

JACKSONVILLE POLICE DEPARTMENT

Policy: 11-5
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CERTIFICATION OF "U" VISA - NON-IMMIGRANT STATUS

PURPOSE: To establish guidelines and procedures for officers who receive requests for a U Visa Certification (Form I-918, Supplement B). This policy also specifies the certifying officials designated by the Chief of Police who will sign Form I-918, Supplement B.

POLICY: It is the policy of this Department that the Chief of Police, or in his absence, the CID Commander/CID Lieutenant are designated to issue U Visa Certification by completing Form I-918, Supplement B.

It is also the policy of the Department to assist immigrant crime victims with their U Visa applications if they cooperate with agency officials.

DEFINITIONS:

- I. **QUALIFYING CRIMINAL ACTIVITY:** By 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:
- A. Abduction;
 - B. Blackmail;
 - C. False imprisonment;
 - D. Incest;
 - E. Manslaughter;
 - F. Peonage;
 - G. Prostitution;
 - H. Slave trade;
 - I. Perjury;
 - J. Abusive sexual contact;
 - K. Domestic violence;
 - L. Felonious assault involuntary servitude;
 - M. Murder;
 - N. Female genital mutilation;
 - O. Sexual assault;
 - P. Torture;
 - Q. Being held hostage;
 - R. Rape;
 - S. Extortion;
 - T. Unlawful criminal restraint;
 - U. Kidnapping;
 - V. Obstruction of justice;
 - W. Witness tampering;
 - X. Sexual exploitation;
 - Y. Trafficking; or
 - Z. Other related crimes;

- II. ANY SIMILAR ACTIVITY: Refers to other criminal activity when the similarities are substantial and the nature and elements of the criminal activity are comparable.
- III. U NON IMMIGRANT STATUS CERTIFICATION (Form I-918, Supplement B): Is commonly referred to as U Visa.

PROCEDURES:

I. REQUEST FOR U VISA

Upon request for a U Visa certification and before completing a Form I-918, Supplement B (a request for a U Visa certification), the certifying official shall have verified the following:

- A. The noncitizen was or is:
 - 1. A victim of a criminal activity that took place in the United States or its territories or occurred outside the United States but violates U.S. extraterritorial law; or
 - 2. 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
 - 3. 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.
- B. 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:
 - 1. Possesses information about a qualifying criminal activity; and
 - 2. Demonstrates cooperation during the detection or investigation of that criminal activity, even if the investigation is not completed.
- C. When a certification is based on a prior investigation or a criminal case that has been closed or suspended, or when a statute of limitations has passed, the certification shall be completed after the above verification has been conducted.
- D. No request for certification will be accepted unless it is made on the proper U.S. Citizenship and Immigration Services form (Form I-918, Supplement B) and has been completed by the referring legal entity (such as a private attorney, nonprofit organization, or victim).
- E. The request for certification shall be completed within 30 days from the time it was presented to this Department.
- F. All requests for Form I-918, Supplement B certifications presented to this Department shall be forwarded to the designated certifying officials.
- G. The certifying official may contact the VAWA Unit of the U.S. Citizenship and Immigration Services to report the U 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, officials should review and consider the victim's history of abuse and victimization, and any threats the victim has experienced or is experiencing.



Brett C. Hibbs
Chief of Police