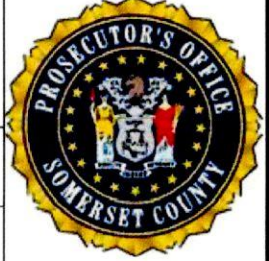


<b>SOMERSET COUNTY PROSECUTOR'S OFFICE GENERAL ORDER</b>			
<b>VOLUME: 8</b>	<b>CHAPTER: 4</b>	<b># OF PAGES: 3</b>	
<b>SUBJECT: PROCESSING U AND T VISA CERTIFICATIONS</b>			
<b>EFFECTIVE DATE:</b> January 1, 2019	<b>ACCREDITATION STANDARDS:</b>		
<b>REVISION DATES:</b>			
<b>BY THE ORDER OF:</b> Michael H. Robertson, Prosecutor			
<b>SUPERSEDES ORDER #:</b>			

**PURPOSE** The purpose of this General Order is to formalize the procedures currently in place within the Somerset County Prosecutor's Office concerning the receiving and processing of requests for U and T Nonimmigrant Status Certifications from victims of qualifying crimes and to comply with Attorney General Law Enforcement Directive No. 2018-6.

**POLICY** It is the policy of the Somerset County Prosecutor's Office to foster positive relationships and trust with all members of the diverse immigrant communities within Somerset County. Toward that end, the Somerset County Prosecutor's Office will fairly, objectively and expeditiously review and process all requests for U-visa certifications as contained in the most current edition of USCIS Form 9-918 Supplement B and T-visa certifications as contained in the most current edition of USCIS Form 9-914 Supplement B.

**PROCEDURES**

**I. INTAKE**

Upon receipt of a request for a U-visa or T-visa Nonimmigrant Status Certification, the employee receiving such a request will initially determine which Assistant Prosecutor is assigned to the case involving the requesting victim or family member. The employee will then notify the secretary working with the assigned A.P. so the secretary can locate and obtain the pertinent case file involving the requesting party. The request and case file will then be forwarded to the Assistant Prosecutor who was assigned the prosecution of that matter for

review and response. If the assigned Assistant Prosecutor is no longer employed by the SCPO, if there is no record of the matter in this office or if no case file exists, the request shall be forwarded to the Deputy First Assistant Prosecutor or First Assistant Prosecutor for review and response. From time to time requests are sent to this office and it is determined that the matter was investigated/prosecuted solely on the municipal level with no involvement by this office. In those instances, the Form and any additional documents should be returned to the sender with a cover letter indicating that the matter was handled exclusively by the local police department /municipal prosecutor. The address of the involved agency should also be provided so the requestor can send the documents to the appropriate agency.

## **II. PROCESSING**

Once the assigned Assistant Prosecutor receives the request and case file, he/she will initially review the USCIS Form 9-918 Supplement B or USCIS Form 9-914 Supplement B and any additional attached documents provided by the requestor. The initial review of the documents should insure that the Form used is the current approved Form, noting the expiration date on the top. If the Form is expired it will not be accepted by the federal agency to which it is submitted. The Assistant Prosecutor shall also insure that the requesting party was a victim of a qualifying criminal activity or the requestor is a victim of a severe form of trafficking in persons, as applicable. The review should also note if the various questions contained on the Form have been answered correctly. Any problems or mistakes should be noted so the Form can be returned to the sender for correction.

## **III. FILE REVIEW**

Once the Assistant Prosecutor has determined that the form is otherwise sufficient and the answers correct, the Assistant Prosecutor shall review the underlying criminal case file associated with the requestor/victim. The Assistant Prosecutor must then determine for purposes of a U-visa request, if the victim was, is, or is likely to be, helpful in the investigation or prosecution of the criminal activity. For purposes of a T-visa request, the Assistant Prosecutor must determine if the victim has cooperated with the law enforcement agency or officer's requests for assistance in an investigation or prosecution of a crime where trafficking is at least one central reason for the commission of that crime. Additionally the Assistant Prosecutor must insure that the requestor's answers on the Form and any attached documents are consistent with the information contained in the case file. Additionally, if copies of documents from the case file, not already attached by the requestor, are needed to fully complete the Form, the A.P. should attach same (e.g. medical records of the victim to show the extent of the victim's injuries). Attached see the following documents that may aid in the understanding of these types of visa requests: "U and T Visa Law Enforcement Resource

Guide”; “U Visa Immigration Relief for Victims of Certain Crimes – An Overview for Law Enforcement” and Memorandum to all Assistant Prosecutors dated June 30, 2011.

**IV. COMPLETION OF REVIEW**

Upon completion of the Assistant Prosecutor’s review of the case file, Supplement B Form and any other documents provided, the Assistant Prosecutor will determine if the necessary criteria for the request for the visa certification have been met by the requestor. If approval appears to be justified, the completed Form and any attachments shall be forwarded to the Deputy First Assistant Prosecutor or the First Assistant Prosecutor for final review and certification if appropriate. The Intake, Processing and Review process should be completed within 60 days of the receipt of a request for a U or T visa certification and the documents returned to the requestor.

**EFFECTIVE DATE:**

This General Order shall be effective as of January 1, 2019