

POLICE DEPARTMENT HANOVER PARK, ILLINOIS



DIRECTIVE: 417-I

REFERENCE STANDARDS:

SUBJECT: U-Visa and T-Visa Certification Program

PURPOSE: This directive outlines the responsibilities, duties, and job tasks related to the Department's management of Petitions for U Nonimmigrant Status Visas (U-Visas) and Applications for T Nonimmigrant Status Visas (T-Visas), including the certification process for the U-Visa Certification Form I-918 Supplement B (Appendix B) and the T-Visa Declaration Form I-914 Supplement B (Appendix I).

POLICY: It is the policy of the Hanover Park Police Department to follow the U-Visa certification and T-Visa declaration guidelines set forth by the United States Citizenship and Immigration Services (USCIS) and by Illinois Public Act 100-1115. The Department recognizes that crime and human trafficking victims 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 or applicant's request for a T-Visa.

DEFINITIONS:

CERTIFYING AGENCY - 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 victim. The Hanover Park Police Department qualifies as a Certifying Agency.

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. The Hanover Park Police Department's Certifying Official is the Chief of Police.

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. Victims 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.

NEXT FRIEND - A person who appears in a lawsuit to act for the benefit of a foreign national who is under the age of 16, or is incapacitated or incompetent, who has suffered substantial physical or mental abuse as a result of being a victim of qualifying criminal activity. The next friend is not a party to the legal proceeding and is not appointed as a guardian.

POLICE OPERATIONS MANUAL

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VILLAGE OF HANOVER PARK

Rescinds:

Auth:

PETITIONER - An individual that has requested the Hanover Park Police Department's assistance in certifying a U-Visa or declaration for a T-Visa on his or her behalf. The individual asserts that he or she is a victim of qualifying criminal activity or human trafficking and that he or she is, has been, or is likely to be helpful in the investigation or prosecution of the offender.

T-VISA – An immigration benefit that can be sought by victims of human trafficking who have complied with any reasonable request from a law enforcement agency for assistance in the investigation or prosecution of human trafficking.

U-VISA - An immigration benefit that can be sought by victims of certain crimes who are currently assisting or have previously assisted law enforcement in the investigation or prosecution of a crime, or are likely to be helpful in the investigation or prosecution of criminal activity.

I. U-VISA AND T-VISA CERTIFICATION PROGRAM

- A. The United States Citizenship and Immigration Services (USCIS) of the Department of Homeland Security administers a program granting temporary immigration benefits to certain crime victims who assist law enforcement in investigating or prosecuting specified criminal activity or to victims of human trafficking who have assisted law enforcement in investigating or prosecuting human trafficking. Under this program, immigrants may be granted a U-Visa or T-Visa and be permitted to stay in the United States for up to four (4) years. Petitioners must provide documentation during the application process to demonstrate they have met the requirements for a U-Visa or T-Visa.
- B. As part of the certification process for a U-Visa, the petitioner must meet the following requirements:
 - 1. The petitioner must have suffered substantial physical or mental abuse as a result of having been a victim of a qualifying criminal act or have information concerning a qualifying criminal act.
 - 2. The petitioner has information concerning that same criminal activity. If the petitioner is under the age of 16 or unable to provide information due to a disability; a parent, guardian, or next friend may possess the information about the crime on their behalf.
 - 3. The petitioner has been helpful, is being helpful, or is likely to become helpful in the investigation or prosecution of a crime. If the petitioner is under the age of 16 or unable to provide information due to a disability; a parent, guardian, or next friend may assist law enforcement on their behalf.
 - 4. The criminal activity must have violated the laws of the United States or have occurred in the United States.

- C. A qualifying criminal act is defined by section 8, United States Code 1184(P), to be activity involving one or more of the following or 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	Incest	Rape
Abusive Sexual Contact	Involuntary Servitude	Sexual Assault
Blackmail	Kidnapping	Sexual Exploitation
Domestic Violence	Manslaughter	Slave Trade
Extortion	Murder	Torture
False Imprisonment	Obstruction of Justice	Trafficking
Felonious Assault	Peonage (Debt Servitude)	Perjury
Unlawful Criminal Restraint	Female Genital Mutilation	Witness Tampering
Being Held Hostage	Prostitution	Other Related Crimes
Fraud in Labor Contracting	Stalking	

- D. As part of the application process for a T-Visa, the applicant must meet the following requirements:
1. The applicant must have been the victim of a severe form of trafficking in persons as defined by federal law.
 2. The applicant must have complied with any reasonable request by a law enforcement agency for assistance in the investigation or prosecution of human trafficking.
 3. The applicant would suffer extreme hardship involving unusual and severe harm if removed from the United States.
- E. U-Visa certification is done via the Certifying Official's completion of Form I-918 Supplement B (Appendix B). T-Visa declaration is done via the Certifying Official's completion of Form I-914 Supplement B (Appendix I).
- F. Pursuant to Illinois Public Act 100-1115, if the Certifying Official determines the requestor of a U-Visa or T-Visa is a victim of qualifying criminal activity or human trafficking, the Certifying Official *must* complete the certification or declaration form and provide it to the requestor within 90 business days of receiving the request, except that if the person making the request is in federal immigration removal proceedings or detained, the Certifying Official must complete the certification or declaration form and provide it to the requestor within 21 business days. If the Certifying Official is unable to determine that the requestor is a victim of qualifying criminal activity or human trafficking, the Certifying Official may provide written notice to the requestor or their representative explaining why the available evidence does not support a finding that the requestor is a victim of qualifying criminal activity or human trafficking.

II. RECEIVING U-VISA PETITIONS AND T-VISA APPLICATIONS

- A. U-Visa petitions may be initiated by victims of qualifying criminal activity, attorneys representing them, or a reputable non-profit legal service agency. Petitions shall be submitted on Department of Homeland Security Form I-918, Petition for U Nonimmigrant Status (Appendix A).
- B. T-Visa applications may be initiated by victims of human trafficking, attorneys representing them, or a reputable non-profit legal service agency. Applications shall be submitted on Department of Homeland Security Form I-914, Application for T Nonimmigrant Status (Appendix G).
- C. Petitions and applications shall be forwarded to the Deputy Chief of Operations. The Deputy Chief of Operations shall take the necessary steps to verify that the petitioner or applicant is the actual victim or eligible party of a qualifying crime or of human trafficking.
- D. Petitions and applications containing inaccurate information or that do not include all required information may be returned to the petitioner or applicant for clarification or revision. Petitions and applications containing false information are subject to denial.

III. REVIEW PROCEDURES

- A. The Chief of Police shall use the Department of Homeland Security Form I-918 Supplement B, U Nonimmigrant Status Certification (Appendix B) as the certification form for U-Visas, and the Department of Homeland Security Form I-914 Supplement B, Declaration of Law Enforcement Officer for Victim of Trafficking in Persons (Appendix I) for T-Visas.
- B. For U-Visas the Chief of Police shall refer to the Certification Instruction Booklet (Appendix C), or the U and T Visa Law Enforcement Certification Resource Guide (Appendix D)* for assistance in completing the certification form. Additional resources are available on the USCIS web site at <https://www.uscis.gov/i-918>. For T-Visas the Deputy Chief of Operations shall refer to the Instructions for Form I-914 Supplement B (Appendix J), or the U and T Visa Law Enforcement Certification Resource Guide (Appendix D)*, for assistance in completing the declaration form. Additional resources are available on the USCIS web site at <https://www.uscis.gov/i-914>.

*Effective January 1, 2019 there are sections of the U and T Visa Law Enforcement Certification Resource Guide (Appendix D) that are not compatible with Illinois Public Act 100-1115, specifically that a Certifying Official in Illinois *must* complete the U-Visa Certification or T-Visa Declaration if it is determined the requestor is a victim of a qualifying criminal act or human trafficking.

IV. DOCUMENTATION PROCEDURE

- A. For all requests, the Police Social Worker will generate a file containing all applicable documentation. The Chief of Police, as the Department's designated Certifying Official, shall

sign the certification or declaration form and return it by mail to the petitioner or applicant. The petitioner or applicant is responsible for submitting the certification or declaration to USCIS.

- B. An electronic log of all U-Visa and T-Visa requests will be kept and updated by the Chief of Police or his/her designee.