

What Happens After You Have a U Visa

U visa provides **legal status for four years**, though there are limited exceptions in which the length can be extended. With a U Visa, **an immigrant can work**. After three years, an immigrant with U visa status **can apply for adjustment of status**, to become a legal permanent resident (green card holder).

To apply to be a permanent resident, the immigrant must have been physically present in the U.S. for a continuous period of at least three years since the date of issuance of the U visa. In addition, immigration must determine that the immigrant's continued presence in the U.S. should be granted on humanitarian grounds in order to keep family unity, or is otherwise in the best interest of the public.

Cost

There is no filing fee to apply for a U visa.

This brochure is for information only. It is NOT legal advice. For legal advice, contact an attorney or Legal Services office.

Laws and policies change, for the most current information please

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Immigrants' and Language Rights Center

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Indiana Legal Services, Inc., is a nonprofit law firm that provides free civil legal assistance to **eligible** low-income people throughout the state of Indiana.

TO SUBMIT AN APPLICATION FOR LEGAL ASSISTANCE, CALL:

(866) 964-2138
Se habla español.

What is a U Visa?

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Background

The U visa is available to immigrants who are the victims of certain serious crimes and who have cooperated with authorities in the prosecution of the perpetrator. It was created in October 2000, when Congress passed the Victims of Trafficking and Violence Prevention Act.

Purpose

The U visa encourages and aids law enforcement agencies to investigate and prosecute certain types of criminal cases, such as domestic violence, sexual assault, human trafficking, perjury, and other crimes against immigrants by offering protection and immigration status to those immigrants who help investigate and prosecute the crimes.

Who Can Qualify

The U visa is available to undocumented immigrants who meet each of the five following qualifications:

- Has been the victim of one of the following crimes;
 - ◇ Abduction
 - ◇ Abusive sexual conduct
 - ◇ Blackmail
 - ◇ Domestic violence
 - ◇ Extortion
 - ◇ False imprisonment
 - ◇ Felonious assault

- ◇ Female genital mutilation
- ◇ Hostage
- ◇ Incest
- ◇ Involuntary servitude
- ◇ Kidnapping
- ◇ Manslaughter
- ◇ Murder
- ◇ Obstruction of justice
- ◇ Peonage
- ◇ Perjury
- ◇ Prostitution
- ◇ Rape
- ◇ Sexual assault
- ◇ Sexual exploitation
- ◇ Slave trade
- ◇ Torture
- ◇ Trafficking
- ◇ Unlawful criminal restraint
- ◇ Witness tampering
- ◇ Attempt, conspiracy or solicitation to commit any of the above crimes; or
- ◇ Any similar activity; and

- Has suffered substantial physical or mental abuse as a result of having been a victim of one of the above crimes; and
- Has useful information concerning the crime which occurred; and
- Has helped, is helping, or is likely to help, in the investigation or prosecution of the crime; and
- The crime committed violated the laws of the United States or occurred in the United States.

Certification

To file for a U visa, the immigrant must obtain a certification from a federal, state or local law enforcement agency, or a prosecutor, judge, or other authority, which is responsible for the investigation or prosecution of the crime. Other agencies, such as child protective services, the Equal Employment Opportunity Commission and the Department of Labor can also issue a certification.

Family Members

A family member of a U visa applicant may not apply for a U visa on his or her own behalf. However, the U visa applicant may file a petition on behalf of the family member if:

- The U visa applicant is less than 21 years old, the applicant can file for their spouse, children, unmarried siblings under 18 and their parents;
- The U visa applicant is 21 or older, the applicant can file for their spouse and children.

Limits

U.S. Citizenship and Immigration Services may grant no more than 10,000 U visas in any fiscal year. The limit does not apply to spouses, children, parents and unmarried siblings who are accompanying or following to join the principal alien victim.