

**LINDEN POLICE DEPARTMENT**  
**STANDARD OPERATING PROCEDURES**



SUBJECT: **U and T Visa Certifications**

EFFECTIVE DATE: October 17, 2022

NUMBER OF PAGES: 3

ACCREDITATION STANDARDS:

BY THE ORDER OF:

Chief of Police David R. Hart

**PURPOSE:** The purpose of this Standard Operating Procedure is to establish a procedure for U and T Visa certifications. Only the United States Citizenship and Immigration Services (USCIS) have the authority to grant or deny an individual's U or T Visa application.

**POLICY:** It is the policy of the Linden Police Department to provide a procedure for U and T Visa certifications in an effort to try and increase the likelihood that members of immigrant communities come forward to report crimes to local law enforcement.

## **PROCEDURE:**

### **I. General Information**

- A. Individuals seeking information related to obtaining a U or T Visa are encouraged to review the “U and T Visa Law Enforcement Resource Guide” issued by the Federal Office of Homeland Security.
  - 1. A list of qualifying crimes for potential U Visa eligibility may also be found within this document.
- B. U Visa – The United States Citizenship and Immigration Services (USCIS) may find an individual eligible for a U Visa if the victim is a direct or indirect victim of a qualifying criminal activity; has suffered substantial physical or mental abuse as a result of this criminal activity; has information about the criminal activity; was, is, or is likely to be helpful to law enforcement or other government officials regarding the criminal activity; and be admissible to the United States.
  - 1. If found inadmissible, the individual may apply for a waiver.
- C. T Visa – Individuals seeking a T Visa must be or have been a victim of a severe form of trafficking in persons; are in the United States due to the trafficking; have complied with requests for assistance in an investigation or prosecution of the crime of trafficking; and would suffer extreme hardship if removed from the United States.

### **II. U Visa**

- A. Individuals seeking such status must prove to the USCIS that they meet the criteria for a U Visa.
- B. A primary method for demonstrating cooperation with law enforcement is to obtain a signed certification from the investigating or prosecuting agency. This certification, USCIS Form I-918 Supplement B, is required for a U visa application in order to be considered by USCIS.
- C. Qualifying individuals seeking a U Visa may contact the primary detective conducting their investigation and request that the detective complete a certification. It should be noted that a law enforcement officer has no legal obligation to complete a certification.
  - 1. Prior to completing a certification, the request shall be vetted by the law enforcement agency with primary jurisdiction over the investigation with the assistance of the prosecutorial authority, if applicable.
  - 2. The agency has up to 120 days from the date of request submission to vet the request and decide as to whether to complete the certification.
  - 3. Once a decision has been made by the certifying officer (generally the Chief of Police) or the prosecutorial authority, if applicable, the applicant will be notified of that decision and provided with a signed copy of the certification, if approved. The certification may also be provided to the applicant’s legal representation, if applicable.

### **III. T Visa**

- A. Individuals seeking such status must prove to the USCIS that they meet the criteria for a T Visa.
- B. A primary method for demonstrating cooperation with law enforcement is to obtain a signed certification from the investigating or prosecuting agency. This certification, USCIS Form I-914 Supplement B, is not required for a T visa application in order to be considered by USCIS, but may aid in providing evidence of the individual's cooperation.
- C. Qualifying individuals seeking a T Visa may contact the primary detective conducting their investigation and request that the detective complete a certification. It should be noted that a law enforcement officer has no legal obligation to complete a certification.
  - 1. Prior to completing a certification, the request shall be vetted by the law enforcement agency with primary jurisdiction over the investigation with the assistance of the prosecutorial authority, if applicable.
  - 2. The agency has up to 120 days from the date of request submission to vet the request and decide as to whether to complete the certification.
  - 3. Once a decision has been made by the certifying officer (generally the Chief of Police) or the prosecutorial authority, if applicable, the applicant will be notified of that decision and provided with a signed copy of the certification, if approved. The certification may also be provided to the applicant's legal representation, if applicable.