

	<b>ELGIN POLICE DEPARTMENT</b> 151 Douglas Avenue Elgin, Illinois 60120	
<b>Effective Date:</b> 07/07/14	<b>STANDARD OPERATING PROCEDURE</b>	<b>Revised Date:</b> 11/04/20
<b>Chief of Police:</b> 	Immigrant Crime Victim Certification (U-Visa), 41.8	
<b>Cross Reference:</b> 5 ILCS 825/1	<b>Policy Sections:</b> 41.8.1 Receiving U-Visa Certifications 41.8.2 Review Process 41.8.3 Documentation Process 41.8.4 Time Frame	

## PURPOSE

The purpose of this policy is to outline the responsibilities, duties and job tasks related to the department's management of Immigrant Crime Victim Visas (U-Visa) and the certification process for the U-Visa Form I-918 Supplement B.

## POLICY

The Elgin Police Department's decision to provide a certification is entirely discretionary. The department recognizes that eligible parties, hereinafter referred to as crime victim or witnesses, may be reluctant to assist the department. To encourage cooperation, the department will voluntarily review and certify a petitioner's request for a U-Visa in compliance to the procedures established in 5 ILCS 825/1.

## DEFINITIONS

**Certifying Agency:** A federal, state or local law enforcement agency, prosecutor or authority, federal or state judge that has responsibility for the investigation or prosecution, conviction or sentencing of the qualified criminal activity of which the petitioner was a crime victim or witness.

**Certifying Official:** The head of the certifying agency or any person in a supervisory role, who has been specifically designated by the head of the certifying agency or a federal, state or local judge.

**Eligible Party:** In order to apply for a U-Visa Certification, the petitioner must meet the criteria established by the U.S. Citizenship and Immigration Services. [List of U-Visa Nonimmigrant Eligibility](#)

**Helpful:** The U.S. Citizenship and Immigration Services (USCIS) defines "helpful" as describing one who assists law enforcement authorities in the investigation or prosecution of the qualifying criminal activity of which he or she is a victim/witness. Victims/witnesses who, after initiating cooperation, refuse to provide continuing assistance when needed will not meet the helpfulness requirement. The certifying official will make the determination as to the helpfulness of the petitioner regardless of the court outcome.

**Petitioner:** An individual that has requested the Elgin Police Department's assistance in certifying a U-Visa on their behalf. The individual asserts that they are a crime victim or witness of qualifying criminal activity and that they are, have been or are likely to be helpful in the investigation or prosecution of the offender.

**Qualifying Criminal Activity:** Pursuant to 5 ILCS 825/1 crimes identified by the U.S. Citizenship and Immigration Services that were inflicted upon the crime victim. [List of qualifying criminal activity](#)

## PROCEDURES

### 41.8.1 RECEIVING U-VISA CERTIFICATIONS

- A. To apply for U-Visa certification, the petitioner must be an eligible party, a crime victim or witness, of a qualifying criminal activity that occurred in the City of Elgin or is under the jurisdiction of the

Kane County Child Advocacy Center. The petitioner must have information concerning the criminal activity and must have been helpful, is being helpful or is likely to be helpful to authorities. Refer to the definitions section for a complete description of "helpful."

- B. Attorneys, social workers and victim advocates representing the crime victim or witness or a reputable non-profit legal service agency may also apply for a U-Visa on behalf of their client.
- C. Requests for U-Visa certifications shall be forwarded to the community engagement lieutenant, the department's designated certifying official. The lieutenant shall take the necessary steps to verify that the petitioner is an actual crime victim or witness (eligible-party) of a qualifying crime.

#### **41.8.2 REVIEW PROCESS**

- A. There is no statute of limitations for U-visa certifications.
- B. A petitioner's request for certification will be reviewed using the department's records management system and LEADS to determine prior contacts, possible criminal activity and for verification that they are a crime victim or witness (eligible party).

#### **41.8.3 DOCUMENTATION PROCESS**

- A. For those requests that are approved, the community engagement lieutenant will generate a new police report detailing the certification; the report should contain all applicable documentation.
- B. When a request is denied, the lieutenant shall contact the petitioner, attorney or agency representing the petitioner to notify them of the reason(s) for the denial. A police report is also required to document the denial and the reasons why the request was denied.
- C. An electronic log of all certificate approvals and denials will be maintained in a secured folder on the police department's shared drive. The folder is maintained by the lieutenant who grants access rights to employees whose job functions require access to the information.

#### **41.8.4 TIME FRAME**

The process to complete U-Visa certifications should take no longer than 30 - 90 days from the date it is received. Certifications or denials shall be mailed back to the petitioner, attorney or agency representing the petitioner.