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U-VISA PROTOCOL FOR ASSISTING IMMIGRANT VICTIMS OF CRIME

(Supersedes DB 09-029)

The U-Visa:

In 2000, The United States Congress created the U-Visa under the Violence Against Women Act (VAWA) in order to provide relief to eligible immigrants who are victims of certain crimes. The intent of Congress was: (1) to strengthen the ability of law enforcement agencies to detect, investigate and prosecute case(s) of domestic violence, sexual assault, human trafficking, etc. (refer to the crimes list below); and (2) to offer protection to the victims of such crimes.

Types of Crime Cases:

- Rape, torture, incest.
- Domestic violence.
- Sexual assault, abusive sexual contact, forced prostitution/trafficking, sexual exploitation, female genital mutilation.
- Involuntary servitude, slave trade, trafficking.
- Unlawful criminal restraint, being held hostage.
- Kidnapping, abduction, false imprisonment.
- Blackmail, extortion.
- Manslaughter, murder.
- Felonious assault.
- Witness tampering, obstruction of justice, perjury.
- Attempt, conspiracy or solicitation to commit any of these crimes.

Benefits of possessing a U-Visa:

If approved for a U-Visa, the crime victim applicant is permitted to live and work legally in the United States for the duration of the U-Visa (not to exceed four years). At the end of the third year, U-Visa recipient may be eligible to apply to adjust his or her status to lawful permanent residence (commonly known as a "green card").

Receiving a U-Visa does not directly or necessarily lead to lawful permanent residency for U-Visa victims.

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Qualifications for a U-Visa:

Crime victims must meet **all** of the following qualifications to apply for a U-Visa:

- Must be a victim of serious crimes resulting in physical or mental abuse.
- Must possess information about the crime.
- Must be cooperative or likely to be helpful in the investigation or prosecution of serious **crime(s)**.
The **crime(s)** must have violated U.S. laws (including violations of the California Penal Code) or have occurred within the U.S.

Role of Law Enforcement:

Patrol Officers should refer victims to the Domestic Violence Response Unit (DVRU) at the Thomas J. Cahill Hall of Justice, 850 Bryant Street, Room # 454. Members of the DVRU will make the determination if the victim is eligible to qualify for a U-Visa based upon the stated criteria.

When Patrol Officers encounter an immigrant who is a victim of a serious **crime(s)** as noted above:

1. Conduct the preliminary investigation, prepare an SFPD Incident Report and arrest the **suspect(s)**, if appropriate.
2. Explain the **possibility** of obtaining a U-Visa application to the victim.

Remember:

- Do not promise the issuance of a U-Visa.
- Do not attempt to determine the victim's eligibility.
- Do not attempt to determine the victim's substantial suffering or level of helpfulness in the investigation.
- The DVRU will assist eligible victims with the U-Visa process.

Members are reminded of the provisions of DGO 5.15, "Enforcement of Immigration Laws" which strictly prohibits the investigation and detention of any individual solely because of **his/her** national origin, appearance, inability to speak English, or **his/her** immigration status.

If you have questions about U-Visas, please notify the DVRU during business hours (0800 hrs-1700 hrs) at 553-9225.

Members assigned to the Airport Bureau will follow San Mateo protocols related to the notifications for incidents reported at the San Francisco International Airport.


JEFFREY GODOWN
Acting Chief of Police