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**U.S. Immigration
and Customs
Enforcement**

Call 1-866-DHS-2-ICE
Report Crime

ICE FACT SHEETS

Revision of Stay of Removal Request Reviews for U Visa Petitioners

AUGUST 2, 2019

QUESTIONS AND ANSWERS

Q: What has changed?

A: Under ICE Directive 11005.1, ICE was required to request a prima facie determination from USCIS. This determination was a simple confirmation that the petition was filed correctly and was not a substantive review of the petition. As the number of U visa petitions submitted increased, this process became burdensome on both agencies and often did not impact ICE's decisions. Now, under the ICE Directive 11005.2, ICE officers and attorneys will review the totality of the circumstances, including any favorable or adverse factors, and any federal interest(s) implicated and decide whether a Stay of Removal or terminating proceedings is appropriate.

Q: Will the changes negatively affect crime victims?

A: There are a number of features of the new Directive that are clarifying and beneficial to crime victims, including:

- It is ICE policy to comply with applicable law governing U visas and to encourage victims of crime to

work with law enforcement.

- Assistance provided by a U visa petitioner to law enforcement, prosecutors, judges, or other officials in the detection, investigation, prosecution, conviction, or sentencing of criminal activity will generally be considered a significant favorable factor but is not necessarily dispositive.
- It is ICE policy to respect USCIS' grant of deferred action to a U visa waitlisted petitioner. Accordingly, ICE will not remove a U visa petitioner or qualifying family member whom USCIS has placed on the waiting list and granted deferred action unless a new basis for removal has arisen since the date of the waiting list placement or USCIS terminates deferred action.
- It is also permissible for ICE to join a motion to terminate proceedings for petitioners who have been waitlisted or approved.
- Convictions for crimes related to a petitioner's victimization will generally not be considered an adverse factor.
- The fact that a petitioner can continue to pursue a U visa adjudication from outside the United States is not alone a reason for ICE to deny a Stay of Removal request.

Q: Will ICE remove crime victims who are still assisting law enforcement with the investigation or prosecution of their cases?

A: ICE recognizes the significant law enforcement interest in active victim-witnesses remaining in the United States. ICE will exercise its discretion when determining whether to grant a Stay of Removal request based on the totality of circumstances, including consideration of the underlying assistance provided by a U visa petitioner to law enforcement. ICE no longer exempts classes or categories of removable aliens from potential enforcement. The revised guidance also allows for Stay of Removal requests to be granted to U visa petitioners who are assisting ICE investigations.

Q: Do immigration judges issue removal orders to pending U visa petitioners, and if so, what recourse do U visa petitioners have?

A: The U visa regulations do not prevent pending U visa petitioners from being removed. If removed, USCIS will continue to adjudicate the U visa petition. U visa petitioners have all recourse available to them that immigration law permits of anyone else in removal proceedings or with final removal orders.

Q: Why has there been such an exponential increase in U visa petitions from crime victims?

A: The U visa is now better known by immigration attorneys and law enforcement. The U.S. Government made a concerted effort through training and awareness to ensure that law enforcement was aware of this tool to encourage alien victims of crime to come forward.

Q: What happens if ICE removes a U visa petitioner from the United States and that person is then granted a U visa after he/she is already removed?

A: ICE defers to USCIS and the U.S. Department of State.

Q: What is the number of pending applications that end up receiving a U visa?

A: USCIS approves 10,000 principals annually which is the statutory cap.

Q: Will sponsoring law enforcement agencies and prosecuting offices be informed if potential witnesses are subject to removal?

A: ICE will follow routine notification procedures prior to effectuating the removal of a U visa petitioner whose request for a Stay of Removal has been denied. In the event that ICE denies a Stay of Removal request, ICE will reach out to the investigating agency and provide notification that the petitioner is being removed.

Q: If ICE determines that a U visa petitioner’s Stay of Removal request will be granted, will that determination extend to qualifying family members who are included with the petition?

A: Yes, ICE Directive 11005.2 includes qualifying family members. Per statute and regulation, certain family members of a U visa petitioner may also apply.

Q: Why doesn’t ICE comment on specific cases involving U visas?

A: Government officials, including those at ICE, are prohibited from disclosing any information which relates to an individual who has a pending or approved application for relief under 8 U.S.C. § 1367 (i.e., relief under the Violence Against Women Act, T or U visa). The broad language of this statute prohibits not only the disclosure of information relating to the individual’s application or claim, but any other information about the individual. Therefore, no information may be released at all – either proactively or in response to a request. These restrictions extend to family members who are included on the individual’s application.

Revision of Stay of Removal Request Reviews for U Visa Petitioners

Enforcement and Removal

287(g)

Delegation of Immigration Authority Section 287(g) Immigration and Nationality Act

Allows a state and local law enforcement entity to enter into a partnership with ICE, under a joint MOA to receive delegated authority.

Updated Facts on ICE's 287(g) Program

In 2009, ICE revised the 287(g) delegated authority program.

Detention Management

Family Residential Standards

ERO opened the Berks Family Residential Center to accommodate alien families in ICE custody.

South Texas Family Residential Center

The South Texas Family Residential Center (STFRC) is located in Dillev. TX.

The South Texas Family Residential Center (STFRC) is located in Dilley, TX.

Enforcement and Removal Operations

Case examples: ICE operations targeting criminal aliens

Data captured from July 13 to Aug. 20, 2020, shows that ICE officers arrested more than 2,000 at-large individuals living illegally in the U.S.

ICE Air Operations Fact Sheet

IAO is the air transportation arm of ICE

ICE Detention Standards

ICE further revised its detention standards in 2011

Joint Memorandum: Civil Immigration Enforcement Actions at or near Courthouses

On April 27, 2021, Acting Director of ICE Tae Johnson and Acting CBP Commissioner Troy Miller issued an interim memorandum to ICE and CBP personnel pertaining to the limited circumstances in which civil immigration enforcement actions may be carried out in or near a courthouse.

Migrant Protection Protocols (MPP)

These memorandums provide guidance to U.S. Immigration and Customs Enforcement about its role in the implementation of the MPP.

ODLS Brochures

ODLS Brochures

Revised Parole Policy for Arriving Aliens with Credible Fear Claims

Aliens who arrive in the US at a POE and are found to have a credible fear of persecution or torture will automatically be considered for parole.

Revision of Stay of Removal Request Reviews for U Visa Petitioners

Q&A: Revision of Stay of Removal Request Reviews for U Visa Petitioners

Homeland Security Investigations

Financial Crimes/Cornerstone

Operation Firewall

Targets the full array of methods used to smuggle bulk cash.

Human Smuggling & Trafficking Unit

"Operation In Plain Sight" - Targeting Arizona Smuggling Organizations

'Operation In Plain Sight', named as such because of the brazen nature of the transportation companies' activities

DHS Blue Campaign

ICE continues to enhance its TIP Strategy and plays a key role in DHS's anti-human trafficking initiative, the Blue Campaign.

Human Trafficking and Smuggling

The US is a destination country for thousands of men, women, and children trafficked from all areas of the world.

Law Enforcement Officer Mission Support

Immigration and Customs Enforcement Pattern Analysis and Information Collection System (ICEPIC)

ICEPIC helps to identify suspicious identities and discovers possible non-obvious relationships among individuals and organizations.

National Intellectual Property Rights (IPR) Coordination Center

Homeland Security Investigations at Super Bowl LV

HSI personnel will be on the front lines of the interagency effort to mitigate the threat posed by criminal organizations seeking to exploit and profit from criminal activity conducted in and around the Super Bowl - from the identification and seizure of counterfeit goods to enhanced efforts to counter human trafficking.

Intellectual Property Right Theft Enforcement Teams

IPTETs build on the investigative best practices identified by the IPR Center

National Intellectual Property Rights Coordination Center

The IPR Center stops predatory and unfair trade practices that threaten the global economy.

Operation Apothecary

Combats pharmaceutical smuggling

Operation Guardian

Combats the importation of substandard tainted, and counterfeit products that pose health and safety risks to consumers

Operation In Our Sites

The IPR Center and its partner agencies aggressively pursue those who steal from American businesses and workers.

Operation Pangea

Uses enforcement actions to raise awareness of the dangers posed by counterfeit medicines and medical devices being sold on the Internet

Outreach & Training

IPR Center's Outreach & Training Unit engages in partnerships to combat IP theft through it's Operation Joint Venture initiative

National Security

Counter-Proliferation Investigations

Notable ICE Counter-Proliferation Investigations Cases

Human Rights Violators Investigations

Human rights violators frequently seek to evade justice by seeking shelter in the United States.

Terrorism-Related Threats and ICE's Authority

Success Stories – ICE uses Immigration and Customs Authorities to Address National Security threats.

Operation Predator

Operation Predator - Targeting child exploitation and sexual crimes

Each year, millions of children fall prey to sexual predators.

Smuggling - Arms, Contraband, Cultural Artifacts

Cultural Property, Art and Antiquities Investigations

ICE works with experts to authenticate items, determine their true ownership and return them to their countries of origin.

ICE Shadow Wolves

A tactical patrol unit based on the Tohono O'odham Nation in southern Arizona

In-Bond Merchandise Diversion Smuggling

In-bond smuggling occurs when someone knowingly avoids paying lawful customs charges or duties on imported or exported merchandise.

World War II Cultural Artifact Cases

Investigating & returning looted or lost cultural heritage properties is an important part of ICE's diverse mission.

Student Exchange and Visitor Program

F and M Student Record Termination Reasons in SEVIS

This job aid is a quick-reference for termination reasons noted in SEVIS.

Worksite Enforcement

Form I-9 Inspection Overview

The Immigration Reform and Control Act designates the I-9 form as the means of verifying identity and employment eligibility.

Management and Administration

Chief Financial Officer - Management and Budget

Budget - Fiscal Year 2005

Budget - Fiscal Year 2005

Budget - Fiscal Year 2006

Budget - Fiscal Year 2006

Budget - Fiscal Year 2007

Budget - Fiscal Year 2007

Budget - Fiscal Year 2008

Budget - Fiscal Year 2008

Budget - Fiscal Year 2009

Budget - Fiscal Year 2009

Budget - Fiscal Year 2010

ICE's Fiscal Year 2010 budget figures in key categories

ICE Fiscal Year (FY) 2011 Enacted Budget

ICE Fiscal Year (FY) 2011 Enacted Budget

ICE Fiscal Year (FY) 2012 Enacted Budget

ICE Fiscal Year (FY) 2012 Enacted Budget


Office of Human Capital - Careers


Student Volunteer Program

The Student Volunteer Program offers unpaid, professional training opportunities to undergraduate and graduate college students.

Updated: 01/07/2021


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 500 12th St SW
Washington, DC 20536

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