

INFORMATION FOR LAW ENFORCEMENT OFFICIALS

Immigration Options for Victims of Human Trafficking

Human trafficking is the crime of compelling someone into labor or commercial sex through use of force, fraud or coercion. As victims without legal status may otherwise be reluctant to help in the investigation or prosecution of criminal activity, Congress created three immigration options that are available to human trafficking victims – Continued Presence, T visas, and U visas. These immigration options help the victims and are law enforcement tools that encourage victims to report crimes and cooperate with law enforcement for investigations and prosecutions.

Under the Department of Homeland Security (DHS), both U.S. Citizenship and Immigration Services (USCIS) and U.S. Immigration and Customs Enforcement's (ICE) Homeland Security Investigations (HSI) play a significant role in combating human trafficking.

In the earliest stages of an investigation, Continued Presence is the best vehicle to obtain temporary and quick legal immigration status for any individual identified by law enforcement as a trafficking victim who may be a potential witness to facilitate an investigation or prosecution. Please see the ICE HSI Continued Presence brochure and online video for more information about this valuable law enforcement tool: <https://www.dhs.gov/dhs-center-countering-human-trafficking>.

While Continued Presence is a law enforcement-initiated request, T and U visas are longer-term immigration benefits that victims apply for by submitting applications and petitions to USCIS. Federal, State, local, tribal, or territorial law enforcement may, at its discretion, choose to sign a supplementary form regarding the crime and the victim. Signing the law enforcement T visa declaration or the U visa certification for victims who have assisted your investigatory or prosecutorial efforts is part of a victim-centered approach that also brings greater safety to your community.

T Visa

What is the T visa?

The T visa provides immigration protection specifically to victims of severe forms of human trafficking. In order to be eligible, the victim must have complied with any reasonable request for assistance in a Federal, State, local, tribal, or territorial investigation or prosecution of human trafficking cases. Victims under the age of 18 and victims unable to cooperate because of physical or psychological trauma are not required to assist law enforcement.

Under federal law:

- There are two categories of severe forms of trafficking: sex trafficking and labor trafficking.
- Severe forms of trafficking involve force, fraud or coercion (with the exception of cases involving sex trafficking victims who are less than 18 years of age, which do not require force, fraud or coercion).

How does a victim apply for a T visa?

A victim sends USCIS the following completed form:

- [Form I-914, Application for T Nonimmigrant Status](#)
- [Form I-914, Law Enforcement Declaration, Supplement B \(optional\)](#)

U Visa

What is the U visa?

The U visa provides immigration protection to victims of certain qualifying crimes, including human trafficking, who assist Federal, State, local, tribal, or territorial law enforcement in the detection, investigation, or prosecution of a qualifying crime.

How does a victim apply for a U visa?

A victim sends USCIS the following completed form:

- [Form I-918, Petition for U Nonimmigrant Status](#)
- [Form I-918, Law Enforcement Certification, Supplement B \(mandatory\)](#)

For additional information regarding the U Visa, please refer to the [U Visa Law Enforcement Resource Guide](#).

T and U Visa

Who may sign a law enforcement declaration or certification?

Any Federal, State, local, tribal, or territorial law enforcement agency that has the authority for the detection, investigation, or prosecution of human trafficking or qualifying U visa crimes may sign a declaration or certification.

Am I legally required to sign this declaration or certification?

No, a law enforcement agency is under no legal obligation under federal law to complete a declaration or certification. Signing is at the discretion of each law enforcement agency, in accordance with that agency's policy. Signing a declaration or certification does not grant any immigration benefit. Only USCIS has the authority to grant or deny this immigration benefit. A law enforcement agency may also choose to run background checks on individuals prior to signing a certification. Signing a certification means attesting to the facts that the individual is a victim, has been or is likely to be helpful, that the information is accurate, and that the agency has direct knowledge of the information listed on the form.

Am I liable for the victim's future actions? What if the victim stops cooperating?

A law enforcement agency is not liable for future conduct or criminal activity a victim may engage in. However, law enforcement can withdraw any time after signing a certification. If a victim stops cooperating with reasonable requests from law enforcement, the law enforcement agency may choose to withdraw the declaration submitted for the T visa application or the certification for the U visa by notifying USCIS in writing.

For more information, please visit <https://www.dhs.gov/blue-campaign>.

To learn more about T and U Visas, visit www.uscis.gov/humanitarian/victims-human-trafficking-other-crimes.