



KERN COUNTY DISTRICT ATTORNEY
O F F I C E M E M O R A N D U M

TO: District Attorney - All Staff

FROM: Lisa S. Green

DATE: March 29, 2016 (Revised from 4/27/15)

SUBJECT: U Visa and T Visa Certifier

Background:

U Visa is a federal visa application for immigrant victims, including immediate family members, of certain specified crimes. The U Visa process includes a certification by the prosecuting agency to explain the extent the victim has assisted, or is expected to assist, in the prosecution of a criminal case. United States Citizenship and Immigration Services (USCIS) is the federal component of the Department of Homeland Security. USCIS is responsible for approving and denying immigration benefits and status, including the U Visa. The District Attorney's Office does not grant or guarantee a U Visa or any other immigration status by signing a U Visa Certification. When a U Visa has been granted by USCIS, this allows the victim to stay in the country for up to four years. By signing a U Visa Certification, the District Attorney's Office is stating that a qualifying criminal activity occurred, that the victim had information concerning the criminal activity, and that the victim is helpful, or likely to be helpful, in the investigation or prosecution of the qualifying crime. If a criminal case has not been filed or submitted to this office, the prosecutor may still complete the certification as long as the victim meets the aforementioned criteria. T Visas are sought when the crime involves human trafficking, and for policy purposes within our office, the certification process will be the same as U Visa requests.

KCDA Procedure:

The supervisor of the Family Violence Unit is the designated certifier for U Visa requests for the Kern County District Attorney's Office. When a request for a U Visa is received in our office, it will be directed to the supervisor of the Family Violence Unit. The supervisor must process the certification within 90 days of the request or within 14 days if the individual is in removal proceedings. The supervisor for the Family Violence Unit will keep a log of requests, obtain a summary of the facts underlying the case, and make the determination of whether certification is appropriate. If certification of the U Visa is appropriate, the declaration will be completed and signed. A copy of the application will be saved for our records. A letter and application will then be sent to the requesting party notifying them of our certification. If certification of the U Visa is not appropriate, a letter will be sent to the person making the request noting the reason for the denial. If the case is pending trial during the application process, the supervisor shall notify the deputy district attorney assigned the case who will then notify the defense of the victim's request. The deputy district attorney shall provide a copy of the prosecutor's declaration (redacting information as needed to protect the victim's safety) in order to fulfill our *Brady* responsibilities.