

Burlington County Prosecutor's Office Procedures for T- and U-Visa Nonimmigrant Status Applications

Overview

Immigrants who are victims of certain crimes may be eligible to obtain legal status in the United States by application to the United States Citizenship and Immigration Services (USCIS), a federal agency of the Department of Homeland Security. These visas, referred to as a T-Visa or U-Visa, allow the recipient, as well as certain family members, to obtain legal status and 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 status.

Prior to submitting an application to the United States Citizenship and Immigration Services, however, certain documentation must be submitted to the Burlington County Prosecutor'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 Burlington County for the processing of T- and U-Visa applications.

Nonimmigrant T-Visas

The following should be considered prior to submitting an application for a T-Visa:

Eligibility

An individual may be eligible for issuance of a T-Visa if he or she:

- (1) Is, or has been, a victim of human trafficking; and
- (2) Has complied with requests for assistance in an investigation or prosecution of such activity.

Declaration

An applicant for a T-Visa must prove to the United States Citizenship and Immigration Services that he or she has satisfied the eligibility requirements as set forth above. In order to do so, the individual may obtain a signed statement, known as a "declaration," from the law enforcement agency investigating or prosecuting the case. The declaration, titled "Declaration of Law Enforcement Officer for Victim in Trafficking of Persons" (USCIS Form I-914B, www.uscis.gov/i-914), is not required. However, a signed declaration is compelling evidence of a victim's cooperation.

In Burlington County, the Burlington County Prosecutor, or his designee, is the only individual authorized to sign a declaration for a T-Visa.

Nonimmigrant U-Visas

The following should be considered prior to submitting an application for a U-Visa:

Eligibility

An individual may be eligible for a U-Visa if he or she:

- (1) Is the victim of qualifying criminal activity; and
- (2) Has been helpful, or is likely to be helpful, to law enforcement or other officials in the detection, investigation or prosecution of criminal activity.

For a list of qualifying crimes, refer to the “U and T Visa Law Enforcement Resource Guide” accessible at <https://www.dhs.gov/publication/u-visa-law-enforcement-certification-resource-guide>.

Certification

An applicant for a U-Visa must prove to the United States Citizenship and Immigration Services that he or she has satisfied the eligibility requirements as set forth above. To do so, the individual must obtain a signed statement, known as a “certification,” from the law enforcement agency investigating or prosecuting the case. The certification, titled “Supplement B, U Nonimmigrant Status Certification” (USCIS Form I-918, www.uscis.gov/i-918), is required. The USCIS will not consider an application for a U-Visa without the certification.

In Burlington County, the Burlington County Prosecutor, or his designee, is the only individual authorized to sign the certification.

Application Process for T- and U-Visas

Obtaining a Declaration or Certification

Individuals who satisfy the eligibility requirements set forth above may submit a completed Declaration of Law Enforcement Officer for Victim in Trafficking of Persons Form (T-Visa), or Supplement B, Nonimmigrant Status Certification Form (U-Visa), to the Burlington County Prosecutor’s Office for consideration. Upon receipt, the application will be reviewed by the Burlington County Prosecutor or his designee.

In reviewing the documentation, the initial investigating agency will be consulted, as will any Prosecutor’s Office personnel who are familiar with the investigation. If a declaration or certification is warranted upon review of the application, the Prosecutor, or his designee, will sign same. That decision is within the sole discretion of the Prosecutor or his designee.

A decision shall be rendered within 120 days from the date of submission of the application to the Burlington County Prosecutor's Office. Notification of the decision will be provided to the applicant, as well as the applicant's counsel, if any. If approved, the original declaration or certification will be provided to counsel, and if no counsel exists, to the applicant. A copy of the documents will be maintained by the Prosecutor's Office.

Time for Application

An application for a T- or U-Visa may be submitted at any time during the pendency of, or subsequent to, the investigation or prosecution of the criminal activity. There are no time limitations to file an application.

Disclosure

The immigration status of an individual requesting a T- or U-Visa shall not be disclosed by the Prosecutor, or his designee, to any federal or state agency, without written authorization of the applicant, or as required by law.

Issuance of a T- or U-Visa

A signed declaration or certification by the Prosecutor or his designee does not grant legal status to the applicant. The United States Citizenship and Immigration Services is the sole agency that has the authority to issue a T- or U-Visa.

Inquiries

Individuals seeking information regarding visas are encouraged to review the "U and T Visa Law Enforcement Resource Guide" accessible at <https://www.dhs.gov/publication/u-visa-law-enforcement-certification-resource-guide>. Any questions concerning the application process may be directed to Burlington County Assistant Prosecutor Mark B. Westfall at 609-265-5887. Applications should be sent to the attention of Assistant Prosecutor Westfall at the Burlington County Prosecutor's Office, 49 Rancocas Road, Mount Holly, New Jersey 08060.