

**STATE HEALTH PLANNING
AND DEVELOPMENT AGENCY**
DEPARTMENT OF HEALTH - KA 'OIHANA OLAKINO

JOSH GREEN, MD
GOVERNOR OF HAWAII
KE KIA'ĀINA O KA MOKU'ĀINA 'O HAWAII

KENNETH S. FINK, MD, MGA, MPH
DIRECTOR OF HEALTH
KA LUNA HO'OKOLE

JOHN C. (JACK) LEWIN, MD
ADMINISTRATOR

February 12, 2026

TO: HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS
Representative David A. Tarnas, Chair
Representative Mahina Poepoe, Vice Chair
Honorable Members

FROM: John C. (Jack) Lewin, MD, Administrator, SHPDA, and Sr. Advisor to Governor
Josh Green, MD on Healthcare Innovation

RE: **HB 1838_HD1-- RELATING TO VISAS**

HEARING: Friday, February 13, 2026 @ 2:00 pm; Conference Room 325

POSITION: SUPPORT with COMMENTS

Testimony:

SHPDA strongly supports HB 1838_HD1, with comments.

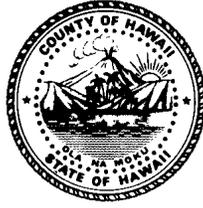
The U and T visas are humanitarian forms of immigration relief for survivors of crime. They were created by Congress in 2000 under the Victims of Trafficking and Violence Protection Act. U visas are for victims of certain crimes who have suffered substantial physical or mental abuse and have information about the crime, while T visas are for victims of human trafficking who assist law enforcement in the investigation or prosecution of trafficking crimes. Both visas provide legal status, work authorization, and a pathway to permanent residency. They also encourage victims to cooperate with law enforcement without fear of deportation.

These visa programs are vital tools that protect victims of crime and individuals who contribute significantly to our communities.

As we are witnessing, immigration issues are complex. Because of the complexities, some entities are resistant to certify victim helpfulness due to lack of understanding about the U or T nonimmigrant status process or the lack of resources, among other reasons. Absent uniform standards for U and T visa certifications, noncitizen victims face inconsistent access to justice. Uniform policies and training of individuals involved will help to address these inconsistencies. By supporting use of U and T visas, we ensure that vulnerable individuals can come forward without fear, assist law enforcement, and help strengthen the fabric of our society. I urge you to support these essential pathways so that our immigration system remains fair, humane, and effective.

Thank you for hearing HB 1838_HD1 and Mahalo for the opportunity to testify.

■ -- Jack Lewin, MD, Administrator, SHPDA



HAWAI'I COUNTY COUNCIL - DISTRICT 2

25 Aupuni Street • Hilo, Hawai'i 96720

DATE: February 12, 2026
TO: House Committee on Judiciary & Hawaiian Affairs
FROM: Jennifer Kagiwada, Council Member
Council District 2
SUBJECT: HB1838

Aloha Chair Tarnas, Vice Chair Poepoe, and esteemed Committee Members,

I am writing in strong support of HB 1838. I support this bill because it will:

- **Enhance access to justice and community trust.**

By requiring that law enforcement agencies, prosecutors, courts, and other certifying entities adopt clear, consistent policies, this bill promotes fairness and transparency in the certification process. This gives survivors confidence that their cooperation will be supported, which in turn strengthens trust between immigrant communities and public safety officials.

- **Ensure proper training and accountability for certifying officials.**

The bill's training requirements for state and county certifying officials are critical to preventing improper denials and ensuring compliance with federal and state law. Well-trained officials are better equipped to understand their roles and responsibilities, protect sensitive populations, and uphold victims' rights. This is especially important for individuals who may otherwise avoid authorities due to fear or misinformation.

Mahalo,

Jenn Kagiwada

**Testimony of Megahn Chun and Alejandro Villarino
In SUPPORT of HB1838 HD1**

Committee on Judiciary & Hawaiian Affairs

Representative David A. Tarnas, Chair
Representative Mahina Poepoe, Vice Chair

Hearing Date: Feb 13, 2026

Dear Chair David A. Tarnas, Vice Chair Mahina Poepoe, and members of the Committee on Judiciary & Hawaiian Affairs,

Our names are Megahn Chun and Alejandro Villarino, and we submit this testimony in support of HB1838 HD1, which standardizes U and T visa certification statewide and funds training for agencies. [OBJ]

We own Mercado de la Raza, a Latin market and community gathering space dedicated to celebrating culture, supporting small businesses, and creating a welcoming environment for Latino families and neighbors. As a pillar of the Latino community, we serve as a trusted hub where people connect to resources, share traditions, and build relationships that strengthen our collective voice and well-being.

Survivors of serious crimes and trafficking should not face a “zip code lottery” when seeking U or T visa certification. Standardization improves fairness and predictability statewide, and agency training ensures the process is implemented consistently and trauma-informed.

This measure also strengthens public safety. When survivors trust that coming forward will not create additional harm or confusion, they are more likely to report crimes and cooperate with investigations, which helps hold offenders accountable.

For these reasons, we respectfully request that the Committee PASS HB1838 HD1.

Mahalo for the opportunity to provide testimony.

Sincerely,
Megahn Chun and Alejandro Villarino
Mercado de la Raza
808.593.2226



COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Rep. David A. Tarnas, Chair

Rep. Mahina Poepoe, Vice Chair

HEARING: Friday, February 13, 2026 at 2 pm

VIA VIDEOCONFERENCE and Conference Room 325, State Capitol

TESTIMONY IN SUPPORT: HB 1838, HD1, RELATING TO VISAS.

Aloha Chair Tarnas, Vice Chair Poepoe, Rep. Cochran of Maui, and Members of the Committee,

My name is Veronica Mendoza, Founding Executive Director of Roots Reborn and a founding coalition member of El Pueblo en Acción (EPA) Maui - *The People in Action Maui*. Roots Reborn **strongly supports HB 1838, HD1**, Relating to Visas, which establishes uniform statewide requirements for policies and processes for the issuance of U and T visa certifications for noncitizen victims of crime, requires each state and county certifying entity to adopt those policies and processes, and funds training so they comply with federal U and T visa requirements. *Roots Reborn has successfully collaborated with the Maui Police Department to co-author MPD's current U-visa certification policy, which has been implemented and is working well in practice, giving us direct, practical insight into how effective policies can be designed and used on the ground.*

Roots Reborn is a grassroots, multicultural immigrant-justice and disaster-response organization serving migrant and immigrant communities on Maui and beyond. We operate the first Maui-based immigration legal aid program, providing pro bono services. We support community members with document replacement, complex immigration cases, and defense against policies that undermine immigrant rights, including for clients seeking U and T visas. U visas serve immigrant victims of qualifying crimes, and T visas serve victims of human trafficking; in both cases, a law enforcement or government-signed certification (Form I-918B for U visas or I-914B for T visas) confirming a victim's helpfulness in detecting, investigating, or prosecuting crime or trafficking is essential to their federal applications.

Under federal law, U and T visa certifications are discretionary, but in practice they are often the decisive factor in whether a survivor can obtain safety, stability, and lawful presence. We see daily how inconsistent or unclear local policies and ad hoc practices for issuing these certifications can delay or derail a victim's case. Attorneys and legal staff must navigate different expectations and procedures from one agency to another, and survivors bear the costs in time, uncertainty, and exposure to continued violence or exploitation.

For Maui clients, many of whom are also wildfire survivors, these delays compound trauma. Victims of domestic violence and trafficking are especially vulnerable; they must weigh the risk of reaching out for help when they do not know whether a certifying agency will respond promptly, at all, or according to any clear standard. Uneven processes and uncertain use of discretion around U and T visa certifications effectively retraumatize people who have already suffered serious harm and discourage them from cooperating with law enforcement, undermining community safety for everyone.

HB 1838, HD 1 is a practical, targeted solution. By creating uniform statewide requirements and requiring every state and county certifying entity to adopt clear policies and processes that are supported by training from the Department of the Attorney General. This bill removes a major barrier for immigrant victims of crime seeking U and T visas and promotes consistency, transparency, and timely access to life-saving protections. Our communities' safety should not depend on whether a victim happens to live in a county with a well-developed U and T visa policy; statewide standards ensure that all survivors in Hawai'i can seek protection and cooperate with law enforcement without fear.

Sinceramente,

A handwritten signature in black ink, appearing to read 'Veronica Mendoza', written over a horizontal line.

Veronica Mendoza

Maui Roots Reborn, *Founding Executive Director*

El Pueblo en Accion Maui, *Founding Coalition Member*



February 12, 2026

Position: **SUPPORT** of **HB1838 HD1**, Relating to Visas

To: Representative David A. Tarnas, Chair
Representative Mahina Poepoe, Vice Chair
Members of the House Committee on Judiciary & Hawaiian Affairs

From: Llasmin Chaine, LSW, Executive Director, Hawaii State Commission on the Status of Women

Re: Testimony in **SUPPORT** of **HB1838 HD1**, Relating to Visas

Hearing: Friday, February 13, 2026, 2:00 p.m.
Conference Room 325, State Capitol

The Commission on the Status of Women is dedicated to advancing the rights and well-being of women and girls in Hawaii, with a particular focus on those who are most vulnerable to violence, exploitation, and discrimination. The Commission **supports HB1838 HD1, as it seeks to standardize and improve the process by which noncitizen victims of crime, including survivors of domestic violence, sexual assault, and human trafficking, can access U and T visa certifications.** These visas provide a critical pathway to safety and justice for individuals who have suffered from serious crimes and are willing to assist law enforcement.

By establishing uniform statewide requirements and mandating consistent policies across state and county certifying entities, this **bill addresses longstanding barriers to equitable access for noncitizen victims.** Inconsistent practices and lack of clear guidance have historically resulted in confusion, delays, and, in some cases, the denial of protections for those most in need. The bill's provisions for training and resource allocation to certifying officials are especially vital, as they **will help ensure that staff are equipped with the knowledge and sensitivity required to handle these cases appropriately** and in accordance with federal law.

HB1838 HD1 aligns with best practices recognized nationally, which emphasize the importance of clear, survivor-centered protocols and interagency coordination in the certification process. **By supporting a more uniform, transparent, and accessible system, Hawaii can better fulfill its obligations to protect crime victims, promote public safety, and uphold the dignity of all residents.**

The Commission urges this Committee to **pass HB1838 HD1.**

Thank you for this opportunity to submit testimony.



TESTIMONY IN SUPPORT OF HB1838, HD1 - RELATING TO VISAS

House Committee on Judiciary and Hawaiian Affairs

Rep. David Tarnas, Chair

Rep. Mahina Poepoe, Vice Chair

February 12, 2026

Dear Chair Tarnas, Vice Chair Poepoe, and Members of the Committee:

The Legal Clinic (TLC) strongly supports HB1838, HD1, a measure that strengthens public safety and due process by establishing consistent statewide procedures for U and T visa certification for noncitizen survivors of serious crime and human trafficking. TLC is a nonprofit organization dedicated to advancing justice for immigrants and migrants across Hawai`i through immigration legal services, community education, and policy advocacy. TLC also serves on the steering committee for the Campaign for Immigrant Justice, alongside the Hawai`i Coalition for Immigrant Rights and the American Civil Liberties Union of Hawai`i. Ensuring equitable access to justice is central to TLC's work, and this measure is one of the campaign's top legislative priorities.

U and T visas are important public safety tools created by Congress to support the detection, investigation, prosecution, conviction, and sentencing of serious crimes, including domestic violence, sexual assault, and human trafficking. These programs provide humanitarian protections that allow noncitizen survivors to report crimes and cooperate with law enforcement without fear of immigration consequences. Certification confirming victimization and helpfulness is a required first step in the visa application process. Although federal law authorizes state and county law enforcement agencies, prosecutors, courts, and other entities to issue certifications, it does not require them to do so. The lack of uniform statewide standards has led to inconsistent practices across counties and agencies, resulting in confusion, improper delays and denials, and unequal access to protection for survivors.

TLC appreciates the improvements made by the Committee on Economic Development and Technology in HB1838, HD1. The amendments strengthen survivor protections while maintaining the bill's core purpose of establishing uniform statewide certification standards aligned with federal law and best practices. Importantly, HB1838, HD1 preserves judicial review as an essential accountability mechanism and clarifies that survivors are not required to exhaust administrative re-evaluation remedies before seeking judicial review. This provision ensures survivors facing urgent immigration or safety concerns retain meaningful and timely access to relief.

HB1838, HD1 promotes safer communities by supporting survivors and establishing fair, transparent, and consistent certification practices across Hawai`i. The bill requires certifying entities to adopt written public policies, designate certifying officials, and comply with reasonable response timelines. It also preserves confidentiality safeguards, language access provisions, and reporting and training requirements – all essential to supporting statewide implementation and survivor access to relief.

We are grateful for the Legislature’s leadership in prioritizing survivor protection and public safety and we urge the Committee to advance this bill.

Respectfully submitted on behalf of The Legal Clinic
and Board President Dr. Amefil Agbayani,

A handwritten signature in black ink, appearing to read 'Christina Sablan', written in a cursive style.

Christina Sablan
Community & Policy Advocate

**Statement of Leslye E. Orloff and Nupur Chandna
NIWAP, Inc., Bethesda, Maryland
orloff@wcl.american.edu/202-210-8886**

**NIWAP Inc.’s Testimony on HB1838, HD1
February 12, 2026**

Submitted to the
Hawaii House of Representatives Committee on the Judicial and Hawaiian Affairs
Hearing on Bills HB 1838, HD1 Relating to Visas Held on February 13, 2026

I. Introduction

National Immigrant Women’s Advocacy Project Inc.(“NIWAP”) appreciates the opportunity to testify in favor of House Bill 1838, HD1 Relating to Visas. We strongly support the Bill as it represents a crucial step for victims of crime improving access to U and T visa certification in Hawaii. U visa certification is a required prerequisite to victims’ ability to file their U Visa applications and T visa certification provides primary evidence and critical support for victims of human trafficking (sex and labor) filing for T visa protections. The Bill provides clarity and will promote consistent access to U and T visa certification for immigrant survivors of domestic violence, sexual assault, stalking, child abuse, human trafficking and other criminal activities covered by U and T visa who have mustered the courage to come forward to seek access to justice and provide helpfulness to police, prosecutors, judges, courts, and government agencies in the detection, investigation, prosecution, conviction, or sentencing of the offenders who have perpetrated criminal activities against them.

When victims are able to swiftly attain U and T visa and the certifications needed to file U and T visa cases, victims begin a journey toward healing and safety. They gain trust in courts, law enforcement, prosecutors and the government agencies who offered them help and certifications that evidence-based research has found promotes both greater participation in investigations, prosecutions, and court cases brought against their perpetrators, but also leads victims to report crimes they and others experience in the future.¹ This Bill is an important step forward that will promote victim, community and law enforcement officer safety in Hawaii.²

The National Immigrant Women’s Advocacy Project

Established in 2012, NIWAP’s mission is to amplify the voices of immigrant survivors of abuse and their advocates and to build capacity of professionals to eliminate the systemic barriers faced by survivors. To further this mission, NIWAP focuses on education, research and policy work. Through the education program, NIWAP helps enhance knowledge and capacity of

¹ Executive Summary – Transforming Lives: How the VAWA Self-Petition and the U Visa Change the Lives of Victims and Their Children After Work Authorization and Legal Immigration Status (June 8, 2021) <https://niwaplibrary.wcl.american.edu/pubs/executive-summary-final/>; Full Report <https://niwaplibrary.wcl.american.edu/pubs/transforming-lives-final-report/>.

² International Association of Chiefs of Police (IACP)- Support for Education and Awareness of U Visa Certifications and T Visa Declarations (2018) <https://niwaplibrary.wcl.american.edu/pubs/iacp-support-for-education-and-awareness-on-u-visa-certifications-and-t-visa-declarations/>; Stories From the Field: The Crime Fighting Effectiveness of the U Visa (August 23, 2021) <https://niwaplibrary.wcl.american.edu/pubs/u-visa-crime-fighting-stories/>.

professionals through training, technical assistance, maintaining a library of current publications and a directory of service providers. NIWAP conducts research to identify complex legal issues encountered by immigrant survivors of abuse and through its policy work builds networks and advises key decision makers.

NIWAP'S areas of focus include, immigration law, family law, domestic violence, child abuse, sexual assault, human trafficking, health care and public benefits, trauma informed victim services and language access. NIWAP's President, Leslye E. Orloff has over 40 years' experience representing immigrant survivors and advocating for improving legal rights and protections for immigrant survivors including working with Congress to draft the U visa and with the Department of Homeland Security to implement U and T visa protections. NIWAP's team of experts that include training faculty made up of law enforcement officials, prosecutors, and judges with expertise on the U and T visa programs, government agencies' role as certifiers, and best practices for working on cases involving immigrant survivors provide training and technical assistance nationally for law enforcement, prosecutors, judges, attorneys and victim advocates.

II. Definition of Certifying Entity and Certifying Official

We strongly support the definitions of “certifying entity” and “certifying official” in §1 of the Bill to include the full list of state agencies and officials authorized to certify U and T visas under federal law. Certifiers include law enforcement, prosecutors, and judges are the certifiers who sign the greatest number of U and T visa certifications nationally.³ This legislation consistent with federal law and regulations lists child and adult protective services, and other state government entities that have criminal, civil, or administrative authority to detect, investigate, prosecutor, convict, or sentence criminal activities in the agency's area of expertise⁴ to be a “certifying entity” and “certifying official under the Hawaii statute. This approach is similar to that taken in 9 other states (California, Colorado, Illinois, Massachusetts, Nebraska, Nevada, Oregon, Utah, and Washington)⁵ that have laws like Hawaii is considering in this bill that are in alignment with the U and visa regulations and Department of Homeland Security publications on the U and T visa programs. .

The definition of which state and federal government agencies have the authority to sign U and T visa certifications for U and T Visa applicants was always intended by Congress to be broad. Victims of violence experience numerous barriers that can deter them from coming forward and reporting crime victimization. Congress wanted to foster trust in government agencies and understood which agency a victim would trust to reveal facts about crime victimization would vary in communities across the United States and would include law enforcement, prosecutors, judges, courts, child and adult protective services, state and federal labor agencies, and other government agencies that detect, investigate, prosecute, convict, or sentence in the context of their government work.

³ USCIS: Trends in U Visa Law Enforcement Certifications, Qualifying Crimes and Evidence of Helpfulness (July 2020) https://niwaplibrary.wcl.american.edu/pubs/u_visalea-certs-report/

⁴ DHS U and T Visa Law Enforcement Resource Guide (November 30, 2015) (pp 6, 11) <https://niwaplibrary.wcl.american.edu/pubs/dhs-updated-u-certification-resource-guide-2015/>

⁵ See Exhibit A, U and T Visa Certification State Law Requirements: Review, Comparison, and Trends (August 20, 2025) Also available at <https://niwaplibrary.wcl.american.edu/pubs/u-and-t-visa-certification-state-law-requirements/>.

The U visa statute explicitly include judges as certifiers as a means to enhance access to justice in criminal, family, child welfare, and civil court cases for immigrant crime victims and their families.⁶ T visa regulations⁷ and U visa regulations⁸ both include judges among the government officials authorized to sign U visas under federal law. In drafting the U visa statute, we understood that courts may be the first government agency with which victims have contact and wanted to ensure that judges hearing civil protection order, custody, divorce, and child welfare cases could sign U visa certifications⁹ whether or not there has been or ever may be a criminal investigation or prosecution. The goal was to have a remedy in the U visa and T visa that provided protection and stability to victims, like state civil protection orders do, without requiring that a victim also report the crime to law enforcement.

Judges can sign U visa certifications consistent with and without violating ethical judicial rules and canons, particularly since most judicial certifications are signed after the judge signing the certification has ruled in the case before them. In a growing number of jurisdictions across the country courts will select a certifying judge who is selected and who is responsible for signing T and U visa certifications based on court records in cases that the judge did not hear themselves. This is a best practice that reduces the number of cases where a certifying judge may need to recuse themselves in a future matter involving the victim who sought certification. NIWAP collaborating with a national team of judicial experts on the U visa and the National Council of Juvenile and Family Court Judges recently published an article discussing how consistent with American Bar Association and state judicial ethics requirements judges can ethically sign U and T visa certifications. The publication “U Visa Certification: Ethical Considerations for Judicial Officers”¹⁰ (December 31, 2024) is attached to this testimony and incorporated herein by reference as Exhibit B.

III. Section 6 -Barring Imposition of Restrictions in Addition to or More Restrictive than Federal Law

We strongly support the inclusion of the requirement that under this Hawaii law agencies in writing U and T visa certification policies and when denying or explaining their reasons for denying U visa certification requests will be barred from imposing requirements for U and T visa certification that “are additional to or more restrictive than those under federal law.” This will help ensure that U and T visa certifications by Hawaii state agencies are issued, or denied based on legally correct information about U and T visa immigration laws, regulations, policies and DHS recommended practices. Requiring Hawaii certifying agencies to follow federal U and T visa statutes, policies, and guidelines provide very helpful clarification that will promote consistency in U and T visa certification decision-making across all certifying agencies throughout the state of Hawaii. The inclusion of this reference will help agencies in Hawaii avoid wrongful certification denials.

⁶ 101(a)(15)(U)(i)(III) of the Immigration and Nationality Act.

⁷ Classification for Victims of Severe Forms of Trafficking in Persons; Eligibility for “T” Nonimmigrant Status (T Visa Final Rule April 30, 2024) <https://niwaplibrary.wcl.american.edu/pubs/2024-t-visa-final-rule/>

⁸ Federal Register: New Classification for Victims of Criminal Activity for Eligibility for “U” Nonimmigrant Status (U Visa Regulations) (September 17, 2007) <https://niwaplibrary.wcl.american.edu/pubs/uvisarule/>

⁹ DHS U and T Visa Law Enforcement Resource Guide (November 30, 2015) (pp 4, 6, 8, 11, 17, 19) <https://niwaplibrary.wcl.american.edu/pubs/dhs-updated-u-certification-resource-guide-2015/>

¹⁰ Attachment B -By Hon. Rosemary Collins (Ret.), Hon. Lora Livingston (Ret.), Hon. Chanpone Sinlapasi, Hon. Ramona Gonzalez (Ret.), Leslye E. Orloff, and Rafaela Rodrigues, U Visa Certification: Ethical Considerations for Judicial Officers (December 31, 2024)(Published by the National Council of Juvenile and Family Court Judges and NIWAP, American University Washington College of Law https://niwaplibrary.wcl.american.edu/pubs/u_visas_ethics_article/

The language of this section 6 also clarifies what the U and T visa is and is not, providing much needed direction to all of Hawaii’s certifying agencies and to the Hawaii courts who will be adjudicating denials or failure to certify. All of the information provided in this section is derived from U and T visa statutes, regulations, policies and Federal U Visa Guidelines.¹¹ We strongly support the inclusion of this statutory language in the Hawaii statute.

A nationwide survey¹² on reasons for certification denial revealed 20 out of the 22 reasons for certifications denials were inconsistent with the U visa statute, U visa regulations, and the Department of Homeland Security’s expert views about U visa certification and the U visa program. Certifying agencies commonly have misunderstandings and misperceptions about legal parameters and requirements for signing U Visa certifications. This amendment will help address and end these misunderstandings and misperceptions by U and T visa certifying agencies in Hawaii and will promote greater transparency and access to justice for U and T visa eligible immigrant victims.

Further the inclusion of reference to federal U and T Visa statutes in Section 1 of this Bill’s definitions of “qualifying criminal activity”, “T visa”, “U visa” and “U or T visa certification” ensures that Hawaii’s law is inclusive of all criminal activity included under the federal laws¹³. By adopting this change Hawaii will follow Colorado, Illinois, Maryland and Utah that each use this approach in their state statutes.¹⁴

IV. The Federal Law Standard: Helpfulness in Detection, or Investigation, or Prosecution, or Conviction, or Sentencing

The federal standard for obtaining the certification is that a victim “Was helpful, is being helpful, or is likely to be helpful to law enforcement, prosecutors, judges, or other officials in the detection, investigation, prosecution, conviction, or sentencing of the criminal activity.”¹⁵ We support this Hawaii legislation’s approach that is consistent with federal law. The federal standard is that for certification the victim has to be helpful in any one but not all stages. The certification process is not intended to be a barrier for the victim but a check in which the certifying agency informs DHS that they believe this the person receiving certification is a victim describes the helpfulness the victim has provided or is providing to a government agency up to the time that the certification is signed. Once the victim has offered helpfulness they are legally entitled to certification. Without certification the victim cannot file for a U-Visa. After the victim gets a certification, through the time they file their U visa applications, through adjudication of

¹¹ Exhibit C, USCIS U Visa Law Enforcement Resource Guide for Federal, State, Local, Tribal and Territorial Law Enforcement, Prosecutors, Judges and other Government Agencies (February 28, 2022) p. 3 <https://niwaplibrary.wcl.american.edu/pubs/u-visa-certification-resource-guide-2022/> (Requirement for the U visa the victim “Was, is being, or is likely to be helpful to the certifying agency in the detection, investigation, prosecution, conviction, or sentencing of the qualifying crime.”); *See also* Exhibit D, T-Visa Law Enforcement Resource Guide for Federal, State, Local, Tribal and Territorial Law Enforcement, Prosecutors, Judges and other Government Agencies (October 20,2021) <https://niwaplibrary.wcl.american.edu/pubs/t-visa-law-enforcement-resource-guide/>.

¹² Department of Homeland Security Policy Answers to Law Enforcement Reasons for Not Certifying (2013) <https://niwaplibrary.wcl.american.edu/pubs/dhs-answers-to-reasons-for-not-certifying/>.

¹³ 8 C.F.R. § 214.14 (a)(9) – Definition of Qualifying Criminal Activity

¹⁴ *See* Exhibit A, U and T Visa Certification State Law Requirements: Review, Comparison, and Trends (August 20, 2025) Also available at <https://niwaplibrary.wcl.american.edu/pubs/u-and-t-visa-certification-state-law-requirements/>.

¹⁵ *See*, Exhibit C, USCIS U Visa Law Enforcement Resource Guide for Federal, State, Local, Tribal and Territorial Law Enforcement, Prosecutors, Judges and other Government Agencies (February 28, 2022) p. 3 (Requirement for the U visa the victim “Was, is being, or is likely to be helpful to the certifying agency in the detection, investigation, prosecution, conviction, or sentencing of the qualifying crime.”).

that application (\approx 8.5 years), and through adjudication of the U visa holder’s application for lawful permanent residency the U visa victim has an obligation to not unreasonably refuse to cooperate with future reasonable request for assistance from certifying agencies.

We strongly support Section 5 of this bill on the “Determination of Helpfulness” the proposed language is consistent with the federal statute and regulations requirements for and will promote consistency and access to U and T visa certifications in Hawaii. By considering a victim helpful “if since, the initiation of helpfulness, the individual has not unreasonably refused to cooperate or unreasonably failed to provide information and assistance reasonably requested by a certifying entity or was otherwise exempt from compliance” is fully consistent with both the U visa and T visa statutes and regulations and all DHS policies and publication issued by DHS. It also follows both the letter and the spirit of the law as Congress intended it to be implemented. Congress understood when it created the U and T visa programs that victims of domestic violence, sexual assault, child abuse, and human trafficking in particular who turn to the courts for help and/or who report the victimization they suffered to law enforcement, prosecutors, child and adult protective services and other government agencies with the power to investigate would be subjected to retaliation and witness intimidation by perpetrators. Allowing victims access to U and T visa certification and U and T visas if their non-cooperation at was not unreasonable or was caused by trauma provided flexibility that recognized the dangers to victims of cooperation. This bill recognizes that once the victim has initiated helpfulness, the victim can refuse to cooperate and still have been helpful for purposes of certification if the victim’s refusal was not unreasonable. The amendment as currently written requires that certifiers take into account the “totality of the circumstances” as laid out in the federal law¹⁶.

Also, we want to note that it is important in the draft of the statute to always use the full list of the types of helpfulness that the proposed language includes in many places in the statute. To be consistent with federal law each time it is relevant in the Hawaii statute consistently include the full list of the alternative ways that U visa victims can offer helpfulness in the *detection, investigation, prosecution, conviction, or sentencing* of a qualifying criminal activity. We have included a proposed draft reflecting this recommendation¹⁷.

V. No Statute of Limitations

We strongly support the language in Section 6 of the Hawaii statute to clarify that there is no statute of limitations for when a qualifying criminal activity occurred relative to the request for certification or filing of the victim’s U or T visa application. Understanding the dynamics of the domestic violence, child abuse, sexual assault, stalking, human trafficking and many other criminal activities included in the statute, the power and coercive control that perpetrators of

¹⁶ 8 C.F.R. Section 245.24(a)(5): Refusal to Provide Assistance in Criminal Investigation or Prosecution (“(5) Refusal to Provide Assistance in a Criminal Investigation or Prosecution is the refusal by the alien to provide assistance to a law enforcement agency or official that had responsibility for the investigation or prosecution of persons in connection with the qualifying criminal activity after the alien was granted U nonimmigrant status. The Attorney General will determine whether the alien’s refusal was unreasonable under the totality of the circumstances based on all available affirmative evidence. The Attorney General may take into account such factors as general law enforcement, prosecutorial, and judicial practices; the kinds of assistance asked of other victims of crimes involving an element of force, coercion, or fraud; the nature of the request to the alien for assistance; the nature of the victimization; the applicable guidelines for victim and witness assistance; and the specific circumstances of the applicant, including fear, severe traumatization (both mental and physical), and the age and maturity of the applicant.”)

¹⁷ See, Exhibit E, Interlineated HB 1838 H.D.1 Proposed Amendments.

these crimes have over victims, the impact that the trauma of victimization on a victim's ability to come forward and seek help, and the time it takes to connect victims with the justice system, Congress chose not to impose any statute of limitations for when a qualifying criminal activity occurred relative to the request for certification or the filing of the U or T visa application. As an example, on average, it takes a victim of domestic violence seven times to leave before being able to separate from their abusers for good¹⁸. These situations are further complicated by other factors that include but are not limited to: children in common, ongoing threats and intimidation, immigration-related abuse, and cultural pressures.¹⁹

It can take a long time before the crime is reported or the victim is able to break the cycle of abuse, walk away from an abusive home or workplace, and muster the courage to report the abuse and crime victimization they suffered. Social science data shows²⁰ when victims get the U Visa certification or when they file their cases and by the time they get their work authorization in filed cases their cooperation with the justice system increases exponentially. This includes a 114% increase in trust of law enforcement, a 36% increase in reporting future crimes and a greater than 60% increase in willingness to seek civil protection orders against perpetrators and custody of children. In the statutory confirmation of federal U and T visa law that there is no statute of limitations for U and T visa certification purposes Hawaii will follow the states of California, Colorado, Maryland and Nevada.

VI. Written Explanation for Denial of Certification

We strongly support the language in this Bill in Section 4 that requires that certifying officials provide a written explanation in support of the denial. The written explanation of the grounds of denial of certification helps fulfill due process for victims by ensuring transparency while also enabling certifying agencies to monitor consistent adherence to the Hawaii law and Federal U and T Visa Guidelines. In adopting language in the statute requiring a written explanation of the reasons the certifying agency is denying the certification Hawaii will make its statute consistent with the following states, California, Colorado, Delaware, Illinois, Massachusetts, Maryland, Oregon and Virginia.

VII. Confidentiality of Information

Under the Bill's Section 7 each certifying entity shall keep confidential the immigration status and personal identifying information of any victim requesting U or T visa certification. The bill language contains exceptions when required by federal law or court order or upon

¹⁸ National Domestic Violence Hotline, <https://www.thehotline.org/resources/get-help-50-obstacles-to-leaving/>

¹⁹ Inderjit K Basra, Tatum Kenney, Shandra Forrest-Bank, Lisa K. Zottarelli & Chitra Raghavan (24 Oct 2023): Predatory Helpfulness: An Empirical Framework to Identify Fraudulent Tactics Used by Pimps to Recruit and Commercially Sexually Exploit Young Girls and Women, *Journal of Human Trafficking*, <https://doi.org/10.1080/23322705.2023.2259263>; See also, National Council of Juvenile and Family Court Judges, Revised Chapter Four: Families and Children Model Code on Domestic Violence and Family Violence (December 30, 2022) <https://ncjfcj.org/publications/revised-chapter-four-families-and-children-model-code-on-domestic-and-family-violence/>

²⁰ Executive Summary – Transforming Lives: How the VAWA Self-Petition and the U Visa Change the Lives of Victims and Their Children After Work Authorization and Legal Immigration Status (June 8, 2021) <https://niwaplibrary.wcl.american.edu/pubs/executive-summary-final/> (U visa victims with work authorization are 114% more likely to trust police; 36% more willing to report future crimes, greater use of the family courts with increased rates of seeking protection orders (67%) and custody (64%); and 22% bring other victims forward to seek help from law enforcement, prosecutors, and courts.)

written consent of the victim. We strongly support this provision and recommend adding language similar to the language included in Section 9 of the bill discussing judicial review. It is important that any waivers of that confidentiality protections contained in this section are implemented in a manner that is consistent with the way waivers of confidentiality are handled under the Violence Against Victim Act's (VAWA's) Confidentiality protections.²¹ VAWA Confidentiality protections apply to all victims seeking U and T visa protection and include all victims seeking U and T visa certifications which is the first step in the U visa application and a helpful step in the T visa application process.²² We support this as it makes the laws consistent with VAWA Confidentiality, which ensures privacy and safety of immigrant victims at the same time balancing Constitutional protections provided defendants in criminal prosecutions.²³

This bill provision recognizes the importance of confidentiality protections for victims of domestic violence, child abuse, stalking, sexual assault and human trafficking and the harms that can occur for victims, their children, and family members should perpetrators learn that the victim is in the process of taking steps to obtain a U visa. This statutory requirement ensures that perpetrators do not have access to or knowledge of the certifications unless in a criminal case based on the facts of the case the perpetrator has articulated a sufficient basis for the information and a prosecutor or judge have determined that the certification itself and any documents accompanying the certification are constitutionally required to be turned over to the offender.²⁴ . In doing this Hawaii will follow the states of California, Colorado, Illinois, Maine, Maryland, Nebraska, Oregon, Virginia, Utah and Washington.

VIII. Language Access Protocol

We strongly support including statutory language in the bill that require certifying agencies to develop protocols to assist petitioners who have limited English proficiency. This provision for language access will help breaking down barriers to access the justice system for those with limited English proficiency. This will also ensure accurate communication and efficient processing of U visa certification requests while empowering victims to fully participate in the certification process. In making this change Hawaii will be following the states of Maryland, Minnesota, Nebraska, Nevada and Washington.

IX. Training For Certifying Officials and Certifying Entities

We are particularly supportive of the HB1838 H.D.1's requirements regarding training of certifiers on federal and state law requirements for U and T visa certifications. The training requirement should be implemented by Hawaii state government officials who have the most

²¹ 8 U.S.C. § 1367(b)(4).

²² Implementation of section 1367 Information Provisions Instruction (May 28, 2019) at 3 https://niwaplibrary.wcl.american.edu/pubs/implementation-of-section-1367-information-provisions-instruction-002-02-001_0_0-2019/

²³ Implementation of section 1367 Information Provisions Instruction (May 28, 2019) at 8 https://niwaplibrary.wcl.american.edu/pubs/implementation-of-section-1367-information-provisions-instruction-002-02-001_0_0-2019/

²⁴ For national case law and further information when a U visa certification signed by a prosecutor or law enforcement and any accompanying information requesting the certification must be constitutionally provided to a defendant see, National Judicial Network Peer-to-Peer Sessions – Violence Against Women Act (VAWA) Confidentiality: Criminal and Family Case Discovery (October 1 & Nov. 12, 2024) <https://niwaplibrary.wcl.american.edu/njn-vawa-criminal-case-discovery-oct-1-2024/>.

knowledge about U and T visa certification and best practices for serving survivors of domestic violence, sexual assault, stalking, dating violence, child abuse and human trafficking. These officials work for the Hawaii Attorney General's Office in the Grants and Planning Branch of the Crime Prevention and Justice Assistance Division and administer the Violence Against Women Act (VAWA) Formula Grant and the Victims of Crime Act (VOCA) Victim Assistance Formula Grant Programs. The VAWA and VOCA grant administrators have both the substantive expertise and the grant making expertise to administer the training that will be needed statewide for certifying officials. Hawaii's VAWA and VOCA administrators have been involved in funding and supporting trainings for law enforcement and prosecutors on both U and T visa certification and best practices for working with immigrant survivors in the past.

NIWAP strongly recommends that the bill contain language ensuring that the funding provided in this bill will only pay for trainings that employ a curriculum on U and T visa certification that has already been developed and tested that is being used nationally.²⁵ The funds in the bill would not be used to pay for development of a new curriculum. It would only cover costs of adaptation of an existing tested curriculum to include covering the provisions of Hawaii's new law. The law must require the use of existing, tested, and currently in use training curricula on U and T visa certification for law enforcement, prosecutors, judges and other government agency certifiers (PowerPoints, training materials, and handouts) that have already been developed with support from the Office on Violence Against Women (OVW) at the U.S. Department of Justice and the State Justice Institute (SJI). OVW and SJI have made investments for more than a decade in the development of a training curriculum, a national training faculty, and nationally distributed toolkits on U and T visa certification by law enforcement and prosecutors,²⁶ by judges and judicial officers,²⁷ and by adult protective services workers.²⁸ NIWAP has recently published a toolkit for child protective services workers on best practices for working with immigrant children, immigrant crime victims and immigrant families that includes U and T visa certification by CPS agencies.²⁹ This OVW and SJI supported training

²⁵ Recent examples of this training curricula and its associated materials can be found on the web pages for trainings for law enforcement and prosecutors recently delivered in Albuquerque, New Mexico November 2025 <https://niwaplibrary.wcl.american.edu/2025-albuquerque-training-for-law-enforcement-prosecutors-and-system-based-advocates/>; for trainings across the state of Maryland in 2025 <https://niwaplibrary.wcl.american.edu/2025-md-trainings/>; and a January 2025 training in the Twin Cities in Minnesota <https://niwaplibrary.wcl.american.edu/2026-minnesota-training/>. Recent training employing the judicial curriculum developed with support from OVW and SJI include: Statewide training for Oregon State judges at the October 2024 Judicial Conference <https://niwaplibrary.wcl.american.edu/bendjudges2024/>; 2023 Training for the Hawaii Judiciary funded by the Center for Court Innovation <https://niwaplibrary.wcl.american.edu/september-6-2023-honolulu-hawaii-training/>; and Virginia Supreme Court's 2024 Judicial Conference <https://niwaplibrary.wcl.american.edu/november-21-2024-virginia-beach-virginia-improving-access-to-justice-for-immigrant-victims-of-domestic-and-sexual-violence/>.

²⁶ U visa Certification and T visa Declaration Toolkit for Law Enforcement Agencies and Prosecutors (August 30, 2021) <https://niwaplibrary.wcl.american.edu/pubs/u-t-visa-toolkit-law-enforcement-prosecutor/>.

²⁷ U Visa Certification and T visa Declaration Toolkit for Federal, State and Local Judges, Commissioners, Magistrates and Other Judicial Officers (June 17, 2021) <https://niwaplibrary.wcl.american.edu/pubs/judges-u-and-t-certification-toolkit-2/>.

²⁸ U Visa Certification and T Visa Declaration Toolkit for Adult Protective Services (APS) (October 19, 2023) <https://niwaplibrary.wcl.american.edu/pubs/aps-u-visa-toolkit/>.

²⁹ Child Protective Services Agency Toolkit: U Visa Certification, T Visa Declaration, Special Immigrant Juvenile Status and Violence Against Women Act Immigration Relief for Abused Immigrant Children (July 8, 2024) <https://niwaplibrary.wcl.american.edu/pubs/cps-toolkit/>. This toolkit has been most recently used to provide training for California Child Protective Services Agency leadership for 29 California counties at a training convened by Casey Family Programs in November of 2025; a webinar convened in January 2026 by the California Department of Social Services for county child protective services agency staff, attorneys, advocates and other programs working on child protective services agency cases

curriculum has been approved for both continuing legal education credits and for professional development credits in a number of states across the country. OVW and SJI have also supported trainings across the county for law enforcement, prosecutors, and judges that employed interactive training curricula that are delivered by a team of law enforcement, prosecutors, judges and law professor faculty and this curriculum has been effective in training certifying officials on the U and T visa programs and certification nationally.

X. Conclusion

NIWAP strongly supports this House Bill 1838 H.D.1 with amendments proposed in Exhibit E to this testimony incorporated herein by reference. This legislation will strengthen protections for victims of domestic violence, sexual assault, human trafficking, child abuse, stalking, and other U and T visa covered criminal activities and ensure greater access to U and T visa certification in Hawaii. This will enhance access to U visas and T visas stabilizing victims and helping them heal and will at the same time enhance the ability of law enforcement, prosecutors, judges and other government agencies to hold perpetrators accountable improving safety for all in Hawaii. Please do not hesitate to contact Leslye E. Orloff at NIWAP who would be happy to answer any questions Legislators or Legislative staff may have on related to this bill, this testimony, or the U and T visa programs. She can be reached at Orloff@american.edu.

List of Exhibits – Since it was not possible to upload Exhibits on the portal, NIWAP is incorporating the following exhibits by reference into this testimony and includes the links to each publication below:

1. Exhibit A: U and T Visa Certification State Law Requirements: Review, Comparison, and Trends (August 20, 2025) <https://niwaplibrary.wcl.american.edu/pubs/u-and-t-visa-certification-state-law-requirements/>
2. Exhibit B: U Visa Certification: Ethical Considerations for Judicial Officers” (December 31, 2024) https://niwaplibrary.wcl.american.edu/pubs/u_visas_ethics_article/
3. Exhibit C: USCIS U Visa Law Enforcement Resource Guide for Federal, State, Local, Tribal and Territorial Law Enforcement, Prosecutors, Judges and other Government Agencies (2022) <https://niwaplibrary.wcl.american.edu/pubs/u-visa-certification-resource-guide-2022/>
4. Exhibit D: USCIS T Visa Enforcement Resource Guide for Federal, State, Local, Tribal and Territorial Law Enforcement, Prosecutors, Judges and other Government Agencies (2021) <https://niwaplibrary.wcl.american.edu/pubs/t-visa-law-enforcement-resource-guide/>
5. Exhibit E: Interlineated HB 1838 H.D.1 Proposed Amendments (contained in the following pages).

Exhibit E

HOUSE OF REPRESENTATIVES
THIRTY-THIRD LEGISLATURE, 2026
STATE OF HAWAII

H.B. NO. 1838
H.D. 1

A BILL FOR AN ACT

RELATING TO VISAS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. The legislature finds that U nonimmigrant status (U visa) and T nonimmigrant status (T visa) are crimefighting tools created by the United States Congress to enhance access to justice and humanitarian relief for noncitizen victims of crime. Both U and T visas provide a nonimmigrant temporary status that allows noncitizen survivors of crime to stay in the United States, obtain employment authorization, apply for lawful permanent resident status, and help certain family members obtain immigration status.

The U visa is intended to protect survivors of certain crimes who have courageously reported the crime or assisted in the criminal investigation or prosecution. For an immigrant survivor of crime to qualify for U nonimmigrant status, a certifying entity, such as a law enforcement agency, prosecutor, judge, or other government agency authorized under federal law to sign U visa certifications, must complete Form I-918, Supplement B, attesting to the survivor's assistance in the detection, investigation, ~~or~~ prosecution, ^{conviction, or sentencing} of the crime, and the certification is an essential prerequisite to the filing of a petition to the United States Citizenship and Immigration Service (USCIS) for U nonimmigrant status.

The T visa provides similar relief to victims of severe forms of human trafficking who assist in the detection, investigation, or prosecution of trafficking crimes. For a noncitizen survivor of trafficking to qualify for T nonimmigrant status, a T visa certification on Form I-914, Supplement B, signed by a law enforcement agency, prosecutor, judge, or other government agency authorized under federal law to sign T visa certifications, is an

optional and primary form of evidence submitted to USCIS to demonstrate the survivor's victimization and cooperation.

The legislature further finds that law enforcement agencies, prosecutors, judges, and other state and county entities authorized to sign U and T visa certifications under federal law are not mandated by federal law to complete or sign Form I-918, Supplement B, or Form I-914, Supplement B, on behalf of victims, even if the petitioners are assisting in the detection, investigation, prosecution, conviction, or sentencing of the case and qualify for U or T nonimmigrant status, and that some entities are resistant to certifying victim helpfulness due to a lack of understanding about the U or T nonimmigrant application process or a lack of resources, among other reasons. Absent uniform standards for U and T visa certifications, noncitizen victims statewide face inconsistent access to justice.

Therefore, the purpose of this Act 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 uniform statewide requirements; and
- (3) Appropriate funds for the department of the attorney general to provide training to certifying officials and certifying entities on all federal and state requirements for U and T visa certifications.

SECTION 2. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

"CHAPTER

IMMIGRATION STATUS; U VISAS; T VISAS

§ -1 **Definitions.** As used in this chapter, unless the context clearly requires otherwise:

"Certifying entity" means any state or county law enforcement agency, the department of the attorney general, the child welfare services branch of the department of human services, the adult protective and community services branch of the department of human services, a state court, county prosecuting agency, or other entity that has criminal, civil, or administrative authority to detect, investigate, ~~or~~ prosecute, ^{convict, or sentence} criminal activities within its respective purview and that is authorized under federal law to issue U or T visa certifications.

"Certifying official" means:

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

"Qualifying criminal activity" and "qualifying crime" have the same meaning as qualifying criminal activity pursuant to section 101(a)(15)(U)(iii) of the Immigration and Nationality Act.

"T visa" means the type of nonimmigrant visa, defined in section 101(a)(15)(T) of the Immigration and Nationality Act.

"U or T visa certification" means the certification of a form as required by federal immigration law for a U visa or considered by federal immigration authorities for a T visa.

"U visa" means the type of nonimmigrant visa, defined in section 101(a)(15)(U) of the Immigration and Nationality Act.

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

§ -3 **Time period for response.** The certifying official shall either complete the U or T visa certification or deny the request for U or T visa certification within forty-five calendar days of receiving the request. If the noncitizen victim requesting certification is in federal removal, exclusion, or deportation proceedings or is subject to a final order of removal, exclusion, or deportation, or if a qualifying family member of the victim will become ineligible for U or T nonimmigrant status or benefits by virtue of age within one hundred twenty days, the certifying official shall respond within fourteen calendar days of receiving the request.

§ -4 **Notice of denial; requirements.** If a certifying official denies a requested U or T visa certification, the certifying entity shall provide the requester with a written notification of the denial and the reasons for the denial within the same time periods as those set forth in section -3 for responses to requests for U or T visa certification. The written notification of denial shall also include a statement that the requester may request a re-evaluation by the certifying entity and submit new or additional evidence satisfying the requirements for

certification within forty-five calendar days upon receipt of the denial. Upon receipt of a request for re-evaluation and any new or additional evidence, the certifying entity shall accept and consider the request and shall respond within the same time periods as those set forth in section -3. No requester shall be required to exhaust an administrative remedy for re-evaluation before filing an action seeking judicial review or other equitable relief in the circuit court pursuant to section -9.

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

§ -6 **No additional or more restrictive requirements; no statute of limitations.** (a) No certifying entity shall impose requirements for U or T visa certification that are additional to or more restrictive than those under federal law. The existence of a current investigation, the filing of charges, the apprehension of a suspect who committed the qualifying ^{criminal activity} ~~crime~~, or a prosecution or conviction of a suspect who committed the qualifying criminal activity shall not be required for a certifying official to certify victim helpfulness.

(b) There shall be no statute of limitations regarding when a qualifying criminal activity occurred relative to the request for certification of victim helpfulness. No request for certification of victim helpfulness shall be denied solely based

on the length of time that has passed since the crime occurred or because a case was closed or suspended.

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

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

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

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

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

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

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

- (1) The number of U and T visa certification requests received;
- (2) The number of U and T visa certification forms signed;
- (3) The number of U and T visa certification requests denied;
- (4) The reasons for any denials of U and T visa certification requests;
- (5) The average length of time taken to process certification requests; and
- (6) The number of cases in which expedited processing was requested and the outcomes of those cases.

(b) The department of the attorney general shall:

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

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

§ -11 Training; department of the attorney general. (a)

The department of the attorney general shall provide training to all certifying officials and certifying entities on the federal and state requirements for U or T visa certification.

(b) The department of the attorney general shall ensure that the training is eligible for continuing legal education credits for attorneys and professional development credits for law enforcement officers. The training shall be made available to all

certifying entities and certifying officials and shall be delivered

Using the existing curriculum developed with support from the Office on
SECTION 3. There is appropriated out of the general revenues violence
of the State of Hawaii the sum of \$ or so much thereof women at
as may be necessary for fiscal year 2026-2027 for the department of Justice
of the attorney general to provide training to certifying
officials and certifying entities on all federal and state
requirements for U and T visa certifications. The US Department
and the
State Justice
Institute adapted
to add the
Training on the
Provisions of
This law.

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

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

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. Appropriates funds for the Department of the Attorney General to provide training to certifying officials and certifying entities on all federal and state requirements for U and T visa certifications. Effective 7/1/3000. (HD1)

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



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**Testimony of the Hawai‘i Coalition for Immigrant Rights
In SUPPORT of HB1838 Relating to Visas**

Representative Tarnas, Chair
Representative Poepoe, Vice Chair

Hearing Date: Feb 13th, 2026, 2pm Room 325

Dear Chair Tarnas, Vice Chair Poepoe, and Members of the Committee,

My name is **Aparna Patrie**, testifying on behalf of the **Hawai‘i Coalition for Immigrant Rights (HCIR)**. HCIR is a coalition of **30+ immigrant-serving and immigrant-led organizations** across the pae ‘āina working to advance policies that protect immigrant and migrant communities and strengthen Hawai‘i as a place where all families can thrive.

We write in **strong support of HB1838**, which establishes **uniform statewide requirements** for U and T visa certification policies, processes and training.

HB1838 is a public safety and access-to-justice bill. U and T visas are federally created tools in immigration law that are meant to allow noncitizen survivors of qualifying crimes—including violent crimes, fraud, domestic violence, sexual assault, and human trafficking—to come forward, cooperate with law enforcement investigations, and obtain a visa - thereby enabling them to stabilize their lives. They were created in federal immigration law to provide local law enforcement agencies the tools they need to fight crime in their communities. However, survivors in Hawai‘i often experience uncertainty and inconsistency when requesting the official law enforcement certification that is required (U visa) or often essential (T visa) to pursue that form of federal immigration relief. As a result, we are all less safe.

HB1838 addresses these gaps by setting clear, transparent, and legally aligned standards for state and county certifying law enforcement entities, including police departments and prosecutor’s offices. U and T visas are critical tools that support public safety by enabling law enforcement to investigate and prosecute serious crimes more effectively.

When immigrant victims fear that coming forward will expose them to immigration consequences, they are less likely to report crimes, cooperate with law enforcement, or provide essential evidence. This undermines investigations, weakens prosecutions, and allows perpetrators to remain at large. U and T visas help remove these barriers by providing a pathway for victims to safely engage with law enforcement.

However, individuals seeking U and T visas cannot apply without certification from a law enforcement agency confirming that they have been victims of qualifying crimes and have been helpful, are being helpful, or are likely to be helpful in the investigation or prosecution. Because



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federal law gives local agencies broad discretion to determine when and whether a victim has been sufficiently cooperative, this has resulted in a patchwork of inconsistent policies and practices across Hawai'i.

As a result, similarly situated victims are treated differently depending on where they live or which agency they encounter. Many victims are unaware that U and T visas are available to them, do not know how to request a certification, or are discouraged from seeking help altogether. In some jurisdictions, law enforcement agencies do not provide certifications at all, creating unnecessary barriers that harm both victims and public safety.

HB1838 would promote consistency, fairness, and transparency statewide, ensuring that immigrant victims have meaningful access to these federal protections and that law enforcement agencies have clear guidance to support cooperation, accountability, and safer communities.

1) Enhances access to justice and community trust through transparent, consistent processes

HB1838 requires each certifying entity to **adopt a written policy and process**, make that policy **publicly available**, and designate at least one certifying official to review and respond to certification requests from victims of crimes. These requirements are practical and necessary. Survivors and their advocates should not have to guess how to request certification, who reviews requests, or what criteria are being applied. Clear statewide expectations promote fairness, reduce arbitrary outcomes, and build confidence that cooperation with law enforcement and the courts will be met with a consistent and lawful process.

Importantly, HB1838 also provides **core safeguards** that help prevent improper denials. The bill prohibits certifying entities from imposing requirements that are **more restrictive than federal law** and clarifies that certification cannot be conditioned on factors such as an active prosecution or conviction. This is essential: federal law recognizes that many survivors cannot safely participate in prosecution, and many cases do not proceed for reasons unrelated to credibility or harm.

2) Improves public safety by encouraging victims to report crimes and cooperate

Public safety is strongest when victims and witnesses feel safe engaging with systems of accountability. When immigrant survivors fear confusion, retaliation, or inconsistent treatment, crimes go unreported and traffickers and abusers remain in the community. HB1838 reduces these barriers by creating predictable timelines and transparent procedures.

The bill requires responses within **45 days**, with an expedited **14-day** timeline for survivors facing urgent immigration consequences (such as removal proceedings or age-related eligibility



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concerns for qualifying family members). Predictable timelines matter: delays can make relief functionally inaccessible and can deter survivors from engaging at all. By reducing uncertainty, HB1838 supports safer communities statewide.

3) Ensures training, language access, confidentiality, and accountability

HB1838 is also legally sound because it pairs process requirements with **implementation supports and accountability measures**:

- **Training:** The Department of the Attorney General must provide training so certifying entities' policies comply with federal requirements, and the bill appropriates funds to support that training. Proper training is key to preventing unlawful denials and ensuring officials understand the purpose and limits of certification (which is not an immigration benefit decision, but a factual attestation used by federal adjudicators).
- **Language access protocols:** Requiring language access reduces inequities for limited-English-proficient survivors, who are disproportionately vulnerable to exploitation and less likely to seek help without clear communication.
- **Confidentiality protections:** The bill requires certifying entities to keep immigration status and personal identifying information confidential, a critical safeguard to prevent retaliation and protect survivor privacy.
- **Reporting:** Starting July 1, 2027, certifying entities must track requests, approvals, denials, timelines, and reasons for denial, and report annually to the Attorney General, who then aggregates and reports to the Legislature. These data are essential for oversight, continuous improvement, and ensuring uniform statewide access.

Finally, HB1838 provides an avenue for **judicial review** when an entity fails to respond on time or denies requests in violation of the chapter—an important accountability mechanism that encourages compliance and discourages arbitrary practices.

Conclusion

HB1838 strengthens Hawai'i's response to crime and trafficking by ensuring survivors have a fair, consistent pathway to request U and T visa certifications—grounded in federal law, supported by training, and accountable through reporting and review. We respectfully urge you to **PASS HB1838**.



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Mahalo for the opportunity to testify.

Aparna Patrie

Legal Advisor and Private Immigration Attorney

Hawai'i Coalition for Immigrant Rights

HB-1838-HD-1

Submitted on: 2/12/2026 3:24:53 PM

Testimony for JHA on 2/13/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Matthew B. Johnson	Pacific Gateway Center	Support	Written Testimony Only

Comments:

Testimony of Pacific Gateway Center

In SUPPORT of HB1838 HD1

Committee on Judiciary & Hawaiian Affairs

Representative David A. Tarnas, Chair

Representative Mahina Poepoe, Vice Chair

Hearing Date: Feb 13, 2026

Dear Chair David A. Tarnas, Vice Chair Mahina Poepoe, and members of the Committee on Judiciary & Hawaiian Affairs,

My name is Matthew Johnson, Executive Director for Pacific Gateway Center, and I submit this testimony in support of HB1838 HD1, which standardizes U and T visa certification statewide and funds training for agencies. [OBJ]

As Executive Director of Pacific Gateway Center, I lead strategic efforts to empower immigrants and refugees across Hawai‘i through workforce development, small business support, and immigration legal services. Our organization provides holistic programs that create pathways to economic self-sufficiency while strengthening the social and economic fabric of our islands.

Survivors of serious crimes and trafficking should not face a “zip code lottery” when seeking U or T visa certification. Standardization improves fairness and predictability statewide, and agency training ensures the process is implemented consistently and trauma-informed.

This measure also strengthens public safety. When survivors trust that coming forward will not create additional harm or confusion, they are more likely to report crimes and cooperate with investigations, which helps hold offenders accountable.

For these reasons, I respectfully request that the Committee PASS HB1838 HD1.

Mahalo for the opportunity to provide testimony.

Sincerely,

Matthew B. Johnson

Pacific Gateway Center



February 13, 2026

Members of the House Judiciary & Hawaiian Affairs:

Chair David A. Tarnas
Vice Chair Mahina Poepoe
Rep. Della Au Belatti
Rep. Elle Cochran
Rep. Mark J. Hashem
Rep. Kirstin Kahaloa
Rep. Jackson D. Sayama
Rep. Gregg Takayama
Rep. Diamond Garcia
Rep. Garner M. Shimizu

Re: HB1838 HD1 Relating to Visas

Dear Chair Tarnas, Vice Chair Poepoe, and Members of the House Committee on Judiciary & Hawaiian Affairs:

The Hawai'i State Coalition Against Domestic Violence (HSCADV) mission is to unite Hawai'i to end all forms of domestic violence. We are a statewide partnership of domestic violence programs and shelters.

On behalf of HSCADV and our 20 member programs, I respectfully submit testimony in strong support of HB1838, HD1, which mandates the creation of uniform certification standards for U and T visas that:

- are aligned with federal law;
- requires written certification policies;
- statewide training for certifying entities;
- provides language access; and
- maintains victim confidentiality.

Why this matters:

The lack of certification standards is delaying victims' visa petitions/applications and jeopardizing their safety.

This is a problem because, by federal statute, no more than 10,000 principal U visas and 5,000 T visas may be granted in any fiscal year. U.S. Citizenship and Immigration Services (USCIS) has reached this statutory cap every year since fiscal year 2010.

In Fiscal Year 2024, USCIS received 41,556 principal U visa petitions and 15,332 T visa applications. It takes approximately 5-7 years to process U visas, and 12-36 months to process T visas.¹

U and T visas provide critical federal protections for noncitizen survivors of serious crimes, including domestic violence and human trafficking. Certification from law enforcement, prosecutors, or the courts is required as a first step. Yet in Hawai'i, access to U and T visa certification varies by county and agency, creating unequal outcomes for survivors who otherwise qualify under federal law.

Not only is this a delay in justice, but it is also a delay in victim safety.

Thank you for the opportunity to testify on this important matter.

Sincerely,
Angelina Mercado, Executive Director

¹https://www.uscis.gov/sites/default/files/document/data/fy24_immigration_applications_made_by_victims_of_abuse.pdf

COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Rep. David A. Tarnas, Chair

Rep. Mahina Poepoe, Vice Chair

HEARING: Friday, February 13, 2026 at 2 pm

VIA VIDEOCONFERENCE and Conference Room 325, State Capitol

TESTIMONY IN SUPPORT - HB 1838, HD1 - RELATING TO VISAS

Chair Tarnas, Vice Chair Poepoe, Rep. Cochran of Maui, and Members of the Committee,

My name is Christine Andrews and I am a long-term resident of Wailuku, Maui. I am also an attorney licensed in the state of Hawaii for over 25 years and a founding coalition member of El Pueblo en Acción (EPA) Maui – The People in Action Maui. I am writing today in **strong support of HB1838, HD1**, Relating to Visas, which establishes uniform statewide requirements for policies and processes for the issuance of U and T visa certifications for noncitizen victims of crime, requires each state and county certifying entity to adopt those policies and processes, and funds training so they comply with federal U and T visa requirements.

Under federal law, U and T visa certifications are discretionary. Unfortunately, inconsistent or unclear local policies and practices for issuing these certifications can delay or derail a victim's U or T visa. U and T visa certifications are often the decisive factor in whether a survivor can obtain safety, stability, and lawful presence. Attorneys and legal staff must navigate different expectations and procedures from one agency to another, and survivors bear the costs in time, uncertainty, and exposure to continued violence or exploitation.

On Maui, where many visa applicants are also wildfire survivors, the stress of the wildfires has contributed to conditions of increased domestic violence and exploitation. Delays in the processing of U & T visa certifications by law enforcement agencies have the unintended consequence of compounding trauma. Victims of domestic violence and trafficking are especially vulnerable; they must weigh the risk of reaching out for help when they do not know how or if a certifying agency will respond. Uneven processes and uncertain use of discretion around U and T visa certifications effectively retraumatize people who have already suffered serious harm and discourage them from cooperating with law enforcement, undermining community safety for everyone.

HB 1838, HD1 is a practical, targeted solution. By creating uniform statewide requirements and requiring every state and county certifying entity to adopt clear policies and processes that are supported by training from the Department of the Attorney General. This bill removes a major barrier for immigrant victims of crime seeking U and T visas and promotes consistency, transparency, and timely access to life-saving protections. Our communities' safety should not depend on whether a victim happens to live in a county with a well-developed U and T visa policy; statewide standards ensure that all survivors in Hawai'i can seek protection and cooperate with law enforcement without fear. I respectfully request that you stand with Hawai'i's immigrant crime victims and **vote in support of HB 1838, HD1**.

Mahalo for supporting our most vulnerable community members,

Christine Andrews, J.D.

Wailuku, Maui

HB-1838-HD-1

Submitted on: 2/11/2026 9:03:23 PM

Testimony for JHA on 2/13/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lynn Otaguro	Individual	Support	Written Testimony Only

Comments:

Dear Chair David A. Tarnas, Vice Chair Mahina Poepoe, and members of the Committee on Judiciary & Hawaiian Affairs,

My name is Lynn Otaguro and I submit this testimony in support of HB1838 HD1, which standardizes U and T visa certification statewide and funds training for agencies.

Survivors of serious crimes and trafficking should not face a “zip code lottery” when seeking U or T visa certification. Standardization improves fairness and predictability statewide, and agency training ensures the process is implemented consistently and trauma-informed.

This measure also strengthens public safety. When survivors trust that coming forward will not create additional harm or confusion, they are more likely to report crimes and cooperate with investigations, which helps hold offenders accountable.

For these reasons, I respectfully request that the Committee PASS HB1838 HD1.

Mahalo for the opportunity to provide testimony.

Sincerely,

Lynn Otaguro

Oahu, Hawaii

HB-1838-HD-1

Submitted on: 2/11/2026 9:04:38 PM

Testimony for JHA on 2/13/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Julie Uyeno-Pidot	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe, and members of the committee,

I'm submitting testimony in strong support of HB 1838 HD 1: Relating to Visas. U and T visas are essential tools for keeping our communities safe. They provide protection to the brave survivors of violent crimes or human trafficking who assist law enforcement in prosecuting such offenses. These courageous individuals should not have to fear deportation, especially due to bureaucratic delays.

In order to avoid unnecessary actions by the Department of Homeland Security or its affiliated agencies, it's necessary to establish uniform statewide policies and procedures (including appropriate training) for the issuance of U and T visa certifications. This will enable all certifying entities to operate with swiftness and confidence. As such, I request that you vote in favor of HB 1838 HD 1.

**Mahalo,
Julie Uyeno-Pidot**

Testimony of Jeremiah Brown In SUPPORT of HB1838

Committee on Judiciary & Hawaiian Affairs

Representative David A. Tarnas, Chair
Representative Mahina Poepoe, Vice Chair

Hearing Date: Feb 13, 2026

Dear Chair David A. Tarnas, Vice Chair Mahina Poepoe, and members of the Committee on Judiciary & Hawaiian Affairs,

My name is Jeremiah Brown, and I am a concerned resident of Hawai'i. I am submitting this testimony in support of HB1838, a bill to establish uniform statewide policies and processes for U and T visa certifications for noncitizen survivors of crime here in Hawai'i.

I strongly support this bill because it will:

- Enhance access to justice and community trust.

By requiring that law enforcement agencies, prosecutors, courts, and other certifying entities adopt clear, consistent policies, this bill promotes fairness and transparency in the certification process. This gives survivors confidence that their cooperation will be supported, which in turn strengthens trust between immigrant communities and public safety officials.

- Improve public safety by encouraging victims to report crimes.

Research and best practices show that when victims feel safe coming forward, public safety outcomes improve for everyone. By reducing uncertainty and fear around the certification process, HB1838 helps immigrant victims report crimes and cooperate with law enforcement. This strengthens trust between immigrant communities and law enforcement and supports safer communities statewide.

- Ensure proper training and accountability for certifying officials.

The bill's training requirements for state and county certifying officials are critical to preventing improper denials and ensuring compliance with federal and state law. Well-trained officials are better equipped to understand their roles and responsibilities, protect sensitive populations, and uphold victims' rights. This is especially important for individuals who may otherwise avoid authorities due to fear or misinformation.

For these reasons, I respectfully ask the committee to support HB 1838. Mahalo for your time and consideration.

Respectfully,

Jeremiah Brown
Waialua, Oahu

HB-1838-HD-1

Submitted on: 2/11/2026 9:17:36 PM

Testimony for JHA on 2/13/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Tim Huycke	Individual	Support	Written Testimony Only

Comments:

I support HB1838.

HB-1838-HD-1

Submitted on: 2/11/2026 9:43:07 PM

Testimony for JHA on 2/13/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Deanna Espinas	Individual	Support	Written Testimony Only

Comments:

Submitting strong support of this measure to address the needs of victims of domestic violence, labor, and sex trafficking. Thank you.

HB-1838-HD-1

Submitted on: 2/11/2026 11:41:39 PM

Testimony for JHA on 2/13/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kanani Kai	Individual	Support	Written Testimony Only

Comments:

I STRONGLY SUPPORT this Bill!

Mahalo,

Kanani Kai

Member Indivisible Hawaii

HB-1838-HD-1

Submitted on: 2/12/2026 12:06:17 AM

Testimony for JHA on 2/13/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Mona Eisa	Individual	Support	Written Testimony Only

Comments:

Aloha Chair, Vice Chair and Members of the Committee, I am writing you today in strong support if HB1838 as this bill creates consistent, fair, and timely certification processes across counties and agencies.

Helps ensure Hawai'i supports victims of crime who cooperate with law enforcement.

Improves public safety: when victims trust the system, they are more likely to report crimes.

For the reasons listed above, I ask that you please support HB1838.

Mahalo,

Mona Eisa, Honolulu, HI

Training reduces delays, errors, and uneven practices that harm survivors.

HB-1838-HD-1

Submitted on: 2/12/2026 5:46:30 AM

Testimony for JHA on 2/13/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Gerald Tariao Montano	Individual	Support	Written Testimony Only

Comments:

Testimony of Gerald Montano

In SUPPORT of HB1838 HD1

Committee on Judiciary & Hawaiian Affairs

Representative David A. Tarnas, Chair, Representative Mahina Poepoe, Vice Chair

Hearing Date: Feb 13, 2026

Dear Chair David A. Tarnas, Vice Chair Mahina Poepoe, and members of the Committee on Judiciary & Hawaiian Affairs,

My name is Gerald Montano, and I submit this testimony in support of HB1838 HD1, which standardizes U and T visa certification statewide and funds training for agencies.

I am testifying as an individual.

Survivors of serious crimes and trafficking should not face a “zip code lottery” when seeking U or T visa certification. Standardization improves fairness and predictability statewide, and agency training ensures the process is implemented consistently and trauma-informed.

This measure also strengthens public safety. When survivors trust that coming forward will not create additional harm or confusion, they are more likely to report crimes and cooperate with investigations, which helps hold offenders accountable.

For these reasons, I respectfully request that the Committee PASS HB1838 HD1.

Mahalo for the opportunity to provide testimony.

Sincerely,

Gerald Montano

HB-1838-HD-1

Submitted on: 2/12/2026 7:23:52 AM

Testimony for JHA on 2/13/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Candice Lanette	Individual	Support	Written Testimony Only

Comments:

I support this bill.

HB-1838-HD-1

Submitted on: 2/12/2026 7:35:32 AM

Testimony for JHA on 2/13/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
KATHERINE ROSEGUO	Individual	Support	Written Testimony Only

Comments:

I am writing in strong support of HB1838 both personally and as a member of the Indivisible Hawaii State Network (IHSN). This Bill would add a new Chapter to the Hawaii Revised Statutes setting standardized procedures for applying for U and T visa status for noncitizen victims of crime. These visas were established by Congress to protect noncitizen victims of human trafficking or other crimes to avoid deportation by immigration authorities while assisting local law enforcement to find and prosecute the perpetrators.

Everyone in the community is harmed when serious crimes are not reported to the authorities or prosecuted. Noncitizen residents may be afraid to report crimes or assist in investigation and prosecution if they face deportation by coming forward. These special visa categories are intended to protect victims who come forward from immigration proceedings.

The application for these visas must be filed with federal authorities by local law enforcement and prosecuting agencies. Since the application is a discretionary process there are significant differences in filing across Hawaii's agencies and islands. This bill is an important step toward providing support for noncitizens who have been victimized, and a step toward more effective prosecution of human traffickers and criminals.

Thank you for the opportunity to testify on this Bill.

HB-1838-HD-1

Submitted on: 2/12/2026 7:38:14 AM

Testimony for JHA on 2/13/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
John Wassell	Individual	Support	Written Testimony Only

Comments:

I am writing in strong support of HB1838 both personally and as a member of the Indivisible Hawaii State Network (IHSN). This Bill would add a new Chapter to the Hawaii Revised Statutes setting standardized procedures for applying for U and T visa status for noncitizen victims of crime. These visas were established by Congress to protect noncitizen victims of human trafficking or other crimes to avoid deportation by immigration authorities while assisting local law enforcement to find and prosecute the perpetrators.

Everyone in the community is harmed when serious crimes are not reported to the authorities or prosecuted. Noncitizen residents may be afraid to report crimes or assist in investigation and prosecution if they face deportation by coming forward. These special visa categories are intended to protect victims who come forward from immigration proceedings.

The application for these visas must be filed with federal authorities by local law enforcement and prosecuting agencies. Since the application is a discretionary process there are significant differences in filing across Hawaii's agencies and islands. This bill is an important step toward providing support for noncitizens who have been victimized, and a step toward more effective prosecution of human traffickers and criminals.

Thank you for the opportunity to testify on this Bill.

JJ Wassell

HB-1838-HD-1

Submitted on: 2/12/2026 7:40:08 AM

Testimony for JHA on 2/13/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kelly Carranza Callan	Individual	Support	Written Testimony Only

Comments:

HB1838 STANDARDIZED PROCEDURE FOR U-VISA AND T-VISA

I am writing in strong support of HB1838 both personally and as a member of the Indivisible Hawaii State Network (IHSN). This Bill would add a new Chapter to the Hawaii Revised Statutes setting standardized procedures for applying for U and T visa status for noncitizen victims of crime. These visas were established by Congress to protect noncitizen victims of human trafficking or other crimes to avoid deportation by immigration authorities while assisting local law enforcement to find and prosecute the perpetrators.

Everyone in the community is harmed when serious crimes are not reported to the authorities or prosecuted. Noncitizen residents may be afraid to report crimes or assist in investigation and prosecution if they face deportation by coming forward. These special visa categories are intended to protect victims who come forward from immigration proceedings.

The application for these visas must be filed with federal authorities by local law enforcement and prosecuting agencies. Since the application is a discretionary process there are significant differences in filing across Hawaii's agencies and islands. This bill is an important step toward providing support for noncitizens who have been victimized, and a step toward more effective prosecution of human traffickers and criminals.

Thank you for the opportunity to testify on this Bill.

With Aloha,

Kelly Carranza Callan

HB-1838-HD-1

Submitted on: 2/12/2026 7:40:41 AM

Testimony for JHA on 2/13/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Janet Teare	Individual	Support	Written Testimony Only

Comments:

Everyone in the community is harmed when serious crimes are not reported to the authorities or prosecuted. Noncitizen residents may be afraid to report crimes or assist in investigation and prosecution if they face deportation by coming forward. These special visa categories are intended to protect victims who come forward from immigration proceedings.

The application for these visas must be filed with federal authorities by local law enforcement and prosecuting agencies. Since the application is a. This bill is an important step toward providing support for noncitizens who have been victimized, and a step toward more effective prosecution of human traffickers and criminals.

Thank you for the opportunity to testify on this Bill.

i am a member of East Hawaii indivisible

HB-1838-HD-1

Submitted on: 2/12/2026 8:00:49 AM

Testimony for JHA on 2/13/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dana Fulton	Individual	Support	Written Testimony Only

Comments:

Due to a physical disability that limits my ability to provide oral testimony clearly, I am submitting my comments in writing. Mahalo for this opportunity to participate in this process.

PLEASE PASS THIS BILL AS EXPEDITIOUSLY AS POSSIBLE, with any amendments that may strengthen it.

Aloha Chair and Members of the Committee,

I strongly support HB1838. Survivors of domestic violence are often trapped not only by physical harm, but by immigration threats. Abusers frequently withhold passports, visas, or immigration documents as tools of control, using fear of deportation to silence victims and prevent them from seeking help.

We have seen tragic examples of women who were deported back to dangerous conditions — including reports of women returned to Haiti who were later found brutally killed. For survivors whose immigration status is weaponized against them, access to U and T visa certification can literally mean the difference between life and death.

HB1838 creates clear, consistent standards for certification so that victims who cooperate with law enforcement are not left in uncertainty or subjected to inconsistent processes. This bill strengthens protection, promotes safety, and ensures Hawai‘i does not become a place where immigration status is used as leverage to perpetuate abuse.

I respectfully urge you to pass HB1838.

Mahalo for your consideration.

Respectfully,
Dana Fulton
Makawao, Maui

HB-1838-HD-1

Submitted on: 2/12/2026 8:02:59 AM

Testimony for JHA on 2/13/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dr. Kahala Johnson	Individual	Support	Written Testimony Only

Comments:

Aloha Chair, Vice Chair, and Members of the Committee,

I submit this testimony in strong support of HB1838 HD1.

HB1838 HD1 establishes uniform, statewide standards for U and T visa certification and provides training to ensure those standards are applied consistently and correctly. Victims of crime should not face unequal treatment or unnecessary delays based solely on where they live or which agency they encounter.

Clear, fair, and timely certification processes improve public safety by encouraging survivors to report crimes and cooperate with law enforcement. Training further reduces errors, delays, and inconsistent practices that can retraumatize victims and undermine trust in the system.

HB1838 HD1 strengthens survivor support while improving system-wide accountability. I urge you to pass this bill.

HB-1838-HD-1

Submitted on: 2/12/2026 8:05:18 AM

Testimony for JHA on 2/13/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Elizabeth Kamida	Individual	Support	Written Testimony Only

Comments:

I support HB1838 as an individual and as a member of Indivisible Hawaii.

Thank you.

Elizabeth Kamida

HB-1838-HD-1

Submitted on: 2/12/2026 8:08:09 AM

Testimony for JHA on 2/13/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Younghee Overly	Individual	Support	Written Testimony Only

Comments:

Thank you for hearing this measure.

Younghee Overly, a member of Indivisible Hawaii

HB-1838-HD-1

Submitted on: 2/12/2026 8:11:20 AM

Testimony for JHA on 2/13/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
panelopi mckenzie	Individual	Support	Written Testimony Only

Comments:

HB1838 HD1 I support. I do feel apprehensive about the current Attorney General of the United States and fear her corruption and the administration could derail the good intentions of this bill. U & T Visa is very important and something that should be upheld and have rules that are there to protect people as shared humanity for the ability to flee violence and harm while being treated with dignity and respect within the Visa process.

Thank you Pannelopi McKenzie

HB-1838-HD-1

Submitted on: 2/12/2026 8:29:20 AM

Testimony for JHA on 2/13/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Judith Mura	Individual	Support	Written Testimony Only

Comments:

I, Judith Mura. STRONGLY SUPPORT HB1838

HB-1838-HD-1

Submitted on: 2/12/2026 8:36:43 AM

Testimony for JHA on 2/13/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
James E Raymond	Individual	Support	Written Testimony Only

Comments:

Thank you -- I am a member of Indivisible Windward.

HB-1838-HD-1

Submitted on: 2/12/2026 9:06:35 AM

Testimony for JHA on 2/13/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Yvette Kay	Individual	Support	Written Testimony Only

Comments:

I am a resident of Kailua Kona, HI and I support HB1838.

Support because:

- Creates consistent, fair, and timely certification processes across counties and agencies.
- Helps ensure Hawai'i supports victims of crime who cooperate with law enforcement.
- Improves public safety: when victims trust the system, they are more likely to report crimes.
- Training reduces delays, errors, and uneven practices that harm survivors.

HB-1838-HD-1

Submitted on: 2/12/2026 9:10:19 AM

Testimony for JHA on 2/13/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ron Brown	Individual	Support	Written Testimony Only

Comments:

Please support this bill!

I am writing in strong support of HB1838 both personally and as a member of the Indivisible Hawaii State Network (IHSN). This Bill would add a new Chapter to the Hawaii Revised Statutes setting standardized procedures for applying for U and T visa status for noncitizen victims of crime. These visas were established by Congress to protect noncitizen victims of human trafficking or other crimes to avoid deportation by immigration authorities while assisting local law enforcement to find and prosecute the perpetrators.

Everyone in the community is harmed when serious crimes are not reported to the authorities or prosecuted. Noncitizen residents may be afraid to report crimes or assist in investigation and prosecution if they face deportation by coming forward. These special visa categories are intended to protect victims who come forward from immigration proceedings.

This bill is an important step toward providing support for noncitizens who have been victimized, and a step toward more effective prosecution of human traffickers and criminals.

Thank you for the opportunity to testify on this Bill.

Testimony of Patrick Switzer
In SUPPORT of HB1838 HD1

Committee on Judiciary and Hawaiian Affairs

Representative David A. Tarnas, Chair
Representative Mahina Poepoe, Vice Chair

Hearing Date Feb 13, 2026

Dear Chair David A. Tarnas, Vice Chair Mahina Poepoe, and members of the Committee on Judiciary and Hawaiian Affairs,

My name is Patrick Switzer and I submit this testimony in support of HB 1838 HD1, which standardizes U and T visa certification statewide and funds training for agencies.

I am a Registered Nurse working in Honolulu and I am testifying as an individual to advocate for policy that will help protect the vulnerable members of our community that I serve.

I believe this measure will help survivors of trafficking and serious crimes, by improving fairness and predictability when seeking U or T visa certification. Agency training will help ensure the process is implemented consistently.

I respectfully request that the Committee pass HB1838 HD1.

Sincerely,
Patrick Switzer, R.N.
pastronaut@hotmail.com (808) 294-1594

HB-1838-HD-1

Submitted on: 2/12/2026 9:29:01 AM

Testimony for JHA on 2/13/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Cheryl Bellamy	Individual	Support	Written Testimony Only

Comments:

I am writing in strong support of HB1838 both personally and as a member of the Indivisible Hawaii State Network (IHSN). This Bill would add a new Chapter to the Hawaii Revised Statutes setting standardized procedures for applying for U and T visa status for noncitizen victims of crime. These visas were established by Congress to protect noncitizen victims of human trafficking or other crimes to avoid deportation by immigration authorities while assisting local law enforcement to find and prosecute the perpetrators.

Everyone in the community is harmed when serious crimes are not reported to the authorities or prosecuted. Noncitizen residents may be afraid to report crimes or assist in investigation and prosecution if they face deportation by coming forward. These special visa categories are intended to protect victims who come forward from immigration proceedings.

The application for these visas must be filed with federal authorities by local law enforcement and prosecuting agencies. Since the application is a discretionary process there are significant differences in filing across Hawaii's agencies and islands. This bill is an important step toward providing support for noncitizens who have been victimized, and a step toward more effective prosecution of human traffickers and criminals.

Thank you for the opportunity to testify on this Bill.

HB-1838-HD-1

Submitted on: 2/12/2026 9:35:14 AM

Testimony for JHA on 2/13/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Allison Shiozaki	Individual	Support	Written Testimony Only

Comments:

Aloha kākou,

I am a member of the Hawai'i island community.

Please, we need laws that uplift human dignity and common sense.

Me Ke aloha,

Allison Shiozaki

HB-1838-HD-1

Submitted on: 2/12/2026 9:41:50 AM

Testimony for JHA on 2/13/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nancy D Moser	Individual	Support	Written Testimony Only

Comments:

In support

HB-1838-HD-1

Submitted on: 2/12/2026 9:44:49 AM

Testimony for JHA on 2/13/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Joie Yonamine	Individual	Support	Written Testimony Only

Comments:

I am writing in strong support of HB1838 both personally and as a member of the Indivisible Hawaii State Network (IHSN). This bill would add a new chapter to the Hawaii Revised Statutes setting standardized procedures for applying for U and T visa status for noncitizen victims of crime. These visas were established by Congress to protect noncitizen victims of human trafficking or other crimes to avoid deportation by immigration authorities while assisting local law enforcement to find and prosecute perpetrators.

Non-citizen residents, already vulnerable to crimes of forced labor and human trafficking, may be afraid to report crimes or assist in investigation and prosecution if they may face deportation by coming forward. These special visa categories are intended to protect victims who come forward from immigration proceedings.

This bill will create clear statewide rules for how officials issue U and T visa certifications for immigrant crime victims, require every state and county agency to follow those rules, and provide funding to train officials so survivors can access these protections consistently and fairly.

Thank you for the opportunity to testify on this bill.

Joie Yonamine, Manoa Valley

HB-1838-HD-1

Submitted on: 2/12/2026 9:50:25 AM

Testimony for JHA on 2/13/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nancy Convard	Individual	Support	Written Testimony Only

Comments:

Testimony of Nancy Convard

In SUPPORT of HB1838 HD1

Committee on Judiciary & Hawaiian Affairs

Representative David A. Tarnas, Chair

Representative Mahina Poepoe, Vice Chair

Hearing Date: Feb 13, 2026

Dear Chair David A. Tarnas, Vice Chair Mahina Poepoe, and members of the Committee on Judiciary & Hawaiian Affairs,

My name is Nancy Convard, and I submit this testimony in support of HB1838 HD1, which standardizes U and T visa certification statewide and funds training for agencies. [OBJ]

I am a community member concerned about fair application of immigration policies and protections. I am testifying as an individual, with nascent participation with the Campaign for Immigrant Justice Hawai'i efforts.

Survivors of serious crimes and trafficking should not face a “zip code lottery” when seeking U or T visa certification. Standardization improves fairness and predictability statewide, and agency training ensures the process is implemented consistently and trauma-informed.

This measure also strengthens public safety. When survivors trust that coming forward will not create additional harm or confusion, they are more likely to report crimes and cooperate with investigations, which helps hold offenders accountable.

For these reasons, I respectfully request that the Committee PASS HB1838 HD1.

Mahalo for the opportunity to provide testimony.

Sincerely,

Nancy Convard

nconvard@gmail.com; 202-288-8822

HB-1838-HD-1

Submitted on: 2/12/2026 10:10:54 AM

Testimony for JHA on 2/13/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Christopher Davis	Individual	Support	Written Testimony Only

Comments:

I am writing in strong support of HB1838 both personally and as a member of the Indivisible Hawaii State Network (IHSN). This Bill would add a new Chapter to the Hawaii Revised Statutes setting standardized procedures for applying for U and T visa status for noncitizen victims of crime. These visas were established by Congress to protect noncitizen victims of human trafficking or other crimes to avoid deportation by immigration authorities while assisting local law enforcement to find and prosecute the perpetrators.

Everyone in the community is harmed when serious crimes are not reported to the authorities or prosecuted. Noncitizen residents may be afraid to report crimes or assist in investigation and prosecution if they face deportation by coming forward. These special visa categories are intended to protect victims who come forward from immigration proceedings.

The application for these visas must be filed with federal authorities by local law enforcement and prosecuting agencies. Since the application is a discretionary process there are significant differences in filing across Hawaii's agencies and islands. This bill is an important step toward providing support for noncitizens who have been victimized, and a step toward more effective prosecution of human traffickers and criminals.

Thank you for the opportunity to testify on this Bill.

Christopher Davis

HB-1838-HD-1

Submitted on: 2/12/2026 10:43:37 AM

Testimony for JHA on 2/13/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Sarah Burns	Individual	Support	Written Testimony Only

Comments:

Testimony of Sarah Burns In SUPPORT of HB1838 HD1

Committee on Judiciary & Hawaiian Affairs

Representative David A. Tarnas, Chair

Representative Mahina Poepoe, Vice Chair

Hearing Date: Feb 13, 2026

Dear Chair David A. Tarnas, Vice Chair Mahina Poepoe, and members of the Committee on Judiciary & Hawaiian Affairs,

My name is Sarah Burns, a resident of Kaimuki, and I submit this testimony in support of HB1838 HD1, which standardizes U and T visa certification statewide and funds training for agencies.

Survivors of serious crimes and trafficking should not face a “zip code lottery” when seeking U or T visa certification. Standardization improves fairness and predictability statewide, and agency training ensures the process is implemented consistently and trauma-informed.

This measure also strengthens public safety. When survivors trust that coming forward will not create additional harm or confusion, they are more likely to report crimes and cooperate with investigations, which helps hold offenders accountable.

For these reasons, I respectfully request that the Committee PASS HB1838 HD1.

Mahalo for the opportunity to provide testimony.

Sincerely,

Sarah Burns

Kaimuki, 96816

HB-1838-HD-1

Submitted on: 2/12/2026 10:46:21 AM

Testimony for JHA on 2/13/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Alexis Muller	Individual	Support	Written Testimony Only

Comments:

Aloha Chair, Vice Chair, and Members of the Committee,

I strongly support HB 1838. This bill ensures that immigrant victims of crime in Hawai‘i have fair, clear, and consistent access to U and T visa certifications, which are critical tools that help survivors seek safety, stability, and justice while supporting law enforcement efforts.

By establishing uniform statewide standards, clear timelines, confidentiality protections, and training for certifying entities, this measure removes unnecessary barriers that currently discourage victims from reporting crimes or cooperating with investigations. When survivors feel safe coming forward, it strengthens public safety and community trust for everyone.

HB 1838 aligns with Hawai‘i’s values of dignity, fairness, and access to justice. I respectfully urge your support.

Mahalo for the opportunity to submit testimony.

HB-1838-HD-1

Submitted on: 2/12/2026 10:51:20 AM

Testimony for JHA on 2/13/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Marcela Montalto	Individual	Support	Written Testimony Only

Comments:

I am writing in strong support of HB1838 both personally and as a member of the Indivisible Hawaii State Network (IHSN). This Bill would add a new Chapter to the Hawaii Revised Statutes setting standardized procedures for applying for U and T visa status for noncitizen victims of crime. These visas were established by Congress to protect noncitizen victims of human trafficking or other crimes to avoid deportation by immigration authorities while assisting local law enforcement to find and prosecute the perpetrators.

Everyone in the community is harmed when serious crimes are not reported to the authorities or prosecuted. Noncitizen residents may be afraid to report crimes or assist in investigation and prosecution if they face deportation by coming forward. These special visa categories are intended to protect victims who come forward from immigration proceedings.

The application for these visas must be filed with federal authorities by local law enforcement and prosecuting agencies. Since the application is a discretionary process there are significant differences in filing across Hawaii's agencies and islands. This bill is an important step toward providing support for noncitizens who have been victimized, and a step toward more effective prosecution of human traffickers and criminals.

Thank you for the opportunity to testify on this Bill.

Marcela Montalto

HB-1838-HD-1

Submitted on: 2/12/2026 11:21:18 AM

Testimony for JHA on 2/13/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Marie Iding	Individual	Support	Written Testimony Only

Comments:

Dear Legislators

Please support this bill to create and maintain consistent training in care of survivors of crimes. Consistency creates trust in the system and survivors will be apt to report.

Thank you,

Marie

HB-1838-HD-1

Submitted on: 2/12/2026 11:23:15 AM

Testimony for JHA on 2/13/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
janet Matlock	Individual	Support	Written Testimony Only

Comments:

Aloha Kākou,

I am writing in support of HB1828, as this bill provides for continuity across Hawaii's counties and associated agencies when supporting victims of crime in their reports to law enforcement. It is well known that when victims do not trust law enforcement, crimes go unreported, which endangers everyone. Please support this Bill.

Mahalo,

janet Matlock, Kailua Kona

HB-1838-HD-1

Submitted on: 2/12/2026 11:38:08 AM

Testimony for JHA on 2/13/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Patti Cook	Individual	Support	Written Testimony Only

Comments:

Please expedite approval to protect noncitizen victims of crime including funding for AG training. MAHALO, Patti Cook

HB-1838-HD-1

Submitted on: 2/12/2026 11:58:42 AM

Testimony for JHA on 2/13/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Larry Smith	Individual	Support	Written Testimony Only

Comments:

Strong support

Larry Smith

member-Indivisible

HB-1838-HD-1

Submitted on: 2/12/2026 11:59:07 AM

Testimony for JHA on 2/13/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Terry McDonald	Individual	Support	Written Testimony Only

Comments:

We need these folks on island. Period

HB-1838-HD-1

Submitted on: 2/12/2026 12:47:06 PM

Testimony for JHA on 2/13/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ellen Caringer, Ph.D.	Individual	Support	Written Testimony Only

Comments:

Testimony of Ellen R. Caringer, Ph.D.

In SUPPORT of HB1838 HD1

Committee on Judiciary & Hawaiian Affairs

Representative David A. Tarnas, Chair

Representative Mahina Poepoe, Vice Chair

Hearing Date: Feb 13, 2026

Dear Chair David A. Tarnas, Vice Chair Mahina Poepoe, and members of the Committee on Judiciary & Hawaiian Affairs,

My name is Ellen R. Caringer, and I submit this testimony in support of HB1838 HD1, which standardizes U and T visa certification statewide and funds training for agencies.

I am a clinical psychologist and I am testifying as an individual. Survivors of serious crimes and trafficking should not face a “zip code lottery” when seeking U or T visa certification. Standardization improves fairness and predictability statewide, and agency training ensures the process is implemented consistently and trauma-informed.

This measure also strengthens public safety. When survivors trust that coming forward will not create additional harm or confusion, they are more likely to report crimes and cooperate with investigations, which helps hold offenders accountable.

For these reasons, I respectfully request that the Committee PASS HB1838 HD1.

Mahalo for the opportunity to provide testimony.

Sincerely,

Ellen R. Caringer, Ph.D.

drcaringer@gmail.com

808-281-7463

HB-1838-HD-1

Submitted on: 2/12/2026 1:31:03 PM

Testimony for JHA on 2/13/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Richard S Velasquez	Individual	Support	Written Testimony Only

Comments:

please support, protect our constitution

HB-1838-HD-1

Submitted on: 2/12/2026 1:58:36 PM

Testimony for JHA on 2/13/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nancy J. Budd	Individual	Support	Written Testimony Only

Comments:

To: HOUSE JUDICIARY & HAWAIIAN AFFAIRS COMMITTEE

Hon. David A. Tarnas, Chair

Hon. Mahina Poepoe, Vice Chair

Re: *URGING STRONG SUPPORT HB1838 HD1, HB1870 HD1, HB1768, HB1548 and HB2600*

Hearing: Friday, Feb 13, 2026 — 2 PM

Aloha Chair Tarnas, Vice Chair Poepoe, and Members of the Committee,

My name is Nancy J. Budd and I submit this testimony in **strong support** of **HB1838 HD1, HB1870 HD1, HB1768, HB1548, and HB2600**. Together, these measures strengthen community safety, due process and transparency. It is critical that our state provide these protections so all of our residents, including vulnerable immigrant and mixed-status families, can access essential services without fear and survivors can seek help and safely cooperate with authorities.

State and county participation in civil immigration enforcement near sensitive locations such as schools, health care facilities, libraries, shelters, and courts *must be prohibited*. People must be able to safely access education, health care, emergency services and courts without fear.

Secretive or masked enforcement undermines due process and public trust. Transparency is essential to constitutional accountability—especially for immigrant communities. Prohibit masks and require that name tags and official badges be worn.

287(g) programs lead to racial profiling, unlawful detention, and fear of law enforcement. Ending deputization keeps local resources focused on community safety—not federal

immigration enforcement. Transfers to immigration authorities should require a judicial warrant or finding of probable cause.

A single extra day in a sentence can trigger mandatory detention or deportation under federal law. This reform promotes proportional sentencing and prevents unnecessary incarceration and family separation for low-level offenses.

Appropriating funds to provide for a Deputy Public Defender assigned to complex constitutional matters is a strategic and important investment to ensure due process, efficiency and fairness.

I respectfully urge you to **PASS** these measures. Mahalo for the opportunity to testify.

Sincerely,

Nancy J. Budd

Kaua`i Resident, attorney, and former Hawaii Board of Education member

HB-1838-HD-1

Submitted on: 2/12/2026 2:06:11 PM

Testimony for JHA on 2/13/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jessica Kuzmier	Individual	Support	Written Testimony Only

Comments:

Aloha, I am writing in support of HB1870 HD1 because I believe it is a vital common-sense public safety and public health measure for the people of our island home. Mahalo for your consideration.

Wednesday, February 13, 2026 2:00 p.m.
Conference Room 325 & Videoconference
State Capitol, 415 South Beretania Street

Testimony of Joey Badua

In SUPPORT of HB1838 HD1

Representative David A. Tarnas, Chair

Representative Mahina Poepoe, Vice Chair

Dear Chair Tarnas, Vice Chair Poepoe, and members of the Committee on Judiciary and Hawaiian Affairs:

My name is Joey Badua, and I appreciate the opportunity to submit testimony on this important bill.

I strongly support this bill because standard procedures for U and T visa certification is necessary to protect survivors of serious crimes and trafficking. It is one less stress that survivors experience to know that certification is based on consistent application of the law. Consequently, funding for training agencies on how to follow standard procedure decreases unpredictable job responsibilities for those working on these certifications. Knowing clear timelines, appeal and review processes, cultural competency, language access and how to respond to the public questions about the process helps retain employees who want to do a good job.

It's a win-win.

Thus,

Respectfully,

Joey Badua

PO Box 29724

Honolulu, HI 96820

HB-1838-HD-1

Submitted on: 2/12/2026 3:19:00 PM

Testimony for JHA on 2/13/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Robert Justice, M.D.	Individual	Support	Written Testimony Only

Comments:

Aloha,

I am a retired physician, a resident of Kapolei, and a member of Indivisible. I apologize for not meeting the deadline by several hours but hope that you will consider my testimony anyway. I strongly support HB1838 HD1, which standardizes U and T visa certification statewide and funds training for agencies.

Survivors of serious crimes and trafficking should not face a “zip code lottery” when seeking U or T visa certification. Standardization improves fairness and predictability statewide, and agency training ensures the process is implemented consistently and trauma-informed.

This measure also strengthens public safety. When survivors trust that coming forward will not create additional harm or confusion, they are more likely to report crimes and cooperate with investigations, which helps hold offenders accountable.

Mahalo.

HB-1838-HD-1

Submitted on: 2/12/2026 3:30:53 PM

Testimony for JHA on 2/13/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jesse Hutchison	Individual	Support	Written Testimony Only

Comments:

I am writing in strong support of HB1838. This Bill would add a new Chapter to the Hawaii Revised Statutes setting standardized procedures for applying for U and T visa status for noncitizen victims of crime. These visas were established by Congress to protect noncitizen victims of human trafficking or other crimes to avoid deportation by immigration authorities while assisting local law enforcement to find and prosecute the perpetrators.

Everyone in the community is harmed when serious crimes are not reported to the authorities or prosecuted. Noncitizen residents may be afraid to report crimes or assist in investigation and prosecution if they face deportation by coming forward. These special visa categories are intended to protect victims who come forward from immigration proceedings.

The application for these visas must be filed with federal authorities by local law enforcement and prosecuting agencies. Since the application is a discretionary process there are significant differences in filing across Hawaii's agencies and islands. This bill is an important step toward providing support for noncitizens who have been victimized, and a step toward more effective prosecution of human traffickers and criminals.

Thank you for the opportunity to testify on this Bill.

HB-1838-HD-1

Submitted on: 2/12/2026 5:22:51 PM

Testimony for JHA on 2/13/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
HSDWC	Hawai'i State Democratic Women's Caucus	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe and members,

We are in support of this measure which in particular will protect immigrating victims of gender-based violence and trafficking. We are in agreement the intent to clarify and strenghten existing law.

Mahalo,

Ann S. Freed, For HSDWC, Co-Chair



Committee: House Committee on Judiciary & Hawaiian Affairs
Hearing Date/Time: Friday, February 13, 2026, at 2:00 PM
Place: Conference Room 325 & via Videoconference
Re: Testimony of the ACLU of Hawai'i in SUPPORT of HB 1838, HD1, Relating to Visas

Dear Chair David A. Tarnas, Vice Chair Mahina Poepoe, and members of the Committee on Judiciary & Hawaiian Affairs,

On behalf of the American Civil Liberties Union of Hawai'i, I write in strong support of HB 1838, HD1, which would establish uniform statewide policies and processes for U and T visa certifications for noncitizen crime survivors in Hawai'i.

HB 1838, HD1 enhances access to justice and strengthen community trust. By requiring law enforcement agencies, prosecutors, courts, and other certifying entities to adopt clear, consistent policies, this bill promotes fairness and transparency in the certification process. Standardized procedures give survivors confidence that their cooperation will be supported, which strengthens trust between immigrant communities and public safety officials.

HB 1838, HD1 promotes safe communities by encouraging crime reporting. Evidence shows that when victims feel safe coming forward, public safety outcomes improve for all community members, as fear of deportation reduces crime reporting among immigrant communities.¹ By reducing uncertainty and fear surrounding the certification process, HB 1838, HD1 helps victims report crimes and cooperate with law enforcement, supporting safer communities.

HB 1838, HD1 ensures proper training and accountability for certifying officials. The bill's training requirements for state and county certifying officials are essential to preventing inappropriate denials and ensuring compliance with federal and state law. Well-trained officials are better equipped to understand their responsibilities, protect vulnerable populations, and uphold victims' rights—particularly important for individuals who may otherwise avoid authorities due to fear or misinformation.

¹ Reva Dhingra et al., "Immigration Policies and Access to the Justice System: The Effect of Enforcement Escalations on Undocumented Immigrants and Their Communities," *Political Behavior* 44 (2022), <https://doi.org/10.1007/s11109-020-09663-w>

For these reasons, I respectfully ask the committee to support HB 1838, HD1.

Mahalo for your time and consideration.

A handwritten signature in black ink, appearing to read "Mandy Fernandes".

Mandy Fernandes
Policy Director
ACLU of Hawai'i

The mission of the ACLU of Hawai'i is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawai'i fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawai'i is a non-partisan and private non-profit organization founded in 1965 that provides its services at no cost to the public and does not accept government funds.

HB-1838-HD-1

Submitted on: 2/13/2026 4:12:57 AM

Testimony for JHA on 2/13/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Taylor Crow	Individual	Support	Written Testimony Only

Comments:

The state of Hawaii has a moral responsibility to protect victims. I support bill HB1838 HD1 because I believe the state of Hawaii needs to ratify this legislation as to make sound that it is a also a duty to protect victims including the provision of U & T visas.