



Oakland City Attorney's Office

OFFICE OF THE CLERK

2009 JAN 10 PM 5:59

# OAKLAND CITY COUNCIL

RESOLUTION NO. 81070 C.M.S.

**RESOLUTION DECLARING SUPPORT FOR (1) THE UNITED STATES U VISA PROGRAM, WHICH IS A TEMPORARY VISA THAT AUTHORIZES NON-UNITED STATES CITIZEN CRIME VICTIMS WHO ASSIST LAW ENFORCEMENT AGENCIES WITH CRIME INVESTIGATIONS TO REMAIN IN THIS COUNTRY UP TO FOUR YEARS, AND (2) SUPPORTING THE FEDERAL POLICY THAT AUTHORIZES THE U VISA FOR APPLICANTS WHO HAVE CONTRIBUTED TO THE PUBLIC SAFETY OF THIS CITY**

**WHEREAS**, in 2000, the United States Congress created the U Visa classification in the Victims of Trafficking and Violence Prevention Act (VTVPA), which allows foreign visitors and other non-U.S. residents who are victims of specified serious criminal activity (“foreign crime victims”), and who are needed to furnish information or evidence regarding that criminal activity to assist government officials in the investigation or prosecution of such activity, to legally remain in the United States for up to four years, with possible extensions, to legally work, and to apply for permanent residence; and

**WHEREAS**, Congress’ intent, in passing the VTVPA and creating the U Visa Program, was to strengthen the ability of local law enforcement agencies to detect, investigate, or prosecute serious crimes committed against non-U.S. residents by providing them with legal status in this country when they assist local law enforcement agencies; and

**WHEREAS**, it is also Congress’ intent, by creating the U Visa Program, to offer “protection to victims of . . . offenses in keeping with the humanitarian interests of the United States”; and

**WHEREAS**, since July 2007, the Oakland Police Department has received assistance from foreign crime victims in 17 serious criminal cases, for which the Department issued Certifications of Assistance, and expects to continue to receive future reports, evidence, and testimony about serious crimes committed against them; and

**WHEREAS**, approval of this resolution will have no fiscal impact on the Department, as the existing review and issuance of Certifications of Assistance submitted by U Visa applicants is a short process which takes only a few minutes to complete, and the Department currently processes a mere four to five a month; and

**WHEREAS**, the information and assistance about serious crimes provided to the Oakland Police Department by foreign crime victims directly improves the safety and overall quality of life of the residents of Oakland because it increases the information available for the investigation and prosecution of serious crimes, which benefits all the residents of Oakland; and

**WHEREAS**, the Oakland Immigrants Coalition (including the International Institute of the East Bay, Centro Legal de La Raza, the Black Alliance for Just Immigration, The Chief Justice Earl Warren Institute on Race, Ethnicity and Diversity, the Immigrants Legal Resource Center, the Law Center for Families, and the Asian Pacific Islanders Legal Outreach) has facilitated and continue to facilitate contact between foreign crime victims and the Oakland Police Department about serious crimes; and

**WHEREAS**, the relationship and cooperation between foreign crime victims, the Oakland Immigrants Coalition, and the Oakland Police Department has built bridges in the community, to the benefit of the City of Oakland's residents; and

**WHEREAS**, the Oakland City Council has previously passed Resolutions No. 63950 (July 8, 1986), 77431 (September 17, 2002), and 80584 (May 15, 2007) C.M.S. declaring Oakland as a City of Refuge from humanitarian abuses, recognizing the positive contributions of immigrants to the culture and economy of Oakland, and urging the Federal Government to adopt fair comprehensive and humane immigration reforms; and

**WHEREAS**, Oakland's participation in the U Visa Program may provide protection to victims of serious crimes specified in the VTVPA, namely - *rape, torture, trafficking, incest, domestic violence, sexual assaults, abusive sexual contact, prostitution, sexual exploitation, female genital mutilation, abduction, unlawful criminal restraint, false imprisonment, blackmail, extortion, manslaughter, murder, felonious assault, witness tampering, obstruction of justice, perjury or attempt, conspiracy, or solicitation to commit any of the above mentioned crimes*; and

**WHEREAS**, Oakland's participation in the U Visa Program is consistent with the City of Oakland's humanitarian values and policies, as stated in the City Council Resolutions recited above; now, therefore be it

**RESOLVED:** That the City Council of the City of Oakland declares its support for the U Visa Program as being consistent with the City's humanitarian values; and be it

**FURTHER RESOLVED:** That it is in the City of Oakland's public interest and benefit that U Visas are made available to foreign crime victims who have assisted or will assist the Oakland Police Department by reporting and/or furnishing evidence of serious crimes; and be it

**FURTHER RESOLVED:** That by this Resolution, the City of Oakland documents its support of the U Visa Program.

IN COUNCIL, OAKLAND, CALIFORNIA, **FEB 19 2008**, 20\_\_\_\_\_

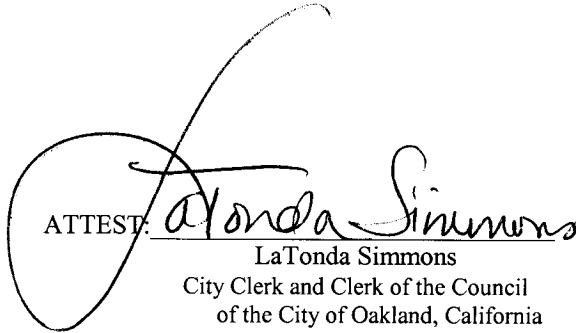
**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE **-8**

NOES- **0**

ABSENT- **0**

ABSTENTION- **0**

ATTEST:   
LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California