

Honolulu, Hawaii

FEB 11 , 2026

RE: H.B. No. 1838
H.D. 1

Honorable Nadine K. Nakamura
Speaker, House of Representatives
Thirty-Third State Legislature
Regular Session of 2026
State of Hawaii

Madame:

Your Committee on Economic Development & Technology, to which was referred H.B. No. 1838 entitled:

"A BILL FOR AN ACT RELATING TO VISAS,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Establish uniform statewide requirements for U and T visa certification policies and processes;
- (2) Require each state and county certifying entity to adopt policies and procedures for the issuance of U and T visas certifications; and
- (3) Appropriate funds for the Department of the Attorney General to provide training so that state and county practices comply with federal requirements governing U and T visa certifications.

Your Committee received testimony in support of this measure from the State Health Planning and Development Agency; one member of the Hawai'i County Council; Maui Police Department; Marchante LLC dba Mercado de La Raza; Pacific Gateway Center; Roots Reborn; Hawai'i Coalition for Immigrant Rights; American Civil Liberties Union; Pride at Work - Hawai'i; League of Women Voters of Hawaii;



Immigrant Legal Resource Center; The Legal Clinic; Hawai'i State Coalition Against Domestic Violence; American Civil Liberties Union of Hawai'i; HULI PAC; Chamber of Sustainable Commerce; CARES; and numerous individuals. Your Committee received testimony in opposition to this measure from one individual.

Your Committee notes that under title 8 Code of Federal Regulations section 214.14 (section 214.14), "certifying agency" means a federal, state, or local law enforcement agency, prosecutor, judge, or other authority that has responsibility for the investigation or prosecution of a qualifying crime or criminal activity. This definition includes agencies that have criminal investigative jurisdiction in their respective areas of expertise, including but not limited to child protective services, the Equal Employment Opportunity Commission, and the United States Department of Labor. Your Committee therefore recognizes that the concern regarding whether certain state or county entities are authorized under federal law to issue U or T visa certifications is addressed under section 214.14.

Your Committee further notes that under section 214.14, "certifying official" means:

- (1) The head of the certifying agency, or any person in a supervisory role who has been specifically designated by the head of the certifying agency to issue U nonimmigrant status certifications on behalf of that agency; or
- (2) A federal, state, or local judge.

Therefore, your Committee believes that the concern that the definition of certifying official is vague is addressed under section 214.14 and that this measure's definition is consistent with federal law.

Your Committee has amended this measure by:

- (1) Clarifying the definitions of "qualifying criminal activity" and "qualifying crime", "T visa", and "U visa" and "adding a definition for "U or T visa certification";



- (2) Clarifying that the certifying official shall either complete or deny a U or T visa certification within forty-five calendar days rather than just respond;
- (3) Clarifying the conditions under which the certifying official must respond within fourteen calendar days of receiving a certification request;
- (4) Requiring the written notification of denial to include information regarding the re-evaluation process and the submission of new or additional evidence and specifying the certifying entity's duties after the reevaluation request or submission of evidence;
- (5) Requiring petitions for judicial review to be filed in the circuit court within ninety days of the denial of certification or expiration of the statutory timeframe for response;
- (6) Clarifying the procedures for filing a motion to seal a petition for judicial review;
- (7) Clarifying that a court may, but is not required to, execute certification or direct the completion of certification under certain circumstances;
- (8) Clarifying that the Department of the Attorney General shall provide training pertaining to federal and state requirements for U or T visa certification;
- (9) Changing the appropriation to an unspecified amount and clarifying the purposes of the appropriation;
- (10) Changing the effective date to July 1, 3000, to encourage further discussion; and
- (11) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

Your Committee respectfully requests your Committee on Finance, should it deliberate on this measure, to consider an appropriation amount of \$100,000.



As affirmed by the record of votes of the members of your Committee on Economic Development & Technology that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1838, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1838, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.

Respectfully submitted on
behalf of the members of the
Committee on Economic
Development & Technology,



GREGGOR LEACAN, Chair



