



INFORMATION FOR LAW ENFORCEMENT OFFICIALS

Immigration Relief for Victims of Human Trafficking and Other Crimes

Human Trafficking is a heinous criminal activity that violates federal law and the laws of most states. Also known as trafficking in persons, human trafficking is a form of modern-day slavery in which traffickers often lure individuals with false promises of employment and a better life. Under federal law, there are two categories of severe forms of trafficking: sex trafficking and labor trafficking. Severe forms of trafficking involve force, fraud, or coercion (with the exception of cases involving sex trafficking victims who are less than 18 years of age, which do not require force, fraud, or coercion).

U.S. Immigration and Customs Enforcement's Homeland Security Investigations (HSI) and U.S. Citizenship and Immigration Services (USCIS), of the Department of Homeland Security (DHS), play a significant role in combating human trafficking. DHS' authority to investigate crime and its responsibility to protect victims are equally important. HSI leads DHS' law enforcement efforts by investigating human trafficking crimes and issuing Continued Presence to trafficking victims. USCIS administers immigration benefits and has the authority to grant T "visas" or U "visas" to victims of human trafficking or other designated crimes who assist law enforcement with the investigation or prosecution of these crimes.

There are three forms of immigration relief available to victims of human trafficking – Continued Presence, T visas, and U visas. As a Federal, State, local, tribal, or territorial law enforcement official, it is important to understand the three forms of immigration relief available to victims of human trafficking and your role in each process. By encouraging victims to report crimes and cooperate with law enforcement for investigatory or prosecutorial purposes, these forms of relief assist you in investigating and prosecuting criminals and eliminating human trafficking and other crimes within your community.

Below is information about the forms of immigration relief and the distinct roles that HSI, USCIS, and law enforcement officials play in assisting victims of human trafficking and other crimes.

Continued Presence (CP)

What is CP?

CP provides temporary immigration relief to individuals who are identified by Federal, State, local, tribal, or territorial law enforcement as victims of human trafficking. This allows victims of human trafficking to remain in the United States temporarily during the ongoing human trafficking investigation and prosecution. This can lead to more successful prosecutions and the potential to identify and rescue more victims. CP is initially granted for one year and may be renewed in one-year increments. CP can be revoked at any time if law enforcement determines in the course of their investigation that the individual is not a victim of human trafficking.

Why is CP important to law enforcement?

CP is an important tool for Federal, State, local, tribal, and territorial law enforcement in their investigation of human trafficking-related crimes. Victims of human trafficking often play a central role in building a case against a trafficker. CP affords victims a legal means to temporarily live and work in the United States and receive access to victim assistance resources and benefits. This provides them a sense of stability and protection, which often improves victim cooperation with law enforcement.

Who qualifies for CP?

An individual identified as a victim of human trafficking who is a potential witness in the investigation or prosecution of the trafficker. The individual may also have filed a civil action against the trafficker, though it is not a requirement for eligibility. The Federal, State, local, tribal, or territorial law enforcement official makes the initial determination of whether the individual meets the definition of a victim of a severe form of trafficking and submits an application for CP through an appropriate federal law enforcement agency. CP should be made available as soon as law enforcement identifies a victim of human trafficking; the investigation does not have to be completed prior to requesting CP. Although victim cooperation is required in order for a victim with CP to receive social service benefits, it is not a criterion for CP eligibility.

How do I request CP?

Federal law enforcement officials, primarily from HSI and the Federal Bureau of Investigation (FBI), as well as federal prosecutors from U.S. Attorney's Offices within the Department of Justice (DOJ), are authorized to submit CP applications. An application for CP should be initiated immediately upon identification of a victim of human trafficking. All CP applications are submitted to the HSI Law Enforcement Parole Unit (LEPU). Federal officials may submit CP applications on behalf of state or local law enforcement in cases where the victimization meets the federal definition of trafficking. When State, local, tribal or territorial law enforcement officials identify a victim of human trafficking, they should coordinate with their Federal law enforcement partners to submit an application for CP.

T visa	U visa																														
<p>What is the T visa? The T nonimmigrant status (also known as the T visa) provides immigration protection to victims of severe forms of trafficking who assist Federal, State, local, tribal, or territorial law enforcement in the investigation or prosecution of human trafficking cases. Those under the age of 18 and those unable to cooperate because of physical or psychological trauma are not required to assist law enforcement.</p> <p>What is Human Trafficking? Also known as trafficking in persons, human trafficking is a form of modern-day slavery in which traffickers may lure individuals with false promises of employment and a better life.</p> <p>Under federal law:</p> <ul style="list-style-type: none"> There are two categories of severe forms of trafficking: sex trafficking and labor trafficking. Severe forms of trafficking involve force, fraud or coercion (with the exception of cases involving sex trafficking victims who are less than 18 years of age, which do not require force, fraud or coercion). <p>How does a victim apply for a T visa? A victim sends USCIS the following completed form:</p> <ul style="list-style-type: none"> Form I-914, Application for T Nonimmigrant Status 	<p>What is the U visa? The U nonimmigrant status (also known as the U visa) provides immigration protection to victims of certain qualifying crimes who assist Federal, State, local, tribal, or territorial law enforcement in the investigation or prosecution of the crime.</p> <p>What Federal, State, or local crimes may qualify a victim for the U visa?*</p> <table border="0"> <tr> <td>Abduction</td> <td>Obstruction of justice</td> </tr> <tr> <td>Abusive sexual contact</td> <td>Peonage</td> </tr> <tr> <td>Blackmail</td> <td>Perjury</td> </tr> <tr> <td>Domestic violence</td> <td>Prostitution</td> </tr> <tr> <td>Extortion</td> <td>Rape</td> </tr> <tr> <td>False imprisonment</td> <td>Sexual assault</td> </tr> <tr> <td>Felonious assault</td> <td>Sexual exploitation</td> </tr> <tr> <td>Female genital mutilation</td> <td>Slave trade</td> </tr> <tr> <td>Being held hostage</td> <td>Torture</td> </tr> <tr> <td>Incest</td> <td>Trafficking</td> </tr> <tr> <td>Involuntary servitude</td> <td>Unlawful criminal restraint</td> </tr> <tr> <td>Kidnapping</td> <td>Witness tampering</td> </tr> <tr> <td>Manslaughter</td> <td>Murder</td> </tr> <tr> <td>Fraud in Foreign Labor Contracting</td> <td>Stalking</td> </tr> <tr> <td></td> <td>Other related crimes</td> </tr> </table> <p><i>*Also includes attempt, conspiracy, or solicitation to commit any of the above crimes.</i></p> <p>How does a victim apply for a U visa? A victim sends USCIS the following completed form:</p> <ul style="list-style-type: none"> Form I-918, Petition for U Nonimmigrant Status 	Abduction	Obstruction of justice	Abusive sexual contact	Peonage	Blackmail	Perjury	Domestic violence	Prostitution	Extortion	Rape	False imprisonment	Sexual assault	Felonious assault	Sexual exploitation	Female genital mutilation	Slave trade	Being held hostage	Torture	Incest	Trafficking	Involuntary servitude	Unlawful criminal restraint	Kidnapping	Witness tampering	Manslaughter	Murder	Fraud in Foreign Labor Contracting	Stalking		Other related crimes
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T and U visa

<p>Why would a victim ask me for a law enforcement declaration or certification? An applicant for a T or a U visa must demonstrate assistance to Federal, State, local, tribal, or territorial law enforcement (although there are limited circumstances under which such assistance is not required for purposes of T visa eligibility). The applicant may ask you to sign a USCIS law enforcement declaration or certification. These forms inform USCIS about the applicant's assistance in the investigation or prosecution of the crime. These forms alone do not grant any immigration benefit.</p> <ul style="list-style-type: none"> T visa - Form I-914, Supplement B (optional) U visa - Form I-918, Supplement B (mandatory) <p>Who may sign a law enforcement declaration or certification? Any Federal, State, local, tribal, or territorial law enforcement agency that has the authority for the detection, investigation, or prosecution of human trafficking or qualifying U visa crimes may sign a declaration or certification. These agencies include, but are not limited to, State and local judges, DOJ, FBI, HSI, the U.S. Marshals Service, the Department of State's Diplomatic Security Service, the Department of Labor, Child Protective Services, and the Equal Employment Opportunity Commission. Each law enforcement agency may have its own policy on signing declarations or certifications.</p> <p>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. Signing will <u>not</u> subject an agency to liability. Signing a declaration or certification does <u>not</u> grant any immigration benefit. USCIS requires evidence of eligibility and conducts a full background investigation, including fingerprinting and Name/DOB checks. <u>Only USCIS</u> has the authority to grant or deny this immigration benefit. Law enforcement agencies can sign a certification even if no prosecution, arrest, or conviction has been made, and even if the case is closed. Formal charges or the launch of a formal investigation is not required.</p> <p>Am I liable for the victim's future actions? What if the victim stops cooperating? No. A law enforcement agency is not liable for future conduct or criminal activity a victim may engage in. A victim is required to offer continued support with reasonable requests from law enforcement. The declaration or certification may be withdrawn at any time. The agency must notify USCIS in writing if it chooses to withdraw the declaration or certification.</p> <p style="text-align: center;">For more information, please visit www.dhs.gov/humantrafficking</p>
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