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Victims of Criminal Activity: U-VISA

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In October 2000, Congress passed the Victims of Trafficking and Violence Protection Act which was intended to promote cooperation between victims of crimes and law enforcement and government officials. Many times, undocumented victims of crimes hesitate to contact law enforcement or report crimes because they fear that by cooperating with law enforcement, their immigration status will be revealed, and they will be deported. Congress created the U nonimmigrant visa to provide temporary protection for undocumented individuals who are victims of crimes.

The U nonimmigrant visa is available to victims of certain crimes who have suffered mental or physical abuse and are helpful to law enforcement or government officials in the investigation or prosecution of U.S. criminal activity.

Qualifications

To qualify for a U nonimmigrant visa, you must:

- Be the victim of one of the qualifying criminal activities listed below;
 - Abduction
 - Abusive Sexual Contact
 - Blackmail
 - Domestic Violence
 - Extortion
 - False Imprisonment
 - Female Genital Mutilation
 - Felonious Assault
 - Fraud in Foreign Labor Contracting
 - Hostage
 - Incest
 - Involuntary Servitude
 - Kidnapping
 - Manslaughter
 - Murder
 - Obstruction of Justice
 - Peonage
 - Perjury
 - Prostitution
 - Rape
 - Sexual Assault
 - Sexual Exploitation
 - Slave Trade
 - Stalking
 - Torture
 - Trafficking
 - Witness Tampering
 - Unlawful Criminal Restraint
- Suffered substantial physical or mental abuse as a result of having been a victim of the criminal activity;
- Have information about the criminal activity;

- Prove you were helpful, are helpful, or are likely to be helpful to law enforcement in the investigation or prosecution of the crime;
 - Requires submission of a U-visa certification, completed by a certifying law enforcement or government agency or official (e.g. police department, district attorney's office)
- The crime occurred in the United States or violated U.S. laws; and
- Are admissible into the United States or otherwise qualify for an inadmissibility waiver.

Derivative Beneficiary

If your U-visa is approved, your family members may be granted temporary legal status as derivatives of your approved petition. A derivative may be:

- Unmarried children under the age of 21; and
- Spouse.

If you, the U-visa petitioner, are under 21 years of age, then additionally, a derivative may be

- Your Parents; and
- Unmarried siblings under 18 years old.

Temporary Legal Status

A U-visa is not an immigrant visa, which means that even if your U-visa petition is approved, it does not grant you permanent immigrant status. The U-visa allows you to temporarily remain and work in the United States for four (4) years.

If you have had your U-visa for at least three (3) years, you may be able to apply for adjustment of status to that of lawful permanent resident. The U-visa provides a path to legal permanent residency in the United States.

Limitations on U-Visa and Delays

Congress has placed a cap of 10,000 U-visas per year. Only 10,000 U-visas are granted a year. If the 10,000 cap has already been met in a year, then the U-visa petitioner is placed on a waiting list. There is currently a long back log of people whose U-visa application has been approved and are awaiting a U-visa.

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