
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, such as a law enforcement agency, prosecutor,
15 judge, or other government agency authorized under federal law
16 to sign U visa certifications, must complete Form I-918,
17 Supplement B, attesting to the survivor's assistance in the



1 detection, investigation, or prosecution of the crime, and the
2 certification is an essential prerequisite to the filing of a
3 petition to the United States Citizenship and Immigration
4 Service (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 and 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 and 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 and T visa
11 certifications for noncitizen victims of crime that
12 are consistent with federal laws and regulations
13 governing U and T visas;
- 14 (2) Require each state and county certifying entity to
15 adopt a policy and process for the issuance of U and T
16 visa certifications, consistent with uniform statewide
17 requirements; and
- 18 (3) Appropriate funds for the department of the attorney
19 general to provide training to certifying officials
20 and certifying entities on all federal and state
21 requirements for U and T visa certifications.



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

4 "CHAPTER

5 IMMIGRATION STATUS; U VISAS; T VISAS

6 § -1 Definitions. As used in this chapter, unless the
7 context clearly requires otherwise:

8 "Certifying entity" means any state or county law
9 enforcement agency, the department of the attorney general, the
10 child welfare services branch of the department of human
11 services, the adult protective and community services branch of
12 the department of human services, a state court, county
13 prosecuting agency, or other entity that has criminal, civil, or
14 administrative authority to detect, investigate, or prosecute
15 criminal activities within its respective purview and that is
16 authorized under federal law to issue U or T visa
17 certifications.

18 "Certifying official" means:

- 19 (1) The head of a certifying entity;



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

6 "Qualifying criminal activity" and "qualifying crime" have
 7 the same meaning as qualifying criminal activity pursuant to
 8 section 101(a)(15)(U)(iii) of the Immigration and Nationality
 9 Act.

10 "T visa" means the type of nonimmigrant visa, defined in
 11 section 101(a)(15)(T) of the Immigration and Nationality Act.

12 "U or T visa certification" means the certification of a
 13 form as required by federal immigration law for a U visa or
 14 considered by federal immigration authorities for a T visa.

15 "U visa" means the type of nonimmigrant visa, defined in
 16 section 101(a)(15)(U) of the Immigration and Nationality Act.

17 **§ -2 Written policy and process.** Each certifying
 18 entity shall adopt a written policy and process to assist
 19 individuals in obtaining U or T visa certification, as
 20 applicable, consistent with the requirements of this chapter.
 21 The policy shall be made publicly available and shall include



1 procedures for victims or their representatives to request U or
2 T visa certification. Each certifying entity shall designate at
3 least one certifying official to review and respond to U and T
4 visa certification requests.

5 § -3 **Time period for response.** The certifying official
6 shall either complete the U or T visa certification or deny the
7 request for U or T visa certification within forty-five calendar
8 days of receiving the request. If the noncitizen victim
9 requesting certification is in federal removal, exclusion, or
10 deportation proceedings or is subject to a final order of
11 removal, exclusion, or deportation, or if a qualifying family
12 member of the victim will become ineligible for U or T
13 nonimmigrant status or benefits by virtue of age within one
14 hundred twenty days, the certifying official shall respond
15 within fourteen calendar days of receiving the request.

16 § -4 **Notice of denial; requirements.** If a certifying
17 official denies a requested U or T visa certification, the
18 certifying entity shall provide the requester with a written
19 notification of the denial and the reasons for the denial within
20 the same time periods as those set forth in section -3 for
21 responses to requests for U or T visa certification. The



1 written notification of denial shall also include a statement
2 that the requester may request a re-evaluation by the certifying
3 entity and submit new or additional evidence satisfying the
4 requirements for certification within forty-five calendar days
5 upon receipt of the denial. Upon receipt of a request for re-
6 evaluation and any new or additional evidence, the certifying
7 entity shall accept and consider the request and shall respond
8 within the same time periods as those set forth in
9 section -3. No requester shall be required to exhaust an
10 administrative remedy for re-evaluation before filing an action
11 seeking judicial review or other equitable relief in the circuit
12 court pursuant to section -9.

13 § -5 **Determination of helpfulness.** For purposes of
14 determining helpfulness for a request for U or T visa
15 certification, an individual shall be considered helpful if,
16 since the initiation of helpfulness, the individual has not
17 unreasonably refused to cooperate or unreasonably failed to
18 provide information and assistance reasonably requested by a
19 certifying entity or was otherwise exempt from compliance.

20 § -6 **No additional or more restrictive requirements; no**
21 **statute of limitations.** (a) No certifying entity shall impose



1 requirements for U or T visa certification that are additional
2 to or more restrictive than those under federal law. The
3 existence of a current investigation, the filing of charges, the
4 apprehension of a suspect who committed the qualifying crime, or
5 a prosecution or conviction of a suspect who committed the
6 qualifying criminal activity shall not be required for a
7 certifying official to certify victim helpfulness.

8 (b) There shall be no statute of limitations regarding
9 when a qualifying criminal activity occurred relative to the
10 request for certification of victim helpfulness. No request for
11 certification of victim helpfulness shall be denied solely based
12 on the length of time that has passed since the crime occurred
13 or because a case was closed or suspended.

14 § -7 **Confidentiality of information.** Each certifying
15 entity shall keep confidential the immigration status and
16 personal identifying information of any victim who requests U or
17 T visa certification. Such information shall not be disclosed
18 except as required by federal law or court order, or upon the
19 written consent of the victim.

20 § -8 **Language access protocols.** Each certifying entity
21 shall implement language access protocols to ensure that a



1 victim with limited English proficiency is able to request and
2 obtain U or T visa certification.

3 **§ -9 Judicial review.** (a) If a certifying official or
4 certifying entity fails to respond within the applicable time
5 periods set forth in section -3 or denies a requested U or T
6 visa certification, the requester may seek judicial review by
7 filing an action in the circuit court within ninety days of the
8 denial or expiration of the statutory timeframe for response.

9 Any petition for judicial review filed pursuant to this
10 subsection may be filed with a motion to seal the petition, the
11 record of all hearings and all other pleadings and papers filed,
12 and orders entered in connection with the petition. The court
13 may temporarily seal the petition and all related records while
14 it considers a motion to seal. The petition and related records
15 shall be kept under seal unless otherwise ordered by the court
16 after considering the requirements and objectives of title 8
17 United States Code section 1367 and title 34 United States Code
18 section 12291(b)(2).

19 (b) Upon the filing of an action pursuant to subsection
20 (a), the court shall review the U or T visa certification
21 request de novo. If the court finds that the petitioner was a



1 victim of qualifying criminal activity and has complied with the
 2 requirements for U or T visa certification and that the
 3 certification was wrongfully withheld or denied, the court may
 4 execute the certification as a certifying official or direct the
 5 certifying entity or certifying official to complete the
 6 certification.

7 (c) In any action brought under this section, the court
 8 shall award reasonable attorney's fees and costs to the
 9 petitioner if the petitioner prevails.

10 § -10 Reports; certifying entities; department of the

11 attorney general. (a) Each certifying entity shall maintain a
 12 record of all requests for U and T visa certifications.
 13 Beginning July 1, 2027, each certifying entity shall submit an
 14 annual report to the department of the attorney general
 15 detailing for the prior calendar year:

- 16 (1) The number of U and T visa certification requests
- 17 received;
- 18 (2) The number of U and T visa certification forms signed;
- 19 (3) The number of U and T visa certification requests
- 20 denied;



- 1 (4) The reasons for any denials of U and T visa
- 2 certification requests;
- 3 (5) The average length of time taken to process
- 4 certification requests; and
- 5 (6) The number of cases in which expedited processing was
- 6 requested and the outcomes of those cases.
- 7 (b) The department of the attorney general shall:
- 8 (1) Aggregate the information in the reports submitted by
- 9 the certifying entities pursuant to subsection (a);
- 10 and
- 11 (2) No later than twenty days prior to the convening of
- 12 each regular session, beginning with the regular
- 13 session of 2028, submit a report to the legislature,
- 14 which may include statistics, an overview of training
- 15 programs and participation levels in each county, and
- 16 any recommendations to improve the effectiveness or
- 17 implementation of this chapter.

18 **§ -11 Training; department of the attorney general.**

- 19 (a) The department of the attorney general shall provide
- 20 training to all certifying officials and certifying entities on



1 the federal and state requirements for U or T visa
2 certification.

3 (b) The department of the attorney general shall ensure
4 that the training is eligible for continuing legal education
5 credits for attorneys and professional development credits for
6 law enforcement officers. The training shall be made available
7 to all certifying entities and certifying officials."

8 SECTION 3. There is appropriated out of the general
9 revenues of the State of Hawaii the sum of \$ or so
10 much thereof as may be necessary for fiscal year 2026-2027 for
11 the department of the attorney general to provide training to
12 certifying officials and certifying entities on all federal and
13 state requirements for U and T visa certifications.

14 The sum appropriated shall be expended by the department of
15 the attorney general for the purposes of this Act.

16 SECTION 4. This Act shall take effect on July 1, 3000.



Report Title:

U and T Visa Certification; Uniform Statewide Requirements; State and County Certifying Official and Entities; Policies and Processes; Training; Department of the Attorney General; Appropriation

Description:

Establishes uniform statewide requirements for policies and processes for the issuance of U and 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 and T visa certifications, consistent with those statewide requirements. Appropriates funds for the Department of the Attorney General to provide training to certifying officials and certifying entities on all federal and state requirements for U and T visa certifications. Effective 7/1/3000. (HD1)

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