

PRESENTED AT THE
44th Annual Conference on Immigration and Nationality Law

October 22-23, 2020
Live Webcast

**Advanced Protecting Survivors of Crime
from Removal**

Elizabeth “Libby” Hasse, Houston
Amelia Ruiz Fischer, Nacogdoches
Art Acevedo, Houston

Author Contact Information:

Elizabeth “Libby” Hasse

Tahirih Justice Center
Houston, Texas

libbyh@tahirih.org

(713) 489-0033

Amelia Ruiz Fischer

Fischer & Fischer, Attorneys at Law
Nacogdoches, Texas

arf@fischerfischerlaw.com

(936) 564-2222

Art Acevedo

Chief of Police, Houston Police Department
Houston, Texas

art.acevedo@houstonpolice.org

(713) 308-1626

Practice Pointers for Requesting U Visa Certifications

by Elizabeth Hasse, Tahirih Justice Center

September 9, 2020

To apply for a U visa for your client, you will need a law enforcement agency to sign a certification form (Form I-918B).

You can request the certification form (Form I-918B) from the law enforcement agency (police, constable, sheriff's office) that your client reported the crime to, the District Attorney's office that is pursuing the criminal case in court, or the Judge who hears the criminal case in court.

Find out which agency your client reported the crime to. Police officers will often give victims paperwork with an incident number on it, which may also list the name of the agency and/or the contact information of the officer. If your client doesn't have an incident number, and they don't know which agency they reported the crime to, you may need to contact more than one agency (i.e. the local police and the local sheriff's office) to find out who took the report.

If your client's case has gone to the District Attorney's Office, and the DA's office has charged the perpetrator, you may be able to get records from the court that will help you find out which agency took the report. Many courts have records available online. If it isn't available online, call the court and ask for their records department. You may need to send a request in writing.

Try to get a copy of the police report before requesting a U visa certification, so that you can determine whether it was a qualifying crime and so you know what the agency has in their records regarding your client.

You may need to do an Open Records Request or Public Information Request to get a copy of the public version of the police report. Depending on the agency, you may be able to do it online or by mail, or you or your client may need to go in person. If you can't find it on their website, contact the law enforcement agency and ask for their records department to find out how to request the police report.

For many child sex abuse cases, you will be unable to get a "public" version of the report. This is also the case for some family violence cases, particularly when the investigation is still open. If your client is working with CPS or with a victim advocate, ask them to ask their caseworker or advocate if they can help them get a copy of the report.

If it turns out that your client did not report the crime to the police, it may not be too late. Encourage them to report now. If your client is a victim of domestic violence or sexual assault, the local women's shelter may be a good resource for delayed reporting. Many women's shelters have caseworkers that can assist victims to report, and many shelters also have relationships with law enforcement agencies.

If it turns out that your client did not fully cooperate with the police or the District Attorney's office, it may not be too late. Encourage them to get in touch with the police or the DA's office

now. Many law enforcement agencies have victim-witness advocates on staff who can be particularly helpful in situations like this.

Some law enforcement agencies have deadlines to request a U visa certification form. Make sure that you are aware of deadlines when requesting certifications and advising clients or potential clients of their options.

Here are some of the deadlines from the greater Houston area:

Houston Police Department:

The deadline is different for each crime:

Assault on a family member (domestic violence) – misdemeanor: 2 years

Aggravated assault - felony: 3 years

Aggravated robbery - felony: 5 years

Extortion: 5 years

Kidnapping: 5 years

Manslaughter/murder: no deadline

Obstruction of justice/hindering prosecution: 3 years

Perjury: 2 years

Prostitution/compelling prostitution: 10 years

Sexual assault: 10 years

Sexual abuse of a child: no deadline

Tampering with witness: 3 years

Trafficking of persons: 10 years

Unlawful restraint: 3 years

Harris County Sheriff's Office:

They do not have a deadline but they will not sign a certification form if the case has gone to the Harris County District Attorney's office.

Harris County District Attorney's Office:

The case must be active/pending in court, or if it is closed, the deadline is within five years of when the crime occurred.

Law enforcement agencies surrounding Harris County:

Many of the District Attorney's Offices of surrounding counties *will certify*, and do not have set deadlines (i.e. Galveston County, Montgomery County, Fort Bend County, Brazoria County).

Many of the local police departments or sheriff's offices in these counties *will not certify* or do not certify very often. If your client has been the victim of a crime in a county outside of Harris County, their best chance at obtaining a certification form is by cooperating with law enforcement so that their perpetrator is arrested and charged by the District Attorney's Office.

Once you receive a signed U visa certification form, keep in mind that it is only valid for six months. Many law enforcement agencies *will not* sign a new certification form if you are unable to file the U visa petition before the certification expires.

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

Title search: Advanced Protecting Survivors of Crime from Removal

Also available as part of the eCourse

[2020 eConference on Immigration and Nationality Law](#)

First appeared as part of the conference materials for the 44th Annual Conference on Immigration and Nationality Law session "Advanced Protecting Survivors of Crime from Removal"