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# U Visas

U Visas for the victims of qualifying crimes.

- U Visa Certification Through the Department of Labor
- Statutes, Regulations, Legislative Records, Policy Memorandum
- Derivative Children

# U Visa Certification Through the Department of Labor

## **U or T Visa Certification Requests from the DOL**

### **U Visas**

### **Forms**

Form I-918

Form I-918 Supplement B

## Requesting U Visa Certification from the NYS DOL

The U Visa provides immigration status for victims of certain serious crimes, who have suffered substantial physical or mental harm, and are helpful to law enforcement, including the NYS DOL, in the detection, investigation, or prosecution of the criminal activity. The U Visa was created to encourage immigrants who may be wary of interacting with law enforcement to come forward and report when they have been a victim of a crime.

U visa eligibility criteria can be found on the [USCIS website U Visa page](#). An applicant must submit certification from a law enforcement agency establishing that they:

- were helpful, or

- are helpful, or
- will be helpful to law enforcement in the detection, investigation, or prosecution of the crime (unless the applicant is under the age of 16 or unable to provide information due to a disability).

## T Visas

The T visa provides immigration status to victims of severe forms of human trafficking who assist law enforcement in the detection, investigation, or prosecution of human trafficking cases.

A law enforcement certification **is not** required in a T visa application, however it is considered very helpful as evidence of a victim's cooperation.

For questions about T visa endorsements call the Division of Immigrant Policies and Affairs at 877-466-9757 or E-mail [trafficking@labor.ny.gov](mailto:trafficking@labor.ny.gov).

## Requesting U or T Visa Certification

For questions about U or T visa certification or endorsements, please call the Division of Immigrant Policies and Affairs at 877-466-9757 or E-mail [uandtvisa@labor.ny.gov](mailto:uandtvisa@labor.ny.gov).

Please note that while the Department may issue U or T Visa certifications, the certification is one piece of the entire application which must then be submitted to U.S. Citizenship and Immigration Services (USCIS), who will determine whether or not to approve the application and grant immigration status.

Statutes, Regulations,  
Legislative Records, Policy  
Memorandum

# **Statutes, Regulations, 9 FAM, Legislative Records, Policy Memorandum**

VAWA 2000 Legislative History

Wilberforce Amendments

Wilberforce Amendments on Bona Fide Work Authorization.

9 FAM

Field Adjudicator's Manual for Department of State with information on U visas.

**U and T Visas Adjustment of Status Regulations With  
Preamble**

VAWA 2013 and TVPRA: What Practitioners Need to Know

The Violence Against Women Act of 2013 (VAWA 2013), combined with the Trafficking Victims Protection Act (TVPPRA), was signed into law on March 7, 2013.

## USCIS Policy Memorandum: Extension of Status for U and T Nonimmigrants (Corrected and Reissued, October 4, 2016)

This policy memorandum (PM) provides guidance about extension of status for T and U nonimmigrants, including any related I-485, application to adjust status. This PM rescind and replaces PM 602-0032.1. This PM revises chapters 39.1 and 39.2 of the Adjudicator's Field Manual.

## USCIS Policy Memorandum: U Adjustment and Failure to Voluntary Departure (May 13, 2016)

This policy memorandum (PM) designates the attached decision of the Administrative Appeals Office (AAO) in *Matter of L-S-M-* as an Adopted Decision.

## USCIS Policy Memorandum: Changes to U Nonimmigrant Status and Adjustment of Status Provisions (June 15, 2014)

This Policy Memorandum (PM) provides guidance on new legislation that amends the Immigration and Nationality Act (INA) affecting U nonimmigrant status programs and related adjustment of status applications.

## Group Comment to USCIS VAWA 2013 Guidance (August 8, 2014)

This comment was submitted by 32 national, state, and local organizations in responses to USCIS Guidance Implementing U visa provisions of VAWA 2013.

## **Comments on USCIS U Derivative Guidance (January 10, 2013)**

## USCIS Policy Memorandum: Age-Out Protections for Derivative U Status Holders: Petitions, Initial Approvals and Extension of Status (October 24, 2012)

This Policy Memorandum (PM) provides guidance relating to certain U-3 derivative nonimmigrant petitions that are being held for final adjudication or have had their prior approvals limited in time due to derivative aging-out. This PM also authorizes the approval of U-3 derivative nonimmigrant petitions for the full eligibility period of four years, allowing the U-3 derivative to remain in U nonimmigrant status past his or her 21st birthday, if necessary. This PM updates the Adjudicator's Field Manual (AFM) by adding Chapters 39.1 (f)(4)(v-viii)- AFM Updated AD11-41.

## DOJ & INS Memorandum: Unlawful Presence and Authorized Periods of Stay (June 12, 2012)

This memorandum (PM) provides a list of situation in which a person would qualify for an authorized period of stay, temporary protective status (TPS), or deferred enforcement departure (DED).

## USCIS Policy Memorandum: Extension of Status for T and U Nonimmigrants (March 8, 2011)

This policy memorandum (PM) provides guidance about extensions of status for T and U nonimmigrants, including any related applications for adjustment of status.

## USCIS Policy Memorandum: Extension of Status for T and U Nonimmigrants (February 23, 2011)

This Policy Memorandum (PM) provides guidance about extensions of status for T and U nonimmigrants, including any related application for adjustment of status.

# USCIS Policy Memorandum: Extension of U Nonimmigrant Status for Derivative Family Members Using Form I-539

## (June 22, 2010)

This policy memorandum (PM) allows extension of status for U derivative family members due to consular processing delays, and for other reasons as well.

# Virtue Memo on Any Credible Evidence Standard (and Extreme Hardship) (Oct. 16, 1998)

This old memo has excellent language near the end on the "any credible evidence" standard -- "Documentary Requirements" -- and why it exists. The discussion of "extreme hardship" is no longer relevant to VAWA self-petitions but may be helpful to those seeking VAWA cancellation, where that requirement still exists. [Here for Virtue Memo on Any Credible Evidence Standard \(and Extreme Hardship\) in Word Version.](#)

## Adjustment of Status

# ASISTA I-485 Comments (Nov. 7, 2023)

On September 8, 2023, USCIS published a revision of Form I-485 Application to Register Permanent Residence or Adjust Status greatly expanding the number and type of questions for applicants to complete. [On November 7, 2023, ASISTA submitted a comment](#) emphasizing the impact of these form changes on beneficiaries of survivor-based relief.

# Advanced Issues in U Visas and U Adjustment of Status

## (Updated August 2023)

This practice advisory addresses a recent case law development regarding derivative eligibility for U visa qualifying family members, the use of discretion in waivers of inadmissibility for U visas, as

well as common issues in U-based adjustment of status, such as addressing unwaived grounds of inadmissibility and negative discretionary factors.

## **AIC Practice Advisory on Child Status Protection Act**

**(November 4, 2009)**

The Child Status Protection Act (CSPA), provides relief to children who “age-out” as a result of delays by the U.S. Citizenship and Immigration Services (USCIS) in processing visa petitions and asylum and refugee applications.

## **U Visa Adjustment of Status Summary of Regulations**

**(January 12, 2009)**

## **U Visa Adjustment of Status Fact Sheet and**

**Guidance (January 12, 2009)**

## **9-NIJC U AOS RFE Response Re: Records of**

**Conviction**

## **AOS Processing Cover Sheet for Families with U**

**Visas**



# Derivative Children

## DERIVATIVE CHILDREN

Derivative Child In <u>The United States</u>	U Not Yet Filed & Child Not 21	Under 21 At Time Of Filing But Turned 21 While App Pending	Under 21 At Time Of Approval But Turning 21 Before The 3 Years
	<b>FILE NOW</b> Mail application as soon as possible, even if no I-918B Certification yet Request VSC NOT to deny, flagging age-out issue as reason for filing. Do not wait <b>VSC's VAWA unit does not receive Friday mail until Monday!!!</b>	<b>DO NOT ADJUST THE PRINCIPAL</b> BEFORE THE DERIVATIVE IS APPROVED Ask for an extension citing U extensions Memo for principals p.3 Request deferred action and EAD under 8 CFR §274a.12(c)(14) unless in removal proceedings.	FILE EXTENSION OF U on form II 539. Can be filed 6 months before but VSC will not start adjudicating until 90 days of expiration Request deferred action and EAD under 8 CFR § 274a.12(c)(14) File to adjust principal once derivative accrues 3 years in continuous presence, request EAD for principal based on 8 CFR §274a.12(c)(9)

Derivative Child  Not In United States	ABOUT TO TURN 21 U NOT YET FILED	UNDER 21 AT TIME OF APPROVAL BUT TURNED 21 WHILE APPLICATION PENDING	UNDER 21 AT TIME OF APPROVAL BUT TURNING 21 BEFORE 3 YEARS CONTINUOUS PRESENCE

	<b>FILE IMMEDIATELY TO PRESERVE DATE</b> Explore alternative remedies such as family relative petition, humanitarian parole, asylum	<b>DO NOT ADJUST PRINCIPAL</b> Ask for an extension citing U extensions memo p. 3 If denied, file an appeal to preserve potential eligibility after age-out memorandum	<b>PROCESS DERIVATIVE INTO US IMMEDIATELY</b> <i>AFTER</i> derivative in US proceed with extension and EAD request based on deferred action, 8 CFR § 274a.12(c)(14)
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