

NIWAP Law Enforcement Faculty Thoughts on Law Enforcement U Visa Certification

As a law enforcement officer more than 30 years of experience, I have had the opportunity to conduct numerous national trainings on the U visa, the visa that Congress provided specifically for victims of violent crime are helpful in the detection, investigation, prosecution, sentencing of certain crimes to spread awareness about its effect on the communities we take an oath to serve and protect.

I have experienced first-hand the positive and far-reaching outcomes for victims, law enforcement, and communities that result from responding to U visa certification requests as intended by Congress, as well as the negative effects when we fall short in responding appropriately to these requests.

At a crossroads of crime and immigration, the U visa stirs up strong feelings, but the most important message that everyone who reads this needs to hear is that the U visa does help protect immigrant victims, solve crimes, and improve community safety. Since the U and T visa programs were fully implemented by the Department of Homeland Security (DHS) over a decade ago, law enforcement agencies across the United States have found U and T visa certifications to be effective tools for fighting crime, while also building trust with immigrant crime victims and immigrant communities by removing fear of deportation as an obstacle to cooperation. The [article](#), published November 7, 2019, and shared in this newsletter, identifies many of the challenges around U visa certification, and the negative outcomes for immigrant victims and the community as a whole when U visa certifiers implement policies contrary to the purpose of the statute, or limit access to this important community policing tool.

In my experience, many of the challenges, and opposition to the U visa can be overcome through education. Equipped with a deeper understanding of the intention, process, and potential positive outcomes of properly implementing U visa programs, certifying agencies become more open to the possibility. With the knowledge of potential negative outcomes such as decreased reporting of crime and loss of trust with immigrant communities, law enforcement officers come to recognize many of the benefits of this unique tool for combatting violent crime.

In 2000, Congress enacted the U visa to improve community policing, increase prosecution of perpetrators of crimes against immigrant victims, allow victims to report crimes without fear of deportation, and enhance victim and community safety. In drafting the U visa statute and writing the U visa regulations, Congress and DHS were cognizant of the unique dynamics and barriers immigrant victims of domestic and sexual abuse experience. When law enforcement agencies limit U visa certification it is largely due to two reasons: a lack of understanding of the benefits of the U visa to law enforcement and communities, and a need for education about immigrant victim dynamics and barriers.

Education on the U visa is crucial in strengthening the ability of law enforcement and prosecutors to detect repeat crime perpetrators and conduct successful investigations, prosecutions of domestic violence, sexual assault, human trafficking and other violent crimes that would not have been possible without the U visa program. Knowledge about the U and T visa programs helps officers fulfill their oath to protect and serve their communities while protecting officer safety.

By implementing U and T visa certification practices and adopting protocols for these certifications, law enforcement agencies demonstrate to the community that they are receptive to and interested in protecting and serving immigrant and Limited English Proficient (LEP) community members. In times of increased immigration enforcement in the United States, perpetrators' threats to report their victims' immigration statuses to authorities are effective tools that stop victims from providing information to and cooperating with law enforcement officials. [NIWAP's national survey](#) and research reveal that increased immigration enforcement and crime victims' fears of deportation are making crimes committed against immigrant and LEP victims more difficult to detect and investigate. The survey found when police and prosecutors have effective U and T visa certification policies, even times of increase fear; those departments are not seeing a decline in reporting and are able to overcome the fears. In communities with effective policies, victims continue to come forward as illustrated in a recent article published in [Police Chief's Magazine](#).

In general, most jurisdictions are open to education and tools for establishing trust among vulnerable victims and reducing crime by holding perpetrators accountable. We in law enforcement recognize that establishing trust with immigrant communities, encourages victims to report crimes, improving the ability to detect, investigate and prosecute violent crimes committed within and against entire communities. The U visa helps us identify some of the most dangerous and violent offenders, dramatically increasing the safety of the community as a whole and the law enforcement members tasked with serving and protecting it.

The National Immigrant Advocacy Program (NIWAP) is welcomed by many jurisdictions that want information on the benefits of the U visa, and approaches to enhancing law enforcement's relationship and response to immigrant victims of crime.

The International Association of Chiefs of Police (IACP) published a [resolution](#) that supports education and awareness about U visa certifications and T visa declarations. Within the resolution, IACP acknowledged that U.S. law provides several protections for legal and undocumented immigrants who have been victims of crime, and shared the goals of the United States Congress to protect immigrant victims of crime and encourage public safety and cooperation between immigrant communities and law enforcement.

I hope everyone reading this recognizes the value of the important relationships facilitated by the U visa, and of collaborations among all stakeholders to keep communities safe. It is important not to lose sight of the many advances in public safety and trust with immigrant crime victims that the U visa can foster when law enforcement engage and respond appropriately to certification requests.

NIWAP provides resources, training, peer to peer support and virtual education about the U visa for both law enforcement and prosecutors. In consultation with law enforcement leadership from multiple jurisdictions, and with input from officials at the U.S. Department of Homeland Security, NIWAP developed a [proposed model policy](#) to help agencies implement a policy in their community.

With the support of Aequitas, NIWAP has developed [tools for prosecutors](#) when challenges arise where the defense claims the victim may have ulterior motives for reporting the crime, including taking advantage of immigration relief that is available to victims of crime.

For additional information on the U visa program and guidance on how law enforcement agencies, in particular police and prosecutors, can develop a certification practice, see NIWAP's [U Visa Toolkit for Law Enforcement and Prosecutors](#).

Be safe!

Michael LaRiviere