

# U Visa Report

## U Visa Demographics

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March 2020

Analysis of Data through FY 2019

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U.S. Citizenship and  
Immigration Services



## Executive Summary

The U visa was established through the passage of the Victims of Trafficking and Violence Protection Act in 2000, as a key tool for law enforcement in the detection, investigation, or prosecution of certain serious criminal activities. The U visa offers protections to victims of qualifying criminal activities (“QCA”) in keeping with the humanitarian interests of the United States. In order to better understand demographic and filing trends for U visa principal petitioners and derivatives, and respond to concerns raised about potential fraud and integrity issues within the U visa program, USCIS systematically collected and analyzed data from both USCIS electronic systems and physical records on U visa principal petitioners and derivatives who filed between Fiscal Years (FY) 2012 and 2018.

## Key Findings

- From FY 2012 through 2018, persons born in Mexico comprised the majority of principal petitioners (68%) and derivatives (63%).
- The share of female principal petitioners has decreased over time, though the percentage of male and female derivatives has remained relatively constant.
- Nearly half (43%) of principal petitioners filed for a derivative.
- USCIS estimates about 13% of principal petitioners and 8% of derivatives were in removal proceedings at the time of filing. Twenty two percent of principal petitioners and 11% of derivatives were previously in removal, exclusion, or deportation proceedings.
- The majority of principal petitioners (79%) and derivatives (65%) reported that they did not have a lawful immigration status at the time of filing.
- The most common ground of inadmissibility USCIS waived while adjudicating principal petitions for U nonimmigrant status was present without admission or parole (79% of approved petitioners). Nearly 20% of principal petitions required a waiver for lacking a valid passport or visa.
- Eighty percent of principal petitions included an application requesting that USCIS waive applicable inadmissibility grounds as initial evidence, as instructed under current regulation.
- Nearly 10% of approved principal petitioners required a waiver for fraud or willful misrepresentation.

## Conclusion

This comprehensive research on key demographic and filing trends will support USCIS in developing data-driven regulatory and policy changes in order to improve the integrity of the U visa program, ensure that the program is following congressional intent, and increase efficiency in processing U visa petitions. By considering these findings when developing policy and regulatory changes, USCIS can reduce frivolous filings, rectify program vulnerabilities, and increase benefit integrity – key components of USCIS’ mission.

## Introduction

Through the passage of the Victims of Trafficking and Violence Protection Act in 2000, Congress created the U nonimmigrant status (also called the “U visa”). The U visa was established as a key tool for law enforcement in the detection, investigation, or prosecution of certain serious criminal activity, and offers protections to victims of qualifying criminal activities (“QCA”) in keeping with the humanitarian interests of the United States. By statute, the number of individuals issued principal U-1 visas or provided principal U-1 nonimmigrant status in any fiscal year cannot exceed 10,000; certain qualifying family members are eligible for a derivative U visa but do not count against the annual cap.

In response to concerns raised about potential fraud and integrity issues within the U visa program, USCIS undertook a research study to systematically collect data from both USCIS electronic systems and physical records on U visa principal petitioners and derivatives. This report is based on the U visa study that USCIS conducted in 2018 and 2019.<sup>1</sup>

Ultimately, this research will inform targeted policy and regulatory changes to improve the integrity of the program by deterring frivolous or fraudulent petitions, reducing the number of pending petitions, and strengthening national security.

## U Visa Overview

In order to be eligible for a U visa, a person must meet certain eligibility requirements. To apply for U nonimmigrant status, petitioners (known as “principal petitioners”) submit Form I-918, Petition for U Nonimmigrant Status (“Form I-918”), along with supporting evidence and any petitions for derivative family members, to USCIS. Through the information provided on Form I-918 and within supporting evidence, the petitioner must establish that he or she: (1) is a victim of a QCA;<sup>2</sup> has suffered substantial physical or mental abuse as a result of having been a victim of the QCA; (3) is able to provide credible and reliable information about the QCA; (4) is being, was, or is likely to be helpful to law enforcement, as reasonably requested, in the detection, investigation or prosecution of the QCA; and (5) is admissible to the United States. For those not admissible, a petitioner may apply for a waiver via Form I-192, Application for Advance Permission to Enter as a Nonimmigrant.

As part of the petition process, the principal petitioner must also file a Form I-918, Supplement B, U Nonimmigrant Status Certification (“Form I-918B”). The Form I-918B (also referred to as the “law enforcement certification”) must be signed by an authorized official of a certifying agency. This official confirms details of the qualifying criminal activity and certifies that the principal petitioner was helpful, is currently being helpful, or will likely be helpful in the detection, investigation, or prosecution of the case. The certifying official may also indicate if the principal petitioner possesses information regarding the QCAs and provide information on any known or documented injury to the victim. Although

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<sup>1</sup> This report and related Technical Appendix are located on [uscis.gov/data](https://uscis.gov/data).

<sup>2</sup> Congress established categories of qualifying criminal activities (QCA); these include: abduction, abusive sexual contact, blackmail, domestic violence, extortion, false imprisonment, felonious assault, female genital mutilation, fraud in foreign labor contracting, hostage, incest, involuntary servitude, kidnapping, manslaughter, murder, obstruction of justice, peonage, perjury, prostitution, rape, sexual assault, sexual exploitation, slave trade, stalking, torture, trafficking, witness tampering, and unlawful criminal restraint. Outside of fraud in foreign labor contracting, these are categories of crime and not specific crimes or citations to a criminal code; various federal, state, and local statutes could fall into these general categories of crime. In addition, a victim may qualify based on an attempt, conspiracy, or solicitation to commit any of the above or substantially similar crimes.

submission of a certified Form I-918B is required, submission of this form alone does not guarantee that USCIS will find the principal petitioner eligible, as USCIS determines the evidentiary value of all evidence submitted, including the Form I-918B.

## Research Methods

USCIS researchers analyzed data housed in the CLAIMS 3 electronic database for all U visa petitioners (including both principals and derivatives) who filed petitions from 2012 through 2018. Additionally, USCIS drew a statistically valid and representative sample of U visa principal petitions submitted between FY 2012 and 2018. USCIS conducted a manual file review and collected data from the U visa petition, the law enforcement certification, and the supplemental evidence submitted by the petitioner. Using these data, USCIS was able to estimate the occurrence of specific petition or petitioner characteristics among all U visa petitioners who filed between FY 2012 and 2018. Lastly, USCIS researchers also conducted semi-structured interviews with more than 20 subject matter experts. For more information on the research methodology and the limits of this analysis, please see the Technical Appendix.

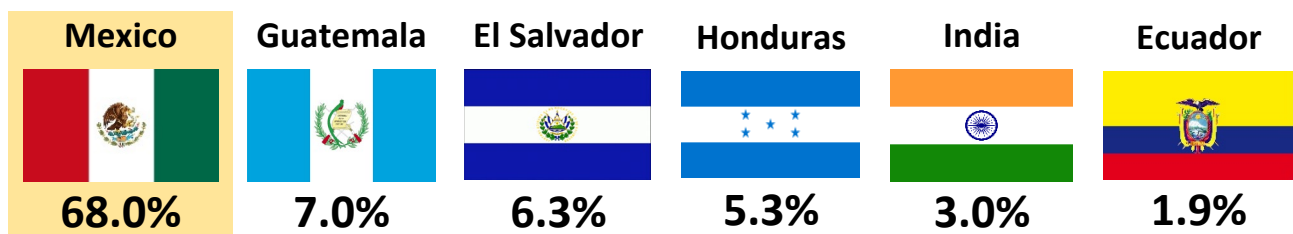
## Findings

### Demographics of Principal Petitioners

#### Country of Birth

Petitioners born in Mexico comprise the largest share of U visa principal petitions (68% from FY 2012 through 2018). Mexico, Guatemala, El Salvador, Honduras, India, and Ecuador comprise the top six countries of birth for principal petitioners. Persons born in these six countries account for 91.5% of petitioners between FY 2012 and 2018.

**Figure 1: Top 6 Countries of Birth of Principal Petitioners, FY 2012-2018**

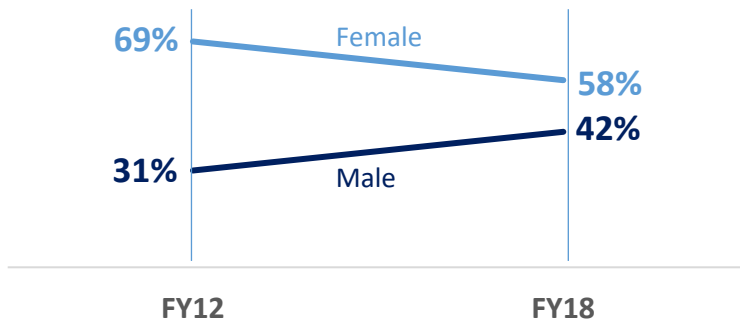


Source: USCIS, CLAIMS 3. Data as of July 2019.

#### Gender

The share of men petitioning for U nonimmigrant status as principal petitioners has steadily increased from about 31% in FY 2012 to about 42% in FY 2018; conversely, the share of female principal petitioners has decreased during this same time period from about 69% in 2012 to about 58% in 2018.

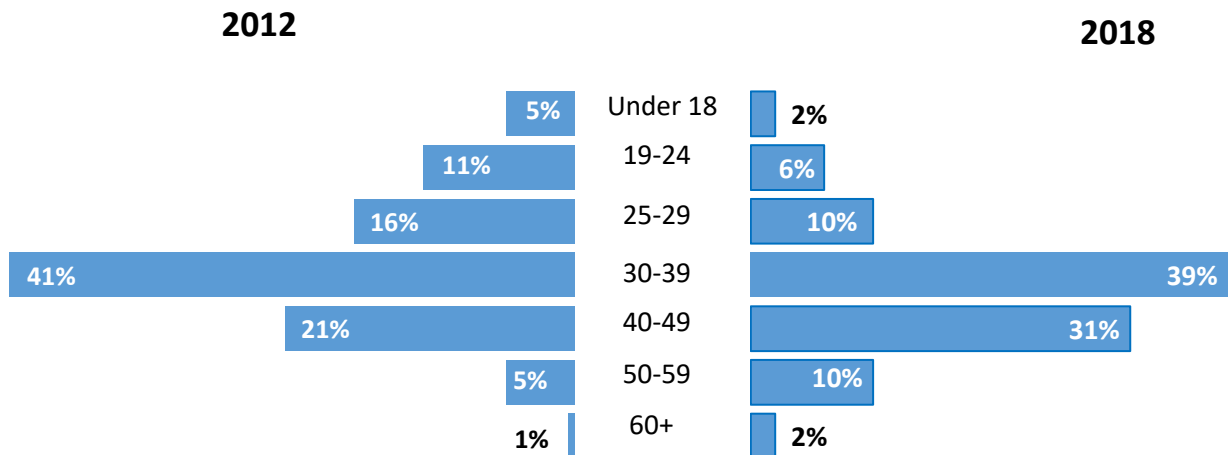
**Figure 2: Percent of Male and Female Principal Petitioners, FY 2012 and 2018**



Source: USCIS, CLAIMS 3. Data as of July 2019.

Principal petitioners 30 to 39 years of age at the time of the petition comprised about 41.5% of all petitioners between FY 2012 to 2018 – the largest share of all age groups (see the appendix for the FY 2012 through 2018 average for all age groups). Figure 11, below, shows the age distribution in FY 2012 and the age distribution in FY 2018. There has been a slight shift over time in the age distribution of petitioners, generally trending older.

**Figure 3: Age of Principal Petitioners, FY 2012 and 2018**



Source: USCIS, CLAIMS 3. Data as of July 2019.

### Marital Status

Like gender, the marital status of principal petitioners has shifted over time. In 2012, fewer principal petitioners were married than in 2018 (43.6% versus 52.2%, respectively). The share of single principal petitioners has dropped from 46.7% in 2012 to 39.4% in 2018.

### Immigration Status at the Time of Filing

Almost 79% of principal petitioners reported that they did not have a lawful immigration status at the time of filing. Almost 14% reported their status as an “overstay” of a previously issued visa, whereas

4.7% reported a lawful status at the time of the petition. USCIS noted that many of the petitioners who had overstayed their status had previously been in H1-B or B-2 status. Also, some petitioners who entered without inspection or overstayed their visa wrote “U visa petitioners” as their status on Form I-918. USCIS also noted that a number of petitioners listed Deferred Action for Childhood Arrivals (DACA) as their self-reported immigration status as principal petitioners or derivatives. (Note: While DACA provides deferred action, it is not a lawful immigration status.) In addition, USCIS noted more than a few derivatives who reported a lawful immigration status having come in as B-2 visa holders while their relatives had a pending principal petition.

**Figure 5: Immigration Status**

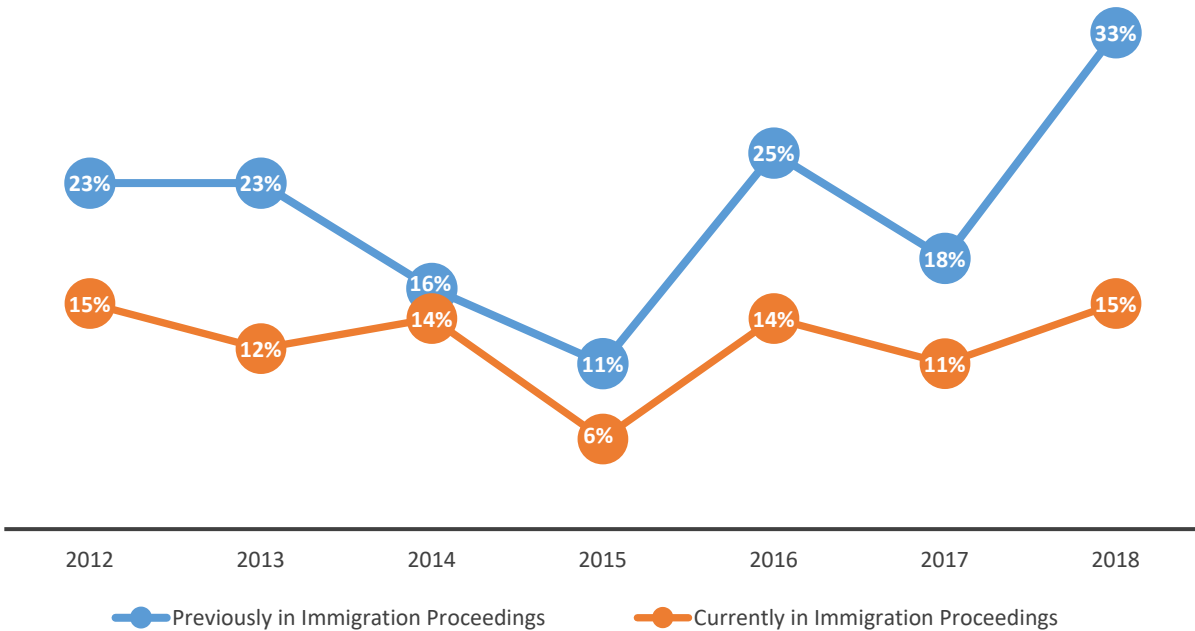


Source: USCIS, Analysis of Alien Files (manual file review).

**Removal Proceedings at the Time of Filing**

From 2012 through 2018, approximately 22% of all principal petitioners reported that they were previously in removal, exclusion, or deportation proceedings and roughly 13% were in removal proceedings at the time of filing. The percent of principal petitioners previously in removal, exclusion, or deportation proceedings has increased over time from 23% in 2012 to 33% in 2018. In contrast, the percent of derivatives who were in removal proceedings at the time of the filing has remained relatively constant over time (around 15% in 2012 as well as 2018).

**Figure 6: Principal Petitioners with Prior or Current Immigration Proceedings at the Time of Filing**

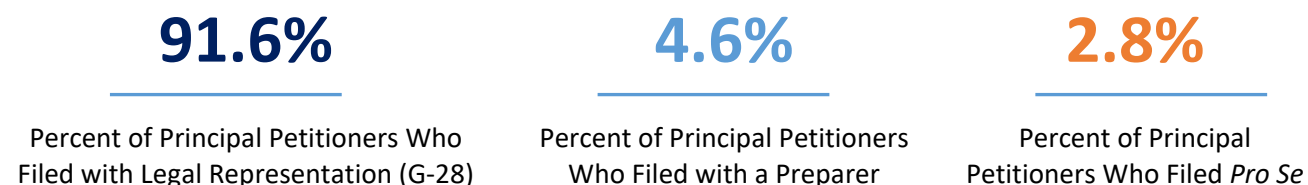


Source: USCIS, Analysis of Alien Files (manual file review).

## Use of Legal Representation

As shown in Figure 7, USCIS estimates that 3% of principal petitioners filed *pro se* (a person filing without the assistance of an attorney or representative) while almost 5% filed with a preparer, and almost 92% filed with legal representation.

**Figure 7: Legal Representation for Principal Petitioners at the Time of Filing**



Source: USCIS, Analysis of Alien Files (manual file review).

## Submission of Form I-192, Application for Advance Permission to Enter as a Nonimmigrant<sup>4</sup>

The majority of principal petitioners (80%) who filed between 2012 and 2018 provided Form I-192 as initial evidence filed concurrently with Form I-918, as instructed under current regulation.

While some petitioners submit narrative statements related to the grounds that they feel they are inadmissible under, others submit considerably less information for USCIS to consider during adjudication of the waiver request. Between 2012 and 2018, roughly 15% of petitioners submitted a “blanket” request. A “blanket” request is broad and intended to cover anything that USCIS notes is a concern when reviewing the petition and associated records. This type of request asks that USCIS waive any grounds that USCIS identifies during the adjudication of the petition versus requesting specific grounds to be waived. Due to the blanket nature of the request, these Form I-192s typically provided minimal to no additional evidence supporting the waiver request. Notably, submissions of “blanket” waivers has increased significantly over time; in 2012, USCIS received approximately 7% of Form I-192s with this type of request. By 2018, this number had risen to roughly 22%.

In the course of the manual file review, researchers did not make a determination regarding whether Form I-192 was necessary for a petitioner to be eligible for the U visa as part of this study. Researchers did not, for example, determine whether a petitioner *should* have submitted the waiver request form when noting that Form I-192 was not submitted with the petition. Consequently, it is not possible to draw generalized conclusions about the approximately 20% of principal petitioners who did not submit the form as initial evidence. Also, the estimate for Requests for Evidence and Notices of Intent to Deny (NOIDs) is for FY 2012 through 2014 only; as noted previously, USCIS adjudicated petitions from mid-2014 at the time of the manual file review, so an estimate could not be provided post-2014.

<sup>4</sup> USCIS was unable to analyze similar data for derivatives due to limited sample size. See the Technical Appendix for more information.

## Inadmissibility among Approved Principal Petitioners

USCIS does not currently electronically capture the inadmissibility grounds waived within the U program. As such, the agency is currently unable to report on, verify, or analyze data related to inadmissibility without a manual file review.<sup>5</sup>

The eight inadmissibility grounds listed below comprise about 90% of all grounds waived in the random file sample reviewed during the study. Of these eight grounds, the vast majority of approved petitioners (79%) required waivers for being present in the United States without admission or parole and nearly 20% required a waiver for lacking proper identification documents. These may be indicators that the U visa program is serving an intended congressional goal – incentivizing undocumented immigrants to collaborate with law enforcement in the detection, investigation, and prosecution of serious crimes.

Notably, nearly 10% of approved principal petitioners required a waiver for fraud or willful misrepresentation. Examples of willful misrepresentation include submission of false documents and inaccurately claiming to have an immigration status to an immigration official.

Six percent of approved principal petitioners received a waiver for smuggling. Smuggling under the Immigration and Nationality Act (INA) includes having knowingly “encouraged, induced, assisted, abetted or aided” another person to enter the United States unlawfully. In the context of this U visa program, anecdotally, smuggling typically involves the petitioner attempting to bring a family member into the U.S. for purposes of family unity.

**Table 1: Most Commonly Approved Waivers of Inadmissibility Grounds for Principal Petitioners, FY 2012-2014**

Statute	Grounds	FY 2012-2014
212(a)(6)(A)(i)	Present without Admission or Parole	<b>79.0%</b>
212(a)(7)(B)(i)(I)	Lack of Valid Passport or Visa	<b>19.4%</b>
212(a)(9)(B)(i)(II)	Unlawful Presence for One Year or More (Triggered After Departure)	<b>10.5%</b>
212(a)(6)(C)(i)	Fraud or Willful Misrepresentation	<b>9.9%</b>
212(a)(9)(C)(i)(I)	Entering or Attempting to Enter Without Admission after Removal or after Having Accrued More than One Year (in the Aggregate) of Unlawful Presence	<b>8.0%</b>
212(a)(9)(A)(i)	Prior Removal	<b>6.4%</b>
212(a)(6)(E)(i)	Smuggling	<b>6.1%</b>
212(a)(9)(C)(i)(II)	Ordered Removed	<b>6.1%</b>

Source: Analysis of Alien Files (manual file review).

Notes: Percentages will not sum to 100% because USCIS approved a waiver for more than one inadmissibility grounds. Only those grounds where USCIS could derive an estimate are presented in the table. Confidence intervals for the estimates in this table can be found in the appendix. At the time of the file review, USCIS was adjudicating petitions received in mid-2014. As such, USCIS is unable to estimate approval of waivers for petitions that remained pending (that is, petitions received after mid-2014).

<sup>5</sup> A request has been made to update CLAIMS 3 so that all inadmissibility grounds waived by an officer are captured electronically, however, it is unclear when this update will occur given other agency priorities and improvement initiatives.

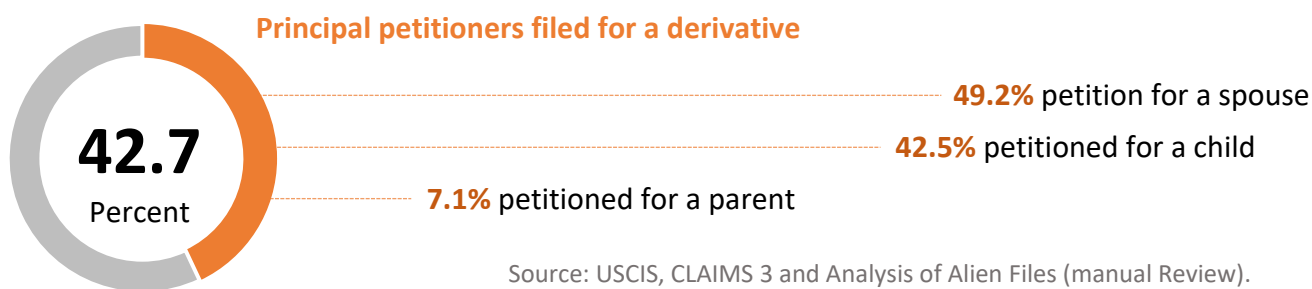


## Principal Petitioners who Petition for Derivatives

In addition to a spouse, a principal petitioner may apply for his or her child (provided they are unmarried and under the age of 21), his or her parent (if principal petitioner is under the age of 21 at the time of the petition), and his or her sibling (provided the sibling is unmarried and under the age of 18 and only when the principal petitioner is under 21 years of age at the time of the petition).

Using data from USCIS electronic sources, researchers determined that 42.7% of principal petitioners filed for a derivative, and on average, petitioners filed for 1.5 derivatives from FY 2008 through 2018. USCIS electronic sources only show the category of derivative (i.e., parent, spouse, or child) once the petition is approved. Because USCIS wanted to understand the categories of relatives principal petitioners were petitioning for (not just those USCIS had approved), researchers included this in the data element in the manual file review. From that review, USCIS estimates that about half of petitions submitted by principal petitioners were for spouses and about 43% were for children; the remaining 7% petitioned for a parent.

**Figure 8: Percent of Principal Petitioners who filed for a Derivative**



Source: USCIS, CLAIMS 3 and Analysis of Alien Files (manual Review).  
Notes: Estimates for the type of derivatives are derived from the manual file review and include only FY 2015 through 2018.

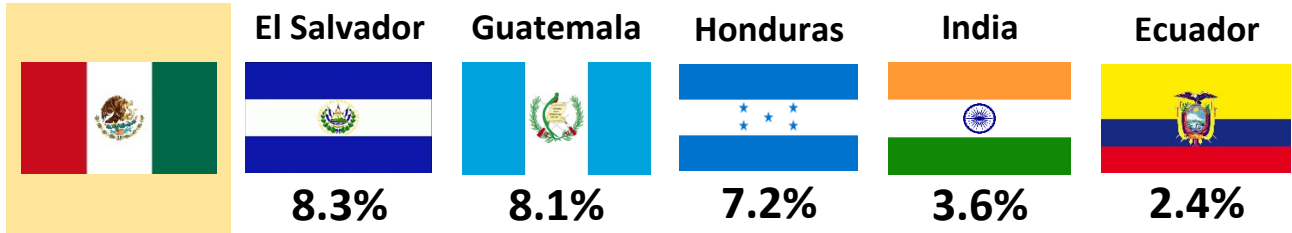
Note: The categories of derivatives above are estimates roughly approximating the proportion of petitions for derivatives received by USCIS, regardless of the adjudicative outcome. It was not possible to provide an estimate for petitions for siblings due to the insufficient representation of this petition type within the random sample. At the time of this research, not all petitions received in FY 2015 were adjudicated; therefore, the percentages of derivatives do not reflect all approved petitions and may change once all the petitions have been adjudicated.

## Demographics of Derivatives

### Country of Birth

Individuals born in Mexico comprise the largest share of U visa derivative petitions (62.9% from FY 2012 through 2018). Mexico, El Salvador, Guatemala, Honduras, India, and Ecuador comprise the top six countries of birth for derivatives. Persons born in these six countries account for 92.5% of petitioners between 2012 and 2018.

**Figure 9: Top 6 Countries of Birth of Derivatives, FY 2012-2018**



Source: USCIS, CLAIMS 3. Data as of July 2019.

**Gender**

Unlike principal petitioners, the share of female and male derivatives has remained steady from 2012 through 2018: 51% female and 49% male.

**Figure 10: Gender of Derivatives, FY 2012 through 2018**

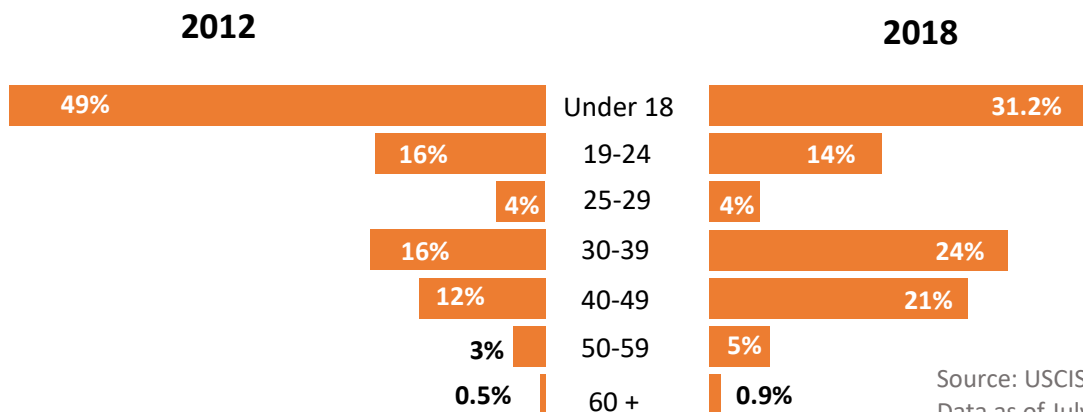


Source: USCIS, CLAIMS 3. Data as of July 2019.

**Age**

From 2012 through 2018, the largest age group for derivatives was under 18 years of age at the time of filing (39% – this percentage is the average from 2012 through 2018). This is in contrast to principal petitioners where the largest age group was between 30 to 39 years of age at the time of filing (about 41.5%) for FY 2012 through 2018. For derivatives, the distribution across age groups has shifted over time: in 2012, about 49% of derivatives were under the age of 18 but in 2018 that percentage declined to about 31%. The percentage of those 30 to 49 years of age at the time of the petition increased from about 28% in 2012 to about 45% in 2018.

**Figure 11: Age of Derivatives, FY 2012 and 2018**



Source: USCIS, CLAIMS3. Data as of July 2019.

## Marital Status

Like principal petitioners, the marital status of derivatives has shifted over time. In 2012, about one-third (35%) of derivatives were married at the time of the petition; in 2018, about 53% were married. Conversely, the share of single petitioners has dropped from about 64% in 2012 to about 46% in 2018.

## Immigration Status and Location

Although we were unable to derive an estimate for derivatives for each fiscal year, across all years (2012-2018), 10.7% of derivatives were previously in immigration proceedings and 8.7% were in immigration proceedings at the time the petition was filed.

Similarly, for self-reported immigration status, USCIS could not derive an estimate for derivatives for each fiscal year. However, across all years (2012-2018), more than 65.5% of derivatives reported their immigration status as “EWI,” 20.3% reported their status as a visa overstay and 10.7% reported a lawful immigration status at the time of filing. Almost 90% of all derivatives were in the United States at the time of filing.

## Conclusion

This comprehensive research on key demographic and filing trends will support USCIS in developing data-driven regulatory and policy changes in order to improve the integrity of the U visa program, ensure that the program is following congressional intent, and increase efficiency in processing U visa petitions. By considering these findings when developing policy and regulatory changes, USCIS can reduce frivolous filings, rectify program vulnerabilities, and increase benefit integrity – key components of USCIS’ mission.