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## **Fact Sheet: U Visa Certifications for Immigrant Survivors of Crime and T Visa Certifications for Immigrant Survivors of Trafficking**

*(Updated as of October 28, 2021)*

On June 30, 2021, Minnesota Governor Tim Walz signed [H.F. No. 63](#) into law. The bill will facilitate the U visa and T visa application process for immigrants who are survivors of serious crimes or trafficking in Minnesota. The U and T visas allow eligible survivors of crime and survivors of trafficking to remain in the United States and ultimately, to obtain a green card and citizenship.

### **What is a U visa?**

Congress created the U visa in October 2000. The U visa encourages immigrant survivors of criminal activity to report that criminal activity without fear of deportation. U visas are available to survivors of serious crimes who assist law enforcement in the investigation and/or prosecution of criminal activity. U visa holders can temporarily remain and work in the United States (generally for four years). U visa holders can also usually apply for lawful permanent residence and citizenship. U visa holders can also apply for certain qualifying relatives to obtain the U visa.

### **What is U visa certification?**

Part of the application process is certification by law enforcement. USCIS Form I-918, Supplement B is the U visa certification document that a federal, state, or local law enforcement agency completes for a survivor who is applying for a U visa. The U visa certification is required to obtain a U visa. In the U visa certification, the law enforcement agency states that:

- the applicant is a survivor of a qualifying crime;
- the applicant has specific knowledge and details of crime; and
- the applicant has been, is being, or is likely to be helpful to law enforcement in the detection, investigation, or prosecution of the qualifying crime.

The U visa certification can be initiated by the law enforcement agency itself or by the survivor of the crime. If initiated by the crime survivor, the assistance of an advocate or an attorney is highly recommended. If a law enforcement agency signs a Form I-918B, the certification must be returned to the U visa applicant (or their advocate, attorney, etc.). The law enforcement agency does not need to send the signed certification separately to USCIS. The applicant is required to send the original signed certification form, along with the applicant's complete U visa application, to USCIS.

### **What is a qualifying criminal activity?**

U visa protection is available for survivors who have suffered substantial mental or physical abuse as a result of any of the following crimes:

<ul style="list-style-type: none"> <li>• Abduction</li> <li>• Abusive Sexual Contact</li> <li>• Blackmail</li> <li>• Domestic Violence</li> <li>• Extortion</li> <li>• False Imprisonment</li> <li>• Female Genital Mutilation</li> <li>• Felonious Assault</li> <li>• Fraud in Foreign Labor Contracting</li> <li>• Hostage</li> </ul>	<ul style="list-style-type: none"> <li>• Incest</li> <li>• Involuntary Servitude</li> <li>• Kidnapping</li> <li>• Manslaughter</li> <li>• Murder</li> <li>• Obstruction of Justice</li> <li>• Peonage</li> <li>• Perjury</li> <li>• Prostitution</li> <li>• Rape</li> <li>• Sexual Assault</li> <li>• Sexual Exploitation</li> </ul>	<ul style="list-style-type: none"> <li>• Slave Trade</li> <li>• Stalking</li> <li>• Torture</li> <li>• Trafficking</li> <li>• Witness Tampering</li> <li>• Unlawful Criminal Restraint</li> <li>• Other Related Crimes*†</li> </ul>
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\*Includes any similar activity where the elements of the crime are substantially similar.

†Also includes attempt, conspiracy, or solicitation to commit any of the above and other related crimes.

The crime must either have taken place in the United States or its territories or violated a U.S. federal law that provides for extraterritorial jurisdiction to prosecute the offense in a U.S. federal court.

### **What is a T visa?**

Congress created the T visa in October 2000 as part of the Victims of Trafficking and Violence Protection Act. The T visa is a temporary immigration benefit that enables certain survivors of a severe form of human trafficking to remain in the United States for up to four years if they have assisted law enforcement in an investigation or prosecution of human trafficking. T visa holders can temporarily remain and work in the United States (generally for four years). T visa holders can also usually apply for lawful permanent residence and citizenship. T visa holders can also apply for certain qualifying relatives to obtain the U visa.

### **What is T visa certification?**

Part of the T visa application process can be certification by law enforcement. USCIS Form I-914, Supplement B is the T visa certification document that a federal, state, or local law enforcement agency can complete for a survivor who is applying for a T visa. The T visa certification is not required to obtain a T visa, but it can provide evidence of the applicant's cooperation. In the T visa certification, the law enforcement agency states that:

- The applicant is a survivor of human trafficking;
- the applicant has specific knowledge and details of crime; and
- the applicant has been, is being, or is likely to be helpful to law enforcement in the detection, investigation, or prosecution of the qualifying crime.

The T visa certification can be initiated by the law enforcement agency itself or by the survivor of human trafficking. If initiated by the survivor, the assistance of an advocate or an attorney is highly recommended. If a law enforcement agency signs a Form I-914B, the certification must be

returned to the T visa applicant (or their advocate, attorney, etc.). The law enforcement agency does not need to send the signed certification separately to USCIS. The applicant is required to send the original signed certification form, along with the applicant's complete T visa application, to USCIS.

### **How does H.F. No. 63 improve the U and T visa certification processes?**

H.F. No. 63 requires Minnesota law enforcement agencies to respond to a request for a U or T visa certification within 90 days of the survivor's request. If the survivor is currently in removal proceedings the law enforcement agency must respond within 14 days.

Minnesota previously lacked a standard certification process for the U and T visas. This bill provides survivors of crime and trafficking with firm expectations of when they will obtain a response to a certification request. That also helps their U and T visa petitions move forward more efficiently.

H.F. No. 63 also requires law enforcement agencies to

- provide outreach to survivors of criminal activity to inform them of the certification process,
- keep a written or electronic record of all certification requests and responses, and
- implement a language access protocol for non-English-speaking survivors of criminal activity.

### **Is an active investigation required before a victim can request U or T visa certification?**

No. U and T visa certification requires that a survivor has been helpful, is being helpful, or is likely to be helpful to law enforcement. This means that a survivor may request and obtain the certification before an active investigation, the filing of charges, or a prosecution or conviction have taken place or after the conclusion of the investigation or prosecution.

**Get Help:** The Immigrant Law Center of Minnesota (ILCM) provides free immigration legal services to low-income immigrants in a variety of immigration matters. For more information about how we can assist you, please visit our website at [www.ilcm.org](http://www.ilcm.org) or call us at (651) 641-1011.

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