



Tip of the Month October 2021

Fact Sheet: U Visa Certification for Immigrant Crime Victims

Submitted by: Immigrant Law Center of Minnesota

The following information was provided by the Immigrant Law Center of Minnesota (ILCM). ILCM is a nonprofit agency that provides immigration legal assistance to low-income immigrants and refugees in Minnesota. ILCM also works to educate Minnesota communities and professionals about immigration matters, and advocates for state and federal policies which respect the universal human rights of immigrants.

On June 30, 2021, Minnesota Governor Tim Walz [signed H.F. No. 63 into law](#). The bill will facilitate the U visa application process for immigrants who are victims of serious crimes in Minnesota. The U visa, an immigration benefit under federal immigration law, allows eligible crime victims to remain in the United States and, ultimately, to obtain a green card and citizenship.

Immigrant survivors of crime are often hesitant to seek assistance from law enforcement because of fear of deportation. The federal government therefore created the U visa, which allows immigrant survivors to obtain immigration protection if they are helpful in the investigation and/or prosecution of the crime. To obtain a U visa—which usually takes more than five years—an immigrant survivor must first obtain a certification from law enforcement. Unfortunately, there have been too many instances of law enforcement officials in Minnesota failing to respond to requests for certification, leaving immigrant survivors living in fear.

This new law in Minnesota will improve the U Visa certification process because it provides crime victims with firm expectations of when they will obtain a response to a certification request. This, in turn, helps their U visa petition move forward more efficiently, leading to a more stable and safe living situation.

What is a U visa?

Congress created the U visa in October 2000. The U visa encourages immigrant victims of criminal activity to report that criminal activity without fear of deportation. U visas are available to victims of serious crimes who assist law enforcement in the investigation and/or prosecution of criminal activity. U visa holders can temporarily remain and work in the United States (generally for four years). U visa holders can also usually apply for lawful permanent residence and citizenship. U visa holders can also apply for certain qualifying relatives to obtain the U visa.

What is U visa certification?

Part of the application process is certification by law enforcement. USCIS Form I-918, Supplement B is the U visa certification document that a federal, state, or local law enforcement agency completes for a victim who is petitioning for a U visa. The U visa certification is required to obtain a U visa. In the U visa certification, the law enforcement agency states that:

- the petitioner was a victim of a qualifying crime;

- the petitioner has specific knowledge and details of crime; and
- the petitioner has been, is being, or is likely to be helpful to law enforcement in the detection, investigation, or prosecution of the qualifying crime.

The U visa certification can be initiated by the law enforcement agency itself or by the crime victim. If initiated by the crime victim, the assistance of an advocate or an attorney is highly recommended. If a law enforcement agency signs a Form I-918B, the certification must be returned to the victim (or the victim's advocate, attorney, etc.). The law enforcement agency does not need to send the signed certification separately to USCIS. The victim is required to send the original signed certification form, along with the victim's complete U visa application, to USCIS.

How does H.F. No. 63 improve the U visa certification process?

Minnesota previously lacked a standard certification process for the U visa. H.F. No. 63 requires Minnesota law enforcement agencies to respond to a request for a U visa certification within 90 days of the victim's request. If the victim is currently in removal proceedings, the law enforcement agency must respond within 14 days.

H.F. No. 63 also requires law enforcement agencies to

- provide outreach to victims of criminal activity to inform them of the certification process,
- keep a written or electronic record of all certification requests and responses, and
- implement a language access protocol for non-English-speaking victims of criminal activity.

Is an active investigation required before a victim can request U visa certification?

No. A victim may only receive a U visa certification if that victim has been helpful, is being helpful, or is likely to be helpful to law enforcement. A victim may request and obtain the certification before an active investigation, the filing of charges, or a prosecution or conviction have taken place.

What is a qualifying criminal activity?

[Click here to see a list of qualifying crimes.](#) The crime must either have taken place in the United States or its territories or violated a U.S. federal law that provides for extraterritorial jurisdiction to prosecute the offense in a U.S. federal court.

Local immigration service providers, including the Volunteer Lawyers Network and ILCM, provide free legal help to persons eligible for their services who may qualify for a U Visa, or for other types of immigration relief. To apply for free legal help, visit:

www.vlnmn.org

www.ilcm.org

If you are an immigration attorney and would like to volunteer to represent a U Visa applicant, please contact immigration@vlnmn.org.

[For more information about the U Visa, please click here.](#)

[Click here to read MN Stat. 611A.95.](#)