

CERTIFICATION OF U VISA – NON-IMMIGRANT STATUS

(Form I-918, Supplement B)

1. **PURPOSE:** The purpose of this directive is to establish guidelines and procedures for officers who receive request for a U VISA Certification (Form I-918, Supplement B). This directive also specifies the certifying officer who will sign Form I-918, Supplement B. The U VISA encourages immigrant victims to report criminal activity by protecting them against deportation.
2. **POLICY:**
 - A. It is the policy of this police department that the Deputy Chief of the Investigations Bureau or any person(s) in a supervisory role and specifically designated by the Chief of Police to sign certifications may issue U Visa Certification on behalf of the Chief of Police by completing Form I-918, Supplement B.
 - B. It is also the policy of this department to assist immigrant crime victims with their U VISA applications if they were the victim of a qualifying criminal activity, and that crime is in the process of being detected, investigated or prosecuted, the individual's presence is necessary for the detection, investigation or prosecution of the crime, and the individual is cooperating with agency officials.
3. **SCOPE:** This directive is applicable to all personnel.
4. **RESPONSIBILITY:** All personnel are responsible for complying with this directive.
5. **DEFINITIONS:**
 - A. **“Qualifying criminal activity”:** is defined by statute to be “activity involving one or more of the following or any similar activity in violation of federal, state, or local criminal law.” The statute also includes the attempt, conspiracy, or solicitation to commit any of the crimes listed below:
 1. Abduction
 2. Abusive Sexual Contact
 3. Blackmail
 4. Domestic Violence
 5. Extortion
 6. False Imprisonment
 7. Felonious Assault
 8. Female Genital Mutilation
 9. Fraud in Foreign Labor Contracting
 10. Hostage
 11. Incest
 12. Involuntary Servitude

13. Kidnapping
14. Manslaughter
15. Murder
16. Obstruction of Justice
17. Peonage
18. Perjury
19. Prostitution
20. Rape
21. Sexual Assault
22. Sexual Exploitation
23. Slave Trade
24. Stalking
25. Torture
26. Trafficking
27. Witness Tampering
28. Unlawful Criminal Restraint
29. Any Similar Activity

<https://www.uscis.gov/humanitarian/victims-of-criminal-activity-u-nonimmigrant-status>

- B. **“Any Similar Activity”** refers to other criminal activity when the similarities are substantial and the nature and elements of the criminal activity are comparable.
- C. **“U VISA”** is the common name for the U nonimmigrant status.

5. PROCEDURES:

- A. Before completing Form I-918, Supplement B (a request for a U VISA certification), the certifying official shall have verified the following:
 1. The noncitizen was or is:
 - a. A victim of a criminal activity (listed in Part 5-A above) that took place in the United States or its territories or occurred outside the United States but violates U.S. extraterritorial law; or
 - b. The spouse or under 21-year-old child of a victim who is deceased because of murder or manslaughter, or who is incompetent or incapacitated; or
 - c. The parents and unmarried under 18-year-old siblings of an under 21-year-old victim who is deceased because of murder or manslaughter, or who is incompetent or incapacitated.
 2. The noncitizen has been, is being, or is likely to be helpful to the investigation. This department’s policy describes the victim as being helpful when s/he:
 - a. Possesses information about a qualifying criminal activity; and

- b. Demonstrates cooperation during the detection or investigation of that criminal activity, even if the investigation is not completed.
- 3. When a certification is based on a prior investigation or a criminal case that has been closed or suspended, or when a statute of limitations has passed, the certification may be completed after the above verification has been conducted.
- B. No request for certification will be accepted unless it is made on the proper U. S. Citizenship and Immigration Services form (Form I-918), Supplement B) and has been completed by the referring legal entity (such as a private attorney, nonprofit organization, or victim).
- C. The request for certification shall be reviewed and processed within 14 business days from the time it was presented to this department.
- D. All requests for Form I-918, Supplement B certifications presented to this department shall be forwarded to the designated certifying officials using the pre-paid, self-addressed envelope which they have provided to this department.
- E. The certifying official may contact the VAWA Unit of the U. S. Citizenship and Immigration Services to report the U Visa applicant's failure to continue cooperating with the department only when the failure to cooperate is considered unreasonable. To determine whether failure to cooperate is unreasonable, officials should review and consider the victim's history of abuse and victimization, and any threats the victim has experienced or is experiencing.