

BILL NO: SB 608

TITLE: Criminal Procedure – U Nonimmigrant Status Petitions

COMMITTEE: Judicial Proceedings

HEARING DATE: February 7th, 2025

POSITION: FAVORABLE

The University of Maryland SAFE Center is the first university-based comprehensive direct services, research, and advocacy center on human trafficking. It is an initiative of the University of Maryland, College Park, and the University of Maryland, Baltimore through their strategic partnership, MPowering the State. At the SAFE Center, we provide direct bilingual services to survivors of sex and labor trafficking regardless of nationality, gender, or age.

Congress established U visa immigration relief in response to concerning statistics on the vulnerability of undocumented immigrants and the prevalence of crimes committed against them. Created in 2000, the U visa aims to encourage crime reporting among undocumented individuals who have been trafficked, exploited, victimized, or abused, while also providing them with immigration protections in line with the United States' humanitarian commitments.

SAFE Center attorneys have encountered numerous challenges when assisting trafficking survivors with obtaining U visa certifications. In one case, the attorney was redirected multiple times by the law enforcement agency before they identified the appropriate certifying official. While the certification was ultimately signed, the process took many months, during which the client remained without immigration status. This is particularly harmful in the case of trafficking survivors, whose unique vulnerabilities leave them susceptible to being trafficked again if they do not have access to lawful employment.

Violent crime can affect anyone, regardless of race, gender, sexuality, income level, or citizenship status. However, undocumented victims are often reluctant to report crimes due to fear of deportation. This fear allows perpetrators to remain free and continue harming others. In anti-trafficking work, the SAFE Center frequently witnesses traffickers exploiting this fear to silence and control victims. The U Nonimmigrant Status Petition (U-Visa) serves as a critical tool to counteract this dynamic by allowing victims and their families to remain in the United States for up to four years to assist in the prosecution of crimes committed against them.

Despite its importance, the U-Visa process currently lacks clarity regarding what qualifies as "helpful" assistance from victims and at what stage in the process that assistance must occur. As a result, law enforcement officers often find themselves making de facto immigration determinations rather than focusing solely on certification. This can lead to inconsistencies and unnecessary barriers for victims seeking justice. SB 608 provides essential clarification on the definition of "helpful," ensuring a more straightforward process for both victims and law enforcement, ultimately leading to more effective investigations and prosecutions.

Additionally, Maryland's list of qualifying crimes for U-Visa eligibility does not currently align with federal guidelines. SB 608 addresses this discrepancy, which the SAFE Center believes will streamline the U-Visa process—particularly in cases where crimes span multiple states.

SB 608 also expands the list of individuals authorized to certify that a crime occurred and that the victim has been helpful. Trafficking victims are often conditioned to distrust law enforcement, making it difficult for them to come forward. By broadening certification authority, the bill ensures

that victims have viable pathways to seek justice, even in cases where law enforcement involvement is a barrier.

Furthermore, SB 608 removes the statute of limitations for U-Visa petitions relative to the crime committed. This provision acknowledges the complex trauma that victims endure and grants them the necessary time to process their experiences and make the decision to report. Justice should never be time-barred.

For these reasons, **the University of Maryland SAFE Center Force urges a favorable report on SB 608.**

Sincerely,

Allison Norris, Esq.

Legal Immigration Services Director

University of Maryland SAFE Center for human Trafficking Survivors