Office of Communications
U.S. Citizenship and Immigration Services

September 5, 2007

Fact Sheet

CERTIFYING U NONIMMIGRANT STATUS

U Nonimmigrant Status Certification (Form I-918, Supplement B)

An alien victim of criminal activity may file for U Nonimmigrant Status – status set aside for victims of crimes who have suffered substantial mental or physical abuse because of the activity and who also are willing to assist law enforcement agencies or government officials in the investigation of that activity.

In order to file for that status, the alien must provide a certification from a federal, state, or local law enforcement official certifying the following:

- The alien has been a victim of qualifying criminal activity;
- The alien possesses information about the qualifying criminal activity; and
- The alien has been, is being or is likely to be helpful to the investigation and/or prosecution of that qualifying criminal activity.

This certification must be executed using the U Nonimmigrant Status Certification (Form I-918, Supplement B). USCIS will give the certification significant weight during adjudication; however, it alone will not be the sole evidence that a petitioner meets eligibility requirements. USCIS will look at the totality of the circumstances surrounding the petition before rendering a decision.

It is important to note that a certifying agency is under no legal obligation to complete this certification. However, the alien petitioner will be ineligible for U nonimmigrant status without one. **The petitioner is responsible for filing the completed certification with his/her initial Petition for U Nonimmigrant Status (Form I-918).**

Certifications shall be prepared by the certifying agency and should provide specific details about the nature of the crime being investigated and/or prosecuted and describe the petitioner's helpfulness in the case. Form I-918 Supplement B must be prepared by a certifying agency, and signed by a qualifying official within six months immediately preceding the alien's submission of Form I-918.

U NONIMMIGRANT STATUS CERTIFICATION SPECIFICATIONS

Qualified certifying agencies include:

- Federal, State or local law enforcement agencies; or
- Other agencies that have criminal investigative jurisdiction in their respective areas of expertise such as child protective services, the Equal Opportunity Commission and the Department of Labor.

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Certifying officials include:

- The head of a qualifying certifying agency;
- Any person in a supervisory role in a qualifying agency who is specifically designated by the head of that agency to issue U nonimmigrant certifications; or
- Federal, State or local judges

Certification must contain an affirmation of the following:

- The official signing the certificate is authorized to do so;
- The agency is a federal, state, or local law enforcement agency, prosecutor, judge, or other authority having responsibility for the detection, investigation, prosecution, conviction, or sentencing of a qualifying criminal activity;
- The petitioner has been a victim of a qualifying criminal activity;
- The petitioner possesses information regarding that activity;
- The petitioner has been, is being, or will likely be helpful to the investigation; and
- The criminal activity violated U.S. law, or occurred within the United States, or its territories and possessions.

Qualifying criminal activity includes:

Abduction	Incest	Rape
Abusive Sexual Contact	Involuntary Servitude	Sexual Assault
Blackmail	Kidnapping	Sexual Exploitation
Domestic Violence	Manslaughter	Slave Trade
Extortion	Murder	Torture
False Imprisonment	Obstruction of Justice	Trafficking
Felonious Assault	Peonage	Unlawful Criminal Restraint
Female Genital Mutilation	Perjury	Witness Tampering
Hostage	Prostitution	Other Related Crimes

Note: Certifying agencies must notify USCIS in writing if, at any time, the petitioner unreasonably refuses to assist in the investigation of the criminal activity, or if the agency wishes to withdraw its certification for any other reason. Send that notice (including the alien's name, date of birth and A-file number (if available) along with the reason for the withdrawal of the certification to:

U.S. Citizenship and Immigration Services
Vermont Service Center—U-visa Unit
75 Lower Welden St.
St. Albans, Vermont 05479-0001