

# NEW BRUNSWICK POLICE DEPARTMENT POLICY & PROCEDURES



VOLUME: 3

CHAPTER: 24

# OF PAGES: 7

SUBJECT: U-Visa & T-Visa Law Enforcement Certification Procedures

BY THE ORDER OF: Vincent Sabo  
Chief of Police

ACCREDITATION STANDARDS:  
N/A

Effective Date:  
March 17, 2016

Date of Last Revision:  
May 2, 2025

**PURPOSE** The purpose of this policy is to establish procedures for the receiving of requests for U-Visa Certification (Form I-918 Supplement B) and T-Visa Declaration (Form I-914 Supplement B). This policy also specifies the individual who will sign these forms.

The New Brunswick Police Department recognizes immigrants, especially women and children, can be particularly vulnerable to crimes like human trafficking, domestic violence, sexual assault, and other abuse due to a variety of factors. These factors include, but are not limited to, language barriers, separation from family and friends, lack of understanding of U.S. laws, fear of deportation, and cultural differences. Victims who do not have legal status may be reluctant to help in the investigation and prosecution of criminal activity for fear of removal from the U.S. The “*Victims of Trafficking & Violence Prevention Act (VTVPA) of 2000*” was adopted in an effort to encourage victims to report crimes while offering protection to victims of such crimes without the immediate risk of being removed from the country and to contribute to investigations and prosecutions regardless of immigration status. This Policy was also enacted to strengthen the ability of the New Brunswick Police Department to investigate these crimes and to prosecute these cases as well as to encourage law enforcement officers to better serve immigrant crime victims.

**Any New Brunswick Police Department officer presented with the request to sign a U-Visa or T-Visa certification has an affirmative duty to investigate the circumstances of the criminal matter in order to best serve the interests of true victims and their families, as well as to combat fraud.**

**POLICY** It is the policy of the New Brunswick Police Department to issue U-Visa certifications and T-Visa declarations when eligibility criteria are met.

## PROCEDURES

### I. DEFINITIONS

- A. Qualifying Criminal Activity - activity involving one or more of the following or any similar activity in violation of federal, state, or local criminal law. The statute also includes the attempt, conspiracy, or solicitation to commit any of the crimes listed below:

Abduction	Incest	Rape
Abusive sexual contact	Involuntary Servitude	Sexual assault
Blackmail	Kidnapping	Sexual exploitation
Domestic violence	Manslaughter	Slave trade
Extortion	Murder	Torture
False imprisonment	Obstruction of justice	Trafficking
Felonious assault	Peonage	Perjury
Unlawful criminal restraint	Female genital mutilation	Witness tampering
Being held hostage	Prostitution	Other related crimes

- B. Any Similar Activity - other criminal activity when the similarities are substantial and the nature and elements of the criminal activity are comparable.
- C. Helpful: In terms of this Policy, “helpful” means that the victim was, is, or is likely to be assisting law enforcement in the investigation or prosecution of the qualifying criminal activity or which he/she is a victim. This includes providing assistance when reasonably requested, an ongoing responsibility on the part of the victim to be helpful.
- D. USCIS: U.S. Citizenship and Immigration Services – this is a federal component of DHS with the responsibility to determine whether immigration benefits and immigration status should be granted or denied, including U-Visas and T-Visas.
- E. USCIS FORM I-192: Application for Advance Permission to Enter as a Non-Immigrant.
- F. USCIS FORM I-918B: U-Visa certification document that a law enforcement agency can complete for a victim who is petitioning USCIS for U-Visa. This form is a required piece of evidence to confirm to USCIS that a qualifying crime has occurred and that the victim was helpful, is being helpful, or is likely to be helpful in the investigation or prosecution of criminal activity. Hereinafter referred to as “certification.”
- G. U-VISA: The common name for “U nonimmigrant status.” Immigration benefit that can be sought by victims of certain crimes who are currently or have previously assisted law enforcement in the investigation or prosecution of a crime, or who are likely to be helpful in the investigation or prosecution of criminal activity. The U-Visa provides eligible victims with non-immigrant status in order to temporarily remain in the U.S. while assisting law enforcement. If certain conditions are met, an individual with U-Visa non-immigrant status may adjust to lawful permanent resident status.

- H. T-VISA: The common name for “T nonimmigrant status.” A T-Visa is utilized specifically for human trafficking victims only. If granted, victims can remain and work in the US for up to four (4) years. While in this status, the victim has an ongoing duty to cooperate with law enforcement’s reasonable requests for assistance in the investigation or prosecution of human trafficking.
- I. USCIS Form I-914B: T-Visa declaration document that a law enforcement agency can complete for a victim who is petitioning USCIS for a T-Visa. The form serves as supplementary evidence of a victim’s assistance to law enforcement. Hereinafter referred to as “declaration.”

## II. GENERAL PROVISIONS

- A. All U-Visa and T-Visa petitions received by the New Brunswick Police Department will be processed by the office of the Chief of Police. Any personnel who receive an inquiry about the U-Visa or T-Visa program shall direct the applicant to contact the Chief’s Office.
- B. The Chief of Police may delegate investigation and evaluation of U-Visa or T-Visa petitions to other department personnel.
- C. All U-Visa or T-Visa petitions received will be reviewed for certification and a determination reached within 120 days of receipt. The applicant, and their legal counsel if applicable, shall be notified of the department’s determination.
- D. The New Brunswick Police Department, like all other federal, state, and local law enforcement agencies, DOES NOT grant or guarantee a U-Visa or any other immigration status by signing a U-Visa certification (Form I-918B) or a T-Visa by issuing a T-Visa declaration (Form I-914B). Only USCIS may grant or deny a U-Visa or T-Visa after a full review of the petition to determine whether all eligibility requirements have been met and a thorough background investigation has taken place.

## III. U-VISA PROCEDURES

### A. Eligibility Requirements

- i. The person under consideration is a victim of qualifying criminal activity.
- ii. The person under consideration has suffered **substantial** physical or mental abuse as a result of having been a victim of criminal activity.
- iii. The person under consideration 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 friend may possess the information about the crime on the individual’s behalf.
- iv. The person under consideration was being helpful, is being helpful, or is likely to be helpful to law enforcement in the investigation or prosecution of the crime. If under the age of 16 or unable to provide information due to a disability, a parent, guardian, or friend may assist law enforcement on behalf of the individual.
- v. The crime occurred in the U.S. or violated U.S. laws.

- vi. The person under consideration is admissible to the U.S. If not admissible, an individual may apply for a waiver on a Form I-192.

#### B. Evaluation Procedures

- i. A certification is a required part of a victim's petition for a U-Visa. Whether a law enforcement agency signs a certification is at the discretion of the agency. It is important that certifications be investigated, vetted, and completed on a case-by-case basis.
- ii. A current investigation, the filing of charges, a prosecution, or conviction are NOT required to sign a certification. Many instances may occur where the victim has reported a crime, but an arrest or prosecution cannot take place due to evidentiary or other circumstances. There is no statute of limitations on signing the certification, and can even be submitted for a victim of a closed case.
- iii. Non-Indictable Offenses:
  - 1. Vetting of U-Visa certifications involving only non-indictable offenses shall be conducted internally within the department.
  - 2. The Chief of Police or his designee will investigate the matter by discussing the request and merits of the case with agency personnel who have intimate knowledge of the case and take their recommendations into consideration.
  - 3. The Chief of Police retains the final authority to authorize the issuance of a certification in support of a U-Visa applicant.
  - 4. If the certification is justified, the Chief of Police will have the form completed and will then sign the certification.
  - 5. A copy of the executed certification shall immediately be provided to the Middlesex County Prosecutor's Office and to the applicable municipal prosecutor.
- iv. Indictable Offenses:
  - 1. If the matter involves an indictable offense, the Chief of Police or his designee will discuss the matter with the Middlesex County Prosecutor's Office and determine which agency will be responsible for investigating the matter and completing the U-Visa certification.
  - 2. If vetting of the certification is assigned to this department by the prosecutor's office, the procedure above will be followed, taking into consideration any input from the prosecutor's office.
- v. If, after evaluation, the New Brunswick Police Department is not comfortable with completing/submitting a certification on a particular case, the matter may be deferred to the decision of the prosecutor or judge.
- vi. Once a decision has been made by the Chief of Police as to whether to issue and sign a certification, the applicant will be notified of the decision. If

the victim has employed legal counsel regarding this matter, the decision will also be provided to the legal counsel.

#### C. Completion Of The U-Visa Law Enforcement Certification (I-918b)

- i. All applicable sections of the form need to be filled out/addressed.
- ii. Due to the fact that completion of this form may ultimately provide a benefit to the victim, the fact that this benefit has been given to the victim may need to be disclosed to the defense at the appropriate time. Hence, the reason for immediately sharing this form with the prosecution.
- iii. PART 2 (NAME OF CERTIFYING OFFICIAL): The certifying official for any certification vetted and issued by the New Brunswick Police Department shall be the Chief of Police.
- iv. PART 3 (CRIMINAL ACTS), SECTION #6: Any reported injury needs to be documented if at all possible (i.e., medical documentation, photographs, etc.). A valid waiver from the victim should be obtained if any medical documents are to be attached.
- v. PART 4 (HELPLEFULNESS OF THE VICTIM), SECTION 2: The explanation of the assistance provided MUST be attached.
- vi. PART 5 (FAMILY MEMBERS IMPLICATED IN CRIMINAL ACTIVITY): All family members implicated in the criminal activity MUST be included.
- vii. PART 6 (CERTIFICATION): The last sentence of this section creates an on-going duty/responsibility to inform USCIS. If and when the New Brunswick Police Department becomes aware that the victim is no longer cooperative (especially in the event that the case is disposed of due to the victim) that such notification must immediately be made in writing to USCIS with a copy simultaneously sent to the prosecuting attorney (MCPO for indictable crimes, municipal prosecutor for non-indictable offenses).

#### D. Withdrawing A U-Visa Law Enforcement Certification

- i. At its discretion, a certifying agency may withdraw or disavow a certification at any time if a victim stops cooperating.
- ii. In the event a victim for whom the New Brunswick Police Department has executed a certification stops cooperating with law enforcement or prosecutors, notification shall be given to the USCIS Vermont Service Center in writing.
- iii. A copy of any withdrawal of certification shall be immediately provided to the municipal and/or county prosecutor's office, as appropriate.

### IV. T-VISA PROCEDURES

#### A. Notifications of Potential Human Trafficking Cases

- i. If department personnel identify a potential victim of human trafficking, the MCPO and USCIS local office should be contacted as soon as possible, in accordance with MCPO Directive #21.

B. Eligibility Requirements: USCIS may find an individual eligible for a T-Visa if the victim:

- i. Is or was a victim of a severe form of human trafficking in persons (which may include sex or labor trafficking);
- ii. Is in the US due to trafficking;
- iii. Has complied with any reasonable requests from a law enforcement agency for assistance in the investigation or prosecution of human trafficking; and
- iv. Would suffer extreme hardship involving unusual and severe harm if removed from the US.

C. Evaluation Procedures

- i. A law enforcement agency can provide a declaration even if there is no arrest, no charges filed, no formal investigation, no conviction, or even if the case is closed. A declaration can be provided for cases that occurred months or years ago, as long as the victim is working with the agency.
- ii. Non-Indictable Offenses:
  1. Vetting of T-Visa declarations involving only non-indictable offenses shall be conducted internally within the department.
  2. The Chief of Police or his designee will investigate the matter by discussing the request and merits of the case with agency personnel who have intimate knowledge of the case and take their recommendations into consideration.
  3. The Chief of Police retains the final authority to authorize the issuance of a declaration in support of a T-Visa applicant.
  4. If the declaration is justified, the Chief of Police will have the form completed and will then sign the declaration.
- iii. Indictable Offenses:
  1. If the matter involves an indictable offense, the Chief of Police or his designee will discuss the matter with the Middlesex County Prosecutor's Office and determine which agency will be responsible for investigating the matter and completing the T-Visa declaration.
  2. If vetting of the declaration is assigned to this department by the prosecutor's office, the procedure above will be followed, taking into consideration any input from the prosecutor's office.
- iv. Once a decision has been made by the Chief of Police as to whether to issue and sign a declaration, the applicant will be notified of the decision. If the victim has employed legal counsel regarding this matter, the decision will also be provided to the legal counsel.

D. Withdrawing A T-Visa Law Enforcement Declaration

- i. At its discretion, a certifying agency may withdraw or disavow a declaration at any time if a victim stops cooperating.
- ii. In the event a victim for whom the New Brunswick Police Department has executed a declaration stops cooperating with law enforcement or prosecutors, notification may be given to the USCIS Vermont Service Center in writing.

V. ADDITIONAL CONSIDERATIONS

- A. This policy authorizes department members to inform any crime victim, who may be a non-citizen, of information on immigration relief and services available to immigrant crime victims.
- B. A copy of this policy shall be posted on the New Brunswick Police Department website.