U Visa Process

*adapted from the National Immigrant Women's Advocacy Project (NIWAP) and Legal Momentum flow chart

1. CRIMINAL ACTIVITY OCCURS

Qualifying Criminal Activities include:
- Domestic Violence
- Child Abuse
- Sexual Assault
- Rape
- Incest
- Prostitution
- Torture
- Felonious Assault
- Manslaughter
- Murder
- Kidnapping
- Abduction
- Trafficking
- Involuntary Servitude
- Slave trade
- Hostage
- Peonage
- False Imprisonment
- Blackmail
- Extortion
- Witness Tampering
- Perjury
- Obstruction of Justice
- Stalking

*includes attempt, conspiracy or solicitation to commit any of these crimes or similar activity

2. HELPFULNESS

The victim HAS been helpful, IS being helpful, or IS LIKELY to be helpful in the detection OR investigation OR prosecution OR conviction OR sentencing of the criminal activity;

OR

If the victim is unable to do so due to being deceased, incapacitated, or incompetent; the victim's spouse, children, parents, or unmarried siblings under 18 meet these requirements.

HELPFULNESS CERTIFICATION

3. CERTIFICATION

The certifying agency (law enforcement, prosecutors, judges, state agency personnel, child or adult protective services, and others) provide victim with:

- I-918 B Law Enforcement Certification signed in BLUE INK completed by the certifying official.
- Any supporting documentation such as reports and findings.
- A written designation of authority if not signed by the head of the agency or if agency has not submitted designating authority information to USCIS.

4. APPLICATION

Victim or victim representative submits full U visa petition to USCIS including:

- U visa application (form I-918)
- Law Enforcement Certification (form I-918 B)
- Documents related to victim's criminal activity
- Victim's signed statement/affidavit describing victimization
- Any information related to the victim's criminal history
- Any information related to the victim's health or use of public benefits
- Any information related or supporting victim's substantial physical or mental abuse suffered as a result of the criminal activity
- Any information related to the victim's immigration history
- Any information related to the victim's inadmissibility waiver (I-192)
- Any additional documentation (police reports, photographs, medical records, court documentation, witness statements, letters of support, etc.

5. NOTICE

The victim or victim representative receives receipt of notice from USCIS confirming filing of the U visa application.

6. DECISION

The victim or victim representative receives a decision on the U visa application.

They may be placed on a waiting list initially before the U visa is issued due to an annual cap of 10,000 visas being issued and number of wait listed applications.

Of Note:
Currently, it takes an average of 4 years from submission to receive a decision that the application has been placed on the waitlist. In prior years it has been as short as 4-6 months. It can take 15-16 years after initial submission for the U visa to be completely issued. The current waitlist is over 200,000 applications.

7. NEXT STEPS

After 3 years of continuous presence in the United States with a U visa, victims may submit an application for lawful permanent residency and after a period of time can also pursue naturalization.

Of Note:
The entire process of submission of a U Visa application through approval of naturalization can take 26-27 years after initial submission.