

INTRADEPARTMENTAL CORRESPONDENCE

January 19, 2010
11.2
WJB #09-0075

TO: The Honorable Board of Police Commissioners

BOPC No. 10-0065

FROM: Chief of Police

SUBJECT: CITY COUNCIL MOTION RELATIVE TO THE U VISA PROGRAM

RECOMMENDED ACTION

1. That the Board of Police Commissioners (Board) REVIEW and APPROVE this report.
2. That the Board TRANSMIT this report to the City Council's Public Safety Committee.

DISCUSSION

This report is in response to a City Council Motion made by City Councilmember Eric Garcetti (Council File #09-2726) requesting the Department provide the Public Safety Committee with a report on how the Department participates and implements the U-Nonimmigrant Status (U Visa) Program. The City Council believes that the Department's participation in the U Visa Program will aid in reducing the reticence of non-resident victims to report crimes by addressing their fear that they will be deported if they come forward.

The Office of Operations, in cooperation with Detective Bureau, Investigative Analysis Section has researched current Federal and State laws regarding the implementation of the U Visa Program at the local law enforcement level, as well as the extent to which the Department currently participates in the U Visa Program.

It was determined that an internal project was initiated by the Los Angeles Police Department, Detective Bureau to ascertain how to best implement the U Visa Program within established Department policies and procedures. The project resulted in the distribution of Special Order 42, dated November 6, 2008, that delineated the investigating officers' role in the execution of the U Visa Program via the issuing Law Enforcement Agency (LEA) endorsements. The Special Order also designated Detective Bureau, Robbery-Homicide Division (RHD) as the entity responsible for maintaining records of all LEA endorsements completed throughout the Department.

Since January 2009, RHD has received 30 completed LEA endorsements from investigating officers. Based on a review of submitted applications, RHD determined that the majority of the qualifying criminal investigations were being conducted by Major Assault Crime (MAC) detectives. In response, RHD coordinated with the Los Angeles City Attorney's Office to provide each Area MAC table coordinator with additional, structured training designed to

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reinforce the federal guidelines for determining if a victim qualifies for the U Visa Program, as well as the process for completing LEA endorsements for those qualifying victims.

It is recommended that the Department continue to conduct regular training for investigating officers and their supervisors regarding the U Visa Program and LEA endorsements. Such training will aid in ensuring that the Department continues to afford immigrant victims with every measure of safety and protection available to them.

It is further recommended that the Commanding Officer, Detective Bureau monitor compliance with the guidelines established within the Special Order concerning the U Visa Program to verify that Department participation in the program remains consistent with both Federal and State law.

If you should have any questions contact Commander David R. Doan, Assistant to the Director, Office of Operations, at (213) 486-0110.

Respectfully,

A handwritten signature in black ink, appearing to read 'Charlie Beck', with a stylized, cursive flourish at the end.

CHARLIE BECK
Chief of Police

Attachment

FACT SHEET

CITY COUNCIL MOTION RELATIVE TO THE U VISA PROGRAM (WJB #09-0075)

January 12, 2010

Purpose. The purpose of this Fact Sheet is to provide the Public Safety Committee with a report on how the Los Angeles Police Department participates and implements the U-Nonimmigrant Status (U Visa) Program.

Background. The Evaluation and Administration Section, Office of Operations was tasked with reviewing the City Council Motion to explore the Department's implementation of the U Visa Program, a federal program created by the Victims of Trafficking and Violence Protection Act (VTVPA) to ensure that immigrant crime victims are afforded safety and protection, regardless of their resident status. The Council believes that the Department's participation in the U Visa Program would directly improve Los Angeles residents' safety by providing investigating officers with additional avenues for obtaining information relevant to the investigation and prosecution of crimes. The Department has been actively participating in the U Visa Program since November 2008.

In 2000 the United States Congress passed the VTVPA and sub-sections including the establishment of the U Visa Program. The U Visa Program was designed to enable victims of designated crimes, regardless of legal status, to report these crimes to law enforcement and fully participate in the investigation and subsequent prosecution of the crimes committed against them. Victims who met all of the criteria for the U Visa Program were provided U-Nonimmigrant Status, thereby allowing them to lawfully remain in the United States and apply for employment while aiding law enforcement in its investigation.

Note: The Victims of Trafficking and Violence Protection Act requires that the immigrant victim has suffered substantial physical or mental abuse as the result of criminal activity involving or similar to violations of one of the following Federal, State or local criminal offenses: Abduction, abusive sexual contact, blackmail, domestic violence, extortion, false imprisonment, felonious assault, female genital mutilation, hostage taking, incest, involuntary servitude, kidnapping, manslaughter, murder, obstruction of justice, peonage, perjury, prostitution, rape, sexual assault, sexual exploitation, slave trade, torture, trafficking, unlawful criminal restraint, witness tampering, attempt to commit any of the named crimes, conspiracy to commit any of the named crimes, solicitation to commit any of the named crimes, and any related crimes.

As initially structured, the U Visa Program required the United States Citizenship and Immigration Services (USCIS) to consider a victim's level of cooperation with the law enforcement's investigation prior to granting them U-Nonimmigrant Status. Only those victims who were deemed cooperative would be eligible for the U Visa Program. Additionally, certification of such cooperation, via a Law Enforcement Agency (LEA) Endorsement, could only be provided by law enforcement officers or members of the judiciary at the Federal and State level. The ability to provide victims with LEA Endorsements was not extended to local

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law enforcement agencies until the passing of the Trafficking Victims Protection Reauthorization Act of 2003. With the aforementioned extension, investigating officers employed by local law enforcement agencies were afforded the opportunity to certify a victim's cooperation by completing and submitting USCIS form I-918, Supplement B, U Nonimmigrant Status Certification. In 2005, the California State Legislature reinforced the Reauthorization Act with the addition of Section 236.2 of the California Penal Code, which requires law enforcement agencies to complete LEA endorsements for eligible immigrant victims.

Findings. In response to both the Federal and State legislation regarding the completion of LEA endorsements by local law enforcement agencies, an internal project was initiated by the Los Angeles Police Department, Detective Bureau to determine how to best implement the U Visa Program within established Department policies and procedures. The project resulted in the distribution of Special Order 42, dated November 6, 2008, that delineated the investigating officers' role in the execution of the U Visa Program, as well as designated Detective Bureau, Robbery-Homicide Division (RHD) as the entity responsible for maintaining records of all LEA endorsements completed throughout the Department. In conjunction with the distribution of the Special Order, USCIS form I-918, Supplement B, U Nonimmigrant Status Certification was made available to all Department personnel via LAPD Forms on the Department Local Area Network.

Since January 2009, RHD has received 30 completed LEA endorsements from investigating officers. Based on a review of submitted applications, RHD determined that the majority of the qualifying criminal investigations were being conducted by Major Assault Crime (MAC) detectives. In response, RHD coordinated with the Los Angeles City Attorney's Office to provide each Area MAC table coordinator with additional, structured training designed to reinforce the federal guidelines for determining if a victim qualifies for the U Visa Program, as well as the process for completing LEA endorsements for those qualifying victims.

Recommendations. It is recommended that the Department continue to conduct regular training for investigating officers and their supervisors regarding the U Visa Program and LEA endorsements. Such training will aide in ensuring that the Department continues to afford immigrant victims with every measure of safety and protection available to them.

It is further recommended that the Commanding Officer, Detective Bureau monitor compliance with the guidelines established within the Special Order concerning the U Visa Program to verify that Department participation in the Program remains consistent with both Federal and State law.

Conclusion. Too often, criminal activity against non-United States residents goes unreported and undocumented due to the perceived threat of deportation if the victim comes forward.

FACT SHEET

**CITY COUNCIL MOTION RELATIVE TO THE U VISA PROGRAM
(WJB #09-0075)**

January 12, 2010

The Los Angeles Police Department is committed to protecting the rights of all persons within its jurisdiction to be free from criminal attack, to be secure in their possessions, and to live in peace. Such protection is extended to all persons, regardless of immigrant status. The Department's participation in the U Visa Program, through the issuance of LEA Endorsements, provides officers with an additional means of assuring the immigrant population that their continued safety, not their legal status, is of the greatest concern to the Department.

Prepared by:
Evaluation and Administration Section

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 42

November 6, 2008

SUBJECT: LAW ENFORCEMENT AGENCY ENDORSEMENT FOR IMMIGRANT VICTIMS OF HUMAN TRAFFICKING AND OTHER SERIOUS CRIMES AGAINST PERSONS, AND THE DEPARTMENT OF HOMELAND SECURITY, UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES, I-914, SUPPLEMENT B, AND I-918, SUPPLEMENT B, FORMS - ACTIVATED

PURPOSE: Recent federal legislation enables law enforcement officers to complete a Law Enforcement Agency (LEA) endorsement for an immigrant victim of trafficking or an immigrant victim of a serious crime(s) against persons. This legislation also enables an immigrant victim to apply for a temporary visa, allowing them to remain in the United States during the criminal investigation and prosecution of the crime(s), providing the victim is cooperating with the investigation and/or prosecution. This Order establishes Department procedures for completion of a LEA endorsement for immigrant victims of crimes listed under the Victims of Trafficking and Violence Protection Act (VTVPA).

BACKGROUND: Congress passed the VTVPA and sub-sections including the Battered Immigrant Women's Protection Act, in 2000. The Victims of Trafficking and Violence Protection Act enables immigrant victims to apply for either temporary federal T-Nonimmigrant Status (T-visa) or U-Nonimmigrant Status (U-visa). Congress subsequently passed the Trafficking Victims Protection Reauthorization Act of 2003, which strengthened legal elements of the VTVPA and provides local law enforcement with authority for agency endorsement, which was previously provided only to federal agencies. In 2005, Section 236.1 of the California Penal Code (PC) made human trafficking within the State of California a crime. Additionally, in 2005, Section 236.2 PC required law enforcement agencies to complete the federal form (LEA endorsement) for eligible immigrant victims of trafficking.

PROCEDURE: The Department may provide a LEA endorsement upon request of the immigrant victim, providing the immigrant victim meets the qualifications as delineated in this Order. Immigrant victims requesting a LEA endorsement for a temporary visa shall be referred to the Department Area or division investigating officer (I/O).

Note: In accordance with existing Department policy detailed in Department Manual Section 4/264.50, *Enforcement of United States Immigration Laws*, "officers shall not initiate police action where the objective is to discover the alien status of a person."

Once the LEA endorsement is provided to the immigrant victim, the victim or their legal representative will include the LEA endorsement in their application for a temporary visa, and submit it to the Department of Homeland Security, United States Citizenship and Immigration Services (USCIS). These temporary visas are designed to assist in the investigation and prosecution of the criminal case by allowing the victim to temporarily remain in the United States. The USCIS makes the final determination and has sole authority to determine if a temporary visa will be issued.

I. LAW ENFORCEMENT AGENCY ENDORSEMENT - DEFINED. The Law Enforcement Agency endorsement is prepared by the Department Area or division I/O attesting to the facts that the crime committed against the victim qualifies under the VTVPA T-visa or U-visa categories and the victim possess information regarding the criminal activity.

A. General Criteria. The victim must meet the following general criteria:

- * The crime is designated as one or more of the VTVPA T-visa or U-visa qualifying crimes, listed on the federal I-914, Supplement B, or I-918, Supplement B, forms;
- * The victim has been helpful, is being helpful, or will likely be helpful with the criminal investigation and/or prosecution of the crime committed against them; and,

Note: It is required that the immigrant victim be cooperative with the investigation or prosecution of the crime. It is not required that the suspect(s) actually be prosecuted for the crime.

- * The crime must have occurred in the United States.

Exception: An immigrant victim who is incapacitated, incompetent, or under the age of 16 is not required to personally possess information regarding the qualifying criminal activity. The minor's parent, guardian, or "next friend" may provide the information and should be included on the LEA if he or she is cooperating with the criminal investigation. A "next friend" is a person who acts for the benefit of an incompetent or minor plaintiff, but who is not a party to the legal proceeding and is not appointed as a guardian.

- B. **T-visa Qualifications.** Immigrant victims of human trafficking and the immigrant victim's family members may be eligible to apply for a T-visa. A Law Enforcement Agency endorsement on the Department of Homeland Security, USCIS, I-914, Supplement B-Declaration of Law Enforcement Officer for Victim of Trafficking in Persons form, shall be provided to the immigrant victim of human trafficking upon request, if the victim meets the qualifications.

Robbery-Homicide Division (RHD), Robbery Special Section is part of the Los Angeles Metro Task Force on Human Trafficking. Robbery-Homicide Division shall have investigative responsibility for the crime of human trafficking, and shall complete the certification for an immigrant victim seeking a T-visa. Department employees who encounter human trafficking and/or forced labor should contact RHD and refer to Training Bulletin, "Human Trafficking," dated February 2007.

- C. **U-visa Qualifications.** The Victims of Trafficking and Violence Protection Act requires that an immigrant victim applying for a U-visa be the victim of one or more of the serious crimes against persons listed on the Department of Homeland Security, USCIS I-918, Supplement B, U Nonimmigrant Status Certification form, Part 3, Criminal Acts. A Law Enforcement Agency endorsement may be provided to an immigrant victim seeking a U-visa, at the discretion of the I/O and his or her division or Area detective commanding officer (C/O). If the determination is made that a LEA endorsement will be provided, the I/O shall use the I-918, Supplement B, form.

Note: The Victims of Trafficking and Violence Protection Act requires that the immigrant victim has suffered substantial physical or mental abuse, however, the federal act does not provide a definition of "substantial abuse." For crimes of domestic violence, it is recommended that Department I/Os generally be guided by the California Penal Code, Section 273.5, definition of a "traumatic condition." A pattern of felony and/or misdemeanor domestic violence may also constitute substantial abuse, depending on specific circumstances of the case. Investigating officers and their C/Os should use their best judgement and their knowledge of each individual case when providing certification for domestic violence crimes.

II. INVESTIGATING OFFICER'S RESPONSIBILITIES. The investigating officer shall verify that the immigrant victim meets the criteria for the appropriate T-visa or U-visa, LEA endorsement. Investigating officers completing either federal form shall follow the federal form instructions. The investigating officer shall ensure the following when issuing the LEA endorsement:

- * Once the determination is made that the immigrant victim meets the necessary qualifications and a LEA endorsement will be issued, the I/O shall complete the appropriate federal form and forward the form to the appropriate Area detective C/O or specialized division C/O for signature and certification;
- * The Law Enforcement Agency endorsement is provided to the immigrant victim in-person and in a timely manner;

Note: The Law Enforcement Agency endorsement, I-914, Supplement B, for a T-visa application shall be provided within 15 days of the determination that the immigrant victim meets the necessary qualifications.

- * Attempt to verify the immigrant victim's identity when providing the LEA endorsement, either by government issued identification (e.g., passport, etc.) or by personal knowledge of the victim (e.g., prior in-person interview, courtroom testimony, photographic evidence, etc.);
- * Ensure a copy of the LEA endorsement and documentation of the date issued to the victim is included in the investigation case package; and,

Note: Confidential victim information may be provided to the immigrant victim for their Department of Homeland Security, USCIS visa application. However, copies of confidential information retained in Department records may need to have victim information redacted.

- * If the I/O, the Area detective C/O, or the specialized division C/O determines a LEA endorsement will not be provided, the I/O shall document the reason (i.e., crime not investigated by the Department, victim not cooperative, or the crime does not qualify under the VTPA) on a Follow-Up Investigation, Form 03.14.00.

III. AREA DETECTIVE COMMANDING OFFICER'S, OR SPECIALIZED DIVISION COMMANDING OFFICER'S RESPONSIBILITIES. The Area detective C/O or specialized division C/O shall:

- * Review the information contained in the federal form and supporting documentation;
- * Forward the federal I-914, Supplement B form to RHD for certification, if appropriate;

Note: In the event the immigrant victim is seeking a T-visa on the federal I-914 form, and the division with investigative responsibility is not RHD, (e.g., Detective Support and Vice Division, a geographic Area, etc.) the federal I-914 form shall be forwarded to the Commanding Officer, RHD, for certification.

- * Sign and date the certification; and,
- * Return the federal form to the I/O, to provide to the immigrant victim.

Note: In the event that certification is denied and the immigrant victim wishes to appeal, the geographic Area C/O shall be the first level of appeal. If the victim still wishes to appeal or the case is handled by a specialized division, the Area or division C/O shall forward copies of all documentation to the bureau C/O. The bureau C/O shall have the final decision regarding the issuance or denial of a law enforcement certification.

In addition to the above listed duties, the Commanding Officer, RHD, shall ensure copies of all federal I-914, Supplement B, and I-918, Supplement B forms are reviewed and maintained in a secure file.

IV. DEPARTMENT OF HOMELAND SECURITY, USCIS, I-914, SUPPLEMENT B-DECLARATION OF LAW ENFORCEMENT OFFICER FOR VICTIM OF TRAFFICKING IN PERSONS - ACTIVATED.

- A. Use of Form.** The I-914, Supplement B, shall be completed for immigrant victims of human trafficking, applying for a T-visa.
- B. Completion.** Investigating officers shall complete the I-914, Supplement B, as directed by the Department of Homeland Security, I-914 instructions. Investigating officers completing the I-914, Supplement B, shall also check the "Other" box and write in "Local Law Enforcement - LAPD," in PART A. General Information.

C. Distribution.

- 1 - Original, provided to the victim.
- 1 - Copy, retained in the investigation case package.

1 - Copy, to RHD, Special Section.

3 - TOTAL

V. DEPARTMENT OF HOMELAND SECURITY, USCIS, I-918, SUPPLEMENT B, U NONIMMIGRANT STATUS CERTIFICATION - ACTIVATED.

A. Use of Form. The I-918, Supplement B, shall be completed for immigrant victims of serious crimes against persons, as listed on the I-918, Supplement B, Part 3, Criminal Acts, who are applying for a U-visa.

B. Completion. Investigating officers shall complete the I-918, Supplement B, as directed by the Department of Homeland Security, I-918 instructions. The following directions, in addition to those provided on the federal instructions, clarify the Department I/O's use of the I-918, Supplement B, Part 1 through Part 6:

- * Provide the victim's last name and first name, in Part 1, Victim Information;
- * Provide the agency name, Area or division (e.g., Los Angeles Police Department, Central Area), in Part 2, Agency Information;

Note: The investigating officer shall include his or her title, last name, and serial number in parenthesis in this first box, after the agency name, for Department reference.

- * Provide the name of the certifying official (division or Area detective OIC), their title and division, in Part 2, Agency Information. The name provided as the certifying official in Part 2 shall match the signature in Part 6, Certification;
- * Complete the check box for all applicable violations, provide the dates of occurrence and the California Penal Code Sections in Part 3, Criminal Acts, questions 1-3;

Note: The violation of "prostitution" refers to a victim of coerced or involuntary prostitution.

- * Affirm the criminal activity occurred in the United States;
- * Provide a brief explanation of the immigrant victim's assistance or refusal to provide assistance (e.g., "victim provided suspect's name and location," or "victim denied previous allegations"), in Part 4, Helpfulness of the Victim; and,
- * Provide information regarding any family members involved in the commission of the crime(s).

Note: If the victim unreasonably refuses to assist in the case investigation or prosecution after the I-918, Supplement B, is provided, a written statement on Department letterhead shall be mailed to USCIS, Vermont Service Center as detailed in the I-918, Supplement B, instructions, Part 6, Certification.

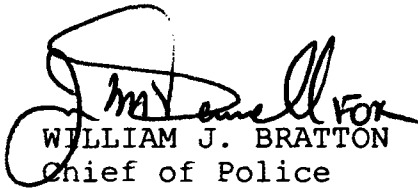
C. Distribution.

- 1 - Original, provided to the victim.
- 1 - Copy, retained in the investigation case package.
- 1 - Copy, to RHD, Special Section
- 3 - TOTAL

FORM AVAILABILITY: The Department of Homeland Security, USCIS forms, the I-914, Supplement B-Declaration of Law Enforcement Officer of Victims of Trafficking in Persons, and the I-918, Supplement B, U Nonimmigrant Status Certification, are currently available on the USCIS website, www.uscis.gov. Copies are also attached for immediate duplication and use. The I-914, Supplement B and I-918, Supplement B will be available in LAPD Forms on the Department Local Area Network (LAN).

AMENDMENTS: This Order adds Department Manual Section 4/264.70 and three outside agency forms, Department of Homeland Security, USCIS I-914, Supplement B, and USCIS I-918, Supplement B.

AUDIT RESPONSIBILITY: The Commanding Officer, Detective Bureau, shall monitor compliance with this directive in accordance with the Department Manual Section 0/080.30.



WILLIAM J. BRATTON
Chief of Police

Attachments

DISTRIBUTION "D"

Department of Homeland Security
U.S. Citizenship and Immigration Services

I-914, Supplement B-Declaration of Law Enforcement Officer for Victim of Trafficking in Persons

INSTRUCTIONS TO CERTIFYING OFFICER: This applicant is applying for immigration benefits based upon a claim of having been a victim of a severe form of trafficking in persons. Please complete the form below based upon your knowledge of the case, including evidence developed by other law enforcement officers investigating the case.

In order to be granted immigration benefits, the applicant must demonstrate that he or she is present in the United States as a result of being a victim of a severe form of trafficking in persons. Unless the applicant is less than 18 years old, the applicant must also demonstrate that he or she is cooperating with law enforcement in the investigation and prosecution of the trafficking crime of which he or she was a victim.

To be completed by Federal Law Enforcement Officers for victims under the Victims of Trafficking and Violence Protection Act, Public Law 106-386.

PART A. General Information.

Name of Government Agency:		<input type="checkbox"/> U.S. Marshal's Service, DOJ	<input type="checkbox"/> U.S. Attorney's Office, DOJ	Date (mm/dd/yyyy)
<input type="checkbox"/> U.S. Citizenship and Immigration Services, DHS	<input type="checkbox"/> Federal Bureau of Investigation, DOJ	<input type="checkbox"/> Diplomatic Security, DOS		
<input type="checkbox"/> Civil Rights Division, DOJ	<input type="checkbox"/> Criminal Division, DOJ	<input type="checkbox"/> Other _____		
Address of Agency/Official				
Name and Title of Certifying Officer or Official				
City	State	ZIP Code	Phone No.	Fax No.
Victim's Name	Other Names Used	Gender <input type="checkbox"/> Male <input type="checkbox"/> Female	Date of Birth (mm/dd/yyyy)	
Date of Crime (mm/dd/yyyy)	Charges			Case No.
Date Initiated (mm/dd/yyyy)	Case Status <input type="checkbox"/> On-going <input type="checkbox"/> Completed <input type="checkbox"/> N/A	Date Completed (mm/dd/yyyy)	FBI Identification No., if any	

PART B. Statement of Claim.

1. The applicant is or has been a victim of a severe form of trafficking in persons. Specifically, he or she is a victim of: *(Please check all that apply. Base your analysis on the practices to which the victim was subjected rather than on the specific violations charged, the counts on which convictions were obtained, or whether any prosecution resulted in convictions. Note that the definitions that control this analysis are not the elements of criminal offenses, but are those set forth at 8 CFR 214.11(a).)*
 - Sex trafficking in which a commercial sex act was induced by force, fraud or coercion. Sex trafficking means the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act.
 - Sex trafficking and the victim is under the age of 18.
 - The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services through the use of force, fraud or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.
 - Not applicable.
 - Other, please specify on attached additional sheets.

2. Please describe the victimization upon which the applicant's claim is based and identify the relationship between that victimization and the crime under investigation/prosecution. Attach the results of any name or database inquiry performed in the investigation of the case. Please include relevant dates, etc. Attach additional sheets, if necessary.

3. Has the applicant expressed any fear of retaliation or revenge if removed from the United States? If yes, please explain. Attach additional sheets, if necessary.

PART C. Cooperation of Victim. *(Attach additional sheets, if necessary.)*

The applicant:

- Has complied with requests for assistance in the investigation/prosecution of the crime of trafficking. *(Explain below.)*
- Has failed to comply with requests to assist in the investigation/prosecution of the crime of trafficking. *(Explain below.)*
- Has not been requested to assist in the investigation/prosecution of any crime of trafficking.
- Has not yet attained the age of 18.
- Other, please specify on attached additional sheets.

PART D. Family Members.

- Yes No Are any of the applicant's relatives believed to have been involved in his or her trafficking to the United States? If Yes, list the relatives and describe that relative's involvement in the applicant's trafficking.

PART E. Attestation.

Based upon investigation of the facts, I certify, under penalty of perjury, that the above noted individual is or has been a victim of a severe form of trafficking in persons as defined by the VTVPA. I certify that the above information is true and correct to the best of my knowledge, and that I have made, and will make, no promises regarding the above victim's ability to obtain a visa from the U.S. Citizenship and Immigration Services, based upon this certification.

[_____]
*(Signature of Law Enforcement Officer
identified in Box A above)*

_____ *Date (mm/dd/yyyy)*

[_____]
(Signature of Supervisor of Certifying Officer)

_____ *(Printed Name of Supervisor)*

_____ *Date (mm/dd/yyyy)*

**Instructions for I-918, Supplement B,
U Nonimmigrant Status Certification****Instructions**

Please read these instructions carefully to properly complete this form. If you need more space to complete an answer, use a separate sheet(s) of paper. Write your name and Alien Registration Number (A #), if any, at the top of each sheet of paper and indicate the part and number of the item to which the answer refers.

What is the Purpose of This Form?

You should use Form I-918, Supplement B, to certify that an individual submitting a Form I-918, Petition for U Nonimmigrant Status, is a victim of certain qualifying criminal activity and is, has been, or is likely to be helpful in the investigation or prosecution of that activity.

When Should I Use Form I-918, Supplement B?

If you, the certifying official, determine that this individual (better known as the petitioner) is, has been, or is likely to be helpful in your investigation or prosecution, you may complete this supplement form. The petitioner must then submit the supplement to USCIS with his or her petition for U nonimmigrant status.

NOTE: An agency's decision to provide a certification is entirely discretionary; the agency is under no legal obligation to complete a Form I-918, Supplement B, for any particular alien. However, without a completed Form I-918, Supplement B, the alien will be ineligible for U nonimmigrant status.

To be eligible for U nonimmigrant status, the alien must be a victim of qualifying criminal activity. The term "victim" generally means an alien who has suffered direct and proximate harm as a result of the commission of qualifying criminal activity.

The alien spouse, unmarried children under 21 years of age and, if the victim is under 21 years of age, parents and unmarried siblings under 18 years of age, will be considered victims of qualifying criminal activity where:

1. The direct victim is deceased due to murder or manslaughter, or
2. Where a violent qualifying criminal activity has caused the direct victim physical harm of a kind and degree that makes the direct victim incompetent or incapacitated, and, therefore, unable to provide information concerning the criminal activity or to be helpful in the investigation or prosecution of the criminal activity.

An alien may be considered a victim of witness tampering, obstruction of justice, or perjury, including any attempt, conspiracy, or solicitation to commit one or more of those offenses if:

1. The victim has been directly and proximately harmed by the perpetrator of the witness tampering, obstruction of justice, or perjury; and
2. There are reasonable grounds to conclude that the perpetrator committed the witness tampering, obstruction of justice, or perjury offense, at least in principal part, as a means:
 - A. To avoid or frustrate efforts to investigate, arrest, prosecute, or otherwise bring to justice the perpetrator for other criminal activity; or
 - B. To further the perpetrator's abuse or exploitation of or undue control over the petitioner through manipulation of the legal system.

A person who is culpable for the qualifying criminal activity being investigated or prosecuted is excluded from being recognized as a victim.

A victim of qualifying criminal activity must provide evidence that he or she (or in the case of an alien under the age of 16 years or who is incapacitated or incompetent, the parent, guardian, or next friend of the alien) has been, is being, or is likely to be helpful to a certifying official in the investigation or prosecution of the qualifying criminal activity as listed in **Part 3** of this form. Being "helpful" means assisting law enforcement authorities in the investigation or prosecution of the qualifying criminal activity of which he or she is a victim.

**Fill Out the Form I-918, Supplement B**

1. Type or print legibly in black ink.
2. If extra space is needed to complete any item, attach a continuation sheet, indicate the item number, and date and sign each sheet.

-
3. Answer all questions fully and accurately. State that an item is not applicable with "N/A." If the answer is none, write "none."

This form is divided into **Parts 1** through **7**. The following information should help you fill out the form.

Part 1 - Victim information.

- A. **Family Name (Last Name)** - Give victim's legal name.
- B. **Given Name (First name)** - Give victim's full first name, do not use "nicknames." (Example: If victim's name is Albert, do not use Al.)
- C. **Other Names Used** - Provide all the names the victim has used that you are aware of, including maiden name if applicable, married names, nicknames, etc.
- D. **Date of Birth** - Use eight numbers to show his or her date of birth (example: May 1, 1979, should be written 05/01/1979).
- E. **Gender** - Check the appropriate box.

Part 2 - Agency information.

- A. **Name of certifying agency** - The certifying agency must be a Federal, State, or local law enforcement agency, prosecutor, or authority, or Federal or State judge, that has responsibility for the investigation or prosecution, conviction or sentencing of the qualifying criminal activity of which the petitioner was a victim.

This includes traditional law enforcement branches within the criminal justice system, and other agencies that have criminal investigative jurisdiction in their respective areas of expertise, such as the child protective services, Equal Employment Opportunity Commission, and Department of Labor.

- B. **Name of certifying official** - A certifying official is:
 - 1. The head of the certifying agency or any person in a supervisory role, who has been specifically designated by the head of the certifying agency to issue a U Nonimmigrant Status Certification on behalf of that agency; or
 - 2. A Federal, state or local judge.

If the certification is not signed by the head of the certifying agency, please attach evidence of the agency head's written designation of the certifying official for this specific purpose.

- C. **Agency address** - Give the agency's mailing address.

Part 3 - Criminal acts.

- A. **Check all of the crimes of which the petitioner is a victim that your agency is investigating, prosecuting, or sentencing** - If the crime(s) of which the petitioner is a victim is not listed, please list the crime(s) and provide a written explanation regarding how it is similar to one of the listed crimes. Similar activity refers to criminal offenses in which the nature and elements of the offenses are substantially similar to the list of criminal activity found on the certification form itself.
- B. **Indicate whether the qualifying criminal activity violated the laws of the United States or occurred within the United States (including in Indian country and military installations) or the territories and possessions of the United States** - Qualifying criminal activity of which the applicant is a victim had to violate U.S. law or occur within the United States.

Please indicate whether the qualifying criminal activity occurred within the United States (including in Indian country and military installations) or the territories and possessions of the United States.

- 1. **United States** means the continental United States, Alaska, Hawaii, Puerto Rico, Guam, and the U.S. Virgin Islands.
- 2. **Indian country** refers to all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation; all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state; and all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through such allotments.
- 3. **Military installation** means any facility, base, camp, post, encampment, station, yard, center, port, aircraft, vehicle, or vessel under the jurisdiction of the Department of Defense, including any leased facility, or any other location under military control.

4. Territories and possessions of the United States means American Samoa, Bajo Nuevo (the Petrel Islands), Baker Island, Howland Island, Jarvis Island, Johnston Atoll, Kingman Reef, Midway Atoll, Navassa Island, Northern Mariana Islands, Palmyra Atoll, Serranilla Bank, and Wake Atoll.

If the qualifying criminal activity did not occur within the United States as discussed above, but was in violation of U.S. law, it must violate a Federal extraterritorial jurisdiction statute. There is no requirement that a prosecution actually occur. Please provide the statutory citation for the extraterritorial jurisdiction.

Part 4 - Helpfulness of the victim.

A. Indicate whether the victim possesses information about the crime(s). A petitioner must be in possession of information about the qualifying criminal activity of which he or she is a victim. A petitioner is considered to possess information concerning qualifying criminal activity of which he or she is a victim if he or she has knowledge of details concerning that criminal activity that would assist in the investigation or prosecution of the criminal activity. Victims with information about a crime of which they are not the victim will not be considered to possess information concerning qualifying criminal activities.

When the victim is under 16 years of age, incapacitated or incompetent, he or she is not required to personally possess information regarding the qualifying criminal activity. The parent, guardian, or "next friend" of the minor petitioner may provide that information. "Next friend" is a person who appears in a lawsuit to act for the benefit of an alien victim. The "next friend" is not a party to the legal proceeding and is not appointed as a guardian.

B. Provide an explanation of the victim's helpfulness to the investigation or prosecution of the criminal activity. A victim must provide evidence to USCIS that he or she (or, in the case of an alien child under the age of 16 or who is incapacitated or incompetent, the parent, guardian, or next friend of the alien) has been, is being, or is likely to be helpful to a certifying law enforcement official in the investigation or prosecution of the qualifying criminal activity.

Being "helpful" means assisting law enforcement authorities in the investigation or prosecution of the qualifying criminal activity of which he or she is a victim. Alien victims who, after initiating cooperation, refuse to provide continuing assistance when needed will not meet the helpfulness requirement. There is an ongoing responsibility on the part of the victim to be helpful, assuming there is an ongoing need for the victim's assistance.

You, the certifying official, will make the initial determination as to the helpfulness of the petitioner. USCIS will give a properly executed Supplement B, U Nonimmigrant Status Certification significant weight, but it will not be considered conclusory evidence that the victim has met the eligibility requirements. USCIS will look at the totality of the circumstances surrounding the alien's involvement with your agency and all other information known to USCIS in determining whether the alien meets the elements of eligibility.

Part 5 - Family members implicated in criminal activity.

List whether any of the victim's family members are believed to have been involved in the criminal activity of which he or she is a victim. An alien victim is prohibited from petitioning for derivative U nonimmigrant status on behalf of a qualifying family member who committed battery or extreme cruelty or trafficking against the alien victim which established his or her eligibility for U nonimmigrant status. Therefore, USCIS will not grant an immigration benefit to a qualifying family member who committed qualifying criminal activities in a family violence or trafficking context.

Part 6 - Certification.

Please read the certification block carefully. **NOTE:** If the victim unreasonably refuses to assist in the investigation or prosecution of the qualifying criminal activity of which he or she is a victim, even after this form is submitted to USCIS, you **must** notify USCIS by sending a written statement to: USCIS - Vermont Service Center, 75 Lower Welden Street, St. Albans, VT 05479-0001. Please include the victim's name, date of birth, and A-number (if available) on all correspondence.

Department of Homeland Security
U.S. Citizenship and Immigration Services

**I-918 Supplement B,
U Nonimmigrant Status Certification**

START HERE - Please type or print in black ink.

For USCIS Use Only.

Part 1. Victim information.

Family Name Given Name Middle Name
[] [] []

Other Names Used (Include maiden name/nickname)
[]

Date of Birth (mm/dd/yyyy) Gender
[] Male Female

Part 2. Agency information.

Name of Certifying Agency
[]

Name of Certifying Official Title and Division/Office of Certifying Official
[] []

Name of Head of Certifying Agency
[]

Agency Address - Street Number and Name Suite #
[] []

City State/Province Zip/Postal Code
[] [] []

Daytime Phone # (with area code and/or extension) Fax # (with area code)
[] []

Agency Type
 Federal State Local

Case Status
 On-going Completed Other

Certifying Agency Category
 Judge Law Enforcement Prosecutor Other

Case Number FBI # or SID # (if applicable)
[] []

Returned	Receipt
Date	
Date	
Resubmitted	
Date	
Date	
Reloc Sent	
Date	
Date	
Reloc Rec'd	
Date	
Date	

Remarks
[]

Part 3. Criminal acts.

1. The applicant is a victim of criminal activity involving or similar to violations of one of the following Federal, State or local criminal offenses. (Check all that apply.)

- | | | | |
|--|---|---|---|
| <input type="checkbox"/> Abduction | <input type="checkbox"/> Female Genital Mutilation | <input type="checkbox"/> Obstruction of Justice | <input type="checkbox"/> Slave Trade |
| <input type="checkbox"/> Abusive Sexual Contact | <input type="checkbox"/> Hostage | <input type="checkbox"/> Peonage | <input type="checkbox"/> Torture |
| <input type="checkbox"/> Blackmail | <input type="checkbox"/> Incest | <input type="checkbox"/> Perjury | <input type="checkbox"/> Trafficking |
| <input type="checkbox"/> Domestic Violence | <input type="checkbox"/> Involuntary Servitude | <input type="checkbox"/> Prostitution | <input type="checkbox"/> Unlawful Criminal Restraint |
| <input type="checkbox"/> Extortion | <input type="checkbox"/> Kidnapping | <input type="checkbox"/> Rape | <input type="checkbox"/> Witness Tampering |
| <input type="checkbox"/> False Imprisonment | <input type="checkbox"/> Manslaughter | <input type="checkbox"/> Sexual Assault | <input type="checkbox"/> Related Crime(s) |
| <input type="checkbox"/> Felonious Assault | <input type="checkbox"/> Murder | <input type="checkbox"/> Sexual Exploitation | <input type="checkbox"/> Other: (If more space needed, attach separate sheet of paper.) |
| <input type="checkbox"/> Attempt to commit any of the named crimes | <input type="checkbox"/> Conspiracy to commit any of the named crimes | <input type="checkbox"/> Solicitation to commit any of the named crimes | [] |

Part 3. Criminal acts. (Continued.)

2. Provide the date(s) on which the criminal activity occurred.

Date (mm/dd/yyyy)

Date (mm/dd/yyyy)

Date (mm/dd/yyyy)

Date (mm/dd/yyyy)

3. List the statutory citation(s) for the criminal activity being investigated or prosecuted, or that was investigated or prosecuted.

4. Did the criminal activity occur in the United States, including Indian country and military installations, or the territories or possessions of the United States?

Yes No

a. Did the criminal activity violate a Federal extraterritorial jurisdiction statute?

Yes No

b. If "Yes," provide the statutory citation providing the authority for extraterritorial jurisdiction.

c. Where did the criminal activity occur?

5. Briefly describe the criminal activity being investigated and/or prosecuted and the involvement of the individual named in Part 1. Attach copies of all relevant reports and findings.

6. Provide a description of any known or documented injury to the victim. Attach copies of all relevant reports and findings.

Part 4. Helpfulness of the victim.

The victim (or parent, guardian or next friend, if the victim is under the age of 16, incompetent or incapacitated.):

1. Possesses information concerning the criminal activity listed in Part 3.

Yes No

2. Has been, is being or is likely to be helpful in the investigation and/or prosecution of the criminal activity detailed above. (Attach an explanation briefly detailing the assistance the victim has provided.)

Yes No

3. Has not been requested to provide further assistance in the investigation and/or prosecution. (Example: prosecution is barred by the statute of limitation.) (Attach an explanation.)

Yes No

4. Has unreasonably refused to provide assistance in a criminal investigation and/or prosecution of the crime detailed above. (Attach an explanation.)

Yes No

Part 4. Helpfulness of the victim. (Continued.)

5. Other, please specify.

Part 5. Family members implicated in criminal activity.

1. Are any of the victim's family members believed to have been involved in the criminal activity of which he or she is a victim? Yes No

2. If "Yes," list relative(s) and criminal involvement. *(Attach extra reports or extra sheet(s) of paper if necessary.)*

Full Name	Relationship	Involvement

Part 6. Certification.

I am the head of the agency listed in **Part 2** or I am the person in the agency who has been specifically designated by the head of the agency to issue U nonimmigrant status certification on behalf of the agency. Based upon investigation of the facts, I certify, under penalty of perjury, that the individual noted in **Part 1** is or has been a victim of one or more of the crimes listed in **Part 3**. I certify that the above information is true and correct to the best of my knowledge, and that I have made, and will make no promises regarding the above victim's ability to obtain a visa from the U.S. Citizenship and Immigration Services, based upon this certification. I further certify that if the victim unreasonably refuses to assist in the investigation or prosecution of the qualifying criminal activity of which he/she is a victim, I will notify USCIS.

Signature of Certifying Official Identified in Part 2.

Date (mm/dd/yyyy)