

BILL NO: House Bill 579
TITLE: Criminal Procedure - U Nonimmigrant Status Petitions
COMMITTEE: Judiciary
HEARING DATE: February 27, 2025
POSITION: **SUPPORT**

The Women's Law Center of Maryland is dedicated to ensuring the physical safety, economic security, and bodily autonomy of women throughout the State. The clients that we represent have all experienced intimate partner violence, which may include physical, mental, and sexual abuse.

While violent crime has continued to decline in the U.S. since the 1990s, it can still affect anyone, regardless of race, gender, sexuality, income level, or citizenship status. Because undocumented victims are often reluctant to report crimes due to fear of deportation, this allows perpetrators to remain free and continue harming others. We have heard harrowing stories from our clients, as well as our colleagues in the Maryland Human Trafficking Task Force, of 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 country for up to four years to assist in the prosecution of crimes committed against them.

Unfortunately, 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. In our experience, this has resulted in law enforcement officers making de facto immigration determinations rather than focusing solely on certification. This can lead to inconsistencies and unnecessary barriers for victims seeking justice. HB 579 provides essential clarification on the definition of "helpful," ensuring a more straightforward and effective process for both victims and law enforcement, ultimately leading to more prosecutions of dangerous and violent criminals and fewer abusers on our streets.

HB 579 also addresses the discrepancy between Maryland's list of qualifying crimes for U-Visa eligibility and current federal guidelines. It expands the list of individuals authorized to certify that a crime occurred and that the victim has been helpful beyond just law enforcement to include any agency that has civil, family, administrative or prosecutorial jurisdiction. Trafficking victims are often conditioned to distrust law enforcement, so by broadening certification authority, HB 579 ensures that victims have multiple viable pathways to seek justice.

Lastly, HB 579 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. The Women's Law Center of Maryland firmly believes that no justice should ever be time-barred.

With these considerations, we strongly urge a favorable report on HB 579.

The Women's Law Center of Maryland is a non-profit legal services organization whose mission is to ensure the physical safety, economic security, and bodily autonomy of women in Maryland. Our mission is advanced through direct legal services, information and referral hotlines, and statewide advocacy.