

THE U NONIMMIGRANT PROCESS

Each year, 10,000 U visas are available for victims of certain qualifying crimes who have suffered substantial mental or physical abuse and are willing to help law enforcement authorities investigate or prosecute those crimes. A U visa petition requires certification that the victim has been helpful to law enforcement.

REQUIREMENTS FOR THE U VISA

- The applicant is a victim of a crime listed in the U Visa law.
- The applicant was, is, or is likely to be helpful to the police or prosecution.
- The law enforcement agency in charge of the criminal case will sign a form saying that the applicant was helpful.
- The applicant suffered "substantial abuse"
- The applicant has not committed immigration or legal violations OR qualifies for a waiver of inadmissibility.
- The applicant's good factors weigh more than her violations.
- The applicant can show that she would suffer if she doesn't get the U Visa.

BENEFITS, UPON APPROVAL

- Lawful nonimmigrant status in the U.S. for 3 years
- This lawful status may be available to an adult applicant's (non-abuser) spouse, minor children; or to a child applicant's (non-abuser) parent(s) and siblings.
- Employment Authorization upon "provisional approval."
- Ability to travel outside the U.S. (for no more than three months)
- Eligibility for Permanent Residence (green card) after three years of continuous presences in the U.S. with the U Visa.

PROCESS

- Select a nonprofit organization or attorney to prepare your U Visa application.
- Prepare an application and evidence (it takes a few months). A U nonimmigrant status application will include:
 - Application forms for yourself and any relatives who qualify.
 - Certification of cooperation from the police or District Attorney
 - Your written declaration, describing the crime, your cooperation with law enforcement, how you suffered, how you are a good person who would suffer, and whose relatives would suffer if you can't get the U Visa.
 - Documentation, including letters from friends, relatives, officials and doctors, to establish your eligibility for the U Visa.
- File your application with the Immigration Service ("USCIS") office in Vermont.
 - At this time, apply for a passport from the country of your nationality or citizenship, if you don't already have one.

- In 14 to 21 days, USCIS will send a receipt for your application.
- Then in the next 60 days, USCIS will send a notice for you to get your fingerprints and photograph (“biometrics”) taken at the USCIS field office. The notice will tell you where and when to have your fingerprints taken.
- Wait for between 15 and 24 months for notice of the “provisional approval” (you are now placed on the “wait list”) of your application. There is nothing that we can do to speed up this waiting period.
 - During this time some applicants receive a request for more information, with a deadline to respond.
- Once you are placed on the wait list, a two-year Employment Authorization card will be issued. You still do not have any legal status, but you now have “deferred status” and the ability to work legally.
- More waiting! Your application cannot be approved until a U-visa is available. Only 10,000 visas are available on a yearly basis. *In May 2018, USCIS had a backlog of almost 118,000 petitions by principals. The overall processing time for this process is listed as 45 to 45.5 months.*
- Approval! A U visa is issued, and you are “administratively admitted” to the U.S. A new employment authorization card is issued for four (4) years.
- After three years of continuous presence in the United States with the U Visa, you may apply for Legal Permanent Residency (“green card”).
- You must apply for adjustment of status before your 4-year visa expires or request an extension of that visa.