

U Visa: Created for Victims but Given to Perps

Federal Agency Oversight: [USCIS](#)

Dependents: [U2-5](#)

The Basics:

- The U visa was created for alien victims of “rape, torture, trafficking, incest, domestic violence, sexual assault, abusive sexual contact, prostitution, sexual exploitation, stalking, female genital mutilation, being held hostage, peonage, involuntary servitude, slave trade, kidnapping, abduction, unlawful criminal restraint, false imprisonment, blackmail, extortion, manslaughter, murder, felonious assault, witness tampering, obstruction of justice, perjury, fraud in foreign labor contracting, or attempt, conspiracy, or solicitation to commit any of the above mentioned crimes.”
 - Additionally, the alien must have suffered substantial mental or physical abuse and assist law enforcement in investigating and prosecuting the criminals involved.
- Because eligibility is dependent on [cooperation](#) with law enforcement, aliens must provide certification from a qualified law enforcement official to qualify.
 - There is an annual numerical cap of [10,000](#) for U visas, not including their spouses and minor children.
- U visas are authorized to remain in the United States for a period of four years and may be [authorized for employment](#) at the discretion of USCIS.
 - Aliens with U visas who have been continuously present in the United States for three years are eligible to apply to adjust their status to lawful permanent residence (LPR), along with their spouses and minor children.
 - The spouses and children of U visa-holders are also eligible for employment authorization.

The Problem:

- Significant challenges exist in overseeing the U visa, since eligibility is based on both law enforcement certification and the subjective measure of “significant mental or physical abuse.” It is challenging to determine what constitutes significant harm, and USCIS must defer to local authorities (many of which oppose immigration enforcement) for certification of assistance with investigations.
- The U visa has incentivized fraud in the certification process and in the staging of fake crimes.
 - In 2025, a [U visa fraud scheme](#) in Louisiana was discovered that had been going on for at least 9 years, involving police officers selling certifications for U visas and creating false reports of crimes.



- A scheme in [2020](#) found a Mexican national guilty of helping aliens create false robbery reports and even used a box-cutter to cut them as proof of abuse.
 - Another example of faking robberies for U Visas comes from New York, where Rambhai Patel [staged](#) armed robberies in at least nine convenience stores.
- In 2022, the Department of Homeland Security (DHS) Office of Inspector General (OIG) issued a report entitled, "[USCIS' U Visa Program Is Not Managed Effectively and Is Susceptible to Fraud.](#)"
 - The OIG found that USCIS did not effectively vet law enforcement certifications (deferring to outside organizations for eligibility) and did not track the outcomes of investigations/prosecutions connected with the U visa.
 - The OIG also noted that these were long-standing problems that USCIS had failed to address when flagged in previous reviews of the program.
- In 2016, the Senate and House Judiciary Committee Chairmen [wrote](#): "A law enforcement agency investigating a crime can certify a U visa application if the foreign national cooperates in the investigation. However, recent cases have highlighted how the program is being exploited through falsified police reports and bribes to secure U visas allowing foreign nationals to avoid deportation. According to whistleblowers, such illicit activity to secure U visas is common."
- A study by USCIS in 2020 [found](#): "For persons who filed a U visa petition between FY 2012 through 2018, over one-third (34.7%) of principal petitioners and 17.5% of derivatives had a previous arrest or apprehension for a criminal offense or an immigration-related civil offense."
- Due in significant part to fraud and the ability of aliens to use the U visa process to avoid deportation, the backlog of U visa holders seeking to adjust to LPR status now exceeds 400,000 aliens.

LEGISLATIVE RECOMMENDATION: The U visa has been an unmitigated failure and should be abolished. Fraud in the program is rampant. The fact that aliens are actually staging fake crimes, and that law enforcement officials are selling fraudulent certifications should doom this visa. Moreover, U.S. immigration law already offers an S visa that allows an alien (and the alien's spouse, children, and parents) determined by the Attorney General to be in possession of critical information about a criminal or terrorist organization or enterprise to remain in the United States to assist in the investigation or prosecution. This S visa should be sufficient, if the goal is to ensure the successful application of justice to criminals.

ADMINISTRATIVE RECOMMENDATION: USCIS must take the OIG's recommendations seriously and be more skeptical of law enforcement certifications. The agency must actually track investigations and prosecutions connected to U visa aliens, to ensure the cooperation required by law.