

U and T Visa Certification Procedures

The Watchung Borough Police are required by NJ Attorney General Directive to process U- and T- visa certification requests.

The U-visa is an immigration benefit for victims of certain crimes who meet eligibility requirements.

- 1) The U.S. Citizenship and Immigration Services (USCIS) may find an individual eligible for a U-visa if the victim:
 - i. Is the direct or indirect victim of qualifying criminal activity;
 - ii. Has suffered substantial physical or mental abuse as a result of having been a victim of criminal activity;
 - iii. Has information about the criminal activity; and
 - iv. Was helpful, is being helpful, or is likely to be helpful to law enforcement, prosecutors, judges, or other officials in the detection, investigation, prosecution, conviction, or sentencing of the criminal activity.
- 2) The U-visa allows eligible victims to temporarily remain and work in the United States, generally for four years.
- 3) While in U nonimmigrant status, the victim has an ongoing duty to cooperate with law enforcement and cannot unreasonably refuse to assist with the investigation or prosecution of the criminal activity.
- 4) If certain conditions are met, an individual with a U-visa may apply for adjustment to lawful permanent resident status (i.e., seek a green card in the United States) after three years.

- 5) Certain family members of a U-visa recipient may also be eligible to live and work in the United States as “derivative” U-visa recipients based on their relationship with the principal recipient. These include:
 - i. Unmarried children under the age of 21;
 - ii. Spouse;
 - iii. Parents of U-visa petitioners under age 21; and
 - iv. Unmarried siblings under 18 years old of U-visa petitioners under age 21.

B. Certifying U-visas

- 1) For U-visa certification requests, this agency shall determine whether, pursuant to the standards set forth in federal law, the applicant:
 - i. Is a victim of a qualifying criminal activity; and
 - ii. Was, is, or is likely to be, helpful in the investigation or prosecution of that activity.
- 2) In order to be eligible for a U-visa, the victim must submit a U-visa certification completed by a certifying agency or official on Form I-918B. <https://www.uscis.gov/sites/default/files/files/form/i-918supb.pdf>
- 3) The law enforcement certification explains the role the victim had, has, or will have in being helpful to the investigation or prosecution of the case.
- 4) The certification must be signed by the certifying official with an original signature within the six months (6 months minus one day) immediately preceding the U-visa petitioner’s submission.
- 5) The certifying official is not required to assess whether the victim suffered substantial physical or mental abuse as a result of the criminal activity.

6) The following are criminal activities that qualify a victim for the U-visa. These are not specific crimes or citations to New Jersey criminal code; however are offenses that could fall into these general categories:

- i. Abduction
- ii. Abusive Sexual Contact
- iii. Blackmail
- iv. Domestic Violence
- v. Extortion
- vi. False Imprisonment
- vii. Felonious Assault
- viii. Female Genital Mutilation
- ix. Fraud in Foreign Labor Contracting
- x. Hostage
- xi. Incest
- xii. Involuntary Servitude
- xiii. Kidnapping
- xiv. Manslaughter
- xv. Murder
- xvi. Obstruction of Justice
- xvii. Peonage
- xviii. Perjury
- xix. Prostitution
- xx. Rape
- xxi. Sexual Assault
- xxii. Sexual Exploitation
- xxiii. Slave Trade
- xxiv. Stalking
- xxv. Torture
- xxvi. Trafficking
- xxvii. Witness Tampering
- xxviii. Unlawful Criminal Restraint

7) USCIS has the sole authority to grant or deny a U-visa. The certification does not guarantee that the U-visa petition will be approved by USCIS.

8) No federal agency has the authority to require or demand that the Watchung Borough Police sign the certification.

- 9) The Chief of Police has the authority to sign certifications or to delegate authority to other agency officials in a supervisory role to sign certifications.
- 10) USCIS must receive the U-visa petition, which includes the Form I-918B, within six (6) months of the date the Form I-918B was signed.
- 11) As requested on the Form I-918B, the certifying official should document the helpfulness of the victim and whether that victim refused to be helpful at any time throughout the investigation or prosecution.
- 12) The certification form must contain an original signature and should be signed in a color of ink other than black for verification purposes. Photocopies, faxes, or scans of the certification form cannot be accepted by USCIS as an official certification.

C. The T-visa is an immigration benefit for victims of human trafficking who meet certain eligibility requirements.

- 1) USCIS may find an individual eligible for a T-visa if the victim:
 - i. Is or was the victim of a severe form of trafficking in persons (which may include sex or labor trafficking), as defined by federal law;
 - ii. Is in the United States, American Samoa, the Commonwealth of the Northern Mariana Islands or at a U.S. port of entry due to trafficking;
 - iii. Has complied with any reasonable request from a law enforcement agency for assistance in the investigation or prosecution of human trafficking; and
 - iv. Would suffer extreme hardship involving unusual and severe harm if removed from the United States

- 2) The T-visa allows eligible victims to temporarily remain and work in the U.S., generally for four years.
- 3) While in T-nonimmigrant status, the victim has an ongoing duty to cooperate with law enforcement's reasonable requests for assistance in the investigation or prosecution of human trafficking.
- 4) If certain conditions are met, an individual with T-nonimmigrant status may apply for adjustment to lawful permanent resident status (i.e., apply for a green card in the United States) after three years in the United States or upon completion of the investigation or prosecution, whichever occurs earlier.
- 5) Certain family members of a T-visa recipient may also be eligible to live and work in the United States as "derivative" T-visa holders. These are:
 - i. Unmarried children under the age of 21;
 - ii. Spouse;
 - iii. Parents of principal T-visa recipients under age 21 at the time of application;
 - iv. Unmarried siblings under 18 years old of principal T-visa applicants under age 21; and
 - v. Adult or minor children of certain immediate family members of the T-visa recipient
- 6) While in the United States, the victim has an ongoing duty to cooperate with law enforcement's reasonable requests for assistance in the investigation or prosecution of human trafficking.
- 7) The T-visa declaration is supplementary evidence of a victim's assistance to law enforcement that a federal, state, local, tribal, and territorial law enforcement agency, prosecutor, judge, or other government official can complete for a T-visa applicant.

D. Certifying T-visas

- 1) For T-visa certification requests, each agency's certification procedure shall include a determination of whether, pursuant to the standards set forth in federal law the requester:
 - i. Is or has been a victim of a severe form of trafficking in persons; and
 - ii. Has complied with requests for assistance in an investigation or prosecution of the crime of trafficking
- 2) In order to be eligible for a T-visa, the victim must submit a T-visa certification completed by a certifying agency or official on Form I-914B. <https://www.uscis.gov/sites/default/files/files/form/i-914supb.pdf>
- 3) The T-visa declaration is not conclusive evidence that the applicant meets these eligibility requirements, as only USCIS can make this determination.
- 4) By signing a T-visa declaration, the certifying agency, official or judge is not sponsoring or endorsing the victim for a T-visa.