

Select Humanitarian and Family-Based Immigration Options: Various Paths to a Green Card (Lawful Permanent Residence) for Certain Survivors and Family Members

U Nonimmigrant Status

U VISA

Available to survivors of particular types of crimes who have suffered substantial physical or psychological abuse as a result and are helpful to officials in the investigation/prosecution of a crime or criminal activity.

Allows for the ability to submit petitions for certain family members.

- Applicant 21+: petition for spouse and/or children
- Applicant Under 21: Spouse, children, parents, and/or unmarried siblings under 18

Waivers to inadmissibility available.

Once visa is granted:

- Nonimmigrant visa
- Valid for four years
- Provides work authorization
- Potential to access benefits
- Is a path to a green card

Currently a very lengthy wait time for decisions on U visa applications.

Cap of 10,000 U visas per year, creating a sizable backlog.

Violence Against Women Act

VAWA

For certain abused spouses, children, and parents of U.S. citizens and certain spouses and children of permanent residents who have suffered physical, sexual, economic, and/or psychological abuse by that U.S. citizen or permanent resident family member.

- Immigrant visa (path to a green card)
- No police report necessary
- VAWA provisions apply equally to women and men

T Nonimmigrant Status

T Visa

Available to survivors of labor or sex trafficking who are helpful to officials in the investigation/prosecution of such human trafficking.

Allows for the ability to submit petitions for certain family members.

- Applicant 21+: spouse and/or unmarried children under 21
- Applicant under 21: Spouse, unmarried children under 21, parents, and/or unmarried siblings under 18

Generous waivers available if caused by/incident to trafficking.

Cap of 5,000 T visas per year, but yearly cap not reached.

Once granted:

- Nonimmigrant visa
- Valid for four years
- Provides work authorization
- Potential to access benefits
- Is a path to a green card

Special Immigrant Juveniles

SIJS

Available to young people under the age of 21 who have been abused, abandoned, and/or neglected by one or both of their parents where reunification with one or both parents is not viable and it is not in the young person's interest to be returned to their country of nationality or last habitual residence.

- Must first seek SIJ court findings and orders through a state court
- Waivers to inadmissibility available
- Currently a backlog of several years for most SIJ-based applicants for green cards

Once granted:

- Is a path to a green card (but precludes the young person from submitting an immigration petition for either parent in the future)

Family Based Options

U.S. Citizens or Lawful Permanent Residents ("green-card holders") may be able to submit petitions for certain types of relatives to become lawful immigrants in the U.S.

The process depends on:

- The status of the petitioner
- The qualifying relationship
- The applicant's immigration history

Resources

U VISA (Nonimmigrant status):

Victims of Criminal Activity: <https://www.uscis.gov/humanitarian/victims-human-trafficking-other-crimes/victims-criminal-activity-u-nonimmigrant-status/victims-criminal-activity-u-nonimmigrant-status>

USCIS on U Visas: Search for 'USCIS Victims of Criminal Activity: U Nonimmigrant Status'

ILRC on U Visas, T Visas, and VAWA: <https://www.ilrc.org/humanitarian-forms-relief-part-i-u-t-vawa>

DHS U and T Visa Law Enforcement Resource Guide: <https://tinyurl.com/y3hpngf2>

VAWA (Violence Against Women Act):

USCIS on VAWA: <https://www.uscis.gov/humanitarian/battered-spouse-children-parents>

ICWC on VAWA: <https://www.icwclaw.org/violence-against-women-act-vawa>

ASISTA on VAWA: <https://asistahelp.org/vawa-self-petition/>

SIJS (Special Immigrant Juveniles):

USCIS on SIJS: <https://www.uscis.gov/green-card/sijs>

California Courts on SIJS: <https://www.courts.ca.gov/selfhelp-sijs.htm>

ILRC on SIJS: <https://www.ilrc.org/humanitarian-forms-relief-part-ii-asylum-sijs>

KIND on SIJS: <https://supportkind.org/wp-content/uploads/2015/04/Chapter-4-Special-Immigrant-Juvenile-Status-SIJS.pdf>

LSC on SIJS: <https://www.lsc-sf.org/how-we-can-help/immigration-services/special-immigrant-juvenile-status-sijs/>

T Visa (Nonimmigrant status):

USCIS on T visas: <https://www.uscis.gov/humanitarian/victims-human-trafficking-other-crimes/victims-human-trafficking-t-nonimmigrant-status>

ILRC on T Visas: https://www.ilrc.org/sites/default/files/resources/t_visas_advisory-20170509.pdf

KIND on T Visas: <https://supportkind.org/wp-content/uploads/2015/04/Chapter-7-T-Visa-Relief-107.pdf>

Family Based Options:

USCIS on Family-Based Immigration: <https://www.uscis.gov/family>

ILRC Family-Based Immigration Advisories: <https://www.ilrc.org/family-based>

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For more resources, visit <https://cirinc.org/diversity/about.html>



Produced by the Center for Innovation and Resources, Inc (CIR) with funding from the California Governor's Office of Emergency Services (CalOES), Victim Services Branch with funding made possible through the United States Department of Justice, Victims of Crime Act, 2015-VA-GX-0058.

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