Roselle Police Certifications For T & U Visas

Lack of legal immigration status in the United States may be among the reasons for some victims choosing not to come forward to work with law enforcement. Perpetrators and human traffickers also use victims’ lack of legal status as leverage to exploit and control them. By stabilizing their status in the United States, immigration relief (through the use of T or U visas) can be critical to providing victims of crime a greater sense of security that also makes it easier for them to assist with law enforcement and prosecutorial efforts.

Individuals seeking information related to obtaining a U visa or a T visa are encouraged to review the “U and T visa Law Enforcement Resource Guide” issued by the Federal Office of Homeland Security.

The electronic link for this is:  
[U and T visa Law Enforcement Resource Guide](https://www.dhs.gov/xlibrary/assets/dhs_u_visa_certification_guide.pdf) [PDF]

The following are the Roselle Police Department (RPD) procedures for processing requests for certification forms in support of U visa applicants or declarations in support of and T visa applicants.

A **certification form** is a signed Department of Homeland Security document from the RPD. In the U visa context, this statement is a required part of the petition and is known as USCIS form I-918, Supplement B, U Nonimmigrant Status Certification. In the T visa context, this statement is known as USCIS form I-914, Supplement B, Declaration of Law Enforcement Officer for Victim in Trafficking of Persons.  
<https://www.nj.gov/oag/trust/>

**U Visa's**

##### WHO IS ELIGIBLE FOR A U VISA?

USCIS may find an individual eligible for a U visa if the victim:

* + Is the direct or indirect victim of qualifying criminal activity that occurred in the United States or violated United States laws; and
  + Has suffered substantial physical or mental abuse as a result of having been a victim of criminal activity; and
  + Has information about criminal activity; and
  + Was helpful, is being helpful, or is likely to be helpful to the NJSP, prosecutors, judges, or other officials in the detection, investigation, prosecution, conviction, or sentencing of the criminal activity; and
  + Additionally, the victim must be admissible to the United States based on a review of his/her criminal history, immigration violations, and other factors. If found inadmissible, an individual may apply for a waiver of inadmissibility for which he/she may be eligible.

For a list of qualifying crimes and for further information, please refer to the “[**U and T visa Law Enforcement Resource Guide**](https://www.dhs.gov/xlibrary/assets/dhs_u_visa_certification_guide.pdf)” [PDF]

##### WHAT ARE THE CRITERIA FOR THE NJSP TO UTILIZE WHEN CONSIDERING COMPLETION OF A CERTIFICATION ON BEHALF OF A U-VISA APPLICANT?

To qualify for a U visa, the individual seeking such status must prove to the United States Citizenship and Immigration Services (USCIS) that he/she meets the criteria for a U visa, as specified above.

One of the primary ways that a victim may demonstrate law enforcement cooperation is to obtain a signed certification form from the NJSP. This certification, which is titled “Supplement B, U Nonimmigrant Status Certification” (USCIS Form I-918), is required for an application for a U visa to be considered by USCIS.

##### HOW DOES AN APPLICANT FOR A U VISA OBTAIN A CERTIFICATION FROM THE RPD?

Qualifying victims who are seeking a U visa may contact the primary investigating RPD detective and request that he/she complete a certification form. It must be emphasized that the RPD has no legal obligation to complete the certification.

##### WHAT IS THE PROCESS THAT THE RPD UTILIZES FOR DETERMINING WHETHER OR NOT TO COMPLETE THE CERTIFICATION IN SUPPORT OF THE U VISA APPLICANT?

Prior to completing a certification, the request will be reviewed by the RPD. If a prosecution is involved, the RPD may work with the appropriate prosecutorial authority to determine if the certification form is appropriate for endorsement.

##### HOW MUCH TIME DOES THE RPD HAVE TO MAKE A DECISION REGARDING THE REQUEST?

The RPD has **120 days** from the date the request was submitted to them to vet the request and decide as to whether to complete the certification.

##### NOTIFYING THE APPLICANT OF THE DECISION:

Once a decision has been made by the certifying officer or the Prosecutor (as appropriate) as to whether to issue and sign a certification, the applicant will be notified of that decision and given the signed certification form (USCIS form I-918, Supplement B). This certification may also be given to the victim’s legal representation, if applicable.

##### WHO HAS THE FINAL AUTHORITY TO ISSUE A U VISA?

Only USCIS has the authority to grant or deny a person’s U visa application.

##### RESOURCE LINKS

* + [U visa](https://www.uscis.gov/humanitarian/victims-human-trafficking-other-crimes/victims-criminal-activity-u-nonimmigrant-status/victims-criminal-activity-u-nonimmigrant-status)
  + [U visa Supplement B form](https://www.uscis.gov/i-918)

**T Visa's**

##### WHO IS ELIGIBLE FOR A T VISA?

Individuals seeking a T visa must meet the following criteria:

* + The victim is or has been a victim of a severe form of trafficking in persons, which may include sex or labor trafficking as defined by federal law; and
  + The victim is in the United States due to trafficking; and
  + The victim has complied with requests for assistance in an investigation or prosecution of the crime of trafficking; and
  + Would suffer extreme hardship involving unusual and severe harm if removed from the United States.
  + The victim must be admissible to the United States based on a review of his/her criminal history, immigrations violations, and other factors. If found inadmissible, an individual may apply for a waiver of inadmissibility for which he/she may be eligible.

##### **WHAT ARE THE CRITERIA FOR THE RPD TO UTILIZE WHEN CONSIDERING COMPLETION OF A CERTIFICATION FORM ON BEHALF OF A T-VISA APPLICANT**?

To qualify for a T visa, the individual seeking such status must prove to the United States Citizenship and Immigration Services (USCIS) that he/she meets the criteria for a T visa, as specified above.

One of the primary ways that a victim may demonstrate cooperation with law enforcement is to obtain a signed certification form from the RPD. This certification form, which is titled “Declaration of Law Enforcement Officer for Victim in Trafficking of Persons (Form I-914B or declaration)”, is not required. However, the signed certification form provides valuable evidence of a victim’s cooperation.

##### HOW DOES AN APPLICANT FOR A T VISA OBTAIN A CERTIFICATION FORM FROM THE RPD?

Qualifying victims who are seeking a T visa may contact the primary investigating RPD detective and request that he/she complete a certification form. It must be emphasized that the RPD has no legal obligation to complete the declaration.

##### WHAT IS THE PROCESS THAT THE RPD UTILIZES FOR DETERMINING WHETHER OR NOT TO COMPLETE THE DECLARATION IN SUPPORT OF THE T VISA APPLICANT?

Prior to completing a certification form, the request will be reviewed by the RPD.

##### HOW MUCH TIME DOES THE RPD HAVE TO MAKE A DECISION REGARDING THE REQUEST?

The RPD has 120 days from the date the request was submitted to vet the request and decide as to whether to complete the certification form.

##### NOTIFYING THE APPLICANT OF THE DECISION:

Once a decision has been made by the certifying officer or the prosecutor (as appropriate) as to whether to issue and sign a certification, the applicant will be notified of that decision and given the signed certification form (USCIS form I-914, Supplement B). This certification may also be given to the victim’s legal representation, if applicable.

##### WHO HAS THE FINAL AUTHORITY TO ISSUE A T VISA?

Only USCIS has the authority to grant or deny a person’s T visa application.

##### RESOURCE LINKS

* + [T visa](https://www.uscis.gov/humanitarian/victims-human-trafficking-other-crimes/victims-human-trafficking-t-nonimmigrant-status)
  + [T visa Supplement B form](https://www.uscis.gov/i-914)