

U-Visas and T-Visas: Immigration Relief for Victims of Qualifying Crimes



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King County Sheriff's Office

Adapted from material developed and produced by:

The KCSO cannot provide legal advice. The material presented is intended for general educational purposes only. Information has been adapted from USCIS, Blue Campaign, Washington State Criminal Justice Training Commission, and NIWAP. Please consult your agency's legal advisor for additional guidance and for any questions and concerns regarding your agency's certification process.



Presentation Overview

- U-Visa and T-Visa Overview and Eligibility
- U-Visa and T-Visa Certifications Overview
- Washington State Requirements for Certifying Agencies
- KCSO U-Visa/T-Visa Program and Best Practices
- Helpful Resources



U-Visa/T-Visa Overview and Eligibility



What is the U-Visa/T-Visa?

Promoting Victim-Centered Approach

- ❑ U-Visas and T-Visas were created in October 2000.
- ❑ The U-Visa and T-Visa are two forms of immigration relief intended to help law enforcement agencies to *better serve immigrant victims of crimes by facilitating the reporting of crimes.*
- ❑ Immigrants, especially women and children, can be particularly vulnerable to criminal activity due to a variety of factors.

Immigrant Victims Often

Distrust law enforcement and fear arrest and deportation.

Fear for themselves and family members.

Worry about immediate needs (food, shelter, family); have medical needs, including psychological support.

Lack of understanding of the U-Visa process and U.S. laws.

May face language and cultural barriers.

Community Policing – Victim Centered Approach

Safety Tools

- U-Visas and T-Visas are safety tools *designed to offer protection to victims of qualifying crimes* and *strengthen* the ability of law enforcement agencies to detect, investigate and prosecute cases of domestic violence, sexual assault, human trafficking and other crimes.

Promoting a Victim-Centered Approach

- Focuses on the needs and concerns of the victim.
- Increases community safety and offers protection to immigrant victims.
- Builds trust between immigrant communities and law enforcement.
- Encourages victims to report crimes committed against them.
- Promotes cooperation between law enforcement and victim.

Resources: <https://www.dhs.gov/blue-campaign/law-enforcement>

What Benefits does the U-Visa/T-Visa Provide?

U-Visa/T-Visa Benefits

Temporary immigration relief for up to 4 years for principal applicants and qualifying family members

Employment authorization (work permit)

Access to certain federal benefits and services.

Apply for lawful permanent residency – Green Card – if eligible.

Benefits:

- [Services Available to Victims of Human Trafficking](#)
- [Green Card for a Victim of a Crime \(U Nonimmigrant\)](#)
- [Green Card for a Victim of Trafficking \(T Nonimmigrant\)](#)

U-Visa Overview and Eligibility

- ❑ The U nonimmigrant status visa (U-Visa) is for *victims of certain crimes who are helpful to law enforcement or government officials in the investigation or prosecution of criminal activity.*

- ❑ A person may qualify for a U-Visa if they:
 - ➔ ❑ **Were the victim of a qualifying criminal activity that occurred in the U.S. or violated U.S. laws.**
 - ❑ Suffered substantial physical or mental abuse as a result of the activity.
 - ➔ ❑ **Are helpful, were helpful, or are likely to be helpful to law enforcement in the investigation or prosecution of the criminal activity.**
 - ➔ ❑ The crime occurred **in the United States** or violated U.S. laws.
 - ❑ Are are admissible to the United States. If person is not admissible, they may apply for a waiver on a Form I-192, Application for Advance Permission to Enter as a Nonimmigrant.

U-Visa Qualifying Crimes

- Abduction
- Abusive Sexual Contact
- Blackmail
- **Domestic Violence**
- Extortion
- False Imprisonment
- Female Genital Mutilation
- **Felonious Assault**
- Fraud in Foreign Labor Contracting

- Hostage
- Incest
- Involuntary Servitude
- Kidnapping
- Manslaughter
- Murder
- Obstruction of Justice
- Peonage
- Perjury
- Prostitution
- **Rape**

- **Sexual Assault**
 - Sexual Exploitation
 - Slave Trade
 - Stalking
 - Torture
 - **Trafficking**
 - Witness Tampering
 - Unlawful Criminal Restraint
 - Other Related Crimes*†
- *Includes any similar activity where the elements of the crime are substantially similar.
- †Also includes attempt, conspiracy, or solicitation to commit any of the above and other related crimes.

T-Visa Overview

- ❑ T nonimmigrant status (T-Visa) is a temporary immigration benefit that enables certain **victims of a severe form of human trafficking** to remain in the United States for up to 4 years *if they have assisted law enforcement in an investigation or prosecution of human trafficking*.
- ❑ Under federal law, a “severe form of trafficking” is:
 - ❑ **Sex trafficking:** When someone **recruits, harbors, transports, provides, solicits, patronizes, or obtains** a person for the purpose of a commercial sex act, where the commercial sex act is induced by **force, fraud, or coercion**, or the person being induced to perform such act is under 18 years of age; or
 - ❑ **Labor trafficking:** When someone **recruits, harbors, transports, provides, or obtains** a person for labor or services through the use of **force, fraud, or coercion** for the purpose of involuntary servitude, peonage, debt bondage, or slavery.
- ❑ **Only 5,000** T-Visas approved per year. Annual cap has **never been reached**.
- ❑ Time from initial filing to waitlist determination is **15.5-31.5 months (September 2019)**

T-Visa Eligibility

- ❑ A person may be eligible for T nonimmigrant status (T-Visa) if:
 - ➡ ❑ Are or were a victim of a severe form of human trafficking.
 - ❑ Are in the United States, American Samoa, the Commonwealth of the Northern Mariana Islands, or at a port of entry due to trafficking.
 - ➡ ❑ Comply with any reasonable request from a law enforcement agency for assistance in the investigation or prosecution of human trafficking (*unless victim is under the age of 18 or is unable to cooperate due to physical or psychological trauma. In either case, person may not need to show that they complied with reasonable requests from law enforcement*).
 - ❑ Demonstrate that they would suffer extreme hardship involving unusual and severe harm if they were removed from the United States.
 - ❑ Are admissible to the United States.

Qualifying Family Members

- ❑ Family members may be eligible for a **derivative U-Visa** and **T-Visa** based on their relationship to the primary applicant. The principal petitioner must have their U-Visa petition approved **before** their family members can be eligible for their own derivative U-Visa.

| If you, the principal, are... | Then you may petition on behalf of... |
|---|--|
| Under 21 years of age | U-Visa/T-Visa: Spouse, unmarried children, parents, and unmarried siblings under 18. |
| 21 years of age or older | U-Visa/T-Visa: Spouse, unmarried children under 21. |
| *T-Visa: If family members are in present danger of retaliation as a result of principal applicant's escape from trafficking or cooperation with law enforcement. | T-Visa: Parents, siblings, children of any age or marital status of qualifying family members who have been granted derivative T-Visa, niece or nephew. |

Examples of Reporting a Crime and Helpfulness

Applicant *has been, is being, or is likely to be helpful* with the *detection, investigation, prosecution, conviction or sentencing of the crime.*

- Calling 911 to report a crime.
- Filing a police report, follow-up report.
- Providing a witness statement.
- Filling out a domestic violence supplemental form, medical release form.
- Victim or victim's parent's allowed officers to take photographs of victim's injuries and/or provide a witness statement.
- Victim's parent's (indirect victims) reported the crime and assisted with the investigation by providing important information, taking the child to their interview.

Exceptions to Helpfulness

T-Visa Exceptions

- Unless you are **under the age of 18** or you are unable to cooperate due to **physical or psychological trauma**. In either case, you may not need to show that you complied with reasonable requests from law enforcement.

U-Visa Exceptions

- Victim may not **unreasonably** refuse to cooperate with reasonable request from law enforcement and prosecutors.
- A parent, guardian, or next friend may provide the required assistance if victim is under 16 or incapacitated or incompetent and therefore unable to be helpful in the investigation.

U-Visa and T-Visa Certifications and Washington State Requirements for Certifying Agencies

CERTIFIED

Requirements



The Importance of U-Visa/T-Visa Certification

What is a U-Visa certification?

- Form I-918B is a required piece of evidence to confirm to USCIS that a qualifying crime has occurred and that the victim was helpful, is being helpful, or is likely to be helpful in the investigation or prosecution of criminal activity.
- Law enforcement agencies assist USCIS by providing certifications on behalf of petitioners seeking U nonimmigrant status. *The certification is meant to be a tool for law enforcement agencies to use as part of a victim-centered approach to better serve victims of crimes.*

Why do applications need to be certified?

- U-Visa: I-918 Supplement B certification is **required evidence** for the U-Visa, and USCIS cannot process the victim's case without it.
- T-Visa: I-914 Supplement B certification is **not required evidence** but is useful for the application.
- NOTE:** Certifying agencies can provide the declaration or *certification even if there is no arrest, no charges filed, no formal investigation, no prosecution, no conviction, or even if the case is closed.* You can provide a declaration or certification for cases that occurred months or years ago, as long as the victim was working with you.

Types of Requests

Direct Victim

- The person against whom the crime was perpetrated and who 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.

Indirect Victim

- The person must have a **qualifying family relationship** to the direct victim.
- The direct victim is unable to assist law enforcement because they are:
 - Deceased due to murder or manslaughter; or incompetent or incapacitated, including due to injury, trauma, or age.
 - Indirect victim **must meet all other eligibility requirements** for U nonimmigrant status.

Re-certifications

- U-Visa certifications expire 6 months after signature. T-Visa certifications do not expire.
- When applying for permanent residency (green card).

Law Enforcement Agency Responsibility

- ❑ **Only USCIS has the authority to grant or deny a person's U-Visa or T-Visa application.** The declaration and certification form alone does not grant any immigration benefit or legal status in the U.S. It is only one piece of evidence USCIS reviews before making a decision on an application.
- ❑ U-Visa and T-Visa applicants may ask law enforcement agencies to complete the I-918B and I-914B certification forms. The certifications give USCIS **basic information about the criminal activity** perpetrated against the victim and the victim's willingness to assist in the detection, investigation, prosecution, conviction, or sentencing.

NOTE: ***Submitting and receiving a U-Visa/T-Visa certification does not mean that you have submitted the entire petition. Obtaining the signed U-Visa certification is the first step in the process for submitting a U-Visa petition. *******

Law Enforcement Agency Responsibility Cont.

- ❑ The term “**investigation or prosecution**” encompasses all stages of the judicial process: **detection, investigation, prosecution, conviction, and sentencing.**
- ❑ Law enforcement is **not responsible** for determining whether the applicant **is physically present in the United States** on account of trafficking. *Victim may still request this.
- ❑ Law enforcement is **not responsible** for determining if the applicant would **experience extreme hardship.**
- ❑ Agency **may still certify** even if victim has not responded to reasonable requests for assistance.
- ❑ **Helping in the detection** of trafficking by reporting the victimization is **sufficient to satisfy the requirement to assist law enforcement.**
- ❑ Law enforcement is **not responsible** for making admissibility determination.
- ❑ T-Visa certifications **do not expire.** *Victim may still request re-certification.
- ❑ Agencies may certify if the victim assisted in the LEA’s detection, investigation or prosecution of acts of trafficking, **regardless of where the victimization occurred.**

Certifying Agencies

Which agencies can sign the U and T-Visa certifications?

- Federal, state, local, or tribal law enforcement agencies; prosecutors and judges; and other agencies that have jurisdiction to detect, investigate, or prosecute in their respective areas of expertise.

Where can I find my certifying agency and/or certifying official?

- Office of Crime Victims Advocacy (OCVA) WA Certifying Agency Database:
<https://c0dcw419.caspio.com/dp/368a70001eb7d95e0cc24297a7af>

Where can I learn more about certifying agency requirements in WA?

- For additional information, please visit review Chapter 7.98 RCW at:
<https://app.leg.wa.gov/RCW/default.aspx?cite=7.98&full=true>

Office of Crime Victim Advocacy

Certifying Agency Database

For Victims / Survivors
Para Victimas /
Sobrevivientes

[Free or low cost legal service providers/Proveedores de servicios legales gratuitos o de bajo costo](#)

[Find a Certifying Agency/Encontrar una agencia](#)

For Certifying Agencies
and Officials

[Certifying Agency Resources – Resource Guide](#)

[Agency Reporting Dashboard / links to statewide data reports](#)

[U Visa Law Enforcement Resource Guide](#)

Agency Name King County Sheriff's Office
Agency Type Local Law Enforcement

Physical Address 516 3rd Ave, W-116
Physical Address City Seattle
Physical Address State Washington
Physical Address Zip 98104

Agency Name

Agency Type

City

County

SEARCH

RCW 7.98.020

Safety and Access for Immigrant Victims Act

- ❑ **RCW 7.98** states that **agencies are required** to make a **determination and complete certifications**.
- ❑ Law enforcement agencies and other entities are required to process U-Visa/T-Visa certifications within **90 days of the request**.
- ❑ If the victim is in federal immigration removal proceedings or if the victim or victim's children are in danger of turning age 21 during the review process, the request must be completed **within 14 days**.
- ❑ **Provide outreach to victims** of criminal activity and trafficking to inform them of the agency's certification process.
- ❑ All certifying agencies shall **develop a language access protocol** for limited English proficient and deaf or hard of hearing victims of criminal activity.



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 06/30/2023

| | |
|--------------------|---------|
| For USCIS Use Only | Remarks |
|--------------------|---------|

▶ **START HERE** - 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, nicknames, and 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

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

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

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)

in the United States (and military installations) or the of the United States?

Yes No

ere did the criminal activity

ulate a Federal extrajurisdictional

Yes No

vide the statutory citation extrajurisdictional jurisdiction.

al activity being investigated involvement of the petitioner copies of all relevant reports and

known or documented injury of all relevant reports and

ditional information you would like

in Part 2, or I am the person designated by the head of grant Status Certification on investigation of the facts, I that the individual identified in or more of the crimes listed in information is complete, true, and that I have made the above victim's ability ship and Immigration Services sion. I further certify that if assist in the investigation or inal activity of which he or S.

yyyy)

Number 5.e. Item Number

Number 6.e. Item Number

U-Visa Certification I-918B – Supplement B





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 12/31/2023

START HERE - Type or print in ink. This form should be completed by Federal, state, local, or tribal law enforcement agencies for victims under the Victims of Trafficking and Violence Protection Act (VTVPA), Public Law 106-386, as amended.

PART 1. Victim Information

1. Full Legal Name

Family Name (Last Name) Given Name (First Name) Middle Name (if any)

2. Other Names Used

Provide any other names you have used since birth, including aliases, maiden names, and nicknames. If you need extra space to complete this section, use the space provided in **Part 9. Additional Information.**

Family Name (Last Name) Given Name (First Name) Middle Name (if any)

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

4. Gender or Sex

Male Female Other

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

▶ A-

6. U.S. Social Security Number (SSN) (if any)

Part 2. Agency Information

1. Name of Certifying Agency

2. Name of Certifying Official

3. Title of Certifying Official

4. Division/Office of Certifying Official

5. Agency Mailing Address

Street Number and Name

Apt. Sic. Flr. Number

City or Town

State

ZIP Code

6. Daytime Telephone Number

7. Fax Number

For USCIS Use Only

Returned

Date

Date

Resubmitted

Date

Date

Reloc Sent

Date

Date

Reloc Rec'd

Date

Date

Receipt

Remarks

is she is a victim of: (Select all specific violations charged, the Note that the definitions that 4.11(a).)

trafficking means the ion for the purpose of a

VICES through the use of force,

tween that victimization and ed in the investigation of the sheets, if necessary.

If yes, explain. Attach

Date (mm/dd/yyyy)

were investigated or prosecuted.

is or has been a victim of a true and correct to the best of to obtain a visa from U.S.

the victim refuses to comply with he/she is a victim, I will notify

Signature (mm/dd/yyyy)

Signature (mm/dd/yyyy)

of trafficking. (If you select

of trafficking. (If you select

icking.

king to the United States?

Yes No

Attach additional sheets if

T-Visa Certification I-914B – Supplement B

KCSO U-Visa/T-Visa Program and Best Practices

KCSO Practices and Outreach Work

KCSO Practices

Designate a certifying official(s).

Designate staff member to review and process certification requests.

Expanded U-Visa/T-Visa Program services.

Train all department members on U-Visas.

Develop a language access plan to ensure equitable services for limited English proficient, deaf, and hard of hearing communities.

Adopt agency policy to ensure compliance with legal processes and timelines for reviewing, certifying, or declining all U-Visa/T-Visa certifications requests.

Develop agency-specific resources on U-Visas/T-Visas.

Engage in outreach with local, state and national agencies and groups, advocates, community members, and service providers (e.g. community information sessions).

Retain records and report data annually.

KCSO U-Visa/T-Visa Program

U-Visa/T-Visa Program Services

Process U-Visa and T-Visa certification requests for survivors of qualifying crimes who reported the incident to the King County Sheriff's Office.

Intake services for survivors who would like to submit a U-Visa/T-Visa certification request while they seek legal representation.

Refer survivors to service providers as well as agencies that provide legal representation on U-Visa/T-Visa immigration matters.

Refer service providers and survivors to KCSO services when requested.

Provide resources on domestic violence, sexual assault, human trafficking, hate crimes, and other qualifying crimes.

Provide outreach and education to the community and members of the King County Sheriff's Office regarding U-Visa/T-Visa certifications.

Materials Required for Certification

Materials KCSO Requires to Process Certification Request:

- Complete Supplement B form: I-918B for U-Visa or I-914B for T-Visa.
- KCSO U-Visa Intake Form/Checklist: Please fill out items 1-15. *The victim's full name and case number is important.**

For Advocates, Attorneys, Victims:

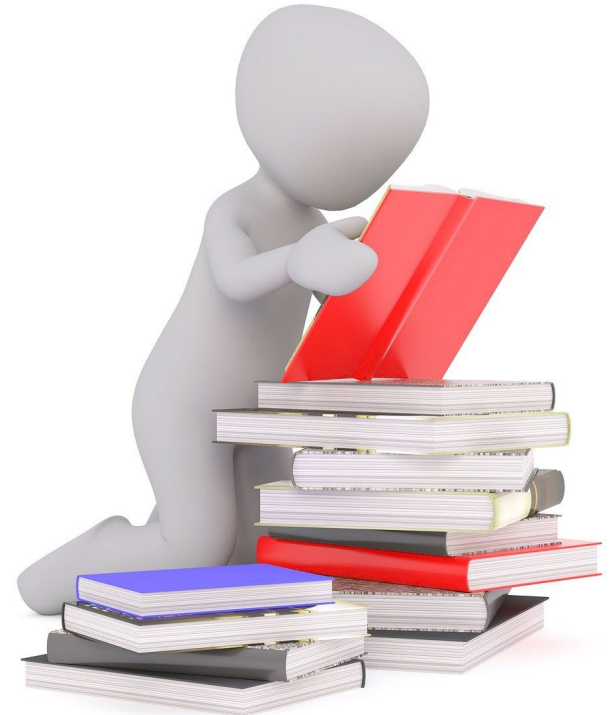
- Use the most updated version of the Supplement B form. This can be found at <https://www.uscis.gov/i-918> (U-Visa) or <https://www.uscis.gov/i-914> (T-Visa). If you are an advocate or attorney, it is helpful when you fill the Supplement B form as best as you can.
- Please go to the KCSO's U-Visa page and download and fill out the intake form by clicking on "requests".
- Cover letter and copy of incident report and/or follow up report is extremely helpful for faster processing but not necessary as we have access to those documents if the report was made to the KCSO.

KCSO Resources on U-Visa/T-Visas

- ❑ **U-Visa and T-Visa Immigration Relief For Victims of Qualifying Crimes Pamphlet** (available in 27 languages!)
- ❑ The pamphlet provides general information about the U-Visas and T-Visas and has a list of agencies that provide legal and immigration services for U-Visa/T-Visa applicants.
- ❑ Please visit KCSO U-Visa Page for U-Visa information (available in 8 languages):
<https://www.kingcounty.gov/depts/sheriff/services/u-visa.aspx>
- ❑ We can accept mailed or emailed U-Visa and T-Visa requests. However, emailed certification requests with an editable PDF supplement B form are preferred at this time.

Attn: Zoraida Arias
U-Visa / T-Visa Program Manager
516 3rd Ave, #W116
Seattle, WA 98104
206-263-3199
kcsouvisa@kingcounty.gov

Helpful Resources



U-VISA/T-VISA ELIGIBILITY

You may be eligible for a U-Visa if:

1. You are the victim of qualifying criminal activity.
2. You have suffered substantial physical or mental abuse as a result of having been a victim of criminal activity.
3. You have information about the criminal activity.
4. You were helpful, are being 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.

You may be eligible for a T-Visa if:

1. You are or were a victim of a severe form of human trafficking.
2. You are in the United States, American Samoa, the Commonwealth of the Northern Mariana Islands, or at a port of entry due to trafficking.
3. You comply with any reasonable request from a law enforcement agency for assistance in the investigation or prosecution of human trafficking.
4. You demonstrate that you would suffer extreme hardship involving unusual and severe harm if you were removed from the United States.
5. You are admissible to the United States.

U-VISA: WHAT CONSTITUTES A QUALIFYING CRIME OR CRIMINAL ACTIVITY?

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

Qualifying crimes include any similar activity where the nature and elements of the crime are substantially similar to one of the crimes listed. Attempt, conspiracy, or solicitation to commit any of the crimes listed above may also count as a "qualifying criminal activity."

T-VISA: SEVERE FORMS OF TRAFFICKING

- Sex Trafficking
- Labor Trafficking

FOR LEGAL ASSISTANCE PLEASE CONTACT

NORTHWEST IMMIGRANT RIGHTS
PROJECT (NWIRP) (206) 587-4009

CATHOLIC IMMIGRATION LEGAL
SERVICES (206) 328-6314

ENTRE HERMANOS (206) 322-7700

INTERNATIONAL RESCUE
COMMITTEE (IRC) (206) 623-2105

REFUGEE WOMEN'S ALLIANCE
(REWA) (206) 721-0243

COLECTIVA LEGAL DEL PUEBLO
(206) 931-1514

WEST AFRICAN COMMUNITY
COUNCIL (206) 636-9882

UKRAINIAN COMMUNITY CENTER
OF WASHINGTON (425) 430-8229



Resources for Certifying Agencies

Certifying Agency Annual Reporting Form

<https://app.smartsheet.com/b/form/6eeb48457fb048149c9b58c573749038>

Office of Crime Victim Advocacy

<https://www.commerce.wa.gov/serving-communities/crime-victims-public-safety/office-of-crime-victims-advocacy/safety-and-access-for-immigrant-victims/>

Certifying Agency Database

<https://c0dcw419.caspio.com/dp/368a70001eb7d95e0cc24297a7af>

RCW 7.98.020 – Safety and Access for Immigrant Crime Victims Act

<https://app.leg.wa.gov/RCW/default.aspx?cite=7.98>

USCIS U-Visa Law Enforcement Resource Guide

https://www.uscis.gov/sites/default/files/document/guides/U_Visa_Law_Enforcement_Resource_Guide.pdf

USCIS T-Visa Law Enforcement Resource Guide

<https://www.uscis.gov/sites/default/files/document/guides/T-Visa-Law-Enforcement-Resource-Guide.pdf>

King County – King County Language and Communications Access Site

<https://kingcounty.gov/audience/employees/translation-interpretation.aspx>

Thank You

Zoraida Arias

U-Visa / T-Visa Program Manager

Language Access Liaison

KCSO Legal Unit

zarias@kingcounty.gov or 206-263-3199



