

POLICY # 122	SUBJECT: U Visas
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Approved By: Josette Manning, Cabinet Secretary	

DELAWARE CHILDREN’S DEPARTMENT POLICY

I. PURPOSE

The purpose of this policy is to outline the process for U Nonimmigrant Status Certification (U visa) from the department. A U visa is a temporary immigrant 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 a U visa, a person must demonstrate that they:

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

The purpose of U visa certification is to provide a pathway to legal immigration status for crime victims and their derivative family members who come forward to assist law enforcement or child protection agencies.

The certification does not automatically grant the petitioner a U visa, but allows them (or their derivative family members) to petition the U.S. Department of Homeland Security for a U visa, which if granted, provides temporary legal status and work eligibility in the United States for up to four years.

U visa certification by DSCYF intends to strengthen the ability of DFS to investigate and pursue civil prosecution of child welfare cases involving undocumented children and/or family members, as well as to protect undocumented victims of qualifying crimes - including child abuse, domestic violence, sexual assault, and others – who assist with DFS’s investigation.

II. POLICY

DSCYF shall work with community partners to certify U visa applications for child victims and indirect victims who, according to department records, meet the eligibility requirements above, and the law enforcement agency of jurisdiction is unable or unwilling to certify the application.

III. DEFINITIONS

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- A. Qualifying crime: Abduction, abusive sexual contact, blackmail, domestic violence (which includes child abuse), extortion, false imprisonment, felonious assault, female genital mutilation, fraud in foreign labor contracting, hostage, incest, involuntary servitude, kidnapping, manslaughter, murder, obstruction of justice, peonage, perjury, prostitution, rape, sexual assault, sexual exploitation, slave trade, stalking, torture, trafficking, witness tampering, unlawful criminal restraint, and related criminal activities.
- B. Derivative family member: Parent(s), spouse, or unmarried siblings under 18 years of age unless they are the perpetrator(s) of the crime.
- C. Direct victim: the person who is injured by the crime.
- D. Indirect victim: An immediate family member of a direct victim who is deceased as a result of murder or manslaughter, or an immediate family member of an incompetent or incapacitated victim.
- E. "Helpful with an investigation": includes, but is not limited to, producing the child for an interview, being responsive to calls or visits from DFS, or providing information to the multi-disciplinary team.
- F. Form I-918 Supplement B (I-918B): The U.S. Department of Homeland Security, U.S. Citizenship and Immigration Services Nonimmigrant U visa certification form (Appendix A).

IV. PROCEDURES

- A. Requests for U visa certification shall be made via email or regular mail to the DSCYF Secretary or their designee (see Appendix A) by sending a completed I-918B form (either completed by the petitioner/derivative family member or an attorney on their behalf). Petitioners or their attorneys may obtain client records in compliance with DSCYF Policy 215 (Confidentiality of Client Records).
- B. The DSCYF Secretary or their designee shall verify, using the I-918B form and department records, that the petitioner is in fact a victim (either direct or indirect) of a qualifying crime and has been, is being, or is likely to be helpful in the investigation.
- C. If the information is verified as accurate, the DSCYF Secretary or their designee shall sign the I-918B in blue ink and return it to the petitioner or their attorney.
- D. If the information is not accurate, the DSCYF Secretary or their designee shall return the application with a cover letter explaining, to the best of their ability while maintaining client records confidentiality, why the request for signature was denied.
- E. If approved, the signed I-918B and accompanying documents shall be scanned into FOCUS as part of the child's records.

V. RESPONSIBILITY FOR THIS POLICY

The Division of Family Services shall be responsible for providing guidance related to this policy.

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APPENDIX A

DSCYF Secretary Josette Manning hereby designates the following individual to review and sign I-918 B, U-visa status certification forms on her behalf:

Susan Murray
Deputy Director
Division of Family Services

This specific designation shall remain in force until revoked in writing.

Josette Manning
Cabinet Secretary
Department of Services for Children, Youth & Their Families