



*Homeland Security Investigations*

# U Nonimmigrant Status (U Visa) Handbook

HSI HB 18-06 / September 21, 2018



U.S. Immigration  
and Customs  
Enforcement

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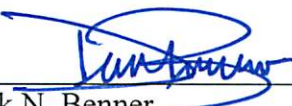
## Foreword

The U Nonimmigrant Status (U Visa) Handbook provides a single source of national policies, procedures, responsibilities, guidelines, and controls to be followed by U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI) Special Agents and victim assistance personnel; it sets forth their responsibilities when applicants for U nonimmigrant status are victims of certain qualifying criminal activity in HSI investigations. This Handbook contains instructions and guidance to help ensure uniformity and operational consistency among all HSI field offices. Oversight of the U Nonimmigrant Status Program resides with the Unit Chief, Victim Assistance Program/Management Oversight Unit.

This Handbook supersedes the ICE Office of Investigations (OI) Handbook (HB) 09-04 titled, "U Nonimmigrant Status Handbook," dated December 1, 2009, and any other policy or other guidance on the U nonimmigrant status issued by the former ICE OI, Office of Intelligence, or Office of International Affairs, or by HSI prior to the date of issuance of this Handbook.

The U Nonimmigrant Status Handbook is an internal policy of HSI. It is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter, nor are any limitations hereby placed on otherwise lawful enforcement prerogatives of ICE. This Handbook is For Official Use Only (FOUO) – Law Enforcement Sensitive. It is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with the U.S. Department of Homeland Security policy relating to FOUO information and the ICE Directive on Safeguarding Law Enforcement Sensitive Information. This information shall not be distributed beyond the original addressees without prior authorization of the originator. If disclosure of this Handbook or any portion of it is demanded in any judicial or administrative proceeding, the HSI Records and Disclosure Unit, as well as the Office of the Principal Legal Advisor at Headquarters and/or U.S. Attorney's Office, are to be consulted so that appropriate measures can be taken to invoke privileges against disclosure. This Handbook contains information which may be exempt from disclosure to the public under the Freedom of Information Act, Title 5, United States Code, Section 552(b), and protected from disclosure pursuant to the law enforcement privilege. Any other requests for disclosure of this Handbook or information contained herein should be referred to the HSI Records and Disclosure Unit.

The HSI Policy Unit is responsible for coordinating the development and issuance of HSI policy. All suggested changes or updates to this Handbook should be submitted to the HSI Policy Unit, which will coordinate all revisions with the Victim Assistance Program/ Management Oversight Unit.

  
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9/21/18  
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Date

**U NONIMMIGRANT STATUS (U VISA)  
HANDBOOK**

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# U NONIMMIGRANT STATUS (U VISA) HANDBOOK

## Chapter 1. PURPOSE AND SCOPE

The U Nonimmigrant Status (U Visa) Handbook establishes policy and procedures for U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI) Special Agents (SAs), setting forth their responsibilities when U visa petitioners are victims of certain qualifying criminal activity in HSI investigations. More specifically, this Handbook establishes uniform procedures for HSI's completion of U.S. Citizenship and Immigration Services (USCIS) Form I-918, Supplement B, U Nonimmigrant Status Certification, as well as the documentation required to confirm any continued assistance when the U visa holder is applying for adjustment of status.

## Chapter 2. INTRODUCTION

HSI's mission is to investigate, disrupt, and dismantle terrorist, transnational, and other criminal organizations that threaten, or seek to exploit, the customs and immigration laws of the United States. HSI relies on crime victims who report the crime and assist in the investigation of that crime. The U visa is a law enforcement tool intended to encourage crime victims without legal status to come forward and assist law enforcement without fear of removal. The U visa strengthens the ability of law enforcement agencies (LEAs) to detect, investigate, and prosecute cases of human trafficking, sexual exploitation, female genital mutilation, and other specified criminal activity of which foreign nationals are victims. The U visa therefore provides an incentive for victims to report the crime or crimes and to assist law enforcement.

## Chapter 3. DEFINITIONS

The following definitions are provided for the purposes of this Handbook.

### 3.1 Certifying Agency

A certifying agency includes a federal, state, or local LEA, prosecutor, judge, or other authority that has responsibility for the investigation or prosecution of a qualifying crime or criminal activity. A certifying agency also includes agencies that have criminal investigative jurisdiction in their respective areas of expertise, including, but not limited to, child protective services, the U.S. Equal Employment Opportunity Commission, and the U.S. Department of Labor. (*See* Title 8, Code of Federal Regulations (C.F.R.), Section 214.14(a)(2).) HSI is considered to be a "certifying agency."

### **3.2 Certifying Official**

A certifying official is the head of the certifying agency or any person in a supervisory role who has been specifically designated by the head of the certifying agency to issue U visa certifications on behalf of the agency; or a federal, state, or local judge. (*See* 8 C.F.R. § 214.14(a)(3).) The certifying officials in HSI are the Special Agents in Charge (SACs).

### **3.3 Culpability**

An alien being investigated or prosecuted for a qualifying criminal activity may be culpable and is excluded from being recognized as a victim of that criminal activity or as a derivative of an alien who received or is seeking a U visa based on that criminal activity. This exclusion does not apply to an alien who committed a crime other than the one under investigation or prosecution, even if the crimes are related. (*See* 8 C.F.R. § 214.14(a)(14)(iii).)

USCIS draws a distinction between being culpable for the qualifying crime and being culpable for other crimes.

Example 1: An alien pays to be smuggled into the United States and illegally enters the country. After being smuggled, the alien becomes a victim of human trafficking or involuntary servitude. Such an alien is not excluded as a victim.

Example 2: An alien attempts to rob a bank and is shot by a security guard during the attempted robbery. The alien is excluded from classification as a victim of aggravated assault in relation to the shooting.

### **3.4 Direct Victim**

A direct victim is an alien who has suffered direct and proximate harm as a result of the commission of qualifying criminal activity. If the direct victim is deceased due to murder or manslaughter, or is incompetent or incapacitated and therefore unable to provide information concerning the criminal activity or be helpful in the investigation or prosecution of the criminal activity, the alien's spouse, children under 21 years of age, and, if the direct victim is under 21 years of age, parents and unmarried siblings under 18 years of age, will be considered victims of the qualifying criminal activity. For the purposes of determining eligibility under this definition, USCIS will consider the age of the victim at the time the qualifying criminal activity occurred. (*See* 8 C.F.R. § 214.14(a)(14)(i).)

### **3.5 Helpfulness**

In completing a U visa certification, HSI is asked to confirm whether and how the U visa petitioner has been helpful, is being helpful, or is likely to be helpful to HSI in the investigation or prosecution of the qualifying criminal activity upon which his or her petition is based. Additionally, HSI must confirm that since the initiation of cooperation, the petitioner has neither refused nor failed to provide reasonably requested information and assistance.

The victim has an ongoing responsibility to be helpful only if the need for the victim's assistance is ongoing. A petitioner may be eligible for a U visa as a result of having been a victim of a crime that occurred at some point in the past. The fact that the criminal activity occurred a number of years before the current certification request, or that a case in which the petitioner is the victim is closed, is not a bar to certification.

HSI will make the initial determination as to the helpfulness of the petitioner, but such determination will not be considered conclusive evidence that the victim has met the eligibility requirements. (*See* 8 C.F.R. § 214.14(b)(3).)

### **3.6 Incapacitated or Incompetent Victims**

An alien may be considered a "victim" if he or she is one of the following in relation to the incapacitated or incompetent victim of a crime: (1) spouse; (2) child under age 21; or (3) the parent or unmarried sibling under the age of 18. (*See* Section 3.14.)

### **3.7 Indian Country**

"Indian Country" includes all land within the limits of any Indian reservation under the jurisdiction of the U.S. 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. (*See* 8 C.F.R. § 214.14(a)(4).)

### **3.8 Investigation or Prosecution**

Investigation and prosecution are the detection or investigation of a qualifying crime or criminal activity and the prosecution, conviction, or sentencing of the perpetrator of the qualifying crime or criminal activity. (*See* 8 C.F.R. § 214.14(a)(5).)

### **3.9 Law Enforcement Agency**

An LEA is an agency that has the responsibility and authority for the detection, investigation, and/or prosecution of criminal activity. Federal LEAs include the U.S. Attorneys' Offices, the Civil Rights and Criminal Divisions of the U.S. Department of Justice (DOJ), the Federal Bureau of Investigation (FBI), HSI, the U.S. Marshals Service, and the Diplomatic Security Service of the U.S. Department of State (DOS). (*See* 8 C.F.R. § 214.11(a).)

### **3.10 Military Installation**

A military installation is any facility, base, camp, post, encampment, station, yard, center, port, aircraft, vehicle, or vessel under the jurisdiction of the U.S. Department of Defense, including any leased facility or any other location under military control anywhere in the world. (*See* 8 C.F.R. § 214.14(a)(6).)



### **3.11 Next Friend**

A “next friend” is a person who appears in a lawsuit to act for the benefit of an alien who is under the age of 16, who is incapacitated or incompetent, or who has suffered substantial physical or mental abuse as the 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. (*See* 8 C.F.R. § 214.14(a)(7).)

### **3.12 Possess Information**

The petitioner must possess credible and reliable information establishing that he or she has knowledge of details concerning the qualifying criminal activity upon which his or her petition is based. The petitioner must possess knowledge of specific facts regarding the criminal activity leading a certifying official to determine that the petitioner has provided, is providing, or is likely to provide assistance to the investigation or prosecution of the qualifying criminal activity. (*See* 8 C.F.R. § 214.14(b)(2).)

Evidence establishing that an alien possesses information about qualifying criminal activity includes, but is not limited to, knowledge of specific facts that would lead to the identification of a person or persons who committed a qualifying crime, or the location of such persons; testimony at proceedings against such persons; police reports; affidavits from police or judges; or documents from court officials or law enforcement officials.

Possessing information about a crime of which the petitioner is not the direct or indirect victim does not satisfy this requirement.

### **3.13 Qualifying Crime or Qualifying Criminal Activity**

A qualifying crime or qualifying criminal activity includes one or more of the following, or any similar activity: rape; torture; trafficking; incest; domestic violence; sexual assault; abusive sexual contact; stalking; prostitution; sexual exploitation; female genital mutilation; being held hostage; peonage; involuntary servitude; slave trade; fraud in labor contracting; kidnapping; abduction; unlawful criminal restraint; false imprisonment; blackmail; extortion; manslaughter; murder; felonious assault; witness tampering; obstruction of justice; perjury; or attempt, conspiracy, or solicitation to commit any of the above mentioned crimes. (*See* 8 C.F.R. § 214.14(a)(9).)

### **3.14 Qualifying Family Member**

In the case of an alien victim 21 years of age or older who is eligible for a U visa, qualifying family members mean the alien victim’s spouse or child(ren). In the case of an alien victim *under* the age of 21 who is eligible for a U visa, qualifying family members mean the alien victim’s spouse, child(ren), parents, or unmarried siblings under the age of 18. (*See* 8 C.F.R. § 214.14(a)(10).)

### **3.15 Similar Activity**

For the purpose of an investigation, the term “similar activity” refers to criminal offenses in which the nature and the elements of the offense(s) are substantially similar to the statutorily enumerated list of criminal activities. (See Section 3.13.) The wide variety of criminal statutes in federal, state, and local law often results in criminal activity being named differently despite the nature and the elements of the crime being comparable. Qualifying criminal activity may also occur during the commission of a non-qualifying criminal act though a perpetrator may not be charged with or prosecuted for the qualifying criminal activity.

When the criminal activity is not obviously similar to the statutorily listed activity, the petitioner must submit evidence in USCIS Form I-918 demonstrating how the activity is substantially similar to one of the enumerated qualifying crimes.

When making a determination on the merits of whether or not a qualifying “similar activity” exists, USCIS will consider the severity and qualitative nature of the offense, and not just its similarities. (See 8 C.F.R. § 214.14(a)(9).)

### **3.16 Substantial Physical or Mental Abuse**

The victim, through his or her U visa petition, has the burden of showing substantial physical or mental abuse. USCIS is the sole entity authorized to determine if the substantial abuse qualifies the victim for a U visa. USCIS thus determines whether the injury or harm caused by the qualifying crime to a petitioner’s physical person, or harm to or impairment of the emotional or psychological soundness of the victim, constitutes abuse that is *substantial*. (See 8 C.F.R. § 214.14(a)(8).)

### **3.17 Territories and Possessions of the United States**

The Territories and Possessions of the United States are American Samoa, Swains Island, Bajo Nuevo (the Petrel Islands), Baker Island, Howland Island, Jarvis Island, Johnson Atoll, Kingman Reef, Midway Atoll, Navassa Island, the Northern Mariana Islands, Palmyra Atoll, Serranilla Bank, and Wake Atoll. (See 8 C.F.R. § 214.14(a)(11).)

### **3.18 United States**

For the purposes of this Handbook, the United States is defined as the continental United States, Alaska, Hawaii, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, and Guam.

### **3.19 U Nonimmigrant Status Certification, Form I-918, Supplement B**

USCIS Form I-918, Supplement B, “U Nonimmigrant Status Certification” (U visa certification), is completed by an LEA to confirm that the petitioner has been helpful, is being helpful, or is likely to be helpful in the investigation or prosecution of the qualifying criminal activity of which he or she is a victim. Victims are required to submit Form I-918B to USCIS as a part of their petition for U nonimmigrant status. (See 8 C.F.R. § 214.14(c)(2).)

### **3.20 Victim of a Qualifying Criminal Activity**

A victim of a qualifying criminal activity is an alien who is directly and proximately harmed as a result of the commission of qualifying criminal activity. Pecuniary crimes are not included in the definition of qualifying crimes (*see* Section 3.13) for a U visa. (*See* 8 C.F.R. §§ 214.14(a)(9) and (a)(14).)

### **3.21 Violation of the Laws of the United States**

In order to qualify for a U visa, the criminal activity that resulted in the victimization of the petitioner must either have violated the laws of the United States or have occurred in the United States.

The phrase “violated the laws of the United States” means criminal activity that occurred outside the United States but that violates a U.S. federal law. Such activity will be considered to violate U.S. law if it violates a federal statute that specifically provides for extraterritorial jurisdiction to prosecute the offense in a U.S. court.

Example: Per Title 18, United States Code (U.S.C.), Section 2423(c), the United States has jurisdiction to investigate and prosecute cases involving U.S. citizens or nationals who engage in illicit sexual conduct outside the United States, such as sexually abusing a minor. Unfortunately, prosecution may not be possible in some of these cases due to various factors, such as an inability to extradite the defendant. But prosecution of the qualifying criminal activity need not actually occur for an LEA to certify a victim’s U visa petition, as the statute only requires the petitioner to be helpful in the investigation *or* prosecution of the criminal activity.

The phrase “occurred in the United States” means qualifying criminal activity that occurred in the United States that is in violation of U.S. law.

### **3.22 Waiting List**

Each year, 10,000 U visas are available. All eligible petitioners who, due solely to the cap, are not granted a U visa must be placed on a waiting list and receive written notice of such placement. USCIS will grant deferred action or parole to petitioners and qualifying family members while the petitioners are on the waiting list. USCIS, in its discretion, may authorize employment for such petitioners and qualifying family members. (*See* 8 C.F.R. § 214.14(d)(2).)

### **3.23 Witness Tampering, Obstruction of Justice, or Perjury**

A petitioner may be considered a victim of witness tampering, obstruction of justice, or perjury if (1) the petitioner has been directly or 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 the perpetrator to justice for other criminal activity; or
- B. To further the perpetrator's abuse or exploitation of or undue influence over the petitioner through manipulation of the legal system. (*See* 8 C.F.R. § 214.14(a)(14)(ii).)

#### **Chapter 4. AUTHORITIES**

The following authorities govern the U visa:

- A. Public Law 106-386, Victims of Trafficking and Violence Protection Act (VTVPA) of 2000, Division B, Violence Against Women Act (VAWA) of 2000, Title V, Battered Immigrant Women.
- B. Public Law 109-162, Violence Against Women and Department of Justice Reauthorization Act of 2005, Title VIII, Protection of Battered and Trafficked Immigrants.
- C. 8 U.S.C. § 1367, Penalties for Disclosure of Information.
- D. 8 C.F.R. Parts 103, 212, *et al.*, New Classification for Victims of Criminal Activity; Eligibility for "U" Nonimmigrant Status; Interim Rule.
- E. 8 C.F.R. Parts 103, 212, 214, 245, and 299, Adjustment of Status to Lawful Permanent Resident for Aliens in T or U Nonimmigrant Status.
- F. 8 C.F.R. § 214.14(a)(3)(i), Delegation of Authorities to the Assistant Secretary for ICE Contained in the Homeland Security Act.
- G. Attorney General Guidelines for Victim and Witness Assistance.
- H. Department of Homeland Security (DHS) Directive 002-02, Implementation of Section 1367 Information Provisions, dated November 1, 2013.
- I. DHS Instruction Number 002-02-001, "Implementation of Section 1367 Information Provisions," dated November 7, 2013.
- J. ICE Delegation Order 10001.1, Authority to Issue U Nonimmigrant Status Certifications, dated August 5, 2011.
- K. HSI Delegation Order 10006.1, Authority to Issue U Nonimmigrant Status Certifications within Homeland Security Investigations, dated November 18, 2011.

## **Chapter 5. RESPONSIBILITIES**

### **5.1 Executive Associate Director, Homeland Security Investigations**

The Executive Associate Director (EAD) of HSI is responsible for the oversight of the policy and procedures in this Handbook.

### **5.2 Unit Chief, Victim Assistance Program/Management Oversight Unit**

The Unit Chief, Victim Assistance Program/Management Oversight Unit, is responsible for the implementation of the provisions of this Handbook within HSI.

### **5.3 Section Chief, Victim Assistance Program**

The Section Chief, Victim Assistance Program, is responsible for developing and disseminating guidance on victim assistance, providing training and technical assistance, and monitoring compliance with federal crime victim assistance statutes.

### **5.4 Special Agents in Charge**

SACs are responsible for ensuring compliance with the provisions of this Handbook within their respective areas of responsibility (AORs) and for establishing local protocols to ensure proper implementation within their AOR. As the HSI certifying officials (*see* Section 3.2), SACs are responsible for signing U visa certifications.

### **5.5 Victim Assistance Coordinator**

The Victim Assistance Coordinator (VAC) who has been delegated victim assistance responsibilities as a collateral duty by the SAC or designee is responsible for participating in the U visa vetting process as requested.

### **5.6 Victim Assistance Specialist**

The Victim Assistance Specialist (VAS) is responsible for providing guidance to SAs and VACs on the various forms of immigration options for victims, including the designation of Continued Presence, the T visa, and the U visa. The VAS is also responsible for participating in the U visa vetting process; maintaining records on I-918B certification approvals and denials; and submitting a report of the annual approvals and denials to the Victim Assistance Program at HSI Headquarters at the end of the fiscal year and otherwise upon request.

The VAS refers victims who need legal advice or assistance with completion of their U visa application to the appropriate nongovernmental organization (NGO) service provider. The VAS is not responsible for providing assistance with completion of any portion of the victim's U visa application or signing the U visa declaration.

## **5.7 HSI Embedded Attorneys**

HSI Embedded Attorneys are available as needed to answer legal questions regarding the U visa and U visa certification and to ensure the legal sufficiency of final approval or disapproval of a request for a U visa certification. The Human Rights Law Section in the Homeland Security Investigations Law Division of the Office of the Principal Legal Advisor (OPLA) provides legal advice, training, and technical assistance on human trafficking, victim assistance, T visas, U visas, and continued presence.

## **5.8 Special Agents**

SAs are responsible for complying with the provisions of this Handbook.

# **Chapter 6. U VISA BASICS**

## **6.1 Strengthen Law Enforcement Efforts**

The VTVPA of 2000 was enacted to strengthen the ability of LEAs to investigate and prosecute serious crimes and trafficking in persons while offering protections to victims of such crimes from the immediate risk of being removed from the country. Congress, in the VTVPA, created the U visa out of a recognition that victims without legal status may otherwise be reluctant to help in the investigation or prosecution of criminal activity. Foreign nationals can be particularly vulnerable to criminal activity due to a variety of factors, including, but not limited to, language barriers, separation from family and friends, lack of understanding of U.S. laws, fear of removal, and cultural differences. Accordingly, under the VTVPA, Congress sought not only to prosecute perpetrators of crimes committed against immigrants but also to strengthen relations between law enforcement and immigrant communities.

## **6.2 Benefits to Victims**

The U visa allows eligible victims to temporarily remain and work in the United States, generally for 4 years. While in U nonimmigrant status, the victim has an ongoing duty to cooperate with law enforcement and cannot unreasonably refuse to assist with the investigation or prosecution of the criminal activity. If certain conditions are met, an individual with a U visa may apply for adjustment to lawful permanent resident status after 3 years. Additionally, certain family members of a U visa recipient may also be eligible to live and work in the United States as derivative U visa recipients based on their relationship with the principal recipient.

## **6.3 U Visa Eligibility Requirements**

USCIS may find an individual eligible for a U visa if the victim:

- A. Is the direct or indirect victim of qualifying criminal activity;

- B. Has suffered substantial physical or mental abuse as a result of having been a victim of criminal activity;
- C. Has information about the criminal activity; and
- D. Was helpful, is being helpful, or is likely to be helpful to law enforcement, prosecutors, judges, or other officials in the detection, investigation, prosecution, conviction, or sentencing of the criminal activity. (*See* 8 C.F.R. 214.14(b).)

Additionally, the victim must be admissible to the United States based on a review of criminal history, immigration violations, and other factors. If found inadmissible, the petitioner may apply for a waiver of inadmissibility for which he or she may be eligible. (*See* 8 C.F.R. § 212.17.)

#### **6.4 USCIS Adjudication**

USCIS takes several steps to determine whether a victim is eligible for a U visa. USCIS reviews the entire application, which includes the petition, Form I-918B certification, and the victim's affidavit, as well as supporting evidence, such as police reports, medical records, photographs, court documents, and witness affidavits. If the applicant is inadmissible due to, for example, prior criminal history, immigration violations, or security concerns, USCIS also reviews any application received for a waiver of inadmissibility. However, some grounds of inadmissibility cannot be waived. As a part of its review of the U visa certification (Form I-918B), USCIS may contact the certifying official to ask if the victim has continued to provide assistance reasonably requested or to request other information. USCIS may also contact the certifying agency if any issues or questions arise during the adjudication based on information provided in the certification.

For all U visa petitioners and their qualifying family members, USCIS conducts a thorough background investigation including an FBI fingerprint check and name check. USCIS also reviews the petitioner's immigration records to assess whether any inadmissibility issues exist, such as the petitioner's criminal history, immigration violations, or security concerns. USCIS may consider the results of these checks, as well as any evidence that certifying officials and immigration authorities possess, when determining eligibility for a U visa. Because qualifying derivative family members are subject to the same background checks, it is possible that a derivative's adverse criminal or immigration background could result in a denial of derivative status even when the principal has been approved.

#### **6.5 Filing from Outside the United States**

Petitioners for a U visa do not need to be physically present in the United States to file USCIS Form I-918. Petitioners filing from outside the United States must meet the same eligibility requirements, including a U visa certification, as those filing from within the United States. Evidentiary requirements and standards are the same.

## **6.6 Significance of the U Visa Certification**

Without a completed and signed U visa certification, the victim will not qualify for a U visa, as it is a required part of the application and there is no exception to this requirement. However, by signing a U visa certification, HSI is not sponsoring or endorsing the victim for a U visa, and the completed certification does not guarantee that USCIS will approve the U visa petition. USCIS considers the U visa certification as only one part of the evidence in support of the U visa petition.

## **Chapter 7. PROCEDURES**

### **7.1 Certification Review Process Overview**

The authority within HSI to sign U visa certifications is delegated to the SACs in ICE Delegation Order 10006.1, “Authority to Issue U Nonimmigrant Status Certifications within Homeland Security Investigations,” dated November 18, 2011. This delegation was executed because SACs are uniquely situated to 1) verify jurisdiction; 2) determine whether petitioners are victims of qualifying crimes; 3) determine whether petitioners are, have been, or are likely to be helpful in the investigation or prosecution of that criminal activity; 4) enhance victim cooperation in HSI investigations; 5) reduce opportunities for fraud; and 6) receive information for additional investigations.

The certification process is an objective and systematic examination of information provided in support of a request for a U visa certification. Although certification procedures may differ slightly by field office, each petition should be thoroughly vetted before making an affirmative determination that HSI should sign the certification.

The SAC certification process will operate in accordance with the following principles so that it is seen to be 1) objective (i.e., the recommendations are based on clear, explicit, and straightforward processes and terms of reference); 2) consistent with procedural guidelines and terms of reference applied in the same way over time; and 3) timely, so that SACs manage requests for certification within the prescribed time period.

The range of certifying agencies covers federal, state, and local law enforcement as well as certain other agencies that have criminal investigative jurisdiction in their respective areas of expertise. This array has the potential to create confusion for petitioners over which entity has the authority to provide a U visa certification. Therefore, if the petitioner is a victim of a state or local crime, the SAC should refer the victim to a state or local “certifying agency” for certification.

### **7.2 Certification Review Vetting Team**

SACs will establish U Visa Certification Review Vetting Teams (CRVTs) within their AOR. A CRVT is a body composed of HSI staff who will determine the validity of the information submitted by U visa petitioners seeking an HSI certification. Each CRVT will consist of a team



leader who should be a Resident Agent in Charge (RAC), Group Supervisor, or other senior manager. One team member must be a VAS; other team members may be the case agent or appropriate supervisors. The CRVT will consist of an odd number of members. Case agents may provide information and qualifying data for petitioners from HSI investigations to the CRVT, but they will not be voting members of the CRVT referral process. This is to ensure the integrity of the process and to avoid the appearance of undue influence by SAs who may have had past interactions with petitioners during an investigation.

The CRVT will vet requests for U visa certifications and provide clear, accurate, and timely recommendations about a petitioner's eligibility for the certification. Members of the CRVT will review information contained in the petition, as well as consider any other appropriate source of information in reaching their recommendation. Members of the CRVT will vote independently to determine if the U visa certification will be recommended for approval or denial. A simple majority vote is needed.

SACs shall not discriminate against any U visa petitioner because of his or her race, color, religion, sex, disability, or national origin.

### **7.3 Certification Review Process**

SACs will establish a Certification Review Process for CRVTs within their AOR. A certification review process typically includes the following sequential activities:

#### Tier 1:

The petitioner submits a copy of a completed Form I-918, Petition for U Nonimmigrant Status, and a blank Form I-918, Supplement B, to the SAC with a request to sign the U visa certification. After initial review by the CRVT, the Chair of the CRVT will forward the package, including the CRVT's recommendations for concurrence and approval or denial.

- A. The VAS and VACs, as appropriate, from Assistant Special Agent in Charge (ASAC) or SAC offices will participate on the CRVT for certification requests associated with cases in their respective offices.
- B. VACs from RAC offices will participate on the CRVT for certification requests associated with cases in their respective offices.

#### Tier 2:

An ASAC will review all materials for completion and accuracy and forward the I-918B petition package to the SAC.

Tier 3:

The final signature will be that of the certifying official, i.e., the SAC. The final petition package submitted to the SAC for a U visa certification will consist of the following:

- A. Form I-918, Supplement B;
- B. Certification Review Vetting Sheet (*see* Appendix A);
- C. Approval/Denial and Adjustment of Status letters, as appropriate (*see* sample letters at Appendices B-E); and
- D. Document Routing Form indicating appropriate concurrences.

SACs will certify only Forms I-918B submitted by petitioners involved in an HSI investigation. Therefore, it is expected that most requests for Form I-918B submitted to HSI will have an HSI investigation and case agent already identified. In instances when a Form I-918B request is submitted by an individual who is not part of an HSI investigation, the initial review of the request will be accomplished by the SAC-level CRVT to determine if an HSI investigation should or could be initiated.

- A. If an HSI investigation can be initiated, the SAC will forward the issue to the appropriate field office for assignment to an SA.
- B. That office's CRVT will then review the petition.
- C. The CRVT will complete the review and forward the petition package to the SAC.
- D. If no qualifying HSI investigation can be opened, the SAC shall refer the petitioner to an appropriate federal, state, or local LEA, prosecutor, or judge for the certification.

## **7.4 Certification Review Procedures**

### **7.4.1 Receipt and Certification of Form I-918B**

- A. Petitioners should submit requests for U visa certification with all required materials to the SAC.
- B. SAs, VASs and VACs will ensure that petitioners have submitted a copy of a completed Form I-918, Petition for U Nonimmigrant Status, and a blank Form I-918, Supplement B.
- C. Upon verification that all required materials have been submitted, the request for the certification package will be date stamped and a work folder created.

- D. Fiscal Year (FY) numbers and subsequent petition numbers (e.g., I-918B-FYxxxx/001, I-918B-FYxxxx/002) will be assigned.
- E. A tracking system, such as Excel spreadsheets, will be created to capture pertinent tracking information.
- F. If the petitioner is a victim of a qualifying crime that HSI is investigating, the work folder will be forwarded to the field office (ASAC or RAC) that has conducted or is conducting the investigation for consideration. Alternatively, the CRVT can review the Reports of Investigation (ROIs) and speak with the case agent for background information.
- G. If the petition involves an alleged victim unknown to HSI, an investigation may be opened if warranted by facts and jurisdiction. The petitioner may also be interviewed to determine whether, among other things, the petitioner reported the criminal activity to, or requested an I-918B from, another certifying agency.
- H. If the package is incomplete, it will be returned to the sender; it may also be returned to request additional information and resubmission.
- I. If a petitioner is represented by an attorney, all correspondence regarding the certification will be forwarded to the attorney.

#### **7.4.2 Certification Review Vetting Team**

- A. A CRVT shall be chaired by a senior manager (below the SAC level) and meet in accordance with locally established procedures.
- B. A CRVT shall be composed of an odd number of members, either three or five, one of whom shall be a VAC and/or VAS, if so designated by the SAC.
- C. The chairperson of the CRVT will:
  - 1) Coordinate the work of the CRVT;
  - 2) Manage the continuity of meetings by ensuring that sufficient time is allocated for each request to be adequately considered;
  - 3) Ensure fairness in discussion between CRVT members;
  - 4) Ensure that requests for certification are vetted with the input of all CRVT members;
  - 5) Ensure that key deliberations are summarized and recommendations are clearly articulated; and

- 6) Ensure that the CRVT votes are recorded.

#### D. CRVT Responsibilities

The CRVT makes an important contribution to the SAC's decision-making process. Its general responsibilities are to:

- 1) Examine the Form I-918, Petition for U Nonimmigrant Status, to determine:
  - a) Whether HSI has investigated, is investigating, or has the authority to investigate the reported criminal activity;
  - b) Whether the petitioner is a victim of the criminal activity;
  - c) Whether the petitioner has knowledge of the details concerning that criminal activity; and
  - d) The helpfulness of the victim in the investigation;
- 2) Query all relevant HSI databases for information about the victim's claims;
- 3) Enter U visa certifications (approved or denied) into Investigative Case Management (ICM) for management accountability purposes, in accordance with ICM protocols; and
- 4) Determine whether the petitioner has failed to provide assistance for reasonably requested information in the investigation or prosecution of the crime of which he or she is a victim.

#### E. CRVT Recommendations

- 1) The CRVT's examination and recommendation to the SAC must be sound and defensible. For these purposes, the CRVT shall:
  - a) Judge each petition on its own merits;
  - b) Assess the petition using the Certification Review Vetting Sheet (*see* Appendix A); and
  - c) Make a recommendation to the SAC regarding the eligibility of each petitioner for a U visa certification and the reasons for the findings and recommendation.

- 2) In conducting its examination and in formulating its recommendation, the CRVT:
  - a) May obtain the assistance of the local Office of the Principal Legal Advisor (OPLA) field office to ensure the legal sufficiency of the recommendations to be sent to the SAC; and
  - b) Provide recommendations to the SAC to approve or deny the victim's request for certification.
- 3) The CRVT will prepare and forward the completed Form I-918B and additional written explanations, if necessary, regarding the petitioner to the ASAC or SAC within 30 calendar days of its receipt of a request for a certification.
- 4) The CRVT package forwarded through the ASAC to the SAC will include the completed Form I-918B and an appropriate approval or denial letter for signature. (*See* sample letters at Appendices B and C.)
- 5) CRVT meetings and their deliberations are not open to either petitioners or the public. The CRVT recommendation should be made by consensus whenever possible; if consensus is unable to be reached, both the majority's recommendation and the minority's view will be part of the CRVT certification report to the SAC.

#### **7.4.3 Assistant Special Agent in Charge Review**

- A. If the SAC office's U visa certification procedures include a review by the appropriate ASAC prior to submission to the SAC, the appropriate ASAC will review the entire package for completeness, accuracy, and propriety.
- B. The ASAC will resolve any issues or seek clarification from the vetting team.
- C. The ASAC will endorse and forward the complete package to the SAC.

#### **7.4.4 Certifying Official**

- A. A SAC's decision to provide a certification is entirely discretionary.
- B. SACs are under no legal obligation to complete Form I-918B. If the SAC determines that the petitioner has met the requirements for a U visa certification, he or she may sign the Form I-918B, certifying the petitioner's eligibility, and notify the petitioner of this decision.
- C. SACs may request assistance, as necessary, from the local OPLA field office to ensure the legal sufficiency of final approval or disapproval of a petition for a U visa certification.

- D. SACs will review and sign the U visa certification or issue a denial letter within 45 calendar days.
- E. If the Form I-918B is signed (denoting approval of the U visa certification), the SAC will also sign the approval letter. If Form I-918B is approved, the SAC office will also grant deferred action until the petitioner's request is reviewed by USCIS.
- F. If the petitioner's request is denied, the SAC will sign a letter of denial.
- G. SACs shall not discriminate against any U visa petitioner because of his or her race, color, religion, sex, disability, or national origin.

## **7.5 Administrative Procedures for Completed Certifications**

- A. When the certification form has been completed by the SAC, it will be maintained for records management purposes. Form I-918B should not be mailed separately to USCIS. The petitioner is required to submit the Form I-918B with his or her petition (Form I-918) to the Vermont Service Center (VSC) for adjudication.
- B. Copies of the signed original I-918B and approval letter will be made. (*See* a sample letter at Appendix B.)
- C. The signed I-918B and the approval letter shall be forwarded to the petitioner or his or her attorney.
- D. The work folder containing copies of the I-918B, approval letter, Certification Review Vetting Sheet, Document Routing Form showing written concurrences, and all related notes will be properly filed, as appropriate and per the SAC's direction.
- E. If the I-918B is not approved, the appropriate denial letter will be sent to the petitioner or his or her attorney. (*See* sample letters at Appendix C.)
- F. Copies of denial letters will be filed in the appropriate work folder.
- G. The Excel database or other recordkeeping used will be updated.
- H. The closed work folders will be maintained in numerical order by FY in a locked cabinet.

## **7.6 Reporting Concerns to USCIS**

HSI may report concerns regarding a U visa petitioner to USCIS at

(b) (7)(E) @uscis.dhs.gov by sending the individual's name, A#, and any and all relevant information regarding the concern. This may occur when HSI believes the petitioner to be ineligible and has issued a denial letter but another LEA signs the certification.

## 7.7 Withdrawing Certification

HSI may withdraw a U visa certification at any time if the petitioner is no longer complying with reasonable requests for assistance in the investigation or prosecution. This is an ongoing requirement not only for the U visa application but also for the adjustment of status application. If the withdrawal is received by USCIS after the petition is approved, it will result in the revocation of the petition and all derivative petitions. (*See* 8 C.F.R. § 214.14(h).)

The case agent shall notify USCIS of any certification withdrawal by email at

(b) (7)(E) @uscis.dhs.gov and provide a detailed explanation of his or her assertions in writing. The correspondence and any subsequent revocation by USCIS shall be maintained in the case file and documented in an ROI.

## Chapter 8. REQUEST FOR LETTERS OF SUPPORT FOR VICTIMS SEEKING ADJUSTMENT OF STATUS

Many victims for whom HSI provided a U visa certification will return to HSI requesting evidence of their continued assistance in the investigation or prosecution for their adjustment of status application. The adjustment application requires, among other things, that U visa recipients submit evidence to USCIS that demonstrates whether or not any request was made to the recipient, after he or she received the U visa, to provide assistance in an investigation or prosecution in connection with the qualifying criminal activity, and his or her response to any such requests. (*See* 8 C.F.R. § 245.24(e).)

If HSI provided the original U visa certification and HSI determines that a victim complied with (or did not unreasonably refuse to comply with) reasonable requests for assistance in the investigation or prosecution during the requisite period, it is appropriate for the certifying official to provide support for the victim's adjustment of status application. USCIS will accept any of three methods:

- A. Submit a copy of the original U visa certification with a new signature and date;
- B. Complete a new U visa certification; or
- C. Send a letter attesting to the fact that, during the requisite period of continuous physical presence, the victim complied with any reasonable request for assistance in the HSI investigation. (*See* a sample letter at Appendix D.)

In the event that a U visa recipient has refused to continue to comply with reasonable requests for assistance, HSI may decline to provide the requested support and provide a denial letter to the U visa recipient. Additionally, HSI may inform USCIS of its decision by providing detailed information about the decision to (b) (7)(E) @uscis.dhs.gov. (*See* a sample letter at Appendix E.)

Support for a victim's adjustment of status may be provided even if the case never resulted in a criminal prosecution. Letters shall be signed by the designated management-level certifying official in each field office. The field office shall maintain a copy in the case file and the case agent shall document the request and the decision in an ROI.

## **Chapter 9. MONITORING AND REVIEW**

Monitoring mechanisms are needed if HSI is to evaluate the efficiency, effectiveness, accountability, and fairness of the certification process. Performance indicators reveal a great deal about the state of HSI certifications. Therefore, the EAD of HSI shall provide independent assurance to the Director of ICE on the fairness, consistency, and potential impact that the U visa certification process may have on petitioners to whom it is applied. The EAD of HSI will monitor SAC certifications and denials, provide specialized training and technical assistance, and ensure uniformity of the certification approval function through the prescribed vetting process.

SACs shall ensure that certification procedures are established to implement the provisions of this Handbook and facilitate the collection of accurate, consistent, and complete information on U visa certifications. SAs shall provide support and guidance to crime victims and ensure that objective and timely certification recommendations are made available to SACs.

## **Chapter 10. IMMIGRATION IMPLICATIONS**

### **10.1 Unlawful Presence**

Time on the U visa waiting list (i.e., while granted deferred action or parole) will not result in the accrual of unlawful presence. (*See* 8 C.F.R. § 214.14(d)(3).) A petitioner may be removed from the waiting list and deferred action or parole may be terminated at the discretion of USCIS.

### **10.2 Duration of Status**

The initial validity of a U visa will be for a period of 4 years minus one day from the date of approval of Form I-918. (*See* 8 C.F.R. § 214.14(g)(1).) Extensions beyond the 4-year period are available upon attestation by the certifying official that the petitioner's presence in the United States continues to be necessary to assist in the investigation or prosecution of qualifying criminal activity. (*See* 8 C.F.R. § 214.14(g)(2).)

In order to obtain a U visa extension based upon such an attestation, the petitioner must file USCIS Form I-539, Application to Extend/Change Nonimmigrant Status, and a newly signed USCIS Form I-918, Supplement B, in accordance with the instructions for Form I-539.



### **10.3 Notice to Appear**

If USCIS denies the U visa petition, DHS may file a new DHS Form I-862, Notice to Appear, to initiate proceedings against an individual whose removal proceedings were previously terminated. (*See* 8 C.F.R. § 214.14(c)(5)(ii).)

### **10.4 Immigration Proceedings**

USCIS may institute removal proceedings for conduct committed after admission; for conduct or a condition that was not disclosed to USCIS prior to the granting of U nonimmigrant status; for misrepresentations of material facts in Form I-918 or Form I-918, Supplement A, and supporting documentation; or after revocation of U nonimmigrant status. (*See* 8 C.F.R. § 214.14(c)(5)(ii).) ICE maintains its authority to institute removal proceedings.

### **10.5 Petitioners in Pending Immigration Proceedings**

Aliens in removal proceedings or in exclusion or deportation proceedings may petition for a U visa. The OCC may, as a matter of discretion and at the request of the petitioner, agree to file a joint motion to terminate or administratively close proceedings with the immigration judge or the Board of Immigration Appeals (BIA), whichever is appropriate, while the I-918 is being adjudicated. (*See* 8 C.F.R. § 214.14(c)(1)(i).)

### **10.6 Petitioners with Final Orders of Removal, Deportation, or Exclusion**

Aliens with a final order of removal, deportation, or exclusion are not precluded from petitioning for a U visa directly with USCIS. Filing a U visa petition has no effect on DHS' authority to execute the final order, although the petitioner may file a request for a stay of removal. ICE may grant a stay of removal to a U visa petitioner whose petition sets forth a prima facie case for approval until the petition is adjudicated. If the alien is in detention pending the execution of the final order, the time during which the stay is in effect may extend the period of detention necessary to bring about the alien's removal. (*See* 8 C.F.R. § 214.14(c)(1)(ii).)

USCIS' denial of the petition will result in the stay being lifted automatically as of the date the denial becomes administratively final. (*See* 8 C.F.R. § 214.14(c)(5)(ii).)

USCIS will place eligible petitioners for whom it is unable to immediately grant U nonimmigrant status due solely to the limited number of U visas available each year on a waiting list. (*See* 8 C.F.R. § 214.14(d).) USCIS will also grant these petitioners deferred action or parole while they remain on the waiting list. *Id.* USCIS may terminate such deferred action or parole at any time, including upon request and based on evidence provided by ICE.

### **10.7 Effect of Approvals on Immigration Proceedings**

For petitioners who are subject to an order of exclusion, deportation, or removal issued by DHS, the order will be deemed cancelled by operation of law as of the date of USCIS' approval of Form I-918. Petitioners subject to an order of execution, deportation, or removal issued by an

immigration judge or the BIA may seek cancellation of such order by filing a motion to reopen and terminate proceedings with the immigration judge or the BIA. The local OPLA field office may agree, as a matter of discretion, to join such a motion to overcome any applicable time and numerical limitations. (*See* 8 C.F.R. § 214.14(c)(5)(i).)

## **10.8 USCIS Human Trafficking Referrals to HSI**

USCIS will make referrals to HSI for all U visa petitions that involve, appear to involve, or claim to involve human trafficking.

USCIS adjudicators will issue a letter referring qualifying cases to HSI. Along with this letter, USCIS will forward copies of supporting documentation. This referral will occur as soon as a USCIS adjudicator identifies human trafficking indicators within a U visa petition. The original Form I-918 petition and supporting documentation will remain at the VSC for adjudication. Adjudication on the Form I-918 will continue after the referral is made. The petitioner will *NOT* be notified regarding the referral.

If HSI returns findings after the referral, that information will be considered in the review of the pending petition. If HSI provides adverse information after a final decision has been reached, the VSC will decide whether to commence revocation procedures. All referrals will receive USCIS supervisory approval before issuance.

## **Chapter 11. PROHIBITION AGAINST DISCLOSURE OF INFORMATION**

### **11.1 Prohibition and Law Enforcement Exception**

Provisions of the Violence Against Women Act (VAWA), codified at 8 U.S.C. § 1367, generally prohibit DHS from disclosing any information regarding U visa applicants (including the fact that someone even applied for a U visa), except pursuant to limited exceptions. DHS guidance sets forth that DHS employees are generally prohibited from permitting use by or disclosure to anyone other than a sworn officer or employee of DHS, DOS, or DOJ of any information relating to a beneficiary of a pending or approved application for victim-based immigration benefits. (*See* 8 U.S.C. § 1367; DHS Directive 002-02, “Implementation of Section 1367 Information Provisions,” dated November 1, 2013; and DHS Instruction Number 002-02-001, “Implementation of Section 1367 Information Provisions,” dated November 7, 2013.)

The nondisclosure provision applies to any information about the U visa applicant, not simply the information contained in the specific petition or application for the benefit, and provides protection as soon as a DHS employee has reason to believe that the alien may be the beneficiary of a pending or approved victim-based application or petition. The limitation on disclosure ends when the application for relief is denied and all opportunities for appeal of the denial have been exhausted.

Limited disclosure exceptions exist in the statute, including eight specific statutory exemptions, such as disclosure to benefit-providing agencies for eligibility determinations and to NGO victim

services providers when the U visa petitioner has consented. ICE employees should consult OPLA prior to disclosing any information about a U visa applicant or recipient to a person or entity outside of DHS.

## 11.2 No Adverse Determinations Based Solely on the Perpetrator

Perpetrators may seek retaliation against their victims for identifying them and cooperating with law enforcement; in some cases, the perpetrators will attempt to provide information that would have the victims deported. 8 U.S.C. § 1367 prohibits DHS officers and employees from making an adverse determination of admissibility or deportability against an alien using information furnished solely by a prohibited source. Prohibited sources include, but are not limited to, the perpetrators of battery or extreme cruelty, sexual assault, human trafficking, or substantial physical or mental abuse and criminal activity, regardless of whether the alien victim of such crimes has applied for VAWA benefits or T or U nonimmigrant status. (*See* 8 U.S.C. § 1367 (a)(1)(F).)

There are many ways that DHS employees might receive “tips” from a prohibited source or the family of a prohibited source. Some of these ways include when a perpetrator of a qualifying crime calls ICE to report the victim as illegal; when a landlord (who may actually be a human trafficker) calls ICE to report that his or her tenants are undocumented; or when a spousal abuser provides information to USCIS rebutting the basis for the victim’s application.

When a DHS employee receives adverse information about a U visa applicant or recipient, the information should be treated as inherently suspect. The employee should consider all serious adverse factors in deciding whether to pursue any investigation or enforcement action based on the information provided about a U visa applicant or recipient. Such factors include (b) (7)(E)

(b) (7)(E)

## 11.3 Disciplinary Action for Violation

Violations of Section 1367 could give rise to serious, even life-threatening, dangers to victims and their family members. Violations compromise the trust victims have in law enforcement and other services that exist to help them. Importantly, violations may unwittingly aid perpetrators in retaliating against, harming or manipulating victims and their family members, and eluding or undermining criminal prosecutions. (*See* DHS Directive 002-02, “Implementation of Section 1367 Information Provisions,” dated November 1, 2013; and DHS Instruction Number 002-02-001, “Implementation of Section 1367 Information Provisions,” dated November 7, 2013.)

Anyone who willfully uses, publishes, or permits information to be disclosed in violation of this section or who knowingly makes a false certification under section 239(e) of the Immigration and Nationality Act (8 U.S.C. § 1229(e)) shall be subject to appropriate disciplinary action and

subject to a civil money penalty of not more than \$5,000 for each such violation. (*See* 8 U.S.C. § 1367(c).)

# **Certification Review Vetting Sheet**

FOR OFFICIAL USE ONLY  
LAW ENFORCEMENT SENSITIVE

**U VISA CERTIFICATION REVIEW VETTING SHEET  
FOR A CRIME VICTIM HELPFUL IN AN HSI INVESTIGATION**

(b) (7)(E)



**FOR OFFICIAL USE ONLY  
LAW ENFORCEMENT SENSITIVE**

(b) (7)(E)



**FOR OFFICIAL USE ONLY  
LAW ENFORCEMENT SENSITIVE**

(b) (7)(E)





**FOR OFFICIAL USE ONLY  
LAW ENFORCEMENT SENSITIVE**

(b) (7)(E)



**FOR OFFICIAL USE ONLY  
LAW ENFORCEMENT SENSITIVE**

The vetting team's recommendation is to:

(b) (7)(E)



**Sample  
U Nonimmigrant Status  
Certification Letter**

**SAMPLE  
U NONIMMIGRANT STATUS CERTIFICATION LETTER**

(b) (7)(E)



# Sample Form I-918B Denial Letters

**SAMPLE  
FORM I-914B DENIAL LETTER**

**General Denial**

(b) (7)(E)



**SAMPLE  
FORM I-914B DENIAL LETTER**

**No HSI Jurisdiction**

(b) (7)(E)



**SAMPLE  
FORM I-914B DENIAL LETTER**

**Crime Committed Outside the United States  
With No HSI Jurisdiction**

(b) (7)(E)





**SAMPLE  
FORM I-914B DENIAL LETTER**

**Non-qualifying Crime**

(b) (7)(E)



**SAMPLE  
FORM I-914B DENIAL LETTER**

(b) (7)(E)



# Sample U Adjustment Support Letter

**SAMPLE  
U ADJUSTMENT SUPPORT LETTER**

(b) (7)(E)



**Sample  
U Revocation or Adjustment Letter  
for Refusing to Assist**

**SAMPLE  
U REVOCATION OR ADJUSTMENT LETTER  
FOR REFUSING TO ASSIST**

(b) (7)(E)



## ACRONYMS

AOR	Area of Responsibility
ASAC	Assistant Special Agent in Charge
BIA	Board of Immigration Appeals
C.F.R.	Code of Federal Regulations
CRVT	Certification Review Vetting Team
DHS	U.S. Department of Homeland Security
DOJ	U.S. Department of Justice
DOS	U.S. Department of State
EAD	Executive Associate Director
FBI	Federal Bureau of Investigation
FOUO	For Official Use Only
FY	Fiscal Year
HB	Handbook
HSI	Homeland Security Investigations
ICE	U.S. Immigration and Customs Enforcement
ICM	Investigative Case Management
LEA	Law Enforcement Agency
NGO	Nongovernmental Organization
OCC	Office of the Chief Counsel
OI	Office of Investigations
OPLA	Office of the Principal Legal Advisor
RAC	Resident Agent in Charge
ROI	Report of Investigation
SA	Special Agent
SAC	Special Agent in Charge
U.S.C.	United States Code
USCIS	U.S. Citizenship and Immigration Services
VAC	Victim Assistance Coordinator
VAS	Victim Assistance Specialist
VAWA	Violence Against Women Act
VSC	Vermont Service Center
VTVPA	Victims of Trafficking and Violence Protection Act