

## U Visas for Undocumented Crime Victims

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Criminal lawyers are paying more attention to immigration issues in cases where the defendant is not a United States citizen, and that's a good thing. But my sense is that many lawyers don't know about a provision of immigration law that applies in certain cases where the victim is not a United States citizen. It's worth having on your radar screen, so here's a nutshell version.

In 2000, Congress enacted legislation to provide visas for victims of serious crimes who (1) are undocumented immigrants and (2) cooperate with law enforcement in the investigation and/or prosecution of the crimes. The idea was to encourage victims to come forward, rather than to stay silent out of fear of deportation. In order to obtain such a visa, called a "U visa," the victim must have a law enforcement official confirm that the victim did, in fact, assist in the investigation and/or prosecution of a serious crime. A U visa can ripen into permanent residency and even into citizenship after a period of years.

A maximum of 10,000 such visas can be issued each year, though the actual rate of applications is far lower: over the past nine years, 13,000 applications have been submitted. Astonishingly, the immigration authorities have processed *only 85 applications*, approving 65 and denying 20, in part because no administrative regulations regarding the program were issued until 2007. (Apparently a larger number of applicants have received some sort of interim status.) You can read more about this [here](#) and [here](#). My anecdotal sense is that some folks in law enforcement are not enthusiastic about the program, either because of the cumbersome and unfamiliar process or out of reluctance to award what might be seen as an immigration windfall to crime victims.

In any event, officers, prosecutors, and those who advise or represent crime victims need to know about this law if they don't already, and it's potential cross-examination material for criminal defense lawyers whose clients are accused of crimes against undocumented immigrants. As always, I'd be very interested in people's experiences with the U visa process -- just post a comment, or email me separately if you prefer.