

June 26, 2009

DEPARTMENT MEMORANDUM NO. 09-7

SUBJECT: "U Visa" Law of the Immigration and Nationality Act

REFERENCE: Procedural Instruction entitled, "Contact with Foreign Nationals"

In October 2000, Congress passed the Victims of Trafficking and Violence Protection Act (the Act). As part of the Act, Congress sought to strengthen the ability of law enforcement agencies to detect, investigate, and prosecute crimes against immigrants. In order to do this, Congress recognized that victim cooperation and assistance is often the key to effective detection, investigation, and prosecution of crimes. When the victims are immigrants, their immigration status in the United States can directly affect their ability to cooperate and assist in these efforts. Thus, Congress provided a specific avenue for immigrant crime victims to obtain lawful immigration status. Congress did this by amending certain sections of the Immigration and Nationality Act (INA) to create the "U Visa" law found in Title 8 U.S.C. 1101(a)(15)(U). The law states, "The purpose of this paragraph is to provide an applicant the ability to demonstrate that an immigrant victim has been helpful, is being helpful or is likely to be helpful in the investigation of certain criminal activity as set forth in this statute."

The federal form, I-918 Petition for U Nonimmigrant Status, can be located at <http://www.asistaonline.org/Uvisa/I-918.pdf>. Applications for certification under the "U Visa" law must be made on an individual basis. The certification is based on their cooperation in connection with a number of different crimes set out in the law. If a law enforcement member receives a request to complete the form by a private attorney or advocate who is representing the immigrant victim, the member will not complete the form. It will be forwarded to the Office of General Counsel for review.

Any questions regarding the "U Visa" law will be directed to Office of General Counsel.

James D. Corwin
Chief of Police

DISTRIBUTION: All Department Personnel
Post on all bulletin boards for two weeks
Public View Master Index - Internet
Department Master Index - Intranet