

JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA



GOV. MSG. NO. 1243

EXECUTIVE CHAMBERS  
KE KE'ENA O KE KIA'ĀINA

June 24, 2026

The Honorable Ronald D. Kouchi  
President of the Senate,  
and Members of the Senate  
Thirty-Third State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

The Honorable Nadine K. Nakamura  
Speaker, and Members of the  
House of Representatives  
Thirty-Third State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Aloha President Kouchi, Speaker Nakamura, and Members of the Legislature:

This is to inform you that on June 24, 2026, the following bill was signed into law:

H.B. NO. 1838, H.D. 2, S.D. 1,  
C.D. 1

RELATING TO VISAS.  
**ACT 142**

Mahalo,

A handwritten signature in black ink that reads "Josh Green M.D." in a cursive style.

Josh Green, M.D.  
Governor, State of Hawai'i

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# 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.

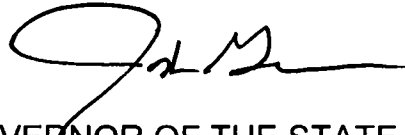
8           **§ -11 Training; department of the attorney general.** The  
9           department of the attorney general shall provide training to all  
10          certifying entities and certifying officials on the federal and  
11          state requirements for U or T visa certification. The training  
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.



H.B. NO. 1838  
H.D. 2  
S.D. 1  
C.D. 1

APPROVED this 24th day of June, 2026



GOVERNOR OF THE STATE OF HAWAII

HB No. 1838, HD 2, SD 1, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 6, 2026  
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-Third Legislature of the State of Hawaii, Regular Session of 2026.



Nadine K. Nakamura  
Speaker  
House of Representatives

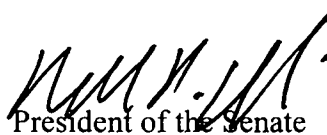


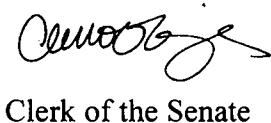
Brian L. Takeshita  
Chief Clerk  
House of Representatives

**THE SENATE OF THE STATE OF HAWAI'I**

Date: May 6, 2026  
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-Third Legislature of the State of Hawai'i, Regular Session of 2026.

  
President of the Senate

  
Clerk of the Senate