
**ORANGE COUNTY SOCIAL SERVICES AGENCY
CFS OPERATIONS MANUAL**

Effective Date: August 22, 2012
Current Revision Date: May 1, 2019

Number: D-0513

U-Visa Certification

Purpose	To provide guidance on completing U-Visa I-918B certification.
Approved	This policy was approved by Anne Bloxom, CFS Director. <i>Signature on file.</i>
Most Recent Revision	<p>This Policy and Procedure (P&P), previously a PDU Dispatch of the same title, incorporates:</p> <ul style="list-style-type: none">• New requirements pursuant to Penal Code (PEN) Section (§) 679.10 to include the following:<ul style="list-style-type: none">○ Timelines for completion of U-Visa I-918B certification○ Guidelines for the U-Visa I-918B certification form to be “fully completed” by the Immigration Liaison○ Guidance to report statistics on U-Visa I-918B certification requests to the legislature on a yearly basis• Revision to <i>U-Visa Certification Advisement Letter (F063-25-695)</i> to include Immigration Liaison Program Manager (PM) signature line• Use of newly created form <i>U-Visa Certification Request for Documents (F063-25-827)</i>• Procedural change to require one of the following, as applicable, prior to completing U-Visa I-918B certification requests:<ul style="list-style-type: none">○ A signed and notarized <i>Declaration in Support of Request to Inspect and/or Copy Juvenile Court Records without a Court Order (WIC § 827)</i>–Or–○ The filing and court approval of a <i>Request for Disclosure of Juvenile Case File (JV-570)</i> (aka 827 Petition)• Addition of parents of a current/former dependent as applicants to be considered for U-Visa I-918B certification

Background

The United States Citizenship and Immigration Services (USCIS) is a federal agency within the Department of Homeland Security (DHS) responsible for determining whether immigration benefits and immigration status will be granted or denied to undocumented persons.

In October 2000, Congress created the U nonimmigrant visa (U-Visa) with the passage of the Victims of Trafficking and Violence Protection Act (including the Battered Immigrant Women's Protection Act). The legislation was intended to:

- Strengthen the ability of law enforcement agencies to investigate and prosecute cases of domestic violence, sexual assault, trafficking of aliens, and other crimes
- Protect victims who have suffered substantial mental or physical abuse due to the crime who are willing to help law enforcement authorities in the investigation or prosecution of the criminal activity

Victims of eligible criminal activities as described in Immigration and Nationality Act [INA 101\(a\)\(15\)\(U\)\(iii\)](#) and 8 Code of Federal Regulations (CFR) 214.14(b), may apply for temporary U-Visa. Only USCIS may grant or deny a U-Visa.

Definitions

For the purposes of this P&P, the following apply:

Applicant: The person named in the U-Visa application requesting I-918B certification.

Indirect Victim: Pursuant to [U Visa Law Enforcement Certification Resource Guide](#) and 8 CFR 214.14, a parent of a child victim (under 21 years of age and incompetent or incapacitated at the time of crime) with information to assist in the investigation or prosecution of the crime committed against the child.

Rebuttable Presumption: An assumption that is deemed fact unless proven otherwise by reliable conflicting evidence.

POLICY

USCIS Requirements for U-Visa

Pursuant to 8 CFR 214.14(b), victim may be eligible for a U-Visa if **all** of the following are true:

- A. The person named in the application has been a victim of a qualifying criminal activity, pursuant to INA § 101(a)(15)(U)(iii). Refer to [Attachment 1—U-Visa Qualifying Crimes and Certifying Agencies](#), for a listing of qualifying criminal activities that may permit a victim to be eligible for a U-Visa.

Note: A parent who meets the definition of an “indirect victim” (refer to “Definitions” section above) may apply for a U-Visa as the victim per 8 CFR 214.14.

- B. The person named in the application possesses information about the qualifying criminal activity.
- C. The person named in the application has been, is being, or is likely to be helpful to the investigation and/or prosecution of that qualifying criminal activity.

Note: Pursuant to Penal Code (PEN) § 679.10, there is a rebuttable presumption (refer to “Definitions” section above) that a person is “helpful” to the detection, investigation or prosecution of the qualifying criminal activity, if the victim has not refused or failed to provide information and assistance reasonably requested by law enforcement.

- D. The criminal activity occurred in the United States.

An I-918 Petition for U Nonimmigrant Status (U-Visa I-918 petition) and I-918 Supplement B U Nonimmigrant Status Certification (U-Visa I-918B certification) are required by USCIS to apply for U-Visa.

Certifying Agency

Pursuant to 8 CFR 214.14 (a)(2), the Orange County Social Services Agency (SSA), Department of Children and Family Services (CFS) qualifies as a Certifying Agency.

The Immigration Liaison Supervisor has been designated by the CFS Division Director as SSA’s certifying official for *U-Visa I-918B certifications*.

U-Visa Applicants

Under the guidelines set forth by USCIS ([U Visa Law Enforcement Certification Resource Guide](#)), by signing *U-Visa I-918B certification* on behalf of applicants, SSA as the Certifying Agency “attests that the information is true and correct to the best of the certifying official’s knowledge.”

The *U-Visa I-918B certification* may include information about any harm sustained by the victim that the Certifying Agency has knowledge of or observed.

In order to attest to the above, SSA will limit review of *U-Visa I-918B certifications* to ~~only~~ those submitted by or on behalf of:

- A current or former dependent of the Orange County Juvenile Court:
- Parent(s) of a current or former dependent of the Orange County Juvenile Court

SSA review of *U-Visa I-918B certifications* will only be completed when:

- The case involves child/non-minor who has been declared a dependent of the Orange County Juvenile Court, having been previously reviewed and thoroughly investigated by CFS

–And–

- The underlying allegations in the dependency case have been pled in a Welfare and Institutions Code (WIC) § 300 petition. Due process was afforded to all parties in a noticed hearing on the WIC § 300 petition. The WIC § 300 petition allegations were adjudicated by a Juvenile Court Judge and found to be true

U-Visa Certification Requests

The Immigration Liaison Supervisor typically receives U-Visa certification requests from immigration attorneys, but may also receive requests from the applicant, applicant’s authorized representative, or other sources.

If an assigned Senior Social Worker (SSW) receives a U-Visa certification request on behalf of a current/former dependent or on behalf of the parent of a current/former dependent, the SSW will complete the template in CWS/CMS, *Immigration Liaison Services Request (F063-25-200)*. The completed referral will be emailed to the Immigration Liaison Inbox, to request *U-Visa I-918B certification*.

U-Visa certification requests will require the following, prior to processing:

- Written request
 - If applicable, permission to exchange information and/or records pertinent to the certification process between SSA and the applicant's authorized representative through submission of *Authorization for Release of Information (F063-25-228)* signed by the applicant
 - Copy of applicant's valid identification
 - Authorization to release confidential juvenile dependency information and/or records necessary to support certification through submission of one of the following, as applicable:
 - ***Declaration in Support of Request to Inspect and/or Copy Juvenile Court Records without a Court Order (WIC § 827) (L-0673)***
- Or–
- ***Request for Disclosure of Juvenile Case File (JV-570) (aka 827 Petition)***

A *Declaration in Support of Request to Inspect and/or Copy Juvenile Court Records without a Court Order (WIC § 827) (L-0673)* will be used for applicants who are:

- Current/former dependents
- Parent(s) of a current/former dependent under 17 years and six months of age
- Parent(s) of a current dependent over the age of 17 years and six months of age, receiving reunification services

The Declaration must be signed by the applicant and notarized.

A *Request for Disclosure of Juvenile Case File (JV-570)* will be used for applicants who are parent(s) of a current/former dependent older than 17 years and six months of age, not currently receiving reunification services.

The 827 Petition must indicate the reason for the request as U-Visa certification, and must be filed with and approved by the Orange County Juvenile Court.

Procedure for U-Visa I-918B Certification

Per PEN § 679.10, the Certifying Agency must complete U-visa certification **within 90 calendar days** of the request, or **within 14 calendar days** of the request if the applicant is in removal proceedings. Per CFS policy, the date of request will be designated as the date all documents required for processing have been submitted to the Immigration Liaison Unit.

Note: A completed *U-Visa I-918B certification* form and/or supporting documents may be submitted with the certification request, but are not required. Per PEN § 679.10, the certifying official maintains responsibility to fully complete and sign the *U-Visa I-918B certification*, when approval requirements are met.

U-Visa certification will be processed by the Immigration Liaison as follows:

- A. Review correspondence and documents received on behalf of applicant to determine completeness of U-Visa certification request.

If the requestor of U-Visa certification is a representative of the applicant, confidential information and/or records will not be shared with the representative until the applicant provides permission by signing and returning an *Authorization for Release of Information (F063-25-228)*.

Note: The existence of a juvenile dependency case on behalf of the applicant will not be confirmed/disclosed until as applicable, a signed and notarized *Declaration in Support of Request to Inspect and/or Copy Juvenile Court Records without a Court Order (WIC § 827) (L-0673)* or a *Request for Disclosure of Juvenile Case File (JV-570)* (aka 827 Petition) approved by the Court has been received. Refer to the “U Visa Certification Requests” Policy section for more information on which form is required.

- B. Request outstanding documents required for processing of U-Visa certification as follows:

1. Complete *U-Visa Certification Request for Documents (F063-25-827)*, placing a check-mark in the box next to each outstanding document.
2. Mail completed *U-Visa Certification Request for Documents (F063-25-827)* to requestor along with the following, as applicable:
 - *Authorization for Release of Information (F063-25-228)*, pre-filled with the name of the applicant and name of authorized representative
 - Blank *Declaration in Support of Request to Inspect and/or Copy Juvenile Court Records without a Court Order (WIC § 827) (L-0673)*

- *827 Petition Information Sheet (F063-25-527)* and *Blank Request for Disclosure of Juvenile Case File(JV-570)* (aka 827 Petition)
 - Return postage-paid envelope
- C. Once all required documents have been returned/received, review the following:
- Any supporting documents provided by the applicant or authorized representative (may include Child Abuse Registry reports, juvenile dependency records, police reports, restraining orders, hospital records, etc.)
 - Completed *U-Visa I-918B certification*, if provided by the applicant or authorized representative
 - CWS/CMS juvenile dependency case records on behalf of the applicant, such as:
 - Sustained petition
 - Court report(s)
 - Other records pertinent to U-Visa certification criteria
- D. Forward a copy of the court approved *Request for Disclosure of Juvenile Case File (JV-570)* (aka 827 Petition) or signed and notarized *Declaration in Support of Request to Inspect and/or Copy Juvenile Court Records without a Court Order (WIC § 827) (L-0673)* to the SSA Custodian of Records.
- E. Determine the following:
- Whether the applicant is a current /former dependent of the Orange County Juvenile Court or a parent of a current/former dependent of the Orange County Juvenile Court
 - Whether the applicant is a victim of the alleged qualifying crime or a parent considered to be an indirect victim may apply as the victim. (refer to “Definitions” section for criteria)
 - Whether the alleged qualifying crime as reported by the applicant is identified in the sustained petition
 - Whether the applicant provided credible and reliable information establishing knowledge of the details of the alleged qualifying crime
 - Whether the applicant has been helpful, is being helpful, or is likely to be helpful to the detection, investigation, or prosecution of the alleged qualifying crime on which the *U-Visa I-918B certification* is based
 - Whether the (including Indian Country, U.S. military bases, or U.S. territories)

Note: A parent, guardian, or next friend (i.e., a person appearing in a lawsuit to act for the benefit of the child, including the assigned SSW) may provide information when the child was under the age of 16 years at the time of the alleged qualifying crime or if the applicant is incapacitated or incompetent.

If all of the above criteria are met, the Immigration Liaison will complete the *U-Visa I-918B certification* and provide the completed document to the Immigration Liaison Supervisor for approval (signature must be in an ink color other than black).

Note: If the applicant or authorized representative provided a completed *U-Visa I-918B certification*, the Immigration Liaison may review the document for accuracy, make any necessary corrections, and obtain the Immigration Liaison Supervisor's signature.

If there is insufficient information regarding the alleged qualifying crime, and/or to determine the applicant's helpfulness to the investigation of the alleged crime, *U-Visa I-918B certification* will not be completed. The Immigration Liaison may refer the applicant to a certifying agency better able to provide the required information. Refer to [Attachment 1—U-Visa Qualifying Crimes and Certifying Agencies](#), for a listing of additional authorities which may provide certification per 8 CFR 214.14(a)(2).

- F. Notify the applicant of the decision on U-Visa certification as follows:
1. Complete *U-Visa Certification Advisement Letter (F063-25-695)*.
 2. Mail the following to the applicant or authorized representative:
 - Completed *U-Visa Certification Advisement Letter (F063-25-695)*
 - Original, signed *U-Visa I-918B certification*, if approved
 - Any original supporting documents and/or forms provided by the applicant or authorized representative
- G. Document the U-Visa certification in CWS/CMS on the Demographics Page of the Client Notebook.

- H. Maintain a copy of the *U-Visa I-918B certification* and supporting documents in the Immigration Liaison's immigration files.

Administrative Review

Applicants may request an Administrative Review for *U-Visa I-918B certification* if there is disagreement with the final decision made by the Immigration Liaison Supervisor.

A written, signed request for an Administrative Review must be received by CFS within **60 calendar days** of the date the *U-Visa Certification Advisement Letter (F063-25-695)* was sent, and include facts and/or documentation which are believed to provide the basis of a certification.

Note: An Administrative Review for *U-Visa I-918B certification* is not available for applicants who are not current/former dependents of the Orange County Juvenile Court or a parent of a current/former dependent of the Orange County Juvenile Court

Data Reporting

Per PEN § 679.10, effective January 1, 2018, and annually thereafter, a certifying entity will report the number of requests for *U-Visa I-918B certification*, and of those requests, the number that were approved, and the number that were denied to the California Legislature.

The Immigration Liaison or designee will send a report on *U-Visa I-918B certification* statistics per program protocol.

REFERENCES

Attachments and CWS/CMS Data Entry Standards

Hyperlinks are provided below to access attachments to this P&P and any CWS/CMS Data Entry Standards that are referenced.

- [Attachment 1—U-Visa Qualifying Crimes and Certifying Agencies](#)

Hyperlinks

Users accessing this document by computer may create a direct connection to the following references by clicking on the link provided.

- [U Visa Law Enforcement Certification Resource Guide](#)

Other Sources Other printed references include the following:

None.

FORMS

Online Forms Forms listed below may be printed out and completed, or completed online, and may be accessed by clicking on the link provided.

Form Name	Form Number
Immigration Liaison Services Request	F063-25-200
U-Visa Certification Request for Documents	F063-25-827
U-Visa Certification Advisement Letter	F063-25-695
Final Decision for U-Visa Certification Letter	F063-25-705
827 Petition Information Sheet	F063-25-527
827 Petition Information Sheet (Spanish)	F063-25-527Sp
827 Petition Information Sheet (Vietnamese)	F063-25-527VN
Form I-918 Supplement B, U Nonimmigrant Status Certification	I-918 Supp. B
Declaration In Support of Request to Inspect and/or Copy Juvenile Court Records Without a Court Order (WIC § 827)	L-0673

Hard Copy Forms Forms that may be completed in hard copy (including multi-copy NCR forms) are listed below. ***For reference purposes only***, links are provided to view these hard copy forms, where available.

Form Name	Form Number
Authorization for Release of Information	F063-25-228
Authorization for Release of Information (Spanish)	F063-25-228Sp

CWS/CMS Forms Forms that may **only** be obtained in CWS/CMS are listed below. ***For reference purposes only***, links are provided to view these CWS/CMS forms, where available.

Form Name	Form Number
Request for Disclosure of Juvenile Case File (aka Petition for Disclosure of Juvenile Court Records [827 Petition])	JV-570

Brochures

Brochures to distribute in conjunction with this policy may include:

	Brochure Name	Brochure Number
	None.	

LEGAL MANDATES

[Penal Code \(PEN\) Section \(§\) 679.10](#) details state requirements for the certification of U-Visa Form I-918 Supplement B.

Immigration and Nationality Act (INA) 101(a)(15)(U)(iii) provides federal eligibility requirements to obtain U nonimmigrant status.

[Title 8 Code of Federal Regulations \(CFR\) § 214.14](#) provides federal guidelines for eligibility, and application procedures for U nonimmigrant status.

[Orosco v. Napolitano, 598 F.3d 222, 226 \(5th Cir. 2010\)](#) in pertinent part, holds that an agency's determination on an applicant's helpfulness to law enforcement in the investigation and/or prosecution of the alleged qualifying crime for the purpose of *U-Visa I-918B certifications* is discretionary.

REVISION HISTORY

Since the Effective Date of this P&P, and prior to the Current Revision Date, the following revisions of this P&P were published:

March 24, 2017