

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

HOUSE BILL 1812

By: Representative Clowney

By: Senator Irvin

For An Act To Be Entitled

AN ACT TO REQUIRE LAW ENFORCEMENT AGENCIES TO ADOPT
POLICES CONCERNING NONIMMIGRANT VISA APPLICATIONS OF
CRIME VICTIMS; AND FOR OTHER PURPOSES.

Subtitle

TO REQUIRE LAW ENFORCEMENT AGENCIES TO
ADOPT POLICES CONCERNING NONIMMIGRANT
VISA APPLICATIONS OF CRIME VICTIMS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 12, Chapter 6, Subchapter 7, is amended to add an additional section to read as follows:

12-6-703. Law enforcement agency nonimmigrant visa certification.

(a) As used in this section:

(1) "Applicant" means a person submitting an application for a T or U nonimmigrant visa and seeking certification of the application under this section; and

(2)(A) "Victim of crime" means a person who was subjected to criminal activity as described in 8 U.S.C. § 1101, as it existed on January 1, 2023.

(B) This section does not require an arrest, prosecution, or conviction in order for a person to qualify as a victim of crime.

(b) Each law enforcement agency shall adopt a policy for the completion and signing of T and U nonimmigrant visa certification forms for a victim of crime.



(c) A policy adopted under subsection (b) of this section shall include a requirement that a law enforcement official complete the certification or denial of certification for a T or U nonimmigrant visa certification form:

(1) No later than fourteen (14) days after receipt of the request for certification if:

(A) The applicant is a party to a federal immigration proceeding for his or her removal; or

(B) The applicant will reach eighteen (18) years of age in less than thirty (30) days; and

(2) In all other cases, no later than thirty (30) days after receipt of the request for certification.

(d) A policy adopted under subsection (b) of this section shall:

(1) Designate a person within the law enforcement agency to facilitate the review and processing of T and U nonimmigrant visa certification forms;

(2) Require a law enforcement official to determine whether an applicant was:

(A) A victim of crime; and

(B) Helpful in the investigation or prosecution of the criminal activity for which the applicant was a victim of crime;

(3) Require that a law enforcement official complete certification of the T or U nonimmigrant visa certification form if an applicant is determined to satisfy the criteria stated in subdivision (d)(2) of this section;

(4) Require notice to the applicant within seven (7) days if the law enforcement agency denies certification of the T or U nonimmigrant visa certification form;

(5) Permit an applicant who is notified of a denial under subdivision (d)(4) of this section to submit additional evidence in support of his or her application;

(6) Require a law enforcement agency to reconsider an application if additional evidence is submitted under subdivision (d)(5) of this section and to notify the applicant within seven (7) days of the decision after reconsideration; and

(7) Include protocol concerning dealing with an applicant with

limited proficiency in the English language.

(e)(1) A certification under this section does not qualify an applicant for T or U nonimmigrant visa status but only certifies that the applicant is a victim of crime.

(2) The United States Government has the authority to determine whether a T or U nonimmigrant visa shall be granted.