



# Questions and Answers

July 15, 2010

## **USCIS Reaches Milestone: 10,000 U Visas Approved in Fiscal Year 2010**

*U Visa Protects Victims of Crime and Strengthens Law Enforcement Efforts*

### **Introduction**

On July 15, 2010, U.S. Citizenship and Immigration Services (USCIS) announced it has approved 10,000 petitions for U nonimmigrant status (also referred to as the “U visa”) in fiscal year 2010, an important milestone for a program that offers immigration protection to victims of crime while also strengthening law enforcement efforts to combat those crimes. This marks the first time that USCIS, through extensive outreach and collaboration, has reached the statutory maximum of 10,000 U visas per fiscal year since it began issuing U visas in 2008.

### **Questions and Answers**

#### **Q: What is the U Visa?**

A. The U visa was created in the Victims of Trafficking and Violence Protection Act, legislation intended to strengthen the ability of law enforcement agencies to investigate and prosecute cases of domestic violence, sexual assault, human trafficking, and other crimes while, at the same time, offering protection to victims of such crimes.

U nonimmigrant status is set aside for victims of certain crimes who have suffered substantial mental or physical abuse as a result of the criminal activity and are willing to help law enforcement authorities in the investigation or prosecution of the criminal activity. Congress limited the amount of available U visas to 10,000 per fiscal year.

For more information about the U visa, please see the [Victims of Criminal Activity](#) Web page.

#### **Q: Will USCIS continue to accept new petitions for U nonimmigrants status for the remainder of fiscal year 2010?**

A: Yes. USCIS will continue to accept and process new petitions for U nonimmigrant status and will issue a Notice of Conditional Approval to petitioners who are found eligible but who are unable to receive a U visa in fiscal year 2010 because the statutory cap has been reached. Conditionally approved petitioners will be placed on a waiting list for the next available U visa.

#### **Q. Will petitioners who receive conditional approval be able to apply for work authorization? What about qualifying family members?**

A: Yes. Conditional approval will allow the petitioner and qualifying family members to remain in the United States under deferred action. The conditional approval will also allow the petitioner and qualifying family members to request work authorization by filing Form I-765, *Application for Employment Authorization*.

**Q. Does this apply to petitioners and qualifying family members who are in removal proceedings or who have a final order of removal?**

A. Yes. If the petitioner or a qualifying family member is in removal proceedings or has a final order of removal, USCIS will issue a Notice of Conditional Approval of U nonimmigrant status and will also issue deferred action.

**Q. When will USCIS begin issuing U visas again?**

A. USCIS will resume issuing U visas for fiscal year 2011 on October 1, 2010. Conditionally approved petitioners on the waiting list will receive a U visa in the order in which the petition was initially filed. Petitioners who have received conditional approval must remain admissible and eligible for U nonimmigrant status while on the waiting list.

After U visas have been issued to qualifying principal petitioners on the waiting list, any remaining U visas for fiscal year 2011 will be issued to new qualifying principal petitioners in the order in which petitions are filed.

**Q. Does the annual cap for U visas also apply to family members of petitioners?**

A. No. The annual cap for U visas applies only to principal petitioners. Qualifying family members will also be placed on the waiting list since their petitions are dependent on the principal's petition. Qualifying family members on the waiting list will receive U visas when the principal petitioner receives a U visa.

**Q. What contributed to the annual cap being met this year?**

A. A combination of factors contributed to the U visa statutory cap being met this year. Over the last year USCIS has increased training, expanded communication channels, and dedicated other resources to the U visa program. USCIS significantly enhanced outreach around the U visa, educating service providers on the eligibility requirements of a U visa petition and making dedicated efforts to reach both law enforcement officials and community advocates alike. These and other factors have contributed to an increase in the number of approved U visa petitions.

For additional information about U nonimmigrant status, please visit the [Questions & Answers: Victims of Criminal Activity](#) Web page at [www.uscis.gov](http://www.uscis.gov).