

Requesting a U Certification – Best Practices

1. Obtain police reports if possible.
2. Call the Law Enforcement Agency (LEA) to find out who is the person to whom the request should be directed and whether they want the I-918B already filled out.

Ask them whether their agency has a dedicated certifying official. If not, direct the request to the head of the agency.

If calling a DA's office, the Victim's Assistance Program will usually know these details. If calling the police, see if they have a division dedicated to family services or domestic violence.

If you are dealing with an LEA that is unfamiliar with the U Visa, be prepared to explain what it is and what it is for. The DHS Law Enforcement Guide can be very helpful in these situations.¹

NOTE: If the criminal case is still pending against the abuser, your request and all materials submitted with your U Certification request are discoverable. Consider waiting until the criminal case is resolved before submitting the U Certification request. If the U Certification request (including any attachments) is revealed during the discovery process, it can be detrimental to the LEA's case against the abuser and could lead to impeachment of the victim during the criminal trial. Never send client declarations with a U Certification request.

3. Draft a letter to the LEA requesting that they sign the form I-918B. See next page for a template.
4. If the LEA prefers that the attorney fill out the I-918B form, fill out the form, reviewing the instructions on the USCIS website and the DHS Law Enforcement Guide, cited below.

LEA's are unlikely to sign an I-918B that contains information that is not taken directly from the police report, probable cause determination, etc. For the narrative portions of the form, (Part 3, Questions 5 and 6 and Part 4, Question 5) provide concise information gleaned from the agency record.

Do not argue your case by exaggerating or embellishing information from the record. Remember that once the LEA has certified that your client was a victim of a qualifying crime and was helpful, it is your burden to prove the rest of the elements, most importantly, substantial abuse. Although the Form I-918B has a question related to substantial abuse, the information provided by the LEA is intended to be helpful, not dispositive, to the U Visa petition. If the LEA insists that you 1) provide evidence to them of substantial abuse or 2) will not sign the I-918B solely because they do not believe that substantial abuse occurred, refer the LEA to the DHS Law Enforcement Guide, cited below.

5. Send the written request with a copy of the police report and, if the LEA is unfamiliar with the U Visa or your request is unusual, a copy of the DHS Law Enforcement Guide, cited below. Send the I-918B form, filled out, if requested by the LEA. Consider including a self-addressed stamped envelope (may mean that your request will sit on one less desk).
6. If the I-918B signer is not on file with the Vermont Service Center as a designated signer, you may get an RFE for a statement from the LEA regarding designation of a person authorized to sign the U Certification. If an agency has never or rarely signs U Certifications, they may not have a designated signer. In that case, the head of the agency should sign.

¹ Can be accessed at http://www.dhs.gov/xlibrary/assets/dhs_u_vis_a_certification_guide.pdf