

IV. PROCEDURES FOR PROCESSING REQUESTS FOR “T” AND “U” NONIMMIGRANT STATUS CERTIFICATIONS (see 8 U.S.C. §§ 1101(a)(15)(T) and 1101(a)(15)(U))

A. T-visa certifications

For T-visa certification requests, each agency’s certification procedure shall include a determination of whether, pursuant to the standards set forth in federal law and instructions to USCIS Form I-914 Supplement B, the requester:

1. Is or has been a victim of a severe form of trafficking in persons; *and*
2. has complied with requests for assistance in an investigation or prosecution of the crime of trafficking.

B. U-visa certifications

1. Law enforcement, prosecutors, judges or government officials can certify a U visa based on past, present, or the likelihood of future helpfulness of a victim.
2. A current investigation, the filing of charges, a prosecution or conviction is not required to sign the law enforcement certification.
3. An instance may occur where the victim has reported criminal activity, but an arrest, prosecution, or conviction cannot take place due to evidentiary or other circumstances. Examples of this include, but are not limited to, when the perpetrator has fled or is otherwise no longer in the jurisdiction, the perpetrator cannot be identified, or federal law enforcement officials have deported the perpetrator.
4. For U-visa certification requests, each agency’s procedure shall include a determination of whether, pursuant to the standards set forth in federal law and instructions to USCIS Form I-918 Supplement B, the applicant:
 - a. Is a victim of a qualifying criminal activity; *and*
 - b. Was, is, or likely will be helpful in the investigation or prosecution of the activity.

C. The Clinton Township Police Department’s Investigative Division Commander shall review all U and T Visa requests for compliance with the above criteria.

D. Upon reviewing each request, the Investigative Division Commander shall make a recommendation—directly on the certification—to the Officer-In-Charge.

- E. The Clinton Township Police Department's Officer-In-Charge shall ultimately make a determination as to whether to certify T and U Visa certification requests.
- F. All T and U Visa requests shall be processed within one hundred and twenty (120) days.
- G. Inquiry into and disclosure of immigration status
 - 1. Notwithstanding any provision herein, state, county, and local law enforcement agencies and officials may ask any questions necessary to complete a T- or U-visa certification.
 - 2. They may generally not disclose the immigration status of a person requesting T- or U-visa certification except to comply with state or federal law or legal process, or if authorized by the visa applicant.
 - 3. However, nothing in this section shall be construed to restrict, prohibit, or in any way prevent a state, county, or local law enforcement agency or official from sending to, maintaining, or receiving from federal immigration authorities information regarding the citizenship or immigration status, lawful or unlawful, of any individual (See 8 U.S.C. §§ 1373, 1644).