

MINNEAPOLIS POLICE DEPARTMENT

SPECIAL ORDER



BY ORDER OF THE CHIEF OF POLICE

DATE ISSUED: January 16, 2025	DATE EFFECTIVE: January 16, 2025	NUMBER: SO25-002	PAGE: 1 of 6
TO: Distribution "A"			RETENTION DATE: Until Rescinded
SUBJECT: Manual Revision – <u>9-400 Immigration Matters</u> <u>9-401 9-114 Police Authority in Immigration Matters</u> <u>9-402 MPD U Visa/T Visa Certification Policy</u>			APPROVED BY: <i>Chief O'Hara</i>

MP-8806

Introduction: A new chapter was added to incorporate policies specific to immigration status. P&P 9-114 Police Authority in Immigration Matters was moved into this chapter and updated for additional clarity. An appendix was added with examples of some identification cards members may encounter. And P&P 9-402 was added to incorporate the U and T Visa program.

Effective with the issuance of this Special Order, Chapter 9-400 of the MPD Policy and Procedure Manual shall be added as follows:

9-400 Immigration Matters

9-401 9-114 Police Authority in Immigration Matters
(05/29/02) (04/02/18) (01/16/25)

I. Purpose

The Minneapolis Police Department (MPD) is committed to fostering trust and collaboration with all people in the city, regardless of race, religion, sexual orientation, national origin, ethnicity, or immigration status. Minneapolis is home to a diverse and vibrant community, and the Department values and celebrates this diversity as a source of strength.

The MPD ensures that immigration status will never impede access to law enforcement services and is dedicated to providing equitable, bias-free service to all members of the community. Protecting the safety and civil rights of every community member remains the core mission of the MPD.

II. Procedures

- A. The MPD recognizes the fear of deportation prevents some undocumented community members from reporting, interacting, and cooperating with law enforcement. The MPD is dedicated to community policing as a means of reducing crime while building community trust. Therefore, the MPD shall investigate criminal activity without regard to a person's actual or perceived immigration status. Doing otherwise would have a chilling effect on our ability to provide public safety to our community.
- B. ~~B.~~ The MPD works cooperatively with all federal agencies, but the MPD does not operate its programs for the purpose of enforcing federal immigration laws.

1. The enforcement of civil and criminal federal immigration laws falls exclusively within the authority of the federal government and not the MPD. ~~A.~~ The United States Code, 8 U.S.C. §1101, empowers the U.S. Citizenship and Immigration Services (USCIS) and Immigration and Customs Enforcement (ICE), Department of Homeland Security, as the sole authority in immigration matters.

~~In addition, City of Minneapolis Ordinance §19.30 prohibits undertaking "any law enforcement action for the purpose of detecting the presence of undocumented persons, or to verify immigration status," except for a narrow exception for enforcing criminal laws such as relating to human trafficking and smuggling where immigration status is an element of the crime.~~

- C. ~~C.~~ Officers ~~Members~~ shall not undertake any law enforcement ~~initiate~~ actions for the purpose of detecting the presence of undocumented persons, or to determine, verify or detect a person's immigration status, including but not limited to questioning any person about their immigration status, subject to the narrow exception stated below. (City of Minneapolis Ordinance §19.30 (a)(3))

1. Members shall only initiate the actions above when specifically enforcing laws relating to human trafficking and smuggling where immigration status is an element of the crime.

~~1. The **only exception** to this prohibition is when immigration status is an element of a crime. This is a very limited exception and applies only to the types of federal crimes prohibited under 8 U.S.C. §1324, that relate to the crimes of human trafficking and smuggling.~~

- a. ~~2.~~ When questioning, arresting, or detaining any person under this exception, the ~~officer~~ member shall ~~must~~ articulate and document the reason the member ~~officer~~ believes the exception applies.

2. Nothing in this policy shall prohibit members from assisting federal law enforcement officers in the investigation of criminal activity involving people present in the United States who may also be in violation of federal civil immigration laws in accordance with City of Minneapolis Ordinance §19.30 (a)(4).

- D. Identification card of foreign nations may include, but are not limited to:

- Foreign government-issued identification cards, such as passports.
- Consular identification cards.

9-402 **MPD U Visa/T Visa Certification Policy**
(01/16/25)

I. Purpose

The Minneapolis Police Department (MPD) is committed to ensuring the safety, dignity, and rights of all people, including undocumented victims of crime who may be eligible for U or T Visas. The Department recognizes the unique challenges faced by victims of serious crimes and human trafficking and values its role in fostering trust and providing pathways to justice and healing.

The MPD is dedicated to supporting potential U and T Visa recipients by facilitating access to necessary certifications for U and T Visa applications, as required by law. This commitment underscores the Department's mission to serve all people of the community equitably, protect vulnerable populations, and build a city where trust and collaboration thrive.

II. Procedures

Under federal law, victims and witnesses of certain qualifying crimes may be eligible to obtain temporary immigration status through a U Visa or T Visa as authorized by the U.S. Citizenship and Immigration Services (USCIS) (see 8 U.S.C. § 1101(a)(15)(U), 8 U.S.C. § 1101(a)(15)(T)).

A. Requests for Certification

1. If a victim or witness requests certification for a U Visa or T Visa, the MPD Chief or the Chief's designee may assist by completing the appropriate Department of Homeland Security (DHS) forms:
 - **Supplement B for Form I-918** (U Visa certification)
 - **Supplement B for Form I-914** (T Visa certification)
2. The certification must include details explaining how the person has been, is being, or is likely to be helpful in the investigation or prosecution of a qualifying crime.
3. All requests for certification shall be directed to the U Visa unit for reviewing and processing such requests.

B. Certification Process

1. All requests for U or T Visa certifications will be evaluated on a case-by-case basis and processed solely by the Chief or the Chief's designee.
2. The amount of time that has elapsed since the crime occurred may impact the evaluation. Victims are encouraged to provide detailed information, evidence, and explanations regarding their cooperation and any delays in submitting the certification request.
3. The certification process must include verification of the following for both U and T Visas:

- a. The person is a victim of a qualifying crime or a derivative applicant (i.e., family member of the victim under federal law).
- b. The crime occurred in the United States or violated U.S. extraterritorial law.
- c. The victim has been, is being, or is likely to be helpful in the investigation or prosecution of the crime.

C. Specific Requirements for U Visa Certification

(See Form I-918, Supplement B)

To certify a U Visa application, the Chief's Designee must verify that:

1. The undocumented person was a victim of a qualifying criminal activity (e.g., domestic violence, sexual assault, human trafficking, extortion, or similar crimes).
2. The person has knowledge about the crime and has been or is being helpful to law enforcement in the investigation or prosecution.
3. MPD has determined the victim's helpfulness by reviewing evidence of cooperation, even if the investigation or prosecution was not completed.

D. Specific Requirements for T Visa Certification

(Form I-914, Supplement B)

To certify a T Visa application, the Chief's Designee must verify that:

1. The undocumented person was a victim of a severe form of human trafficking (e.g., labor or sex trafficking).
2. Derivative applicants may include the victim's spouse, children, parents, or unmarried siblings under specific age and relationship criteria outlined by federal law.
3. The victim must demonstrate cooperation with law enforcement efforts to investigate or prosecute the trafficking case.

E. Timelines and Documentation

1. Certification requests shall be completed within 30 business days of receipt.
 - a. For applicants in immediate removal proceedings, certifications shall be completed within 5 business days of receipt.
 - b. Exceptions may apply during states of emergency or other extraordinary events impacting MPD operations.
2. Completed certifications will be returned to the victim or their representative. The Chief's designee shall not send the certification directly to DHS; this is the responsibility of the victim or their representative.

3. In cases where certification is denied, the Chief's designee shall document the decision in the case file and notify the victim or their representative of the decision.
4. All approvals and denials of certifications shall be tracked in an internal log maintained by the U Visa unit.