kidnapping
Incest	Abduction
Domestic violence	Unlawful criminal restraint
Sexual assault	Blackmail
Stalking	Extortion
Abusive sexual contact	Manslaughter
Prostitution	Murder
Sexual exploitation	Felonious assault
Female genital mutilation	Witness tampering
Being held hostage	Obstruction of justice
Peonage	Perjury
False imprisonment	

Fraud in foreign labor contracting (knowingly recruiting, soliciting, hiring someone outside the US with the intent to bring them into the US under false terms)

What makes me eligible?

You need to prove the following:

- 1. You (or your family member) are a victim of a crime.** You need to get police reports to prove it. Other proof helps too, like medical records, letters from people who helped you after the crime, or letters from witnesses to the crime. You also need to write a sworn statement about the facts of the crime and how the crime affected your life. Make sure you include your printed name, signature, and date. You do not have to sign in front of a notary, but you can.
- 2. You (or your family member) had or currently have serious physical or emotional problems because of the crime.** For example, if you have health issues because of the crime, ask your doctor to write a letter about the medical problems. Or if you are having emotional problems, ask your therapist or counselor to write a letter about these problems. You can also have anyone who knows about how you have suffered write a letter. If you didn't go to the doctor or therapist but suffered abuse, describe the abuse in a written statement.
- 3. You helped, are helping, or will help officials investigate or prosecute the crime.** You need to get an official certificate (Form I-918 Supplement B). Talk to a lawyer about getting the certificate and before you contact law enforcement. An official that knows about how you helped or are helping in the investigation of the crime is authorized to give you a signed certificate. The official could be:
 - a police official
 - a prosecutor
 - a judge
 - a child protection officer
 - an immigration official, or
 - other state or federal authorities



4. You are admissible, or you get a waiver. Immigration uses the term “admissible” to talk about things in your history that could keep you from getting a visa or a status like U nonimmigrant status. Some things that could keep you from being “admissible” are:

- entering the U.S. illegally
- committing certain kinds of crimes – even if you never went to court or jail, or only paid a fine.
- lying to immigration authorities
- saying you are a U.S. citizen when you’re not
- illegal voting
- leaving the U.S. after being here illegally for at least 6 months

If you are not admissible, ask immigration for a waiver. The waiver application is called Form I-192 Application for Advance Permission to Enter as Nonimmigrant.

Talk to a lawyer about your history. A lawyer can help you decide if you need to file the waiver application and if there is proof that you should send with your application. You need to write a statement that explains why you should be allowed to stay and why you don’t want to go back to your home country.

What are the benefits of U nonimmigrant Status?

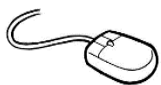
If you are approved:

- you get permission to live in the U.S. for 4 years
- you get permission to work in the U.S. for 4 years
- after 3 years of living in the U.S. with your U status, you might be able to apply for **permanent residence** (a green card)
- you might be able to include your **spouse, minor children, parents and unmarried minor siblings**. Which family members you can help might depend on your age or their age
- even if you don’t include your relatives now, you might be able to help them later.



How long does it take for immigration to review my U visa case?

As of October 2020, it is taking almost 5 years for immigration to review U visa cases. Immigration works on the applications in the order that they are filed. So, it is important to try to file your U visa application as soon as possible to hold your place in line. [Check how long](#) it is taking immigration to decide U visa applications by going to www.uscis.gov.



- Scroll down to “Manage Your Case”
- Click on “Check processing Times”
- Scroll down to the “Form” drop down menu and choose “I-918 Petition for U Nonimmigrant Status”
- Scroll down to “Field Office or Service Center” drop down menu and choose the office that has your case. For most people this is the “Vermont Service Center”

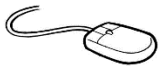
Note: if you got a notice from immigration that your case was transferred, you should choose “Nebraska Service Center”

→ Scroll down and look at the date in the column to the farthest right. Immigration is currently reviewing applications that were sent in on or before that date.

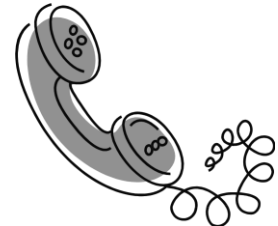
Note: There is a limit of 10,000 U visas that can be approved every year and there is a list of people waiting. If immigration reviews your case and thinks that you qualify for a U visa, but a U visa is not available now, they can’t approve it. Instead, they say you have “deferred action status.” They let you apply for a work card while you wait for the U visa. The work cards are valid for 2 years. You have to renew your work card until there is a final decision on your U visa. Getting a deferred action status doesn’t guarantee that your U visa will be approved. If you are granted a deferred action, it may be years before a U visa is approved.

How can I learn more?

Go to www.uscis.gov



- Scroll to the bottom of the page and click on “Humanitarian” under “Topics”
- Click on the down arrow next to “Humanitarian”
- Click on “Victims of Human Trafficking & Other Crimes”
- Click on “U nonimmigrant Status”



Important phone numbers:

- Mid-Minnesota Legal Aid – Minneapolis Office: 612-334-5970
- Domestic Abuse Service Center: 612-348-5073
- Minnesota 2-1-1: call statewide for help in your area

WARNING: Be very careful before sending an application to immigration. Sometimes if your application is denied you could be put in deportation proceedings. **This risk is greater now than it was in the past. If you haven’t talked to a lawyer since before July 1, 2018, talk to one again before filing!** If you committed certain crimes – even if you never went to court or jail, or if you only paid a fine, lied to the government, or other things, you could also be put in deportation proceedings. REMEMBER: Immigration can look at ALL your records, even if the records were expunged!

Get help from an immigration lawyer. They help you make sure everything is ok!

To find help near you go to <http://www.lawhelpmn.org/providers-and-clinics>

This project was supported by Grant No. 2016-WL-AX-0052 awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication/program/exhibit are those of the author(s) and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.

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.

© 2021 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.