



# U VISA LAW ENFORCEMENT RESOURCE GUIDE

For Federal, State, Local, Tribal and Territorial  
Law Enforcement, Prosecutors, Judges and  
other Government Agencies



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**U.S. Citizenship  
and Immigration  
Services**

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## PROMOTING A VICTIM-CENTERED APPROACH

DHS strives to use a trauma-informed, victim-centered approach to combat serious crime.

This approach includes practices to minimize victimization and additional trauma, and equally values:

- The identification and stabilization of victims, including providing immigration relief, and
- The detection, investigation, and prosecution of perpetrators of serious crimes.

Noncitizens who have been victimized often:

- Distrust law enforcement, and fear arrest and deportation;
- Fear for themselves and family members;
- Worry about immediate needs (food, shelter, family);
- Have medical needs, including psychological support;
- Are confused about the U visa process; and
- May face language and cultural barriers.

When encountering a noncitizen victim, it is critical to develop rapport and establish trust by:

- Connecting the victim to a victim assistance specialist who can connect the victim to support services;
- Explaining your role, answering their questions, and addressing their fears and urgent needs;
- Being sensitive to cultural differences and language barriers and using a competent interpreter when needed;
- Conducting interviews in a neutral location, only after the victim's urgent needs have been met; and
- Being patient and giving the victim time to stabilize.

For more information and strategies for implementing a victim-centered approach, go to:

<https://www.dhs.gov/blue-campaign/victim-centered-approach>.

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# QUICK REFERENCE GUIDE FOR CERTIFYING AGENCIES

## Why is the U Visa Important?

- Strengthens law enforcement's ability to detect, investigate, and prosecute crimes
- Offers protections to noncitizen victims of qualifying crimes in keeping with U.S. humanitarian interests

## What does a U visa provide?

- Lawful status for up to 4 years
- Employment authorization (Work permit)
- May provide lawful status to qualifying family members

## What are the requirements for a U visa?

- » The petitioner:
  - Was a victim of a qualifying criminal activity, that occurred in the U.S. or violated U.S. law;
  - Has specific, credible, and reliable information about the qualifying crime;
  - Was, is being, or is likely to be helpful to the certifying agency in the detection, investigation, prosecution, conviction, or sentencing of the qualifying crime;
  - Suffered substantial physical or mental abuse as a result of the qualifying crime; and
  - Is admissible to the United States.

## What are the benefits of completing the Form I-918B?

- Part of a victim-centered approach
- Creates trust within your community
- Encourages others to report serious crimes

## What is the certifying agency's role in the U visa process?

- Detects, investigates, and/or prosecutes qualifying crime(s), or convicts or sentences the perpetrator of the qualifying crime(s)
- Completes and signs Form I-918B
- Confirms victim is complying with reasonable requests for assistance

## What does "helpful to law enforcement or a certifying agency" mean?

- The victim has *been*, is *being*, or is *likely to be* helpful to law enforcement, prosecutors, judges, or other government officials in the investigation or prosecution of the qualifying criminal activity of which they were a victim.
- Includes detection, conviction, or sentencing of the qualifying criminal activity they were a victim of.
- A current investigation, the filing of charges, a prosecution, or a conviction are not required to sign the law enforcement certification.

## Who can complete the Form I-918B?

- Any federal, state, tribal, territorial, or local law enforcement agency, prosecutor, judge, or other authority that has responsibility to detect, investigate, or prosecute the qualifying criminal activity, or convict or sentence the perpetrator.
- Agencies with criminal investigative jurisdiction, such as child and adult protective services, the Equal Employment Opportunity Commission, and federal and state Departments of Labor.

## WHAT ARE THE GENERAL CRIME CATEGORIES THAT QUALIFY THE VICTIM FOR A U VISA?

- Abduction
- Abusive Sexual Contact
- Blackmail
- Domestic Violence
- Extortion
- False Imprisonment
- Felonious Assault
- Female Genital Mutilation
- Fraud in Foreign Labor Contracting
- Hostage
- Incest
- Involuntary Servitude
- Kidnapping
- Manslaughter
- Murder
- Obstruction of Justice
- Peonage
- Perjury
- Prostitution
- Rape
- Sexual Assault
- Sexual Exploitation
- Slave Trade Stalking
- Torture
- Trafficking
- Witness Tampering
- Unlawful Criminal Restraint

*Any similar activity in which the nature and elements of the criminal offenses are substantially similar to the list above. **Includes:** Attempt, conspiracy, or solicitation to commit these crimes.*

» Have Questions?

» Need help with the Supplement B?

**Call the U and T Visa Hotline for Certifying Agency Inquiries:**

**(240) 721-3333** *This line is for certifying agencies only*



**U.S. Citizenship  
and Immigration  
Services**

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*The information provided in this Guide is intended for general educational purposes only. It is not intended to provide legal advice. The information in this Guide may or may not apply to individual circumstances. Readers should review local policies and seek legal counsel regarding any specific applications of federal and state laws. This Guide supersedes all previous versions of the U and U/T Visa Law Enforcement Resource Guides. There is a separate [U Visa Law Enforcement Resource Guide](#).*

# INTRODUCTION

As part of the Victims of Trafficking and Violence Prevention Act of 2000, Congress created specific immigration benefits, including U nonimmigrant status (also known as the “U visa”) for noncitizen victims of certain crimes. In creating the U visa, Congress recognized that people without lawful immigration status can be vulnerable to victimization, and may be reluctant to help in the detection, investigation, or prosecution of criminal activity due to:

- » fear of removal from the United States,<sup>1</sup>
- » trauma suffered as a result of the crime they experienced, and
- » general mistrust of law enforcement.

U.S. Citizenship and Immigration Services (USCIS) is the federal agency within the Department of Homeland Security (DHS) that adjudicates immigration and citizenship benefits and has jurisdiction to determine who is eligible for a U visa.

The U visa was designed with **the dual purpose of protecting noncitizen victims of serious crimes and promoting cooperation between law enforcement and victims by:**

- Strengthening law enforcement’s ability to detect, investigate, and prosecute serious crimes, such as domestic violence, sexual assault, and human trafficking;
- Encouraging victims to report crimes committed against them and participate in the investigation and prosecution of those crimes, even if victims lack lawful immigration status;
- Bolstering relationships between law enforcement and noncitizens, which leads to safer communities as a whole; and
- Offering protections to victims of certain crimes by allowing them to temporarily remain and work in the U.S., generally for 4 years.

## Purpose of this Guide:

USCIS has developed this Guide as a resource for certifying agencies, including federal, state, local, tribal and territorial law enforcement agencies, prosecutors, judges, and other government officials who have important roles in identifying and assisting victims, and stakeholders. This Guide makes references to law enforcement agencies throughout when describing the roles of certifying officials in the U visa process. These references to law enforcement agencies include all potential certifying agencies.

This Guide provides information about the U visa, including:

- The U visa law enforcement certification;
- Best practices for certifying agencies and officials;
- Answers to frequently asked questions; and
- Contact information for DHS personnel on U visa issues.

1. See VTVPA, Pub. L. No. 106-386, 1502(a)(3), 114 Stat. 1464-1548 (2000)

## ROLES AND RESPONSIBILITIES

The victim, the certifying agency, and USCIS each have different roles and responsibilities related to U visas.

### VICTIM

- Provides information to the certifying agency to assist with the detection, investigation, or prosecution of qualifying crime(s), or the conviction, or sentencing of the perpetrator.
- Is available to be helpful in the detection, investigation and/or prosecution of a qualifying crime(s), when reasonably requested and there is an ongoing need.<sup>2</sup>
- Submits the Petition for U Visa (Form I-918) with the required Form I-918 Supplement B, U Visa Certification (Form I-918B), to USCIS.

### CERTIFYING AGENCY

- Detects, investigates, and/or prosecutes allegations of qualifying crimes, including the conviction, or sentencing of the perpetrator.
- Determines, within the certifying agency's discretion, whether to complete and sign Form I-918B, in accordance with the agency's procedures and designated signing authority.
- Confirms to USCIS that the victim is complying with reasonable requests for assistance.

### USCIS

- Determines eligibility for U visas.
- Communicates, as needed, with law enforcement to confirm information provided on Form I-918B, and any other evidence submitted with a U visa petition.
- Provides U nonimmigrant status to eligible victims.

2. See the discussion regarding helpfulness on page 8 of this Guide as well as within Federal Register DHS Docket No. USCIS-2006-0069 (<https://www.federalregister.gov/documents/2007/09/17/E7-17807/new-classification-for-victims-of-criminal-activity-eligibility-for-u-nonimmigrant-status>).

# FORM I-918B CERTIFICATION BASICS

- » For up-to-date USCIS U visa policies, forms, and instructions, see the [U Nonimmigrant Status](#)<sup>3</sup> page.
- » The [Information for Law Enforcement Agencies and Judges](#)<sup>4</sup> page is another helpful resource.

## PARTICIPATION BY CERTIFYING AGENCIES

Certifying agencies play a key role in the U visa program. They are often in the best position to provide information about the reported qualifying crime(s) and the victim’s helpfulness, as they are frequently the first to encounter victims. Form I-918B<sup>5</sup> is a required piece of evidence victims submit to USCIS to establish eligibility for U nonimmigrant status. This certification is completed and signed by law enforcement, or the certifying agency involved in the detection, investigation, or prosecution of the criminal activity, but is submitted by the victim with their petition for U nonimmigrant status. Such agencies may include state and local agencies that enforce relevant labor and employment laws (when such violations are also qualifying criminal activities). Completing Form I-918B does not automatically guarantee eligibility for a U visa. In determining a victim’s eligibility, USCIS will carefully examine all the evidence provided in a U visa petition, including Form I-918B and any attached records.

**Answer Questions Completely:** USCIS encourages you to answer all form questions as completely as possible. If there is missing information, the victim may ask that you complete Form I-918B a second time with more information due to a request from USCIS for additional information.

**Signing Authority:** The head of the certifying agency has the authority to sign certifications or to delegate authority to other agency officials in a supervisory role to sign certifications.<sup>6</sup> Federal, state, local, tribal, or territorial judges have direct authority to sign and may not delegate that authority. Judges may sign certifications based on a review of court records involving the victim. A judge may sign the certification based on having conducted the sentencing in a criminal case. A judge may also sign based on having detected a qualifying crime during a proceeding (criminal or civil) over which they presided.

**Timing:** USCIS must receive the U visa petition **within 6 months** of the date the certifying official signed Form I-918B. If USCIS receives the U visa petition from the petitioner or their attorney more than six months after the Form I-918B was signed and dated, the Form I-918B will have expired and will not be accepted. In these situations, the petitioner or their attorney will need to obtain a newly signed and dated Form I-918B from the certifying agency.

### Certifying Agencies

The following types of agencies can certify Form I-918B:

- Any federal, state, tribal, territorial, or local law enforcement office or agency, prosecutor, judge, or other authority that has the responsibility to detect, investigate, or prosecute the qualifying criminal activity, or convict or sentence the perpetrator.
- Agencies with criminal investigative jurisdiction, such as child and adult protective services, the Equal Employment Opportunity Commission, and federal and state Departments of Labor.

3. <https://www.uscis.gov/humanitarian/victims-human-trafficking-other-crimes/victims-criminal-activity-u-nonimmigrant-status/victims-criminal-activity-u-nonimmigrant-status>

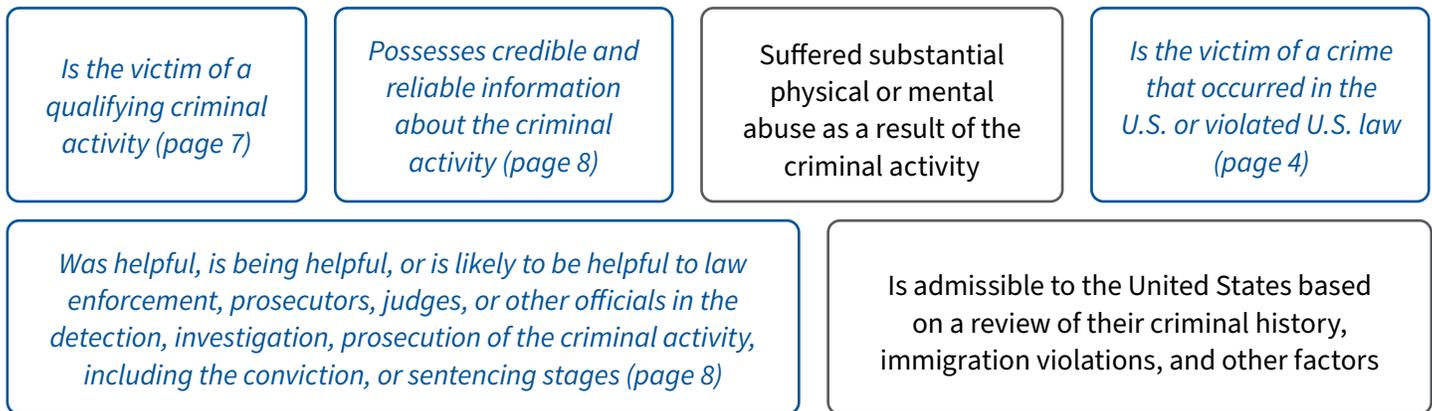
4. <https://www.uscis.gov/tools/resources/information-law-enforcement-agencies-and-judges>

5. The terms “Form I-918B”, “U Visa Certification”, “certification,” and “law enforcement certification” will be used interchangeably throughout this Guide and all refer to the same document.

6. See 8 CFR 214.14(c)(2)(i).

# ELIGIBILITY REQUIREMENTS

USCIS finds a victim eligible for a U visa if the person:<sup>7</sup>



This guide will discuss the eligibility requirements *italicized and highlighted in blue* more thoroughly, as the law enforcement declaration focuses on these areas.

## Defining Qualifying Criminal Activities

Congress established the qualifying criminal activities<sup>8</sup> listed below for the U visa. These are general categories, and not specific crimes or citations to a criminal code. The one exception is “Fraud in Foreign Labor Contracting,”<sup>9</sup> which is a specifically cited federal offense. The criminal activity must have occurred in the U.S., its territories, or possessions, or have violated U.S. law.<sup>10</sup> A victim may also qualify based on an attempt, conspiracy, or solicitation to commit any of the below qualifying criminal activities.

- » Abduction
- » Abusive Sexual Contact
- » Blackmail
- » Domestic Violence
- » Extortion
- » False Imprisonment
- » Felonious Assault
- » Female Genital Mutilation
- » Fraud in Foreign Labor Contracting
- » Hostage
- » Incest
- » Involuntary Servitude
- » Kidnapping
- » Manslaughter
- » Murder
- » Obstruction of Justice
- » Peonage
- » Perjury
- » Prostitution
- » Rape
- » Sexual Assault
- » Sexual Exploitation
- » Slave Trade
- » Stalking
- » Torture
- » Trafficking
- » Witness Tampering
- » Unlawful Criminal Restraint

Various federal, state, and local statutes may contain specific crimes that fall into these more general categories. For example, child abuse and elder abuse could be considered forms of domestic violence if the perpetrator/victim relationship and the abuse experienced by the child, incompetent or incapacitated adult, or senior meets the statutory elements of domestic violence under relevant statutes.

In the case of witness tampering, obstruction of justice, or perjury, a person may be considered a victim of these crimes if they can reasonably demonstrate that the perpetrator principally committed the offense to avoid or frustrate efforts to investigate, arrest, prosecute, or otherwise bring the perpetrator to justice, or to further their abuse, exploitation of, or control over the person through manipulation of the legal system.<sup>11</sup>

7. See Immigration and Nationality Act (INA) 101(a)(15)(U)(iii), 8 U.S. Code (U.S.C.) 1101(a)(15)(U)(iii).

8. See INA 101(a)(15)(U)(iii), 8 U.S.C. 1101(a)(15)(U)(iii)

9. See 18 U.S.C. 1351.

10. See 8 CFR 214.14(a)(11).

11. See 8 CFR 214.14(a)(14)(ii).

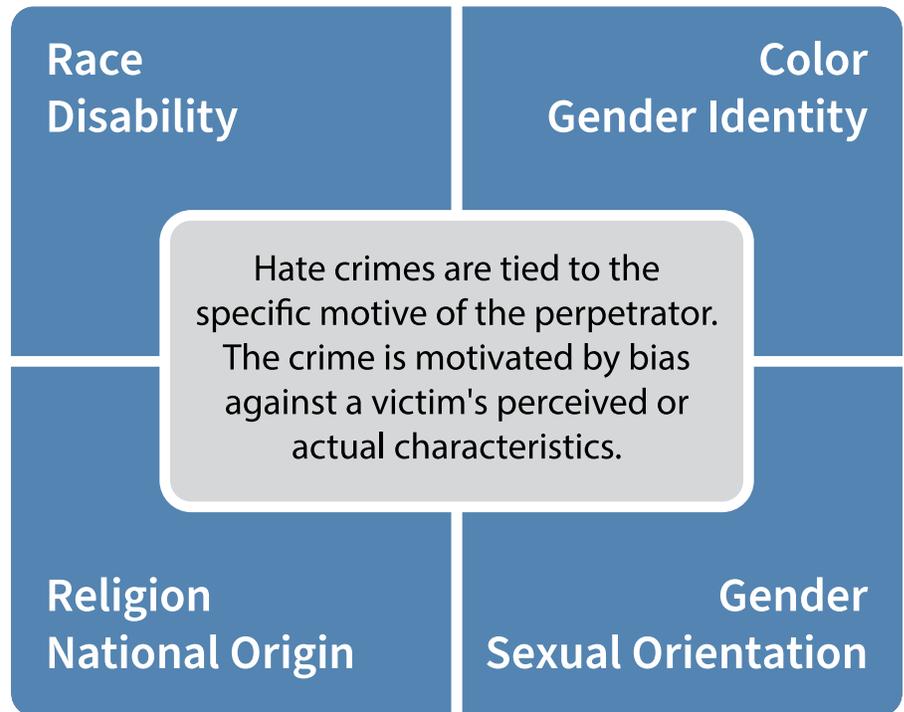
## Similar Criminal Activities May Qualify

There are a wide variety of state criminal statutes in which criminal activity may be named differently than criminal activity found on the statutory list of qualifying criminal activities for the U visa, but the nature and elements of those activities are comparable. As such, a victim may also qualify for a U Visa if the crime detected, investigated, or prosecuted by a certifying agency involves activity where the nature and elements of the crime are substantially similar to a qualifying crime listed on page 4.

To determine whether the crime qualifies, USCIS considers information and other documentation provided by a certifying agency, such as police reports, charging documents, etc. (if available) regarding the criminal activity that occurred and the statutory violation that it detected, investigated, or prosecuted. USCIS determines whether the crime is substantially similar to a qualifying criminal activity based on the totality of the evidence.

For example, a victim of a hate crime may be eligible for a U visa if the nature and elements of the crime are substantially similar to the categories of crime listed on page 4. Certifications may be based on violations of federal or state hate crime laws.<sup>12</sup>

Additionally, aggravated robbery and robbery, which are not specifically listed as qualifying criminal activities, could nevertheless be considered substantially similar to the qualifying criminal activity of felonious assault, depending on state robbery statutes and evidence of the crime that law enforcement detected, investigated, or prosecuted. Where the state aggravated robbery statute includes assault with a deadly weapon, assault with a threat to cause serious bodily injury, or otherwise includes what could be considered a felonious assault under applicable state law, and law enforcement records of the offense show that such an assault actually occurred, USCIS may determine that aggravated robbery is substantially similar to the qualifying criminal activity of felonious assault.<sup>13</sup>



12. For more information, visit <https://www.justice.gov/hatecrimes/learn-about-hate-crimes>.

13. If the applicable state felony assault statute requires a distinct aggravating factor not included within the aggravated robbery statute of the same state (for example, assault against a specific age or class of people) and no such factor is present, then the crime would generally not be considered substantially similar to felonious assault.

## DOCUMENTING CRIMES INVESTIGATED AND/OR PROSECUTED<sup>14</sup>

Provide the dates on which the criminal activity occurred.

2.a. Date (mm/dd/yyyy)

2.b. Date (mm/dd/yyyy)

2.c. Date (mm/dd/yyyy)

2.d. Date (mm/dd/yyyy)

3. List the statutory citations for the criminal activity being investigated or prosecuted, or that was investigated or prosecuted.

Briefly describe the criminal activity being investigated and/or prosecuted and the involvement of the petitioner named in Part I. Attach copies of all relevant reports and findings.

Jurisdictions use different terms for criminal activity. Each jurisdiction's crime definitions may also include slightly different elements. As such, it is important that you list accurate and precise citations for any crimes you detected, investigated, or prosecuted. For family court cases, list the criminal code section(s) that apply to the facts found by the court in the case, reflecting the qualifying criminal activity detected. The initiation of a criminal case is not required to establish eligibility for a U visa.

USCIS will examine which qualifying crime(s) you have indicated were detected, investigated, or prosecuted on Form I-918B (more than one qualifying crime may apply) and analyze whether the nature and elements of the crime(s) listed in the statutory citations section are substantially similar.

### PEOPLE CULPABLE FOR THE QUALIFYING CRIME(S) ARE NOT ELIGIBLE

A person is not eligible for a U visa if they are culpable for the qualifying crime(s) being investigated or prosecuted.<sup>15</sup> If you believe a person requesting a certification is or may be culpable, you, as the certifying official, may still complete a certification for a victim, and note your concerns about culpability on the form for USCIS to consider. USCIS will determine the person's eligibility for a U visa.

**Note:** Victims of domestic violence may be accused of committing domestic violence themselves by their abusers as part of the abuser's attempts to assert power and control over the victim. When evidence suggests these allegations were fabricated by the victim's abuser, they do not preclude you, the certifying official, from completing a certification for the victim, or preclude the victim from qualifying for U nonimmigrant status.

14. The Form I-918B screenshots depicted in this Guide are from Version 04/30/2021. **Note:** USCIS forms are periodically revised. Check the USCIS website ([www.uscis.gov](http://www.uscis.gov)) to ensure that you are certifying the current version of the form.

15. See 8 CFR 214.14(a)(14)(iii).

## VICTIM OF A QUALIFYING CRIMINAL ACTIVITY

Various people may request certification as a victim, including direct victims and indirect victims.

### DIRECT VICTIMS

The person against whom the crime was perpetrated and who has suffered direct and proximate harm as a result of the commission of qualifying criminal activity. Bystanders who suffer an unusually direct injury as a result of a qualifying crime may also qualify.

### INDIRECT VICTIMS

A person may be eligible as an indirect victim if the following requirements are met:

- » The person must have a qualifying family relationship to the direct victim:
  - If the direct victim is age 21 or older at the time the qualifying crime was committed, their spouse and unmarried children under age 21 may qualify.
  - If the direct victim is under age 21 at the time the qualifying crime was committed, their spouse, unmarried children under age 21, parents, and unmarried siblings under age 18 may qualify.<sup>16</sup>
- » The direct victim is unable to assist law enforcement because they are:
  - *Deceased* due to murder or manslaughter; or
  - *Incompetent or incapacitated*, including due to injury, trauma, or age.<sup>17</sup>
- » The indirect victim must meet all other eligibility requirements for U nonimmigrant status.

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**Note:** Certifying officials may sign Form I-918B for a noncitizen family member as the indirect victim regardless of whether the direct victim is a U.S. citizen or a noncitizen (such as a noncitizen parent of a U.S. citizen child who is the direct victim).

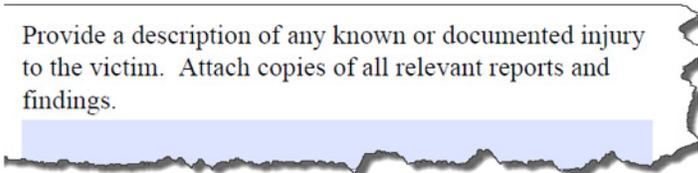
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## VICTIM MUST HAVE SUFFERED SUBSTANTIAL PHYSICAL OR MENTAL ABUSE

As the certifying official, you should provide information about any known or observed physical or mental harm or abuse sustained by the victim. Indicate whether the victim received any medical care to treat their injuries.

USCIS encourages you to attach supplemental documentation related to any injuries sustained (for example, police reports).

USCIS is responsible for determining whether a person meets this eligibility requirement. USCIS will consider all supporting evidence the certifying agency provides when determining whether a person is eligible for U nonimmigrant status and may request additional information before adjudicating the petition.



Provide a description of any known or documented injury to the victim. Attach copies of all relevant reports and findings.

16. USCIS considers the age of the direct victim at the time the qualifying crime(s) occurred.

17. For example, USCIS may consider a 13-year-old U.S. citizen direct victim to be incompetent or incapacitated due to age, and therefore the parent may assist on the victim's behalf and may be eligible for a U visa as an indirect victim, if the parent meets all other requirements.

## **VICTIM MUST POSSESS CREDIBLE AND RELIABLE INFORMATION**

A victim must possess credible and reliable information, including specific facts about the qualifying criminal activity(ies) or events leading up to the victimization. However, when a victim is under 16 years of age on the date the qualifying criminal activity occurred, or a victim is incapacitated or incompetent, a parent, guardian, or next friend<sup>18</sup> may provide information on their behalf.

## **A VICTIM'S RESPONSIBILITY TO ASSIST**

A victim seeking a U visa must provide ongoing assistance with the investigation or prosecution related to the qualifying crime(s) when reasonably requested, including after reporting a crime and after the certifying agency signs Form I-918B. This responsibility continues even after the U nonimmigrant status is granted to the victim. A victim applying for lawful permanent residence based on a U visa will have to show that they did not unreasonably refuse to comply with requests for assistance.

## **VICTIM WAS “HELPFUL” IN THE INVESTIGATION OR PROSECUTION**

Your agency can certify a Form I-918B based on past helpfulness, present helpfulness, or the likelihood of a victim's future helpfulness. By signing the form, you are certifying that the victim has been, is being, or is likely to be helpful to law enforcement, prosecutors, judges, or other government officials in the detection, investigation, or prosecution of the qualifying criminal activity of which they were a victim. Federal U visa regulations do not set a specific statute of limitations for signing the Form I-918B. The key is the victim's helpfulness, not the timing of the helpfulness.

A parent, guardian, or next friend may also provide the required assistance if the victim is under 16 years of age or incapacitated or incompetent and therefore unable to be helpful in the investigation.

There is no requirement that you sign the certification at a specific stage of the investigation or prosecution (for example, active/open or closed) or that the investigation or prosecution result in a specific outcome (for example, the perpetrator was charged, arrested, or convicted). There is no requirement that an investigation or prosecution be initiated or completed after the victim reports the crime and makes themselves available to reasonable requests for assistance. The initiation or progress of an investigation or prosecution is outside of the victim's control.

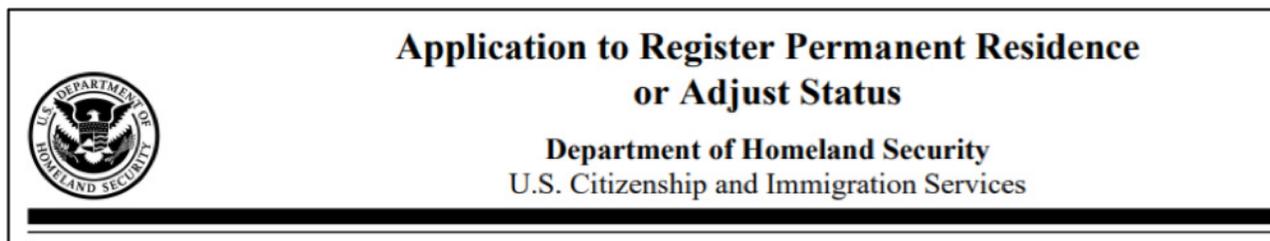
In determining whether the victim is, has been, or will be helpful, USCIS considers the facts of each case, including:

- The level of assistance that law enforcement requests of the victim;
- The victim's responsiveness to requests from law enforcement for assistance; and
- The victim's individual circumstances (such as age/maturity, trauma, etc.).

18. A “next friend” is defined at 8 CFR 214.14(a)(7) as a person who appears in a lawsuit to act for the benefit of a victim who is under the age of 16, or is incapacitated or incompetent, who has suffered substantial physical or mental abuse as a result of being a victim of a qualifying criminal activity. The next friend is not a party to a legal proceeding and is not appointed as a guardian. A next friend does not qualify for a U visa or any immigration benefit, but may provide helpful information about the criminal activity(ies).

## FUTURE CERTIFICATION REQUESTS FROM THE VICTIM

If your agency signed a U visa certification, the victim may request your support in the future when adjusting their status by filing an application to become a lawful permanent resident (also known as a “Green Card” application).



To be eligible for lawful permanent residence, the victim must demonstrate that they did not unreasonably refuse to comply with requests for assistance in the investigation or prosecution since receiving a U visa. While a new Form I-918B or similar documentation from your agency is not required, it can help the victim meet their evidentiary burden. There is no federal requirement that a case must have progressed to a certain stage (for example, prosecution or conviction) prior to re-certification. Support for a victim’s adjustment of status application may be provided even if the case never resulted in a criminal prosecution. Providing this second certification will help the victim apply for adjustment of status—a crucial step in a noncitizen’s path to citizenship.

To certify the victim’s helpfulness at this stage, certifying officials have three options:

- Complete a new Form I-918B;
- Provide a signed letter of support (preferably on official agency letterhead), including the certifier’s badge/ identification number, if applicable; or
- Re-sign and newly date a copy of the previously certified Form I-918B.

# TOP SIX

## THINGS TO KNOW ABOUT FORM I-918B



### Serves as Required Evidence for Victims

Victims must file Form I-918B with Form I-918. Signing strengthens your certifying agency's ability to detect, investigate, and prosecute serious crimes. Your certifying agency should exercise this discretion on a case-by-case basis consistent with U.S. and state laws and regulations, as well as the internal policies of your certifying agency. However, under federal law, there is no obligation to complete and sign Form I-918B.

1

2

### Signing Means Attesting to the Facts

By signing the certification, you are stating:

- The person is a victim of a qualifying criminal activity;
- Whether the person has been, is being, or is likely to be helpful in the detection, investigation, or prosecution of the qualifying criminal activity (or is exempt), and has complied with all reasonable requests for assistance;
- The information listed on the form is accurate to the best of your knowledge; and
- You have direct knowledge of the information listed or have reviewed relevant records.

**Note:** Form I-918B must include the certifying official's **original signature**.

3

### Who Completes the Form Matters

The certifying agency – not the victim, nor their attorney or representative – should complete Form I-918B. Additionally, only sign Form I-918B if:

- You are the head of your agency, or in a supervisory role, and your agency has designated you a “certifying official”; or
- You are a federal, state, local, tribal, or territorial judge.

4

### Investigation and Prosecution is Not Required

Whether a crime is investigated or prosecuted depends on many factors outside of the victim's control. If your agency has identified a person as a victim of a qualifying crime, you can choose to complete and sign the Form I-918B. There is no requirement that an investigation or prosecution be initiated or completed after the victim reports the crime and makes themselves available to reasonable requests for assistance.

5

### Signing Does Not Grant Immigration Status

Your agency is not responsible for determining whether a person is eligible for an immigration status; this is the responsibility of USCIS.

USCIS will review the entire file, including the Form I-918B you signed and any other evidence you provided. USCIS also evaluates the victim's criminal history, but it does not automatically render a victim ineligible.

6

### A Certification Has a 6-Month Validity Period

A victim must submit their U visa petition within 6 months of the date the Form I-918B was signed. Once received and accepted by USCIS, the signed law enforcement certification does not expire.

# BEST PRACTICES

## FOR CERTIFYING AGENCIES AND OFFICIALS



### ESTABLISH AND PERIODICALLY UPDATE LOCAL PROCEDURES AND/OR POLICIES

Certifying agencies are not required to have an internal policy or procedure before they can sign a U visa certification. However, USCIS encourages you to develop a policy and train relevant personnel in your agency on that policy to promote consistency and transparency and improve the quality of certifications. Some examples of topics to cover in a certifying agency's internal policy could include:

- Expectations regarding attaching relevant police reports and other documentation regarding the victimization and the victim to Form I-918B;
- Procedures regarding the agency's verification of the qualifying criminal activity, victimization, and the victim's helpfulness in the detection, investigation, prosecution, conviction or sentencing related to the qualifying criminal activity;
- Procedures to safeguard against fraud, such as centralizing final review of certifications, especially in agencies where there are multiple certifying officials, to promote consistency before they are returned to the victim;
- Procedures for handling future requests for a new or re-signed Form I-918B;
- Establishing general expectations around anticipated response timeframes; and
- Processes for increasing transparency of the agency's certification policies (if any) to the public.

### KEEP RECORDS OF SIGNED FORMS

Throughout the adjudicative process, USCIS may reach out to the certifying official or certifying agency to verify information on a signed Form I-918B. To increase the ease of responding and to provide your own internal data analytics, your agency may find it useful to create and maintain a searchable database or other mechanism to track certification requests and create a historical record of certifications. Some agencies find it useful to include a specific identifier on each page of the form that corresponds to information in the database. For example, a certifying agency could use a meaningful combination of numbers and letters to easily track the signed forms.

**Note:** Any database should comply with applicable state and federal privacy and confidentiality requirements. DHS, Department of State, and Department of Justice databases should ensure compliance with privacy and confidentiality protections provided by 8 U.S.C. § 1367 and 8 CFR 214.14(e)(2).

### USCIS VERIFIES PROPER SIGNING AUTHORITY - UPDATE USCIS WHEN SIGNING AUTHORITY CHANGES

For U visas, you can assist with this effort by updating USCIS when your certifying agency adds or removes a certifying official by emailing a copy of a signed letter from the head of your agency delegating certifying authority to [LawEnforcement\\_UTVAWA.VSC@USCIS.dhs.gov](mailto:LawEnforcement_UTVAWA.VSC@USCIS.dhs.gov).

### PROVIDE SPECIFIC DETAILS

USCIS carefully considers the information you provide on Form I-918B. Be as specific and detailed as possible when answering the form questions.

**Note:** Completing the Form I-918B does not automatically confer eligibility for a U visa. USCIS will assess eligibility by examining all the evidence provided by the victim in their complete U visa petition, including the information you provide on the form as well as supplemental evidence provided by the victim.

## **ATTACH ADDITIONAL RELEVANT DOCUMENTS – AND NOTE ON FORM I-918B**

If available, provide additional relevant documents (for example, a copy of the police report or court order, judicial findings, additional statements, photos, etc.) along with the signed form. If you provide additional documents, please note on the form itself what is being provided in case the documents and the form are accidentally separated in transit to USCIS.

## **VERIFY ALL INFORMATION ON THE FORM PRIOR TO SIGNING**

Your agency should fully complete the certification form. Prior to signing Form I-918B, ensure that all information is complete and accurate.

## **PROVIDE AN ORIGINAL INK SIGNATURE**

You must provide an original signature on Form I-918B.

## **RETURN THE FORM TO THE VICTIM**

You should return the signed Form I-918B to the victim; certifying officials should not send the signed form separately to USCIS. The victim is required to submit the original, photocopy, fax, or scan of the signed certification to USCIS when filing their completed U visa petition.

USCIS suggests the following best practices for certifying officials:

First, make two copies of the original completed and signed Form I-918 B and any supporting documents. Keep one copy for your records. Give the other copy to the victim.

Second, if possible, prepare the original completed and signed Form I-918 B for submission to USCIS by the victim:

1. Place the Form I-918 B and any supporting documentation into an envelope;
2. Seal the envelope;
3. On the front, write in capital letters: “DO NOT OPEN. FOR USCIS USE ONLY;”
4. On the back, write your initials across the seal where the flap meets the envelope;
5. Seal the entire flap with clear tape. Make sure the tape covers your initials as well as the flap; and
6. Give the sealed envelope to the petitioner for submission with their Form I-918.

USCIS’ fraud detection units investigate cases where there is suspicion of fraud and work with other Federal, State, and local law enforcement agencies where fraud is suspected. If USCIS suspects fraud in a U visa petition or Form I-918B, USCIS may reach out to the certifying agency and request further information. Furthermore, USCIS may contact certifying agencies to confirm the accuracy and source of the information submitted to USCIS on Form I-918B.

# ANSWERS

## TO QUESTIONS FREQUENTLY ASKED BY CERTIFYING OFFICIALS



### **WHO DECIDES WHETHER A VICTIM SHOULD APPLY FOR A U VISA?**

A victim makes this decision. Neither USCIS nor the certifying agency determines whether a victim should apply for a U visa.

### **HOW MAY SIGNING A U VISA CERTIFICATION BENEFIT MY AGENCY?**

Signing may strengthen your agency's ability to detect, investigate, and prosecute serious crimes and may encourage victims to report crimes committed against them and to participate in the investigation and prosecution of those crimes. These actions bolster relationships between law enforcement and the communities they protect and make communities safer as a whole.

### **HOW DOES USCIS DETERMINE WHETHER SOMEONE IS ELIGIBLE FOR A U VISA?**

Based on a review of the complete petition, USCIS examines the totality of the evidence and circumstances of each individual case. USCIS considers many factors when determining eligibility (see page 4 for eligibility requirements), including the signed Form I-918B, and conducting a full background check, which includes an FBI fingerprint check, a Name/Date of Birth search in federal databases, and immigration status checks.

### **CAN I CERTIFY FORM I-918B IF A PROSECUTION HAS NOT OCCURRED?**

Yes. The decision to complete Form I-918B is within your agency's discretion. However, as a certifying official, you may sign a Form I-918B regardless of the status or stage of the investigation or prosecution. Charges do not have to be filed, nor does an investigation or prosecution need to be open or completed at the time a certification is signed. For example, a victim may establish eligibility for a U visa if the certifying agency detected the qualifying crime based on the information provided by the victim.

### **CAN I COMPLETE A CERTIFICATION IF THE CRIMINAL ACTIVITY OCCURRED OUTSIDE THE JURISDICTION MY LEA OPERATES IN?**

Yes. In certain circumstances, LEAs may have the authority to detect, investigate, or prosecute qualifying criminal activity occurring outside of their jurisdiction. Victims may also choose to report the criminal activity outside of the jurisdiction where it occurred for a variety of reasons. While the criminal activity does not need to have occurred within the jurisdiction of the LEA, the certifying agency completing Form I-918B should provide information about how the certifying official detected or investigated the criminal activity. LEAs may also provide any available information about why the victim sought a certification outside of the jurisdiction where the criminal activity occurred. This can include information provided by the victim about lingering trauma, relocation to escape a perpetrator, fear, lack of experience with local law enforcement, or referral from other LEAs.

### **CAN I CERTIFY A FORM FOR A VICTIM WHO IS NO LONGER IN THE U.S.?**

For U visa eligibility, the qualifying criminal activity must have occurred in the U.S., its territories, or possessions, or have violated U.S. law. However, victims do not need to be present in the U.S. in order to be eligible for a U visa and may apply when outside of the country.

## **CAN I APPLY FOR CONTINUED PRESENCE FOR THE VICTIM IF THEY ALSO HAVE A PENDING U VISA PETITION?**

Yes. Filing for Continued Presence (CP) utilizes the victim-centered approach and allows for the support and stabilization of the victim while their I-918B is being processed by USCIS. CP also helps build rapport and establish trust between you and the victim. See the CCHT Continued Presence Resource Guide for law enforcement agencies and civil attorneys: [www.ice.gov/doclib/human-trafficking/ccht/continuedPresenceToolkit.pdf](http://www.ice.gov/doclib/human-trafficking/ccht/continuedPresenceToolkit.pdf).

## **WHY IS A VICTIM REQUESTING ANOTHER CERTIFICATION WHEN MY AGENCY PREVIOUSLY PROVIDED ONE?**

Completing another certification is always at the discretion of the certifying agency. However, there are a few circumstances that may warrant a new certification. Victims applying for a U visa must submit Form I-918B within six months after it is signed by a certifying official. If the Form I-918B expired before the victim was able to file a petition or application with USCIS, they would require a new form. The certifying agency has the option of printing the previous version of the Form I-918B, signing and dating it with the new date, or completing a new version of Form I-918B. This is an instance where it may be helpful to retain copies of Form I-918B that your agency has completed for your records. When completing a new form, please ensure you have [the current version](#) of the form and sign it with a new date. Victims may also request another Form I-918B if the original form was incomplete or when significant additional information regarding the detection, investigation, or prosecution, the victimization, and/or the victim's helpfulness becomes available.

Additionally, if a victim applies for lawful permanent residence (also known as a Green Card), they must demonstrate they did not unreasonably refuse to comply with requests for assistance since receiving a U visa. As evidence of this, the victim may request a newly signed Form I-918B, or other signed document from your agency. There is no federal requirement that a case must have progressed to a certain stage (for example, prosecution or conviction) prior to re-certification.

## **CAN I SAY “NO” TO REQUESTS FOR CERTIFICATION?**

While there are no federal requirements to certify, please refer to your state's laws regarding certifications. The decision whether to complete Form I-918B is at the discretion of the certifying agency. However, if the victim's U visa petition does not include a completed Form I-918B, the victim will be ineligible for U nonimmigrant status.

## **CAN AGENCIES WORKING WITH DHS UNDER THE 287(G) PROGRAM CERTIFY?**

Law enforcement agencies may sign Form I-918B regardless of whether they have a Memorandum of Understanding with DHS under the 287(g) program.

## **WHEN CERTIFYING FOR AN INDIRECT U VISA VICTIM, WHOSE NAME SHOULD I LIST ON THE FORM – THE DIRECT VICTIM OR THE INDIRECT VICTIM (FAMILY MEMBER)?**

Always list the name of the person for whom you are certifying in Part 1 (“Victim Information”) of Form I-918B. When certifying Form I-918B for an indirect victim, include that person's name and other details in Part 1 of the form. Do not put the direct victim's name in Part 1 when certifying for an indirect victim. Record the direct victim's name elsewhere in the document. ([See form instructions.](#))

## **HOW DO I TERMINATE, WITHDRAW, OR REVOKE A CERTIFICATION?**

Certifying agencies play an important role in supporting the integrity of the U visa program by providing information to USCIS, including (but not limited to):

- Notifying USCIS when a victim refuses or fails to provide assistance when reasonably requested;
- Informing USCIS of any known criminal activity; and
- Alerting USCIS of any suspected fraud.

To terminate, withdraw, or revoke a certification, the certifying official should contact USCIS by emailing [LawEnforcement\\_UTVAWA.VSC@uscis.dhs.gov](mailto:LawEnforcement_UTVAWA.VSC@uscis.dhs.gov). This request should include:

- The certifying agency's name and contact information;
- Victim's name and date of birth;
- Victim's alien registration number (A-number), if known;
- Name of person who signed certification and the date it was signed;
- The reason the agency is withdrawing/disavowing the certification;
- Signature and title of official withdrawing/disavowing; and
- A copy of original certification attached, if available.

Additionally, if USCIS suspects fraud in a U visa petition, USCIS may reach out to the certifying agency and request further information. USCIS may also contact certifying agencies to confirm the accuracy and source of the information submitted to USCIS on Form I-918B.

USCIS' fraud detection units investigate cases where there is suspicion of fraud and work with other federal, state, and local law enforcement agencies when fraud or abuse of the program is discovered.

### **CAN I RUN CHECKS SUCH AS NATIONAL CRIME INFORMATION CENTER (NCIC) ON THOSE ASKING FOR A CERTIFICATION?**

USCIS does not require certifying agencies to run background or criminal history checks on people asking for a certification. However, prior to signing Form I-918B, certifying agencies may choose to run background and criminal history checks on people asking for a certification, consistent with their legal authority under federal, state, and local law. The fact that a victim has a criminal history does not automatically preclude approval of a U visa petition.

### **HOW DOES USCIS CONSIDER CRIMINAL HISTORY WHEN DETERMINING ELIGIBILITY FOR A U VISA?**

Prior to approving or denying a U visa petition, USCIS evaluates each petition on a case-by-case basis. USCIS reviews all available information concerning arrests, immigration violations, criminal activities, and security issues before making a final decision. USCIS runs background and security checks for principal petitioners and all qualifying family members. This includes fingerprint checks, Name/Date of Birth search in federal databases, and immigration status checks. USCIS takes into account whether there is a nexus between a victim's criminal behavior and their victimization. USCIS also carefully considers any evidence of rehabilitation that the victim provides with their U visa petition. USCIS considers the facts of each case separately when determining whether a person is eligible for U nonimmigrant status.

If a certifying official believes USCIS should know something particular about a victim's criminal history, this information can be included on the certification or with an attached report or statement.

The fact that a victim has a criminal history does not automatically preclude approval of the U visa petition. However, in most cases, a person will not be able to meet the statutory requirements for approval of a U visa petition if they have a serious or violent criminal record. USCIS also generally will not approve a petition if the victim was complicit or culpable in the qualifying criminal activity of which they claim to be a victim.

### **MAY I TYPE MY RESPONSE TO FORM I-918B?**

You may either type or write your response to Form I-918B, except for the signature, **which must be original and signed by hand**. Please ensure answers are legible.

## **WHICH OFFICIALS MEET THE DEFINITION OF A JUDGE FOR U VISA CERTIFICATION PURPOSES?**

Any official with delegated authority from a federal, state, local, tribal or territorial court to preside over or decide cases including but not limited to: administrative law judges, commissioners, magistrates, aldermen, judicial referees, surrogates, masters, and chancellors.

## **WHAT TRAINING OPPORTUNITIES ARE AVAILABLE FOR CERTIFYING OFFICIALS?**

USCIS provides webinar trainings for law enforcement officials. Contact [T.U.VAWATraining@uscis.dhs.gov](mailto:T.U.VAWATraining@uscis.dhs.gov) to find out information on the next webinar for law enforcement officials. Live, on-site trainings may also be available upon request.

## **HOW DOES USCIS DETERMINE IF THE "SUBSTANTIAL PHYSICAL OR MENTAL ABUSE" REQUIREMENT HAS BEEN MET?**

USCIS will make the determination as to whether the victim has met the “substantial physical or mental abuse” standard on a case-by-case basis during its adjudication of the U visa petition. Certifying agencies and officials may provide any information they deem relevant regarding injuries or abuse on the Form I-918B. If the certifying official has documentary evidence of injuries to the victim, the severity of the perpetrator’s conduct, or the emotional impact on the victim’s mental health as affected by the criminal activity, it is helpful to attach any relevant evidence of these facts, such as, photographs, police reports, findings, or court orders. While USCIS will consider any evidence of substantial physical or mental abuse provided by the certifying agency, the victim has the burden of establishing that they meet the substantial physical or mental abuse requirement. The determination of what evidence is credible and the weight to be given to that evidence is within the sole discretion of USCIS.

Some factors that USCIS uses to make this determination are:

- The nature of the injury inflicted;
- The severity of the perpetrator’s conduct;
- The severity of the harm suffered;
- The duration of the infliction of the harm; and
- The extent to which there is permanent or serious harm to the appearance, health, or physical or mental soundness of the victim.

# MORE RESOURCES

## FOR CERTIFYING AGENCIES AND OFFICIALS



### ICE Homeland Security Investigations (HSI)

This investigative branch of DHS participates in over 120 human trafficking task forces across the country.

[www.ice.gov/contact/hsi/](http://www.ice.gov/contact/hsi/)

866-872-4973 or [victimassistance.ice@ice.dhs.gov](mailto:victimassistance.ice@ice.dhs.gov)

For human trafficking investigations with a transnational nexus, contact your local HSI office or the HSI tip line at 866-347-2423 (866-DHS-2-ICE).

### DHS Center for Countering Human Trafficking (CCHT)

The CCHT is the first unified, intercomponent coordination center for countering human trafficking and the importation of goods produced with forced labor. The CCHT also processes and authorizes Continued Presence applications from federal law enforcement agents for victims of severe forms of human trafficking.

See the CCHT Continued Presence Resource Guide for law enforcement agencies and civil attorneys: [www.ice.gov/doclib/human-trafficking/ccht/continuedPresenceToolkit.pdf](http://www.ice.gov/doclib/human-trafficking/ccht/continuedPresenceToolkit.pdf)

For direct assistance regarding Continued Presence, please email: [ContinuedPresence@ccht.dhs.gov](mailto:ContinuedPresence@ccht.dhs.gov). For other CCHT inquiries, contact: [info@ccht.dhs.gov](mailto:info@ccht.dhs.gov)

### Office for Civil Rights and Civil Liberties (CRCL):

Contact CRCL to:

- Refer individuals who would like to file a complaint concerning abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion by DHS employees and officials.
- Report a violation of T visa, U visa, or VAWA confidentiality protections by a federal employee. See 8 U.S.C. 1367(a)(2).

Toll Free: 866-644-8360

[crcl@dhs.gov](mailto:crcl@dhs.gov) or [VAWA@hq.dhs.gov](mailto:VAWA@hq.dhs.gov)

### Office for State and Local Law Enforcement (OSLLE):

(202) 282-9545 or [OSLLE@hq.dhs.gov](mailto:OSLLE@hq.dhs.gov)

OSLLE serves as the liaison between DHS and non-federal law enforcement agencies across the country. OSLLE leads the coordination of DHS- wide policies related to state, local, tribal, and territorial law enforcement's role in preventing, preparing for, protecting against, and responding to natural disasters, acts of terrorism, and other man- made disasters within the United States.

### Request Technical Assistance via the T and U Visa Hotline for Certifying Agency Inquiries:

240-721-3333

*This line is for certifying agencies only.*

### Request Training:

[T\\_U\\_VAWATraining@uscis.dhs.gov](mailto:T_U_VAWATraining@uscis.dhs.gov)

### DHS FEDERAL LAW ENFORCEMENT TRAINING CENTER

<https://www.fletc.gov/training-program/human-trafficking-awareness-training>

### Ask a Question about a Specific Case, Withdraw/Disavow a Signed Form, or Report Concerns about Fraud or Misuse of U Visas:

[LawEnforcement\\_UTVAWA.VSC@USCIS.dhs.gov](mailto:LawEnforcement_UTVAWA.VSC@USCIS.dhs.gov)

*This e-mail is for certifying agencies personnel only.*

### Immigration and Customs Enforcement (ICE) Resources:

#### ICE TOOL KIT FOR PROSECUTORS

<https://www.ice.gov/doclib/about/offices/osltc/pdf/tool-kit-for-prosecutors.pdf>

#### ICE LAW ENFORCEMENT SUPPORT CENTER

802-872-6050

[www.ice.gov/lesc](http://www.ice.gov/lesc)

#### LOCAL ICE OFFICES

Enforcement and Removal Operations

[www.ice.gov/contact/ero/](http://www.ice.gov/contact/ero/)

#### OFFICE OF THE PRINCIPAL LEGAL ADVISOR

[www.ice.gov/contact/opla/](http://www.ice.gov/contact/opla/)

### For Additional Anti-Trafficking Resources, go to the DHS Blue Campaign page:

<https://www.dhs.gov/blue-campaign>

# APPENDIX A

## U VISA PROCESS

This is the general process for a victim to seek a U visa, from the victim's initial encounter with the certifying agency to USCIS' final eligibility determination. A victim must show that they have not refused to comply with reasonable requests for assistance during all stages of the petition process.

The time between initial filing, review for bona fide determination/waiting list placement, and the final adjudication of a case (approval or denial) can vary significantly due to several factors, including USCIS staffing levels and resource availability, U visa availability, and number and complexity of petitions and applications.

By law, USCIS cannot provide U nonimmigrant status to more than **10,000** principal victims per year. This statutory limit does not apply to derivative family members. This cap has been reached every year since 2010.

Information about victims filing U visa petitions is protected by specific privacy and confidentiality laws.<sup>19</sup>

| <b>Cooperation</b>  | <b>Filing</b>  | <b>BFD/Waiting List</b>   | <b>Approval</b>  | <b>Green Card</b>  |
|---|--|---|--|--|
| <b>STEP 1</b>   | <b>STEP 2</b>  | <b>STEP 3</b>   | <b>STEP 4</b>  | <b>STEP 5</b>  |
| Victim assists the certifying agency in the detection, investigation, and/or prosecution of qualifying crime. | Victim applies for U visa with USCIS, including a signed Form I-918 B, dated within 6 months of when the victim files their U visa petition. | USCIS reviews the petition and determines if principal petitioner may receive employment authorization (EAD) and deferred action (DA) based on a bona fide determination (BFD). <sup>20</sup> | Once a visa is available, USCIS reviews each petition in receipt date order to verify eligibility. | After at least 3 years after a grant of U nonimmigrant status, if victim meets certain requirements, victim applies to become a lawful permanent resident. |
| Victim requests a certification and the certifying agency decides whether to sign Form I-918 B.               |  | If the victim cannot receive a BFD-based EAD and DA, USCIS issues a notice and requests more evidence to evaluate the petition for potential placement on the waiting list.                   | If determined eligible, USCIS approves the victim's petition for U nonimmigrant status.            | If determined eligible, USCIS approves victim's application for lawful permanent resident status.  |
|   |  | If placed on the waiting list, the victim also receives employment authorization and deferred action.   |  |  |

19. See 8 U.S.C. 1367.

20. See <https://www.uscis.gov/policy-manual/volume-3-part-c-chapter-5> for more information on the Bona Fide Determination Process.