



OVCTTAC



An Overview of the T and U Visa Process

July 17, 2014

3:15 – 4:15 PM EST

Presenters:

Scott Whelan, Adjudications Officer, Department of Homeland Security UCIS Office of Policy & Strategy

Cindy Liou, Director of the Anti-Human Trafficking Project at Asian Pacific Islander Legal Outreach

Aashika Damodar, Human Trafficking Training & Technical Assistance Specialist, OVC TTAC

The material presented during today's webinar session will be available on the Human Trafficking Learning Community.

The session will be recorded and will begin shortly.

As with all technology, we may experience a momentary lapse in the Webinar session. In the event of a problem, please be patient and remain on the line. If the problem persists, please contact alexandra.barry@icfi.com for technical assistance. The Webinar session will resume shortly.



OVCTTAC



Office for Victims of Crime
OVC

Tip of the Month:

Gearing up for Progress Reports: TIMS Tips & Tricks



Tips & Tricks!

- **Password Resets** – Type in your password rather than copy and paste
- **What Service Category do I use?** – Check out the Service Provision Measurement Chart
- **Where are my clients?** – Use the Client Search filter
- **How do I know a client is “active”** – Check the last date of service or use the Client Search Filter.



Data Submission Check-List

- Use the correct Grant Assignment in Grant Management.
 - You should only use “Services to Victims of Human Trafficking” or “Enhanced Collaborative Model.” Only use “Other” if you want to track NON OVC grants.
- Search for Trafficking Type “Unknown” clients and update as status becomes known.
- Search for “Potential Eligible” clients and switch to “OVC- Eligible” if possible.
- Review New, Active and Inactive client count.
- Make sure Trafficking Type & Subtype match.
- Limit the use of “Other” for Services, Trafficking Subtype/Setting, Immigration Actions, Training Topics etc.
- Notify OVC TTAC if you have served another client in partnership with or had a client referred to you by another OVC grantee.

T & U Visa

Long Term Relief for Human Trafficking Victims
& Relief for Victims of Crimes



Scott Whelan, Adjudications Officer, Department of Homeland Security USCIS
Office of Policy & Strategy

Cindy Liou, Esq., Director of the Anti-Human Trafficking Project at Asian Pacific
Islander Legal Outreach

July 17, 2014 for OVC Grantees

T& U visa Purpose and Overview

- Provides temporary status to aliens severely victimized by trafficking in persons or other qualifying criminal activity
- LEA tool
- Created to:
 - strengthen the ability of law enforcement to investigate and prosecute trafficking in persons crimes; and
 - facilitate the reporting of crimes by trafficked, exploited, victimized and abused aliens who may not be in lawful immigration status.



Don't be afraid to
ASK FOR HELP

Immigration relief is available for victims
of human trafficking, domestic violence
and other crimes

T& U visa Purpose and Overview

- T nonimmigrant applicants use Form I-914
- U nonimmigrant petitioners use Form I-918
- USCIS has sole jurisdiction for the T or U visa adjudication
- Benefits:
 - Grants temporary status for up to 4 years
 - Allows temporary status for certain family members
 - Provides employment authorization (work permit)
 - Allows for lawful permanent residence (Green Card)
- Annual Cap of 5,000 (never been met) for the T visa
- Annual Cap of 10,000 (meeting this year) for the U visa

Basic T Visa Requirements

- Victim of trafficking in persons
- Physically present in the United States on account of trafficking
- Compliance with any reasonable requests for assistance in the investigation or prosecution of acts of the trafficking (or was under the age of 18 at the time of the trafficking or suffers trauma)
- Demonstration of extreme hardship upon removal (separation of family, medical issues, economic issues)

T Visa I-914, Supplement B Declaration of Law Enforcement (optional)

- Submitted with the application by the victim
- Should be completed entirely by the law enforcement agency
- If providing any additional documents with the declaration, law enforcement should indicate with a note of “see attachment” or “see addendum”
- Signed by the law enforcement agency at its discretion. There is no requirement to sign the declaration.

Basic U Visa Requirements

- Victim of a qualifying crime (occurred in U.S. or violated U.S. law)
- Possesses credible, relevant information about that crime
- Has been, is being or is likely to be helpful in an investigation or prosecution of that crime
- Suffered substantial physical or mental abuse based on that crime

U Visa Qualifying Criminal Activity

- Includes attempt to commit, conspiracy to commit or solicitation to commit any of crimes on the statutory list and other similar activity
- General crime categories
- USCIS will make the determination of whether criminal activity on certification is “qualifying” for visa purposes

U Visa Qualifying Criminal Activity

Abduction	Murder
Abusive Sexual Contact	Obstruction of Justice
Blackmail	Peonage
Domestic Violence	Perjury
Extortion	Prostitution
False Imprisonment	Rape
Felonious Assault	Sexual Assault
Female Genital Mutilation	Sexual Exploitation
Hostage taking	Slave Trade
Incest	Torture
Involuntary Servitude	Trafficking
Kidnapping	Unlawful Criminal Restraint
Manslaughter	Witness Tampering
Stalking	Fraud in Foreign Labor Contracting

U Visa Possesses Information

- USCIS regulation requires that the alien have knowledge of the details concerning the criminal activity
- The alien must possess specific facts regarding the criminal activity that lead law enforcement to determine the alien has, is or is likely to provide assistance to the investigation or prosecution

U Visa Helpfulness

- The alien has been, is being or is likely to be helpful in the investigation or prosecution of the criminal activity
- Alien has not, since the initiation of cooperation, refused or failed to provide information and assistance reasonably requested
- *Ongoing* requirement of cooperation

Who is a victim?

- Generally, it is the individual acted upon during the crime
- Includes certain family members when the crime is murder/manslaughter
- Includes parents as “indirect victims” when the victim is under the age of 21

I-918, Supplement B LEA Certification Required

- Provides USCIS with basic information about the claimed criminal activity
 - Does **not** grant any benefit
- Is required evidence
- Signed by the law enforcement agency at its discretion. There is no requirement to sign the declaration.
- Additional evidence needed to support an approval
- Submitted with the petition by the alien/victim
- Should be completed entirely by the law enforcement agency
- If providing any additional documents with the certification, law enforcement should indicate on the I-918, Supplement B, with a note of “see attachment” or “see addendum”

Supplement B Overview

- Who can sign?
 - Any Federal, State, or Local law enforcement office or agency that has the responsibility and authority for the detection, investigation, or prosecution. Includes agencies with criminal investigative jurisdiction in their respective areas of expertise, including but not limited to child and adult protective services, the Equal Employment Opportunity Commission and the Department of Labor.

Certifying Official

- Who qualifies?
 - The head of the certifying agency or any person(s) in a supervisory role who has been specifically designated by the head of the certifying agency to issue T or U nonimmigrant status certifications on behalf of that agency; or
 - A Federal, State or local judge.

Certifying Official

- Helpful (but not necessary) if each certification is accompanied by letter showing designation as signing official
 - Can also send a single letter to VSC on the LEA's letterhead specifically designating signing officials
 - Helpful if the signature of both the agency head and signing official(s) on the letter
- VSC will send request to the alien for clarifying evidence if it does not appear the signing official meets the definition of certifying official.

Notes

- A conviction, prosecution, or arrest are not necessary for a victim to be eligible for possible immigration relief.
- If a defendant is acquitted or convicted for a different crime, the victim may still be eligible for immigration relief.
- USCIS conducts full background checks on every applicant, including fingerprints, name/DOB, and immigration records.

T and U Adjustment of Status

- T and U nonimmigrants are eligible for adjustment of status after having 3 years of continuous physical presence in the U.S. in T/U status
- Applicants may submit a new I-914B/I-918B, a letter on official government/LEA letterhead, or a re-signed and newly dated copy of the previous I-914B/I-918B
- This will be provided at the discretion of law enforcement, similar to the signing of the original T or U law enforcement certification

Withdrawing or Disavowing Certification

- Certifying agency may withdraw or disavow the certification **at any time.**
- Determination to withdraw or disavow **at the discretion of the certifying agency.**
- Law enforcement agency's own policy will dictate what will trigger this action.

International Travel

	Yes	No	Restrictions
Significant Public Benefit Parole		X	If the victim or witness departs the U.S., the law enforcement agent must re-apply for Significant Public Benefit Parole.
Deferred Action		X	If the victim or witness leaves the U.S., he or she may not be eligible for re-entry. In some cases, the law enforcement agent may apply for Significant Public Benefit Parole to allow him/her to re-enter.
Continued Presence		X	International travel cancels Continued Presence; however, the law enforcement agent may request an advanced parole on behalf of the victim to allow him/her to re-enter, and must then reapply for Continued Presence.
U Visa	X		Victims do not need to obtain advance parole to travel outside the United States, but will need to consular process at a U.S. Embassy before returning to the U.S.
T Visa		X	Victim may not leave the United States while application is pending – this will result in cancellation of application. Once approved, victim must apply for advance parole to travel outside the United States.

DHS and APILO Contact Information

USCIS Vermont Service Center

hotlinefollowupi918i914.vsc@dhs.gov

802-527-4888 (hotline)

USCIS—Vermont Service Center

ATTN: Crime Victims Unit

75 Lower Welden Street

St. Albans, VT 05479

DHS BLUE CAMPAIGN

www.dhs.gov/bluecampaign

USCIS Policy

Scott.P.Whelan@uscis.dhs.gov

202-272-8137

Rosemary.M.Hartmann@uscis.dhs.gov

202-272-8981

Asian Pacific Islander Legal Outreach

Cindy Liou, Esq.

1121 Mission Street

San Francisco, CA 94103

cliou@apilegloutreach.org

(415) 567-6255