



STATE U VISA AND T VISA LAWS

By ILRC Attorneys¹

I. Introduction

U nonimmigrant status and T nonimmigrant status, often called “U visas” and “T visas,” are humanitarian forms of immigration relief for survivors of crime. Congress created U and T nonimmigrant status in 2000 when it passed the “Victims of Trafficking and Violence Protection Act.”² These two separate forms of relief were created with the dual purpose to encourage undocumented immigrants to report crimes to law enforcement and to provide humanitarian protection for survivors of serious crime. Both forms of relief have a certification process by which applicants request certification from law enforcement, prosecutors, judges, or other government agencies to document their cooperation. Although the federal government ultimately decides who receives U visas and T visas, states can increase access to both forms of relief by streamlining processes for survivors of crime to obtain a certification.

For an immigrant survivor of crime to qualify for U nonimmigrant status, they must obtain and submit to U.S. Citizenship and Immigration Services (USCIS) a certification of their helpfulness during the detection, investigation, or prosecution of the crime.³ A certifier⁴ must complete Form I-918, Supplement B, “U Nonimmigrant Status Certification,”⁵ attesting to the survivor’s assistance. This certification is essential to the U nonimmigrant status petition and is required by statute. Without the certification, a petition for U nonimmigrant status cannot be granted. Although U nonimmigrant petitioners are required to submit Form I-918, Supplement B, law enforcement agencies and other certifiers are not mandated by federal law to complete or sign the form on behalf of survivors, even if the petitioners are assisting in the investigation or prosecution of the case and qualify for U nonimmigrant status. Some agencies or individuals within agencies are resistant to certifying victim helpfulness due to a lack of understanding about the U nonimmigrant application process, a lack of resources, or other reasons.

¹ Thanks also to ILRC Law Clerk Belen de Leon for her assistance.

² See Victims of Trafficking and Violence Prevention Act, Pub. L. 106-386, 114 Stat. 1464 (Oct. 28, 2000).

³ INA § 101(a)(15)(U)(i)(III), 8 U.S.C. § 1101(a)(15)(U)(i)(III); 8 C.F.R. § 214.14(a)(5).

⁴ The certification must come from a federal, state, or local law enforcement official, prosecutor, or judge who is investigating or prosecuting the criminal activity. Child Protective Services, the Equal Employment Opportunity Commission, the Department of Labor and other government agencies may also qualify as certifying agencies if they have criminal investigative jurisdiction in their respective area of expertise. 8 C.F.R. §§ 214.14(a)(2), (a)(5).

⁵ Form I-918, Supplement B, and its corresponding instructions, are available on the USCIS website at <https://www.uscis.gov/i-918>.

Similarly, to qualify for T nonimmigrant status, an immigrant survivor of human trafficking must demonstrate that they have complied with any reasonable request for assistance in the investigation or prosecution of the acts of trafficking or the investigation of a crime where acts of trafficking are at least one central reason for the commission of that crime.⁶ To meet this requirement, a T nonimmigrant status applicant may obtain and submit to USCIS a certification⁷ on Form I-914, Supplement B, “Declaration of Law Enforcement Officer for Victim of Trafficking in Persons,” attesting to the survivor’s helpfulness.⁸ Unlike with the U visa, however, for purposes of a T visa, a certification (formally called a “declaration” in the T visa context) is not a mandatory part of a T visa application and is not required for minors.⁹ This is because USCIS will accept “any credible evidence” supporting the T visa eligibility requirements.¹⁰ For example, a T nonimmigrant status applicant may instead submit documentation of a grant of Continued Presence or any other evidence, including but not limited to “trial transcripts, court documents, police reports, news articles, copies of reimbursement forms for travel to and from court, and/or affidavits.”¹¹

Despite the success of the U visa and T visa as incentives to encourage survivors of crime to report and cooperate with law enforcement, studies¹² have demonstrated that many law enforcement and other certifying government agencies ignore or decline certification requests even though the immigrant survivor is otherwise eligible for relief. Inconsistent certification practices have meant that some survivors of crime are unable to apply for the U visa or T visa despite meeting the eligibility requirements, simply because of *where* the crime took place. States can prevent these inequitable practices by developing legal standards that law enforcement agencies must follow for U and T Visa certifications.

II. State Laws Regarding U and T Certifications

In recent years, many states have enacted U visa and T visa legislation in order to assist eligible immigrants in obtaining certifications from law enforcement and other government agencies. These laws sometimes mandate that agencies sign a certification if the person is eligible; provide time limits for responding to a certification request; establish procedures for

⁶ INA § 101(a)(15)(T)(i)(III)(aa); 8 C.F.R. §§ 214.11(b)(3), (h).

⁷ The certification must come from “a Federal, State, or local law enforcement agency, prosecutor, judge, labor agency, children’s protective services agency, or other authority that has the responsibility and authority for the detection, investigation, and/or prosecution of severe forms of trafficking in persons.” 8 C.F.R. § 214.11(a). The regulations further specify that federal law enforcement agencies “include but are not limited to the following: U.S. Attorneys’ Offices, Civil Rights Division, Criminal Division, U.S. Marshals Service, Federal Bureau of Investigation (Department of Justice); U.S. Immigration and Customs Enforcement (ICE), U.S. Customs and Border Protection (CBP); Diplomatic Security Service (Department of State); and Department of Labor.” *Id.*

⁸ Form I-914, Supplement B, and its corresponding instructions, are available on the USCIS website at <https://www.uscis.gov/i-914>.

⁹ 8 C.F.R. §§ 214.11(d)(3)(i), (h)(3). However, unless the applicant is under eighteen years of age or is unable to cooperate with a request due to physical or psychological trauma, an applicant must have contacted and reported the trafficking crime to some type of law enforcement agency. 8 C.F.R. §§ 214.11(h)(1), (h)(4)(i)–(ii).

¹⁰ 8 C.F.R. §§ 214.11(d)(2)(ii), (d)(5).

¹¹ 8 C.F.R. §§ 214.11(f)(1), (h)(3).

¹² Univ. North Carolina School of Law, Immigration / Human Rights Policy Clinic, *The Political Geography of the U Visa: Eligibility as a Matter of Locale*, (Oct. 2019), p.15, <https://law.unc.edu/wp-content/uploads/2019/10/uvisafullreport.pdf>.

responding to a certification request; provide reimbursement for the agencies; and/or clarify government agencies' role in the process, among other provisions. As such, state laws can be a tremendous resource, where feasible, to aid survivors of crime in obtaining the U and T nonimmigrant certifications for which they are eligible. These laws can be helpful to advocates in approaching a certifier new to U and T visas, or a law enforcement agency or other certifier with a certification policy that is narrower than its state law provides. The following chart provides a summary of the current state statutes regarding certifications as of June 2023.

Although no one law is perfect, these statutes can provide guidance for advocates seeking to enact or improve U or T visa certification policies in their jurisdictions. Some counties, municipalities, and individual LEAs have also enacted U and T visa policies. Those policies are beyond the scope of this advisory.

State	Bill number/ Code	Year enacted/ amended	Applies to U, T, or both?	Time limit to respond	Expedited time required	Helpfulness presumption	Other
AR	S.B. 1012 / ACT 1138 Codified in AR Code § 12-19-104	Enacted 2015	Both (but only for trafficking)	30 days	Not stated	No	N/A
CA	S.B. 674 (U visa), (codified at Cal. P.C. § 679.10(f)) A.B. 2027 (T visa), amended A.B. 2426 (2020), amended A.B. 917 (2021), amended A.B. 1216 ¹³ (2023) <i>proposed amendments</i>	Enacted 2016, 2017; amended 2020, 2021	Both	30 days	7 days if victim in removal proceedings	Yes	Emphasizes “helpfulness” (U visa) /“cooperation” (T visa) in past, present, or future

¹³ See CA AB 1216 (2023-2024), which would amend California’s U Visa law to specify, among other things, that the person submitting the petition does not have to be present in the United States at the time of filing, and would require a certifying entity to provide a written explanation if they reject a U visa certification.
<https://legiscan.com/CA/text/AB1261/id/2828237>.

State	Bill number/ Code	Year enacted/ amended	Applies to U, T, or both?	Time limit to respond	Expedited time required	Helpfulness presumption	Other
CO	H.B. 1060 Colo. Rev. Stat. § 24-4.1-401	Enacted 2021	U only	90 days	30 days if victim in removal proceedings or if age-out within 60 days	Yes	If certifier rejects, must provide reason; inability to communicate with a victim due to language is not a refusal to help
CT	Act: C.G.S.A. § 46b-38b(e)(5) Amended 2021 ¹⁴ to specify timeframes	Enacted 2010	U only	60 days	14 days if victim in removal proceedings or detained; 14 days for imminent age-out	No	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; Emphasis on trauma informed care; “Reasonable efforts shall be made to obtain ... a qualified interpreter whenever ...there exists a language barrier which may impede the expeditious processing of a petition for... a U visa.”

¹⁴ Connecticut Coalition Against Domestic Violence, *2021 Legislative Session Summary Changes Related to Domestic Violence*, July 14th, 2021, p.2

https://www.ctadv.org/application/files/7816/6561/8487/2021_Legislative_Summary7.21.pdf

State	Bill number/ Code	Year enacted/ amended	Applies to U, T, or both?	Time limit to respond	Expedited time required	Helpfulness presumption	Other
DE	S.B. 197, amending 11 Del.C. § 787(n)	Enacted 2014	Both	“as soon as practicable”	Not stated	No	If certifier rejects certification, must provide reason and opportunity to respond and review
IL	S.B. 34/ Act 825 5 ILCS § 825/10 Voices Of Immigrant Communities Empowering Survivors (VOICES)	Enacted 2019	Both	90 days	21 days if victim in removal proceedings or detained; 21 days (5 business days as needed) for imminent age-out	Yes	Emphasizes federal immigration officials have “exclusive responsibility” for eligibility determination; If certification is denied, the certifying agency must give written notice explaining why, and must respond to any appeals within 30 days; Note the City of Chicago has a more expansive protocol in place ¹⁵

¹⁵ Mayor Press’ Office, *Mayor Lightfoot signs Executive Order Expanding Access to U/T Visa Certification*, (May 12, 2023), <https://www.chicago.gov/content/dam/city/depts/mayor/Press%20Room/Press%20Releases/2023/May/UTVisaCertificationPR.pdf>

State	Bill number/ Code	Year enacted/ amended	Applies to U, T, or both?	Time limit to respond	Expedited time required	Helpfulness presumption	Other
IN	IN ST § 35-42-3.5-4.(b)	Enacted 2006	T only	15 days	Not stated	No	If certifier rejects certification, must provide reason and petitioner gets opportunity to respond; certifier must review response within 7 days of submission.
LA	S.B. 88 / amending LA. Stat. tit. 46 § 2162 (B)	Enacted 2013	Both (but only for trafficking)	Not stated	Not stated	No	N/A
MA	S. 1093 / enacting MA G.L. c. 258F, §§ 1-4	Enacted 2021	Both	90 days	Not stated	No	When issuing a denial, the certifying entity must issue a statement informing the petitioner of the reason; If there is a delay, the entity must issue an explanation and time frame for expected response.
MD	H.B. 214 and S.B. 144 Act: Md. Code, Crim. Proc. . § 11-931	Enacted 2019	Both	90 days	14 days if victim in removal proceedings or has final order of removal	No	The current law authorizes the victim's parent, guardian or "next friend" to request certification if the victim is a minor or incapacitated.
MN	S.F. 2278 Act: Minn. Stat. § 611A.95	Enacted 2021	Both	90 days	14 days if victim is in removal proceedings	No	N/A

State	Bill number/ Code	Year enacted/ amended	Applies to U, T, or both?	Time limit to respond	Expedited time required	Helpfulness presumption	Other
MT	H.B. 89 Section 13 Act: Mont. Code § 44-4-1503	Enacted 2015	Both	“as soon as practicable”	Not stated	No	If certifier rejects certification, must provide reason and opportunity to respond and review.
NE	Bill: L.B. 745 Act: Neb. Rev. Stat. § 29-217	Enacted 2020	Both	90 days	Not stated	No	If certifier rejects, must permit the individual to make additional request with additional evidence.
NV	Bill: A.B. 336 Act: NRS 217.580-217.585	Enacted 2019	U only	90 days	14 days if victim in removal proceedings or imminent age-out	Yes	Current investigation, charges, prosecution, conviction not required; Certification not limited by crime date; Certifying agencies must develop protocols to assist petitioners with limited English proficiency.

State	Bill number/ Code	Year enacted/ amended	Applies to U, T, or both?	Time limit to respond	Expedited time required	Helpfulness presumption	Other
NY	S. 5902	Enacted 2007	T only	“Upon ... request”	Not stated	Yes ¹⁶	In the I-914, certifiers must describe the crime, when it occurred, and whether it was labor or sex trafficking.
ND	S.B. 2107 Act: N.D. Cent. Code, § 12.1-41-18	Enacted 2015	Both	“as soon as practicable”	Not stated	No	If certifier rejects certification, must provide reason and opportunity to respond and review.
OR	SB 962 Act: ORS 147.620	Enacted 2020	U only	90 days	14 days if in removal proceedings	Yes	If certifier rejects certification, must provide reason and opportunity to respond; The petitioner can request that a denial be reviewed by the certifying agency; A decision by a certifying agency to deny a request cannot be appealed; A petitioner can submit a new certification request to another agency that was involved in investigating the criminal activity.

¹⁶ The New York law does not create a rebuttable presumption of helpfulness but rather a mandate for law enforcement to sign the T visa certification whenever there has been a “confirm[ed]” human trafficking victim. See N.Y. Soc. Serv. § 484-cc(a).

State	Bill number/ Code	Year enacted/ amended	Applies to U, T, or both?	Time limit to respond	Expedited time required	Helpfulness presumption	Other
RI	R.I. Gen. Laws § 11-67.1-22	Enacted 2017	Both	“as soon as practicable”	Not stated	No	If certifier rejects certification, must provide reason and opportunity to respond and review.
VT	H. 153 Act: 13 V.S.A. § 2663	Enacted 2011	Both (but only for trafficking)	“as soon as practicable”	Not stated	No	N/A
UT	HB 298 Act: Utah Code § 77-38-503	Enacted 2020	U only	90 days	14 days if in removal proceedings	Yes	Reporting mechanism to Attorney General; Current investigation, filing of charges, prosecution or conviction not required.

State	Bill number/ Code	Year enacted/ amended	Applies to U, T, or both?	Time limit to respond	Expedited time required	Helpfulness presumption	Other
VA	S.B. 1468 Act: Virginia Code § 9.1-1501	Enacted 2021	Both	120 days	If person is in removal proceedings, 21 business days; 30 days if person's children or sibling are turning 18 within 120 days; 7 days if the child or sibling would become ineligible within 21 days; 21 days if required for USCIS deadline.	No	If certifier rejects, must provide written explanation; If a certifier fails to respond within the timeframe or refuses to certify, applicant may petition a circuit court for review within 30 days of such determination or within 30 days of the expiration of the timeframe in subsection 9.1-1501(D)(E). ¹⁷
VI	Act: 14 V.I.C. § 151	Enacted 2018	Both	"as soon as practicable"	Not stated	No	Attorney General makes the certification, based on "reasonable belief" that the petitioner has experienced a crime/trafficking; If Attorney General rejects certification, must provide reason and opportunity to respond and review.

¹⁷ Legal Aid Justice Center, *Practice Advisory Using VA's Law Enforcement Agency Certification Law to Obtain LEA Certification for U and T Visa Applicants*, (July 1, 2021), http://www.justice4all.org/wp-content/uploads/2021/06/LEA-Certification-Practice-Advisory_July-2021.pdf.

State	Bill number/ Code	Year enacted/ amended	Applies to U, T, or both?	Time limit to respond	Expedited time required	Helpfulness presumption	Other
WA	S.H.B. 1022 Also known as the “Safety and Access for Immigrant Victims Act” Act: RCW 7.98.020	Enacted 2018	Both	90 days	14 days if victim in removal proceedings or imminent age-out	No	Current investigation, charges, prosecution, conviction not required; All certifying agencies must develop a language access protocol.
WY	H.B. 133 Act: W.S. 6-2-709	Enacted 2013	Both (but only for trafficking)	Not stated	Not stated	No	Certifiers who encounter a person who appears to qualify for T certification or “any federal, state, or local benefits and services” must notify the person and refer to available services, including legal services providers.

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About the Immigrant Legal Resource Center

The Immigrant Legal Resource Center (ILRC) works with immigrants, community organizations, legal professionals, law enforcement, and policy makers to build a democratic society that values diversity and the rights of all people. Through community education programs, legal training and technical assistance, and policy development and advocacy, the ILRC's mission is to protect and defend the fundamental rights of immigrant families and communities.