

Information about U Visa

What is a U visa?

The U visa is designed for crime victims who have helped or are willing to help authorities investigating crimes.

Am I eligible for a U visa?

You are eligible to apply for a U Visa if you can answer yes to each of the following:

- I have suffered "substantial physical or mental abuse" as the result of one of the following forms of criminal activity (or "similar" activity) that occurred in the US:

rape; torture; trafficking; incest; domestic violence; sexual assault; abusive sexual contact; prostitution; sexual exploitation; female genital mutilation; being held hostage; peonage; involuntary servitude; slave trade; kidnapping; abduction; unlawful criminal restraint; false imprisonment; blackmail; extortion; manslaughter; murder; felonious assault; witness tampering; obstruction of justice; perjury; or attempt, conspiracy, or solicitation to commit any of the above mentioned crimes

What crime were you a victim of? _____

- The criminal activity violated US law or occurred in the United States (including Indian country and military installations) or the territories and possessions of the United States.
- I possess information concerning the criminal activity.
- I can provide a certification that states that I was or will be or will likely be helpful to the investigation or prosecution of the criminal activity.

Note: This certification **must be signed** by a federal, state, or local law enforcement official, prosecutor, judge, or authority that is investigating the criminal activity.

Does my abuser need to be a US citizen or lawful permanent resident?

No.

Do I need to be married to the abuser?

No.

Do I need to be physically present in the US to qualify for U visa?

No.

Does the crime need to have happened recently?

No, but it can be more difficult to find records of crimes that occurred a long time ago.

What are the benefits of a U visa?

If your U visa is approved, you will be granted temporary legal status and work authorization. After three years, you will be eligible to apply for lawful permanent resident status.

Can my family members benefit from the U visa?

Certain family members of persons granted U visa status can also qualify for a U visa.

When the applicant is **21 years or older** (on the date of application) the following members may receive visas at the same time as the principal applicant:

- ✓ Spouse (U-2)
- ✓ Unmarried children under 21 (U-3)

When the applicant is **20 years or younger** (on the date of application) the following family members may receive visas at the same time as the principal applicant:

- ✓ Spouse (U-2)
- ✓ Unmarried children under 21 (U-3)
- ✓ Parents (U-4)
- ✓ Unmarried siblings under 18 (U-5)

What if I am in removal proceedings?

If you are in removal proceedings, you could do one of the following:

- Ask ICE to agree to "terminate proceedings without prejudice" (close your case) while the U visa is being decided by USCIS. You would then be released from detention. (Remember, this only closes your case while your U visa application is pending. ICE may issue a new NTA in the future if your U visa application is denied, and you may be re-detained if a new NTA is issued); or
- Ask the court to "continue" (postpone) your case until USCIS decides your U visa application. You would most likely stay detained unless you pay the bond to be released, but in certain cases, ICE may be willing to release you from detention.

What if I have been ordered deported?

If you are subject to a final order of removal or deportation:

- You can file a "stay of removal" (Form I-246) if you wish to prevent your deportation while your U visa application is pending.
- If you are detained: once you have been detained for six months, you can request that DHS release you from detention.