**The Coalition’s Public Comment on CPD’s T and U Visa Nonimmigrant Status Certification (Special Order S02-6)**

The Chicago Police Department (CPD) can certify whether an undocumented immigrant is a crime victim cooperating with law enforcement for the immigrant’s application for legal status (T and U visas). For the last two years, new reports have revealed that CPD denied certification requests at higher rates than police in Los Angeles and New York, cities with similar immigrant populations. These reports indicated that two sergeants with a known history of serious misconduct, including fatal shootings, denied most of these certification requests even when applicants met the requirements. While CPD’s revised policy now adopts the Coalition’s recommendation to follow the Illinois Voices of Immigrant Communities Survivors Act, 5 ILCS 825/10(d), including the rebuttable presumption that the victim was, is or is likely to be cooperative with law enforcement, the policy needs further revisions to address systemic problems.

* CPD must prohibit officers and supervisors with known histories of serious misconduct, including excessive use of force, the authority to work on or decide issues that impact community members’ lives, including T and U visa certification requests.
* Before finalizing its policy on certifications for T and U visas, CPD must engage and listen to community, immigrant, and worker’s rights groups and advocates, and apply their recommendations to the policy.
* CPD’s policy must require certifying officials to take a trauma-informed approach when assessing the nature of the applicant’s cooperation with law enforcement (*See* Section V.C.2). The policy must acknowledge that undocumented immigrants who are crime victims often distrust law enforcement and fear arrest and deportation for themselves and their families. They may also be homeless and need medical care and significant social and psychological support.
* CPD’s policy must acknowledge that several City of Chicago departments and agencies *other than CPD* can also provide certifications for T and U visas. These include the Office of Labor Standards, the Chicago Housing Authority, and the Chicago Commission on Human Rights.
* CPD’s policy designates a supervisor in the Vice Section, Bureau of Counterterrorism, as the certifying official for T visas. Certifying officials should include other divisions of CPD and other City departments or agencies because not all trafficking involves sex trafficking.
* The policy’s discussion of qualifying crimes for U visas has only two examples of violent crimes (felonious assault and rape), even though federal law lists 23 other qualifying crimes and allows for equivalent crimes under state or local law, including nonviolent crimes like forced labor. The policy should include an example of a nonviolent crime to demonstrate this point.
* CPD’s policy must specify how CPD will request extensions of time for certifications and how it will obtain any written agreement for those extensions.
* While CPD’s policy now specifies that the Legal Affairs Division will accept appeals and must respond within 20 business days, the policy must state that a person or their representative can submit a written argument and documents to support their appeal.