Maryland U Visa Certification Law

Effective Date: October 1, 2025

AN ACT concerning: Criminal Procedure - U Nonimmigrant Status Petitions

For the purpose of altering the requirements for certification of a u nonimmigrant status petition; altering the individuals eligible to request a certain official to certify victim helpfulness on a certain form relating to certification of a u nonimmigrant status petition; altering the time periods within which a certain certifying entity shall certify or decline a certain form under certain circumstances; requiring a certifying entity to develop protocols to assist certain petitioners to take certain actions; authorizing disclosure of certain information under certain circumstances; and generally relating to U Nonimmigrant status petitions

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows: Article - Criminal Procedure Article - Criminal Procedure

11-930.

(a)In this part the following words have the meanings indicated.

(b)"Certifying entity" means:

(1) a State or local law enforcement agency;

(2) a State's Attorney or deputy or assistant State's Attorney;

(3) any other authority that has responsibility for the detection, investigation, or prosecution of a qualifying crime or criminal activity; or

(4) an agency that has criminal, civil, family, or administrative detection, investigative, or prosecutorial jurisdiction in the agency's respective areas of expertise, including child protective services, adult protective services, the Commission on Civil Rights, and the Maryland Department of Labor.

(c) "Certifying official" means:

(1) the head of a certifying entity;

(2) an individual in a supervisory role who has been specifically designated by the head of a certifying entity to provide U Nonimmigrant Status certifications on behalf of that entity; or

(3) any other certifying official defined under *Title 8, Section 214.14(a)(3)(i) of the Code of Federal Regulations.*

(d) "Federal U Nonimmigrant status petition guidelines" means federal statutes, regulations, policies, publications, guidance, and instructions relating to U Nonimmigrant status, including *8 U.S.C. Section 1101(a)(15)(U)*, 8 U.S.C. Section 1184(p), *8 U.S.C. Section 1367*, 72 Fed. Reg. 53014 (Sept. 17, 2007), *8 C.F.R. Section 214.14, 8 C.F.R. Section 245.24*, and *8 U.S.C. Section 1255(m)(1)*.

(e) "Qualifying crime" includes a criminal offense for which the nature and elements of the offense are substantially similar to the criminal activity described in subsection (f) of this section and the attempt, conspiracy, or solicitation to commit the offense.

(f) "Qualifying criminal activity" means criminal activity under Section 1101(a)(15)(U)(iii) of the United States Code or that is described in Federal U Nonimmigrant status petition guidelines.

11-931.

(a)

(1) For purposes of filing a petition with the United States Citizenship and Immigration Services for U Nonimmigrant Status, a victim or the victim's parent, guardian, next friend, attorney, victim advocate, or other representative may request a certifying official of a certifying entity to certify victim helpfulness on a Form I-918, Supplement B certification if the victim:

(I) Was a victim of a qualifying criminal activity and has been helpful, is being helpful, or is likely to be helpful in the detection, investigation, or prosecution of that qualifying criminal activity;

(II) Was under the age of 16 years on the date that an act that constitutes an element of qualifying criminal activity first occurred and the victim's parent, guardian, or next friend has been helpful to the certifying entity in the detection, investigation, or prosecution of that qualifying criminal activity; or

(III) Is incapacitated or incompetent and the victim's parent, guardian, or next friend has been helpful to the certifying entity in the detection, investigation, or prosecution of that qualifying criminal activity.

(2)

(I) A victim of a qualifying crime or a qualifying criminal activity is eligible for certification.

(II) If a victim is applying for certification as a result of being a victim of more than one qualifying crime or qualifying criminal activity, each qualifying crime and qualifying criminal activity shall be listed on the certification.

(b) For purposes of determining helpfulness for a request for certification under subsection (a) of this section, 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.

(c) For purposes of determining helpfulness under subsection (a) of this section, if the victim or the victim's parent, guardian, or next friend is assisting, has assisted, or is likely to assist law enforcement authorities in the detection, investigation, or prosecution of qualifying criminal activity, the victim or the victim's parent, guardian, or next friend shall be considered to be helpful, to have been helpful, or likely to be helpful.

(d) If the victim or the victim's parent, guardian, or next friend satisfies the criteria specified under subsection (a) of this section, the certifying official shall fully complete and sign the Form I-918, Supplement B certification and, with respect to victim helpfulness, include:

(1) specific details about the nature of the crime detected, investigated, or prosecuted,

(2) a detailed description of the victim's past or present helpfulness or likely helpfulness to the detection, investigation, or prosecution of the criminal activity; and

(3) copies of any documents in the possession of the certifying official that evince the harm endured by the victim due to the criminal activity.

(e)

(1) Except as provided in paragraph (2) of this subsection, the certifying entity shall certify or decline certification of the Form I-918, Supplement B certification within 45 days after receiving a request under subsection (a) of this section.

(2) If a noncitizen victim is the subject of removal, exclusion, or deportation proceedings or subject to a final order of removal, exclusion, or deportation, the certifying entity shall certify or decline certification of the Form I-918, Supplement B certification within 7 days after receiving a request under subsection (a) of this section.

(f) A current investigation, the filing of charges, a prosecution, or a conviction is not required for a victim or the victim's parent, guardian, next friend, attorney, victim advocate, or other representative to request and obtain the Form I-918, Supplement B certification under this section.

(g) There is no statute of limitations for when a qualifying criminal activity occurred relative to the request for certification of victim helpfulness under this section.

(h) If the certifying official cannot determine whether the applicant is a victim of a qualifying criminal activity or determines that the applicant does not qualify for certification, the certifying official shall provide a written explanation to the victim or the victim's parent, guardian, next friend, attorney, victim advocate, or other representative setting forth reasons why the available evidence does not support issuance of the certification.

(i) A certifying official may deny or withdraw the certification provided under this section only if, after considering the totality of the circumstances, the person providing the helpfulness under subsection (a) of this section unreasonably refused to cooperate or unreasonably failed to provide information or assistance reasonably requested by a certifying official.

(j)

(1) Notwithstanding any other provision of this section, a certifying official's completion of a certification form may not be considered sufficient evidence that an applicant for U Nonimmigrant status has met all eligibility requirements for that visa status, and completion of a certification form by a certifying official may not be construed to guarantee that the victim will receive immigration relief under federal law.

(2) Completion of a certification form by a certifying official only serves as verification of the factual information relevant for a federal immigration official to determine eligibility for U Nonimmigrant status.

(3) By completing a certification form, the certifying official attests that the information is true and correct to the best of the certifying official's knowledge.

(4) This section does not limit the manner in which a certifying official or certifying agency may:

(I) Describe whether the person has been helpful, is being helpful, or is likely to be helpful to the certifying entity; or

(II) Provide any additional information the certifying official or certifying entity believes might be relevant to the adjudication of U Nonimmigrant status petition.

(k) A certifying entity shall develop protocols to assist petitioners who have limited English proficiency to proceed under this section.

11-932.

(A) A certifying entity or a certifying official may disclose information relating to a victim who is seeking certification, or who is seeking or has obtained U Nonimmigrant status only:

(1) to comply with federal law, a court order, or a discovery obligation in the prosecution of a criminal offense; or

(2) if applicable, after the victim has waived confidentiality protections under the Violence Against Women Act under *34 U.S.C. SECTION 12291(B)(2)*.

(B) This section may not be construed to alter or diminish the duties and requirements of a law enforcement officer, a state's attorney, or the Attorney General from disclosing exculpatory information to a defendant in a criminal case.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2025.