

## U Visa certification

### 1. What is a U Visa certification?

A U Visa certification is a document issued by a qualifying law enforcement agency such as a police department or sheriff's office or other certifying authority like the District Attorney's office to support a victim of a qualifying crime in applying for a U-Visa. By signing the document, the agency/certifying official is confirming that the applicant was helpful in the investigation/prosecution of the matter. The U visa certification is the first step in completing your U visa application. USCIS requires the applicant to submit a signed certification before approving a U visa, so we recommend you seek the representation of an experienced attorney to help you through this process.

### 2. Who is eligible to apply for a U Visa certification?

Those eligible include victims of qualifying crimes (see below); those who have suffered substantial physical or mental abuse as a result of being the victim of said crime; must possess information about the criminal activity (or if under 16/unable to provide info due to disability, a parent or guardian must possess the info about the crime to relay on your behalf; prove that you were helpful, are helpful, or likely to be helpful to law enforcement in the investigation or prosecution of the crime; the crime occurred in the United States or violated U.S. laws; you are admissible or if inadmissible, you apply for a waiver for these grounds.

### 3. Which crimes qualify for a U Visa certification?

- Abduction
- Abusive Sexual Contact
- Blackmail
- Domestic Violence
- Extortion
- False Imprisonment
- Female Genital Mutilation
- Felonious Assault
- 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

4. Do I need to have legal immigration status to apply for a U Visa certification?

No, U Visa certifications are available regardless of immigration status. They are intended to encourage cooperation with law enforcement in investigating and prosecuting crimes, so they are available to those without any immigration status at all (so, even those who have come here undocumented and remain without legal status).

5. Can a victim apply for a U Visa without a certification?

No, the signed I-918B is a requirement for submitting the full U-Visa application. USCIS will not approve a U visa application without a signed certification that must contain the narrative of the incident, biographic information of the applicant, information for the certifying official, and an explanation of how the person cooperated. The U visa certification must be submitted to USCIS within 6 months of the signature on the form.

6. Who can issue a U Visa certification?

Certifying authorities include law enforcement agencies, prosecutors, and other entities responsible for the investigation or prosecution of criminal activity. For instance, a Chief of Police in a Police Department may designate someone to sign certifications on their behalf. If they have this designation, they are considered a certified official to sign.

7. How does the victim request a U Visa certification?

The victim should contact the appropriate agency that conducted the initial investigation (this information would be on the police report) and request a signed I-918B. Some agencies have specific procedures in place for handling such requests. We recommend that you hire an experienced immigration attorney to help you obtain your U Visa certification because if the certifying agency denies your request, it is much more difficult to get them to reverse their decision later.

8. Is there a fee for obtaining a U Visa certification?

There is no fee for obtaining a U Visa certification from a law enforcement agency and there should never be any bribes given to sign these forms either.

9. Can an immigration attorney help with obtaining a U Visa certification?

Yes, an immigration attorney can assist in communicating with certifying authorities, explaining the legal requirements, and facilitating the certification process. They may also be familiar with the certain requirements/special procedures of each local agency. We recommend that you hire an experienced immigration attorney to help you obtain your U Visa certification because if the certifying agency denies your request, it is much more difficult to get them to reverse their decision later.

10. How long does it take to obtain a U Visa certification?

The time frame varies depending on the certifying agency and its workload. We typically see these take around 6 months but some agencies take longer.

11. Can a U Visa certification be denied?

Certifying authorities have discretion in issuing certifications. They are not required to sign a certification regardless of how compelling is your case. For this reason, we recommend you hire an experienced immigration attorney to help you obtain your U Visa certification. If the certifying agency denies your request, it is much more difficult to get them to reverse their decision later.

12. What information should be included in a U Visa certification request?

Requests should include a narrative about the crime in detail (including date/location/names if applicable), the victim's cooperation in detail, and how the victim has suffered substantial mental or physical abuse as a result of the crime. Of course, it should be properly addressed to the agency receiving the request and if certain names of certifying officials are known, they should be included in the certification request.

13. Can a family member of a crime victim also get a U Visa certification?

Family members who were involved in the same incident would need their own U-Visa certification completed and signed by the agency. However, if the direct victim is under 16 or has a disability, then their parent or guardian can get the U-Visa certification instead.

15. Can a U Visa certification be revoked?

Certifying authorities have the discretion to revoke certifications in certain circumstances, such as if the victim ceases to cooperate with law enforcement after numerous attempts to follow up or get the victim to engage further in the prosecution.

16. Can a U Visa certification be used for other legal processes?

While primarily associated with the U Visa application, a certification may also be relevant in other legal processes, such as immigration court proceedings. For instance, if the victim is in removal proceedings to be deported, they may show that they have a signed certification and therefore are ready to apply for a U-Visa and maybe the court may close the case accordingly.

17. Can a U Visa certification be transferred between certifying agencies?

Once the agency signs and confirms cooperation with their agency, this typically should not happen. Only if the 1<sup>st</sup> agency refuses to sign and there are other options for other agencies related to the prosecution/investigation, they can be sent a separate request to sign.

18. Is there a time limit to file a request for a U Visa certification?

Most certifying agencies have imposed a time limit to obtain a U visa certification. Hence, we recommend that you request a certification as soon as possible. At Latorre Law Firm we have obtained thousands of U visa certifications and U visas for our clients. If you have been the victim of a crime, please contact us to evaluate your case and help you obtain a U visa.