



February 27, 2025

HB686

Victims and Witnesses - U Nonimmigrant Status - Certification of Victim Helpfulness

Judiciary Committee

Position: Favorable w/ Amendments

The Maryland Catholic Conference (MCC) offers this testimony in support of **House Bill 686** with amendments. The MCC represents the public policy interests of the three (arch)dioceses serving Maryland, which together encompass over one million Marylanders. Across the state, Catholic parishes, schools, hospitals, and charitable organizations form Maryland's second-largest social service provider network, surpassed only by the state government.

House Bill 686 is an important step in protecting immigrant victims of crime and ensuring that all Marylanders receive fair and equal treatment, regardless of where a crime occurs. The original U visa certification law was a crucial measure in making communities safer by encouraging immigrant victims to come forward and report crimes. However, despite its intent, inconsistencies remain in the certification process, with some agencies delaying or outright refusing to certify eligible victims. This bill proposes necessary improvements to strengthen protections for immigrant victims, increase transparency, and ensure timely and fair processing of U visa certifications.

As a matter of justice, human dignity, and solidarity, the Catholic Church supports efforts that defend the vulnerable and marginalized. As Pope Benedict XVI wrote in *Caritas in Veritate*, “Every migrant is a human person who, as such, possesses fundamental, inalienable rights that must be respected by everyone and in every circumstance” (62). **House Bill 686** aligns with this moral imperative by improving legal protections and fostering trust between immigrant communities and law enforcement.

Proposed Amendments to Strengthen HB686

The MCC supports SB 553 with the following amendments, which were developed by CLINIC (Catholic Legal Immigration Network, Inc) in collaboration with their many stakeholders:

1. Rebuttable Presumption of Helpfulness

- While Maryland law has been interpreted to presume the helpfulness of immigrant victims, some certifiers do not apply it as such. Explicitly codifying this presumption would provide clarity and ensure consistency in decision-making.

2. **Language Access and Assistance for Non-English Speakers**

- Many immigrant victims face language barriers when engaging with law enforcement and certifying agencies. Establishing clear protocols to assist individuals with limited English proficiency will ensure equitable access to justice.

3. **Prohibition of Blanket Policies Based on Timing**

- Many victims of crime are unaware of the U visa process and may not seek certification until years after the crime. Other states, such as Nevada and Colorado, prohibit agencies from denying certification based on the time elapsed between the crime and the request for certification. Maryland should adopt similar language to protect victims' rights.

4. **Annual Reporting Requirement**

- Law enforcement agencies should be required to track and report the number of U visa certification requests received, granted, denied, and pending. Transparency in reporting, as seen in other states, ensures accountability and consistency in the certification process.

5. **Accountability Mechanism for Denied Certifications**

- Virginia allows victims to seek assistance from a court if they believe a certification was improperly denied. Maryland should provide a similar mechanism, as the current legal standard for holding agencies accountable is too high and effectively grants immunity even in cases of inaction.

6. **Appeal Process for Denials**

- If a certification request is denied, the agency should be required to provide a reason and allow the applicant to submit additional evidence to support their claim.

7. **Multiple Certifiers Permitted**

- Any agency that detects, investigates, or prosecutes a qualifying crime should be able to certify a U visa request. No agency should take precedence over another, and one agency's denial should not prevent another from granting certification.

8. **Clarification of Certification Purpose**

- The law should state explicitly that certifiers may only consider (1) whether the individual was a victim of a qualifying crime and (2) whether they were helpful to law enforcement. Other factors, such as personal opinions on immigration policy, should not influence certification decisions.

The MCC urges a **favorable report with amendments** for **House Bill 686** to ensure that Maryland upholds the dignity and rights of immigrant victims of crime. By fostering trust between immigrant communities and law enforcement, ensuring fair and timely certification processes, and providing clear guidelines for agencies, this bill will make our state safer and more just for all.

We appreciate your consideration and respectfully urge the committee to adopt these amendments and issue a favorable report for **HB686**.