

Procedure for U-Visa and T-Visa Applications

1. The Office of the Commonwealth's Attorney's (OCA) policy is to promptly certify all requests for U-visa and T-visa certification that satisfy the legal criteria outlined in the United States Code.
2. The Commonwealth's Attorney, or in his absence, the Chief Deputy Commonwealth's Attorney, are the OCA's certifying officials as that term is used in §9.1-1501 of the Code of Virginia.
3. Requests for U-visa and T-visa certification are subject to the following policies and procedures:
 - Requests for certification should be submitted to OCA in written, paper format and addressed to the attention of the Commonwealth's Attorney.
 - The request for certification form must be completed in its entirety by the victim of qualifying criminal activity or a representative. OCA cannot complete forms for a victim and cannot process incomplete forms.
 - OCA can only certify requests in cases where a criminal prosecution was initiated. In cases where an investigation was conducted by law enforcement, but no arrest was made, requests for certification must be submitted to the investigating law enforcement agency.
 - The victim should attach any and all supporting documentation to the request form, to include copies of documents such as warrants, court orders, correspondence, or subpoenas.
 - The requesting victim must establish the prosecution for which certification is sought constituted "qualifying criminal activity" as that term is designated in 8 U.S.C. §1101(a)(15)(U)(iii) and pertinent case law.
 - The requesting victim must establish they actively participated in the prosecution of the case for which certification is sought.
 - OCA shall provide a response to the requesting victim within 120 days of its submission to OCA. If a victim seeks an expedited review of a request, the victim or representative must make the request in writing and establish that the victim is eligible for expedited review.

If OCA determines it cannot certify a request, it will provide a written explanation to the victim or the victim's representative. A victim or representative may seek to appeal

OCA's denial of a request pursuant to the procedures outlined in §9.1-1502(B) of the Code of Virginia.