



*Supporting families and strengthening
communities for more than 20 years*

February 2, 2021

RE: HF 321 Certifications for Victims of Crimes

Dear Chair Becker-Finn and members of the Judiciary Finance and Civil Law Committee:

I, Veena Iyer, Executive Director of the Immigrant Law Center of Minnesota, support the proposed bill and respectfully request that members of this committee support efforts to prevent the victimization of Minnesota residents especially in Greater Minnesota.

The Immigrant Law Center of Minnesota represents low-income immigrants and refugees and also provides education and advocacy related to immigration. In 2019, we served clients coming from 115 countries. About 36 percent of our clients were from Mexico, 21 percent from countries in Central and South America, 20 percent from countries in Asia, 20 percent from countries in Africa, and the remainder from countries in Europe, Oceania, and from Canada.

We represent many crime victims seeking protection through special programs created by Congress. One of those programs is the U visa program, created as a route to safety for immigrant victims of crimes. U visa applications require certification from local police departments that the applicant is a crime victim and is cooperating in investigation or prosecution of the case. That certification is the first step in a lengthy process that usually takes more than five years.

Our clients in U visa cases are typically victims of domestic violence. These clients arrive at our initial interview suffering from post traumatic stress after years of abuse or injured after an attempted strangulation or traumatized by stalking and terroristic threats. Others may be victims of sexual assault or, less frequently, other violent crimes.

They risk a lot by cooperating with police to make a case against those who have victimized them. Often, an abuser threatens to "call immigration and have you deported." The U visa offers protection to victims who help police bring criminals to justice.

Like most of immigration law, the process of obtaining a U visa is long, convoluted, and confusing.

It's understandable that police and prosecutors and judges do not understand this process or the important role that certification plays. That makes legislation such as this bill even more important. By defining a standard response to a request for certification, the bill gives direction to police and prosecutors on their critical role in the process.

The basic application form for a U visa is the I-918 form. The law enforcement certification is called the I-918 Supplement B. In that supplement, law enforcement confirms that this person is a victim of qualifying crime, describes the crime, says whether the certifying officer knows of harm suffered by the victim, and certifies that the victim has cooperated with law enforcement.

The law enforcement certification must be completed first, before U visa application and a supporting package of forms can be sent to immigration. In the best-case scenario, after that packet of forms is filed, the attorney will get a receipt acknowledging filing in 8-10 weeks. Then they will wait for years for approval.

In one recent case, the application package was filed in September 2015. In May 2020, immigration issued a notice of deferred action. That notice allowed the victim to get a work permit and meant that immigration would not pursue deportation while the application was pending.

Finally, in January 2021, the crime victim received full protection of the U visa program, putting her on the road to eventual legal permanent residence. This lengthy wait is due to both the 10,000 annual cap on U visas and delays in processing all immigration applications. These are federal issues, and there is nothing Minnesota law enforcement can do to alleviate this delay.

What Minnesota can do is to clearly define the procedure for law enforcement to follow at the beginning of this process, eliminating doubt and delay in issuing the crucial law enforcement certification of the I-918 Supplement B. That is what this legislation is about. For the sake of clarity for law enforcement and for the sake of crime victims, we ask that you pass this legislation.

Thank you for your consideration and your support.

Sincerely,

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