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### A Guide for Certifying Agencies: MGL 258F Certification for Victims of Violent Crime and Human Trafficking

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**Authors**

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# A Guide for Certifying Agencies

## Certification for Victims of Violent Crime and Human Trafficking

M.G.L. Chapter 258F



# About the U and T Visa Working Group

This Guide was prepared by members of the U and T Visa Working Group of the Immigration Coalition of Massachusetts Law Reform Institute. It is designed to provide guidance to state and local government agencies about implementation of M.G.L. Chapter 258F.

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# Executive Summary

In July 2021, the Massachusetts legislature passed new legislation, M.G.L. ch. 258F, **Certification for Victims of Violent Crime and Human Trafficking**, which requires local and state certifying agencies to issue a policy about U and T visa certification (hereinafter “certification”) and respond to requests for certification within ninety days, absent extenuating circumstances beyond the control of the agency.

The U and T visa programs are long-standing federal programs that serve the dual purpose of assisting law enforcement agencies and providing protection for vulnerable individuals.

- The U visa is an immigration status available to victims of certain qualifying crimes who have suffered substantial mental or physical abuse related to those crimes and are willing to assist federal, state, or local government officials in detection, investigation, and/or prosecution of violent crime.
- The T visa is an immigration status available for victims of human trafficking, including both sex and labor trafficking, who report the trafficking crimes and comply with reasonable requests for assistance from law enforcement.

The U and T visa programs are important tools for government agencies to promote the cooperation of victim-witnesses in the detection, investigation, and/or prosecution of violent crime. They also provide victims with protection from deportation by opening up avenues for immigration status. Please find enclosed resources for state and local government agencies to assist with the implementation of the new law. The text of the legislation can be found at **Appendix A**, and a sample U and T visa certification policy is at **Appendix B**.

# What are the U and T visa programs?

The Victims of Trafficking and Violence Prevention Act (VTVPA) of 2000 is a federal law that, among other things, created both the U and T visa programs, which provide temporary immigration benefits to individuals who are victims of specified crimes.

- **U visa:** Under the VTVPA, an immigrant victim of a “qualifying criminal activity,” who has suffered substantial physical or mental harm, among other requirements, can file a Petition for U Nonimmigrant Status (Form I-918) with U.S. Citizenship and Immigration Services (USCIS). U nonimmigrant status, commonly referred to as a “U visa,” provides eligible victims with authorization to remain temporarily in the United States, the ability to work, a pathway to lawful permanent residence (i.e., green card), and the ability to petition for certain family members.
- **T visa:** The T visa program under the VTVPA provides immigration benefits to individuals who are victims of severe forms of trafficking in persons and respond to a reasonable request for assistance from law enforcement in the trafficking investigation or prosecution. An Application for T Nonimmigrant Status (Form I-914), if approved, grants the applicant the ability to remain temporarily in the United States, work, have a pathway to lawful permanent residence (i.e., green card), and petition for certain family members.

## U Visa Certification

In order to file a Petition for U Nonimmigrant Status with USCIS, an immigrant victim must provide a certification form (Form I-918, Supplement B) from a federal, state, or local law enforcement official certifying the following:

- The victim has been a victim of qualifying criminal activity;
- The victim possesses information about the qualifying criminal activity; and
- The victim has been, is being or is likely to be helpful to the detection, investigation, and/or prosecution of that qualifying criminal activity.

Without the certification, the petitioner is ineligible for a U visa. The certification must be filed at the same time as the petitioner’s U visa application. A sample annotated Form I-918, Supplement B, is attached at Appendix C.



# What are the U and T visa programs?

(Continued from Page 5)

If the certifying official is not the head of the certifying agency, it is recommended that the certification be accompanied by a letter, signed by the head of the certifying agency, confirming that the individual signing the certification has been designated a U visa certifying official by the head of the certifying agency. A sample letter is attached at Appendix D.

## T Visa Certification

In the T visa application process, applicants are also encouraged to submit a certification, although it is not required. It can be important evidence to show USCIS that the applicant is a victim of a “severe form of trafficking in persons” and has responded to reasonable requests for assistance from law enforcement. The T visa certification form (Form I-914, Supplement B) requires that the certifying official confirm the following:

- The victim suffered a severe form of trafficking in persons; and
- The victim has responded to a reasonable request for assistance in the investigation of human trafficking crime(s).

A sample annotated Form I-914, Supplement B, is attached at Appendix E.

## Where can I find the certification forms?

The best way to get the most up-to-date version of these forms is to visit the USCIS website:

- <https://www.uscis.gov/i-918>
- <https://www.uscis.gov/i-914>





# Legislative Summary

## Certification for Victims of Violent Crime and Human Trafficking

M.G.L. Chapter 258F was signed into law by Governor Charlie Baker, as part of Section 65 of the FY22 Budget, on July 16, 2021, effective as of July 1, 2021. The text of the new chapter is attached at Appendix A.

### Overview

Chapter 258F provides that:

- Certifying agencies shall adopt policies for completing and signing nonimmigrant status certification forms for victims of crime or trafficking who intend to petition for U or T nonimmigrant status; and
- Certifying agencies shall respond to requests for certification no later than 90 days after receiving the request, absent extenuating circumstances outside of the control of the agency.

### Certifying Agencies

For the purposes of Ch. 258F, a “certifying entity” or certifying agency includes:

- State and local law enforcement agencies;
- Prosecutor's offices; and
- Other government offices or officials with the authority to detect, investigate, or prosecute crimes or trafficking in persons. Such offices include, but are not limited to, judges, the Department of Children and Families, the Massachusetts Commission Against Discrimination, and the Attorney General's Office.

### Responses to U and T Visa Certification Requirements

All certifying agencies must respond to a request for U and/or T visa certification within 90 days, absent extenuating circumstances beyond the control of the agency. There are three acceptable responses to requests for certification under the law:

- **Signed completion** of the requested certification form;
- **A written denial**, without prejudice, informing the victim of the reasons the request does not meet the requirements of the agency's certification policy; or
- **A written notification** of extenuating circumstances beyond the control of the certifying agency, including a written explanation of the delay, the process the certifying agency will take to make its response, and a projected timeline to receive that response.

### Data Collection

The new law also creates a framework for collecting data by requiring that certifying agencies report to the Executive Office for Public Safety and Security the following information: (1) the number of requests for certification received; and (2) the decision in each case. This data will be used to generate a publicly available report. A sample spreadsheet to assist with reporting requirements is at Appendix G.

# Tips for Certifying Agencies

The legislation requires that certifying agencies immediately issue a U and T visa certification policy. To assist certifying agencies in this process, a sample policy is available at [Appendix B](#).

To allow for expeditious processing of requests, agencies may consider taking the following steps:

- Designate one or more certifying officials within the office to receive requests.
- Notify all staff who receive certification requests to forward them immediately to the designated certifying officials.
- Standardize how the office would like to receive requests and inform advocates, attorneys, and applicants of these changes.
- Encourage applicants and/or advocates to submit requests via email and/or ask applicants to submit draft certification forms to expedite the processing of requests.
- Track all requests received to ensure that the agency is meeting the 90-day requirement. A sample spreadsheet for tracking is available at [Appendix G](#) and can assist with meeting the annual reporting requirements.
- Establish a standard letter to inform applicants of the decision on certification requests. A sample letter is available at [Appendix F](#).

# Frequently Asked Questions

## U and T Visa Certification

Does U or T visa certification by a certifying agency grant an immigration benefit?

- No. The U or T visa certification alone does not grant an immigration benefit. Congress believed that certifying agencies were in the best position to assess whether immigrant victims had been helpful in criminal cases. For this reason, the VTVPA designated state and local officials as certifiers. Ultimately, U.S. Citizenship and Immigration Services (USCIS) reviews each application on a case-by-case basis to ensure the applicant qualifies.

What are the qualifying crimes for a U visa?

- Under federal law, qualifying crimes include:

<ul style="list-style-type: none"><li>• Rape</li><li>• Torture</li><li>• Human trafficking</li><li>• Incest</li><li>• Domestic violence (including violations of domestic violence restraining orders)</li><li>• Sexual assault</li><li>• Abusive sexual conduct</li><li>• Prostitution</li><li>• Sexual exploitation</li><li>• Female genital mutilation</li><li>• Being held hostage</li><li>• Peonage</li><li>• Perjury</li><li>• Involuntary servitude</li></ul>	<ul style="list-style-type: none"><li>• Slavery</li><li>• Kidnapping</li><li>• Abduction</li><li>• Unlawful criminal restraint</li><li>• False imprisonment</li><li>• Blackmail</li><li>• Extortion</li><li>• Manslaughter</li><li>• Murder</li><li>• Felonious assault</li><li>• Witness tampering</li><li>• Obstruction of justice</li><li>• Fraud in foreign labor contracting</li><li>• Stalking</li><li>• Other related crimes</li></ul>
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- Related crimes include conduct where the elements of the crime are substantially similar to the above-specified offenses as well as attempts, conspiracy, or solicitation to commit any of the above offenses or related crimes.

# Frequently Asked Questions

## U and T Visa Certification

### What is a “severe form of trafficking” for a T visa?

- A “severe form of trafficking in persons” is defined in federal law. It includes both sex and labor trafficking.
  - **Sex trafficking** includes any conduct in which a commercial sex act is induced from a person under 18 years of age, or is induced from a person of any age by force, fraud, or coercion.
  - **Labor trafficking** is the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through force, fraud, or coercion, for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

### What if I don't know if a victim qualifies for a U or T visa?

- Please refer victims to a reputable immigration attorney as early in the process as possible. Pro bono attorneys are available to provide in-depth consultations, and they can assist the victim to request U and/or T visa certification, if eligible. Please also know that the primary purpose of the certification is to confirm whether the victim was helpful to the certifying agencies in the detection, investigation, and/or prosecution of a crime. USCIS will make a final determination of whether the criminal activity is a qualifying crime for purposes of the U or T visa.

### Is an arrest, prosecution, or conviction necessary to issue U or T visa certification?

- No. The agency must only detect a qualifying crime. The filing of criminal charges, a prosecution, or a conviction is not required. There are many situations in which an immigrant victim reports a crime, but an arrest or prosecution cannot take place. For example, frequently a perpetrator may flee the jurisdiction or is unable to be identified.

### Can I certify a qualifying crime that is different than the crime charged?

- Yes. The crime investigated can be different than the crime charged, and criminal charges are not required to issue certification. When a different crime is charged, a certifying official can still issue certification if the conduct still meets the elements of the underlying qualifying crime under state or federal law. For example, if armed robbery is the only crime charged but the conduct meets the elements of felonious assault, the agency may certify for felonious assault.

# Frequently Asked Questions

## U and T Visa Certification

Should a certifying agency deny a U or T visa certification request if many years have passed?

- No. There is no statute of limitations for U or T visa certification requests. If the victim was helpful in any stage of an investigation or prosecution, whether past or present, certification is appropriate.

Can our office issue U or T visa certification to indirect victims?

- Yes. In the U visa context, indirect victims may qualify for certification if the following requirements are met:
  - The applicant must have a **qualifying family relationship** with the victim. That includes the following individuals:
    - The spouse and unmarried children of a victim age 21 or older at the time of the crime may qualify.
    - The spouse, unmarried children under 21, parents, and unmarried siblings under 18 may qualify if the victim is under 21.
  - The victim must be **unable to cooperate with law enforcement** because they are deceased (due to murder or manslaughter) or incompetent or incapacitated due to injury, trauma, or age. Indirect victims also must meet other requirements in the U visa process.

Can our office issue U or T visa certification to bystanders?

- Yes. In the U visa context, certification is appropriate when a bystander has suffered direct and proximate harm as a result of the commission of qualifying criminal activity. Bystanders who suffer an unusually direct injury as a result of a qualifying crime may also qualify.

Can our office issue U or T visa certification to witnesses?

- It depends. Generally, the individual must be a victim of a qualifying crime, an indirect victim, or a bystander who suffered direct or proximate harm as a result of the qualifying crime. If the individual is a witness but does not meet these criteria, they are not eligible for certification. For witnesses who do not qualify for U or T visa certification, it is still recommended that they still consult with a skilled immigration attorney to explore other potential immigration avenues.

## Legislative Text

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Section 65 of the General Appropriations Bill FY22 inserts Chapter 258F, Certification for Victims of Violent Crime and Human Trafficking, in the Massachusetts General Laws. The text is also available online at: <https://tinyurl.com/MGL258F>.



# Certification for Victims of Violent Crime and Human Trafficking

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SECTION 65. The General Laws are hereby amended by inserting after chapter 258E the following chapter:-

## CHAPTER 258F

### CERTIFICATION FOR VICTIMS OF VIOLENT CRIME AND HUMAN TRAFFICKING

**Section 1.** As used in this chapter, the following words shall, unless the context clearly requires otherwise, have the following meanings:

“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.

“Criminal activity”, as described in 8 U.S.C. 1101(a)(15)(U)(iii).

“Severe forms of trafficking in persons”, as defined in 22 U.S.C. 7102.

**Section 2.** A certifying entity shall adopt a policy for completing and signing nonimmigrant status certification forms for: (i) victims of criminal activity who intend to petition for nonimmigrant visas under 8 U.S.C. 1101(a)(15)(U); and (ii) victims of severe forms of trafficking in persons who intend to petition for nonimmigrant visas under 8 U.S.C. 1101(a)(15)(T).

**Section 3.** A certifying entity shall respond to a nonimmigrant status certification request from a victim of criminal activity who intends to petition for a nonimmigrant visa under 8 U.S.C. 1101(a)(15)(U) or from a victim of severe forms of trafficking in persons who intends to petition for a nonimmigrant visa under 8 U.S.C. 1101(a)(15)(T) not later than 90 days after receiving the request for certification. The certifying entity shall respond to the request by: (i) completing and signing the certification forms; (ii) issuing a written denial of the request, without prejudice, informing the victim of the reason that the request does not meet the requirements of the certifying entity’s policy under section 2; or (iii) in extenuating circumstances outside the control of the certifying entity that prevent the certifying entity from responding to the certification request in the required time period, issuing a written explanation of the delay, the process the certifying entity will undertake to respond and a projected time frame for such response.

# Certification for Victims of Violent Crime and Human Trafficking

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## Section 4.

(a) Annually, not later than February 1, each certifying entity shall report to the executive office of public safety and security: (i) the number of individuals that requested nonimmigrant status certification; (ii) the number of certification forms that were completed and signed; and (iii) the number of such requests that were denied. The information reported under this subsection shall not include any personal identifying information of an individual requesting nonimmigrant status certification.

(b) Annually, not later than April 1, the executive office of public safety and security shall file a report with the clerks of the house of representatives and the senate, the joint committee on the judiciary and the joint committee on public safety and homeland security on the information received under subsection (a). The report shall include, but not be limited to: (i) the number of individuals that requested nonimmigrant status certification, delineated by certifying entity; (ii) the number of certification forms that were completed and signed, delineated by certifying entity; (iii) the number of such requests that were denied, delineated by certifying entity; and (iv) total statewide statistics on nonimmigrant status certifications and denials. The report shall not include information that would allow the public to ascertain the identity of an individual requesting nonimmigrant status certification. The executive office shall also make the report publicly available on its website.



## Sample Certification Policy

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This policy is an example of a U and T visa certification policy. It is based on the policy in place in Bernards County Police Department in New Jersey. A .doc version is available for download online at: <https://tinyurl.com/MGL258F>.



# Sample Certification Policy

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## U and T Visa Certification Procedures<sup>1</sup>

The [NAME OF AGENCY] is required by Massachusetts General Laws Chapter 258F to process requests for U and T visa certification. Below is our policy for responding to and processing such requests.

The U visa is an immigration benefit for victims of certain violent crimes who meet eligibility requirements under federal law.

- 1) The U.S. Citizenship and Immigration Services (USCIS) may find an individual eligible for a U visa if the victim:
  - i. is the direct or indirect victim of qualifying criminal activity;
  - ii. has suffered substantial physical or mental abuse as a result of having been a victim of criminal activity;
  - iii. has information about the criminal activity; and
  - iv. was helpful, is being helpful, or is likely to be helpful to law enforcement, prosecutors, judges, or other officials in the detection, investigation, prosecution, conviction, or sentencing of the criminal activity. INA § 101(a)(15)(U), 8 U.S.C. § 1101(a)(15)(U).
- 2) The U visa allows eligible victims to temporarily remain and work in the United States, generally for four years.
- 3) While in 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.
- 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 United States) after three years.
- 5) Certain family members of a U visa recipient may also be eligible to live and work in the United States as “derivative” U visa recipients based on their relationship with the principal recipient. These include:
  - i. Unmarried children under the age of 21;
  - ii. Spouse;
  - iii. Parents of U visa petitioners under age 21; and
  - iv. Unmarried siblings under 18 years old of U visa petitioners under age 21.

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<sup>1</sup> This certification policy is based largely on the protocols in place with Bernards Township Police Department in New Jersey.

# Sample Certification Policy

## Certifying U Visas

- 6) For U visa certification requests, this agency shall determine whether, pursuant to the standards set forth in federal law, the applicant:
  - i. is a victim of a qualifying criminal activity; and
  - ii. was, is, or is likely to be, helpful in the investigation or prosecution of that activity.
- 7) In order to be eligible for a U visa, the victim must submit a U visa certification completed by a certifying agency or official on Form I-918, Supplement B, U Nonimmigrant Status Certification (Form I-918B) to USCIS.
- 8) The certification explains the role the victim had, has, or will have in being helpful to the investigation or prosecution of the case.
- 9) The certification must be signed by the certifying official with an original signature within the six months (6 months minus one day) immediately preceding the U visa petitioner's submission.
- 10) The certifying official is not required to assess whether the victim suffered substantial physical or mental abuse as a result of the criminal activity.
- 11) The following are criminal activities that qualify a victim for the U visa. These are not specific crimes or citations to Massachusetts General Laws; however are offenses that could fall into these general categories:
  - i. Abduction
  - ii. Abusive Sexual Contact
  - iii. Blackmail
  - iv. Domestic Violence
  - v. Extortion
  - vi. False Imprisonment
  - vii. Felonious Assault
  - viii. Female Genital Mutilation
  - ix. Fraud in Foreign Labor Contracting
  - x. Hostage
  - xi. Incest
  - xii. Involuntary Servitude
  - xiii. Kidnapping
  - xiv. Manslaughter
  - xv. Murder
  - xvi. Obstruction of Justice

# Sample Certification Policy

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- xvii. Peonage
- xviii. Perjury
- xix. Prostitution
- xx. Rape
- xxi. Sexual Assault
- xxii. Sexual Exploitation
- xxiii. Slave Trade
- xxiv. Stalking
- xxv. Torture
- xxvi. Trafficking
- xxvii. Witness Tampering
- xxviii. Unlawful Criminal Restraint
- xxix. Other Related Crimes

- 12) USCIS has the sole authority to grant or deny a U visa. The certification does not guarantee that the U visa petition will be approved by USCIS.
- 13) No federal agency has the authority to require or demand that this agency sign the certification.
- 14) This agency has the authority to sign certifications or to delegate authority to other agency officials in a supervisory role to sign certifications.
- 15) As requested on the Form I-918B, the certifying official should document the helpfulness of the victim and whether that victim refused to be helpful at any time throughout the investigation or prosecution.
- 16) The certification form must contain an original signature and should be signed in a color of ink other than black for verification purposes. Photocopies, faxes, or scans of the certification form cannot be accepted by USCIS as an official certification.
- 17) A decision on the request for Form I-918B must be made within 90 days, absent extenuating circumstances beyond the control of the agency.
  - i. If the request is approved, this agency will issue Form I-918B to the applicant or counsel for the applicant within 90 days of receipt of the request.
  - ii. If the request is denied, this agency will issue a written decision that indicates the reason for the denial within 90 days of receipt of the request.
  - iii. If extenuating circumstances are present, this agency will issue a written notice to the applicant within 90 days of receipt of the request, including the reason for the delay, the process the office will take to respond to the request, and the expected timeframe for the decision.

# Sample Certification Policy

- 18) This agency will make every effort to expedite a certification request if the applicant shows there are compelling circumstances to support expeditious processing.

The T visa is an immigration benefit for victims of severe forms of trafficking in persons who meet certain eligibility requirements.

- 19) USCIS may find an individual eligible for a T visa if the victim:
- i. is or was the victim of a severe form of trafficking in persons (which may include sex or labor trafficking), as defined by federal law;
  - ii. 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;
  - iii. has complied with any reasonable request 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 United States. INA § 101(a)(15)(T), 8 U.S.C. § 1101(a)(15)(T).
- 20) The T visa allows eligible victims to temporarily remain and work in the U.S., generally for four years.
- 21) While in T visa 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.
- 22) If certain conditions are met, an individual with a T visa may apply for adjustment to lawful permanent resident status (i.e., apply for a green card in the United States) after three years in the United States or upon completion of the investigation or prosecution, whichever occurs earlier.
- 23) Certain family members of a T visa recipient may also be eligible to live and work in the United States as "derivative" T visa holders. These are:
- i. Unmarried children under the age of 21;
  - ii. Spouse;
  - iii. Parents of principal T visa recipients under age 21 at the time of application;
  - iv. Unmarried siblings under 18 years old of principal T visa applicants under age 21; and
  - v. Adult or minor children of certain immediate family members of the T visa recipient
- 24) The T visa certification (Form I-914, Supplement B) is supplementary evidence of a victim's assistance to law enforcement that a federal, state, local, tribal, and territorial law enforcement agency, prosecutor, judge, or other government official can complete for a T visa applicant.

# Sample Certification Policy

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## Certifying T visas

- 25) For T visa certification requests, each agency's certification procedure shall include a determination of whether, pursuant to the standards set forth in federal law the requester:
  - i. is or has been a victim of a severe form of trafficking in persons; and
  - ii. has complied with requests for assistance in an investigation or prosecution of the crime of trafficking.
- 26) In order to be eligible for a T visa, the victim must submit a T visa certification completed by a certifying agency or official on Form I-914, Supplement B (Form I-914B).
- 27) The T visa certification is not conclusive evidence that the applicant meets these eligibility requirements, as only USCIS can make this determination.
- 28) By signing a T visa certification, the certifying agency, official or judge is not sponsoring or endorsing the victim for a T visa.
- 29) A decision on the request for Form I-914B must be made within 90 days, absent extenuating circumstances beyond the control of the agency.
  - i. If the request is approved, this agency will issue Form I-914B to the applicant or counsel for the applicant within 90 days of receipt of the request.
  - ii. If the request is denied, this agency will issue a written decision that indicates the reason for the denial within 90 days of receipt of the request.
  - iii. If extenuating circumstances are present, this agency will issue a written notice to the applicant within 90 days of receipt of the request, including the reason for the delay, the process the office will take to respond to the request, and the expected timeframe for the decision.
- 30) This agency will make every effort to expedite a certification request if the applicant shows there are compelling circumstances to support expeditious processing.

# Annotated U Visa Certification

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This appendix provides guidance about how to complete the U visa certification form: Form I-918, Supplement B, U Nonimmigrant Status Certification. Please note that the certification form is updated often. Visit the USCIS website for the most updated version.



# Annotated U Visa Certification



## Supplement B, U Nonimmigrant Status Certification

Department of Homeland Security  
U.S. Citizenship and Immigration Services

USCIS  
Form I-918  
OMB No. 1615-0104  
Expires 04/30/2021

For USCIS Use Only		Remarks
	If unknown, put unknown. If no A-number put none.	For any box that does not apply to the applicant, please write "N/A" in the corresponding box.

Include the victim's name.

RE - Type or print in black or blue ink.

### Part 1. Victim Information

1. Alien Registration Number (A-Number) (if any)  
 A-

2.a. Family Name (Last Name)

2.b. Given Name (First Name)

2.c. Middle Name

Other Names Used (Include maiden names, aliases, if applicable.)  
 If you need extra space to provide additional names, use the space provided in Part 7. Additional Information

3.a. Family Name (Last Name)

3.b. Given Name (First Name)

3.c. Middle Name

4. Date of Birth (mm/dd/yyyy)

5. Gender  Male  Female

Include any previous misspellings of the victim's name and any aliases that have appeared on other forms.

Here, include the certifying agency's information.

### Part 2. Agency Information

1. Name of Certifying Agency

Name of Certifying Official

2.a. Family Name (Last Name)

2.b. Given Name (First Name)

2.c. Middle Name

3. Title and Division/Office of Certifying Official

Name of Head of Certifying Agency

4.a. Family Name (Last Name)

4.b. Given Name (First Name)

4.c. Middle Name

Agency Address

5.a. Street Number and Name

5.b.  Apt.  Ste.  Fir.

5.c. City or Town

5.d. State  5.f. ZIP Code

5.g. Province

5.h. Postal Code

5.i. Country

Other Agency Information

6. Agency Type  
 Federal  State  Local

7. Case Status  
 On-going  Completed  
 Other

8. Certifying Agency Category  
 Judge  Law Enforcement  Prosecutor  
 Other

9. Case Number

10. FBI Number or SID Number (if applicable)



# Annotated U Visa Certification

## Part 3. Criminal Acts

If you need extra space to complete this section, use the space provided in **Part 7. Additional Information.**

1. The petitioner is a victim of criminal activity involving a violation of one of the following Federal, state, or local criminal offenses (or any similar activity). (Select **all applicable** boxes)

- |   |   |
|---|---|
| <input type="checkbox"/> Abduction                                    | <input type="checkbox"/> Manslaughter                                   |
| <input type="checkbox"/> Abusive Sexual Contact                       | <input type="checkbox"/> Murder   |
| <input type="checkbox"/> Attempt to Commit Any of the Named Crimes    | <input type="checkbox"/> Obstruction of Justice                         |
| <input type="checkbox"/> Being Held Hostage                           | <input type="checkbox"/> Peonage  |
| <input type="checkbox"/> Blackmail                                    | <input type="checkbox"/> Perjury  |
| <input type="checkbox"/> Conspiracy to Commit Any of the Named Crimes | <input type="checkbox"/> Prostitution                                   |
| <input type="checkbox"/> Domestic Violence                            | <input type="checkbox"/> Rape   |
| <input type="checkbox"/> Extortion                                    | <input type="checkbox"/> Sexual Assault                                 |
| <input type="checkbox"/> False Imprisonment                           | <input type="checkbox"/> Sexual Exploitation                            |
| <input type="checkbox"/> Felonious Assault                            | <input type="checkbox"/> Slave Trade                                    |
| <input type="checkbox"/> Female Genital Mutilation                    | <input type="checkbox"/> Solicitation to Commit Any of the Named Crimes |
| <input type="checkbox"/> Fraud in Foreign Labor Contracting           | <input type="checkbox"/> Stalking                                       |
| <input type="checkbox"/> Incest                                       | <input type="checkbox"/> Torture  |
| <input type="checkbox"/> Involuntary Servitude                        | <input type="checkbox"/> Trafficking                                    |
| <input type="checkbox"/> Kidnapping                                   | <input type="checkbox"/> Unlawful Criminal Restraint                    |
|   | <input type="checkbox"/> Witness Tampering                              |

Include any crime for which the applicant is a victim, no charges need to be brought to include the crime

Did the criminal activity occur in the United States (including territories and military installations) or the territories or possessions of the United States?

Yes  No

4.b. If you answered "Yes," where did the criminal activity occur?

5.a. Did the criminal activity violate a Federal extraterritorial jurisdiction statute?  Yes  No

5.b. If you answered "Yes," provide the statutory citation providing the authority for extraterritorial jurisdiction.

6. Briefly describe the criminal activity being investigated and/or prosecuted and the involvement of the petitioner named in **Part 1.** Attach copies of all relevant reports and findings.

If there is not sufficient room to describe the criminal activity under investigation, attach a description and refer to it here

Provide the dates on which the criminal activity occurred.

2.a. Date (mm/dd/yyyy)

2.b. Date (mm/dd/yyyy)

2.c. Date (mm/dd/yyyy)

2.d. Date (mm/dd/yyyy)

If known, provide here. If unknown, explain that victim will provide information pertaining to the injury directly

Provide a description of any known or documented injury to the victim. Attach copies of all relevant reports and findings.

3. List the statutory citations for the criminal activity being investigated or prosecuted, or that was investigated or prosecuted.

Include the state and/or the federal statues for the above crimes

# Annotated U Visa Certification

## Part 4. Helpfulness Of The Victim

For the following questions, if the victim is under 16 years of age, incompetent or incapacitated, then a parent, guardian, or next friend may act on behalf of the victim.

1. Does the victim possess information concerning the criminal activity listed in Part 3.?  Yes  No
2. Has the victim been helpful, is the victim being helpful, or is the victim likely to be helpful in the investigation or prosecution of the criminal activity detailed above?  Yes  No
3. Since the initiation of cooperation, has the victim refused or failed to provide assistance reasonably requested in the investigation or prosecution of the criminal activity detailed above?  Yes  No

If you answer "Yes" to Item Numbers 1. - 3., provide an explanation in the space below. If you need extra space to complete this section, use the space provided in Part 7. **Additional Information.**

4. Other. Include any additional information you would like to provide.

Please feel free to provide any additional information here about how the victim has been helpful in the investigation and/or prosecution.

# Annotated U Visa Certification

## Part 5. Family Members Culpable In Criminal Activity

1. Are any of the victim's family members culpable or believed to be culpable in the criminal activity of which the petitioner is a victim?  Yes  No

If you answered "Yes," list the family members and their criminal involvement. (If you need extra space to complete this section, use the space provided in Part 7. Additional Information.)

2.a. Family Name (Last Name)

2.b. Given Name (First Name)

2.c. Middle Name

2.d. Relationship

2.e. Involvement

3.a. Family Name (Last Name)

3.b. Given Name (First Name)

3.c. Middle Name

3.d. Relationship

3.e. Involvement

4.a. Family Name (Last Name)

4.b. Given Name (First Name)

4.c. Middle Name

4.d. Relationship

4.e. Involvement

## Part 6. Certification

I am the head of the agency listed in Part 2. or I am the person in the agency who was specifically designated by the head of the agency to issue a U Nonimmigrant Status Certification on behalf of the agency. Based upon investigation of the facts, I certify, under penalty of perjury, that the individual identified in Part 1. is or was a victim of one or more of the crimes listed in Part 3. I certify that the above information is complete, true, and correct to the best of my knowledge, and that I have made and will make no promises regarding the above victim's ability to obtain a visa from U.S. Citizenship and Immigration Services (USCIS), based upon this certification. I further certify that if the victim unreasonably refuses to assist in the investigation or prosecution of the qualifying criminal activity of which he or she is a victim, I will notify USCIS.

1. Signature of Certifying Official (sign in ink)

Date of Signature (mm/dd/yyyy)

Daytime Telephone Number

2. Fax Number

If a member of the victim's family was involved in the perpetration of the crime, please list their names, relationship, and level of involvement here.

Please sign with blue ink. The U visa certification with the original signature must be provided to the applicant to submit to USCIS.



## Sample Letter from Head of Certifying Agency Designating Certifying Official

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This appendix provides a sample letter for the head of a certifying agency to designate certifying officials within their agency to issue U and T visa certifications. A .doc version of this document is available for download online at: <https://tinyurl.com/MGL258F>.



# Sample Letter from Head of Certifying Agency Designating Certifying Official

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[DATE]

Department of Homeland Security  
U.S. Citizenship and Immigration Services  
USCIS - Vermont Service Center  
38 River Road  
Essex Junction, VT 05452

**RE: [NAME OF VICTIM], U and T Visa Certification**

Dear Sir or Madam:

I, [NAME], [NAME OF AGENCY], hereby designate [NAME], [TITLE], as a U and T visa certifying official of the [NAME OF AGENCY] in the above referenced case.

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[NAME]  
[TITLE]  
[NAME OF AGENCY]

## Annotated T Visa Certification

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This appendix provides guidance about how to complete the T visa certification form: Form I-914, Supplement B, Declaration of Law Enforcement Officer for Victim of Trafficking in Persons. Please note that the certification form is updated often. Visit the USCIS website for the most updated version.



# Annotated T Visa Certification

## Supplement B, Declaration of Law Enforcement Officer for Victim of Trafficking in Persons

Department of Homeland Security  
U.S. Citizenship and Immigration Services

USCIS  
Form I-914  
OMB No. 1615-0099  
Expires 04/30/2021



Include the victim's name

Include any previous misspellings of the victim's name as it has appeared on other forms

If unknown, put unknown. If no A-number put none.

If unknown, put unknown. If no SSN put none.

Here, include the certifying agency's information

Check the boxes to indicate whether the case involved labor or sex trafficking, or both. Keep in mind that many cases involve both.

**For USCIS Use Only**

Returned	Receipt
Resubmitted	
Reloc Sent	Remarks
Date	
Date	
Reloc Rec'd	Remarks
Date	
Date	Remarks

**PART A. Victim Information**

Family Name (Last Name) \_\_\_\_\_ Middle Name (if any) \_\_\_\_\_ Date \_\_\_\_\_

Other Names Used (include maiden name/nickname) \_\_\_\_\_

Date of Birth (mm/dd/yyyy) \_\_\_\_\_ Gender  Male  Female

A # (if known) \_\_\_\_\_

**Part B. Agency Information**

Name of Certifying Agency \_\_\_\_\_

Name of Certifying Official \_\_\_\_\_ Title and Division/Office of Certifying Official \_\_\_\_\_

Agency Address - Street Number and Name \_\_\_\_\_ Suite Number \_\_\_\_\_

City \_\_\_\_\_ State/Province \_\_\_\_\_ Zip/Postal Code \_\_\_\_\_

Daytime Phone # (area code and/or extension) \_\_\_\_\_ Fax # (with area code) \_\_\_\_\_

Agency Type  Federal  State  Local

Case Status  On-going  Completed  Local \_\_\_\_\_

Certifying Agency Category  Judge  Law Enforcement  Prosecutor  Other \_\_\_\_\_

Case Number \_\_\_\_\_ FBI or SID Number (if applicable) \_\_\_\_\_

**Part C. Statement of Claim**

1. The applicant is or has been a victim of a severe form of trafficking in persons. Specifically, he or she is a victim of: (Check all that apply. Base your analysis on the practices to which the victim was subjected rather than on the specific violations charged, the counts on which convictions were obtained, or whether any prosecution resulted in convictions. Note that the definitions that control this analysis are not the elements of criminal offenses, but are those set forth at 8 CFR 214.11(a).)

Sex trafficking in which a commercial sex act was induced by force, fraud, or coercion. Sex trafficking means the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act.

Sex trafficking and the victim is under the age of 18.



# Annotated T Visa Certification

## Part C. Statement of Claim (Continued)

- The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services through the use of force, fraud, or coercion for subjection to involuntary servitude, peonage, debt bondage, or slavery.
- Not applicable.
- Other, specify on attached additional sheets.

2. Please describe the victimization upon which the applicant's claim is based and identify the relationship between that victimization and the crime under investigation/prosecution. Attach the results of any name or database inquiry performed in the investigation of the case, as well as any relevant reports and findings. Include relevant dates, etc. Attach additional sheets, if necessary.

If there is not sufficient room to describe the trafficking crimes, attach a description and refer to it

3. Has the applicant expressed any fear of retaliation or revenge if removed from the United States? If yes, explain. Attach additional sheets, if necessary.

Describe any retaliation feared by the victim that was reported.

4. Provide the date(s) on which the acts of trafficking occurred.

Date (mm/dd/yyyy)	Date (mm/dd/yyyy)	Date (mm/dd/yyyy)	Date (mm/dd/yyyy)

5. List the statutory citation(s) for the acts of trafficking being investigated or prosecuted, or that were investigated or prosecuted.

6. Provide the date on which the investigation or prosecution was initiated.

Date (mm/dd/yyyy)

7. Provide the date on which the investigation or prosecution was completed (if any).

Date (mm/dd/yyyy)

Include the state and/or the federal statutes for the trafficking crimes

# Annotated T Visa Certification

## Part D. Cooperation of Victim *(Attach additional sheets, if necessary)*

The applicant:

- Has complied with requests for assistance in the investigation/prosecution of the crime of trafficking. *(Explain below.)*
- Has failed to comply with requests to assist in the investigation/prosecution of the crime of trafficking. *(Explain below.)*
- Has not been requested to assist in the investigation/prosecution of any crime of trafficking.
- Has not yet attained the age of 18.
- Other, specify on attached additional sheets.

	<p>Document anything that the victim has done to be helpful/assist in the investigation, including any interviews they have participated in</p>
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## Part E. Family Members Implicated In Trafficking

- Yes  No Are any of the applicant's family members believed to have been involved in his or her trafficking to the United States? If "Yes," list the relative(s) and describe the involvement. Attach additional sheets if necessary.

Full Name	Relationship	Involvement

## Part F. Attestation

Based upon investigation of the facts, I certify, under penalty of perjury, that the above noted individual is or has been a victim of a severe form of trafficking in persons as defined by the VTVPA. I certify that the above information is true and correct to the best of my knowledge, and that I have made, and will make, no promises regarding the above victim's ability to obtain a visa from U.S. Citizenship and Immigration Services, based upon this certification. I further certify that if the victim unreasonably refuses to assist in the investigation or prosecution of the acts of trafficking of which he/she is a victim, I will notify USCIS.

Signature of Law Enforcement Officer *(identified in Part B) (sign in ink)*

Date *(mm/dd/yyyy)*

Signature of Supervisor of Certifying Officer *(sign in ink)*

Date *(mm/dd/yyyy)*

Printed Name of Supervisor

Include original signatures, in blue ink. Return the original certification to the applicant for filing.

## Sample Decision Letter for Certification Requests

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This is a sample letter to inform applicants of decisions regarding U and T visa certification requests. A .doc version of this document is available for download online at: <https://tinyurl.com/MGL258F>.



# Sample Letter

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[DATE]

[APPLICANT NAME]

[APPLICANT ADDRESS]

Dear applicant,

This is to confirm receipt of your request for: *(check below)*

- Form I-918, Supplement B, U Nonimmigrant Status Certification**
- Form I-918, Supplement B, Declaration of Law Enforcement Officer for Victim of Trafficking in Persons**

Our office has decided to: *(check below)*

- Approve your request** and issue the following: *(check below)*
  - Form I-918, Supplement B, U Nonimmigrant Status Certification**
  - Form I-918, Supplement B, Declaration of Law Enforcement Officer for Victim of Trafficking in Persons**
- Deny your request** without prejudice.

The reason for the denial is:

- Our office is unable to locate sufficient records to confirm that the applicant is a victim of a qualifying and/or helpful with the investigation.
- The applicant did not supply sufficient information to our office to locate relevant records to confirm whether it meets the requirements for certification.
- The applicant was determined **not** to be a victim of a qualifying criminal activity.
- The applicant was determined **not** to have been helpful to law enforcement.
- Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- Not applicable.

# Sample Letter

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Page 2 of 2

[DATE]

- We are unable to decide your request within ninety days due to **extenuating circumstances outside of our control**.

<ul style="list-style-type: none"><li>▫ The delay is due to: _____ _____ _____</li><li>▫ The process our office will undertake to respond is: _____ _____ _____</li><li>▫ We will make every effort to respond by: _____</li></ul>
--

If you have any further information to submit in support of the request, please submit a new request with the additional information. Thank you for your attention in this matter. Please contact me at [TEL. NO.] or [EMAIL ADDRESS].

Sincerely,

[NAME]

[TITLE]

# Sample Tracking Spreadsheet for Certification Requests

This spreadsheet provides a model format for tracking U and T visa certification requests. The spreadsheet will assist certifying agencies to process requests expeditiously, track their compliance with the law, and meet their reporting requirements. An excel version is available for download online at: <https://tinyurl.com/MGL258F>.





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**A Guide for Certifying Agencies**  
Certification for Victims of Violent Crime  
and Human Trafficking

**This Guide was issued in September 2021.**