

**SAN DIEGO POLICE DEPARTMENT
PROCEDURE**

DATE: AUGUST 20, 2021
NUMBER: 1.58
SUBJECT: U-VISAS
RELATED POLICY: N/A
ORIGINATING DIVISION: CHIEF'S OFFICE
NEW PROCEDURE:
PROCEDURAL CHANGE:
SUPERSEDES: **NEW PROCEDURE**

I. PURPOSE

This Department procedure establishes guidelines for the proper processing of U Visas by certain sworn and non-sworn personnel. The Department is committed to the fair and equitable certification of U-Visas.

II. SCOPE

This procedure applies to all members of the Department.

III. BACKGROUND

Through the Victims of Trafficking and Violence Prevention Act of 2000, Congress created specific immigration benefits, including U nonimmigrant status (also known as the "U Visa"), for victims of certain crimes.

U Visas strengthen law enforcement's ability to detect, investigate, and prosecute serious crimes, such as domestic violence, sexual assault, and human trafficking. U Visas encourage victims to report crimes committed against them and participate in the investigation and prosecution of those crimes, even if victims lack lawful immigration status. U Visas also offer protections to victims of qualifying crimes in keeping with the humanitarian interests of the United States.

U visas enable victims of certain crimes to assist investigators or prosecutors by allowing victims to temporarily remain and work in the U.S., generally for 4 years.

The San Diego Police Department plays an important role in certification by attesting that an individual is a victim of a qualifying crime, and indicating whether that individual was, is, or is likely to be helpful to law enforcement's detection, investigation, or prosecution of the crime.

IV. DEFINITIONS

Cooperation – Victim assists law enforcement in the detection, investigation, and/or prosecution of a qualifying crime.

Certifying Official – the Chief of Police and the Lieutenant of Domestic Violence at the Family Justice Center.

Qualifying Crime – Congress established qualifying criminal activities in relation to the U Visa. The complete list of crimes is listed in the Immigration and Nationality Act at section 101(a)(15)(U)(iii), codified at 8 U.S.C. 1101(a)(15)(U). These crimes include crimes of violence, sex crimes, crimes related to human trafficking, and domestic violence.

IV. PROCEDURES

A. Receiving U-Visa

1. Once a victim applies for a U-Visa with USCIS, Form I-918B is sent to the San Diego Police Department for certification.
2. If it is a domestic violence related case, Form I-918B shall be sent to the Domestic Violence Unit.
3. All other cases that are not domestic violence related, shall be sent to the Chief's Office.
4. If a U-Visa is sent to an area command, that area command will interoffice the U-Visa to the Chief's Office or the Domestic Violence Unit as soon as possible.

B. Completion of Form I-918B

1. The Chief's Office aide will receive the U-Visa documents and look over the applicant's case. The office aide will review police reports, investigative reports, and run backgrounds on the applicants.
2. The associate management analyst (AMA) in the Domestic Violence Unit will receive the U-Visa documents and look over the applicant's case. The AMA will review police reports, investigative reports, and run a criminal history on the applicant.
3. The AMA and Chief's Office aide will ensure the applicant is a victim of a qualifying crime and has assisted law enforcement with the detection, investigation, and prosecution of the crime.
4. The AMA and office aide will forward the form to the respective certifying official for signature and approval.

C. Tracking

1. The analyst and office aide will track and log all U-Visa applications.
2. A record of approvals and denials will be kept.

D. Reporting

The Chief's Office aide will collect the total Department number of certification forms signed and certification forms denied. An annual report shall be submitted on Form I-910 Form B Certifications in January each year, as required by California Penal Code section 679.10(1).