

AMENDMENTS TO LB518

(Amendments to Standing Committee amendments, AM899)

Introduced by Blood, 3.

1           1. Insert the following new section:

2           Sec. 10. (1) For purposes of this section:

3           (a) Certifying agency means a state or local law enforcement agency,  
4 prosecutor, or other authority that has responsibility for the  
5 investigation or prosecution of qualifying criminal activity, as  
6 described in 8 C.F.R. 214.14(a)(2).

7           (b) Certifying official means the head of the certifying agency or  
8 any person in a supervisory role who has been specifically designated by  
9 the head of the certifying agency to issue U nonimmigrant status  
10 certifications on behalf of that agency, as described in 8 C.F.R.  
11 214.14(a)(3).

12           (c) Form I-914B means Form I-914, Supplement B, Declaration of Law  
13 Enforcement Officer for Victim of Trafficking in Persons, of the  
14 Department of Homeland Security, United States Citizenship and  
15 Immigration Services;

16           (d) Form I-918B means Form I-918, Supplement B, U Nonimmigrant  
17 Status Certification, of the Department of Homeland Security, United  
18 States Citizenship and Immigration Services;

19           (e) Investigation or prosecution has the same meaning as in 8 C.F.R.  
20 214.14;

21           (f) Law enforcement agency means a state or local law enforcement  
22 agency, prosecutor, or other authority that has responsibility for the  
23 investigation or prosecution of severe forms of trafficking in persons,  
24 as described in 8 C.F.R. 214.11(a);

25           (g) Qualifying criminal activity has the same meaning as in 8 C.F.R.  
26 214.14;

1       (h) Victim of qualifying criminal activity has the same meaning as  
2 in 8 C.F.R. 214.14;

3       (i) Victim of a severe form of trafficking in persons has the same  
4 meaning as in 8 C.F.R. 214.11; and

5       (j) All references to federal statutes and regulations refer to such  
6 statutes and regulations as they existed on January 1, 2020.

7       (2)(a) On request from an individual whom a law enforcement agency  
8 reasonably believes to be a victim of a severe form of trafficking in  
9 persons, for purposes of a nonimmigrant T visa, pursuant to the criteria  
10 in 8 U.S.C. 1101(a)(15)(T)(i)(I) and (III), a law enforcement agency, no  
11 later than ninety business days after receiving the request:

12       (i) Shall complete, sign, and return to the individual the Form  
13 I-914B; and

14       (ii) May submit a written request to an appropriate federal law  
15 enforcement officer asking such officer to file an application for  
16 continued presence pursuant to 22 U.S.C. 7105(c)(3).

17       (b) If the law enforcement agency determines that an individual does  
18 not meet the requirements of the law enforcement agency for completion of  
19 a Form I-914B, the law enforcement agency shall, no later than ninety  
20 business days after receiving the request, inform the individual of the  
21 reason and that the individual may make another request with additional  
22 evidence or documentation to satisfy such requirements. The law  
23 enforcement agency shall permit the individual to make such additional  
24 request.

25       (3)(a) On request from an individual whom a certifying agency  
26 reasonably believes to be a victim of qualifying criminal activity, for  
27 purposes of a nonimmigrant U visa, pursuant to the certification criteria  
28 in 8 U.S.C. 1101(a)(15)(U)(i)(II) to (IV) and (iii), a certifying  
29 official in the certifying agency, no later than ninety business days  
30 after receiving the request, shall complete, sign, and return to the  
31 individual the Form I-918B.

1        (b) For purposes of determining helpfulness pursuant to 8 U.S.C.  
2 1101(a)(15)(U)(i)(III), an individual shall be considered helpful if,  
3 since the initiation of cooperation, the individual has not unreasonably  
4 refused to cooperate or failed to provide information and assistance  
5 reasonably requested by law enforcement or the prosecutor.

6        (c) If the certifying official determines that an individual does  
7 not meet the requirements of the certifying agency for completion of a  
8 Form I-918B, the certifying official shall, no later than ninety business  
9 days after receiving the request, inform the individual of the reason and  
10 that the individual may make another request with additional evidence or  
11 documentation to satisfy such requirements. The certifying official shall  
12 permit the individual to make such additional request.

13        (4) An investigation, the filing of charges, a prosecution, or a  
14 conviction are not required for an individual to request and obtain the  
15 signed and completed Form I-914B or Form I-918B from a law enforcement  
16 agency or certifying official.

17        (5) It is the exclusive responsibility of the federal immigration  
18 authorities to determine whether a person is eligible for a T or U visa.  
19 Completion of a Form I-914B or Form I-918B by a law enforcement agency or  
20 certifying official only serves to verify information regarding certain  
21 criteria considered by the federal government in granting such visas.

22        (6) A law enforcement agency, certifying agency, or certifying  
23 official has the discretion to revoke, disavow, or withdraw a previous  
24 completion of a Form I-914B or Form I-918B at any time after initial  
25 completion, as provided in 8 C.F.R. 214.11(d)(3)(ii) and 8 C.F.R.  
26 214.14(h)(2)(i)(A).

27        (7) A law enforcement agency or certifying agency that receives a  
28 request under this section shall maintain an internal record of such  
29 request, including whether such request was granted or denied and, if  
30 denied, the reasons for such denial. Such record shall be maintained for  
31 at least three years from completion or denial of the request.

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2. Renumber the remaining sections accordingly.