
A BILL FOR AN ACT

RELATING TO VISAS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that U nonimmigrant
2 status (U visa) and T nonimmigrant status (T visa) are
3 crimefighting tools created by the United States Congress to
4 enhance access to justice and humanitarian relief for noncitizen
5 victims of crime. Both U and T visas provide a nonimmigrant
6 temporary status that allows noncitizen survivors of crime to
7 stay in the United States, obtain employment authorization,
8 apply for lawful permanent resident status, and help certain
9 family members obtain immigration status.

10 The U visa is intended to protect survivors of certain
11 crimes who have courageously reported the crime or assisted in
12 the criminal investigation or prosecution. For an immigrant
13 survivor of crime to qualify for U nonimmigrant status, a
14 certifying entity, including a law enforcement agency,
15 prosecutor, judge, or other government agency authorized under
16 federal law to sign U visa certifications, must complete Form I-
17 918, Supplement B, attesting to the survivor's assistance in the



1 detection, investigation, or prosecution of the crime. The
2 certification is an essential prerequisite to the filing of a
3 petition to the United States Citizenship and Immigration
4 Services (USCIS) for U nonimmigrant status.

5 The T visa provides similar relief to victims of severe
6 forms of human trafficking who assist in the detection,
7 investigation, or prosecution of trafficking crimes. For a
8 noncitizen survivor of trafficking to qualify for T nonimmigrant
9 status, a T visa certification on Form I-914, Supplement B,
10 signed by a law enforcement agency, prosecutor, judge, or other
11 government agency authorized under federal law to sign T visa
12 certifications, is an optional and primary form of evidence
13 submitted to USCIS to demonstrate the survivor's victimization
14 and cooperation.

15 The legislature further finds that law enforcement
16 agencies, prosecutors, judges, and other state and county
17 entities authorized to sign U or T visa certifications under
18 federal law are not mandated by federal law to complete or sign
19 Form I-918, Supplement B, or Form I-914, Supplement B, on behalf
20 of victims, even if the petitioners are assisting in the
21 detection, investigation, prosecution, conviction, or sentencing



1 of the case and qualify for U or T nonimmigrant status, and that
2 some entities are resistant to certifying victim helpfulness due
3 to a lack of understanding about the U or T nonimmigrant
4 application process or a lack of resources, among other reasons.
5 Absent uniform standards for U or T visa certifications,
6 noncitizen victims statewide face inconsistent access to
7 justice.

8 Therefore, the purpose of this Act is to:

- 9 (1) Establish uniform statewide requirements for policies
10 and processes for the issuance of U or T visa
11 certifications for noncitizen victims of crime that
12 are consistent with federal laws and regulations
13 governing U and T visas; and
14 (2) Require each state and county certifying entity to
15 adopt a policy and process for the issuance of U or T
16 visa certifications, consistent with uniform statewide
17 requirements.

18 SECTION 2. The Hawaii Revised Statutes is amended by
19 adding a new chapter to be appropriately designated and to read
20 as follows:

21 **"CHAPTER**



1 **IMMIGRATION STATUS; U VISAS; T VISAS**

2 § -1 **Definitions.** As used in this chapter, unless the
3 context clearly requires otherwise:

4 "Certifying entity" means any state or county entity that
5 is authorized under federal law, regulation, or policy to issue
6 U or T visa certifications.

7 "Certifying official" means:

- 8 (1) The head of a certifying entity;
- 9 (2) A person employed in a supervisory role specifically
10 designated by the head of a certifying entity to
11 respond to requests for U or T visa certifications;
- 12 (3) A state or county prosecutor; or
- 13 (4) A state judge.

14 "Qualifying criminal activity" and "qualifying crime" have
15 the same meaning as qualifying criminal activity pursuant to
16 title 8 United States Code section 1101(a)(15)(U)(iii).

17 "T visa" means the type of nonimmigrant visa defined in
18 title 8 United States Code section 1101(a)(15)(T).

19 "U or T visa certification" means a written certification
20 or declaration executed on a form prescribed by federal



1 immigration authorities that is required for a U visa or
2 considered by federal immigration authorities for a T visa.

3 "U visa" means the type of nonimmigrant visa defined in
4 title 8 United States Code section 1101(a)(15)(U).

5 § -2 **Written policy and process.** Each certifying entity
6 shall adopt a written policy and process to assist individuals
7 in obtaining U or T visa certification, as applicable,
8 consistent with the requirements of this chapter. The policy
9 shall be made publicly available and shall include procedures
10 for victims or their representatives to request U or T visa
11 certification. Each certifying entity shall designate at least
12 one certifying official to review and respond to U or T visa
13 certification requests.

14 § -3 **Time period for response.** The certifying official
15 shall either complete the U or T visa certification or deny the
16 request for U or T visa certification within forty-five calendar
17 days of receiving the request. If the noncitizen victim
18 requesting U or T visa certification is in federal removal,
19 exclusion, or deportation proceedings or is subject to a final
20 order of removal, exclusion, or deportation, or if a qualifying
21 family member of the victim will become ineligible for U or T



1 nonimmigrant status or benefits by virtue of age within one
2 hundred twenty days, the certifying official shall either
3 complete the U or T visa certification or deny the request for U
4 or T visa certification within fourteen calendar days of
5 receiving the request.

6 **§ -4 Notice of denial; requirements.** If a certifying
7 official denies a request for U or T visa certification, the
8 certifying entity shall provide the requester with a written
9 notification of the denial and the reasons for the denial within
10 the same time periods as those set forth in section -3 for
11 responses to requests for U or T visa certification. The
12 written notification of denial shall also include a statement
13 that the requester may request a re-evaluation by the certifying
14 entity and submit new or additional evidence satisfying the
15 requirements for U or T visa certification within forty-five
16 calendar days upon receipt of the denial. Upon receipt of a
17 request for re-evaluation and any new or additional evidence,
18 the certifying entity shall accept and consider the request and
19 shall respond within the same time periods as those set forth in
20 section -3. No requester shall be required to seek re-



1 evaluation before filing an action seeking judicial review in
2 the circuit court pursuant to section -9.

3 **§ -5 Determination of helpfulness.** For the purposes of
4 determining helpfulness for a request for U or T visa
5 certification, there shall be a rebuttable presumption that a
6 victim is considered helpful if, since the initiation of
7 helpfulness, the individual has not unreasonably refused to
8 cooperate or unreasonably failed to provide information and
9 assistance reasonably requested by law enforcement or the
10 certifying entity. The existence of a current investigation,
11 the filing of charges, the apprehension of a suspect who
12 committed the qualifying criminal activity, or a prosecution or
13 conviction of a suspect who committed the qualifying criminal
14 activity shall not be required for a certifying official to
15 certify victim helpfulness.

16 **§ -6 No additional or more restrictive requirements; no**
17 **statute of limitations.** (a) No certifying entity shall impose
18 requirements for U or T visa certification that are additional
19 to or more restrictive than those under federal law.

20 (b) There shall be no statute of limitations regarding
21 when a qualifying criminal activity occurred relative to the



1 request for certification of victim helpfulness. No request for
2 certification of victim helpfulness shall be denied solely based
3 on the length of time that has passed since the qualifying crime
4 occurred or because a case was closed or suspended.

5 § -7 **Confidentiality of information.** Each certifying
6 entity shall keep confidential the immigration status and
7 personal identifying information of any victim who requests U or
8 T visa certification. The information shall not be disclosed
9 except as required by federal law or court order, or upon the
10 written consent of the victim consistent with the requirements
11 and objectives of title 8 United States Code section 1367 and
12 title 34 United States Code section 12291(b)(2).

13 § -8 **Language access protocols.** Each certifying entity
14 shall implement language access protocols to ensure that a
15 victim with limited English proficiency is able to request and
16 obtain U or T visa certification.

17 § -9 **Judicial review.** (a) If a certifying entity or
18 certifying official, other than a state court or state judge or
19 judicial officer, fails to respond within the applicable time
20 periods set forth in section -3 or denies a request for U or
21 T visa certification, the requester may seek judicial review by



1 filing an action in the circuit court within ninety days of the
2 denial or expiration of the statutory timeframe for response.

3 Any petition for judicial review filed pursuant to this
4 subsection may be filed with a motion to seal the petition, the
5 record of all hearings and all other pleadings and papers filed,
6 and orders entered in connection with the petition. The court
7 may temporarily seal the petition and all related records while
8 it considers a motion to seal.

9 (b) Upon the filing of an action pursuant to subsection
10 (a), the court shall review the request for U or T visa
11 certification de novo. If the court finds that the petitioner
12 was a victim of qualifying criminal activity and has complied
13 with the requirements for U or T visa certification and that the
14 certification was wrongfully withheld or denied, the court may
15 execute the U or T visa certification as a certifying official
16 or direct the certifying entity or certifying official to
17 complete the certification.

18 (c) In any action brought under this section, the court
19 shall award reasonable attorneys' fees and costs to the
20 petitioner if the petitioner prevails.



1 § -10 **Reports; certifying entities; department of the**
2 **attorney general.** (a) Each certifying entity shall maintain a
3 record of all requests for U or T visa certifications.
4 Beginning July 1, 2027, each certifying entity shall submit an
5 annual report to the department of the attorney general
6 detailing for the prior calendar year:

- 7 (1) The number of requests for U or T visa certification
8 received;
- 9 (2) The number of U or T visa certification forms signed;
- 10 (3) The number of requests for U or T visa certification
11 denied;
- 12 (4) The reasons for any denials of requests for U or T
13 visa certification;
- 14 (5) The average length of time taken to process U or T
15 visa certification requests; and
- 16 (6) The number of cases in which expedited processing was
17 requested and the outcomes of those cases.

- 18 (b) The department of the attorney general shall:
 - 19 (1) Aggregate the information in the reports submitted by
 - 20 the certifying entities pursuant to subsection (a);
 - 21 and

1 (2) No later than twenty days prior to the convening of
2 each regular session, beginning with the regular
3 session of 2028, submit a report to the legislature,
4 which may include statistics, an overview of training
5 programs and participation levels in each county, and
6 any recommendations to improve the effectiveness or
7 implementation of this chapter.

8 § -11 **Training; department of the attorney general.** The
9 department of the attorney general shall provide training to all
10 certifying entities and certifying officials on the federal and
11 state requirements for U or T visa certification. The training
12 shall be based on existing curricula developed with support from
13 the Office of Violence Against Women of the United States
14 Department of Justice and the State Justice Institute that is
15 used nationally to train law enforcement, prosecutors, and
16 judges on U or T visa certification."

17 SECTION 3. This Act shall take effect upon its approval.



Report Title:

AG; U or T Visa Certification; Uniform Statewide Requirements; Certifying Entities; Certifying Officials; Policies and Processes; Training

Description:

Establishes uniform statewide requirements for policies and processes for the issuance of U or T visa certifications for noncitizen victims of crime that are consistent with federal laws and regulations governing U and T visas. Requires each state and county certifying entity to adopt a policy and process for the issuance of U or T visa certifications, consistent with those statewide requirements. (CD1)

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