
KANSAS CITY, KANSAS POLICE

GENERAL ORDER

ORDER NUMBER: 40.24

ISSUED DATE: 03/31/2017

EFFECTIVE DATE: 04/07/2017

INITIAL

SUBJECT: U-VISA CERTIFICATION

REFERENCE:

CROSS REFERENCE:

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I. PURPOSE

- A. To establish guidelines on how the Department will handle the processing of U-Visa certifications when an undocumented member of our community is the victim of a crime.

II. GENERAL INFORMATION

- A. "A nonimmigrant status," commonly referred to as a "U visa," is a discretionary, temporary form of relief (not automatic) that may be granted by the Department of Homeland Security (DHS) who vet, eligible victims of qualifying criminal activity. The "U visa" has been in place since 2000. The role of the Kansas City, Kansas, Police Department is to review and sign, when appropriate, Form I-918 Supplement B "U Nonimmigrant Status Certification". The certification does not provide an immigration benefit. The certification is part of the victim's application to DHS, certifying that the victim was a victim of a crime and helpful to the Police Department's investigation of the crime.

III. U-VISA

- A. The following qualifying crimes will be considered, but not limited to, for U-Visa certification:

- Homicide
- Sexual Assault (rape, criminal sodomy, aggravated sexual battery, indecent liberties with a child, solicitation or exploitation of a child)
- Robbery
- Abuse of a child
- Aggravated Battery
- Aggravated Assault
- Kidnapping
- Stalking
- Human Trafficking
- Criminal Threat
- Intimidation of a witness
- Blackmail
- Felony Domestic Violence

1. A certification may be denied based on the applicant's criminal history.

- B. The City Prosecutor's and District Attorney's office may sign off on U-Visa Certification.

1. Requests for misdemeanor qualifying crimes will not be processed by the Department and will be referred to the City Prosecutor's Office for certification.

- C. The crime must be within the statute of limitations, for that particular crime, regardless of whether the case was prosecuted or not.

- D. Felonies with no solvability will not be granted U-Visas, with the exception of sexual assaults (adult or child) and homicides. The case must have been investigated by a Detective and the victim must have been fully cooperative during the investigation and provided sufficient information to potentially solve the crime.

1. Exceptions may be granted due to extenuating circumstances based on the information provided at the time of the report.

- E. At no time will an offense be changed, or a witness changed to a victim, on a report at an attorney's request unless the narratives indicate a qualifying crime against the applicant that was not reflected on the offense.

- F. Victims are not required to have an attorney represent when completing the paperwork. Victims will be strongly encouraged to hire an attorney, but if they cannot, an Advocate can assist them with the process.

- G. Victims are not required, but are encouraged, to have an attorney present when completing the paperwork. A Victim's Service Advocate can assist them with completing the I-918B Certification Form.

- H. The head of the agency is the Chief of Police. The Chief of Police will designate the Major in charge of the Criminal Investigations Division as the person who will issue certifications on behalf of the Department. A letter designating the Major as the Department's certifying official will be signed by the Chief of Police and a photocopy will be provided with every certification.

1. Upon reassignment, the Chief will sign a new letter of designation.

- I. A certification form may be submitted for signature by the following individuals;

1. The victim
2. The victim's guardian, parent, or next of kin in the case of a minor or person otherwise
3. The victim's attorney or representative