



# Now that you are a U Nonimmigrant: Warnings, rights, and responsibilities

## Should I read this?

Yes, if you have U nonimmigrant status.

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- ❖ If you are a crime victim and have applied for U status or want to learn about applying, read [Victims of Crime and U Visas](#).
  - ❖ If a family member is abusing you, you should also read [Washington Public Assistance for Immigrant Victims of Domestic Violence](#).
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## I just found out my application for U Nonimmigrant Status was approved. Now what?

**If you are living in the U. S. when USCIS approves your application**, your U nonimmigrant status starts when USCIS approves the application.

**If you are *not* living in the U.S. when USCIS approves your application**, you must apply for a visa and go to an interview at a U.S. Embassy or Consulate. Each embassy or consulate has their own way of doing things. Talk to an immigration lawyer.

- If the embassy or consulate approves your case, they put the U visa on a page in your passport.
- When you get to the U.S., show the immigration officials your passport and visa. You will usually do this at the border or the airport.
- If the immigration officials let you enter the U.S., then they grant you U nonimmigrant status. You get an admission stamp in your passport when you enter. The stamp shows the date you entered, your status at entry, and the date your status expires.

After you leave the airport, you must go to the [U.S. Customs and Border Protection](#) website to print your I-94 card. **Immigration officials will not do this for you.**

The I-94 card shows the date you entered, your status at entry, and the date your status expires. **Do not skip this step.** Talk to an immigration lawyer if you have questions.

## **Who is a principal? Who is a derivative?**

The main person on a U nonimmigrant case is called the **principal**. The code for the principal on the approval letter, visa, and I-94 card is U-1. The code for the principal on the work permit is (a)(19).

The principal's family member is called a **derivative**. The code for the derivative on the approval letter, visa, and I-94 card is U-2, U-3, U-4 or U-5. The code for the derivative on the work permit is (a)(20).

## **You can now get a Social Security card and a driver's license or ID card.**

It will be easier if you wait until you get your work permit. If you have trouble, talk to a lawyer.

## **You can work in the U.S. now.**

An **employment authorization document (EAD)** lets you work in the U.S. The EAD is also called a **work permit**. It says the date you can start work, and the date the permission to work ends.

**If you are a principal, and you were living in the U.S. when you got your U nonimmigrant status,** you should not have to send a work permit application to USCIS. You should automatically get a work permit good for four years.

**If you are a principal, and you got your visa outside the U.S. so you could come to the U.S.,** you should be able to get a work permit. Send a letter with copies of your documents to the USCIS Vermont Service Center. **Talk with an immigration lawyer if you do not get a work permit.**

**If you are a derivative,** you must send an application to USCIS to get a work permit. The work permit application form is [I-765](#).

- If you lived in the U.S. when you sent your U status application to USCIS, you could have sent your work permit application at the same time as the U status application.
- If you got a U visa abroad and then entered the U.S., you can send your work permit application to USCIS after you come to the U.S.

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❖ **COVID-19 update: It will take longer for you to get a work permit.** It could take months for you to get one.

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## You can get public benefits now.

If you have a U visa but have not yet adjusted to lawful permanent resident (“green card”) status, you and your family members may be eligible for:

- Emergency Medicaid for treatment of certain emergency conditions in a hospital setting, cancer treatment, and dialysis
- Medical Care Services (MCS) - medical assistance for persons who have a disability or are over 65
- Children’s and pregnant person’s medical assistance
- State Family Assistance (SFA) - cash assistance
- Aged Blind and Disabled (ABD) cash assistance if you have a disability or are over 65
- Pregnant Persons Assistance: The Pregnant Women Assistance Program (PWA) can help pregnant people of any gender if they are otherwise qualified - cash assistance
- the state-funded Food Assistance Program (food stamps)

Other states may have different programs and different rules. If you apply for assistance and are denied, call CLEAR for help. The end of this fact sheet has contact info.

## Getting benefits won’t harm your immigration case.

U visa holders are not subject to the “public charge” test when they apply for lawful permanent resident (“green card”) status.

Immigration officials will not consider any benefits you or your family use when you apply for your green card.

### **If you did not have health insurance before, you can sign up now.**

You can apply through [Healthplanfinder](#). This is the state health insurance exchange.

You might be eligible for subsidies and tax credits to help with out-of-pocket costs.

### **An arrest or other police contact could hurt your status.**

If you commit certain crimes and are arrested, **you could lose your U visa and be deported.**

If you are arrested for any reason, advise your public defender that you are here under the U visa and contact an immigration lawyer or NWIRP right away. (See contact info below.) Contact NWIRP if you are detained.

### **Which papers show my U nonimmigrant status?**

- If you were in the U.S. when you got your U nonimmigrant status, USCIS mailed you an approval letter for U status. There is an I-94 card at the bottom of the letter. This letter is proof that that you are a U nonimmigrant. Your work permit is also proof.
- If you got your U visa outside the U.S. so you could come to the U.S., your admission stamp, your I-94 card and your work permit are your proof that you have U status. The approval letter from USCIS and the visa in your passport are important. They are not proof that you have U status.

### **When did my U nonimmigrant status start? When does it end?**

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- ❖ You can stay in the United States while you have U nonimmigrant status.
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#### **If you were in the U.S. when you got your U nonimmigrant status:**

- The top of the approval letter from USCIS says the date your U status started and the date it ends.
- The I-94 card at the bottom of the approval letter has the starting and ending dates.

- If you have a work permit, it says the date your U status ends.
- If you are a principal, you should have U nonimmigrant status for four years.
- If you are a derivative, you could have U nonimmigrant status for four years. It could be less.

### **If you got your U visa outside the U.S. so that you could come to the U.S.:**

- Your admission stamp and I-94 card say the date you entered the U.S. as a U nonimmigrant. This is the date your U status started.
- The date your U status ends is on your approval letter from the USCIS, the U visa in your passport, your admission stamp, your I-94 card and your work permit. If the ending date is not the same on all documents, talk to an immigration lawyer.

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❖ **If your U status is shorter than three years, talk to an immigration lawyer right away.**

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### **Can I help family members get a visa or legal status?**

- **If you are a principal:** Yes. The family members can live in the U. S. or in another country. Sometimes this can include someone who joins your family in the future, like if you get married later. Talk to an immigration lawyer.
- **If you are a derivative:** No. If you become a permanent resident someday, you might be able to help some family members then. Talk to an immigration lawyer.

### **Travel outside the United States now is not a good idea.**

**If possible, stay inside the U.S. until you become a permanent resident.** It is probably not worth the risk to travel.

It is important that you stay in the U.S. for a **continuous period of 3 years** (2019-2022).

### **When can I apply for permanent resident (green card) status?**

You can apply after three years of living in the U.S. in U nonimmigrant status. But you should **start now to get proof together** that you have been living here.

Such proof could include:

- Leases or rental agreements
- Copies of utility bills or other bills
- Check stubs
- Medical records

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- ❖ **Look at your I-94 card to find out when your status started.** If you got U nonimmigrant status while in the U.S., your I-94 card is at the bottom of your approval letter from USCIS. If you came into the U.S. on a U visa, you must print your I-94 card from [U.S. Customs and Border Protection](#).
  - ❖ You can also look at your admission stamp in your passport to find out when your U status started.
  - ❖ If your U nonimmigrant status is approved for less than three years, talk to an immigration lawyer right away.
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## What is my deadline to apply for green card status?

You must apply before your U nonimmigrant status ends.

If you let your U visa expire without applying for residency, you will:

- Lose your legal status in this country
- Lose the chance to become a permanent legal resident
- Risk being deported

## How do I know when my U visa status ends?

**If you were in the U.S. when you got your U nonimmigrant status,** look at your approval letter from USCIS or your work permit. They say when your status ends.

**If you got your U visa outside the U.S.** so you could come to the U.S., your approval letter from USCIS, the U visa in your passport, your admission stamp, your I-94 card, and your work permit say the date your status ends. If the end date on these documents is not the same, talk to an immigration lawyer.

In a few situations, USCIS might give you extra time on your U nonimmigrant status. If you want to ask for extra time, talk to an immigration lawyer.

## What else should I know about becoming a permanent resident?

USCIS grants this status if there are humanitarian grounds to do so, to keep family members together, or if it is in the public interest. **Many things can hurt your chances of becoming a permanent resident.**

These are some examples:

- **Any arrests for any crime**
- Committing crimes
- Using illegal drugs
- Not paying taxes
- Lying to government officials
- Saying you are a U.S. citizen when you are not
- Voting illegally
- Helping others come to the U.S. illegally

You must keep helping police or other government officials investigating or prosecuting the crime that was the reason for your U nonimmigrant status unless it is unreasonable to do so.

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❖ **At the time you apply for permanent resident status, you must have a valid, unexpired passport.** It is your responsibility to renew your passport. You are also responsible for the passports of any family members who received U Visa benefits. Your local consulate has more info.

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**If you are a derivative:** Changes in your life can keep you from becoming a permanent resident. Talk to a lawyer if you are thinking about making big changes.

### Examples:

- If you are married to the principal, getting a divorce could keep you from becoming a permanent resident.

- If you are a child of the principal, getting married could keep you from becoming a permanent resident.

## You should get help applying for permanent resident status.

Talk to an immigration lawyer **before** applying for permanent residency.

## Do I need to tell USCIS if I move?

Yes. You must tell USCIS **every time** you move or change your address. You have ten days to tell them. Use Form AR-11, Change of Address. Read [How to Change Your Address](#).

If you become a U.S. citizen, you can stop sending Form AR-11.

## Get Legal Help

- **Outside King County:** Call the CLEAR Hotline at 1-888-201-1014 weekdays from 9:15 a.m. - 12:15 p.m.
- **In King County:** Call 211 for referral to a legal services provider weekdays from 8:00 am – 6:00 pm.
- **Persons 60 and Over** can call CLEAR\*Sr at 1-888-387-7111 (statewide).
- **Deaf, hard of hearing or speech impaired callers** can call CLEAR or 211 (or toll-free 1-877-211-9274) using a relay service of your choice.
- **Apply online with [CLEAR\\*Online](#) - [nwjustice.org/get-legal-help](http://nwjustice.org/get-legal-help)**

CLEAR and 211 will provide a free interpreter.

## Contact Northwest Immigrant Rights Project:

- **Seattle Office:** Serving Island, King, San Juan, Skagit, Snohomish, and Whatcom counties: 206.587.4009 or 1-800.445.5771

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❖ If you live in King County *or* work or go to school in Seattle, you may be eligible for help through the new Legal Defense Hotline, made possible by the City of Seattle and King County. Call 206.816.3870 to find out.

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- **Tacoma & South Unit (TSU):** Serving Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Kitsap, Lewis, Mason, Pacific, Pierce, Skagit, Skamania, Thurston, and Wahkiakum counties: 206.816.3893 or [TSUintake@nwirp.org](mailto:TSUintake@nwirp.org)
- **Granger Office:** Serving Adams, Asotin, Benton, Columbia, Franklin, Garfield, Kittitas, Klickitat, Yakima, Walla Walla, and Whitman counties: 509.854.2100 or 888.756.3641
- **Wenatchee Office:** Serving Adams, Chelan, Douglas, Ferry, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, and Stevens counties: 509.570.0054 or 866.271.2084

**Northwest Justice Project thanks the Minnesota Legal Services Coalition for allowing us to adapt this fact sheet from their original work, and NWIRP for additional assistance.**

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