

09-002 Procedures for Law Enforcement Certification for U Nonimmigrant Status

Los Angeles County Sheriff's Department

FIELD OPERATIONS DIRECTIVE

Field Operations Support Services



FIELD OPERATIONS DIRECTIVE: 09-002

2026

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PROCEDURES FOR LAW ENFORCEMENT CERTIFICATION FOR U-NONIMMIGRANT STATUS

BACKGROUND

The "U-Visa" was created by federal law to help curtail criminal activity, protect victims, and encourage victims to fully cooperate in the investigation and/or prosecution of a crime. California Penal Code section 679.10 (Victims of Crime Equity Act) mandates law enforcement to certify U-Visa certification requests when certain conditions are met.

U-VISA RULES

A person must be the victim of one or more of the following (or any similar) crimes:

- Rape.
- Torture.
- Human trafficking.
- Incest.
- Domestic violence.
- Sexual assault.
- Abusive sexual conduct.
- Prostitution.

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- Sexual exploitation.
- Female genital mutilation.
- Being held hostage.
- Peonage (holding persons in servitude or partial slavery to work off a debt or to serve a penal sentence).
- Perjury.
- Involuntary servitude (condition of being forced to labor against one's will, typically through coercion, threats, or abuse of power).
- Slavery.
- Kidnapping.
- Abduction.
- Unlawful criminal restraint.
- False imprisonment.
- Blackmail.
- Extortion.
- Manslaughter.
- Murder.
- Felonious assault.
- Witness tampering.
- Obstruction of justice.
- Fraud in foreign labor contracting.
- Stalking.

U Visa certifications may be provided to direct victims, indirect victims and bystander or witness victims. These terms are defined as follows:

Direct victim: A person who has suffered direct harm or is directly and proximately harmed as a result of the crime.

Indirect victim: A qualifying family member of a direct victim who is incompetent, incapacitated or deceased. If the direct victim is age 21 or over, an indirect victim includes a spouse and unmarried children under age 21. If the direct victim is under the age of 21, an indirect victim includes a spouse, unmarried children under the age of 21, parents, and siblings under the age of 18.

Bystander or witness victim: Is an individual who was not the direct target of a crime but suffered unusually direct injury as a result of the crime.

DETECTIVE BUREAU RESPONSIBILITIES

A request for U-Visa certification shall be reviewed, and certified or denied by the unit which investigated the qualifying crime. Investigations handled by a specialized unit (e.g., Special Victims Bureau, Homicide Bureau, Human Trafficking Task Force, etc.) shall be reviewed, and certified or denied by the specialized unit.

The detective supervisor, or their designee, shall review the request for U-Visa certification based on federal and state law. Each request for U-Visa certification shall be reviewed on an individual basis by confirming the following:

- There was a qualifying crime committed against the victim.
- If the victim reasonably asserts they were unaware of a request for cooperation, their failure to cooperate does not rebut the presumption of helpfulness.
- Indirect victim cooperation includes parents who make their children available to communicate with the Department.

The following examples are not reasons to deny a certification:

- The reported incident is still being investigated.
- Charges were not filed as a result of the incident.
- There was not a prosecution or conviction as a result of the incident.
- The petitioner has a criminal history; or
- There were no injuries to the petitioner.
- The victim's immigration history, gang membership or affiliation.
- The certifier's belief that the U-Visa will not be approved.
- The extent of the harm suffered.
- The victim's open case with another certifying agency.

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- The victim's inability to produce a crime report.
- The victim's cooperation or refusal to cooperate in a separate case.

The victim does not have to be present in the United States at the time of submitting a request for certification.

If a unit determines that certification is warranted, the USCIS I-918 Supplement B form shall be completed. The victim's harm or injuries, if any, shall be documented in the I-918 Supplement B form. The certification form shall be submitted to the station unit commander for review and signature along with the Sheriff's Agency Designation letter. Both the Sheriff's Agency Designation letter and I-918 form can be found by following the links in the attachments section below.

If the unit determines that the applicant does not qualify, the unit will prepare a denial letter. The letter shall include a brief explanation regarding the facts that led to the denial. The letter shall include specific details of any reasonable requests for cooperation and a detailed description of how the victim refused to cooperate. The unit will provide the denial letter to the applicant.

A request for U-Visa certification shall be certified or denied within 30 days of receiving the request by the Department. Certification or denial shall occur within seven days of the Department's receipt of the request if the victim is in removal proceedings or asserts that a derivative family member will lose U-Visa eligibility within 60 days due to the victim's sibling reaching the age of 18, the victim's child reaching the age of 21, or the victim reaching the age of 21.

After certification has been completed, if the victim refuses to assist in the investigation when reasonably requested, the unit may notify USCIS in writing of the victim's refusal to cooperate. The information for the written notification is available on the I-918 Supplement B form.

When a U-Visa request is made, the detective supervisor, or their designee, shall complete the U-Visa Tracking Sheet (see link in attachments section below). A digital copy of the tracking sheet shall be forwarded to Field Operations Support Services via email.

UNIT COMMANDER'S RESPONSIBILITIES

If the person is a qualifying petitioner, the unit commander shall review and sign the I-918 Supplemental B form and Sheriff's Agency Designation letter. The I-918 form and letter shall be sent to the petitioner and/or the petitioner's legal representative.

The Department shall return the certification without requiring the victim or their representative to come in person or requiring the victim to provide a government-issued identification.

If the person is not a qualifying petitioner, the unit commander shall review and sign a denial letter which explains that the request will not be certified because the petitioner does not qualify. The letter shall include specific details of any reasonable requests for cooperation and a detailed description of how the victim refused to cooperate or other reasons for denying the request for certification.

Once the appropriate letter and I-918 form, if applicable, has been signed by the unit commander, the

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document(s) shall be returned to the petitioner and/or their legal representative.

REFERENCES

8 CFR Parts 103, 212, 214, 248, 274a and 299

Penal Code section 679.10

ATTACHMENT

Victims of Criminal Activity: U Nonimmigrant Status | USCIS

Form I-918 Supplement B, U Nonimmigrant Status Certification

Form I-918, Petition for U Nonimmigrant Status

Form I-918, Supplement A, Petition for Qualifying Family Member of U-1 Recipient

Sheriff's Designation Letter.docx

U Visa Denial Letter.docx

U-Visa Tracking Sheet
