

AMENDMENTS TO LB518

(Amendments to Final Reading copy)

Introduced by Linehan, 39.

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:

3 Section 1. (1) For purposes of this section:

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

8 (b) Certifying official means the head of the certifying agency or
9 any person in a supervisory role who has been specifically designated by
10 the head of the certifying agency to issue U nonimmigrant status
11 certifications on behalf of that agency, as described in 8 C.F.R.
12 214.14(a)(3).

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

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

20 (e) Investigation or prosecution has the same meaning as in 8 C.F.R.
21 214.14;

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

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

1 214.14;

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

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

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

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

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

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

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

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

1 individual the Form I-918B.

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

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

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

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

23 (6) A law enforcement agency, certifying agency, or certifying
24 official has the discretion to revoke, disavow, or withdraw a previous
25 completion of a Form I-914B or Form I-918B at any time after initial
26 completion, as provided in 8 C.F.R. 214.11(d)(3)(ii) and 8 C.F.R.
27 214.14(h)(2)(i)(A).

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

1 at least three years from completion or denial of the request.

2 2. On page 1, strike beginning with "amend" in line 1 through
3 "section" in line 6 and insert "to provide duties regarding federal
4 immigration forms relating to victims of certain crimes; and to define
5 terms".