

It is the policy of the Monmouth County Sheriff's Office to deal with the immigrant community in compliance with New Jersey Attorney General Guideline 2018-6. The Monmouth County Sheriff's Office responsibilities are limited to certifying that an alien, who is or was the victim of a qualifying crime in Monmouth County, is, has or will cooperate with the investigation and/or prosecution of such crime. The following details the policy of the Monmouth County Sheriff's Office with respect to U and T Visa Applications:

## OVERVIEW

Immigrants who are victims of certain crimes may be eligible to obtain legal residency status in the United States by application to the United States Citizenship and Immigration Services (USCIS), a federal agency of the U.S. Department of Homeland Security (DHS). These visas, referred to as a "T-Visa" or "U-Visa," allow the recipient, as well as certain family members, to obtain an Employment Authorization Document (EAD) deferred action of removal, parole status and the ability to remain in the United States for a period of up to four years to assist law enforcement in the prosecution of criminal activity. In certain circumstances, a visa may be renewed or may serve as a basis for an application for permanent legal residency status after three years.

Prior to applying to USCIS for either visa, certain documentation must be submitted to the Monmouth County Sheriff's Office for review. The documentation will facilitate the federal application process. As such, the purpose of this notification is to advise prospective applicants of the procedure utilized by Monmouth County for the processing of "T" and "U" Visa applications.

### Non-citizens may be eligible for a U Visa if:

1. They are the victims of qualifying criminal activity;
2. They have suffered substantial physical or mental abuse as a result of having been a victim of criminal activity;
3. They have information about the criminal activity;
4. They were helpful, are helpful, or are likely to be helpful to law enforcement in the investigation or prosecution of the crime;
5. The crime occurred in the United States or violated U.S. Laws;
6. They are admissible to the United States. If not admissible, an individual may apply for a waiver on a **Form I-192, Application for Advance Permission to Enter as a Non-Immigrant**.
7. If the person is under the age of 16 or unable to provide information due to a disability, a parent, guardian or friend may assist law enforcement on their behalf.

8. NOTE: Given the complexity of U visa petitions, petitioners often work with a legal representative or a victim advocate.

Aliens or their representatives seeking certification for a U Visa shall be referred to the Detective Bureau. The assigned detective shall

1. Cause an inquiry into the matter to determine if the alien:
  - a. Has been a victim of a qualifying crime under the jurisdiction of this office.  
(Aliens or their representatives seeking certification for crimes occurring outside the jurisdiction of Monmouth County shall be referred to the local jurisdiction or the county prosecutor's office in which the crime occurred.)
  - b. Has specific knowledge and details of crime; and
  - c. Has been, is being, or is likely to be helpful to law enforcement in the detection, investigation or prosecution of the qualifying crime;
2. Assign the inquiry a case number.
3. Upon determining that the alien has satisfied the above requirements, execute **Form I-918, Supplement B, U Non-immigrant Status Certification**.
  - a. The completed form shall be forwarded to the Chief of the Sheriff's Office or his/her designee for signature.
  - b. The original fully executed form shall be returned to the applicant or his/her representative; and
  - c. A copy shall be maintained in the case file.

The Chief of Sheriff's Office or his/her designee may withdraw or disavow a Form I-918B at any time if a victim stops cooperating. The assigned detective must notify the USCIS Vermont Service Center in writing (including as an email attachment) at:

Law Enforcement\_UTVAWA.vsc@uscis.dhs.gov; or via mail to:

USCIS-Vermont Service Center

ATTN: Division 6

75 Lower Weldon Street

St. Albans, VT 05479

If the assigned detective determines that USCIS should know something particular about a victim's criminal history, that information can be cited on the certification or with an attached report or statement detailing the victim's criminal history within our agency or his/her involvement in the crime.

Such written notification regarding withdrawal or disavowal must include:

1. Departmental Letterhead including the name of the agency & contact information;
2. The name and date of birth of the individual certified;
3. The name of the individual who signed the certification and the date it was signed;
4. The reason the department is withdrawing/disavowing the certification, including a description of how the victim's refusal to cooperate in the case is unreasonable;
5. The signature and title of the official who is withdrawing/disavowing the certification; and
6. A copy of the signed initial certification.

**Non-citizens may be eligible for a T Visa if the individual:**

1. Is or has been the victim of a severe form of trafficking in persons (which may include sex or labor trafficking); and
2. Is in the United States due to trafficking;
3. Has complied with requests for assistance in an investigation or prosecution of the crime of trafficking; and
4. Would suffer extreme hardship involving unusual and severe harm if removed from the United States.

The T Visa is supplementary evidence of a victim's assistance to law enforcement that an official can complete for a T Visa applicant. The declaration must be provided on Form I-914, Supplement B, and instructions are available on the USCIS website at: <https://www.uscis.gov/i-914>

The assigned detective shall process T Visas in the same manner as U Visas.

For additional information click on the link below:

<https://www.uscis.gov/humanitarian/victims-human-trafficking-other-crimes/victims-criminal-activity-u-nonimmigrant-status/victims-criminal-activity-u-nonimmigrant-status>