

City of Long Branch Police Department

Policy & Procedures

Standard Operating Procedure



U AND T VISA APPLICATIONS

AUTHORITY: Charles F. Shirley, Jr. Director of Public Safety	# OF PAGES: 4 6 W/APPENDIX
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PURPOSE

To establish policy and procedures, compliant with New Jersey Attorney General Guidelines, for the processing of U and T Visa applications within the City of Long Branch.

POLICY

It is the policy of the City of Long Branch Police Department to deal with the immigrant community in compliance with New Jersey Attorney General Guidelines. The City of Long Branch Police Department's responsibilities are limited to certifying that an alien, who is or was the victim of a qualifying crime in the City of Long Branch, is, or has, or will cooperate with the investigation and/or prosecution of such crime. The following details the policy of the City of Long Branch Police Department with respect to U and T Visa applications.

PROCEDURES

I. DEFINITIONS

- A. U VISA – The U non-immigrant status, form I-918, 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.
- B. T VISA – The I-914, Application for T Non-immigrant Status, is used to request temporary immigration benefits for victims of a severe forms of trafficking in persons, also known as human trafficking.
- C. USCIS – The United States Citizenship and Immigration Services is an agency of the U.S. Department of Homeland Security that administers the country's naturalization and immigration system.

D. U and T Visa Law Enforcement Resource Guide - Homeland Security publication for Federal, State, Local, Tribal and Territorial Law Enforcement, Prosecutors, Judges, and Other Government Agencies.

II. U VISA APPLICATIONS

A. ELIGIBILITY

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.

B. LAW ENFORCEMENT PROCEDURE

Aliens or their representatives seeking certification for a U Visa shall be referred to the Support Services Commander. The Support Services Commander shall:

1. Complete 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 City of Long Branch 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. Complete the attached checklist (APPENDIX A)

4. 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 Director of Public Safety 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.
5. Reference the Homeland Security "U and T Visa Law Enforcement Resource Guide" for further details. A copy can be found at:
<https://www.uscis.gov/tools/information-for-certifying-officials-law-enforcement-judges-and-other-agencies>
6. Process all applications within 120 days of reception.

C. WITHDRAWN/DISAVOWED APPLICATIONS

The Director of Public Safety or his/her designee may withdraw or disavow a Form I-198B at any time if a victim stops cooperating.

1. The Support Services commander must notify the USCIS Vermont Service Center in writing (including as an email attachment) at:

LawEnforcement_UTVAWA.VSC@USCIS.dhs.gov

or via mail to:

USCIS-Vermont Service Center
ATTN: Division 6
75 Lower Weldon Street
St. Albans, VT 05479

2. If the Support Services Commander 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:

- a. Departmental Letterhead including the name of the agency & contact information;
- b. The name and date of birth of the individual certified;
- c. The name of the individual who signed the certification and the date it was signed;

- d. 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;
- e. The signature and title of the official who is withdrawing/disavowing the certification; and
- f. A copy of the signed initial certification.

III. T VISA APPLICATIONS

A. ELIGIBILITY

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; and
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.

B. LAW ENFORCEMENT PROCEDURE

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>

1. The Support Services Commander shall process T Visas in the same manner as U Visas.

A copy of this SOP shall be posted, according to law, on the Long Branch Police Department website.

BY ORDER OF:


Charles F. Shirley, Jr.
Director of Public Safety



**CITY OF LONG BRANCH
POLICE DEPARTMENT
U AND T VISA APPLICATION CHECKLIST**

Applicant's Name, Address & Phone #:	
If Under 16, Representative Name, Address & Phone #:	
Date of Application:	
Case# Applicant is involved with:	Case# associated with application:
Investigating Officer's Name, Rank & Badge #:	
U VISA APPLICANTS	
1. Victim of a qualifying crime in Long Branch. (If no, refer to local jurisdiction or Prosecutor's Office)	<input type="checkbox"/> YES <input type="checkbox"/> NO
2. Suffered substantial physical or mental abuse as a result of having been a victim of criminal activity.	<input type="checkbox"/> YES <input type="checkbox"/> NO
3. Has specific knowledge and details of crime.	<input type="checkbox"/> YES <input type="checkbox"/> NO
4. Has been, is being, or is likely to be helpful to law enforcement in the detection, investigation or prosecution of the qualifying crime.	<input type="checkbox"/> YES <input type="checkbox"/> NO
5. Applicant was involved in the crime and/or has a prior criminal history. (If yes, list below)	<input type="checkbox"/> YES <input type="checkbox"/> NO
6. They are admissible to the United States. (If not admissible, an individual may apply for a waiver on a <i>Form I-192, Application for Advance Permission to Enter as a Non-immigrant.</i>)	<input type="checkbox"/> YES <input type="checkbox"/> NO
7. Applicant was checked in CAD/RMS and has had further law enforcement contact after the incident. (If yes, attach report)	<input type="checkbox"/> YES <input type="checkbox"/> NO
8. Applicant was checked in CAD/RMS has had further contact with accused after the incident. (If yes, attach report)	<input type="checkbox"/> YES <input type="checkbox"/> NO

T VISA APPLICANTS

1. Victim of a severe form of trafficking in persons	<input type="checkbox"/> YES <input type="checkbox"/> NO
2. Is in the United States due to trafficking	<input type="checkbox"/> YES <input type="checkbox"/> NO
3. Has complied with requests for assistance in an investigation or prosecution of the crime of trafficking	<input type="checkbox"/> YES <input type="checkbox"/> NO
4. Would suffer extreme hardship involving unusual and severe harm if removed from the United States	<input type="checkbox"/> YES <input type="checkbox"/> NO

Application Approved? (If no, give specific reason(s) below)	<input type="checkbox"/> YES <input type="checkbox"/> NO
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Investigating Officer's Signature	Date
Director of Public Safety's Signature	Date

NOTES: