



Homeland
Security
Blue Campaign



U.S. Citizenship
and Immigration
Services

Immigration Relief for Victims of Human Trafficking and Other Crimes INFORMATION FOR LAW ENFORCEMENT OFFICIALS

The Department of Homeland Security (DHS) is responsible for administering immigration benefits to victims of human trafficking and other serious crimes, in addition to upholding U.S. immigration law. U.S. Citizenship and Immigration Services (USCIS) adjudicates T and U visas, which help protect immigrant victims of human trafficking and other crimes.

What is a T visa?

- The T nonimmigrant status (or T visa) provides immigration protection to victims of severe forms of human trafficking who assist law enforcement in the investigation or prosecution of human trafficking cases. A law enforcement declaration is evidence of cooperation that an applicant may submit in support of a T visa application.

What is a U visa?

The U nonimmigrant status (or U visa) offers immigration protection for victims of qualifying crimes who are helpful to law enforcement in the detection, investigation, or prosecution of the criminal activity. A law enforcement certification is required evidence of cooperation that an applicant must submit in support of a U visa application. Without a law enforcement certification, the U visa application will be denied.

Why might a victim ask me for a law enforcement declaration or certification?

An applicant for a T or U visa must demonstrate assistance to law enforcement. The applicant will submit a law enforcement declaration or certification along with the T or U visa application. The declaration or certification provides USCIS with information about the crime and the victim's assistance in an investigation or prosecution of the crime.

How do T or U visas help law enforcement with criminal investigations?

- T and U visas can greatly benefit law enforcement, as they encourage immigrant victims to work with law enforcement, prosecutors, and courts to investigate and prosecute human trafficking and other serious crimes. A victim applying for a T or U visa can help law enforcement by providing information about a crime and assisting in an investigation or prosecution of serious criminals, making the entire community safer.

Does a signed declaration or certification automatically convey an immigration benefit?

No. A signed law enforcement declaration or certification is just one piece of evidence submitted as part of a T or U visa application. Only USCIS has the authority to approve T and U visa applications and provide immigration benefits.

- USCIS also requires additional evidence from the applicant, and will conduct a full background investigation, which includes an FBI fingerprint and Name/Date of Birth check, and a full review of the applicant's immigration history.

May I certify the victim's helpfulness if no prosecution, arrest or conviction has been made? What if the case has been closed?

- Yes. An agency may sign a declaration or certification if the case is closed, or if a prosecution, arrest, or conviction was not made. Formal charges or the launching of a formal investigation is not required. There is no requirement that the victim's assistance to law enforcement lead to a prosecution, arrest, or conviction, as criminals/victimizers may flee the jurisdiction once a crime is reported or may have already been deported from the U.S. In addition, there is no statute of limitations on a victim's helpfulness to law enforcement. A declaration or certification may be provided for cases that are closed or investigations for crimes that occurred months or years ago, as long as the victim was helpful to law enforcement.

If I sign a declaration or certification form, will I be liable for the applicant's future actions?

- No. A law enforcement agency will not be liable for any actions or later criminal activity engaged in by the victim should that occur. The declaration and certification only provide USCIS with certain information available at that time about the victim, the crime, and the victim's assistance to law enforcement in an investigation or prosecution.

What is the law enforcement certification process for a U visa?

- If **certifying**, the law enforcement agency must use USCIS Form I-918, Supplement B and provide it to the victim upon completion. The victim will submit the certification to USCIS with the application for a U visa. The signed law enforcement certification states that the victim: has been a victim of a qualifying crime, possesses information about the crime, and has been, is being, or is likely be helpful to an investigation or prosecution of the qualifying crime. A law enforcement certification is required for a U visa application to be complete. Without a certification, the U visa will be denied.

Who may sign a law enforcement certification for a U visa?

Certifying agencies include: Federal, State or local law enforcement agencies, including prosecutors and judges, or other agencies that have criminal investigative jurisdiction in their respective areas of expertise such as child protective services, the Equal Employment Opportunity Commission and the Department of Labor.

Certifying officials include: The head of a certifying agency or any person in a supervisory role in a certifying agency who is specifically designated by the head of that agency to issue U nonimmigrant certifications; or Federal, State or local judges.

What is the law enforcement declaration process for a T visa?

- If signing a declaration, the law enforcement agency must use USCIS Form I-914, Supplement B and return it to the victim upon completion. The victim will submit the declaration to USCIS with the application for a T visa. The signed law enforcement declaration states that the victim: was or is a victim of a severe form of human trafficking and has complied with any reasonable requests for assistance in an investigation or prosecution of trafficking.
- A law enforcement declaration is optional evidence that an applicant may submit to support a T visa application.

Who may sign a law enforcement declaration for a T visa?

The declaration must be signed by a supervising official responsible for the investigation or prosecution of the trafficking offense.

Law enforcement agencies that may sign include any Federal, State, or local law enforcement agency that has the authority for the investigation or prosecution of human trafficking, including but not limited to: the Department of Justice, the Federal Bureau of Investigation, the Department of Homeland Security, the U.S. Marshals Service, and the Diplomatic Security Service of the Department of State.

Am I legally required to sign this declaration or certification?

- No. A law enforcement agency is under no legal obligation to complete a declaration or certification. Signing is at the discretion of each law enforcement agency, in accordance with that agency's policy. Without a certification, a U visa application will be denied. The declaration is not required for a T visa, but it is an important piece of evidence submitted by the applicant.

What if the victim stops cooperating with law enforcement?

A law enforcement agency may withdraw its declaration or certification after the document is submitted to USCIS. If at any time, the petitioner unreasonably refuses to assist law enforcement, or if the agency wishes to withdraw its declaration or certification for any other reason, the law enforcement agency should notify USCIS in writing.

- The law enforcement agency should send the alien's name, date of birth, and A-file number, if available, along with the reason for the withdrawal of the certification to: U.S. Citizenship and Immigration Services / Vermont Service Center – ATTN: T/U-Visa Unit, 75 Lower Welden St., St. Albans, Vermont 05479-0001.

Resources for More Information:

Law enforcement should email their inquiries to LawEnforcement_UTVAWA_vsc@uscis.dhs.gov.

- Additional information is available at www.uscis.gov/humantrafficking and www.dhs.gov/humantrafficking.