



Ordinance No. 2017-083

City of Minneapolis

File No. 2017-01472

Author: Glidden

Notice: None

1st Reading: Nov 17, 2017

Committee: COW

Public Hearing: Dec 13, 2017

2nd Reading: Dec 15, 2017

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RECORD OF COUNCIL VOTE				
COUNCIL MEMBER	AYE	NAY	ABSTAIN	ABSENT
B. Johnson	✗			
Glidden	✗			
Quincy	✗			
Gordon	✗			
Reich				✗
Frey	✗			
Yang	✗			
Warsame				✗
Goodman	✗			
Cano	✗			
Bender	✗			
A. Johnson	✗			
Palmisano	✗			

MAYOR ACTION

APPROVED

VETOED

  
MAYOR HODGES

DEC 15 2017

DATE

*Certified an official action of the City Council*

ATTEST

  
CITY CLERK

Presented to Mayor: DEC 15 2017

Received from Mayor: DEC 15 2017

**Amending Title 2, Chapter 19 of the Minneapolis Code of Ordinances relating to Administration: Employee Authority in Immigration Matters.**

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Chapter 19 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 19.60 to read as follows:

**19.60 – Certifications for Victims of Crimes.** (a) *Definitions.* For the purposes of this section, the following definitions shall apply:

(1) *Certification request.* A request made by a victim of crime, or the victim’s attorney or other appropriate representative, to a City certifying agency for a U Nonimmigrant Status certification or a T Visa Declaration of Law Enforcement Officer for Victim of Trafficking in Persons for persons eligible

under 8 U.S.C. §1101(a)(15)(T) and (U) as provided in the Victims of Trafficking and Violence Prevention Act of 2000.

(2) *City certifying agency.* Any city department having legal authority to sign a U Visa Nonimmigrant Status Certification or a T Visa Declaration of Law Enforcement Officer for Victim of Trafficking in Persons, including the Minneapolis Police Department, the City Attorney's Office and the Civil Rights Department in their respective areas of responsibility for detection, investigation and/or prosecution.

(3) *Investigation or prosecution.* The phrase "investigation and/or prosecution" has the meaning set out in 8 CFR §214.14(a)(5) that includes the detection or investigation of a qualifying crime or criminal activity, as well as the prosecution, conviction, or sentencing of the perpetrator of the qualifying crime or criminal activity.

(b) *Certification process.*

(1) *Standard review.* City certifying agencies shall process certification requests as quickly as reasonably possible. All certification requests shall be processed within thirty (30) days of receipt by the applicable City certifying agency of the request or as soon as reasonably possible thereafter if the processing is delayed by the need to seek off-site records or other good cause.

(2) *Expedited Review.* City certifying agencies shall provide for an expedited review process for victims or for qualifying family members of victims who are in removal proceedings, with requests processed within seven (7) days request or as soon as reasonably possible thereafter if the processing is delayed by the need to seek off-site records or other good cause.

(3) City certifying agencies shall make information about the standard and expedited review process readily available to the public in multiple languages and include a link to this information on the City's website.

(4) The head of each City certifying agency shall designate a certifying official who shall be authorized to review, process, and sign certification requests as legally appropriate. The designated certifying official shall exercise sound discretion and judgment and shall review each certification request on a case-by-case basis taking into consideration all relevant facts.

(c) *Certification of helpfulness.* A City certifying agency shall certify the helpfulness of a U-Visa applicant if the applicant possesses information concerning a qualifying criminal activity, and has been helpful, is being helpful, or is likely to be helpful in the investigation and/or prosecution of the criminal activity as provided in 8 U.S.C. §1101(a)(15)(U). This includes being helpful and providing assistance when reasonably requested. This also includes an ongoing responsibility on the part of the victim to be helpful as noted in 8 C.F.R. §214.14(b)(3). Subject to section 19.60(b)(4) above, it shall be a rebuttable presumption that the victim is likely to be helpful if a victim has not unreasonably refused to cooperate or unreasonably failed to provide information and assistance reasonably requested by law enforcement or prosecution.

(d) *Data Privacy.* City certifying agencies shall not disclose personal information of victims obtained through the certification request process except as provided in the Minnesota Government Data Practices Act or as otherwise required by law or court order.