


Policy 134.0	U-VISA	
	NEW: 12/11, 08/16, 10/19	RELATED POLICIES:
	CFA STANDARDS:	REVIEWED: AS NEEDED

A. PURPOSE

The purpose of this policy is to inform Department personnel of the U-Visa process, by which a non-citizen victim may report crime and be granted temporary permission to remain in the United States without fear of deportation.

B. POLICY

It is the policy of the Fort Lauderdale Police Department to follow the U-Visa guidelines set forth by the United States Citizenship and Immigrations Service (USCIS).

C. BACKGROUND

USCIS administers a program granting temporary immigration benefits to certain crime victims who assist law enforcement in investigating or prosecuting specified criminal activity. Under this program, immigrants may be granted a U-Visa and be permitted to stay in the United States for up to four (4) years. The petitioner must provide documentation during the application process to demonstrate they have met the requirements for a U-Visa.

D. REQUIRMENTS

1. As part of the application process, the Department will only assist if the petitioner has met the following requirements;
 - a. The petitioner must have suffered substantial physical or mental abuse as a result of having been a victim of a qualifying criminal act (or have information concerning a qualifying criminal act). These crimes include the following;
 - (1). Sexual Battery
 - (2). Domestic Violence
 - (3). Felony Battery
 - (4). Kidnapping
 - (5). False Imprisonment
 - (6). Involuntary Prostitution
 - (7). Felony Assault
 - (8). Extortion

- (9). Other acts enumerated in section 101(a)(15)(U) of the Immigration and Nationality Act.
 - b. He/she has information concerning that same criminal activity.
 - c. He/she has been helpful, is being helpful, or is likely to become helpful in the investigation or prosecution of a crime.
 - d. The criminal activity must have violated the laws of the United States or have occurred in the United States.
2. In order for the U-Visa petition to be accepted, a law enforcement official of the investigating agency or the prosecuting authority must certify that the victim has been, will be, or is likely to become helpful to the investigation/prosecution. This certification is done via a law enforcement official completion of Form I-918. The decision to complete this form is entirely discretionary and the Department is under no legal obligation to complete the form.
 3. The form shall only be signed by the Chief of Police or his/her designee. Signed applications will be mailed back to the victim.
 4. All requests received by Department personnel shall be forwarded to the Police Legal Unit for processing.
 5. The Chief of Police or his/her designee shall have the sole discretion to execute a U-Visa certification.
 6. In instances where the investigation has been filed for prosecution or an arrest has occurred, the Legal Advisor shall forward the U-Visa request to the State Attorney's Office via the Office of the Chief Assistant State Attorney.

E. POLICE LEGAL ADVISOR'S RESPONSIBILITIES

1. The Legal Advisor shall review the request to determine if the underlying criminal case was presented to the State Attorney for prosecution.
 - a. If it is determined that the matter was referred to the SAO, the Legal Advisor shall forward the request to the SAO for processing.
 - b. If the matter was not presented to the SAO, the Legal Advisor shall obtain a copy of the police case file to determine if the requestor cooperated with the investigation offices.
 - c. The legal advisor shall then make a recommendation to the Chief of Police or his/her designee regarding whether the U-Visa Certification should be executed.

F. GUIDELINES FOR DETERMINING IF AN APPLICANT QUALIFIES FOR THE ISSUANCE OF A CERTIFICATION

The criteria for determining whether the Chief of Police will execute a U-Visa Certification include, but are not limited to:

1. Is the alleged criminal offense a qualified offense as described above;
2. Did the victim/witness fully cooperate with the law enforcement investigation; i.e. provide statements, cooperate with line ups/show ups, pre-filing interviews, etc.;
3. Was the alleged criminal activity timely reported to law enforcement;
4. Is there a reasonable likelihood that a suspect can be apprehended based on the information provided by the victim/witness;
5. Is the request for the certification made within five (5) years of reporting the offense to law enforcement.

U-Visa

1. Complete the application
www.uscis.gov/i-918
2. Include a copy of the police report
3. Mail to the Chief and include a Self-Addressed Stamped Envelope
Send to:
Fort Lauderdale Police Department
Attn: Chief of Police
1300 West Broward Blvd.
Ft. Lauderdale, FL 33312
4. If the Chief can sign, it will be mailed back to the victim
5. When he/she receives it, they may send it in to Dept of Homeland Security U S
Citizenship & Immigration Services
6. Dept HS USCIS will notify the victim of the next steps (usually takes about 3 months)