



CITY OF MADISON POLICE DEPARTMENT STANDARD OPERATING PROCEDURE



U Visa Program Participation

Eff. Date 01/31/2023

Purpose

The purpose of this procedure is to establish guidelines and procedures for Madison Police Department (MPD) personnel who receive requests for a U Visa Certification.

The MPD is committed to prevent further victimization of victims, regardless of their immigration status. The Federal U Visa Program offers this protection and strengthens our ability to detect, investigate, and prosecute crimes. Law enforcement has a role in this process to certify that a qualifying crime was committed and that the victim was cooperative with the investigative and prosecutorial processes.

The U nonimmigrant status (U Visa) is set aside for victims of certain crimes who have suffered mental or physical abuse and who are helpful to law enforcement or government officials in the investigation or prosecution of criminal activity. Congress created the U nonimmigrant visa with the passage of the Victims of Trafficking and Violence Protection Act (including the Battered Immigrant Women's Protection Act) in October 2000. The legislation was intended to strengthen the ability of law enforcement agencies to investigate and prosecute cases of domestic violence, sexual assault, trafficking of aliens, and other crimes, while also protecting victims of crimes who have suffered substantial mental or physical abuse due to the crime and who are willing to help law enforcement authorities in the investigation or prosecution of the criminal activity. The legislation also helps law enforcement agencies to better serve victims of crimes.

Procedure

ELIGIBILITY REQUIREMENTS FOR A U VISA

To be eligible for a U Visa, immigrant victims must meet the federal statutory requirements and they must include a certification from a certifying official or agency (law enforcement) that they have been, are being, or are likely to be helpful in the detection, investigation, or prosecution of a qualifying crime.

Law enforcement personnel only need to verify the content on the I-918 Supplement B. This is the form used to show that the nonimmigrant was the victim of a crime, suffered substantial mental or physical abuse, and was cooperative, or has shown no reason why they would not be cooperative with further investigation or prosecution of the crime.

MPD Employee Receiving the Request

Accept and direct the U Visa request to the Police Executive Office Supervisor ~~District Command Staff where the crime was committed~~, including any information related to name of victim, date of incident, MPD case number, I-918 Supplement B, Status Certification Form if it was included. The Police Executive Office Supervisor will identify which district the crime was committed and forward the request to the appropriate commander for their review and recommendation for the Chief of Police.

District Command Staff

The law enforcement review is to certify that the qualifying crime occurred and, when requested, that the victim was cooperative with the process, or has not shown that they will not cooperate.

1. Review the case and make sure any attached I-918 Supplement B, Status Certification Form is accurately completed. Generally, a completed copy of the form will be included with the cover letter from the applicant or their representative. Additional blank current versions of this form are available online from the U.S. Citizenship and Immigration Service.

2. If a completed I-918 Supplement B, Status Certification Form was submitted, compare the case details against the form for accuracy. Parts 1-5 should all be checked for accuracy against the police report.
3. If needed, a blank form can be completed to summarize the case.
4. Once the form is verified as accurate, it should be forwarded to the Police Executive Office Supervisor along with any pertinent police reports.

Police Executive Office Supervisor

The Police Executive Office Supervisor will proceed with the verification process and will ensure that the necessary form is completed properly.

1. All requests will be submitted to the Chief, or the Chief's designee, for evaluation and decision on final approval.
2. The main copy of the U Visa form will be uploaded into the Law Enforcement Records Management System (LERMS) along with the case file.
3. A log of the associated case numbers for the U Visa certification requests will be maintained by the Police Executive Office Supervisor.

Original SOP: 02/25/2015

(Reviewed Only: 03/01/2016, 12/26/2017)

(Revised: 01/20/2017, 12/20/2019, 01/31/2023)