**(Insert your letterhead here)**

**SAMPLE LAW ENFORCEMENT SOP – U-VISA Processing**

**Definitions:**

* U-VISA – also known as Form I-918, is a petition for temporary immigration benefits for those aliens who have been a victim of crime in our jurisdiction and were helpful (or are willing to be helpful in the future) to law enforcement in the investigation and prosecution of those crimes.
* Certifying Official – The member authorized to receive, review, and certify U-Visa requests on behalf of this agency.

(certifying official must be endorsed by the agency head on official letterhead and registered with USCIS)

**Policy:**

1. To provide an established policy for the processing of U-VISA applications by the certifying official.
2. To provide an established policy for the tracking and yearly reporting of data to the Criminal Justice Commission.

**Procedure:**

1. The responsibility of the certifying official is to review and process U-Visa applications within 90 days of the date of the request (14 days if the victim is in removal proceedings).
2. The United States Department of Homeland Security has published a guide for law enforcement: “U and T Visa Law Enforcement Resource Guide: for Federal, State, Local, Tribal and Territorial Law Enforcement, Prosecutors, Judges, and Other Government Agencies.” The certifying official should use this as their guide in determining whether the application meets the appropriate standards. This guide as well as the I-918 application form is available on-line at [www.uscis.gov](http://www.uscis.gov) – type U-Visa, Law enforcement into the search box.
3. Most U-VISA applications come from an attorney representing a client. An application typically has a cover letter explaining their client’s eligibility, a sample I-918 form (sometimes partially completed) and a copy of any supporting police reports. The attorneys are not always able to get a police report in a timely manner and may rely on the certifying official to retrieve the police report.
4. After reviewing the reports and determining that the applicant is the victim of a qualifying criminal activity the next step is to determine if the applicant was helpful, is being helpful or is like to be helpful to law enforcement. While many U-VISA requests involve domestic violence, other requests involve a violent crime where the suspect is unknown. If the applicant made a police report and has or is cooperating with law enforcement a certification signature should be granted.
5. Attorneys may request a U-VISA for the parent of a minor child who is the victim of the qualifying crime. If the child is unmarried, under 21 years old, and living with the parent, the certifying official can sign for the parent.
6. Certifying a U-VISA does not mean you are sponsoring or endorsing a candidate for citizenship. After your agency signs off the applicant must still go through and additional process at USCIS to determine if their petition will be approved.
7. Any denial requires written notification to the attorney/petitioner of the reason for the denial. Reason for denial must be one of the following:
	* + Lack of qualifying criminal activity
		+ Lack of helpfulness
		+ Lack of jurisdiction over certification request
		+ Other lawful circumstance
8. Once the application review is complete, return the I-918 approval or denial letter to the requesting attorney. Enter the U-VISA approval or denial information into the Excel U-VISA database maintained by the certifying official and shred the remaining confidential information.
9. The certifying official will coordinate with the District Attorney’s office as needed to avoid potential conflicts with prosecution.
10. Beginning June 1, 2021, in accordance with Senate Bill 962 (2019) the certifying official will submit a report to the Criminal Justice Commission including the following :
* Total number of certification requests received
* Total number of requests granted
* Total number of requests denied
* Total number of pending certifications as of the date on which they submit their data
* Total number of times each of the following were the reason for the denial:
* Lack of qualifying criminal activity

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