U and T Visa Certification State Law Requirements: Review, Comparison, and Trends[1]

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1. Introduction

As an important part of the Violence Against Women Act of 2000 (VAWA 2000), there was a bipartisan effort to create the U visa and T visa programs as crime-fighting tools, that would enhance access to justice and help from law enforcement, prosecutors, courts, and other government officials and provide humanitarian relief for immigrant victims of crime.[3] Congress created the U and T visas in order to strengthen the justice system's ability to detect, investigate, prosecute, convict and sentence perpetrators of domestic violence, child abuse, sexual assault, stalking, human trafficking and other criminal activities. One significant way to achieve these goals was to offer much needed protection, safety, and stability through immigration relief, protection from deportation, employment authorization, and a path to lawful permanent residency to immigrant victims of these offenses who mustered the courage to report crime victimization to government officials.[4]

Victims of criminal activities perpetrated against them in the United States must obtain a U visa certification from a government official that is a required prerequisite to filing the victim's application for a U visa. Unless a U visa applicant files a signed U visa certification along with their U visa application, USCIS will reject the victim's U visa application as incomplete.[5] For victims of human trafficking filing for T visas, the T visa declaration is an optional form of evidence that is one of the primary ways a victim demonstrates cooperation for the victims T visa case.[6]

Nationally, 96% of the U visa certifications filed were signed by state or local government agencies, with 65% signed by law enforcement and 32% signed by a prosecutor, district attorney or judge.[7] With state and local police, prosecutors, and judges signing U visa certifications and reaping the benefits of U visa certification as a tool to build trust and fight crime in communities across the country,[8] twenty (20) states have enacted U visa certification and T visa declaration state statutes.

This article reviews and charts the provisions of each of the U and T visa certification laws that have been passed by state legislatures in twenty states. State U and T visa statutes are designed to encourage state and local agencies to sign U visa certifications and T visa endorsements statewide while fostering consistency and transparency in victim's ability to access certifications. State U and T visa certification law provisions are broken down into topics. The section on each topic includes a brief overview of the topic, a bulleted list comparing the various ways state laws address the topic, and a chart with the text of the provisions in each states' laws addressing that topic. The charts facilitate swift identification on trends and emerging issues related to each topic and will help advocates, attorneys, judges, and government agency staff quickly identify the U and T visa certification laws that

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[3] See VAWA 2000, § 1513(a)(2)(A), Pub. L. No. 106-386, 114 Stat. 1464.

[4] *See generally* Katrina Castillo et al., *Legislative History of VAWA (94, 00, 05), T and U-Visas, Battered Spouse Waiver, and VAWA Confidentiality*, (January 5, 2023). https://niwaplibrary.wcl.american.edu/pubs/vawa-t-u-leg-history/

[5] USCIS, U VISA LAW ENFORCEMENT RESOURCE GUIDE FOR FEDERAL, STATE, LOCAL, TRIBAL AND TERRITORIAL LAW ENFORCEMENT, PROSECUTORS, JUDGES AND OTHER GOVERNMENT AGENCIES at 2, 3 (February 28, 2022), https://niwaplibrary.wcl.american.edu/pubs/u-visa-certification-resource-guide-2022/.

[6] *T-Visa Law Enforcement Resource Guide* at 1, 5 (October 20, 2021), https://niwaplibrary.wcl.american.edu/pubs/t-visa-law-enforcement-resource-guide/.

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

[8] *See generally*, IACP, *Support for Education and Awareness on U Visa Certifications and T Visa Declarations* https://niwaplibrary.wcl.american.edu/pubs/iacp-support-for-education-and-awareness-on-u-visa-certifications-and-t-visa-declarations/; Police Chief Magazine, *Overcoming Fear and Building Trust With Immigrant Communities and Crime Victims* (April 2018) https://niwaplibrary.wcl.american.edu/pubs/policechief_april-2018_building-trust-immigrant-victims/; National Center for State Courts, *Promoting Access to Justice for Immigrant Crime Victims and Children: Findings of a National Judicial Survey and Policy Recommendations* (2018), https://niwaplibrary.wcl.american.edu/pubs/trends-in-state-courts-survey-findings/.

apply in their states, in neighboring states, or other states to which a victim of domestic violence, sexual assault, stalking, dating violence, child abuse, elder abuse, or human trafficking is considering moving when fleeing an abusive home, workplace, or trafficker.

2. **Certifying Agencies**

A noncitizen applying for a U Visa must obtain a U Visa certification from a qualifying certifying agency. According to 8 C.F.R. § 214.14, a "Certifying agency" is defined as any Federal, State, or local law enforcement agency, prosecutor, judge, or other authority responsible for investigating or prosecuting a qualifying crime or qualifying criminal activity. This definition also includes state and federal agencies with criminal, civil, or administrative investigative or prosecutorial jurisdiction in specific areas,[9] examples include child and adult protective services, the Equal Employment Opportunity Commission (EEOC), and state and federal Departments of Labor.

State laws that require government agency officials in their states to sign U visa certifications apply their state law requirements to some or all of the state agencies authorized by federal law[10] and regulations[11] to sign U visa certifications. Some states authorize and apply state certification requirements to all state agencies that fall within the federal law definition of U visa certifying agencies outlined in 8 C.F.R. § 214.14(a)(2). Other state U visa certification laws only apply their state law certification requirements to certain specific types of state agencies authorized to certify under federal law. State laws that apply state certification requirements to a subset of federally authorized certifying agencies commonly apply state certification requirements to law enforcement agencies and prosecutors, and in a growing number of jurisdictions judges.

State statutes that require any state agency authorized to certify under federal law to comply with state certification requirement are more effective at promoting U visa certification in their states. When law enforcement, prosecutors, or judges sign U visa certifications, research has found that this promotes trust by immigrant victims and communities in certifying agencies and promotes greater access to the justice by immigrant victims.[12]

Below is a list of states and the certifying agencies they recognize in their respective statutes, categorized by the type of agency:

- All federally authorized certifying agencies "As defined in 8 C.F.R.§ 214.14 (a)(2)":
  - Colorado, Oregon, Nebraska
- Law enforcement agencies (including but not limited to: police, sheriffs, state police, university police, school district police):
  - Arkansas (U and T visas), California (U, T, and S visas), Colorado, Connecticut, Delaware, Illinois, Louisiana, Maryland, Massachusetts, Minnesota, Montana, Nebraska, Nevada, North Dakota, Oregon, Rhode Island, Utah, Virginia, Washington

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[9] DEP'T HOMELAND SEC., U AND T VISA LAW ENFORCEMENT RESOURCE GUIDE at 6 (November 30, 2015), https://niwaplibrary.wcl.american.edu/pubs/dhs-updated-u-certification-resource-guide-2015/

[10] INA § 214(p)(1), 8 U.S.C. § 1184(p)(1).

[11] 8 C.F.R. § 214.14(2); 72 Fed. Reg. 53014 (September 17, 2007), https://niwaplibrary.wcl.american.edu/pubs/uvisarule/; USCIS, U VISA LAW ENFORCEMENT RESOURCE GUIDE FOR FEDERAL, STATE, LOCAL, TRIBAL AND TERRITORIAL LAW ENFORCEMENT, PROSECUTORS, JUDGES AND OTHER GOVERNMENT AGENCIES at 4 (February 28, 2022),https://niwaplibrary.wcl.american.edu/pubs/u-visa-certification-resource-guide-2022/.

[12] Leslye E. Orloff et al., *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* (2021), https://niwaplibrary.wcl.american.edu/pubs/executive-summary-final/; National Center for State Courts, *Promoting Access to Justice for Immigrant Crime Victims and Children: Findings of a National Judicial Survey and Policy Recommendations* (2018), https://niwaplibrary.wcl.american.edu/pubs/trends-in-state-courts-survey-findings/; Police Chief Magazine, Overcoming Fear and Building Trust With Immigrant Communities and Crime Victims (April 2018), http://niwaplibrary.wcl.american.edu/pubs/policechief_april-2018_building-trust-immigrant-victims/.

- Prosecutors (including but not limited to prosecutors, district attorneys, city attorneys, county attorneys, municipal prosecutor, and any of their deputies, and the office of the state attorney general):
  - California (U, T, and S visas), Colorado, Delaware, Illinois, Louisiana, Maryland, Massachusetts, Nebraska, Nevada, Oregon, U.S. Virgin Islands (Attorney General), Utah, Virginia, Washington
- Judges/Courts Included:
  - California (U, T, and S visas), Colorado, Nebraska, Nevada, Oregon, Utah, Washington
    - Administrative judge or hearing officer
      - Washington
    - Courts defined to include the Supreme Court, Court of Appeals, Business or Chancery Court, district courts, juvenile courts, and justice courts
      - Utah
- Child Protective Services, Departments of Human or Social Services:
  - California (U, T, and S visas), Colorado, Illinois, Massachusetts, Maryland, Nebraska, Nevada, Oregon, Utah, Washington
- Adult Protective Services
  - California (U, T, and S visas), Colorado, Illinois, Massachusetts, Maryland, Nebraska, Nevada, Oregon, Washington
- Civil Rights Divisions:
  - California (U, T, and S visas), Maryland
- Departments of Labor, Employment, and/or Industrial Relations:
  - California (U, T, and S visas), Colorado, Maryland, Nebraska, Oregon, Utah, Washington
- Other state agencies that have criminal, civil, family, or administrative authority for detection, investigation or prosecution
  - Other state authority in their respective areas of expertise responsible for detection, investigating or prosecuting a qualifying crime, human trafficking, or criminal activity:
    - California (U, T, and S visas), Colorado, Illinois, Massachusetts, Nebraska, Nevada, Oregon, Utah, Washington
  - Agencies that have criminal, civil, family, or administrative detection, investigative, or prosecutorial jurisdiction in the agency's respective areas of expertise
    - Maryland
  - Any other state or local government agencies that have criminal, civil, or administrative investigative or prosecutorial authority relating to human trafficking.
    - California (T visa)
  - Agencies that have criminal detection or investigative jurisdiction in their respective areas of expertise
    - California (S visa), Utah (U visa)

Jurisdiction	Text
Arkansas Ark. Code Ann. § 12-19-104 (2024). https://niwaplibrary.wcl.american.edu/pubs/arkansas-u-visa-certification-law-2015/	12-19-104. Law enforcement agency nonimmigrant visa certification. (a) Each law enforcement agency shall adopt a policy for the completion and signing of T and U nonimmigrant visa certification forms for human trafficking victims.
California Cal. Penal Code. §679.10 (2023). California	U visa (a) For purposes of this section, a "certifying entity" is any of the following: (1) A state or local law enforcement agency, including, without limitation, the police department of the University of California, a California State University campus, or the police department of a school district, established pursuant to Section 38000 of the Education Code. (2) A prosecutor. (3) A judge. (4) Any other authority that has responsibility for the detection or investigation or prosecution of a qualifying crime or criminal activity. (5) Agencies that have criminal detection or investigative jurisdiction in their respective areas of expertise, including, but not limited to, child protective services, the Civil Rights Department, and the Department of Industrial Relations.

Cal. Penal Code. §679.10 (2023). https://niwaplibrary.wcl.american.edu/california-sb-674-u-cert-law/	T visa **679.11.** (a) For purposes of this section, a "certifying entity" is any of the following: (1) A state or local law enforcement agency, including, without limitation, the police department of the University of California, a California State University campus, or the police department of a school district, established pursuant to Section 38000 of the Education Code. (2) A prosecutor. (3) A judge. (4) The Department of Industrial Relations. (5) Any other state or local government agencies that have criminal, civil, or administrative investigative or prosecutorial authority relating to human trafficking S visa **679.13.** (a) For purposes of this section, a "certifying entity" is any of the following: (1)A state or local law enforcement agency, including, without limitation, the police department of the University of California, a California State University campus, or the police department of a school district, established pursuant to Section 38000 of the Education Code. (2)A prosecutor. (3)A judge. (4)Any other authority that has responsibility for the detection or investigation or prosecution of a qualifying crime or criminal activity. (5)Agencies that have criminal detection or investigative jurisdiction in their respective areas of expertise, including, but not limited to, child protective services, the Civil Rights Department, and the Department of Industrial Relations.
Colorado Colo. Rev. Stat. § 24-4.1-401 (2021). https://niwaplibrary.wcl.american.edu/pubs/colorado-u-visa-cert/	"Certifying agency" or "agency" has the same meaning as defined in 8 C.F.R.§ 214.14 (a)(2) and includes but is not limited to: (a) A state or local law enforcement agency; (b) The office of a district, county, or city attorney; (c) A court; (d) The office of the attorney general; (e) Any other agency that is responsible for the detection, investigation, or prosecution of a qualifying crime or criminal activity; or (f) Entities that have criminal detection or investigative jurisdiction in their respective areas of expertise, including but not limited to a county department of human or social services and the department of labor and employment.
Connecticut Conn. Gen. State. Ann. § 46b38b(e)(5) (2023). https://niwaplibrary.wcl.american.edu/pubs/connecticut-u-visa-statutes-2014/	5(A)…each law enforcement agency shall designate at least one officer with supervisory duties to expeditiously process, upon request of a victim of family violence or other crime who is applying for U Nonimmigrant Status (i) a certification of helpfulness on Form I-918, Supplement B, or any subsequent corresponding form designated by the United States Department of Homeland Security, confirming that the victim of family violence or other crime has been helpful, is being helpful or is likely to be helpful in the investigation or prosecution of the criminal activity, and (ii) any subsequent certification required by the victim.
Delaware Del. Code Ann. tit. 11, § 787(n) (2007). https://niwaplibrary.wcl.american.edu/pubs/11-del-c-787-u-visa-cert/	"(n) Law-enforcement agency protocol. (1)On request from an individual who a police officer or prosecutor reasonably believes is a victim who is or has been subjected to a severe form of trafficking or criminal offense required for the individual to qualify for a nonimmigrant T or U visa under 8 U.S.C. § 1101(a)(15)(T), as amended from time to time, or 8 U.S.C. § 1101(a)(15)(U), as amended from time to time…"
Illinois 5 Ill. Comp. Stat. 825/10 (2017). https://niwaplibrary.wcl.american.edu/pubs/il-u-visa-cert-law/	"Certifying agency" means a State or local law enforcement agency, prosecutor, or other public authority that has responsibility for the investigation or prosecution of a qualifying crime or criminal activity, including an agency that has criminal investigative jurisdiction in its respective areas of expertise, but not including any State court.
Louisiana La. Stat. Ann. §§ 46:2162-46:2163 (2019). https://niwaplibrary.wcl.american.edu/pubs/la-u-visa-cert-law/	A. Classification of victims of human trafficking. As soon as practicable after the initial encounter with a person who reasonably appears to a law enforcement agency, a district attorney's office, or the office of the attorney general to be a victim of human trafficking, such agency or office shall… **B.** Law enforcement assistance with respect to immigration. **(*1*)**After the agency or office makes a preliminary assessment pursuant to Paragraph (A)(2) of this Section that a victim or possible victim of human trafficking appears to meet the criteria for certification as a victim of a severe form of trafficking as defined in the federal Trafficking Victims Protection Act, and upon the request of such victim, the agency or office shall provide the victim or possible victim of human trafficking with a completed and executed United States Citizenship and Immigration Services (USCIS) Form I-914, Supplement B, Declaration of Law Enforcement Officer for Victim of Human Trafficking in Persons, or a USCIS Form I-918, Supplement B, U Nonimmigrant Status Certification, or both. These forms shall be completed by the certifying officer in accordance with the forms' instructions and applicable rules and regulations. (2)The victim or possible victim of human trafficking may choose which form to have the certifying officer complete.
Maryland Md. Code Ann., Crim. Proc. § 11-931 (2019).	(b) "Certifying entity" means: (1) a State or local law enforcement agency; (2) a State's Attorney or deputy or assistant State's Attorney;

https://niwaplibrary.wcl.american.edu/pubs/md-u-and-t-visa-certification/	(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.
Massachusetts Mass. Gen. Laws ch258F §§ 1-4 (2021). https://niwaplibrary.wcl.american.edu/pubs/ma-u-visa-cert-law-2021/	"Certifying entity", a law enforcement agency, prosecutor or other state or local entity that has the authority to detect, investigate or prosecute severe forms of trafficking in persons or criminal activity.
Minnesota Minn. Stat. § 611A.95 (2023). https://niwaplibrary.wcl.american.edu/pubs/minnesota-u-visa-statute-2023/	"certifying entity" means a state or local law enforcement agency
Montana Mont. Code Ann. § 44-4-1503 (2017). https://niwaplibrary.wcl.american.edu/pubs/montana-u-visa-certification-law/	**44-4-1503. Law enforcement protocol.** (1) On request from a person who a law enforcement officer reasonably believes is a victim who is or has been subjected to a severe form of trafficking or criminal offense required for the person to qualify for a nonimmigrant T or U visa under 8 U.S.C. 1101(a)(15)(T) or 8 U.S.C. 1101(a)(15)(U) or for continued presence under 22 U.S.C. 7105(c)(3), the law enforcement officer, as soon as practicable after receiving the request, shall complete, sign, and give to the person the Form I-914B or Form I-918B provided by the United States citizenship and immigration services on its website and ask a federal law enforcement officer to request continued presence.
Nebraska Neb. Rev. Stat. § 29-217 (2020). https://niwaplibrary.wcl.american.edu/pubs/neb-u-and-t-certification-law/	Certifying agency means a state or local law enforcement agency, prosecutor, or other authority that has responsibility for the investigation or prosecution of qualifying criminal activity, as described in 8 C.F.R.§ 214.14(a)(2)
Nevada Nev. Rev. Stat. §§ 217.580-217.585 (2019). https://niwaplibrary.wcl.american.edu/pubs/nevada-u-visa-cetrificaiton/	"Certifying agency" means: 1. A state or local law enforcement agency; 2. A prosecutor; 3. A judge; or 4. Any other governmental agency that has criminal, civil or administrative investigative or prosecutorial authority.
North Dakota N.D. Cent. Code § 12.1-41-18 (2019). https://niwaplibrary.wcl.american.edu/pubs/nd-u-visa-cert-law/	**1.**On request from an individual whom a law enforcement officer reasonably believes is a victim who is or has been subjected to a severe form of trafficking or criminal offense required for the individual to qualify for a nonimmigrant T or U visa under *8 U.S.C. 1101(a)(15)(T)* or *8 U.S.C. 1101(a)(15)(U)*, or for continued presence under *22 U.S.C. 7105(c)(3)*, the law enforcement officer, as soon as practicable after receiving the request, shall complete, sign, and give to the individual the form I-914B or form I-918B provided by the United States citizenship and immigration services on its internet website and ask a federal law enforcement officer to request continued presence.
Oregon Or. Rev. Stat. §147.620 (2023). https://niwaplibrary.wcl.american.edu/pubs/oregon-u-visa-cert-2019-1/	"Certifying agency" means: (A)A state or local law enforcement agency; (B)A prosecutor's or district attorney's office; (C)The Judicial Department, with respect to a judge of a state court acting as a certifying official; (D)A judge other than a judge of a state court; or (E)Any other agency that has responsibility for the detection, investigation or prosecution of a qualifying criminal activity, including but not limited to a certifying agency as defined in 8 C.F.R.§ 214.14 (C) "Law enforcement agency" has the meaning given that term in ORS 146.003 (Definitions for ORS 146.003 to 146.189 and 146.710 to 146.992) (Sheriff, police, university police, and state police).
Rhode Island 11 R.I. Gen Laws § 11- 67.1- 22 (2017). https://niwaplibrary.wcl.american.edu/pubs/ri-u-t-certification-law/	(a) On request from an individual whom a law enforcement officer or agent thereof reasonably believes is a victim who is, or has been, subjected to a severe form of trafficking or criminal offense required for the individual to qualify for a nonimmigrant T or U visa under 8 U.S.C. § 1101(a)(15)(T), or 8 U.S.C. § 1101(a)(15)(U), or for continued presence under 22 U.S.C. § 7105(c)(3), the law enforcement officer, as soon as practicable after receiving the request, shall complete, sign, and give to the individual the Form I-914B or Form I-918B provided by the United States Citizenship and Immigration Services on its Internet website and request assistance from the local Immigration and Naturalization office.

Utah Utah Code Ann Code § 77-38-502 (2026). https://niwaplibrary.wcl.american.edu/pubs/utah-u-cert-law-2026/	(1) "Certifying entity" means any of the following: (a) a law enforcement agency, as defined in Section 77-7a-103; (b) a prosecutor, as defined in Section 77-22-4.5; (c) a court described in Section 78A-1-101; (d) any other authority that has responsibility for the detection, investigation, or prosecution of a qualifying crime or criminal activity; and (e) an agency that has criminal detection or investigative jurisdiction in the agency's respective areas of expertise, including: (i) the Division of Child and Family Services; and (ii) the Labor Commission. 77-7a-103 (2) "Law enforcement agency" means any public agency having general police power and charged with making arrests in connection with enforcement of the criminal statutes and ordinances of this state or any political subdivision 77-22-4.5 (1) As used in this section, "prosecutor" includes the state attorney general and any assistant, a district attorney and any deputy, a county attorney and any deputy, and a municipal prosecutor and any deputy **78A-1-101 Courts of this state -- Courts of record.** (1) The following are the courts of this state: (a) the Supreme Court; (b) the Court of Appeals; (c) the Business and Chancery Court; (d) the Constitutional Court if Chapter 5b, Constitutional Court, takes effect as described in Section 78A-5b-102 (e) the district courts; (f) the juvenile courts; and (g) the justice courts.
Virginia Va. Code Ann. Code §§ 9.1-1501, 9.1-101 (2021). https://niwaplibrary.wcl.american.edu/pubs/va-u-visa-cert-law-2021/	§ 9.1-1501 "Certifying agency" means a state or local law-enforcement agency, an attorney for the Commonwealth, the Attorney General, or any other agency or department employing law-enforcement officers as defined in § 9.1-101 that has responsibility for the investigation or prosecution of a qualifying criminal activity." § 9.1-101 "Law-enforcement officer" means any full-time or part-time employee of a police department or sheriff's office which is a part of or administered by the Commonwealth or any political subdivision thereof, or any full-time or part-time employee of a private police department, and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth, and shall include any (i) special agent of the Virginia Alcoholic Beverage Control Authority; (ii) police agent appointed under the provisions of § 56-353; (iii) officer of the Virginia Marine Police; (iv) conservation police officer who is a full-time sworn member of the enforcement division of the Department of Wildlife Resources; (v) investigator who is a sworn member of the security division of the Virginia Lottery; (vi) conservation officer of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115; (vii) full-time sworn member of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217; (viii) animal protection police officer employed under § 15.2-632 or 15.2-836.1; (ix) campus police officer appointed under Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1; (x) member of the investigations unit designated by the State Inspector General pursuant to § 2.2-311 to investigate allegations of criminal behavior affecting the operations of a state or nonstate agency; (xi) employee with internal investigations authority designated by the Department of Corrections pursuant to subdivision 11 of § 53.1-10 or by the Department of Juvenile Justice pursuant to subdivision A 7 of § 66-3; (xii) private police officer employed by a private police department; or (xiii) person designated as a sworn unit investigator by the Attorney General pursuant to subsection A of § 32.1-320.1. Part-time employees are those compensated officers who are not full-time employees as defined by the employing police department, sheriff's office, or private police department.
U.S. Virgin Islands V.I. Code Ann. Tit. 14, § 151 (2019). https://niwaplibrary.wcl.american.edu/pubs/us-virgin-islands-u-cert-law-2019/	On request from an individual, who the Attorney General reasonably believes is a victim who is or has been subjected to a severe form of trafficking or criminal offense required for the individual to qualify for a nonimmigrant T or U visa under 8 U.S.C. section 1101(a)(15)(T) or 8 U.S.C. section 1101(a)(15)(U), or for continued presence under 22 U.S.C. section 7105(c)(3), the Attorney General, as soon as practicable after receiving the request, shall complete, sign, and give to the individual the Form I-914B or Form I-918B provided by the United States Citizenship and Immigration Services on its Internet website and ask a federal law enforcement officer to request continued presence.
Washington Wash. Rev. Code 7.98.020 (2017). https://niwaplibrary.wcl.american.edu/pubs/washington-u-visa-certification-statute-2024/	2) "Certifying agency" means a state or local law enforcement agency, prosecutor, administrative judge, hearing office, or other authority that has responsibility for the investigation or prosecution of criminal activity. A certifying agency includes an agency that has investigative jurisdiction in its respective area of expertise including, but not limited to, the Washington state patrol, the Washington department of labor and industries, and the Washington department of social and health services. (4) "Law enforcement agency" means any agency in Washington that qualifies as a criminal justice agency under RCW 10.97.030(5) and is charged with the enforcement of state, county, municipal, or federal laws, or with managing custody of detained persons in the state, and includes municipal police departments, sheriff's departments, campus police departments, the Washington state patrol, and the juvenile justice rehabilitative administration. (5) "Law enforcement official" means any officer or other agent of a state or local law enforcement agency authorized to enforce criminal statutes, regulations, or local ordinances.

3. **Certifying Officials**

As a prerequisite to being able to file U visa applications, immigrant victim applicants must obtain a U visa certification from a government agency official authorized by federal law as a certifying official. According to federal regulations, 8 C.F.R.§ 214.14(a)(3), a certifying official is defined as:

> "(i) The head of the certifying agency,
> or any person(s) in a supervisory role specifically designated by the head of the certifying agency to issue U nonimmigrant status certifications on behalf of that agency; or
> (ii) A Federal, State, or local judge."

This federal definition of who is authorized to sign certifications applies to all state, federal, and local certifying officials. Additionally, with regard to all certifiers, except judges, federal law only authorizes the head of the certifying agency or an agency staff member designated by the head of the agency to sign U visas certifications for the agency. The person designated by the head of the agency must be a staff member whose role in the agency includes supervisory responsibilities. Some state statutes mandate that certain certifying agencies under state law are required to designate certifying officials who are authorized to sign certifications on the agency's behalf. Below is a list of states that address in their state laws which state government officials are responsible for signing certifications under state law:

List of Certifying Officials:

- Head of the certifying entity:
  - California (U, T, and S visas), Colorado, Maryland, Nebraska, Nevada, Oregon, Utah, Virginia.
- Designated Certifiers: A person in a supervisory role designated by the head of the certifying entity to issue Form I-918 Supplement B certifications (U visas), Form I-914 Supplement B certifications (T visas), Form I-854A certifications (S visas):
  - California (U, T, and S visas), Colorado (U visas), Connecticut (U visas), Illinois (U and T visas), Maryland (U visas), Minnesota (U and T visas), Nebraska (U and T visas), Nevada (U visas), Oregon (U visas), Utah (U visas), Virginia (U and T visas), Washington (U and T visas)
- A judge:
  - California (U, T, and S visas), Colorado (U visas), Oregon (U visas), Nebraska (U and T visas), Utah (U visas),
- Any other certifying official defined under 8 C.F.R.§ 214.14(a):
  - California (U, T, and S visas), Colorado (U visas), Nebraska (U and T visas), Utah (U visas)
- Any other certifying official defined under 8 C.F.R.§ 214.14(a)(3)(i):
  - Maryland (U visas)
    - Maryland does not mandate that judges certify, although judges in Maryland may sign certifications because they are directly authorized to do so under federal law

States laws require that the heads of state certifying agencies designate certifiers:[13]

- Law requires that the heads of each certifying agency shall designate certifiers who can sign certifications and recertifications on the agency's behalf:
  - Connecticut (law enforcement only); Illinois, Minnesota, Oregon, Washington, Virginia
    - Designated certifiers are responsible for:
      - Timely processing certification requests
        - Minnesota

[13] Under federal U visa laws if the agency head does not designate certifiers, then by default the only authorized signor of U visa certifications for the agency is the head of that certifying agency. The U visa statute makes all judges directly able to sign certifications. Judges do not need to use the designation process. A number of courts across the counter have found it helpful to the court and for the communities they serve to assign one judge U visa certification authority for the court. *See*, Superior Court of California San Francisco, *U-Visa Certification Protocol* at 1 (2022), https://niwaplibrary.wcl.american.edu/pubs/san-francisco-court-civil-division-u-visa-certification-protocol (last visited Dec 10, 2024). For a model judicial certification policy for courts *see*, *U and T Visa Certification Protocol for Courts* (October 20, 2020), https://niwaplibrary.wcl.american.edu/pubs/u-and-t-visa-certification-protocol-for-state-courts/.

        - Providing outreach to victims to inform them of the entity's certification process
            - Minnesota
        - Keeping written or electronic records of all certification requests and responses
            - Minnesota
    - Those seeking certification shall submit the request to any certifying official for the agency that detected, investigated, or prosecuted the criminal activity upon which the request is based
        - Illinois, Virginia

Under the U visa program, the agencies authorized to sign U visas include any agency that detects. Investigates, prosecutes, convicts or sentences crime victimization and qualifying criminal activities. The agency that detects the criminal activity need not be the agency with the responsibility for the investigation of that criminal activity. For example, in many cities there are multiple law enforcement agencies that could have jurisdiction over the location of the crime victimization or the location where the victim lives. These include police departments, sheriff's offices, state police, campus police, and the FBI. In rural jurisdictions U visa certification could be obtained from the sheriff's department or state police.

Additionally, an agency can certify when the crime occurred in another jurisdiction within the state or another state when for example the victim was victimized in one state and lives in another state and benefits from protection of local law enforcement in the victim's home state. Examples of cases where law enforcement or prosecution agencies in multiple states would have the connection with the victim or the criminal activity to be an appropriate agency from which the victim could obtain certification include:

- Stalking, domestic violence, and human trafficking cases
- Cases in which a child is sexually assaulted in one state when they are visiting relatives in that state, but only after returning home reports the sexual assault to law enforcement in their home jurisdiction
- Immigrants who are victimized by traffickers who hold them hostage, extort additional money from family members to get them released, and/or force victims into sex or labor trafficking while holding them in one state, who report the victimization after they escape the trafficking once they have fled to safety in another state.

Assisting other state agencies with certification: In some states the laws encourage agencies authorized to sign certifications to work together to help each other benefit from the U visa program's crime fighting and trust building attributes by including provisions in state law that encourage collaboration and cooperation among certifying agencies.[14]

- Assisting other agencies eligible to certify
    - A certifying official may act on behalf of another certifying agency through an agreement with the other certifying agency.
        - Virginia
    - The head of each certifying agency shall designate an official or officials in supervisory roles, either within the agency or, by agreement with another agency with concurrent jurisdiction over the geographic area or subject matter covered by that agency, within that other agency.
        - Illinois

[14] DHS supports such collaboration and cooperation among agencies. DEPT HOMELAND SEC., U AND T VISA LAW ENFORCEMENT RESOURCE GUIDE at n15(November 30, 2015), https://niwaplibrary.wcl.american.edu/pubs/dhs-updated-u-certification-resource-guide-2015/ ("In cases where the information provided by the victim led to the detection of criminal activity, a certifying agency may sign a certification. In these cases it does not matter if another agency will be the one to determine whether to pursue a criminal investigation or prosecution. In cases where the police investigated the crime and prosecutors are now prosecuting the case, both police and prosecutors may sign a certification. The authority of the police to sign a certification does not end when the case is referred for prosecution.").

Jurisdiction	Text
Arkansas Ark. Code Ann. § 12-19-104 (2024).	N/A
California Cal. Penal Code. §679.10 (2023). https://niwaplibrary.wcl.american.edu/california-sb-674-u-cert-law/	U visa (b) For purposes of this section, a "certifying official" is any of the following: (1) The head of the certifying entity. (2) A person in a supervisory role who has been specifically designated by the head of the certifying entity to issue Form I-918 Supplement B certifications on behalf of that agency. (3) A judge. (4) Any other certifying official defined under Section 214.14 (a) of Title 8 of the Code of Federal Regulations. T visa (b) For purposes of this section, a "certifying official" is any of the following: (1) The head of the certifying entity. (2) A person in a supervisory role who has been specifically designated by the head of the certifying entity to issue Form I-914 Supplement B declarations on behalf of that agency. (3) A judge. (4) Any other certifying official defined under Section 214.14(a) of Title 8 of the Code of Federal Regulations. S Visa (b)For purposes of this section, a "certifying official" is any of the following: (1)The head of the certifying entity. (2)A person in a supervisory role who has been specifically designated by the head of the certifying entity to issue Form I-854A certifications on behalf of that agency. (3)A judge. (4)Any other certifying official defined under Section 214.14 (a) of Title 8 of the Code of Federal Regulations.
Colorado Colo. Rev. Stat. § 24-4.1-401 (2021). https://niwaplibrary.wcl.american.edu/pubs/colorado-u-visa-cert/	(3) "Certifying official" has the same meaning as defined in 8 C.F.R.§ 214.14 (a)(3) and includes but is not limited to: (a) The head of the certifying agency; (b) A person in a supervisory role who has been specifically designated by the head of a certifying agency to issue certifications on behalf of that agency; or (c) A judge or magistrate.
Connecticut Conn. Gen. State. Ann. § 46b38b(e)(5) (2023). https://niwaplibrary.wcl.american.edu/pubs/connecticut-u-visa-statutes-2014/	(5)(A)…each law enforcement agency shall designate at least one officer with supervisory duties to expeditiously process, upon request of a victim of family violence or other crime who is applying for U Nonimmigrant Status (A) a certification of helpfulness on Form I-918, Supplement B, or any subsequent corresponding form designated by the United States Department of Homeland Security, confirming that the victim of family violence or other crime has been helpful, is being helpful, or is likely to be helpful in the investigation or prosecution of the criminal activity, and (B) any subsequent certification required by the victim.
Delaware Del. Code Ann. tit. 11, § 787(n) (2007).	N/A
Illinois 5 Ill. Comp. Stat. 825/10 (2017). https://niwaplibrary.wcl.american.edu/pubs/il-u-visa-cert-law/	The head of each certifying agency shall designate an official or officials in supervisory roles, either within the agency or, by agreement with another agency with concurrent jurisdiction over the geographic area or subject matter covered by that agency, within that other agency. Designated officials may not be members of a collective bargaining unit represented by a labor organization, unless the official is an attorney or is employed in an agency in which all supervisory officials are members of a collective bargaining unit. Any person seeking completion of a certification form shall first submit a request for completion of the certification form to the certifying official for any certifying agency that detected, investigated, or prosecuted the criminal activity upon which the request is based.
Louisiana La. Stat. Ann. §§ 46:2162-46:2163 (2019).	N/A
Maryland Md. Code Ann., Crim. Proc. § 11-931 (2019). https://niwaplibrary.wcl.american.edu/pubs/md-u-and-t-visa-certification/	**(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, § 214.14(a)(3)(i) of the Code of Federal Regulations.
Massachusetts Mass. Gen. Laws ch258F, §§ 1-4 (2021)	N/A
Minnesota Minn. Stat. § 611A.95 (2023).	Subd. 3.**Certifying entity; designate agent.** (a) The head of a certifying entity shall designate an agent to perform the following responsibilities: (1) timely process requests for certification; (2) provide outreach to victims of criminal activity to inform them of the entity's certification process; and

https://niwaplibrary.wcl.american.edu/pubs/minnesota-u-visa-statute-2023/	(3) keep a written or electronic record of all certification requests and responses.
Montana Mont. Code Ann. § 44-4-1503 (2017).	N/A
Nebraska Neb. Rev. Stat. § 29-217 (2020). https://niwaplibrary.wcl.american.edu/pubs/neb-u-and-t-certification-law/	Certifying official means the head of the certifying agency or any person in a supervisory role who has been specifically designated by the head of the certifying agency to issue U nonimmigrant status certifications on behalf of that agency, as described in 8 C.F.R.§ 214.14(a)
Nevada Nev. Rev. Stat. §§ 217.580-217.585 (2019). https://niwaplibrary.wcl.american.edu/pubs/nevada-u-visa-cetrificaiton/	"Certifying official" means: 1. The head of a certifying agency; or 2. A person who has been designated by the head of a certifying agency to complete a certification.
North Dakota N.D. Cent. Code, § 12.1-41-18 (2019).	N/A
Oregon Or. Rev. Stat. §147.620 (2023). https://niwaplibrary.wcl.american.edu/pubs/oregon-u-visa-cert-2019-1/	"Certifying official" means: (A)The head of a certifying agency; (B)A judge; or (C)A person in a supervisory role who has been designated by the head of a certifying agency to issue certifications under this section on behalf of the agency. (10) A certifying agency shall (a) Designate a person or persons within the agency responsible for processing requests for certification under this section. (b) Develop written procedures for processing requests for certification under this section. [2019 c.472 §1; 2021 c.489 §10]
Rhode Island 11 R.I. Gen Laws § 11- 67.1- 22 (2017).	N/A
Utah Utah Code Ann Code § 77-38-502 (2026). https://niwaplibrary.wcl.american.edu/pubs/utah-u-cert-law-2026/	(2) "Certifying official" means: (a) the head of the certifying entity; (b) a person in a supervisory role who has been specifically designated by the head of the certifying entity to issue Form I-918 Supplement B certifications on behalf of that agency; (c) a judge; or (d) any other certifying official defined under 8 C.F.R.§ 214.14.
Virginia Va. Code Ann. Code §§ 9.1-1501 and 9.1-101 (2021). https://niwaplibrary.wcl.american.edu/pubs/va-u-visa-cert-law-2021/	"Certifying official" means the head of the certifying agency, a law-enforcement officer as defined in § 9.1-101, or any person employed by a certifying agency in a supervisory role who has been specifically designated by the head of the certifying agency to issue U nonimmigrant status certifications on behalf of that agency. A certifying official may act on behalf of his employing certifying agency or on behalf of another certifying agency through an agreement with the other certifying agency. Each certifying agency shall designate at least one certifying official for its agency. B. Any person seeking completion of a certification form shall first submit a request for completion of the certification form to the certifying official for any certifying agency that detected, investigated, or prosecuted the criminal activity upon which the request is based. § 9.1-101 "Law-enforcement officer" means any full-time or part-time employee of a police department or sheriff's office which is a part of or administered by the Commonwealth or any political subdivision thereof, or any full-time or part-time employee of a private police department, and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth, and shall include any (i) special agent of the Virginia Alcoholic Beverage Control Authority; (ii) police agent appointed under the provisions of § 56-353; (iii) officer of the Virginia Marine Police; (iv) conservation police officer who is a full-time sworn member of the enforcement division of the Department of Wildlife Resources; (v) investigator who is a sworn member of the security division of the Virginia Lottery; (vi) conservation officer of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115; (vii) full-time sworn member of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217; (viii) animal protection police officer employed under § 15.2-632 or 15.2-836.1; (ix) campus police officer appointed under Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1; (x) member of the investigations unit designated by the State Inspector General pursuant to § 2.2-311 to investigate allegations of criminal behavior affecting the operations of a state or nonstate agency; (xi) employee with internal investigations authority designated by the Department of Corrections pursuant to subdivision 11 of § 53.1-10 or by the Department of Juvenile Justice pursuant to subdivision A 7 of § 66-3; (xii) private police officer employed by a private police department; or (xiii) person designated as a sworn unit investigator by the Attorney General pursuant to

Virginia Va. Code Ann. Code §§ 9.1-1501 and 9.1-101 (2021). https://niwaplibrary.wcl.american.edu/pubs/va-u-visa-cert-law-2021/	subsection A of § 32.1-320.1. Part-time employees are those compensated officers who are not full-time employees as defined by the employing police department, sheriff's office, or private police department.
U.S. Virgin Islands V.I. Code Ann. Tit. 14, § 151 (2019).	N/A
Washington Wash. Rev. Code 7.98.020 (2017). https://niwaplibrary.wcl.american.edu/pubs/washington-u-visa-certification-statute-2024/	The head of each certifying agency shall designate an agent, who performs a supervisory role within the agency, to perform the following responsibilities: (a) Respond to requests for certifications; (b) Provide outreach to victims of criminal activity and trafficking to inform them of the agency's certification process; and (c) Keep written documentation regarding the number of victims who requested certifications, the number of certification forms that were signed, the number of certification forms that were denied, and the number of certifications that were withdrawn, which must be reported to the office of crime victims advocacy on an annual basis.

4. **Covers U and T Visas**

A growing number of state laws require certification in both U visa and T visa cases. Victims of human trafficking both sex and labor trafficking qualify under federal law to apply for U visas and for T visas. Many human trafficking victims are initially identified as a victim of another U visa criminal activity (e.g. domestic violence, child abuse, sexual assault) and later are identified as human trafficking victims. Victims of human trafficking may first file for a U visa and later file for a T visa.[15] As a result victims may seek either or both a U visa certification or a T visa declaration.

Additionally, victims of sex or labor trafficking can only obtain continued presence[16] if state and local law enforcement or prosecution officials contact federal law enforcement officials and ask them to file a continued presence request on behalf of an immigrant human trafficking victim. Some state statutes govern requests for continued presence in addition to U and T visas.

The following state certification laws cover:

- U visas:
  - Arkansas, California, Colorado, Connecticut, Delaware, Illinois, Louisiana (trafficking victims only), Maryland, Massachusetts, Minnesota, Montana, Nebraska, Nevada, North Dakota, Oregon, Rhode Island, Utah, U.S. Virgin Islands, Virginia Washington
- T visas:
  - Arkansas, California, Delaware, Illinois, Louisiana, Massachusetts, Minnesota, Montana, Nebraska, North Dakota, Rhode Island, U.S. Virgin Islands, Virginia, Washington
- S visas:
  - California
- Continued Presence:
  - Delaware, Montana, North Dakota, Rhode Island, U.S. Virgin Islands
- Trafficking victim may elect whether they want a U or T visa certification

[15] Identifying human trafficking co-occurring with other U visa crimes including domestic violence, child abuse, sexual assault and stalking can significantly speed up the victims access to legal work authorization, protection from deportation through deferred action, and receipt of the visa because adjudication times for the T visa program are significantly faster than the U visa. Compare the U visa (I-914) with the T visa (I-918), USCIS, CHECK CASE PROCESSING TIMES, https://egov.uscis.gov/processing-times/.

[16] DEP'T OF HOMELAND SEC., CENTER FOR COUNTERING HUMAN TRAFFICKING, CONTINUED PRESENCE (2019), https://niwaplibrary.wcl.american.edu/wp-content/uploads/Continued-Presence-Pamphlet-2019.pdf ("Continued Presence (CP) is a temporary immigration designation provided to individuals identified by law enforcement as victims of a "severe form of trafficking in persons" who may be potential witnesses. CP allows trafficking victims to lawfully remain in the U.S. temporarily and work during the investigation into the human trafficking-related crimes committed against them and during any civil action under 18 U.S.C. § 1595 filed by the victims against their traffickers. CP is initially granted for two years and may be renewed in up to two-year increments. CP recipients also receive federal benefits and services.").

- Louisiana

Jurisdiction	Text
Arkansas Ark. Code Ann. § 12-19-104 (2024). https://niwaplibrary.wcl.american.edu/pubs/arkansas-u-visa-certification-law-2015/	12-19-104. Law enforcement agency nonimmigrant visa certification. (a) Each law enforcement agency shall adopt a policy for the completion and signing of T and U nonimmigrant visa certification forms for human trafficking victims.
California Cal. Penal Code. §679.10 (2023). https://niwaplibrary.wcl.american.edu/california-sb-674-u-cert-law/	U visas Section 679.10 of the Penal Code T visas Section 679.11 of the Penal Code S Visas Section 679.13 of the Penal Code
Colorado Colo. Rev. Stat. § 24-4.1-401 (2021). https://niwaplibrary.wcl.american.edu/pubs/colorado-u-visa-cert/	(1) "certification form" or "certification" means the Federal form I-918, supplement B, "U nonimmigrant status Certification", or any successor form, required under 8 USC Sec.1184 (p)(1) and 8 C.F.R.§ 214.14 (c)(2)(i) and as defined under 8 C.F.R.§ 214.14 (a)(12),
Connecticut Conn. Gen. State. Ann. § 46b38b(e)(5) (2023). https://niwaplibrary.wcl.american.edu/pubs/connecticut-u-visa-statutes-2014/	(5)(A)…each law enforcement agency shall designate at least one officer with supervisory duties to expeditiously process, upon request of a victim of family violence or other crime who is applying for U Nonimmigrant Status (A) a certification of helpfulness on Form I-918, Supplement B, or any subsequent corresponding form designated by the United States Department of Homeland Security, confirming that the victim of family violence or other crime has been helpful, is being helpful, or is likely to be helpful in the investigation or prosecution of the criminal activity, and (B) any subsequent certification required by the victim.
Delaware Del. Code Ann. tit. 11, § 787(n) (2007). https://niwaplibrary.wcl.american.edu/pubs/11-del-c-787-u-visa-cert/	"(n) Law-enforcement agency protocol. (1)On request from an individual who a police officer or prosecutor reasonably believes is a victim who is or has been subjected to a severe form of trafficking or criminal offense required for the individual to qualify for a nonimmigrant T or U visa under 8 U.S.C. § 1101(a)(15)(T), as amended from time to time, or 8 U.S.C. § 1101(a)(15)(U), as amended from time to time…"
Illinois 5 Ill. Comp. Stat. 825/10 (2017). https://niwaplibrary.wcl.american.edu/pubs/il-u-visa-cert-law/	(5 ILCS 825/5)Sec. 5. Definitions. In this Act: "Certification form" means a law enforcement certification form or statement required by federal immigration law certifying that a person is a victim of qualifying criminal activity including, but not limited to, the information required by Section 1184(p) of Title 8 of the United States Code, including current United States Citizenship and Immigration Services FormI-918, Supplement B, or any successor form for purposes of obtaining a U visa or by Section 1184(o) of Title 8 of the United States Code, including current United States Citizenship and Immigration Services Form I-914, Supplement B, or any successor form for purposes of obtaining a T visa. "Certifying agency" means a State or local law
Louisiana La. Stat. Ann. §§ 46:2162-46:2163 (2019). https://niwaplibrary.wcl.american.edu/pubs/la-u-visa-cert-law/	A. Classification of victims of human trafficking. As soon as practicable after the initial encounter with a person who reasonably appears to a law enforcement agency, a district attorney's office, or the office of the attorney general to be a victim of human trafficking, such agency or office shall **(*1*)**Notify the Crime Victims Services Bureau of the Department of Public Safety and Corrections that such person may be eligible for services under this Chapter. **(2)**Make a preliminary assessment of whether such victim or possible victim of human trafficking appears to meet the criteria for certification as a victim of a severe form of trafficking as defined in the federal Trafficking Victims Protection Act (*22 U.S.C. 7101* et seq.) or appears to be otherwise eligible for any federal, state, or local benefits and services. **(a)**If it is determined that the victim or possible victim appears to meet such criteria, then the agency or office shall report the finding to the victim and shall refer the child victim to appropriate services available, including legal services providers. **(b)**If the victim or possible victim is under the age of eighteen or is an adult in need of protective services pursuant to the provisions of the Adult Protective Services Act, the agency or office shall also notify the appropriate protective service agency. B. Law enforcement assistance with respect to immigration. (1)After the agency or office makes a preliminary assessment pursuant to Paragraph (A)(2) of this Section that a victim or possible victim of human trafficking appears to meet the criteria for certification as a victim of a severe form of trafficking as defined in the federal Trafficking Victims Protection Act, and upon the request of such victim, the agency or office shall provide the victim or possible victim of human trafficking with a completed and executed United States Citizenship and Immigration Services (USCIS) Form I-914, Supplement B, Declaration of Law Enforcement Officer for Victim of Human Trafficking in Persons, or a USCIS Form I-918, Supplement B, U Nonimmigrant Status Certification, or both. These forms shall be completed by the certifying officer in accordance with the forms' instructions and applicable rules and regulations.

Louisiana La. Stat. Ann. §§ 46:2162-46:2163 (2019). https://niwaplibrary.wcl.american.edu/pubs/la-u-visa-cert-law/	(2)The victim or possible victim of human trafficking may choose which form to have the certifying officer complete.
Maryland Md. Code Ann., Crim. Proc. § 11-931 (2019). https://niwaplibrary.wcl.american.edu/pubs/md-u-and-t-visa-certification/	U visa certification only
Massachusetts Mass. Gen. Laws ch258F, §§ 1-4 (2021) https://niwaplibrary.wcl.american.edu/pubs/ma-u-visa-cert-law-2021/	Section 3. A certifying entity shall respond to a nonimmigrant status certification request from a victim of criminal activity who intends to petition for a nonimmigrant visa under 8 U.S.C. 1101(a)(15)(U) or from a victim of severe forms of trafficking in persons who intends to petition for a nonimmigrant visa under 8 U.S.C. 1101(a)(15)(T) not later than 90 days after receiving the request for certification.
Minnesota Minn. Stat. § 611A.95 (2023). https://niwaplibrary.wcl.american.edu/pubs/minnesota-u-visa-statute-2023/	"certification" means any certification or statement required by federal immigration law, as amended through June 1, 2021,including but not limited to the information required by United States Code, title 8, section 1184(p), and United States Code, title 8,section 1184(o), including current United States Citizenship and Immigration Services Form I-918, Supplement B, and United States Citizenship and Immigration Services Form I-914, Supplement B, and any substantively similar successor forms.
Montana Mont. Code Ann. § 44-4-1503 (2017). https://niwaplibrary.wcl.american.edu/pubs/montana-u-visa-certification-law/	**44-4-1503. Law enforcement protocol.** (1) On request from a person who a law enforcement officer reasonably believes is a victim who is or has been subjected to a severe form of trafficking or criminal offense required for the person to qualify for a nonimmigrant T or U visa under 8 U.S.C. 1101(a)(15)(T) or 8 U.S.C. 1101(a)(15)(U) or for continued presence under 22 U.S.C. 7105(c)(3), the law enforcement officer, as soon as practicable after receiving the request, shall complete, sign, and give to the person the Form I-914B or Form I-918B provided by the United States citizenship and immigration services on its website and ask a federal law enforcement officer to request continued presence.
Nebraska Neb. Rev. Stat. § 29-217 (2020). https://niwaplibrary.wcl.american.edu/pubs/neb-u-and-t-certification-law/	Applies to both U and T visas "(c) Form I-914B means Form I-914, Supplement B, Declaration of Law Enforcement Officer for Victim of Trafficking in Persons, of the Department of Homeland Security, United States Citizenship and Immigration Services; (d) Form I-918B means Form I-918, Supplement B, U Nonimmigrant Status Certification, of the Department of Homeland Security, United States Citizenship and Immigration Services;"
Nevada Nev. Rev. Stat. §§ 217.580-217.585 (2019). https://niwaplibrary.wcl.american.edu/pubs/nevada-u-visa-cetrificaiton/	U visas only ""Certification" means the certification of a Form 1918, Supplement B, U Nonimmigrant Status Certification, as required by 8 U.S.C. § 1184(p) regarding a Form 1-918, Petition for U Nonimmigrant Status by a certifying agency."
North Dakota N.D. Cent. Code, § 12.1-41-18 (2019). https://niwaplibrary.wcl.american.edu/pubs/nd-u-visa-cert-law/	**1.**On request from an individual whom a law enforcement officer reasonably believes is a victim who is or has been subjected to a severe form of trafficking or criminal offense required for the individual to qualify for a nonimmigrant T or U visa under *8 U.S.C. 1101(a)(15)(T)* or *8 U.S.C. 1101(a)(15)(U)*, or for continued presence under *22 U.S.C. 7105(c)(3)*, the law enforcement officer, as soon as practicable after receiving the request, shall complete, sign, and give to the individual the form I-914B or form I-918B provided by the United States citizenship and immigration services on its internet website and ask a federal law enforcement officer to request continued presence.
Oregon Or. Rev. Stat. §147.620 (2023). https://niwaplibrary.wcl.american.edu/pubs/oregon-u-visa-cert-2019-1/	"Qualifying criminal activity" has the meaning given that term in 8C.F.R.§ 214.14."Victim of qualifying criminal activity" has the meaning given that term in 8 C.F.R. § 214.14.
Rhode Island 11 R.I. Gen Laws § 11- 67.1- 22 (2017). https://niwaplibrary.wcl.american.edu/pubs/ri-u-t-certification-law/	(a) On request from an individual whom a law enforcement officer or agent thereof reasonably believes is a victim who is, or has been, subjected to a severe form of trafficking or criminal offense required for the individual to qualify for a nonimmigrant T or U visa under 8 U.S.C. § 1101(a)(15)(T), or 8 U.S.C. § 1101(a)(15)(U), or for continued presence under 22 U.S.C. § 7105(c)(3), the law enforcement officer, as soon as practicable after receiving the request, shall complete, sign, and give to the individual the Form I-914B or Form I-918B provided by the United States Citizenship and Immigration Services on its Internet website and request assistance from the local Immigration and Naturalization office.
Utah Utah Code Ann Code § 77-38-502 (2026). https://niwaplibrary.wcl.american.edu/pubs/utah-u-cert-law-2026/	"Qualifying criminal activity" means the same as that term is defined in 8 C.F.R. § 214.14. (U visa regulations)
Virginia Va. Code Ann. Code § 9.1-1501 (2021). https://niwaplibrary.wcl.american.edu/pubs/va-u-visa-cert-law-2021/ Virginia	"Certification form" means a certification form or declaration completed by a certifying agency that is required by federal immigration law certifying that a person is a victim of qualifying criminal activity. Such form or declaration may include any information required (i) by 8 U.S.C. § 1184(p), including the current United States Citizenship and Immigration Services Form I-918, Supplement B, or any successor form for purposes of obtaining a U visa, or (ii) by 8 U.S.C. §

Va. Code Ann. Code § 9.1-1501 (2021). https://niwaplibrary.wcl.american.edu/pubs/va-u-visa-cert-law-2021/	1184(o), including the current United States Citizenship and Immigration Services Form I-914, Supplement B, or any successor form for purposes of obtaining a T visa.
U.S. Virgin Islands V.I. Code Ann. Tit. 14, § 151 (2019). https://niwaplibrary.wcl.american.edu/pubs/us-virgin-islands-u-cert-law-2019/	(a) On request from an individual, who the Attorney General reasonably believes is a victim who is or has been subjected to a severe form of trafficking or criminal offense required for the individual to qualify for a nonimmigrant T or U visa under 8 U.S.C. section 1101(a)(15)(T) or 8 U.S.C. section 1101(a)(15)(U), or for continued presence under 22 U.S.C. section7105(c)(3), the Attorney General, as soon as practicable after receiving the request, shall complete, sign, and give to the individual the Form I-914B or Form I-918B provided by the United States Citizenship and Immigration Services on its Internet website and ask federal law enforcement officer to request continued presence.
Washington Wash. Rev. Code 7.98.020 (2017). https://niwaplibrary.wcl.american.edu/pubs/washington-u-visa-certification-statute-2024/	(1) Upon the request by the victim or representative thereof including, but not limited to, the victim's attorney, accredited representative, or domestic violence, sexual assault, or victim's service provider, a certifying agency shall: (a) Make a determination on United States citizenship and immigration services form I-918 supplement B or relevant successor certification form, whether the victim was a victim of criminal activity and has been helpful, is being helpful, or is likely to be helpful to the detection or investigation or prosecution of that criminal activity; or (b) make a determination on United States citizenship and immigration services form I-914 supplement B or relevant successor certification form, whether the victim is or has been a victim of trafficking and, unless the victim is under the age of eighteen, whether he or she has complied with any reasonable requests from law enforcement in any related investigation or prosecution of the acts of trafficking in which he or she was a victim.

5. Who May Request Certification and Connecting Victims with Services

Victim's advocates and attorneys provide lifesaving safety planning assistance to immigrant crime survivors and play a crucial role in informing survivors about and helping survivors obtain immigration relief.[17] USCIS research on the U visa program found that 91.6% of all U visa applicants have attorney representation and another 4.6 % have assistance from a victim advocate in preparing the U visa application.[18]

Since 63.4% of U visa victims stay in abusive homes and workplaces until they gain work authorization,[19] doing safety planning and having support from victim advocates and attorneys is extremely important.[20] This sections discusses how state statutes expand access to U visas by recognizing that many victims will be seeking U visa certification with the assistance of a person who is supporting the victims through the application process. Some state statutes explicitly recognize that a family member, victim advocate, or another person representing the victim is authorized to seek a U visa certification on the victim's behalf. Two states also require certifying agencies to connect victims with victim advocates, attorneys, and agencies providing trauma informed assistance.

Categories of Immigrants Eligible for Certification: The U visa statute grants access to U visa immigration relief to four different categories of eligible immigrants. These include: [21]

- Direct victims of criminal activity
- Indirect victims of criminal activity whose direct victim family member is deceased, incompetent, or incapacitated due to injury, trauma, or age
    - Victims over age 21: Spouse or unmarried children under age 21
    - Victims under age 21:

[17] Krisztina E. Szabo & Leslye E. Orloff, *The Central Role of Victim Advocacy for Victim Safety While Victims' Immigration Cases Are Pending* (July 29, 2014), https://niwaplibrary.wcl.american.edu/pubs/imm-qref-safetyplanning/.
[18] USCIS, U VISA DEMOGRAPHICS: U VISA REPORT (March 2020), https://niwaplibrary.wcl.american.edu/pubs/uscis-u-visa-demographics/.
[19] Krisztina E. Szabo, et al., *Early Access to Work Authorization For VAWA Self-Petitioners and U-Visa Applicants* at 21 (February 12, 2014), https://niwaplibrary.wcl.american.edu/pubs/final_report-on-early-access-to-ead_02-12/. The time victims must wait from filing for a U visa through work authorization was 51.5 months at the time of the writing of this article. To check current wait times, go to USCIS, Check Case Processing Times https://egov.uscis.gov/processing-times/.
[20] Krisztina E. Szabo & Leslye E. Orloff, *The Central Role of Victim Advocacy for Victim Safety While Victims' Immigration Cases Are Pending* (July 29, 2014), https://niwaplibrary.wcl.american.edu/pubs/imm-qref-safetyplanning/.
[21] USCIS, U VISA LAW ENFORCEMENT RESOURCE GUIDE FOR FEDERAL, STATE, LOCAL, TRIBAL AND TERRITORIAL LAW ENFORCEMENT, PROSECUTORS, JUDGES AND OTHER GOVERNMENT AGENCIES at 7 (February 28, 2022), https://niwaplibrary.wcl.american.edu/pubs/u-visa-certification-resource-guide-2022/.

        - Spouse and parent
        - unmarried children under age 21 and unmarried siblings under the age of 18 (both determined at the time the crime occurred)
- Bystanders who suffer an unusually direct injury as a result of a qualifying crime

Many states have specifically listed in their statutes which of these categories of victims are guaranteed access to U visa certifications under state law. Most state statutes provide certification to direct victims of criminal activity. Some states have expanded certification guarantees to indirect victims and three states ensure access for bystander victims.

- Which victims may obtain certification:
    - Direct victim of criminal activity
        - California, Colorado, Connecticut, Delaware, Louisiana, Maryland, Massachusetts, Minnesota, Montana, Nebraska, Nevada, North Dakota, Oregon, Rhode Island, Utah, U.S. Virgin Islands, Virginia, Washington
            - Victim requesting certification cannot be required to provide a government issued ID
                - California
            - Victim may apply for certification while outside of the United States
                - California (U, T and S visas)
    - Victim of human trafficking
        - Arkansas, California, Delaware, Louisiana, Massachusetts, Nebraska, Washington
            - Tracks federal human trafficking definition and adds "another act or circumstance involving human trafficking."
                - Washington
    - Indirect victims of criminal activity
        - California, Colorado, Connecticut, Washington
            - Regardless of the direct victim's immigration or citizenship status
                - Colorado, Washington
            - Defines "incapacitated" victims as unable to interact with law enforcement agency or certifying agency personnel as a result of a cognitive impairment or other physical limitation, or because of physical restraint or disability or age, such as minors.
                - Washington
    - Bystander or witness victims
        - California, Colorado, Washington
    - More than one victim may be provided certification
        - Colorado, Washington

- Who can obtain certification on the victim's behalf:
    - Victim's parent
        - California, Maryland, Minnesota, Nevada, Oregon, Virginia
    - Victim's family member
        - California, Minnesota, Oregon, Utah, Virginia
    - Victim's guardian
        - Maryland, Nevada, Virginia, Oregon, Virginia
    - Victim's next friend
        - Maryland, Nevada, Oregon, Virginia
    - Victim's Attorney
        - California, Illinois, Maryland, Minnesota, Oregon, Virginia, Washington
    - Victim's Accredited Representative
        - California, Illinois, Oregon, Washington, Virginia
    - Victim's victim advocate
        - Maryland, Minnesota, Oregon, Washington

- Domestic violence or sexual assault services provider
  - Illinois, Oregon, Virginia
- Any representative of the victim, indirect victim, or bystander victim may request certification
  - Illinois, Nevada, Oregon, Virginia, Washington (specifically includes indirect victims and bystanders)
- Licensed Clinical Social Worker:
  - Oregon, Virginia

- Connecting Victim's With Victim's and Legal Services: Statute requires that certifying agencies connect victims with victim advocates, victim services agencies or legal services.
  - Connecticut, Louisiana
    - Shall maintain professional relationships for referral and consultations purposes with programs and persons with expertise in trauma-informed care.
      - Connecticut

Jurisdiction	Text
Arkansas Ark. Code Ann. § 12-19-104 (2024). https://niwaplibrary.wcl.american.edu/pubs/arkansas-u-visa-certification-law-2015/	12-19-104. Law enforcement agency nonimmigrant visa certification. (a) Each law enforcement agency shall adopt a policy for the completion and signing of T and U nonimmigrant visa certification forms for human trafficking victims.
California Cal. Penal Code. §679.10 (2023). https://niwaplibrary.wcl.american.edu/california-sb-674-u-cert-law/	U visa (e) A "representative fully accredited by the United States Department of Justice" is a person who is approved by the United States Department of Justice to represent individuals before the Board of Immigration Appeals, the immigration courts, or the Department of Homeland Security. The representative shall be a person who works for a specific nonprofit, religious, charitable, social service, or similar organization that has been recognized by the United States Department of Justice to represent those individuals and whose accreditation is in good standing. (g) (1) Upon the request of the victim, victim's family member, licensed attorney representing the victim, or representative fully accredited by the United States Department of Justice authorized to represent the victim in immigration proceedings, a certifying official from a certifying entity shall certify victim helpfulness on the Form I-918 Supplement B certification, when the victim was a victim of a qualifying criminal activity and has been helpful, is being helpful, or is likely to be helpful to the detection or investigation or prosecution of that qualifying criminal activity. The certifying entity shall forward completed Form I-918 Supplemental B certification to the victim, victim's family member, licensed attorney representing the victim, or representative fully accredited by the United States Department of Justice authorized to represent the victim in immigration proceedings without requiring the victim to provide government-issued identification. (2) A victim who submits a Form I-918 Supplement B certification to a certifying entity does not have to be present in the United States at time of submitting the certification request or filing the petition with the government and may apply for certification while outside of the United States. (o) (1) A certifying entity may certify a Form I-918 Supplement B certification for direct victims, indirect victims, and bystander or witness victims. (2) A direct victim is any person who has suffered direct harm or who is directly and proximately harmed as a result of the criminal activity. (3) (A) An indirect victim is a qualifying family member of a direct victim if the direct victim is incompetent, incapacitated, or deceased, including spouses, unmarried children under the age of 21, parents if the direct victim was under the age of 21, and siblings under the age of 18 if the direct victim was under 21 years of age. Indirect victims shall cooperate in the investigation or prosecution but are not required to possess information about the crime itself. (B) Indirect victim cooperation includes parents who make their children available to communicate with the certifying entity. (4) A bystander or witness victim is any individual who was not the direct target of a crime, but who nevertheless suffered unusually direct injury as a result of the qualifying crime. T visa (e) A "representative fully accredited by the United States Department of Justice" is a person who is approved by the United States Department of Justice to represent individuals before the Board of Immigration Appeals, the immigration courts, or the Department of Homeland Security. The

California Cal. Penal Code. §679.10 (2023). https://niwaplibrary.wcl.american.edu/california-sb-674-u-cert-law/	representative shall be a person who works for a specific nonprofit, religious, charitable, social service, or similar organization that has been recognized by the United States Department of Justice to represent those individuals and whose accreditation is in good standing. (f) (1) Upon the request of the victim, victim's family member, licensed attorney representing the victim, or representative fully accredited by the United States Department of Justice authorized to represent the victim in immigration proceedings, a certifying official from a certifying entity shall certify victim cooperation on the Form I-914 Supplement B declaration, when the victim was a victim of human trafficking and has been cooperative, is being cooperative, or is likely to be cooperative to the investigation or prosecution of human trafficking. The certifying entity shall forward completed Form I-914 Supplemental B certification to the victim, victim's family member, licensed attorney representing the victim, or representative fully accredited by the United States Department of Justice authorized to represent the victim in immigration proceedings without requiring the victim to provide government-issued identification. (2) A victim who submits a Form I-914 Supplement B declaration to a certifying entity does not have to be present in the United States at time of submitting the certification request or filing the petition with the government and may apply for certification while outside of the United States. S visa (d)A certifying entity may apply for and may certify a Form I-854A certification for a qualified criminal informant. A qualified informant does not have to be present in the United States for certification pursuant to this section.
Colorado Colo. Rev. Stat. § 24-4.1-401 (2021). https://niwaplibrary.wcl.american.edu/pubs/colorado-u-visa-cert/	(5) "Victim of qualifying criminal activity" or "victim" has The same meaning as defined in 8 C.F.R.§ 214.14 (a)(14) and includes an Individual who has suffered direct and proximate harm as a result Of the commission of qualifying criminal activity, including direct Victims; indirect victims, as defined under 8 C.F.R.§214.14 (a)(14)(1), Regardless of the direct victim's immigration or citizenship status; And bystander victims, as recognized under the federal register at 72 FR 53016. (6) more than one victim may be identified and provided with certification, depending upon the circumstances B) By signing a certification of helpfulness, the officer or agency is not making a determination of eligibility for U Nonimmigrant Status. The officer or agency is solely providing information required by the United States Department of Homeland Security on such form as is required by said department and certifying that: (i) The requesting individual or his or her family member is a victim of one of the enumerated crimes eligible for U Nonimmigrant Status, (ii) the victim possesses or possessed information regarding that crime, (iii) the victim has been, is being or is likely to be helpful in an investigation of that crime, and (iv) the victim has not failed or refused to provide reasonably requested information or assistance.
Connecticut Conn. Gen. State. Ann. § 46b38b(e)(5) (2023). https://niwaplibrary.wcl.american.edu/pubs/connecticut-u-visa-statutes-2014/	(f) It shall be the responsibility of the peace officer at the scene of a family violence incident to provide immediate assistance to the victim. Such assistance shall include, but need not be limited to: … (3) informing the victim of services available, including providing the victim with contact information for a regional family violence organization that employs, or provides referrals to, counselors who are trained in providing trauma-informed care; (4) referring the victim to the Office of Victim Services; and (5) providing assistance in accordance with the uniform protocols for treating victims of family violence whose immigration status is questionable, established pursuant to subsection (i) of this section. In cases where the officer has determined that no cause exists for an arrest, assistance shall include: (A) Assistance as provided in subdivisions (1) to (5), inclusive, of this subsection. For the purposes of this subsection, "trauma-informed care" means services (i) directed by a thorough understanding of the neurological, biological, psychological and social effects of trauma and violence on a person; and (ii) delivered by a regional family violence organization that employs, or provides referrals to, counselors who: (I) Make available to the victim of family violence resources on trauma exposure, its impact and treatment; (II) engage in efforts to strengthen the resilience and protective factors of victims of family violence who are impacted by and vulnerable to trauma; (III) emphasize continuity of care and collaboration among organizations that provide services to children; and (IV) maintain professional relationships for referral and consultation purposes with programs and persons with expertise in trauma-informed care. g) (1) Each law enforcement agency shall develop, in conjunction with the Division of Criminal Justice, and implement specific operational guidelines for arrest policies in family violence incidents. Such guidelines shall include, but need not be limited to: (A) Procedures for the conduct of a criminal investigation; (B) procedures for arrest and for victim assistance by peace officers; (C) education as to what constitutes speedy information in a family violence incident; (D) procedures with respect to the provision of services to victims; and (E) such other criteria or

Connecticut Conn. Gen. State. Ann. § 46b38b(e)(5) (2023). https://niwaplibrary.wcl.american.edu/pubs/connecticut-u-visa-statutes-2014/	guidelines as may be applicable to carry out the purposes of sections 46b-1, 46b-15, 46b-38a to 46b-38f, inclusive, (5) (A) [annually] each law enforcement agency shall designate at least one officer with supervisory duties to expeditiously process, upon request of a victim of family violence or other crime who is applying for U Nonimmigrant Status
Delaware Del. Code Ann. tit. 11, § 787(n) (2007). https://niwaplibrary.wcl.american.edu/pubs/11-del-c-787-u-visa-cert/	"(n) Law-enforcement agency protocol. (1)On request from an individual who a police officer or prosecutor reasonably believes is a victim who is or has been subjected to a severe form of trafficking or criminal offense required for the individual to qualify for a nonimmigrant T or U visa under 8 U.S.C. § 1101(a)(15)(T), as amended from time to time, or 8 U.S.C. § 1101(a)(15)(U), as amended from time to time, or for continued presence, under 22 U.S.C. § 7105(c)(3), as amended from time to time…"
Illinois 5 Ill. Comp. Stat. 825/10 (2017). https://niwaplibrary.wcl.american.edu/pubs/il-u-visa-cert-law/	(c) A request for completion of a certification form under this Section may be submitted by a representative of the person seeking the certification form, including, but not limited to, an attorney, accredited representative, or domestic violence or sexual assault services provider.
Louisiana La. Stat. Ann. §§ 46:2162-46:2163 (2019). https://niwaplibrary.wcl.american.edu/pubs/la-u-visa-cert-law/	A. (2)Make a preliminary assessment of whether such victim or possible victim of human trafficking appears to meet the criteria for certification as a victim of a severe form of trafficking as defined in the federal Trafficking Victims Protection Act (22 U.S.C. 7101 et seq.) or appears to be otherwise eligible for any federal, state, or local benefits and services **(*1*)**Notify the Crime Victims Services Bureau of the Department of Public Safety and Corrections that such person may be eligible for services under this Chapter. **(2)**Make a preliminary assessment of whether such victim or possible victim of human trafficking appears to meet the criteria for certification as a victim of a severe form of trafficking as defined in the federal Trafficking Victims Protection Act (*22 U.S.C. 7101* et seq.) or appears to be otherwise eligible for any federal, state, or local benefits and services. **(a)**If it is determined that the victim or possible victim appears to meet such criteria, then the agency or office shall report the finding to the victim and shall refer the child victim to appropriate services available, including legal services providers. **(b)**If the victim or possible victim is under the age of eighteen or is an adult in need of protective services pursuant to the provisions of the Adult Protective Services Act, the agency or office shall also notify the appropriate protective service agency. B. Law enforcement assistance with respect to immigration. (1)After the agency or office makes a preliminary assessment pursuant to Paragraph (A)(2) of this Section that a victim or possible victim of human trafficking appears to meet the criteria for certification as a victim of a severe form of trafficking as defined in the federal Trafficking Victims Protection Act, and upon the request of such victim, the agency or office shall provide the victim or possible victim of human trafficking with a completed and executed United States Citizenship and Immigration Services (USCIS) Form I-914, Supplement B, Declaration of Law Enforcement Officer for Victim of Human Trafficking in Persons, or a USCIS Form I-918, Supplement B, U Nonimmigrant Status Certification, or both. These forms shall be completed by the certifying officer in accordance with the forms' instructions and applicable rules and regulations.
Maryland Md. Code Ann., Crim. Proc. § 11-931 (2019). https://niwaplibrary.wcl.american.edu/pubs/md-u-and-t-visa-certification/	"(a) (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, **[**or**]** 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 [to the certifying entity] 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 in the detection, investigation, or prosecution of that 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.
Massachusetts Mass. Gen. Laws ch258F, §§ 1-4 (2021)	Section 3. A certifying entity shall respond to a nonimmigrant status certification request from a victim of criminal activity who intends to petition for a nonimmigrant visa under 8 U.S.C. 1101(a)(15)(U) or from a victim of severe forms of trafficking in persons who intends to petition

Massachusetts Mass. Gen. Laws ch258F, §§ 1-4 (2021) https://niwaplibrary.wcl.american.edu/pubs/ma-u-visa-cert-law-2021/	for a nonimmigrant visa under 8 U.S.C. 1101(a)(15)(T) not later than 90 days after receiving the request for certification.
Minnesota Minn. Stat. § 611A.95 (2023). https://niwaplibrary.wcl.american.edu/pubs/minnesota-u-visa-statute-2023/	Subd. 2.**Certification process.** (a) A certifying entity shall process a certification requested by a victim of criminal activity or a representative of the victim, including the victim's attorney, family member, or domestic violence or sexual assault violence advocate, within the time period prescribed in paragraph (b).
Montana Mont. Code Ann. § 44-4-1503 (2017). https://niwaplibrary.wcl.american.edu/pubs/montana-u-visa-certification-law/	**44-4-1503. Law enforcement protocol.** (1) On request from a person who a law enforcement officer reasonably believes is a victim who is or has been subjected to a severe form of trafficking or criminal offense required for the person to qualify for a nonimmigrant T or U visa under 8 U.S.C. 1101(a)(15)(T) or 8 U.S.C. 1101(a)(15)(U) or for continued presence under 22 U.S.C. 7105(c)(3), the law enforcement officer, as soon as practicable after receiving the request, shall complete, sign, and give to the person the Form I-914B or Form I-918B provided by the United States citizenship and immigration services on its website and ask a federal law enforcement officer to request continued presence.
Nebraska Neb. Rev. Stat. § 29-217 (2020). https://niwaplibrary.wcl.american.edu/pubs/neb-u-and-t-certification-law/	(2)(a) On request from an individual whom a law enforcement agency reasonably believes to be a victim of a severe form of trafficking in persons, for purposes of a nonimmigrant T visa, pursuant to the criteria in 8 U.S.C. 1101(a)(15)(T)(i)(I) and (III), a law enforcement agency, no later than ninety business days after receiving the request: (i) Shall complete, sign, and return to the individual the Form I-914B; and (ii) May submit a written request to an appropriate federal law enforcement officer asking such officer to file an application for continued presence pursuant to 22 U.S.C. 7105(c)(3). (3)(a) On request from an individual whom a certifying agency reasonably believes to be a victim of qualifying criminal activity, for purposes of a nonimmigrant U visa, pursuant to the certification criteria in 8 U.S.C. 1101(a)(15)(U)(i)(II) to (IV) and (iii), a certifying official in the certifying agency, no later than ninety business days after receiving the request, shall complete, sign, and return to the individual the Form I918B.
Nevada Nev. Rev. Stat. §§ 217.580-217.585 (2019). https://niwaplibrary.wcl.american.edu/pubs/nevada-u-visa-cetrificaiton/	Sec. 7. "Petitioner" means a person who requests a certification.
North Dakota N.D. Cent. Code, § 12.1-41-18 (2019). https://niwaplibrary.wcl.american.edu/pubs/nd-u-visa-cert-law/	**1.**On request from an individual whom a law enforcement officer reasonably believes is a victim who is or has been subjected to a severe form of trafficking or criminal offense required for the individual to qualify for a nonimmigrant T or U visa under *8 U.S.C. 1101(a)(15)(T)* or *8 U.S.C. 1101(a)(15)(U)*, or for continued presence under *22 U.S.C. 7105(c)(3)*, the law enforcement officer, as soon as practicable after receiving the request, shall complete, sign, and give to the individual the form I-914B or form I-918B provided by the United States citizenship and immigration services on its internet website and ask a federal law enforcement officer to request continued presence.
Oregon Or. Rev. Stat. §147.620 (2023). https://niwaplibrary.wcl.american.edu/pubs/oregon-u-visa-cert-2019-1/	(1)(d)"Petitioner" means a person requesting certification under this section. (2)Upon the request of a victim or a victim's representative, a certifying official shall in writing certify that a victim has been helpful on a certification form designated by the United States Citizenship and Immigration Services if: (a) The victim is a victim of qualifying criminal activity; and (b) The victim has been helpful, is being helpful or is likely to be helpful to the detection, investigation or prosecution of the qualifying criminal activity.
Rhode Island 11 R.I. Gen Laws § 11- 67.1- 22 (2017). https://niwaplibrary.wcl.american.edu/pubs/ri-u-t-certification-law/	(a) On request from an individual whom a law enforcement officer or agent thereof reasonably believes is a victim who is, or has been, subjected to a severe form of trafficking or criminal offense required for the individual to qualify for a nonimmigrant T or U visa under 8 U.S.C. § 1101(a)(15)(T), or 8 U.S.C. § 1101(a)(15)(U), or for continued presence under 22 U.S.C. § 7105(c)(3), the law enforcement officer, as soon as practicable after receiving the request, shall complete, sign, and give to the individual the Form I-914B or Form I-918B provided by the United States Citizenship and Immigration Services on its Internet website and request assistance from the local Immigration and Naturalization office.
Utah Utah Code Ann Code § 77-38-502 (2026).	"1) Upon the request of the victim or victim's family member, a certifying official from a certifying entity shall certify victim helpfulness on the Form I-918 Supplement B certification if

Utah Utah Code Ann Code § 77-38-502 (2026). https://niwaplibrary.wcl.american.edu/pubs/utah-u-cert-law-2026/	the certifying entity determines the victim was a victim of a qualifying criminal activity and has been helpful, is being helpful, or is likely to be helpful to the detection, investigation, or prosecution of that qualifying criminal activity.
Virginia Va. Code Ann. Code § 9.1-1501 (2021). https://niwaplibrary.wcl.american.edu/pubs/va-u-visa-cert-law-2021/	C. A request for completion of a certification form under this section may be submitted by the victim of qualifying criminal activity or a representative of the person seeking the certification form. Such representative of the person may include an attorney, a licensed clinical social worker, a guardian ad litem, or an employee of a crime victim and witness assistance program or a domestic violence or sexual assault services provider.
U.S. Virgin Islands V.I. Code Ann. Tit. 14, § 151 (2019). https://niwaplibrary.wcl.american.edu/pubs/us-virgin-islands-u-cert-law-2019/	a) On request from an individual, who the Attorney General reasonably believes is a victim who is or has been subjected to a severe form of trafficking or criminal offense required for the individual to qualify for a nonimmigrant T or U visa under 8 U.S.C. section 1101(a)(15)(T) or 8 U.S.C. section 1101(a)(15)(U), or for continued presence under 22 U.S.C. section7105(c)(3), the Attorney General, as soon as practicable after receiving the request, shall complete, sign, and give to the individual the Form I-914B or Form I-918B provided by the United States Citizenship and Immigration Services on its Internet website and ask a federal law enforcement officer to request continued presence.
Washington Wash. Rev. Code 7.98.020 (2017). https://niwaplibrary.wcl.american.edu/pubs/washington-u-visa-certification-statute-2024/	(6) "Victim of criminal activity" means any individual who has: (a) Reported criminal activity to a law enforcement agency or certifying agency, or otherwise participated in the detection, investigation, or prosecution of criminal activity; and (b) suffered direct or proximate harm as a result of the commission of any criminal activity and may include, but is not limited to, an indirect victim, regardless of the direct victim's immigration or citizenship status, including the spouse, children under twenty-one years of age and, if the direct victim is under twenty-one years of age, parents, and unmarried siblings under eighteen years of age where the direct victim is deceased, incompetent, or incapacitated. Bystander victims must also be considered. More than one victim may be identified and provided with certification depending upon the circumstances. For purposes of this subsection, "incapacitated" means unable to interact with law enforcement agency or certifying agency personnel as a result of a cognitive impairment or other physical limitation, or because of physical restraint or disability or age, such as minors. This definition applies to this chapter only. (7) "Victim of trafficking" means any individual who is or has been a victim of human trafficking, which includes, but is not limited to, the following acts: (a) Sex trafficking in which a commercial sex act was induced by force, fraud, or coercion; (b) sex trafficking and the victim was under the age of eighteen years; (c) recruiting, harboring, transportation of, providing, or obtaining a person for labor or services through the use of force, fraud, or coercion for subjection to involuntary servitude, peonage, debt bondage, or slavery; or (d) another act or circumstance involving human trafficking. Upon the request by the victim or representative thereof including, but not limited to, the victim's attorney, accredited representative, or domestic violence, sexual assault, or victim's service provider, a certifying agency shall: (a) Make a determination on United States citizenship and immigration services form I-918 supplement B or relevant successor certification form, whether the victim was a victim of criminal activity and has been helpful, is being helpful, or is likely to be helpful to the detection or investigation or prosecution of that criminal activity; or (b) make a determination on United States citizenship and immigration services form I-914 supplement B or relevant successor certification form, whether the victim is or has been a victim of trafficking and, unless the victim is under the age of eighteen, whether he or she has complied with any reasonable requests from law enforcement in any related investigation or prosecution of the acts of trafficking in which he or she was a victim.

6. **Definitions Consistent with Federal Law**.

Many state laws include a section that provides definitions for the terms used in the statutes. Most states include definitions for "criminal activity," "certifying agency," and "certifying official." A growing number of states have implemented the best practice that ensures that the definition of terms in the state laws are consistent with and track immigration law definitions for those terms in federal regulations,[22] policies,[23]

[22] 72 Fed. Reg. 53014, New Classification for Victims of Criminal Activity for Eligibility for ''U'' Nonimmigrant Status (September 17, 2007), https://niwaplibrary.wcl.american.edu/pubs/uvisarule/.
[23] USCIS, POLICY MANUAL, VOLUME 3 HUMANITARIAN PROTECTION AND PAROLE, PART C VICTIMS OF CRIME, https://www.uscis.gov/policy-manual/volume-3-part-c .

guidance and instructions.[24] Having state law definitions that are the same a federal law definitions ensures that immigrant victims who are eligible under federal law for the U visa are all able to receive U visa certifications in the state that are required for eligible victims to be able to file for U visa immigration relief.

- Definitions of terms:
  - Criminal Activity/Qualifying Crime
    - California, Colorado, Illinois, Maryland, Nebraska, Nevada, Oregon, Utah, Virginia, Washington
      - Regardless of the stage of detection, investigation, or prosecution,
        - Illinois, Virginia
  - Certifying agency
    - Colorado, Illinois, Maryland, Massachusetts, Minnesota, Nebraska, Nevada, Oregon, Utah, Washington
  - Certifying official
    - Colorado, Maryland, Massachusetts, Minnesota, Nebraska, Nevada, Oregon, Utah
  - Certification
    - Colorado, Minnesota, Nevada, Virginia, Washington
  - Certification form
    - Colorado, Illinois, Virginia
  - Investigation or prosecution
    - Nebraska
  - Victim of criminal activity/petitioner (U visa)
    - Colorado, Illinois, Nebraska, Oregon, Virginia, Washington
      - Petitioner – person who requests a certification
        - Nevada, Oregon
  - Victim of human trafficking (T visa)
    - California, Louisiana, Maryland, Massachusetts, Nebraska, Washington
  - Qualified criminal informant (S visa)
    - California
  - Accredited Representative
    - California
  - Law enforcement agency
    - Oregon

- Consistency with federal law:
  - Statute incorporates and follows federal statutes and any implementing federal regulations, supplementary information, guidance, and instructions
    - Colorado, Illinois, Maryland, Nebraska
  - A certifying entity shall determine helpfulness in a manner consistent with federal guidelines.
    - Utah

- How certification forms are to be completed:
  - In accordance with the forms' instructions and applicable rules and regulations
    - Louisiana
  - Certifying agencies shall determine helpfulness as in a manner consistent with federal guidelines
    - Utah
    -

[24] USCIS, U VISA LAW ENFORCEMENT RESOURCE GUIDE FOR FEDERAL, STATE, LOCAL, TRIBAL AND TERRITORIAL LAW ENFORCEMENT, PROSECUTORS, JUDGES AND OTHER GOVERNMENT AGENCIES at 7 (February 28, 2022), https://niwaplibrary.wcl.american.edu/pubs/u-visa-certification-resource-guide-2022/.

Jurisdiction	Text
Arkansas Ark. Code Ann. § 12-19-104 (2024).	N/A
California Cal. Penal Code. §679.10 (2023). https://niwaplibrary.wcl.american.edu/california-sb-674-u-cert-law/	U visa (c) "Qualifying criminal activity" has the same meaning as qualifying criminal activity pursuant to Section101(a)(15)(U)(iii) of the federal Immigration and Nationality Act which includes, but is not limited to, the following crimes: (1) Rape. 2) Torture. (3) Human trafficking. (4) Incest. (5) Domestic violence. (6) Sexual assault. (7) Abusive sexual conduct. (8) Prostitution. (9) Sexual exploitation. (10) Female genital mutilation. (11) Being held hostage. (12) Peonage. (13) Perjury. (14) Involuntary servitude. (15) Slavery. (16) Kidnapping. (17) Abduction. (18) Unlawful criminal restraint. (19) False imprisonment. (20) Blackmail. (21) Extortion. (22) Manslaughter. (23) Murder. (24) Felonious assault. (25) Witness tampering. (26) Obstruction of justice. (27) Fraud in foreign labor contracting. (28) Stalking. (d) A "qualifying crime" includes criminal offenses for which the nature and elements of the offenses are substantially similar to the criminal activity described in subdivision (c), and the attempt, conspiracy, or solicitation to commit any of those offenses. (e) A "representative fully accredited by the United States Department of Justice" is a person who is approved by the United States Department of Justice to represent individuals before the Board of Immigration Appeals, the immigration courts, or the Department of Homeland Security. The representative shall be a person who works for a specific nonprofit, religious, charitable, social service, or similar organization that has been recognized by the United States Department of Justice to represent those individuals and whose accreditation is in good standing. T visa (c) "Human trafficking" has the same meaning as "severe forms of trafficking in persons" pursuant to Section7102 of Title 22 of the United States Code and includes either of the following: (1) Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age. (2) The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery. (d) "Human trafficking" also includes criminal offenses for which the nature and elements of the offenses are substantially similar to the criminal activity described in subdivision (c), and the attempt, conspiracy, or solicitation to commit any of those offenses. (e) A "representative fully accredited by the United States Department of Justice" is a person who is approved by the United States Department of Justice to represent individuals before the Board of Immigration Appeals, the immigration courts, or the Department of Homeland Security. The representative shall be a person who works for a specific nonprofit, religious, charitable, social service, or similar organization that has been recognized by the United States Department of Justice to represent those individuals and whose accreditation is in good standing. S Visa (c)"Qualified criminal informant" is an individual who meets the following requirements: (1)The informant must have reliable information about an important aspect of a crime or pending commission of a crime. (2)The informant must be willing to share that information with United States law enforcement officials or become a witness in court. (3)The informant's presence in the United States is important and leads to the successful investigation or prosecution of that crime.
Colorado Colo. Rev. Stat. § 24-4.1-401 (2021). https://niwaplibrary.wcl.american.edu/pubs/colorado-u-visa-cert/	(1) "Certification form" or "Certification" means the federal form I-918, supplement B, "U nonimmigrant status certification", or any successor form, required under 8 USC sec. 1184 (p)(1) and 8 C.F.R.§ 214.14 (c)(2)(i) and as defined under 8 C.F.R.§ 214.14 (a)(12), which confirms that the petitioner is a victim of qualifying criminal activity and has been helpful, is being helpful, or is likely to be helpful in the investigation or prosecution of the qualifying criminal activity of which the petitioner is a victim. (2) "Certifying agency" or "Agency" has the same meaning as defined in 8 C.F.R.§ 214.14 (a)(2) and includes but is not limited to: (a) a state or local law enforcement agency; (b) the office of a district, county, or city attorney;

Colorado Colo. Rev. Stat. § 24-4.1-401 (2021). https://niwaplibrary.wcl.american.edu/pubs/colorado-u-visa-cert/	(c) a court; (d) the office of the attorney general; (e) any other agency that is responsible for the detection, investigation, or prosecution of a qualifying crime or criminal activity; or (f) entities that have criminal detection or investigative jurisdiction in their respective areas of expertise, including but not limited to a county department of human or social services and the department of labor and employment. (3) "certifying official" has the same meaning as defined in 8 C.F.R.§ 214.14 (a)(3) and includes but is not limited to: (a) the head of the certifying agency; (b) a person in a supervisory role who has been specifically designated by the head of a certifying agency to issue certifications on behalf of that agency; or (c) a judge or magistrate. (4) "qualifying criminal activity" has the same meaning as defined in 8 C.F.R.§ 214.14 (a)(9), including any activity that constitutes a crime as defined pursuant to Colorado law, regardless of the statutory language or title used pursuant to Colorado law, for which the nature and elements of the offenses are substantially similar to the general categories of offenses enumerated in 8 USC sec. 1101 (a)(15)(u), or any other similar criminal activities, and the attempt, conspiracy, or solicitation to commit any of those offenses. (5) "victim of qualifying criminal activity" or "victim" has the same meaning as defined in 8 C.F.R.§ 214.14 (a)(14) and includes an individual who has suffered direct and proximate harm as a result of the commission of qualifying criminal activity, including direct victims; indirect victims, as defined under 8 C.F.R.§ 214.14 (a)(14)(1), regardless of the direct victim's immigration or citizenship status; and bystander victims, as recognized under the federal register at 72 FR 53016.
Connecticut Conn. Gen. State. Ann. § 46b38b(e)(5) (2023).	N/A
Delaware Del. Code Ann. tit. 11, § 787(n) (2007).	N/A
Illinois 5 Ill. Comp. Stat. 825/10 (2017). https://niwaplibrary.wcl.american.edu/pubs/il-u-visa-cert-law/	In this Act: "Certification form" means a law enforcement certification form or statement required by federal immigration law certifying that a person is a victim of qualifying criminal activity including, but not limited to, the information required by Section 1184(p) of Title 8 of the United States Code, including current United States Citizenship and Immigration Services Form I-918, Supplement B, or any successor form for purposes of obtaining a U visa or by Section 1184(o) of Title 8 of the United States Code, including current United States Citizenship and Immigration Services Form I-914, Supplement B, or any successor form for purposes of obtaining a T visa "Certifying agency" means a State or local law enforcement agency, prosecutor, or other public authority that has responsibility for the investigation or prosecution of a qualifying crime or criminal activity, including an agency that has criminal investigative jurisdiction in its respective areas of expertise, but not including any State court. "Qualifying criminal activity" means any activity, regardless of the stage of detection, investigation, or prosecution, designated in Section 1101(a)(15)(U)(iii) of Title 8 of the United States Code, any implementing federal regulations, supplementary information, guidance, and instructions. "Victim of qualifying criminal activity" means a person described in Section 1101(a)(15)(U)(i)(I) of Title 8 of the United States Code, in the definition of "victim of a severe form of trafficking" in Section 7102(14) of Title 22 of the United States Code, or in any implementing federal regulations, supplementary information, guidance, and instructions. (Source: P.A. 100-1115, eff. 1-1-19.)
Louisiana La. Stat. Ann. §§ 46:2162-46:2163 (2019). https://niwaplibrary.wcl.american.edu/pubs/la-u-visa-cert-law/	B. Law enforcement assistance with respect to immigration. (1)After the agency or office makes a preliminary assessment pursuant to Paragraph (A)(2) of this Section that a victim or possible victim of human trafficking appears to meet the criteria for certification as a victim of a severe form of trafficking as defined in the federal Trafficking Victims Protection Act, and upon the request of such victim, the agency or office shall provide the victim or possible victim of human trafficking with a completed and executed United States Citizenship and Immigration Services (USCIS) Form I-914, Supplement B, Declaration of Law Enforcement Officer for Victim of Human Trafficking in Persons, or a USCIS Form I-918, Supplement B, U Nonimmigrant Status Certification, or both. These forms shall be completed by the certifying officer in accordance with the forms' instructions and applicable rules and regulations.

Maryland Md. Code Ann., Crim. Proc. § 11-931 (2019). https://niwaplibrary.wcl.american.edu/pubs/md-u-and-t-visa-certification/	(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 detection or investigative jurisdiction in the agency's respective areas of expertise, including child 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, § 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 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 described in federal U Nonimmigrant Status petition guidelines.
Massachusetts Mass. Gen. Laws ch258F §§ 1-4 (2021) https://niwaplibrary.wcl.american.edu/pubs/ma-u-visa-cert-law-2021/	Section 1. As used in this chapter, the following words shall, unless the context clearly requires otherwise, have the following meanings: "Certifying entity", a law enforcement agency, prosecutor or other state or local entity that has the authority to detect, investigate or prosecute severe forms of trafficking in persons or criminal activity. "Criminal activity", as described in 8 U.S.C. 1101(a)(15)(U)(iii). "Severe forms of trafficking in persons", as defined in 22 U.S.C. 7102.
Minnesota Minn. Stat. § 611A.95 (2023). https://niwaplibrary.wcl.american.edu/pubs/minnesota-u-visa-statute-2023/ Minnesota Minn. Stat. § 611A.95 (2023). https://niwaplibrary.wcl.american.edu/pubs/minnesota-u-visa-statute-2023/	Subdivision 1.**Definitions.** For purposes of this section, the following terms have the meanings given: (1) "certifying entity" means a state or local law enforcement agency; (2) "criminal activity" means qualifying criminal activity pursuant to section 101(a)(15)(U)(iii) of the Immigration and Nationality Act, as amended through June 1, 2021, and includes the attempt, conspiracy, or solicitation to commit such crimes; and (3) "certification" means any certification or statement required by federal immigration law, as amended through June 1, 2021,including but not limited to the information required by United States Code, title 8, section 1184(p), and United States Code, title 8,section 1184(o), including current United States Citizenship and Immigration Services Form I-918, Supplement B, and United States Citizenship and Immigration Services Form I-914, Supplement B, and any substantively similar successor forms.
Montana Mont. Code Ann. § 44-4-1503 (2017).	N/A
Nebraska Neb. Rev. Stat. § 29-217 (2020). https://niwaplibrary.wcl.american.edu/pubs/neb-u-and-t-certification-law/	(1) For purposes of this section: (a) Certifying agency means a state or local law enforcement agency, prosecutor, or other authority that has responsibility for the investigation or prosecution of qualifying criminal activity, as described in 8 C.F.R.§ 214.14(a)(2); (b) Certifying official means the head of the certifying agency or any person in a supervisory role who has been specifically designated by the head of the certifying agency to issue U nonimmigrant status certifications on behalf of that agency, as described in 8 C.F.R.§ 214.14(a)(3) ; (c) Form I-914B means Form I-914, Supplement B, Declaration of Law Enforcement Officer for Victim of Trafficking in Persons, of the Department of Homeland Security, United States Citizenship and Immigration Services; (d) Form I-918B means Form I-918, Supplement B, U Nonimmigrant Status Certification, of the Department of Homeland Security, United States Citizenship and Immigration Services; (e) Investigation or prosecution has the same meaning as in 8 C.F.R.§ 214.14 ;

Nebraska Neb. Rev. Stat. § 29-217 (2020). https://niwaplibrary.wcl.american.edu/pubs/neb-u-and-t-certification-law/	(f) Law enforcement agency means a state or local law enforcement agency, prosecutor, or other authority that has responsibility for the investigation or prosecution of severe forms of trafficking in persons, as described in 8 C.F.R.§ 214.11(a) ; (g) Qualifying criminal activity has the same meaning as in 8 C.F.R.§ 214.14 ; (h) Victim of qualifying criminal activity has the same meaning as in 8 C.F.R.§ 214.14 ; (i) Victim of a severe form of trafficking in persons has the same meaning as in 8 C.F.R.§ 214.11 ;
Nevada Nev. Rev. Stat. §§ 217.580-217.585 (2019). https://niwaplibrary.wcl.american.edu/pubs/nevada-u-visa-cetrificaiton/	Sec. 2. As used in sections 2 to 10, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this act have the meanings ascribed to them in those sections. Sec. 3. "Certification" means the certification of a Form 1-918, Supplement B, U Nonimmigrant Status Certification, as required by 8 U.S.C. § 1184(p) regarding a Form 1-918, Petition for U Nonimmigrant Status by a certifying agency. Sec. 4. "Certifying agency" means: l. A state or local law enforcement agency; 2. A prosecutor; 3. A Judge or 4. Any other governmental agency that has criminal, civil or administrative investigative or prosecutorial authority. Sec. 5. "Certifying official" means: l. The head of a certifying agency; or 2. A person who has been designated by the head of a certifying agency to complete a certification. Sec. 6. "Criminal activity" means an offense for which the elements are substantially similar to an offense described in 8 U.S.C. §1101(a){15){U)(iii) or the attempt, solicitation or conspiracy to commit such an offense. Sec. 7. "Petitioner" means a person who requests a certification. Sec. 6 "Criminal activity" means an offense for which the elements are substantially similar to an offense described in 8 U.S.C. § 1101(a)(15)(U)(iii) or the attempt, solicitation or conspiracy to commit such an offense."
North Dakota N.D. Cent. Code,§ 12.1-41-18 (2019).	N/A
Oregon Or. Rev. Stat. §147.620 (2023). https://niwaplibrary.wcl.american.edu/pubs/oregon-u-visa-cert-2019-1/	*(1) As used in this section:* (a)"Certifying agency" means: (A) A state or local law enforcement agency; (B) A prosecutor's or district attorney's office; (C) The Judicial Department, with respect to a judge of a state court acting as a certifying official; (D) A judge other than a judge of a state court; or (E) Any other agency that has responsibility for the detection, investigation or prosecution of a qualifying criminal activity, including but not limited to a certifying agency as defined in 8 C.F.R.§ 214.14. (b) "Certifying official" means: (A) The head of a certifying agency; (B) A judge; or (C) A person in a supervisory role who has been designated by the head of a certifying agency to issue certifications under this section on behalf of the agency. (c) "Law enforcement agency" has the meaning given that term in ORS 146.003 (Definitions for ORS 146.003 to 146.189 and 146.710 to 146.992). (d) "Petitioner" means a person requesting certification under this section. (e) "Qualifying criminal activity" has the meaning given that term in 8 C.F.R.§ 214.14. (f) "Victim of qualifying criminal activity" has the meaning given that term in 8 C.F.R.§ 214.14.
Rhode Island 11 R.I. Gen Laws § 11- 67.1- 22 (2017).	N/A
Utah Utah Code Ann Code § 77-38-502 (2026). https://niwaplibrary.wcl.american.edu/pubs/utah-u-cert-law-2026/	(1) "Certifying entity" means any of the following: (a) a law enforcement agency, as defined in Section 77-7a-103; (b) a prosecutor, as defined in Section 77-22-4.5; (c) a court described in Section 78A-1-101; (d) any other authority that has responsibility for the detection, investigation, or prosecution of a qualifying crime or criminal activity; and (e) an agency that has criminal detection or investigative jurisdiction in the agency's respective areas of expertise, including: (i) the Division of Child and Family Services; and (ii) the Labor Commission.

Utah Utah Code Ann Code § 77-38-502 (2026). https://niwaplibrary.wcl.american.edu/pubs/utah-u-cert-law-2026/	(2) "Certifying official" means: (a) the head of the certifying entity; (b) a person in a supervisory role who has been specifically designated by the head of the certifying entity to issue Form I-918 Supplement B certifications on behalf of that agency; (c) a judge; or (d) any other certifying official defined under 8 C.F.R.§ 214.14. (3) "Department" means the Department of Criminal Justice created in Section 75E-2-102. (4) (a) "Qualifying criminal activity" means the same as that term is defined in 8 C.F.R.§ 214.14. (b) "Qualifying criminal activity" includes criminal offenses for which the nature and elements of the offenses are substantially similar to the criminal activity described in Subsection (4)(a), and the attempt, conspiracy, or solicitation to commit any of those offenses. **77-38-503 Guidelines for prosecutors.** (1) Upon the request of the victim or victim's family member, a certifying official from a certifying entity shall certify victim helpfulness on the Form I-918 Supplement B certification, if the certifying entity determines the victim was a victim of a qualifying criminal activity and has been helpful, is being helpful, or is likely to be helpful to the detection, investigation, or prosecution of that qualifying criminal activity. (2) A certifying entity shall determine helpfulness as described in Subsection (1) in a manner consistent with federal guidelines. (3) A certifying entity shall process a Form I-918 Supplement B certification…
Virginia Va. Code Ann. Code § 9.1-1501 (2021). https://niwaplibrary.wcl.american.edu/pubs/va-u-visa-cert-law-2021/	"Certification form" means a certification form or declaration completed by a certifying agency that is required by federal immigration law certifying that a person is a victim of qualifying criminal activity. Such form or declaration may include any information required (i) by 8 U.S.C. § 1184(p), including the current United States Citizenship and Immigration Services Form I-918, Supplement B, or any successor form for purposes of obtaining a U visa, or (ii) by 8 U.S.C. § 1184(o), including the current United States Citizenship and Immigration Services Form I-914, Supplement B, or any successor form for purposes of obtaining a T visa. "Qualifying criminal activity" means any activity, regardless of the stage of detection, investigation, or prosecution, designated in 8 U.S.C. § 1101(a)(15)(U)(iii), or in any implementing federal regulations, supplementary information, guidance, and instructions. "Victim of qualifying criminal activity" means a person described in 8 U.S.C. § 1101(a)(15)(U)(i)(III), in the definition of "victim of a severe form of trafficking" in 22 U.S.C. § 7102(11), or in any implementing federal regulations, supplementary information, guidance, and instructions.
U.S. Virgin Islands V.I. Code Ann. Tit. 14, § 151 (2019).	N/A
Washington Wash. Rev. Code 7.98.020 (2017). https://niwaplibrary.wcl.american.edu/pubs/washington-u-visa-certification-statute-2024/	**Sec. 3.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise. (1) "Certification" means any law enforcement certification or statement required by federal immigration law including, but not limited to, the information required by 8 U.S.C. Sec. 1184 (o) and (p), or any successor statutes regarding T or U nonimmigrant visas or their successor programs, including current United States citizenship and immigration services form I-914 supplement B or form I-918 supplement B, respectively, and any successor forms. (2) "Certifying agency" means a state or local law enforcement agency, prosecutor, administrative judge, hearing office, or other authority that has responsibility for the investigation or prosecution of criminal activity. A certifying agency includes an agency that has investigative jurisdiction in its respective area of expertise including, but not limited to, the Washington state patrol, the Washington department of labor and industries, and the Washington department of social and health services. (3) "Criminal activity" includes any activity that constitutes a crime as defined in RCW 7.69.020, for which the nature and elements of the offenses are substantially similar to the offenses described in 8 U.S.C. Sec. 1101(a)(15)(U), and the attempt, conspiracy, or solicitation to commit any of those offenses. (4) "Law enforcement agency" means any agency in Washington that qualifies as a criminal justice agency under RCW 10.97.030(5) and is charged with the enforcement of state, county, municipal, or federal laws, or with managing custody of detained persons in the state, and includes municipal police departments, sheriff's departments, campus police departments, the Washington state patrol, and the juvenile justice rehabilitative administration. (5) "Law enforcement official" means any officer or other agent of a state or local law enforcement agency authorized to enforce criminal statutes, regulations, or local ordinances. (6) "Victim of criminal activity" means any individual who has: (a) Reported criminal activity to a law enforcement agency or certifying agency, or otherwise participated in the detection, investigation, or prosecution of criminal activity; and (b) suffered direct or proximate harm as a result of the commission of any criminal activity and may include, but is not limited to, an indirect victim, regardless of the direct victim's immigration or citizenship status, including the spouse,
Washington	

Wash. Rev. Code 7.98.020 (2017). https://niwaplibrary.wcl.american.edu/pubs/washington-u-visa-certification-statute-2024/	children under twenty-one years of age and, if the direct victim is under twenty-one years of age, parents, and unmarried siblings under eighteen years of age where the direct victim is deceased, incompetent, or incapacitated. Bystander victims must also be considered. More than one victim may be identified and provided with certification depending upon the circumstances. For purposes of this subsection, "incapacitated" means unable to interact with law enforcement agency or certifying agency personnel as a result of a cognitive impairment or other physical limitation, or because of physical restraint or disability or age, such as minors. This definition applies to this chapter only. (7) "Victim of trafficking" means any individual who is or has been a victim of human trafficking, which includes, but is not limited to, the following acts: (a) Sex trafficking in which a commercial sex act was induced by force, fraud, or coercion; (b) sex trafficking and the victim was under the age of eighteen years; (c) recruiting, harboring, transportation of, providing, or obtaining a person for labor or services through the use of force, fraud, or coercion for subjection to involuntary servitude, peonage, debt bondage, or slavery; or (d) another act or circumstance involving human trafficking.

7. **Established Time Limit to Respond**

All states with U Visa statutes include a section that addresses how quickly state agencies are required to respond to U visa certification requests. Eleven (14) states require responses to requests within 90 days or 90 business days. Three (3) states establish shorter timeframes for responses to certification requests of 30- or 60-days. Six (6) states require responses "as soon as practicable" which is an approach that is less predictable and therefore can jeopardize victim safety. As will be discussed in the next section of this report many state laws also require responses to certification requests be expedited under certain circumstances.

Four (4) state statutes provide a mechanism for certifying agencies to obtain an extension of the statutory certification deadlines. Among these states the option that best addresses victim safety concerns that can be associated with certification delays require certifying agencies that need additional time for certification to obtain a written agreement from the victim to the extension of time.

Lastly, three (3) states set timeframes for certifying agencies responding to requests for U visa recertification. Each of these states require that state agencies respond within the same time limitations for both initial certification requests and requests for recertification. There are three common reasons a victim may need to request a U visa recertification. First, the victim must file their U visa application within 6 months of the date that the U visa certification is issued. Certain types of evidence that are best practice to include in the U visa application can sometimes take time to obtain (e.g. birth certificates from the victim's home country or replacement of a passport that the abuser destroyed). In these cases, if the U visa certification 6-month validity time runs out before the victim can file their U visa application the victim will need to request recertification. Secondly, when the victim applies for lawful permanent residency after being granted a U visa, USCIS encourages victims to obtain recertifications.

Statutory certification response times are:

- 30-days:
  - Arkansas, California
- 60-days:
  - Connecticut (includes subsequent certification requests)
- 45-days:
  - Maryland
- 90-days:
  - Colorado, Illinois (business days), Massachusetts, Minnesota, Nebraska (business days), Nevada, Oregon, Utah, Virginia (business days), Washington
    - Applies this 90 business day response time to requests for continued presence by human trafficking victims
      - Nebraska

- 120-days:
  - Virginia
- As soon as practicable:
  - Delaware, Louisiana, Montana, North Dakota, Rhode Island, U.S. Virgin Islands

Extension of time:

- Extension of time for certification, recertification, or expedited recertification is only available to the state certifying agency with written agreement of immigrant victim U or T visa applicant:
  - Illinois, Virginia
- Exception under circumstances in which there is good cause for delay
  - Oregon
- In extenuating circumstances outside the control of the certifying entity that prevent the certifying entity from responding to the certification request in the required time period, issuing a written explanation of the delay, the process the certifying entity will undertake to respond and a projected time frame for such response.
  - Massachusetts

Recertification requests:

- The statute requires that a certifying agency reissue certifications within the following time limits after receiving a request:
  - 90 days
    - Illinois (business days), Virginia (business days), Washington
      - If the victim requesting recertification has a deadline from USCIS to respond to a request for further evidence the recertification must be completed within
        - 21 business days
          - Illinois, Virginia
      - Requests for expedited recertification shall be affirmatively raised by the victim or victim's representative in writing and shall establish that the victim is eligible for expedited review
        - Illinois, Virginia
  - 60 days
    - Connecticut

Jurisdiction	Text
Arkansas Ark. Code Ann.§ 12-19-104(2024). https://niwaplibrary.wcl.american.edu/pubs/arkansas-u-visa-certification-law-2015/	12-19-104. Law enforcement agency nonimmigrant visa certification (b) The policy adopted under subsection (a) of this section shall include a requirement that a law enforcement official shall complete the certification no later than thirty (30) days after receipt of the request for certification.
California Cal. Penal Code. §679.10 (2023). https://niwaplibrary.wcl.american.edu/california-sb-674-u-cert-law/	U visa (1) A certifying entity shall process a Form I-918 Supplement B certification within 30 days of request… T visa (i) (1) A certifying entity shall process a Form I-914 Supplement B declaration within 30 days of request…
Colorado Colo. Rev. Stat. § 24-4.1-401 (2021). https://niwaplibrary.wcl.american.edu/pubs/colorado-u-visa-cert/	(3) Except as provided in subsection (4) of this section addressing expedited. processing, a certifying agency shall process and either sign or decline to sign a certification form within 90 days after receipt of a request.
Connecticut Conn. Gen. State. Ann. § 46b38b(e)(5) (2023).	5) (A) … each law enforcement agency shall designate at least one officer with supervisory duties to expeditiously process, upon request of a victim of family violence or other crime who is applying for U Nonimmigrant Status (i) a certification of helpfulness on Form I-918, Supplement B, or any subsequent corresponding form designated by the United States Department of Homeland Security, confirming that the victim of family violence or other crime has been

https://niwaplibrary.wcl.american.edu/pubs/connecticut-u-visa-statutes-2014/	helpful, is being helpful or is likely to be helpful in the investigation or prosecution of the criminal activity, and (ii) any subsequent certification required by the victim. As used in this subparagraph, "expeditiously" means not later than sixty days after the date of receipt of the request for certification of helpfulness.
Delaware Del. Code Ann. tit. 11, § 787(n) (2007). https://niwaplibrary.wcl.american.edu/pubs/11-del-c-787-u-visa-cert/	(n) Law-enforcement agency protocol. — (1) On request from an individual who a police officer or prosecutor reasonably believes is a victim who is or has been subjected to a severe form of trafficking or criminal offense required for the individual to qualify for a nonimmigrant T or U visa under 8 U.S.C. § 1101(a)(15)(T), as amended from time to time, or 8 U.S.C. § 1101(a)(15)(U), as amended from time to time, or for continued presence, under 22 U.S.C. § 7105(c)(3), as amended from time to time, the police officer or prosecutor, as soon as practicable after receiving the request, shall request that a certifying official in that police officer's or prosecutor's law-enforcement agency complete, sign, and give to the individual the Form I-914B or Form I-918B provided by the United States Citizenship and Immigration Services on its Internet website, and ask a federal law-enforcement officer to request continued presence.
Illinois 5 Ill. Comp. Stat. 825/10 (2017). https://niwaplibrary.wcl.american.edu/pubs/il-u-visa-cert-law/	d) Upon receiving a request for completion of a certification form, a certifying official shall complete the certification form for any victim of qualifying criminal activity. If the certifying official cannot determine that the applicant is a victim of qualifying criminal activity, the certifying official may provide written notice to the person or the person's representative explaining why the available evidence does not support a finding that the person is a victim of qualifying criminal activity. The certifying official shall complete the certification form and provide it to the person within 90 business days of receiving the request… (e) A certifying official who issued an initial certification form shall complete and reissue a certification form within 90 business days of receiving a request from a victim to reissue. If the victim seeking recertification has a deadline to respond to a request for evidence from United States Citizenship and Immigration Services, the certifying official shall complete and issue the form no later than 21 business days after the request is received by the certifying official. Requests for expedited recertification shall be affirmatively raised by the victim or victim's representative in writing and shall establish that the victim is eligible for expedited review. A certifying official may extend the deadline by which he or she will complete and reissue the certification form only upon written agreement with the victim or victim's representative.
Louisiana La. Stat. Ann. §§ 46:2162-46:2163 (2019). https://niwaplibrary.wcl.american.edu/pubs/la-u-visa-cert-law/	Classification of victims of human trafficking. As soon as practicable after the initial encounter with a person who reasonably appears to a law enforcement agency, a district attorney's office, or the office of the attorney general to be a victim of human trafficking, such agency or office shall: .B Law enforcement assistance with respect to immigration. (1)After the agency or office makes a preliminary assessment pursuant to Paragraph (A)(2) of this Section that a victim or possible victim of human trafficking appears to meet the criteria for certification as a victim of a severe form of trafficking as defined in the federal Trafficking Victims Protection Act, and upon the request of such victim, the agency or office shall provide the victim or possible victim of human trafficking with a completed and executed United States Citizenship and Immigration Services (USCIS) Form I-914, Supplement B, Declaration of Law Enforcement Officer for Victim of Human Trafficking in Persons, or a USCIS Form I-918, Supplement B, U Nonimmigrant Status Certification, or both. These forms shall be completed by the certifying officer in accordance with the forms' instructions and applicable rules and regulations.
Maryland Md. Code Ann., Crim. Proc. § 11-931 (2019). https://niwaplibrary.wcl.american.edu/pubs/md-u-and-t-visa-certification/	(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.
Massachusetts Mass. Gen. Laws ch258F, §§ 1-4 (2021) https://niwaplibrary.wcl.american.edu/pubs/ma-u-visa-cert-law-2021/	Section 3. A certifying entity shall respond to a nonimmigrant status certification request from a victim of criminal activity who intends to petition for a nonimmigrant visa under 8 U.S.C. 1101(a)(15)(U) or from a victim of severe forms of trafficking in persons who intends to petition for a nonimmigrant visa under 8 U.S.C. 1101(a)(15)(T) not later than 90 days after receiving the request for certification. The certifying entity shall respond to the request by: (i) completing and signing the certification forms; (ii) issuing a written denial of the request, without prejudice, informing the victim of the reason that the request does not meet the requirements of the certifying entity's policy under section 2; or (iii) in extenuating circumstances outside the control of the certifying entity that prevent the certifying entity from responding to the certification request in the required time period, issuing a written explanation of the delay, the process the certifying entity will undertake to respond and a projected time frame for such response.
Minnesota Minn. Stat. § 611A.95 (2023). https://niwaplibrary.wcl.american.edu/pubs/minnesota-u-visa-statute-2023/	(b) A certifying entity shall process the certification within 90 days of request, unless the victim is in removal proceedings, in which case the certification shall be processed within 14 days of request. Requests for expedited certification must be affirmatively raised at the time of the request.
Montana Mont. Code Ann. § 44-4-1503 (2017).	Law enforcement protocol. (1) On request from a person who a law enforcement officer reasonably believes is a victim who is or has been subjected to a severe form of trafficking or criminal offense required for the person to qualify for a nonimmigrant T or U visa under 8 U.S.C. 1101(a)(15)(T) or 8 U.S.C. 1101(a)(15)(U) or for continued presence under 22 U.S.C. 7105(c)(3), the law enforcement officer, as soon as practicable after receiving the request, shall complete, sign,

https://niwaplibrary.wcl.american.edu/pubs/montana-u-visa-certification-law/	and give to the person the Form I-914B or Form I-918B provided by the United States citizenship and immigration services on its website and ask a federal law enforcement officer to request continued presence.
Nebraska Neb. Rev. Stat. § 29-217 (2020). https://niwaplibrary.wcl.american.edu/pubs/neb-u-and-t-certification-law/	(2)(a) On request from an individual whom a law enforcement agency reasonably believes to be a victim of a severe form of trafficking in persons, for purposes of a nonimmigrant T visa, pursuant to the criteria in 8 U.S.C. 1101(a)(15)(T)(i)(I) and (III), a law enforcement agency, no later than ninety business days after receiving the request… (3)(a) On request from an individual whom a certifying agency reasonably believes to be a victim of qualifying criminal activity, for purposes of a nonimmigrant U visa, pursuant to the certification criteria in 8 U.S.C. 1101(a)(15)(U)(i)(II) to (IV) and (iii), a certifying official in the certifying agency, no later than ninety business days after receiving the request, shall complete, sign, and return to the individual the Form I918B.
Nevada Nev. Rev. Stat. §§ 217.580-217.585 (2019). https://niwaplibrary.wcl.american.edu/pubs/nevada-u-visa-cetrificaiton/	NRS 217.585 Time for processing of request for certification. A certifying agency shall process a request for a certification within 90 days after the date of the request pursuant to NRS 217.580…
North Dakota N.D. Cent. Code § 12.1-41-18 (2019). https://niwaplibrary.wcl.american.edu/pubs/nd-u-visa-cert-law/	1. On request from an individual whom a law enforcement officer reasonably believes is a victim who is or has been subjected to a severe form of trafficking or criminal offense required for the individual to qualify for a nonimmigrant T or U visa under 8 U.S.C. 1101(a)(15)(T) or 8 U.S.C. 1101(a)(15)(U), or for continued presence under 22 U.S.C. 7105(c)(3), the law enforcement officer, as soon as practicable after receiving the request, shall complete, sign, and give to the individual the form I-914B or form I-918B provided by the United States citizenship and immigration services on its internet website and ask a federal law enforcement officer to request continued presence.
Oregon Or. Rev. Stat. §147.620 (2023). https://niwaplibrary.wcl.american.edu/pubs/oregon-u-visa-cert-2019-1/	(6) Except under circumstances in which there is good cause for delay, a certifying agency shall grant or deny a request for certification: (a) Within 90 days of the date of the certification request…
Rhode Island 11 R.I. Gen Laws § 11- 67.1-22 (2017). https://niwaplibrary.wcl.american.edu/pubs/ri-u-t-certification-law/	(a) On request from an individual whom a law enforcement officer or agent thereof reasonably believes is a victim who is, or has been, subjected to a severe form of trafficking or criminal offense required for the individual to qualify for a nonimmigrant T or U visa under 8 U.S.C. § 1101(a)(15)(T), or 8 U.S.C. § 1101(a)(15)(U), or for continued presence under 22 U.S.C. § 7105(c)(3), the law enforcement officer, as soon as practicable after receiving the request, shall complete, sign, and give to the individual the Form I-914B or Form I-918B provided by the United States Citizenship and Immigration Services on its Internet website and request assistance from the local Immigration and Naturalization office.
Utah Utah Code Ann Code § 77-38-502 (2026). https://niwaplibrary.wcl.american.edu/pubs/utah-u-cert-law-2026/	(3) A certifying entity shall process a Form I-918 Supplement B certification within 90 days of request…
Virginia Va. Code Ann. Code § 9.1-1501 (2021). https://niwaplibrary.wcl.american.edu/pubs/va-u-visa-cert-law-2021/	Upon receiving a request for completion of a certification form, a certifying official shall provide a response to the request within 120 days…. E. A certifying official who issued an initial certification form shall complete and reissue a certification form within 90 business days of receiving a request from a victim to reissue the certification form. If the victim seeking recertification has a deadline to respond to a request for evidence from United States Citizenship and Immigration Services, the certifying official shall complete and issue the form no later than 21 business days after the request is received by the certifying official. Requests for expedited recertification shall be affirmatively raised by the victim or victim's representative in writing and shall establish that the victim is eligible for expedited review. A certifying official may extend the deadline by which he will complete and reissue the certification form only upon written agreement with the victim or victim's representative.
U.S. Virgin Islands V.I. Code Ann. Tit. 14, § 151 (2019). https://niwaplibrary.wcl.american.edu/pubs/us-virgin-islands-u-cert-law-2019/	(a) On request from an individual, who the Attorney General reasonably believes is a victim who is or has been subjected to a severe form of trafficking or criminal offense required for the individual to qualify for a nonimmigrant T or U visa under 8 U.S.C. section 1101(a)(15)(T) or 8 U.S.C. section 1101(a)(15)(U), or for continued presence under 22 U.S.C. section 7105(c)(3), the Attorney General, as soon as practicable after receiving the request, shall complete, sign, and give to the individual the Form I-914B or Form I-918B provided by the United States Citizenship and Immigration Services on its Internet website and ask a federal law enforcement officer to request continued presence.
Washington Wash. Rev. Code 7.98.020 (2017). Washington Wash. Rev. Code 7.98.020 (2017).	(3) A certifying agency shall process the certification within ninety days of request… (8) A certifying agency shall reissue any certification within ninety days of receiving a request from the victim of criminal activity or trafficking or representative thereof including, but not limited to, the victim's attorney, accredited representative, or domestic violence, sexual assault, or victim's service provider.

https://niwaplibrary.wcl.american.edu/pubs/washington-u-visa-certification-statute-2024/	

8. **Expedited Certification Available**

There are two circumstances in which 11 states require that certifying agencies expedite their responses to U visa certification requests. Eleven (11) states impose swifter response times to U visa certification requests when the immigrant victim is in removal, exclusion, or deportation proceedings. Of these states 7 also require expedited responses to U visa certification requests when a qualifying family will lose U visa eligibility if the U visa application is not filed by a particular date. The date is most often the date that a child or a sibling will turn an age after which they cannot be included in their family member's U visa application. Additionally, some states (4) require that requests to expedite be submitted writing. Two (s) states require a written agreement between the certifying agency and the immigrant victim U or T visa applicant for an extension of time for certification, recertification, or expedited recertification.

- Noncitizen victim is in removal, exclusion, or deportation proceedings:
  - 7-days:
    - California of the 1st business day after the request is received
    - Maryland after receiving a request
  - 14-days:
    - Connecticut (or detained), Minnesota, Nevada, Oregon, Utah, Washington
      - Maryland (includes where the victim has an open order of removal, deportation, or exclusion issued against them)
  - 21 business days:
    - Illinois (or detained), Virginia (or detained)
  - 30-days:
    - Colorado

- Noncitizen victim asserts that a qualifying family will lose U visa eligibility:
  - 5 business days
    - Illinois (if relative will age out losing eligibility within 21 business days of filing)
  - 7-days:
    - California (Of the 1st business day after the request is received U sand T visas)
  - 14-days:
    - Connecticut, Nevada
  - 21 business days
    - Illinois (if relative will age out losing eligibility within 90 business days of filing)
  - 30-days:
    - Colorado (if a child or sibling will age out within 60 business days of receiving the certification request), Virginia (if a child or sibling will age out less than 21 business days after filing response time 7 days)
  - 90-days:
    - Washington (or within 14 days of the victim or child turning 21 years of age whichever is shorter)

- Expedite requests must be in writing: Requests to expedite must be affirmatively raised in writing by the immigrant victim applicant:
  - Colorado (requestor must provide documentation), Illinois, Minnesota, Virginia, Washington
    - Shall establish that the person is eligible for expedited review
      - Illinois, Virginia

- Extensions of time: Extension of time for certification, recertification, or expedited recertification available to the state certifying agency with written agreement of immigrant victim U or T visa applicant:
    - Illinois, Virginia

Jurisdiction	Text
Arkansas Ark. Code Ann. § 12-19-104 (2024).	N/A
California Cal. Penal Code. §679.10 (2023). https://niwaplibrary.wcl.american.edu/california-sb-674-u-cert-law/	U visa (j) (1) A certifying entity shall process a Form I-918 Supplement B certification within 30 days of request, unless the noncitizen is in removal proceedings, in which case the certification shall be processed within 7 days of the first business day following the day the request was received. (2) A certifying agency shall process a Form I-918 Supplement B certification within 7 days of the first business day following the day the request was received if the victim asserts a qualifying family member of the victim will lose eligibility for U nonimmigrant status in 60 days or fewer because the victim's noncitizen sibling will turn 18 years of age, the victim's noncitizen child will turn 21 years of age, or the victim will turn 21 years of age. T visa (i) (1) A certifying entity shall process a Form I-914 Supplement B declaration within 30 days of request, unless the noncitizen is in removal proceedings, in which case the declaration shall be processed within 7 days of the first business day following the day the request was received. (2) A certifying agency shall process a Form I-918 Supplement B certification within 7 days of the first business day following the day the request was received if the victim asserts a qualifying family member of the victim will lose eligibility for T nonimmigrant status in 60 days or fewer because the victim's noncitizen sibling will turn 18 years of age, the victim's noncitizen child will turn 21 years of age, or the victim will turn21 years of age.
Colorado Colo. Rev. Stat. § 24-4.1-401 (2021). https://niwaplibrary.wcl.american.edu/pubs/colorado-u-visa-cert/	(4) … a certifying agency shall process and either sign or decline to sign a certification form within thirty days after receipt of a request if: (a) The requestor provides documentation that he or she is in federal immigration removal proceedings; or (b) The requestor provides documentation that one or more children, parents, or siblings of the requestor would become ineligible for U nonimmigrant status by virtue of age within sixty business days after the date that the certifying official receives the certification form request.
Connecticut Conn. Gen. State. Ann. § 46b38b(e)(5) (2023). https://niwaplibrary.wcl.american.edu/pubs/connecticut-u-visa-statutes-2014/	5) (A) … each law enforcement agency shall designate at least one officer with supervisory duties to expeditiously process, upon request of a victim of family violence or other crime who is applying for U Nonimmigrant Status (i) a certification of helpfulness on Form I-918, Supplement B, or any subsequent corresponding form designated by the United States Department of Homeland Security, confirming that the victim of family violence or other crime has been helpful, is being helpful or is likely to be helpful in the investigation or prosecution of the criminal activity, and (ii) any subsequent certification required by the victim. As used in this subparagraph, "expeditiously" means not later than sixty days after the date of receipt of the request for certification of helpfulness, or not later than fourteen days after the date of receipt of such request if (I) the victim is in federal immigration removal proceedings or detained, or (II) the victim's child, parents or siblings would become ineligible for an immigration benefit by virtue of the victim or the sibling of such victim attaining the age of eighteen years, or the victim's child attaining the age of twenty-one years.
Delaware Del. Code Ann. tit. 11, § 787(n) (2007).	N/A
Illinois 5 Ill. Comp. Stat. 825/10 (2017). https://niwaplibrary.wcl.american.edu/pubs/il-u-visa-cert-law/ Illinois 5 Ill. Comp. Stat. 825/10 (2017).	(d) Upon receiving a request for completion of a certification form, a certifying official shall complete the certification form for any victim of qualifying criminal activity. If the certifying official cannot determine that the applicant is a victim of qualifying criminal activity, the certifying official may provide written notice to the person or the person's representative explaining why the available evidence does not support a finding that the person is a victim of qualifying criminal activity. The certifying official shall complete the certification form and provide it to the person within 90 business days of receiving the request, except: (1) if the person making the request for completion of the certification form is in federal immigration removal proceedings or detained, the certifying official shall complete and provide the certification form to the person no later than 21 business days after the request is received by the certifying agency; (2) if the children, parents, or siblings of the person making the request for completion of the certification form would become ineligible for benefits under Sections 1184(p) and 1184(o) of Title 8 of the United States Code by virtue of the person's children having reached the age of 21 years, the person having reached the age of 21 years, or the person's sibling having reached the age of 18 years within 90 business days from the date that the certifying official receives the certification request, the certifying official shall complete and provide the certification form to the person no later than 21 business days after the request is received by the certifying agency; (3) if the person's children, parents, or siblings under paragraph (2) of this subsection (d) would become ineligible for benefits under Sections 1184(p) and 1184(o) of Title 8 of the United States Code in less than 21 business days of receipt of the certification request, the certifying official shall complete and provide a certification form to the person within 5 business days; or (4) a certifying official may extend the

https://niwaplibrary.wcl.american.edu/pubs/il-u-visa-cert-law/	time period by which it must complete and provide the certification form to the person as required under this subsection (d) only upon written agreement with the person or person's representative. Requests for expedited completion of a certification form under paragraphs (1), (2), and (3) of this subsection (d) shall be affirmatively raised by the person or that person's representative in writing to the certifying agency and shall establish that the person is eligible for expedited review.
Louisiana La. Stat. Ann. §§ 46:2162-46:2163 (2019).	N/A
Maryland Md. Code Ann., Crim. Proc. § 11-931 (2019). https://niwaplibrary.wcl.american.edu/pubs/md-u-and-t-visa-certification/	(e)(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.
Massachusetts Mass. Gen. Laws ch258F, §§ 1-4 (2021)	N/A
Minnesota Minn. Stat. § 611A.95 (2023). https://niwaplibrary.wcl.american.edu/pubs/minnesota-u-visa-statute-2023/	(b) A certifying entity shall process the certification within 90 days of request, unless the victim is in removal proceedings, in which case the certification shall be processed within 14 days of request. Requests for expedited certification must be affirmatively raised at the time of the request.
Montana Mont. Code Ann. § 44-4-1503 (2017).	N/A
Nebraska Neb. Rev. Stat. § 29-217 (2020).	N/A
Nevada Nev. Rev. Stat. §§ 217.580-217.585 (2019). https://niwaplibrary.wcl.american.edu/pubs/nevada-u-visa-cetrificaiton/	A certifying agency shall process a request for a certification within 90 days after the date of the request pursuant to NRS 217.580, unless the petitioner is 20 years of age or a party to a federal immigration proceeding for his or her removal, in which case the certifying agency shall process the certification within 14 days after the date of the request.
North Dakota N.D. Cent. Code, § 12.1-41-18 (2019).	N/A
Oregon Or. Rev. Stat. §147.620 (2023). https://niwaplibrary.wcl.american.edu/pubs/oregon-u-visa-cert-2019-1/	(6) Except under circumstances in which there is good cause for delay, a certifying agency shall grant or deny a request for certification: (a) Within 90 days of the date of the certification request; or (b) Within 14 days of the date of the certification request if the victim is in removal proceedings.
Rhode Island 11 R.I. Gen Laws § 11- 67.1- 22 (2017).	N/A
Utah Utah Code Ann Code § 77-38-502 (2026). https://niwaplibrary.wcl.american.edu/pubs/utah-u-cert-law-2026/	(3) A certifying entity shall process a Form I-918 Supplement B certification within 90 days of request, unless the noncitizen is in removal proceedings, in which case the certification shall be processed within 14 days of request.
Virginia Va. Code Ann. Code § 9.1-1501 (2021). https://niwaplibrary.wcl.american.edu/pubs/va-u-visa-cert-law-2021/ Virginia	C. Upon receiving a request for completion of a certification form, a certifying official shall provide a response to the request within 120 days. Within such time, the certifying official shall complete the certification except i. if the person making the request for completion of the certification form is in federal immigration removal proceedings or detained, the certifying official shall complete and provide the certification form to the person no later than 21 business days after the request is received by the certifying agency; ii. if the twenty-first birthdate of the applicant's children or the eighteenth birthdate of the applicant's sibling is within 120 days of the date of the request, the certifying official shall respond within 30 days; iii. if the person's children, parents, or siblings under clause (ii) would become ineligible for benefits under 8 U.S.C. § 1184(p) and 1184(o) in less than 21 business days of receipt of the certification request, the certifying official shall complete and provide a certification form to the person within seven days; or

Va. Code Ann. Code § 9.1-1501 (2021). https://niwaplibrary.wcl.american.edu/pubs/va-u-visa-cert-law-2021/	iv. a certifying official may extend the time period by which it must complete and provide the certification form to the person as required under this subsection upon written agreement with the person or person's representative. If the certifying official cannot determine whether the applicant is a victim of qualifying criminal activity or determines that the applicant does not qualify, the certifying official shall provide a written explanation to the person or the person's representative setting forth reasons why the available evidence does not support a finding that the person is a victim of qualifying criminal activity. Requests for expedited completion of a certification form under clause (i), (ii), or (iii) shall be affirmatively raised by the person or that person's representative in writing to the certifying agency and shall establish that the person is eligible for expedited review.
U.S. Virgin Islands V.I. Code Ann. Tit. 14, § 151 (2019).	N/A
Washington Wash. Rev. Code 7.98.020 (2017). https://niwaplibrary.wcl.american.edu/pubs/washington-u-visa-certification-statute-2024/	(3) A certifying agency shall process the certification within ninety days of request, unless the victim is in federal immigration removal proceedings, in which case the certifying agency shall execute the certification no later than fourteen days after the request is received by the agency. In any case in which the victim or the victim's children would lose any benefits under 8 U.S.C. Sec. 1184 (o) and (p) by virtue of having reached the age of twenty-one years within ninety days after the certifying agency receives the certification request, the certifying agency shall execute the certification no later than fourteen days before the date on which the victim or child would reach the age of twenty-one years or ninety days from the date of the request, whichever is earlier. Requests for expedited certification must be affirmatively raised by the victim.

9. **Helpfulness, Federal Law Exceptions, and Presumption of Helpfulness**

Under federal U visa laws victims are eligible for a U visa when they have been a victim of criminal activity committed against them in the United States and when they are being, have been, or are likely to be helpful[25] to a judge, law enforcement, prosecutors, or other government officials in the detection, investigation, prosecution, conviction, or sentencing of a U visa criminal activity.[26] Once a victim has provided helpfulness, "at the point of detection" is the earliest point in time that as a matter of federal U visa law the victim is eligible for certification.[27]

Should a victim who was helpful stop providing helpfulness or cooperation with reasonable requests from government officials at some future point, the victim will remain eligible for certification, for the U visa, and for lawful permanent residency based on a U visa if the victim demonstrates that they did not unreasonably refuse to cooperate with reasonable requests for assistance based on the totality of circumstances in the case.[28] Two states have states laws, Nebraska and Utah, that are fully consistent with the federal U visa laws, regulations, and policies

A number of other states (5) include in their statutes a presumption of helpfulness for purposes of U Visa certification if the victim has not failed or refused to provide information and assistance reasonably requested by law enforcement. This presumption approach is helpful for many victims but does not include the full federally authorized exception to helpfulness and cooperation that is part of the federal law which is that a victim may not unreasonably refuse to cooperate with reasonable requests. In assessing helpfulness California allows the victim to demonstrate that they were unaware of the request for cooperation and Colorado requires that the certifying agency's inability to communicate with a victim due to the victim's language must not be considered a refusal by the victim to provide assistance. State statutes take the following approaches:

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[25] Under federal law a victim is eligible for U visa certification once they have provided helpfulness. The helpfulness could be being provided at the time of the certification (are being helpful), or it could have been provided prior to the request for certification (have been helpful), or the victim could be likely in the judgement of the certifier to provide helpfulness in the future (likely to be helpful). There are three separate options, all three are or even two of the three are not required.

[26] USCIS, U VISA LAW ENFORCEMENT RESOURCE GUIDE FOR FEDERAL, STATE, LOCAL, TRIBAL AND TERRITORIAL LAW ENFORCEMENT, PROSECUTORS, JUDGES AND OTHER GOVERNMENT AGENCIES at 14 (February 28, 2022), https://niwaplibrary.wcl.american.edu/pubs/u-visa-certification-resource-guide-2022/.

[27] DEPT HOMELAND SEC., U AND T VISA LAW ENFORCEMENT RESOURCE GUIDE at 18 (November 30, 2015), https://niwaplibrary.wcl.american.edu/pubs/dhs-updated-u-certification-resource-guide-2015/.

[28] 8 C.F.R.§ 245.24(a)(5); 73 Fed. Reg. 75540, 75547 (Dec. 12, 2008).

- Tracking federal law:
    - Victim 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
        - Maryland (same applies when the victim's parent, guardian, or next friend is providing the helpfulness)
    - Victim shall be considered helpful for certification purposes if victim has not unreasonably refused to cooperate with reasonable requests:
        - Nebraska
    - A certifying entity shall determine helpfulness as described in Subsection (1) in a manner consistent with federal guidelines
        - Utah

- Consider only qualifying activity and helpfulness: The certifying agency shall not consider any other factors in deciding whether to sign the certification form, except whether the individual was a victim of qualifying criminal activity and the victim's helpfulness
    - Colorado

- Rebuttable presumption of helpfulness:
    - California (U and T), Colorado (U visa; worded as shall, not presumption language) Illinois (U and T), Nevada (U), Oregon (U).
        - Exceptions
            - If the victim after having provided helpfulness and the victim has not refused or failed to provide information and assistance reasonably requested by law enforcement.
                - California (U and T), Colorado (U only if no documentation that the victim failed or refused) Illinois (U and T), Nevada (U); Oregon (U).
            - If the victim reasonably asserts, they were unaware of a request for cooperation, their failure to cooperate does not rebut the presumption of helpfulness.
                - California (U and T)
    - A certifying agency's inability to communicate with a Victim due to the victim's language must not be considered a refusal or failure to provide assistance.
        - Colorado

    - Rebuttable presumption of cooperation:
        - California

Jurisdiction	Text
Arkansas Ark. Code Ann. § 12-19-104 (2024).	N/A
California Cal. Penal Code. §679.10 (2023). https://niwaplibrary.wcl.american.edu/california-sb-674-u-cert-law/ California Cal. Penal Code. §679.10 (2023).	U visa (g) (1) Upon the request of the victim, victim's family member, licensed attorney representing the victim, or representative fully accredited by the United States Department of Justice authorized to represent the victim in immigration proceedings, a certifying official from a certifying entity shall certify victim helpfulness on the Form I-918 Supplement B certification, when the victim was a victim of a qualifying criminal activity and has been helpful, is being helpful, or is likely to be helpful to the detection or investigation or prosecution of that qualifying criminal activity. The certifying entity shall forward completed Form I-918 Supplemental B certification to the victim, victim's family member, licensed attorney representing the victim, or representative fully accredited by the United States Department of Justice authorized to represent the victim in immigration proceedings without requiring the victim to provide government-issued identification.

https://niwaplibrary.wcl.american.edu/california-sb-674-u-cert-law/	(h) For purposes of determining cooperation pursuant to subdivision (g), there is a rebuttable presumption that a victim is cooperative, has been cooperative, or is likely to be cooperative to the investigation or prosecution of human trafficking, if the victim has not refused or failed to provide information and assistance reasonably requested by law enforcement. If the victim reasonably asserts they were unaware of a request for cooperation, their failure to cooperate does not rebut the presumption of helpfulness. T visa (f) (1) Upon the request of the victim, victim's family member, licensed attorney representing the victim, or representative fully accredited by the United States Department of Justice authorized to represent the victim in immigration proceedings, a certifying official from a certifying entity shall certify victim cooperation on the Form I-914 Supplement B declaration, when the victim was a victim of human trafficking and has been cooperative, is being cooperative, or is likely to be cooperative to the investigation or prosecution of human trafficking. The certifying entity shall forward completed Form I-914 Supplemental B certification to the victim, victim's family member, licensed attorney representing the victim, or representative fully accredited by the United States Department of Justice authorized to represent the victim in immigration proceedings without requiring the victim to provide government-issued identification. (2) A victim who submits a Form I-914 Supplement B declaration to a certifying entity does not have to be present in the United States at time of submitting the certification request or filing the petition with the government and may apply for certification while outside of the United States. (g) For purposes of determining cooperation pursuant to subdivision (f), there is a rebuttable presumption that a victim is cooperative, has been cooperative, or is likely to be cooperative to the investigation or prosecution of human trafficking, if the victim has not refused or failed to provide information and assistance reasonably requested by law enforcement. If the victim reasonably asserts they were unaware of a request for cooperation, their failure to cooperate does not rebut the presumption of helpfulness.
Colorado Colo. Rev. Stat. § 24-4.1-401 (2021). https://niwaplibrary.wcl.american.edu/pubs/colorado-u-visa-cert/	(1) upon request, a certifying official from a certifying agency shall execute and sign the certification form when it is determined that the victim: (a) was a victim of qualifying criminal activity; and (b) has been helpful, is being helpful, or is likely to be helpful to the detection, investigation, or prosecution of that qualifying criminal activity. (2) (a) For purposes of determining helpfulness pursuant to Subsection (1)(b) of this section, a victim is helpful, has been Helpful, or is likely to be helpful to the detection, investigation, or prosecution of that qualifying criminal activity if there is no documentation that the victim refused or failed to provide Assistance reasonably requested by law enforcement. *** (b) a certifying agency's inability to communicate with a Victim due to the victim's language must not be considered a refusal or failure to provide assistance. (3) The certifying agency shall not consider any other Factors in deciding whether to sign the certification form, except Whether the individual was a victim of qualifying criminal activity and the victim's helpfulness, as specified in subsection (1) Of this section. 24-4.1-403. (5) The certifying agency is neither a sponsor nor a decision-maker in the granting of a u visa. a certifying official's completion of a certification form is not sufficient evidence that an applicant for a u visa has met all eligibility requirements and does not guarantee that the victim will receive a u visa. It is the exclusive responsibility of federal immigration officials to determine whether a person is eligible for a u visa. Completion of a certification form by a certifying official merely verifies factual information relevant for federal immigration officials to determine eligibility for a u visa. 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.
Connecticut Conn. Gen. State. Ann. § 46b38b(e)(5) (2023).	N/A
Delaware Del. Code Ann. tit. 11, § 787(n) (2007).	N/A
Illinois 5 Ill. Comp. Stat. 825/10 (2017). https://niwaplibrary.wcl.american.edu/pubs/il-u-visa-cert-law/	d) Upon receiving a request for completion of a certification form, a certifying official shall complete the certification form for any victim of qualifying criminal activity. In completing the certification form, there is a rebuttable presumption that a victim is helpful, has been helpful, or is likely to be helpful to the detection or investigation or prosecution of that qualifying criminal activity, if the victim has not refused or failed to provide information and assistance reasonably requested by law enforcement.
Louisiana La. Stat. Ann. §§ 46:2162-46:2163 (2019).	N/A

Maryland Md. Code Ann., Crim. Proc. § 11-931 (2019).	(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.
Massachusetts Mass. Gen. Laws ch258F, §§ 1-4 (2021)	N/A
Minnesota Minn. Stat. § 611A.95 (2023).	N/A
Montana Mont. Code Ann. § 44-4-1503 (2017).	N/A
Nebraska Neb. Rev. Stat. § 29-217 (2020). https://niwaplibrary.wcl.american.edu/pubs/neb-u-and-t-certification-law/	(b) For purposes of determining helpfulness pursuant to 8 U.S.C. 1101(a)(15)(U)(i)(III), an individual shall be considered helpful if, since the initiation of cooperation, the individual has not unreasonably refused to cooperate or failed to provide information and assistance reasonably requested by law enforcement or the prosecutor.
Nevada Nev. Rev. Stat. §§ 217.580-217.585 (2019). https://niwaplibrary.wcl.american.edu/pubs/nevada-u-visa-cetrificaiton/	4. For the purpose of determining helpfulness pursuant to subsection 1, there is a rebuttable presumption that a petitioner has been helpful, is being helpful or is likely to be helpful to the investigation or prosecution of the criminal activity, unless the petitioner refused or failed to provide assistance that was reasonably requested by a law enforcement agency in the investigation or prosecution of that criminal activity.
North Dakota N.D. Cent. Code, § 12.1-41-18 (2019).	N/A
Oregon Or. Rev. Stat. §147.620 (2023). https://niwaplibrary.wcl.american.edu/pubs/oregon-u-visa-cert-2019-1/	(4) For purposes of determining victim helpfulness, there is a rebuttable presumption that a victim is helpful, has been helpful or is likely to be helpful to the detection, investigation or prosecution of a qualifying criminal activity if the victim has not refused or failed to provide information and assistance reasonably requested by law enforcement officials.
Rhode Island 11 R.I. Gen Laws § 11- 67.1- 22 (2017).	N/A
Utah Utah Code Ann Code § 77-38-502 (2026). https://niwaplibrary.wcl.american.edu/pubs/utah-u-cert-law-2026/	(2) A certifying entity shall determine helpfulness as described in Subsection (1) in a manner consistent with federal guidelines (no presumption)
Virginia Va. Code Ann. Code § 9.1-1501 (2021).	N/A
U.S. Virgin Islands V.I. Code Ann. Tit. 14, § 151 (2019).	N/A
Washington Wash. Rev. Code 7.98.020 (2017).	N/A

10. **Statute Consistent with Federal Law – Do Not Impose Requirements Not Present in Federal Law**

Many state U visa certification laws include provisions that prevent state agencies from denying certification requests for reasons that are contrary to or not authorized or recognized by federal statutes,[29]

[29] 8 U.S.C.1101(a)(15)(U); 8 U.S.C. 1184(p); VAWA 2000, § 1513(a) and (b)), Pub. L. No. 106-386, 114 Stat. 1464 (legislative history).

regulations,[30] and United States Citizenship and Immigration Services policies,[31] guidance and publications[32] on U visa certification. Additionally, following the approach taken in by the federal law some state statutes explicitly confirm that under state law there is no statute of limitations with regard certifications.[33] This includes no limitation on how long after the criminal activity took place, how long after a report of the criminal activity was made, or how much time passed between the criminal activity and when it was reported to government officials.

Many state statutes incorporate DHS and USCIS expert guidance into their state laws by guaranteeing that under state law certifications cannot be denied because the agency is requiring any of the following: a current investigation, the filing of charges, apprehension of the suspect, case closure, a prosecution, a conviction or because the agency is imposing a statute of limitations. This approach recognizes that cooperation with law enforcement and other government officials can occur even in cases where the legal process has not advanced to include a criminal case, investigation, or prosecution. This ensures that victims of qualifying criminal activities have the flexibility to obtain certification, and the stability offered by U and T visa protections without regard to whether or not, or when a criminal investigation or prosecution may at some point in the past, present, or future be initiated by the government against the perpetrator.

The states that allow certification without imposing requirements not present in federal law include:

- No statute of limitations imposed:
  - California (U and T), Colorado, Maryland, Nevada
- No current or active investigation required:
  - California (U and T), Colorado, Connecticut, Maryland, Minnesota, Nebraska, Nevada, Oregon, Utah, Washington
- No filing of charges required:
  - California (U and T), Colorado, Connecticut, Maryland, Minnesota, Nebraska, Nevada, Utah, Washington
- Apprehension of a suspect not required:
  - California (U and T), Colorado
- Closing of a case not required:
  - California (U and T), Colorado
- Prosecution not required:
  - California (U and T), Colorado, Connecticut, Minnesota, Nebraska, Nevada, Oregon, Utah, Washington
- Conviction not required:
  - California, Colorado, Connecticut, Maryland, Minnesota, Nebraska, Nevada, Oregon, Utah, Washington
- Cannot refuse certification because:
  - Case is closed
    - California (U and T), Colorado
  - Case has already been prosecuted
    - California (U and T), Colorado
  - Victim has an open case being pursued by another agency

[30] 8 C.F.R. 214.14; 72 Fed. Reg. 53013 (Sept. 17, 2007) (U visa rule regulatory history); 8 C.F.R. 245.24; 73 Fed. Reg. 75540 (Dec. 12, 2008) (T and U visa adjustment of status to lawful permanent residency rule regulatory history).
[31] USCIS, POLICY MANUAL, VOLUME 3 HUMANITARIAN PROTECTION AND PAROLE, PART C VICTIMS OF CRIME, https://www.uscis.gov/policy-manual/volume-3-part-c.
[32] 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), https://niwaplibrary.wcl.american.edu/pubs/u-visa-certification-resource-guide-2022/; DEPT HOMELAND SEC., U AND T VISA LAW ENFORCEMENT RESOURCE GUIDE (November 30, 2015), https://niwaplibrary.wcl.american.edu/pubs/dhs-updated-u-certification-resource-guide-2015/.
[33] USCIS, U VISA LAW ENFORCEMENT RESOURCE GUIDE FOR FEDERAL, STATE, LOCAL, TRIBAL AND TERRITORIAL LAW ENFORCEMENT, PROSECUTORS, JUDGES AND OTHER GOVERNMENT AGENCIES at 8(February 28, 2022), https://niwaplibrary.wcl.american.edu/pubs/u-visa-certification-resource-guide-2022/; DEPT HOMELAND SEC., U AND T VISA LAW ENFORCEMENT RESOURCE GUIDE at 7, 19 (November 30, 2015), https://niwaplibrary.wcl.american.edu/pubs/dhs-updated-u-certification-resource-guide-2015/.

        - California, (U and T), Colorado
    - Certification available regardless of the stage of detection, investigation, or prosecution
        - Illinois, Virginia
    - Victim's immigration history
        - California (U and T), Colorado
    - The extent of harm the victim suffered
        - California, Colorado,
    - Victim's inability to produce a crime report from a law enforcement agency
        - California (U and T), Colorado
    - Victim's cooperation or refusal to cooperate in a separate case
        - California (U and T), Colorado
    - Victim's criminal history
        - California (U and T), Colorado
    - Victim's gang membership or gang affiliation
        - California (U and T), Colorado
    - Certifier's views on whether or not the victim's case will be approved by USCIS
        - California (U and T), Colorado, Connecticut
    - Certifier's belief that the victim is eligible for a U visa or another forms of immigration relief
        - California (T visa)
    - Certifying agencies cannot consider any other factors in deciding whether to sign the certification except whether the individual was a victim of qualifying criminal activity and the victim's helpfulness
        - Colorado
    - Statute incorporates and follows federal statutes and any implementing federal regulations, supplementary information, guidance, and instructions
        - Illinois, Virginia

Jurisdiction	Text
Arkansas Ark. Code Ann.§ 12-19-104 (2024).	N/A
California Cal. Penal Code. §679.10 (2023). https://niwaplibrary.wcl.american.edu/california-sb-674-u-cert-law/	U visa (k) (1) A current investigation, the filing of charges, an apprehension of the suspect who committed the qualifying crime, closing of a case, and a prosecution or conviction are not required for the victim to request and obtain the Form I-918 Supplement B certification from a certifying official. (2) A certifying official shall not refuse to complete the Form I-918 Supplement B certification or to otherwise certify that a victim has been helpful, solely because a case has already been prosecuted or otherwise closed, or because the time for commencing a criminal action has expired. (3) A certifying entity shall not refuse to complete the Form I-918 Supplement B certification and provide it to the victim, the victim's family member, licensed attorney representing the victim, or representative fully accredited by the United States Department of Justice authorized to represent the victim in immigration proceedings for any of the following reasons: A) The victim's criminal history information. (B) The victim's immigration history. (C) The victim's gang membership. membership or gang affiliation. (D) The certifying entity's belief that the Form I-918 Supplement B certification petition will not be approved by United States Citizenship and Immigration Services. (E) The victim has an open case with another certifying entity. (F) The extent of the harm the victim suffered. (G) The victim's inability to produce a crime report from a law enforcement agency. (H) The victim's cooperation or refusal to cooperate in a separate case

California Cal. Penal Code. §679.10 (2023). https://niwaplibrary.wcl.american.edu/california-sb-674-u-cert-law/	T visa (j) (1) A current investigation, an apprehension of the suspect who committed the qualifying crime, the filing of charges, closing of a case, or a prosecution or conviction is not required for the victim to request and obtain the Form I-914 Supplement B declaration from a certifying official. (2) A certifying official shall not refuse to complete the Form I-914 Supplement B declaration and provide it to the victim, the victim's family member, licensed attorney representing the victim, or representative fully accredited by the United States Department of Justice authorized to represent the victim in immigration proceedings or to otherwise certify that a victim has been helpful, solely because a case has already been prosecuted or otherwise closed, or because the time for commencing a criminal action has expired. (3) A certifying entity shall not refuse to complete the Form I-914 Supplement B declaration for any of the following reasons: (A) The victim's criminal history information. (B) The victim's immigration history. (C) The victim's gang membership or gang affiliation. (D) The certifying entity's belief that the Form I-914 Supplement B petition will not be approved by United States Citizenship and Immigration Services. (E) The victim has an open case with another certifying entity. (F) The certifying entity's belief that the victim is eligible for relief or protection under Section 679.10 or any other provision of law. (G) The victim's inability to produce a crime report from a law enforcement agency. (H) The victim's cooperation or refusal to cooperate in a separate case.
Colorado Colo. Rev. Stat. § 24-4.1-401 (2021). https://niwaplibrary.wcl.american.edu/pubs/colorado-u-visa-cert/	3) The certifying agency shall not consider any other factors in deciding whether to sign the certification form, except whether the individual was a victim of qualifying criminal activity and the victim's helpfulness, as specified in subsection (1) of this section.
Connecticut Conn. Gen. State. Ann. § 46b38b(e)(5) (2023). https://niwaplibrary.wcl.american.edu/pubs/connecticut-u-visa-statutes-2014/	A current or ongoing investigation, filing of criminal charges, prosecution or conviction is not required for a victim to request and obtain certification under this subdivision.
Delaware Del. Code Ann. tit. 11, § 787(n) (2007).	N/A
Illinois 5 Ill. Comp. Stat. 825/10 (2017). https://niwaplibrary.wcl.american.edu/pubs/il-u-visa-cert-law/	"Victim of qualifying criminal activity" means a person described in Section 1101(a)(15)(U)(i)(I) of Title 8 of the United States Code, in the definition of "victim of a severe form of trafficking" in Section 7102(14) of Title 22 of the United States Code, or in any implementing federal regulations, supplementary information, guidance, and instructions. Qualifying criminal activity" means any activity, regardless of the stage of detection, investigation, or prosecution, designated in Section 1101(a)(15)(U)(iii) of Title8 of the United States Code, any implementing federal regulations, supplementary information, guidance, and instructions.
Louisiana La. Stat. Ann. §§ 46:2162-46:2163 (2019).	N/A
Maryland Md. Code Ann., Crim. Proc. § 11-931 (2019). https://niwaplibrary.wcl.american.edu/pubs/md-u-and-t-visa-certification/	(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 activity occurred relative to the request for certification of victim helpfulness under this section.
Massachusetts Mass. Gen. Laws ch258F, §§ 1-4 (2021)	N/A
Minnesota Minn. Stat. § 611A.95 (2023). https://niwaplibrary.wcl.american.edu/pubs/minnesota-u-visa-statute-2023/	(c) An active investigation, the filing of charges, or a prosecution or conviction are not required for the victim of criminal activity to request and obtain the certification, provided that the certifying entity initiated an investigation and the victim cooperated in it.
Montana Mont. Code Ann. § 44-4-1503 (2017).	N/A
Nebraska Neb. Rev. Stat. § 29-217 (2020). https://niwaplibrary.wcl.american.edu/pubs/neb-u-and-t-certification-law/	(4) An investigation, the filing of charges, a prosecution, or a conviction are not required for an individual to request and obtain the signed and completed Form I-914B or Form I-918B from a law enforcement agency or certifying official.
Nevada Nev. Rev. Stat. §§ 217.580-217.585 (2019). https://niwaplibrary.wcl.american.edu/pubs/nevada-u-visa-cetrificaiton/	3. For the purpose of determining whether the petitioner meets the requirements of subsection 1, the certifying agency shall not consider: (a) The period of time between when the petitioner was victimized by the criminal activity and when the petitioner submitted his or her request for certification; (b) Whether there is an active investigation of the criminal activity;

Nevada Nev. Rev. Stat. §§ 217.580-217.585 (2019). https://niwaplibrary.wcl.american.edu/pubs/nevada-u-visa-cetrificaiton/	(c) Whether a formal statement of charges has been filed regarding the alleged criminal activity; or (d) Whether there was a prosecution or conviction of the criminal activity.
North Dakota N.D. Cent. Code, § 12.1-41-18 (2019).	N/A
Oregon Or. Rev. Stat. §147.620 (2023). https://niwaplibrary.wcl.american.edu/pubs/oregon-u-visa-cert-2019-1/	An ongoing investigation, a prosecution or a conviction is not required for a certification under this section
Rhode Island 11 R.I. Gen Laws § 11- 67.1- 22 (2017).	N/A
Utah Utah Code Ann Code § 77-38-502 (2026). https://niwaplibrary.wcl.american.edu/pubs/utah-u-cert-law-2026/	(4) A current investigation, the filing of charges, a prosecution, or a conviction are not required for the victim to request the Form I-918 Supplement B certification from a certifying official.
Virginia Va. Code Ann. Code § 9.1-1501 (2021). https://niwaplibrary.wcl.american.edu/pubs/va-u-visa-cert-law-2021/	"Qualifying criminal activity" means any activity, regardless of the stage of detection, investigation, or prosecution, designated in 8 U.S.C. § 1101(a)(15)(U)(iii), or in any implementing federal regulations, supplementary information, guidance, and instructions. "Victim of qualifying criminal activity" means a person described in 8 U.S.C. § 1101(a)(15)(U)(i)(III), in the definition of "victim of a severe form of trafficking" in 22 U.S.C. § 7102(11), or in any implementing federal regulations, supplementary information, guidance, and instructions.
U.S. Virgin Islands V.I. Code Ann. Tit. 14, § 151 (2019).	N/A
Washington Wash. Rev. Code 7.98.020 (2017). https://niwaplibrary.wcl.american.edu/pubs/washington-u-visa-certification-statute-2024/	(4) A current investigation, the filing of charges, and a prosecution or conviction are not required for a victim to request and obtain the certification from a certifying official.

11. **Requires Detailed Certifications, Copies of Documents, Police Reports**

State U visa statutes in six (6) states provide direction to certifying agencies on how the certification forms shall be completed. This includes the specific details about the crime being detected, investigated, or prosecuted. These same six (6) states also require certifying agencies to provide detailed descriptions of the victim's past, present, or likely future helpfulness regarding the criminal activity that is being detected, investigated, prosecuted, convicted, or sentenced. In three (3) states these requirements about the details of the certification apply to both U visa certifications and T visa declarations. This section also lists state law requirement regarding returning completed signed forms to the requestors and providing victims copies of police reports and other forms of evidence that could help a victim prove the harm they endured due to the criminal activity.

Detailed Certifications: Statues provide direction to certifying agencies in the state about the level of detail certifiers are required to put in completed U visa certifications under state law:

- Specific details about the nature of the crime being detected,[34] investigated, or prosecuted
  - California (U, T, and S visas), Illinois (U and T visas), Maryland, Nevada, Oregon, Washington (U and T visas)
    - Limits the detail provided in the certification when the criminal activity was perpetrated by an adjudicated youth the youth's name, case number, and a description of the criminal activity
      - Oregon
- A detailed description of the U visa victim's past, or present, or likely helpfulness with regard to detection, investigation or prosecution of the criminal activity
  - California (U, T, and S visas), Illinois (U and T visas), Maryland, Nevada, Oregon, Washington (U and T visas)

[34] In this description "detection" is added here because federal U visa regulations define "investigation or prosecution" is defined to include this full list: detection, investigation, prosecution, conviction, or sentencing" see, 8 CF.R. 214.14(a)(5).

- A detailed description of the T visa victim's cooperation or likely cooperation with regard to detection, investigation or prosecution of the criminal activity
    - California
- A detailed description of the S visa qualified criminal informant's helpfulness or likely helpfulness to the detection or investigation or prosecution of the criminal activity.
    - California

Return Certification to Victim or Requestor: State statutes provide direction to state certifying agencies that include returning the form to the requestor because the victim is required to file the U visa certification form I-918B with USCIS as part of their U visa application

- Requires officials to complete and sign the certification forms and return them to the requestor[35]
    - Colorado, Delaware, Illinois (U and T visas), Massachusetts, Montana, Nebraska, North Dakota, Rhode Island, U.S. Virgin Islands, Virginia, Washington

Police Reports and Evidence of Harm: State laws require that state agencies police reports, offense reports, and documentation of harm suffered by the victim:

- Copies of documents in the possession of the certifying agency that provide evidence of harm endured by the victim due to the criminal activity
    - Maryland
- The certifying agency shall provide, free of charge, relevant pages of offense reports related to the qualifying criminal activity subject to release by law, unless already provided by another agency
    - Colorado
        - The timing of release of such reports for open investigations or prosecutions is subject to the certifying agency's discretion
            - Colorado
- Law enforcement agencies required to provide victims copies of police reports
    - California. Colorado (if the certifying agency signs the certification form)
        - Must provide police reports within statutorily required time
            - 7 days
                - California

Jurisdiction	Text
Arkansas Ark. Code Ann. § 12-19-104 (2024).	N/A
California Cal. Penal Code. §679.10 (2023). https://niwaplibrary.wcl.american.edu/california-sb-674-u-cert-law/	U visa (i) (1) The certifying official shall fully complete and sign the Form I-918 Supplement B certification and, regarding victim helpfulness, include specific details about the nature of the crime investigated or prosecuted and a detailed description of the victim's helpfulness or likely helpfulness to the detection or investigation or prosecution of the criminal activity. T visa (h) The certifying official shall fully complete and sign the Form I-914 Supplement B declaration and, regarding victim cooperation, include specific details about the nature of the crime investigated or prosecuted and detailed description of the victim's cooperation or likely cooperation to the detection, investigation, or prosecution of the criminal activity. S visa (e) The certifying official shall fully complete and sign the Form I-854A certification and, regarding the qualified criminal informant's helpfulness, include specific details about the nature of the crime investigated or prosecuted and a detailed description of the qualified criminal informant's helpfulness or likely helpfulness to the detection or investigation or prosecution of the criminal activity. (f) Upon the request of a victim, licensed attorney representing the victim, or representative fully accredited by the United States Department of Justice authorized to represent the victim in

[35] Requirements for denials of requests of U visa certification are addressed in Section12.

California Cal. Penal Code. §679.10 (2023). https://niwaplibrary.wcl.american.edu/california-sb-674-u-cert-law/	immigration proceedings, a state or local law enforcement agency with whom the victim had filed a police report shall provide a copy of the police report within seven days of the request.
Colorado Colo. Rev. Stat. § 24-4.1-401 (2021). https://niwaplibrary.wcl.american.edu/pubs/colorado-u-visa-cert/	24-4.1-403. Certification forms - signature requirement -limitation on factors for consideration. (1) upon request, a certifying official from a certifying agency shall execute and sign the certification form when it is determined that the victim: (a) was a victim of qualifying criminal activity; and (b) has been helpful, is being helpful, or is likely to be Helpful to the detection, investigation, or prosecution of that Qualifying criminal activity. (4) If a certifying official or agency signs the certification form, the official or agency shall return the signed certification form to the requestor, along with, free of charge, relevant pages of offense reports related to the qualifying criminal activity subject to release by law, unless already provided by another agency. the timing of release of such reports for open investigations or prosecutions is subject to the certifying agency's discretion.
Connecticut Conn. Gen. State. Ann. § 46b38b(e)(5) (2023).	N/A
Delaware Del. Code Ann. tit. 11, § 787(n) (2007). https://niwaplibrary.wcl.american.edu/pubs/11-del-c-787-u-visa-cert/	"(n) Law-enforcement agency protocol (1)… the police officer or prosecutor, as soon as practicable after receiving the request, shall request that a certifying official in his or her law-enforcement agency complete, sign, and give to the individual the Form I-914B or Form I-918B provided by the United States Citizenship and Immigration Services on its Internet website, and ask a federal law-enforcement officer to request continued presence"
Illinois 5 Ill. Comp. Stat. 825/10 (2017). https://niwaplibrary.wcl.american.edu/pubs/il-u-visa-cert-law/	(d) …The certifying official shall fully complete and sign the certification form and, regarding victim helpfulness, include specific details about the nature of the crime investigated or prosecuted and a detailed description of the victim's helpfulness or likely helpfulness to the detection or investigation or prosecution of the criminal activity. The certifying official shall complete the certification form and provide it to the person…
Louisiana La. Stat. Ann. §§ 46:2162-46:2163 (2019).	N/A
Maryland Md. Code Ann., Crim. Proc. § 11-931 (2019). https://niwaplibrary.wcl.american.edu/pubs/md-u-and-t-visa-certification/	**(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.
Massachusetts Mass. Gen. Laws ch258F, §§ 1-4 (2021) https://niwaplibrary.wcl.american.edu/pubs/ma-u-visa-cert-law-2021/	The certifying entity shall respond to the request by: (i) completing and signing the certification forms…
Minnesota Minn. Stat. § 611A.95 (2023).	N/A
Montana Mont. Code Ann. § 44-4-1503 (2017). https://niwaplibrary.wcl.american.edu/pubs/montana-u-visa-certification-law/	the law enforcement officer, as soon as practicable after receiving the request, shall complete, sign, and give to the person the Form I-914B or Form I- 918B provided by the United States citizenship and immigration services on its website…
Nebraska Neb. Rev. Stat. § 29-217 (2020). https://niwaplibrary.wcl.american.edu/pubs/neb-u-and-t-certification-law/	…shall complete, sign, and return to the individual the Form I-918B.
Nevada Nev. Rev. Stat. §§ 217.580-217.585 (2019). https://niwaplibrary.wcl.american.edu/pubs/nevada-u-visa-cetrificaiton/	"1. Upon the request of a petitioner for a certification, a certifying agency shall determine whether the petitioner: (a) Was the victim of criminal activity; and (b) Has been helpful, is being helpful or is likely to be helpful to the investigation or prosecution of the criminal activity. 2. If a certifying agency determines that a petitioner satisfies the requirements of subsection 1, the certifying official shall complete and sign the certification. A completed certification must include, without limitation, a detailed description of: (a) The nature of the criminal activity described in subsection 1; and (b) The helpfulness of a petitioner or the likeliness that a petitioner will be helpful in the investigation or prosecution of that criminal activity.

North Dakota N.D. Cent. Code § 12.1-41-18 (2019). https://niwaplibrary.wcl.american.edu/pubs/nd-u-visa-cert-law/	the law enforcement officer, as soon as practicable after receiving the request, shall complete, sign, and give to the individual the form I-914B or form I-918B provided by the United States citizenship and immigration services on its internet website…
Oregon Or. Rev. Stat. §147.620 (2023). https://niwaplibrary.wcl.american.edu/pubs/oregon-u-visa-cert-2019-1/	A certifying official processing a certification under this section shall: Fully complete and sign the certification form; and except as provided in paragraph (b) of this subsection, include in the form specific details about the nature of the qualifying criminal activity investigated or prosecuted and a detailed description of the victim's helpfulness or likely helpfulness. (b) If the qualifying criminal activity was committed by an adjudicated youth as defined in ORS 419A.004 (Definitions), the certifying official shall include on the certification form only the following information: The name of the adjudicated youth; The case number, if applicable; and A description of the qualifying criminal activity.
Rhode Island 11 R.I. Gen Laws § 11- 67.1- 22 (2017). https://niwaplibrary.wcl.american.edu/pubs/ri-u-t-certification-law/	The law enforcement officer, as soon as practicable after receiving the request, shall complete, sign, and give to the individual the Form I-914B or Form I-918Bprovided by the United States Citizenship and Immigration services on its internet website…
Utah Utah Code Ann Code § 77-38-502 (2026).	N/A
Virginia Va. Code Ann. Code § 9.1-1501 (2021). https://niwaplibrary.wcl.american.edu/pubs/va-u-visa-cert-law-2021/	D.…the certifying official shall complete and provide the certification form to the person…
U.S. Virgin Islands V.I. Code Ann. Tit. 14, § 151 (2019). https://niwaplibrary.wcl.american.edu/pubs/us-virgin-islands-u-cert-law-2019/	The Attorney General, as soon as practicable after receiving the request, shall complete, sign, and give to the individual the Form I-914B or Form I-918B provided by the United States Citizenship and Immigration Services on its Internet website…
Washington Wash. Rev. Code 7.98.020 (2017). https://niwaplibrary.wcl.american.edu/pubs/washington-u-visa-certification-statute-2024/	(2) Upon a certifying agency's affirmative determination under subsection (1) of this section, the certifying official shall fully complete and sign the certification, including, if applicable, the specific details certifying details regarding the nature of the crime investigated or prosecuted and a detailed description of the victim's regarding victim's helpfulness or likely helpfulness to the detection or investigation or prosecution of criminal activity

12. **Laws Governing Denials and Required That The Victim Shall Be Informed of Reasons for Denial**

Several states (12) require certifying agencies to inform applicants of the reasons for denial when their U or T visa certification request is rejected. This ensures transparency and provides applicants with the necessary information to address issues identified and then resubmit the U visa certification request to the same agency or another government agency. In seven (7) states, a certifying agency must provide a written explanation to why a certification request was denied. In five (5) other states the statutes only require the agency to inform the applicant of why the request was denied.

Two states, Oregon and Colorado, in addition to requiring written denials include a best practice in their state laws by statutorily limiting the grounds on which state certifying agencies are authorized to deny U visa certifications. The Illinois statute directs that the written notice of denial be mailed to the address the victim provided when the victim requested the certification. In an event that a certification is denied, ten (10) states allow the applicant to submit additional evidence along with another U visa certification request to the same or another certifying agency.

Limitations on when a certifying agency is authorized to deny certification

- Certifying agency deny the certification only if, after considering the totality of the circumstances, the person providing the helpfulness unreasonably refused to cooperate or unreasonably failed to provide information or assistance reasonably requested by a certifying official
    - Maryland

Written explanation for denial required:

- That a written explanation for the denial of the certification be provided to the victim:
    - California, Colorado, Delaware, Illinois ("may provide"), Massachusetts, Oregon, Virginia
- Written denial notification must contain a detailed explanation of the reasons for denial with denial only authorized by state statute for one of the following reasons:
    - Lack of qualifying criminal activity
        - Oregon
    - The requestor was not a victim of qualifying criminal activity
        - Colorado, Illinois (permissive not mandatory requirement), Oregon.
    - Lack of jurisdiction over the certification form request due to the certifying agency not having been involved in the detection, investigation, or prosecution of the qualifying criminal activity:
        - Colorado, Oregon
    - Lack of helpfulness, including documented instances of failure or refusal to comply with reasonable requests for assistance:
        - Colorado, Oregon
    - Explanation of other circumstances for which a certifying official or agency may lawfully deny certification:
        - Oregon
- Written denial shall contain the agency's internal case number and the date of denial:
    - Oregon
- The written explanation shall provide specific details about reasonable requests for cooperation and a detailed description of how the victim refused to cooperate:
    - California
- If the certifying official cannot determine whether the applicant is a victim of qualifying criminal activity or determines that the applicant does not qualify, the certifying official shall provide a written explanation setting forth reasons why the available evidence does not support a finding that the person is a victim of qualifying criminal activity.
    - Maryland, Virginia
- The certifying official shall submit the notice to the address provided in the request
    - Illinois
        - This notice shall also provide contact information should the requester desire to appeal the decision
            - Illinois

<u>State laws require that the victim be informed about the reasons for denial</u>

- Agency shall inform the person of reasons for denial
    - Montana, Nebraska, North Dakota, Rhode Island, U.S. Virgin Islands

<u>Ability to make multiple certification requests</u>: Victim must under state law be provided another opportunity to request certification from the agency that denied the victim a certification or another agency:

- Inform the victim that they may make another request for certification and may submit additional evidence:
    - Delaware (mandates victim is informed of this), Illinois, Massachusetts, Montana, Nebraska, North Dakota, Rhode Island, U.S. Virgin Islands
- Agency is required to accept another request for certification following a denial:
    - Colorado, Nebraska
- The state statute allows victims to seek certification from multiple certifying agencies
    - Colorado

Jurisdiction	Text
Arkansas Ark. Code Ann. § 12-19-104 (2024).	N/A
California Cal. Penal Code. §679.10 (2023). https://niwaplibrary.wcl.american.edu/california-sb-674-u-cert-law/	(i) (1) The certifying official shall fully complete and sign the Form I-918 Supplement B certification and, regarding victim helpfulness, include specific details about the nature of the crime investigated or prosecuted and a detailed description of the victim's helpfulness or likely helpfulness to the detection or investigation or prosecution of the criminal activity. (2) If a certifying entity does not certify a Form I-918 Supplement B certification, they shall provide a written explanation for the denial of the Form I-918 Supplement B certification. The written denial shall include specific details of any reasonable requests for cooperation and a detailed description of how the victim refused to cooperate.
Colorado Colo. Rev. Stat. § 24-4.1-401 (2021). https://niwaplibrary.wcl.american.edu/pubs/colorado-u-visa-cert/	(7) If a certifying official or agency declines to sign the certification form, the official or agency shall, in writing, notify the requestor of the reason or reasons for the denial within the times set forth in section 24-4.1-402. The denial notification must contain a detailed explanation of the reason or reasons for the denial, consisting of one of the following:(a) Lack of jurisdiction over the certification form request due to the certifying agency not having been involved in the detection, investigation, or prosecution of the qualifying criminal activity;(b) The requestor was not a victim of qualifying criminal activity; or(c) Lack of helpfulness, including documented instances of failure or refusal to comply with reasonable requests for assistance. (8) Upon receiving notice that a request for a certification form pursuant to this section is denied, a requestor may provide supplemental information to the certifying agency and request that the certification form denial be reviewed by the certifying agency. (9) a requestor may seek a subsequent certification from the same certifying agency or may seek certification from multiple certifying agencies.
Connecticut Conn. Gen. State. Ann. § 46b38b(e)(5) (2023).	N/A
Delaware Del. Code Ann. tit. 11, § 787(n) (2007). https://niwaplibrary.wcl.american.edu/pubs/11-del-c-787-u-visa-cert/	(2) If the law-enforcement agency having responsibility under paragraph (n)(1) of this section determines that an individual does not meet the requirements for such agency to comply with paragraph (n)(1) of this section, that agency shall inform the individual of the reason and that the individual may make another request under paragraph (n)(1) of this section and submit additional evidence satisfying the requirements.
Illinois 5 Ill. Comp. Stat. 825/10 (2017). https://niwaplibrary.wcl.american.edu/pubs/il-u-visa-cert-law/	If the certifying official cannot determine that the applicant is a victim of qualifying criminal activity, the certifying official may provide written notice to the person or the person's representative explaining why the available evidence does not support a finding that the person is a victim of qualifying criminal activity. The certifying official shall submit the notice to the address provided in the request and shall provide contact information should the requester desire to appeal the decision. The certifying agency or certifying official shall accept all appeals and must respond to the appeals within 30 business days. (b) Notwithstanding subsection (a), no requester is required to exhaust an administrative appeal under subsection (a) before filing a mandamus action or seeking other equitable relief in circuit court for a completed certification form required under Section 10.
Louisiana La. Stat. Ann. §§ 46:2162-46:2163 (2019).	N/A
Maryland Md. Code Ann., Crim. Proc. § 11-931 (2019).	(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 evidence available 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
Massachusetts Mass. Gen. Laws ch258F, §§ 1-4 (2021) https://niwaplibrary.wcl.american.edu/pubs/ma-u-visa-cert-law-2021/	The certifying entity shall respond to the request by: (i) completing and signing the certification forms; (ii) issuing a written denial of the request, without prejudice, informing the victim of the reason that the request does not meet the requirements of the certifying entity's policy under section 2;
Minnesota Minn. Stat. § 611A.95 (2023).	N/A
Montana Mont. Code Ann. § 44-4-1503 (2017). https://niwaplibrary.wcl.american.edu/pubs/montana-u-visa-certification-law/	(2) If the law enforcement agency determines that a person does not meet the requirements for the agency to comply with subsection (1), the agency shall inform the person of the reason and that the person may make another request and submit additional evidence satisfying the requirements.

Nebraska Neb. Rev. Stat. § 29-217 (2020). https://niwaplibrary.wcl.american.edu/pubs/neb-u-and-t-certification-law/	(b) If the law enforcement agency determines that an individual does not meet the requirements of the law enforcement agency for completion of a Form I-914B, the law enforcement agency shall, no later than ninety business days after receiving the request, inform the individual of the reason and that the individual may make another request with additional evidence or documentation to satisfy such requirements. The law enforcement agency shall permit the individual to make such additional request. (c) If the certifying official determines that an individual does not meet the requirements of the certifying agency for completion of a Form I-918B, the certifying official shall, no later than ninety business days after receiving the request, inform the individual of the reason and that the individual may make another request with additional evidence or documentation to satisfy such requirements. The certifying official shall permit the individual to make such additional request.
Nevada Nev. Rev. Stat. §§ 217.580-217.585 (2019).	N/A
North Dakota N.D. Cent. Code § 12.1-41-18 (2019). https://niwaplibrary.wcl.american.edu/pubs/nd-u-visa-cert-law/	2. If the law enforcement agency determines that an individual does not meet the requirements for the law enforcement agency to comply with subsection 1, the law enforcement agency shall inform the individual of the reason and that the individual may make another request under subsection 1 and submit additional evidence satisfying the requirements.
Oregon Or. Rev. Stat. §147.620 (2023). https://niwaplibrary.wcl.american.edu/pubs/oregon-u-visa-cert-2019-1/	(a)If a certifying official or agency denies certification under this section, the official or agency shall in writing notify the petitioner of the reason for the denial. The denial notification must contain the following information: (A) An internal case number that allows the certifying agency to individually identify each certification request; (B) The date of the denial; and (C)The reason for the denial consisting of one of the following: (i)Lack of qualifying criminal activity; (ii)Lack of helpfulness; (iii)Lack of jurisdiction over certification request; or (iv)Other circumstances for which a certifying official or agency may lawfully deny certification.
Rhode Island 11 R.I. Gen Laws § 11- 67.1- 22 (2017). https://niwaplibrary.wcl.american.edu/pubs/ri-u-t-certification-law/	(b) If the law enforcement agency or officer determines that an individual does not meet the requirements for the agency to comply with subsection (a) of this section, the agency shall inform the individual of the reason and that the individual may make another request under subsection (a) of this section and submit additional evidence satisfying the requirements.
Utah Utah Code Ann Code § 77-38-502 (2026).	N/A
Virginia Va. Code Ann. Code § 9.1-1501 (2021). https://niwaplibrary.wcl.american.edu/pubs/va-u-visa-cert-law-2021/	D (iv) If the certifying official cannot determine whether the applicant is a victim of qualifying criminal activity or determines that the applicant does not qualify, the certifying official shall provide a written explanation to the person or the person's representative setting forth reasons why the available evidence does not support a finding that the person is a victim of qualifying criminal activity.
U.S. Virgin Islands V.I. Code Ann. Tit. 14, § 151 (2019). https://niwaplibrary.wcl.american.edu/pubs/us-virgin-islands-u-cert-law-2019/	(b) If the Attorney General determines that an individual does not meet the requirements for the Attorney General to comply with subsection (a), the Attorney General shall inform the individual of the reason and that the individual may make another request under subsection (a) and submit additional evidence satisfying the requirements.
Washington Wash. Rev. Code 7.98.020 (2017).	N/A

13. **Withdrawing Certifications**

As discussed in Section 9 above, once an immigrant victim of criminal activity provides helpfulness to a certifying agency the victim is eligible for certification.[36] After that point the victim continues to remain eligible for certification and to file their U visa application and have the victim's application for a U visa and lawful permanent residency based on the U visa approved so long as the victim does not unreasonably refuse to cooperate with reasonable requests[37] for assistance from law enforcement, prosecutors, or another certifying agency.[38] The U.S. Department of Homeland Security and the U.S. Department of Justice use the following

[36] DEPT HOMELAND SEC., U AND T VISA LAW ENFORCEMENT RESOURCE GUIDE at 18 (November 30, 2015), https://niwaplibrary.wcl.american.edu/pubs/dhs-updated-u-certification-resource-guide-2015/.
[37] The applicant may provide to USCIS and to the certifying agency requesting cooperation a detailed description about why the victim refused to comply with a request for assistance that the victim believed was unreasonable. 8 C.F.R. § 245.24(e)(2)(ii).
[38] 8 C.F.R. § 245.24(e)(1)-(4).

approach to determinations of whether a U visa applicant victim's refusal to cooperate was unreasonable. Both agencies:

> "will determine whether the alien's refusal was unreasonable under the totality of the circumstances based on all available affirmative evidence….[and] 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."[39]

This is the federal standard that has been adopted by the states of Nebraska, Utah, and Washington in the sections of their state statutes that govern when and under what circumstances a certifying agency or certifying official in these states can withdraw or disavow a U visa certification or T visa declaration. Other state laws have included some parts, but not the full federal law standards, into their state legislation. The Illinois and Virginia statutes permit withdrawal of certification if the victim unreasonably refuses to cooperate but omits the part of the federal law that also requires that the requests be reasonable. The state statutes in Maryland, Nevada and California do the opposite; their statutes authorize withdrawing of certifications when the victims refuse to provide assistance reasonably requested but omit federal law exemption that allows victims to gain access to the U visa and lawful permanent residency so long as they do not unreasonably refuse to cooperate with reasonable requests. Lastly three (3) states authorize withdrawal of certifications when the certifying agency later determines that the person receiving the certification was not a victim of a qualifying criminal activity.[40]

- Tracks federal law
  - For U visas allowing withdrawal of applications provided the request of assistance was reasonable and the victim unreasonably refused to assist. This approach accurately reflects federal law 8 C.F.R.§ 214.14(h)(2)(i)(A)
    - Nebraska, Utah, Washington
  - For U visas: A certifying official may withdraw the certification only if, after considering the totality of the circumstances, the person providing the helpfulness unreasonably refused to cooperate or unreasonably failed to provide information or assistance reasonably requested by a certifying official
    - Maryland
  - For T visas allows disavowal or withdrawal of declarations provided they include a detailed explanation in writing 8 C.F.R.§ 214.204(h)
    - Nebraska

- Permits certifying officials to notify USCIS if one of the following occurs:
  - The victim unreasonably refuses to assist in the investigation or prosecution of the criminal activity
    - Illinois, Maryland, Virginia
  - The victim fails provide information and assistance when reasonably requested
    - Maryland, Utah
  - If the person who received the certification was later determined not to be a victim of a qualifying criminal activity.
    - Illinois, Virginia, Utah

- Certifying agency may not withdraw the certification unless
  - The victim refuses to provide assistance reasonably requested

[39] 8 C.F.R. § 245.24(a)(5).
[40] For additional information on the process for certifying agencies withdrawing or disavowing U visa certifications *see*, USCIS, U VISA LAW ENFORCEMENT RESOURCE GUIDE FOR FEDERAL, STATE, LOCAL, TRIBAL AND TERRITORIAL LAW ENFORCEMENT, PROSECUTORS, JUDGES AND OTHER GOVERNMENT AGENCIES at 14 (February 28, 2022), https://niwaplibrary.wcl.american.edu/pubs/u-visa-certification-resource-guide-2022/.

        - California (U visa), Maryland, Nevada
    - The victim refuses to provide information and assistance reasonably requested
        - California (T and S visas)

Jurisdiction	Text
Arkansas Ark. Code Ann. § 12-19-104 (2024).	N/A
California Cal. Penal Code. §679.10 (2023). https://niwaplibrary.wcl.american.edu/california-sb-674-u-cert-law/	U visa (l) A certifying official may only withdraw the certification if the victim refuses to provide information and assistance when reasonably requested. T visa (k) A certifying official may only withdraw the certification if the victim refuses to provide information and assistance when reasonably requested. S visa (f) A certifying official may only withdraw the certification if the qualified criminal informant refuses to provide information and assistance when reasonably requested.
Colorado Colo. Rev. Stat. § 24-4.1-401 (2021).	N/A
Connecticut Conn. Gen. State. Ann. § 46b38b(e)(5) (2023).	N/A
Delaware Del. Code Ann. tit. 11, § 787(n) (2007).	N/A
Illinois 5 Ill. Comp. Stat. 825/10 (2017). https://niwaplibrary.wcl.american.edu/pubs/il-u-visa-cert-law/	"If, after completion of a certification form, the certifying official later determines the person was not the victim of qualifying criminal activity or the victim unreasonably refuses to assist in the investigation or prosecution of the qualifying criminal activity of which he or she is a victim, the certifying official may notify United States Citizenship and Immigration Services in writing."
Louisiana La. Stat. Ann. §§ 46:2162-46:2163 (2019).	N/A
Maryland Md. Code Ann., Crim. Proc. § 11-931 (2019). https://niwaplibrary.wcl.american.edu/pubs/md-u-and-t-visa-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
Massachusetts Mass. Gen. Laws ch258F, §§ 1-4 (2021)	N/A
Minnesota Minn. Stat. § 611A.95 (2023).	N/A
Montana Mont. Code Ann. § 44-4-1503 (2017).	N/A
Nebraska Neb. Rev. Stat. § 29-217 (2020). https://niwaplibrary.wcl.american.edu/pubs/neb-u-and-t-certification-law/	(6) A law enforcement agency, certifying agency, or certifying official has the discretion to revoke, disavow, or withdraw a previous completion of a Form I-914B or Form I-918B at any time after initial completion, as provided in 8 C.F.R.§ 214.11(d)(3)(ii) [replaced by 214.204(h)]and 8 C.F.R.§ 214.14(h)(2)(i)(A).
Nevada Nev. Rev. Stat. §§ 217.580-217.585 (2019). https://niwaplibrary.wcl.american.edu/pubs/nevada-u-visa-cetrificaiton/	The certifying agency shall not (b) Withdraw a certification unless the petitioner refuses to provide assistance that was reasonably requested by a law enforcement agency in the investigation or prosecution of the criminal activity described in section 8 of this act.
North Dakota N.D. Cent. Code, § 12.1-41-18 (2019).	N/A
Oregon Or. Rev. Stat. §147.620 (2023).	N/A
Rhode Island 11 R.I. Gen Laws § 11- 67.1- 22 (2017).	N/A
Utah Utah Code Ann Code § 77-38-502 (2026). https://niwaplibrary.wcl.american.edu/pubs/utah-u-cert-law-2026/	(5) A certifying official may withdraw a Form I-918 Supplement B certification if: (a) the victim refuses to provide information and assistance when reasonably requested; or (b) the certifying entity determines that the individual is not a victim of a qualifying criminal activity.
Virginia Va. Code Ann. Code § 9.1-1501 (2021). https://niwaplibrary.wcl.american.edu/pubs/va-u-visa-cert-law-2021/	"If, after completion of a certification form, the certifying official later determines that the person was not the victim of qualifying criminal activity or the victim unreasonably refuses to assist in the investigation or prosecution of the qualifying criminal activity of which he is a victim, the certifying official may notify United States Citizenship and Immigration Services in writing."
U.S. Virgin Islands V.I. Code Ann. Tit. 14, § 151 (2019).	N/A

Washington Wash. Rev. Code 7.98.020 (2017). https://niwaplibrary.wcl.american.edu/pubs/washington-u-visa-certification-statute-2024/	(5) A certifying agency may only withdraw the certification if the victim unreasonably refuses to provide information and assistance related to the investigation or prosecution of the associated criminal provide information and assistance related to the investigation or prosecution of the associated criminal activity when reasonably requested by the certifying agency.

14. **What Certification Is and Is Not**

Several states (10), include information in their statutes designed to clarify for certifiers what U visa certification is and is not under both the state statue which is most cases in consistent with federal immigration laws, regulations, policies, and guidance issued by USCIS and DHS. These statues describe what is being certified when a certifying agency signs a U visa certification and confirm that the state certifying agency is not granting a U visa by signing the U visa certification which is a required prerequisite that an eligible immigrant crime victim must obtain from a government official to be able to file a U visa application.[41] State statutes describing what is being certified:

- Individual or their family member[42] was a victim of qualifying criminal activity:
  - Colorado, Connecticut, Maryland, Nevada, Oregon, Utah, Washington
- Victim's helpfulness: A victim who has been helpful, is being helpful, or is likely to be helpful to the detection, investigation, or prosecution[43] of that qualifying criminal activity qualifies for U visa certification
  - Colorado, Connecticut (missing detection), Maryland, Oregon, Utah, Washington
    - Helpfulness can be offered by victim's parent, guardian, or next friend when the victim is
      - Under the age of 16 when an act which constitutes an element of the criminal activity first occurred
        - Maryland
      - Incapacitated or incompetent
        - Maryland
  - For purposes of determining helpfulness a victim is helpful, has been helpful, or is likely to be helpful to the detection, investigation, or prosecution of that qualifying criminal activity if there is no documentation that the victim refused or failed to provide assistance reasonably requested by law enforcement.
    - Colorado
  - The certifying agency shall not consider any other factors in deciding whether to sign the certification form, except whether the individual was a victim of qualifying criminal activity and the victim's helpfulness
    - Colorado

- Victim possesses information about the criminal activity:
  - Connecticut[44]

[41] USCIS, U VISA LAW ENFORCEMENT RESOURCE GUIDE FOR FEDERAL, STATE, LOCAL, TRIBAL AND TERRITORIAL LAW ENFORCEMENT, PROSECUTORS, JUDGES AND OTHER GOVERNMENT AGENCIES AT 2, 3, 10 (February 28, 2022), (February 28, 2022), https://niwaplibrary.wcl.american.edu/pubs/u-visa-certification-resource-guide-2022/.

[42] Immigrant parents whose child or stepchild was a victim is eligible to file a U visa. Also in cases of murder, manslaughter spouses and children are considered direct victims. USCIS, U VISA LAW ENFORCEMENT RESOURCE GUIDE FOR FEDERAL, STATE, LOCAL, TRIBAL AND TERRITORIAL LAW ENFORCEMENT, PROSECUTORS, JUDGES AND OTHER GOVERNMENT AGENCIES at 7 (February 28, 2022), https://niwaplibrary.wcl.american.edu/pubs/u-visa-certification-resource-guide-2022/.

[43] The U visa regulations define "investigation or prosecution" to include detection, investigation, prosecution, conviction, or sentencing. 8 C.F.R. § 214.14(a)(5). All of these state laws are missing conviction and sentencing and Connecticut is missing detection.

[44] In case of a victim who is a child, incapacitated or incompetent a parent, guardian or next friend can provide the required helpfulness. USCIS, U VISA LAW ENFORCEMENT RESOURCE GUIDE FOR FEDERAL, STATE, LOCAL, TRIBAL AND TERRITORIAL LAW ENFORCEMENT, PROSECUTORS, JUDGES AND OTHER GOVERNMENT AGENCIES at 8(February 28, 2022), https://niwaplibrary.wcl.american.edu/pubs/u-visa-certification-resource-guide-2022/.

- That the victim had not refused to provide information reasonably requested by a law enforcement, prosecutors, or other certifying official[45]
    - Colorado, Connecticut

Some state statutes provide additional descriptions about the U visa and T visa certification process that provide helpful clarification for certifiers and the public. These statutory provisions can also be useful as a basis for jury instructions and training of certifiers. The following state statute clarifications are consistent with federal law and include:

- Certification shall not be considered sufficient evidence that an applicant for a U or T visa has met all eligibility requirements for the visa[46]
    - Colorado, Illinois, Maryland, Virginia
- Completion of a certification form by a certifying official shall not be construed to guarantee that the victim will receive federal immigration relief.[47]
    - Colorado, Illinois, Maryland, Virginia
- It is the exclusive responsibility of federal immigration officials to determine whether a person is eligible for a U or T visa.[48]
    - Illinois, Nebraska, Virginia
- Completion of a certification form by a certifying official merely verifies factual information relevant to the federal immigration benefit sought, including information relevant for federal immigration officials to determine eligibility for a U or T visa.[49]
    - Colorado, Illinois, Maryland, Nebraska, Virginia
- 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[50]
    - Colorado, Illinois, Maryland, Virginia
- No provision in this Act limits the manner in which a certifying officer or certifying agency may describe whether the person has cooperated or been helpful to the agency or provide any additional information the certifying officer or certifying agency believes might be relevant to a federal immigration officer's adjudication of a U or T visa application.
    - Illinois, Maryland, Virginia

Jurisdiction	Text
Arkansas Ark. Code Ann. § 12-19-104 (2024).	N/A

[45] As described above in Sections 9 and 13, this description of the exemption from the U visa's ongoing requirement of U visa applicants to cooperate with law enforcement and prosecutors is not fully correct because the Colorado and Connecticut statutes only include the part of the exemption that requires that a certifying agency's requests for cooperation from victims be reasonable. The statutes omit the victim's statutory ability to remain eligible for certification, a U visa, and lawful permanent residency based on the U visa so long as the victim did not unreasonably refuse to cooperate with reasonable requests from law enforcement. 8 C.F.R. 245.24(e)(1)-(4).
[46] DEPT HOMELAND SEC., U AND T VISA LAW ENFORCEMENT RESOURCE GUIDE at 21 (November 30, 2015), https://niwaplibrary.wcl.american.edu/pubs/dhs-updated-u-certification-resource-guide-2015/.
[47] USCIS, U VISA LAW ENFORCEMENT RESOURCE GUIDE FOR FEDERAL, STATE, LOCAL, TRIBAL AND TERRITORIAL LAW ENFORCEMENT, PROSECUTORS, JUDGES AND OTHER GOVERNMENT AGENCIES at 3 (February 28, 2022), https://niwaplibrary.wcl.american.edu/pubs/u-visa-certification-resource-guide-2022/; DHS U and T Visa Law Enforcement Resource Guide (November 30, 2015) at 4, 8 https://niwaplibrary.wcl.american.edu/pubs/dhs-updated-u-certification-resource-guide-2015/.
[48] USCIS, U VISA LAW ENFORCEMENT RESOURCE GUIDE FOR FEDERAL, STATE, LOCAL, TRIBAL AND TERRITORIAL LAW ENFORCEMENT, PROSECUTORS, JUDGES AND OTHER GOVERNMENT AGENCIES at 2, 7, 10 (February 28, 2022), https://niwaplibrary.wcl.american.edu/pubs/u-visa-certification-resource-guide-2022/; DHS U and T Visa Law Enforcement Resource Guide (November 30, 2015) at 3, , 8 https://niwaplibrary.wcl.american.edu/pubs/dhs-updated-u-certification-resource-guide-2015/.
[49] USCIS, U VISA LAW ENFORCEMENT RESOURCE GUIDE FOR FEDERAL, STATE, LOCAL, TRIBAL AND TERRITORIAL LAW ENFORCEMENT, PROSECUTORS, JUDGES AND OTHER GOVERNMENT AGENCIES at 10 (February 28, 2022), https://niwaplibrary.wcl.american.edu/pubs/u-visa-certification-resource-guide-2022/;
[50] DEPT HOMELAND SEC., U AND T VISA LAW ENFORCEMENT RESOURCE GUIDE at 8, 13 (November 30, 2015), https://niwaplibrary.wcl.american.edu/pubs/dhs-updated-u-certification-resource-guide-2015/.

California Cal. Penal Code. §679.10 (2023).	N/A
Colorado Colo. Rev. Stat. § 24-4.1-401 (2021). https://niwaplibrary.wcl.american.edu/pubs/colorado-u-visa-cert/	24-4.1-403. (1) upon request, a certifying official from a certifying agency shall execute and sign the certification form when it is determined that the victim: (a) was a victim of qualifying criminal activity; and (b) has been helpful, is being helpful, or is likely to be helpful to the detection, investigation, or prosecution of that qualifying criminal activity. (2) (a) for purposes of determining helpfulness pursuant to subsection (1)(b) of this section, a victim is helpful, has been helpful, or is likely to be helpful to the detection, investigation, or prosecution of that qualifying criminal activity if there is no documentation that the victim refused or failed to provide assistance reasonably requested by law enforcement. (3) The certifying agency shall not consider any other factors in deciding whether to sign the certification form, except whether the individual was a victim of qualifying criminal activity and the victim's helpfulness, as specified in subsection (1) of this section. (5) The certifying agency is neither a sponsor nor a decision-maker in the granting of a u visa. a certifying official's completion of a certification form is not sufficient evidence that an applicant for a u visa has met all eligibility requirements and does not guarantee that the victim will receive a u visa. It is the exclusive responsibility of federal immigration officials to determine whether a person is eligible for a u visa. Completion of a certification form by a certifying official merely verifies factual information relevant for federal immigration officials to determine eligibility for a u visa. 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.
Connecticut Conn. Gen. State. Ann. § 46b38b(e)(5) (2023). https://niwaplibrary.wcl.american.edu/pubs/connecticut-u-visa-statutes-2014/	(5) (A) [Annually], each law enforcement agency shall designate at least one officer with supervisory duties to expeditiously process, upon request of a victim of family violence or other crime who is applying for U Nonimmigrant Status (i) a certification of helpfulness on Form I-918, Supplement B, or any subsequent corresponding form designated by the United States Department of Homeland Security, confirming that the victim of family violence or other crime has been helpful, is being helpful or is likely to be helpful in the investigation or prosecution of the criminal activity, and (ii) any subsequent certification required by the victim. (B) By signing a certification of helpfulness, the officer or agency is not making a determination of eligibility for U Nonimmigrant Status. The officer or agency is solely providing information required by the United States Department of Homeland Security on such form as is required by said department and certifying that: (i) The requesting individual or his or her family member is a victim of one of the enumerated crimes eligible for U Nonimmigrant Status, (ii) the victim possesses or possessed information regarding that crime, (iii) the victim has been, is being or is likely to be helpful in an investigation of that crime, and (iv) the victim has not failed or refused to provide reasonably requested information or assistance.
Delaware Del. Code Ann. tit. 11, § 787(n) (2007).	N/A
Illinois 5 Ill. Comp. Stat. 825/10 (2017). https://niwaplibrary.wcl.american.edu/pubs/il-u-visa-cert-law/	f) Notwithstanding any other provision of this Section, a certifying official's completion of a certification form shall not be considered sufficient evidence that an applicant for a U or T visa has met all eligibility requirements for that visa and completion of a certification form by a certifying official shall not be construed to guarantee that the victim will receive federal immigration relief. It is the exclusive responsibility of federal immigration officials to determine whether a person is eligible for a U or T visa. Completion of a certification form by a certifying official merely verifies factual information relevant to the federal immigration benefit sought, including information relevant for federal immigration officials to determine eligibility for a U or T visa. 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. No provision in this Act limits the manner in which a certifying officer or certifying agency may describe whether the person has cooperated or been helpful to the agency or provide any additional information the certifying officer or certifying agency believes might be relevant to a federal immigration officer's adjudication of a U or T visa application…
Louisiana La. Stat. Ann. §§ 46:2162-46:2163 (2019).	N/A
Maryland Md. Code Ann., Crim. Proc. § 11-931 (2019). https://niwaplibrary.wcl.american.edu/pubs/md-u-and-t-visa-certification/	(a) 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:(1) was a victim of a

Maryland Md. Code Ann., Crim. Proc. § 11-931 (2019). https://niwaplibrary.wcl.american.edu/pubs/md-u-and-t-visa-certification/	qualifying criminal activity and has been helpful, is being helpful, or is likely to be helpful to the certifying entity in the detection, investigation, or prosecution of that qualifying criminal activity;" (2) 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 (3) 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. (b) 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. (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 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 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 a U Nonimmigrant Status petition.
Massachusetts Mass. Gen. Laws ch258F, §§ 1-4 (2021)	N/A
Minnesota Minn. Stat. § 611A.95 (2023).	N/A
Montana Mont. Code Ann. § 44-4-1503 (2017).	N/A
Nebraska Neb. Rev. Stat. § 29-217 (2020). https://niwaplibrary.wcl.american.edu/pubs/neb-u-and-t-certification-law/	(5) It is the exclusive responsibility of the federal immigration authorities to determine whether a person is eligible for a T or U visa. Completion of a Form I-914B or Form I-918B by a law enforcement agency or certifying official only serves to verify information regarding certain criteria considered by the federal government in granting such visas.
Nevada Nev. Rev. Stat. §§ 217.580-217.585 (2019). https://niwaplibrary.wcl.american.edu/pubs/nevada-u-visa-cetrificaiton/	"1. Upon the request of a petitioner for a certification, a certifying agency shall determine whether the petitioner: (a) Was the victim of criminal activity; and (b) Has been helpful, is being helpful or is likely to be helpful to the investigation or prosecution of the criminal activity. 2. If a certifying agency determines that a petitioner satisfies the requirements of subsection 1, the certifying official shall complete and sign the certification. A completed certification must include, without limitation, a detailed description of: (a) The nature of the criminal activity described in subsection 1; and (b) The helpfulness of a petitioner or the likeliness that a petitioner will be helpful in the investigation or prosecution of that criminal activity.
North Dakota N.D. Cent. Code, § 12.1-41-18 (2019).	N/A
Oregon Or. Rev. Stat. §147.620 (2023). https://niwaplibrary.wcl.american.edu/pubs/oregon-u-visa-cert-2019-1/	Upon the request of a victim or a victim's representative, a certifying official shall in writing certify that a victim has been helpful on a certification form designated by the United States Citizenship and Immigration Services if: the victim is a victim of qualifying criminal activity; and the victim has been helpful, is being helpful or is likely to be helpful to the detection, investigation or prosecution of the qualifying criminal activity.
Rhode Island 11 R.I. Gen Laws § 11- 67.1- 22 (2017).	N/A
Utah Utah Code Ann Code § 77-38-502 (2026). https://niwaplibrary.wcl.american.edu/pubs/utah-u-cert-law-2026/ Utah	"1) Upon the request of the victim or victim's family member, a certifying official from a certifying entity shall certify victim helpfulness on the Form I-918 Supplement B certification, if the certifying entity determines the victim was a victim of a qualifying criminal activity and has been helpful, is being helpful, or is likely to be helpful to the detection, investigation, or prosecution of that qualifying criminal activity.

Utah Code Ann Code § 77-38-502 (2026). https://niwaplibrary.wcl.american.edu/pubs/utah-u-cert-law-2026/	(2) A certifying entity shall determine helpfulness as described in Subsection (1) in a manner consistent with federal guidelines. (3) A certifying entity shall process a Form I-918 Supplement B certification…
Virginia Va. Code Ann. Code § 9.1-1501 (2021). https://niwaplibrary.wcl.american.edu/pubs/va-u-visa-cert-law-2021/	"F. Notwithstanding any other provision of this section, a certifying official's completion of a certification form shall not be considered sufficient evidence that an applicant for a U or T visa has met all eligibility requirements for that visa, and completion of a certification form by a certifying official shall not be construed to guarantee that the victim will receive federal immigration relief. It is the exclusive responsibility of federal immigration officials to determine whether a person is eligible for a U or T visa. Completion of a certification form by a certifying official merely verifies factual information relevant to the federal immigration benefit sought, including information relevant for federal immigration officials to determine eligibility for a U or T visa. 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. No provision in this chapter limits the manner in which a certifying official or certifying agency may describe whether the person has cooperated or been helpful to the agency or provide any additional information the certifying official or certifying agency believes might be relevant to a federal immigration officer's adjudication of a U or T visa application.
U.S. Virgin Islands V.I. Code Ann. Tit. 14, § 151 (2019).	N/A
Washington Wash. Rev. Code 7.98.020 (2017). https://niwaplibrary.wcl.american.edu/pubs/washington-u-visa-certification-statute-2024/	(1) Upon the request by the victim or representative thereof including, but not limited to, the victim's attorney, accredited representative, or domestic violence, sexual assault, or victim's service victim's service provider, a certifying agency shall: (a) Make a determination on United States citizenship and provider, and immigration services form I-918 supplement B or relevant successor certification form, whether the victim immigration victim was a victim of criminal activity and has been helpful, is being helpful, or is likely to be helpful to the was the detection or investigation or prosecution of that criminal activity; or (b) make a determination on United States citizenship and immigration services form I-914 supplement B or relevant successor certification form, whether the victim is or has been a victim of trafficking and, unless the victim is under the age of eighteen, whether he or she has complied with any reasonable requests from law enforcement in any related investigation or prosecution of the acts of trafficking in which he or she was a victim.

15. **Confidentiality Protections**

A number of states (10) prohibit the disclosure of an applicant's immigration status, except in limited circumstances, such as when required to comply with federal law or legal processes, or if authorized by the victim. These state law provisions supplement and promote compliance with federal VAWA confidentiality laws. Congress created federal VAWA confidentiality laws[51] that protect immigrant victims of domestic violence, child abuse, sexual assault, stalking, human trafficking and other U visa listed criminal activities from having information about the existence of, actions taken in, or information contained in their VAWA, T visa, and U visa applications for immigration relief disclosed or released to their perpetrator or anyone who could provide the information to the perpetrator.[52] U visa victims receive VAWA confidentiality protections when the victim is seeking to file a U or T visa or when a DHS employee has reason to believe they may victim eligible to file for T or U visa protection.[53] When a victim requests a U visa certification from state government officials that is a required prerequisite to filing a U visa application the victim is in the process of seeking a U visa and receives VAWA confidentiality protections.

When states include confidentiality protections in state U visa certification laws these state laws work in tandem with federal VAWA confidentiality protections offering significant benefits to both victims and government agencies. Confidentiality protections encourage crime reporting, enhance victim protection, and foster trust in government officials. By maintaining confidentiality, victims can seek U Visa certification with less fear of perpetrator retaliation including through treats of deportation and enhancing victim safety enabling

[51] 8 U.S.C. § 1367

[52] For a full legislative and regulatory history and DHS regulations and policies implementing VAWA confidentiality protections, including for U visa applications, *see* Alina Husain, Daliana Gomez Garcia, and Leslye Orloff, *VAWA Confidentiality: Statutes, Legislative History, and Implementing Policy* (June 7, 2022), https://niwaplibrary.wcl.american.edu/pubs/vawa-confidentiality-statutes-leg-history.

[53] 8 U.S.C. § 1367(a)(1)(E)-(F); DEP'T HOMELAND SEC., INSTRUCTION NUMBER: 002-02-001.01, SECTION IV(F)(1), IMPLEMENTATION OF SECTION 1367 INFORMATION PROVISIONS at 3 (May 28, 2019), http://niwaplibrary.wcl.american.edu/pubs/implementation-ofsection-1367-all-dhs-instruction-002-02-001/.

more immigrant victims to seek access to justice and the services and support they need to rebuild their lives and the lives of their children. Ultimately, these protections ensure that victims feel supported and better able to cooperate with law enforcement, prosecutors, and other government officials and more willing to seek help from courts contributing to improved public safety and community trust.[54]

The following states that prohibit disclosure of:

- Immigration status: Information regarding the citizenship or immigration status of any victim of criminal activity or trafficking who is requesting a certification unless required to do so by
  - Applicable state or federal law or court order:
    - California (U, T, and S visas), Colorado, Illinois, Maryland, Minnesota, Nevada, Oregon (of the victim or other petitioner), Utah, Virginia, Washington
  - Prosecutor's or law enforcement's constitutional obligations to disclose exculpatory information in a criminal proceeding
    - Maryland, Nevada, Utah, Virginia

- Waiver of VAWA confidentiality victims: States that prohibit disclosure of immigration status except if authorized by the victim or criminal informant: [55]
  - California (U, T, and S visas), Illinois, Maryland[56], Minnesota, Nevada, Oregon, Utah, Virginia, Washington.
    - Victim's authorization/consent must be in writing
      - Maryland, Nevada, Utah, Washington
    - Victim's consent to a waiver must comply with Violence Against Women Act confidentiality requirements
      - Waivers must be written, informed, voluntary, reasonably time limited, signed by the victim, limited in scope, limited with regard to who receives the information
        - Maryland
    - If the victim is a minor or is otherwise not legally competent, written authorization can be provided by the victim's parent or guardian.[57]
      - Utah
- Personal identifying information except to comply with federal law or legal process:
  - Colorado, Minnesota, Utah, Washington

- Documents related to certification: Documents submitted with a request for certification under this section and any written response to a certification request from a certifying official or agency are confidential and may not be disclosed unless the disclosure is (one of the following):
  - Required by federal law or legal process
    - Oregon
  - Required by state law regarding disclosure to the defendant
    - Oregon
  - Constitutionally required
    - Oregon
  - Requested by a law enforcement agency and necessary for the investigation of a criminal charge

[54] Leslye E. Orloff, et al., *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/.

[55] Under federal VAWA confidentiality immigration laws waivers are only available to adults and all adults in the case must agree to waivers of VAWA confidentiality protections. 8 U.S.C. § 1367(b)(4).

[56] Maryland's limitation of waivers of confidentiality under state law is consistent with the adults only approach to waivers under federal VAWA confidentiality immigration laws. 8 U.S.C. § 1367(b)(4).

[57] Utah's waivers for child victims are inconsistent with the bar on waivers federal VAWA confidentiality in cases involving children. 8 U.S.C. §1367(b)(4). See, DEP'T HOMELAND SEC., INSTRUCTION NUMBER: 002-02-001.01, VI(A)(1)(D)(4), IMPLEMENTATION OF SECTION 1367 INFORMATION PROVISIONS at 6-7(May 28, 2019), http://niwaplibrary.wcl.american.edu/pubs/implementation-ofsection-1367-all-dhs-instruction-002-02-001/.

        - Oregon
    - Authorized by the victim.
        - Oregon

- Court records related to judicial review of certification denials: Courts are required to maintain all court records related on enforcement actions under seal absent court order[58]
    - Virginia

Jurisdiction	Text
Arkansas Ark. Code Ann. § 12-19-104 (2024).	N/A
California Cal. Penal Code. §679.10 (2023). https://niwaplibrary.wcl.american.edu/california-sb-674-u-cert-law/	U visa (m) A certifying entity is prohibited from disclosing the immigration status of a victim or person requesting the Form I-918 Supplement B certification, except to comply with federal law or legal process, or if authorized by the victim or person requesting the Form I-918 Supplement B certification. T visa (l)A certifying entity is prohibited from disclosing the immigration status of a victim or person requesting the Form I-914 Supplement B declaration, except to comply with federal law or legal process, or if authorized by the victim or person requesting the Form I-914 Supplement B declaration. S visa (g) A certifying entity is prohibited from disclosing the immigration status of the qualified criminal informant for whom Form I-854A certification has been completed, except to comply with federal law or legal process, or if authorized by the qualified criminal informant.
Colorado Colo. Rev. Stat. § 24-4.1-401 (2021). https://niwaplibrary.wcl.american.edu/pubs/colorado-u-visa-cert/	A certifying agency is prohibited from disclosing the personal identifying information or immigration status of a victim or person requesting the certification except to comply with federal or state law or process.
Connecticut Conn. Gen. State. Ann. § 46b38b(e)(5) (2023).	N/A
Delaware Del. Code Ann. tit. 11, § 787(n) (2007).	N/A
Illinois 5 Ill. Comp. Stat. 825/10 (2017). https://niwaplibrary.wcl.american.edu/pubs/il-u-visa-cert-law/	(g) A certifying official or agency receiving requests for completion of certification forms shall not disclose the immigration status of a victim or person requesting the certification form, except to comply with federal law or State law, legal process, or if authorized, by the victim or person requesting the certification form.
Louisiana La. Stat. Ann. §§ 46:2162-46:2163 (2019).	N/A
Maryland Md. Code Ann., Crim. Proc. § 11-931 (2019). https://niwaplibrary.wcl.american.edu/pubs/md-u-and-t-visa-certification/	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.
Massachusetts Mass. Gen. Laws ch258F §§ 1-4 (2021)	N/A
Minnesota Minn. Stat. § 611A.95 (2023). https://niwaplibrary.wcl.american.edu/pubs/minnesota-u-visa-statute-2023/	Subd. 4.Disclosure prohibited; data classification.(a) A certifying entity is prohibited from disclosing the immigration status of a victim of criminal activity, except to comply with federal law or legal process, or if authorized by the victim of criminal activity or representative requesting the certification.(b) Data provided to a certifying entity under this section is classified as private data pursuant to section 13.02, subdivision 12.
Montana Mont. Code Ann. § 44-4-1503 (2017).	N/A
Nebraska Neb. Rev. Stat. § 29-217 (2020).	N/A
Nevada Nev. Rev. Stat. §§ 217.580-217.585 (2019).	A certifying agency shall not:

[58] *See* Section 21 below.

Nevada Nev. Rev. Stat. §§ 217.580-217.585 (2019). https://niwaplibrary.wcl.american.edu/pubs/nevada-u-visa-cetrificaiton/	(a) Disclose the immigration status of a petitioner unless such a disclosure is mandated by federal law or court order or the petitioner consents, in writing, to such a disclosure… 4. Nothing in this section shall be construed to relieve any obligation placed upon a prosecuting attorney or law enforcement official by the Nevada Constitution or the United States Constitution to disclose exculpatory evidence to a defendant.
North Dakota N.D. Cent. Code, § 12.1-41-18 (2019).	N/A
Oregon Or. Rev. Stat. §147.620 (2023). https://niwaplibrary.wcl.american.edu/pubs/oregon-u-visa-cert-2019-1/	(8)(a) Certifying agencies and certifying officials are prohibited from disclosing the immigration status of a victim or other petitioner unless the disclosure is: (A)Required by federal law or legal process; **or** (B)Authorized by the victim or other petitioner. (b) Documents submitted with a request for certification under this section and any written response to a certification request from a certifying official or agency are confidential and may not be disclosed unless the disclosure is: (A) Required by federal law or legal process; or (B) Required by ORS 135.815 (Disclosure to defendant); (C) Constitutionally required; (D) Requested by a law enforcement agency and necessary for the investigation of a criminal charge; or (E) Authorized by the victim.
Rhode Island 11 R.I. Gen Laws § 11- 67.1- 22 (2017).	N/A
Utah Utah Code Ann Code § 77-38-502 (2026). https://niwaplibrary.wcl.american.edu/pubs/utah-u-cert-law-2026/	(6) A certifying entity is prohibited from disclosing the immigration status of a victim or person requesting the Form I-918 Supplement B certification, except to comply with federal law, or if authorized by the victim or person requesting the Form I-918 Supplement B certification. (8) (a) A certifying entity may not disclose personal identifying information, or information regarding the citizenship or immigration status of any victim of criminal activity or trafficking who is requesting a certification unless: (i) required to do so by applicable state or federal law or court order; or (ii) the certifying agency has written authorization from: (A) the victim; or (B) if the victim is a minor or is otherwise not legally competent, from the victim's parent or guardian. (b) Subsection (8)(a) does not modify legal obligations of a prosecutor or law enforcement to disclose information and evidence to a defendant.
Virginia Va. Code Ann. Code § 9.1-1501 (2021). https://niwaplibrary.wcl.american.edu/pubs/va-u-visa-cert-law-2021/ Virginia Va. Code Ann. Code § 9.1-1501 (2021). https://niwaplibrary.wcl.american.edu/pubs/va-u-visa-cert-law-2021/	G. A certifying official or agency receiving requests for completion of certification forms shall not disclose the immigration status of a victim or person requesting the certification form, except to comply with federal or state law or a legal process or if authorized by the victim or person requesting the certification form. Petitions to courts for enforcement actions for refusals to certify – C.-Any petition filed pursuant to subsection B, along with the record of all hearings and all other pleadings and papers filed, and orders entered in connection with such petition shall be kept under seal by the clerk unless otherwise ordered by the court. D. Nothing in this chapter shall be construed to alter or diminish the duties and requirements of a law-enforcement officer, as defined in § 9.1-101, the attorney for the Commonwealth, or the Attorney General from disclosing exculpatory information to a defendant in a criminal case.
U.S. Virgin Islands V.I. Code Ann. Tit. 14, § 151 (2019).	N/A
Washington Wash. Rev. Code 7.98.020 (2017). https://niwaplibrary.wcl.american.edu/pubs/washington-u-visa-certification-statute-2024/	9) A certifying agency shall not disclose personal identifying information, or information regarding the citizenship or immigration status of any victim of criminal activity or trafficking who is requesting a certification unless required to do so by applicable federal law or court order, or unless the certifying agency has written authorization from the victim or, if the victim is a minor or is otherwise not legally competent, by the victim's parent or guardian. This subsection does not modify prosecutor or law enforcement obligations to disclose information and evidence to defendants under Brady v. Maryland, 373 U.S. 83, 83 S. Ct. 1194, 10 L. Ed. 2d 215 (1963), or Kyles v. Whitley, 514 U.S. 419, 115 S. Ct. 1555; 131 L. Ed. 2d 490 (1995), or any related Washington case law, statutes, or court rules.

16. **Adopting Certification Policies**

Several state laws (5) require certifying agencies to adopt U visa certification policies. This is to ensure people are informed of the process and the certifying agency has a uniform policy for signing certifications. Some state statutes require that certifying agency's U visa certification policies be made public.

- U visa certification included in crime scene family violence response protocols:
  - Statue requires implementation at crime scenes with officer's responsibilities described under the state's Uniform protocols for treating victims of family violence whose immigration status is questionable
    - Connecticut

- Adopt U visa certification policies
  - Statute requires each certifying agency to adopt a policy for completing and signing U and T visa certifications
    - Massachusetts
  - Statute requires each certifying agency to develop written procedures for processing requests for U visa certification
    - Oregon
  - Statute requires certifying agencies to make their procedures for U and T visa certification publicly available
    - Illinois, Virginia
  - Statute requires certifying entity to develop protocols to assist petitioners who have limited English proficiency
    - Maryland

Jurisdiction	Text
Arkansas Ark. Code Ann. § 12-19-104 (2024).	N/A
California Cal. Penal Code. §679.10 (2023).	N/A
Colorado Colo. Rev. Stat. § 24-4.1-401 (2021).	N/A
Connecticut Conn. Gen. State. Ann. § 46b38b(e)(5) (2023). https://niwaplibrary.wcl.american.edu/pubs/connecticut-u-visa-statutes-2014/	(f) It shall be the responsibility of the peace officer at the scene of a family violence incident to provide immediate assistance to the victim. Such assistance shall include, but need not be limited to: … (3) informing the victim of services available, including providing the victim with contact information for a regional family violence organization that employs, or provides referrals to, counselors who are trained in providing trauma-informed care; (4) referring the victim to the Office of Victim Services; and (5) providing assistance in accordance with the uniform protocols for treating victims of family violence whose immigration status is questionable, established pursuant to subsection (i) of this section. In cases where the officer has determined that no cause exists for an arrest, assistance shall include: (A) Assistance as provided in subdivisions (1) to (5), inclusive, of this subsection.
Connecticut Conn. Gen. State. Ann. § 46b38b(e)(5) (2023). https://niwaplibrary.wcl.american.edu/pubs/connecticut-u-visa-statutes-2014/	(i) The Police Officer Standards and Training Council shall establish uniform protocols for treating victims of family violence whose immigration status is questionable and shall make such protocols available to law enforcement agencies. Each law enforcement agency shall adopt and use such protocols on and after the date they are established by the council.
Delaware Del. Code Ann. tit. 11, § 787(n) (2007).	N/A
Illinois 5 Ill. Comp. Stat. 825/10 (2017). https://niwaplibrary.wcl.american.edu/pubs/il-u-visa-cert-law/	Section 10. Certifications for victims of qualifying criminal activity. (a) … Certifying officials shall: (1) respond to requests for completion of certification forms received by the agency, as required by this Section; and (2) make information regarding the agency's procedures for certification requests publicly available for victims of qualifying criminal activity and their representatives. (Assumes development of procedures)
Louisiana La. Stat. Ann. §§ 46:2162-46:2163 (2019).	N/A

Maryland Md. Code Ann., Crim. Proc. § 11-931 (2019).	(K) A certifying entity shall develop protocols to assist petitioners who have limited English proficiency to proceed under this section.
Massachusetts Mass. Gen. Laws ch258F, §§ 1-4 (2021) https://niwaplibrary.wcl.american.edu/pubs/ma-u-visa-cert-law-2021/	"Section 2. A certifying entity shall adopt a policy for completing and signing nonimmigrant status certification forms for: (i) victims of criminal activity who intend to petition for nonimmigrant visas under 8 U.S.C. 1101(a)(15)(U); and (ii) victims of severe forms of trafficking in persons who intend to petition for nonimmigrant visas under 8 U.S.C. 1101(a)(15)(T)."
Minnesota Minn. Stat. § 611A.95 (2023).	N/A
Montana Mont. Code Ann. § 44-4-1503 (2017).	N/A
Nebraska Neb. Rev. Stat. § 29-217 (2020).	N/A
Nevada Nev. Rev. Stat. §§ 217.580-217.585 (2019). https://niwaplibrary.wcl.american.edu/pubs/nevada-u-visa-cetrificaiton/	N/A Requires adoption protocol to assist Limited English Proficient victims see below.
North Dakota N.D. Cent. Code, § 12.1-41-18 (2019).	N/A
Oregon Or. Rev. Stat. §147.620 (2023). https://niwaplibrary.wcl.american.edu/pubs/oregon-u-visa-cert-2019-1/	(10) A certifying agency shall (a) Designate a person or persons within the agency responsible for processing requests for certification under this section. (b) Develop written procedures for processing requests for certification under this section. [2019 c.472 §1; 2021 c.489 §10]
Rhode Island 11 R.I. Gen Laws § 11- 67.1- 22 (2017).	N/A
Utah Utah Code Ann Code § 77-38-502 (2026).	N/A
Virginia Va. Code Ann. Code § 9.1-1501 (2021). https://niwaplibrary.wcl.american.edu/pubs/va-u-visa-cert-law-2021/	A certifying official shall (i) respond to requests for completion of certification forms received by the agency, as required by this section, and (ii) make information regarding the agency's procedures for certification requests publicly available for victims of qualifying criminal activity and their representatives. (Assumes development of procedures)
U.S. Virgin Islands V.I. Code Ann. Tit. 14, § 151 (2019).	N/A
Washington Wash. Rev. Code 7.98.020 (2017). https://niwaplibrary.wcl.american.edu/pubs/washington-u-visa-certification-statute-2024/	N/A Requires adoption protocol to assist Limited English Proficient victims see below.

17. **Procedures Made Publicly Available**

A few states require certifying agencies to make their certification request procedures and other information publicly available. Publicly available procedures allow for members of the public, including noncitizens to access information regarding certifications. It allows for more uniform information about certification procedures among the public and the certifying agencies.

- States that require certifying agencies to publish their certification procedures to provide public notice are:
  - Colorado, Illinois, Minnesota, Virginia, Washington

Jurisdiction	Text
Arkansas Ark. Code Ann. § 12-19-104 (2024).	N/A
California Cal. Penal Code. § 679.10 (2023).	N/A

Colorado Colo. Rev. Stat. § 24-4.1-401 (2021). https://niwaplibrary.wcl.american.edu/pubs/colorado-u-visa-cert/	Certifying agencies shall provide information regarding the U visa and the agency's procedures for certification to victims.
Connecticut Conn. Gen. State. Ann. § 46b38b(e)(5) (2023).	N/A
Delaware Del. Code Ann. tit. 11 § 787(n) (2007).	N/A
Illinois 5 Ill. Comp. Stat. 825/10 (2017). https://niwaplibrary.wcl.american.edu/pubs/il-u-visa-cert-law/	Section 10. Certifications for victims of qualifying criminal activity. (a) … Certifying officials shall: (1) respond to requests for completion of certification forms received by the agency, as required by this Section; and (2) make information regarding the agency's procedures for certification requests publicly available for victims of qualifying criminal activity and their representatives.
Louisiana La. Stat. Ann. §§ 46:2162-46:2163 (2019).	N/A
Maryland Md. Code Ann., Crim. Proc. § 11-931 (2019).	N/A
Massachusetts Mass. Gen. Laws ch258F, §§ 1-4 (2021)	N/A
Minnesota Minn. Stat. § 611A.95 (2023). https://niwaplibrary.wcl.american.edu/pubs/minnesota-u-visa-statute-2023/	Subd. 3.Certifying entity; designate agent.(a) The head of a certifying entity shall designate an agent to perform the following responsibilities: (1) timely process requests for certification;(2) provide outreach to victims of criminal activity to inform them of the entity's certification process; and (3) keep a written or electronic record of all certification requests and responses.
Montana Mont. Code Ann. § 44-4-1503 (2017).	N/A
Nebraska Neb. Rev. Stat. § 29-217 (2020).	N/A
Nevada Nev. Rev. Stat. §§ 217.580-217.585 (2019).	N/A
North Dakota N.D. Cent. Code, § 12.1-41-18 (2019).	N/A
Oregon Or. Rev. Stat. §147.620 (2023).	N/A
Rhode Island 11 R.I. Gen Laws § 11- 67.1- 22 (2017).	N/A
Utah Utah Code Ann Code § 77-38-502 (2026).	N/A
Virginia Va. Code Ann. Code § 9.1-1501 (2021). https://niwaplibrary.wcl.american.edu/pubs/va-u-visa-cert-law-2021/	A certifying official shall (i) respond to requests for completion of certification forms received by the agency, as required by this section, and (ii) make information regarding the agency's procedures for certification requests publicly available for victims of qualifying criminal activity and their representatives.
U.S. Virgin Islands V.I. Code Ann. Tit. 14, § 151 (2019).	N/A
Washington Wash. Rev. Code 7.98.020 (2017). https://niwaplibrary.wcl.american.edu/pubs/washington-u-visa-certification-statute-2024/	The head of each certifying agency shall designate an agent, who performs a supervisory role within the agency, to perform the following responsibilities … (b) Provide outreach to victims of criminal activity and trafficking to inform them of the agency's certification process…. RCW 7.98.030 Crime victim certification steering committee. The office of crime victims advocacy shall convene a crime victim certification steering committee within ninety days of June 7, 2018…. The committee is responsible for the following: (1) Monitoring compliance under this chapter; (2) Developing and implementing training of law enforcement, prosecutors, victim advocates, state agency personnel, court personnel, and others about this chapter; (3) Dissemination of information about this chapter to affected communities and the general public; (4) Establishing mechanisms by which the public can report concerns and recommendations regarding implementation of this chapter;

Washington Wash. Rev. Code 7.98.020 (2017). https://niwaplibrary.wcl.american.edu/pubs/washington-u-visa-certification-statute-2024/	(5) Identifying implementation issues and other trends, and providing recommendations to the governor and the legislature for addressing these issues; (6) Other responsibilities relating to this chapter identified by the committee. [2018 c 86 s 5.]

18. **Involves a State Oversight**

Statutes in six (6) assign the responsibility for U visa certification oversight to the state legislature, the State Attorney General, or a state oversight committee. This section provides an outline of each approach. State oversight helps ensure that certifying agencies are following certification procedures and federal law. For additional information on the roles of and requirements regarding annual reports and training see Sections 19 and 22 below.

- State Legislature: State statute requires that certifying agencies report annually to a state agency responsible for oversight and reporting to the state legislature
    - California, Colorado, Massachusetts, Nevada, Oregon, Utah

- State's Attorney General is involved in enforcement of the certification statute
    - Illinois

- State Multi-Disciplinary Committee of Appointees: State statute created a multi-disciplinary committee of members who serve voluntarily that is staffed by the state's office of crime victim advocacy that is responsible for:
    - Monitoring compliance with certification in the state
        - Washington
    - Developing and implementing training of law enforcement, prosecutors, victim advocates, state agency personnel, court personnel about certification requirements
        - Washington
    - Distributing information about certification to immigrant communities and the general public
        - Washington
    - Establishing mechanisms by which the public can report concerns and recommendations regarding implementation of certification in the state
        - Washington
    - (5) Identifying implementation issues and other trends, and providing recommendations to the governor and the legislature for addressing these issues
        - Washington

Jurisdiction	Text
Arkansas Ark. Code Ann. § 12-19-104 (2024).	N/A
California Cal. Penal Code. § 679.10 (2023). https://niwaplibrary.wcl.american.edu/california-sb-674-u-cert-law/	U visa (n) A certifying entity that receives a request for a Form I-918 Supplement B certification shall report to the Legislature annually the number of victims that requested Form I-918 Supplement B certifications from the entity, the number of those certification forms that were signed, and the number that were denied. A report pursuant to this subdivision shall comply with Section 9795 of the Government Code.
California Cal. Penal Code. § 679.10 (2023). https://niwaplibrary.wcl.american.edu/california-sb-674-u-cert-law/	T visa (m)A certifying entity that receives a request for a Form I-914 Supplement B declaration shall report to the Legislature, on or before January 1, 2018, and annually thereafter, the number of victims who requested Form I-914 Supplement B declarations from the entity, the number of those declaration forms that were signed, and the number that were denied. A report pursuant to this subdivision shall comply with Section 9795 of the Government Code.
Colorado Colo. Rev. Stat. § 24-4.1-401 (2021). https://niwaplibrary.wcl.american.edu/pubs/colorado-u-visa-cert/	(1) Annually a certifying agency that receives a request for a certification shall report to the Division of Criminal Justice In The Department Of Public Safety on an annual basis … (2) The division shall make the reports available to the public upon request.
Connecticut Conn. Gen. State. Ann. § 46b38b(e)(5) (2023).	N/A
Delaware Del. Code Ann. tit. 11, § 787(n) (2007).	N/A

Illinois 5 Ill. Comp. Stat. 825/10 (2017). https://niwaplibrary.wcl.american.edu/pubs/il-u-visa-cert-law/	Attorney General enforcement provisions. In order to ensure compliance with this Act: (a) The Attorney General shall have authority to conduct investigations into violations of this Act.
Louisiana La. Stat. Ann. §§ 46:2162-46:2163 (2019).	N/A
Maryland Md. Code Ann., Crim. Proc. § 11-931 (2019).	N/A
Massachusetts Mass. Gen. Laws ch258F, §§ 1-4 (2021) https://niwaplibrary.wcl.american.edu/pubs/ma-u-visa-cert-law-2021/	Section 4. (a) Annually, each certifying entity shall report to The Executive Office of Public Safety And Security (b) Annually, The Executive Office Of Public Safety And Security shall file a report with the clerks of the house of representatives and the senate, the joint committee on the judiciary and the joint committee on public safety and homeland security on the information received under subsection (a)…The executive office shall also make the report publicly available on its website.
Minnesota Minn. Stat. § 611A.95 (2023).	N/A
Montana Mont. Code Ann. § 44-4-1503 (2017).	N/A
Nebraska Neb. Rev. Stat. § 29-217 (2020).	N/A
Nevada Nev. Rev. Stat. §§ 217.580-217.585 (2019).	3.Annually each certifying agency that receives a request for a certification pursuant to NRS 217.580 shall submit a report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature that sets forth: (a) The number of such requests received by the certifying agency; (b) The number of certifications completed by the certifying agency; (c) The number of certifications denied by the certifying agency; and (d) For each denial of a certification by the certifying agency, the reasons for that denial. Sec. 11. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.0
North Dakota N.D. Cent. Code, § 12.1-41-18 (2019).	N/A
Oregon Or. Rev. Stat. §147.620 (2023). https://niwaplibrary.wcl.american.edu/pubs/oregon-u-visa-cert-2019-1/	Sec. 2. (1)(a) Annually all certifying agencies that received certification requests under section 1 of this 2019 Act [147.620 (Certification procedures)] within the previous calendar year shall report to the Oregon Criminal Justice Commission in the manner described in this subsection. (1)(b) A report required under this subsection shall be in a format specified by the commission by rule… (2) The commission shall maintain a list of certifying agencies other than individual judges within the state in order to monitor compliance with the reporting requirement described in subsection (1) of this section. (3)(a)Within 90 days of receiving reports under subsection (1) of this section, the commission shall prepare a comprehensive report on the certification process within this state and submit the comprehensive report, in the manner described in ORS 192.245 (Form of report to legislature), to the committees of the Legislative Assembly related to the judiciary. The report shall identify any certifying agency that did not submit a report as required by subsection (1) of this section.
Rhode Island 11 R.I. Gen Laws § 11- 67.1- 22 (2017).	N/A
Utah Utah Code Ann Code § 77-38-502 (2026). https://niwaplibrary.wcl.american.edu/pubs/utah-u-cert-law-2026/	3) "Department" means the Department of Criminal Justice created in Section 75E-2-102. (b) Each certifying entity shall report the information described in Subsection (7)(a) to the department before June 30, 2021, and each year thereafter. (c) The department shall report the information received in accordance with Subsection (7)(b) to the Judiciary Interim Committee of the Legislature on or before November 30 of each year. **75E-2-102. Creation of department.** (1) There is created within state government the Department of Criminal Justice. (2) The department has all of the policymaking functions, regulatory and enforcement powers, rights, duties, and responsibilities described in this title.
Virginia Va. Code Ann. Code § 9.1-1501 (2021).	N/A
U.S. Virgin Islands V.I. Code Ann. Tit. 14, § 151 (2019).	N/A

Washington Wash. Rev. Code 7.98.020 (2017). https://niwaplibrary.wcl.american.edu/pubs/washington-u-visa-certification-statute-2024/	RCW 7.98.030 Crime victim certification steering committee. The office of crime victims advocacy shall convene a crime victim certification steering committee within ninety days of June 7, 2018. The office of crime victims advocacy shall provide administrative support for the committee. The committee must include members representing immigrant communities, law enforcement, prosecutors, the criminal justice training commission, providers of services to survivors of crime victims including domestic violence, sexual assault, human trafficking, and other crimes, a representative from the department of labor and industries charged with enforcement of workplace standards, and may include other entities concerned with victim safety and effective collaboration between immigrant communities and local law enforcement entities. The members of the committee shall serve without compensation. Members are reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060, subject to available resources and other limitations in chapter 43.03 RCW. The committee is responsible for the following: (1) Monitoring compliance under this chapter; (2) Developing and implementing training of law enforcement, prosecutors, victim advocates, state agency personnel, court personnel, and others about this chapter; (3) Dissemination of information about this chapter to affected communities and the general public; (4) Establishing mechanisms by which the public can report concerns and recommendations regarding implementation of this chapter; (5) Identifying implementation issues and other trends, and providing recommendations to the governor and the legislature for addressing these issues; (6) Other responsibilities relating to this chapter identified by the committee.

19. **Annual Reports**

State statutes in ten (10) states require annual reporting on U visa certification requests, denials, and withdraws and five (5) of these states also require reporting on T visa declarations. The annual reports assist in providing statistics to the state about U and T visa certifications by certifying agencies in the state each year. Annual reporting also assists the state in identifying existing and emerging problems with compliance by agencies in the state with the state's U and T visa certification laws. Annual reports are generally required to be submitted to a state government agency or the legislature. Two state statutes require that annual reports be made publicly available.

- Made annually to:
    - State Government Agency
        - Colorado (Dept. Of Public Safety)
        - Connecticut (Commissioner of Emergency Services and Public Protection)
        - Illinois (U and T visas) (State Attorney General)
        - Massachusetts (Executive Office on Public Safety) (U and T visas)
        - Oregon (Criminal Justice Commission)
        - Washington (Office of Crime Victim Advocacy) (U and T visas)
    - Legislature:
        - State agency required to prepare a report to the legislature on certification annually
        - California (U and T visas), Nevada
            - Massachusetts: Executive Office on Public Safety which is required to report total numbers requested, signed, and denied by certifying agency to the legislature)
            - Oregon: Criminal Justice Commission which is required to maintain a list of certifying agencies and provide a report to the legislature which includes identifying certifying agencies who failed to file reports
            - Utah: State Commission on Criminal and Juvenile Justice on the number of certification requests, number signed, and number denied.

- Data kept by the certifying agency:
  - Data on certification requests, number signed, and number denied must be kept by each certifying agency
    - Nebraska (U and T visas for 3 years), Utah

- Reporting on
  - The number of:
    - Certification requests
      - California (U and T visas), Colorado, Massachusetts (U and T visas), Nevada, Oregon, Utah, Washington (U and T visas)
    - Certifications signed
      - California (U and T visas), Colorado, Massachusetts (U and T visas), Nevada, Oregon, Utah, Washington (U and T visas)
    - Certifications denied
      - California (U and T visas)
      - Colorado (must separately report on each statutorily permitted reason for denial),
      - Massachusetts (U and T visas),
      - Nevada (report must include reasons for denials),
      - Oregon (must separately report on each statutorily permitted reasons for denial),
      - Utah,
      - Washington (U and T visas)
    - Certifications withdrawn
      - Washington (U and T visas)
    - Certifications pending on the date report submitted
      - Oregon (U and T visas)
    - Certification decisions that did not meet required statutory deadlines
      - Colorado
  - Timeliness:
    - States require certifying agencies to report the date they received the certification request and the date of their decision.
      - Illinois (U and T visas)
  - Agency not receiving certification requests:
    - If an agency receives no requests for completion of a certification form during a reporting period, the agency shall certify and report that it received no such requests.
      - Illinois (U and T visas)

- Reports publicly available:
  - Statute requires that reports are made publicly available:
    - Colorado (on request), Massachusetts (U and T visas)
- No personally identifying information:
  - Statute requires that reports not contain any personally identifying information
    - Illinois (U and T visas), Massachusetts (U and T visas), Oregon

Jurisdiction	Text
Arkansas Ark. Code Ann. § 12-19-104 (2024).	N/A
California Cal. Penal Code. §679.10 (2023).	U visa (n) A certifying entity that receives a request for a Form I-918 Supplement B certification shall report to the Legislature annually the number of victims that requested Form I-918

https://niwaplibrary.wcl.american.edu/california-sb-674-u-cert-law/	Supplement B certifications from the entity, the number of those certification forms that were signed, and the number that were denied. A report pursuant to this subdivision shall comply with Section 9795 of the Government Code. T visa (m)A certifying entity that receives a request for a Form I-914 Supplement B declaration shall report to the Legislature, on or before January 1, 2018, and annually thereafter, the number of victims who requested Form I-914 Supplement B declarations from the entity, the number of those declaration forms that were signed, and the number that were denied. A report pursuant to this subdivision shall comply with Section 9795 of the Government Code.
Colorado Colo. Rev. Stat. § 24-4.1-401 (2021). https://niwaplibrary.wcl.american.edu/pubs/colorado-u-visa-cert/	(1) Annually a certifying agency that receives a request for a certification shall report to the Division of Criminal Justice In The Department Of Public Safety on an annual basis and in aggregate form, subject to the restrictions set forth in section 24-4.1-404, the following: (a) The number of requests for certification received; (b) The number of certifications that were signed; (c) The total number that were denied; (d) The number of certifications that were denied for each reason specified pursuant to section 24-4.1-403(7); and (e) The number of decisions that fell outside the prescribed completion deadlines. (2) The division shall make the reports available to the public upon request.
Connecticut Conn. Gen. State. Ann. § 46b38b(e)(5) (2023). https://niwaplibrary.wcl.american.edu/pubs/connecticut-u-visa-statutes-2014/	Annually …each law enforcement agency shall submit a report to the Commissioner of Emergency Services and Public Protection, in such form as the commissioner prescribes, regarding the law enforcement agency's compliance with the model law enforcement policy on family violence for the state. This training includes requirements regarding information and referral to be provide to immigrant victims and law enforcement agency duties regarding U visa certification
Delaware Del. Code Ann. tit. 11, § 787(n) (2007).	N/A
Illinois 5 Ill. Comp. Stat. 825/10 (2017). https://niwaplibrary.wcl.american.edu/pubs/il-u-visa-cert-law/	(5 ILCS 825/20) Sec. 20. Reporting requirements. (a) In order to ensure compliance with this Act, starting on the effective date of this amendatory Act of the 102nd General Assembly, law enforcement agencies shall submit a report annually to the Attorney General. This report shall include the following information regarding any requests for completion of a certification form under Section 10 of this Act: (1) the date of receipt of such request; and (2) the date on which the law enforcement agency provided the completed certification form to the requester or provided written notice explaining why the available evidence does not support a finding that the requester is a victim of qualifying criminal activity. If an agency receives no requests for completion of a certification form during a reporting period, the agency shall certify and report that it received no such requests. (b) Law enforcement agencies shall not include names or other personally identifying information in any reports required under this Section.
Louisiana La. Stat. Ann. §§ 46:2162-46:2163 (2019).	N/A
Maryland Md. Code Ann., Crim. Proc. § 11-931 (2019).	N/A
Massachusetts Mass. Gen. Laws ch258F, §§ 1-4 (2021) https://niwaplibrary.wcl.american.edu/pubs/ma-u-visa-cert-law-2021/ Massachusetts Mass. Gen. Laws ch258F, §§ 1-4 (2021) https://niwaplibrary.wcl.american.edu/pubs/ma-u-visa-cert-law-2021/	Section 4. (a) Annually, each certifying entity shall report to the executive office of public safety and security: (i) the number of individuals that requested nonimmigrant status certification; (ii) the number of certification forms that were completed and signed; and (iii) the number of such requests that were denied. The information reported under this subsection shall not include any personal identifying information of an individual requesting nonimmigrant status certification. (b) Annually, The Executive Office Of Public Safety And Security shall file a report with the clerks of the house of representatives and the senate, the joint committee on the judiciary and the joint committee on public safety and homeland security on the information received under subsection (a). The report shall include, but not be limited to: (i) the number of individuals that requested nonimmigrant status certification, delineated by certifying entity; (ii) the number of certification forms that were completed and signed, delineated by certifying entity; (iii) the number of such requests that were denied, delineated by certifying entity; and (iv) total statewide statistics on nonimmigrant status certifications and denials. The report shall not include information that would allow the public to ascertain the identity of an individual requesting nonimmigrant status certification. The executive office shall also make the report publicly available on its website.
Minnesota Minn. Stat. § 611A.95 (2023).	N/A
Montana	N/A

Mont. Code Ann. § 44-4-1503 (2017).	
Nebraska Neb. Rev. Stat. § 29-217 (2020). https://niwaplibrary.wcl.american.edu/pubs/neb-u-and-t-certification-law/	(7) A law enforcement agency or certifying agency that receives a request under this section shall maintain an internal record of such request, including whether such request was granted or denied and, if denied, the reasons for such denial. Such record shall be maintained for at least three years from completion or denial of the request
Nevada Nev. Rev. Stat. §§ 217.580-217.585 (2019). https://niwaplibrary.wcl.american.edu/pubs/nevada-u-visa-cetrificaiton/	3. Annually each certifying agency that receives a request for a certification pursuant to NRS 217.580 shall submit a report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature that sets forth: (a) The number of such requests received by the certifying agency; (b) The number of certifications completed by the certifying agency; (c) The number of certifications denied by the certifying agency; and (d) For each denial of a certification by the certifying agency, the reasons for that denial. Sec. 11. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.0
North Dakota N.D. Cent. Code, § 12.1-41-18 (2019).	N/A
Oregon Or. Rev. Stat. §147.620 (2023). https://niwaplibrary.wcl.american.edu/pubs/oregon-u-visa-cert-2019-1/	Sec. 2. (1)(a) Annually all certifying agencies that received certification requests under section 1 of this 2019 Act [147.620 (Certification procedures)] within the previous calendar year shall report to the Oregon Criminal Justice Commission in the manner described in this subsection. (1)(b) A report required under this subsection shall be in a format specified by the commission by rule and must include the following information: (A)The total number, within the previous year, of certification requests received, requests granted and requests denied, and the number of pending certifications on the date of the report; and (B)For denied certification requests, the number of times each of the following were the reason for the denial: (i) Lack of qualifying criminal activity; (ii) Lack of helpfulness; (iii) Lack of jurisdiction over certification request; or (iv) Other circumstances for which a certifying official or agency may lawfully deny certification. (1)(c)A report made under this subsection may not contain any personally identifying information. (2) The commission shall maintain a list of certifying agencies other than individual judges within the state in order to monitor compliance with the reporting requirement described in subsection (1) of this section. (3)(a)Within 90 days of receiving reports under subsection (1) of this section, the commission shall prepare a comprehensive report on the certification process within this state and submit the comprehensive report, in the manner described in ORS 192.245 (Form of report to legislature), to the committees of the Legislative Assembly related to the judiciary. The report shall identify any certifying agency that did not submit a report as required by subsection (1) of this section. (3)(b) Notwithstanding section 1 (8)(b) of this 2019 Act, in preparing the report under paragraph (a) of this subsection, the commission may request from a certifying agency or official copies of denial notifications containing personally identifying information if the information is needed in order to prepare an accurate report. The certifying agency or official shall provide the denial notification to the commission on request. A denial notification received under this paragraph is confidential. [2019 c.472 §2]
Rhode Island 11 R.I. Gen Laws § 11- 67.1- 22 (2017).	N/A
Utah Utah Code Ann Code § 77-38-502 (2026). https://niwaplibrary.wcl.american.edu/pubs/utah-u-cert-law-2026/	(7) (a) Each certifying entity shall maintain records of the following information related to each request for a Form I-918 Supplement B certification: (i) the number of victims that requested Form I-918 Supplement B certifications from the entity; (ii) the number of those Form I-918 Supplement B certifications that were signed; and (iii) the number of Form I-918 Supplement B certifications that were denied. (b) Each certifying entity shall report the information described in Subsection (7)(a) to the department before June 30, 2021, and each year thereafter. (c) The department shall report the information received in accordance with Subsection (7)(b) to the Judiciary Interim Committee of the Legislature on or before November 30 of each year. (3) "Department" means the Department of Criminal Justice created in Section 75E-2-102.
Virginia Va. Code Ann. Code § 9.1-1501 (2021).	N/A
U.S. Virgin Islands V.I. Code Ann. Tit. 14, § 151 (2019).	N/A
Washington Wash. Rev. Code 7.98.020 (2017).	(6) The head of each certifying agency shall designate an agent, who performs a supervisory role within the agency, to perform the following responsibilities:

https://niwaplibrary.wcl.american.edu/pubs/washington-u-visa-certification-statute-2024/	(a) Respond to requests for certifications; (b) Provide outreach to victims of criminal activity and trafficking to inform them of the agency's certification process; and (c) Keep written documentation regarding the number of victims who requested certifications, the number of certification forms that were signed, the number of certification forms that were denied, and the number of certifications that were withdrawn, which must be reported to the office of crime victims advocacy on an annual basis.

20. **Maintaining Copies of Certifications**

USCIS encourages certifying agencies to make two originals of the signed U visa certification and to provide one original to the victim to include in their U visa application and keep the second original in the certifying agency's records.[59] Four (4) state statutes require certifying agencies to keep copies of their U visa certifications including generally certifications requested, granted, denied (with reasons for denial), and withdrawn. Best practice is to written or electronic copies of U visa certifications issues for a sufficient amount of time until the victim's U visa case and their application for lawful permanent residence based on receipt of a U visa can both be adjudicated. This approach ensures that U visa certifications remain accessible by the certifying agency to meet the victim's recertification needs when they apply for lawful permanent residence. This also supports the ability of the certifying agency to swiftly respond to questions should USCIS contact the agency about a U visa certification the agency signed. [60]

- Certifying agency shall keep:
  - Written or electronic records of all certification requests
    - Minnesota, Nebraska, Utah, Washington
  - Written or electronic records of all certification responses
    - Minnesota, Nebraska, Utah, Washington
      - Granted
        - Nebraska, Utah, Washington
      - Denied
        - Nebraska, Oregon, Utah, Washington
      - Reasons for denial
        - Nebraska
      - Withdrawn
        - Washington
  - Copies of written denials must be kept and are to be available in response to requests from the Oregon Criminal Justice Commission
    - Oregon
- Maintain records for specific period of time
  - Nebraska (3 years), Oregon (3 years)

Jurisdiction	Text
Arkansas Ark. Code Ann. § 12-19-104 (2024).	N/A
California Cal. Penal Code. §679.10 (2023).	Reporting requirements are silent on whether records need to be retained.

[59] USCIS, U VISA LAW ENFORCEMENT RESOURCE GUIDE FOR FEDERAL, STATE, LOCAL, TRIBAL AND TERRITORIAL LAW ENFORCEMENT, PROSECUTORS, JUDGES AND OTHER GOVERNMENT AGENCIES at 12 (February 28, 2022), https://niwaplibrary.wcl.american.edu/pubs/u-visa-certification-resource-guide-2022/ (This helps the certifying agency locate and refer to the certification should USCIS contact the certifying agency with questions about the certification).

[60] Although these states only require that state agencies maintain certifications for three years, as of December 2024 it was taking over 51 months for USCIS to issue bona fide determinations in U visa cases and up to 15 years for a U visa applicant to be granted a U visa. U visa recipients are eligible to apply for lawful permanent residence after 3 years as a U visa holder and those cases are taking up to over two years to adjudicate. As a result the total time from filing to lawful permanent residence for a U visa applicant will be over two decades. *See*, USCIS, CHECK CASE PROCESSING TIMES, https://egov.uscis.gov/processing-times/; USCIS, FORM I-918, PETITION FOR U NONIMMIGRANT STATUS, BY FISCAL YEAR, QUARTER, AND CASE STATUS AND FORM I-918, PETITION FOR U NONIMMIGRANT STATUS, BONA FIDE DETERMINATION REVIEW (FISCAL YEAR 2024, QUARTER 4), https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.uscis.gov%2Fsites%2Fdefault%2Ffiles%2Fdocument%2Fdata%2Fi918u_visastatistics_fy2024_q4.xlsx&wdOrigin=BROWSELINK.

https://niwaplibrary.wcl.american.edu/california-sb-674-u-cert-law/	
Colorado Colo. Rev. Stat. § 24-4.1-401 (2021).	N/A
Connecticut Conn. Gen. State. Ann. § 46b38b(e)(5) (2023).	N/A
Delaware Del. Code Ann. tit. 11, § 787(n) (2007).	N/A
Illinois 5 Ill. Comp. Stat. 825/10 (2017).	N/A
Louisiana La. Stat. Ann. §§ 46:2162-46:2163 (2019).	N/A
Maryland Md. Code Ann., Crim. Proc. § 11-931 (2019).	N/A
Massachusetts Mass. Gen. Laws ch258F, §§ 1-4 (2021) https://niwaplibrary.wcl.american.edu/pubs/ma-u-visa-cert-law-2021/	Reporting requirements are silent on whether records need to be retained.
Minnesota Minn. Stat. § 611A.95 (2023). https://niwaplibrary.wcl.american.edu/pubs/minnesota-u-visa-statute-2023/	Subd. 3.**Certifying entity; designate agent.** (a) The head of a certifying entity shall designate an agent to perform the following responsibilities: (1) timely process requests for certification; (2) provide outreach to victims of criminal activity to inform them of the entity's certification process; and (3) keep a written or electronic record of all certification requests and responses
Montana Mont. Code Ann. § 44-4-1503 (2017).	N/A
Nebraska Neb. Rev. Stat. §29-217 (2020). https://niwaplibrary.wcl.american.edu/pubs/neb-u-and-t-certification-law/	7) A law enforcement agency or certifying agency that receives a request under this section shall maintain an internal record of such request, including whether such request was granted or denied and, if denied, the reasons for such denial. Such record shall be maintained for at least three years from completion or denial of the request
Nevada Nev. Rev. Stat. §§ 217.580-217.585 (2019).	N/A
North Dakota N.D. Cent. Code, § 12.1-41-18 (2019).	N/A
Oregon Or. Rev. Stat. §147.620 (2023). https://niwaplibrary.wcl.american.edu/pubs/oregon-u-visa-cert-2019-1/ Oregon Or. Rev. Stat. §147.620 (2023). https://niwaplibrary.wcl.american.edu/pubs/oregon-u-visa-cert-2019-1/	(7)(d) A certification agency shall keep a copy of a denial notification for at least three years from the date of the notification. (3)(b) Notwithstanding section 1 (8)(b) of this 2019 Act, in preparing the report under paragraph (a) of this subsection, the commission may request from a certifying agency or official copies of denial notifications containing personally identifying information if the information is needed in order to prepare an accurate report. The certifying agency or official shall provide the denial notification to the commission on request. A denial notification received under this paragraph is confidential. [2019 c.472 §2]
Rhode Island 11 R.I. Gen Laws § 11- 67.1- 22 (2017).	N/A
Utah Utah Code Ann Code § 77-38-502 (2026). https://niwaplibrary.wcl.american.edu/pubs/utah-u-cert-law-2026/	(7)(a) Each certifying entity shall maintain records of the following information related to each request for a Form I-918 Supplement B certification: (i) the number of victims that requested Form I-918 Supplement B certifications from the entity; (ii) the number of those Form I-918 Supplement B certifications that were signed; and (iii) the number of Form I-918 Supplement B certifications that were denied.
Virginia Va. Code Ann. Code § 9.1-1501 (2021).	N/A
U.S. Virgin Islands V.I. Code Ann. Tit. 14, § 151 (2019).	N/A
Washington Wash. Rev. Code 7.98.020 (2017). https://niwaplibrary.wcl.american.edu/pubs/washington-u-visa-certification-statute-2024/	(c) Keep written documentation regarding the number of victims who requested certifications, the number of certification forms that were signed, the number of certification forms that were denied, and the number of certifications that were withdrawn, which must be reported to the office of crime victims advocacy on an annual basis.

21. **Immunity and Enforcement Including Judicial or Agency Review**

Four (4) state statutes provide immunity from liability for certifying agencies who act in good faith to comply with state certification requirements, with three states including immunity exceptions for willful or wonton misconduct or gross negligence.

States that include mechanism of appeal of U visa certification denials or delays in issuance of certifications beyond the state's statutorily imposed deadlines take three different approaches outlined below – judicial review by a state court judge (Virginia); state Attorney General review (Illinois), or appeal to the certifying agency (Colorado, Illinois). Three states authorize attorney's fees and court costs or the prevailing party related to enforcement actions for certification denials and delays.

- Immunity from liability provided to certifying agencies and certifying officials who act or fail to act in good faith to comply with state statutory certification requirements
    - Illinois, Maryland, Oregon
        - Except in cases of
            - Willful or wanton misconduct
                - Illinois, Maryland, Virginia
            - Gross negligence
                - Virginia

- Court Review: Victims authorized to seek court review
    - Within 30 days of a certifying agency's failure to respond within statutory timeframes or refusal to certify that an applicant was a victim of qualifying criminal activity
        - Virginia
        - The circuit court shall hold an evidentiary hearing within 30 days and it the court finds by a preponderance of the evidence that the certifying agency's failure to sign the certification, the court may execute the certification
            - Virginia (statute includes details about court enforcement proceedings)
        - Upon finding that the certifying agency denied the application without a factual or legal justification, or failed to respond to the applicant, the circuit court shall make an award of reasonable costs and attorney fees to a prevailing applicant.
            - Virginia
        - Courts are required to maintain all court records related on enforcement actions under seal absent court order
            - Virginia

- Enforcement by the State Attorney General
    - The Attorney General
        - Shall have authority to conduct investigations into violations of this Act
            - Illinois
                - Including requiring certifying officials to provide written statements and testimony under oath and comply with subpoenas
                    - Illinois
        - May compel compliance may maintain an action for declaratory, injunctive or any other equitable relief through a circuit court action
            - Illinois

- Appeal to the Certifying Agency:
    - Certifying agencies required to notify victims denied certification or their right to appeal the denial to the certifying agency
        - Colorado, Illinois
            - Certifying agency shall respond to appeals within 30 business days

        - Illinois
    - Victim is not required to exhaust administrative appeal before filing a mandamus action or seeking other equitable relief:
        - Illinois

- Attorney's Fees:
    - Attorney's fees and court costs authorized only when the victim can demonstrate willful and wanton misconduct
        - Illinois, Maryland
    - Upon finding that the certifying agency denied the application without a factual or legal justification, or failed to respond to the applicant, the circuit court shall make an award of reasonable costs and attorney fees to a prevailing applicant.
        - Virginia

Jurisdiction	Text
Arkansas Ark. Code Ann. § 12-19-104 (2024).	N/A
California Cal. Penal Code. §679.10 (2023).	N/A
Colorado Colo. Rev. Stat. § 24-4.1-401 (2021). https://niwaplibrary.wcl.american.edu/pubs/colorado-u-visa-cert/	(8) Upon receiving notice that a request for a certification form pursuant to this section is denied, a requestor may provide supplemental information to the certifying agency and request that the certification form denial be reviewed by the certifying Agency.
Connecticut Conn. Gen. State. Ann. § 46b38b(e)(5) (2023).	N/A
Delaware Del. Code Ann. tit. 11, § 787(n) (2007).	N/A
Illinois 5 Ill. Comp. Stat. 825/10 (2017). https://niwaplibrary.wcl.american.edu/pubs/il-u-visa-cert-law/ Illinois 5 Ill. Comp. Stat. 825/10 (2017). https://niwaplibrary.wcl.american.edu/pubs/il-u-visa-cert-law/	If the certifying official cannot determine that the applicant is a victim of qualifying criminal activity, the certifying official may provide written notice to the person or the person's representative explaining why the available evidence does not support a finding that the person is a victim of qualifying criminal activity. The certifying official shall submit the notice to the address provided in the request and shall provide contact information should the requester desire to appeal the decision. The certifying agency or certifying official shall accept all appeals and must respond to the appeals within 30 business days. (b) Notwithstanding subsection (a), no requester is required to exhaust an administrative appeal under subsection (a) before filing a mandamus action or seeking other equitable relief in circuit court for a completed certification form required under Section 10. A certifying agency or certifying official acting or failing to act in good faith in compliance with this Act shall have immunity from civil or criminal liability that might otherwise occur as a result of so acting or failing to act, with the exception of willful or wanton misconduct. Any action brought to seek enforcement of this Act shall be ineligible to seek attorney's fees and costs, unless the action demonstrates willful or wanton misconduct by a certifying agency or certifying official. Attorney General enforcement provisions. In order to ensure compliance with this Act: (a) The Attorney General shall have authority to conduct investigations into violations of this Act. The Attorney General may: (1) require a law enforcement agency, law enforcement official, or any other person or entity to file a statement or report in writing under oath or otherwise, as to all information the Attorney General may consider necessary; (2) examine under oath any law enforcement official or any other person alleged to have participated in or with knowledge of the alleged violation; or (3) issue subpoenas, obtain records, conduct hearings, or take any other actions in aid of any investigation. In the event a law enforcement agency, law enforcement official, or other person or entity fails to comply, in whole or in part, with a subpoena or other investigative request issued pursuant to this paragraph, the Attorney General may compel compliance through an action in the circuit court. (b) Upon his or her own information or upon the complaint of any person, the Attorney General may maintain an action for declaratory, injunctive or any other equitable relief in the circuit court against any law enforcement agency, law enforcement official, or other person or entity who violates any

	provision of this Act. These remedies are in addition to, and not in substitution for, other available remedies. (Source: P.A. 102-234, eff. 8-2-21.) C. Any petition filed pursuant to subsection B, along with the record of all hearings and all other pleadings and papers filed, and orders entered in connection with such petition shall be kept under seal by the clerk unless otherwise ordered by the court.
Louisiana La. Stat. Ann. §§ 46:2162-46:2163 (2019).	N/A
Maryland Md. Code Ann., Crim. Proc. § 11-931 (2019). https://niwaplibrary.wcl.american.edu/pubs/md-u-and-t-visa-certification/	**(h)(1)** Except in cases of willful or wanton misconduct, a certifying entity or certifying official who acts or fails to act in good faith in compliance with this section has the immunity from liability described under § 5-643 of the Courts Article. **(2)** A person who brings an action to seek enforcement of this section may not be awarded attorney's fees or costs unless the action demonstrates willful or wanton misconduct by a certifying entity or certifying official. *Md. Code, CP § 11-931*
Massachusetts Mass. Gen. Laws ch258F, §§ 1-4 (2021)	N/A
Minnesota Minn. Stat. § 611A.95 (2023).	N/A
Montana Mont. Code Ann. § 44-4-1503 (2017).	N/A
Nebraska Neb. Rev. Stat. §29-217 (2020).	N/A
Nevada Nev. Rev. Stat. §§ 217.580-217.585 (2019).	N/A
North Dakota N.D. Cent. Code § 12.1-41-18 (2019).	N/A
Oregon Or. Rev. Stat. §147.620 (2023). https://niwaplibrary.wcl.american.edu/pubs/oregon-u-visa-cert-2019-1/	(7)(e) A decision by a certifying agency to deny certification under this section is not appealable under ORS chapter 19. (9) A certifying official is immune from civil and criminal liability for, in good faith, certifying or denying certification under this section.
Rhode Island 11 R.I. Gen Laws § 11- 67.1- 22 (2017).	N/A
Utah Utah Code Ann Code § 77-38-502 (2026).	N/A
Virginia Va. Code Ann. Code § 9.1-1501 (2021). https://niwaplibrary.wcl.american.edu/pubs/va-u-visa-cert-law-2021/	A. A certifying agency or certifying official acting or failing to act in good faith in compliance with this chapter shall have immunity from civil or criminal liability that may otherwise occur as a result of so acting or failing to act, except for gross negligence or willful or wanton misconduct. B. If a certifying agency fails to respond within the statutory timeframes or refuses to certify that an applicant was a victim of qualifying criminal activity, the applicant may petition a circuit court to review the determination of the certifying agency within 30 days of such determination or within 30 days of the expiration of the statutory timeframe in subsection D. The circuit court shall conduct an evidentiary hearing on such petition within 30 days of the filing of the petition. Upon conducting a hearing and the circuit court being satisfied that the applicant having proven their eligibility for completion of a certification form by a preponderance of the evidence and the circuit court having found that the certifying agency's refusal to sign was unreasonable, a circuit court judge may execute the certification form. In assessing the reasonableness of the certifying agency's decision or failure to respond, the circuit court may consider whether the applicant has complied with the terms of this section and whether circumstances exist that would justify a deferral of a decision including whether a certification would jeopardize an ongoing criminal investigation or prosecution or the safety of an individual, cause a suspect to flee or evade detection, result in the destruction of evidence, or the applicant's cooperation is not complete. Upon finding that the certifying agency denied the application without a factual or legal justification, or failed to respond to the applicant, the circuit court shall make an award of reasonable costs and attorney fees to a prevailing applicant. Such determination shall be without prejudice to any future proceeding premised upon a material change in circumstances.
Virginia Va. Code Ann. Code § 9.1-1501 (2021). https://niwaplibrary.wcl.american.edu/pubs/va-u-visa-cert-law-2021/	C. Any petition filed pursuant to subsection B, along with the record of all hearings and all other pleadings and papers filed, and orders entered in connection with such petition shall be kept under seal by the clerk unless otherwise ordered by the court.
U.S. Virgin Islands V.I. Code Ann. Tit. 14 § 151 (2019).	N/A
Washington Wash. Rev. Code 7.98.020 (2017).	N/A

22. **Training Requirements**

To create a uniform certification process, three (3) states have statutes that require training on U and T visa certification for certifying agency officials and staff. Aside from U and T Visas, some states incorporate other training topics related to best practices for working on family violence cases and particularly with immigrant victims.

- Includes training on U and T visas
  - Connecticut (U visa only), Illinois, Washington
- Requires training on the state's Family Violence Model Policy which includes
  - Requirements regarding treatment of persons whose immigration status is questionable and building relationships with family violence organizations who provide trauma-informed care to victims
    - Connecticut (U visa only)
- Requires development and adoption of minimum standards for a course of study on U and T nonimmigrant visas, other legal protections for immigrant survivors of criminal activity, and promising practices in working with immigrant victims:
  - Washington

Jurisdiction	Text
Arkansas Ark. Code Ann. § 12-19-104 (2024).	N/A
California Cal. Penal Code. §679.10 (2023).	N/A
Colorado Colo. Rev. Stat. § 24-4.1-401 (2021).	N/A
Connecticut Conn. Gen. State. Ann. § 46b38b(e)(5) (2023). https://niwaplibrary.wcl.american.edu/pubs/connecticut-u-visa-statutes-2014/	Annually … the chairperson of the Police Officer Standards and Training Council shall provide notice of updates to the model policy, if any, adopted by the council during the prior calendar year, to the chief law enforcement officer of each municipality having a police department, the law enforcement instructor of each such police department, and the Commissioner of Emergency Services and Public Protection. (h) The Police Officer Standards and Training Council, in conjunction with the Division of Criminal Justice, shall establish an education and training program for law enforcement officers, supervisors and state's attorneys on the handling of family violence incidents. Training under such program shall: (1) Stress the enforcement of criminal law in family violence cases and the use of community resources, and include training for peace officers at both recruit and in-service levels; and (2) include, but not be limited to: (A) The nature, extent and causes of family violence; (B) factors for determining a dominant aggressor in a family violence case; (C) legal rights of and remedies available to victims of family violence and persons accused of family violence; (D) services and facilities available to victims and persons who commit acts of family violence; (E) legal duties imposed on police officers to make arrests and to offer protection and assistance, including applicable probable cause standards; and (F) techniques for handling incidents of family violence that minimize the likelihood of injury to the officer and promote the safety of the victim. Training under such program shall also include, within available appropriations, information on (i) the impact of arrests of multiple parties in a family violence case on the immigration status of the parties; (ii) crime scene investigation and evaluation practices in family violence cases designed by the council to reduce the number of multiple arrests in family violence cases; and (iii) practical considerations in the application of the general statutes related to family violence. Such training shall also address, within available appropriations, eligibility for federal T Visas for victims of human trafficking and federal U Visas for unauthorized immigrants who are victims of family violence and other crimes.
Connecticut Conn. Gen. State. Ann. § 46b38b(e)(5) (2023). https://niwaplibrary.wcl.american.edu/pubs/connecticut-u-visa-statutes-2014/	
Delaware Del. Code Ann. tit. 11, § 787(n) (2007).	N/A
Illinois 5 Ill. Comp. Stat. 825/10 (2017).	Sec. 25. Training. Each certifying agency shall arrange for regular training for officials designated under subsection (a) of Section 10 of this Act regarding all requirements of this Act.

https://niwaplibrary.wcl.american.edu/pubs/il-u-visa-cert-law/	
Louisiana La. Stat. Ann. §§ 46:2162-46:2163 (2019).	N/A
Maryland Md. Code Ann., Crim. Proc. § 11-931 (2019).	N/A
Massachusetts Mass. Gen. Laws ch258F §§ 1-4 (2021)	N/A
Minnesota Minn. Stat. § 611A.95 (2023).	N/A
Montana Mont. Code Ann. § 44-4-1503 (2017).	N/A
Nebraska Neb. Rev. Stat. §29-217 (2020).	N/A
Nevada Nev. Rev. Stat. §§ 217.580-217.585 (2019).	N/A
North Dakota N.D. Cent. Code § 12.1-41-18 (2019).	N/A
Oregon Or. Rev. Stat. §147.620 (2023).	N/A
Rhode Island 11 R.I. Gen Laws § 11- 67.1- 22 (2017).	N/A
Utah Utah Code Ann Code § 77-38-502 (2026).	N/A
Virginia Va. Code Ann. Code § 9.1-1501 (2021).	N/A
U.S. Virgin Islands V.I. Code Ann. Tit. 14, § 151 (2019).	N/A
Washington Wash. Rev. Code § 7.98.020 (2017). https://niwaplibrary.wcl.american.edu/pubs/washington-u-visa-certification-statute-2024/	(10) The Washington state criminal justice training commission, in collaboration with the office of crime victims advocacy and the crime victim certification steering committee, shall develop and adopt minimum standards for a course of study on U and T nonimmigrant visas, other legal protections for immigrant survivors of criminal activity, and promising practices in working with immigrant crime victims. RCW 7.98.030 Crime victim certification steering committee. The office of crime victims advocacy shall convene a crime victim certification steering committee… The committee is responsible for the following: (2) Developing and implementing training of law enforcement, prosecutors, victim advocates, state agency personnel, court personnel, and others about this chapter;

23. **Legislative History**

Three states, Maryland, Nevada and Washington, include legislative history in their state U visa certification statutes. Legislative history can be useful to help with U and T visa certification implementation as it helps certifying agencies understand in greater detail the legislative intent behind the statute and how legislators expect the state certification process to be implemented by certifying governmental agencies in the state.

- Legislative history included in statute
    - Nevada (U visa), Washington (U and T visa)

Jurisdiction	Text
Arkansas Ark. Code Ann. § 12-19-104 (2024).	N/A
California Cal. Penal Code. § 679.10 (2023).	N/A
Colorado Colo. Rev. Stat. § 24-4.1-401 (2021).	N/A
Connecticut Conn. Gen. State. Ann. § 46b38b(e)(5) (2023).	N/A
Delaware Del. Code Ann. tit. 11 § 787(n) (2007).	N/A
Illinois 5 Ill. Comp. Stat. § 825/10 (2017).	N/A
Louisiana	N/A

La. Stat. Ann. §§ 46:2162-46:2163 (2019).	
Maryland Md. Code Ann., Crim. Proc. § 11-931 (2019).	Description of 2025 amendments: For the purpose of clarifying what qualifying crimes an individual can be a victim of in order to seek a U Nonimmigrant status petition; expanding how helpfulness is assessed by a certifying official; permitting victim advocates, representatives, and attorneys to assist victims in petitioning for U nonimmigrant status; requiring denial of certification to comply with federal guidelines and be in writing; creating a judicial review process for victims to appeal a denial of certification by a certifying official or certifying entity; expanding confidentiality protections to all victims seeking certification or with a U nonimmigrant visa, except in certain circumstances; specifying that there is no statute of limitations for when a qualifying criminal activity must have occurred relative to the filing of a request for certification of victim helpfulness for a petition for U Nonimmigrant Status; and generally relating to U Nonimmigrant Status petitions.
Massachusetts Mass. Gen. Laws ch258F, §§ 1-4 (2021)	N/A
Minnesota Minn. Stat. § 611A.95 (2023).	N/A
Montana Mont. Code Ann. § 44-4-1503 (2017).	N/A
Nebraska Neb. Rev. Stat. §29-217 (2020).	N/A
Nevada Nev. Rev. Stat. §§ 217.580-217.585 (2019). https://niwaplibrary.wcl.american.edu/pubs/nevada-u-visa-cetrificaiton/	Legislative Counsel's Digest: Existing federal law establishes the U nonimmigrant status, or U visa, to provide temporary immigration benefits for victims of certain crimes who have suffered mental or physical abuse and who are helpful to law enforcement in the investigation or prosecution of criminal activity. Existing federal law requires the petitioner of a U visa to submit several documents, including a Form 1-918, Supplement B, U Nonimmigrant Status Certification. Existing federal law authorizes a certifying official to complete and sign the petitioner's Form 1-918, Supplement B, if the official determines that the petitioner was the victim of certain criminal activity and that the victim was helpful, is being helpful or is likely to be helpful to the investigation or prosecution of criminal activity. (8 U.S.C. §§ l 10 l(a)(15)(U), l 184(p)) Section 8 of this bill authorizes the petitioner of a U visa to request, from a certifying agency, the certification of his or her Form 1-918, Supplement B. If a certifying agency receives such a request, section 8 requires the certifying agency to determine whether the petitioner was the victim of applicable criminal activity and was helpful, is being helpful or is likely to be helpful to the investigation or prosecution of that criminal activity. Section 8 then requires a certifying official from the certifying agency to: **(1)** complete and sign the Form 1-918, Supplement B; and (2) include specific details concerning the nature of the criminal activity and the helpfulness of the petitioner. Section 8 also provides a rebuttable presumption of the petitioner's helpfulness, unless the petitioner refused or failed to aid law enforcement in the investigation or prosecution of the criminal activity. Further, when determining whether the petitioner meets the requirements of the Form 1-918, Supplement B, section 8 prohibits a certifying agency from considering the period of time between when the petitioner was victimized by the criminal activity and when the petitioner requested certification or whether there is an active criminal investigation, the filing of charges or a prosecution or conviction of the criminal activity. Section 9 of this bill requires a certifying agency to process the certification of the Form 1-918, Supplement B, within 90 days after the date of the petitioner's request, unless the petitioner is 20 years of age or in the process of being deported, in which case the request must be processed within 14 days. Section 10 of this bill prohibits a certifying agency from withdrawing the certification of the Form 1-918, Supplement B, unless the petitioner refuses or fails to assist a law enforcement agency in the prosecution or investigation of the criminal activity. Section 10 also prohibits a certifying agency from disclosing the immigration status of a petitioner unless the certifying agency is required to do so because of federal law or a court order or the petitioner consents, in writing, to such a disclosure. Section **10** does not relieve a prosecutor or law enforcement officer from his or her duty to disclose exculpatory evidence to a defendant in a criminal case. Section **10** also requires certifying agencies to develop a protocol to help petitioners who have a limited proficiency in the English language or who are deaf, hard of hearing or speech impaired in the certification process. Section 10 also requires each certifying agency that receives a request for certification to submit an annual report to the Legislature concerning certain statistics related to the certification process.
Nevada Nev. Rev. Stat. §§ 217.580-217.585 (2019). https://niwaplibrary.wcl.american.edu/pubs/nevada-u-visa-cetrificaiton/	

North Dakota N.D. Cent. Code § 12.1-41-18 (2019).	N/A
Oregon Or. Rev. Stat. §147.620 (2023).	N/A
Rhode Island 11 R.I. Gen Laws § 11- 67.1- 22 (2017).	N/A
Utah Utah Code Ann Code § 77-38-502 (2026).	
Virginia Va. Code Ann. Code § 9.1-1501 (2021).	
U.S. Virgin Islands V.I. Code Ann. Tit. 14, § 151 (2019).	N/A
Washington Wash. Rev. Code 7.98.020 (2017). https://niwaplibrary.wcl.american.edu/pubs/washington-u-visa-certification-statute-2024/	RCW 7.98.005 Finding. The legislature finds that ensuring that all victims of crimes are able to access the protections available to them under law is in the best interest of victims, law enforcement, and the entire community. Immigrants are frequently reluctant to cooperate with or contact law enforcement when they are victims of crimes, and the protections available to immigrants under the law are designed to strengthen the ability of law enforcement agencies to detect, investigate, and prosecute cases of trafficking in persons, domestic violence, sexual assault, and other crimes while offering protection to such victims. [2018 c 86 s 2.] RCW 7.98.900 Short title-2018 c 86. This act may be known and cited as the safety and access for immigrant victims act.

24. **Language Access**

In order to promote limited English (LEP) proficient crime victim's access justice and the services and support certifying government agencies provide, four (4) states required all certifying agencies in the state to implement language access protocols. Implementing language access protocol is a best practice that promotes compliance by state certifying agencies with federal language access laws.[61]

Colorado includes statutory requirement that promote access to U visa certification by LEP victims by ensuring that the certifying agencies' inability to communicate using a qualified interpreter cannot be considered for purposes of the U visa certification program as factor in evaluating whether a U visa victim refused or failed to provide assistance.

- All certifying entities shall implement language access protocols
  - Minnesota (U and T visas), Maryland, Nebraska (U and T visas), Nevada, Washington (U and T visas)
- A certifying agency's inability to communicate with a Victim due to the victim's language must not be considered a refusal or failure to provide assistance.
  - Colorado

Jurisdiction	Text
Arkansas Ark. Code Ann. § 12-19-104 (2024).	N/A
California Cal. Penal Code. §679.10 (2023).	N/A
Colorado Colo. Rev. Stat. § 24-4.1-401 (2021).	2) (a) For purposes of determining helpfulness pursuant to Subsection (1)(b) of this section, a victim is helpful, has been Helpful, or is likely to be helpful to the detection, investigation, Or

[61] For more information on federal language access laws and requirements to provide LEP persons access to government agency services through the use of qualified interpreters and translators, *see*, LEP.gov, https://www.lep.gov/; DOJ Law Enforcement Language Access Initiative, https://www.lep.gov/law-enforcement; State Courts, https://www.lep.gov/state-courts; Asian Pacific Institute on Gender Based Violence, Language Access, Interpretation, and Translation, https://www.api-gbv.org/culturally-specific-advocacy/language-access/ (Provides resources to support development of language access plans and interpreter training); *See also*, NIWAP, *Speaking Justice: Providing Language Access in the Courts – Webinar & Training Materials Language Access* (April 2, 2024) https://niwaplibrary.wcl.american.edu/language-access/; and NIWAP, *September 25, 2024: Webinar: Overcoming Language Barriers in Policing: Grants and Resources that Support Language Access Programs in Law Enforcement Agencies* https://niwaplibrary.wcl.american.edu/language-access-lea-prosecutors/.

https://niwaplibrary.wcl.american.edu/pubs/colorado-u-visa-cert/	prosecution of that qualifying criminal activity if there is no documentation that the victim refused or failed to provide Assistance reasonably requested by law enforcement. (b) a certifying agency's inability to communicate with a Victim due to the victim's language must not be considered a refusal or failure to provide assistance.
Connecticut Conn. Gen. State. Ann. § 46b38b(e)(5) (2023).	N/A
Delaware Del. Code Ann. tit. 11, § 787(n) (2007).	N/A
Illinois 5 Ill. Comp. Stat. 825/10 (2017).	N/A
Louisiana La. Stat. Ann. §§ 46:2162-46:2163 (2019).	N/A
Maryland Md. Code Ann., Crim. Proc. § 11-931 (2019).	(K) A certifying entity shall develop protocols to assist petitioners who have limited English proficiency to proceed under this section.
Massachusetts Mass. Gen. Laws ch258F, §§ 1-4 (2021)	N/A
Minnesota Minn. Stat. § 611A.95 (2023). https://niwaplibrary.wcl.american.edu/pubs/minnesota-u-visa-statute-2023/	b) All certifying entities shall implement a language access protocol for non-English-speaking victims of criminal activity.
Montana Mont. Code Ann. § 44-4-1503 (2017).	N/A
Nebraska Neb. Rev. Stat. §29-217 (2020). https://niwaplibrary.wcl.american.edu/pubs/neb-u-and-t-certification-law/	(b) All certifying entities shall implement a language access protocol for non-English-speaking victims of criminal activity.
Nevada Nev. Rev. Stat. §§ 217.580-217.585 (2019). https://niwaplibrary.wcl.american.edu/pubs/nevada-u-visa-cetrificaiton/	2. A certifying agency shall develop a protocol to assist petitioners: (a) Who have a limited proficiency in the English language. (b) Who are deaf, hard of hearing or speech impaired.
North Dakota N.D. Cent. Code,§ 12.1-41-18 (2019).	N/A
Oregon Or. Rev. Stat. §147.620 (2023).	N/A
Rhode Island 11 R.I. Gen Laws § 11- 67.1- 22 (2017).	N/A
Utah Utah Code Ann Code § 77-38-502 (2026).	N/A
Virginia Va. Code Ann. Code § 9.1-1501 (2021).	N/A
U.S. Virgin Islands V.I. Code Ann. Tit. 14, § 151 (2019).	N/A
Washington Wash. Rev. Code 7.98.020 (2017). https://niwaplibrary.wcl.american.edu/pubs/washington-u-visa-certification-statute-2024/	**(7)** All certifying agencies shall develop a language access protocol for limited English proficient and deaf or hard of hearing victims of criminal activity.

25. **Cost Allocation**

The California law delegates to the Commission on State Mandates to determine whether U and T visa certification in under the California law is a state mandate that requires reimbursements by the state to local governments for the costs of statutorily required U visa certification.

Jurisdiction	Text
Arkansas Ark. Code Ann. § 12-19-104 (2024).	N/A
California Cal. Penal Code. §679.10 (2023). https://niwaplibrary.wcl.american.edu/california-sb-674-u-cert-law/	**SEC. 4.** If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
Colorado Colo. Rev. Stat. § 24-4.1-401 (2021).	N/A

Connecticut Conn. Gen. State. Ann. § 46b38b(e)(5) (2023).	N/A
Delaware Del. Code Ann. tit. 11, § 787(n) (2007).	N/A
Illinois 5 Ill. Comp. Stat. 825/10 (2017).	N/A
Louisiana La. Stat. Ann. §§ 46:2162-46:2163 (2019).	N/A
Maryland Md. Code Ann., Crim. Proc. § 11-931 (2019).	N/A
Massachusetts Mass. Gen. Laws ch258F, §§ 1-4 (2021)	N/A
Minnesota Minn. Stat. § 611A.95 (2023).	N/A
Montana Mont. Code Ann. § 44-4-1503 (2017).	N/A
Nebraska Neb. Rev. Stat. §29-217 (2020).	N/A
Nevada Nev. Rev. Stat. §§ 217.580-217.585 (2019).	N/A
North Dakota N.D. Cent. Code, § 12.1-41-18 (2019).	N/A
Oregon Or. Rev. Stat. §147.620 (2023).	N/A
Rhode Island 11 R.I. Gen Laws § 11- 67.1- 22 (2017).	N/A
Utah Utah Code Ann Code § 77-38-502 (2026).	N/A
Virginia Va. Code Ann. Code § 9.1-1501 (2021).	N/A
U.S. Virgin Islands V.I. Code Ann. Tit. 14, § 151 (2019).	N/A
Washington Wash. Rev. Code 7.98.020 (2017).	N/A