NIWAP

AMERICAN UNIVERSITY WASHINGTON COLLEGE OF LAW

Supporting Victims: U & T Visa Practices that Strengthen Investigations and Secure Convictions

Twin Cities, MN

January 23, 2026

For Law Enforcement, Prosecutors, and Systems-Based Victim Witness Staff

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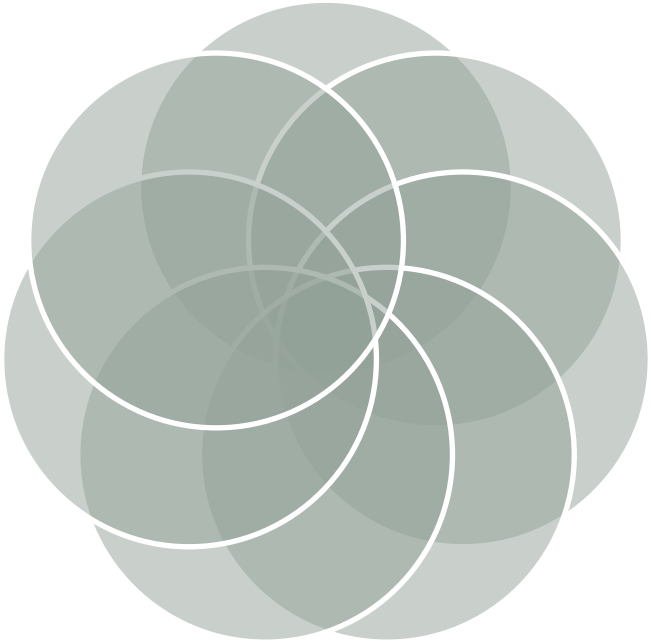
- We provide Training &Technical Assistance to
  - Local, state, federal law enforcement; prosecutors; victim advocates; judges; attorneys; and other professionals
  - Serving immigrant victims of domestic violence, sexual assault, dating violence, stalking, human trafficking, child/elder abuse, and other crimes
- Our goal is to increase offender accountability and immigrant crime victims' safety, justice system participation, and the ability to rebuild their lives and thrive

Factors that Impede Victim's Ability to Safely Participate

Fear of Reprisal

Inaccessible services

Witness intimidation



Lack of resources

Deportation Threats

Lack of communication

Culture

Background

- Fear of deportation & crime reporting
- U & T Visas provide immigration relief to direct victims, bystander victims, and indirect victims (family members to direct victims)
- Victims cannot apply for a U visa without an I-918B form signed by a law enforcement agency
- The form is used to certify the:
  - Qualifying crime
  - Victim's helpfulness
- Our office does not grant U or T visas

U Visa Benefits

Law Enforcement and Prosecutors

- Encourages victims to report crimes
- Improves investigation and prosecution of violent crimes
- Increases the potential to convict the most dangerous criminals
- Build trust with U visa victims that can solve other crimes
- Demonstrates commitment to protecting immigrant community members
- Enhanced immigrant community involvement
- Makes it easier to identify victim witnesses
- Reduces repeat calls and recanting victims
- Fosters community policing partnerships
- Enhances officer and community safety

After VAWA Self-Petitioners and U Visa Victims Receive Work Authorization and Deferred Action

- Increased justice system involvement
  - 114% increase in willingness to trust the police
  - 70% participate in active criminal prosecutions and investigations
    - 29% willing to cooperate if their criminal cases went forward
  - 36% make police reports regarding future crimes
  - 60% seek protection orders and/or custody
  - 22% help other victims report abuse and seek help/justice
- Significant reductions in abusers using immigration as a tool to perpetuate abuse
  - 74% decline in immigration-related abuse
  - 78% decline in threats to snatch/cut off access to children
  - 65% decline in efforts of abusers to use immigration to gain an advantage in family court

Victim Rights (Chapter 611A)

- https://dps.mn.gov/divisions/ojp/crime-victims/crime-victim-rights
- Right to have U/T visa certification request processed (See Minn. Stat. Sec. 611A.95, subd. 3)
- During the prosecution
  - Be notified of the prosecution of the case, the prosecution process, and all your rights
  - Apply for Crime Victims Reparations Board funding
  - Request restitution
  - Provide input and/or object to plea offer
  - Provide input to investigating probation officer as part of pre-sentence investigation, if victim input is sought
  - Give a victim impact statement at the sentencing hearing in writing or orally
  - Be notified of the outcome of the case

U Visa Requirements

- U visas are for victims of certain crimes and their family members
- The petitioner must:
  1. Be a victim of a qualifying criminal activity that occurred in the U.S. (or violated U.S. law);
  2. Has specific credible, and reliable information about the qualifying crime;
  3. Has been, is being, or will likely be helpful to the certifying agency in the detection, investigation, prosecution, conviction, or sentencing of the criminal activity;
  4. Have suffered substantial physical or mental abuse because of the criminal activity; &
  5. Is Admissible to the United States.
- Certifying officials review records to determine whether petitioners have met the first three requirements only.
- Form I-918, Supplement B

Who can apply?

- Parents can apply as an "indirect victim" if:
  - The direct victim is a child under 21 years of age and/or is incompetent, incapacitated, or deceased due to murder or manslaughter
  - They demonstrate helpfulness
- When the victim is a child, the helpfulness requirement can be met by a "next friend" or family member being helpful
- Bystander victimization

Immigration Relief Available for Immigrants When *They or Their Children* Are Victims of ---

- Domestic violence
  - -- Child abuse
  - -- Elder abuse
- Sexual assault
- Rape
- Incest
- Prostitution
- Torture
- Felonious assault
- Manslaughter
- Murder
- Female genital mutilation
- Kidnapping
- Abduction
- Trafficking
- Involuntary servitude
- Slave trade
- Being held hostage
- Fraud Foreign Labor Contracting
- Peonage
- False Imprisonment
- Blackmail
- Extortion
- Witness tampering
- Obstruction of justice
- Perjury
- Stalking
- Hate Crimes
- Video voyeurism

Attempt, conspiracy or solicitation to commit any of these crimes or any similar activity

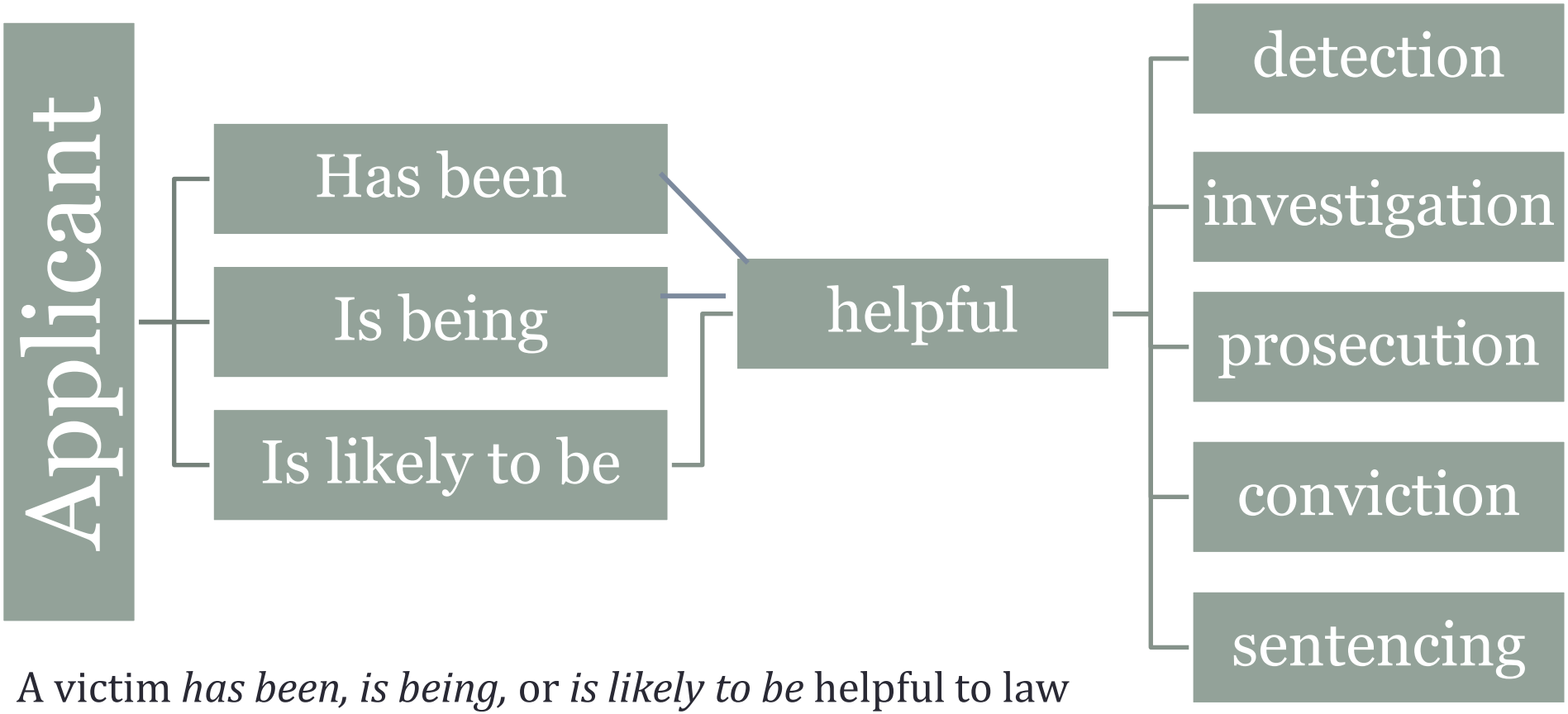
Qualifying Crimes

- Domestic violence
  -- Child/elder abuse
- Sexual assault
- Rape
- Incest
- Prostitution
- Torture
- Felonious assault
- Manslaughter
- Murder
- Female genital mutilation
- Kidnapping
- Abduction
- Trafficking
- Involuntary servitude
- Slave trade
- Being held hostage
- Fraud Foreign Labor Contracting
- Peonage
- False Imprisonment
- Blackmail
- Extortion
- Witness tampering
- Obstruction of justice
- Perjury
- Stalking
- Abusive sexual contact
- Sexual exploitation
- Unlawful criminal restraint

Attempt, conspiracy, or solicitation to commit any of these crimes or any similar activity

Definition of "Helpfulness"

8 C.F.R 214.14(b)(3)



A victim *has been, is being,* or *is likely to be* helpful to law enforcement, prosecutors, judges, or other government officials

Helpfulness – examples

Calling 911	Providing a statement to law enforcement	Participating in a forensic interview or supporting a victim at a forensic interview
Filing a restitution claim	Submitting a Crime Victims Reimbursement Program (CVRP) claim	Attending court
Meeting with a prosecutor	Meeting with a victim services specialist	Participating in trial preparation
Signing a release of information for medical records	Testifying in court	Providing plea input
Providing a victim impact statement	Providing input to probation (e.g., pre-sentence investigation)	Providing evidence for a sexual assault kit / sexual assault nurse examination
Following up with a victim services specialist	Supplying helpful information to a victim services specialist	Responding to a subpoena
Supplying updates on injuries	Filing an order for protection or harassment/restraining order	Following up with law enforcement about an incident

Determining Helpfulness

- Certifying agency determines "helpfulness"
- No degree (or timing) of helpfulness is required
  - DHS adjudicates helpfulness based on totality of the circumstances
- Any agency may complete U Visa certification as soon as they assess victim's helpfulness
- Investigation or prosecution can still be ongoing

Unreasonable Requests

- Subjective, but consider if the request:
  - Endangers victim, witnesses, family members, or others
  - Subjects the victim to greater harm
  - Increases trauma to victim
  - Negatively affects the victim's ability to support their family
  - Is reasonable in light of the perpetrator's force, fraud or coercion of the victim

Not Required

- Within the statute of limitations
- Conviction
- Charges filed
- Offender arrested/prosecuted
- Victim provides testimony at trial
- Victim is a necessary witness
- Offender is identified
- Offender alive
- Case involving offender is open or closed

FAQs

What if the victim has a criminal history?	This is not a part of the certification process, but USCIS fully reviews applicants' history
What if the victim later commits a crime?	The certifying is not held liable for the applicant's actions
What if I later find out the victim lied?	Ensure you are conducting a trauma-informed analysis, but the certification is revokable
How long does it take to get a U Visa?	There is currently a waiting list, so qualified applicants can wait 20+ years for their visa, but with work authorization…

T Visa Requirements

- T visas are for victims of trafficking and their family members
- The petitioner must:
  1. Be a victim of a severe form of trafficking in persons;
  2. Have cooperated with any reasonable requests for assistance from law enforcement or qualify for an exemption due to age or trauma suffered;
  3. Be physically present in the U.S. (or at a port of entry) on account of trafficking;
  4. Be likely to suffer extreme hardship involving unusual and severe harm if removed from the U.S.; and
  5. Be admissible to the U.S. or qualify for a waiver of applicable inadmissibility grounds.
- Certifying officials review records to determine whether petitioners have met the first three requirements only.
- Form I-914, Supplement B

T Visa Facts

- Applicants are encouraged to submit a Law Enforcement Declaration along with their application, *but it is not required*

Severe Forms of Human Trafficking

TVPA, 22 U.S.C. § 7102

Act	Means	Purpose
• Recruit • Harbor • Transport • Provide • Obtaining • Patronize • Solicit	• Force • Fraud • Coercion Not required for minor victims of sex trafficking	• Commercial Sex • Forced labor • Forced services • Involuntary servitude • Peonage • Debt bondage • Slavery

Note: There is no such thing as "attempted trafficking". It is included in this definition.

The Team

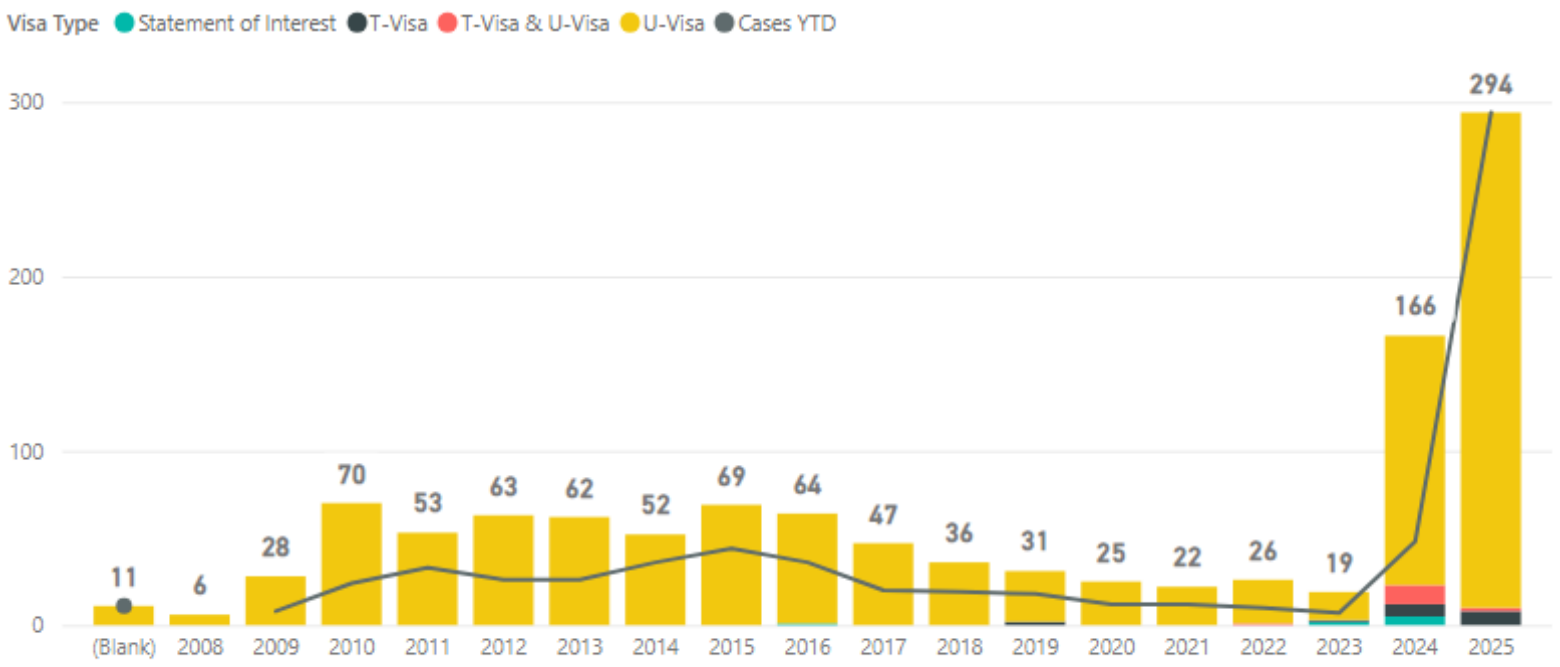
- Travis Sigafoos, Victim Services Supervisor
- Nicki Slick, Administrative Coordinator
- Clare Diegel, Director of DOPS
- Andrew Markquart, Sr. Attorney, Conviction Integrity
- Eder Castillo, Primary U & T Visa Certifying Official
- Tiana Nelson, Legal Secretary
- And many others!

Our Policy

- A victim-centered approach that serves as “a model for the country”
- We can certify at any stage of a legal process, including police reports and petitions for orders for protection
- When a victim is in deportation proceedings or needs an expedited certification, we process those certifications within 7 calendar days

Impact of new policy implementation at the Hennepin County Attorneys Office

Certification Requests by Type



Qualifying crimes and qualified applicants

- The HCAO will mark every qualifying crime on the I-918B form that is credibly supported
- Direct, indirect, and bystander victims
  - You may want to flag whether your client is likely a bystander victim, who may or may not be listed in the police report
  - Especially when the case is referred to the HCAO, we will likely have a great deal of information regarding any victims, witnesses, and/or indirect victims
- Upon request, we will issue separate certifications for a direct victim and any derivative beneficiaries who could also be considered indirect victims
  - For example, families that are in removal proceedings even though you may only identify one principal applicant in your petition to USCIS

Helpfulness

- The HCAO employs a rebuttable presumption that the victim is likely to be helpful unless there is evidence that: (1) a victim unreasonably refused to cooperate; or (2) a victim unreasonably failed to provide information and assistance reasonably requested by law enforcement or the prosecution.

- Applicants who show evidence of other compelling circumstances, such as further threats of violence, housing issues, or illness, that prevented cooperation may be able to show that their decision or inability to continue cooperating was not unreasonable, and therefore, that they remain eligible for certification.

- We will seek input about helpfulness from the prosecutor and victim services specialist of record for HCAO prosecutions, and review prosecution file.

Factors not to be considered

- The HCAO will process certification requests without considering:
  - Whether the perpetrator was apprehended
  - Whether the incident was charged
  - Case status or age
  - The outcome of the case
  - The applicant's criminal or civil court history
  - Doubts as to whether the applicant will ultimately qualify for a U/T visa

Timeliness of certifications

- Certification decision mailed within 30 calendar days of request
- Expedited certification decision mailed within 7 calendar days of request if you affirmatively state one of the following:
  - Client is in removal proceedings
  - Request for evidence deadline
  - Age-out issue with derivative beneficiary
- We do not require (or ask for) any supporting documents to justify an expedited review
  - Let us know if you need a decision faster than 7 calendar days, and we will do our best to accommodate

How to request

- The HCAO prefers that applicants and/or their representative send all certification requests and immigration relief inquiries via email to visa@hennepin.us.
- Unless otherwise requested by the HCAO, applicants and/or their representatives for U/T visa certification are not to submit any documentation as part of their requests other than the following:

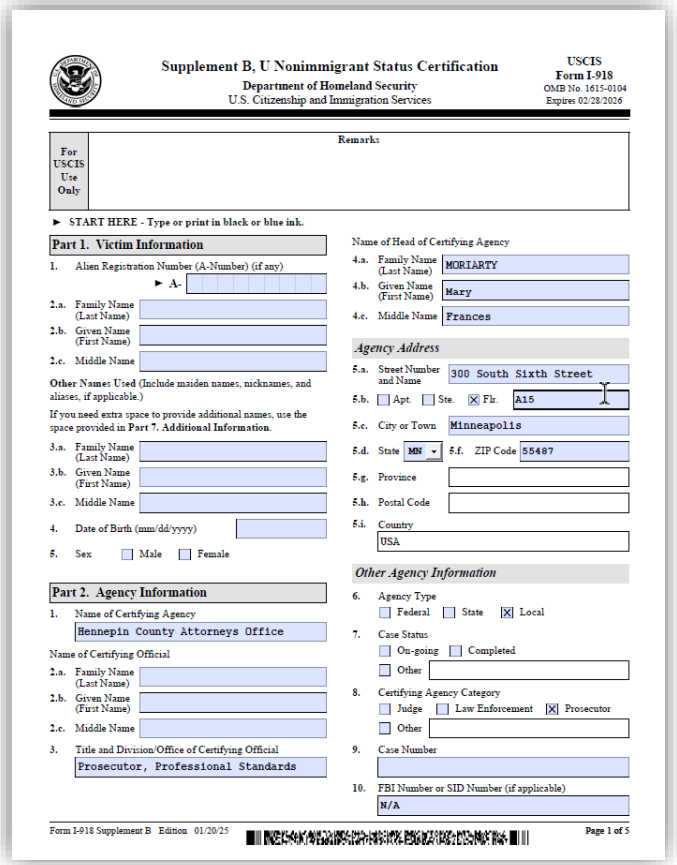
☐ Full legal name and aliases	☐ Case-identifying information (for example: court file, police report, or law enforcement CCN numbers) and name of investigating agency
☐ Date of birth	☐ Whether the applicant is requesting expedited processing
☐ Gender	☐ Whether the representative represents other indirect victims/qualified applicants related to the matter, and, if so, whether they wish to have separate I-918B or I-914B forms for any indirect victims
☐ Release of Information (in an appropriate language for the applicant)	☐ Optional: Alien Registration Number ("A--Number")

Brady/Giglio – Disclosures

- *Brady/Giglio*: Constitutional obligation to turn over to a defendant information within the prosecutor's possession and control that is favorable to the defense and material to the case
- If the HCAO is actively prosecuting a criminal case, the Immigration Policy Unit will notify the prosecutor of record who will disclose to the defense counsel that the HCAO received the request.
  - The prosecutor of record will also disclose redacted request materials and certified forms.
  - Other information related to the certification request may be disclosed as required under the *Brady/Giglio*
- Under state case law, U & T visa certification requests are presumptively excluded from evidence, and the HCAO is prepared to file motions *in limine* to exclude that evidence

How to Fill Out an I-918B

- 5 pages
- 7 Sections
  1. Victim Information
  2. Agency Information
  3. Criminal Acts
  4. Helpfulness of the Victim
  5. Culpable Family Members
  6. Signature
  7. Additional Information



Supplement B, U Nonimmigrant Status Certification
Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS Form I-918
OMB No. 1615-0104
Expires 02/28/2026

For USCIS Use Only — Remarks

► START HERE - Type or print in black or blue ink.

Part 1. Victim Information

1. Alien Registration Number (A-Number) (if any) ► A-
2.a. Family Name (Last Name)
2.b. Given Name (First Name)
2.c. Middle Name

Other Names Used (Include maiden names, nicknames, and aliases, if applicable.)

If you need extra space to provide additional names, use the space provided in Part 7. Additional Information.

3.a. Family Name (Last Name)
3.b. Given Name (First Name)
3.c. Middle Name
4. Date of Birth (mm/dd/yyyy)
5. Sex ☐ Male ☐ Female

Part 2. Agency Information

1. Name of Certifying Agency: Hennepin County Attorneys Office

Name of Certifying Official

2.a. Family Name (Last Name)
2.b. Given Name (First Name)
2.c. Middle Name
3. Title and Division/Office of Certifying Official: Prosecutor, Professional Standards

Name of Head of Certifying Agency

4.a. Family Name (Last Name): MORIARTY
4.b. Given Name (First Name): Mary
4.c. Middle Name: Frances

Agency Address

5.a. Street Number and Name: 300 South Sixth Street
5.b. ☐ Apt. ☐ Ste. ☒ Flr. A15
5.c. City or Town: Minneapolis
5.d. State: MN 5.f. ZIP Code: 55487
5.g. Province
5.h. Postal Code
5.i. Country: USA

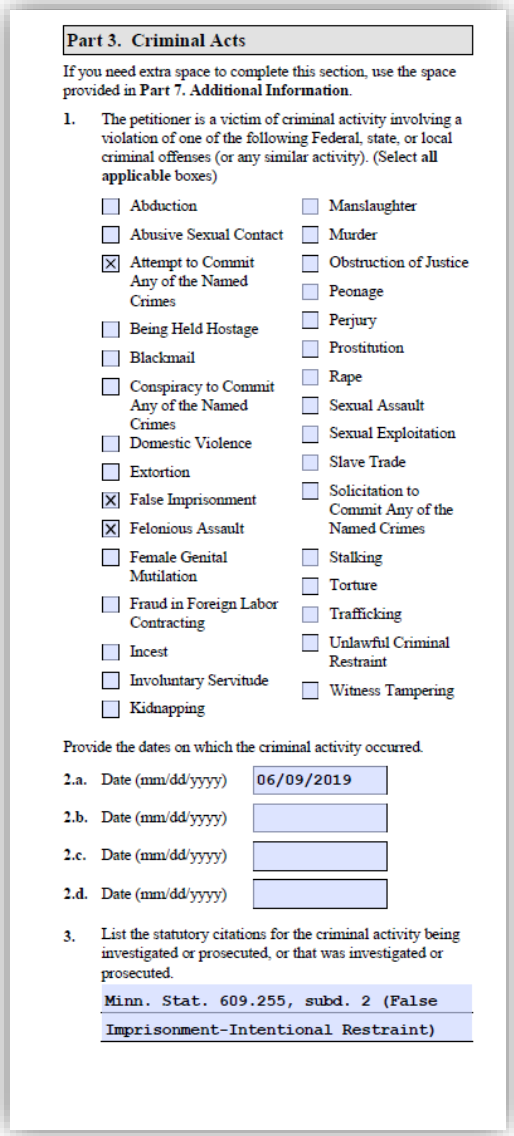
Other Agency Information

6. Agency Type ☐ Federal ☐ State ☒ Local
7. Case Status ☐ On-going ☐ Completed ☐ Other
8. Certifying Agency Category ☐ Judge ☐ Law Enforcement ☒ Prosecutor ☐ Other
9. Case Number
10. FBI Number or SID Number (if applicable): N/A

Form I-918 Supplement B Edition 01/20/25 — Page 1 of 5

Criminal Acts

- 1. Check off all the crimes that the petitioner likely experienced based on the credible information that we have. The standard of proof is not Beyond a Reasonable Doubt
- Some of the criminal acts have tricky definitions:
  - Attempt, conspiracy, solicitation
  - Felonious Assault
  - Rape, Sexual assault, Abusive sexual contact, and Sexual Exploitation
  - Extortion vs. Blackmail
- 3. Cite the most important statute
  - Use Bluebook style
  - Specify the subdivision
  - Follow the citation with a parenthetical



Part 3. Criminal Acts

If you need extra space to complete this section, use the space provided in **Part 7. Additional Information**.

1. The petitioner is a victim of criminal activity involving a violation of one of the following Federal, state, or local criminal offenses (or any similar activity). (Select **all applicable** boxes)

☐ Abduction	☐ Manslaughter
☐ Abusive Sexual Contact	☐ Murder
☒ Attempt to Commit Any of the Named Crimes	☐ Obstruction of Justice
☐ Being Held Hostage	☐ Peonage
☐ Blackmail	☐ Perjury
☐ Conspiracy to Commit Any of the Named Crimes	☐ Prostitution
☐ Domestic Violence	☐ Rape
☐ Extortion	☐ Sexual Assault
☒ False Imprisonment	☐ Sexual Exploitation
☒ Felonious Assault	☐ Slave Trade
☐ Female Genital Mutilation	☐ Solicitation to Commit Any of the Named Crimes
☐ Fraud in Foreign Labor Contracting	☐ Stalking
☐ Incest	☐ Torture
☐ Involuntary Servitude	☐ Trafficking
☐ Kidnapping	☐ Unlawful Criminal Restraint
	☐ Witness Tampering

Provide the dates on which the criminal activity occurred.

2.a. Date (mm/dd/yyyy) 06/09/2019

2.b. Date (mm/dd/yyyy)

2.c. Date (mm/dd/yyyy)

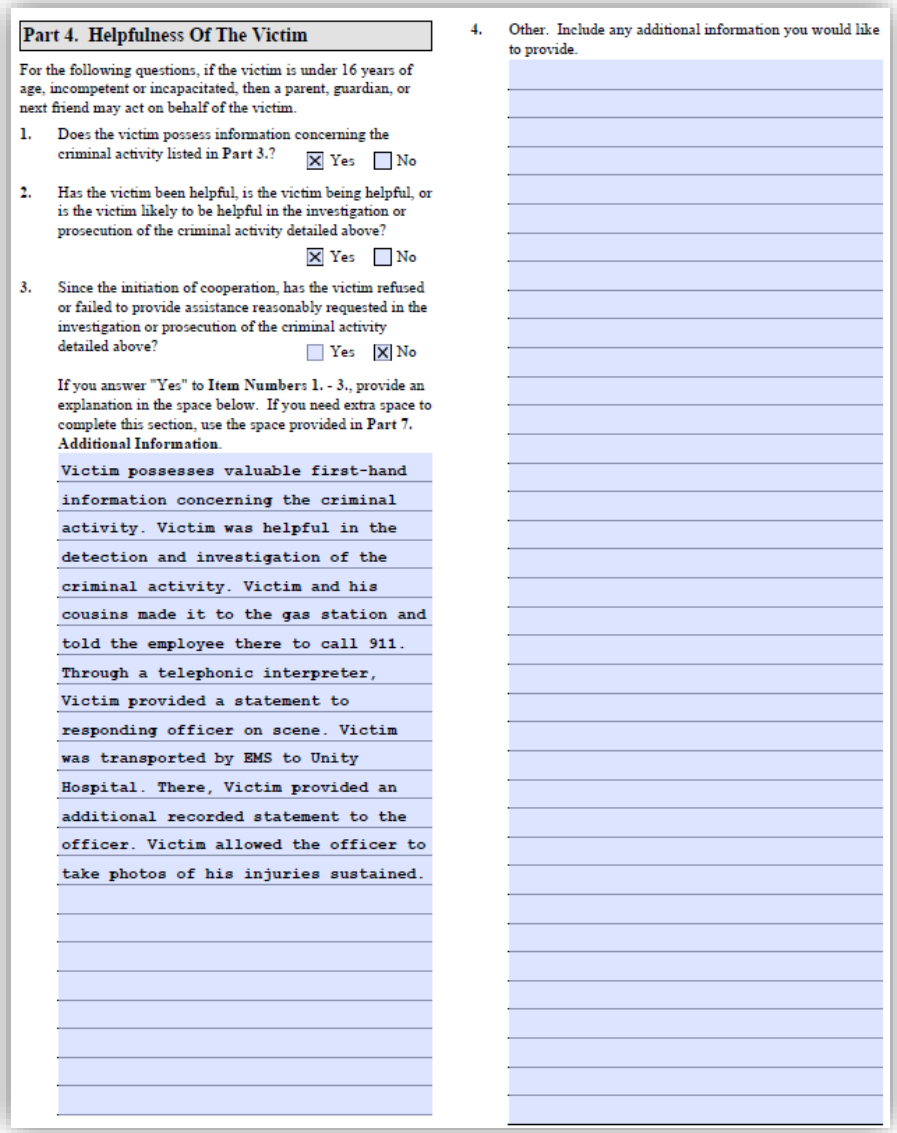
2.d. Date (mm/dd/yyyy)

3. List the statutory citations for the criminal activity being investigated or prosecuted.

Minn. Stat. 609.255, subd. 2 (False Imprisonment-Intentional Restraint)

Helpfulness of the Victim

- 3. Victim possesses valuable first-hand information concerning the criminal activity.
- Victim was, is being, or is likely to be helpful in the
- Detection, investigation, prosecution, conviction, and/or sentencing of the criminal activity by . . .
  - Include all examples of helpfulness
  - Include the obstacles the victim overcame, like language barriers
  - Include any positive case outcomes
- Use as much of the space as possible



Part 4. Helpfulness Of The Victim

For the following questions, if the victim is under 16 years of age, incompetent or incapacitated, then a parent, guardian, or next friend may act on behalf of the victim.

1. Does the victim possess information concerning the criminal activity listed in **Part 3.**? ☒ Yes ☐ No

2. Has the victim been helpful, is the victim being helpful, or is the victim likely to be helpful in the investigation or prosecution of the criminal activity detailed above? ☒ Yes ☐ No

3. Since the initiation of cooperation, has the victim refused or failed to provide assistance reasonably requested in the investigation or prosecution of the criminal activity detailed above? ☐ Yes ☒ No

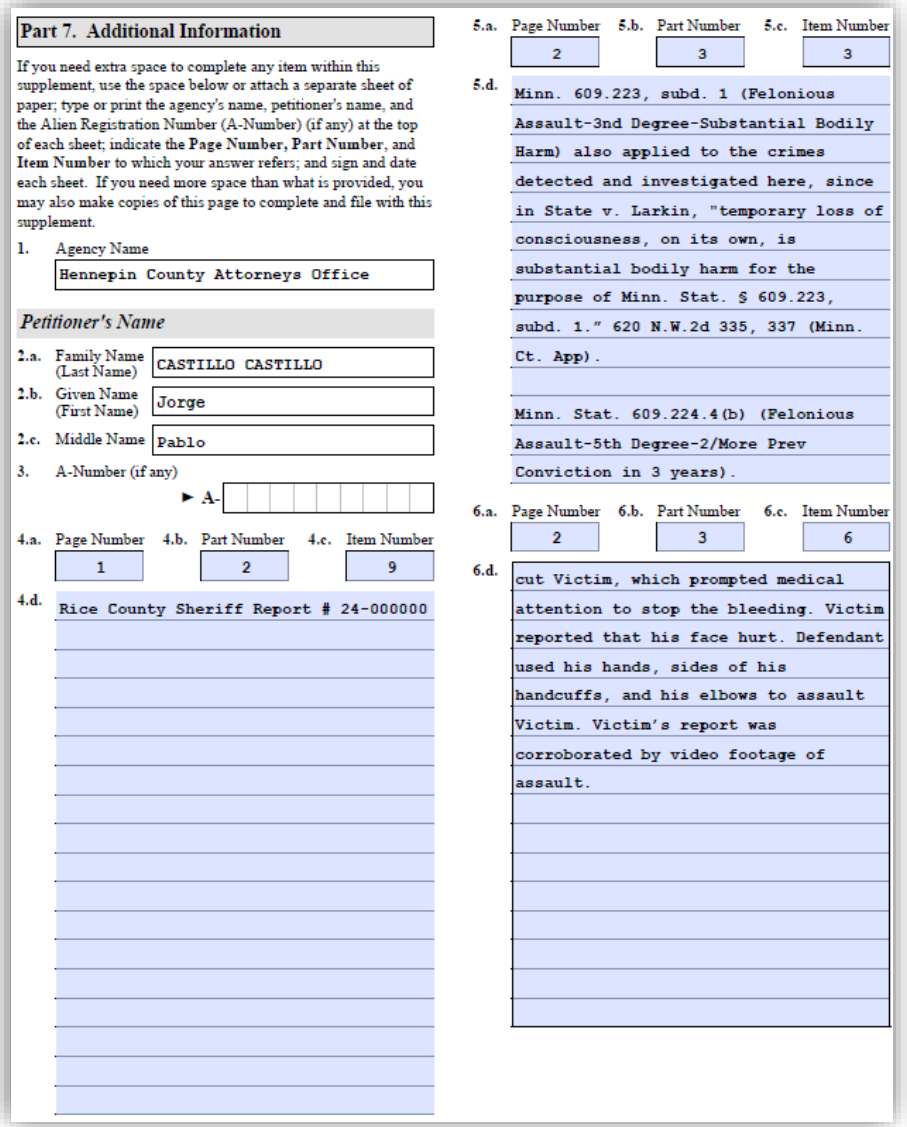
If you answer "Yes" to **Item Numbers 1. - 3.**, provide an explanation in the space below. If you need extra space to complete this section, use the space provided in **Part 7. Additional Information**.

Victim possesses valuable first-hand information concerning the criminal activity. Victim was helpful in the detection and investigation of the criminal activity. Victim and his cousins made it to the gas station and told the employee there to call 911. Through a telephonic interpreter, Victim provided a statement to responding officer on scene. Victim was transported by EMS to Unity Hospital. There, Victim provided an additional recorded statement to the officer. Victim allowed the officer to take photos of his injuries sustained.

4. Other. Include any additional information you would like to provide.

Additional Information

- Feel free to use these boxes on the last page when the boxes on the form aren't big enough to fit all of the important information.
- Only use for these boxes:
  - 1.2.9. Case numbers
  - 2.3.1 Criminal acts
    - To justify your selection of a criminal act, like a felonious assault.
  - 2.3.3. Statutory citation(s)
  - 2.3.6. Description of the criminal activity
- The description of the criminal activity can even occupy multiple extra boxes on this page.



Part 7. Additional Information

If you need extra space to complete any item within this supplement, use the space below or attach a separate sheet of paper; type or print the agency's name, petitioner's name, and the Alien Registration Number (A-Number) (if any) at the top of each sheet; indicate the **Page Number**, **Part Number**, and **Item Number** to which your answer refers; and sign and date each sheet. If you need more space than what is provided, you may also make copies of this page to complete and file with this supplement.

1. Agency Name: Hennepin County Attorneys Office

Petitioner's Name

2.a. Family Name (Last Name): CASTILLO CASTILLO
2.b. Given Name (First Name): Jorge
2.c. Middle Name: Pablo
3. A-Number (if any): ► A-

4.a. Page Number: 1 | 4.b. Part Number: 2 | 4.c. Item Number: 9

4.d. Rice County Sheriff Report # 24-000000

5.a. Page Number: 2 | 5.b. Part Number: 3 | 5.c. Item Number: 3

5.d. Minn. 609.223, subd. 1 (Felonious Assault-3nd Degree-Substantial Bodily Harm) also applied to the crimes detected and investigated here, since in State v. Larkin, "temporary loss of consciousness, on its own, is substantial bodily harm for the purpose of Minn. Stat. § 609.223, subd. 1." 620 N.W.2d 335, 337 (Minn. Ct. App).

Minn. Stat. 609.224.4(b) (Felonious Assault-5th Degree-2/More Prev Conviction in 3 years).

6.a. Page Number: 2 | 6.b. Part Number: 3 | 6.c. Item Number: 6

6.d. cut Victim, which prompted medical attention to stop the bleeding. Victim reported that his face hurt. Defendant used his hands, sides of his handcuffs, and his elbows to assault Victim. Victim's report was corroborated by video footage of assault.

Resources

- Technical Assistance
  - Call: 202.274.4457
  - Email: niwap@wcl.american.edu
  - Web Library: https://niwaplibrary.wcl.american.edu/
- Materials for this training :

  https://niwaplibrary.wcl.american.edu/2025-md-trainings/

Join a NIWAP Community of Practice

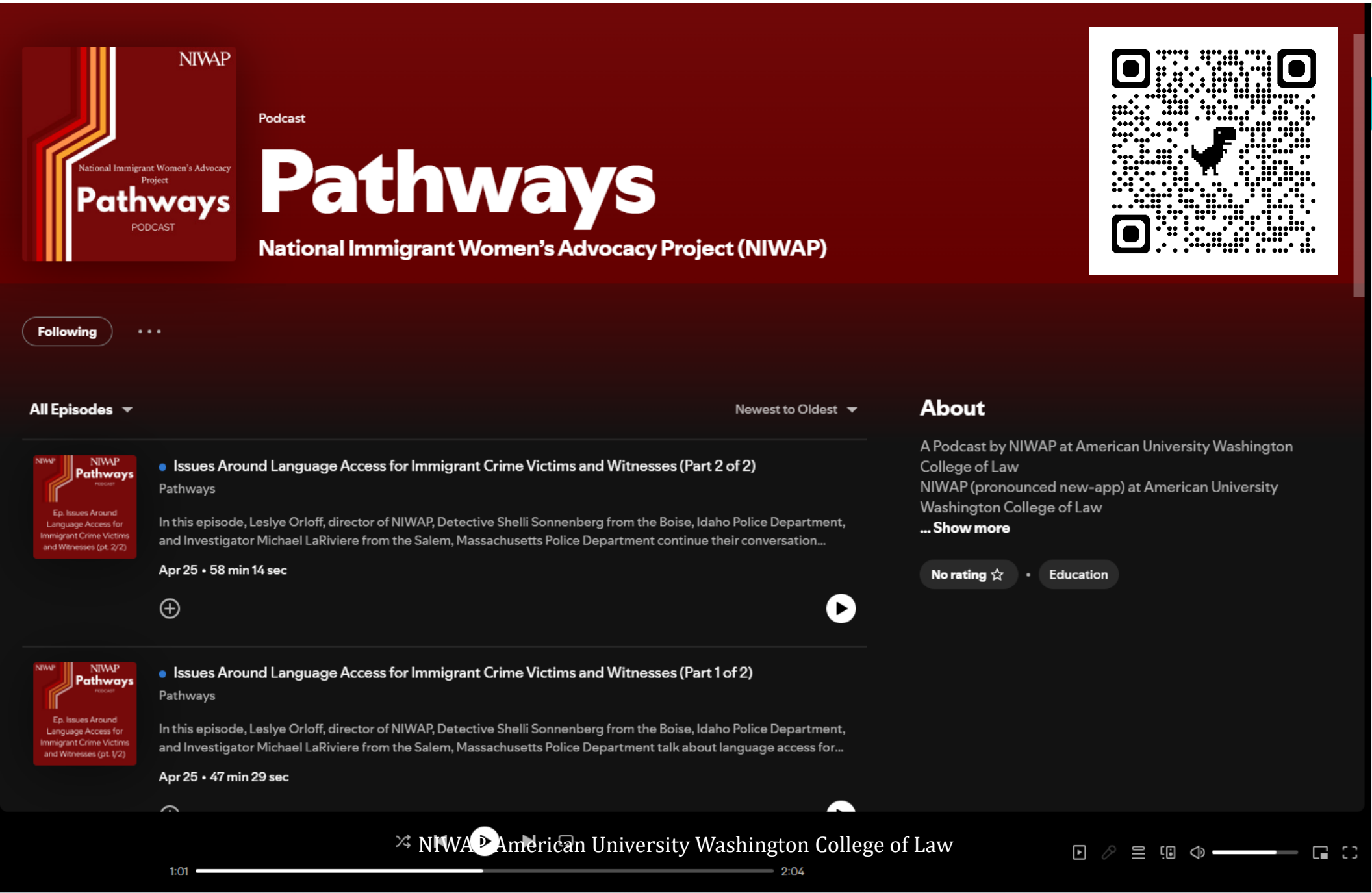
- Victim Advocates COP
  https://www.surveymonkey.com/r/VictimAdvocateCOPApp
- Family Law Attorneys COP
  www.surveymonkey.com/r/FamCOP2023
- Roundtable for Law Enforcement, Prosecutors and System-based Advocates
  https://www.surveymonkey.com/r/LERoundtable
- National Judicial Network: Forum on Human Trafficking and Immigrants in State Courts (Judicial Officials only)
  https://niwaplibrary.wcl.american.edu/pubs/njn-outreach-letter

NIWAP http://niwaplibrary.wcl.american.edu

- Training materials for:
  - Law enforcement
  - Prosecutors
  - Systems-based victim advocates
  - Judges
  - Attorneys
  - Other victim advocates
- Statutes, regulations, policies, and government publications
- Training tools, webinars, and podcasts
- Language access
  - Multilingual materials
- Immigration
- Law enforcement and prosecution tools
- Family and criminal law
- Violence Against Women Act (VAWA) confidentiality
- Public benefits, legal services, and economic relief
- Dynamics, culture, collaboration, and safety

Pathways, NIWAP Podcast

https://niwaplibrary.wcl.american.edu/niwap-podcast-series



Questions & Support

Email: info@niwap.org

- Cc: Eder.Castillo@hennepin.us