THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

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ATTORNEY GENERAL

MASSACHUSETTS OFFICE OF THE ATTORNEY GENERAL
U AND T VISA CERTIFICATION POLICY
Effective November 3, 2026

I. BACKGROUND AND LEGAL REQUIREMENTS FOR U OR T VISA CERTIFICATION

U and T visas provide temporary immigration benefits to victims of serious crimes and severe forms of human trafficking. U visas are available to victims of certain qualifying crimes while T visas are available to victims of human trafficking. Language barriers, isolation, inexperience with U.S. laws, and fear of deportation often prevent immigrant victims from cooperating with law enforcement. U and T visas are designed to aid law enforcement in the investigation of serious crimes and human trafficking. (*See* Victims of Trafficking and Violence Prevention Act, 22 U.S.C. §7101.) Advocates frequently claim that U and T visas are some of the most desirable tools for building trust in diverse communities.

U and T visas applications typically include a certification from a qualifying law enforcement agency, such as a state prosecutor. For a U visa application, the certifying agency must affirm that the immigrant (i) is a victim of a qualifying crime and (ii) the immigrant has been helpful or is likely to be helpful in the investigation of criminal activity. For a T visa application, a certifying agency may submit a declaration that the immigrant (i) was a victim of a severe form of human trafficking, and (ii) the victim has complied with reasonable requests from law enforcement in an investigation or prosecution of human trafficking. Certifying agencies may not consider a petitioner's immigration admissibility or eligibility beyond the determinations required by the U and T visa certification forms.

A U visa certification may be submitted regardless of the outcome of the criminal investigation. A certification is valid, for example, even if:

- the prosecutor decided not to prosecute
- the grand jury did not issue an indictment
- the case was dismissed by the prosecutor or judge
- the defendant was found not guilty
- the defendant entered a plea, whether or not the plea was to an offense listed in the U-visa application

The Trafficking Victims Protection Act, the federal law which created the U Visa, allows for certification if the applicant assisted in either the investigation or prosecution of the criminal

activity. Agencies may certify U and T visas even if they did not investigate or prosecute the crime that formed the basis of the certification.

Qualifying Crimes

U visas are available to victims of certain qualifying crimes including abduction, abusive sexual contact, blackmail, domestic violence, extortion, false imprisonment, felonious assault, female genital mutilation, fraud in foreign labor contracting, incest, involuntary servitude, kidnapping, manslaughter, murder, obstruction of justice, peonage, perjury, prostitution, rape, sexual assault, sexual exploitation, slave trade, stalking, torture, trafficking, unlawful criminal restraint, witness tampering, solicitation or attempts of any of the named crimes, or crimes related to the named crimes.

T visas are available to victims of severe forms of human trafficking, including labor trafficking, fraud in foreign labor contracting, and involuntary servitude.

For purposes of certification decisions, in accordance with Massachusetts General Laws Chapter 258F, allegations of wage theft, workplace safety violations, housing violations or labor exploitation accompanied by threats of deportation, intimidation or retaliation may constitute qualifying criminal activity where the nature and elements of the offenses are substantially similar to extortion, involuntary servitude, peonage, obstruction of justice, witness intimidation or other criminal activity described in 8 U.S.C. § 1101(a)(15)(U)(iii).

Helpfulness of Immigrant Victim

The certifying agency must also indicate whether the victim has been helpful or is likely to be helpful in the investigation of criminal activity (for U visa certification) or has complied with reasonable requests from law enforcement in an investigation or prosecution of human trafficking (for T visa certification).

In Massachusetts, a victim who timely reports qualifying criminal activity is entitled to a rebuttable presumption of helpfulness. Similarly, a victim who provides information which is reasonably requested by the certifying entity is also presumed to be helpful.

The certifying agency may not deny a request solely because: (i) no arrest was made; (ii) the case was closed; (iii) the victim has a criminal record unrelated to the qualifying criminal activity; or (iv) the victim chose to exercise constitutional rights.

II. AGO CERTIFICATION PROTOCOLS

U and T visa certification requests should include a draft certification Form I-914 Supp B or Form I-918 Supp B for the Attorney General's Office ("AGO"), contact information for the petitioner or their authorized representative, and any additional documentation the petitioner wishes to be considered by the AGO in reviewing the request.

Requests should be emailed to: ma.ago.visacertifications@mass.gov or mailed by USPS first class mail to: Massachusetts Attorney General's Office, ATTN: U and T Visa Certification Requests (FLD), One Ashburton Place, 18th Floor, Boston, MA 02108.

No fee shall be charged for a certification request.

The AGO will review the request and perform additional interviews and investigation as necessary, and make a determination based on the criteria described above. An applicant's immigration admissibility or eligibility will not be considered as part of this determination beyond the determinations required by the federal certification form. **The AGO will respond in writing to certification requests within 45 days of receipt.**

If the petitioner, or the petitioner's counsel or advocate, certifies that the petitioner is in federal removal proceedings or has a scheduled immigration court hearing within 45 days or has a derivative beneficiary as described in 8 U.S.C. § 1101(a)(15)(T)(ii)(III) who will age out within 45 days, the AGO shall respond not later than 14 business days after receiving the request. However, if extraordinary circumstances outside of the AGO's control prevent it from responding within 14 business days after receiving the request, the AGO shall provide a written explanation of the delay to the petitioner, or the petitioner's counsel or advocate, which shall include a projected response date.

The AGO's response may be in the form of completing the U or T visa certification form or issuing a written denial. All written denials shall state the specific reasons for the denial, and the internal review process. All denials shall be without prejudice, which means that a request for certification can be resubmitted with additional information to address any past deficiencies.

Certifiers: USCIS requires a person designated by the head of an agency to certify a U or T visa application. The Attorney General has designated the following people as certifiers:

Criminal and Public Protection and Advocacy Bureau Chiefs:

- Jennifer Cotter, alternatively Stacey Pichardo, Deputy Bureau Chief
- Cynthia Mark, alternatively Mychii Snape, Deputy Bureau Chief

Requests for Reconsideration

If the petitioner disagrees with the AGO's denial of their request for U or T visa certification, they may submit a request for reconsideration with any additional information that may be relevant to their request. Requests for reconsideration should be emailed to: ma.ago.visacertifications@mass.gov or mailed by USPS first class mail to: Massachusetts Attorney General's Office, ATTN: U and T Visa Certification Requests (FLD), One Ashburton Place, 18th Floor, Boston, MA 02108.

III. REPORTING REQUIREMENTS

The AGO shall report to the Executive Office of Public Safety and Security (EOPSS) annually, the (i) the number of individuals who requested a U or T visa certification, (ii) AGO response times; (iii) number of approvals; and (iv) number of denials and reasons for denial. Reports must be made in a manner that protects confidentiality of the petitioners.