



**AUSTIN POLICE DEPARTMENT
GENERAL ORDERS, POLICIES, AND PROCEDURES**

B301b

Part B – Enforcement Operations

Chapter 3 – Specialized Situations and Services

B301b – U Nonimmigrant Status Certifications

APD strives to provide the highest level of public safety to all persons residing in, or visiting the City of Austin, regardless of immigration status. APD will consider issuing U Nonimmigrant Status Certifications (Certification), on a case-by-case basis, to the immigrant community who are crime victims to report such crimes to police and to assist police in the detection, investigation and prosecution of such crimes.

.01 Statement of Certification Intent

APD's intent is to consider issuance of Certifications to those individuals who prove willing to assist APD in furtherance of its law enforcement purposes of detecting, investigating and prosecuting crimes. APD's decision to provide an applicant with a Certification is entirely discretionary. A victim who receives a Certification has an ongoing responsibility to assist APD in the investigation or prosecution of crime(s) listed on their Form I-918, Supplement B.

.02 Eligibility for U Nonimmigrant Status

To be eligible for Certification, a person must have been a victim of a qualifying criminal activity, must know details concerning the qualifying criminal activity and must have been helpful, is being helpful, or is likely to be helpful to APD in the investigation or prosecution of the qualifying criminal activity upon which their application is based; and since the initiation of cooperation with APD, they have not refused or failed to provide information or assistance reasonably requested.

.03 Crime Victim Means

For the purposes of Certification, a victim is a person who directly suffered physical, emotional or psychological harm as a result of having been a victim of qualifying criminal activity, or indirect victims of the criminal activity in the case of deceased victims of murder and manslaughter and victims of violent criminal activity who are incapacitated or incompetent.

.04 Qualifying Crime or Criminal Activity Means

For the purposes of Certification, qualifying criminal activity includes, but is not limited to, one or more of the following or any similar activities in violation of Federal, State or local criminal law of the United States: Rape, Torture, Trafficking, Incest, Domestic violence, Sexual assault, Abusive sexual contact, Prostitution, Sexual exploitation, Female genital mutilation, Being held hostage, Peonage, Involuntary servitude, Slave trade, Kidnapping, Abduction, Unlawful criminal restraint, False imprisonment, Blackmail, Extortion, Manslaughter, Murder, Felonious assault, Witness tampering, Obstruction of justice, Perjury, or attempt, conspiracy or solicitation to commit any of the above mentioned crimes. The term "any similar activities" refers to criminal offenses in which the nature and elements of the offenses are substantially similar to the statutorily enumerated list of criminal activities.

.05 Possess Information about the Qualifying Criminal Activity Means

There must be evidence demonstrating that the victim possesses credible and reliable information establishing that they have knowledge of the details concerning the qualifying criminal activity of which they are a victim. The victim must demonstrate that they have knowledge of the criminal activity that would assist in the investigation or prosecution of the crime upon which their petition is based. The victim must possess specific facts regarding the criminal activity leading a certifying official to determine that the victim has, is, or is likely to provide assistance in the investigation or prosecution of the qualifying criminal activity.

.06 Helpfulness to the Criminal Investigation Means

In order for a Certification to be considered, a crime victim has been, is being, or is likely to be helpful in the investigation or prosecution of the qualifying criminal activity. A victim who receives Certification has an ongoing responsibility to assist APD in the investigation or prosecution of all crime(s) listed on their Form I-918, Supplement B.

.07 Notification of Victim's Refusal to Assist

If the victim unreasonably refuses to assist in the investigation or prosecution of the qualifying criminal activity, even after certification has been granted and the I-918 Supplement B has been submitted to the U.S. Citizenship & Immigration Service (USCIS), then the authorized investigation unit Sergeant shall notify the USCIS, in writing, of said refusal to assist.

.08 Referrals of Applicant to Other Certifying Agencies

If APD determines it will not issue Certification in a particular case, it may refer the requestor to Federal, State or local law enforcement; Prosecutor; Federal or State judge; Department of Family and Protective Services; EEOC; Department of Labor.

.09 Additional Information

- A. Requests for Certification must be received in writing.
- B. All requests for Certification should be routed by case type as follows:
 - 1. Domestic Violence/Stalking/DVERT case to the Sergeant over the Domestic Violence and or DVERT Units.
 - 2. Victim Services will coordinate all other case types with the appropriate Sergeant from the Violent Crime units or Decentralized Area units.
- C. Sergeants should execute the certification as soon as possible, but under no circumstances more than 30 days from the date of receipt of the request.
- D. All written requests and their dispositions must be stored electronically in the Inspections Unit in accordance with applicable record retention procedures.
- E. The I-918 Supplement B, U Nonimmigrant Status Certification, and associated instructions are available in the "Approved APD Forms" folder of the Public Drive.

.10 Certifying Official

The Sergeants over Violent Crime units and the Decentralized Area Investigative units are designated by the Chief of Police to issue Certifications on behalf of the APD.