

## 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 **Date:** May 17, 2017

and Operations of the Senate

Introduced by: Sen. Sanderson Prepared by: Nicholas Giddings
Analysis of: First Edition Committee Counsel

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. <u>T nonimmigrant status</u> 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>U nonimmigrant status</u> 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.<sup>1</sup>

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

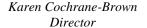
**BILL ANALYSIS:** Senate Bill 492 would define a "local certifying agency" as the following local entities:

- 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.

 $<sup>^{1}\</sup> https://www.dhs.gov/sites/default/files/publications/U-and-T-Visa-Law-Enforcement-Resource \% 20 Guide\_1.4.16.pdf.$ 





Legislative Analysis Division 919-733-2578