



SENATE BILL 492: T & U Visa/Fees.

**This Bill Analysis
reflects the
contents of the bill
as it was presented
in committee.**

2017-2018 General Assembly

Committee:	Senate Finance. If favorable, re-refer to Rules and Operations of the Senate	Date:	May 17, 2017
Introduced by:	Sen. Sanderson	Prepared by:	Nicholas Giddings Committee Counsel
Analysis of:	First Edition		

OVERVIEW: Senate Bill 492 would create a definition for "local certifying agency" and require a local certifying agency to charge a T or U visa applicant a fee of \$5.00 for completing a T visa declaration or a U visa certification.

CURRENT LAW: The United States provides two types of immigration relief to victims of human trafficking and other crimes:

1. T nonimmigrant status provides immigration protection to victims of trafficking. A T visa allows victims to remain in the United States and assist law enforcement authorities in the investigation or prosecution of human trafficking cases.
2. U nonimmigrant status provides immigration protection to crime victims who have suffered substantial mental or physical abuse as a result of the crime. The U visa allows victims to remain in the United States and assist law enforcement authorities in the investigation or prosecution of the criminal activity.

In order to be eligible for a U visa, the victim must submit a U visa certification (Form I-918 Supplement B) completed by a certifying agency or official. The T visa declaration (Form I-914 Supplement B) is not a required document for a T visa application, but it is given significant weight when reviewing the victim's application. The decision whether to sign a certification or declaration is generally at the certifying agency's discretion, subject to applicable U.S. laws and regulations, as well as any internal policies of the certifying agency.¹

North Carolina does not charge a fee for completing a T visa declaration or a U visa certification.

BILL ANALYSIS: Senate Bill 492 would define a "local certifying agency" as the following local entities:

- A sheriff.
- The chief law enforcement officer for a city or county police department.
- A district attorney.
- A superior or district court judge.

A local certifying agency would have the same discretion to complete a T visa declaration or a U visa certification as allowed under federal law. If a local certifying agency completes a T visa declaration or a U visa certification, they must charge the applicant a \$5.00 fee.

EFFECTIVE DATE: This act would become effective July 1, 2017.

¹ https://www.dhs.gov/sites/default/files/publications/U-and-T-Visa-Law-Enforcement-Resource%20Guide_1.4.16.pdf.

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