

U-Visa for Victims of Domestic Violence Crimes

The Violence Against Women Act (VAWA 2000) created a new nonimmigrant visa for some people who have been victims of certain crimes. The government has not yet issued rules on how to apply for U-visas, so we do not know what the final application process will be.

However, the government has created a process for applying for interim relief, which prevents non-citizens from being removed from the country and allows them to get work authorization. In order to receive interim relief, the applicant must show the following:

1. The person applying is a victim of one of the crimes listed in the law. The list of crimes includes domestic violence, rape, torture, human trafficking, incest, sexual assault, abusive sexual contact, prostitution, sexual exploitation, being held hostage, involuntary servitude, kidnapping, manslaughter, and murder, as well as attempt, conspiracy or solicitation to commit any of these crimes.
2. The person has suffered “substantial physical or mental abuse” as the result of this criminal activity.
3. The crime took place in the U.S. or, if not, the crime must be against the law in the U.S.
4. The person (or if a child, the child’s parent, guardian, or other representative) knows information concerning the criminal activity.
5. The applicant is being, has been, or is likely to be helpful to the investigation or prosecution of the crime. To prove this, the applicant should get a signed letter from a federal, state, or local law enforcement officer, prosecutor, or judge investigating the criminal activity. The letter should include information about the crime, the official’s contact information, and certification that applicant is, was, or will be helpful to the investigation or prosecution of the crime. NWIRP can mail or fax you a form letter and instructions for obtaining this certification.
6. Certain family members of the applicant may obtain work authorization and interim relief through their applicant family member. If the applicant is 21 years or older his or her spouse and/or children may benefit. If the applicant is under 21 years his or her spouse, children, and/or unmarried siblings may benefit.

This is not a substitute for legal advice. Do not submit anything to the Immigration Service without first talking to an immigration attorney or representative.