# OSHA's U & T Visa Certification Program

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# Why is OSHA issuing these visa certifications?

- **OSHA's mission is to ensure safe and healthful working conditions for workers**
- **Many OSHA investigations take place in industries that employ vulnerable noncitizen workers**
- **OSHA is seeking to both further our mission and better protect these workers**
- **OSHA is issuing *visa certifications*, not *visas*.**

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# What are U visas?

- **U visas provide temporary nonimmigrant status to victims of a specific list of qualifying criminal activities (QCAs) who**
  - **possess specific, credible, and reliable information about the QCA;**
  - **have been, are being, or are likely to be helpful to law enforcement or government officials in the detection, investigation, or prosecution of the QCA; and**
  - **have suffered substantial physical or mental abuse as a result of the QCA.**

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# What are QCAs for which OSHA currently issues U visa certifications?

- murder
- manslaughter
- felonious assault
- extortion
- blackmail
- witness tampering
- obstruction of justice
- perjury
- involuntary servitude
- peonage
- human (labor & sex) trafficking

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# What are T visas?

- **T visas provide temporary nonimmigrant status to victims of "a severe form of trafficking in persons" who**
  - **are physically present in the U.S. as a result;**
  - **comply with any reasonable request for assistance from law enforcement in the detection, investigation, or prosecution of the trafficking; and**
  - **demonstrate that they would suffer extreme hardship involving unusual and severe harm upon removal.**

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# Who in OSHA reviews certification requests?

- Each of OSHA's 10 regions has at least one Regional Workplace Crimes Coordinator (RWCC)
- Final authority to approve and sign certifications lies with OSHA's Regional Administrators, Deputy Assistant Secretaries, and Director of the Directorate of Whistleblower Protection Programs (DWPP)
- DOL's Office of the Solicitor (SOL) also involved

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# How should a certification request get to OSHA?

- **Submit requests directly to OSHA-UTV-Certification@dol.gov**
- **Questions and requests brought directly to OSHA staff will always be directed or forwarded to OSHA-UTV-Certification@dol.gov**

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# What criteria must be established for OSHA to consider issuing a certification?

- **OSHA will consider completing certifications if:**
  - **There is a connection between the request and OSHA's law enforcement work**
  - **The U visa petitioner or T visa applicant is a victim of certain QCAs (U visa) or a "severe form of trafficking in persons" (T visa)**
  - **The U visa petitioner or T visa applicant has been or is likely to be helpful (U visa) or cooperative (T visa) in the detection, investigation, or prosecution of the QCA or the trafficking crime**

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# Connection to OSHA's law enforcement work

- **The QCA or trafficking must arise in the context of a work environment or an employment relationship; and**
- **There must be a credible allegation of a violation of a law that OSHA enforces related to that work environment or employment relationship**

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# Other requirements OSHA must assess

- **The U visa petitioner or T visa applicant is a victim of certain QCAs (U visa) or a victim of trafficking (T visa)**
- **The U visa petitioner or T visa applicant has been or is likely to be helpful (U visa) or cooperative (T visa) in the detection, investigation, or prosecution of the QCA or the trafficking crime**
- U and T Visa Law Enforcement Resources | Homeland Security (dhs.gov)

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# What does OSHA staff consider while processing requests?

- **Confidentiality**
- **Safety of individuals involved**
- **Possible limited English proficiency**
  - **Interpreters available when speaker's native language isn't English**
- **Focus on centering victims and minimizing trauma**

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# Additional DOL resources

- **OSHA's U&T Visa Certification Website (https://www.whistleblowers.gov/ut_visa)**
- **OSHA's Human Trafficking Factsheet (https://www.whistleblowers.gov/sites/default/files/publications/OSHA4206.pdf)**

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# Additional DOL resources

- **Wallet Cards:**
  - **Identifying & Reporting Labor Trafficking (https://www.osha.gov/sites/default/files/publications/OSHA4205.pdf)**
  - **Is Your Employer Putting Your Safety at Risk? (https://www.osha.gov/sites/default/files/publications/OSHA4193.pdf)**

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# Any Questions?




www.osha.gov

**800-321-OSHA (6742)**