



**Catholic Legal Immigration Network, Inc. (CLINIC) testimony before the
Maryland House Judiciary Committee, HB 0686,
Victims and Witnesses-U Nonimmigrant Status – Certification of Victim Helpfulness
Submitted February 25, 2025
Position: Support with Amendments**

“We ourselves need to see, and then to enable others to see, that migrants and refugees do not only represent a problem to be solved, but are brothers and sisters to be welcomed, respected and loved. They are an occasion that Providence gives us to help build a more just society, a more perfect democracy, a more united country, a more fraternal world and a more open and evangelical Christian community.” *(His Holiness Pope Francis, Messages for the 2014 and 2019 World Days of Migrants and Refugees)*

About CLINIC

As the nation’s largest charitable immigration legal services network, the Catholic Legal Immigration Network, Inc. (“CLINIC”) provides substantive legal and program management training and resources as well as advocacy support at state, local, and national levels. CLINIC serves over 400 affiliates organizations across 49 states and the District of Columbia, providing crucial legal services to hundreds of thousands of low-income and otherwise vulnerable immigrants every year. Embracing the Gospel value of welcoming the stranger, CLINIC cultivates projects that promote the dignity and protect the rights of vulnerable immigrant populations. CLINIC’s national office is in Silver Spring, Maryland. In serving our affiliate network and through our programming, CLINIC has particular expertise in the life-changing -- and at times life-saving -- role that access to representation makes in the life of an immigrant.

Position

CLINIC supports, with amendments, HB 686, the Victims and Witnesses – U Nonimmigrant Status – Certification of Victim Helpfulness bill. When the original U visa certification bill was passed in Maryland, it was a very important piece of legislation that helped protect immigrant victims of crime. It made our communities safer by encouraging these victims to come forward and report crimes to law enforcement. Many of the provisions were incredibly useful, particularly having a uniform turnaround time for agencies processing these requests.

CLINIC is very grateful to those agencies who have worked so diligently in support of immigrant survivors. That being said, there have also been those certifiers who still do not complete certification in a timely manner, or, who even go as far as refusing to certify altogether.

Because of this, CLINIC approves of the proposed changes in the House bill and has a few more suggestions that were drafted in a series of meetings by various stakeholders.

The bill should assist immigrant victims of crime and ensure that all Marylanders are receiving similar treatment regardless of where in the state the crime occurred.

Changes in the HB 686 Bill

1) **Rebuttable Presumption**

Although CLINIC has treated the Maryland law as having a rebuttable presumption of helpfulness in favor of immigrant victims, several certifiers have not interpreted the law in this manner. Spelling this out in the law will be very useful.

2) **Protocols to Assist Petitioners Who Have Limited English Proficiency to Proceed**

CLINIC recognizes the wonderful diversity of our immigrant communities in Maryland and believes that in the interest of equity and valuing the human dignity of every immigrant victim, that certifiers should have important protocols that assist non-English speakers to have access to justice.

CLINIC's Additional Suggestions

For the last several years, CLINIC has been in touch with its Maryland affiliates and other partners including Catholic Charities DC, Catholic Charities Baltimore, Tahirih Justice Center, the ACLU, Kids in Need of Defense, Luminus, Amica Center, HIAS, the Women's Law Center, World Relief and private attorneys. We have discussed U visa certification concerns in Maryland as there have been some consistent issues.

Based on our meetings, here is a list of our additional suggestions:

1) **A prohibition of blanket policies around when the crime happened and when the immigrant is seeking certification.**

Many victims of crime do not know about the U visa and will find out about it years down the road.

Helpful language that exists in other states includes Nevada's law that "prohibits a certifying agency from considering the period of time between when the petitioner was victimized by the criminal activity and when the petitioner requested certification."

2) **A reporting mechanism.** Many states have law enforcement agencies track and report each year the number of certification requests received, how many were granted, how many were denied, the number of pending certifications on the date that the data is pulled for reporting, and the reasons for the denials. States vary on who receives this information: the Attorney General, a Criminal Justice Commission, a Legislative Committee, the public, etc.

3) An Accountability mechanism. Virginia has a law that allows victims to seek assistance from a court if they believe a certification was improperly denied. Maryland's law has language that gives immunity from liability except in cases of "willful or wanton misconduct." This standard is very high and gives immunity to certifying agencies who not only act in good faith but to those who also fail to act in good faith. Maryland's law also does not allow for recovery of attorney's fees except for willful or wanton misconduct. CLINIC has not seen a single court action against a certifier in the many years since the bill became law, even though we know there have been plenty of issues. Attorneys and immigrants are just not incentivized to seek this remedy.

4) Appeal of a Denial. Some states have language that when a denial is issued, the agency shall inform the individual of the reason, and that the individual may make another request and submit additional evidence satisfying the other requirements.

5) Multiple Certifiers are Allowed. Any agency that can detect, investigate and/or prosecute the qualifying criminal activity is able to certify. No agency takes precedence over another. No agency should wait upon an approval or denial from another agency but rather should determine whether to certify based on the victim's helpfulness with their agency.

6) Language Around Purpose of U Cert. It is important to clarify that certifiers shall not consider any other factors in deciding whether to sign the certification form, except whether the individual was a victim of qualifying criminal activity and the victim's helpfulness.

CLINIC Urges Lawmakers to Support HB 0686

CLINIC urges lawmakers to support HB 0686 with amendments to uphold the rights and dignity of immigrant victims of crime in Maryland. We hope to see all certifiers being willing to certify U visa certification requests in a timely and informed manner that does not subject immigrants to further trauma. It is a challenge for immigrant victims to come forward and report crimes as they may face language, cultural, and financial challenges to reporting. There is the fear, however justified or not, that reporting to the police could land them in immigration removal proceedings or detention. It is vital that Maryland does what it can to protect its immigrants and empower them further to report crime and collaborate with law enforcement.

CLINIC appreciates your consideration and urges a favorable report with amendments for House Bill 0686.