National
Immigrant
Justice
Center

U Nonimmigrant Visa (U Visa)

Representing immigrant survivors of domestic violence and other qualifying crimes

immigrantjustice.org

May 20, 2026

Agenda

1. About NIJC's Pro Bono Projects
2. U Nonimmigrant Status ("U Visa") Overview
3. Trauma & Tips for Working with Survivors
4. U Visa Application Preparation
5. Filing Procedures & Tips

Our Mission

To establish and defend the legal rights of immigrants regardless of background and transform the immigration system to one that affords equal opportunity for all.

National Immigrant Justice Center

NIJC's Approach

ADVOCACY

Expose violations of human and constitutional rights

Collaborate with community organizations

Provide recommendations to policymakers

LITIGATION

Challenge laws, policies, and practices that violate the Constitution or U.S. immigration laws through federal litigation

SYSTEMIC IMMIGRATION REFORM

LEGAL SERVICES

Educate immigrants about their rights

Provide low-cost or free legal representation to **11K+ noncitizens**

Network of **2.4K pro bono attorneys**

DIRECT REPRESENTATION

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Legal Services

NIJC has the depth and breadth of expertise to provide high-quality legal services in a comprehensive range of matters, including:

- ✓ Asylum
- ✓ Removal defense
- ✓ Adjustment of status for asylees and refugees to obtain lawful permanent residence
- ✓ Naturalization
- ✓ Deferred Action for Childhood Arrivals (DACA)
- ✓ Temporary Protected Status (TPS)
- ✓ Legal status for survivors of crime, trafficking, and domestic violence (U visa, T visa, VAWA)
- ✓ Special Immigrant Juvenile Status (SIJS) for children who have been abused, neglected, or abandoned
- ✓ Family petitions
- ✓ Bond hearings for detained immigrants

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How NIJC Finds our Pro Bono Clients

1. An immigrant contacts NIJC needing an attorney

2. NIJC staff conduct an in-depth case screening and assessment

3. If accepted, NIJC signs retainer with client and looks for pro bono placement

4. A pro bono team accepts the case. NIJC remains of counsel and provides technical assistance.

What to Expect: Roles

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- Provides training materials and samples
- Reviews drafts and advises on case strategy
- Shares relevant policy updates
- Remains of counsel and provides malpractice insurance coverage

PRO BONO TEAM

- Reviews training materials
- Maintains regular contact with client (using interpreters as needed)
- Prepares case with feedback from NIJC
- Represents client before federal agencies*
- Provides NIJC with timely updates and copies of all filings and decisions

NO PRIOR EXPERIENCE NECESSARY!

*Limited scope of representation for U visa cases until client attends biometrics appointment

NIJC’s VAWA/U Visa Pro Bono Project

- NIJC provides direct legal services to and advocates for immigrants through policy reform, impact litigation, and public education.
- ILD provides a wide-range of immigration services, including family-based and removal defense.
- The VAWA/U Visa Pro Bono Project:
  - Case management
  - Trainings
  - Case Placement
  - Outreach

NIJC's VAWA/U Visa project is part of a larger Immigrant Legal Defense Unit that provides legal services for family-based matters.

We currently have 220+ U Visa / VAWA cases pending with pro bono partners.

U Nonimmigrant Visa

- Created in October 2000 as part of the Victims of Trafficking and Violence Prevention Act “VTVPA” INA § 101(a)(15)(U).

- Strengthens the ability of law enforcement agencies to investigate and prosecute cases of domestic violence, sexual assault, trafficking and other crimes while offering humanitarian protection to victims of such crimes.

- Provides a mechanism to remain in the United States to assist in an investigation/prosecution of those who have perpetrated crimes against them.

WHO IS ELIGIBLE?

- Victim of a qualifying crime
- Reported the crime to police
- Cooperated with police and/or prosecution
- Suffered substantial physical or mental abuse due to the crime

Who is eligible for a U visa?

An applicant must be a victim of a U visa qualifying crime. *INA § 101(a)(15)(U); 8 CFR § 214.14*

DIRECT VICTIMS
• One who is directly and proximately harmed by qualifying criminal activity. • Can include bystanders   ○ Those who witness violent crime and suffer unusually direct injury

INDIRECT VICTIMS

• If victim is murdered or is incompetent or incapacitated, then direct victim can also include:
  • Spouse
  • Unmarried children under 21 years of age
  • Parents (if direct victim is under 21)
  • Unmarried siblings (if direct victim is under 21 and sibling is under 18)
• Victim of witness tampering, obstruction of justice, or perjury.
• "Next Friend"

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U Visa Derivatives

FAMILY MEMBERS MAY ALSO BE PROTECTED

Derivatives may be in the United States or abroad

21 years old at time of filing?

If the victim is under 21:

- Parents
- Unmarried siblings under 18*
- Unmarried children under 21*
- Spouse

If the victim is over 21:

- Unmarried children under 21 (at time of filing)*
- Spouse

*Must remain unmarried through final adjudication

Benefits and Limitations

Benefits

- Non-immigrant legal status and employment authorization for up to 4 years. Possible extensions.
- Can apply for green card after 3 years in U status - Path to citizenship
- Family members may be eligible to apply for a U visa as a derivative of principal applicant.
- Bona Fide Determination

Limitations

- Victim prohibited from petitioning for derivative U status for family member who committed the qualifying crime against the victim which established eligibility for U status.
- Annual cap of 10,000 principal U visas per fiscal year.
- Backlog and long waiting times: at end of FY25 there were over 250,000 principal applications pending

Birdseye View of Process

Prepare and File U Visa Application

- Request U Visa Certification (I-918B) signed by LEA
- File U Visa Application (I-918) along with Employment Authorization Document (I-765) and Waiver (I-192) if applicable

Application Processing

- Receipt notices and biometrics appointment
- Bona Fide Determination **or** Waitlist Determination

Approval and Eligibility to Apply for Green Card

- U nonimmigrant status and employment authorization for up to 4 years
- Eligible to apply for lawful permanent residence after 3 years of physical presence in the United States with lawful U nonimmigrant status

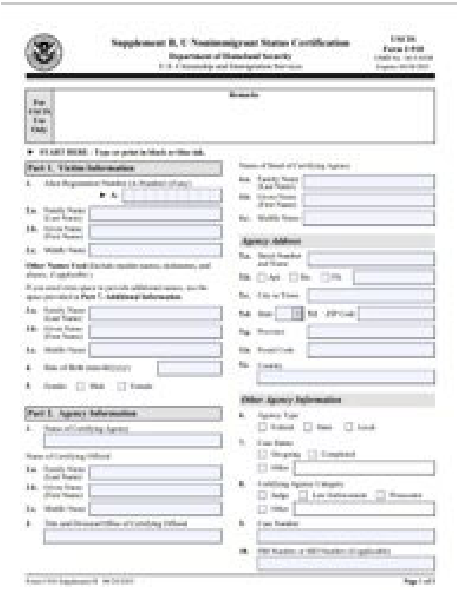
U VISA CERTIFICATION

- First step, noncitizen must obtain a signed I-918 Supplement B, U Nonimmigrant Status Certification

- **<u>What is the I-918B?</u>**
  - A form signed by a law enforcement agency that confirms that a noncitizen has been the victim of a qualifying crime, reported the criminal activity and cooperated with any investigation.
  - This form expires six months after being signed.
    - **Note:** U Visa applications received **<u>after</u>** I-918B expires will be rejected

U Visa Certification, Form I-918 Supplement B

- Completed and signed by:
  - The head of the certifying agency or
  - Any person specifically designated by the head of the agency to sign such certifications, or
  - A Federal, State, or local judge.
- **Certification must have been signed within 6 months immediately preceding the submission of the petition.**
- Will <u>not</u> be conclusive evidence of any of the eligibility requirements.



<u>Original</u> certification required to show cooperation with law enforcement!

Principal Applicants Must Prove

1. Immigrant suffered substantial mental or physical abuse as a result of having been a victim of certain criminal activity;
2. The immigrant has been helpful, is being helpful, or is likely to be helpful to a Federal, State or local authority investigating or prosecuting the crime;
3. Immigrant (or in the case of a child under 16, the parent or guardian) possesses information concerning that criminal activity;
4. The criminal activity violated U.S. law or occurred in the U.S.

INA § 101(a)(15)(U); 8 CFR § 214.14

Qualifying Criminal Activity

Involves one or more of the following or <u>any similar activity</u> in violation of U.S. Federal, State, or local criminal law:

Abduction
Abusive Sexual Contact
Being Held Hostage
Blackmail
Domestic Violence
Extortion
False Imprisonment
Female Genital Mutilation
Felonious Assault
Fraud in Foreign Labor Contracting
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

8 CFR § 214.14(a)(9)

*** Includes attempts, conspiracy, or solicitation to commit any of the above.

Standard of Proof

- “Any credible evidence” standard applies to U Visa petitions.
- 8 C.F.R. § 214.14(c)(4)

Substantial Physical or Mental Abuse

- Definition: Physical or mental abuse is defined as “injury or harm to the victim’s physical person, or harm or impairment of the emotional or psychological soundness of the victim.” 8 CFR § 214.14(a)(8)

- No single factor is prerequisite
  - USCIS can consider a series of acts
- USCIS will consider (but not limited to):
  - Nature of injury inflicted or suffered
  - Severity of perpetrator’s conduct
  - Severity of harm suffered
  - Duration of the infliction of harm

Cooperation with Law Enforcement

- **Helpful:** Assisting law enforcement in the investigation and/or prosecution of the qualifying criminal activity of which he/she is a victim.
  - For those under 16, or incompetent or incapacitated, then parent, guardian, or next friend may provide that information.
- **Ongoing Responsibility** is required of the victim to be helpful, assuming there is an ongoing need for the victim's assistance.

CAREFULLY REVIEW I-918, SUPPLEMENT B AND ALL POLICE/COURT DOCUMENTS

Possession of Information

- The individual must have knowledge of the details of the qualifying criminal activity that would assist in the investigation or prosecution.
- If victim is less than 16 years or incompetent/incapacitated, a parent, guardian, or next friend may possess information.

Admissibility

All U visa principal and derivative applicants must be "admissible" to the U.S. or <u>must</u> seek a waiver of inadmissibility.

U visa applicants may apply for a waiver of inadmissibility for most grounds.

- See INA § 212 (d)(14); 8 C.F.R. § 212.17.
- See INA § 212 (d)(3)

Common Inadmissibility Grounds:

- **Entry without inspection**
- **Previous unlawful presence**
- **Prior removal from the United States**
- **Entering the United States without inspection after previously accumulating more than one year of unlawful presence or after having been previously deported/removed**
- **Fraud or willful misrepresentation**
- **False claim to U.S. citizenship**
- **Smuggling**

Inadmissibility Waiver Form I-192

- Applicant must demonstrate that it is in the "national or public interest" for waiver to be granted.
- USCIS considers the following evidence (non-exhaustive):
    - Evidence of rehabilitation
    - Reasons for wishing to remain in United States
    - Any mitigating factors in applicant's favor
    - Affidavit of applicant explaining the specific circumstances surrounding the act or conviction that gave rise to ground of inadmissibility
    - Loss of access to U.S. criminal justice system as it relates to applicant's claim of victimization
    - Any physical, medical, mental health or social services that applicant requires but are not readily available in home country

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Confidentiality Provisions

- Section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996 prohibits all DHS and DOJ employees from providing information about a U visa applicant to third parties.
- Section 384 similarly prohibits DHS from making any decisions about removability based solely on information provided by the abuser.
- This means that you will not be able to check the case status of the client's U Visa online with their receipt number.

- 8 C.F.R. Sec 1367; 8 C.F.R. Sec 214.14 (e)

Trauma and Tips on Working with Survivors of Domestic Violence and Other Crimes

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Trauma is...

any dangerous, frightening, and overwhelming event or series of events witnessed or experienced by any member of a family.

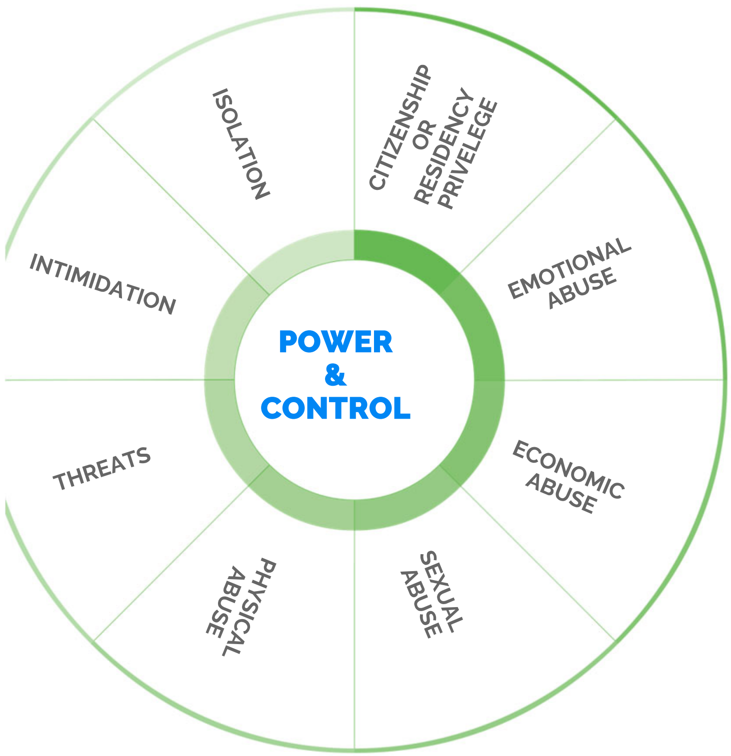
The Science of Trauma

- Trauma impacts the way the brain processes an event
- Impacts ability to organize and recall event
- May not be able to recall key portions of traumatic event because those details were not key to surviving the event

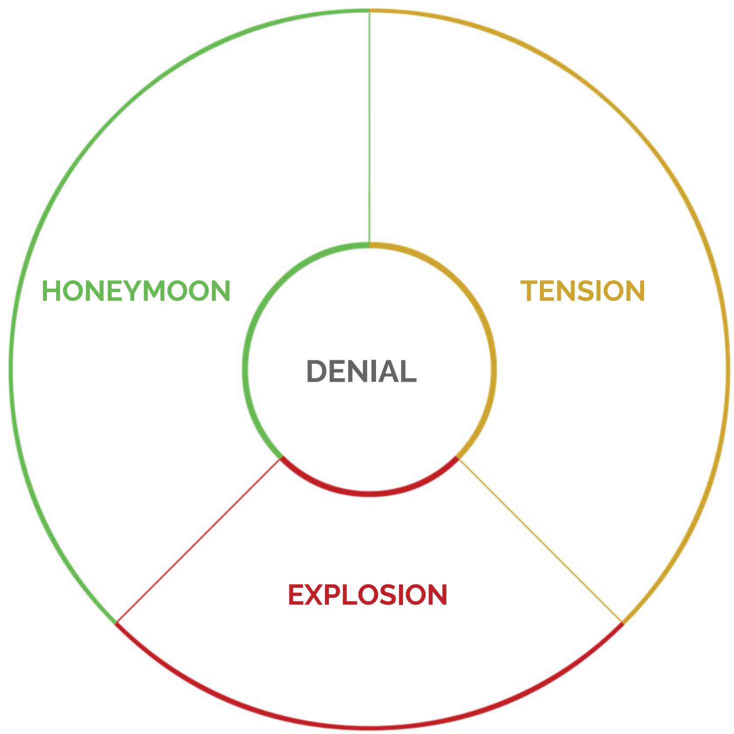
Common Types of Client Trauma

- Fear of Deportation
- Financial Insecurity
- Social Marginalization
- Trauma from Victimization
- Separation from Family
- Trauma from home country

Domestic Violence Tactics: How do abusers exert power and control?



The Cycle of Abuse



Barriers Immigrant Victims May Face

- Language Barriers
- Extreme Isolation
- Cultural ideas of abuse
- Cultural ideas of family shame and honor
- Close-knit communities
- Role of Religion

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How Abusers Can Misuse Immigration Privilege

- Failing to file immigration papers on behalf of family member
- Filing an I-130 family- based petition (or other application) and later withdrawing it
- Threatening to contact immigration officials
- Providing immigration officials with false information about family members

Effects of Trauma

- Impaired Sense of Safety
- Hyperarousal
- Dissociation
- Difficulty Controlling Emotions
- Lack of Trust
- Appear jumpy, have frequent outbursts, confrontational
- Indifferent to legal proceedings or “checking out”
- Skip appointments
- Memory lapses, especially about the trauma
- Difficulty making decisions
- Decreased ability to concentrate

Tips for Working with Survivors of Trauma

Transparency	• Be reassuring and realistic about what you can do.
Predictability	• Let them know what will happen next • Meeting agendas
Client Control	• Provide them with choices and options. • Where to sit, how to review affidavits, etc.
Reliability	• Follow through on commitments, responsibilities and appointments.
Support	• Empathize • Acknowledge that their feelings are rational in light of past experiences

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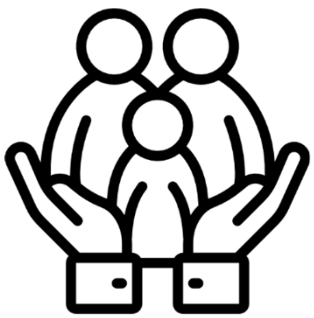
Working with Social Service Providers

- Client needs often exceed the scope of our representation, and they can benefit greatly from working with a social service agency.

- A social service case manager can connect a client to key resources such as:
  - Government benefits: SNAP, Housing Assistance, Healthcare
  - Employment training
  - Safety planning
  - Orders of protection

- Please get in touch with us if you believe your client is in need of a referral!



Preparing a U Visa Case

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Connecting with Clients

1. **Build a relationship of trust**
   - Physical and emotional space
   - Avoid legalese and stress confidentiality
2. **Explain your relationship with NIJC**
   - Sign Release of Information and Retainer Agreement
3. **Set up a communication plan**
   - Safety check
   - Find volunteer interpreter, if necessary
4. **Explain application process**
   - Processing times
   - Review list of documents needed for filing (sample in U Visa Pro Bono Manual Appendices)
5. **Questions beyond the scope of the case – see NIJC referrals**
   - Refer to counseling or other services, as needed
   - Refer for tax assistance: Ladder Up

Client Meeting

1. **Initial meeting:**
   - Gather information
   - Learn your client's story
   - Begin filling out application forms
   - Make copies of documents
   - **Keep original U visa certification (Form I-918, Supplement B)**
   - Give client a list of additional documents needed
   - Schedule next meeting

2. **Subsequent meetings:**
   - Prepare affidavit with client (ask client if they prefer to draft a statement or work with you to draft their statement)
     - If domestic violence case, use **Power & Control Wheel**
   - Copy additional documentary evidence
   - Finalize forms (review all forms with client before signing them)

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Affidavit

- Must address key issues relevant to the U visa and waiver applications (if applicable)
  - Applicant's identity and any children/spouse
  - Substantial physical/mental abuse or harmed suffered
  - Knowledge and information about the qualifying crime
  - Cooperation/helpfulness with law enforcement and/or prosecution
  - Any and all inadmissibility grounds (if applicable)
  - Reasons for wanting to remain in the United States and positive discretion
- Must be signed and dated, with a certificate of translation (if applicable)

Filing Procedures

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U Principal Required Documents

Forms

- Cover letter and index
- G-28 for principal
- I-918, Application for U Status
- Original I-918B, U Visa Certification
- I-192, Waiver of Inadmissibility (if applicable)
- I-765, Application for Work Authorization
    - 2 passport style photos

Supporting Documents

- Signed and dated affidavit, with certificate of translation (if applicable)
- Proof of identity and civil documents
- Documentary evidence supporting U Visa eligibility
- Documentary evidence for waiver eligibility (if applicable)

U Derivative Required Documents

Forms

- Cover letter and index
- G-28 for principal
- G-28 for beneficiary
- I-918, Supplement A, Application for U Derivative Status
- I-192, Waiver of Inadmissibility (if applicable)
- I-765, Application for Work Authorization
  - 2 passport style photos
  - You may file a form for each EAD category (next slide)

Supporting Documents

- Signed and dated affidavit, with certificate of translation (if applicable)
- Proof of identity and civil documents
- Proof of qualifying relationship.
- Documentary evidence for waiver eligibility (if applicable)

Employment Authorization Document (EAD)

- Upon grant of U visa, principal U applicants living in the U.S. **automatically** receive initial (a)(19) EAD valid for duration of U nonimmigrant status
- Derivatives must file Form I-765 in order to receive (a)(20) EAD
  - May apply simultaneously with U visa application (I-918, Supplement A) if inside the U.S., or upon grant of status
- Both principal and derivative U applicants living in the U.S. may file Form I-765 for (c)(14) EAD either simultaneously with U visa application or upon grant of deferred action
  - Deferred action may be granted after USCIS issues a **BFD** (bona fide determination) or a **waitlist** notice

8 C.F.R. § 274a.12:
- (a)(19) – approved U principal applicant
- (a)(20) – approved U derivative applicant
- (c)(14) – approved deferred action status

Bona Fide Determinations (BFD)

8 U.S.C. § 1184(p)(6)

- Initial review of the U Visa application demonstrates the application was complete and properly filed and a criminal background check does not raise any national security, public safety, or other concerns.

- Complete applications include:
  - a complete, signed U Visa application (Form I-918);
  - a complete, signed U Visa certification (Form I-918, Supplement B) filed within six months of the certifier's signature;
  - a personal statement from the U Visa applicant describing the facts of the case

- BFD grants deferred action and employment authorization granted for four-year periods, can be renewed while U visa application is pending.

- BFD and deferred action can be revoked, does not guarantee final approval of U Visa

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Filing Tips

- Translations
  - All foreign documents must be translated by a translator who certifies that they are competent in both languages (include copy of original document + certified English translation).
- USCIS Forms
  - Fill out everything you can in Adobe – only handwrite what the form will not allow you to fill out.
    - Do not use blue ink!
  - Confirm you are using the most recent version as USCIS updates their forms regularly
  - Double check you have all pages of every form before mailing the packet.
  - Any boxes left blank should be filled out with "N/A."

Filing Tips (2)

- Logistics
  - Two-hole punch at top of application packet; bind with metal prong fasteners or binder clip.
  - DO NOT use spiral binding.
  - Do not use tabs! USCIS will get annoyed!
- Derivative and Principal Application Packets
  - Prepare separate application packets (cover letter with index, forms, supporting documents) for applicant and each derivative.
- Sending the application
  - Place all application packets into one mailing envelope.
  - Send via Federal Express or another trackable delivery service.
  - Look up filing address before sending out application.

What now?

- Contact us if you are interested in working on a pro bono case. Our team will work with firms and solo practitioners.
- We have limited cases in need of placement, but we will contact you as cases become available
- Call and set up a meeting with client (be mindful of client's availability, cost of transportation, commute, etc.). Arrange for interpretation if necessary
- Be advised U Visa applications **must** arrive to USCIS at given deadline
- Create internal deadlines to send a draft of the filing ~2 weeks before the filing date to us for review
- Manage expectations on more than 1 client meeting due to the complexity of U Visa application preparation (affidavit, filling out forms, etc.)

Questions?

For CLE credit, please complete the evaluation.

You will receive a follow up email tomorrow with:

- The slides and recording from today's training
- A feedback and CLE survey — this *must* be completed within one week of receiving the email to receive CLE credit.

Contact Us

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