**U VISA CERTIFICATION POLICY**

1. The Victims of Trafficking and Violence Prevention Act (VTVPA) created the U Visa, a nonimmigrant visa for victims of certain crimes who have been, or are likely to be, helpful to law enforcement in the investigation or prosecution of a crime. The purpose of this is twofold. First, it enhances law enforcement’s ability to investigate and prosecute crimes. Second, it furthers humanitarian interests by protecting victims of crimes. A similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking.
2. A U Visa application must contain a completed U visa certification form, [Form I-918, Supplement B, U Nonimmigrant Status Certification](https://www.uscis.gov/system/files_force/files/form/i-918supb.pdf?download=1), from law enforcement that the victim has been helpful in the investigation and/or prosecution of the crime and has not refused or failed to provide information or assistance that has been reasonably requested. While the certification is required, United States Customs and Immigration Services makes the decision as to whether an application meets the other requirements for U non-immigrants status.
3. Any request for a U visa certification should be forwarded promptly to [DESIGNATED STAFF] for review and endorsement. Under California state law (SB 674), when completing a U visa certification (Form I-918 Supplement B), there is a rebuttable presumption of helpfulness so long as the victim has not refused or failed to provide information and assistance reasonably requested.
4. A current investigation, the filing of charges, and a prosecution or conviction are not required for the victim to request and obtain the Form I-918 Supplement B certification from a certifying official.
5. There is no statute of limitations for U visa and T visa certification requests and victims can re-submit requests if the deficiencies related to the original request are addressed or the denial occurred prior to current policy for U visa and T visa certifications.
6. The [DESIGNATED STAFF] shall approve or deny the request and complete the certification or declaration, if appropriate, within 90 days of the certification request, unless the individual is in removal proceedings, in which case the certification shall be processed within 14 days of the request. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website and under Penal Code § 679.10.
7. The Department will not request additional information from the victim as the information provided by the victim in the certification form and law enforcement files are sufficient for completing the certification form.
8. A certifying entity is prohibited from disclosing the immigration status of a victim or person requesting the Form I-918 Supplement B certification, except to comply with federal law or legal process, or if authorized by the victim or person requesting the Form I-918 Supplement B certification.
9. A certifying entity that receives a request for a Form I-918 Supplemental B certification shall report to the California Legislature, on or before January 1, 2017, and annually thereafter, the number of victims that requested Form I-918 Form B certifications from the entity, the number of those certification forms that were signed, and the number that were denied. A report pursuant to this subdivision shall comply with Section 9795 of the Government Code.