

Streamlining Your Agency's U Visa Policy and Practice

Roundtable 3
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VIOLENCE AGAINST WOMEN.***

Introduction

- Inspector Sgt. Tony Flores
 - San Francisco Police Department
- Officer Michael LaRiviere
 - Salem Police Department

Brief Review: U Visa Basics

Purpose of the U Visa

Congress enacted the U-visa in 2000 to:

- Increase prosecution of perpetrators of crimes against immigrant victims
- Allow victims to report crimes without fear of deportation
- Enhance victim safety
- Improve community policing and community relationships
- Keep communities safe

U Visa Requirements

- Victim of a qualifying criminal activity
- Has been, is being, or is likely to be helpful in:
 - Detection, investigation, prosecution, conviction or sentencing
- Suffered substantial physical or mental abuse as a result of the victimization
- Possesses information about the crime
- Crime occurred in the U.S. or violated U.S. law

How Will You Encounter a U Visa Certification in Your Work?

- You may be the first responder on a call involving an immigrant victim
- You may receive a request for certification from
 - A victim advocate
 - An immigration attorney
 - A community based organization
 - A victim

The Benefits of a U Visa Policy

What is the Benefit of a Written U Visa Policy?

- Ensure consistency throughout the agency
- Ensure continuity through changes in personnel
- Memorialize and make accessible the certification process
- Informs the public about the process and protocol they must follow to have their requests reviewed
- Streamline that process to ensure agency resources are utilized in the best way possible

Benefits of a U Visa Policy

- Provides officers with clear guidance on how to handle these requests
- Departmental U visa Certifiers are identified
- Have an agency-wide approach that can be communicated to potential applicants or legal service providers
- Enhances community policing and public safety
- Ensures officer safety

Elements of an Effective U Visa Policy

What Should an Effective Policy Include?

- Protocol language: acceptable or problematic?

Elements of an Effective U Visa Policy

- Assignment of agency certifying officials
(supervisors of specialized units recommended)
- Defines the “helpfulness” requirement clearly
- Gives guidance for unique circumstances
(Delayed request, no criminal charges, no official report)
- Identifies the mechanisms for responding to a request
- Follows the spirit of the role DHS intended for law enforcement in the certification process

When Considering Adopting a Policy, What Concerns Would be Coming From:

- Your Chief/Sheriff
- Your District Attorney
- Other Officers
- Other Prosecutors
- Supervisors

Implementing the U Visa Policy: Tips and Challenges

Implementing a U Visa Policy: Tips

- Train designated certifiers and their direct colleagues who may assist with the U visa requests
- Identify a trusted resource to assist with policy implementation and answer specific on-going questions
- Periodic review your policy and practice to look for opportunities for improvement
- Partnering with legal service providers or law enforcement agencies with successful U visa policy

Implementing the U visa Policy: Challenges

- Training for officers on the U visa and the intent of the law/policy
- Collaboration with DA's office, advocacy agencies and other service providers
- Managing the additional administrative duties (what do we do with the paperwork?)
- Potential fraud

Questions