

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 745

Introduced by Blood, 3.

Read first time January 08, 2020

Committee:

- 1 A BILL FOR AN ACT relating to government; to provide duties regarding
- 2 federal immigration forms relating to victims of certain crimes; and
- 3 to define terms.
- 4 Be it enacted by the people of the State of Nebraska,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (b) For purposes of determining helpfulness pursuant to 8 U.S.C.
27 1101(a)(15)(U)(i)(III), an individual shall be considered helpful if,
28 since the initiation of cooperation, the individual has not unreasonably
29 refused to cooperate or failed to provide information and assistance
30 reasonably requested by law enforcement or the prosecutor.

31 (c) If the certifying official determines that an individual does

1 not meet the requirements of the certifying agency for completion of a
2 Form I-918B, the certifying official shall, no later than ninety business
3 days after receiving the request, inform the individual of the reason and
4 that the individual may make another request with additional evidence or
5 documentation to satisfy such requirements. The certifying official shall
6 permit the individual to make such additional request.

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

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

16 (6) A law enforcement agency, certifying agency, or certifying
17 official has the discretion to revoke, disavow, or withdraw a previous
18 completion of a Form I-914B or Form I-918B at any time after initial
19 completion, as provided in 8 C.F.R. 214.11(d)(3)(ii) and 8 C.F.R.
20 214.14(h)(2)(i)(A).

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