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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, 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 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 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 entities and  
20 certifying officials 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 entity that  
9 is authorized under federal law to issue U or T visa  
10 certifications, excluding state courts.

11 "Certifying official" means:

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

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

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



1 "U or T visa certification" means a written certification  
2 or declaration executed on a form prescribed by federal  
3 immigration authorities that is required for a U visa or  
4 considered by federal immigration authorities for a T visa.

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

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

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



1 removal, exclusion, or deportation, or if a qualifying family  
2 member of the victim will become ineligible for U or T  
3 nonimmigrant status or benefits by virtue of age within one  
4 hundred twenty days, the certifying official shall either  
5 complete the U or T visa certification or deny the request for U  
6 or T visa certification within fourteen calendar days of  
7 receiving the request.

8       § -4 **Notice of denial; requirements.** If a certifying  
9 official denies a requested U or T visa certification, the  
10 certifying entity shall provide the requester with a written  
11 notification of the denial and the reasons for the denial within  
12 the same time periods as those set forth in section -3 for  
13 responses to requests for U or T visa certification. The  
14 written notification of denial shall also include a statement  
15 that the requester may request a re-evaluation by the certifying  
16 entity and submit new or additional evidence satisfying the  
17 requirements for certification within forty-five calendar days  
18 upon receipt of the denial. Upon receipt of a request for re-  
19 evaluation and any new or additional evidence, the certifying  
20 entity shall accept and consider the request and shall respond  
21 within the same time periods as those set forth in



1 section -3. No requester shall be required to seek re-  
2 evaluation before filing an action seeking judicial review in  
3 the circuit court pursuant to section -9.

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

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



1 (b) There shall be no statute of limitations regarding  
2 when a qualifying criminal activity occurred relative to the  
3 request for certification of victim helpfulness. No request for  
4 certification of victim helpfulness shall be denied solely based  
5 on the length of time that has passed since the crime occurred  
6 or because a case was closed or suspended.

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

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

19 § -9 **Judicial review.** (a) If a certifying entity or  
20 certifying official fails to respond within the applicable time  
21 periods set forth in section -3 or denies a requested U or T



1 visa certification, the requester may seek judicial review by  
2 filing an action in the circuit court within ninety days of the  
3 denial or expiration of the statutory timeframe for response.

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

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



1 certifying entity or certifying official to complete the  
2 certification.

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

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

- 12 (1) The number of U and T visa certification requests  
13 received;
- 14 (2) The number of U and T visa certification forms signed;
- 15 (3) The number of U and T visa certification requests  
16 denied;
- 17 (4) The reasons for any denials of U and T visa  
18 certification requests;
- 19 (5) The average length of time taken to process  
20 certification requests; and



1 (6) The number of cases in which expedited processing was  
2 requested and the outcomes of those cases.

3 (b) The department of the attorney general shall:

4 (1) Aggregate the information in the reports submitted by  
5 the certifying entities pursuant to subsection (a);  
6 and

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

14 **§ -11 Training; department of the attorney general.** (a)  
15 The department of the attorney general shall provide training to  
16 all certifying entities and certifying officials on the federal  
17 and state requirements for U or T visa certification.

18 (b) The department of the attorney general shall ensure  
19 that the training is eligible for continuing legal education  
20 credits for attorneys and professional development credits for



1 law enforcement officers. The training shall be made available  
2 to all certifying entities and certifying officials."

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

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

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



**Report Title:**

AG; U and T Visa Certification; Uniform Statewide Requirements; State and County Certifying Entities and Officials; Policies and Processes; Training; 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 entities and certifying officials on all federal and state requirements for U and T visa certifications. Effective 7/1/3000. (HD2)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

