

City of Minneapolis
Protocol Regarding Review of U-Visa and T-Visa Applications

April 2018

Purpose:

The City of Minneapolis is committed to fostering a welcoming environment for all people. The City also strives to promote public safety by fostering a positive relationship with the City's immigrant communities and encouraging all members of the community to cooperate with law enforcement regardless of immigration status.

The U-Visa and T-Visa programs provide certain eligible victims who are helpful to law enforcement with the opportunity to apply for a U nonimmigrant status visa or a T nonimmigrant status visa. Participation in these programs and certification of victims' eligibility, where legally appropriate, is one of the many ways that the City partners with and fosters a positive relationship with its immigrant communities.

Legal Background:

The Victims of Trafficking and Violence Protection Act of 2000 (VTVPA) encourages victims of certain crimes to report those crimes and assist government agencies with investigation and prosecution, regardless of the victim's immigration status. Under the VTVPA and its implementing regulations, 8 C.F.R. § 214.14 (U-Visa) and 8 C.F.R. § 214.11 (T-Visa), certain victims of qualifying crimes may apply to United States Citizenship and Immigration Services (USCIS) for visas.

U-Visa applicants must submit to USCIS a certification from a qualified certifying agency stating that the victim possesses information regarding the qualifying criminal activity and "has been, is being, or is likely to be helpful to an investigation or prosecution of [the] qualifying criminal activity," 8 C.F.R. § 214.14(c)(2)(i). Helpfulness includes providing assistance to law enforcement or investigators when reasonably requested. It also includes an ongoing responsibility on the part of the victim to be helpful. T-Visa applicants may submit to USCIS a Law Enforcement Agency (LEA) certification as evidence that the applicant has been a victim of a qualifying crime and has "complied with any reasonable requests for assistance from a LEA in an investigation or prosecution of acts of trafficking or the investigation of a crime where acts of trafficking are at least one central reason for the commission of that crime," unless a specific exemption applies. 8 C.F.R. § 214.11(f), (h).

The Minneapolis Police Department, City Attorney's Office, and Civil Rights Departments are tasked with the investigation and/or prosecution of crimes which may qualify victims for U-visas and/or T-visas, and are authorized to certify U-Visa applications and/or complete T-Visa LEA certifications, where legally appropriate.

Procedures:

The City is strongly committed to timely reviewing and, where appropriate, certifying U-Visa applications and T-Visa LEA certifications. The City has adopted the following procedures to guide its certifying

agencies in their review of these applications. Certifying agencies may adopt additional, department specific procedures that do not conflict with these procedures.

1. Each certifying agency will designate one person who is primarily responsible for review of applications (who may or may not also be the agency's certifying official). Each certifying agency will also designate a secondarily responsible person who is authorized to process certification requests in the absence or unavailability of the primarily responsible person. The City will maintain and make publicly available a list of the responsible persons for each agency.
2. All persons requesting a U-Visa certification will complete and submit USCIS Form I-918, Supplement B, U Nonimmigrant Status Certification, along with any supporting documentation, to the certifying agency.
3. All persons requesting a T-Visa LEA certification will complete and submit USCIS Form I-914, Supplement B, Declaration of Law Enforcement Officer for Victim of Trafficking in Persons, along with any supporting documentation, to the certifying agency.
4. Upon receipt, the certifying agency will promptly route the certification request to the certifying agency's responsible person. If the responsible person determines that the request was sent to the wrong agency, the responsible person will promptly return the request with instructions as to where it should be sent.
5. The responsible person will review all supporting documentation submitted by the applicant or the applicant's representative.
6. The responsible person will gather any documentation within the control of the certifying agency that relates to whether the applicant meets the requirements of 8 C.F.R. § 214.14(c)(2)(i) (U-Visas) or 8 C.F.R. § 214.11(f) and (h) (T-Visas).
7. The responsible person will, to the extent reasonably possible, gather documentation within the control of other City departments that relates to whether the applicant meets the relevant requirements.
8. If it is not feasible to obtain the documents necessary to evaluate the request, the responsible person shall consider whether the request should be referred to another certifying agency within the City or to an entity outside the City which is authorized to review and certify applications.
9. The certifying agency will review each request for certification on a case-by-case basis.
10. The certifying agency will strive to act on each request for certification within thirty (30) business days. However, there may be circumstances such as off-site records that are not easily accessible which may extend this time.
11. Each certifying agency will adopt procedures for further expediting review of applications submitted by persons who are in removal proceedings. Victims or derivative applicants of victims who are in removal proceedings must affirmatively make a request for expedited proceedings to the certifying agency. The certifying agency will strive to act on requests for certification from victims or derivative applicants of victims in removal proceedings within seven (7) business days whenever possible.
12. An applicant may request that a certifying agency reconsider its decision by presenting additional or different information or evidence in support of the request. The additional or

different information or evidence should be presented to the certifying agency's responsible person along with a cover letter concisely explaining why the responsible person should reconsider the denial of the applicant's request. If an applicant requests reconsideration of the certifying agency's determination, the certifying agency will strive to act on the request for reconsideration within fourteen (14) business days.

13. All data provided to the certifying agency in support of certification requests will be maintained as confidential to the extent permitted by the Minnesota Government Data Practices Act, Minn. Stat. chap. 13.