



Roll Call Training Bulletin

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Based on U Visa Fact Sheet Information available at www.ucis.gov

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U VISA

Background: What is a U visa?

Congress created the “U” Nonimmigrant Classification in October of 2000. This legislation was intended to strengthen the ability of law enforcement agencies to investigate and prosecute cases of domestic violence, sexual assault, human trafficking and other crimes while at the same time offering protection to the victims of these crimes. U Nonimmigrant Status has been set aside for victims of crimes who have suffered mental or physical abuse because of the crime and who not only possess information about the criminal activity, but are also willing to assist government officials in the investigation of the criminal activity. The United States Citizenship and Immigration Services (USCIS) can grant up to 10,000 U visas each year, which authorizes the petitioners to remain in the United States for up to four years.

What are the eligibility requirements?

There are four statutory eligibility requirements that must be met:

1. The individual must have suffered substantial physical or mental abuse as the result of having been a victim of a qualifying criminal activity.
2. The individual has information concerning that criminal activity.
3. The individual has been helpful, is being helpful or is likely to be helpful in the investigation of or prosecution of the crime.
4. The criminal activity must have violated the laws of the United States or occurred in the United States.

What qualifies as “criminal activity?”

Qualifying criminal activity is defined as an activity involving one or more of a long list of crimes that violate federal, State, or local criminal law. These qualifying offenses include but are not limited to homicide, sexual assault, domestic violence, robbery, torture, sexual exploitation, kidnapping, and false imprisonment.

What is the procedure to request U Nonimmigrant Status?

Currently, the Police Department receives a number of U visa recommendation requests from both petitioners as well as immigration attorneys. The petitioner or attorney must file a Petition for U Nonimmigrant Status (Form I-918) that is available through the United States Citizenship and Immigration Services (USCIS). Petitioners and/or attorneys are encouraged to submit any and all police reports pertaining to the request(s).

What is the Police Department’s role in the U visa process?

The petition for U Nonimmigrant Status must be filed by the petitioner and must contain a “certification of helpfulness” from a certifying agency. Essentially, the Police Department must confirm that the petitioner “has been helpful, is being helpful or is likely to be helpful” in the investigation of or prosecution of the qualifying criminal activity. Finally, either the Chief of Police or a supervisor who has been designated with the authority to issue certifications on behalf of the Chief of Police must sign the certification. Once a U visa request has been certified, USCIS makes the final decision as to whether or not a U visa will be issued.



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What is a certifying agency?

Certifying agencies include federal, State, or local law enforcement agencies, or a prosecutor, judge or other authority that has responsibility for the investigation of or prosecution of the criminal activity. Child Protective Services is also considered a certifying agency.

I received a U visa request. How should I proceed?

If you have received a U visa request for a criminal investigation that you were involved in, do not sign the certification. If the report has been assigned to a Detective and/or has resulted in adjudication, please refer the petitioner or attorney directly to **Stephanie Hofer of the Sacramento County District Attorney's Office at (916) 874.7428.**

If the report has not been assigned to a Detective and has not resulted in adjudication, you should refer the petitioner or attorney to send their request via email to the Sergeant assigned to the Criminal Intelligence Unit, Office of the Chief at: spd_ciu@pd.cityofsacramento.org. **(Please note that there is an intentional space in the email address between "spd" and "ciu.")** Currently, **Sergeant Dan Nutley is assigned to this position.** It should be noted that each certification request is considered on its own individual merit and the decision to certify the request(s) is based on a number of factors, which include the type of crime(s) committed, the level of victim cooperation, the seriousness of injuries, etc.

It is not unusual for petitioners or attorneys to contact responding officers and/or Detectives in an attempt to obtain sworn statement years after the initial offense occurred. If a petitioner or attorney contacts you, please refer the requestor to the CIU Sergeant and do not discuss the request. Again, if the case resulted in adjudication, you should refer the petitioner or attorney directly to the Sacramento County District Attorney's Office.

Please call the CIU Sergeant if you have any further questions at (916) 808.0800.