



News Release

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USCIS PUBLISHES NEW RULE FOR NONIMMIGRANT VICTIMS OF HUMAN TRAFFICKING AND SPECIFIED CRIMINAL ACTIVITY

WASHINGTON – U.S. Citizenship and Immigration Services (USCIS) announced today an interim final rule that will allow “T” and “U” nonimmigrants to adjust their status and become lawful permanent residents. The interim final rule implements the provisions of the Victims of Trafficking and Violence Protection Act of 2000, and will take effect 30 days after publication in the *Federal Register*.

“The action we are taking will further humanitarian interests by protecting victims of human trafficking and victims of other serious crimes,” said USCIS Acting Deputy Director Mike Aytes. “We also believe that law enforcement’s ability to investigate and prosecute crimes is enhanced when we can provide important immigration benefits to victims.”

The “T” visa is a nonimmigrant classification for people who are victims of a severe form of human trafficking. The “U” visa status is a nonimmigrant classification for victims of certain crimes who are willing to assist government officials in the investigation of the criminal activity. In order to apply for an adjustment of status, a nonimmigrant currently within the “U” visa status must have been physically present in the United States for a continuous period of at least three years since the date of admission. Nonimmigrant individuals in the U.S. under a “T” visa status are required to have three years of continuous presence in the United States or a continuous period during an investigation or prosecution of the acts of trafficking. Nonimmigrant individuals holding a “T” visa will also need a certification from the Attorney General stating that the investigation or prosecution is complete.

Both “T” and “U” nonimmigrants must be in valid nonimmigrant status at the time of application. USCIS can adjust the status of up to 5,000 “T” visa holders annually. This cap does not apply to family members of the principal “T” nonimmigrant status holder. There is no numerical cap on adjustment of status for “U” nonimmigrants.

The interim final rule is currently available for public review at www.uscis.gov and has been submitted to the Federal Register for publication. The public may submit comments at www.regulations.gov for 60 days following publication. USCIS will address comments in the final rule.

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