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19-129  
06/10/19

**U-Visa Protocol for Assisting Immigrant Victims of Crime**  
(Re-issue DB 17-130)

**The U-Visa:**

In 2000, the United States Congress created the U-Visa under the Violence Against Women Act to provide immigration status relief to eligible immigrants who are victims of certain crimes. The intent of Congress was to: (1) strengthen the ability of law enforcement agencies to detect, investigate and prosecute case(s) of domestic violence, sexual assault, human trafficking, etc. (refer to the crimes list below); and (2) offer protection to the victims of such crimes.

**Types of Crimes:**

- Rape, torture, incest
- Domestic violence
- Sexual assault, abusive sexual contact, forced prostitution/trafficking, sexual exploitation, female genital mutilation
- Involuntary servitude, slave trade, trafficking
- Unlawful criminal restraint, being held hostage
- Kidnapping, abduction, false imprisonment
- Blackmail, extortion
- Manslaughter, murder
- Felonious assault
- Stalking
- Witness tampering, obstruction of justice, perjury
- Attempt, conspiracy or solicitation to commit any of these crimes

**Qualifications for a U-Visa:**

Crime victims must meet **all** of the following qualifications to apply for a U-Visa:

- Must not be a U.S. citizen,
- Must be a victim of a serious crime resulting in physical or mental abuse,
- Must possess information about the crime,
- Must be cooperative or likely to be helpful in the investigation or prosecution of serious crime(s), and
- The crime(s) must have violated U.S. laws (including violations of the California Penal Code) or have occurred within the U.S.

**Role of Law Enforcement:**

When members encounter an immigrant who is a victim of a qualifying crime, explain the U-Visa application process and refer him/her to the Special Victims Unit (SVU), 850 Bryant Street, Room 500. Members shall not attempt to determine the victim's eligibility or make any promises regarding the issuance of a U-Visa.

Penal Code Section 679.10 mandates that certain state and local law enforcement agencies and other specified officials complete U-Visa certifications, upon request, for immigrant crime victims who have been helpful, are being helpful, or are likely to be helpful in the detection, investigation, or prosecution of specified qualifying crimes. The law also requires certifying entities to complete the certification within 90 days of the request, except in cases where the applicant is in immigration removal proceedings, in which case the certification must be completed within 14 days of the request.

**Possessing a U-Visa:**

If approved for a U-Visa, the crime victim applicant is permitted to live and work legally in the United States for the duration of the U-Visa (not to exceed four years). At the end of the third year, a U-Visa recipient may be eligible to apply to adjust his or her status to lawful permanent residence, commonly known as a "green card." Receiving a U-Visa does not directly or necessarily lead to lawful permanent residency for U-Visa victims.

Members are reminded of the provisions of DGO 5.15, "Enforcement of Immigration Laws," which strictly prohibits the investigation and detention of any individual solely because of his/her national origin, appearance, inability to speak English, or his/her immigration status.

If you have questions about U-Visas, please contact the SVU during business hours, 0800-1700, at (415) 553-9225.

  
WILLIAM SCOTT  
Chief of Police

*Per DB 19-070, both sworn and non-sworn members are required to electronically acknowledge receipt and review of this Department Bulletin in HRMS. Any questions or clarification regarding this policy should be made to [sfpd.writtendirectives@sfgov.org](mailto:sfpd.writtendirectives@sfgov.org) who will provide additional guidance about the directive.*