

## **U Visa**

### **INA § 101(a)(15)(U)(i)**

**Purpose:** In 2000, Congress passed the Victims of Trafficking and Violence Protection Act (VTVPA) in an effort to encourage and protect undocumented victims of serious crime in reporting and assisting in the investigation and/or prosecution of perpetrators, and prevent criminal activity. (*See list of crimes below*). The U visa is a temporary nonimmigrant visa.

**Requirements:**

**Who can apply:**

- Undocumented victims of serious crime.
- Derivative parents, children, and siblings who qualify.
- Indirect victims—certain family members of a deceased, incompetent, or incapacitated victim.

**What are the basic requirements?** The applicant must show she/he:

- **Has suffered substantial physical or mental abuse** (based on a number of factors including, but not limited to the nature, severity, and duration of the injury).
- **Possesses specific facts about the crime.** (If under age 16 at the time of the crime, the parent, guardian, or next friend can fulfill this requirement.)
- **Has been, is being, or is likely to be helpful to a federal, state, or local law enforcement official, prosecutor, judge, or other authority investigating or prosecuting the crime.** (If under age 16 at the time of the crime, the parent, guardian, or next friend can fulfill this requirement.)
- **Suffered criminal activity violating the laws of the U.S. or occurred in the U.S.** (including Indian country or military installations) or in U.S. territories or possessions.

**What crimes qualify for U visa eligibility?**

The following crimes *and any similar activity* in violation of federal, state or local criminal law are covered by the U Visa (INA § 101(a)(15)(U)(iii):

1. Rape
2. Torture
3. Trafficking
4. Incest
5. Domestic Violence
6. Sexual assault
7. Abusive sexual contact
8. Prostitution
9. Sexual exploitation
10. Female genital mutilation
11. Being held hostage
12. Peonage
13. Involuntary servitude
14. Slave trade
15. Kidnapping

16. Abduction
17. Unlawful criminal restrain
18. False imprisonment
19. Blackmail
20. Extortion
21. Manslaughter
22. Murder
23. Felonious assault
24. Witness tampering
25. Obstruction of justice
26. Perjury

Or attempt, conspiracy or solicitation to commit *any* of the above mentioned crimes.

**Documentation Needed:**

The applicant must obtain a certification (Form I-918B) from a law enforcement entity/officer stating (1) what law has been violated and (2) certifying that the applicant is being, has been, or will be helpful in the investigation and/or prosecution of the crime.

- Outcome If Granted:** Only 10,000 visas to be issued each year. Benefits include:
- Temporary legal status up to four years after approval. Extensions can be provided;
  - Work authorization; and
  - Opportunity to apply for adjustment of status (greencard) after three years if the individual's continued presence in the country is justified on humanitarian grounds to ensure continuation of a cohesive family, or is otherwise in the best interest of the public.