

## Michael Rein

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**From:** Michael Rein  
**Sent:** Friday, November 30, 2018 5:19 PM  
**To:** RUPD-SwornSupervisors-All; RUPD-Communications-PSD  
**Cc:** Kenneth Cop (kenneth.cop@rutgers.edu); RUPD-Chiefs; Lauren McLelland  
**Subject:** Directive Strengthening Trust Between Law Enforcement and Immigrant Communities  
**Attachments:** 9-2 BOOKING PROCESS.pdf; 7-16 CIVIL IMMIGRATION LAWS.pdf

Good afternoon—

The NJ Attorney General has recently issued a directive desired to Strengthen Trust Between Law Enforcement and Immigrant Communities. A fully copy of the Directive can be found online at:  
<https://www.nj.gov/oag/dcj/agguide/directives/ag-directive-2018-6.pdf>.

Attached please find a reversion of Directive 9:2 – Booking Process and a copy of Directive 7:16 – Civil Immigration Laws as were issued earlier today. The revisions to the directives are intended to make straightforward and clear the department's expectation that notifications to Immigration and Customs Enforcement (ICE), where applicable, will not be made until the conclusion of the booking process and only in a finite number of instances, as established by AG Directive. The process by which such notification is to be made (a Public Safety Telecommunicator completes the Immigration Alien Inquiry (IAQ) within NLETS has not changed); however no Public Safety Telecommunicator shall be directed to complete the IAQ unless specific authorization has been provided to the requesting officer by a command rank (lieutenant or higher) officer. In other words, a lieutenant or higher is now required to specifically authorize the department's notification to ICE. It will be the responsibility of the requesting police officer to ensure that this is accomplished correctly and not the Public Safety Telecommunicator making the NLETS entry.

Please review the directive in its entirety within PowerDMS.

Supervisors are further directed to review same during their roll-calls and document accordingly.

Thank you in advance for your prompt time and attention.

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**Michael J. Rein**  
**Deputy Chief of University Police**

University Public Safety  
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## Michael Rein

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**From:** Michael Rein  
**Sent:** Tuesday, December 11, 2018 9:48 PM  
**To:** RUPD-SwornSupervisors-All; RUPD-Communications-PSD  
**Cc:** Kenneth Cop (kenneth.cop@rutgers.edu); RUPD-Chiefs; Lauren McLelland  
**Subject:** RE: Directive Strengthening Trust Between Law Enforcement and Immigrant Communities

Good evening—

Effective immediately there **shall not** be any notifications made to ICE by agency personnel. The directive will be modified in the coming days to reflect this change.

Supervisors with questions should direct those inquiries to my attention.

Thank you in advance for your time and attention,  
MJR

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**Michael J. Rein**  
**Deputy Chief of University Police**

University Public Safety  
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**Sent:** Friday, November 30, 2018 5:19 PM  
**To:** RUPD-SwornSupervisors-All <rupd-swornsupervisors-all@ipo.rutgers.edu>; RUPD-Communications-PSD <rupd-communications-psd@ipo.rutgers.edu>  
**Cc:** Kenneth Cop (kenneth.cop@rutgers.edu) <kenneth.cop@rutgers.edu>; RUPD-Chiefs <rupd-chiefs@ipo.rutgers.edu>; Lauren McLelland <lauren.mcllelland@rutgers.edu>  
**Subject:** Directive Strengthening Trust Between Law Enforcement and Immigrant Communities

Good afternoon—

The NJ Attorney General has recently issued a directive desired to Strengthen Trust Between Law Enforcement and Immigrant Communities. A fully copy of the Directive can be found online at:

<https://www.nj.gov/oag/dcj/agguide/directives/ag-directive-2018-6.pdf>.

Attached please find a reversion of Directive 9:2 – Booking Process and a copy of Directive 7:16 – Civil Immigration Laws as were issued earlier today. The revisions to the directives are intended to make straightforward and clear the department's expectation that notifications to Immigration and Customs Enforcement (ICE), where applicable, will not be made until the conclusion of the booking process and only in a finite number of instances, as established by AG Directive. The process by which such notification is to be made (a Public Safety Telecommunicator completes the Immigration Alien Inquiry (IAQ) within NLETS has not changed); however no Public Safety Telecommunicator shall be directed to complete the IAQ unless specific authorization has been provided to the requesting officer by a command rank (lieutenant or higher) officer. In other words, a lieutenant or higher is now required to specifically authorize the department's notification to ICE. It will be the responsibility of the requesting police officer to ensure that this is accomplished correctly and not the Public Safety Telecommunicator making the NLETS entry.

Please review the directive in its entirety within PowerDMS.

Supervisors are further directed to review same during their roll-calls and document accordingly.

Thank you in advance for your prompt time and attention.

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**Michael J. Rein**  
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## Michael Rein

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**From:** Michael Rein  
**Sent:** Friday, January 18, 2019 1:26 PM  
**To:** RUPD-SwornSupervisors-All; RUPD-Communications-PSD  
**Cc:** Kenneth Cop (kenneth.cop@rutgers.edu); RUPD-Chiefs; RUPD-Captains; Lauren McLelland  
**Subject:** Directive Strengthening Trust Between Law Enforcement and Immigrant Communities

Good afternoon—

Consistent with recent training regarding NJ AG Directive 2018-06 (Directive Strengthening Trust Between Law Enforcement and Immigrant Communities) Department Directive 9:2 – Booking Process has been modified.

Specifically, the directive now makes straightforward and clear that this department will only cause notification to Immigration and Custom Enforcement (ICE) in those limited circumstances where such notification is necessary to the ongoing investigation of an indictable offense by the subject and relevant to the offense under investigation. Further, transfer of custody to ICE of a detained individual shall occur only in response to a judicially issued warrant. That is, a warrant issued by a federal judge and not an immigration officer.

As a point of further clarification, ICE will only become notified of an individual's arrest through the use of LiveScan and any previous requirement to cause notification through the NCIC application has been eliminated.

Kindly review Directive 9:2 – Booking Process at your roll-calls and document accordingly.

Please do not hesitate to contact Captain Fischer, Captain Rabar or myself with any question.

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**Michael J. Rein**  
**Deputy Chief of University Police**

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## **Certificaciones Visa U y Declaraciones Visa T – Aviso estandarizado en la web sobre los procedimientos de la agencia para procesar solicitudes**

Se recomienda a las personas que buscan información relacionada con la obtención de una visa U o una visa T que revisen la "**Guía de recursos para el cumplimiento de la ley U y T de Visa**" emitida por la Oficina Federal de Seguridad Nacional. El enlace electrónico para este manual es: [https://www.dhs.gov/xlibrary/assets/dhs\\_u\\_visa\\_certification\\_guide.pdf](https://www.dhs.gov/xlibrary/assets/dhs_u_visa_certification_guide.pdf)

Los siguientes son los procedimientos de aplicación de la ley para procesar las solicitudes de certificación en apoyo a los solicitantes de visa U o las declaraciones en apoyo de los solicitantes de visa T.

### **Visa U**

¿Cuáles son los criterios de elegibilidad para una visa u?

Los servicios de ciudadanía e inmigración de los Estados Unidos (USCIS) pueden encontrar una persona elegible para una visa u si la víctima:

- Es la víctima directa o indirecta de un crimen calificado.
- Ha sufrido abuso físico o mental considerable como resultado de haber sido víctima de un delito.
- tiene información sobre la actividad criminal
- fue útil, está siendo útil, o es probable que sea útil para las autoridades policiales, los fiscales, los jueces u otros funcionarios en la detención, investigación, procesamiento, condena o sentencia de la actividad criminal.
- Además, la víctima debe ser admisible en los Estados Unidos en base a la revisión de su historial criminal, violaciones de inmigración y otros factores. Si se encuentra inadmisibles, una persona puede solicitar una exención de inadmisibilidad para la cual puede ser elegible.

Para obtener una lista de los delitos que califican y para obtener más información, consulte la "Guía de recursos para el cumplimiento de la ley de Visa U y T", a la que se puede acceder a través del siguiente enlace:

[https://www.dhs.gov/xlibrary/assets/dhs\\_u\\_visa\\_certification\\_guide.pdf](https://www.dhs.gov/xlibrary/assets/dhs_u_visa_certification_guide.pdf)

### **¿Cuáles son los criterios para la aplicación de la ley a utilizar cuando se considera la finalización de una certificación en nombre de un solicitante de la visa u?**

Para calificar para una visa u, la persona que busca dicho estado debe demostrar al USCIS que cumple con los criterios para una visa u, como se especifica anteriormente.

Una de las formas principales en que una víctima puede demostrar su cooperación con la aplicación de la ley (como se describe en la cuarta viñeta anterior) es obtener una declaración firmada conocida como "certificación" por parte de la entidad encargada de hacer cumplir la ley que investiga o procesa el caso. Se requiere esta certificación, que se titula "Suplemento B,

certificación de estado de no inmigrante U" (Formulario I-918 de USCIS) para que una solicitud de visa U sea considerada por USCIS.

### **¿Cómo puede un solicitante de una visa u obtener una certificación de una agencia del orden público?**

Las víctimas que califican y que están buscando una visa u pueden comunicarse con el oficial principal o el detective empleado por la agencia de cumplimiento de la ley que realiza la investigación del caso penal y solicitar que complete una certificación. Se debe tener en cuenta que un oficial de policía no tiene la obligación legal de completar la certificación.

### **¿Cuál es el proceso que utiliza la policía para determinar si completar o no la certificación en apoyo del solicitante de la visa u?**

Antes de completar una certificación, la solicitud debe ser examinada por la agencia de aplicación de la ley con una jurisdicción principal sobre la investigación.

#### **Ofensas no procesables**

1. Si el asunto involucra una ofensa no procesable, el proceso se llevará a cabo internamente dentro de la agencia. El jefe de la policía, o si la agencia no emplea a un Jefe de policía, el oficial de policía de más alto rango de la agencia investigará el asunto, analizará la solicitud con personal que tenga un conocimiento íntimo del caso y tome en cuenta sus recomendaciones. El jefe de policía (o el oficial de policía de más alto rango de la agencia si la agencia no emplea a un jefe de policía) retiene la autoridad final para autorizar la emisión de una certificación. Si se va a autorizar la certificación, el jefe de policía (o el oficial de policía de más alto rango de la agencia, si la agencia no emplea a un jefe de policía) completará el formulario y luego lo firmará. El jefe de policía (o el oficial de policía de más alto rango de la agencia si la agencia no emplea a un jefe de policía) de la agencia con jurisdicción primaria será la única autoridad para emitir y firmar una certificación para el solicitante. La certificación ejecutada se enviará al solicitante (o al asesor legal del solicitante, según corresponda).

#### **Infracciones procesables**

Si el asunto involucra una ofensa procesable, el jefe de policía (o el oficial de policía de más alto rango de la agencia si la agencia no emplea a un jefe de policía) de la agencia donde se reportó el crimen inicialmente y la Oficina del Fiscal discutirá el tema y determinará qué agencia será responsable de investigar el asunto en relación con la solicitud de certificación y determinar si la ejecución de la certificación está justificada.

1. Si el asunto relacionado con la emisión de un certificado es asignado por la Oficina del Fiscal a la agencia de cumplimiento de la ley en la que se informó inicialmente el delito, la investigación se llevará a cabo internamente dentro de la agencia. El jefe de policía (o el oficial de policía de más alto rango de la agencia, si la agencia no emplea a un jefe de policía) investigará el asunto, analizará la solicitud con el personal de la agencia que tenga un conocimiento íntimo del caso y tomará sus recomendaciones en consideración. El fiscal también puede requerir una consulta con su oficina antes de que se tome la decisión final. El jefe de policía (o el oficial de policía de más alto rango de la agencia si la agencia no emplea a un jefe de policía) retiene la autoridad final para autorizar la emisión de una certificación. Si la certificación está justificada, el jefe / director de la

policía completará el formulario y luego lo firmará. El jefe de policía (o el oficial de policía de más alto rango de la agencia si la agencia no emplea a un jefe de policía) será la única autoridad para emitir y firmar una certificación para el solicitante.

2. Si el proceso de investigación va a ser manejado por la Oficina del Fiscal, el Fiscal, además de considerar los comentarios de la agencia de aplicación de la ley en la que se informó inicialmente el crimen, también puede discutir el asunto, ya sea con los investigadores de la Oficina del Fiscal o el Fiscal adjunto que maneja la acusación, o ambos al tomar su decisión con respecto a la emisión de una certificación. El Fiscal del Condado será la única autoridad para emitir y firmar una certificación para el solicitante. Si la certificación está justificada, el Fiscal tendrá el formulario completado. El Fiscal es la única autoridad para emitir y firmar una certificación para el solicitante.

### **¿Cuánto tiempo tiene la policía para tomar una decisión con respecto a la solicitud?**

La policía tiene 120 días desde la fecha en que se envió la solicitud para evaluar la solicitud y decidir si se autorizará la certificación.

Notificación al solicitante de la decisión:

Cuando una decisión ha sido hecha por el jefe de policía (o el oficial de policía de más alto rango de la agencia ha tomado una decisión si la agencia no emplea a un jefe de policía) o el Fiscal (según corresponda) sobre si emitir y firmar una certificación, el solicitante será notificado de esa decisión. Si el solicitante ha contratado a un abogado, su abogado también será notificado de la decisión. Si la certificación fue aprobada, se enviará una copia de dicha certificación al solicitante o, si tiene un asesor legal, el asesor legal.

### **¿Quién tiene la autoridad final para emitir una visa u?**

Sólo USCIS tiene la autoridad para otorgar o denegar la solicitud de visa u de una persona.

### ***Visa T***

¿Cuáles son los criterios de elegibilidad para una visa-t?

Las personas que buscan una visa t deben cumplir con los siguientes criterios:

- La víctima es o ha sido víctima de una forma grave de tráfico humano; y
- La víctima se encuentra en los Estados Unidos debido a tráfico humano; y
- La víctima ha cumplido con las solicitudes de asistencia en una investigación o enjuiciamiento del delito de tráfico humano; y
- Sufriría dificultades extremas que involucren daños inusuales y severos si se eliminan de los Estados Unidos.

### **¿Cuáles son los criterios para la aplicación de la ley a utilizar cuando se considera la finalización de una declaración en nombre de un solicitante de la visa t?**

Para calificar para una visa t, la persona que busca dicho estado debe demostrar al USCIS que cumple con los criterios para una visa t, como se especifica anteriormente.

Una de las formas principales en que una víctima puede demostrar su cooperación con la aplicación de la ley es obtener una declaración firmada por parte de la entidad encargada de hacer cumplir la ley que investiga o procesa el caso. Esta declaración, que se titula "Declaración de oficial de la ley para la víctima en el tráfico de personas (Formulario I-914B) o declaración" no es obligatoria. Sin embargo, la declaración firmada proporciona evidencia valiosa de la cooperación de una víctima.

### **¿Cómo puede un solicitante de una visa u obtener una certificación de una agencia del orden público?**

Las víctimas que califican y que están buscando una visa u pueden comunicarse con el oficial principal o el detective empleado por la agencia de cumplimiento de la ley que realiza la investigación del caso penal y solicitar que complete una certificación. Se debe tener en cuenta que un oficial de policía no tiene la obligación legal de completar la certificación.

### **¿Cuál es el proceso que utiliza la policía para determinar si completar o no la declaración en apoyo del solicitante de la visa t?**

Antes de completar una declaración, la solicitud debe ser examinada por la agencia de aplicación de la ley con una jurisdicción principal sobre la investigación.

#### **Ofensas no procesables**

1. Si el asunto involucra una ofensa no procesable, el proceso se llevará a cabo internamente dentro de la agencia. El jefe de la policía, o si la agencia no emplea a un Jefe de policía, el oficial de policía de más alto rango de la agencia investigará el asunto, analizará la solicitud con personal que tenga un conocimiento íntimo del caso y tome en cuenta sus recomendaciones. El jefe de policía (o el oficial de policía de más alto rango de la agencia si la agencia no emplea a un jefe de policía) retiene la autoridad final para autorizar la emisión de una declaración. Si se va a autorizar la declaración, el jefe de policía (o el oficial de policía de más alto rango de la agencia, si la agencia no emplea a un jefe de policía) completará el formulario y luego lo firmará. El jefe de policía (o el oficial de policía de más alto rango de la agencia si la agencia no emplea a un jefe de policía) de la agencia con jurisdicción primaria será la única autoridad para emitir y firmar una declaración para el solicitante. La declaración ejecutada se enviará al solicitante (o al asesor legal del solicitante, según corresponda).

#### **Infracciones procesables**

Si el asunto involucra una ofensa procesable, el jefe de policía (o el oficial de policía de más alto rango de la agencia si la agencia no emplea a un jefe de policía) de la agencia donde se reportó el crimen inicialmente y la Oficina del Fiscal discutirá el tema y determina qué agencia será responsable de investigar el asunto en relación con la solicitud de declaración y determinar si la ejecución de la declaración está justificada.

1. Si el asunto relacionado con la emisión de una declaración es asignado por la Oficina del Fiscal a la agencia de cumplimiento de la ley en la que se informó inicialmente el delito, la investigación se llevará a cabo internamente dentro de la agencia. El jefe de policía (o el oficial de policía de más alto rango de la agencia, si la agencia no emplea a un jefe de policía) investigará el asunto, analizará la solicitud con el personal de la agencia que tenga un conocimiento íntimo del caso y tomará sus recomendaciones en consideración. El fiscal también puede requerir una consulta con su oficina antes de que se tome la decisión final. El jefe de

policía (o el oficial de policía de más alto rango de la agencia si la agencia no emplea a un jefe de policía) retiene la autoridad final para autorizar la emisión de una declaración. Si la declaración está justificada, el jefe / director de la policía completará el formulario y luego lo firmará. El jefe de policía (o el oficial de policía de más alto rango de la agencia si la agencia no emplea a un jefe de policía) será la única autoridad para emitir y firmar una declaración para el solicitante.

2. Si el proceso de investigación va a ser manejado por la Oficina del Fiscal, el Fiscal, además de considerar los comentarios de la agencia de aplicación de la ley en la que se informó inicialmente el crimen, también puede discutir el asunto, ya sea con los investigadores de la Oficina del Fiscal de la aplicación de la ley o el Fiscal adjunto que maneja la acusación, o ambos al tomar su decisión con respecto a la emisión de una declaración. El Fiscal del Condado será la única autoridad para emitir y firmar una declaración para el solicitante. Si la declaración está justificada, el Fiscal tendrá el formulario completado. El Fiscal es la única autoridad para emitir y firmar una declaración para el solicitante.

### **¿Cuánto tiempo tiene la policía para tomar una decisión con respecto a la solicitud?**

La policía tiene 120 días desde la fecha en que se envió la solicitud para evaluar la solicitud y decidir si se autorizará la declaración.

Notificación al solicitante de la decisión:

Cuando una decisión ha sido hecha por el jefe de policía (o el oficial de policía de más alto rango de la agencia ha tomado una decisión si la agencia no emplea a un jefe de policía) o el Fiscal (según corresponda) sobre si emitir y firmar una declaración, el solicitante será notificado de esa decisión. Si el solicitante ha contratado a un abogado, dicho abogado también será notificado de la decisión. Si la declaración fue aprobada, se enviará una copia de dicha declaración al solicitante o, si tiene un asesor legal, el asesor legal.

### **¿Quién tiene la autoridad final para emitir una visa u?**

Sólo USCIS tiene la autoridad para otorgar o denegar la solicitud de visa t de una persona.



## ***U-VISA CERTIFICATIONS & T-VISA DECLARATIONS – STANDARDIZED WEB-BASED NOTICE CONCERNING AGENCY PROCEDURES FOR PROCESSING REQUESTS***

Individuals seeking information related to obtaining a U-Visa or a T-Visa are encouraged to review the “U and T Visa Law Enforcement Resource Guide” issued by the Federal Office of Homeland Security. The electronic link for this manual is:

[https://www.dhs.gov/xlibrary/assets/dhs\\_u\\_visa\\_certification\\_guide.pdf](https://www.dhs.gov/xlibrary/assets/dhs_u_visa_certification_guide.pdf)

The following are the law enforcement procedures for processing requests for certifications in support U-Visa applicants or declarations in support of T-Visa applicants.

### ***U-VISA’S***

#### ***WHAT ARE THE CRITERIA FOR ELIGIBILITY FOR A U-VISA?***

United States 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 criminal activity;
- 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.
- Additionally, the victim must be admissible to the United States based on a review of his/her criminal history, immigration violations, and other factors. If found inadmissible, an individual may apply for a waiver of inadmissibility for which he/she may be eligible.

For a list of qualifying crimes and for further information, please refer to the “**U and T Visa Law Enforcement Resource Guide**”, which can be accessed via the following link:

[https://www.dhs.gov/xlibrary/assets/dhs\\_u\\_visa\\_certification\\_guide.pdf](https://www.dhs.gov/xlibrary/assets/dhs_u_visa_certification_guide.pdf)

#### ***WHAT ARE THE CRITERIA FOR LAW ENFORCEMENT TO UTILIZE WHEN CONSIDERING COMPLETION OF A CERTIFICATION ON BEHALF OF A U-VISA APPLICANT?***

To qualify for a U-Visa, the individual seeking such status must prove to USCIS that he/she meets the criteria for a U-Visa, as specified above.

One of the primary ways that a victim may demonstrate cooperation with law enforcement (as delineated in the 4<sup>th</sup> bullet above) is to obtain a signed statement known as a “*certification*” from the law enforcement entity conducting the investigation or prosecuting the case. This certification, which is titled “*Supplement B, U Nonimmigrant Status Certification*” (USCIS Form I-918), is required for an application for a U-Visa to be considered by USCIS.

### HOW DOES AN APPLICANT FOR A U-VISA OBTAIN A CERTIFICATION FROM A LAW ENFORCEMENT AGENCY?

Qualifying victims who are seeking a U-Visa may contact the primary officer or detective employed by the law enforcement agency conducting the investigation into the criminal matter and request that he/she complete a *certification*. It should be noted that a law enforcement officer has no legal obligation to complete the *certification*.

### WHAT IS THE PROCESS THAT LAW ENFORCEMENT UTILIZES FOR DETERMINING WHETHER OR NOT TO COMPLETE THE CERTIFICATION IN SUPPORT OF THE U-VISA APPLICANT?

Prior to completing a *certification*, the request shall be vetted by the law enforcement agency with primary jurisdiction over the investigation.

#### **Non-Indictable Offenses:**

- 1) If the matter involves a non-indictable offense, the process shall be conducted internally within the agency. The Chief of Police, or if the agency does not employ a Chief of Police, the highest-ranking law enforcement officer of the agency, will have the matter investigated, discuss the request with agency personnel who have intimate knowledge of the case and take their recommendations into consideration. The Chief of Police (or the highest-ranking law enforcement officer of the agency if the agency does not employ a Chief of Police) retains the final authority to authorize the issuance of a *certification*. If the *certification* is going to be authorized, the Chief of Police (or the highest-ranking law enforcement officer of the agency if the agency does not employ a Chief of Police) will have the form completed then he/she will sign it. The Chief of Police (or the highest-ranking law enforcement officer of the agency if the agency does not employ a Chief of Police) of the agency with primary jurisdiction will be the sole authority to issue and sign a *certification* for the applicant. The executed *certification* will then be forwarded to the applicant (or the applicant's legal counsel, as appropriate).

**Indictable Offenses:** If the matter involves an indictable offense, the Chief of Police (or the highest-ranking law enforcement officer of the agency if the agency does not employ a Chief of Police) of the agency where the crime was initially reported and the Prosecutor's Office will discuss the matter and determine which agency will be responsible for investigating the matter as it relates to the *certification* request and a determination will be made as to which agency will make the final determination as to whether the execution of the *certification* is justified.

- 1) If the matter concerning the issuance of a *certification* is assigned by the Prosecutor's Office to the law enforcement agency in which the crime/offense was initially reported, the vetting shall be conducted internally within the agency. The Chief of Police (or the highest-ranking law enforcement officer of the agency if the agency does not employ a Chief of Police) will have the matter investigated, discuss the request with agency personnel who have intimate knowledge of the case and take their recommendations into consideration. The Prosecutor may also require consultation with his/her office prior to the final decision being made. The Chief of Police (or the highest-ranking law enforcement officer of the agency if the agency does not employ a Chief of Police) retains the final authority to authorize the issuance of a *certification*. If the *certification* is justified, the Police

Chief/Director will have the form completed then he/she will sign it. The Po Chief of Police (or the highest-ranking law enforcement officer of the agency if the agency does not employ a Chief of Police) of that agency will be the sole authority to issue and sign a *certification* for the applicant.

- 2) If the vetting process is going to be handled by the Prosecutor's Office, the Prosecutor, in addition to considering input from the law enforcement agency in which the crime/offense was initially reported, may also discuss the matter either the law enforcement investigators of the Prosecutor's Office, or the Assistant Prosecutor handling the prosecution, or both in making his/her decision concerning the issuance of a *certification*. The County Prosecutor will be the sole authority to issue and sign a *certification* for the applicant. If the *certification* is justified, the Prosecutor will have the form completed. The Prosecutor is the sole authority to issue and sign a *certification* for the applicant.

**HOW MUCH TIME DOES LAW ENFORCEMENT HAVE TO MAKE A DECISION REGARDING THE REQUEST:** Law enforcement has 120 days from the date the request was submitted to evaluate the request and decide if the *certification* will be authorized.

**NOTIFYING THE APPLICANT OF THE DECISION:**

Once a decision has been made by the Chief of Police (or the highest-ranking law enforcement officer of the agency if the agency does not employ a Chief of Police) or the Prosecutor (as appropriate) as to whether to issue and sign a *certification*, the applicant will be notified of that decision. If the applicant has employed legal counsel, said legal counsel will be notified of the decision as well. If the *certification* was approved, a copy of said *certification* will be forwarded to the applicant or, if he/she has legal counsel, the legal counsel.

**WHO HAS THE FINAL AUTHORITY TO ISSUE A U-VISA?**

Only USCIS has the authority to grant or deny a person's U-Visa application.

**T-VISA'S**

**WHAT ARE THE CRITERIA FOR ELIGIBILITY FOR A T-VISA?**

Individuals seeking a T-Visa must meet the following criteria:

- The victim is or has been a victim of a severe form of trafficking in persons; and
- The victim is in the United States due to trafficking; and
- The victim has complied with requests for assistance in an investigation or prosecution of the crime of trafficking; and
- Would suffer extreme hardship involving unusual and severe harm if removed from the United States.

**WHAT ARE THE CRITERIA FOR LAW ENFORCEMENT TO UTILIZE WHEN CONSIDERING COMPLETION OF A DECLARATION ON BEHALF OF A T-VISA APPLICANT?**

To qualify for a T-Visa, the individual seeking such status must prove to the USCIS that he/she meets the criteria for a T-Visa, as specified above.

One of the primary ways that a victim may demonstrate cooperation with law enforcement is to obtain a signed statement known as a "*declaration*" from the law enforcement entity

conducting the investigation or prosecuting the case. This **declaration**, which is titled “**Declaration of Law Enforcement Officer for Victim in Trafficking of Persons (Form I-914B or declaration)**”, is not required. However, the signed **declaration** provides valuable evidence of a victim’s cooperation.

*HOW DOES AN APPLICANT FOR A T-VISA OBTAIN A DECLARATION FROM A LAW ENFORCEMENT ENTITY?*

Qualifying victims who are seeking a T-Visa may contact the primary officer or detective employed by the law enforcement agency conducting the investigation into the criminal matter and request that he/she complete a *declaration*. It should be noted that a law enforcement officer has no legal obligation to complete the declaration.

*WHAT IS THE PROCESS THAT LAW ENFORCEMENT UTILIZES FOR DETERMINING WHETHER OR NOT TO COMPLETE THE DECLARATION IN SUPPORT OF THE T-VISA APPLICANT?*

Prior to completing a *declaration*, the request shall be vetted by the law enforcement agency with primary jurisdiction over the investigation.

**Non-Indictable Offenses:**

- 1) If the matter involves a non-indictable offense, the process shall be conducted internally within the agency. The Chief of Police (or the highest-ranking law enforcement officer of the agency if the agency does not employ a Chief of Police) will have the matter investigated, discuss the request with agency personnel who have intimate knowledge of the case and take their recommendations into consideration. The Chief of Police (or the highest-ranking law enforcement officer of the agency if the agency does not employ a Chief of Police) retains the final authority to authorize the issuance of a *declaration*. If the *declaration* is going to be authorized, the Chief of Police (or the highest-ranking law enforcement officer of the agency if the agency does not employ a Chief of Police) will have the form completed then he/she will sign it. The Chief of Police (or the highest-ranking law enforcement officer of the agency if the agency does not employ a Chief of Police) of the agency with primary jurisdiction will be the sole authority to issue and sign a *declaration* for the applicant. The executed *declaration* will then be forwarded to the applicant (or the applicant’s legal counsel, as appropriate).

**Indictable Offenses:** If the matter involves an indictable offense, the Chief of Police (or the highest-ranking law enforcement officer of the agency if the agency does not employ a Chief of Police) of the agency where the crime was initially reported and the Prosecutor’s Office will discuss the matter and determine which agency will be responsible for investigating the matter as it relates to the *declaration* request and a determination will be made as to which agency will make the final determination as to whether the execution of the *declaration* is justified.

- 1) If the matter concerning the issuance of a *declaration* is assigned by the Prosecutor’s Office to the law enforcement agency in which the crime/offense was initially reported, the vetting shall be conducted internally within the agency. The Chief of Police (or the highest-ranking law enforcement officer of the agency if the agency does not employ a Chief of Police) will have the matter investigated, discuss the request with agency personnel who have intimate knowledge of the case and take their recommendations into consideration. The Prosecutor

may also require consultation with his/her office prior to the final decision being made. The Chief of Police (or the highest-ranking law enforcement officer of the agency if the agency does not employ a Chief of Police) retains the final authority to authorize the issuance of a *declaration*. If the *declaration* is justified, the Chief of Police (or the highest-ranking law enforcement officer of the agency if the agency does not employ a Chief of Police) will have the form completed then he/she will sign it. The Police Chief/Director of that agency will be the sole authority to issue and sign a *declaration* for the applicant.

- 2) If the vetting process is going to be handled by the Prosecutor's Office, the Prosecutor, in addition to considering input from the law enforcement agency in which the crime/offense was initially reported, may also discuss the matter either the law enforcement investigators of the Prosecutor's Office, or the Assistant Prosecutor handling the prosecution, or both in making his/her decision concerning the issuance of a *declaration*. The County Prosecutor will be the sole authority to issue and sign a *certification* for the applicant. If the *declaration* is justified, the Prosecutor will have the form completed. The Prosecutor is the sole authority to issue and sign a *declaration* for the applicant.

#### ***HOW MUCH TIME DOES LAW ENFORCEMENT HAVE TO MAKE A DECISION REGARDING THE REQUEST:***

Law enforcement has 120 days from the date the request was submitted to evaluate the request and decide as to whether to authorize the *declaration*.

#### ***NOTIFYING THE APPLICANT OF THE DECISION:***

Once a decision has been made by the Chief of Police (or the highest-ranking law enforcement officer of the agency if the agency does not employ a Chief of Police) or the Prosecutor (as appropriate) as to whether to issue and sign a *declaration*, the applicant will be notified of that decision. If the applicant has employed legal counsel, said legal counsel will be notified of the decision as well. If the *declaration* was approved, a copy of said *declaration* will be forwarded to the applicant or, if he/she has legal counsel, the legal counsel.

#### ***WHO HAS THE FINAL AUTHORITY TO ISSUE A T-VISA?***

Only USCIS has the authority to grant or deny a person's T-Visa application.

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