



The Advocates for Human Rights supports public policy that ensures every Minnesotan can live with dignity.

Written Statement for the Record
Public Safety and Criminal Justice Reform Finance and Policy Committee
HF 321
January 26, 2021

Dear Mr. Chair and Members of the Committee,

The Advocates for Human Rights supports H.F. 321, a bill to ensure that all victims of serious crimes in Minnesota, regardless of immigration status, can actively and effectively participate in seeking justice. Today, this access depends on whether the jurisdiction in which the crime occurred is willing and able to complete the required federal certification process. The bill will streamline the process for crime victim visas by providing clear timelines and simplifying the administrative procedures.

Every Minnesotan must be able to access justice when they are the victim of a serious crime. This is a matter of human rights. Every person enjoys the basic human rights to safety and security of the person, and recognition as a person before the law. Minnesota has an obligation to ensure that any person whose rights are violated shall have an effective remedy. These fundamental human rights exist without discrimination, including citizenship status. But, for undocumented crime victims, these rights are an illusion if they fear that calling the police will result in deportation.

It is also a matter of common sense. Effectively excluding people from police protection and access to justice leaves communities vulnerable to exploitation and harm. Bad actors know that undocumented people fear contact with law enforcement and use this fear to their advantage. Investigations and prosecutions that rely on witnesses can flounder when individuals and communities fear that contact with law enforcement will bring them to the attention of federal immigration officials. And cases effectively grind to a halt when victims and witnesses are deported.

Congress recognized that fear of deportation is a formidable barrier for undocumented people reporting crimes. In 2000, as part of the Victims of Trafficking and Violence Prevention Act, Congress created a provision designed to foster the reporting of crime and participation in

investigations and prosecutions by victims and witnesses who lack immigration status. Commonly known as the “U visa,” the provision allows federal immigration officials to consider whether deportation is warranted in cases where the person is the victim or witness of a serious crime.

Access to U visas can play an important role in building community trust in law enforcement: “Denver City Attorney Kristin Bronson said, ‘U visas are a very important tool to keep people involved in the system and it enhances the trust of the community in law enforcement.’ Other prosecutors and police officers described the visas as “crucial” and “essential” to their work, and lamented the fact that they are not more widely available. Several emphasized that the program strengthens communities by embracing those who are willing to make sacrifices to benefit others.”¹

Law enforcement certification of the individual’s role is required for federal immigration officials to consider the case but is not a grant of immigration status. Law enforcement’s certification documents that the person has been or will be helpful in the investigation of a qualifying crime. Unfortunately, Congress made no provision to offset the administrative burden posed by the required certification process to state and local law enforcement agencies when it designed the U visa program. The streamlined process proposed by this legislation makes certification accessible in all jurisdictions.

The U visa serves as an important and explicit signal that our justice system protects everyone, regardless of their immigration status. This legislation is a crucial step in sending that signal and strengthening our justice systems. At this moment, Minnesota must take active steps to rebuild and reinforce community trust.

Sincerely,

Michele Garnett McKenzie
Deputy Director

The Advocates for Human Rights

Founded in 1983 by Minnesotans who recognized the state’s unique spirit of social justice, The Advocates for Human Rights works in our home community and in partnerships worldwide to end violence against women, abolish the death penalty, protect the rights of migrants, and build the human rights movement. Governed by a 30-member board of directors, The Advocates is a volunteer-driven 501(c)(3) nonprofit organization.

¹ How the U Visa Program Makes US Communities Safer, Human Rights Watch, July 2018.