

33.07 "U" Visas

Federal legislation has created a "U" visa to strengthen detection, investigation and prosecution of crimes against non-U.S. residents by giving non-citizens with temporary or no legal immigration status an incentive or reward to cooperate in the investigation and prosecution of certain crimes. The "U" visa allows temporary residence in the U.S. for up to four years if a person was the victim of a certain crime, suffered substantial physical or mental abuse as a result, has information concerning the criminal activity and has been helpful, is being helpful, or is likely to be helpful in investigation and prosecution of the crime.

The Everett Police Department's role in the "U" visa process is as follows:

1. The process will typically begin with a request being submitted to an EPD employee/officer by the victim or his/her advocate or attorney.
2. Any "U" visa request is to be forwarded to the City Prosecutor-EPD Legal Advisor.
3. The City Prosecutor –EPD Legal Advisor will determine whether the crime was a felony or misdemeanor. Requests from victims of felony crimes will be forwarded to the lieutenant of general investigations for review. Requests from victims of non-felony crimes will be reviewed by the City Prosecutor-EPD Legal Advisor.
 - a. Review will be to determine obtain the necessary information from EPD staff (and, if the matter was handled by the County or City Prosecutor's office, the assigned prosecutor) to review the matter for whether or not the victim meets the minimum requirements for a "U" visa.
 - b. Review may include determination of The Legal Advisor will also review the matter for other factors, such as whether granting the "U" visa would serve the underlying purpose of the federal legislation that created them and to what extent the victim cooperated with law enforcement.
4. Following her review, the Legal Advisor will make a recommendation to the appropriate Investigations or Patrol Captain regarding whether or not the Law Enforcement Certification of Assistance ("Certification") should will either be signed or declined. The applicant or his/her attorney will be advised in writing regarding the outcome of the application. Although a signed Certification is required for a "U" visa application to move forward, a signed Certification does not mean that the individual will automatically be eligible. if the Certification is signed, it
5. 4. If the Certification is to be signed, it will be signed by the Investigations or Patrol Captain. It is then the "U" visa applicant's responsibility to submit his/her application, including the signed Certification, to the United States Citizen and Immigration Service (USCIS) for further determination of eligibility.

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Note:

- Although other departmental policies discourage inquiries into immigration status, if a person asks about how to obtain a "U" visa and/or where he/she can get the paperwork for the application process, officers may:
 - Direct the person to the U.S. Citizenship and Immigration Services website (uscis.gov); and
 - Advise the person to contact their own legal counsel, free legal aid at Snohomish County Legal Services (425- 258-9283), or the Northwest Immigrant Rights Project (1-800-455-5771).
- Officers must never tell a person that they will get a "U" visa when they apply.
- In those cases in which a "U" visa has been issued or is pending, and the victim then unreasonably refuses to cooperate, that information should be forwarded to the Legal Advisor. This change in circumstances may be reported to USCIS for consideration of denial/revocation of the "U" visa.
- If an applicant was involved in the crime, the probability is that he/she will not be granted the "U" visa
 - There are no time limits on when the incident or investigation took place, nor is there a requirement that the investigation be complete before an individual becomes eligible.
 - There is not a requirement that the victim's cooperation result in a successful prosecution.