

TITLE: U-VISA (I-918B)

CODIFIED: 106.1
EFFECTIVE: 01/31/17
RESCINDS/AMENDS: NEW POLICY
PAGES: 3

PURPOSE

The purpose of this policy is to encourage victims of violent crime to report crimes to law enforcement and contribute to investigations and prosecutions regardless of immigration status.

DISCUSSION

The Victims of Trafficking and Violence Prevention Act (VTVPA) was enacted to strengthen the ability of law enforcement agencies to investigate and prosecute cases of domestic violence, sexual assault, trafficking of persons and other crimes while offering protection to victims of such crimes without the immediate risk of being removed from the country. Immigrants, especially women and children, can be particularly vulnerable to crimes like human trafficking, domestic violence, sexual assault, and other abuse. The U visa is an immigration benefit that can be sought by victims of certain crimes who assist law enforcement in the investigation or prosecution of a crime. The law enforcement certification USCIS Form I-918, Supplement B, U Nonimmigrant Status Certification (Form I-918B) is a required element for U visa eligibility. Individuals interested in applying for a U visa must submit the USCIS Form I-918. The Santa Fe Police Department is committed to responding to requests for certification in a timely manner.

POLICY

The U Visa is an immigration benefit available to victims, witnesses or guardians of victims or witnesses of certain “Qualifying Crimes” who are currently assisting or have previously assisted law enforcement in the investigation or prosecution of a crime or who are likely to be helpful in the investigation or prosecution of criminal activity

QUALIFYING CRIMES

106.1.01

- | | |
|------------------------------|--------------------------------------|
| 1. Abduction; | 2. Abusive Sexual Contact; |
| 3. Blackmail; | 4. Domestic Violence; |
| 5. Extortion; | 6. False imprisonment; |
| 7. Felonious Assault; | 8. Female Genital Mutilation; |
| 9. Held Hostage; | 10 Incest; |
| 11. Kidnapping; | 12. Torture; |
| 13. Manslaughter; | 14. Murder; |
| 15. Peonage; | 16. Obstruction of Justice; |
| 17. Perjury; | 18. Prostitution; |
| 19. Rape; | 20. Involuntary Servitude |
| 21. Sexual Assault; | 22. Sexual Exploitation; |
| 23. Slave Trade; | 24. Trafficking; |
| 25. Restraint; | 26. Witness Tampering; |
| 27. Unlawful Criminal | 28. Other Related Crimes*. |

*Includes any similar activity where the elements of the crime are substantially similar; Additionally, includes attempt, conspiracy, or solicitation to commit any of the above

APPLICANT REQUIREMENTS

106.1.02 To qualify for a U Visa an applicant must submit USCIS Form I-918, entitled “Petition for U Nonimmigrant Status” (Form I-918), to the U.S. Citizenship and Immigration Services (USCIS).

Form I-918, Supplement B (Form I-918B) must be submitted with Form I-918 to USCIS.

Form I-918B must be certified by the Santa Fe Police Department (SFPD) or other law enforcement agency. In certifying Form I-918B, SFPD certifies to USCIS that:

1. The applicant is the victim, witness or guardian of victim or witness of a Qualifying Crime as listed above;
2. The applicant has specific knowledge and details of the crime; and
3. The applicant is currently assisting, **OR** has previously assisted SFPD in the investigation or prosecution of a crime **OR** is likely to be helpful in the investigation or prosecution of criminal activity.

COOPERATION DURING AND AFTER AN INVESTIGATION

106.1.03 Helpful in the investigation or Prosecution of a crime means – that the applicant is the victim, witness or guardian of a victim or witnesses of a Qualifying Crime and is currently assisting SFPD, has assisted SFPD in the past, or is likely to assist SFPD in the future, in the investigation or prosecution of the Qualifying Crime.

This includes being helpful and providing assistance when reasonably requested. (This responsibility is ongoing.)

A victim of a Qualifying Crime who unreasonably refuses to assist SFPD or other law enforcement agency with which SFPD is coordinating its investigative and prosecutorial efforts is not eligible for a U Visa.

DUTY TO REMAIN HELPFUL

106.1.04 The duty to remain helpful to SFPD Remains after a U Visa is granted. USCIS may revoke a U Visa granted to a victim of a Qualifying Crime who unreasonably refuses to assist SFPD in its investigation or prosecution of the crime. SFPD must report any such refusal to USCIS.

STATUS OF INVESTIGATION

106.1.05 A current investigation, the filing of charges, a prosecution or a conviction are not required for SFPD to sign the Form I-918B. In some instances where a victim has reported a Qualifying Crime, an arrest or prosecution cannot take place due to evidentiary or other circumstances. Examples include when a perpetrator has fled or is otherwise not in the jurisdiction, the perpetrator cannot be identified, or the perpetrator has been deported by federal law enforcement officials.

There is no statute of limitations on signing the Form I-918B. A Form I-918B can even be submitted in a closed case.

WRITTEN AFFIDAVIT

106.1.06 Applicants submitting a Form I-918B for signing by SFPD may request a signed affidavit under the pains and penalties of perjury stating that they have specific knowledge of a Qualifying Crime and will, at the reasonable request of SFPD, provide assistance in the investigation and/or prosecution of that crime and acknowledging that the obligation to provide such assistance is an ongoing responsibility and that failure to assist SFPD as reasonably requested may make them ineligible for a U Visa or, if a U Visa is granted, result in its revocation. (See Form SFPD U Visa – Affidavit of Assistance)

Victims of a Qualifying Crime who sign an Affidavit of Assistance will be presumed to be in compliance with the requirement that they provide assistance in the investigation and/or prosecution of the Qualifying Crime unless and until they unreasonably refuse to provide such assistance to SFPD.

REVIEW OF U VISA LAW ENFORCEMENT CERTIFICATIONS

106.1.07 When the victim of a Qualifying Crime requests SFPD to process a Form I-918B, the matter shall be referred to the Chief of Police or his/her designee for processing and signing. If the victim needs assistance in completing Form I-918 or the relevant parts of Form I-918B, he or she shall be referred for the necessary assistance to the Domestic Violence and Sexual Assault Coordinator (the Coordinator) at Solace Crisis Center (Solace) or any non-profit.

LETTER OF DESIGNATION

106.1.08 Letter of Designation from Chief to be attached to all Form I-918B. (See Form SFPD U Visa – Letter of Designation from Chief)

ENDEAVOR TO PROCESS

106.1.09 SFPD shall endeavor to process all requests for completion of Form I-918B within ninety (90) days of receipt of a written request by the victim of a Qualifying Crime. In the event the victim is in deportation proceedings, SFPD shall endeavor to process the request within fourteen (14) days of receipt. SFPD shall promptly notify U.S. Immigration and Customs Enforcement (ICE) if a victim or witness has been placed in removal proceedings.

- A. Written requests for completion of Form I-918B may be in the form of a letter, an email, or submittal of Form I-918B with Part I, Victim Information, completed.

CONFIDENTIALITY

106.1.10 The immigration status of the victim of a Qualifying Crime requesting SFPD to complete a Form I-918B is confidential and in accordance with SFPD policy, shall not be disclosed to U.S. Immigration and Customs Enforcement (ICE). A victim’s status as a victim of sexual violence

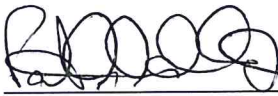
is also confidential, except as required for the completion of Form I-918B and for the investigation and/or prosecution of the Qualifying Crime.

VICTIMS OF QUALIFYING CRIMES

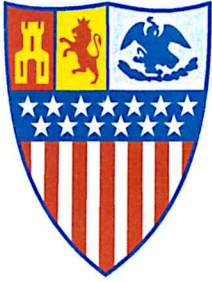
106.1.11 Victims of Qualifying Crimes shall be provided with information relating to eligibility for protection under the U Visa program and the Violence Against Women Act (VAWA) and with the names of agencies and their contacts with which victims can consult.

ANNUAL REPORT

106.1.12 SFPD shall report annually to the Governing Body of the City of Santa Fe on the number of Form I-918B requests and the disposition of such requests in the preceding year.

APPROVED: 
PATRICK GALLAGHER
Chief of Police

DATE: 2/17/17



City of Santa Fe, New Mexico

200 Lincoln Avenue, P.O. Box 909, Santa Fe, N.M. 87504-0909

www.santafenm.gov

Javier M. Gonzales, Mayor

Councilors:

Signe I. Lindell, Mayor Pro Tem, Dist. 1

Renee Villarreal, Dist. 1

Peter N. Ives, Dist. 2

Joseph M. Maestas, Dist. 2

Carmichael A. Dominguez, Dist. 3

Chris Rivera, Dist. 3

Ronald S. Trujillo, Dist. 4

Mike Harris, Dist. 4

Attn: [NAME]
[LAW FIRM]
[ADDRESS]
[CITY], [STATE], [ZIP]

I, [NAME, TITLE], hereby affirm that I am the person in the Santa Fe Police Department, located at 2515 Camino Entrada, Santa Fe, New Mexico, who has been specifically designated by Chief [NAME] to review, approve, disapprove, and sign any U non-immigrant status certifications on behalf of the Santa Fe Police Department. In regards to Mr./Miss [FULL NAME AS SHOWN ON I-918] (DOB:), I have reviewed and signed the I-918 Supplement B submitted to the Santa Fe Police Department by Noble & Vrapı, P.A. - SF.

[NAME]
Deputy Chief of Police

Date

[NAME]
Chief of Police

Date

Affidavit of Assistance

I, _____, on this ____ day of _____, 201_, hereby affirm under penalty of perjury under the laws of the State of New Mexico, that all statements contained in this affidavit are true and correct, based upon my personal information and belief and after reasonable inquiry:

1. I am the victim of a Qualifying Crime (the Crime) under the U Visa Program (the Program) administered by the U.S. Customs and Immigration Service (USCIS).
2. I have requested that the Santa Fe Police Department (SFPD) complete and sign USCIS Form I-918, Supplement B, U Nonimmigrant Status Certification (Form I-918B) to be filed with my application to USCIS for U Visa status.
3. I have specific knowledge of the Crime and its details.
4. In accordance with the Program requirements, I will, at the reasonable request of SFPD, provide assistance in the investigation and/or prosecution of the Crime, including, without limitation, participating in interviews, identifying individuals associated with the Crime, testifying in Court, executing affidavits, and other similar activities.
5. I understand that the obligation to provide such assistance in the investigation and prosecution of the Crime is an ongoing responsibility and that my failure to assist SFPD as reasonably requested may make me ineligible for a U Visa or, if a U Visa is granted, result in its revocation by USCIS.
6. I also understand that SFPD is required under the Program to report to USCIS any such failure to assist SFPD as reasonably requested.

(Signature)

(Print Name)