

**From:** U.S. Citizenship and Immigration Services <uscis@public.govdelivery.com>

**Sent:** Monday, June 14, 2021 12:17 PM

**To:**

**Subject:** USCIS Message: USCIS Issues Policy Update to Better Protect Victims of Crime (U Visa Petitioners)



## **USCIS Issues Policy Update to Better Protect Victims of Crime (U Visa Petitioners)**

USCIS is updating the [USCIS Policy Manual](#) to implement a new process, referred to as Bona Fide Determination, which will give victims of crime in the United States access to employment authorization sooner, providing them with stability and better equipping them to cooperate with and assist law enforcement investigations and prosecutions.

Currently, U visa petitioners are waiting approximately five years before receiving a determination that allows them access to an employment authorization document and grant of deferred action. This wait time not only leaves these individuals vulnerable to financial instability and fear of deportation, but it also can disincentivize victims from coming forward and cooperating with law enforcement. Through

this policy update, victims with pending bona fide petitions will receive the stability they need while they work with law enforcement to investigate and prosecute criminal activity. This increase in victim cooperation will further fortify law enforcement's ability to protect and secure communities throughout the United States.

USCIS will now issue employment authorization and grant deferred action for petitioners with pending U visa petitions that USCIS determines are bona fide (made in good faith and without intention of deceit or fraud) and who merit a favorable exercise of discretion.

#### **Bona Fide Determinations**

USCIS will deem a petition bona fide if:

- The principal petitioner properly filed [Form I-918](#), [Form I-918B U Nonimmigrant Status Certification](#);
- The principal petitioner properly filed a personal statement from the petitioner describing the facts of the victimization; and
- The agency received the result of the principal petitioner's biometrics.

USCIS will issue employment authorization and deferred action if, after conducting and reviewing background checks, the agency determines in our discretion that petitioners merit a favorable exercise of discretion and do not pose a risk to national security or public safety.

This guidance is effective immediately and applies to all Form I-918 and Form I-918A petitions that are currently pending or filed on or after June 14, 2021.

This reform is one of a number of initiatives designed to eliminate complex, costly, and unjustified administrative burdens and barriers, and thus to improve our immigration processes.

#### **More Information**

For more information, see the [policy alert](#). For the most current information related to protections for victims of human trafficking and other crimes, visit our [Victims of Human Trafficking and Other Crimes](#) webpage.

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