

Directive Strengthening Trust Between Law Enforcement and Immigrant Communities

U and T Visa Application Guidelines:

It is the policy of the Tinton Falls Police Department to deal with the immigrant community in compliance with New Jersey Attorney General Guideline 2018-6. Tinton Falls Police Department's responsibilities **are limited to** certifying that an alien, who is or was the victim of a qualifying crime in the Borough of Tinton Falls, is, or has, or will cooperate with the investigation and/or prosecution of such crime. The following details the policy of the Tinton Falls Police Department with respect to U and T Visa Applications:

Non-citizens may be eligible for a U Visa if:

1. They are the victims of qualifying criminal activity;
2. They have suffered substantial physical or mental abuse as a result of having been a victim of criminal activity;
3. They have information about the criminal activity;
4. They were helpful, are 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;
6. They are admissible to the United States. If not admissible, an individual may apply for a waiver on a [*Form I-192, Application for Advance Permission to Enter as a Non-Immigrant.*](#)
7. If the person is under the age of 16 or unable to provide information due to a disability, a parent, guardian or friend may assist law enforcement on their behalf.

Aliens or their representatives seeking certification for a U Visa shall be referred to the Investigations Supervisor. The Investigations Supervisor shall:

1. Cause an inquiry into the matter to determine if the alien:
 - a. Has been a victim of a qualifying crime under the jurisdiction of this department;

(Aliens or their representatives seeking certification for crimes occurring outside the jurisdiction of the Borough of Tinton Falls shall be referred to the local jurisdiction or the county prosecutor's office in which the crime occurred.)

- b. Has specific knowledge and details of crime; and
 - c. Has been, is being, or is likely to be helpful to law enforcement in the detection, investigation or prosecution of the qualifying crime;
2. Assign the inquiry a case number in CAD/RMS.
3. Upon determining that the alien has satisfied the above requirements, execute *Form I-198, Supplement B, U Non-immigrant Status Certification*.
 - a. The completed form shall be forwarded to the Chief of Police or his/her designee for signature.
 - b. The original fully executed form shall be returned to the applicant or his/her representative; and
 - c. A copy shall be maintained in the case file.

The Chief of Police or his/her designee may withdraw or disavow a Form I-1918B at any time if a victim stops cooperating. The tour commander must notify the USCIS Vermont Service Center in writing (including as an email attachment) at:

Law Enforcement_UTVAWA.vsc@uscis.dhs.gov; or via mail to:

USCIS-Vermont Service Center

ATTN: Division 6

75 Lower Weldon Street

St. Albans, VT 05479

If the Investigations Supervisor determines that USCIS should know something particular about a victim's criminal history, that information can be cited on the certification or with an attached report or statement detailing the victim's criminal history within our agency or his/her involvement in the crime.

Such written notification regarding withdrawal or disavowal must include:

1. Departmental Letterhead including the name of the agency & contact information;
2. The name and date of birth of the individual certified;
3. The name of the individual who signed the certification and the date it was signed;
4. The reason the department is withdrawing/disavowing the certification, including a description of how the victim's refusal to cooperate in the case is unreasonable;
5. The signature and title of the official who is withdrawing/disavowing the certification; and

6. A copy of the signed initial certification.

Non-citizens may be eligible for a T Visa if the individual:

1. Is or has been the victim of a severe form of trafficking in persons (which may include sex or labor trafficking); and
2. Is in the United States due to trafficking;
3. Has complied with requests for assistance in an investigation or prosecution of the crime of trafficking; and
4. Would suffer extreme hardship involving unusual and severe harm if removed from the United States.

The T Visa is supplementary evidence of a victim's assistance to law enforcement that an 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: <https://www.uscis.gov/i-914>

The Investigations Supervisor shall process T Visas in the same manner as U Visas.