


LEBANON TOWNSHIP POLICE DEPARTMENT				
POLICY AND PROCEDURE				
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<u>SUBJECT:</u> U- Visa and T- Visa Certifications				
<u>EFFECTIVE DATE:</u> March 15, 2019		<u>ACCREDITATION STANDARDS:</u>		
<u>BY ORDER OF:</u> Chief of Police: Erik Rautenberg		<u>REVIEWED BY:</u>		
<u>CROSS REFERENCE:</u>				

PURPOSE

Congress created the U nonimmigrant visa with the passage of the Victims of Trafficking and Violence Protection Act, including the Battered Immigrant Women’s Protection Act. The legislation was intended to strengthen the ability of law enforcement agencies to investigate and prosecute cases of domestic violence, sexual assault, trafficking of aliens and other crimes, while also protecting victims of crimes who have suffered substantial mental or physical abuse due to the crime and are willing to help law enforcement authorities in the investigation or prosecution of the criminal activity. This legislation further aides law enforcement agencies to better serve victims of crimes. This policy is to establish procedural guidance for requests that are received for either a U Visa (Form I-918, Supplement B) or T Visa (Form I-914, Supplement B) certifications.

POLICY

It is the policy of the Lebanon Township Police Department to foster positive relationships with members of all the diverse immigrant communities we interact with. The Department will fairly, objectively, and expeditiously review and process all requests for T- and U- Visa certification requests for which it is responsible.

I. Requests for T- and U- Visa Nonimmigrant Status Certifications

A. All requests for certifications will be forwarded to the Chief of Police. All involved agencies authorized to certify a T- and or U- Visa declaration will be consulted as a collaborative effort to determine issuance. All certifications will be approved or denied within 120 days of the request being made. Supervisor(s) that are designated to issue certifications on behalf of the Lebanon Township Police Department by the Chief of Police will complete the appropriate Supplement B form complying with the following procedure.

B. T-Visa Certifications (Form I-914B)

T nonimmigrant status is a temporary immigration benefit that enables certain victims of a severe form of human trafficking to remain in the United States for up to 4 years if they have assisted law enforcement in an investigation or prosecution of human trafficking. Investigation of Human Trafficking cases are subject to Attorney General Law Enforcement Directive No. 2012-2 and Lebanon Township Policy and Procedure Volume 7 Chapter 19 Human Trafficking. The issuance of certifications will be based on the following factors including but not limited to:

The requester:

1. Is or has been a victim of a severe form of trafficking in persons; and

The term “victim” generally means an individual who has suffered direct and proximate harm as a result of the commission of qualifying criminal activity.

- *In the case of a petitioner under 16 years of age or a petitioner who is incapacitated or incompetent, the parent, guardian, or “next friend” of the petitioner may provide evidence on behalf of the petitioner to be helpful to a certifying official’s investigation. “Next friend” is a person who appears in a lawsuit to act for the benefit of a victim under 16 years of age or incapacitated or incompetent, who has suffered substantial physical or mental abuse as a result of being a victim of qualifying criminal activity. The next friend is not a party to the legal proceeding and is not appointed as a guardian. Being “helpful” means assisting law enforcement authorities in the investigation or prosecution of the qualifying criminal activity of which he or she is a victim.*
- *USCIS will consider the petitioner’s spouse and unmarried children under 21 years of age, and the parents and unmarried siblings under 18 years of age if the victim is under 21 years of age, as victims of qualifying criminal activity where:*
 - *The direct victim is deceased due to murder or manslaughter; or*
 - *The direct victim is incompetent or incapacitated and, therefore, unable to provide information concerning the criminal activity or unable to be helpful in the investigation or prosecution of the criminal activity.*

A victim of severe forms of trafficking in persons is an individual who is a victim either:

- *Sex Trafficking, which is defined as the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act, or*
- *Labor Trafficking, which is defined as the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery*

2. Has complied with requests for assistance in an investigation or prosecution of the crime of trafficking.
 - *Reasonable request for assistance: Whether a particular law enforcement request to a victim for assistance in the investigation or prosecution of human trafficking is “reasonable” depends on the totality of the circumstances. USCIS is responsible for making this determination.*
 - *There are certain times when a victim is not required to cooperate with requests for assistance: (1) if the victim is under the age of 18, or (2) if the victim has experienced physical or psychological trauma that prevents him or her from complying with a reasonable request.*

The certifying official for the Tewksbury Township Police Department will utilize the “Instructions for Supplement B, Declaration of Law Enforcement Officer for Victim of Trafficking in Persons” **Appendix B** (I-914B) for guidance in completion of the certification.

C. **U-Visa Certifications (Form I-918B)**

The U nonimmigrant status (U visa) is set aside for victims of certain crimes who have suffered mental or physical abuse and are helpful to law enforcement or government officials in the investigation or prosecution of criminal activity. The issuance of certifications will be based on the following factors including but not limited to:

The requestor:

- 1) Is a victim of a qualifying criminal activity; and

The term “victim” generally means an individual who has suffered direct and proximate harm as a result of the commission of qualifying criminal activity.

- *In the case of a petitioner under 16 years of age or a petitioner who is incapacitated or incompetent, the parent, guardian, or “next friend” of the petitioner may provide evidence on behalf of the petitioner to be helpful to a certifying official’s investigation. “Next friend” is a person who appears in a lawsuit to act for the benefit of a victim under 16 years of age or incapacitated or incompetent, who has suffered substantial physical or mental abuse as a result of being a victim of qualifying criminal activity. The next friend is not a party to the legal proceeding and is not appointed as a guardian*
- *USCIS will consider the petitioner’s spouse and unmarried children under 21 years of age, and the parents and unmarried siblings under 18 years of age if the victim is under 21 years of age, as victims of qualifying criminal activity where:*
 - *The direct victim is deceased due to murder or manslaughter; or*
 - *The direct victim is incompetent or incapacitated and, therefore, unable to provide information concerning the criminal activity or unable to be helpful in the investigation or prosecution of the criminal activity.*
- *USCIS will consider the petitioner’s spouse and unmarried children under 21 years of age, and the parents and unmarried siblings under 18 years of age if the victim is under 21 years of age, as victims of qualifying criminal activity where:*
 - *The direct victim is deceased due to murder or manslaughter; or*

- *The direct victim is incompetent or incapacitated and, therefore, unable to provide information concerning the criminal activity or unable to be helpful in the investigation or prosecution of the criminal activity.*

Qualifying criminal activity:

<i>Abduction</i>	<i>Hostage</i>	<i>Sexual Assault</i>
<i>Abusive Sexual Contact</i>	<i>Incest</i>	<i>Sexual</i>
<i>Exploitation</i>		
<i>Blackmail</i>	<i>Involuntary Servitude</i>	<i>Slave Trade</i>
<i>Domestic Violence</i>	<i>Kidnapping</i>	<i>Torture</i>
<i>Extortion</i>	<i>Murder</i>	<i>Witness</i>
<i>Tampering</i>		
<i>False Imprisonment</i>	<i>Obstruction of Justice</i>	<i>Unlawful Criminal</i>
<i>Restraint</i>		
<i>Female Genital Mutilation</i>	<i>Peonage</i>	<i>Felonious Assault</i>
<i>Perjury</i>	<i>Fraud in Foreign Labor Contracting</i>	
<i>Rape</i>	<i>Other Related Crimes*</i>	

**Other Related Crimes includes any similar activity where the elements of the crime are substantially similar.*

2. Was, is, or is likely to be, helpful in the investigation or prosecution of that activity.

- *Being “helpful” means assisting law enforcement authorities in the investigation or prosecution of the qualifying criminal activity of which he or she is a victim. A petitioner must possess information about the qualifying criminal activity of which he or she is a victim. A petitioner is considered to possess information concerning qualifying criminal activity of which he or she is a victim if she or she has knowledge of details concerning criminal activity that would assist in the investigation or prosecution of the criminal activity. Victims with information about a crime of which they are not a victim will not be considered to possess information concerning qualifying criminal activities.*

The certifying officer for the Tewksbury Township Police Department will utilize the “Instructions for Supplement B, Declaration of Law Enforcement Officer for Victim of Trafficking in Persons” **Appendix C** (I-918B) for guidance in completion of the certification.

D. Certification

Once a certification has been completed by an officer on behalf of the Tewksbury Township Police Department, it will be valid for six (6) months from the date of signature. If this certification is not filed by the victim within this six (6) month time frame, the victim will need to obtain a new Supplement B from the certifying agency.

- Blue ink will be used for the signature on the form.
- The original signature form must be submitted not a photocopy or scan
- The completed certification is to be turned over to the petitioner for submission - **do not submit form directly to USCIS**
- A copy of the completed certification will be retained in the Criminal Investigation File.

