



U.S. Citizenship
and Immigration
Services

Immigration Options Available to Victims of Abuse, Trafficking and Other Serious Crimes

VAWA I-360 Self-Petition, T Visa and U Visa

National Engagement

July 27, 2022

DISCLAIMER



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OVERVIEW



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- 🔥 Violence Against Women Act (VAWA) benefits for domestic violence victims
- 🔥 T and U nonimmigrant status (T/U visas) for victims of human trafficking and other qualifying criminal activity
- 🔥 8 U.S.C. §1367 Protections
- 🔥 Resources
- 🔥 Frequently Asked Questions



VIOLENCE AGAINST WOMEN ACT (VAWA) I-360 SELF-PETITIONS

- ✦ Congress recognized that victims of domestic violence may remain in an abusive relationship because immigration status is often tied to their abuser.
- ✦ VAWA self-petitions provide a pathway to immigration relief for victims of domestic violence
 - ✦ A victim does not need their abuser's cooperation to submit paperwork
 - ✦ A victim can submit own petition for immigrant classification without abuser's knowledge
- ✦ Filed on Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant

WHO CAN FILE A VAWA SELF-PETITION



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Spouse

- ✦ The abused spouse of a U.S. citizen or lawful permanent resident (child may be included as a derivative beneficiary).
- ✦ The spouse of a U.S. citizen or lawful permanent resident whose child has been abused (child may be included as a derivative beneficiary)

Child

- ✦ The abused child(ren) of a U.S. citizen or lawful permanent resident

Parent

- ✦ The abused parent(s) of a U.S. citizen son or daughter



VAWA SELF-PETITION ELIGIBILITY



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- 🔥 A self-petitioner must demonstrate that they:
 - 🔥 Have or had a qualifying relationship with the U.S. citizen or LPR abuser
 - 🔥 Were subjected to battery or extreme cruelty by the U.S. citizen or LPR abuser
 - 🔥 Reside or resided with the abuser
 - 🔥 Possess good moral character
 - 🔥 Married in good faith (for self-petitioning spouses only)

BENEFITS AFTER APPROVAL



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1

On a case-by-case basis, can be placed in deferred action to prevent removal from the U.S.

2

Can receive an employment authorization document (EAD) to work in the U.S.

3

Can apply to obtain lawful permanent residence (Green Card holder)

INTRODUCTION: T AND U VISAS



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- ✦ Strengthen law enforcement's ability to detect, investigate, and prosecute trafficking in persons (T visa) and certain qualifying crimes (U visa)
- ✦ Encourage trafficked, exploited, and abused victims to report crimes committed against them and participate in the investigation or prosecution, even if they don't have lawful immigration status
- ✦ Offer protections to victims of human trafficking and other qualifying crimes in keeping with the humanitarian interests of the United States

IMMIGRATION RELIEF: T AND U VISAS



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- 🇺🇸 Lawful status for four years (can also later apply for a Green Card if certain requirements are met)
- 🇺🇸 Work permit
- 🇺🇸 Lawful status for certain family members
- 🇺🇸 Subject to an annual cap for “principals”
 - 🇺🇸 No numerical limitations for derivative family members
 - 🇺🇸 T visas—5,000 (never been reached)
 - 🇺🇸 U visas—10,000 (reached every year since 2010)

BASIC T VISA REQUIREMENTS



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- ✦ Requested by filing Form I-914, Application for T Nonimmigrant Status
- ✦ Victim of a “severe form of trafficking in persons”
- ✦ Victim physically present in U.S. or at a port of entry on account of trafficking
- ✦ Victim must comply with reasonable requests to help investigate or prosecute traffickers (exemption for age and exception for trauma)
- ✦ Victim must show removal from U.S. would cause extreme hardship involving unusual and severe harm
- ✦ Victim is admissible to the U.S. or has had all applicable grounds of inadmissibility waived

FORM I-914 SUPPLEMENT B, LAW ENFORCEMENT DECLARATION



- 🔥 Is completed as part of a victim-centered approach to combat human trafficking
- 🔥 Provides valuable evidence of the victim's cooperation but is not required to establish eligibility for a T visa
- 🔥 Confirms law enforcement's view that the applicant is a trafficking victim
- 🔥 Is law enforcement's opportunity to provide relevant case information to USCIS

**Supplement B, Declaration of Law Enforcement Officer for
Victim of Trafficking in Persons**
Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form I-914
OMB No. 1615-0099
Expires 12/31/2023

START HERE - Type or print in link. This form should be completed by Federal, state, local, or tribal law enforcement agencies for victims under the Victims of Trafficking and Violence Protection Act (VTVPA), Public Law 106-386, as amended.

		For USCIS Use Only	
		Returned	Receipt
PART 1. Victim Information		Date	
1. Full Legal Name		Date	
Family Name (Last Name) Given Name (First Name) Middle Name (if any)		Resubmitted	
		Date	
2. Other Names Used		Reloc Sent	
Provide any other names you have used since birth, including aliases, maiden names, and nicknames. If you need extra space to complete this section, use the space provided in Part 9. Additional Information.		Date	
Family Name (Last Name) Given Name (First Name) Middle Name (if any)		Reloc Rec'd	
		Date	
3. Date of Birth (dd/mm/yyyy)		Date	
4. Gender or Sex		Date	
<input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Other		Remarks	
5. Alien Registration Number (A-Number) (if any)			
▶ A- []			
6. U.S. Social Security Number (SSN) (if any)			
▶ []			
Part 2. Agency Information			
1. Name of Certifying Agency			
2. Name of Certifying Official			
3. Title of Certifying Official			
4. Division/Office of Certifying Official			
5. Agency Mailing Address		<small>(USCS ZIP Code Linkage)</small>	
Street Number and Name		Apt. St. Flr. Number	
		City or Town	State ZIP Code
6. Daytime Telephone Number		7. Fax Number	

Form I-914, Supplement B Edition 12/02/21 Page 1

T VISA LAW ENFORCEMENT RESOURCE GUIDE

- 🔥 On Oct. 20, 2021, USCIS published the first ever standalone [T Visa Law Enforcement Resource Guide](#) for certifying officials
- 🔥 Highlights include:
 - 🔥 Top five things to know about Form I-914B
 - 🔥 Best practices for certifying agencies and officials, including information regarding DHS' victim-centered approach



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T VISA LAW ENFORCEMENT RESOURCE GUIDE

For Federal, State, Local, Tribal and Territorial
Law Enforcement, Prosecutors, Judges and
other Government Agencies



T VISA POLICY MANUAL UPDATES



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🔥 On Oct. 20, 2021, USCIS issued updated policy guidance in **Volume 3, Part B** and **Volume 9, Part O** of the Policy Manual regarding the adjudication of T visa applications

🔥 The USCIS Policy Manual is the agency's centralized online repository for USCIS' immigration policies

Part B - Victims of Trafficking

[Guidance](#) [Resources \(3\)](#) [Appendices \(1\)](#) [Updates \(2\)](#) [History \(0\)](#)

- [Chapter 1 - Purpose and Background](#)
- [Chapter 2 - Eligibility Requirements](#)
- [Chapter 3 - Documentation and Evidence for Principal Applicants](#)
- [Chapter 4 - Family Members](#)
- [Chapter 5 - Documentation and Evidence for Family Members](#)
- [Chapter 6 - Bona Fide Determinations \[Reserved\]](#)
- [Chapter 7 - Adjudication](#)
- [Chapter 8 - Annual Cap and Waiting List](#)
- [Chapter 9 - Applicants in Removal Proceedings](#)
- [Chapter 10 - Duration and Extensions of Status](#)
- [Chapter 11 - Federal Benefits and Work Authorization](#)
- [Chapter 12 - Travel](#)
- [Chapter 13 - Revocation of Status](#)
- [Chapter 14 - Confidentiality Protections and Prohibitions Against Disclosure](#)

BASIC U VISA REQUIREMENTS



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- ✚ Requested by filing Form I-918, Petition for U Nonimmigrant Status
- ✚ Victim of qualifying criminal activity
- ✚ Crime occurred in U.S. or violated U.S. law
- ✚ Victim has specific, credible, and reliable information about qualifying criminal activity
- ✚ Victim was, is being, or is likely to be helpful to law enforcement in detection, investigation, prosecution, conviction, or sentencing of criminal activity – *ongoing requirement*
- ✚ Victim suffered substantial physical or mental abuse as a result of qualifying crime
- ✚ Victim is admissible to the U.S. or has had all applicable grounds of inadmissibility waived

FORM I-918 SUPPLEMENT B LAW ENFORCEMENT CERTIFICATION



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- 🔥 This form is **REQUIRED INITIAL EVIDENCE** for **U visa petitions**
- 🔥 The certifying agency should complete the Form I-918B, not the victim petitioner
- 🔥 Certifying official specifies:
 - 🔥 which crime petitioner suffered
 - 🔥 statutory citation for crime
 - 🔥 victim's helpfulness
 - 🔥 any observations of injury to victim
 - 🔥 any other relevant information

U VISA LAW ENFORCEMENT RESOURCE GUIDE



U.S. Citizenship
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On Feb. 28, 2022, USCIS
Published an updated [U Visa
Law Enforcement Resource Guide](#)

Highlights include:

-  Top six things to know about Form I-918B
-  Best practices for certifying agencies and officials, to include information regarding DHS' victim-centered approach



U VISA LAW ENFORCEMENT RESOURCE GUIDE

For Federal, State, Local, Tribal and Territorial
Law Enforcement, Prosecutors, Judges and
other Government Agencies



FORM I-918 SUPPLEMENT B LAW ENFORCEMENT CERTIFICATION (cont.)



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- ✦ The certifying agency can certify a Form I-918B based on past, present, or the likelihood of a victim's future helpfulness.
- ✦ Federal U visa regulations do not set a specific statute of limitations for signing the Form I-918B.
- ✦ There is no requirement that the certifying agency sign the certification at a specific stage of the detection, investigation, prosecution, or sentencing.

BONA FIDE DETERMINATION PROCESS



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- ✦ USCIS implemented the Bona Fide Determination process on June 14, 2021
- ✦ This process applies to principal petitioners and qualifying family members living in the United States with pending, bona fide petitions for U nonimmigrant status
 - ✦ Bona fide generally means made in good faith, without fraud or deceit
- ✦ Under this process, USCIS exercises its discretion on a case-by-case basis to grant BFD Employment Authorization Documents (BFD EADs) and deferred action for four years

BONA FIDE DETERMINATION PROCESS



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- ✦ Petitioners who do not receive a BFD EAD proceed to full waiting list adjudication. If their petitions are approvable but for the statutory cap, principal petitioners and their qualifying family members are:
 - ✦ Placed on the waiting list;
 - ✦ Receive deferred action;
 - ✦ Receive an EAD valid for four years, if they have properly filed for employment authorization
- ✦ Note: The initial EADs issued under the BFD review or pursuant to the waiting list are fee exempt.

BEST PRACTICES FOR COMPLETING T and U FORMS



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- 🔥 Complete all questions on each form to the best of your ability.
- 🔥 Cover letters can include anything the Attorney of Record/representative and applicant/petitioner wish to highlight.
- 🔥 The order of filings should be:
 - 🔥 G-28, application or petition, Supplement B if included required, supporting documentation.
 - 🔥 If responding to an RFE, the document order should be:
 1. The RFE notice on top followed by the cover letter.
 2. Evidence being submitted in response to the RFE.

BEST PRACTICES FOR COMPLETING T and U FORMS (cont.)



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- ✦ When filing for derivative family members, be sure to include evidence
- ✦ A cover letter from the Attorney of Record/representative is not considered testimony.
- ✦ If inadmissibility grounds are present and known to the Attorney of Record/representative or applicant/petitioner, an I-192 should be filed with the underlying T application or U petition.
- ✦ Filing an accompanying I-765 for principal for BFD review and derivative family members at the time of filing the derivative application/petition if they want an EAD.

INFORMATION PROTECTIONS



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- 🔥 To prevent abusers or criminals from using government tools and information to further perpetrate abuse against victims, Congress created statutory confidentiality protections under 8 U.S.C. § 1367
- 🔥 These protections apply to all applicants/petitioners for, and beneficiaries (including qualifying relatives) of:

T nonimmigrant
Status

U Nonimmigrant
Status

Relief Benefits
under the Violence
Against Women
Act (VAWA)

OVERVIEW: 8 U.S.C. 1367 PROTECTIONS



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1. Limitation on Use of Adverse Information from Prohibited Sources
2. Prohibition Against Disclosure
3. Notice To Appear and Limitation of Enforcement Action





U VISA STATUTORY LIST OF QUALIFYING CRIMINAL ACTIVITY



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- Abduction
- Abusive Sexual Contact
- Blackmail
- Domestic Violence
- Extortion
- False Imprisonment
- Felonious Assault
- Female Genital Mutilation
- Fraud in Foreign Labor Contracting
- Hostage Taking
- Incest
- Involuntary Servitude
- Kidnapping
- Manslaughter
- Murder
- Obstruction of Justice
- Peonage
- Perjury
- Prostitution
- Rape
- Sexual Assault
- Sexual Exploitation
- Slave Trade
- Stalking
- Torture
- Trafficking
- Unlawful Criminal Restraint
- Witness Tampering

Includes: -- Attempt, conspiracy, or solicitation to commit these crimes
-- Substantially similar crimes



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Q & A

FOLLOW UP INQUIRIES



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VAWA www.uscis.gov/humanitarian/abused-spouses-children-and-parents

U/T www.uscis.gov/humanitarian/victims-of-human-trafficking-and-other-crimes

Attorneys and Accredited Representatives ONLY:

Nebraska Service Center nsc.i-918inquiries@uscis.dhs.gov

Vermont Service Center HotlineFollowupI918I914.vsc@uscis.dhs.gov

T Visa HotlineFollowupI918I914.vsc@uscis.dhs.gov

VAWA petitions HotlineFollowUpI360.vsc@uscis.dhs.gov

Unrepresented applicants and petitioners may send written inquiries to:

For cases located at the Vermont Service Center:
U.S. Citizenship and Immigration Services
Vermont Service Center
ATTN: Humanitarian Division
38 River Road
Essex Junction, VT 05479-0001

For cases located at the Nebraska Service Center:
U.S. Citizenship and Immigration Services
Nebraska Service Center
ATTN: I-918
P.O. Box 87918
Lincoln, NE 68501-7918

RESOURCES



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- 🔥 **USCIS Policy Manual:** <https://www.uscis.gov/policy-manual>
- 🔥 **Humanitarian Programs (VAWA, T, U):** <https://www.uscis.gov/humanitarian>
- 🔥 **T Law Enforcement Resource Guide:** <https://www.uscis.gov/sites/default/files/document/guides/T-Visa-Law-Enforcement-Resource-Guide.pdf>
- 🔥 **U Law Enforcement Resource Guide:** https://www.uscis.gov/sites/default/files/document/guides/U_Visa_Law_Enforcement_Resource_Guide.pdf
- 🔥 **USCIS Processing Times:** <https://egov.uscis.gov/processing-times/>
- 🔥 **Contacting USCIS (see Inquiries for VAWA, T, and U Filings section):** <https://www.uscis.gov/about-us/contact-us>
- 🔥 **Find Legal Services** www.uscis.gov/avoid-scams/find-legal-services

RESOURCES



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DHS Center for Countering Human Trafficking

www.dhs.gov/dhs-center-countering-human-trafficking



DHS Blue Campaign.

www.dhs.gov/blue-campaign



ELECTRONIC READING ROOM



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Research



- [Immigration and Citizenship Data](#)
- [Electronic Reading Room](#)
- [USCIS Freedom of Information Act \(FOIA\)](#)
- [Laws and Policy](#)
- [Historical Library](#)

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Human Trafficking

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[National Human Trafficking Prevention Month Webinar \(PDF, 1.6 MB\)](#)

January 27, 2022

Immigration Options and Resources for Victims of Human Trafficking.

[National Human Trafficking Prevention Month Webinar - Q&A \(PDF, 144.75 KB\)](#)

January 27, 2022

Human Trafficking Prevention Engagement Pre-Submitted Questions.

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