

QUESTIONS AND ANSWERS FOR U VISA APPLICANTS

What is the U-visa?

The U visa is a special visa for the victims of certain crimes, including crimes of domestic violence and sexual assault, among others. The person must be the victim, or “indirect victim” of the crime, cooperate with law enforcement in the investigation of the crime and show that they have suffered on account of the crime. Some of the victim’s family members can be included in a U-visa application. We can assist you in determining whether you or your family members qualify.

Will I need a waiver? How can I qualify?

Certain people are not eligible to receive visas due to prior criminal history, illegal entry, visa overstay, people who have been previously deported. Also people who committed immigration fraud, falsely claimed to be U.S. citizens or presented false documents, and those with certain health conditions including mental health issues, drugs and alcohol problems are also inadmissible and not eligible for a visa.

If any of these situations apply to you, you require a waiver (form I-192), and must prove that it is in the *public interest* for you to stay in the U.S.

I am not in legal status. Can Immigration deport me while my case is pending?

If you are in the U.S. illegally, you are always at risk of being placed in removal proceedings and deported. While generally, immigration has not been deporting U visa applicants in the past, this is always a risk. When you submit your application for a U visa, immigration will have your address and will know where to find you. If you are picked up by immigration while your case is pending, you should call our office immediately for assistance.

Will I be deported if my case is denied?

If you are present in the U.S. illegally, you are always at risk of being placed in removal, or deportation proceedings. Up to now we have not seen people whose U visas were denied placed in removal proceedings. But, this can always change.

Do I qualify if I was deported before but re-entered again without

permission?

People who have been previously deported from the US are subject to reinstatement of removal. This means you can be removed again without appearing before an immigration judge. Sometimes the U visa application process can be used to stop immigration from removing you again but it is on a case by case basis. Talk with us to discuss your situation so we can help determine if this is an option for you.

Will ICE go after my family if I file for a U visa?

While we have not seen this happen in the past, there is always the risk for those present in the US illegally to be detained or placed in removal proceedings.

Will immigration contact the person who committed the crime against me? Will he/she find out what is in my application?

No, the person who committed the crime will not be contacted or interviewed about your U visa case.

When will my case be approved?

Because only 10,000 visas are available each fiscal year for U visa applicants, it is taking approximately 18 - 24 months to obtain a decision.

Will I get a work card?

Your work authorization card (EAD) will arrive when the U visa case is approved. While it is pending, you are not authorized to work in the U.S.

Can I continue to work if I have been working in the past?

It is against the law to work in the US without proper documents.

What happens after I file my application?

USCIS sends out receipt notices acknowledging the filing of your case. This usually occurs 2-3 weeks after receiving your case. After this, they will send a biometrics appointment notice for you to appear to have your photos and fingerprints digitally captured at a local USCIS office and do a background check. You must go to your appointment or your case can be denied. Within 18-24 months, you will usually receive a decision. However, if USCIS requires more information before making a decision in your case, they will send a Request for Evidence.

What happens if my case is approved?

If your case is approved, immigration will grant you U visa status for three years.

Can I become a Permanent Resident (Can I get my green card/mica)

If you are approved for a U visa for years, you will have the right to apply for your Lawful Permanent Residency three years from the date of the approval. You should contact our office to assist you in obtaining your green card.