

### Appendix IV: Problem Practices<sup>1</sup>

1	<p>I once requested a certification from the Dallas Police Department. My client had been strangled by her boyfriend, and had gone back to Dallas to reopen the case, and an active warrant was out for her boyfriend. The Dallas Police would not consider signing the certification because it had been more than 60 days since the crime had been committed, even with it being an open and active case.</p>
2	<p>DuPage County State's Attorney's Office employ U visa certification in a manipulative manner. They effectively use the 918B as a carrot and once prosecution is completed, they tell the victim that they do not certify on closed cases. This is particularly egregious for child victims of sex abuse, these cases are investigated and prosecuted exclusively by the SAO (special unit) - so these most vulnerable victims are left virtually optionless in obtaining a 918B after participating in the prosecution of these heinous crimes.</p>
3	<p>The New York Police Department (NYPD) will not certify helpfulness if an arrest has been made. The NYPD's theory, I imagine, is that if there is any way to pass the certification review on to someone else--which, in NYC means that an arrest has been made and one of the District Attorney's offices in the five boroughs can review the request--the NYPD will do so. The NYPD just does not want to provide the staff that might be required to handle requests were the NYPD to entertain requests from a larger group of victims--i.e., all victims of qualifying criminal activities in NYC who cooperate with the NYPD, not simply those who cooperate but, through no fault of their own, are victims in cases where the perpetrator is not arrested. This is particularly problematic as the NYPD has relatively good records, but some DA's office lose relevant paper files required to certify with relative frequency. Further, while some DAs, like the Queens DA, are great at both prosecuting and certifying Us, other offices, such as the Bronx DA's office, easily lose contact with crime victims, do not aggressively prosecute and seem almost to be seeking the slightest expression of ambivalence on the part of the crime victim as a pretext for dropping a prosecution (and thus, incidentally, are unable to sign U certifications as victims are deemed "uncooperative"). If we could get U certifications for cooperating crime victims signed by the NYPD, regardless of the vagaries of different DA prosecution practices, that would go a long way towards fairness and justice for NYC immigrant crime victims.</p>
4	<p>Client was victim of domestic violence while in advanced stage of pregnancy, fled the home to call police, covered with bruises. Prosecutor fumbled the case, took too long, case was eventually dismissed. Years later the victim learned about the U visa process, requested certification through attorney. Prosecutor's office refuses to certify any at all, police department and court both refused to certify because the case is no longer pending, the victim posted the bond for her abuser, and because the case was not successfully prosecuted.</p>
5	<p>Most of the time its ignorance of the law and anti-immigrant attitudes. When you frame the issue as a public safety one that benefits everyone, that is usually the best approach.</p>
6	<p>I approached the local police department, who referred me to the Prosecuting Attorney. The policy of the prosecuting attorney was to only certify cases that were pending. Totally arbitrary, application of this authority. The clients' case was resolved with a conviction where the victims were minors. I have taken the initiative to engage child protective services, but I have to education them on their authority, which is still in progress. Many non police agencies are not aware of their role in the U visa process and have not designated the certifying officer.</p>

7	<p>The Collin County District Attorney's office in Plano, TX refused as a matter of policy to provide a U visa certification for a client who had the orbital bone of his eye broken in an assault by a family member of the principal owner of the client's employer, a large local Mexican restaurant chain, because the client refused to let the owner's nephew continue to over serve alcohol to an obviously intoxicated patron. The employer tried to get the client deported because of his lack of status, although the employer had known of it for years, and the Collin County DA's office assisted and refused to provide the certification because the client was working illegally. Fortunately, the Plano Police Department is much more humane and provided the U visa certification.</p>
8	<p>The New York City Police Department, while likely to have the most certification requests in this region, does not seem to have any organizational system for dealing with these requests. Part of the confusion has come from a changeover in the person who reviews these cases to be sent up to the Police Commissioner to sign. During this transition many cases were lost. I had one case that I sent to NYPD in October 2011, only to be asked to resend in the spring of 2012 and again in July 2012. I sent the certification three times via mail, once via fax and twice via email. In October 2012 I was informed that my client had asked for her case to be closed, and so no U certification could be signed. I cannot imagine why it would take a year to come to this conclusion. Even for straightforward cases they delay several months and often cannot find cases when you call for information. The new representative is very nice but it seems the job may be too much for one individual or that they do not have an appropriate database for keeping track of these cases. Also obtaining records from NYPD that the certifying branch deem necessary for U cert signing is a nightmare. The steps it takes to even request a certification are long and arduous.</p>
9	<p>I had a client in Kandiyohi County, Minnesota who had been the victim of domestic assault and violation of a protective order. The Willmar, MN police have a blanket policy against certifying, so I turned to the County Attorney. The County Attorney said she would only consider signing the cert if my client could provide information regarding the current location of her abuser. My client was extremely afraid of her abuser and was in no position to be inquiring into his whereabouts.</p>
10	<p>Agencies that refuse to provide certifications because they do not want to help illegals; they are not legally required to do so; the individual's story changed (14 year old SA survivor); the case was not prosecuted; the AP was never arrested; the report occurred one week after incident; the incident occurred more than 5 years ago; the investigation/ court case is still open.</p>
11	<p>Many agencies (New York City ACS, Brooklyn DA, Bronx DA, and New York DA) have very slow turnaround times. Certifications can take a few months to a year. While there are some responsive folks at the New York DA, different types of crimes go to different certifiers and some are completely non responsive. ACS, on occasion, will certify in a few days, and on other occasions will lose requests and lag for months. The inconsistency makes things difficult. The policies of certain agencies are also frustrating. NYPD won't certify if there has been an arrest of the perpetrator or if the victim has been arrested (in unrelated matters). The Rockland County DA in Long Island won't certify cases that occurred before his tenure (2006, I believe).</p>

12	Invalidated Response- non responsive to survey question.
13	<p>Nashville Police Dept: They have absolutely no expedite procedure in place and certification can take months. This wreaks havoc in detained cases. I've also had them deny certification on a sex abuse case because there wasn't enough evidence to bring charges. DA's office in Nashville: I think they don't have enough resources. The designated person tried to be helpful, but it is a burden on her to pull files and really investigate whether someone was helpful in borderline cases. I've had to have clients hire a criminal defense attorney to negotiation with individual assistant DAs to get cases certified. Hooks PD: This is the worst I have ever seen. They did not investigate an attempted homicide against my client's father because he was Mexican and they believed his attacker had fled to Mexico. There was no police report! And they refused to certify. Jackson, TN PD: They refused to certify on a DV case because the victim would not serve as a confidential informant on an unrelated drug investigation.</p>
14	the worst experience I had was with Long Beach PD in CA
15	<p>The Lake County States Attorney's Office in Illinois, refused to certify for an indirect victim under 8 C.F.R. § 214.14(a)(14)(i). Attorney sent the Office an advisal letter explaining the definition of incapacity/incompetency and citing to the "Direct victims of qualifying crimes, under age 21, are considered to be incapacitated due to their status as a child." See Questions &amp; Answers from USCIS Ombudsman's Teleconferences (October 17, 2008). The LCSA insisted on using its own definition of incompetency, i.e. whether the direct victim would have been able to testify at trial, instead of the definition adopted by the USCIS.s a few times--she does not seem to see that it is a problem that they are using their own definition. In subsequent phone calls, the attorney had to correct the LCSA's impression that the LCSA would be giving the indirect victim a visa by signing the I-918 Supplement B. The attorney argued that LCSA's policy on this sends a message that it is okay to keep crimes secrets, to not report them, to handle them within a family. Attorney reminded LCSA that U visa is a symbol that people who are undocumented/out of status should not be afraid to report crimes against themselves, and especially not their children, because of immigration status. The LCSA representative emphasized that LSCA is not required to sign and that they have their policies about what is appropriate. The LCSA also refused to sign because the indirect victim cooperated with the police but did not participate in the prosecution. The attorney requested a meeting with the LCSA. The LCSA representative said she would contact her supervisor, and never responded to the attorney's request for a meeting. In the same case, the Mundelein, Illinois Police Department refused to sign, deferring to the LCSA.</p>
16	<p>Dallas Police Department &amp; District Attorney doesn't certify for crimes not reported within 30 days nor for non-felony crimes. Also, even if the QCA meets their policy, there is no process in place to obtain the certifications. No one from the agency ever calls back or replies to mail for cert requests.</p>

17	In-direct victims (2 mothers of 4 girls - victims of sexual abuse) cooperated with law enforcement, brought girls to forensic interviews, testified at court, brought girls to testified, spoke to probation officer to give information for pre-sentencing investigative report, wrote victim impact statement - they were denied because the I-918 supplement B certification form was submitted 3 weeks after jury trial ended. Judgment and Sentencing date was still pending but that was still considered a closed case. Certifications denied. I requested another review, spoke to the certifier and he said no. - Certifier through DA's office this was back in 2009
18	Some agencies have ignored all requests for certifications or go beyond what is expected of them when determining what to certify. Agencies also haven't made it very clear what their chain of command is as far as who can certify.
19	The Chief of the Lexington police department has a "problem" certifying in cases of domestic violence where there is no physical harm to the victim.
20	Victim does not testify in court, does not show up to court, invokes spousal privilege. Makes it difficult to argue cooperation. When police are called, report is issued but victim does not follow through with criminal charges.
21	In many occasions I have dealt with individuals that do not understand what a U Visa is. They believe they are the final step within the U Visa process and believe it is up to them to prevent someone from obtaining legal status. For example many rural counties in Georgia think that is they sign a certification they are giving someone legal status.
22	Lombard PD recently informed me they will not certify in any cases but instead will refer all requests to the SAO. Unfortunately, many cases never make it to the SAO because the perp fled, it never got beyond the investigative stage, etc. Another issue we have with DuPage county is that they refuse to sign in almost all cases and state the refusal is due to "discretionary factors." They will not give any more information. There does not seem to be a policy in writing yet the response is so consistently "no" and no reason given it seems that they have an unspoken/unwritten policy not to sign. This is particularly egregious for child sex cases in this county because the SAO has investigative authority through the DuPage Children's Center and as such PDs don't have jurisdiction to sign off.
23	See previous narrative regarding Tulare Police Department. I think that the problem is that the signer is racist and doesn't want to help undocumented aliens get status. I used to live in Tulare, and if I get another case from there, I will take it to the chief of police and media if necessary.
24	Many agencies have to be followed up with for 6 months or more. Keep changing certifying officers so requests get bounced around and lost. More and more agencies are refusing, saying it's discretionary and they are choosing not to provide. Sacramento Police has their own internal criteria which they won't specify and refuse to cert cases even where they admit the client was victim of qualifying crime and cooperated completely. I'm told California Highway Patrol is just blanket refusing the accept the requests. Napa DA won't cert until case is over, often delaying for a year or more.
25	See previous answer. Additionally, the internal process at the DA's requires 6-8 weeks of internal shuffling. However, they sign with the date that the certification was first presented to them. If a FOIA or other background check is required, then the cert is almost guaranteed to expire and re-cert is a difficult process.
26	The Lake County State's Attorney's office will not certify if the victim has committed a crime. The Dupage County State's Attorney Office claims to have a protocol but denies every request on "discretion" even in the most egregious crimes and will only supposedly certify if the case

	is open.
27	Redmond police department had an officer who would sign and certify the I-918B for years. However, she had no authority to do so. As a result, when CIS started sending out RFE's asking for proof of authority to sign, it could not be provided and good cases were lost. When Redmond Police Department was asked about it, they said "We are working on those procedures, but have no set time for them to be complete, and will probably decide against it as it is too much of a risk for us to do these. Our job is not to give illegal aliens status."
28	non-responsive limited to only open cases, or open cases where the victim's testimony will be required limited interpretation of what cases should fall within the statute (related to trafficking only) arbitrary/no standards for determining when to sign refusing to sign because "your client voluntarily came to this country illegally"
29	The Geneseo Police Department absolutely refused to consider our request for a U visa certification. They wouldn't return our phone calls or mail inquires at all, and verbally told our client "You will not be getting that" when she asked them. Because they wouldn't talk to us, we couldn't even figure out why they opposed signing.
30	Bronx DA: Does not certify until criminal case is concluded; dismisses criminal cases if the complaining witness fails to come to the Complaint Room within 24 hours of the arrest, regardless of the reason the complaining witness is unable to come
31	I had a client who suffered horrific sexual abuse in Knoxville, Indiana. The local police office investigated, and the abuser even admitted to the abuses. The prosecutor refused to press charges. Then he refused to talk to us about signing the U visa. When we tried to approach the police department again, they refused to sign because the prosecutor would not sign or even talk to us. I tried getting other Indiana DV advocates to help but to no avail.
32	Montgomery County Police (Montgomery, MD) have a blanket policy on no certifications for cases that are more than a year old -- regardless of the crime or helpfulness.
33	Albuquerque Police Department does not certify U visas. Period.
34	I requested a certification from the Lubbock Police Department in Lubbock, TX. The chief of police looked into her case and criminal record and decided to deny the U visa certification because in his words it was not "necessary." He stated that her arrest record (which included 2 DUIs) influenced his decision, as well as the fact that the police report was made in 2009. He also made statements indicating that he was hesitant to provide relief for an "illegal immigrant" and made it clear that this was completely discretionary. He did not deny that she was a victim of a qualifying crime or that she was helpful in the investigation.
35	The police department in Norristown, PA is openly racist. Whenever a certification is need it, it takes several months to get them signed. There are no protocols or a designated person to review and sign U-visa certifications. Also, the District Attorney's Office in Norristown is more open to sign certification, but it is still difficult to get them.
36	The Lubbock Police Department decided not to certify a client because the police report against her abuser was from 2009 and the Chief of Police did not thing "it was necessary" to certify her.
37	Phoenix Police Department has a very slow process, they are not responsive and at all and the prosecuting attorney's office will not give updates.

38	Chandler PD's process of only certifying for open cases is horrible. I represent the victim of a horrific kidnapping that occurred in 2010, for which the individuals responsible were apprehended and convicted with the help of the victim. Chandler PD refused to sign because case is now closed. Maricopa County Attorney's Office also has a horrible policy, as it isn't public, seems to be on an ad hoc basis and half the time you receive no response to a request. In the kidnapping case, I am going to be forced to make the request with MCAO, which is notoriously bad at certifying. I have had greater success with judges. Glendale, AZ PD now has a horrible process as well with their new interim chief. She is completely unsympathetic and has no interest in signing. They simply refuse to sign.
39	Orange County Dept of Children and Family Services (DCFS) in California requires that an "advocate" request U visa certification; the victim cannot request the Supp B herself. OC DCFS also REQUIRES that the victim requesting certification be a current or former dependent of the Orange County Juvenile Court. Santa Ana, CA Police Dept will not consider signing cases that have been referred to the DA's office, even if the DA decides not to prosecute. This means that in cases where there is a DV arrest where the victim is helpful but the DA decides not to prosecute, Santa Ana PD will not sign.
40	One police department refuses to provide certifications if there has been an arrest of the offender, saying that the victim/applicant must request a certification from the DA. This becomes impossible if there is an arrest in a case where the victim/ applicant was 'helpful' to police and then was never contacted by the DA.
41	Dallas District Attorney's office - they will not certify a case if the case is closed, even if the person was helpful and even if it is a qualifying crime. I spoke with the Chief and they said they could not certify closed cases because of a lack of resources. I explained that is not a reason, especially when we had proof that my client had been helpful. We have had many sympathetic cases, and they have failed to certify because the case is closed or older than a year. It is very upsetting especially when you have Tarrant County DA's office, less than 50 miles away, that do not have restrictions and abide by the Act.
42	I had a case where a Spanish speaking client had been raped and beaten by her supervisor. She called the police and reported him. We requested a certification from the Maiden County Police Department. I received a call from Captain Ledford who stated not only was he not going to sign the certification, he was not going to allow anyone else from his department to sign off on certification requests because immigrants in the US without papers should be sent back to their countries. He also felt they were trying to use the system to their advantage. With the Catawba County Sheriff's Office, I also received a similar response when I requested a certification for our client who had been assaulted.
43	NYPD refuses to certify because there was an arrest even though person was released and no paperwork was filed by the DA. Client was assaulted in head with a brick and has had difficulty accurately IDing assailant. Therefore nobody will certify.
44	Invalidated Response- non responsive to survey question.

45	McClennan County District Attorney appears to have a policy of NEVER certifying; however, instead of calling this a policy, per se, the DA passes the buck and tells practitioners to seek certifications from other agencies (e.g. Waco PD). However, as the DA is generally the last agency to have contact with the victim, and Waco PD has a policy of not certifying unless it is the last agency of victim contact, the effect is that virtually NO certifications are being issued in McClennan County. This has been true in horrendously violent crimes involving children, not to mention crimes against domestic partners.
46	The Kansas City Kansas Police Department refuses to certify U Visas that meet all the requirements but in their opinion do not merit certification. The only cases they will certify are cases that are prosecuted and involve violent or sexual crimes.
47	One agency waits until they get several requests for different cases (no matter how long that takes) and only reviews them when they have a whole batch to do at once. I think the worst practice, other than refusing to sign them at all, is simply not designating anyone to do it and taking it case by case without letting attorneys know who to send them to.
48	Invalidated Response- non responsive to survey question.
49	A case in Greenville, SC in which the victim was raped, and the perpetrator was prosecuted (with the assistance of the victim and numerous other victims), and the agencies (police department, solicitor's office, judge) all denied certification.
50	I have had difficulty obtaining certifications for cases which meet the federal statutory definition of felonious assault, but yet were charged as a misdemeanor at the state level. Also, some agencies refuse to sign certifications for cases that are more than a few years old.
51	Some law enforcement offices refuse to sign without stating a reason. Others sign but write in comments that are irrelevant and sometimes hurt the applicant.
52	When I called the Easton Police Department I spoke to Sgt. Lohenitz who said that he would not sign the certification or allow anyone in "his platoon" to sign. I did not let this stop me and I contacted the presiding judge of the court from where client had obtained her restraining order years before and she recognized that client was eligible and she signed the cert.
53	Those police departments and judges that fail to certify never issue a denial. We have to call and ask what happened to our request and are verbally told by the Chief of Police or the judge's law clerk that they do not do certifications or that they do not certify where the crime has been forwarded for prosecution. Dakota County law enforcement has a culture of "NO". The conversations I have had with Chiefs in this category smack of discrimination.
54	1) blanket refusals are so unfair to victims who happen to be victimized in the wrong place; 2) even conscientious departments may not completely understand the law and are sometimes subject to heavy political pressure from elected officials or town leaders who are watching over their shoulder; 3) the biggest particular problem area has been for certification for indirect victims who are parents of child victims
55	I am currently working with the Lincoln County, ME DA's office, who will not sign a certification until the case is closed, despite my frequent reminders that certifying pending cases is acceptable according to the law.

56	<p>The South Sioux City Police Department refuses to sign certifications the vast majority of the time. I know that they do sign some certifications, but I've never been successful in getting a certification signed from that particular agency. Their general policy is that if the case is closed, they will not certify. If the case has been referred for prosecution, they will not certify. Unfortunately, the Dakota County Attorney, the prosecutor for that particular county, will not sign certifications, either. In the one telephone call that the county attorney did return (out of a few dozen efforts at contact), she told me that the cases were "too old" to certify. The cases had all been prosecuted within the past 2-4 years. I tried to educate her with regard to what federal law allows, but she still would not certify. As such, victims who live and/or were assaulted in South Sioux City, Nebraska, or the rest of Dakota County, Nebraska, are almost certainly not going to be able to obtain a certification from any agency.</p>
57	<p>Invalidated Response- non responsive to survey question.</p>
58	<p>The biggest problem we are seeing right now is the fact that the state of Oregon through their DOJ attorneys refusing to give out certification for victims/survivors who were investigated through DHHS. Many cases have been brought forward to my attention and we have argued law and fact with the DOJ, however we have received a letter stating that they are not an "investigating agency." They will not sign and in many of these case the refer was never made to law enforcement or the DA's office, which should have been done. We are working on trying to fix this problem through our DOJ Immigrant Crime Victim's Subcommittee, however it has been an uphill battle. We have also had DA, LEA, and Judges who were never trained on the U visa. Many of them will out right deny certification because they "do not know what that is." Even with AILA attorneys trying to educate them they prefer an education from someone they trust and respect, generally Federal or State DOJ or LEA. We have been working on putting on better training in the state. We have also have DA's refusing to sign off on parents of the victims. They argue that the parents do not deserve this benefit. We are trying to educate them, but some agencies will just refuse.</p>
59	<p>The uncooperative agencies either ignore me or flat out say "we don't sign u-visa certifications" but refuse to elaborate when asked. These often are the smaller communities where there is a lot of anti-immigrant sentiment and the agencies refuse to be trained or educated on u-visas despite me sending the DHS guide that was published on this and offering to give the office some basic training and education on u-visas.</p>
60	<p>Clackamas County DA Victim Assistant Carrie Walker. My client has an open case in court right now, for which he is working with Carrie. I have been trying to get a U cert since July 2012 and she will not respond to email, phone or mail. She absolutely refuses to communicate and has told the police departments in her jurisdiction not to sign certs.</p>
61	<p>The law enforcement jurisdiction either does not assign a particular person to make U visa certifications or, if they do, that person's name is not published on their website and/or is difficult to obtain. If a U visa certification request is sent to the law enforcement office, either 1) no response is received, and calls and voicemails are not returned, or 2) months go by with no response, and then out of the blue a blanket denial is received, with no explanation, and the officer who denied certification does not respond to any communication. Another "worst" situation is if the law enforcement office says they will not sign any U visa certifications.</p>
62	<p>I am not sure this is the worst practice, but it was surprising to me. The Providence Police Department designee requires meeting the victim for whom he is signing the I-918 Supp B.</p>

63	Police in Fairbanks, AK, refused to certify and claimed victim was the perpetrator. Police in Sumner, WA, refused to certify - said that they didn't believe she was a victim because she didn't leave him earlier. Police in Anchorage, AK, in non-Domestic Violence cases won't certify unless it's a case they're interested in bringing to the prosecutor.
64	Many agencies are now stating that they won't certify any cases if they are over 5 years old. Many police stations have adopted policies that they will not certify at all and delegate the authority only to their local district attorney. This means that if the case was not prosecuted then the victim cannot be certified, regardless of whether the victim did cooperate with the police authorities.
65	I have not requested a certification from this law enforcement agency in a while, so I'm not sure whether its policy/practice has changed. However, in one suburban Philadelphia county, the designated U certifier takes a very long time to respond to requests for certification (at a minimum, months, and in the worst cases has taken as long as a year) and almost never returns phone calls attempting to follow up on the case. This obviously can cause severe delays in filing the case. This same certifier has also refused to certify to the crime of "domestic violence" for indirect criminal contempt cases stemming from violations of PA Protection From Abuse (restraining) orders, stating this is not "criminal" activity, even though we told him that other LEAs certify to it and USCIS has regularly approved U visas based on this exact qualifying criminal activity. Unless other charges are also filed, based on upon which he may certify to DV, this results in eligible victims being unable to seek U status. This certifier also has refused to sign certifications for open cases. He is not alone in this; at least one other area DA's office has taken the same position that they will only sign once the criminal process is complete. I find this policy more understandable due to the potential for the defense using the certification/eligibility for status to undermine victim credibility, but it also has significant impacts on the victim due to delay and is contrary to the way the law is written. The Philadelphia DA's office, at least, is more flexible and while that certifier prefers not to sign on open cases, is willing to consider it under exigent circumstances or where the case has been pending for a long time with multiple continuances, which seems fair.
66	Jerome Prosecuting Attorney refuses to sign any U visa certifications as a blanket policy. The excuse given is that the prosecutor doesn't feel he knows enough about any given case to sign the U visa certification under penalty of perjury. I do not know if that is the real reason, or just a lame excuse. But he seems to view it as a liability. Owyhee County Prosecutor also has refused to sign any U certs. He said to me once "I don't think our office should sponsor an illegal immigrant." I explained that he wouldn't be sponsoring anyone, and that the final decision was up to USCIS, but he still refused.
67	I have a women who was the victim of domestic violence in Myrtle Beach. He was arrested and convicted. Yet, they refuse to sign the certification (police, solicitor's office, judge). She will have to take voluntary departure as a result, despite fearing the fact her abuser is abroad and waiting for her to return.
68	Invalidated Response- non responsive to survey question.

69	<p>Minor child was the victim of numerous counts of rape/sexual abuse by mother's paramour. The Lexington Division of Police investigated the crime and the Fayette County Commonwealth's Attorney prosecuted the case. The victim and her mother reported the crime, cooperated with the investigation and testified in court against the perpetrator. The Lexington Police refused to sign the certification due to their policy of not signing when a case has gone to prosecution. The Commonwealth's Attorney refused to sign the certification because they have a policy of not signing any certifications. Due to the policies of the two agencies, victims are left with few options for certification from LEAs involved in the case. Fortunately for this victim, the judge presiding over the case agreed to sign the certification.</p>
70	<p>The Los Angeles Police Department will not sign I-918B certifications for any crimes that happened before 2000. This has prevented several of my clients from getting U Nonimmigrant Status. It shouldn't matter where geographically in the U.S. the person was a victim of a crime.</p>
71	<p>One office refuses to sign whatsoever based on purely political grounds re: undocumented immigrants. Another office refused to sign because there was no indication that "there was hesitation to seek police assistance due to any concerns of immigration repercussions as a result of police involvement." They also refused to certify based on their own assessment of substantial harm, taking into account only the incident reported to police. "While there is no question that [clients] suffered an injury . . . there has been no showing that either of them have suffered, or are suffering, any significant loss as a result of becoming a victim. . . . In other words, neither of them is suffering any more than any other victim of a similar crime, citizen or alien."</p>
72	<p>The Gwinnett Police Department refuses to sign. NY Police Department, Chatham County/Savannah Police Dept, Tampa Police Department did not sign U visa certifications. Tampa said the case was old and that they did not think client qualifies for U visa although my client reported the incident., NY could not find the case and Chatham said the client engaged in criminal activities so they did not certify although victim was found on the street bleeding from a gunshot wound.</p>
73	<p>Knock on wood -- I don't have a worst case practice.</p>
74	<p>We have worked on a number of certifications in which the corresponding law enforcement agencies clearly did not understand the U Visa certification requirements. Most recently, a request was denied by the Azusa Police Department in California because "the police didn't need the victim's assistance" in investigating the crime, even though the victim was the person who reported the crime to the police. We have received denials because for lack of helpfulness when the victim reports the crime but later said they didn't want to prosecute. There is a serious lack of understanding for the trauma that crime victims suffer. Particularly in the context of domestic violence, law enforcement agencies fail to recognize the fear that victims have for their offenders and the difficulty that creates in reporting abuse. A number of police departments have refused to sign certs in cases that have been referred to the DA's office, and various DA's offices have a policy of refusing to sign certs in cases that haven't been adjudicated.</p>

75	<p>The victims are investigated as if they were the criminals and the District Attorney and police see their job as determining if the victim deserve a U visa or not. I have had certifications denied stating as the reason for the denial, in the agency's letter, that the victim did not suffer enough to be issued a U visa, even if they were witness in court. In other cases if the victim does not pursue a restraining order that is seen as lack of cooperation and the U visa certification will be denied. In another case where the victim was stabbed, the police stated that the victim refused to cooperate because he didn't talk to the police before going to the hospital and getting medical care, when the police never contacted the victim after he was admitted for medical treatment.</p>
76	<p>Merced County in California, and the city jurisdictions in the county, flatly refuse to provide certifications. The policy extends to every type of case, regardless how heinous the crime. I have a case in which a home invasion occurred. One occupant of the home was shot and killed, the other occupant was shot twice and critically wounded, and the other four occupants, including minor children, are scarred for life after witnessing the crime. The county has refused to issue a certification, despite the willingness of the victims to give descriptions of the attackers, and refuse to provide a reason for denying the certification. The certifications usually are returned with a post-it note on which is written "the certification will not be signed". This approach extends to the District Attorney's office. e are having to petition courts to obtain certification.</p>
77	<p>One of my clients was a victim of a crime in Chapel Hill, NC. The Chapel Hill Police Department responded. Consequently, we applied for a U Visa Certification with them. We had to send our request to the Chief of Police and his office. His office thanked my client for his brave actions. They acknowledged that he potentially kept someone from facing a similar experience. But then they told us that "based on the information provided, the status of the above referenced case, and the length of time the case has been closed, your request for a U Nonimmigrant Status Certificate (Form I-918 Supplement B) has been denied." I went to the Mayor for support. I had met him before and was sure that he would be able to assist. He said he would look into the issue. After several weeks of no response I call his office. An assistant there said the Mayor instructed him to redirect my call the incompetent police attorney who assisted in rendering the original decision. And she simply reiterated what the previous decision already said. I had another bad experience with the Cumberland County Sheriff's Office. My client was a victim of a crime in 2007. No one was ever found and the case was closed. He was later on caught by Immigration and had deportation proceedings initiated against him. The legal counsel for the Sheriff's Office said they only had a policy of approving I-918Bs were the criminal case was still pending. Interestingly enough, they've apparently never signed one for anyone. Furthermore, the Sheriff was a very "fair" man. Therefore, to approve my client's I-918B would be "unfair" to all those who had previously come with I-918B request and were denied. I suppose we should have never passed the 13th Amendment to the Constitution since it would have been "unfair" to all the slaves that were never freed.</p>
78	<p>Durham Police Department provides the worst excuses for not certifying. I have had cases that were very strong (client who witnesses the decapitation of a roommate, another 12 year old child who was gang raped) and the police officer came up with some lame excuse not to certify (there has not been an arrest so no way the witness is helpful, etc) This has been across the board, and I am not the only attorney who is having this experience with Durham Police Department.</p>

79	<p>Back in Summer of 2010, I was involved in obtaining a U visa certification from Cary Police Department in Cary, NC. They refused to sign the certification on the grounds that they did not need the help of the victim anymore since the perpetrator had been caught and prosecuted. This was a domestic violence crime. Greensboro Police Department gives all signatory authority to one man, the police attorney, who has no support staff in which to process U Visa Certification requests. This understaffing makes getting certifications signed a slow process if sent via mail. It appears that making an appointment with Police Attorney Clark to discuss a particular certification request is the most effective and expedient way. However, this is not efficient for those attorneys who are not in Greensboro. Winston-Salem Police Department appears to review each case carefully and does their own investigation into the helpfulness of the victim. This is a positive practice but can lead to delays.</p>
80	<p>agency's that refuse to sign the certifications - or "have a policy of not signing certifications."</p>
81	<p>-The person had been allowed to stay in the U.S. during the prosecution of the crime, so the prosecutor's office said that was enough benefit and refused to sign the cert (TX of course). - Fairfax Co. police won't sign certs until the investigation and prosecution of the crime are completed. This can sometimes take quite awhile.</p>
82	<p>Per orders of the chief of police, the Waco PD is not to sign any U-visa certifications. The DA here is not as blunt about his policy on the matter, however, he simply will let paperwork sit without action for months and then send a letter to the victims saying that they will not be signing the certification.</p>
83	<p>The Irving, Texas Police Department has a blanket policy of refusing to certify U visa certifications (I tried to go back and edit my earlier response and was not able to). They ask you to contact the Dallas County DA's office. The Dallas District Attorney's Office is terrible about U visa certifications. I don't want to say that they have a blanket policy of saying "no" because I believe that in some domestic violence cases it has been done. However, it is RARE. I tried without success (despite constant phone calls, visits to the DA's office, letters) to get a U visa certification for an aggravated robbery. The person in charge refused to meet with me and I was constantly told that they had "requested the file" (after 6 months, that was still the excuse, so I actually went personally to the file room and we discovered that the file was already at the DA's office). At one point I was told that they would not issue the U visa certification while the case was pending. I was later told they would not issue the certification once the case was completed! Both occurred in the same case. When I last went to the DA's office, I was told that the person who is assigned the task of U visa certifications (an assistant district attorney) is simply too busy and that she has many many pending requests and that they could not tell me how long it will take or if it will even be issued ever. I believe the Dallas DA's office had a good process years ago but it is currently a MESS!</p>
84	<p>Invalidated Response- non responsive to survey question.</p>
85	<p>Hands down, in my experience the Harris District Attorney's office is the worst office. She has denied dozens of requests, including the rape of a child by her father even though her office did convict the perp. She blamed it on the young girl's family, that they were not cooperative "enough." I have yet to receive a certification from Houston.</p>

86	Lexington Division of Police send a standard letter when declining to sign. No explanation or reasons are provided for refusal to sign. The Police decline to sign the majority of requests. Kentucky Cabinet has never signed, to my knowledge. In a case of substantiated rape of a minor, Cabinet stated that the incident occurred too long ago and that other agencies were better suited to sign. Fayette Commonwealth attorney has refused to sign for 14 year old victim of rape, where victim reported to and met with police, testified in front of the grand jury, and where the perpetrator was convicted. The office provided a letter which misstated the law and the intent of the U visa process as the reason for refusing to sign. I could be more specific with examples but I am uncomfortable doing so when I do not know how the information will be used? I think that practitioners in this community are very frustrated by the unwillingness to provide certification by various agencies. Though I have not experienced it myself, I am aware of instances where advocacy was met with what seemed to be retaliation, i.e. the legal service provider questioned the high refusal to sign and then found that even fewer of the requests made were signed. This is anecdotal, but I do believe it has had a chilling effect on advocacy efforts here. I also have examples of very good practices, as by the Fayette County attorney, but I am short on time and unable to provide them.
87	I contacted one police dept. that stated that under advice from the city attorney, they will only sign U certs for closed cases. The city attorney is concerned that if the case is still open and the U cert signed that the victim will not later testify if requested. I've been trying to discuss this policy with the city attorney but she doesn't promptly return my messages and we've yet to speak by phone.
88	The police in Vallejo refused to certify because a case had been sent to the DAs office and the DA refused to certify because the case had already been prosecuted and they "didn't need" the victim to be present in the US any longer. The victim was a mentally handicapped girl who had been raped by her brother when she was still a minor. The brother was prosecuted and convicted of rape and ultimately deported. She and her father cooperated with the prosecution and she testified against her brother. I had a long conversation with the certifying official and sent them a great deal of information on the U visa and why a case need not be open to qualify, but they didn't care.

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<sup>1</sup> This data is based on information provided by attorneys and advocacy agencies seeking certifications and not from the certifiers themselves. The data was gathered during the Spring of 2013. Certification policies are sometimes *ad hoc* and subject to change. Given these disclaimers, the survey respondents have provided first-hand information about certification practices.

#### Appendix IV:

<http://www.law.unc.edu/documents/clinicalprograms/uvisa/appendix4.pdf>