

SAMPLE U VISA CERTIFICATION PROTOCOL

	POLICE DEPARTMENT GENERAL ORDERS, POLICIES, AND PROCEDURES
	Enforcement Operations
	Specialized Situations and Services

Police Department GENERAL ORDER	Date of Issue	Page	Number
Subject: CERTIFICATION OF U VISA – NON- IMMIGRANT STATUS (FORM I-918, SUPPLEMENT B)			
CALEA STANDARDS		BY AUTHORITY OF	

I. PURPOSE

The purpose of this General Order is to establish guidelines and procedures for officers who receive requests for a U-Visa Certification (Form I-918, Supplement B). This General Order also specifies the certifying supervisor who will sign Form I-918, Supplement B.

II. POLICY

- A. It is the policy of this police department that “any person(s) in a supervisory role” and specifically any supervisor in the domestic violence unit, sexual assault unit, and/or investigatory units, is designated to issue U-Visa Certification on behalf of the chief of police by completing Form I-918, Supplement B.
- B. It is also the policy of this police department to assist immigrant crime victims with their U-visa applications if they cooperate with agency officials.

III. DEFINITIONS

- A. “Qualifying criminal activity” is defined by statute to be “activity involving one or more of the following or any similar activity in violation of federal, state, or local criminal law.” The statute also includes the attempt, conspiracy, or solicitation to commit any of the crimes listed below:

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Abduction	Incest	Rape
Abusive sexual contact	Involuntary servitude	Sexual assault
Blackmail	Kidnapping	Sexual exploitation
Domestic violence	Manslaughter	Slave trade
Extortion	Murder	Torture
False imprisonment	Obstruction of justice	Trafficking
Felonious assault	Peonage	Perjury
Unlawful criminal restraint	Female genital mutilation	Witness tampering
Being held hostage	Prostitution	Other related crimes

- B. "Any Similar Activity" refers to other criminal activity when the similarities are substantial and the nature and elements of the criminal activity are comparable.
- C. The "U-visa" is the common name for the U nonimmigrant status.

IV. PROCEDURE

Before completing a Form I-918, Supplement B (a request for a U-visa certification), the certifying official shall have verified the following:

- A. The noncitizen was or is
1. a victim of a criminal activity (listed in Part III-A above) that took place in the United States or its territories or occurred outside the United States but violates U.S. extraterritorial law; or
 2. the spouse or under-21-year-old child of a victim who is deceased because of murder or manslaughter, or who is incompetent or incapacitated; or
 3. the parents and unmarried under-18-year-old siblings of an under-21-year-old victim who is deceased because of murder or manslaughter, or who is incompetent or incapacitated.
- B. The noncitizen has been, is being, or is likely to be helpful to the investigation. This department's policy describes the victim as being helpful when s/he
1. possesses information about a qualifying criminal activity; and
 2. demonstrates cooperation during the detection or investigation of that criminal activity, even if the investigation is not completed.
- C. When a certification is based on a prior investigation or a criminal case that has been closed or suspended, or when a statute of limitations has passed, the certification shall be completed after the above verification has been conducted.
- D. No request for certification will be accepted unless it is made on the proper U.S. Citizenship and Immigration Services form (Form I-918, Supplement B) and has been completed by the referring legal entity (such as a private attorney, nonprofit organization, or victim).

- E. The request for certification shall be completed within 14 days from the time it was presented to this department.
- F. All requests for Form I918, Supplement B certifications presented to this department shall be forwarded to the designated certifying officials.
- G. The certifying official may contact the VAWA Unit of the U.S. Citizenship and Immigration Services to report the U-visa applicant's failure to continue cooperating with the department only when the failure to cooperate is considered unreasonable. To determine whether failure to cooperate is unreasonable, officials should review and consider the victim's history of abuse and victimization, and any threats the victim has experienced or is experiencing.

V. ADDITIONAL CONSIDERATIONS

Department policy authorizes its members to distribute to any crime victim who may be a noncitizen an informational flyer describing immigration relief and services available to immigrant crime victims.