



DANE COUNTY DEPARTMENT OF HUMAN SERVICES (DCDHS)

U-VISA CERTIFICATION PROTOCOL

Purpose of a U-Visa

Congress created the U-Visa program with the enactment of the Victims of Trafficking and Violence Protection Act (VTVPA) of 2000. Congress recognized that victims who do not have legal status may be reluctant to help in the investigation or prosecution of criminal activity for fear of removal from the United States. The VTVPA was *enacted to strengthen the ability of law enforcement agencies to investigate and prosecute crimes while offering protection to immigrant crime victims without the immediate risk of being removed from the country.*

The U-Visa can be sought by *victims of certain crimes* who are currently assisting, have previously assisted, or are likely to assist in the investigation or prosecution of a crime. It allows eligible victims with nonimmigrant status to temporarily remain in the United States while assisting law enforcement.

Purpose of a T-Visa

Similarly, to the U-Visa, the T-Visa was created with the aim of strengthening the ability of law enforcement agencies to investigate and prosecute human trafficking. Unlike the U-Visa, a T-Visa petition does not require a certification from a law enforcement agency. But applicants may still request certification from such agencies to support their petition.

Considerations for Certification

The United States Citizenship and Immigration Services (USCIS) Form I-918, Supplement B, is the document by which an applicant requests a law enforcement agency's certification. Certifying agencies include federal, state, and local agencies responsible for the investigation, prosecution, conviction or sentencing of the qualifying crimes. This includes Dane County Department of Human Services (DCDHS) Child Protective Services (CPS). Whether a certifying agency signs a certification is at the discretion of that agency and the policies and procedures it has established regarding U-Visa certifications. However, *without a completed U-Visa certification, the applicant will not be eligible for a U-Visa.*

There is no statute of limitations on a certification request. Instead, the applicant must only demonstrate that they possess information concerning the criminal activity enumerated in the statute, and that they are being, has been or is likely to be helpful to in the detection, investigation, prosecution, conviction or sentencing of the criminal activity.

In order to be eligible for a U-Visa certification, only three elements the applicant must establish are that they:

- 1) are a victim of a qualifying crime;
- 2) possesses information concerning a qualifying crime; and
- 3) has been, are being, or are likely to be helpful in the investigation or prosecution of a qualifying crime.

Definitions

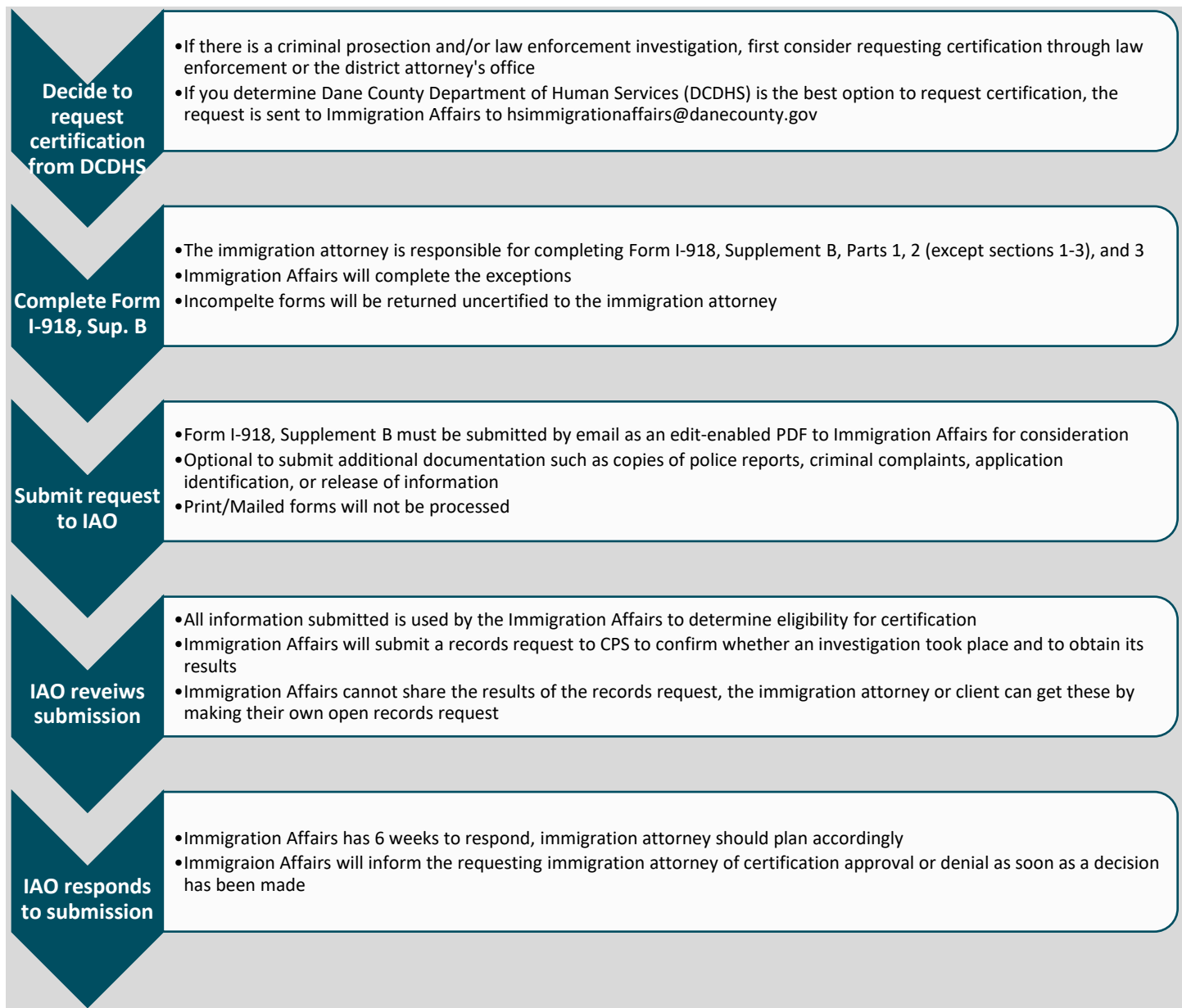
“Qualifying criminal activity” includes any one or more of the following enumerated crimes, “or any similar activity”:

- Rape
- 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
- Torture
- Unlawful criminal restraint
- False imprisonment
- Blackmail
- Extortion
- Manslaughter
- Murder
- Felonious assault
- Witness tampering
- Obstruction of justice
- Perjury
- Fraud in foreign labor contracting
- Abduction
- Or attempt, conspiracy, or solicitation to commit any of the above-mentioned crime

“Similar activity” refers to a criminal activity that may be named differently in a state statute where the nature and elements of the criminal activities are comparable.

“Helpfulness” includes providing assistance when reasonably requested. The helpfulness requirement is an **ongoing obligation** on the part of the victim to be helpful. Thus, anyone who unreasonably refuses to assist after reporting a crime are not eligible for a U-Visa. **The duty to remain helpful to law enforcement exists even after a U-Visa is granted.**

Overview of the Procedure for Processing U-Visa Certifications



In order to help ensure uniformity of decision and have a clear transparent process for the applicant, the following guidelines have been established:

I. Designations for Certifying Official

The Dane County Department of Human Services (DCDHS) Director, or a person designated by the Director, is authorized to be a certifying official to sign U-Visa certification requests for qualifying victims. The Children, Youth, and Families (CYF) Division Administrator and Child Protective Services (CPS) Managers are also authorized to sign these requests.

II. Receiving U-Visa Certification Requests

- A. All certification requests must be sent by the applicant's immigration attorney to Dane County Immigration Affairs **electronically in an edit-enabled PDF** format to the following email: hsimmigrationaffairs@danecounty.gov. The Certification request must include a copy of the **completed Form I-918, Supplement B**. Although not required, a cover letter may be attached to the certification request.
 - i. Printed/mailed certification requests will not be processed
 - ii. Additional documentation, such as copies of police reports, criminal complaints, applicant identification, or release of information, are not necessary for consideration. However, they may be useful in finding DCDHS CPS records.
- B. **Parts 1, 2, and 3 (with the exception of Part 2, Sections 1-3) must be completed** before submission for certification by the applicant's immigration attorney.
 - i. Incomplete certifications will be returned uncertified
- C. Once a request has been received, an Immigration Affairs Social Worker will review the certification request and contact the applicant's immigration attorney to confirm receipt and advise of the anticipated return date for the approved Form I-918, Supplement B, or if the certification request has been declined.
 - i. The Immigration Affairs Social Worker should complete the certification or advise of decline within six (6) weeks of receipt of the request.
 - a. If a certification request is time-sensitive, it is the responsibility of the immigration attorney to include this information in their request. DCDHS cannot guarantee completion of certification within time-sensitive deadlines.
 - ii. The reviewing Immigration Affairs Social Worker or designated certifying official may make the determination to decline certification.
 - a. The assigned Immigration Affairs Social Worker will inform the requesting immigration attorney via email as soon as a decline decision has been made.
 - 1. A brief explanation of the reason(s) for the decline may be included.
 - 2. DCDHS takes no position as to whether or not an applicant may reach out to the investigation law enforcement agency, or any other certifying agency, to request certification.

DCDHS Referenced Staff Names and Contact Info:

Immigration Affairs E-mail: hsimmigrationaffairs@danecounty.gov
Certifying Official Phone #: (608) 895-0650
Certifying Official Fax #: (608) 283-2996

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