

DISTRICT ATTORNEY'S OFFICE  
U VISA POLICY AND PROCEDURE

**U Visa Basics**

In October 2000 Congress passed the Victims of Trafficking and Violence Protection Act (VTVPA). VTVPA encourages victims to report crimes and contribute to investigations and prosecution regardless of immigration status, and supports law enforcement efforts to investigate and prosecute crimes committed against immigrant victims.

The U visa is an immigration benefit that can be sought by victims of certain crimes (refer to the U Visa Law Enforcement Certification Resource Guide, attached). Congress capped the number of available U visas to 10,000 per fiscal year.

To qualify for a U visa, an applicant must demonstrate that she/he meets certain requirements. The provision requires:

- That the U visa applicant include with her/his application a law enforcement certification (Form I-918) completed by a certifying agency. Certifying agencies include all authorities responsible for the investigation, prosecution, conviction or sentencing of the qualifying criminal activity.
- Certification confirms that a qualifying crime has occurred and that the "victim was helpful, is being helpful, or is likely to be helpful in the detection, investigation or prosecution of criminal activity."

USCIS conducts a background investigation (refer to the U Visa Law Enforcement Certification Resource Guide).

**Who Can Apply**

Victims of a qualifying crime, certain immediate family members including parents, unmarried minor children under the age of 21, spouses, and minor siblings of a minor primary victim.

Qualifying crimes:

Abduction	Being Held Hostage	Prostitution
Abusive Sexual Contact	Incest Sexual	Rape
Blackmail	Involuntary Servitude	Sexual Assault
Domestic Violence	Kidnapping	Sexual Exploitation
Extortion	Manslaughter	Slave Trade
False Imprisonment	Murder	Torture
Felonious Assault	Obstruction of Justice	Trafficking
Female Genital Mutilation	Peonage	Witness Tampering
Felonious Assault	Perjury	Unlawful Criminal Restraint*

\*Includes any similar activity where the elements of the crime are substantially similar. Also includes attempt, conspiracy, or solicitation to commit any of the above, and other related crimes.

### **District Attorney U visa Policy**

If a person seeks a U visa and requests certification from the District Attorney's office, the following procedure will be followed:

- An advocate will have initial contact with the person and query historical Victim Witness Database records to verify if the victim was an eligible crime victim per USCIS definitions and assisted law enforcement and prosecutor in the investigation and prosecution of the crime. If there was no prosecution or no record of Victim/Witness services, the victim will be referred to the law enforcement agency that investigated the crime.
- The Advocate will advise the assigned Deputy District Attorney on the case and obtain additional relevant information.
- The Advocate may prepare a U visa certification form for the Assistant District Attorney to review and sign. The verification process and the certification form should be completed within 60 days.
- The original certification form will be given to the applicant for inclusion with the U visa application. A copy of the certification will be kept in a designated file in the Victim Witness Unit.
- If a case goes to warrant and the victim submits a certification request, the advocate will advise the assigned Deputy District Attorney on the case. The decision to prepare a U visa certification will be made on a case by case basis.

Per USCIS, "It is not the duty of the certifying agency or individual to verify or investigate the applicant's criminal background." USCIS conducts a thorough background check as part of the application process.

If the Advocate becomes aware that the victim did not cooperate with the investigation or prosecution, or directly contributed to the events leading to their victimization, the victim will be notified that the District Attorney's Office is unable to sign the certification per USCIS policy. Per USCIS policy, the decision to sign is at the agency's discretion.

It is the responsibility of the victim to submit the certification paperwork to USCIS. The victim has six months from the date of the signed certification form to submit the certification paperwork to USCIS.



## Instructions for Supplement B, U Nonimmigrant Status Certification

Department of Homeland Security  
U.S. Citizenship and Immigration Services

USCIS  
Form I-918  
OMB No. 1615-0104  
Expires 02/28/2019

### What Is the Purpose of Supplement B?

You should use this supplement to certify that an individual submitting Form I-918, Petition for U Nonimmigrant Status, is a victim of certain qualifying criminal activity and was, is, or is likely to be helpful in the investigation or prosecution of that activity.

### Who May File Supplement B?

If you, the certifying official, determine that this individual (also known as the petitioner and principal) was, is, or is likely to be helpful in the investigation or prosecution of the qualifying criminal activity, you may complete Supplement B, U Nonimmigrant Status Certification. The petitioner must submit Supplement B to U.S. Citizenship and Immigration Services (USCIS) with his or her Form I-918.

“Investigation or prosecution” refers to the detection or investigation of a qualifying crime or criminal activity, as well as to the prosecution, conviction, or sentencing of the perpetrator of the qualifying crime or criminal activity.

**NOTE:** The decision whether to complete Supplement B is at the discretion of the certifying agency. However, without a completed Supplement B, the petitioner will be ineligible for U nonimmigrant status.

To be eligible for U nonimmigrant status, the petitioner must be a victim of qualifying criminal activity. The term “victim” generally means an individual who has suffered direct and proximate harm as a result of the commission of qualifying criminal activity.

USCIS will consider the petitioner’s spouse and unmarried children under 21 years of age, and the parents and unmarried siblings under 18 years of age if the victim is under 21 years of age, as victims of qualifying criminal activity where:

1. The direct victim is deceased due to murder or manslaughter; or
2. The direct victim is incompetent or incapacitated and, therefore, unable to provide information concerning the criminal activity or unable to be helpful in the investigation or prosecution of the criminal activity.

USCIS will consider a petitioner a victim of witness tampering, obstruction of justice, or perjury, including any attempt, conspiracy, or solicitation to commit one or more of those offenses if:

1. The victim was directly and proximately harmed by the perpetrator of the witness tampering, obstruction of justice, or perjury; and
2. There are reasonable grounds to conclude that the perpetrator committed the witness tampering, obstruction of justice, or perjury offense, at least in principal part, as a means:
  - A. To avoid or frustrate efforts to investigate, arrest, prosecute, or otherwise bring to justice the perpetrator for other criminal activity; or
  - B. To further the perpetrator’s abuse or exploitation of or undue control over the petitioner through manipulation of the legal system.

**NOTE:** A person who is culpable for the qualifying criminal activity being investigated or prosecuted is excluded from being recognized as a victim.

A victim of qualifying criminal activity must provide evidence that he or she has been, is being, or is likely to be helpful to a certifying official in the investigation or prosecution of the qualifying criminal activity as listed in **Part 3** of this supplement. In the case of a petitioner under 16 years of age or a petitioner who is incapacitated or incompetent, the parent, guardian, or "next friend" of the petitioner may provide evidence on behalf of the petitioner to be helpful to a certifying official's investigation. "Next friend" is a person who appears in a lawsuit to act for the benefit of a victim under 16 years of age or incapacitated or incompetent, who has suffered substantial physical or mental abuse as a result of being a victim of qualifying criminal activity. The next friend is not a party to the legal proceeding and is not appointed as a guardian. Being "helpful" means assisting law enforcement authorities in the investigation or prosecution of the qualifying criminal activity of which he or she is a victim.

**NOTE:** Once you, the certifying official, have completed Supplement B, it will be valid for six months from the date of signature. If the victim does not file Form I-918, Petition for U Nonimmigrant Status, within six months, the victim will need to obtain a new Supplement B from the certifying agency.

## General Instructions

### How to Fill Out Supplement B

1. Type or print legibly in black or blue ink.
2. If you need extra space to complete any item within this supplement, use the space provided in **Part 7. Additional Information** or attach a separate sheet of paper; type or print the agency's name, petitioner's name, and the Alien Registration Number (A-Number) (if any) at the top of each sheet; indicate the **Page Number, Part Number, and Item Number** to which your answer refers; and sign and date each sheet.
3. Answer all questions fully and accurately. If a question does not apply to you type or print "N/A," unless otherwise directed. If your answer to a question which requires a numeric response is zero or none, type or print "None."
4. Each Supplement B must be properly signed and filed. USCIS will not accept a photocopy of the signature page of the Supplement B or a typewritten name in place of a signature.

## Specific Instructions

This supplement is divided into **Parts 1 - 7**. The following information should help you fill out the supplement.

### Part 1. Victim Information

**Item Number 1. Alien Registration Number (A-Number)** (if any). This is the victim's USCIS file number. If the victim does not have an A-Number or you do not know it, leave this space blank.

**Item Numbers 2.a. - 2.c. Full Name.** Provide the victim's full legal name. Do not provide a nickname.

**Item Numbers 3.a. - 3.c. Other Names Used.** Provide other names used by the victim, including his or her maiden name, nicknames, and aliases, if applicable.

**Item Number 4. Date of Birth** (mm/dd/yyyy). Provide his or her date of birth (Example, May 1, 1979, should be written 05/01/1979).

**Item Number 5. Gender.** Select the appropriate box.

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## Part 2. Agency Information

**Item Number 1. Name of Certifying Agency.** The certifying agency must be a Federal, state, local, or tribal law enforcement agency; prosecutor; authority; or Federal, state, or local judge that has responsibility for the detection, investigation, prosecution, conviction, or sentencing of the qualifying criminal activity of which the petitioner was a victim.

This includes traditional law enforcement branches with the criminal justice system and other agencies that have criminal investigative jurisdiction in their respective areas of expertise, including, but not limited to, Child Protective Services, the Equal Employment Opportunity Commission, and the Department of Labor.

### Item Number 2.a. - 2.c. Name of Certifying Official.

A certifying official is:

1. The head of the certifying agency or any person in a supervisory role, who was specifically designated by the head of the certifying agency to issue a U Nonimmigrant Status Certification on behalf of that agency; or
2. A Federal, state, or local judge.

If the certification is not signed by the head of the certifying agency, attach evidence of the agency head's written designation of the certifying official for this specific purpose.

**Item Numbers 3. - 10.** Provide the requested information regarding agency officials, the agency's address, agency type, case status, certifying agency category, case number, and FBI Number or SID Number.

## Part 3. Criminal Acts

**Item Numbers 1. – 3.** Select all of the crimes of which the petitioner is a victim that your agency is investigating, prosecuting, or sentencing and provide the dates of the criminal activity. If the criminal activity occurred over a period of time, provide a date on which at least one act constituting an element of qualifying criminal activity occurred. If multiple incidents occurred, provide the date of each incident investigated or prosecuted. List the statutory citations for the crimes in the space provided. If the crimes of which the petitioner is a victim are not listed, select the crimes that are similar to those crimes. You may provide a written explanation regarding how the crime of which the petitioner is a victim is similar to the listed crimes. Similar activity refers to criminal offenses in which the nature and elements of the offenses are substantially similar to the list of criminal activity at section 101(a)(15)(U)(iii) of the Immigration and Nationality Act (INA) and found on the certification form itself.

**Item Numbers 4.a. - 7.** Indicate whether the qualifying criminal activity violated the laws of the United States or occurred within the United States (including in Indian country and military installations) or the territories and possessions of the United States. Qualifying criminal activity of which the petitioner is a victim had to violate United States law or occur within the United States.

1. **United States** means the continental United States, Alaska, Hawaii, Puerto Rico, Guam, the Commonwealth of Northern Mariana Islands (CNMI), and the U.S. Virgin Islands.
2. **Indian country** refers to all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation; all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state; and all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through such allotments.
3. **Military installation** means any facility, base, camp, post, encampment, station, yard, center, port, aircraft, vehicle, or vessel under the jurisdiction of the Department of Defense, including any leased facility, or any other location under military control.

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**4. Territories and possessions of the United States** means American Samoa, Swains Island, Bajo Nuevo (the Petrel Islands), Baker Island, Howland Island, Jarvis Island, Johnston Atoll, Kingman Reef, Midway Atoll, Navassa Island, Palmyra Atoll, Serranilla Bank, and Wake Atoll.

If the qualifying criminal activity did not occur within the United States as discussed above, but was in violation of U.S. law, it must violate a Federal extraterritorial jurisdiction statute. There is no requirement that a prosecution actually occur. Provide the statutory citation for the extraterritorial jurisdiction.

#### **Part 4. Helpfulness of the Victim**

**Item Number 1.** Indicate whether the victim possesses information about the crimes. A petitioner must possess information about the qualifying criminal activity of which he or she is a victim. A petitioner is considered to possess information concerning qualifying criminal activity of which he or she is a victim if he or she has knowledge of details concerning criminal activity that would assist in the investigation or prosecution of the criminal activity. Victims with information about a crime of which they are not a victim will not be considered to possess information concerning qualifying criminal activities.

When the victim is under 16 years of age, incapacitated, or incompetent, he or she is not required to personally possess information regarding the qualifying criminal activity. The parent, guardian, or next friend of the petitioner may provide that information.

**Item Number 2.** Provide an explanation of the victim's helpfulness to the investigation or prosecution of the criminal activity. A victim must provide evidence to USCIS that he or she was, is, or is likely to be helpful to a certifying official in the investigation or prosecution of the qualifying criminal activity. In the case of a victim under 16 years of age or a victim who is incapacitated or incompetent, the parent, guardian, or next friend of the victim may provide evidence on behalf of the victim to be helpful to a certifying official's investigation.

Being "helpful" means assisting law enforcement authorities in the investigation or prosecution of the qualifying criminal activity of which he or she is a victim. Petitioner victims who, after initiating cooperation, refuse to provide continuing assistance when reasonably requested, will not meet the helpfulness requirement. The victim has an ongoing responsibility to be helpful, assuming there is an ongoing need for the victim's assistance.

You, the certifying official, will make the initial determination as to the helpfulness of the petitioner. USCIS will give a properly executed Supplement B significant weight, but USCIS will not consider it conclusory evidence that the victim has met the eligibility requirements. USCIS will look at the totality of the circumstances surrounding the petitioner's involvement with your agency and all other information known to USCIS in determining whether the petitioner meets the elements of eligibility.

**Item Number 3.** Indicate if the victim has refused or failed to provide assistance reasonably requested since the initiation of cooperation. Explain in the space provided. If you need extra space, use the space provided in **Part 7. Additional Information**; type or print the agency's name, petitioner's name, and the A-Number (if any) at the top of each sheet; indicate the **Page Number**, **Part Number**, and **Item Number** to which your answer refers; and sign and date each sheet.

**Item Number 4.** Include any additional information you would like to provide.

#### **Part 5. Family Members Culpable In Criminal Activity**

**Item Numbers 1. - 4.e.** List whether any of the victim's family members are culpable or are believed to be culpable in the criminal activity of which the petitioner is a victim, their relationship to the victim, and their culpability in the criminal activity. USCIS will not grant U nonimmigrant status to a qualifying family member who committed the qualifying criminal activities that established the victim's eligibility for U nonimmigrant status, in a family violence or trafficking context.

## Part 6. Certification

**Item Numbers 1. - 4.** Read the certification block carefully, and sign and date the supplement. Provide your daytime telephone number and a fax number (if any).

**NOTE:** At your discretion, you may withdraw or disavow a Form I-918, Supplement B at any time, even after this supplement is submitted to USCIS, if a victim unreasonably refuses to assist in the investigation or prosecution of the qualifying criminal activity. To do so, you must notify USCIS by sending a written statement to:

**USCIS - Vermont Service Center**  
**75 Lower Welden Street**  
**St. Albans, VT 05479-0001**

Include the victim's name, date of birth, and A-Number (if any) on all correspondence.

## Part 7. Additional Information

**Item Numbers 1. - 6.d.** If you need extra space to provide any additional information within this supplement, use the space provided in **Part 7. Additional Information**. If you need more space than what is provided in **Part 7.**, you may make copies of **Part 7.** to complete and file with your supplement, or attach a separate sheet of paper. Include your agency's name, the petitioner's name, and A-Number (if any) at the top of each sheet; indicate the **Page Number**, **Part Number**, and **Item Number** to which your answer refers; and sign and date each sheet.

### USCIS Privacy Act Statement

**AUTHORITIES:** The information requested on this supplement, and the associated evidence, is collected under the Immigration and Nationality Act, 8 U.S.C. sections 1101(a)(15)(U), 1184(p), 1182(d)(14), and 8 CFR 214.14.

**PURPOSE:** The primary purpose for providing the requested information on this supplement is to determine if the petitioner has established eligibility for the immigration benefit for which he or she is filing. The Department of Homeland Security (DHS) will use the information you provide to grant or deny the benefit the petitioner is seeking.

**DISCLOSURE:** The information you provide is voluntary. However, failure to provide the requested information, and any requested evidence, may delay a final decision in the case or result in denial of the petition.

**ROUTINE USES:** DHS may share the information you provide on this supplement with other Federal, state, local, and foreign government agencies and authorized organizations. DHS follows approved routine uses described in the associated published system of records notices [DHS/USCIS-007 - Benefits Information System and DHS/USCIS-001 - Alien File, Index, and National File Tracking System of Records] which you can find at [www.dhs.gov/privacy](http://www.dhs.gov/privacy). DHS may also share the information, as appropriate, for law enforcement purposes or in the interest of national security.

### Paperwork Reduction Act

An agency may not conduct or sponsor an information collection, and a person is not required to respond to a collection of information, unless it displays a current valid OMB control number. The public reporting burden for Supplement B is estimated at 1 hour per response, including the time for reviewing instructions, gathering the required documentation and information, completing the supplement, attaching necessary documentation, and submitting the supplement. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: U.S. Citizenship and Immigration Services, Regulatory Coordination Division, Office of Policy and Strategy, 20 Massachusetts Ave NW, Washington, DC 20529-2140; OMB No. 1615-0104. **Do not mail your completed Supplement B to this address.**