



**OFFICE OF THE STATE'S ATTORNEY  
COOK COUNTY, ILLINOIS**

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**COOK COUNTY STATE'S ATTORNEY'S OFFICE**  
**U VISA CERTIFICATION REQUEST PROTOCOL**

Pursuant to the Victims of Trafficking and Violence Prevention Act of 2000, the U Visa was created by the U.S. Congress to strengthen the ability of law enforcement agencies to detect, investigate and prosecute cases of domestic violence, sexual assault, trafficking of individuals and other crimes while offering protection to victims of such crimes. In 2007, Federal Regulations for U Visa implementation were published. As a result, the Cook County State's Attorney's Office has seen an increase in requests for U Visa Certifications from both victims and witnesses participating in the criminal justice process.

The U Visa provides an opportunity for immigrant crime victims to gain legal immigration status that satisfy each of the following elements:

1. Have suffered substantial physical or mental abuse as a result of victimization;
2. Possess information concerning the criminal activity;
3. Have been helpful, are being helpful, or are likely to be helpful in the investigation or prosecution of the crime; and
4. The criminal activity violated the laws of the United States or occurred in the United States.

Below are guidelines for completing the U Nonimmigrant Status Certification (Form I-918, Supplement B).

- Who may submit Form I-918, Supplement B: Requests for certification may come directly from victims, complaining witnesses or from immigration agencies assisting victims.
- Purpose of Form I-918, Supplement B: The purpose of the certification is to certify a victim's participation and helpfulness in the investigation or prosecution of a criminal case.
- Where to find Form I-918, Supplement B: Up to date Form I-918, Supplement B, U Nonimmigrant Status Certifications can be found online. [www.uscis.gov/i-918](http://www.uscis.gov/i-918)
- Where to submit requests to our office: Procedures for submitting Form I-918, Supplement B to the Cook County State's Attorney's Office are articulated below.

The Cook County State's Attorney's Office is not an agent of the Department of Homeland Security or the United States Citizenship and Immigration Services and therefore cannot make determinations regarding an applicant's immigration status. The purpose of the U Visa certification is simply to document factual information regarding the victim of a crime in our jurisdiction.

Generally, decisions regarding the request for a certified Form I-918 Supplement B will be issued within 90 business days of receipt. The Cook County State's Attorney's Office will not disclose the immigration status of a victim or person requesting the certification form, except to comply with federal law or State law, legal process, or if authorized, by the victim or person requesting the certification form.

**I. PROCEDURE TO REQUEST CERTIFICATION:**

A. The Cook County State's Attorney's Office accepts certification requests via email and mail. Requests for completion of a certification form may be submitted by a representative of the person seeking the certification form, including, but not limited to, attorneys, accredited representatives, or domestic violence or sexual assault services providers. Submit certification requests via email to Michael Kasprzynski at [michael.kasprzynski@cookcountyil.gov](mailto:michael.kasprzynski@cookcountyil.gov). Submit mailed requests to:

Michael Kasprzynski  
Cook County State's Attorney's Office  
69 W. Washington St., Suite 3200  
Chicago, IL 60602

a. Filing Procedures – Evidence to Be Considered: Evidence to be considered in determining whether the requester has been a victim of a qualifying crime and if they have been, are being, or are likely to be helpful to law enforcement includes police reports, witness statements, transcripts, and the recollections of involved Cook County State's Attorney's Office personnel.

To facilitate the processing of these requests we ask that you include the following:

- i. If request is submitted by an attorney or representative, submit a copy of completed Form G-28 or authorization for release of information, signed by the victim.
- ii. A cover letter detailing identity of victim, case or identification numbers related to the criminal activity, and a brief description of the event that serves as the basis for Form I-918 Supp. B.
- iii. Copies of police reports, transcripts, correspondence from law enforcement or the Cook County State's Attorney's Office, etc.

## **II. RESPONSIBILITIES OF CERTIFYING OFFICIAL:**

- A. Generally: Completion of a certification form by a Certifying Official merely verifies information relevant to the federal immigration benefit sought, including information relevant for federal immigration officials to determine eligibility for a U or T visa. The Cook County State's Attorney's Office will verify the following:
- i. Identity of the Victim: The Certifying Official will determine whether the victim identified in the certification request is a victim of a crime that the Cook County State's Attorney's Office has investigated, is investigating, or will investigate by reviewing Office records relating to the criminal activity.
  - ii. Qualifying Crime: The Certifying Official will verify that applicant was a victim of qualifying criminal activity, as designated in Section 1101(a)(15)(U)(iii).
  - iii. Cooperation of Victim: The Certifying Official will verify that the victim has been, is, or will be helpful in the investigation and/or prosecution of the qualifying criminal activity.
  - iv. Identify Family Members Implicated in Criminal Activity: The Certifying Official will determine whether any of the victim's family members are involved in the criminal activity.
- B. Deadlines: The Certifying Official will complete the certification form for any victim of a qualifying criminal activity within 90 business days of receiving the request. Exceptions apply in the following instances:
- i. If the person making the request for completion of the certification form is in federal immigration removal proceedings or detained, the Certifying Official shall complete and provide the certification form to the person no later than 21 business days after the request is received by the certifying agency;
  - ii. If the children, parents, or siblings of the person making the request for completion of the certification form would become ineligible for benefits under Sections 1184(p) and 1184(o) of Title 8 of the United States Code by virtue of the person's children having reached the age of 21 years, the person having reached the age of 21 years, or the person's sibling having reached the age of 18 years within 90 business days from the date that the Certifying Official receives the certification request, the Certifying Official shall complete and provide the certification form to the person no later than 21 business days after the request is received by the certifying agency;

- iii. If the person's children, parents, or siblings under paragraph (ii) of this subsection (B) would become ineligible for benefits under Sections 1184(p) and 1184(o) of Title 8 of the United States Code in less than 21 business days of receipt of the certification request, the Certifying Official shall complete and provide a certification form to the person within 5 business days.
- C. Recertification Requests: The Cook County State's Attorney's Office will renew certification request within 90 business days of receipt of the request. If the victim seeking recertification has a deadline to respond to a request for evidence from United States Citizenship and Immigration Services, the Certifying Official shall complete and issue the form no later than 21 business days after the request is received by the Certifying Official.
- D. Requests to Expedite: The requestor should affirmatively inform the Cook County State's Attorney's Office, in writing, regarding the need to expedite the processing of the certification request. The request to expedite should include information that establishes that the requestor is eligible for expedited review.
- E. Extension of Deadlines: The Cook County State's Attorney's Office may extend the deadline by which he or she will complete and reissue the certification form only upon written agreement with the victim or the victim's representative.
- F. Denials: If the Cook County State's Attorney's Office declines to sign a certification, the victim or representative will receive written notice at the address provided in the request. Applicants may submit appeals to Michael Kasprzynski, Immigration Policy and Legal Advisor. Requests will be considered with any additional information provided. There is no deadline to satisfy to submit an appeal. Appeals will be reviewed within 60 business days.
- G. Discovery Obligations: As mandated in *Brady v. Maryland*, potentially exculpatory evidence must be provided to the defense. During ongoing proceedings, U-Visa Certification related documents are considered discoverable pursuant to our constitutional obligations. If a request for certification is made to the Cook County State's Attorney's Office or the related law enforcement agency during proceedings, this information must be disclosed to the defense. Any decision regarding the request for certification must also be disclosed.

This protocol delineates the Cook County State's Attorney's Office policy and procedures for the completion of Form I-918, Supplement B, U-Visa Nonimmigrant Status Certifications. Illinois Public Act 100-1115. [2017 ILL. ALS 1115, 2017 Ill. Laws 1115, 2017 ILL. P.A. 1115, 2017 Ill. SB 34, 2017 ILL. ALS 1115, 2017 Ill. Laws 1115, 2017 ILL. P.A. 1115, 2017 Ill. SB 34.](#)

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