

Immigration:

If you or a family member are the victim of a crime, regardless of your immigration status, the Oaklyn Police are committed to assisting you. This includes assistance with the application of a “U-Visa” or a “T-Visa”. Please call 856-854-0049 or walk into the Oaklyn Police Department to receive assistance at any time. Information is listed below or you can visit www.uscis.gov.

The Oaklyn Police are required by NJ Attorney General Directive 2018-6 to assist victims and witnesses in applying for T-Visas and U-Visas, which provide special immigration status for those cooperating with law enforcement investigations, by completing certification requests required by the application process.

U-Visa

The U nonimmigrant status (U-Visa) is set aside for victims of certain crimes who have suffered mental or physical abuse and are helpful to law enforcement or government officials in the investigation or prosecution of criminal activity. Congress created the U nonimmigrant visa with the passage of the Victims of Trafficking and Violence Protection Act (including the Battered Immigrant Women’s Protection Act) in October 2000. The legislation was intended to strengthen the ability of law enforcement agencies to investigate and prosecute cases of domestic violence, sexual assault, trafficking of aliens and other crimes, while also protecting victims of crimes who have suffered substantial mental or physical abuse due to the crime and are willing to help law enforcement authorities in the investigation or prosecution of the criminal activity. The legislation also helps law enforcement agencies to better serve victims of crimes.

The U.S. Citizenship and Immigration Services (USCIS) may find an individual eligible for a U-visa if the victim:

- Is the direct or indirect victim of qualifying criminal activity;
- Has suffered substantial physical or mental abuse as a result of having been a victim of criminal activity;
- Has information about the criminal activity; and
- 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.

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 adjustment to lawful permanent resident status (i.e., seek a green card in the United States) after three years.

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:

- Unmarried children under the age of 21;
- Spouse;
- Parents of U-visa petitioners under age 21; and
- Unmarried siblings under 18 years old of U-visa petitioners under age 21.

Certifying U-Visas

For U-visa certification requests, the Oaklyn Police Department shall determine whether, pursuant to the standards set forth in federal law, the applicant:

- Is a victim of a qualifying criminal activity; and
- Was, is, or is likely to be, helpful in the investigation or prosecution of that activity.

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-918B. These forms are available and can be obtained at the Oaklyn Police Department. 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. 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. The certifying official is not required to assess whether the victim suffered substantial physical or mental abuse as a result of the criminal activity.

The following are criminal activities that qualify a victim for the U-visa. These are not specific crimes or citations to New Jersey criminal code; however they are offenses that could fall into these general categories:

- Abduction
- Abusive Sexual Contact
- Blackmail
- Domestic Violence
- Extortion
- False Imprisonment
- Felonious Assault
- Female Genital Mutilation
- 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

The 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. No federal agency has the authority to require or demand that the Oaklyn Police sign the certification. The Chief of Police has the authority to sign certifications or to delegate authority to other agency officials in a supervisory role to sign certifications.

The 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. 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. 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.

T-Visa

T nonimmigrant status 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. T nonimmigrant status is also available for certain qualifying family members of trafficking victims. T nonimmigrants are eligible for employment authorization and certain federal and state benefits and services. T nonimmigrants who qualify may also be able to adjust their status and become lawful permanent residents (obtain a Green Card).

Congress created this status (commonly referred to as a T visa) in October 2000 as part of the Victims of Trafficking and Violence Protection Act. Human trafficking, also known as trafficking in persons, is a form of modern-day slavery in which traffickers use force, fraud, or coercion to compel individuals to provide labor or services, including commercial sex.

Traffickers often take advantage of vulnerable individuals, including those lacking lawful immigration status. T visas offer protection to victims and strengthen the ability of law enforcement agencies to investigate and prosecute 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.

The USCIS may find an individual eligible for a T-visa if the victim:

- Is or was the victim of a severe form of trafficking in persons (defined above);
- 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

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.

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:

- Unmarried children under the age of 21;
- Spouse;
- 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
- Adult or minor children of certain immediate family members of the T-visa recipient

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. 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.

Certifying T-visas

For T-visa certification requests, the Oaklyn Police Department shall include a determination of whether, pursuant to the standards set forth in federal law, the requester:

- Is or has been a victim of a severe form of trafficking in persons; and
- Has complied with requests for assistance in an investigation or prosecution of the crime of trafficking

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-914B. These forms are available and can be obtained at the Oaklyn Police Department. The T-visa declaration is not conclusive evidence that the applicant meets these eligibility requirements, as only USCIS can make this determination. By signing a T-visa declaration, the certifying agency, official or judge is not sponsoring or endorsing the victim for a T-visa.
