

**NOTTOWAY COUNTY COMMONWEALTH'S ATTORNEY'S OFFICE
POLICY AND PROCEDURES FOR CERTIFICATION REQUESTS PURSUANT TO
VIRGINIA CODE § 9.1-1501**

The Commonwealth's Attorney is the certifying official for purposes of Virginia Code § 9.1-1501.

Upon receipt of a request for completion of the certification from the victim of a qualifying criminal activity or their representative, it shall be immediately forwarded to the certifying official. The certifying official shall forward the request to the attorney who prosecuted the offense in question.

The assigned prosecutor shall review the case file (*if it still exists within the office*), complete the certification form to the best of their ability, and return the form to the certifying official for review no later than 4 days before the applicable time period expires. The certifying official shall review the form, endorse it, and return to the requestor. If the certifying official cannot determine whether the applicant is a victim of qualifying criminal activity, or if the certifying official determines that the applicant does not qualify, the certifying official shall provide a written explanation to the requestor or their representative setting forth reasons why the available evidence does not support a finding that the person is a victim of qualifying criminal activity.

Time Periods

In all situations, employees of the Commonwealth's Attorney's Office shall attempt to make as timely as possible responses to certification requests. In addition, the following timelines are established pursuant to Virginia Code § 9.1-1501:

1. If the person making the request for completion of the certification form is in federal immigration removal proceedings or detained, and this information is affirmatively raised in writing by the requestor or their representative, the certifying official shall provide a response to the request within 21 business days of receipt.
2. If the twenty-first birthday of the applicant's children or the eighteenth birthdate of the applicant's sibling is within 120 days of the request, and this information is affirmatively raised in writing by the requestor or their representative, the certifying official shall provide a response to the request within 30 days of receipt.
3. If the applicant's children, parents, or siblings under 2. above would become ineligible for benefits under 8 U.S.C. § 1184(p) and 1184 (o) in less than 21 business days of receipt of the certification request, and this information is affirmatively raised in writing by the requestor or their representative, the certifying official shall provide a response to the request within 7 days of receipt.
4. If none of the above apply, the certifying official shall provide a response to the request within 120 days of receipt.

Re-issuance

Upon a request from a victim to reissue a certification for previously completed, the certifying official shall complete and reissue a certification form with 90 business days of the request. If the victim has a deadline to respond to a request for evidence from United State Citizenship and Immigration Services, and this information is affirmatively raised in writing by the requestor or their representative, the certifying official shall complete and issue the form no later than 21 business days after the request is received by the certifying official.

Extension of Time Period

The above listed time periods may be extended upon written agreement with the requestor or their representative.

The provisions of Virginia Code § 9.1-1501(F) and (G) should be reviewed and noted.

As set out in Virginia Code § 9.1-1500, the following definitions apply to this policy:

- "Certification form" means a certification form or declaration completed by a certifying agency that is required by federal immigration law certifying that a person is a victim of qualifying criminal activity. Such form or declaration may include any information required (i) by 8 U.S.C. § 1184(p), including the current United States Citizenship and Immigration Services Form I-918, Supplement B, or any successor form for purposes of obtaining a U visa, or (ii) by 8 U.S.C. § 1184(o), including the current United States Citizenship and Immigration Services Form I-914, Supplement B, or any successor form for purposes of obtaining a T visa.
- "Qualifying criminal activity" means any activity, regardless of the stage of detection, investigation, or prosecution, designated in 8 U.S.C. § 1101(a)(15)(U)(iii), or in any implementing federal regulations, supplementary information, guidance, and instructions.
- "Victim of qualifying criminal activity" means a person described in 8 U.S.C. § 1101(a)(15)(U)(i)(III), in the definition of "victim of a severe form of trafficking" in 22 U.S.C. § 7102(11), or in any implementing federal regulations, supplementary information, guidance, and instructions.

In the event of statutory changes to, or a conflict with, the Code of Virginia, the Code shall apply over this policy. This policy shall be posted on the Nottoway County Commonwealth's Attorney's Office page on the Nottoway County Government website and may be provided freely to requestors.