



U.S. Citizenship
and Immigration
Services

National Human Trafficking Prevention Month Webinar

Immigration Options and Resources for Victims of Human Trafficking

January 27, 2022



DISCLAIMER

Materials presented today are for informational purposes only and are not legal advice. The information disseminated today and statements made by USCIS personnel are intended solely for the purpose of providing public outreach to the Agency's stakeholders about issues of mutual interest. It is not intended to, does not, and may not be relied upon to create any right or benefit.



WEBINAR OVERVIEW

- 🔥 Overview of the T visa program
- 🔥 Best practices for T visa applicants completing Form I-914
- 🔥 Best practices for law enforcement agencies and certifying officials completing the Form I-914, Supplement B
- 🔥 Resources, including the T Visa Law Enforcement Guide and T Visa Policy Manual
- 🔥 Updates in the U visa program
- 🔥 Q&A

INTRODUCTION: T VISAS

- 👮 Strengthen law enforcement's ability to detect, investigate, and prosecute trafficking in persons
- 👮 Encourage trafficked, exploited, and abused victims to report crimes committed against them and participate in the investigation, even if they don't have lawful immigration status
- 👮 Offer protections to victims of human trafficking in keeping with the humanitarian interests of the U.S.



VICTIMS OF HUMAN TRAFFICKING

- ✦ Victims of human trafficking can be of any immigration status, sex or gender, age, sexuality, or race
- ✦ Noncitizen victims face unique barriers and may be hesitant to reach out to law enforcement
- ✦ Outreach and education are important steps to identify victims and develop partnerships to combat human trafficking



IMMIGRATION RELIEF

- 🇺🇸 Lawful status for four years (with possibility for permanent status)
- 🇺🇸 Work permit
- 🇺🇸 Lawful status for certain family members
- 🇺🇸 Subject to an annual cap for “principals”: 5,000
- 🇺🇸 Access to certain federal benefits and services



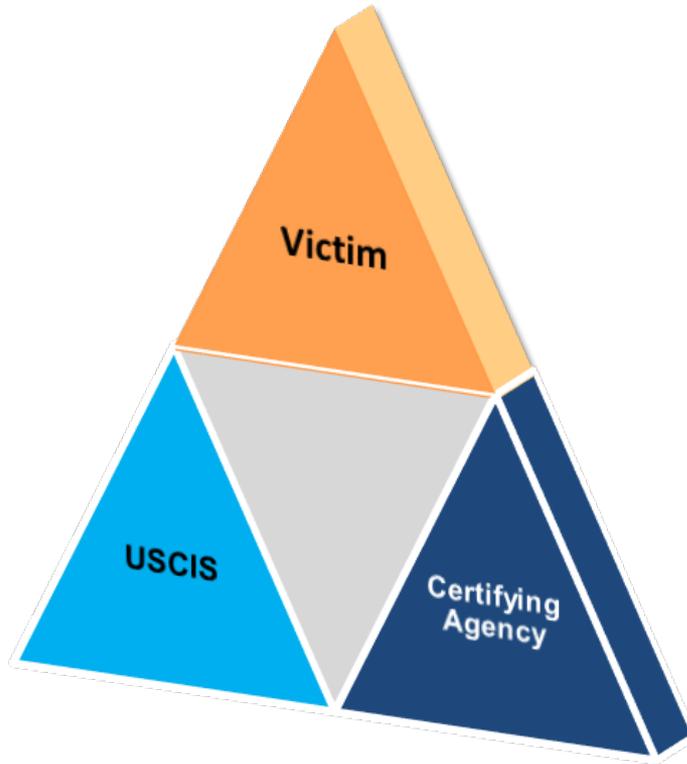
QUALIFYING RELATIVES

- ✦ If the principal applicant is under 21 years of age, qualifying relatives include: the principal's spouse, unmarried children, parents, and unmarried siblings under 18 years of age
- ✦ If the applicant is over 21 years of age, qualifying relatives include: the principal's spouse and unmarried child(ren)
- ✦ In some circumstances, certain relatives may be eligible for a T visa if they face a present danger of retaliation as a result of the principal applicant's escape from trafficking or cooperation with law enforcement

ROLES AND RESPONSIBILITIES



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ELIGIBILITY REQUIREMENTS

- 🚒 Victim of a “severe form of trafficking in persons”
- 🚒 Victim physically present in U.S. on account of trafficking
- 🚒 Victim must comply with reasonable requests to help investigate or prosecute traffickers (exemption for age and exception for trauma)
- 🚒 Victim must show removal from U.S. would cause extreme hardship involving unusual and severe harm
- 🚒 Victim is admissible to the U.S.



FEDERAL DEFINITION OF HUMAN TRAFFICKING



U.S. Citizenship and Immigration Services

Type of Trafficking	Action	End	Means
Sex Trafficking	<ul style="list-style-type: none"> • Recruiting • Harboring • Transporting • Provision • Soliciting • Patronizing • Obtaining <p>(Of a person)</p>	For the purpose of a commercial sex act	Through use of force, fraud, or coercion, OR a victim under 18 years of age
Labor Trafficking	<ul style="list-style-type: none"> • Recruiting • Harboring • Transporting • Provision • Obtaining <p>(Of a person)</p>	For the purpose of subjecting the victim to: <ul style="list-style-type: none"> • Involuntary servitude • Peonage • Debt bondage • Slavery 	Through use of force, fraud, or coercion

HOW TO ESTABLISH ELIGIBILITY



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- 🔥 Form I-914, Application for T Nonimmigrant Status
- 🔥 Signed personal statement
- 🔥 Form I-914 Supplement B, Law Enforcement Declaration (optional)
- 🔥 Form I-192 Waiver if applicable
- 🔥 Any credible evidence supporting eligibility

Application for T Nonimmigrant Status
 Department of Homeland Security
 U.S. Citizenship and Immigration Services

USCIS
Form I-914
OMB No. 1615-5009
 Expires 12/31/2023

START HERE - Type or print in ink.

Part 1. Purpose for Filing This Application	For USCIS Use Only	
<p>Select all applicable boxes.</p> <p>1. A. <input type="checkbox"/> I am filing for T-1 nonimmigrant status and have not previously filed for such status.</p> <p>B. <input type="checkbox"/> I am filing for T-1 nonimmigrant status and have previously filed for such status. (Provide receipt number below.)</p> <p>(1) Receipt Number EAC: <input style="width: 150px;" type="text"/></p>	Returned	Receipt
	Date	
	Date	
	Resubmitted	
	Date	
	Date	
	Reloc Sent	
	Date	
	Date	
	Reloc Rec'd	
Date		
Date		
Validity Dates		
	From: <input style="width: 100px;" type="text"/>	
	To: <input style="width: 100px;" type="text"/>	
Remarks		
Conditional Approval		
	Stamp # <input style="width: 50px;" type="text"/>	Date <input style="width: 50px;" type="text"/>
Action Block		
To be fully completed by an attorney or accredited representative, if any.		
	<input type="checkbox"/> Select this box if Form G-28 is attached.	
	Attorney State License Bar Number <input style="width: 150px;" type="text"/>	
	Attorney or Accredited Representative USCIS Online Account Number <input style="width: 150px;" type="text"/>	

Part 2. General Information About You (Person filing this application as a victim)

1. Your Full Legal Name
 Family Name (Last Name) Given Name (First Name) Middle Name (if any)

2. Other Names Used
 Provide any other names you have used since birth, including aliases, maiden names, and nicknames. If you need extra space to complete this section, use the space provided in **Part 9, Additional Information.**
 Family Name (Last Name) Given Name (First Name) Middle Name (if any)

3. Physical Address (USPS ZIP Code Lookup)
 Street Number and Name Apt. Ste. Flr. Number
 City or Town State ZIP Code

4. Safe Mailing Address
 If you do not want U.S. Citizenship and Immigration Services (USCIS) to send notices about this application to your home address, you may provide an alternate safe mailing address.
 In Care Of Name
 Street Number and Name Apt. Ste. Flr. Number
 City or Town State ZIP Code

FORM I-914 SUPPLEMENT B, LAW ENFORCEMENT DECLARATION



-  Is completed as part of a victim-centered approach to combat human trafficking
-  Provides valuable evidence of the victim's cooperation but is not required to establish eligibility for a T visa
-  Confirms law enforcement's view that the applicant is a trafficking victim
-  Is law enforcement's opportunity to provide relevant case information to USCIS

**Supplement B, Declaration of Law Enforcement Officer for
Victim of Trafficking in Persons**

Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form I-914
OMB No. 1615-0099
Expires 12/31/2023

START HERE - Type or print in ink. This form should be completed by Federal, state, local, or tribal law enforcement agencies for victims under the Victims of Trafficking and Violence Protection Act (VTVPA), Public Law 106-386, as amended.

		For USCIS Use Only	
		Returned	Receipt
Part 1. Victim Information		Date	
1. Full Legal Name		Date	
Family Name (Last Name) Given Name (First Name) Middle Name (if any)		Resubmitted	
		Date	
2. Other Names Used		Date	
Provide any other names you have used since birth, including aliases, maiden names, and nicknames. If you need extra space to complete this section, use the space provided in Part 9. Additional Information .		Reloc Sent	
Family Name (Last Name) Given Name (First Name) Middle Name (if any)		Date	
		Date	
3. Date of Birth (dd/mm/yyyy)		Reloc Rec'd	
4. Gender or Sex		Date	
		Date	
5. Alien Registration Number (A-Number) (if any)		Remarks	
▶ A- []			
6. U.S. Social Security Number (SSN) (if any)			
▶ []			
Part 2. Agency Information			
1. Name of Certifying Agency			
2. Name of Certifying Official			
3. Title of Certifying Official			
4. Division/Office of Certifying Official			
5. Agency Mailing Address		<small>(USCIS ZIP Code Lookup)</small>	
Street Number and Name		Apt. St. Flr. Number	
City or Town		State	ZIP Code
6. Daytime Telephone Number		7. Fax Number	

Form I-914, Supplement B Edition 12/02/21 Page 1



BEST PRACTICES FOR COMPLETING FORM I-914

Complete all questions on each form to the best of your ability.

Cover letters can include anything the AOR and applicant/petitioner wish to highlight.

The order of filings should be:

- G-28, application or petition, Supplement B if included required, supporting documentation.
- If responding to an RFE, the document order should be:
 - The RFE notice on top followed by the cover letter.
 - Evidence being submitted in response to the RFE.



BEST PRACTICES FOR COMPLETING FORM I-914 (cont.)

- When filing for derivative family members, be sure to include evidence demonstrating the familial relationship.
- A cover letter from the AOR/representative is not considered testimony.
- If inadmissibility grounds are present and known to the AOR/representative or applicant/petitioner, an I-192 should be filed with the underlying T application or U petition.
- Filing an accompanying I-765 for derivative family members at the time of filing the derivative application/petition if they want an EAD.



BEST PRACTICES FOR CERTIFYING OFFICIALS COMPLETING FORM I-914B

- Provide specific details and attach relevant documents – and note this on the Form I-914B
- Verify all information on the form prior to signing
- Establish and update local policies and procedures
- Keep records of signed forms
- USCIS Verifies Proper Signing Authority - Update USCIS When Signing Authority Changes at LawEnforcement_UTVAWA.VSC@USCIS.dhs.gov
- [T Visa Law Enforcement Resource Guide](#)



T VISA PROCESSING TIMES

- The current processing time of 17.5 – 36.5 months for T visa applications relates to how long it is taking USCIS to process your case from the date we received it.
- This timeframe is affected by many factors, including cases held by outside agencies pending investigation, pending security/fingerprint appointments and checks, requests for evidence (RFEs), etc.
- Additionally, USCIS highlights the following:
 - Vermont Service Center (VSC) does not have a large backlog of pending cases awaiting initial review.
 - VSC officers are actively adjudicating cases that are eligible to be adjudicated (those not pending fingerprint/security checks, not held for investigation, etc.).
 - Record decisions in FY20, including approvals.
 - USCIS added resources to the T visa program in FY20.

T VISA LAW ENFORCEMENT RESOURCE GUIDE



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- 🔥 On October 20, 2021, USCIS published the first ever standalone [T Visa Law Enforcement Resource Guide](#) for certifying officials
- 🔥 Highlights include:
 - 🔥 Top Five Things to Know About Form I-914B
 - 🔥 Best Practices for Certifying Agencies and Officials



T VISA LAW ENFORCEMENT RESOURCE GUIDE

For Federal, State, Local, Tribal and Territorial
Law Enforcement, Prosecutors, Judges and
other Government Agencies





T VISA POLICY MANUAL UPDATES

🔥 On October 20, 2021, USCIS issued updated policy guidance in [Volume 3, Part B](#) and [Volume 9, Part O](#) of the Policy Manual regarding the adjudication of T visa applications

🔥 The USCIS Policy Manual is the agency's centralized online repository for USCIS' immigration policies

Part B - Victims of Trafficking

[Guidance](#) [Resources \(3\)](#) [Appendices \(1\)](#) [Updates \(2\)](#) [History \(0\)](#)

- [Chapter 1 - Purpose and Background](#)
- [Chapter 2 - Eligibility Requirements](#)
- [Chapter 3 - Documentation and Evidence for Principal Applicants](#)
- [Chapter 4 - Family Members](#)
- [Chapter 5 - Documentation and Evidence for Family Members](#)
- Chapter 6 - Bona Fide Determinations [Reserved]
- [Chapter 7 - Adjudication](#)
- [Chapter 8 - Annual Cap and Waiting List](#)
- [Chapter 9 - Applicants in Removal Proceedings](#)
- [Chapter 10 - Duration and Extensions of Status](#)
- [Chapter 11 - Federal Benefits and Work Authorization](#)
- [Chapter 12 - Travel](#)
- [Chapter 13 - Revocation of Status](#)
- [Chapter 14 - Confidentiality Protections and Prohibitions Against Disclosure](#)

Current as of December 09, 2021



T VISA POLICY MANUAL UPDATES

Clarifies that the age-based exemption to the requirement to comply with reasonable requests for assistance from law enforcement applies based on victim's age at time of victimization

Explains how USCIS evaluates the connection between original victimization and the applicant's continuing presence in the U.S. when evaluating physical presence

Part B - Victims of Trafficking

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Current as of December 09, 2021



T VISA POLICY MANUAL UPDATES

- 🔥 Clarifies how USCIS evaluates involuntary servitude claims
- 🔥 Explains that USCIS is adopting the decision issued in *Medina Tovar v. Zuchowski*, for nationwide application in adjudication of applications for T nonimmigrant status

Part B - Victims of Trafficking

[Guidance](#) [Resources \(3\)](#) [Appendices \(1\)](#) [Updates \(2\)](#) [History \(0\)](#)

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Current as of December 09, 2021



BASIC U VISA REQUIREMENTS

- 🇺🇸 Victim of qualifying criminal activity
- 🇺🇸 Crime occurred in U.S. or violated U.S. law
- 🇺🇸 Victim has specific, credible, and reliable information about qualifying criminal activity
- 🇺🇸 Victim was, is being, or is likely to be helpful to law enforcement in detection, investigation, prosecution, conviction, or sentencing of criminal activity – *ongoing requirement*

Additional eligibility requirements:

- 🇺🇸 Victim suffered substantial physical or mental abuse as a result of qualifying crime
- 🇺🇸 Victim is admissible to the United States



U VISA UPDATES

- 🇺🇸 USCIS implemented the Bona Fide Determination process on June 14, 2021
- 🇺🇸 This process applies for principal petitioners and qualifying family members living in the United States with pending, bona fide petitions
- 🇺🇸 Under this process, USCIS exercises its discretion on a case-by-case basis to grant BFD Employment Authorization Documents (BFD EADs) and deferred action
- 🇺🇸 USCIS is revising the U Visa Law Enforcement Resource Guide to provide additional helpful resources to law enforcement



RESOURCES

- 🔗 **USCIS Policy Manual:** <https://www.uscis.gov/policy-manual>
- 🔗 **T Visa Law Enforcement Resource Guide:**
<https://www.uscis.gov/sites/default/files/document/guides/T-Visa-Law-Enforcement-Resource-Guide.pdf>
- 🔗 **Adjudications Data:** <https://www.uscis.gov/tools/reports-and-studies/immigration-and-citizenship-data>
- 🔗 **Processing Times:** <https://egov.uscis.gov/processing-times/>
- 🔗 **Humanitarian Programs (T, U, VAWA):** <https://www.uscis.gov/humanitarian>
- 🔗 **Request Technical Assistance via the T and U Visa Hotline for Certifying Agency Inquiries:** 240-721-3333. NOTE: This line is for certifying agencies only.

RESOURCES (cont'd)



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https://www.uscis.gov/sites/default/files/document/factsheets/Characteristics_of_T_Nonimmigrant_Status_TVisa_Applicants_FactSheet.pdf

Characteristics of T Nonimmigrant Status (T Visa) Applicants



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FACT SHEET

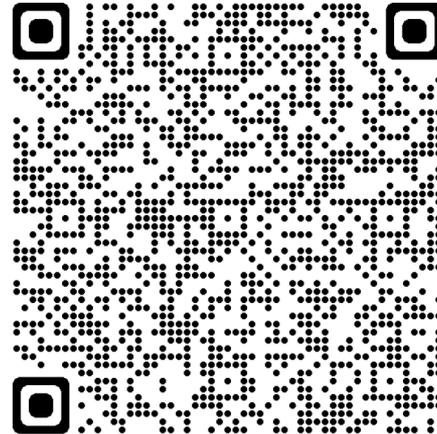
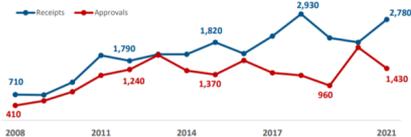
January 2022

The United States has declared it a national priority to end human trafficking and the importation of goods produced with forced labor. USCIS helps protect noncitizen victims of human trafficking by providing immigration relief to those who are eligible. T nonimmigrant status (commonly referred to as the T visa) provides nonimmigrant status to eligible trafficking victims for up to four years. To qualify for T nonimmigrant status, applicants must demonstrate to USCIS that they: (1) are or have been a victim of a severe form of trafficking in persons; (2) are physically present in the United States (including the Commonwealth of the Northern Mariana Islands or American Samoa) or at a port of entry to the United States on account of such trafficking; (3) have complied with any reasonable request for assistance in the investigation or prosecution of acts of trafficking (or the investigation of crime where acts of trafficking are at least one central reason for the commission of that crime), unless they were under age 18 at the time of victimization or are unable to cooperate due to physical or psychological trauma; and (4) would suffer extreme hardship involving unusual and severe harm upon removal from the United States. A principal applicant or T nonimmigrant may apply for derivative T nonimmigrant status for certain qualifying family members. By statute, no more than 5,000 principal T visas may be granted in any fiscal year. Derivative family members are not subject to the annual cap. The T visa cap has not been reached since the creation of the T nonimmigrant status program.

USCIS Has Received More Than 25,000 T Visa Applications and Approved More Than 17,000

Since FY 2008, USCIS has received 25,960 T visa applications from principal applicants and their family members. USCIS has approved 17,410 applications. The number of applications filed has steadily increased over the years from 710 applications in FY 2008 to 2,780 in FY 2021. In FY 2018, USCIS received the highest number of applications (2,930) and in FY 2020, USCIS approved the highest number of T visa applications in single year (2,010).

Number of Form I-914 and I-914A Receipts and Approvals, FY 2008 – FY 2021





RESOURCES (cont'd)

 **VSC Hotline for attorney/representative follow up **ONLY**:**
hotlinefollowupi918i914.vsc@uscis.dhs.gov

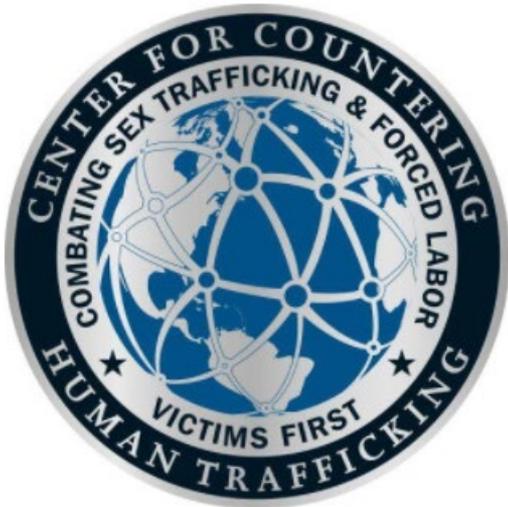
 **Written request:**

**U.S. Citizenship and Immigration Services
Vermont Service Center
ATTN: Humanitarian Division
38 River Road
Essex Junction, VT 05479-0001**

DHS Center for Countering Human Trafficking



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Host quarterly webinars on the Continued Presence program for law enforcement audiences.

Visit: www.ice.gov/partnerships-centers/ccht/continued-presence-webinar

SELF-HELP TOOLS AND RESOURCES



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The [USCIS webpage](#) offers the following free services:

- ✓ Check your [case status](#)
- ✓ [Change your address](#)
- ✓ “[How Do I](#)” fact sheets
- ✓ Check [processing times](#)

AVOID SCAMS



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Visit the [USCIS Avoid Scams](#) webpage to learn more about:

- Common immigration scams;
- How to [report immigration scams](#);
and
- How to find [legal services and help](#).



ABOUT THIS PRESENTATION



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