

From: [Davidson, Patricia J - WHD](#)
To: [DeByl, Erin K - WHD](#); [Kronheim, Jonathan - SOL](#); [Brand, Jennifer S. - SOL](#); [Bissell, Katherine - SOL](#)
Subject: RE: T/U Certifying Agency Information
Date: Wednesday, June 26, 2019 5:24:00 PM

Erin –

Thank you. I will provide this to Cheryl for her information before tomorrow's meeting.

Best,
Patty

From: DeByl, Erin K - WHD [REDACTED]
Sent: Wednesday, June 26, 2019 5:18 PM
To: Davidson, Patricia J - WHD [REDACTED]; Kronheim, Jonathan - SOL [REDACTED]; Brand, Jennifer S. - SOL [REDACTED]; Bissell, Katherine - SOL [REDACTED]
Subject: FW: T/U Certifying Agency Information

USCIS has provided the following information for our reference about U/T Visas and DOL's involvement.

FYI: Anna Lusero is the RCWC for the Midwest region.

Erin DeByl
Director, DESS, WHD
[REDACTED]

From: Kaura, Nidhi [REDACTED]
Sent: Wednesday, June 26, 2019 2:52 PM
To: Lusero, Anna E - WHD [REDACTED]
Cc: Strano, Andria J [REDACTED]; Noncent, Karine A [REDACTED]; Dunn, Maureen A [REDACTED]
Subject: T/U Certifying Agency Information

Hi Anna,

We appreciated the chance to touch base last week. Please find additional information below that may be useful as you brief your leadership.

USCIS has sole jurisdiction to grant T and U nonimmigrant status. Civil and criminal law enforcement agencies and other certifying agencies with civil/criminal investigative jurisdiction may provide a certification in support of a victim's T visa application or U visa petition, but are not responsible for determining whether the victim is eligible for an immigration benefit. Certifying agencies play a key role in the certification process, as they are often in the best position to verify whether the reported crime occurred.

In the T visa program, DOL is recognized as a law enforcement agency. In the U visa program, the definition of a certifying agency expands past the traditional definition of law enforcement. USCIS recognizes that a certifying agency is any federal, state, tribal, territorial, or local law enforcement office or agency, prosecutor, judge, or other authority that has responsibility to detect, investigate, or prosecute the qualifying criminal activity, or convict or sentence the perpetrator. This includes any agency such as federal and state Departments of Labor with civil/criminal investigative jurisdiction.

USCIS employs a robust quality assurance process to ensure the integrity of the T and U nonimmigrant programs. USCIS reviews each petition on a case-by-case basis to determine whether the victim meets all eligibility requirements. Fraud detection units investigate cases where there is suspicion of fraud and work with other federal, state, and local law enforcement agencies when fraud or abuse of the program is discovered. If officers suspect fraud in a visa petition/application, USCIS may contact the certifying agency and request further information. Furthermore, officers may contact certifying agencies to confirm the accuracy and source of the information submitted.

USCIS does not currently have the means to track adjudicative specific outcomes for declarations and certifications. In the T portfolio, the Supplement B is not a required form of evidence. Though we cannot provide specific data, USCIS has historically received Supplement Bs on a relatively small percentage of T visa cases. In contrast, the Supplement B is required in the U visa program. USCIS estimates that roughly 95% of Form I-918 Supplement Bs are submitted by police and district attorneys/prosecutors. Approximately 5% of the certifications that USCIS receives are from civil agencies with criminal investigative jurisdiction, including Department of Labor and Children Protective Services.

The information provided by WHD is critical to the assessment of T visa applications and U visa petitions, as it provides officers with a detailed description of the victimization an applicant has suffered, along with other critical evidence. WHD's role in detecting criminality during the process of workplace investigations is invaluable. Moreover, USCIS highly values our ongoing collaborative relationships with WHD HQ and regional officers. The information that WHD provides USCIS after speaking with stakeholders is especially beneficial to USCIS, as this information enables increased understanding and proactive consideration of stakeholder concerns and general trends within the U and T visa programs. In addition, USCIS appreciates the well-organized and thorough responses that WHD provides when completing the Supplement B and attaching relevant evidence.

We hope this information is useful. We look forward to continuing to collaborate together. Should you have further questions, we would be happy to touch base further, and connect you with other colleagues within DHS.

Thanks,

Nidhi

Nidhi Kaura

Victim Protection Branch | Humanitarian Affairs Division | Office of Policy and Strategy
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