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## Seeking Sanctuary: An Analysis of U Visa Policies in Omaha, Nebraska and Their Impact on Immigrant Communities

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**Seeking Sanctuary: An Analysis of U Visa Policies in Omaha, Nebraska and Their Impact  
on Immigrant Communities**

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HONR 4980-099: Senior Honors Thesis

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### **Abstract**

Since 2000, immigrants have been eligible for U visa status if they are a victim of a particular crime and assist law enforcement in criminal investigations. However, challenges arise for numerous reasons with the I-918 Supplement B form, which must be signed by an agency certifier within law enforcement or an attorney's office. This study examines the policies of six law enforcement agencies and attorney's offices in the Omaha Metro Area through semi-structured interviews to understand their approach to U visas and the characteristics of successful applications. The study aims to uncover variations in agency procedures and understandings and the impact of certifying Form I-918 Supplement B has on immigrant populations in their jurisdictions. Analysis of qualitative and quantitative data collected elucidated the complexities of U visa certification processes and the reliance on the criminal justice system in certain immigration cases.

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## Introduction

Omaha, Nebraska is home to vibrant immigrant communities that bring new ideas, foods, and ways of life. In their ways of life, they harbor their knowledge and experiences with immigration and law enforcement. While some of these experiences are positive, many immigrants come from countries with poor support from their law enforcement and government. The negative experiences can influence their perceptions of the law enforcement officers they encounter in their new communities. Recognizing these perceptions, the United States of America (U.S.) started conversations regarding possible safeguards for these populations in various legislative bodies. Accordingly, Congress passed the Victims of Trafficking and Violence Protection Act (2000) to target various observed barriers. They found that immigration laws often acted as barriers that kept abused immigrant women in relationships, and these women feared retaliation from the partners that sponsored their immigration application and the threat of deportation.

With an emphasis on supporting battered immigrant women, Congress created the Battered Immigrant Women Protection Act (2000), which was meant to serve two main purposes. The first aspect of the legislation is focused on removing obstacles in the criminal prosecution of individuals who have committed severe acts of aggression against immigrant women and children; secondly, the legislation provides an additional layer of protection for victims of domestic violence within relationships that are subject to protection orders and legal statutes. In particular, Section 1513, Protection for Certain Crime Victims Including Victims of Crimes Against Women (2000), was created within the lens of criminal justice. As substantiated by Congress, immigrant women and children are often targets of crimes, but they continually struggle to report these crimes or participate in the investigation or prosecution. To mitigate these

struggles, Congress aimed to strengthen the capability of law enforcement agencies to “detect, investigate, and prosecute cases” (Battered Immigrant Women Protection Act, 2000). According to U.S. Citizenship and Immigration Services (U.S.C.I.S.) (n.d.), victims of thirty-one specified crimes including domestic violence, sexual assault, and trafficking occurring in U.S. territories, military installations, reservations, or other possessions can seek special immigration status through a U visa if they have endured significant physical or mental abuse and are deemed 'helpful' as seen in Figure 1. U.S.C.I.S. can use this visa application process to grant legal status to qualifying individuals.

### Part 3. Criminal Acts

If you need extra space to complete this section, use the space provided in **Part 7. Additional Information**.

1. The petitioner is a victim of criminal activity involving a violation of one of the following Federal, state, or local criminal offenses (or any similar activity). (Select **all applicable** boxes)

- |   |   |
|---|---|
| <input type="checkbox"/> Abduction                                    | <input type="checkbox"/> Manslaughter                                   |
| <input type="checkbox"/> Abusive Sexual Contact                       | <input type="checkbox"/> Murder   |
| <input type="checkbox"/> Attempt to Commit Any of the Named Crimes    | <input type="checkbox"/> Obstruction of Justice                         |
| <input type="checkbox"/> Being Held Hostage                           | <input type="checkbox"/> Peonage  |
| <input type="checkbox"/> Blackmail                                    | <input type="checkbox"/> Perjury  |
| <input type="checkbox"/> Conspiracy to Commit Any of the Named Crimes | <input type="checkbox"/> Prostitution                                   |
| <input type="checkbox"/> Domestic Violence                            | <input type="checkbox"/> Rape   |
| <input type="checkbox"/> Extortion                                    | <input type="checkbox"/> Sexual Assault                                 |
| <input type="checkbox"/> False Imprisonment                           | <input type="checkbox"/> Sexual Exploitation                            |
| <input type="checkbox"/> Felonious Assault                            | <input type="checkbox"/> Slave Trade                                    |
| <input type="checkbox"/> Female Genital Mutilation                    | <input type="checkbox"/> Solicitation to Commit Any of the Named Crimes |
| <input type="checkbox"/> Fraud in Foreign Labor Contracting           | <input type="checkbox"/> Stalking                                       |
| <input type="checkbox"/> Incest                                       | <input type="checkbox"/> Torture  |
| <input type="checkbox"/> Involuntary Servitude                        | <input type="checkbox"/> Trafficking                                    |
| <input type="checkbox"/> Kidnapping                                   | <input type="checkbox"/> Unlawful Criminal Restraint                    |
|   | <input type="checkbox"/> Witness Tampering                              |

### Part 4. Helpfulness Of The Victim

For the following questions, if the victim is under 16 years of age, incompetent or incapacitated, then a parent, guardian, or next friend may act on behalf of the victim.

1. Does the victim possess information concerning the criminal activity listed in **Part 3**?  Yes  No
2. Has the victim been helpful, is the victim being helpful, or is the victim likely to be helpful in the investigation or prosecution of the criminal activity detailed above?  Yes  No
3. Since the initiation of cooperation, has the victim refused or failed to provide assistance reasonably requested in the investigation or prosecution of the criminal activity detailed above?  Yes  No

If you answer "Yes" to **Item Numbers 1. - 3.**, provide an explanation in the space below. If you need extra space to complete this section, use the space provided in **Part 7. Additional Information**.

**Figure 1.** Screenshots of Part 3 and Part 4 of Form I-918 Supplement B. Part 3 and Part 4 of Form I-918 Supplement B detail all qualifying crimes and provide details or requirements about the helpfulness of a victim.

The application is known formally as Form I-918. The form asks for personal information, family information, and processing information. In addition to the standard petition, there are two supplemental forms, Supplement A Petition for Qualifying Family Member of U01 Recipient and Supplement B U Nonimmigrant Status Certification, that can or should be filed. During the process, victims often struggle with Form I-918, Supplement B, which an official from a certifying agency (law enforcement agency, prosecutorial office, judgeship) must sign as seen in Figure 2. This official is called a certifier, who is the head or director of the agency (U.S.C.I.S., n.d.). However, a certifier may also be an individual with a relevant position within an agency who has been assigned this task as told by U.S.C.I.S. (2022). In particular, larger law enforcement agencies will have several officers who can sign off on Form I-918, Supplement B, such as the chief, deputy chief, and supervisory officers. This requirement is often difficult and strenuous for the certifiers, applicants, and assisting attorneys for varying reasons. Provide Duties Regarding Immigration Forms Relating to Victims of Certain Crimes (2000) by the Nebraska Unicameral further details that Nebraska certifiers have 90 business days to provide a signature or reject an application, and if a certifier wishes to reject the application, they must provide a reason when they do. For certifiers, personal bias, job requirements, and time limitations interrupt and distract from the Supplement B form, but for applicants and attorneys, identifying the certifier, preparing the documents, and arguing their case requires hours of time and dedication. With each of the influences, one can begin to wonder about the impact of the policies on law enforcement agencies, prosecutorial offices, and applicants.

<b>Part 6. Certification</b>	
<p>I am the head of the agency listed in <b>Part 2</b>, or I am the person in the agency who was specifically designated by the head of the agency to issue a U Nonimmigrant Status Certification on behalf of the agency. Based upon investigation of the facts, I certify, under penalty of perjury, that the individual identified in <b>Part 1</b> is or was a victim of one or more of the crimes listed in <b>Part 3</b>. I certify that the above information is complete, true, and correct to the best of my knowledge, and that I have made and will make no promises regarding the above victim's ability to obtain a visa from U.S. Citizenship and Immigration Services (USCIS), based upon this certification. I further certify that if the victim unreasonably refuses to assist in the investigation or prosecution of the qualifying criminal activity of which he or she is a victim, I will notify USCIS.</p>	
1. Signature of Certifying Official (sign in ink)	<input type="text"/>
2. Date of Signature (mm/dd/yyyy)	<input type="text"/>

**Figure 2.** Screenshot of Part 6 of Form I-918 Supplement B. Part 6 of Form I-918 Supplement B requires the signature of the certifying official.

Accordingly, this study seeks to analyze the attitudes of various law enforcement agencies and attorney's offices in the Omaha Metro area through semi-structured interviews. Additionally, this study intends to ascertain the characteristics or advantageous aspects of an approved I-918, Supplement B Form.

### Literature Review

Since its inception, the U visa has become an essential tool in addressing the intersection of immigration and criminal justice, providing a pathway to lawful status for individuals who have endured exploitation and abuse. However, research on the national implementation of U visas has found that law enforcement struggles with embracing the U visa as a tool and using it efficiently. Comparatively, a study by Rajaram et al. (2015) found that the immigrant community in Omaha also struggles to find a balance between the benefits and challenges of the U visa. Still, the author could only find one research article about U visas, their implementation, and their



impact on the Omaha Metro Area. Some suspect that the continual difficulties with U visas come from racist and/or classist biases and policies that persist within both the immigration system and law enforcement practices.

### **Immigration History**

To understand the immigrant distrust of the U.S. immigration system, one must understand the history of U.S. immigration. In 1889, the Supreme Court rejected constitutional challenges to various discriminatory laws and articulated that Congress holds plenary power or absolute authority that the courts can not touch, according to Johnson (2022) and Johnson (2008). Throughout the years, the courts have continued to apply this decision to various cases. This power gives Congress the ability to enact politically charged immigration laws that could be blinded by racist sentiment. In 2009, Dobkin highlighted that these laws employ quotas, visa limitations, and naturalization pathways that disproportionately affect different ethnic groups. Additionally, measures such as the economic eligibility criteria have particularly impacted impoverished and working immigrants of color, as noted by Johnson (2008). Furthermore, Congress and the courts have continued to perpetuate limited constitutional protections through the twentieth century. Before the twentieth century, there were no due process rights, but now, these rights are recognized in a lax or dismissive way in the “interest of national security” (Dobkin, 2009). Behind these laws and politically charged agendas, the intersection of race and class influences the U.S.’s decisions about immigration at every level.

The immigrant community, particularly the undocumented segment, largely comprises individuals from low-income backgrounds. Historical restrictions on certain racial minorities entering the US persist, perpetuated by popular culture's derogatory terminology like "aliens" or "illegal immigrants" (Johnson, 2008). The media and legislative bodies continue to use

stereotypes portraying immigrants as societal burdens to rationalize harsh legal treatment and aggressive enforcement measures. Concerns over immigrants becoming public charges underscore socioeconomic class as a determinant of lawful migration (Johnson, 2008). Legislation aimed at controlling immigration often intersects with anti-Mexican sentiment and exacerbates racial and class disparities. For example, per-country immigration quotas disproportionately affect people of color from developing nations, contributing to long wait times and racial inequities (Johnson, 2008). Enforcement measures have also led to an increased presence with the use of higher levels of force, and this presence has fueled human trafficking, one of the target crimes of the U visa.

Racism and prejudice are not unique to the immigration system and have been a growing topic in the criminal justice system for years. Du (2021) maintains that despite recent media coverage, training, and more, racial bias still exists in the criminal justice system. In fact, in recent years, implicit and/or racial bias has been found to have more disparaging impacts than explicit bias. While it may be encouraging to know that explicit bias has been diminished, implicit bias can be found within even the most well-intended law enforcement officers (Du, 2021). In police departments, differences can be seen in search practices, decisions to arrest, and the level of force, and differences in prosecutorial decisions are found in filing charges, the type of charge, and the negotiation of plea deals. If implicit bias influences these opportunities for discretion, it makes one wonder if it influences the discretion to certify U visas as well. University of North Carolina School of Law (2013) states that law enforcement agencies should “exercise proper discretion”, yet when these agencies misuse their discretion in rejecting I-918 Supplement B certifications, they are replacing U.S.C.I.S.’ authority with their own, which is not the intention of the form.

## **National Impact**

In 2020, U.S.C.I.S. released national trends relating to the implementation and use of U visas. They found that police certified 65% and prosecutorial/judicial offices certified 32% of all I-918 Supplement B forms. In a more in-depth breakdown, U.S.C.I.S. (2020) reported that local agencies certified a majority of the forms, and the most common certified crimes were felonious assault, domestic violence, and sexual assault. This emphasizes the importance of U visas as a community tool to protect these at-risk populations.

Various police departments nationwide have found different methods for implementing U visa policies and programs to help serve and protect their immigrant communities. An article by the Police Executive Research Forum (PERF) (2017) highlights four departments in particular that have unique methods to further their relationships with the community. First, in Tucson, the police department has multiple layers of review for the certification process. This approach appears to mitigate individual officer's biases and provides an effective review process. Second, the Charlotte-Mecklenburg Police Department has an officer go on a Spanish-speaking radio program to discuss the U visa and its benefits (PERF, 2017). These talks provide a connection with the immigrant communities and help establish a familiar name that can build trust with the community. Third, in Dayton, the police department partners with nonprofit organizations to advocate for U visa use and more (PERF, 2017). Similar to the Charlotte-Mecklenburg Police Department, the partnership establishes a visible connection with the immigrant community as a community policing tool. Lastly, the New York City Police Department has a formal appellate review process for rejected I-918 Supplement B forms (PERF, 2017). This ensures transparency and consistency within the process and allows for trust to be built between the groups. These

police departments demonstrate the positive impacts that U visas can have on immigrant communities and police departments.

Other positive impacts have been seen across the nation. Ivie and Nanasi (2011) reported that U visas create better relationships by building trust and establishing benefits for both sides of the relationship. Building these relationships is essential for promoting public safety and increasing offender accountability. By fostering trust and open communication, immigrant communities are more likely to report crimes and cooperate with law enforcement, leading to a decline in recidivism rates (Ivie and Nanasi, 2011). Implementing community policing strategies that empower individuals to be active participants in crime prevention can strengthen these relationships, according to the VERA Institute of Justice (VERA) (2011). When immigrants feel supported and valued within their communities, they are more likely to engage in proactive measures to address issues such as crime and safety concerns. This inclusive approach creates a sense of belonging and cohesion within diverse communities, ultimately leading to a safer and more cohesive society overall.

While several cities and municipalities have had positive outcomes and experiences, some have found difficulties interacting with U visa policies. A lack of protocols and policies coupled with a fear of negative impact on their agencies contributes significantly to the challenges faced by law enforcement in effectively addressing issues within immigrant communities (VERA, 2011). Without clear guidelines and procedures in place, officers may struggle to navigate complex situations, leading to misunderstandings and ineffective responses. Moreover, the apprehension of potential backlash or criticism can deter officers from taking proactive measures to engage with immigrant populations (VERA, 2011). Insufficient

information and training further exacerbate these challenges, leaving officers ill-equipped to understand the unique needs and concerns of immigrant communities.

While law enforcement struggles with the implementation of the U visa, numerous immigrants nationwide struggle to navigate a new area without support. Daftary (2018) delved into the nuanced experiences of Latinos with mixed-citizenship status and authorized immigrant families, employing a critical race theory framework. Participants articulated the privileges associated with authorized immigrant status and U.S. citizenship, both tangible and intangible. These privileges encompassed enhanced protections against deportation and family separation, access to educational and occupational opportunities, and the legal right to drive (Daftary, 2018). Moreover, participants highlighted the emotional aspects of privilege, feeling accepted and protected, and experiencing diminished levels of concern regarding issues such as employment, driving, encounters with immigration authorities, law enforcement, criminalization, and racial implications. Their narratives shed light on how race, ethnicity, skin phenotype, presumed racial or ethnic identification, and country of origin intersect to shape their lived experiences.

The inconsistent implementation of policies regarding U visas has created unpredictable and varying responses for the immigrant community. Providing educational opportunities and clear protocols and guidelines could help build stronger bridges with immigrant communities, and these established bridges emphasize cultural competency and community-oriented policy strategies. Ultimately, U visas provide a chance to create a safer and more resilient society for all residents.

### **Impact on the Omaha Area**

According to the 2020 U.S. Census, more than 140,000 people in Nebraska are foreign-born. With a total population of about two million, this means that about 7% of Nebraska's

population is from abroad. Although this is a small percentage, this is an entire group that is unfamiliar and disconnected from the cultural and societal formalities. Thus, this underserved population must be aware and knowledgeable about the available resources and programs for them, like the U visa. As previously mentioned, the author could only find one research article about U visas and their impact on the immigrant community in the Omaha Metro area. In 2015, Rajaram et al. published a study focusing on the U visa experiences of Latinas and detailed the benefits and challenges found by the community.

The U visa offers a myriad of benefits that extend beyond legal status, significantly impacting the lives of immigrants. Firstly, it fosters improved mental health by alleviating the stress and anxiety associated with living in the shadows of undocumented status (Rajaram et al., 2015). Moreover, receiving protection under the U visa instills a renewed sense of confidence and self-esteem, empowering individuals to fully engage in their communities and pursue their aspirations. With legal protections in place, immigrants are less susceptible to exploitation and abuse, leading to safer living and working conditions (Rajaram et al., 2015). Economically, the U visa provides stability and opportunities for economic well-being, enabling recipients to contribute positively to society through employment and entrepreneurship. Furthermore, the U visa instills hope for a brighter future, inspiring individuals to strive for their goals despite past hardships (Rajaram et al., 2015). Ultimately, the benefits of the U visa extend beyond individual recipients, contributing to the overall welfare and cohesion of communities by fostering trust, inclusion, and shared prosperity.

The U visa, while offering invaluable protections, also presents numerous challenges for recipients navigating the complexities of immigration status. One of the foremost challenges is uncertainty, as the application process can be lengthy and unpredictable, leaving individuals in

limbo regarding their legal status (Rajaram et al., 2015). Economic hardships often accompany this uncertainty, as many U visa applicants face financial struggles due to limited employment opportunities and the inability to access public benefits without legal status. Moreover, the new identity conferred by the U visa may confuse and carry a possible stigma as they do not wish to discuss their immigrant status, but without disclosure of immigrant status, immigrants are often unable to access support services and legal assistance (Rajaram et al., 2015). For example, emotional support and counseling are crucial yet often insufficient resources for U visa recipients navigating the complex immigration system (Rajaram et al., 2015). Another example is the travel restrictions imposed by the U visa status that hinder an individual's ability to connect with family, friends, and more in the homeland. These challenges faced during the waiting period after the application are just part of the long process. Rajaram et al. (2015) also emphasized that service providers like the Immigrant Legal Center or the Women's Center for Advancement had varying experiences when working with law enforcement. In some cases, law enforcement's response was adequate and professional, yet in other instances, there were delays and rejections without any explanation. This inconsistency in the Omaha Metro area is similar to that found at the national level.

In conclusion, the U visa serves as a crucial instrument in addressing the complex intersection of immigration and criminal justice, providing a pathway to lawful status for individuals who have endured heinous acts. However, challenges persist in its implementation, both nationally and within specific communities like the Omaha Metro area. While research indicates positive outcomes, such as improved mental health, renewed confidence, and economic stability for U visa recipients, significant hurdles remain, including uncertainty, economic hardships, and difficulties accessing support services and legal assistance. These challenges

underscore the need for comprehensive policy reforms and enhanced community partnerships to ensure that the benefits of the U visa are equitably realized by all eligible individuals.

Furthermore, it emphasizes the importance of continued research and study to create meaningful impact between these groups.

## **Methodology**

### **Sample**

The Omaha Metro area covers ten jurisdictions of local and county agencies that have different procedures and internal values including the Omaha Police Department, Bellevue Police Department, La Vista Police Department, Papillion Police Department, Ralston Police Department, Douglas County Sheriff's Office (DCSO), Sarpy County Sheriff's Office (SCSO), Sarpy County Attorney's Office (SCAO), Douglas County Attorney's Office, and Omaha City Attorney's Office. Thus, different types of agencies must be represented within the sample. Given the geographic and time limitations, the study examined six law enforcement agencies and/or attorney's offices. In addition to the interviews with the agencies, interviews with two local immigration attorneys and a U.S.C.I.S. representative have been conducted to provide their perspectives on the application process.

The agencies and attorneys have been chosen using purposive sampling to achieve maximum variation within a particular level of knowledge. With purposive sampling, the Omaha Police Department (OPD), Bellevue Police Department (BPD), Ralston Police Department (RPD), DCSO, SCSO, and SCAO have been selected. Papillion Police Department was originally selected, but the agency declined to participate. More local agencies were selected given that they make up half of the population, and more agencies were selected from Douglas County given their higher immigrant population. The Immigrant Legal Center, a local non-



profit, and Blackford Law LLC, a private firm, have been selected as local immigration attorneys. The author was unable to successfully contact U.S.C.I.S. within the given time of the research study, and consequently, a U.S.C.I.S. representative did not participate.

### **Procedure**

Although there is existing literature and reports on attitudes toward U visas, there is little research that answers the questions posed by the author. To answer these questions, semi-structured interviews occurred with an agency's certifier and an attorney. There is a unique set of questions for the agencies and attorneys. This method was chosen for two primary reasons. First, each individual is asked the same set of questions adding to the reliability of the research conducted. Second, this method allows for further explanation during an interview as immigration and criminal cases are not straightforward. This assists with the variation found between situations and the law enforcement agencies and attorney's offices.

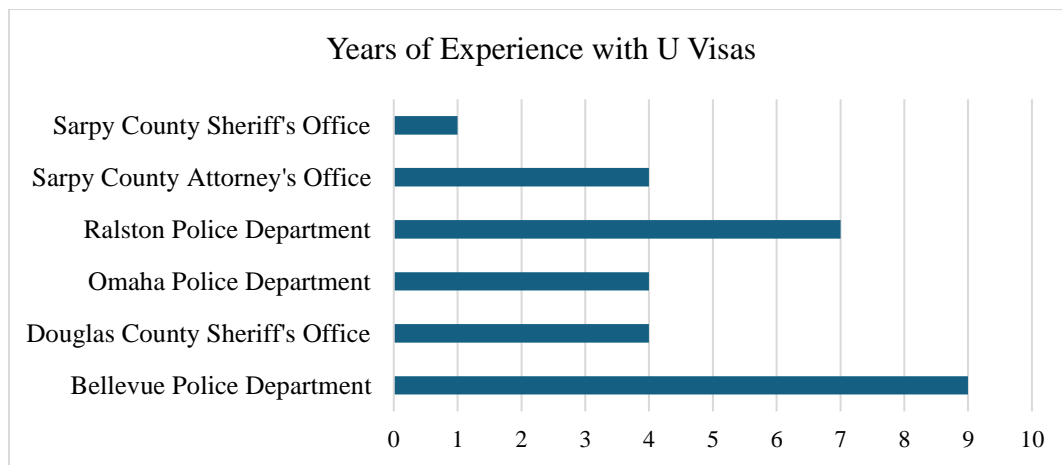
With approval, all interviews will be recorded to preserve the information shared. However, all individuals will be kept confidential during the final report, and this is done with the hope that more individuals will feel comfortable sharing information with the author. Each individual will be represented by the name of their agency and organization as described above in the Sample section. The audio of these interviews has been transcribed manually to be analyzed for results.

Lastly, this method produced qualitative and quantitative data for evaluation. The qualitative data has been coded using thematic analysis and an inductive approach to the data. Thematic analysis is used to identify, analyze, and interpret patterns found in data from interviews by organizing the data to find reoccurring concepts. Thus, coding the data will allow for various themes within the data to be identified based on semantic meaning. Once themes are

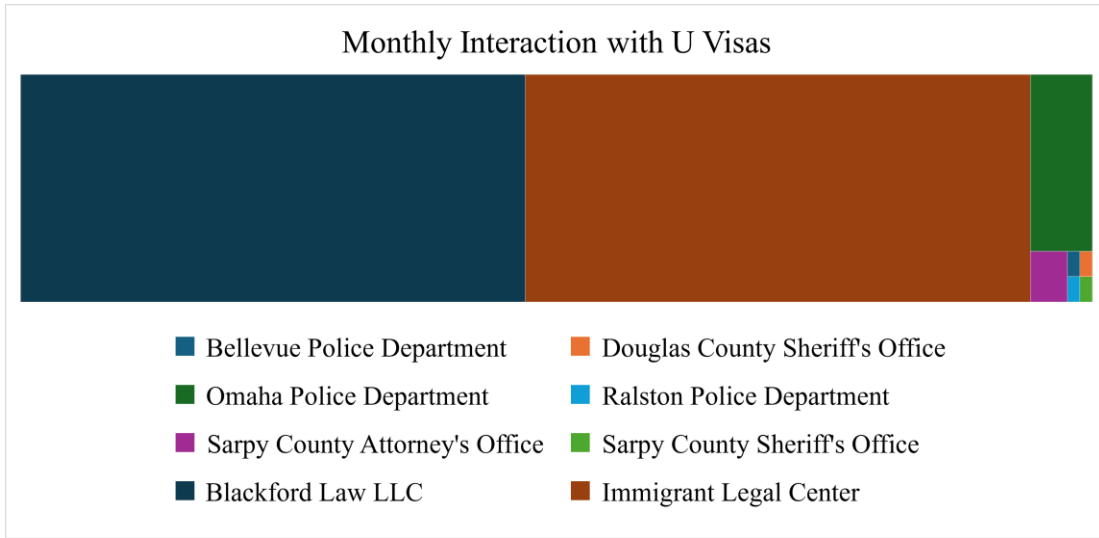
identified, they have been named and defined given their express purpose and meaning to this research study. These defined themes are presented within the Results section. The quantitative data from the interviews is related to years of experience and the number of U visas each year, so this data has been analyzed using descriptive statistics in data visualizers like graphs.

### Results

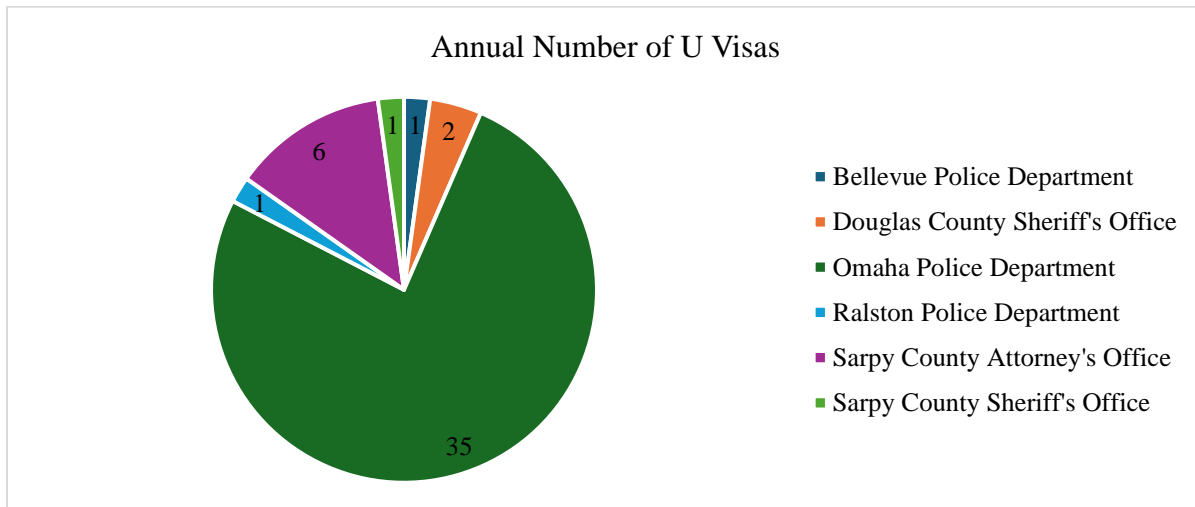
After all interviews were transcribed, three questions to the agencies and a question to the attorneys produced quantitative data, and all other questions produced qualitative data. The quantitative data was analyzed for variability in various graphs. In the six agencies, there was a noted difference in the experience each certifier had with U visas as demonstrated by Figure 3. With this experience came varying rates of interaction and overall number of U visas as seen in Figure 4 and Figure 5, which also included both attorneys.



**Figure 3.** *Years of Experience with U Visas.* This bar graph provides information about the number of years that the sampled agencies' certifiers have certified U visas.



**Figure 4.** *Monthly Interaction with U Visas.* This figure shows the variation in the number of U visas each sampled entity interacted with monthly.



**Figure 5.** *Annual Number of U Visas.* This figure details the number of U visa requests each sampled agency received yearly.

With the transcribed interviews, the qualitative data identified eight themes containing a range of topics. To begin, a pattern did appear in the education received by the agencies and the attorneys. Three agencies (BPD, OPD, and SCAO) were taught via succession training.

*Succession training* refers to the process of preparing individuals within an organization to take

on leadership roles as others retire, resign, or move on. Thus, this training relies on the knowledge of the previous incumbent. Four entities (Blackford Law LLC, Immigrant Legal Center, DCSO, and RPD) were taught by other individuals through training, either on the job or in formal workshops. Lastly, SCSO provided no educational opportunities for the role of certifier.

*Review, confirm, and sign.* These are the three main steps for three agencies including DCSO, RPD, and SCAO. The steps include looking over any information presented and included in the application, verifying it with their records, and signing it. BPD provides individualistic review instead, and SCSO reviews all applications but depends on SCAO for guidance and support. OPD has a complex method of certifying U visas that includes multiple individuals. As reported, the lieutenant of the unit relevant to the application is the first reviewer. They will review the application, provide a suggestion of whether to sign or not, and pass it to their captain. The captain will repeat these steps and pass their suggestion on to the chief. The chief will review the suggestions and make the final determination. In comparison, the attorneys take a different approach to prepare and submit these applications for certification. The attorneys include the police report, a cover letter, and contact information. The ILC provides more with a filled-out supplement B application for signature, a sample for reference, and the U visa resource guide.

“Helpful” as laid out by U.S.C.I.S. came to mean “cooperative” to all agencies to a varying degree. According to Britannica (2023), cooperative is defined as being willing to be helpful by doing what someone wants or asks for. However, in the context of criminal justice, *cooperative* refers to the participation in the focus of the agency (investigation, prosecution, or

sentencing) within the fullest extent of their capabilities. Some provided further elaboration meaning not to be roadblocked and being available to testify and more.

The success of an application means that it must *meet the criteria* outlined by the I-918 Supplement B application according to BPD, RPD, and SCAO. To meet the criteria, an application must have a qualifying crime, be “helpful”, and been in their jurisdiction. However, other agencies focused on what the applicant needs to provide to be successful in obtaining a certifier’s signature. DCSO and OPD ask for detailed information like reports and contacts, while SCSO asks for a standard arrest with probable cause under the qualifying crimes.

Out of the eight entities questioned, seven believed that their characteristics had an impact on the process of reviewing an application for signature, yet BPD believed that there was no impact. The characteristic that was most frequently mentioned was the *size* of the certifying agency. Size refers to the number of personnel employed within an agency given their jurisdiction. Some believed that with their smaller size came more personalized attention, and large agencies believed they offer more experience within the ranks and, thus, experience for the review of an application. SCSO instead focused on their geographical location and the isolation of their residents, and SCAO believed that their philosophy of doing justice impacts the process.

Not all applications for U visas are approved, so agencies have a method for rejecting these applications. *Rejection* is the practice of not approving nor signing the I-918 Supplement B application. Five agencies have direct responses to the applicants that include explanations. There are varying periods as to how long it takes for an agency to decide ranging from 30 days to the 90-day limit. SCSO has a different method as they rely on SCAO for the determination of rejection and the rejection letter.

All participants could agree that the U visa has an impact on the immigrant communities in their area or jurisdiction. However, most participants could only speculate as to the exact impact, and one participant did not wish to speculate. There were two common themes identified within the impact including social impacts and connectivity. *Social impacts* are those felt personally by the immigrants, and several were mentioned by the two attorneys. This included protection from the fear of deportation, security in their status, access to government benefits, and more. In comparison, *connectivity* is felt by both the immigrant community and others like the criminal justice system and the larger community. DSCO, OPD, SCAO, and SCSO mentioned the impact of increased reporting, cooperation with the criminal justice system, confidence in their interactions, and economic partnerships with the community. These impacts are generally positive for the community, but OPD reported concern over U visa fraud, which is the false filing of an application under the hopes of deceiving the agency for approval.

### **Discussion**

The preceding sections have delved into the intricacies of examining the attitudes of law enforcement agencies and attorney's offices, alongside an exploration of the features associated with an approved I-918 Supplement B form. With this examination and exploration, the results can be synthesized and contextualized within the broader landscape of criminal justice practices, and the implications for policy, practice, and future research will be elucidated. Thus, five key findings have provided crucial insights into the operations and intentions of the agencies within the Omaha Metro area.

The basis behind reviewing and approving Supplement B forms is a strong foundation of understanding brought by the provided education. PERF (2017) demonstrated the effects of varying educational levels among the certifiers, so more in-depth education allows for a better

understanding of the review process. As seen through the interviews, most education was informally done through succession training or on-the-job learning. Only one agency had reported a formal training event hosted by an outside entity. While succession training is common in the criminal justice field, it does leave something to be desired. To begin, immigration policy changes with each presidency and legislative change by Congress and state and local governments. It leaves into question whether each certifier is keeping track of these changes and passing them on during these transitional periods. Furthermore, succession training is open to bias when sharing information during training as the trainer passes down what they believe to be the most relevant information. This could accidentally or intentionally omit needed information for the review process. It is also open to bias in the sense that the trainer might have strong sentiments about immigrants or immigration that could sway their decision-making process when reviewing, and these practices may then be passed down. However, this is not to say that succession training does not provide some benefits. Like on-the-job training, the trainee may seek support from an experienced individual while reviewing the application. As told by RPD, this additional support is valuable in making the final determination.

PERF (2017) highlighted several examples of the application review process across the nation, and VERA (2011) emphasized that there is a range of enforced policies toward U visas as well. These findings are similar to those of this research study because the Omaha Metro area has a range of approaches to the review of a Supplement B application. The similarities between these approaches seem to be the individualistic review that is applied. From local to county agencies, most applications receive the individual attention of the certifier, who then takes their time and various steps in the review process. This attention is helpful in various ways for immigration attorneys and applicants as certifiers can reach out with questions to them or others

involved in the case. It can also guarantee the time taken on the application. However, there are downsides to not having a formalized review process. Each entity had a different manner of approach that could make it difficult for the applicant to correctly identify the certifier and, thus, submit the paperwork. It is also difficult to understand what would be beneficial to include in the application packet for the certifier if they are each looking for something different. For example, some applicants have the opportunity to submit to law enforcement, the attorney's office, and/or the judge, but they will each look for another requirement. Additionally, multiple agencies pointed out the effects that the size of their agency had on this process. While this is to be expected given PERF (2017), it is interesting to see it applied at a smaller level. As the largest agency, OPD has the most eyes on the application, and smaller agencies like BPD and RPD have a single set of eyes. This is not to say that the smaller agencies do not have the same care for these applications. Instead, smaller agencies have fewer resources and man-hours to dedicate to U visas alone.

“Helpful” is a word that many use daily, but if asked to define it, there would be variation, just like the variation within this study. U.S.C.I.S. (n.d.) does not define helpful for certifiers, but this study found that it came to mean cooperative. However, there was no other explanation or clarification besides “not to be roadblocked”, available, and, perhaps, to testify if required or asked. This open-ended definition has an advantage and a disadvantage. The advantage of this definition is that multiple things can be done during the investigation and prosecution that could be considered helpful. It could be considered easier to meet the requirement of “helpful” on the application. In comparison, the lack of a clear definition could make it hard for immigrants to navigate what should and could be done given the cultural and



language differences. There are some benefits to having a clarified definition available for immigrant communities.

Each agency was asked what made an application successful for signature. There was a standard answer of what U.S.C.I.S. asked for on the application, but this is to be expected. In comparison, DCSO and OPD asked for police reports, contact information, and more as provided by some attorneys like Blackford Law LLC and the ILC, and SCSO asked for probable cause for the arrest on qualifying crimes. These additional requests for information elucidate necessary additions or stipulations for applicants and their attorneys, and it can also make the review process faster and easier if these additions are clarified to the public.

### **Limitations**

While this study has provided valuable insights into U visas, it is important to acknowledge the limitations that may have influenced the interpretation and generalizability of the findings. This study was conducted within the specific context of the Omaha Metro area, which may limit the transferability of the findings to other geographical regions or jurisdictions. Cultural, institutional, and contextual factors unique to the study area may have influenced the attitudes and behaviors of participants in ways that are not applicable to other settings.

Certain methodological choices made during the course of the study could have impacted the validity and reliability of the findings. First, the use of semi-structured interviews as the primary data collection method may have introduced interviewer bias or led to variations in data quality across participants. Second, the absence of a control group or comparative analysis limits the ability to draw causal inferences or make direct comparisons between different groups or conditions. Third, the use of purposive sampling, while a common practice in qualitative research, introduces limitations regarding the representativeness and generalizability of the

findings. By deliberately selecting participants based on specific criteria such as their jurisdiction and type of agency, there is a risk of overlooking perspectives that fall outside of the chosen criteria. Consequently, the findings may not fully capture the diversity of attitudes and experiences within the target population. Furthermore, the small sample size inherent in purposive sampling limits the extent to which the findings can be extrapolated to broader populations or contexts.

### **Implications**

This study's findings offer valuable insights that can inform the decision-making processes within the criminal justice system, particularly concerning the treatment of immigrant populations. By elucidating the attitudes and perspectives of law enforcement agencies and prosecutorial offices in the Omaha Metro area, this research contributes to a deeper understanding of the complexities inherent in addressing the needs of immigrant victims of crime. Such insights can catalyze the development of more informed policies, procedures, and training programs aimed at fostering greater inclusivity, sensitivity, and effectiveness within law enforcement and prosecutorial practices.

The identification of characteristics and advantageous aspects associated with an approved I-918, Supplement B Form holds significant implications for immigrant populations, particularly those who are victims of crime. By highlighting the perceived benefits of this application from the perspective of the criminal justice system, this study underscores the importance of accessible and streamlined pathways to legal protection and support for immigrant victims as discussed by the ILC. Such insights can inform advocacy efforts aimed at enhancing access to humanitarian visas and other resources that promote the safety, well-being, and empowerment of immigrant communities affected by crime. Furthermore, the findings of this

study have broader implications for advancing equity and social justice within both the criminal justice system and immigrant communities. By shedding light on the attitudes, practices, and challenges faced by law enforcement and prosecutorial entities in their interactions with immigrant populations, this research underscores the need for systemic reforms that prioritize fairness, dignity, and human rights for all individuals, regardless of their immigration status. This could be started with easily assessable training or other educational opportunities for certifiers and patrol officers on U visas. It would be a way to connect with a vulnerable community within a jurisdiction.

Finally, this study underscores the importance of fostering collaboration and partnership between agencies, immigrant advocacy organizations, and community groups as mentioned by SCSO. By facilitating dialogue, mutual understanding, and shared objectives, this research paves the way for collaborative efforts aimed at enhancing support mechanisms, promoting cultural competency, and addressing systemic barriers that inhibit access to justice for immigrant populations affected by crime. Through sustained collaboration, these groups can work together to develop holistic and responsive solutions that uphold the principles of fairness and accountability within our criminal justice system.

### **Conclusion**

This study aimed to investigate the perspectives of various law enforcement agencies and attorney's offices in the Omaha Metro area regarding U visas through semi-structured interviews. It also sought to identify the beneficial aspects of an approved I-918, Supplement B Form. The findings reveal notable variations in the handling of U visas across the Omaha Metro area, lacking consistent policy support and legislative framework. However, despite this variability, the individualistic approach adopted by many agencies facilitated a thorough examination of

cases, offering additional expertise, and demonstrating a sincere effort to understand the impact on immigrant populations.

This research sheds light on the challenges and opportunities within the criminal justice system, particularly in establishing stronger connections with underserved immigrant communities. By fostering better rapport and understanding, there is a potential for increased reporting of crimes and reduced rates of recidivism, ultimately benefiting the entire Omaha Metro area. Future research endeavors should consider expanding beyond the Omaha Metro area to encompass other jurisdictions in Nebraska with significant immigrant populations. Additionally, further exploration into the perspectives of immigrants themselves could provide valuable insights into their experiences and needs within the criminal justice system. Such endeavors hold promise for advancing policies and practices that promote inclusivity, fairness, and community well-being.

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