



Montgomery County Police
Policy and Planning Division

Informational Bulletin 16-01 U Visas

January 8, 2016

A foreign national who becomes a victim of certain crimes may apply for a Non Immigrant Status U Visa. The U Visa is only for those who have suffered substantial mental or physical abuse as victims of certain qualifying crimes and who have assisted, or are willing to assist, law enforcement in the investigation and prosecution of such crimes. If these requirements are satisfied, law enforcement can certify the applicant to the Department of Homeland Security for their consideration of a U Visa. Additionally, there are times that a return to the home country could place the victim in danger. In those limited instances, the granting of a U Visa offers those victims appropriate protection for up to four years and it may be withdrawn at any time.

There are four statutory eligibility requirements:

- The individual must have suffered substantial physical or mental abuse as a result of having been a victim of a qualifying criminal activity; and
- The individual must have information concerning that criminal activity; and
- The individual must have been helpful, is being helpful, or is likely to be helpful in the investigation or prosecution of the crime; and
- The criminal activity violated certain U.S. and state laws.

Eligible victims must file a petition for a Non Immigrant Status U Visa with the U.S. Immigration Services. The form requests information regarding the petitioner's eligibility, as well as admissibility to the United States. The petition will also contain a Certification of Helpfulness from a law enforcement agency that demonstrates that the petitioner "has been helpful, is being helpful, or is likely to be helpful" in the investigation or prosecution of the criminal activity.

This agency's point of contact for endorsements of these petitions will be the executive staff of the Special Victims Investigations Division. All requests for the endorsement of a U Visa will be referred to that division. It shall be this agency's policy to provide endorsements to victims who meet the Department of Homeland Security's criteria when:

- 1) The applicant was the victim of a qualifying crime that occurred in Montgomery County;
- 2) For misdemeanor crimes, the applicant reported the crime within the one year statute of limitations. For felony crimes, the crime occurred within 10 years of application;
- 3) Officers from this agency conducted an investigation; and
- 4) The case has not yet been prosecuted.

In those events where arrests were made, those U Visa applicants will be referred to the State's Attorney's Office or the United States Attorney for the District of Maryland for consideration.

Qualifying criminal activity includes the commission of, attempts to commit, conspiracy to commit and solicitation to commit any of the following crimes:

Abduction	Incest	Rape
Abusive sexual contact	Involuntary servitude	Sexual assault
Blackmail	Kidnapping	Sexual exploitation
Domestic violence	Manslaughter	Slave trade
Extortion	Murder	Torture
False imprisonment	Obstruction of justice	Trafficking
Felonious assault	Peonage	Unlawful criminal restraint
Female genital mutilation	Perjury	Witness tampering
Being held hostage	Prostitution	

For questions or further information, contact the Special Victims Investigations Division, 240-773-5400.

Originating Unit: Special Victims Investigations Division

Cancellation: This Informational Bulletin cancels Information Bulletin 13-06, titled U Visas, dated April 25, 2013.