

## U Visa and T Visa Fact Sheet

### What are U and T visas?

U and T visas are visas for non-citizen victims of certain crimes (including sexual assault and human trafficking crimes) that allow the victim to remain legally in the U.S. for up to four years, and in some cases, to obtain permanent residence. Both visas are designed to strengthen the ability of law enforcement agencies to investigate and prosecute perpetrators of these crimes, while at the same time protecting victims.

The U and T visas were created as part of the Victims of Trafficking and Violence Protection Act (included in the Battered Immigrant Women's Protection Act) in October 2000.

### How do you apply for these visas?

The process is complex and not designed to be completed without an immigration attorney's guidance. **See page 2** of this fact sheet for information about non-profit organizations that provide free or low-cost assistance to individuals seeking to apply for a U or T visa.

Summary of U and T Visa Requirements		
	U Visa	T Visa
<b>Who is eligible</b>	<ul style="list-style-type: none"> <li>• Non-citizen victim of crime who has suffered severe mental or physical abuse as the result of a criminal activity*; AND</li> <li>• A law enforcement agency or other qualifying agency, including a judge has certified that the victim has cooperated with law enforcement or is willing to in the future in an investigation or prosecution; AND</li> <li>• The victim has information concerning the criminal activity (or if a minor under 16, a parent/next friend has information); AND</li> <li>• The criminal act violated U.S. law or occurred in the U.S. or its territories/possessions.</li> </ul> <p><i>*If the perpetrator of the crime is a spouse or parent, or is a lawful U.S. citizen or resident, the victim may also be eligible for assistance under a VAWA case.</i></p>	<ul style="list-style-type: none"> <li>• Non-citizen victim of severe human trafficking; AND</li> <li>• The victim would face extreme hardship if forced to leave the United States; AND</li> <li>• Victim is willing to assist law enforcement in prosecuting the perpetrator(s). (This requirement may be waived if the victim is under 18, or if the victim is unable to cooperate due to physical or psychological trauma.)</li> </ul>
<b>Crimes covered</b>	Crimes covered by the Section 1513(b)(3), INA Section 101(a)(15)(U)(iii) include:	<p>To be eligible for a T visa, the victim must have suffered a "severe form of human trafficking" classified under one of the following categories:</p> <ul style="list-style-type: none"> <li>• <b>Sex trafficking</b> – The victim is forced, tricked, or coerced into selling sex acts for money or anything of value. (Forced or coerced prostitution.) If the victim is under 18 years of age, the law assumes that the victim was forced, tricked, or coerced.</li> <li>• <b>Trafficking that leads to debt bondage/peonage</b> – A victim is forced to work indefinitely (without any reasonable limits on services or time) to pay off the person who smuggled her into the United States. Typically the victim does not have access to information showing how much they have paid to date and what the remaining balance is.</li> <li>• <b>Trafficking that leads to involuntary servitude/slavery/ forced labor</b> –When a trafficker uses threats or physical force to make the</li> </ul>

	<ul style="list-style-type: none"> <li>· Rape</li> <li>· Torture</li> <li>· Trafficking</li> <li>· Incest</li> <li>· Domestic violence</li> <li>· Sexual assault</li> <li>· Abusive sexual contact</li> <li>· Prostitution</li> <li>· Sexual exploitation</li> <li>· Female genital mutilation</li> <li>· Being held hostage, peonage</li> <li>· Involuntary servitude</li> <li>· Slave trade</li> <li>· Restraint</li> </ul>	<ul style="list-style-type: none"> <li>· Kidnapping</li> <li>· Abduction</li> <li>· Unlawful criminal</li> <li>· False imprisonment</li> <li>· Blackmail</li> <li>· Extortion</li> <li>· Manslaughter</li> <li>· Murder</li> <li>· Felonious assault</li> <li>· Witness tampering</li> <li>· Obstruction of justice</li> <li>· Perjury,</li> <li>· <i>or any similar activity in violation of federal, state, or local criminal law.</i></li> </ul>	<p>victim work. Threats can be physical harm or threats to report the victim to police or immigration.</p>
	<b>U Visa</b>		<b>T Visa</b>
<b>Length of visa</b>	<p>Recipients of a U-visa can stay in the U.S. for four years. After three years in the U.S., recipients are eligible to apply for lawful permanent residence (also called a “green card”).</p>		<p>Recipients of the T-visa may stay in the United States for four years. Recipients may apply for permanent residence (a “green card”), but there are several requirements that must be met.</p>
<b>Family eligibility</b>	<p>Spouses, children, and parents of children under 16 are also eligible for a non-citizen U Visa. To be eligible, you must show that (1) the visa is necessary to avoid extreme hardship; or (2) a government official must certify that an investigation or prosecution would suffer without the assistance of the spouse, child, or parent of non-immigrant child.</p> <p>In some cases, a family member may qualify for their own U visa as an indirect victim of the crime.</p>		<p>If the victim is <b>under 21</b> years old, the following family members are also eligible for a visa:</p> <ul style="list-style-type: none"> <li>• Spouse;</li> <li>• Unmarried children under 21 years of age;</li> <li>• Parents; and/or</li> <li>• Unmarried sisters or brothers under 18.</li> </ul> <p>If the victim is <b>21 or older</b>, the following are eligible:</p> <ul style="list-style-type: none"> <li>• Spouse; and/or</li> <li>• Unmarried children under the age of 21.</li> </ul>
<b>Work eligibility</b>	<p>All U-visa recipients automatically receive a work permit after their visa is approved (if you applied within the U.S.). If you applied from abroad, you will be eligible for a work permit when you enter the U.S.</p> <p>Spouses, children and parents may also in some cases be eligible for a work permit.</p>		<p>All T-visa recipients automatically receive an employment authorization document (EAD), which allows the victim to work legally while in the United States.</p>
<b>Immigration Status</b>	<p>No immigration status is required. Victims can be undocumented or have a different type of visa and still be eligible for a U visa.</p>		<p>No immigration status is required. Victims can be undocumented or have a different type of visa and still be eligible for a T visa.</p>

**Ohio Resources:**

**Catholic Social Services of the Miami Valley** – *Provides a range of refugee resettlement services.*

Phone: (937) 223-7217 • Website: <http://www.cssmv.org>

**Catholic Charities of Southwest Ohio** – *Services for refugees as well as asylees, secondary migration refugees and others.*

Phone: (513) 241-7745 • Website: <http://www.catholiccharitiesswo.org/>

**Community Refugee and Immigration Services (Columbus)** - *Provides professional immigration legal services to low- and moderate-income individuals at nominal fees.*

Phone: 614-235-5747 • Web: [www.cris-ohio.com](http://www.cris-ohio.com)

**International Institute of Akron** – *Immigration counselors are accredited by the U.S. Department of Justice to represent clients before the U.S. Citizenship & Immigration Services (formally INS).*

Phone: 330-376-5106 • Web: [www.iiakron.org](http://www.iiakron.org)

**International Institute of Greater Toledo** – *Immigration, citizenship, green cards, work permits, translation services, & more.*

Phone: (419) 241-9178 • Website: <http://www.internationalinstituteoftoledo.com/>

**International Services Center (Cleveland)** – *Provides a range of legal immigration services, including immigration counseling and representation before the CIS office, Immigration Court and Board of Immigration Appeals. Assists with immigrant visa petitions, asylum, victims of crime and domestic violence cases, citizenship preparation, and more.*

Phone: (216) 781-4560 • Website: <http://internationalservicescenter.org/>

**Ohio Legal Services** – *Statewide offices provide assistance with visas, deportation issues, and green cards.*

Phone: 1-866-529-6446 • Website: <http://www.ohiolegalservices.org/>

**Ohio Refugee Services Program** – *In addition to serving refugees and asylees, the program also serves victims of trafficking.*

Phone: 614-466-4815 • Web: <http://jfs.ohio.gov/refugee/>

This publication was supported in part by Grant # 2012-SW-AX-0002 awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication/program/exhibition are those of the authors and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.