

RARITAN TOWNSHIP POLICE DEPARTMENT POLICIES AND PROCEDURES					
VOLUME: III	CHAPTER:	# OF PAGES: 5			
SUBJECT: T and U Visa Nonimmigrant Status Certification					
EFFECTIVE DATE: January 19, 2019		ACCREDITATION STANDARDS:	REVISION DATE	PAGE #	
BY THE ORDER OF: Chief Alfred C. Payne					
SUPERSEDES ORDER #:					

- I. **PURPOSE:** The Victims of Trafficking and Violence Prevention Act (VTVPA) of 2000 was enacted to strengthen the ability of law enforcement agencies to investigate and prosecute serious crimes and trafficking in persons, while offering protections to victims of such crimes without the immediate risk of being removed from the country.

- II. **POLICY:** It is the policy of the Raritan Township Police Department to adhere to the policies, procedures and provisions of the Attorney General’s Law Enforcement Directive No. 2018-6, and the procedures for processing requests for U and T visa certifications established by the US Citizenship and Immigration Services (USCIS). The procedures will be posted on the department’s website.

- III. **PROCEDURE:**
 - A. **U Visa Petition:**
 1. 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:
 - a. Is the direct or indirect victim of qualifying criminal activity;
 - b. Has suffered substantial physical or mental abuse as a result of having been a victim of criminal activity;
 - c. Has information about the criminal activity and;
 - d. Was helpful, is being helpful, or is likely to be helpful to law enforcement, in the detection, investigation, prosecution, conviction, or sentencing of the criminal activity.

2. Additionally, the victim must be admissible to the United States based on a review of his or her criminal history, immigration violations, and other factors.
3. The Chief of Police or his/her designee may complete USCIS Form I-918, Supplement B (Form I-918B or certification) for a victim who is petitioning USCIS for a U visa within 120 days of the request being made provided the applicant;
4. The law enforcement certification is required for a U visa application. The certification or declaration, does not automatically qualify the victim for a U visa, or lawful immigration status.

B. T Visa Certification:

1. The T visa is an immigration benefit for victims of human trafficking who meet certain eligibility requirements. USCIS may find an individual eligible for a T visa if the victim:
 - a. Is or was a victim of a severe form of trafficking in persons (which may include sex or labor trafficking)
 - b. Is in the United States
 - c. Has complied with any reasonable request from a law enforcement agency for assistance in the investigation or prosecution of human trafficking;
 - d. Would suffer extreme hardship involving unusual and severe harm if removed from the United States.
2. Additionally, the victim must be admissible to the United States based on a review of his or her criminal history, immigration violations, and other factors.
3. The Chief of Police or his/her designee may complete USCIS Form I-914B for a victim who is petitioning USCIS for a T visa within 120 days of the request being made, provided the applicant;
 - a. Is or has been a victim of a severe form of trafficking in persons; and
 - b. Has complied with requests by this department for assistance in an investigation or prosecution of the crime of trafficking.
4. The T visa declaration is not conclusive evidence that the applicant meets the eligibility requirements, as only USCIS can make this determination. In addition, by signing a T visa declaration, the certifying official is not sponsoring or endorsing the victim for a T visa. USCIS considers the T visa declaration as one part of the evidence in the T visa application.

C. Annual Reporting by Law Enforcement Agencies

1. A report shall be submitted to the Hunterdon County Prosecutor's Office by e-mail. 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. (Attachment A)

D. Training

1. All officers will be trained regarding the provisions of the Attorney General's Law Enforcement Directive 2018-6 no later than March 15, 2019.

E. Resources

1. Individuals applying for either of these nonimmigrant visas must fill out the appropriate applications which can be found on the Raritan Township Police Department website under resources.

Attachment B

ATTORNEY GENERAL LAW ENFORCEMENT DIRECTIVE NO. 2018-6 v2.0

APPENDIX A

**(Issued November 29, 2018)
(Revised September 27, 2019)**

For the purposes of Sections II.B.5 and II.B.6, the term “violent or serious offense” is defined as follows:

1. Any first or second degree offense, as defined in N.J.S.A. 2C:43-1;
2. Any indictable domestic violence offense defined in N.J.S.A. 2C:25-19, as well as any domestic violence assault defined in N.J.S.A. 2C:25-19A(2);
3. Any other indictable offense listed in the chart below; *or*
4. Any indictable offense under the law of another jurisdiction that is the substantial equivalent to an offense described in paragraphs 1-3 above.

Chart of Additional Violent & Serious Offenses

(For indictable offenses as referenced in Paragraph 3 Above)

Statute	Description
2C:12-1	Assault
2C:12-1.1	Knowingly Leaving Scene of Motor Vehicle Accident Involving Serious Bodily Injury
2C:12-10	Stalking
2C:12-13	Throwing Bodily Fluid at Officers
2C:14-3	Criminal Sexual Contact
2C:14-4B	Exposing Genitals to Minors Under the Age of 13 and Other Vulnerable Populations
2C:16-1	Bias Intimidation
2C:17-1	Arson
2C:17-2	Causing Widespread Injury or Damage
2C:18-2	Burglary of a Dwelling
2C:24-4	Endangering the Welfare of Children
2C:28-5	Witness Tampering and Retaliation
2C:29-2B	Eluding a Law Enforcement Officer
2C:29-3A(5), 3B(2), 3B(3)	Hindering Apprehension or Prosecution
2C:29-9	Criminal Contempt (Violation of Restraining Orders, Domestic Violence Orders, Etc.)