

Supplement to the 2020 Annual Report, Domestic Violence Plan, by the Domestic Violence Oversight Board.

Recommendation #6 Urge U.S. Congress to Eliminate Cap on U Visas

The DVOB recommends that the Board of County Commissioners adopt legislation urging the United States Congress to pass legislation eliminating the cap on the number of U visas that can be issued each year.

According to the United States Department of Homeland Security, U.S. Citizenship and Immigration Services web site:

The U nonimmigrant status (U visa) is set aside for victims of certain crimes who have suffered mental or physical abuse and are helpful to law enforcement or government officials in the investigation or prosecution of criminal activity. Congress created the U nonimmigrant visa with the passage of the Victims of Trafficking and Violence Protection Act (including the Battered Immigrant Women's Protection Act) in October 2000. The legislation was intended to strengthen the ability of law enforcement agencies to investigate and prosecute cases of domestic violence, sexual assault, trafficking of noncitizens and other crimes, while also protecting victims of crimes who have suffered substantial mental or physical abuse due to the crime and are willing to help law enforcement authorities in the investigation or prosecution of the criminal activity. The legislation also helps law enforcement agencies to better serve victims of crimes.

Federal law limits U visas to 10,000 annually, which has resulted in a backlog of visas in the hundreds of thousands and causing a 5-to-six-year backlog for processing. This cap forces victims to remain in legal limbo regarding their legal status in the United States. Congress needs to pass legislation eliminating the cap on the number of U visas that can be issued each year.

Recommendation #7 Make State Legislative Priority; Create Uniform System for Certifying U-Visas

The law enforcement certification USCIS Form I918, Supplement B, U Nonimmigrant Status Certification (Form I-918B) is a required element for U visa applications. The certification "is a required piece of evidence to confirm that a qualifying crime has occurred and that that the victim was helpful, is being helpful, or is likely to be helpful in the detection, investigation or prosecution of criminal activity," according to the U Visa Law Enforcement Certification Resource Guide. Although the law enforcement certification is required for a victim to be eligible for a U visa, law enforcement agencies have discretion in whether to provide the certification or not. Further, in Florida, there is no uniform state system for processing the certification form requests. Therefore, certification requests in some counties are processed quickly while requests in other counties sit idle, preventing a victim's certification process to commence. The DVOB recommends that the State establish, as the law permits, a uniform state system for processing law enforcement U visa certification requests using Form I-918B U, or its successor.

About the Domestic Violence Oversight Board

In May 1993, under Florida Statute §212.0306, a 1% Food & Beverage (F&B) Tax was imposed on food, beverages, or alcoholic beverages in establishments licensed by the state that sell alcohol for consumption on the premises. Establishments with gross annual revenues of less than \$400,000 are exempt from the tax. 15% of this F&B Tax funds the construction and operations of domestic violence shelters in Miami-Dade County. 85% of the Tax funds services for individuals experiencing homelessness or about to be homeless in Miami-Dade County.

The statute called for each county to appoint an oversight board to prepare and submit to the Board of County Commissioners (BCC), for its approval, a plan for disbursing these funds made available for the construction and operation of domestic violence centers. Each member of the BCC appoints a member, and the Miami-Dade County Mayor appoints two members, to the oversight board. Members represent victims of domestic violence, judges, providers and advocates of domestic violence, and law enforcement.

In 1994 through Miami-Dade County Ordinance 94-156, Miami-Dade County established the only Domestic Violence Oversight Board in the State of Florida under Florida Statute §212.0306 to oversee 15% of the F&B Tax to construct and operate domestic violence centers. The Domestic Violence Oversight Board also serves in an advisory capacity to the Board of County Commissioners on all matters related to domestic violence.

The "Plan for Construction and Operations of Domestic Violence Centers" per Ordinance No. 94-156 was submitted to the BCC for approval. The BCC approved the Plan on April 25, 1996. The "Plan" serves as a blueprint for the DVOB.

The first Domestic Violence Center built with funds from the F&B Tax began operations in March 2004. The total cost of the project was \$4,159,219. The site is in North Miami-Dade. The facility accommodates up to 40 beds and 10 cribs. The second shelter constructed with the F&B Tax funds will open its doors in April 2021. This sprawling state of the art 60 bed facility in South Miami-Dade will have meditation areas, ample and beautiful common areas and space where services can be brought to the facility to better serve victims. It also holds a kennel for victims to be able to bring their pets. Often, the family pet is the first in line to be victimized by the batterer.

Keeping victims' safety and confidentiality as priority number one, locations of all domestic violence shelters in the State of Florida are confidential per Florida Statute 415.608. There are strict penalties and consequences for violating disclosure of their location.

Using available data from across systems serving victims of domestic violence, the DVOB continues to prepare and submit to the BCC, for its approval, an annual report on the Plan. When making its recommendations, the DVOB looks at the unique communities and cultures that comprise Miami-Dade County and their dynamics, as well as all available data from across the multiple systems that serve victims of domestic violence and best practices in the field. The DVOB also looks to make recommendations beyond the use of the dedicated F&B Tax funding including but not limited to how to maximize and leverage the funding from the F&B Tax.