



OVERVIEW: KEY BENEFITS OF A U VISA

A walkthrough of the different benefits granted when approved
for a U visa—and while an application is pending

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U nonimmigrant status (commonly referred to as a “U visa”) is a form of immigration relief available to people who are survivors of certain crimes that happened in the United States. Applying for and being granted a U visa leads to various benefits. This resource lists some of the key benefits associated with a U visa—some are available while the U visa application is still pending, others are only available once approved.

BENEFITS WHILE YOUR U VISA APPLICATION IS PENDING:

- **Access to certain public benefits.** In some states, like California, U visa applicants are eligible for certain public benefits, like food stamps and healthcare, with a copy of the receipt notice showing they have filed a U visa. In California, if you have a pending U visa application you can apply for state and local benefits and social service programs including Refugee Cash Assistance (RCA), California Food Assistance Program (CFAP), CalWORKs, Cash Assistance Program for Immigrants (CAPI), In-Home Support Services (IHSS), Employment Social Services, Medi-Cal, General Assistance (GA), state food stamps (CalFresh), and Healthy Families, if you meet the

NOTE

**WILL ACCESSING PUBLIC BENEFITS
MAKE ME A PUBLIC CHARGE? NO,**
*PUBLIC CHARGE DOES NOT APPLY TO
APPLICANTS FOR A U VISA OR THOSE
WHO HAVE BEEN GRANTED A U VISA,
EVEN IF LATER APPLYING FOR A GREEN
CARD THROUGH A FAMILY MEMBER.*

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eligibility requirements of the respective programs.

- **Work permit and protection from deportation.** U.S. Citizenship and Immigration Services (USCIS) will automatically review pending U visa applications, to give the applicant (and their family members who are also applying for a U visa) work permits and protection from deportation while they wait for a final decision in their case. This happens at multiple stages in the process, first through a new process begun in 2021 called “bona fide determination” or “BFD” and second, if an application does not get BFD, but is preliminarily approved and placed on the waitlist (there is a waitlist since every year many more people apply for and are granted U visas than are available).
- **ICE should not take enforcement action against someone with a pending U visa.** Even before someone gets deferred action as mentioned above, U.S. Immigration and Customs Enforcement (ICE) is supposed to refrain from enforcement action against noncitizens who are survivors of crimes or have witnessed a crime, based on a directive issued in August 2021. This includes individuals with pending U visa applications. Generally, this directive states that ICE will defer enforcement decisions until USCIS makes a final decision on a person’s pending U visa application. See the ILRC’s Community Explainer [Understanding ICE’s Victim-Centered Approach](#) to learn more about this policy.
- **Certain family members can be included in your U Visa application.** The U visa process allows applicants to include certain family members in their application. Family members who are added and approved will have access to the same benefits. Who you can include in your U visa application will depend on how old you are when you file. If you file before you are 21 years old, you will be able to include your spouse, children under 21 years old, parents, and unmarried siblings under the age of 18. If you file after you turn 21 years old, you will be able to include your spouse and your children who are unmarried and under 21 years old.

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BENEFITS ONCE YOUR U VISA IS GRANTED:

Those granted a U visa obtain lawful status for 4 years, ability to work lawfully in the United States, and are eligible to apply for lawful permanent status (“green card”) after 3 years of being in U visa status. Note that in some circumstances, U visa holders will also be able to help certain family members obtain status. You should speak to an immigration attorney or DOJ accredited representative to learn who can be petitioned and the process.

THINGS TO KEEP IN MIND IF YOU DECIDE TO MOVE FORWARD:

- **Generous waiver.** The U visa has a generous waiver that can pardon almost all immigration violations, like having entered the United States many times without permission, having lived here in the United States for many years without status, deportations, and certain crimes. This waiver might allow people who are ineligible for most other immigration relief to still apply for status. It is important to discuss your immigration history with your immigration attorney or DOJ accredited representative.
- **Long wait time for a U visa.** There are only 10,000 U visas available each year but many, many more people are approved each year, and USCIS also takes a long time to review U visa applications. Currently, this means that anyone who applies for a U visa will have to wait about five years before they obtain work permission based on a pending application and about 10 years total to get the actual U visa, if approved.
- **The long wait time could result in your U visa being decided when someone else is president.** The long wait for the U visa means that you might file your application while Biden is president, for example, but the application might be decided when someone else is president, who might have a very different immigration agenda. This means that you could be vulnerable to changing enforcement



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priorities and approval trends while you wait and once your case is decided. Please make sure you get screened by a trusted immigration attorney or DOJ accredited representative before you submit any application!

➤ **You cannot apply without getting a law enforcement certification.** You need to have a law enforcement agency (for example, the police department or district attorney’s office that was involved in the case) certify you were a victim of a qualifying crime and that you helped with the investigation. The officer must sign form I-918 Supplement B. If you do not get this form filled out, you cannot submit your U visa application to USCIS. Some states, like California, have laws about law enforcement completing these forms.

➤ **It is important to get an immigration consultation before applying for a U visa.** It is always important to consult an immigration attorney or a DOJ accredited representative if you think you are eligible for any relief, or to find out if you are eligible for relief. This is important because in immigration law you need to show you are eligible for the benefit and understand how potential “red flags” might impact your case.

Please see ILRC’s related Community Explainer [What is a U Visa?](#) to learn more about the requirements to apply for a U visa.

Are you a California Community College (CCC) or a California State University (CSU) student? If so, you qualify for FREE immigration legal services!		Discover more community explainers, toolkits, & alerts about immigration law.	
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