


MELROSE POLICE DEPARTMENT		Department Manual: Policy 2.06
Subject U – VISA		
MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED: 55.1.1; 55.2.1; 55.2.3a; 55.2.4b; 12.1.1		GENERAL ORDER 17-05
Effective Date: March 1, 2017 Ref; G.O.# 17-04 Ref; Policy #1.33 Modification: August 28, 2017	Issuing Authority <i>Michael L. Lyle</i> Michael L. Lyle Chief of Police	

I. Introductory Discussion

The Melrose Police Department recognizes that a victim's cooperation, assistance, and safety are essential to the effective detection, investigation, and prosecution of all criminal offenses. Victims who fear deportation, however, may be unlikely to come forward and cooperate and assist in legal process.

In 2000, Congress created the U-Visa within the *Violence Against Women Act*. The aim of the U-Visa is to encourage immigrant victims to report criminal activity and seek law enforcement assistance. The U-Visa provides a specific avenue through which immigrant crime victims and witnesses who cooperate with law enforcement can obtain lawful immigration status and protection against deportation. **55.2.3a**

The U-Visa encourages immigrant victims of crime to report criminal activity without the fear of detention or deportation. The Melrose Police Department will assist immigrant victims of crime with their U-Visa applications when they are found to be cooperating with the detection, investigation, or prosecution of criminal activity. **55.1.3**

II. Definitions

- U-Visa: A visa issued by the United States Citizenship and Immigration Service (USCIS) conferring legal status for up to four years to an immigrant victim who meets the following statutory requirements:
 - They have suffered substantial physical or mental abuse as a result of having been a victim of a listed criminal activity;
 - They possess information concerning such activity;
 - They have been helpful, are being helpful, or are likely to be helpful in the investigation or prosecution of a crime; and
 - They have been the victim of criminal activity that occurred in the United States or knowledge of some violation of the laws of the United States
- To be eligible for a U-Visa, the applicant must submit an application packet that includes a certification from a certifying official or agency that they have been, are being, or are likely to be helpful in the detection, investigation, or prosecution of a qualifying criminal activity.
- U-Visa Certification Form: A sworn statement ([USCIS Form I-918](#)) that affirms the immigrant victim's past, present, or future helpfulness in the detection, investigation, or prosecution of certain qualifying criminal activity.
- Designated Certifying Officials: A law enforcement official who is authorized to issue a U-Visa certification that verifies an immigrant victim's past, present, or future helpfulness in the detection, investigation, or prosecution of certain qualifying crimes. The Chief of Police or his designee (/s) are designated as certifying officials. **12.1.1**
- Qualifying Criminal Activity: U-Visa qualifying criminal activity includes, but is not limited to: rape, torture, trafficking, incest, domestic violence, sexual assault, abusive sexual contact, prostitution, sexual exploitation, female genital mutilation, being held hostage, peonage, involuntary servitude, slave trade, kidnapping, abduction, unlawful criminal restraint, false imprisonment, blackmail, extortion, manslaughter, murder, felonious assault, witness tampering, obstruction of justice, perjury, solicitation to commit any of the above mentioned crimes, or any similar activity in violation of federal, state, or local criminal law. The attempt or conspiracy to commit any of the above crimes also qualifies.

- Any similar activity: accounts for the wide variety of state and federal criminal laws that may have names different from the criminal activity listed above but are comparable in nature and elements to the aforementioned criminal activity.

III. Procedure

Step	Action
1	When a police officer encounters an immigrant victim of crime who has filed a police report and it is determined that they are willing to assist - or have assisted or cooperated - with the detection, investigation, or prosecution of qualifying criminal activity, they should inform them of the U-Visa application process. 55.1.3
2	<p>The U-Visa certification may be issued at any time after detecting a qualifying criminal activity and the investigator has determined that the victim is being or will be helpful in the investigation. 55.2.1</p> <p><i>Note: The investigation need not be complete prior to issuing the certification. The law was designed to assist victims at very early stages of crime detection and investigation.</i></p>
3	<p>The U-Visa Certification Form (USCIS Form I-198) needs to be completed and signed by the investigator and approved by his immediate supervisor.</p> <p>It should provide specific details about the nature of the crime being detected, investigated, or prosecuted. 55.2.3a</p> <p>It should also describe the petitioner's helpfulness in the case. 55.2.4b</p> <p>The officer who signs the certification does not confer any immigration status upon the victim, but rather enables the victim to meet one of the eligibility requirements in the victim's application to users.</p>
4	<p>The police officer should work with a Victim Witness Advocate and/or the District Attorney's Office if available in helping the victim with the U-Visa application (USCIS Form i-198 Petition for U Nonimmigrant Status") and assisting in securing legal representation.</p> <p>The U-Visa Certification Form (USCIS "Form I-198") which has been completed and signed by a certifying official should be given to the victim.</p> <p>A U-Visa Certification is required to complete the application process. The Victim will then submit the completed application packet and supporting documents to the Victims and Human Trafficking Unit of USCIS, located in Vermont.</p>

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5	A victim who received a certification and was granted a U-Visa has an ongoing obligation to provide assistance. Certifying officials may notify USCIS directly for cases in which victims are no longer helpful. However, such notification is appropriate only when the victim's lack of cooperation is not reasonable. 55.2.4b
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IV. Forms & Instructions

Form for Law Enforcement Officers to Certify Situation:

<http://www.uscis.gov/sites/default/files/files/form/i-918supb.pdf>

Law enforcement officials who sign certifications do not confer any immigration status upon the victim

USCIS Site About U-Visas Overall: <http://www.uscis.gov/i-918>

Includes applicant's form. Note: Obtaining a translator may be useful to assist the victim in completing the appropriate forms

