

Procedure

5.19

EFFECTIVE
DATE
10-2-17

Eugene Police Department



VISA CERTIFICATION

5.19.1.1 PURPOSE AND SCOPE

This procedure establishes guidelines for processing requests for U and T Visa Certification. Visa certifications will be processed within the Investigations Division and forwarded to the Chief of Police, or other department certifying official as designated by the Chief of Police.

5.19.1.2 DEFINITIONS

- a. U-Visa – Nonimmigrant Status Certification for crime victims.
- b. T-Visa – Nonimmigrant Status Certification for victims of human trafficking.
- c. Qualifying criminal activity – is defined by federal 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:

Abduction	Abusive Sexual Contact	Rape
Blackmail	Domestic Violence	Extortion
False Imprisonment	Felonious Assault	Unlawful Criminal Restraint
Incest	Involuntary Servitude	Kidnapping
Manslaughter	Murder	Obstruction of Justice
Peonage	Female Genital Mutilation	Witness Tampering
Prostitution	Sexual Assault	Sexual Exploitation
Slave Trade	Torture	Trafficking
Perjury	Being Held Hostage	Other Related Crimes

- d. Visa Administration – The Investigations Division personnel who processes requests for Visa Certification.

5.19.1.3 PROCESSING THE VISA PACKET

- a. When a request for a Visa Certification is received it should be forwarded to the Investigations Division Senior Administrative Specialist to initiate the process.
- b. The Senior Administrative Specialist will maintain a database where all Visa

Certification requests are logged. They will then route the requests to the Investigations Division Lieutenant. The Investigations Division Lieutenant will verify the following information:

1. The noncitizen was or is:
 - a. A victim of a criminal activity (listed in above in x.1.2, b) that took place in the United States or its territories or occurred outside the United States but violates U.S. extraterritorial law; or
 - b. 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
 - c. 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.
2. 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 he or she:
 - a. Possesses information about a qualifying criminal activity; and
 - b. Demonstrates cooperation during the detection or investigation of that criminal activity, even if the investigation is not completed.
3. No request for certification will be accepted unless it is made on the proper I-918, Supplement B form and has been completed by the referring legal entity (such as the victim, a private attorney or a nonprofit organization.)

5.19.1.4 SCREENING THE VISA PACKET

- a. If an arrest is made, the Investigations Division Lieutenant should confer with District Attorney or prosecuting body to confirm that agency's cooperation.
- b. If the prosecuting body is cooperating and/or no arrest was made;
 1. Print the report and attach it to the packet.
 2. Review report and when necessary work with officer or detective to complete pages 2-3 of Form I-918. If completed by petitioner/attorney, this can suffice if information is accurate.
 3. Forward a recommendation memo and completed I-918 Form to the Chief of Police, or their designee, for review and certification.
- c. Once reviewed and/or signed, rout the packet back to the Investigation's Division Senior Administrative Specialist for processing and notification to petitioner and/or attorney.
 1. The Investigations Division Lieutenant will complete a disposition memo to the petitioner and/or attorney.

- d. Approved packets and disposition memo will be returned to the petitioner and/or attorney via certified US mail, or email if applicable. Petitioner/attorney may elect to pick up at the Records Lobby if local.
- e. Denied packets will be retained electronically by the Investigations Division Senior Administrative Specialist. The disposition memo will be returned to the petitioner/attorney via certified US mail.
- f. Issues and/or concerns related to processing U-Visa will be addressed by Investigations Division Lieutenant.

5.19.1.5 TIME FRAME

The process to complete U-Visa Certification should take no longer than 60 days from date received by Investigation's Division Senior Administrative Specialist until the packet is complete and ready for pick-up by petitioner.

5.19.1.6 ADDITIONAL CONSIDERATIONS

The Chief of Police, or designee, may contact the Violence Against Women Act (VAWA) Unit of the U.S. Citizenship and Immigration Services to report the 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, the Chief of Police, or designee, should review and consider the victim's history of abuse and victimization and any threats the victim has experienced or is experiencing.

5.19.1.7 WITHDRAWING A DECLARATION OR CERTIFICATION

The victim is required to continue to support the investigation or prosecution as long as it is reasonable. The Chief of Police or designee may withdraw their declaration or certification after it has been submitted to USCIS for any reason, including when a victim unreasonably refuses to assist. USCIS must be notified in writing, including the victim's name, date of birth, and A-File number (if available), along with a description of the reason for the withdrawal.

Withdrawals must be sent to:

US Citizenship and Immigration Services
Vermont Service Center
ATTN: T/U-Visa Unit
75 Lower Welden St.
St. Albans, VT 05479-0001

Or Email:

LawEnforcement_UTVAWA.vsc@uscis.dhs.gov

5.19.1.8 RECORD KEEPING

The Investigations Division Senior Administrative Specialist will maintain an electronic database to track receipt, review and disposition of each petition, along with a digital copy of the completed file.