

# PLAINFIELD POLICE DIVISION GENERAL ORDER



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CHAPTER: 13

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**SUBJECT: U and T Visa Processing Policy**

**BY THE ORDER OF:**

Police Director

Effective Date: March 1, 2019

**ACCREDITATION STANDARDS:**

**PURPOSE** The purpose of this general order is to comply with the New Jersey Attorney General Law Enforcement Directive 2018-06 "Immigrant Trust Directive" concerning the privileges, rights and immunities accorded to U and T visa petitioners and the mandate to establish policy for the processing and certification of U and T visas.

**POLICY** It is the policy of the Plainfield Police Division to comply with the "Immigrant Trust Directive". Immigrants shall be accorded their respective privileges, rights, and immunities as directed by New Jersey Attorney General Directive 2018-6.

## General

### I. U VISA BASICS

- A. The victims of Trafficking and Violence Prevention Act (TVPA) of 2000 was enacted to strengthen the ability of law enforcement agencies to investigate and [prosecute serious crimes and trafficking in persons, while offering protections to the victims of such crimes without the immediate risk of being removed from the country.
- B. Congress, in the TVPA, created the U nonimmigrant status program out of recognition that victims without legal status may otherwise be reluctant to help in the investigation or prosecution of criminal activity.
- C. Immigrants, especially women and children, can be particularly vulnerable to criminal activity like human trafficking, domestic violence, sexual assault, stalking, and other crimes due to a variety of factors, including but not limited to: language barriers, separation from family and friends, lack of understanding of U.S. laws, fear of deportation, and cultural differences.
- D. Accordingly, under this law, congress sought not only to prosecute perpetrators of crimes committed against immigrants, but to also strengthen relations between law enforcement and immigrant communities.
- E. The U visa is an immigration benefit for victims of certain crimes who meet eligibility requirements.
- F. The United States Citizenship and Immigration Service may find an individual eligible for a U visa if the victim:
  - 1. Is the direct or indirect victim of qualifying criminal activity;
  - 2. Has suffered substantial physical or mental abuse as a result of having been the victim of criminal activity;
  - 3. Has information about the criminal activity; and
  - 4. 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.
- G. Additionally, the victim must be admissible to the United States base on a review of his or her criminal history, immigration violations, and other factors. If found inadmissible, an individual may apply for a waiver of inadmissibility for which he or she may be eligible.
- H. The U visa allows eligible victims to temporarily remain and work in the United States, generally for four years. While in U nonimmigrant 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. If certain conditions are met, an individual with a U visa may apply for adjustments to lawful permanent resident status (i.e., seek a green card in the United States) after three years.

- I. Additionally, 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:
  - 1. Unmarried children under the age of 21;
  - 2. Spouse;
  - 3. Parents of U visa petitioners under age 21; and
  - 4. Unmarried siblings under 18 years old of U visa petitioners under age 21.
  
- J. By law, there is a 10,000-annual cap on U visas for principal applicants. However, USCIS continues to adjudicate applications even after the annual cap has been reached. Cases that qualify for approval after the cap has been reached receive “conditional approval” and work authorization based on “deferred action” until U visas become available.
  
- K. USCIS takes several steps to determine whether a victim is eligible for a U visa. USCIS reviews the entire application, which includes the petition (Form I-918), Form I-918B certification, the victim’s affidavit, as well as supporting evidence such as police reports, medical records, photographs, court documents, and witness affidavits. If the applicant is inadmissible due to, for example, prior criminal history, immigration violations, or security concerns, USCIS also reviews any application received for a waiver of inadmissibility. However, some inadmissibilities cannot be waived. As a part of its review of the U visa certification (Form I-918B), USCIS may contact the certifying official to ask if the victim has continued to provide assistance reasonably requested or to request other information. USCIS may also contact the certifying agency if any issues or questions arise during the adjudication based on information provided in the certification.
  
- L. For all U visa petitioners and their qualifying family members, USCIS conducts a thorough background investigation including a Federal Bureau of Investigation (FBI) fingerprint check and name check. USCIS also reviews the petitioner’s immigration records to assess whether any inadmissibility issues exist, such as the petitioner’s criminal history, immigration violations, or any security concerns. The results of these checks, as well as any evidence that certifying officials and immigration authorities possess, may be considered when determining eligibility for a U visa. Because qualifying “derivative” family members are subject to the same background checks, it is possible that a derivative’s adverse criminal or immigration background could result in a denial of derivative status even when the principal’s petition has been approved.

## **II. U VISA ELIGIBILITY**

- A. In order to be eligible for a U visa, the victim must submit a U visa certification completed by a certifying agency or official. USCIS Form I-918, Supplement B (Form I-918B or certification) is the U visa certification that a federal, state, local, tribal, and territorial law enforcement agency, prosecutor, judge, or other government official can complete for a victim who is petitioning USCIS for a U visa. The law enforcement certification explains the role the victim had, has, or will have in being helpful to the investigation or prosecution of the case.

- B. Form I-918B and its instructions are available on the USCIS website at [www.uscis.gov](http://www.uscis.gov) with the Form I-918 for the U visa. 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 of Form I-918.

### III. SIGNATURE ON U VISA CERTIFICATION

- A. Certifying agencies include all authorities responsible for the detection, investigation, prosecution, conviction or sentencing of the qualifying criminal activity, including but not limited to:
- Federal, State Local, Tribal, and Territorial law enforcement agencies;
  - Federal, State, Local, Tribal, and Territorial prosecutor's offices;
  - Federal, State, Local, Tribal, and Territorial Judges;
  - Federal, State, and Local Child and Adult Protective Services;
  - Equal Employment Opportunity Commission;
  - Federal and State Departments of Labor; and
  - Other Federal, State, Local, Tribal, or Territorial government agencies that have criminal, civil, or administrative investigative or prosecutorial authority.

### IV. DEFINITIONS

- A. "Helpful" means the victim has been, is being, or is likely to assist law enforcement, prosecutors, judges, or other government officials in the detection, investigation, prosecution, conviction, or sentencing of the qualifying criminal activity of which he or she is a victim. This includes providing assistance when reasonably requested. This also includes an ongoing responsibility on the part of the victim to be helpful. Those who unreasonably refuse to assist after reporting a crime will not be eligible for a U visa. The duty to remain helpful to law enforcement exists even after a U visa is granted, and those victims who unreasonably refuse to provide assistance after the U visa has been granted will not be eligible to obtain lawful permanent residence and may have the visa revoked by USCIS. Certifying agencies should contact and inform USCIS of the victim's unreasonable refusal to provide assistance in an investigation or prosecution: [LawEnforcement\\_UTVAWA.VSC@uscis.dhs.gov](mailto:LawEnforcement_UTVAWA.VSC@uscis.dhs.gov).
- B. Law enforcement, prosecutors, judges or government officials can certify a U visa based on past, present, or the likelihood of future helpfulness of a victim. A current investigation, the filing of charges, a prosecution or conviction is not required to sign the law enforcement certification. An instance may occur where the victim has reported criminal activity, but an arrest, prosecution, or conviction cannot take place due to evidentiary or other circumstances. Examples of this include, but are not limited to, when the perpetrator has fled or is otherwise no longer in the jurisdiction, the perpetrator cannot be identified, or the perpetrator has been deported by federal law enforcement officials. There is no statute of limitations on signing the certification – one can be signed for a crime that happened many years ago or recently. A certification may also be submitted for a victim in a closed case. However, the victim must submit a recently signed certification with his or her U visa petition (signed within six months of submission), even if the crime certified did not recently occur.

**V. ELIGIBLE U AND T VISA CRIMES**

The following list shows the criminal activities that qualify a victim for the U and T visa;

<u>FEDERAL CRIME</u>	-	<u>NEW JERSEY CRIMINAL EQUIVALENT</u>
1. ABDUCTION	-	KIDNAP NJSA 2C:13-1
2. ABUSIVE SEXUAL CONTACT	-	CRIMINAL SEXUAL CONTACT NJSA 25:14-3.3
3. ATTEMPT TO COMMIT A LISTED PREDICATE CRIME	-	ATTEMPT NJSA 2C:5-1
4. BEING HELD HOSTAGE	-	KIDNAPPING NJSA 2C:13-1
		CRIMINAL RESTRAINT NJSA 2C:13-2
5. BLACKMAIL	-	CRIMINAL COERCION NJSA 2C:13-5
		THEFT BY EXTORTION NJSA 2C:20-5
6. CONSPIRACY	-	CONSPIRACY NJSA 2C:5-2
7. DOMESTIC VIOLENCE	-	DOMESTIC VIOLENCE NJSA 2C :25-19
8. EXTORTION	-	CRIMINAL COERCION NJSA 2C:13-5
		THEFT BY EXTORTION NJSA 2C:20-5
9. FALSE IMPRISONMENT	-	FALSE IMPRISONMENT NJSA 2C :13-3
10. FELONIOUS ASSAULT	-	AGGRAVATED ASSAULT NJSA 2C:12-1B(1)F
11. FEMALE GENTITAL MUTILATION	-	AGGRAVATED ASSAULT NJSA 2C:12-1B(1)
		AGGRAVATED SEXUAL ASSAULT NJSA 2C:14-2C
12. FRAUD IN FOREIGN LABOR CONTRACTING	-	THEFT OF SERVICES NJSA 2C:20-8
13. INCEST	-	FORGERY NJSA 2C:21-1
		AGGRAVATED SEXUAL ASSAULT NJSA 2C:14-2
		AGGRAVATED CRIMINAL SEXUAL CONTACT NJSA 2C:14-3B
		ENDANGERING THE WELFARE OF A MINOR NJSA 2C:24-4A
14. KIDNAPPING	-	KIDNAPPING NJSA 2C:13-1
15. MANSLAUGHTER	-	MANSLAUGHTER NJSA 2C:11-4
16. MURDER	-	MURDER NJSA 2C:11-3
17. OBSTRUCTION OF JUSTICE	-	OBSTRUCTION OF JUSTICE NJSA 2C:29-1
18. PEONAGE	-	THEFT OF SERVICES NJSA 2C:20-8
		CRIMINAL RESTRAINT NJSA 2C:13-2
19. PERJURY	-	PERJURY NJSA 2C:28-1
20. PROSTITUTION	-	PROSTITUTION NJSA 2C:34-1
21. RAPE	-	AGGRAVATED SEXUAL ASSAULT NJSA 2C:14-A
22. SEXUAL ASSAULT	-	AGGRAVATED CRIMINAL SEXUAL CONTACT
23. SEXUAL EXPLOITATION	-	ENDANGERING THE WELFARE OF A MINOR
		HUMAN TRAFFICKING NJSA 2C:13-8
24. SLAVE TRADE	-	HUMAN TRAFFICKING NJSA 2C:13-8
25. SOLICITATION	-	PROSTITUTION NJSA 2C:34-1
		LIABILITY FOR THE CONDUCT OF ANOTHER NJSA 2C:2-6
26. STALKING	-	STALKING NJSA 2C:12-10
27. TORTURE	-	AGGRAVATED ASSAULT NJSA 2C:12-12
28. TRAFFICKING	-	HUMAN TRAFFICKING NJSA 2C:13-8
		CRIMINAL RESTRAINT NJSA 2C:13-2
29. UNLAWFUL CRIMINAL RESTRAINT-		CRIMINAL RESTRAINT NJSA 2C:13-2
30. WITNESS TAMPERING	-	WITNESS TAMPERING NJSA 2C:28-5
		HINDERING APPREHENSION NJSA 2C:28-5
		HINDERING APPREHENSION NJSA 2C:29-3

\*\*RELATED CRIMINAL ACTIVITIES

## VI. COMPLETION OF FORM I-918B

- A. 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.
- B. A certifying official's decision to sign a certification is completely discretionary and under the authority of that agency or official. Neither DHS nor any other federal agency has the authority to require or demand that any agency or official sign the certification. There is also no legal obligation to complete and sign Form I-918B.
- C. The Form I-918B should be completed by the certifying agency or official (and not the victim, or the victim's advocate or attorney).
- D. By signing a certification, the certifying agency or official attests that the information is true and correct to the best of the certifying official's knowledge.
- E. The head of the agency has the authority to sign certifications or to delegate authority to other agency officials in a supervisory role to sign certifications. You should only sign the certification if your agency has given you this authority.
- F. If a certifying agency has a written delegation of authority, provide a copy to USCIS to keep on file by emailing it to [LawEnforcement\\_UTVAWA.VSC@USCIS.dhs.gov](mailto:LawEnforcement_UTVAWA.VSC@USCIS.dhs.gov).
- G. Federal, state, local, tribal, or territorial judges may sign U visa certifications. Delegation of authority is not applicable to or required of certifications by judges.
- H. Return the signed Form I-918B to the victim (or the victim's attorney, representative, etc.). The certifying official should not send the signed certification separately to USCIS. The victim is required to send the original signed certification form along with his or her complete U visa petition to USCIS.
- I. Be prompt in providing the signed certification to the victim or the victim's attorney or representative. USCIS must receive the U visa petition, which includes the Form I-918B, within six (6) months of the date the Form I-918B was signed.
- J. If the certifying official is providing additional documents (e.g., a copy of the police report or court order, or judicial findings, additional statements, photos, etc.) along with the certification or if more space is needed to fill out any of the information on the form, the official should provide that additional information as advised by the form instructions.
- K. When completing the Form I-918B, certifying officials are encouraged to check the boxes for all qualifying criminal activities detected based on the facts of the case at the time of certification. Certifying officials should not limit the boxes that are checked to the criminal activities that the agency has decided to investigate or prosecute and should check all qualifying criminal activities present in the case.
- L. 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.
- M. 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.

## **VII. T VISA BASICS**

- A. The T visa is an immigration benefit for victims of human trafficking who meet certain eligibility requirements (listed below).

## **VIII. T VISA ELIGIBILITY**

- A. USCIS may find an individual eligible for a T visa if the victim:
- Is or was a victim of a severe form of trafficking in persons (which may include sex or labor trafficking), as defined by federal law;
  - 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;
  - Has complied with any reasonable request from a law enforcement agency for assistance in the investigation or prosecution of human trafficking; and
  - Would suffer extreme hardship involving unusual and severe harm if removed from the United States.
- B. In addition, the victim must be admissible (based on a review of criminal history, immigration violations, and other factors) to the United States. If inadmissible, the individual may apply for a waiver of inadmissibility for which he or she may be eligible.
- C. The T visa allows eligible victims to temporarily remain and work in the U.S., generally for four years. While in T nonimmigrant 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. If certain conditions are met, an individual with T nonimmigrant status 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.
- D. Additionally, 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:
- a. Unmarried children under the age of 21;
  - b. Spouse;
  - c. Parents of principal T visa recipients under age 21 at the time of application; Unmarried siblings under 18 years old of principal T visa applicants under age 21; and
  - d. Adult or minor children of certain immediate family members of the T visa recipient.
- E. While in the United States, the victim has an ongoing duty to cooperate with law enforcement's reasonable requests for assistance in the investigation or prosecution of human trafficking.

- F. Congress capped the number of available T visas for principal applicants at 5,000 per fiscal year. However, to date, the annual cap has never been reached and visas remain available to applicants who qualify.

## IX. USCIS REVIEW

- A. USCIS takes several steps to determine whether a victim is eligible for a T visa. USCIS reviews the victim's entire application, which includes the Form I-914 as well as the Form I-914B or other evidence of the victim's cooperation, the victim's affidavit, and supporting evidence. Supporting evidence may include court documents, witness affidavits, medical reports, and any other credible evidence to show that the victim is eligible for a T visa. If the applicant is inadmissible, USCIS also considers all evidence relevant to any potential waivers of inadmissibility.
- B. For all T visa applicants and their qualifying family members, USCIS conducts a thorough background investigation, including a Federal Bureau of Investigation (FBI) fingerprint check and name check. USCIS will also review the applicant's immigration records to assess whether any inadmissibility issues exist, such as criminal history, immigration violations, or security concerns. Any evidence that law enforcement and immigration authorities possess may be used in determining eligibility for a T visa. USCIS may contact the certifying law enforcement agency if there are any issues or questions that arise during the adjudication based on information provided in the law enforcement declaration. Because qualifying family members (derivatives) are subject to the same criminal background review, fingerprint checks, and immigration status checks as the principal victim applicant, it is possible that a derivative's adverse criminal or immigration background would result in a denial of derivative status even when the principal has been approved.

## X. T VISA DECLARATION

- A. The T visa declaration 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. The declaration must be provided on Form I-914, Supplement B, and instructions are available on the USCIS website at [www.uscis.gov](http://www.uscis.gov). The T visa declaration is not a required document for a T visa application, but USCIS gives significant weight to the declaration when reviewing the victim's application.
- B. Form I-914B is not a required piece of evidence, but when provided, it is helpful evidence to demonstrate that:
  - 1. The victim is or was a victim of a severe form of trafficking in persons; and
  - 2. The victim has complied with any reasonable requests from law enforcement in an investigation or prosecution of human trafficking.
- C. The T visa declaration is not conclusive evidence that the applicant meets these eligibility requirements, as only USCIS can make this determination. In addition, **by signing a T visa declaration, the certifying agency, official or judge is not sponsoring or endorsing the victim for a T visa. USCIS considers the T visa declaration as one part of the evidence in the T visa application.** USCIS also conducts a full background check and, in considering each T visa application and the applicant's credibility, examines the totality of the evidence and the circumstances of each case.

- D. Signing a declaration is at the certifying agency's discretion which should be exercised on a case-by-case basis consistent with U.S. laws and regulations, and the policies and procedures outlined in this Guide, as well as internal policies of the certifying agency.
- E. If the T visa applicant does not include a law enforcement declaration, the applicant must present credible evidence that he or she meets the cooperation requirement. The applicant must include an original personal statement that indicates the reason the law enforcement declaration doesn't exist or is unavailable and whether similar records documenting any assistance provided by the applicant are available. The statement or evidence should demonstrate that good faith attempts were made to obtain the law enforcement declaration, including describing the efforts the applicant undertook. USCIS will assess the evidence presented to determine whether the applicant satisfies the cooperation requirement.

## XI. SIGNATURE ON A T VISA DECLARATION

- A. Certifying agencies include all authorities responsible for the detection, investigation, prosecution, conviction or sentencing of human trafficking, including but not limited to:
  - Federal, State Local, Tribal, and Territorial law enforcement agencies;
  - Federal, State, Local, Tribal, and Territorial prosecutors' offices;
  - Federal, State, Local, Tribal, and Territorial Judges;
  - Federal and State Departments of Labor; and
  - Other Federal, State, Local, Tribal, or Territorial government agencies that have criminal, civil, or administrative investigative or prosecutorial authority related to human trafficking.

## XII. VICTIMS DEFINED

- A. A victim of severe forms of trafficking in persons is an individual who is a victim of either:
  - Sex Trafficking, which is defined as: the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act, or in which the person induced by any means to perform such act has not attained 18years of age; or
  - Labor Trafficking, which is defined as: the recruitment, harboring, transportation, provision, or obtaining of a person for laborer services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.
- B. State, local, territorial, and tribal law enforcement officers can play a key role in recognizing potential victims of human trafficking. **If you have identified a potential victim of trafficking, you should contact U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations, which investigates incidents of human trafficking, as soon as possible either through your local ICE office or through the national tipline at 1-866-347-2423 (1-866-DHS-2-ICE).** Specially trained federal agents may be dispatched to make sure the victim is safe and secure, as well as provide the victim with immediate services until longer term relief can be found.

### **XIII. ADDITIONAL FACTORS FOR T VISAS**

- A. Whether a particular law enforcement request to a victim for assistance in the investigation or prosecution of human trafficking is “reasonable” depends on the totality of the circumstances. USCIS is responsible for making this determination. In determining “reasonableness” of the request, USCIS will consider certain factors such as, general law enforcement and prosecutorial practices; the nature of the victimization; and the specific circumstances of the victim, including fear, severe traumatization, and the age and maturity of young victims.
- B. There are certain times when a victim is not required to cooperate with requests for assistance: (1) if the victim is under the age of 18, or (2) if the victim has experienced physical or psychological trauma that prevents him or her from complying with a reasonable request.
- C. If the T visa applicant does not include a law enforcement declaration, the applicant must present credible evidence that he or she meets the cooperation requirement. The applicant must include an original personal statement that indicates the reason the law enforcement declaration does not exist or is unavailable and whether similar records documenting any assistance provided by the applicant are available. The statement or evidence should demonstrate that good-faith attempts were made to obtain the law enforcement declaration, including describing the efforts the applicant undertook. USCIS will assess the evidence presented to determine whether the applicant satisfies the cooperation requirement.

### **XIV. COMPLETION OF FORM I-914B**

- A. USCIS has the sole authority to grant or deny a T visa. The declaration does not guarantee that the T visa will be approved by USCIS.
- B. An agency’s decision to sign a declaration is completely discretionary and under the authority of that agency or official. Neither DHS nor any other federal agency has the authority to require or demand that any law enforcement agency sign the declaration. There is also no legal obligation to complete and sign Form I-914B.
- C. The Form I-914B should be completed by the law enforcement agency or official (and not the victim or the victim’s advocate or attorney).
- D. By signing a declaration, the law enforcement agency attests that the information is true and correct to the best of the official’s knowledge.
- E. The head of the agency has the authority to sign declarations or to delegate authority to other agency officials in a supervisory role to sign declarations. You should only sign the declaration if your agency has given you this authority.
- F. If a certifying agency has a written delegation of authority, provide a copy to USCIS to keep on file by emailing it to [LawEnforcement\\_UTVAWA.VSC@uscis.dhs.gov](mailto:LawEnforcement_UTVAWA.VSC@uscis.dhs.gov)
- G. Federal, state, local, tribal, or territorial judges have direct authority to sign T visa declarations. Delegation of authority is not applicable to or required of declarations by judges.

- H. Return the signed Form I-914B to the victim (or the victim's attorney, representative, etc.). The law enforcement agency should not send the signed declaration separately to USCIS. The victim will send the original signed declaration form along with his or her complete T visa application to USCIS.
- I. If the law enforcement official is providing additional documents (e.g., a copy of the police report, additional statements, photos) along with the declaration or if more space is needed to fill out any of the information on the form, law enforcement should indicate on Form I-914B anode of "see attachment" or "see addendum." Each additional page should be provided on agency letterhead.
- J. The official must document on Form I-914B the cooperation of the victim and whether the victim refused to comply with requests at any time throughout the investigation or prosecution.
- K. The declaration form must contain an original signature. That signature must either be typed or printed legibly in a color other than black ink for verification purposes. Photocopies, faxes, or scans of the declaration form cannot be accepted by USCIS as an official declaration.
- L. The victim has an ongoing duty to cooperate with law enforcement even after they receive the visa. If a victim stops cooperating, you can contact USCIS to withdraw or disavow your certification.

## **XV. PLAINFIELD POLICE DIVISION PROCESS**

- A. U and T visa applications received at headquarters by mail, courier or delivered in person shall promptly be forwarded to the Office of the Police Director.
- B. The Police Director shall determine the underlying offense and forward accordingly;
  - a. Applications with an underlying criminal offense shall be forwarded to the Union County Prosecutor's Office (see below).
  - b. Applications with an underlying disorderly persons or petty disorderly persons offenses connected to a domestic violence offense shall be confirmed by the local municipal prosecutor that the victim is cooperating.
- C. Applications for U and T visa certification with an underlying criminal offense and all related documents shall be forwarded to; the Union County Prosecutor's Office Victim Witness Unit, [unionvw@ucnj.org](mailto:unionvw@ucnj.org).
  - The email shall include;
    - a. A case number or Promis Gavel number if available;
    - b. Whether the victim has provided a sworn statement (no need to include the statement); and
    - c. Whether the case is pending or closed.
    - d. The email will be acknowledged in one (1) business day.
- D. Applications for U and T visas with an underlying disorderly or petty disorderly offense shall be processed by the Police Director.

- E. Upon completion of the review, a copy of the U and T visa application will be kept on file in the Police Director's office.

**XVI. AUTHORITY**

- A. The Union County Prosecutor's Office is the sole authorized entity for certifying crime victim cooperation for any eligible indictable crime.
- B. In the event the underlying crime is disorderly persons or petty disorderly persons offense connected to a domestic violence offense, the Police Director shall consult with the local municipal prosecutor to certify victim cooperation before certifying victim cooperation.

**XVII. RESOURCES**

- A. Additional resources and forms can be located at the U.S. Citizenship and Immigration Services website: [www.uscis.gov](http://www.uscis.gov)