



# TRAINING BULLETIN

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## U-VISA AND T-VISA

### INTRODUCTION

The U Nonimmigrant Status Visa (U-Visa) and the T Nonimmigrant Status Visa (T-Visa) were designed with the dual purpose of protecting noncitizen victims of serious crimes and promoting cooperation between law enforcement and victims. The Department's responsibility as a Certifying Agency is to train designated detective supervisors (Certifying Officials) to review the case to determine if the petitioner was the victim of a qualifying crime and whether the victim was, is being, or is likely to be helpful to the detection, investigation, or prosecution of the qualifying crime. Certifying Officials will then complete and sign a U-Visa certification (Form I-918, Supplement B), a T-Visa declaration (Form I-914, Supplement B), or denial letter based on the established Department policy developed using United States Citizenship and Immigration Services (USCIS) guidelines.

Completing the certification or declaration does not automatically guarantee eligibility for either U-Visa or T-Visa. They constitute just one part of a comprehensive application process. USCIS will carefully examine all the evidence provided and make a final determination.

### CERTIFICATIONS AND DECLARATIONS

#### U-Visa Certification

The U-Visa certification (USCIS Form I-918 Supplement B) is a required piece of initial evidence that must be submitted with all the petition documents for a U-Visa, and USCIS cannot process the victim's case without it. The U-Visa certification states that the person was a victim of a qualifying crime, possessed information relating to the crime, and was helpful in the investigation or prosecution of that crime.

Current U-Visa qualifying crimes identified by USCIS are:

- Abduction
- Domestic Violence
- Felonious Assault
- Hostage
- Kidnapping
- Obstruction of Justice
- Prostitution
- Sexual Exploitation
- Torture
- Extortion
- Abusive Sexual Contact
- Female Genital Mutilation
- Incest

- Manslaughter
- Rape
- Slave Trade
- Trafficking
- Conspiracy
- Blackmail
- Murder
- Perjury
- False Imprisonment
- Stalking
- Witness Tampering
- Sexual Assault

### **T-Visa Declaration**

The T Nonimmigrant declaration (USCIS Form 914 Supplemental B) provides immigration protection to victims of severe forms of human trafficking who assist law enforcement in the investigation or prosecution of human trafficking cases. A law enforcement declaration is evidence of the victim's cooperation, and it may be submitted in support of a T-Visa application.

### **Qualifying Crimes**

Current T-Visa qualifying crimes identified by USCIS are:

- Trafficking
- Unlawful Criminal Restraint
- Peonage
- Involuntary Servitude
- Slave Trade
- Fraud in Foreign Labor Contracting

### **Certification Of Family Members (Indirect Victims)**

Certain immediate family members can qualify to request a U-Visa certification as an indirect victim of crime if all the following conditions are met:

- The individual must have a qualifying family relationship to the direct victim:
  - If the direct victim is age 21 or older at the time of the crime, their spouse and unmarried children under age 21 may qualify; or,
  - If the direct victim is under age 21 at the time of the crime, their spouse, unmarried children under age 21, parents, and unmarried siblings under age 18 may qualify.
- The direct victim is unable to assist law enforcement because they are:
  - Deceased due to murder or manslaughter; or,
  - Incompetent or incapacitated, including due to injury, trauma, or age; and,
- The indirect victim must meet all other eligibility requirements for U-Visa certification.

**Note:** A certification may be signed for an indirect victim regardless of whether the direct victim is a United States citizen or non-citizen.

### **Minor Witness/Survivor of Crime**

A minor can apply for a certification/declaration. However, if the minor is unable to assist law enforcement because they are deceased due to murder or manslaughter, or incompetent or incapacitated\* due to injury, trauma or age, the minor's parents can apply as an indirect victim. The parent must have assisted on the minor's behalf and meet all other certification requirements.

*\*A minor is considered incapacitated due to age on a case-by-case basis, but can include being unable to provide statements to law enforcement without assistance, needing their parent to transport them to the police station or court, etc.*

### **Family Members as Derivatives**

If the petitioner (direct victim) qualifies for a certification/declaration, certain family members can apply as a derivative by completing USCIS Form I-918 Supplement A (Law Enforcement does not complete this form).

- If the petitioner is age 21 or older at the time of the qualifying crime was committed, their spouse and unmarried children under age 21 qualify.
- If the petitioner is under age 21 at the time the qualifying crime was committed, their spouse, unmarried children under age 21, parents, and unmarried siblings under age 18 may qualify.

### **Information Needed to Process a Certification/Declaration**

To process the U-Visa and T-Visa request/declaration in a timely manner, please include the following:

- Name of victim and any "other names used,"
- Victim's date of birth,
- Division of Records (DR) number or incident number, if known,
- Name of suspect, if known,
- Suspect's date of birth, if known, and
- Indicate if victim is in removal proceedings.

**Note:** A petitioner requesting a certification/declaration is not required to provide government issued identification nor do they need a copy of their report to apply.

### **Certification/Declaration Timeline**

California Penal Code (PC) Section 236.5(a) mandates T-Visa declaration requests be completed within **15 business days** of the first encounter with the victim. The first encounter is the day the assigned investigative division receives the declaration

request. California PC Section 679.10 mandates U-Visa certification requests be completed within **30 calendar days** of receiving the request or **7 calendar days** if the victim is in immigration removal proceedings. For any questions or concerns, please email Department U-Visa Coordinators, in Detective Bureau at [UVisa@lapd.online](mailto:UVisa@lapd.online).

### **Certification Approval/Denial**

A designated Certifying Official is a supervisor (no more than three at each division). A Certifying Official Information (COI) form shall be completed by all Certifying Officials and submitted to Detective Bureau prior to signing any certification/declaration forms.

U-Visa Coordinators do not have to be Certifying Officials, they can be sworn or civilian personnel. Their responsibility is to review each case to determine if the petitioner was the victim of a qualifying crime and confirm the victim was, is being, or is likely to be helpful to the detection, investigation, or prosecution of the qualifying crime. Once the review has been completed the approval or denial is submitted to the Certifying Official for a final review and signature.

### **Appeal Process**

All appeals are reviewed by the Department U-Visa Coordinators at Detective Bureau. Appeal requests can be submitted via mail to Detective Bureau, 100 W. 1st Street, Los Angeles, California 90012 or email at [UVisa@lapd.online](mailto:UVisa@lapd.online).

Encourage the petitioner to include in the appeal any documentation to support their reason for appeal.

### **CONCLUSION**

U-Visas and T-Visas are critical tools that use a trauma-informed, victim-centered approach to address serious crimes. They prioritize minimizing further harm, while ensuring victims are identified, supported, and stabilized. These programs strengthen law enforcement's ability to detect, investigate, and prosecute crimes, foster community trust, and encourage the reporting of serious offenses – reflecting our Core Value of "Service to Our Communities."

Field Training Services Unit  
Police Training and Education Group

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