

NEW YORK CITY ADMINISTRATION FOR CHILDREN'S SERVICES

GUIDELINES FOR REQUESTING A U NONIMMIGRANT STATUS CERTIFICATION

I. Introduction

These guidelines describe the process for requesting a **U Nonimmigrant Status Certification** (Form I-918 Supplement B, hereinafter referred to as “**I-918B**”) from the New York City Administration for Children’s Services (“ACS”).

U Nonimmigrant Status, also commonly referred to as a “U Visa,” is a temporary immigration classification that was created by Congress with the passage of the Victims of Trafficking and Violence Protection Act of 2000. In order to be eligible for U Nonimmigrant Status, a person must demonstrate that he or she:

- is the victim of qualifying criminal activity;
- has suffered substantial physical or mental abuse as a result of having been the victim of criminal activity;
- has information about the criminal activity; and
- has been, is being, or is likely to be helpful with the investigation or prosecution of the crime.¹

In creating U Nonimmigrant Status, Congress recognized that undocumented crime victims – in other words, those without legal immigration status in the United States – may hesitate to contact law enforcement or child protective agencies out of fear that their lack of legal status may make them vulnerable to deportation. The purpose of U Nonimmigrant Status is to provide a pathway to legal immigration status for crime victims who come forward and assist law enforcement or child protective agencies with the detection, investigation, and prosecution of certain serious crimes, as this assistance is of critical importance to public safety as a whole.

In the context of child protective agencies, U Nonimmigrant Status is intended to strengthen an agency’s ability to effectively investigate and pursue civil prosecution of child welfare cases involving undocumented children or family members, as well as protect undocumented victims of qualifying crimes – including child abuse, domestic violence, sexual assault, and certain other crimes – who assist with the agency’s child protective investigation and prosecution.

¹ 8 I.N.A. § 101(a)(15)(U) [8 U.S.C. § 1101(a)(15)(U)].

In order to obtain U Nonimmigrant Status, an undocumented individual must submit an application package to the United States Citizenship and Immigration Services (“USCIS”), a federal agency within the U.S. Department of Homeland Security. The application package must include an I-918B signed by an approved Certifying Agency. Pursuant to federal immigration regulations, the New York City Administration for Children’s Services qualifies as a Certifying Agency, and certain designated ACS staff members may sign I-918B forms.²³ **The signed I-918B serves as a statement by ACS that the applicant was the victim of a qualifying criminal activity, possesses information about a qualifying criminal activity, and has been, is being, or is likely to be helpful to ACS in the detection, investigation, or prosecution of a qualifying criminal activity.** A signed I-918B does not automatically grant an undocumented crime victim U Nonimmigrant Status – that determination is made by USCIS based on the individual’s full application package.

II. Process for Requesting a U Nonimmigrant Status Certification from ACS

Requests for U Nonimmigrant Status Certification should be submitted by the applicant’s immigration legal representative via **mail** to⁴:

Colleen A. Duffy, Esq.
Immigrant Services Coordinator
NYC Administration for Children’s Services
150 William Street, FIRST FLOOR
New York, NY 10038-2603

In addition to submitting the full request package (described below) by mail, the applicant’s immigration legal representative should if possible submit a **fillable PDF version of the applicant’s I-918B**, completed as much as possible, to Colleen A. Duffy via **email** at colleen.duffy@acs.nyc.gov. The cover letter and supporting documents do not need to be re-submitted by email.

Upon receiving a request for a U visa certification, ACS will verify that the applicant was the victim of a qualifying criminal activity, possesses information about a qualifying criminal activity, and has been, is being, or is likely to be helpful to ACS in the detection, investigation, or prosecution of a qualifying criminal activity.

² 8 § C.F.R. 214.14(a)(2).

³ Letter signed by Commissioner Gladys Carrión, Esq., of the New York City Administration for Children’s Services, designating certain agency staff to sign I-918 Supplement B, U Nonimmigrant Status forms (April 1, 2014).

⁴ Alternate ACS contacts for U Nonimmigrant Status issues are Harry Gelb and Ray Kimmelman.

Components of the Request

1. Cover letter containing:
 - a. name(s) and date(s) of birth for child(ren) involved in the case;
 - b. name, date of birth, and country of origin for the applicant/victim;
 - c. name and date of birth for the perpetrator of the qualifying crime;
 - d. ACS case number(s) and summary of the child protective case(s) (please list **all** known ACS cases in which the applicant is or has been involved); and
 - e. summary of the applicant's eligibility for a U Nonimmigrant Status Certification (that the applicant was the victim of a qualifying criminal activity, possesses information about a qualifying criminal activity, and has been, is being, or is likely to be helpful to ACS in the detection, investigation, or prosecution of a qualifying criminal activity).
2. Form I-918 Supplement B, U Nonimmigrant Status Certification, completed as much as possible by the applicant's representative.
3. Supporting documentation from ACS records establishing the applicant's eligibility for a U Nonimmigrant Status Certification (that the applicant was the victim of a qualifying criminal activity, possesses information about a qualifying criminal activity, and has been, is being, or is likely to be helpful to ACS in the detection, investigation, or prosecution of a qualifying criminal activity). **The portions of the records that relate to the request must be highlighted.**

Obtaining Client Records from ACS

Requests for an applicant's ACS records may be submitted by the applicant's immigration legal representative via email to Todd W. Ferrara, Esq., ACS Administrative Law Unit, at todd.ferrara@acs.nyc.gov.

The records request must contain both an attorney's cover letter and the applicant's notarized records request (stating with specificity the records sought).

In an emergency situation where the applicant must submit the U Nonimmigrant Status application to USCIS in a very short time frame, please contact Colleen A. Duffy, ACS Immigrant Services Coordinator, for assistance at colleen.duffy@acs.nyc.gov or (917) 551-7961. This exception to the above guidelines is intended only for extremely urgent situations in which there is not sufficient time to request records from the ACS Administrative Law Unit.

Qualifying Criminal Activity

<ul style="list-style-type: none">• Abduction• Abusive Sexual Contact• Blackmail• Domestic Violence• Extortion• False Imprisonment• Felonious Assault• Female Genital Mutilation• Fraud in Foreign Labor Contracting• Being Held Hostage• Incest• Involuntary Servitude	<ul style="list-style-type: none">• Kidnapping• Manslaughter• Murder• Obstruction of Justice• Peonage• Perjury• Prostitution• Rape• Sexual Assault• Sexual Exploitation• Slave Trade• Stalking• Torture	<ul style="list-style-type: none">• Trafficking• Witness Tampering• Unlawful Criminal Restraint• Other Related Crimes (includes any similar activity where the elements of the crime are substantially similar; also includes attempt, conspiracy, or solicitation to commit any of the above or other related crimes)
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As long as a person is the victim of a qualifying criminal activity, he or she may be eligible for a U visa, even if that criminal activity is not the subject of the child protective case. For example, if during a child protective case ACS determines that a child's parent is the victim of domestic violence, and that parent assists ACS by cooperating with the child protective case, ACS may complete an I-918B based on the qualifying crime of domestic violence.

Indirect Victims

Pursuant to guidance from the U.S. Department of Homeland Security, a non-citizen parent may apply to be recognized as an "indirect victim" if:

- the principal victim is a child under 21 and is incompetent or incapacitated to assist ACS with the child protective case;
- the parent possesses information about the crime committed against the child; and
- the parent assists ACS in the detection, investigation, or prosecution of a qualifying criminal activity.⁵

A non-citizen parent may qualify as an "indirect victim" regardless of whether the child is a U.S. citizen or non-citizen.

III. Additional Material

Letter signed by Commissioner Gladys Carrión, Esq., of the New York City Administration for Children's Services, designating certain agency staff to sign I-918 Supplement B, U Nonimmigrant Status forms (April 1, 2014).

⁵ U.S. DEPT. OF HOMELAND SECURITY, U VISA LAW ENFORCEMENT CERTIFICATION RESOURCE GUIDE 13-14, http://www.dhs.gov/xlibrary/assets/dhs_u_visa_certification_guide.pdf.



Gladys Carrión, Esq.
Commissioner

150 William Street
18th Floor
New York, NY 10038

212-341-0903 tel
212-341-0916 fax

April 1, 2014

Violence Against Women Act (VAWA) Unit
Vermont Service Center
U.S. Citizenship and Immigration Services
75 Lower Welden Street
St. Albans, VT 05479

To Whom It May Concern:

I am the Commissioner of the New York City Administration for Children's Services, a certifying agency, as such term is defined at 8 C.F.R. § 214.14(a)(2). In this capacity, I am the head of the agency charged with conducting investigations of alleged child abuse and neglect and overseeing the foster care system in New York City.

Pursuant to 8 C.F.R. § 214.14(a) and 8 C.F.R. § 214.14(c)(2)(i), I hereby specifically designate the following individuals to sign I-918 Supplement B, U Nonimmigrant Status Certification forms:

Ray Kimmelman or his designee
Harry Gelb
Colleen A. Duffy

This specific designation shall remain in force until revoked in writing. The previous specific designation, issued by former Commissioner Ronald E. Richter on August 7, 2013, is hereby revoked.

Sincerely,

A handwritten signature in black ink that reads "Gladys Carrión, Esq." in a cursive script.

Gladys Carrión, Esq.
Commissioner