



FOX LAKE POLICE DEPARTMENT POLICY

No.
A113

Subject
U-VISA APPLICATIONS

Date of Issue
July 8, 2019

Amended Date
March 7, 2023

<p>Reference 5 ILCS 805/25 (Illinois TRUST Act) 5 ILCS 825/20 (Illinois VOICES Act) U.S. Code, Title 18 O233 – Illinois Trust Act O218 - Foreign Officials, Diplomats & Immigration Enforcement</p>	<p>Rescinds</p>
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PURPOSE:

Illegal Immigrants who are victims of qualifying criminal activity and have or will cooperate with the investigation and prosecution of the case, may be eligible to obtain U Nonimmigrant Status. This department procedure outlines the responsibilities, duties, and job tasks related to the department’s handling of Immigrant Crime Victim Visa (U-Visa) Certifications (USCIS Form I-918 Supplement B). The U-Visa can alleviate the concerns of immigrant communities, open lines of communication, and enhance public safety for all. The certification process will assist the Fox Lake Police Department in fulfilling our ultimate goal of ensuring the well-being of those we serve.

POLICY:

The Fox Lake Police Department will review a properly submitted Form I-918 Supplement B, U Nonimmigrant Status Certification in order to complete the U-Visa Certification process which is part of the U-Visa application. The Fox Lake Police Department is not an agent of the Department of Homeland Security or the United States Citizenship and Immigration Services and therefore cannot make a determination regarding an applicant's immigration status. The Fox Lake Police Department will be careful to only document factual information regarding the status of the applicant as a victim of a crime in our jurisdiction, and a statement as to the extent of the victim's helpfulness in the investigation and prosecution of the crime.

[Procedures on reporting these applications to the Illinois Attorney General are in FPD Police O233 – Illinois Trust Act.](#)

I. PROCEDURE:

- A. Congress created the "U" nonimmigrant classification, or U-Visa, in the Violence Against Women Act under the Victims of Trafficking and Violence Prevention Act of 2000. The U-Visa strengthens the ability of law enforcement agencies to detect, investigate, prosecute, and solve cases of domestic violence, sexual assault, trafficking, and other types of criminal activity.
- B. The U-Visa provides an avenue to legal status for immigrant crime victims who 1) have suffered substantial physical or mental abuse as a result of victimization; 2) possess information regarding the activity; and 3) offer a source of help in the investigation or prosecution. The incident in question must have violated U.S. law or occurred within the nation's borders (including Indian country and military installations) or one of its territories or possessions.
- C. Offenses Covered by the U Visa:
 - 1. To obtain a U-Visa, the immigrant must be the victim of one or more qualifying crimes; rape; torture; trafficking; incest; domestic violence; sexual assault; abusive sexual contact; prostitution; sexual exploitation; stalking; female genital

mutilation; being held hostage; peonage; involuntary servitude; slave trade; kidnapping; abduction; unlawful criminal restraint; false imprisonment; blackmail; extortion; manslaughter; murder; felonious assault; witness tampering; obstruction of justice; perjury; fraud in foreign labor contracting (as defined in section 1351 of title 18); or attempt, conspiracy, or solicitation to commit any of the above mentioned crimes; or the attempt, conspiracy, or solicitation to commit any of the acts; or any similar activity in violation of federal, state, or local criminal law. [8 U.S.C. 1101 (a)(15)(U)(iii)]

- D. Receiving Applications/Certifications
1. All U-Visa Certifications will initially be forwarded to the Criminal Investigations Unit for review.
 2. U-Visa applications will be:
 - a) Logged and recorded in a spreadsheet.
 - b) Processed with any related incident report(s) printed out and attached with Form 1-918.
 3. Run a comprehensive background check on the applicant.
 4. Determine the status of the case.
 5. Forward the completed Form I-918 Supplement B, copy of all incident report(s), and background check to the Chief of Police for review and signature.
- E. All Applications/Certifications will be completed and returned within 90 business days of receiving the request unless one of the following exceptions apply;
1. The requestor is detained or in removal status from the country = 21 business days to respond
 2. The requestor's children, parents, or siblings become ineligible for benefits within 21 days = 5 business days to respond
 3. The request is made in response to a Request for Evidence (RFE) from USCIS = 21 business days to respond
 4. The requestor or the requestor's children are turning 21 or the requestor's siblings are turning 18 = 21 business days to respond
 5. An extension to any required time can be made only upon written agreement with the requestor or their representative
- F. Any and all submitted Form I-918 Supplement B applications which are signed and approved, or based on review and not signed, will be copied and forwarded to the Records Division for filing and future data purposes.

By Order of



Jimmy A. Lee, Jr.
Chief of Police