

U Nonimmigrant Status Application Process

Warning: Some of this information may be outdated due to the 2025 executive orders. Please consider consulting an immigration lawyer if you have questions about your situation. You can also [read the President's executive orders](#).

U nonimmigrant status allows victims of certain crimes to stay in the United States if they cooperate with the police in any criminal investigation and prosecution. Fortunately, when you apply for U nonimmigrant status you can ask Immigration to waive problems that prevent most people from getting lawful status. You can also include certain family members in your U nonimmigrant status application. However, once you have U nonimmigrant status, you must wait an additional three years before applying for lawful permanent residency, or a green card.

Application Process

Certificate Signed by Law Enforcement

You will show Immigration that you are helping an investigation by asking law enforcement to sign off on a certificate that you have been, are being, or are likely to be helpful in the future. This certificate is valid for only six months. Immigration **MUST** receive your application before the certificate is six months old. If it was signed six months and one day before Immigration receives your application, they will not approve it.

Not anyone can sign off on the certificate, or Form I-918B, but possible authorities may include:

- a federal, state, or local law enforcement agency;
- a prosecutor;
- a judge; or

- another authority that has the responsibility for the investigation or prosecution of a qualifying crime or criminal activity.

Examples of people who can investigate may be children's protective service units, workers from the Department of Labor, and the Equal Employment Opportunity Commission (EEOC). In some counties, it is easier to approach a district attorney, while in others it is easier to ask the police department. An immigration attorney who has experience in preparing applications for U nonimmigrant status can be indispensable because they will know which law enforcement authority is the easiest to work with.

COOPERATE WITH LAW ENFORCEMENT!

If you stop being helpful, or if you deny a reasonable request, then the law enforcement agency can write to Immigration and withdraw their certificate. If this happens, Immigration will deny your application. Make sure you cooperate with reasonable requests from the police. Respond to requests in a timely manner and work with a trained immigration attorney to work through your U nonimmigrant application.

Supporting Evidence

After you have Form I-918B signed, you need to gather supporting evidence. You will need to collect the following documents for you and for each of your derivatives:

- Valid passport(s) from your home country;
- A copy of your birth certificate(s);
- A copy of any police report related to the crime;
- Evidence of any reasons that Immigration will not grant you U nonimmigrant status. For example, if you have a criminal history or immigration violations, get copies of all related documentation. This is also true for each of your derivatives. Having a good immigration attorney will be helpful during this step because you can have the records sent to your lawyer; and
- Anything that proves you are a good person. For example, you will want to include evidence of steady employment, federal income taxes, good school reports for your children, ties to your community, volunteer activities, as well as letters that describe your character from family, friends, and community leaders.

Civil Documents by Country

The U.S. Department of State provides a list of acceptable documents on their website for each country that has a relationship with the United States. For example, if you are looking for what documents you need to prove a marriage, start by selecting your country and then scroll until you see the marriage certificate section. There you will find the documentation you need to give U.S. Immigration that is specific to your country. This resource can also be helpful if you need to find out how to get a copy of a divorce, birth, adoption, or death certificate from your home country.

Affidavit

You will also need to provide a detailed affidavit about what happened. This is a statement you will write under oath. It is important to write a strong affidavit because the official who decides whether or not to approve your application will never meet you in person. Try to paint a clear picture that describes each aspect of your U nonimmigrant status application. Include how being a victim has changed you. Talk about how it impacts your daily life and your relationships with others. But most importantly, give concrete examples rather than general statements. For example, if you are a victim of an assault and now you have nightmares about it, describe your nightmares. Be specific about what happens in your nightmares, how often you get them, and if it's the same nightmare every time.

This may be a very painful process, but it is important to your case. If you are traumatized, you should consider talking to a therapist. Catholic Charities Milwaukee has trained mental health professionals to help our clients. Your lawyer may be able to refer you to helpful and affordable services.

Which Family Members Can Be Included

U nonimmigrant petitions allow you to include certain family members on your application. These family members are called derivatives because they derive, or receive, their immigration benefit through you. Qualifying family members depend on how old you are **when you file the U nonimmigrant status application**. It does not matter how old you are when the crime occurs.

- If you are **under 21 years of age** on the day Immigration receives your application, then you can include your:
 - Spouse;
 - Children;
 - parents; and
 - unmarried siblings under age 18.
- If you are **21 years old or older**, you can include your spouse and children.

There are some important things to keep in mind if you include derivatives on your U nonimmigrant status application. First, **the relationship must exist on the day that you apply**. For example, if you get married after you apply, it is too late to include your spouse in your U nonimmigrant status. Again, the relationship or union must exist the day you apply. You can include your spouse years later when you apply for a green card, but once you submit your U nonimmigrant status application, it is too late to change it.

Second, your **siblings and children must remain unmarried until the U nonimmigrant status is granted**. If they marry beforehand, they automatically drop out of your application. Immigration will treat it as though they were never included in your application.

Third, once Immigration receives your application, **you do not have to worry about you or your siblings aging out of the process**. For example, if you turn 21 while your application is pending, it will not disqualify your parents or siblings as derivatives. Your age freezes on the day Immigration receives your petition.

Fourth, **if your family members need to ask Immigration to waive anything from their record, they must apply for those waivers separately**. It will be part of the group package that you send in, but each relative must add individual applications for waivers they need. This includes each family member writing a detailed statement and showing Immigration that they deserve to get the waiver. An experienced immigration attorney can help you make sure you have included everything you need in your application.

Frequently Asked Questions

Last updated on August 11, 2025.

How much does it cost to apply for U nonimmigrant status?

There is no fee to apply for U nonimmigrant status, however, there is a fee for waivers if you need any. As of July 2019, the waiver fee costs \$595.00, but you can get a fee waiver if you are low-income. Please check USCIS.gov's fee pages for the latest information.

Do I have to be in the United States to apply?

No, you can apply from abroad.

[Options for Status, Visas, Permits & Papers Immigration](#)

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