

STAND. COM. REP. NO. **3346**

Honolulu, Hawaii

MAR 30 2026

RE: H.B. No. 1838
H.D. 2
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Third State Legislature
Regular Session of 2026
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1838, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO VISAS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Establish 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;
- (2) Require 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; and
- (3) Appropriate 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.

Your Committee received testimony in support of this measure from the State Health Planning and Development Agency; Hawaii



State Commission on the Status of Women; one member of the Hawai'i County Council; The Legal Clinic; Hawai'i Coalition for Immigrant Rights; ACLU of Hawai'i; Matriarchy Rising, Kona Indivisible; Mercado de la Raza; Hawai'i Children's Action Network Speaks!; Stonewall Caucus of the Democratic Party of Hawai'i; Hawai'i State Coalition Against Domestic Violence; National Immigrant Women's Advocacy Project, Inc.; Immigrant Legal Resource Center; UNITE HERE Local 5; Roots Reborn; and twenty-nine individuals.

Your Committee finds that immigration policy has shifted in favor of stricter enforcement, complicating immigration issues. Consequently, some certifying entities are resistant to certify U and T visas due to unease, inadequate understanding of the U or T nonimmigrant status process, or a lack of resources. Without uniform standards for U and T visa certifications, noncitizen victims face inconsistent access to justice. This measure will establish uniform standards for the U and T visa certification process and provide resources to certifying entities to support these essential pathways and ensure that the immigration system remains fair, humane, and effective.

Your Committee notes the concerns raised by The Legal Clinic that this measure, in its current form, does not recognize state courts and judges as U and T visa certifiers. Under federal law, state courts and judges are explicitly authorized to issue certifications and Hawaii courts have exercised this authority. State courts are often the first, and sometimes only, viable certifying option available to survivors, serving as a critical access point for U and T visa certification. Your Committee further notes the concern raised that this measure adopts a narrower and more restrictive standard for the determination of helpfulness. Broadening the standard for the determination of helpfulness would more accurately reflect federal law. Your Committee additionally notes the concern raised that this measure subjects court-issued U and T visa certifications to judicial review. Furthermore, your Committee notes the concern raised by the National Immigrant Women's Advocacy Project, Inc., that this measure does not specify that the funding provided for the Department of the Attorney General to conduct training on U and T visa certifications shall pay for a training curriculum that has already been developed and tested and is employed nationally. Therefore, amendments to the measure are necessary to address these concerns.



Your Committee has amended this measure by:

- (1) Clarifying the definition of "certifying entity" to include any state or county entity, including state courts, that is authorized under federal law, regulation, or policy to issue U or T visa certifications;
- (2) Expanding the definition of "certifying official" to include state judges;
- (3) Broadening the determination of helpfulness to more accurately reflect federal standards;
- (4) Clarifying that requests for cooperation may come from certifying entities or law enforcement;
- (5) Excluding state courts, state judges, and judicial officers from the judicial review process;
- (6) Deleting language that would have required a petition for judicial review and related records to remain under seal unless otherwise ordered by the court after considering certain requirements and objectives of federal law;
- (7) Inserting language specifying that the training on U and T visa certification provided by the Department of the Attorney General shall be based on existing curricula developed with support from the Office of Violence Against Women at the United States Department of Justice and State Justice Institute;
- (8) Inserting an effective date of March 22, 2075, to encourage further discussion; and
- (9) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B.



No. 1838, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1838, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

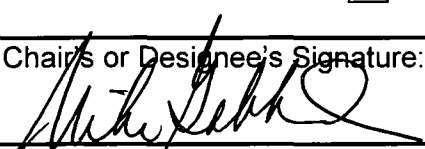
Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



KARL RHOADS, Chair

The Senate
 Thirty-Third Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 1638 HDJ	JDC - WAM	3/27/26		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye/	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
GABBARD, Mike (VC)	✓			
CHANG, Stanley	✓			
SAN BUENAVENTURA, Joy A.				✓
AWA, Brenton				✓
TOTAL	3	—	—	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution: Original Yellow Pink File with Committee Report Committee Drafting Agency				

*Only one measure per Record of Votes