

VAWA, T and U-Visa Immigration Case Processing Times¹

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VAWA Self Petition (citizen abuser) and lawful permanent resident abuser who previously filed a family based petition for the victim (I-130) with current priority date

(Time to prima facie – benefits access = 81days-120 days)

(Time to work authorization = 81 days-120 days)

(Time to ability to file for lawful permanent residency = 441days to 540 days)

- Files VAWA self petition
 - (3-4 weeks)
- Receipt notice
 - (2-3 months)
- Work authorization and prima facie
 - (6-8 months right now can be up to a year)
- Approval or Request for Further Evidence (RFE)
 - 90 days
- Respond to RFE
 - 90 days
- Approval – right to file for lawful permanent residency

VAWA Self Petition (abusive Lawful Permanent Resident spouse)

(Time to prima facie – benefits access = 81days-120 days)

(Time to work authorization = 441days to 540 days)

(Time to approval = 441days to 540 days)

(Time to ability to file for lawful permanent residency = 6+ years to 8+ years)

- Files VAWA self petition
 - (3-4 weeks)
- Receipt notice
 - (2-3 months)
- Prima facie
 - (6-8 months right now can be up to a year)
- Approval or Request for Further Evidence
 - 90 days
- Respond to RFE
 - 90 days
- Approval

¹ Developed for and submitted to the U.S. Department of Housing and Urban Development, Office of Fair Housing by Leslye Orloff, Director, Immigrant Women Program, Legal Momentum

- 5-7 years
- Able to file for lawful permanent residency

U-Visa

(Time to prima facie – not applicable)

(Time to approval and work authorization = 261 days to 455 days or 510 days)

(Time to ability to file for lawful permanent residency = 3 years 8 months to 4 years 5 months)

- File the U-visa
 - (3-4 weeks)
- Receipt notice
 - (2 months)
- Fingerprints appointment
 - (6 months to a year)
- Approval and work authorization or RFE
 - (60 days)
- Respond to RFE
 - (3-6 months)
- Approval
 - (3 years)
- Apply for lawful permanent residency

Trafficking victim Continued Presence

(Time to benefits access = 120 days or longer)

(Time to work authorization = 90 days)

(Time to approval = 90 days)

(Time to ability to file for lawful permanent residency = not applicable)

- Continued Presence application by federal prosecutor
 - 3 months
- Continued presence with notification to ORR and work authorization
 - immediately
- Take the letter of certification to local benefits or refugee resettlement agency and receiving benefits apply for benefits
 - (30 days or longer if unfamiliar with trafficking cases)

T-visa victims who did not have continued presence (all state trafficking prosecutions)

(Time to prima facie – benefits access = 201 days-820 days)

(Time to work authorization = 201 days to 820 days)

(Time to approval = 231 days to 820 days)

(Time to ability to file for lawful permanent residency = 3 years 7 months to 5+ years)

- File the t-visa
 - (3-4 weeks)
- Receipt notice
 - (2 months)

- Fingerprints appointment
 - (4 months to 2 years)
- Approval with work authorization or RFE (with bona fide determination)
 - (60 days)
- Respond to RFE
 - (3-6 months)
- Approval work authorization

VAWA Cancellation of Removal

(Time to prima facie – benefits access = 191 days-311 days)

(Time to work authorization = 191 days-311 days)

(Time to lawful permanent residency = 461 days to 671 days)

- DHS enforcement encounter immigrant victim (Report by abuser, traffic stop, workplace action, report from other source)
 - (within 72 hours)
- DHS issues a Notice to Appear in immigration court
 - (with in days; or could be significant delay or indefinitely)
- DHS files notice to appear with immigration court
 - 30 days
- Master Calendar hearing (list of non-profits)
 - (60-90 days continuance)
- Master Calendar hearing
 - Plead and VAWA cancellation (90-day to 6 months)
- Call up date
 - File with the court the VAWA cancellation application and request for work authorization– Prima facie (could be done at this point)
 - (3-6 months)
- Individual hearing need (more than one hearing)
 - (3-6 months between each hearing)
- Second individual hearing
 - (3-6 months)
- Final hearing award cancellation if the victims wins will receive lawful permanent residency status in court