



# Humanitarian Petitions: U Visa Processing Times

*August 12, 2021*

Fiscal Year 2021 Report to Congress



**Homeland  
Security**

*U.S. Citizenship and Immigration Services*

# Message from the Director

August 12, 2021

I am pleased to submit the following report, “Humanitarian Petitions: U Visa Processing Times,” which was prepared by U.S. Citizenship and Immigration Services (USCIS).

This document was compiled pursuant to direction in House Report 116-458, which accompanies the Fiscal Year (FY) 2021 Department of Homeland Security Appropriations Act (P.L. 116-260).

Pursuant to congressional requirements, this report is being provided to the following Members of Congress:

The Honorable Lucille Roybal-Allard  
Chairwoman, House Appropriations Subcommittee on Homeland Security

The Honorable Chuck Fleischmann  
Ranking Member, House Appropriations Subcommittee on Homeland Security

The Honorable Chris Murphy  
Chair, Senate Appropriations Subcommittee on Homeland Security

The Honorable Shelly Moore Capito  
Ranking Member, Senate Appropriations Subcommittee on Homeland Security

If you have any questions, please do not hesitate to contact me at (240) 721-1500.

Sincerely,



Ur M. Jaddou  
Director  
U.S. Citizenship and Immigration Services



# Executive Summary

The U nonimmigrant status (U visa) was created for victims of certain crimes who have suffered mental or physical abuse and who are helpful to law enforcement or government officials in the investigation or prosecution of criminal activity. Congress created the U nonimmigrant visa with the passage of the Victims of Trafficking and Violence Protection Act (including the Battered Immigrant Women's Protection Act) in October 2000. The legislation was intended to strengthen law enforcement agencies' ability to investigate and prosecute cases of domestic violence, sexual assault, trafficking of noncitizens, and other crimes, while also protecting victims of crimes who have suffered substantial mental or physical abuse because of the crime and who are willing to help law enforcement authorities in the investigation or prosecution of the criminal activity. The U visa is a valuable tool that enables law enforcement agencies to combat crimes, including hate crimes, better in their communities.

To petition for U nonimmigrant status, a victim of a qualifying criminal activity must file a Form I-918, Petition for U Nonimmigrant Status, with USCIS. Principal U nonimmigrant petitioners also may petition with USCIS for certain family members (known as derivatives). By statute, no more than 10,000 individuals may be issued U visas or may be provided U nonimmigrant status in any fiscal year.<sup>1</sup> Derivative family members are not subject to the annual cap. From 2007 to June 2021, if the numerical cap had been reached, USCIS would review the petition, and if the petitioner established eligibility for the U nonimmigrant status, USCIS placed the individual on a waiting list. While on the U visa waiting list, principal petitioners and derivative family members residing in the United States would receive deferred action and would be eligible to apply for work authorization.

Processing times for the U program have increased gradually because of an increase in the number of receipts for Form I-918, Petition for U Nonimmigrant Status, and demand surpassing the statutory cap of 10,000 visas. The U program tracks two processing times: the time that it takes from filing with USCIS to being placed on the waiting list and the time that it takes from being placed on the waiting list to receiving an adjudication. In the first quarter of FY 2016, the median processing time from receipt of a U visa principal petition until placement on the waiting list was 10.0 months; the median processing time from waitlist placement until final adjudication was 17.3 months. In the fourth quarter of FY 2020, the median processing time from receipt of a U visa petition until placement on the waiting list was 50.9 months and the processing time from waitlist placement until final adjudication was 10.0 months.

USCIS is bound by the annual limit on the number of U visa petitions that it is allowed to approve each year. However, no such limit exists on placing eligible petitions on the waiting list or on approving an employment authorization. In June 2021, USCIS issued new policy guidance on employment authorization for noncitizens seeking U nonimmigrant status with pending, bona fide petitions. USCIS anticipates that the new bona fide determination process will reduce the amount of time that U visa petitioners living in the United States wait before receiving an initial adjudicative decision from USCIS, and will provide critical benefits to victims with pending

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<sup>1</sup> See Immigration and Nationality Act § 214(p)(2); 8 United States Code (U.S.C.) § 1184(p)(2).

bona fide U visa petitions much sooner than under the current U visa waiting list adjudicative process. Going forward, USCIS will conduct the waiting list adjudication only for those who are not granted employment authorization and deferred action under the bona fide review process.



# Humanitarian Petitions: U Visa Processing Times

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# I. Legislative Language

This report responds to direction set forth in House Report 116-458, which accompanies the Fiscal Year (FY) 2021 Department of Homeland Security Appropriations Act (P.L. 116-260). House Report 116-458 includes the following statement:

*Humanitarian Petitions.*—USCIS is also directed to adjudicate U Visa certification requests within 90 days of submission, and to provide a report not later than 180 days after the date of enactment of this Act that identifies, on a quarterly basis, the average response time for adjudicating U Visa applications for each of the past five fiscal years and describes concrete steps that are being taken to speed the process.

## II. Background

### U Nonimmigrant Status

U nonimmigrant status provides an immigration benefit to certain victims of qualifying crimes who assist law enforcement in the detection, investigation, prosecution, sentencing, or conviction of those crimes. To petition for U nonimmigrant status, a victim of a qualifying criminal activity must file a Form I-918, Petition for U Nonimmigrant Status, with U.S. Citizenship and Immigration Services (USCIS). A petitioner may qualify for U nonimmigrant status by establishing to USCIS that he or she: (1) has suffered substantial physical or mental abuse as a result of having been a victim of a qualifying criminal activity; (2) possesses information concerning the qualifying criminal activity; (3) has been helpful, is being helpful, or is likely to be helpful to law enforcement or other officials in the investigation or prosecution<sup>2</sup> of the qualifying criminal activity; and (4) the qualifying criminal activity occurred in the United States (including Indian country, military installations, possessions, and territories), or violated a U.S. federal law that provides for extraterritorial jurisdiction to prosecute the offense in a U.S. federal court.<sup>3</sup>

U nonimmigrant status is available to certain family members of principal U nonimmigrants (known as derivatives). Principal petitioners who are younger than 21 years of age at the time of filing may petition for derivative U nonimmigrant status for their spouse, children, parents, and unmarried siblings younger than the age of 18. Principal U petitioners who are 21 years of age and older may petition on behalf of their spouse or children.

By statute, no more than 10,000 individuals may be issued U visas or may be provided U nonimmigrant status in any fiscal year.<sup>4</sup> Derivative family members are not subject to the annual cap. From 2007 to June 2021, if the numerical cap had been reached, USCIS would review the petition, and if the petitioner established eligibility for the U nonimmigrant status, USCIS placed the individual on a waiting list. While on the U visa waiting list, principal petitioners and derivative family members residing in the United States would receive deferred action and would be eligible to apply for work authorization.

In June 2021, USCIS issued new policy guidance on employment authorization for noncitizens seeking U nonimmigrant status with pending, bona fide petitions. USCIS anticipates that the new bona fide determination process will reduce the amount of time that U visa petitioners living in the United States wait before receiving an initial adjudicative decision from USCIS, and will provide critical benefits to victims with bona fide pending U visa petitions much sooner than

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<sup>2</sup> The term “investigation or prosecution” encompasses all stages of a qualifying criminal activity investigation: detection, investigation, prosecution, conviction, and sentencing. *See* 8 Code of Federal Regulations (CFR) § 214.14(a)(5).

<sup>3</sup> If the principal petitioner is younger than the age of 16 on the date on which an act constituting an element of the qualifying criminal activity first occurred or is incapacitated or incompetent and, therefore, unable to be helpful, a parent, guardian, or next friend may possess the information about the crime and may be helpful to law enforcement on the petitioner’s behalf. *See* 8 CFR § 214.14(b)(2), (3).

<sup>4</sup> *See* Immigration and Nationality Act (INA) § 214(p)(2); 8 United States Code (U.S.C.) § 1184(p)(2).

under the current U visa waiting list adjudicative process. Going forward, USCIS will conduct the waiting list adjudication only for those who are not granted employment authorization and deferred action under the bona fide review process.



### III. Data Report: U Visa Processing Times

Tables 1 and 2 show the mean and the median processing time (in months), by quarter, for U nonimmigrant petitions that were adjudicated in FY 2016 through FY 2020. Receipts continue to far exceed the statutory cap of 10,000 visas; from FY 2015 through FY 2020, more than 30,000 petitions, on average, were received each year.<sup>5</sup> Petitions that are approvable, but for the cap, are placed on the U visa waiting list until a visa becomes available, at which point they are reviewed and adjudicated.<sup>6</sup> Because of the U visa waiting list process, USCIS shows the mean and median processing times for two distinct phases: (1) for petitions placed on the U visa waiting list, the mean and median processing times from receipt of petitions to waiting list placement; and (2) for petitions that previously were placed on the U visa waiting list, the mean and median processing times from waiting list placement until final adjudication.<sup>7</sup>

Because of the increase in the number of receipts for Form I-918 each year and the statutory annual cap of 10,000 visa approvals, the processing times have increased over time. In the first quarter of FY 2016, the median processing time from receipt of a U visa petition until placement on the waiting list was 10.0 months; the processing time from waitlist placement until final adjudication was 17.3 months. In the fourth quarter of FY 2020, the median processing time from receipt of a U visa petition until placement on the waiting list was 50.9 months, and the processing time from waitlist placement until final adjudication was 10.0 months.

**Table 1: Mean and Median Processing Time from Receipt of U Nonimmigrant Petition (Form I-918) until Waiting List Adjudication and Final Adjudication in FY 2016 – FY 2020<sup>8</sup>**

		Mean	Median	Mean	Median
2016	1	11.9	10.0	16.3	17.3
2016	2	13.4	12.0	18.3	18.8
2016	3	12.8	11.7	20.7	21.7
2016	4	13.5	11.9	23.3	24.2
2017	1	17.1	13.2	20.4	23.3
2017	2	14.3	12.4	23.5	25.3
2017	3	15.0	12.5	23.5	25.7

<sup>5</sup> See USCIS quarterly statistics on I-918 petitions (FY 2009 through FY 2020): [https://www.uscis.gov/sites/default/files/document/reports/I918u\\_visastatistics\\_fy2020\\_qtr4.pdf](https://www.uscis.gov/sites/default/files/document/reports/I918u_visastatistics_fy2020_qtr4.pdf).

<sup>6</sup> See INA § 214(p)(2); 8 U.S.C. § 1184(p)(2); 8 CFR § 214.14(d)(2).

<sup>7</sup> A petition may have been received in a year prior to the one in which the petition was placed on the waiting list or when a final adjudication was rendered.

<sup>8</sup> “Mean Time from Receipt of Petition until Waiting List Adjudication,” “Median Time from Receipt of Petition until Waiting List Adjudication,” “Mean Time from Waiting List Adjudication until Final Adjudication,” and “Median Time from Waiting List Adjudication until Final Adjudication” are calculated using the date of receipt and the date of the most recent adjudicative action. This time may include issuance of Requests for Evidence (RFE) for missing initial evidence or additional evidence and Notices of Intent to Deny (NOID), which permit the petitioner a certain period of time to respond.

**Table 1: Mean and Median Processing Time from Receipt of U Nonimmigrant Petition (Form I-918) until Waiting List Adjudication and Final Adjudication in FY 2016 – FY 2020<sup>8</sup>**

Year	Quarter	Time from Receipt of Petition until Waiting List Adjudication (Months)		Time from Waiting List Adjudication until Final Adjudication (Months)	
		Mean	Median	Mean	Median
2017	4	15.9	13.5	26.8	29.0
2018	1	19.1	14.7	23.7	28.0
2018	2	29.7	30.4	14.1	13.1
2018	3	31.8	31.1	13.3	13.8
2018	4	25.2	27.0	26.0	23.4
2019	1	37.5	38.5	11.9	10.3
2019	2	41.0	43.2	9.9	7.3
2019	3	43.7	44.6	8.6	7.5
2019	4	35.0	37.9	22.4	17.3
2020	1	46.9	48.0	9.7	8.4
2020	2	47.3	48.4	10.3	9.0
2020	3	50.2	50.3	9.1	8.7
2020	4	50.2	50.9	11.5	10.0

Source: USCIS. Data are as of February 2021.

The processing times slightly differ for derivative petitions (see Table 2). Not all principal petitioners submit petitions for U nonimmigrant status for qualifying family members at the same time that they submit their principal petition. Principal petitioners may submit a petition for a qualifying family member by filing a Form I-918 Supplement A, Petition for Qualifying Family Member of U-1 Recipient, any time prior to the adjudication of their principal petition or after their principal petition has been approved. Because not all derivative petitions for U nonimmigrant status are submitted concurrently with the principal petition, the processing times necessarily will be different. In the first quarter of FY 2016, the median processing time from receipt of a U visa petition for a qualifying family member of a principal petitioner until placement on the waiting list was 10.3 months; the processing time from waitlist placement until final adjudication was 16.9 months. In the fourth quarter of FY 2020, the median processing time from receipt of a U visa petition until placement on the waiting list was 50.1 months and the processing time from waitlist placement until final adjudication was 10.8 months.

**Table 2: Mean and Median Time from Receipt of U Nonimmigrant Status for Derivative Petitions (Form I-918A) until Waiting List Adjudication and Final Adjudication in FY 2016 – FY 2020<sup>9</sup>**

Year	Quarter	Time from Receipt of Derivative Petition Until Waiting List Adjudication (Months)		Time from Waiting List Adjudication Until Final Adjudication (Months)	
		Mean	Median	Mean	Median
2016	1	12.1	10.3	16.0	16.9
2016	2	13.2	11.0	18.1	19.4
2016	3	14.1	11.5	19.7	21.6
2016	4	13.0	11.3	23.7	25.3
2017	1	16.8	13.6	20.4	23.1
2017	2	14.7	12.7	23.1	24.9
2017	3	15.6	13.2	22.7	25.0
2017	4	15.1	13.0	27.4	28.7
2018	1	19.2	14.8	23.5	27.7
2018	2	29.1	30.6	14.7	12.9
2018	3	30.3	31.0	14.6	13.8
2018	4	25.7	28.6	23.7	18.8
2019	1	36.6	37.8	12.4	10.8
2019	2	39.2	42.6	11.5	7.8
2019	3	42.2	44.5	9.6	7.6
2019	4	33.4	37.8	24.8	15.8
2020	1	45.4	47.9	10.3	8.3
2020	2	46.9	48.6	10.0	8.6
2020	3	49.8	50.9	8.7	8.0
2020	4	47.1	50.1	13.1	10.8

Source: USCIS. Data are as of February 2021.

<sup>9</sup> “Mean time from receipt of Petition until Waiting List Adjudication,” “Median Time from Receipt of Petition until Waiting List Adjudication,” “Mean Time from Waiting List Adjudication until Final Adjudication,” and “Median Time from Waiting List Adjudication until Final Adjudication” are calculated using the date of receipt and “Action Date In,” which is the most recent adjudicative action. This time may include issuance of RFEs for missing initial evidence or additional evidence and NOIDs, which permit the petitioner a certain period of time to respond.

## IV. USCIS Actions to Reduce Adjudication and Processing Times

- USCIS is limited in how it may influence the amount of time that principal petitioners and derivatives wait for an available visa for numerous reasons, including the statutory cap of 10,000 visas per fiscal year, the thousands of petitions filed over the statutory cap each year, limited resources, and DHS and USCIS agency priorities.
- USCIS continues to train adjudications officers across the Service Center Operations (SCOPS) Directorate to improve the time that it takes to adjudicate petitions for U nonimmigrant status. This unique training ensures that officers understand the dynamics associated with domestic violence and abuse, crime victimization, and human trafficking, as well as the role of immigration relief in victim safety.
- USCIS continues its U visa workshare program, which started in September 2016, between the Vermont Service Center (VSC) Humanitarian Division and the Nebraska Service Center (NSC), demonstrating USCIS's commitment to adjudicate U visa petitions as efficiently as possible with available resources.
- USCIS SCOPS headquarters, VSC, and NSC are in constant contact to ensure consistency in the application of USCIS policy and immigration law in the adjudication of U nonimmigrant petitions.
- VSC and NSC continue to assign applicant service work (e.g., inquiries into the status of a petition) to officers within the unit. Because of health and safety procedures and most employees working remotely because of the Coronavirus Disease 2019 pandemic, the phone hotline is not in operation and only written inquiries can be submitted. USCIS is answering written inquiries within 30 business days.
- In June 2021, USCIS issued new policy guidance on employment authorization for noncitizens seeking U nonimmigrant status with pending bona fide petitions. USCIS anticipates that the new bona fide determination process will reduce the amount of time that U visa petitioners living in the United States wait before receiving an initial adjudicative decision from USCIS, and will provide critical benefits to victims with bona fide pending U visa petitions much sooner than under the current U visa waiting list adjudicative process.

## Appendix: Abbreviations

<b>Abbreviation</b>	<b>Definition</b>
CFR	Code of Federal Regulations
Form I-918	Petition for U Nonimmigrant Status
FY	Fiscal Year
INA	Immigration and Nationality Act
NOID	Notice of Intent to Deny
NSC	Nebraska Service Center
RFE	Request for Evidence
SCOPS	Service Center Operations (Directorate)
U.S.C.	United States Code
USCIS	U.S. Citizenship and Immigration Services
VSC	Vermont Service Center