

APPENDIX V

A Resolution Calling for Responsible U Nonimmigrant Visa Certification Practices

WHEREAS Orange County is committed to public safety and building a constructive and trusting relationship between law enforcement and immigrant communities;

WHEREAS Orange County has a foreign-born population constituting 13.3% of the total population of the county, the third highest percentage of any county in North Carolina;¹

WHEREAS the Congress of the United States has established the U Nonimmigrant Visa for victims of certain criminal activity who have been helpful, are being helpful, or are likely to be helpful in the investigation or prosecution of that criminal activity;

WHEREAS the statute establishing the U Nonimmigrant Visa requires applicants to receive "certification from a Federal, State, or local law enforcement official, prosecutor, judge, or other Federal, State, or local authority investigating criminal activity" confirming the helpfulness of the applicant in the investigation or prosecution;²

WHEREAS the U.S. Department of Homeland Security has encouraged local law enforcement agencies to exercise thoughtful and individualized discretion to determine the helpfulness of a victim in a particular case;³

WHEREAS Orange County shares the goals of the United States Congress and the U.S. Department of Homeland Security to protect immigrant victims of crime and encourage public safety and cooperation between immigrant communities and law enforcement;

WHEREAS the Chapel Hill Police Department, Carrboro Police Department, Hillsborough Police Department, Orange County Sheriff's Office, Orange County District Attorney's Office, and other qualified certifying agencies in Orange County have demonstrated a shared interest in public safety and immigrant victim protection through the responsible and prompt exercise of discretion in considering U Visa certifications;

WHEREAS Orange County supports the continued responsible exercise of discretion by these agencies, and all agencies empowered to certify U Visas within Orange County;

¹ North Carolina Foreign-Born Population Percentage by County, 2006-2010, IndexMundi, *available at* <http://www.indexmundi.com/facts/united-states/quick-facts/north-carolina/foreign-born-population-percent#chart>.

² Immigration and Nationality Act, § 214(p), *codified at* 8 U.S.C.A. § 1184.

³ U Visa Law Enforcement Certification Resource Guide for Federal, State, Local, Tribunal and Territorial Law Enforcement, U.S. Department of Homeland Security, *available at* http://www.dhs.gov/xlibrary/assets/dhs_u_visa_certification_guide.pdf.

NOW, THEREFORE, BE IT RESOLVED that the Chapel Hill Town Council:

Section 1. Recognize the importance of the U Nonimmigrant Visa as a tool for protecting immigrant victims of criminal activity, increasing public safety, and fostering a strong relationship between immigrant communities and local law enforcement;

Section 2. Encourage local law enforcement agencies to promptly exercise discretion to certify the helpfulness of a U Nonimmigrant Visa applicant when that victim has been, is being, or is likely to be helpful in the investigation or prosecution of the crime committed against him or her;

Section 3. Encourage other municipalities and counties in North Carolina and the United States to adopt similar resolutions to help ensure that the U Nonimmigrant Visa is available to all qualifying applicants, regardless of their place of residence or the location of the crime committed against them, and that the important public safety goals of the U Nonimmigrant Visa are more broadly fulfilled;

Section 4. Forward this resolution to our state and federal legislative delegations on behalf of the residents of Orange County.

Resolved this day of _____ (date) and forwarded to:

Janet Napolitano, Secretary of the U.S. Department of Homeland Security

Alejandro Mayorkas, Director of U.S. Citizenship and Immigrations Services

David Price, U.S. Congressman, 4th District of North Carolina

Ellie Kinnaird, N.C. Senator, 23rd District of North Carolina

Verla Insko, N.C. Representative, 56th District of North Carolina

Appendix V:

<http://www.law.unc.edu/documents/clinicalprograms/uvisa/appendix5.pdf>