



TUCSON POLICE DEPARTMENT


*Ready to Protect,
Proud to Serve*

CENTRAL INVESTIGATIONS DIVISION

U VISA PROCEDURES

Tucson Police Department
Chris Magnus, *Chief of Police*
270 South Stone Avenue
Tucson, Arizona 85701-1917



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		<p style="text-align: right;">Revised: January 2016</p>

BACKGROUND

The purpose of this policy is to provide guidance for the processing of U visas. The role of the Tucson Police Department in regards to a U visa is to determine whether a U visa certification approval should be issued by our agency. The Commander of the Central Investigations Division is responsible for reviewing and issuing U visa certifications on cases that were investigated by the Tucson Police Department. Certain criteria must be met in order to obtain certification.

The United States Congress created the U visa as part of the Victims of Trafficking and Violence Protection Act of 2000. Congress recognized that there were individuals with temporary or no legal status in this country that feared that assisting law enforcement could lead to their deportation. By providing non-citizen victims a means of stabilizing their legal status, the U visa encourages them to report crimes and cooperate with prosecutors. It is designed to help curtail criminal activity, protect the innocent, and encourage non-resident immigrant victims to fully participate in proceedings that will aid in bringing perpetrators to justice.


The U visa offers immigration protection for victims of qualifying crimes who are helpful to law enforcement in the detection, investigation, or prosecution, of criminal activity. Dependent upon the circumstances, a parent may be able to file an application based on a qualifying crime having been committed against their child. A law enforcement certification is evidence of cooperation that an applicant must submit in support of a U visa application. Without law enforcement certification the U visa application will be denied.

If a certification is granted the Tucson Police Department Certifying Official (designated Commander of the Central Investigations Division) will complete a U Nonimmigrant Status Certification (Form I-918, Supplement B).

A law enforcement agency may withdraw its certification after it has been issued. This may be done by notifying the U.S. Citizenship and Immigration Services (USCIS) in writing.

GENERAL INFORMATION

- This is a temporary visa and allows the victim to remain in the U.S. for up to four years,
- Department certification is only one step in the U. S. Citizenship and Immigration Services process in granting a U visa,
- After three years, the victim can apply for permanent residency,
- The victim may legally work in the U.S., and
- The Tucson Police Department is under no legal obligation to complete this certification and may choose to deny those applications which they cannot in good faith support (i.e. criminal history, warrants, detriment to the community).

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QUALIFYING CRITERIA

In order for a Form I-918, Supplement B to be completed and certified by the Tucson Police Department the facts of the case under investigation must demonstrate the following:

- A. The non-resident applicant victim has been, is being, or is likely to be “helpful” to a Tucson Police Department investigation. For the purposes of this policy, the victim is being “helpful” when he/she:
 - Possesses and furnishes vital information about a qualifying crime,
 - Demonstrates continual cooperation during the investigation and/or prosecution,
 - Assists investigators with gathering additional vital information,
 - Makes him/herself available to investigators and prosecutors.
- B. The non-resident victim was a victim of a qualifying crime, or the parent of a child that was the victim of a qualifying crime, that occurred within the Tucson Police Department jurisdiction.
 - If there is no Tucson Police Department jurisdiction and the department has not and does not plan to open an investigation, the request shall be returned to the applicant with instructions to forward the application to the appropriate investigating or charging agency.
- C. The non-resident applicant was the victim of one or more qualifying crimes; the attempt, conspiracy, or solicitation to commit any of the acts; or any related activity in violation of federal, state, or local criminal law.

QUALIFYING CRIMES


- | | | |
|-----------------------------|--------------------------|-------------------------------|
| ▪ Abduction | ▪ Involuntary Servitude | ▪ Sexual Exploitation |
| ▪ Abusive Sexual Contact | ▪ Kidnapping | ▪ Slave Trade |
| ▪ Blackmail | ▪ Manslaughter | ▪ Torture |
| ▪ Domestic Violence | ▪ Murder | ▪ Trafficking |
| ▪ Extortion | ▪ Obstruction of Justice | ▪ Unlawful Criminal Restraint |
| ▪ False Imprisonment | ▪ Peonage | ▪ Witness Tampering |
| ▪ Felonious Assault | ▪ Perjury | ▪ Related Crime(s) |
| ▪ Female Genital Mutilation | ▪ Prostitution | |
| ▪ Hostage | ▪ Rape | |
| ▪ Incest | ▪ Sexual Assault | |
- ☐ Attempt conspiracy, or solicitation to commit any of the named crimes

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ROLE OF THE REVIEWER

Per the Chief of Police, a Commander within the Central Investigations Division (CID) has been designated as the Certifying Official. This responsibility is with the Special Victim Section (SVS) Commander. It is the responsibility of the Certifying Official, or designee, to conduct follow-up on all requests for U-Visa certification. The SVS Commander may designate a sergeant to conduct follow-up but will have the responsibility to ensure all aspects of the application are covered. The Chief of Police, or designee, has final powers of review for any application.

- Initial Certification request follow-up shall include the following procedures:
 - ☐ Review the request received from the victim and/or victim advocate.
 - ☐ Confirm that a completed Form I-918, Supplement B was provided as a reference.
 - ☐ Confirm that a police report was filed concerning the alleged incident.
 - ☐ Confirm that the incident occurred within the jurisdiction of the Tucson Police Department.
 - ☐ Determine if the offense falls under the category of Qualifying Crimes.
 - ☐ Conduct checks of the victim (NCIC/ACIC/MVD/etc.).
 - ☐ Complete the TPD U visa Recommendation Form and determine whether to issue certification based on the totality of the circumstances.
 - ☐ Submit Recommendation Form through the Chain of Command to the Bureau Chief:
 - If certification is to be issued (approval):
 - Complete Form I-918, Supplement B (can be located at <http://www.uscis.gov/files/form/I-918.pdf>).
 - Maintain an electronic copy of Form I-918, Supplement B for record keeping.
 - Provide a completed, signed form (blue ink only) to victim or victim advocate.
 - If certification is not issued (denial):
 - Notify victim or victim advocate and explain the basis for the declination.
- Secondary Certification request post initial denial:
 - ☐ Refused absent the inclusion of new information that could be considered in the review.
 - ☐ Accepted with the inclusion of new information that could be considered in the review.
 - A review will result in the completion of a new TPD U visa Recommendation Form.
 - Standard procedures will be followed regarding the approval or denial of certification.
- Request for a duplicate Form I-918, Supplement B, with a new signature date:

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- ☐ The victim or victim advocate is required to submit the completed Form I-918, Supplement B within 6 months of completion by a certifying agency to the U.S. Citizenship and Immigration Services.
 - Failure to submit in a timely manner on the part of the victim or victim advocate, barring compelling extenuating circumstances, will result in a refusal for an updated form. This is based on the staff time required to complete a new process.
 - If a decision is made to complete a new form, a new criminal history check will be completed prior to the form issuance to ensure there is no new additional information that would result in the applicant's denial.
 - Failure on the part of the police department due to an error or other typographical issue on the initial form will result in the immediate issuance of a new signed form (blue ink only).
- U visa tracking by the CID Certifying Official :
 - ☐ All requests for U visas will be logged on a division tracking sheet,
 - ☐ Copies will be maintained of certification requests, to include approvals and rejection notifications, in the CID permanent U visa files (on-line form storage and hard copies of requests),
 - ☐ A tracking log shall be maintained to reflect the total number of applications received and processed annually, to include the number of approvals and denials.