



U.S. Citizenship
and Immigration
Services

EXAMINING THE ROLE OF LAW ENFORCEMENT & OTHER AGENCIES



Immigration Options Available for Victims of Crime

February 17, 2022

OVERVIEW



U.S. Citizenship
and Immigration
Services

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

INTRODUCTION: T AND U VISAS



U.S. Citizenship
and Immigration
Services

- 🔥 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, 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

2000
Law



2002-2008
Regs

IMMIGRATION RELIEF: T AND U VISAS



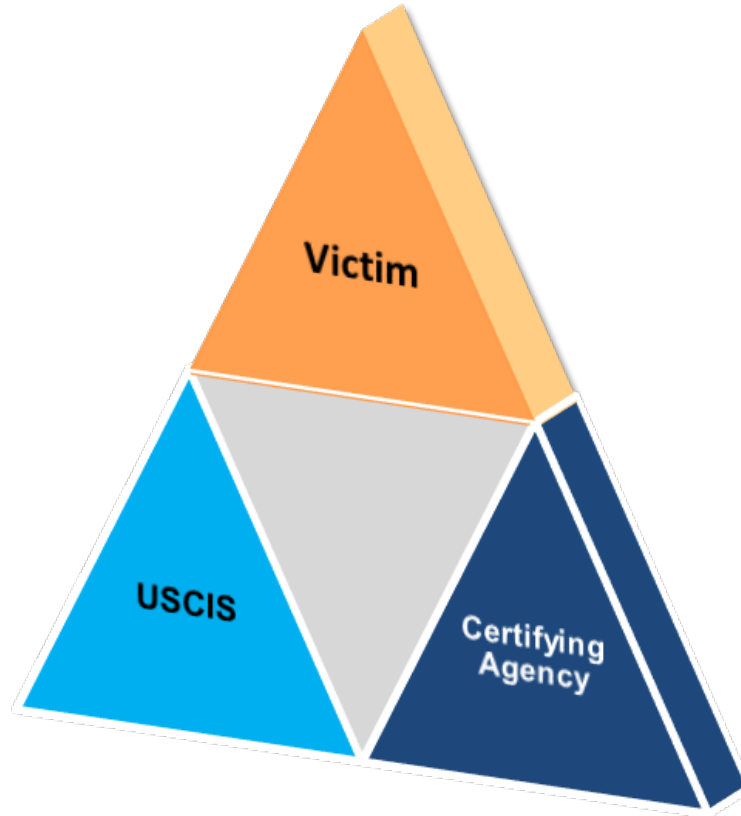
U.S. Citizenship
and Immigration
Services

- 🔥 Lawful status for 4 years (with possibility for permanent status)
- 🔥 Work permit
- 🔥 Lawful status for certain family members
- 🔥 Subject to an annual cap for “principals”
 - T visas—5,000
 - U visas—10,000

ROLES AND RESPONSIBILITIES



U.S. Citizenship
and Immigration
Services



BASIC T VISA REQUIREMENTS



U.S. Citizenship
and Immigration
Services

- 🔥 Victim of a “severe form of trafficking in persons”
- 🔥 Victim physically present in U.S. 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
- 🔥 Victim is admissible to the U.S.

FORM I-914 SUPPLEMENT B, LAW ENFORCEMENT DECLARATION



U.S. Citizenship
and Immigration
Services

- 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**

U.S. Citizenship and Immigration Services

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

START HERE - Type or print in ink. 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.

Part 1. Victim Information

1. Full Legal Name
Family Name (Last Name) Given Name (First Name) Middle Name (if any)

2. Other Names Used
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**.
Family Name (Last Name) Given Name (First Name) Middle Name (if any)

3. Date of Birth (dd/mm/yyyy) _____

4. Gender or Sex
☐ Male ☐ Female ☐ Other

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
Street Number and Name _____ Apt. Ste. Flr. Number _____
City or Town _____ State _____ ZIP Code _____

6. Daytime Telephone Number _____

7. Fax Number _____

For USCIS Use Only

Returned _____
Date _____
Resubmitted _____
Date _____
Reloc Sent _____
Date _____
Reloc Rec'd _____
Date _____

Remarks _____

(USCIS 212 Code Lookup)

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

T VISA LAW ENFORCEMENT RESOURCE GUIDE



U.S. Citizenship
and Immigration
Services

🔥 On October 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



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



U.S. Citizenship
and Immigration
Services

🔥 On October 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](#)

Current as of December 09, 2021

BASIC U VISA REQUIREMENTS



U.S. Citizenship
and Immigration
Services

- 🔦 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*

Additional eligibility requirements:

- 🔦 Victim suffered substantial physical or mental abuse as a result of qualifying crime
- 🔦 Victim is admissible to the U.S. or has all applicable grounds of inadmissibility waived

U VISA STATUTORY LIST OF CRIMES



U.S. Citizenship
and Immigration
Services

- 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

U VISA LAW ENFORCEMENT RESOURCE GUIDE



U.S. Citizenship
and Immigration
Services



U VISA LAW ENFORCEMENT RESOURCE GUIDE

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



Homeland
Security



U.S. Citizenship
and Immigration
Services

FORM I-918 SUPPLEMENT B LAW ENFORCEMENT CERTIFICATION



U.S. Citizenship
and Immigration
Services

- 🔥 This form is **REQUIRED INITIAL EVIDENCE** for U visa petitions
- 🔥 The certifying agency should complete the Form I-918B
- 🔥 Certifying official specifies:
 - 🔥 which crime petitioner suffered
 - 🔥 statutory citation for crime
 - 🔥 victim's helpfulness
 - 🔥 any observations of injury to victim
 - 🔥 any other relevant information

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



U.S. Citizenship
and Immigration
Services

- ✦ 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.

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







U.S. Citizenship
and Immigration
Services

- 🔥 Provides a pathway to immigration relief to victims of domestic violence.
- 🔥 Victim does not need abuser's cooperation to submit paperwork.
- 🔥 Victim can submit own petition without abuser's knowledge.

WHO CAN FILE A VAWA SELF-PETITION



U.S. Citizenship
and Immigration
Services

-  **Spouse**—The abused spouse of a U.S. citizen or lawful permanent resident (child may be included as a derivative beneficiary)
-  **Spouse** – 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



U.S. Citizenship
and Immigration
Services

- 🔥 Has or had a qualifying relationship to the U.S. citizen or LPR abuser
- 🔥 Subjected to battery or extreme cruelty by the U.S. citizen or LPR abuser
- 🔥 Resides or resided with the abuser
- 🔥 Good moral character
- 🔥 Married in good faith (for self-petitioning spouses only)

BEST PRACTICES FOR COMPLETING CERTIFICATION / DECLARATION



U.S. Citizenship
and Immigration
Services

- 🔥 Establish and Periodically Update Local Procedures and/or Policies
- 🔥 Keep Records of Signed Forms
- 🔥 Update USCIS When Signing Authority Changes
- 🔥 Provide Specific Details
- 🔥 Attach Additional Relevant Documents – and Note on Form I-914B/I-9188B
- 🔥 Verify All Information on the Form Prior to Signing
- 🔥 Provide an Original Ink Signature
- 🔥 Return the Form to the Victim

BEST PRACTICES (continued)



U.S. Citizenship
and Immigration
Services

- 🔥 Make two copies of the originals
- 🔥 Keep one copy and give petitioner other
- 🔥 Assist petitioner with submission to USCIS
 1. Place Form I-914/I-918, Supplement B and any supporting documents into envelope
 2. Seal envelope
 3. On envelope front, write in capital letters: DO NOT OPEN. FOR USCIS USE ONLY
 4. On envelope back, write your initials across the seal
 5. Seal entire flap with clear tape
 6. Give sealed envelope to the petitioners for submission







FREQUENTLY ASKED QUESTIONS

**Please see T/UVAWA for Law Enforcement Q&A document
located in the Electronic Reading Room**

RESOURCES



U.S. Citizenship
and Immigration
Services

-  **USCIS Policy Manual:** <https://www.uscis.gov/policy-manual>
-  **Adjudications Data:** <https://www.uscis.gov/tools/reports-and-studies/immigration-and-citizenship-data>
-  **Humanitarian Programs (VAWA, T, U):**
<https://www.uscis.gov/humanitarian>
-  **Request Technical Assistance via the T and U Visa Hotline for Certifying Agency Inquiries:** 240-721-3333. NOTE: This line is for certifying agencies only.



What is Continued Presence?

- Requested only by law enforcement
- Assists trafficking victims
- Benefits victims and law enforcement

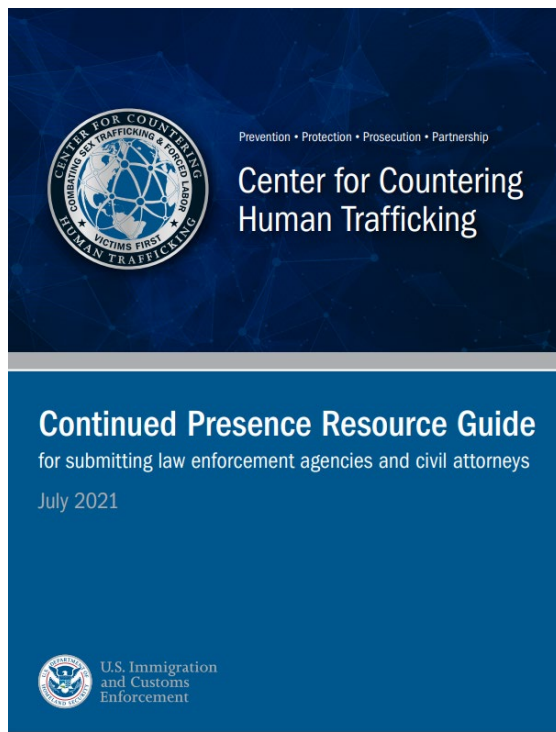
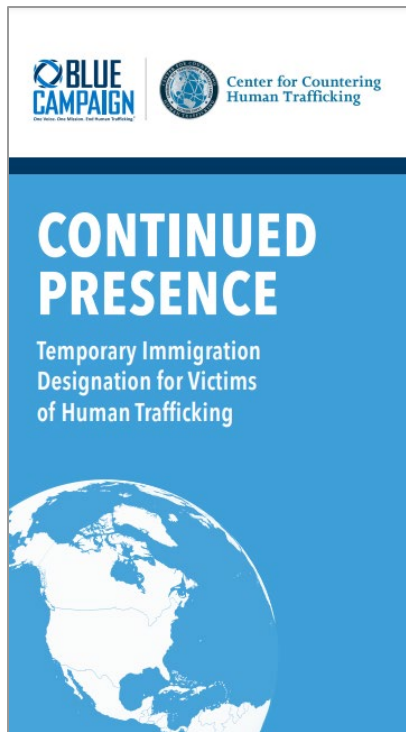
Who is Continued Presence for?

- Victim of a “severe form of trafficking in persons” who may be a potential witness; or who has filed a federal civil action under 18 USC 1595

Continued Presence



Center for Countering
Human Trafficking



Continued Presence 12 Minute Video



Brochure, Resource Guide & Video
[www.DHS.gov/CCHT](https://www.dhs.gov/ccht)

Law Enforcement Webinar Registration
<https://www.ice.gov/partnerships-centers/ccht/continued-presence-webinar>

Questions & Form Request
ContinuedPresence@CCHT.dhs.gov

For official use only



Thank you for joining today's session

Today's presentation will soon be posted to the **Electronic Reading Room** on our website www.uscis.gov

To provide feedback, please email: public.engagement@uscis.dhs.gov.

ABOUT THIS PRESENTATION



U.S. Citizenship
and Immigration
Services

- 🔥 Author: OP&S Humanitarian Affairs Division
- 🔥 Date of last revision: 2/15/22. This presentation is current only as of the date of last revision.
- 🔥 This presentation contains no sensitive Personally Identifiable Information (PII).
- 🔥 Any references in documents or text, with the exception of case law, relate to fictitious individuals.
- 🔥 All images in this presentation: DHS Blue Campaign, or purchased from iStock



DISCLAIMER

- Materials presented today are for informational purposes only and are not legal advice. The information disseminated today and statements made by USCIS personnel are intended solely for the purpose of providing public outreach to the Agency's stakeholders about issues of mutual interest. It is not intended to, does not, and may not be relied upon to create any right or benefit.

DISSEMINATION



U.S. Citizenship
and Immigration
Services

🔥 This presentation may not be reproduced or further disseminated without the express written consent of Victim Protection Branch, Humanitarian Affairs Division. Please contact the OP&S Humanitarian Affairs Division for additional information.