



Legislation Text

File #: Ord 18-21, **Version:** 2

Amending Chapter 44 of the Administrative Code on Employee Authority in Immigration Matters pertaining to law enforcement certifications for victims of crimes.

THE COUNCIL OF THE CITY OF SAINT PAUL DOES HEREBY ORDAIN:

SECTION 1

Section 44.06 of the Saint Paul Administrative Code is hereby amended to read as follows:

Section 44.06. ~~No intent to create private cause of action.~~ Certifications for Victims of Crimes.

~~Nothing in this chapter is intended to create a private cause of action for violations of this chapter.~~

(a) Definitions. For the purposes of this section, the following definitions shall apply:

(1) Certification request. A request made by a victim of crime, or the victim's attorney or other appropriate representative, to a city certifying agency for a U Nonimmigrant Status Certification or a T Visa Declaration of Law Enforcement Officer for Victim of Trafficking in Persons for persons eligible under 8 U.S.C. §1101(a)(15) (T) or (U) as provided in the Victims of Trafficking and Violence Prevention Act of 2000.

(2) City certifying agency. Any city department having legal authority to sign a U Visa Nonimmigrant Status Certification or a T Visa Declaration of Law Enforcement Officer for Victim of Trafficking in Persons, including the Saint Paul Police Department and the city attorney's office.

(3) Investigation or prosecution. The phrase "investigation or prosecution" has the meaning set out in 8 CFR §214.14(a)(5) that includes the detection or investigation of a qualifying crime or criminal activity, as well as the prosecution, conviction, or sentencing of the perpetrator of the qualifying crime or criminal activity.

(b) Certification process.

(1) Standard review. City certifying agencies must process certification requests as quickly as reasonably possible. All certification requests must be processed within thirty (30) days of receipt by the applicable city certifying agency of the request or as soon as reasonably possible thereafter if the processing is delayed by the need to seek off-site records or other good cause.

(2) Expedited review. City certifying agencies must provide for an expedited review process for victims or qualifying family members of victims who are in removal proceedings, with requests processed within seven (7) days request or as soon as reasonably possible thereafter if the processing is delayed by the need to seek off-site records or other good cause.

(3) City certifying agencies shall make information about the certification process, including standard and expedited review, readily available to the public in multiple languages and include this information on the city's website.

(4) The head of each city certifying agency must designate a certifying official authorized to review, process, and certify requests as legally appropriate on a case-by-case basis taking into consideration all relevant facts.

(c) Certification of helpfulness. A city certifying agency must evaluate whether a victim requesting U Nonimmigrant Status Certification possesses information concerning a qualifying criminal activity, and has been helpful, is being helpful, or is likely to be helpful in the investigation or prosecution of the criminal activity as provided in 8 U.S.C. §1101(a)(15)(U). Victim helpfulness is minimally established by making a criminal complaint or filing a full and accurate police report.

(d) Data privacy. City certifying agencies must not disclose private or confidential information about victims obtained through the certification request process except as provided in the Minnesota Government Data Practices Act or as otherwise required by law or court order.

SECTION 2

Section 44.07 of the Saint Paul Administrative Code is hereby amended to read as follows:

Sec. 44.07. - Severability No intent to create private cause of action.

If a section of this chapter is found to be invalid for any reason, the remaining sections of the chapter shall continue in full force and effect.

Nothing in this chapter is intended to create a private cause of action for violations of this chapter.

SECTION 3

Section 44.08 of the Saint Paul Administrative Code is hereby created to read as follows

Sec. 44.08. - Severability.

If a section of this chapter is found to be invalid for any reason, the remaining sections of the chapter shall continue in full force and effect.

SECTION 4

This ordinance shall take effect and be in force thirty (30) days following its passage, approval and publication.