

THE GENERAL ASSEMBLY OF PENNSYLVANIA

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INTRODUCED BY HOHENSTEIN, SANCHEZ, GIRAL, HILL-EVANS, PIELLI,
RABB, WAXMAN, GUENST, BOYD, ISAACSON, CERRATO, D. WILLIAMS,
OTTEN, FRIEL, RIVERA AND KINKEAD, APRIL 22, 2025

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 22, 2025

AN ACT

1 Providing for duties of certifying officials and certifying
2 agencies relating to the processing of certification form
3 petitions.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the U
8 Nonimmigrant Visa Act.

9 Section 2. Definitions.

10 The following words and phrases when used in this act shall
11 have the meanings given to them in this section unless the
12 context clearly indicates otherwise:

13 "Certification form." The United States Citizenship and
14 Immigration Services Federal form I-918, Supplement B, U
15 Nonimmigrant Status Certification, including any successor form,
16 which:

17 (1) is required under 8 U.S.C. § 1184(p)(1) (relating to
18 admission of nonimmigrants) and 8 CFR 214.14(c)(2)(i)

1 (relating to alien victims of certain qualifying criminal
2 activity); and

3 (2) confirms that a qualifying criminal activity has
4 occurred and the victim of a qualifying criminal activity was
5 helpful, is helpful or is likely to be helpful to a
6 certifying agency in the detection, investigation or
7 prosecution of the qualifying criminal activity.

8 "Certifying agency." Any of the following:

9 (1) The Pennsylvania State Police.

10 (2) A local law enforcement agency with jurisdiction.

11 (3) A judicial office.

12 (4) A prosecutor's office.

13 (5) An agency that has criminal investigative
14 jurisdiction in the agency's respective areas of expertise.

15 "Certifying official." The head of a certifying agency or an
16 individual who has been specifically designated by the head of a
17 certifying agency to provide certification forms on behalf of
18 the certifying agency.

19 "Immigration representative accredited by the United States
20 Department of Justice." An individual who meets all of the
21 following criteria:

22 (1) Is accredited by the United States Department of
23 Justice to represent individuals before the Board of
24 Immigration Appeals, a Federal immigration proceeding or the
25 United States Department of Homeland Security.

26 (2) Works for a specific nonprofit, religious,
27 charitable, social service or similar organization that has
28 been recognized by the United States Department of Justice to
29 represent the individuals specified under paragraph (1).

30 (3) Has accreditation under paragraph (1) in good

standing.

"Judicial office." An office of any of the following:

(1) A judge of the court of common pleas.

(2) A judge of the Commonwealth Court.

(3) A judge of the Superior Court.

(4) A justice of the Supreme Court.

(5) A magisterial district judge.

(6) A judge of the Pittsburgh Magistrates Court.

(7) A judge of the Philadelphia Municipal Court.

(8) A master appointed by a judge of a court of common pleas.

"Legal representative." Any of the following who represents the interests of a petitioner:

(1) An immigration representative accredited by the United States Department of Justice.

(2) A licensed attorney.

(3) A parent or legal guardian in the case of a child or an incapacitated or incompetent individual.

(4) A domestic violence counselor/advocate as defined in 23 Pa.C.S. § 6102 (relating to definitions).

(5) A sexual assault counselor as defined in 42 Pa.C.S. § 5945.1 (relating to confidential communications with sexual assault counselors).

(6) Any other third party appointed by the petitioner.

"Petitioner." An individual who submits a certification form petition under this act.

"Prosecutor's office." An office of any of the following:

(1) The Attorney General.

(2) A deputy attorney general.

(3) A district attorney.

1 (4) An assistant district attorney.

2 "Qualifying criminal activity." As defined in 8 CFR
3 214.14(a)(9).

4 "U visa." The U nonimmigrant visa available to an individual
5 who meets all of the following criteria:

6 (1) Is a victim of a qualifying criminal activity that
7 occurred in the United States or was otherwise in violation
8 of Federal or State law.

9 (2) Suffered substantial physical or mental abuse as a
10 result of the qualifying criminal activity.

11 (3) Was helpful, is helpful or is likely to be helpful
12 to a certifying agency in the detection, investigation or
13 prosecution of the qualifying criminal activity.

14 "Victim of a qualifying criminal activity." As defined in 8
15 CFR 214.14(a)(14).

16 Section 3. Duties of certifying officials.

17 (a) Duties.--A certifying official shall have the following
18 duties:

19 (1) Respond to a certification form petition that is
20 received by the certifying agency.

21 (2) In collaboration with a subject matter expert on
22 certification forms and violence against immigrants, develop
23 a protocol for a certification form petition and make the
24 protocol publicly accessible to a victim of a qualifying
25 criminal activity, the legal representative of the victim of
26 a qualifying criminal activity or other person upon request.
27 The certifying official shall post the protocol developed
28 under this paragraph on a publicly accessible Internet
29 website.

30 (3) Maintain a written record or an electronic record of

1 a certification form petition and the response to the
2 petition by the certifying agency.

3 (4) Develop or implement the certifying agency's
4 language access protocol for a non-English-speaking victim of
5 a qualifying criminal activity.

6 (5) Upon receipt of the certification form by a
7 petitioner or the petitioner's legal representative,
8 authorize the certification form when the certifying official
9 determines that the petitioner:

10 (i) was a victim of a qualifying criminal activity;

11 (ii) possesses information about the qualifying
12 criminal activity; and

13 (iii) was helpful, is helpful or is likely to be
14 helpful to the certifying agency in the detection,
15 investigation or prosecution of the qualifying criminal
16 activity.

17 (b) Consideration.--For the purpose of determining whether a
18 petitioner meets the requirements for a certification form under
19 subsection (a)(5), the following shall apply:

20 (1) A certifying official shall not consider any of the
21 following:

22 (i) The period of time between when the petitioner
23 was a victim of a qualifying criminal activity and when
24 the petitioner submitted the petition for a certification
25 form.

26 (ii) Whether there is an active investigation of the
27 qualifying criminal activity.

28 (iii) Whether a formal statement of charges has been
29 filed regarding the qualifying criminal activity.

30 (iv) Whether there was a prosecution or conviction

1 of the qualifying criminal activity.

2 (2) There shall be a rebuttable presumption that a
3 petitioner meets the requirement under subsection (a)(5)(i)
4 if the petitioner has cooperated or provided information or
5 other assistance reasonably requested by a certifying agency.
6 During the initial outreach with a petitioner to seek
7 information or other assistance under this paragraph, the
8 certifying agency shall make a reasonable effort to
9 communicate with the petitioner in the petitioner's native
10 language. The inability of the certifying agency to
11 communicate with a petitioner due to the petitioner's native
12 language, or the petitioner's lack of response during the
13 initial outreach due to the communication being conducted
14 solely in English, shall not be considered a refusal or
15 failure to provide information or other assistance under this
16 paragraph.

17 (c) Authorization.--Upon determining that a petitioner meets
18 the requirements under subsection (a)(5), a certifying official
19 shall authorize the certification form by completing and signing
20 the certification form. If applicable, the certifying official
21 shall include all of the following information in the
22 certification form:

23 (1) The details regarding the nature of the qualifying
24 criminal activity being investigated or prosecuted.

25 (2) A description of the helpfulness or likely
26 helpfulness of the victim of the qualifying criminal activity
27 to the detection, investigation or prosecution of the
28 qualifying criminal activity.

29 (d) Withdrawal.--A certifying agency may only withdraw the
30 certification form if the victim of the qualifying criminal

activity refuses to provide information or other assistance reasonably requested by a certifying agency.

Section 4. Processing of certification form petitions.

(a) Process.--

(1) Except as provided under paragraph (2), no later than 30 days after receipt of a certification form petition, a certifying agency shall process the petition. A petitioner may request an expedited time period for the certifying agency to process a certification form petition, which shall be processed no later than 14 days after receipt of the petition, if the petitioner or the legal representative of the petitioner under subsection (b) affirmatively establishes all of the following:

(i) The petitioner is in a Federal removal proceeding or has a final order of removal.

(ii) The petitioner provides documentation that the petitioner or the petitioner's child or sibling would become ineligible for benefits under 8 U.S.C. § 1184(o) and (p) (relating to admission of nonimmigrants) by virtue of the petitioner or the petitioner's child becoming 21 years of age or the petitioner's sibling becoming 18 years of age.

(iii) The petitioner has a deadline to respond to a request for additional evidence from the United States Citizenship and Immigration Services.

(2) A certifying official may extend the time period by which a certification form petition must be processed under paragraph (1) only upon written agreement with the petitioner or the legal representative of the petitioner under subsection (b).

1 (b) Legal representatives.--A legal representative of a
2 petitioner may submit a certification form petition to a
3 certifying agency if the petitioner:

4 (1) was under 16 years of age on the date that a
5 qualifying criminal activity first occurred and the legal
6 representative has been helpful to the certifying agency in
7 the detection, investigation or prosecution of the qualifying
8 criminal activity; or

9 (2) is incapacitated or incompetent and the legal
10 representative has been helpful to the certifying agency in
11 the detection, investigation or prosecution of the qualifying
12 criminal activity.

13 (c) Reports.--

14 (1) Upon a certifying official completing and signing
15 the certification form under section 3(c), the certifying
16 agency shall return, without a fee or charge, the signed
17 certification form to the victim of the qualifying criminal
18 activity and release each relevant page of a report relating
19 to the qualifying criminal activity, unless already provided
20 by a law enforcement agency under paragraph (2). The
21 certifying agency shall have the discretion on when to
22 release each relevant page of a report relating to the
23 qualifying criminal activity.

24 (2) Within 14 days of a request by a victim of a
25 qualifying criminal activity or a legal representative of the
26 victim of a qualifying criminal activity, a law enforcement
27 agency with whom the victim of a qualifying criminal activity
28 filed a report relating to the qualifying criminal activity
29 shall provide a copy of the report to the victim of a
30 qualifying criminal activity or the legal representative of

1 the victim of a qualifying criminal activity.

2 Section 5. Confidentiality of immigration status.

3 A certifying official or certifying agency may not disclose
4 the immigration status of a victim of a qualifying criminal
5 activity or a petitioner, except to comply with Federal law or
6 as authorized by the victim of a qualifying criminal activity or
7 petitioner.

8 Section 6. Denial of certification forms.

9 (a) Notice of denial.--If a certifying official denies the
10 authorization of a certification form under section 3(c), the
11 certifying official shall provide a written notice to the
12 petitioner explaining how the available evidence does not
13 support a finding that the petitioner meets the requirements for
14 a certification form under section 3(a)(5). Except in the case
15 of an expedited time period to process a certification form
16 petition under section 4(a)(1), the certifying official shall
17 provide the written notice under this subsection to the
18 petitioner within 30 days of receipt of the petition. The
19 certifying official shall state the reasons for the denial in
20 the written notice under this subsection, including any of the
21 following reasons:

22 (1) Lack of jurisdiction over the certification form
23 request due to the certifying agency not having been involved
24 in the detection, investigation or prosecution of the
25 qualifying criminal activity. If the denial is for the reason
26 specified under this paragraph, the certifying official shall
27 refer the petitioner to the appropriate certifying official
28 within 30 days of providing the written notice under this
29 subsection. If the certifying official fails to refer the
30 petitioner to the appropriate certifying official within the

1 30-day period specified under this paragraph, the certifying
2 official shall authorize the certification form in accordance
3 with section 3(c) or provide a subsequent written notice to
4 the petitioner stating another reason for the denial.

5 (2) The petitioner was not a victim of a qualifying
6 criminal activity.

7 (3) Lack of helpfulness, including documented instances
8 of failure or refusal to comply with reasonable requests for
9 information or other assistance.

10 (b) Review.--Upon receiving written notice under subsection
11 (a), the petitioner or the legal representative of the
12 petitioner may provide supplemental information to the
13 certifying agency and request that the petition be reviewed by
14 the certifying agency.

15 (c) Consideration.--In reviewing a petition under subsection
16 (b), a certifying agency may consider only the factors specified
17 under subsection (a) when deciding whether to authorize a
18 certification form.

19 (d) Notice.--If, after authorizing a certification form, a
20 certifying official or certifying agency determines that the
21 recipient of the certification form was not the victim of a
22 qualifying criminal activity or the recipient unreasonably
23 refuses to assist in the detection, investigation or prosecution
24 of the qualifying criminal activity, the certifying official or
25 certifying agency may provide written notice of the
26 determination to the United States Citizenship and Immigration
27 Services.

28 Section 7. Training program for certifying agencies and
29 certifying officials.

30 In collaboration with subject matter experts on certification

forms and violence against immigrants, a certifying agency shall provide an annual training program to certifying officials for the purposes of effectuating this act. The training program shall be compulsory and include all of the following subjects:

(1) The impacts of qualifying criminal activities on victims of a qualifying criminal activity and their safety.

(2) Compliance with certification form protocols.

(3) The roles of certifying officials.

(4) Collaborations with victim service providers and immigrant advocacy providers.

Section 8. Construction.

(a) U visas.--The authorization of a certification form under this act shall not be construed as sufficient evidence that an applicant for a U visa has met all eligibility requirements for a U visa or guarantee the applicant will receive Federal immigration relief.

(b) Limitation.--Nothing in this act shall be construed to limit the manner in which a certifying officer or certifying agency describes whether a victim of a qualifying criminal activity has cooperated or has been helpful to the certifying official or the certifying agency during a Federal immigration proceeding regarding a U visa.

Section 9. Effective date.

This act shall take effect in 60 days.