

Dallas Police Department **U Visa Nonimmigrant Status Certification Policy**

Congress created the "U" nonimmigrant classification with the passage of the Victims of Trafficking and Violence Protection Act. 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 at the same time, offering protection to victims of such crimes.

All applicant individuals must meet the following four statutory eligibility requirements and have:

- (1) suffered substantial physical or mental abuse as a result of having been a victim of a qualifying criminal activity, and
- (2) valid information concerning the criminal activity, and
- (3) assisted or are continuing to assist in providing useful information to the investigation or prosecution of the crime, and
- (4) been a victim of a criminal activity that violated the laws of the United States and occurred within the jurisdiction of a certifying agency.

Qualifying criminal activity is defined by statute as an activity involving offenses ranging from murder, rape, robbery, felonious assault, sexual exploitation, extortion, human trafficking, torture, abduction, false imprisonment, witness tampering, obstruction of justice, etc. This list is not all inclusive, but represents types of criminal activity which target vulnerable immigrants.

The victim must submit a U Nonimmigrant Status Certification (Form I-918, Supplement B) that is certified by a law enforcement agency to the U.S. Citizenship and Immigration Services.

The Dallas Police Department will act as a certifying agency for a petitioner of an I-918 Supplement B, U Nonimmigrant Status Certification if the following criteria are met:

1. The victim must meet all of the statutory eligibility requirements as outlined in the Department of Homeland Security Federal Register/Vol. 72, No. 179/2007-09-17/Rules and Regulations.
2. The petitioner must be the victim of a felony grade offense reported to the Dallas Police Department.
3. The offense must still be under investigation by the Dallas Police Department.
4. The petitioner must make application within one year of the criminal offense.
5. The petitioner must submit written documentation from a certified medical facility verifying that the individual suffered substantial physical or mental abuse as a result of having been a victim of a qualifying criminal activity.

6. The petitioner must have valid information that will assist detectives in identifying, or attempting to identify the perpetrator of the offense.
7. The petitioner must demonstrate a willingness to participate in the investigation and prosecution process.
8. The Dallas Police Department will act as a certifying agency when all of the above requirements have been met and it is determined to be in the best interest of justice.
9. Once a case has been filed with a District Attorney's Office for any county within the City of Dallas, the Dallas Police Department may refer a U-Visa applicant to the certifying official for the District Attorney's Office where the case was filed.
10. The Dallas Police Department will not certify those indirect victims of offenses with deceased victims resulting from murder or manslaughter, or offenses with a victim younger than 21 years of age that has become incompetent or incapacitated as a direct result of the offense committed against the victim, where the applicant (indirect) victim was not a witness to the offense, and/or is unable to provide assistance to the investigation that will assist with identifying and prosecuting involved suspects.
11. All requests for recertification or re-examination of previously reviewed U-Visa applications submitted to the Dallas Police Department will be denied. Decisions made by previous Designated Certifying Officials for the Dallas Police Department will remain in effect and will not be re-examined by subsequent Designated Certifying Officials.

The Victims Services Coordinator/Advocates in the Crimes Against Persons Division - Investigations Bureau will be the Agency Point of Contact for all I-918, Supplement B, U Nonimmigrant Status Certifications sent to the Dallas Police Department. The Designated Certifying Official is a Lieutenant of Police assigned to the Crimes Against Persons Division. Documentation identifying current and prior Designated Certifying Officials will be maintained by the Dallas Police Department and the Fraud Detection Unit within the U.S. Citizenship and Immigration Services. All applications and decisions will be recorded and maintained by the Victims Services Coordinator/Advocates. Certification decisions will be based upon an investigation of the facts submitted.

Law enforcement certification, by itself, does not provide legal immigration status for the applicant. The U.S. Citizenship and Immigration Services will make the final determination as to whether an individual will be granted legal immigration status.