



## U.S. Immigration and Customs Enforcement

### **POLICY NOTIFICATION:** Enforcement Actions Involving Noncitizen Crime Victims.

#### **BACKGROUND:**

U.S. Immigration and Customs Enforcement (ICE) improved and replaced its policy regarding civil immigration enforcement actions involving noncitizen crime victims, including applicants for and beneficiaries of victim-based immigration benefits as part of the agency's commitment to a victim-centered approach and is pivotal to minimizing any chilling effect that civil immigration enforcement actions may have on the willingness of noncitizen crime victims to contact law enforcement or participate in investigations and prosecutions.

Additionally, ICE also recently launched the Victims Engagement and Services Line (VESL) expanding its services to better assist all victims. These services may be accessed by contacting the ICE Victims Engagement and Services Line (VESL) at 1-833-383-1465 or by visiting <https://www.ice.gov/vesl>.

#### **FAQ:**

##### **What policy does this updated version replace?**

This policy supersedes 11005.2: Stay of Removal Requests and Removal Proceedings Involving U Nonimmigrant Status ([U Visa](#)) Petitioners (Aug. 2, 2019).

##### **What does this updated policy provide noncitizen crime victims?**

ICE will exercise prosecutorial discretion in appropriate circumstances to facilitate access by non-citizens to justice and victim-based immigration benefits, including Continued Presence, as part of the agency's ongoing commitment to a victim-centered approach.

##### **How does this updated policy differ from the previous one?**

This policy expands the types and number of non-citizens who may be eligible for prosecutorial discretion.

- Under the new policy, absent exceptional circumstances ICE will refrain from taking civil immigration enforcement actions, including arrest and detention, against all known beneficiaries of victim-based immigration benefits and those known to have a pending application for such benefits.
- The prior policy only applied to U-visas. This policy applies to U visas, as well as applicants for and beneficiaries of Continued Presence, T visas, Violence Against Women Act relief, and Special Immigrant Juvenile classification.
- Additionally, when necessary and appropriate, ICE will coordinate with relevant entities, including U.S. Citizenship and Immigration Services (USCIS) to seek expedited adjudication of victim-based immigration applications and petitions.

## **What is a victim-centered approach?**

The goal of a victim-centered investigation and prosecution is to focus the investigation and prosecution around the victim while minimizing any undue stress, harm, and trauma to the victim. This is an approach broadly adopted by law enforcement agencies whereby equal value is placed on the identification and stabilization of victims and on the deterrence, investigation, and prosecution of perpetrators. Victims may not be comfortable coming forward and working with law enforcement, unless they feel stable, safe, and secure.

## **What are the victim-based immigration benefits?**

Immigration benefits adjudicated by USCIS for noncitizen crime victims and their qualifying family members, including T nonimmigrant status (T visa) for qualifying human trafficking victims, U nonimmigrant status (U Visa) for qualifying victims of crime, VAWA relief for qualifying domestic violence victims, and Special Immigrant Juvenile classification (SIJ) for qualifying children who have been abused, neglected, or abandoned by one or both parents.

## **How does ICE identify noncitizen crime victims?**

If Enforcement and Removal Operations (ERO) identifies a noncitizen crime victim who has not reported the crime to law enforcement and desires to do so, ERO will notify the appropriate local, state or federal authorities.

## **What is Continued Presence?**

Continued Presence is an ICE-approved immigration designation requested by law enforcement nationwide for human trafficking victims. Continued Presence allows trafficking victims to lawfully remain in the U.S. temporarily and work during the investigation into the human trafficking-related crimes committed against them and during any civil action under 18 U.S.C. § 1595 filed by the victims against their traffickers.

## **How does this announcement affect non-citizens who have pending victim related immigration benefits who have already been removed?**

Individuals who are outside of the United States may be able to request parole into the United States based on humanitarian or significant public benefit reasons. Parole allows an individual, who may be inadmissible or otherwise ineligible for admission into the United States, to be paroled into the United States for a temporary period. The Immigration and Nationality Act (INA) allows the Secretary of Homeland Security to use their discretion to parole any non-citizen applying for admission into the United States temporarily for urgent humanitarian reasons or significant public benefit. (*See* INA section 212(d)(5)). Anyone may request parole for themselves, or on behalf of another individual, by filing Form I-131, Application for Travel Document. The petitioner is an individual or entity who is filing the Form I-131 on behalf of an individual outside of the United States. The petitioner may also self-petition for parole. The petitioner does not have to be a resident of the United States or related to the beneficiary. Parole requests are evaluated on a case-by-case basis, by evaluating positive factors in the record against any negative factors. Having an urgent humanitarian reason or a significant public benefit is a positive determining factor, and it is evaluated against any negative factors present in a case.

**Questions about ICE policies and procedure may be addressed to the ICE Community Relations Officer located within your local ICE office, or to [iceope@ice.dhs.gov](mailto:iceope@ice.dhs.gov)**