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The U-visa: An Important Tool for Community Policing

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- *Eva is married to a man who has assaulted her in the past—and now it has happened again. But this time she is even more frightened. She is about to have the couple's first baby and her husband has just threatened her once more, only this time he's said that if she reports him to the police, he will have her deported.*

- *The owner of a small restaurant says he is concerned about one of his employees. The employee is undocumented and was robbed recently after leaving work one night. The owner says, "He's afraid to talk to the police and he has seen these guys before. These guys are going after people they know aren't from this country because they figure they are walking ATMs. They always have cash on them—not credit cards or debit cards—cash."*



Both of these are actual cases that illustrate a challenge to officers who do community policing—the challenge of how to get undocumented immigrants to report or admit that they are victims of crime. In recent years, a tool has been developed to help police build a bridge to the neighborhoods they serve and solve crimes in: the U-visa. This visa, designed for immigrant victims of crime who cooperate with law enforcement, was intended to make them more likely to report such offenses. Growing awareness about the U-visa certification process is enabling police departments throughout the United States to take advantage of this tool that can help in the investigation and prosecution of serious crimes and improve public safety. Yet, many officers know little about this visa and how it can be a resource in their work.

Congress created the “U” nonimmigrant classification, or U-visa, in the Violence Against Women Act under the Victims of Trafficking and Violence Prevention Act of 2000. The U-visa strengthens the ability of law enforcement agencies to detect, investigate, prosecute, and solve cases of domestic violence, sexual assault, trafficking, and other types of criminal activity.

Lawmakers recognized that a victim's cooperation, assistance, and safety are essential to the effective detection, investigation, and prosecution of crimes. Victims who fear deportation, however, are often unlikely to come forward to assist in investigative efforts. With the incentive of the U-visa, the purpose of which is to give immigrant victims of certain crimes temporary legal status as well as temporary work eligibility in the United States, not only will the police benefit, but so will the victim. Police agencies do play an important role by certifying that an individual is eligible to apply for a U-visa; however, applications are ultimately approved or denied by the U.S. Citizenship and Immigration Services (USCIS).

In October 2009, the U.S. Department of Justice's Bureau of Justice Assistance awarded a three-year grant to the [Vera Institute of Justice](#) and [Legal Momentum](#) to develop, field-test, and distribute tools to inform law enforcement agencies about the U-visa certification process. Staff from the two nonprofit organizations work together on a project called the [National Immigrant Victims' Access to Justice Partnership](#), which has already

collaborated with 13 law enforcement agencies throughout the country to create a training curriculum for police personnel. The project has developed a [tool kit](#) for law enforcement that includes training modules and other materials related to the U-visa, such as a model policy and a FAQ sheet. Several related resources, such as webcasts, webinars, and podcasts will also be created.

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Through this project, [trainings](#) focus on issues important to an officer's understanding and use of the U-visa, including:

- the U-visa application procedure;
- enhancing an officer's capacity to work with immigrant victims;
- the U-visa certification process; and
- reasons that law enforcement agents may not be signing U-visa certifications.

Deputy Chief Pete Helein of the Appleton (Wisconsin) Police Department participated in training on the U-visa in 2010. He considered it valuable for future work in the community, particularly with immigrants who are reluctant to report crimes. "Once we get the word out as to what our role is in the U-visa process, it may have some deterrent effect on people who would prey on immigrants," he said. "We want to get the message out that we are going to take action."

Understanding the U-visa process can enhance community policing. For example, an officer can explain the U-visa process and the criminal process to immigrant crime victims—and often to their families or other people who may have witnessed crimes—showing them that the police need their help, and will help them in return. Such interactions can start a dialogue, develop rapport, and build trust, making members of the community more likely to share information with officers they now know. Individuals who have had a favorable experience with police are likely to tell other members of their community about it, and in turn this may make people more willing to report criminal activity in the future.

For officers who are concerned about their role and responsibility in a process that could lead to someone obtaining legal status after just a limited interaction with that individual, it is important to know that police don't determine who receives a U-visa and who does not. The certification process involves documenting that a person has been helpful—or is expected to be helpful in the future—in the detection, investigation, or prosecution of specific criminal activity. This certification is just one step in a longer process, which concludes when USCIS reviews the application and decides whether to issue a U-visa. (By law, a maximum of 10,000 U-visas are issued annually.) Just as passing an eye exam isn't sufficient to obtain a driver's license, certification of eligibility doesn't guarantee that a person will receive a U-visa. But it can be an important and beneficial step for crime victims who have cooperated and assisted with law enforcement.

As familiarity with the U-visa process grows, more officers may come to rely on it. In the big picture, it is a tool that can make community policing more effective and neighborhoods safer.

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For more information about the U-visa tool kit for law enforcement, write to restrada@vera.org.

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