

# North Plainfield Police Department

## T and U Visa Basics:

**Why was the U visa created?** Congress, in the VTVPA, created the U nonimmigrant status program out of recognition that victims without legal status may otherwise be reluctant to help in the investigation or prosecution of criminal activity. Immigrants, especially women and children, can be particularly vulnerable to criminal activity like human trafficking, domestic violence, sexual assault, stalking, and other crimes due to a variety of factors, including but not limited to: language barriers, separation from family and friends, lack of understanding of U.S. laws, fear of deportation, and cultural differences. Accordingly, under this law, Congress sought not only to prosecute perpetrators of crimes committed against immigrants, but to also strengthen relations between law enforcement and immigrant communities.

**What is the U visa? What are the benefits to the victim?** The U visa is an immigration benefit for victims of certain crimes who meet eligibility requirements. USCIS may find an individual eligible for a U visa if the victim:

- Is the direct or indirect victim of qualifying criminal activity and the criminal activity occurred in the United States or violated U.S. laws.
- Has suffered substantial physical or mental abuse as a result of having been a victim of criminal activity;
- Has information about the criminal activity; (If under the age of 16 or unable to provide information due to a disability, a parent, guardian, or next friend may possess the information about the criminal activity on the individual's behalf).
- Was helpful, is being helpful, or is likely to be helpful to law enforcement, prosecutors, judges, or other officials in the detection, investigation, prosecution, conviction, or sentencing of the criminal activity (If under the age of 16 or unable to provide information due to a disability, a parent, guardian, or next friend may assist on behalf of the individual).

**Why was the T visa created?** Congress, in the VTVPA, created the T nonimmigrant status ("T visa") program out of recognition that human trafficking victims without legal status may otherwise be reluctant to help in the investigation or prosecution of this type of criminal activity. Human trafficking, also known as trafficking in persons, is a form of modern-day slavery, in which traffickers lure individuals with false promises of employment and a better life. Immigrants can be particularly vulnerable to human trafficking due to a variety of factors, including but not limited to: language barriers, separation from family and friends, lack of understanding of U.S. laws, fear of deportation, and cultural differences. Accordingly, under this law, Congress sought not only to prosecute perpetrators of crimes committed against immigrants, but also to strengthen relations between law enforcement and immigrant communities. The T visa is an immigration benefit for victims of human trafficking who meet certain eligibility requirements.

**What does "Helpful" in the detection, investigation, prosecution, conviction, or sentencing mean?** "Helpful" means the victim has been, is being, or is likely to assist law enforcement, prosecutors, judges, or other government officials in the detection, investigation, prosecution, conviction, or sentencing of the qualifying criminal activity of which he or she is a victim. This includes providing assistance when reasonably requested. This also includes an ongoing responsibility on the part of the victim to be helpful. Those who unreasonably refuse to assist after reporting a crime will not be eligible for a U visa. The duty to remain helpful to law enforcement exists even after a U visa is granted, and those victims who unreasonably refuse to provide assistance after the U visa has been granted will not be eligible to obtain lawful permanent residence

and may have the visa revoked by USCIS. Certifying agencies should contact and inform USCIS of the victim's unreasonable refusal to provide assistance in an investigation or prosecution:

Law enforcement, prosecutors, judges or government officials can certify a U visa based on past, present, or the likelihood of future helpfulness of a victim. A current investigation, the filing of charges, a prosecution or conviction is not required to sign the law enforcement certification. An instance may occur where the victim has reported criminal activity, but an arrest, prosecution, or conviction cannot take place due to evidentiary or other circumstances. Examples of this include, but are not limited to, when the perpetrator has fled or is otherwise no longer in the jurisdiction, the perpetrator cannot be identified, or federal law enforcement officials have deported the perpetrator.

**Request a T or U visa:** Under federal law, victims applying for U nonimmigrant status are required to submit a completed and signed T or U visa certification as part of their application to U.S. Citizenship and Immigration Services (USCIS). The form is one way of demonstrating to USCIS that:

1. A person was a victim of a qualifying criminal activity
2. The victim has information about the criminal activity
3. That the victim assisted law enforcement.

[Learn more about U nonimmigrant status \(U visas\)](#)

[Learn more about T nonimmigrant status \(T visas\)](#)

#### **North Plainfield Police Department's Best Practices for Signing Certifications and Declarations:**

1. North Plainfield Police Department "NPPD" has issued general order GO-05-14 on the process and use of the U visa certification or T visa declaration;
2. NPPD has distributed the general order to all personnel including to the agency's designee in charge of investigation U visa certifications or T visa declarations designating a process and authority to certify;
3. NPPD had designating the Chief of Police as the certifier;
4. NPPD has assigned the Criminal Investigations Division Commander as the supervisor to review requests made by both law enforcement officers and the community and make a recommendation on the certification to the Chief of Police. All requests shall be processed within 120 days.
5. On an annual basis, the Criminal Investigations Division Supervisor shall report any instances in which we provided assistance to federal civil immigration authorities for the purpose of enforcing federal civil immigration laws. The report shall be submitted to the SCPO. The report will be due by January 15 of the current year and reflect the required information for the previous year. The form to be used for reporting the required information will be developed by the Attorney General's Office and provided upon receipt of same by the SCPO.
6. All NPPD officers shall receive training on T and U visas in addition to the Attorney General Directive 2018-6, Strengthening Trust Between Law Enforcement and Immigrant Communities, (The Immigrant Trust Directive) by March 15, 2019.