

Waltham Police Department

CHAPTER 19

U and T VISA

General Order Number: GO-01

Effective Date: 07/2022, 06/2024

Accreditation Standard #'s: 55.1.1, 55.2.1, 55.2.3a, 55.2.4b, 12.1.1

Forms: USCIS Form I-918 and I-914 Supplement B (WPD Share/U and T Visa)

PURPOSE:

The Waltham Police Department recognizes that a crime victim's cooperation, assistance, and safety are essential to the effective detection, investigation, and prosecution of all criminal offenses.

In 2000, Congress created the U and T Visa Program within the **Victims of Trafficking and Violence Protection Act (VTVPA)**. The program is to encourage immigrant crime victims to come forward and report criminal activity to law enforcement agencies thereby strengthening the ability of both local and state law enforcement agencies to investigate and prosecute serious crimes. At the same time, this U and T Visa program offers much needed protections to these victims of such crimes without the immediate risk of being removed from the country and without having any fear of detention and/or deportation by federal law enforcement officials. In addition, this program has the added advantage of strengthening relationships between the Waltham Police Department and the community that we serve. [55.2.3a]

POLICY:

Pursuant to M.G.L. Chapter 258F Sections 1-4, it shall be the Policy of the Waltham Police Department to assist immigrant victims of crime with their U or T Visa applications when requested and when they are found to be cooperating with the detection, investigation, or prosecution of criminal activity and to respond to such requests for nonimmigrant status certifications forms within ninety (90) days. [55.1.3]

DEFINITIONS:

1. **CERTIFYING ENTITY:** A law enforcement agency, prosecutor or other state or local entity that has the authority to detect, investigate or prosecute severe forms of trafficking in persons or criminal activity. See M.G.L. Chapter 258F Section 1.
2. **DESIGNATED CERTIFYING OFFICIALS:** [12.1.1] A law enforcement official who is authorized to issue a U or T Visa certification that verifies an immigrant victim's past, present, or future helpfulness in the detection,

investigation, or prosecution of certain qualifying crimes. The Chief of Police of the Waltham Police Department, Commander of the Investigations Division, or other designee shall be the certifying official for the WPD.

PROCEDURE U-VISA:

1. A U Visa issued by the **United States Citizenship and Immigration Service** (USCIS) conferring legal status for up to **four (4) years** to an immigrant victim who meets the following statutory requirement:
 - a. Have suffered substantial physical and/or mental abuse as a result of having been a victim of a listed criminal activity.
 - b. Possess information concerning such criminal activity.
 - c. Have been helpful, are being helpful or are likely to be helpful in the investigation or prosecution of a crime.
 - d. Have been the victim of criminal activity that occurred in the United States or have knowledge of some violation of the laws of the United States.
2. While in the U Visa status, the victim has an ongoing duty to cooperate with law enforcement and cannot unreasonably refuse to assist with the investigation or prosecution of the criminal activity.
3. U Visa qualifying criminal activity includes, but is not limited to: rape, torture, trafficking, incest, domestic violence, sexual assault, abusive sexual contact, prostitution, sexual exploitation, female genital mutilation, being held hostage, peonage, involuntary servitude, slave trade, kidnapping, abduction, unlawful criminal restraint, false imprisonment, blackmail, extortion, manslaughter, murder, felonious assault, witness tampering, obstruction of justice, perjury, solicitation to commit any of the above mentioned crimes, ***or any similar activity*** in violation of federal, state, or local criminal law. The attempt or conspiracy to commit any of the above crimes also qualifies.
4. If certain conditions are met, an individual with a U Visa may apply for adjustment to lawful permanent resident status (i.e., seek a green card in the US) after three years.
5. Certain family members of U Visa recipient may also be eligible to live and work in the U.S. as “derivative” U Visa recipients based on their relationship with the principal recipient, such as:
 - a. Unmarried children under the age of 21.

- b. Spouse.
- c. Parents of principle U Visa recipients under the age 21.
- d. Unmarried siblings under 18 years old of a U Visa petitioner under age 21.

PROCEDURE T-VISA:

Is an immigration benefit for victims of severe forms of trafficking in persons who meet certain eligibility requirements. The T Visa allows eligible victims to temporarily remain and work in the U.S. for four years.

1. The USCIS may find an individual eligible for a T Visa if the victim:
 - a. Is or was the victim of a severe form of trafficking in person (sex or labor trafficking), as defined by federal law.
 - b. Is in the United States, American Samoa, the Commonwealth of the Northern Mariana Islands or at a U.S. port of entry due to trafficking.
 - c. Has complied with any reasonable request from a law enforcement agency for instance in the investigation to prosecution of human trafficking.
 - d. Would suffer extreme hardship involving unusual and severe harm if removed from the United States.
2. While in T Visa status, the victim has an ongoing duty to cooperate with the law enforcement's reasonable requests for assistance in the investigation or prosecution of human trafficking.
3. If certain conditions are met, an individual with a T Visa may apply for adjustment to lawful permanent resident status (i.e., seek a green card in the US) after three years or upon completion of the investigation or prosecution, whichever occurs earlier.
4. Certain family members of T Visa recipient may also be eligible to live and work in the U.S. as "derivative" T Visa recipients based on their relationship with the principal recipient, such as:
 - a. Unmarried children under the age of 21.
 - b. Spouse.
 - c. Parents of principle T Visa recipients under the age 21.

- d. Unmarried siblings under 18 years old of a T Visa petitioner under age 21.
- e. Adult or minor children of certain immediate family members of the T Visa recipient.

CERTIFICATION:

This certification for the U and T Visa is documented in an **USCIS Form I-918, Supplement B** form, which is an attachment that accompanies the U Visa application and an **USCIS Form I-914, Supplement B** form which accompanies the T Visa.

The Chief of Police, Commander of the Investigations Division or other designee is responsible for completing Part (2) and (6) which is address information and signature with the date.

NOTE: In addition to Law Enforcement officials, prosecutors, judges, and government agencies with investigative functions (e.g., DCF) may also make these certifications.