

U Visa Status

A Guide for Crime Victims

U Status: A Guide for Crime Victims was inspired and based in part on the Immigrant Legal Resource Center’s (ILRC) guide entitled “Getting a U Visa”. This Florence Immigrant & Refugee Rights Project guide to U visas is updated and maintained by the organization and is written primarily for immigrant detainees in Arizona who are representing themselves pro se in their removal proceedings. This guide is not intended to provide legal advice or serve as a substitute for legal counsel. The Florence Project is a nonprofit legal services organization and does not charge for its services to immigrant detainees in Arizona. This guide is copyright protected but can be shared and distributed widely to assist indigent immigrants around the country. All of our guides are available to download on our website: www.firrp.org. We kindly ask that you give credit to the Florence Project and the ILRC if you are adapting the information in this guide into your own publication.

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Important Words to Know

Immigration law has a lot of technical words. Here is a list of some words you will see in this guide and a short explanation of what they mean.

Deportation: ICE has put you in *deportation proceedings*, which are also called *removal proceedings*. If the judge orders you deported or “removed” from the United States, officials will send you back to the country where you are a citizen. You may not be able to legally return to the U.S. for at least 10 years.



Florence Project: A group of lawyers and legal assistants who provide free legal help to people who do not have lawyers. The Florence Project wrote this guide to help you understand your case.



Government Attorney: The lawyer who represents ICE when you go to your court hearings. This lawyer sits at the table next to you and also talks to the judge. Government attorneys should see that justice is done. Usually, they ask the judge to order to deport you.



Immigration and Customs Enforcement (ICE): The government agency that has put you in deportation proceedings and detained you. ICE is part of the Department of Homeland Security, or *DHS*.



Immigration Judge (*judge*): The person who will decide your case. Judges hold hearings in the courtroom and wear black robes. They should look at the facts of your case and apply the law fairly. Judges do not work for ICE.



What is a U Visa?

If you have been the victim of a crime in the USA, you may be able to apply for a U visa. This visa allows people who have it to remain in the United States for four years, have a work permit, and apply for permanent residency after three years.

To qualify, you must show that:

- you were a victim of a qualifying crime in the United States,
- you suffered substantial physical or mental abuse, and
- you provided or you could provide helpful information to law enforcement about the crime.

To qualify, the person who hurt you does not have to have been arrested or convicted. The most important thing is that you cooperated with the investigation. You must then ask law enforcement or a government official to sign the certification showing that you helped them investigate the crime. There are a few helpful things about U status:

- Your close relatives, like your children, husband, or wife, can also get U status as part of or, “derivatives,” of your application.
- If you are under 21 years of age, your siblings and your parents can get U status too. There is a separate application that your relatives must submit.
- You can request U status from outside of the United States.

Finally, you may be able to obtain U status even if you have a prior deportation or criminal conviction. To do that, you will need to file a waiver. Talk to an attorney about this process.

Only USCIS has the power to decide your U Visa application

The Immigration Judge does not have *any* power to grant U status. United States Citizenship and Immigration Services (USCIS) is the agency with the power to grant or deny your case. To find out where to file your application, check the “Where to File” page at the USCIS website, www.uscis.gov/I-918, [Petition for U Nonimmigrant Status \(I-918 form\)](#).

Remember, even after you file your application, **you must still attend all of your immigration court hearings.** When you go to court, bring proof that you filed your application (such as your confirmation receipt from USCIS) and ask the Judge to “continue” or “administratively close” your case while you wait for a decision from USCIS.



Am I Eligible for a U Visa?

Here are the requirements for a U Visa:

1. You have been the victim of a crime (or an attempted crime) like the ones listed below:

- a. Felony assault, manslaughter, murder, torture.
- b. Rape, incest, domestic violence, sexual assault, abusive sexual contact, prostitution, sexual exploitation, or female genital mutilation.
- c. Trafficking, being held hostage, peonage, involuntary servitude, slave trade.
- d. Kidnapping, abduction, unlawful criminal restraint, false imprisonment.
- e. Blackmail, extortion, witness tampering, obstruction of justice, perjury.

2. The crime occurred in the United States. You assisted the police or will assist the police in the future as they investigate this crime.

This includes things like calling the police, making a police report, talking to a prosecutor, or testifying in court. If you refused to make a report or to testify in court, then law enforcement may decide not to sign your certification or USCIS might decide that you did not satisfy this requirement. Since you can call the police at any time, it might be possible now to report a crime that occurred years ago, but it will probably be much more difficult to get a U certification if you failed to report the crime right away unless you had a good reason for waiting.

3. You suffered physical or mental harm because of this crime.

4. You are admissible to the United States.

Some immigration violations, criminal conduct or convictions, and some diseases or mental disabilities can make you inadmissible to get a visa. Fortunately, with U status there is a waiver known as a [Form I-192, Application for Advance Permission to Enter as a Nonimmigrant](#), that you can use to excuse almost everything in your past that might make you inadmissible. We will discuss this waiver later in this guide.

How Do I Apply for a U Visa?

To apply for U status, you will need to:

- Get a signed **law enforcement certification** or other appropriate government official confirming that you were helpful to the investigation. This is called the Form I-918, Supplement B Form.
- Prepare and gather the **required documents**: cover letter, I-918 application form, personal statement, and identity documents.
- Gather any other **supporting documents** that may strengthen your application.
- If you are inadmissible, fill out the waiver, Form I-192, Application for Advance Permission to Enter as a Nonimmigrant, and gather your supporting documents.
- **Organize and mail** all these documents to USCIS with any required fees or a request for a fee waiver.



We are going to review each one of these requirements one by one.

1. Law Enforcement Certification/I-918 Supplement B form

To apply for U status, you **MUST** persuade someone in law enforcement to sign the I-918 Supplement B U Nonimmigrant Status Certification (“Supp B form”), available at www.uscis.gov/I-918. This signature on the Supp-B from a police officer, a prosecutor, or even a judge is absolutely necessary for you to be able to apply for U status. This is also called law enforcement certification.

First, you need to make sure to ask the right person to sign the Supp-B form. If you made a police report, then you will be asking the police department that took the report to sign the Supp-B form. Some police departments have put a person in charge of deciding which cases to sign. If there is no one who has that job, then try to contact the officer whose name appears on the report or a person in the Victim/Witness office. The prosecutor’s office may also help you if you are testifying in a case or cooperating with them. A judge can also sign the Supp-B form. Talk to an attorney about how to best approach a judge.



Once you find the correct law enforcement official and that person agrees to sign, fill out the Supp-B form and then mail it to the law enforcement official. You should only

complete Part 1 of the Supp-B form and leave the rest blank for the person signing to finish. The enforcement official will complete Parts 2 through 6 including signing the Supp-B form.

Include a letter with your name, current physical address (if you are detained, you can use the detention center's address), a description of the crime that you suffered, the help that you provided, and how it impacted you. Give the officer instructions about how to return the original signed Supp-B to you. It is probably a good idea to ask a friend or relative outside of the detention center to receive the Supp-B in case there are any problems with the facility mail or if you are transferred to a different location, which happens frequently.

Remember, you cannot apply for U status unless law enforcement agrees to sign AND you have the signed Supp-B Form ready to submit. The application must be submitted within six months of the signature date on the Supp-B. We strongly encourage you to keep working on preparing and gathering the other documents and applications while you wait for the completed and signed Supp B form to come back.

2. Required Documents for Your U Status Application / I-918 form

In addition to the law enforcement certification, you will need to fill out an I-918 form, which is available at www.uscis.gov/I-918. This section of the guide focuses on more difficult questions in the application. Part 1 consists mostly of biographical questions, and Part 2 has questions to confirm that you meet the eligibility requirements for U status. If any of your answers to questions 1-5 in Part 2 are 'no,' you may not be eligible for a U visa and you should speak to an attorney before applying.

Part 2 Question 7 – if you are currently in immigration proceedings mark “yes.” Then, check the first box entitled “removal proceedings.” Where the question asks for a date, you should state “current.”

Part 2 Question 8 – make sure to list every time you have entered the country in the last five years. If you tend to travel a lot, then you should use one line of the boxes provided to write a short sentence about how frequently you travel in-and-out of the United States. For example, “I usually come to the U.S. every weekend” or “I tend to come to the U.S. for every major holiday and stay for a few weeks.”

Part 3 – this section contains many questions about a variety of things in your past that could affect your admissibility to the United States. A U status grant can waive almost any ground of inadmissibility except for those who are Nazis or perpetrators of genocide, torture, or extrajudicial killing. So, you have nothing to lose by answering these questions honestly. It is extremely important that you read every single question in this section carefully and answer it correctly. The most harm will come from failing to mention something negative in your past since USCIS will believe that you intentionally left it out and they will hold it against you in deciding your application.

Part 4 – this section asks for information about your close relatives. It is EXTREMELY important that you provide as much information as possible about your family since they probably will not be able to get status if you leave them off of your application. Even

though the I-918 application will only get status for you, there is another form, I-918 Supplement A, that you will submit to request derivative U status for your spouse, children, and perhaps even other family members (depending on your age).

Waiver of Inadmissibility/ I-192 form and Fee Waiver

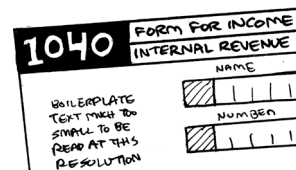
Because certain prior immigration violations, criminal conduct or convictions, and diseases or mental health issues may make you inadmissible, you might need to submit one extra form along with your U status application to request that these problems be waived. If you answered “yes” to any of the questions in Part 3 of the I-918 application or Part 5 of the I-918 Supplement A, you will need to turn in one I-192, [Application for Advance](#)



[Permission to Enter as a Nonimmigrant](#) (I-192 form) to ask for all of these things to be excused. To decide whether to grant you a waiver, USCIS will look at the good things and the bad things in your life and decide whether you deserve this chance to stay in the U.S. If you think that you *might* need a waiver, it is probably best to file this request along with your application since it will hurt your case more if the government feels that you have tried to hide something negative in your history.

Fee Waiver: In 2021, the I-192 form costs \$930.00, but USCIS can waive these fees if you also fill out and submit an [I-912 fee waiver form](#). USCIS will not usually grant the fee waiver unless you submit additional evidence showing that you do not have the financial ability to pay such a large sum of money. We recommend that you attach any of the following as evidence of limited finances (if you have them):

- Bank Statements
- Tax Statements
- Public Assistance Records
- Social Security Records
- Proof that you are in immigration detention or criminal custody (e.g. Bond Denial, I-213 form, Notice of Next Hearing before an Immigration Court with a Detained docket)



Your Personal Statement

For U status, you must include a personal statement written in English or translated into English. There is no interview and no hearing, so this is your one chance to explain why you meet the requirements for U status and why USCIS should grant your application. You can also take this opportunity to explain anything else that might seem unusual, such as failure to make a report right away or to get medical help.

You can organize your personal statement in the following way:

- **Section 1: About You**
 - Your name, date of birth, and place of birth.
 - Date that you came to the United States, how you came, and why you decided to move here.

- **Section 2: The Crime You Suffered**

- Type of crime, date, location, name of the person who committed it.
- Explain what happened.
- How many times it happened, who saw it, whether you were injured.

- **Section 3: The Help You Provided the Police**

- How you helped the authorities get information about the crime.
- Whether the person was arrested, charged, taken to trial, or convicted.

- **Section 4: The Mental and Physical Harm You Suffered Because of the Crime**

- Explain how the crime hurt you.
- Physical injuries, length of recovery, and a description of their severity.
- Mental injuries.

- **Section 5: Why You Deserve A Waiver (if You Apply for One).**

- Reasons why the government should forgive any crimes or immigration violations in your own history.

- Explain why you broke the law, whether you are sorry and how you have changed.

- Discuss any participation in programs in the past and how you plan to avoid similar problems in the future.

- Talk about any relatives that you have in the United States and how it would hurt them if you are deported. For example, do you provide financial and emotional support for your children or family members with health issues? Document the help you provide so you can show how your deportation would affect your family.



- **Section 6: Sign and Date.**

Identity Documents

You should include a copy of your passport with the application. If you don't have a valid passport, you can explain that clearly in your cover letter. Some consulates will write a letter for you to include with your application indicating that a passport must be requested in-person at their offices, which is not possible if you are in detention. In this case, you should include any other kind of identification that you have, such as a birth certificate, driver's license, or an ID card. If you do not have any identification, then send a copy of the Record of Inadmissible or Deportable Alien (Form I-213).



Other Supporting Documents

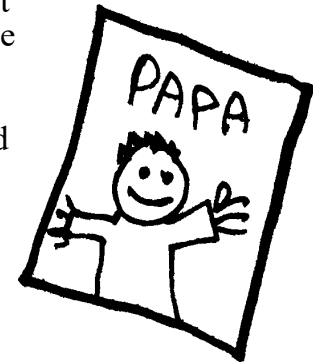
Although not *required*, we strongly encourage you also attach as many of the following additional documents that you can get to your application:

- Police reports
- Court records
- Medical records
- Family letters
- Pictures of your Injuries
- Restraining orders
- Newspaper articles describing the crime
- Birth certificates or green cards of your children, spouse, parents
- Marriage certificate
- Letters of support and identification of friends, family, employers, religious leaders, neighbors, landlords, etc.



Anything that reflects positively on your character and your life in the United States is helpful to your application. The more letters, records, pictures, certificates, and other documents that you can provide, the easier it will be for the person who decides the application to get to know you and decide whether to give you this opportunity. So, it is important to really put an effort into being creative and gathering evidence in support of your case.

Letters should tell the story in the writer's own words - you do not want all the letters to sound the same. The letter should include the writer's name, how they know you, when you first met, their job, and their immigration status. Family members should write about why you are important to them and what type of hardship it would cause if you are deported. Employers should state how long you worked for them, what your job and responsibilities were, how well you performed your job, and if they are willing to hire you again. Include a copy of the identification of the writer. You can also include letters and pictures from your children.



Translations

All documents that are not in English must be translated and should include a certificate of translation like this:

I, _____ (name of translator), certify that I am competent to translate this document from its original language into English and that the translation is true and accurate to the best of my abilities.

Signature of translator:

Date:

Cover Letter and Putting it all Together

Once you have everything ready, then you are ready to put it all together. We recommend that you organize your materials in the order described in the sample cover letter below. The Cover Letter is important because it lets the government know right away who you are, what you are asking for, and that your submission is complete. You should draft a cover letter like the one below and attach all of your applications and documents in order. If you are detained, be sure to mention that in your cover letter as well. Make sure to keep a copy of your application for your records. The forms you mail to USCIS should have your original signature, but only mail copies (not the original versions) of your supporting documentary evidence.

USCIS Service Center

[Your Name] [Your A#]
[Your Date of Birth]
[Your Detention Center Address] Date:

Application for U Status

To Whom it May Concern:

I am submitting this *pro se* application for U status. In support of this application, please consider the following attached documents:

- Application for U-status (Form I-918)
- Law Enforcement Certification (Form I-918 Supplement B)
- Personal Statement
- Identity Documents
- [Waiver of Inadmissibility (Form I-192) – only if needed]
- [Fee Waiver (Form I-912) and Supporting Documents – only if needed]

Thank you for your kind consideration of my application.

Sincerely,

Signed

Date

The Government Will Send You an Appointment to Take Your Fingerprints

The government will need to take your biometric information, or fingerprints, before making a decision on your U status application to be approved. They use your fingerprints to conduct a background check. Once you have sent in your application, USCIS will send you a letter with instructions on how to have your fingerprints taken. If you are detained, then you should contact your deportation officer to ask how to go about getting your fingerprints taken for your application.



USCIS Will Make a Decision about Your U Visa

USCIS will send you a receipt notice to let you know that they have received your application. They will also assign a file number to your application. If your application is incomplete, then you may receive a **“Request for Evidence”** (RFE) telling you to send additional documentation. They might also send a **“Notice of Intent to Deny”** explaining why they plan to deny your application and giving you an opportunity to respond with more information or evidence. If they approve your case, USCIS send an **Employment Authorization Document (EAD)** and then an **Approval Notice** if they decide to grant your application for U status.



Immigration Proceedings

Once you receive your signed Supp-B form, make copies and submit these to the Immigration Judge and the government attorney. Although the judge cannot grant your U visa application, he or she may be willing to grant you a continuance while it is pending or use that information when considering a bond amount. Also, ICE might consider releasing you from detention, dismissing your case, or administratively closing the proceedings until USCIS decides your application.

If the Supp-B does not change your detention situation or slow down your case, it is important to keep the court and ICE informed of the progress of your application. We encourage you to provide the judge and ICE with copies of the actual application after it is filed. Later, you will want to submit evidence that USCIS has decided that you are prima facie eligible for U status.

If you receive an employment authorization card or any other document from USCIS suggesting that they granted your application, you should make copies of those things right away and sent them to the judge and government attorney with a letter requesting that your proceedings be “terminated” based on a U visa grant.

What Happens if You Move While Your Application and Immigration Court Hearings Are Still Going On?

You will receive both hearing noticed for immigration court and your decision from USCIS in the mail. If the court and USCIS do not know where you live, you will not be able to receive these letters. Tell your lawyer immediately if you move. Your attorney may be able to help you update your address.

Make sure that the immigration court and USCIS know how to contact you. If you have moved within your city or a nearby, then you must:

- **Tell USCIS that you have moved. File Form AR-11, *Alien's Change of Address Card*.** You may be able to fill it out online. Go to: <https://www.uscis.gov/ar-11>.
- **Tell the immigration court and the government attorney that you have a new address. File Form EOIR-33, *Change of Address*.** Go to: <https://www.justice.gov/eoir/form-eoir-33-eoir-immigration-court-listing>.

Send the original to the court and send a copy to the office of Immigration and Customs Enforcement (ICE) in your district. To find the address to the ICE office in your district, go to: <https://www.ice.gov/contact/legal>. Note: you will mail two forms: one for the court and one for ICE.

- **If you have moved to a new city and your city has a different immigration court, then you must fill out the two forms above, plus you must write to your previous court.** This letter is called the *Motion to Change Venue*. This letter should explain to the judge that you have moved and that you need to change your immigration court to the one closest to your new address. Remember, you must also mail a copy to the ICE office closest to you.

Traveling with U Status

If you are granted U status and released from detention, you may want to travel out of the United States. A big problem with U status is that it is very difficult to travel and then come back to the United States. It is best to avoid traveling until you can adjust your status to get permanent residency unless you get the appropriate stamps in your passport and approval to return. If you remain abroad for more than 90 days even if it is through no fault of your own, for example if you are ill cannot return, you will not be able to adjust your status and get permanent residency. You should get the advice of a lawyer if you are thinking of traveling with U status.

