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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, 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, regulation, or policy to issue  
10 U or T visa certifications.

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;
- 16 (3) A state or county prosecutor; or
- 17 (4) A state judge.

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



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

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

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

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

18 § -3 **Time period for response.** The certifying official  
19 shall either complete the U or T visa certification or deny the  
20 request for U or T visa certification within forty-five calendar  
21 days of receiving the request. If the noncitizen victim



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

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



1 entity shall accept and consider the request and shall respond  
2 within the same time periods as those set forth in  
3 section -3. No requester shall be required to seek re-  
4 evaluation before filing an action seeking judicial review in  
5 the circuit court pursuant to section -9.

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

19 § -6 **No additional or more restrictive requirements; no**  
20 **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.

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

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

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



1           §   -9   **Judicial review.** (a) If a certifying entity or  
2 certifying official, other than a state court or state judge or  
3 judicial officer, fails to respond within the applicable time  
4 periods set forth in section       -3 or denies a requested U or T  
5 visa certification, the requester may seek judicial review by  
6 filing an action in the circuit court within ninety days of the  
7 denial or expiration of the statutory timeframe for response.

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

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 attorneys' 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. The  
18 training shall be based on existing curricula developed with  
19 support from the Office of Violence Against Women of the United  
20 States Department of Justice and the State Justice Institute



1 that is used nationally to train law enforcement, prosecutors,  
2 and judges on U and T visa 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 entities and certifying officials 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 March 22, 2075.



**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 3/22/2075.. (SD1)

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

