



U.S. Citizenship
and Immigration
Services

THE ROLE OF LAW ENFORCEMENT & OTHER CERTIFYING AGENCIES



T and U Visa Process

March 1, 2023

OVERVIEW



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- 🔥 T nonimmigrant status (T visa) and Continued Presence designation for victims of human trafficking
- 🔥 U nonimmigrant status (U visa) for victims of qualifying criminal activity
- 🔥 Fraud Detection
- 🔥 Frequently Asked Questions
- 🔥 Resources

PURPOSE: 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 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

T AND U VISAS COMMONALITIES



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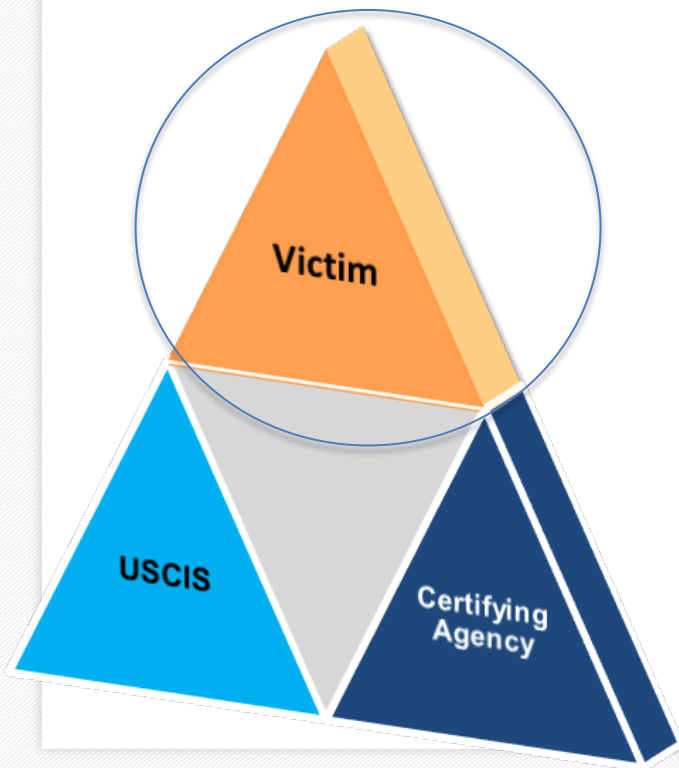
T and U visas

-  Provide lawful nonimmigrant status and work authorization for 4 years
-  Provide path for certain qualifying family members to obtain derivative benefits based on their relationship to the victim
-  Utilize “any credible evidence” standard
-  T and U visa holders can also apply for a Green Card, also known as lawful permanent residency, if they meet certain requirements
-  Both are subject to an annual “cap” for principal victims
 - T visas: 5,000
 - U visas: 10,000

KEY PLAYERS ROLES AND RESPONSIBILITIES



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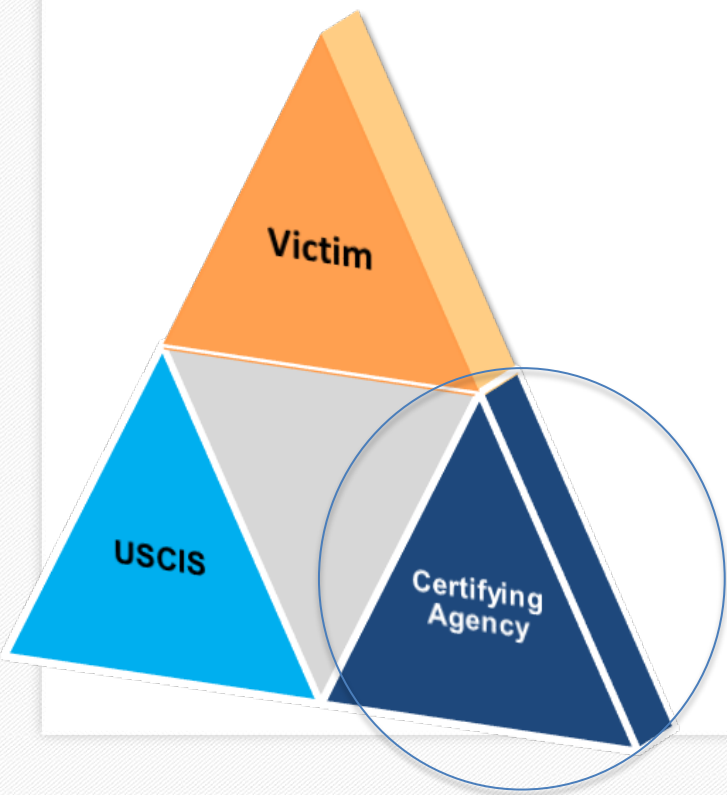
VICTIM

- Files benefit request
- Demonstrates helpfulness/cooperation
- Requests documentation from certifiers & submits them to USCIS

KEY PLAYERS ROLES AND RESPONSIBILITIES



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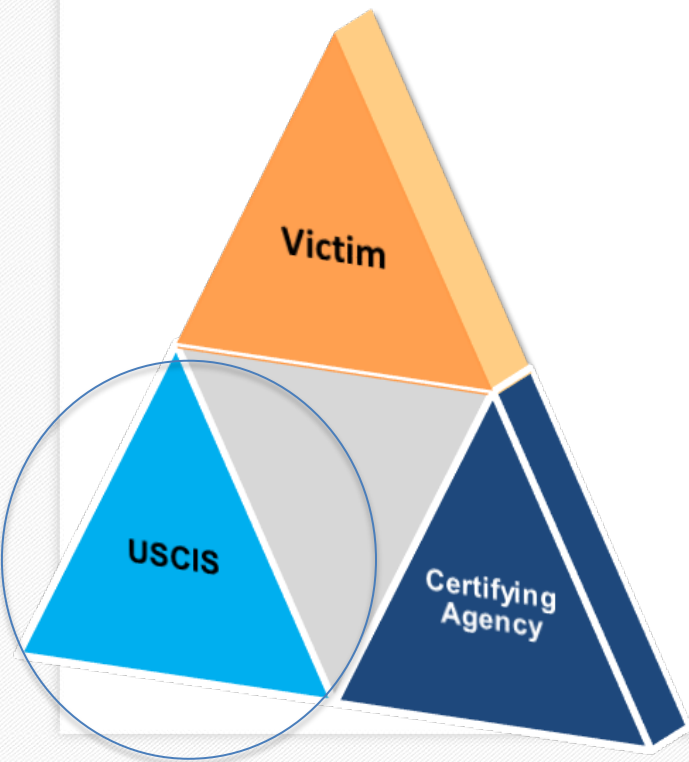
CERTIFYING AGENCY

- Detect, investigate, prosecute, convict, or sentence
- Determine whether to complete and sign Supplement B

KEY PLAYERS ROLES AND RESPONSIBILITIES



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USCIS

- Adjudicates benefit request
- May request additional information from victim or certifying agency as needed

BASIC T VISA REQUIREMENTS



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- 🔥 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. or has all applicable grounds of inadmissibility waived

FORM I-914 SUPPLEMENT B, DECLARATION OF LAW ENFORCEMENT



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- Supports 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 _____
Daytime Telephone Number _____ Fax Number _____

For USCIS Use Only

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

Remarks _____

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

T VISA LAW ENFORCEMENT RESOURCE GUIDE



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🔥 Highlights include:

🔥 Top Five Things to Know About Form I-914B

- 🔥 Provides valuable evidence for victim and USCIS
- 🔥 Signing = attesting to the facts
- 🔥 Who completes the form matters
- 🔥 Investigation/prosecution are not required
- 🔥 Signing is discretionary

🔥 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





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

BASIC U VISA REQUIREMENTS



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- 🔥 Victim of a qualifying criminal activity (QCA);
 - 🔥 Direct and indirect victims
- 🔥 The QCA occurred in U.S. or violated U.S. law;
- 🔥 Victim has specific, credible, and reliable information about the QCA;
- 🔥 Victim suffered substantial physical or mental abuse as a result of QCA;
- 🔥 Victim was, is being, or is likely to be helpful to law enforcement in detection, investigation, prosecution, conviction, or sentencing of the QCA— *ongoing requirement*;
- 🔥 Victim is admissible to the U.S. or has all applicable grounds of inadmissibility waived

U VISA STATUTORY LIST OF CRIMES



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

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

U VISA LAW ENFORCEMENT RESOURCE GUIDE



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🔥 Highlights include:

- 🔥 Promoting a Victim-Centered Approach
- 🔥 Overview of Eligibility Requirements
- 🔥 Best Practices for Certifying Agencies
- 🔥 Answers to Certifying Agencies' FAQ



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Homeland
Security



BLUE CAMPAIGN
We stand. We listen. And we're talking.



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FORM I-918 SUPPLEMENT B LAW ENFORCEMENT CERTIFICATION



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- 🔥 This form is **REQUIRED INITIAL EVIDENCE** for U visa petitions and is completed by the certifying agency.
- 🔥 Certifying official specifies:
 - 🔥 which qualifying crime the victim suffered
 - 🔥 statutory citation for qualifying crime
 - 🔥 victim's helpfulness
 - 🔥 any observations of injury to victim
 - 🔥 any other relevant information

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

BEST PRACTICES FOR COMPLETING CERTIFICATION / DECLARATION



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- ✦ 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-918B
- ✦ Verify All Information on the Form Prior to Signing
- ✦ Provide an Original Ink Signature
- ✦ Return the Form to the Victim to be filed with USCIS

BEST PRACTICES (cont'd)



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- 🔥 Make two copies of the original
- 🔥 Keep one copy and give the other copy to the victim or their representative
- 🔥 Assist petitioner with submission to USCIS
 1. Place the original 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 seam of the flap
 5. Seal entire flap with clear tape
 6. Give sealed envelope to the victim or their representative for submission



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FREQUENTLY ASKED QUESTIONS

FAQ 1



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Are USCIS cases open to public disclosure or are they confidential?

For additional information, see **Volume 1, Chpt. 7** of the USCIS Policy Manual.

www.uscis.gov/policy-manual

INFORMATION PROTECTIONS 8 U.S.C. § 1367



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🔥 These protections apply to individuals eligible for and beneficiaries (including qualifying relatives) of T and U visa relief, Continued Presence, and VAWA self-petitioners.

🔥 Three statutory protections:

- 🔥 Limitation on Use of Adverse Information
- 🔥 Prohibition Against Disclosure
- 🔥 Notice To Appear and Limitation of Enforcement Action



FAQ 2



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Why do certifying agencies see fewer requests for T visa certifications than U visa certifications?

FAQ 3



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Can you describe helpfulness in the U visa context and how it differs from the level of assistance required of T visa applicants?

FAQ 4



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Can you describe the trauma exemption and age exception to the T visa cooperation requirement?

For additional information, see **Volume 3, Part B** of the USCIS Policy Manual.

www.uscis.gov/policy-manual



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Please type your question in the Q&A box

USCIS RESOURCES - POLICY MANUAL

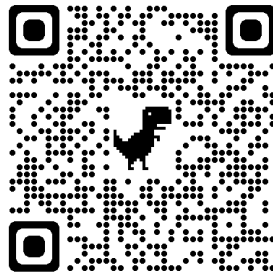


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USCIS Policy Manual Vol. 3 www.uscis.gov/policy-manual/volume-3

Part B - Victims of Trafficking (T Visa)

Part C - Victims of Crimes (U Visa)



USCIS RESOURCES - WEBPAGES



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Victims of Human Trafficking: T Nonimmigrant Status

Victims of Criminal Activity: U Nonimmigrant Status



USCIS T & U VISA LAW ENFORCEMENT RESOURCE GUIDES



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RESOURCES



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DHS Blue Campaign.
www.dhs.gov/blue-campaign



ABOUT THIS PRESENTATION



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- 🔥 Author: OP&S Humanitarian Affairs Division
- 🔥 Date of last revision: **March 1, 2023**. This presentation is current only as of the date of last revision.
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