



U VISA IMMIGRATION RELIEF FOR VICTIMS OF CERTAIN CRIMES

An Overview for Law Enforcement

As a law enforcement official, you play an important role in the application process for U nonimmigrant status (also known as a U visa). The U visa can be a key tool to support your case. The U visa can help certain crime victims feel safer reporting crimes, so that they may be more willing to work with you, even if they do not have lawful immigration status.

If approved, the U visa provides the victim with:

- temporary immigration status including work authorization;
- temporary immigration status for qualifying family members of the victim; and
- the possibility of lawful permanent resident status.



U VISA ELIGIBILITY

U.S. Citizenship and Immigration Services (USCIS), within the Department of Homeland Security (DHS), decides if a person is eligible for a U visa. Law enforcement does not determine who is eligible for a U visa; however, law enforcement provides information so that USCIS can determine if the person:

- is a victim of a qualifying crime or criminal activity;
- has information about the crime or criminal activity; and
- is, was, or is likely to be helpful in the detection or investigation of the qualifying crime or criminal activity, or the prosecution, conviction, or sentencing of the perpetrator of the qualifying crime or criminal activity.

THE ROLE OF LAW ENFORCEMENT



To qualify for a U visa, a victim must submit a signed certification from a law enforcement official. This certification (known as USCIS Form I-918, Supplement B, U Nonimmigrant Status Certification) is evidence in support of the petition to USCIS for U nonimmigrant status. Victims may ask you to complete this certification. The certification gives USCIS basic information about the criminal activity perpetrated against the victim and the victim’s willingness to assist in the detection, investigation, prosecution, conviction, or sentencing. You may also encounter victims who could qualify for a U visa but do not know about it. Providing them with information about the U visa may enable them to feel more comfortable working with you.

WHAT CONSTITUTES A QUALIFYING CRIME OR CRIMINAL ACTIVITY?

The following table lists the criminal activities that are considered “qualifying criminal activities” for purposes of U visa eligibility. These are general categories of crimes and it is important to note that any similar criminal activities that violate Federal, state, or local laws may also be considered “qualifying criminal activities” for purposes of U visa eligibility.

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

Qualifying crimes include any similar activity where the nature and elements of the crime are substantially similar to one of the crimes listed. Attempt, conspiracy, or solicitation to commit any of the crimes listed above may also count as a “qualifying criminal activity.”

WHICH LAW ENFORCEMENT AUTHORITIES ARE ELIGIBLE TO CERTIFY?

The following law enforcement authorities are eligible to complete the USCIS Form I-918, Supplement B, U Nonimmigrant Status Certification:

- Any Federal, state, or local law enforcement authority (including prosecutors and judges) that has responsibility for the detection, investigation, prosecution, conviction, or sentencing of qualifying criminal activity.
- If more than one qualifying law enforcement authority is involved in the case, such as a Federal agency and a local agency, any one of them may complete the certification. The law enforcement authority that completes and signs the certification will be considered the “certifying agency” and, therefore, the point of contact for USCIS should any questions about the certification arise.
- Law enforcement authorities with 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 may also complete the certification.

WHO CAN SIGN A CERTIFICATION?

- The head of the certifying agency.
- Any person in a supervisory role who is specifically designated by the head of the agency to sign.
- A Federal, state, or local judge.

IS ANY LAW ENFORCEMENT AUTHORITY REQUIRED TO COMPLETE A CERTIFICATION?

The decision whether to complete Supplement B is at the discretion of the certifying agency. **However, keep in mind that a victim’s U visa petition will be denied without this certification.**

DOES THE VICTIM AUTOMATICALLY RECEIVE A U VISA BECAUSE A CERTIFICATION HAS BEEN SIGNED?

No. The certification by itself does not grant any immigration benefit. USCIS reviews all of the evidence submitted along with the certification to determine whether a victim is eligible for a U visa. USCIS also conducts a thorough background check of each U visa petitioner (as well as each included family member).



AT WHAT STAGE IN A CRIMINAL CASE CAN A LAW ENFORCEMENT AUTHORITY SIGN A CERTIFICATION?

Law enforcement may sign a certification at any time, including after detection of the criminal activity or while an investigation or prosecution is pending. Keep in mind:

- Law enforcement may sign a certification even after the case is over.
- Law enforcement may sign a certification regardless of how the case turns out. A conviction, prosecution, or arrest is *not* necessary for a victim to be eligible for relief.
- The victim may be eligible for a U visa even if the perpetrator is acquitted or convicted of a different crime.
- Law enforcement may also withdraw the certification if the victim stops cooperating with the investigation or prosecution.

TIPS FOR COMPLETING THE CERTIFICATION

- Find the certification form and instructions at uscis.gov/i-918.
- Use blue ink (preferably) for the signature.
- Submit an original (“wet”) signature—not a photocopy or scan.
- Make sure that Supplement B is completed entirely by the certifying agency.
- Give the completed certification to the petitioner—do not submit it directly to USCIS.

WHO IS RESPONSIBLE FOR PREVENTING U VISA FRAUD?

The USCIS Fraud Detection and National Security Directorate works to ensure that individuals seeking to defraud our immigration system are not granted a U Visa.

WHERE CAN I FIND ADDITIONAL INFORMATION?

Please consult the **U and T Visa Law Enforcement Resource Guide**:

dhs.gov/publication/u-visa-law-enforcement-certification-resource-guide

USCIS Form I-918, Petition for U Nonimmigrant Status and Instructions: uscis.gov/i-918

For technical assistance: USCIS Office of Policy and Strategy (202) 272-1470

For information about upcoming trainings for law enforcement:

Email the USCIS Public Engagement Division at T_U_VAWATraining@uscis.dhs.gov

For more information about other immigration benefits that may be available to victims, including T nonimmigrant status (T visa) and Violence Against Women Act (VAWA) relief:

uscis.gov/humanitarian

YOUR CERTIFYING OFFICIAL IS:

Blank space for the certifying official's name and signature.