

JAN 23 2026

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 state and county
20 certifying entities so that the policies and processes
21 comply with all federal requirements.



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, a
10 county prosecuting agency, the child welfare services branch of
11 the department of human services, the adult protective and
12 community services branch of the department of human services, a
13 state court, 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 "County" includes the city and county of Honolulu, county
7 of Hawaii, county of Kauai, and county of Maui.

8 "Qualifying criminal activity" and "qualifying crime" have
9 the same meaning as qualifying criminal activity pursuant to
10 section 101(a)(15)(U)(iii) of the Immigration and Nationality
11 Act, which includes but is not limited to rape, torture, human
12 trafficking, incest, domestic violence, sexual assault, abusive
13 sexual conduct, prostitution, sexual exploitation, female
14 genital mutilation, being held hostage, peonage, perjury,
15 involuntary servitude, slavery, kidnapping, abduction, unlawful
16 criminal restraint, false imprisonment, blackmail, extortion,
17 manslaughter, murder, felonious assault, witness tampering,
18 obstruction of justice, fraud in foreign labor contracting, and
19 stalking, and includes offenses for which the nature and
20 elements of the offenses are substantially similar to the
21 criminal activity described in this section (e.g., hate crimes,



1 child abuse, elder abuse, video voyeurism), and the attempt,
2 conspiracy, or solicitation to commit any of those offenses.

3 "T visa" means the type of nonimmigrant visa, defined in
4 section 101(a)(15)(T) of the Immigration and Nationality Act and
5 established by the United States Congress through the Victims of
6 Trafficking and Violence Protection Act of 2000, that is
7 available to victims of severe forms of human trafficking who
8 have complied with any reasonable request from law enforcement
9 officers or prosecutors in the detection, investigation, or
10 prosecution of human trafficking, or who qualify for an
11 exemption or exception from compliance under federal law.

12 "U visa" means the type of nonimmigrant visa, defined in
13 section 101(a)(15)(U) of the Immigration and Nationality Act and
14 established by the United States Congress through the Victims of
15 Trafficking and Violence Protection Act (including the Battered
16 Immigrant Women's Protection Act) in October 2000, that is set
17 aside for victims of qualifying criminal activities who have
18 suffered mental or physical abuse and who assist law enforcement
19 officers, prosecutors, judges, or other government officials in
20 the detection, investigation, prosecution, conviction, or
21 sentencing of qualifying criminal activity.



1 § **-2 Written policy and process.** Each certifying
2 entity shall adopt a written policy and process to assist
3 individuals in obtaining U or T visa certification, as
4 applicable, consistent with the requirements of this chapter.
5 The policy shall be made publicly available and shall include
6 procedures for victims or their representatives to request U or
7 T visa certification. Each certifying entity shall designate at
8 least one certifying official to review and respond to U and T
9 visa certification requests.

10 § **-3 Time period for response.** The certifying official
11 shall respond to a request for U or T visa certification within
12 forty-five calendar days of receiving the request. If the
13 noncitizen victim requesting certification is in federal
14 removal, exclusion, or deportation proceedings or is subject to
15 a final order of removal, exclusion, or deportation, or if a
16 qualifying family member of the victim is imminently facing
17 ineligibility for U or T nonimmigrant status or benefits by
18 virtue of age, the certifying official shall respond within
19 fourteen calendar days of receiving the request.

20 § **-4 Notice of denial; requirements.** If a certifying
21 official decides not to issue a requested U or T visa



1 certification, the certifying entity shall provide the requester
2 with a written notification of the denial and the reasons for
3 the denial within the same time periods as those set forth in
4 section -3 for responses to requests for U or T visa
5 certification. The written notice of denial shall also include
6 a statement that the requester may submit additional evidence
7 and request re-evaluation by the certifying entity.

8 § -5 **Determination of helpfulness.** For purposes of
9 determining helpfulness for a request for U or T visa
10 certification, an individual shall be considered helpful if,
11 since the initiation of helpfulness, the individual has not
12 unreasonably refused to cooperate or unreasonably failed to
13 provide information and assistance reasonably requested by a
14 certifying entity or was otherwise exempt from compliance.

15 § -6 **No additional or more restrictive requirements; no**
16 **statute of limitations.** (a) No certifying entity shall impose
17 requirements for U or T visa certification that are additional
18 to or more restrictive than those under federal law. The
19 existence of a current investigation, the filing of charges, the
20 apprehension of a suspect who committed the qualifying crime, or



1 a prosecution or conviction shall not be required for a
2 certifying official to certify victim helpfulness.

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. Such information shall not be disclosed
13 except as required by federal law or court order, or upon the
14 written consent of the victim.

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 official or
20 certifying entity fails to respond within the applicable time
21 periods set forth in section -3 or denies a requested U or T



1 visa certification in violation of this chapter, the requester
2 may seek judicial review by filing an action in the circuit
3 court.

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

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



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

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

- 10 (1) The number of U and T visa certification requests
11 received;
- 12 (2) The number of U and T visa certification forms signed;
- 13 (3) The number of U and T visa certification requests
14 denied;
- 15 (4) The reasons for any denials of U and T visa
16 certification requests;
- 17 (5) The average length of time taken to process
18 certification requests; and
- 19 (6) The number of cases in which expedited processing was
20 requested and the outcomes of those cases.
- 21 (b) The department of the attorney general shall:



1 (1) Aggregate the information in the reports submitted by
2 the certifying entities pursuant to subsection (a);
3 and

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

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

12 (a) The department of the attorney general shall provide
13 training to all certifying officials and certifying entities so
14 that the policies and processes established pursuant to this
15 chapter comply with all federal requirements for U and T visa
16 certification.

17 (b) The department of the attorney general shall ensure
18 that the training is eligible for continuing legal education
19 credits for attorneys and professional development credits for
20 law enforcement officers. The training shall be made available
21 to all certifying entities and certifying officials."



S.B. NO. 2873

1 SECTION 3. There is appropriated out of the general
2 revenues of the State of Hawaii the sum of \$100,000 or so much
3 thereof as may be necessary for fiscal year 2026-2027 for the
4 department of the attorney general to provide training to
5 certifying officials and certifying entities using curricula
6 developed with the support of the Office on Violence Against
7 Women of the United States Department of Justice or the State
8 Justice Institute so that the policies and processes established
9 pursuant to chapter , Hawaii Revised Statutes, comply with
10 all federal requirements for U and T visa certifications.

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

13 SECTION 4. This Act shall take effect on July 1, 2026.

14

INTRODUCED BY: *James Mercedes Kiu*



S.B. NO. 2873

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. Appropriate funds for the Department of the Attorney General to provide training to state and county certifying entities so that the policies and processes comply with all federal requirements. Appropriates funds to the Department of the Attorney General for the training.

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

