

1. TEST CLAIM TITLE

U VISA 918 Form, Victims of Crime: Nonimmigrant status

2. CLAIMANT INFORMATION

City of Claremont

Name of Local Agency or School District

Adam Pirrie

Claimant Contact

Finance Director

Title

207 Harvard Ave.

Street Address

Claremont, CA 91711

City, State, Zip

(909) 399-5456

Telephone Number

(909) 399-5366

Fax Number

apirrie@ci.claremont.ca.us

E-Mail Address

3. CLAIMANT REPRESENTATIVE INFORMATION

Claimant designates the following person to act as its sole representative in this test claim. All correspondence and communications regarding this claim shall be forwarded to this representative. Any change in representation must be authorized by the claimant in writing, and sent to the Commission on State Mandates.

Annette Chinn

Claimant Representative Name

President

Title

Cost Recovery Systems, Inc.

Organization

705-2 East Bidwell Street #294

Street Address

Folsom, CA 95630

City, State, Zip

(916) 939-7901

Telephone Number

(916) 9369-7801

Fax Number

achinnrcs@aol.com

E-Mail Address

For CSM Use Only

Filing Date:

RECEIVED
March 06, 2018
**Commission on
State Mandates**

Test Claim #: 17-TC-01

4. TEST CLAIM STATUTES OR EXECUTIVE ORDERS CITED

Please identify all code sections (include statutes, chapters, and bill numbers) (e.g., Penal Code Section 2045, Statutes 2004, Chapter 54 [AB 290]), regulations (include register number and effective date), and executive orders (include effective date) that impose the alleged mandate .

Statutes of 2015, Chapter 721

Senate Bill 674 - effective 1-1-2016

Adding Section 679.10 to the Penal Code

Copies of all statutes and executive orders cited are attached.

Sections 5, 6, and 7 are attached as follows:

5. Written Narrative: pages 1 to 8 .

6. Declarations: pages 9 to 11 .

7. Documentation: pages 12 to 158 .

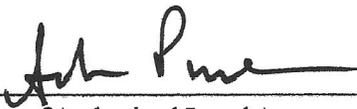
CLAIM CERTIFICATION

Read, sign, and date this section and insert at the end of the test claim submission. *

This test claim alleges the existence of a reimbursable state-mandated program within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514. I hereby declare, under penalty of perjury under the laws of the State of California, that the information in this test claim submission is true and complete to the best of my own knowledge or information or belief.

Adam Pirrie

Print or Type Name of Authorized Local Agency
or School District Official



Signature of Authorized Local Agency or
School District Official

Finance Director

Print or Type Title

3-5-18

Date

** If the declarant for this Claim Certification is different from the Claimant contact identified in section 2 of the test claim form, please provide the declarant's address, telephone number, fax number, and e-mail address below.*

Test Claim of:
City of Claremont

U Visa: Form I-918, Victims of Crime: Nonimmigrant Status

Penal Code 679.10
Chapter 721, Statutes of 2015

STATEMENT OF THE CLAIM

MANDATE SUMMARY

The California Senate passed Senate Bill 674, Victims of crime: nonimmigrant status adding Penal Code 679.10 (UVISA). It was approved by the governor October 9, 2015 and it went into effect January 1, 2016. This bill enhances existing federal law and as a result of the implementation of this Penal Code section the Claremont Police Department incurred new costs as a result of the legislation and expects future annual costs related to the mandated program will exceed \$1,000.

Existing federal law provides a Form I-918, Petition for U Nonimmigrant Status to request temporary immigration benefits for a person who is a victim of certain qualifying criminal activities. Existing federal law also provides a form for certifying that a person submitting a Form I-918 is a victim of certain qualifying criminal activity and is, has been, or is likely to be helpful in the investigation or prosecution of that criminal activity (Form I-918 Supplement B)

SPECIFIC STATUTORY SECTIONS THAT CONTAIN THE MANDATED ACTIVITIES

The new costs result from the addition Penal Code 679.10.

The bill requires (Section (e)), upon victim or victim's family members request, that local law enforcement agencies (among others specified agencies), **shall** certify, as specified, "victim helpfulness" on Form I-918. Subsection (i) of the statute, states "A current investigation, the filing of charges, and a prosecution or conviction are not required for the victim to request and obtain the Form I-918 Supplement B certification from a certifying official".

Under prior law, Victims of Trafficking and Violence Protection Act, Federal Legislation, and its amendments allowed the "certifying entity" to have discretion in certifying the I-918 Form, meaning that it was optional for local agencies to complete. Section (j) now specifies that certification can only be withdrawn if the victim refused to provide information and assistance when reasonably requested.

Due to the passage of SB 674 adding Penal Code 679.10, Claremont PD is required to review and "certify" almost all the I-918 forms it receives. It no longer has the discretion as it had in the past to select only those cases it deemed the victim's assistance was required.

Because the victim's assistance is rarely required, completion of the UVISA forms I-918 would *usually not be needed*.

New statutes also add additional requirements: Section (g) states "...official shall fully complete and sign the form I-918 Supplement B certification and, in regarding victim's helpfulness, include a detailed description of the victim's helpfulness or likely helpfulness to the detection or investigation or prosecution of the criminal activity."

In addition, section (h) the new Statutes add time requirements for local agencies to respond that did not exist before. Agencies now have to respond "within 90 days of request and within 14 days of request if a noncitizen is in removal proceedings".

A. DETAILED DESCRIPTION OF THE NEW ACTIVITIES AND COSTS THAT ARISE FROM THE MANDATE:

One-time costs:

- 1) Updating Department Policies and Procedures to address new statutory requirements
- 2) Training staff on new requirements

On-going activities:

- 1) Training new staff assigned to this duty on mandated program requirements
- 2) For all requests, research the original crime(s) the victim was involved to determine whether new law criteria are met and certification can be granted and to determine "victims' helpfulness". This includes obtaining prior criminal records, reports, and history, determining helpfulness and potential helpfulness of the victim; determining if the victim has not refused or failed to provide information and assistance reasonably requested by law enforcement.

(Detailed research and review of crime history/reports is now required for each case to determine the victim's helpfulness and potential helpfulness.

Before this law was added, the city would only have to determine the status of the case: if the case was found to be adjudicated, closed or is outside the statute of limitations, the City would find the victim's assistance was no longer needed and the UVISA application would be denied. Almost all requests could be denied just by determining whether the case was being or likely to be adjudicated which would typically take 5-10 minutes.

Because of the new requirements, estimate additional time to research each per case would usually take an extra 20-30 mins per case)

- 3) Fully complete, sign and certify the application (I-918 Form) including Supplement B for ALL requested I-918 applications. This must include a detailed description of the victim's helpfulness or likely helpfulness to the detection, investigation, or prosecution of the criminal activity.

Time for completion of Supplement B is now 90 days of request or 14 days of request if noncitizen is in removal proceedings.

Full completion of application, Supplement B, and certification *is now required for ALL cases. In the past, almost all requests could be denied with a simple signature and full completion of forms was not required. Estimate additional time per case = 10-20 mins per case)*

- 4) Supervisor review and approval of the detailed description of victim's helpfulness narrative.
(Estimated additional time at 5-10 minutes per case)
- 5) Prepare and submit annual reports to the Legislature specifying total number of requests for UVISA certifications, the number approved and denied.
(Estimated at 15-20 minutes per year)

B. DETAILED DESCRIPTION OF THE EXISTING ACTIVITIES AND COSTS THAT ARE MODIFIED BY THE MANDATE:

On-going activities:

- 1) Review the UVISA request.
(Estimated additional 5-10 minutes per request)
- 2) Supervisor review and approval of the "complete" UVISA paperwork
(Estimated additional 5-10 minutes per case.) In the past, denied cases did not require completion of all the forms, therefore additional time is required to review these additional requests and completed forms.
- 3) Transmit results to involved parties and legal representatives.
(Estimated additional approximately 5 minutes per case)
- 4) File, log, and close case
(Estimate additional 5-10 minutes per case)

C. & D. ACTUAL AND ESTIMATED INCREASED COSTS INCURRED BY THE CLAIMANT DURING THE FISCAL YEAR AND THE FOLLOWING FISCAL YEAR.

The City of Claremont did not receive any UVISA requests in 2016. The first request made after enactment of subject legislation was in November, 2017. Therefore, first incurred costs as a result of this mandate occurred in Fiscal Year 2017-18.

Attached are detailed costs estimates required to implement the mandated program.

Program UVISAS	MANDATED COSTS U VISAS ACTIVITY COST ESTIMATES						Estimated Costs FY 2017-18
	City of Claremont						
DIRECT COSTS							
Description of Expenses:							
Employee Names, Job Class., Functions Performed and Description of Expenses	Hourly Rate or Unit Cost	Benefit Rate	Hours Worked or Quantity	Salaries	Benefits	Total Salaries & Benefits	
ONE-TIME COSTS							
Chief - review and approve new policies and procedures	\$103.88	61.5%	0.50	\$52	\$32	\$84	
Captain - Reseach new law and draft new policy.	\$86.11	61.5%	4.00	\$344	\$212	\$556	
City Attorney review and approve new polcies	\$300.00		1.00	\$300		\$300	
Lieutenant - review new policies / training	\$82.26	61.5%	1.00	\$82	\$51	\$133	
Total One-Time Costs (Estimated)			6.50	\$ 778.64	\$ 294.37	\$ 1,073.01	
ON-GOING COSTS							
Lieutenant (60 mins per case x 5 estimated cases)	\$82.26	61.5%	5.00	\$411	\$253	\$664	
Lieutenant - report results to legislature annually	\$82.26	61.5%	0.33	\$27	\$17	\$44	
Total On-Going Costs (Estimated)			5.33	\$ 438.45	\$ 269.64	\$ 708.09	
INDIRECT COSTS (ICRP Rate = 85%)						\$974	
GRAND TOTAL (ESTIMATE)						\$2,755	

Program UVISAS	MANDATED COSTS U VISAS ACTIVITY COST ESTIMATES						Estimated Costs FY 2018-19
	City of Claremont						
Description of Expenses:							
Employee Names, Job Class., Functions Performed and Description of Expenses	Hourly Rate or Unit Cost	Benefit Rate	Hours Worked or Quantity	Salaries	Benefits	Total Salaries & Benefits	
ON-GOING COSTS							
Lieutenant (60 mins per case x 6 estimated cases)	\$85.13	61.0%	6.00	\$511	\$312	\$822	
Lieutenant - report results to legislature annually	\$85.13	61.0%	0.33	\$28	\$17	\$45	
Total On-Going Costs (Estimated)			6.33	\$ 538.90	\$ 328.73	\$ 867.63	
INDIRECT COSTS (ICRP Rate = 80%)						\$431	
GRAND TOTAL (ESTIMATE)						\$1,299	

E. STATEWIDE COST ESTIMATE OF INCREASED COSTS THAT ALL LOCAL AGENCIES WILL INCUR TO IMPLEMENT THE ALLEDGED MANDATE DURING THE FISCAL YEAR IMMEDIATELY FOLLOWING THE FISCAL YEAR THE CLAIM WAS FILED.

The Assembly Appropriations Committee (AAC) estimated statewide costs to be in excess of \$300,000. Their estimate was based on a six-year period of time of the certifications provided by the Cities of Los Angeles (764) and Oakland (500). The Appropriation Committee estimated a cost of \$25 to process each certification. That amount was then quantified by the 482 cities over the 58 counties in California.

F. AVAILABLE FUNDING SOURCES

There are no State, Federal, or other nonlocal agency funds available for this program that we are aware. The City of Claremont must pay for these increased costs from the Police department's general fund appropriations. The City of Claremont is not aware of fee authority to offset these costs and CLAREMONT PD has not charged any fees for processing I-918 forms.

G. PRIOR MANDATE DETERMINATIONS BY THE BOARD OF CONTROL OR COMMISSION ON STATE MANDATES.

The City is not aware of any prior determinations made by the Board of Control or the Commission on State mandates related to this matter.

H. IDENTIFICATION OF A LEGISLATIVELY DETERMINED MANDATED PURSUANT TO GOVERNMENT CODE SECTION 17573 THAT IS ON THE SAME STATUTE OR EXECUTIVE ORDER.

To the best of our knowledge, this does not apply.

CONCLUSION

The costs incurred by the City of Claremont as a result of the statute on which this test claim is based are all reimbursable costs as such costs are "costs mandated by the State" under Article XIII B (6) of the California Constitution, and Government Code §17500 *et seq.* of the Government Code. Section 17514 of the Government Code defines "costs mandated by the state", and specifies the following three requirements:

1. There are "increased costs which a local agency is required to incur after July 1, 1980."
2. The costs are incurred "as a result of any statute enacted on or after January 1, 1975."
3. The costs are the result of "a new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

All three of the above requirements for finding costs mandated by the State are met as described previously herein.

MANDATE MEETS BOTH SUPREME COURT TESTS

The mandate created by this statute meets both tests that the Supreme Court in the *County of Los Angeles v. State of California* (1987) created for determining what constitutes a reimbursable state mandated local program. Those two tests, which the Commission on State Mandates relies upon to determine if a reimbursable mandate exists, are the “unique to government” and the “carry out a state policy” tests. Their application to this test claim is discussed below.

Mandate Is Unique to Local Government

The sections of the law claimed is unique to government. Certifying agencies are defined as state or local law enforcement agencies, a prosecutor, a judge, any other authority that has the responsibility for detection or investigation or prosecution of a qualifying crime or criminal activity, child protective services agencies, Department of Fair Employment and Housing, and the Department of Industrial Relations.

Mandate Carries Out a State Policy

Because new State statutes imposition a higher level of service to the victims which exceeded Federal law and which take away local agency discretion in conducting these reviews and providing certifications, these changes have resulted in additional costs to local agencies.

STATE FUNDING DISCLAIMERS ARE NOT APPLICABLE

There are seven disclaimers specified in Government Code §17556 which could serve to bar recovery of “costs mandated by the State”, as defined in Government Code §17556. None of the seven disclaimers apply to this test claim:

1. The claim is submitted by a local agency or school district which requests legislative authority for that local agency or school district to implement the Program specified in the statutes, and that statute imposes costs upon the local agency or school district requesting the legislative authority.
2. The statute or executive order affirmed for the State that which had been declared existing law or regulation by action of the courts.
3. The statute or executive order implemented a federal law or regulation and resulted in costs mandated by the federal government, unless the statute or executive order mandates costs which exceed the mandate in that federal law or regulation.
4. The local agency or school district has the authority to levy service charges, fees or assessments sufficient to pay for the mandated program or increased level of service.
5. The statute or executive order provides for offsetting savings to local agencies or school districts which result in no net costs to the local agencies or school districts, or includes additional revenue that was specifically intended to fund the costs of the State mandate in an amount sufficient to fund the cost of the State mandate.
6. The statute or executive order imposed duties which were expressly included in a ballot measure approved by the voters in a Statewide election.

7. The statute created a new crime or infraction, eliminated a crime or infraction, or changed the penalty for a crime or infraction, but only for that portion of the statute relating directly to the enforcement of the crime or infraction.

The enactment of Senate Bill 674, Chapter 721, Statutes of 2015 imposed a new state mandated program and cost on the City of Claremont.

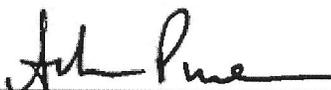
The mandated program meets all of the criteria and tests for the Commission on State Mandates to find a reimbursable state mandated program. None of the disclaimers or other statutory or constitutional provisions that would relieve the State from its constitutional obligation to provide reimbursement have any application to this claim.

- Exhibits:
- Senate Bill 674; Chapter 721, Statutes of 2015 adding Penal Code 679.10
 - August, 2015 Assembly Appropriations Committee Analysis
 - February, 2015 Senate Rules Committee Analysis
 - February, 2015 Senate Appropriations Committee Analysis
 - February, 2015 Senate Public Safety Committee Analysis
 - Sample Form I-918, Petition for U Nonimmigrant Status forms, Supplement A and Supplement B & Instructions
 - Federal Victims of Trafficking and Violence Protection Act of 2000
 - Declaration Statements

CLAIM CERTIFICATION

The foregoing facts are known to me personally and if so required, I could and would testify to the statements made herein. I declare under penalty of perjury under the laws of the State of California that the statements made in this document are true and complete to the best of my personal knowledge and as to all matters, I believe them to be true.

Executed this 5th day of March, in Claremont California, by:



Adam Pirrie
Finance Director
207 Harvard Ave.
Claremont, CA 91711
(909) 399-5456
APirrie@ci.claremont.ca.us

DECLARATION OF ADAM PIRRIE

I, Adam Pirrie, make the following declaration under oath:

I am the Chief Financial Officer the City of Claremont. As part of my duties, I am responsible for the complete and timely recovery of costs mandated by the State.

I declare that I have examined the UVISA test claim prepared by the City and believe the resulting costs, in implementing the subject law, and find that such costs are, in my opinion, "costs mandated by the State", as defined in Government Code, Section 17514:

" 'Costs mandated by the State' means any increased costs which a local agency or school district is required to incur after July 1, 1980, as a result of any statute enacted on or after January 1, 1975, or any executive order implementing any statute enacted on or after January 1, 1975, which mandates a new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

The City of Claremont first incurred costs as a result of this Test Claim statute in Fiscal Year 2017-18.

I am personally conversant with the foregoing facts, and if so required, I could and would testify to the statements made herein.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge, except as to the matters which are stated upon information or belief, and as to those matters, I believe them to be true.

Executed this 5th day of March in Claremont, California.



Adam Pirrie
Finance Director
207 Harvard Ave.
Claremont, CA 91711
(909) 399-5456
APirrie@ci.Claremont.ca.us

Declaration of Actual or Estimated Costs, Offsets and New Activities

Pursuant to 17553 (b) (2) of the Government Code and per the Commission on State Mandates, I Adam Pirrie, Finance Director and the City's Chief Fiscal Officer, under the penalty of perjury, based on my personal knowledge, information and belief, declare the following:

- A. Senate Bill 674 (Chapter 721, Statutes of 2015) adding Penal Code 679.10 became effective on January 1, 2016.
- B. The City of Claremont is required to perform new activities as a result of SB 674, adding Penal Code 679.10.
- C. The City of Claremont's first UVISA request received after passage of subject Test Claim Statutes, did not occur until November 21, 2017 (Fiscal Year 2017-18), therefore no costs were incurred by the City to implement this new program until Fiscal Year 2017-18.
- D. The City of Claremont's cost estimates presented in this Test Claim are accurate.
- E. The City of Claremont estimates that future costs to implement the alleged mandate could exceed \$1,000 as shown in the attached spreadsheets included in this Test Claim
- F. The City of Claremont has no local, state, federal funding or fee authority that we are aware of to offset the increased costs that will be incurred by the city to implement this program.
- G. This test claim is not for a Legislatively Determined Mandate and no payments have been received by the City of Claremont for the implementation of the new activities required by the statutes in question.

Executed this 5th day of March in Claremont, California.



Adam Pirrie
Finance Director

DECLARATION OF MICHAEL CISZEK

I, Michael Ciszek, make the following declaration under oath:

I am a Lieutenant for the City of Claremont. I have been employed by the City in this capacity since 2009 and have been a law enforcement officer since 1996. As part of my duties, I am responsible for the complete and timely recovery of costs mandated by the State.

I have personal knowledge of the UVISA process performed by Claremont's Police Department.

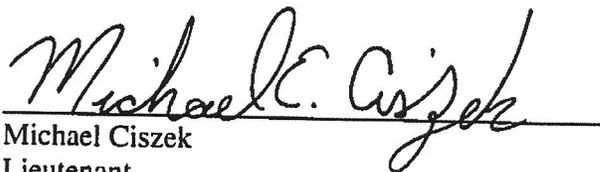
I declare that I have examined the UVISA test claim prepared by the City and believe the resulting costs, in implementing the subject law, and find that such costs are, in my opinion, "costs mandated by the State", as defined in Government Code, Section 17514:

" 'Costs mandated by the State' means any increased costs which a local agency or school district is required to incur after July 1, 1980, as a result of any statute enacted on or after January 1, 1975, or any executive order implementing any statute enacted on or after January 1, 1975, which mandates a new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

I am personally conversant with the foregoing facts and information presented in this test claim, and if so required, I could and would testify to the statements made herein.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own personal knowledge or belief.

Executed this first (1) day of March, 2018 in Claremont, California.



Michael Ciszek
Lieutenant
Claremont Police Department

APPENDIX A –

**APPENDIX A
TABLE OF CONTENTS**

Senate Bill 674; Chapter 721, Statutes of 2015 adding Penal Code 679.10 **1**

ASSEMBLY AND SENATE COMMITTEE ANALYSIS **7-20**

August, 2015 Assembly Appropriations Committee Analysis
February, 2015 Senate Rules Committee Analysis
February, 2015 Senate Appropriations Committee Analysis
February, 2015 Senate Public Safety Committee Analysis

SAMPLE UVISA FORMS **21-69**

Sample Form I-918, Petition for U Nonimmigrant Status forms, Supplement A and Supplement B & Instructions

PRIOR FEDERAL LAW **70-158**

Federal Victims of Trafficking and Violence Protection Act of 2000



SB-674 Victims of crime: nonimmigrant status. (2015-2016)

SHARE THIS:



Senate Bill No. 674

CHAPTER 721

An act to add Section 679.10 to the Penal Code, relating to victims of crime.

[Approved by Governor October 09, 2015. Filed with Secretary of State
October 09, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

SB 674, De León. Victims of crime: nonimmigrant status.

Existing federal law provides a Form I-918, Petition for U Nonimmigrant Status (Form I-918) to request temporary immigration benefits for a person who is a victim of certain qualifying criminal activity. Existing federal law also provides a form for certifying that a person submitting a Form I-918 is a victim of certain qualifying criminal activity and is, has been, or is likely to be helpful in the investigation or prosecution of that criminal activity (Form I-918 Supplement B).

Existing state law establishes certain rights of victims and witnesses of crimes, including, among others, to be notified and to appear at all sentencing proceedings, upon request, to be notified and to appear at parole eligibility hearings, and, for certain offenses, to be notified when a convicted defendant had been ordered placed on probation.

This bill would require, upon request, that a certifying official from a certifying entity certify, as specified, "victim helpfulness" on the Form I-918 Supplement B, when the requester was a victim of a qualifying criminal activity and has been helpful, is being helpful, or is likely to be helpful to the detection, investigation, or prosecution of that qualifying criminal activity. The bill would define "certifying entity," "certifying official," and the qualifying criminal activity for those purposes. A "certifying entity" would include, among others, local law enforcement agencies and child protective services agencies. The bill would establish for purposes of determining helpfulness, a rebuttable presumption that a victim is helpful, has been helpful, or is likely to be helpful to the detection, investigation, or prosecution of that qualifying criminal activity, if the victim has not refused or failed to provide information and assistance reasonably requested by law enforcement. The bill would require the certifying entity to process a Form I-918 Supplement B certification within 90 days of request, unless the noncitizen is in removal proceedings, in which case the certification is required to be processed within 14 days of request. The bill would require a certifying entity that receives a request for a Form I-918 Supplement B certification to report to the Legislature, on or before January 1, 2017, and annually thereafter, the number of victims that requested Form I-918 Supplement B certifications from the entity, the number of those certification forms that were signed, and the number that were denied.

By imposing additional duties on local government agencies, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 679.10 is added to the Penal Code, to read:

679.10. (a) For purposes of this section, a "certifying entity" is any of the following:

- (1) A state or local law enforcement agency.
- (2) A prosecutor.
- (3) A judge.
- (4) Any other authority that has responsibility for the detection or investigation or prosecution of a qualifying crime or criminal activity.
- (5) Agencies that have criminal detection or investigative jurisdiction in their respective areas of expertise, including, but not limited to, child protective services, the Department of Fair Employment and Housing, and the Department of Industrial Relations.

(b) For purposes of this section, a "certifying official" is any of the following:

- (1) The head of the certifying entity.
- (2) A person in a supervisory role who has been specifically designated by the head of the certifying entity to issue Form I-918 Supplement B certifications on behalf of that agency.
- (3) A judge.
- (4) Any other certifying official defined under Section 214.14 (a)(2) of Title 8 of the Code of Federal Regulations.
- (c) "Qualifying criminal activity" means qualifying criminal activity pursuant to Section 101(a)(15)(U)(iii) of the Immigration and Nationality Act which includes, but is not limited to, the following crimes:

- (1) Rape.
- (2) Torture.
- (3) Human trafficking.
- (4) Incest.
- (5) Domestic violence.
- (6) Sexual assault.
- (7) Abusive sexual conduct.
- (8) Prostitution.
- (9) Sexual exploitation.
- (10) Female genital mutilation.
- (11) Being held hostage.
- (12) Peonage.
- (13) Perjury.
- (14) Involuntary servitude.
- (15) Slavery.

- (16) Kidnaping.
- (17) Abduction.
- (18) Unlawful criminal restraint.
- (19) False imprisonment.
- (20) Blackmail.
- (21) Extortion.
- (22) Manslaughter.
- (23) Murder.
- (24) Felonious assault.
- (25) Witness tampering.
- (26) Obstruction of justice.
- (27) Fraud in foreign labor contracting.
- (28) Stalking.

(d) A "qualifying crime" includes criminal offenses for which the nature and elements of the offenses are substantially similar to the criminal activity described in subdivision (c), and the attempt, conspiracy, or solicitation to commit any of those offenses.

(e) Upon the request of the victim or victim's family member, a certifying official from a certifying entity shall certify victim helpfulness on the Form I-918 Supplement B certification, when the victim was a victim of a qualifying criminal activity and has been helpful, is being helpful, or is likely to be helpful to the detection or investigation or prosecution of that qualifying criminal activity.

(f) For purposes of determining helpfulness pursuant to subdivision (e), there is a rebuttable presumption that a victim is helpful, has been helpful, or is likely to be helpful to the detection or investigation or prosecution of that qualifying criminal activity, if the victim has not refused or failed to provide information and assistance reasonably requested by law enforcement.

(g) The certifying official shall fully complete and sign the Form I-918 Supplement B certification and, regarding victim helpfulness, include specific details about the nature of the crime investigated or prosecuted and a detailed description of the victim's helpfulness or likely helpfulness to the detection or investigation or prosecution of the criminal activity.

(h) A certifying entity shall process an I-918 Supplement B certification within 90 days of request, unless the noncitizen is in removal proceedings, in which case the certification shall be processed within 14 days of request.

(i) A current investigation, the filing of charges, and a prosecution or conviction are not required for the victim to request and obtain the Form I-918 Supplement B certification from a certifying official.

(j) A certifying official may only withdraw the certification if the victim refuses to provide information and assistance when reasonably requested.

(k) A certifying entity is prohibited from disclosing the immigration status of a victim or person requesting the Form I-918 Supplement B certification, except to comply with federal law or legal process, or if authorized by the victim or person requesting the Form I-918 Supplement B certification.

(l) A certifying entity that receives a request for a Form I-918 Supplemental B certification shall report to the Legislature, on or before January 1, 2017, and annually thereafter, the number of victims that requested Form I-918 Form B certifications from the entity, the number of those certification forms that were signed, and the number that were denied. A report pursuant to this subdivision shall comply with Section 9795 of the Government Code.

SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7

(commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

Date of Hearing: August 19, 2015

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Jimmy Gomez, Chair

SB 674 (De León) – As Introduced February 27, 2015

Policy Committee: Public Safety

Vote: 7 - 0

Urgency: No

State Mandated Local Program: Yes

Reimbursable: Yes

SUMMARY:

This bill requires specified agencies, upon the request of an immigrant victim of specified crimes, to certify within 90 days of the request, the victim's helpfulness on the applicable form (Form I-918 Supplement B certification) so that the victim may apply for a U-visa to temporarily live and work in the United States. The certifying entity is required to submit a specified annual report to the Legislature before January 1, 2017, and annually thereafter.

FISCAL EFFECT:

Moderate local reimbursable state mandated costs in excess of \$300,000 by establishing a time-frame for certifying entities to process Form I-918 Supplement B requests, and for local certifying entities to report annually to the Legislature.

During a six-year period, annual certifications provided by the cities of Los Angeles and Oakland were 764 and 500, respectively. If the cost to provide the certification were \$25, the reimbursable mandate to these two cities would be \$31,600. There are 58 counties and 482 cities and each of them has at least one "agency" that qualifies as a certifying agency. It is reasonable to assume that the number of certifications statewide would be at least ten times those of the cities of Los Angeles and Oakland combined. The reporting requirement reimbursable costs will be minor.

Mandating compliance with federal law is not a reimbursable mandate. However, federal law does not impose a timeframe, nor does it require an annual report.

COMMENTS:

- 1) **Purpose.** The Victim of Crime Visa, also referred to as the U-Visa, is available to immigrants who are victims of certain crimes committed in the United States – rape, incest, sexual assault, torture, or domestic violence, for example. The bearer of a U-Visa gets relief from deportation and permission to work in the United States. Federal immigration authorities make the determination of whether a victim of crime qualifies for a U-Visa. However, in order for the victim to apply to the federal government for the U-Visa, the victim must receive a certification from law enforcement, a prosecutor, or a judicial officer. The document, Form I-918 Supplement B, certifies that the individual was a victim of a qualifying crime, and the certification must state that the victim was helpful or likely helpful to the prosecution or investigation of the crime.

According to the author, there are some local law enforcement agencies that do an exemplary job granting certifications. But there are other law enforcement agencies that systematically deny certifications on the basis of political views on immigration matters. Effectively, these agencies are making the determination of whether one belongs in this county or not, irrespective of the crime that has been committed against an immigrant and irrespective of whether that victim was helpful to law enforcement.

SB 674 makes clear all entities that can certify victim helpfulness, and that they must certify within 90 days of the request the victim's helpfulness, if the victim was a victim of one of the qualifying crimes. SB 674 specifies a 14-day time frame if the victim is in deportation proceedings.

The "certifying entity includes any of the following:

- a) A state or local law enforcement agency;
- b) A prosecutor;
- c) A judge;
- d) Any other authority that has responsibility for the detection or investigation or prosecution of a qualifying crime or criminal activity; or
- e) Agencies that have criminal detection or investigative jurisdiction in their respective areas of expertise, including, but not limited to, child protective services, the Department of Fair Employment and Housing, and the Department of Industrial Relations.

- 2) **Argument in Support:** According to the *Immigrant Legal Resource Center*, "Victims of certain crimes may be eligible for legal status through a U-Visa. However, a problem these victims are facing in California is that some entities that can certify victim helpfulness refuse to even consider signing Form I-918 Supplement B certifications. Others place their own restrictions on which victims can receive the certification. These refusals arbitrarily prevent these victims from seeking relief to stay in this country. This bill is necessary to bring consistent treatment and equity to victims of crime and require that all certifying entities certify victim helpfulness in a consistent and fair manner."

Analysis Prepared by: Pedro R. Reyes / APPR. / (916) 319-2081

THIRD READING

Bill No: SB 674
Author: De León (D)
Introduced: 2/27/15
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 7-0, 4/21/15
AYES: Hancock, Anderson, Leno, Liu, McGuire, Monning, Stone

SENATE APPROPRIATIONS COMMITTEE: 6-1, 5/28/15
AYES: Lara, Bates, Beall, Hill, Leyva, Mendoza
NOES: Nielsen

SUBJECT: Victims of crime: nonimmigrant status

SOURCE: Author

DIGEST: This bill creates a rebuttable presumption that when certain factors are met a victim or victim's family member shall have their Form I-918 supplement B certified so that he or she can apply for a U Visa to stay in the United States.

ANALYSIS:

Existing federal law allows an immigrant who has been a victim of a crime to apply for a U Visa when he or she has been helpful to the investigation or prosecution of the criminal activity.

This bill:

- 1) Provides that upon the request of the victim or the victim's family member a certifying official from a certifying entity shall certify victim helpfulness on the Form I-918 supplement B when the victim was a victim of a qualifying criminal activity and has been helpful, is being helpful or is likely to be

- helpful in the detection or investigation or prosecution of that qualifying criminal activity.
- 2) Provides that for the purposes of determining helpfulness there is rebuttable presumption that a victim is helpful, has been helpful, or is likely to be helpful to the detection or investigation or prosecution of that qualifying criminal activity, if the victim has not refused or failed to provide information and assistance reasonably requested by the law enforcement.
 - 3) Provides that a certifying entity shall process a Form I-918 Supplement B certification within 90 days of the request unless the noncitizen is in removal proceedings in which case the certification shall be processed within 14 days of request.
 - 4) Provides that a current investigation, filing of charges and a prosecution or conviction are not required for the victim to request and obtain a Form I-918 Supplement B certification from a certifying official.
 - 5) Provides that a certifying official may only withdraw the certification if the victim refuses to provide information and assistance when reasonably requested.
 - 6) Provides that a certifying entity is prohibited from disclosing the immigration status of a victim or person requesting the Form I-918 Supplement B certification, except to comply with federal law or legal process or if authorized by the person requesting the certification.
 - 7) Provides for a certifying entity that receives a request for a Form I-918 Supplement B certification to report to the Legislature annually beginning on January 1, 2017, the number of victims that requested Form I-918 Supplement B certifications from the entity, the number of those that were signed and the number that were denied.
 - 8) Defines certifying entity as:
 - A state or local law enforcement agency;
 - A prosecutor;
 - A judge;
 - Any other authority that has responsibility for the detection or investigation or prosecution of a qualifying crime or criminal activity; and,

- Agencies that have criminal detection or investigative jurisdiction in the respective areas including but not limited to, child protective services, the Department of Fair Employment and Housing, and the Department of Industrial Relations.
- 9) Defines certifying official as any of the following:
- The head of the certifying entity;
 - A person in a supervisory role who has been designated to issue Form I-918 Supplement B certification;
 - A judge; and,
 - Any other certifying official as defined under federal law.
- 10) Defines qualifying criminal activity as including, but not limited to, specified crimes.
- 11) Defines qualifying crimes as criminal offenses for which the nature and elements are substantially similar to the listed crimes and the attempt, conspiracy or solicitation to commit any of those offenses.

Background

U Visa. In October 2000, Congress, as part of the reauthorization of the Violence Against Women Act, created the U Visa to provide immigrant crime victims an avenue to obtain lawful immigration status and thus encourage cooperation with law enforcement by undocumented victims of crime. In order to qualify for a U Visa: the applicant must have suffered substantial physical or mental abuse as a result of having been a victim of certain qualifying activity; the applicant must possess information concerning such criminal activity; the applicant must be helpful, have been helpful, or likely to be helpful in the investigation or prosecution of a crime; and the criminal activity must have occurred in the U.S. or violated the state or federal law of the United States.

Certification. In order to apply for a U Visa, the qualified immigrant victim must obtain a certification of a helpfulness from a law enforcement official, prosecutor, judge or federal or state agency authorized to detect investigate or prosecute any of the criminal activities listed in the U Visa statute. This certification form is called a Form I-918. While in some jurisdictions the appropriate agencies have been supportive of immigrant victims and have readily signed Form I-918 when the

immigrant victims have been helpful, other jurisdictions have shown a reluctance to sign these certification forms.

In some cities, police and prosecutors readily verify that an undocumented crime victim cooperated; in others, they stonewall. From 2009 through May 2014, law enforcement in New York City verified 1,151 crime victims, according to figures provided by federal immigration authorities in response to public records requests by Reuters. Meanwhile, police and prosecutors verified 4,585 crime victims in Los Angeles, a city with less than half of New York's population.

Oakland, California, has less than 5 percent of New York's population, yet law enforcement there verified 2,992 immigrants during the same period - more than twice as many. Sacramento, California, has a slightly higher population than Oakland, but verified just 300 crime victims.

The federal data do not include the number of immigrants whose requests for verification are ignored or denied by the police. Nor is it possible to determine how many of those would have ultimately been rejected anyway because the applicant would not qualify under the program. Victims of misdemeanor assault, for instance, do not qualify.

But wide variations in the numbers of certifications among jurisdictions of similar size suggest that thousands of victims of violent crimes who have embraced the offer of a U Visa haven't got one. (Levine and Cooke, *Special Report: U.S. visa program for crime victims is hit—or-miss prospect* Reuters October 21, 2014)

This bill provides that when a victim, or victim's family member, requests a certifying official to certify the Form I-918 there is a rebuttable presumption that the victim is helpful, has been helpful or is likely to be helpful in the investigation if the victim has not refused to provide information and assistance as requested by law enforcement. The bill would also require the form be filled out completely and within 90 days of the request, unless the victim is in removal proceedings in which case the form must be filled out within 14 days.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

According to the Senate Appropriations Committee analysis:

- *TCVAP benefits*: Potentially significant future increase in annual state costs (General Fund) for the Trafficking and Crime Victims Assistance Program (TCVAP), which provides state-funded benefits (including cash assistance, services, child care, and food benefits), to the extent a greater number of victims are able to file formal U Visa applications. Applicants are eligible for TCVAP when a U Visa application has been filed with USCIS, and eligibility continues until and unless a recipient's application for a U Visa has been finally administratively denied. For every 100 new cases, annual costs could range from \$0.7 million to \$1.6 million (General Fund).
- *Form I-918B certification process*: Potential future cost pressure on certifying entities to implement the process, including but not limited to the specified timelines within which to process requests. To the extent the new requirements are determined to place a higher level of service on local agencies than required under federal law, local agency expenditures could qualify as a reimbursable state mandate (General Fund).
- *Annual report*: Likely minor costs to state and local agencies acting as certifying entities to compile and submit the annual report to the Legislature. To the extent local agency expenditures qualify as a reimbursable state mandate, agencies could only claim reimbursement of costs incurred if \$1,000 or more (General Fund).
- *State agency certifying entities*: Minor impact to the Department of Fair Employment and Housing, the Department of Industrial Relations, and the Department of Justice.

SUPPORT: (Verified 5/29/15)

ACLU
AFSCME
California Attorneys for Criminal Justice
California Immigrant Policy Center
California Partnership to End Domestic Violence
The Central American Resource Center
The Immigrant Legal Resource Center
Los Angeles Center for Law and Justice
YWCA of Glendale;

OPPOSITION: (Verified 5/29/15)

None received

ARGUMENTS IN SUPPORT:

According to the author:

The goal of SB 674, The Immigrant Victims of Crime Equity Act is to ensure the maximum amount of immigrant victims of crime in California have the opportunity to apply for the federal U-Visa when the immigrant was a victim of a qualifying crime and has been helpful or is likely to be helpful in the investigation or prosecution of that crime.

SB 674 creates equity in the granting of the certifications of victim helpfulness that are essential to the crime victim's U-Visa application filed with the USCIS. The Immigrant Victim of Crimes Equity Act requires certifying entities to certify victim helpfulness on the Form I-918 Supplement B certification, upon the request of the victim or victim's family member, when: (1) the victim was a victim of a qualifying criminal activity and (2) has been helpful, is being helpful, or is likely to be helpful to the detection or investigation or prosecution of that qualifying criminal activity. Under the bill, the certifying entity must also process the certification within a time limit and include details about victim helpfulness.

Prepared by: Mary Kennedy / PUB. S. /
5/30/15 16:03:12

**** **END** ****

SENATE COMMITTEE ON APPROPRIATIONS

Senator Ricardo Lara, Chair
2015 - 2016 Regular Session

SB 674 (De León) - Victims of crime: nonimmigrant status

Version: February 27, 2015

Urgency: No

Hearing Date: May 4, 2015

Policy Vote: PUB. S. 7 - 0

Mandate: Yes

Consultant: Jolie Onodera

This bill meets the criteria for referral to the Suspense File.

Bill Summary: SB 674 would provide that upon the request of a victim or victim's family member, a certifying official from a certifying entity, as defined, is required to certify "victim helpfulness" on the Form I-918 Supplement B (Form I-918B), when the victim was a victim of a qualifying criminal activity and has been helpful, is being helpful, or is likely to be helpful to the detection or investigation or prosecution of that criminal activity. This bill would specify timelines within which a certifying entity must process a Form I-918B request and would require a certifying entity that receives a request for a Form I-918B certification to report to the Legislature on or before January 1, 2017, and annually thereafter, on the number of Form I-918B certifications requested, signed, and denied.

Fiscal Impact:

- **TCVAP benefits:** Potentially significant future increase in annual state costs (General Fund) for the Trafficking and Crime Victims Assistance Program (TCVAP), which provides state-funded benefits (including cash assistance, services, child care, and food benefits), to the extent a greater number of victims are able to file formal U Visa applications. Applicants are eligible for TCVAP when a U Visa application has been filed with USCIS, and eligibility continues until and unless a recipient's application for a U Visa has been finally administratively denied. For every 100 new cases, annual costs could range from \$0.7 million to \$1.6 million (General Fund).
- **Form I-918B certification process:** Potential future cost pressure on certifying entities to implement the process, including but not limited to the specified timelines within which to process requests. To the extent the new requirements are determined to place a higher level of service on local agencies than required under federal law, local agency expenditures could qualify as a reimbursable state mandate (General Fund).
- **Annual report:** Likely minor costs to state and local agencies acting as certifying entities to compile and submit the annual report to the Legislature. To the extent local agency expenditures qualify as a reimbursable state mandate, agencies could only claim reimbursement of costs incurred if \$1,000 or more (General Fund).
- **State agency certifying entities:** Minor impact to the Department of Fair Employment and Housing, the Department of Industrial Relations, and the Department of Justice.

Background: Existing federal law provides for U nonimmigrant status, which is set aside for victims of certain crimes who have suffered mental or physical abuse and are helpful to law enforcement or government officials in the investigation or prosecution of criminal activity. Congress created the U nonimmigrant visa (U Visa) with the passage

of the Victims of Trafficking and Violence Protection Act in October 2000. The legislation was intended to strengthen the ability of law enforcement agencies to investigate and prosecute cases of domestic violence, sexual assault, human trafficking, and other crimes, while also protecting victims of crimes who have suffered substantial mental or physical abuse due to the crime.

The U Visa extends critical protections to immigrant crime victims by providing temporary lawful status as a “U nonimmigrant” for up to four years, work authorization, and an opportunity to adjust to lawful permanent resident status.

To apply (petition) for a U Visa from the U.S. Citizenship and Immigration Services (USCIS), a petitioner must submit a Form I-918, *Petition for U Nonimmigrant Status* (Form I-918) to request temporary immigration benefits as a victim of certain qualifying criminal activity, as well as obtain a certification on the Form I-918 Supplement B, *U Nonimmigrant Status Certification* (Form I-918B) from a certifying agency, which must be a federal, state, or local law enforcement agency, prosecutor, or authority, or federal or state judge, authorized to certify that the petitioner submitting the Form I-918 is a victim of certain qualifying criminal activity and is, has been, or is likely to be helpful in the investigation or prosecution of that criminal activity.

Without a completed Form I-918B, a U Visa application is not considered complete. This bill creates a rebuttable presumption that when specified factors are met, a victim or victim’s family member shall have their Form I-918B certified to enable application for a U Visa.

Proposed Law: This bill would provide that upon the request of the victim or the victim’s family member, a certifying official from a certifying entity shall certify victim helpfulness on the Form I-918B when the victim was a victim of a qualifying criminal activity and has been helpful, is being helpful or is likely to be helpful in the detection or investigation or prosecution of that qualifying criminal activity. This bill:

- Provides that for the purposes of determining helpfulness there is rebuttable presumption that a victim is helpful, has been helpful, or is likely to be helpful to the detection or investigation or prosecution of that qualifying criminal activity, if the victim was not refused or failed to provide information and assistance reasonably requested by the law enforcement.
- Provides that a certifying entity shall process a Form I-918B certification within 90 days of the request unless the noncitizen is in removal proceedings in which case the certification shall be processed within 14 days of request.
- Provides that a current investigation, filing of charges and a prosecution or conviction are not required for the victim to request and obtain a Form I-918B certification from a certifying official.
- Provides that a certifying official may only withdraw the certification if the victim refuses to provide information and assistance when reasonably requested.
- Specifies that a certifying entity is prohibited from disclosing the immigration status of a victim or person requesting the Form I-918B certification, except to comply with federal law or legal process or if authorized by the person requesting the certification.
- Provides for a certifying entity that receives a request for a Form I-918B certification to report to the Legislature annually beginning on January 1, 2017, the number of

victims that requested Form I-918B certifications from the entity, the number of those that were signed and the number that were denied.

- Defines “certifying entity” as:
 - A state or local law enforcement agency;
 - A prosecutor;
 - A judge;
 - Any other authority that has responsibility for the detection or investigation or prosecution of a qualifying crime or criminal activity; and,
 - Agencies that have criminal detection or investigative jurisdiction in the respective areas including but not limited to, child protective services, the Department of Fair Employment and Housing, and the Department of Industrial Relations.
- Defines “certifying official” as any of the following:
 - The head of the certifying entity;
 - A person in a supervisory role who has been designated to issue Form I-918 Supplement B certification;
 - A judge;
 - Any other certifying official as defined under federal law.

Related Legislation: None applicable.

Staff Comments: This bill will potentially result in a greater number of Form I-918B certifications completed, enabling a greater number of victims to submit formal U Visa applications to USCIS for consideration. As a result, a greater number of victims and their family members may become eligible for state-funded TCVAP benefits.

The TCVAP, which is administered by the Department of Social Services (DSS), was authorized by SB 1569 (Chapter 672/ 2006) and became effective on January 1, 2007. This program assists eligible non-citizen victims of human trafficking and domestic violence or other serious crimes by providing them with state-funded benefits and services. Under TCVAP, eligible trafficking (T Visa) and serious crime (U Visa) victims may receive benefits and services under the following state-funded programs: TCVAP Cash Assistance (for single adults or families without children), California Food Assistance Program (CFAP), Cash Assistance Program for Immigrants (CAPI), CalWORKs, and In-Home Supportive Services (IHSS). The TCVAP-eligible persons may also receive state-funded Medi-Cal that is administered by the Department of Health Care Services (DHCS). Data from the DSS indicates over 5,600 crime victims (under U Visa) served under the TCVAP cash assistance and CalWORKs programs between July-December 2014.

According to the DSS implementing instructions for the TCVAP (ACL 06-60, December 21, 2006), victims are eligible when a U Visa application has been filed with USCIS, or if a U Visa has been granted. In determining potential eligibility for these applicants, county welfare agencies are required to verify that an application for a U Visa has been filed (which would include a copy of the Form I-918B certification). Eligibility for state-funded services continue until and unless the recipient’s application for a U Visa has been finally administratively denied. While the magnitude of the potential increase is unknown, for every 100 new cases, annual costs could range between \$0.7 million and \$1.6 million (General Fund), dependent on the services provided.

USCIS data indicates a current backlog of pending U Visa applications of over 79,000 nationwide as of 2014, likely due in part to the cap on visa issuances of 10,000 annually. As a result, the TCVAP caseload is estimated to cumulatively increase as eligibility extends until an applicant receives a final administrative denial. To the extent the federal cap on U Visa issuances remains unchanged, the backlog of pending applications could continue to increase.

According to the U.S. Department of Homeland Security (DHS) publication, *U Visa Law Enforcement Certification Resource Guide*, "Across the United States, law enforcement agencies have taken different procedural approaches to U visa certifications. DHS does not endorse or recommend any particular practice, as the certifying agency has the sole authority on the policies and procedures it will use in signing law enforcement certifications."

This bill requires certifying entities to meet specified processing timelines of within 90 days or within 14 days of a request, as specified. The potential cost pressure on workload would vary by agency dependent on the volume of requests received. To the extent this requirement is determined to place a higher level of service on local agencies than required under federal law, local agency expenditures could potentially qualify as a reimbursable state mandate (General Fund).

Staff notes, as drafted, it is unclear whether a certifying entity would be required to certify a Form I-918B for a qualified victim regardless of whether the certifying entity is responsible for the investigation or prosecution of the qualifying criminal activity. An informational notice from the Los Angeles City Attorney's Office notes that in order for the City Attorney's Office to sign the form, the case in which the person was a victim must have been handled by the City Attorney's Office. Statements from the notice:

"The case in which you were a victim must have been handled by the Los Angeles City Attorney's Office. That means that the law enforcement agency that responded to the crime was Los Angeles Police Department. If your case was handled by the Sheriff's Department or by any other police department, then this is not the correct office for you to ask for help."

"If your client was helpful to the Los Angeles Police Department and not the Los Angeles City Attorney's Office, then your request should be made directly to the Los Angeles Police Department. This Office will not certify based on helpfulness to the police department alone."

To the extent the provisions of this bill require local agencies to change current policies and practices, any workload and associated costs that are determined to place a higher level of service on local agencies could potentially qualify as a reimbursable state mandate (General Fund).

Given the scope of information required to be reported, state and local agencies acting as certifying entities are estimated to incur minor costs to compile and submit the annual report to the Legislature. To the extent local agency expenditures qualify as a reimbursable state mandate, agencies could only claim reimbursement of costs incurred of \$1,000 or more (General Fund).

-- END --

SENATE THIRD READING

SB 674 (De León)

As Introduced February 27, 2015

Majority vote

SENATE VOTE: 38-0

Committee	Votes	Ayes	Noes
Public Safety	7-0	Quirk, Melendez, Jones-Sawyer, Lackey, Lopez, Low, Santiago	
Appropriations	17-0	Gomez, Bigelow, Bloom, Bonta, Calderon, Chang, Nazarian, Eggman, Gallagher, Eduardo Garcia, Holden, Jones, Quirk, Rendon, Wagner, Weber, Wood	

SUMMARY: Requires agencies, upon the request of an immigrant victim of crime, to certify victim helpfulness on the applicable form so that the victim may apply for a U-visa to temporarily live and work in the United States. Specifically, **this bill:**

- 1) Provides that upon the request of the victim or victim's family member, a certifying official from a certifying entity shall certify victim helpfulness on the Form I-918 Supplement B certification, when the victim was a victim of a qualifying criminal activity and has been helpful, is being helpful, or is likely to be helpful to the detection or investigation or prosecution of that qualifying criminal activity.
- 2) States that in determining helpfulness, there is a rebuttable presumption that a victim is helpful, has been helpful, or is likely to be helpful to the detection or investigation or prosecution of that qualifying criminal activity, if the victim has not refused or failed to provide information and assistance reasonably requested by law enforcement.
- 3) Requires a certifying official to fully complete and sign the Form I-918 Supplement B certification and, regarding victim helpfulness, include specific details about the nature of the crime investigated or prosecuted and a detailed description of the victim's helpfulness or likely helpfulness to the detection or investigation or prosecution of the criminal activity.
- 4) States that a certifying entity shall process an I-918 Supplement B certification within 90 days of request, unless the non-citizen is in removal proceedings, in which case the certification shall be processed within 14 days of request.
- 5) Specifies that a current investigation, the filing of charges, and a prosecution or conviction are not required for the victim to request and obtain the Form I-918 Supplement B certification from a certifying official.
- 6) Provides that a certifying official may only withdraw the certification if the victim refuses to provide information and assistance when reasonably requested.

- 7) Prohibits a certifying entity from disclosing the immigration status of a victim or person requesting the Form I-918 Supplement B certification, except to comply with federal law or legal process, or if authorized by the victim or person requesting the Form I-918 Supplement B certification.
- 8) Mandates a certifying entity that receives a request for a Form I-918 Supplemental B certification to report to the Legislature, on or before January 1, 2017, and annually thereafter, the number of victims that requested Form I-918 Form B certifications from the entity, the number of those certification forms that were signed, and the number that were denied.
- 9) Defines a "certifying entity" to include any of the following:
 - a) A state or local law enforcement agency;
 - b) A prosecutor;
 - c) A judge;
 - d) Any other authority that has responsibility for the detection or investigation or prosecution of a qualifying crime or criminal activity; or
 - e) Agencies that have criminal detection or investigative jurisdiction in their respective areas of expertise, including, but not limited to, child protective services, the Department of Fair Employment and Housing, and the Department of Industrial Relations.
- 10) States that for purposes of this bill, a "certifying official" is any of the following:
 - a) The head of the certifying entity;
 - b) A person in a supervisory role who has been specifically designated by the head of the certifying entity to issue Form I-918 Supplement B certifications on behalf of that agency;
 - c) A judge; or
 - d) Any other certifying official as defined in federal regulations.
- 11) Provides the following list of "qualifying criminal activity": rape; torture; human trafficking; incest; domestic violence; sexual assault; abusive sexual conduct; prostitution; sexual exploitation; female genital mutilation; being held hostage; peonage; perjury; involuntary servitude; slavery; kidnaping; abduction; unlawful criminal restraint; false imprisonment; blackmail; extortion; manslaughter; murder; felonious assault; witness tampering; obstruction of justice; fraud in foreign labor contracting; or stalking.
- 12) States that a "qualifying crime" includes criminal offenses for which the nature and elements of the offenses are substantially similar to the criminal activity described in the list of "qualifying criminal activity", and the attempt, conspiracy, or solicitation to commit any of those offenses.

EXISTING FEDERAL LAW: Allows an immigrant who has been a victim of a specified crime to receive a U-visa if the Secretary of Homeland Security makes a determination based on certain factors.

FISCAL EFFECT: According to the Assembly Appropriations Committee, moderate local reimbursable state mandated costs in excess of \$300,000 by establishing a time-frame for certifying entities to process Form I-918 Supplement B requests, and for local certifying entities to report annually to the Legislature.

During a six-year period, annual certifications provided by the Cities of Los Angeles and Oakland were 764 and 500, respectively. If the cost to provide the certification were \$25, the reimbursable mandate to these two cities would be \$31,600. There are 58 counties and 482 cities and each of them has at least one "agency" that qualifies as a certifying agency. It is reasonable to assume that the number of certifications statewide would be at least ten times those of the Cities of Los Angeles and Oakland combined. The reporting requirement reimbursable costs will be minor

Mandating compliance with federal law is not a reimbursable mandate. However, federal law does not impose a timeframe, nor does it require an annual report.

COMMENTS: According to the author, "The Victim of Crime Visa, also referred to as the U-Visa, is available to immigrants who are victims of certain crimes committed in the United States – rape, incest, sexual assault, torture, or domestic violence, for example. The bearer of a U-Visa gets relief from deportation and permission to work in the United States.

"Federal immigration authorities make the determination of whether a victim of crime qualifies for a U-Visa. However, the State and local governments play an important role in this process.

"In order for the victim to apply to the federal government for the U-Visa, the victim must receive a certification from law enforcement, a prosecutor, or a judicial officer. The document certifies that the individual was a victim of a qualifying crime. And, the certification must state that the victim was helpful or likely helpful to the prosecution or investigation of the crime.

"There are some local law enforcement agencies that do an exemplary job granting certifications. For example, the Oakland Police Department and L.A. Police Department.

"There are other law enforcement agencies – the Kern County Sheriff, for example – that systematically deny certifications on the basis of political views on immigration matters. They are making the determination of whether one belongs in this county or not, irrespective of the crime that has been committed against an immigrant and irrespective of whether that victim was helpful to law enforcement.

"This bill makes clear that all entities that *can* certify victim helpfulness must certify victim helpfulness if the victim was a victim of one of the qualifying crimes and the victim was helpful or likely to be helpful to the prosecution or investigation of the crime.

"The Kern County Sheriff and other entities will no longer be permitted to subjectively make immigration decisions. That is for the federal government to do.

"Whether you are a victim of crime in Kern County or Alameda County should not matter in terms of whether you obtain a U-Visa. This bill brings equity to immigrant victims of crime."

Analysis Prepared by: Stella Choe / PUB. S. / (916) 319-3744

FN: 0001619



Petition for U Nonimmigrant Status

Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form I-918
OMB No. 1615-0104
Expires 02/28/2019

For USCIS Use Only	Remarks		Receipt		Action Block	
	U.S. Embassy Consulate	Validity Dates (mm/dd/yyyy)		Wait Listed		
		From: / /				
To: / /		Stamp Number	Date (mm/dd/yyyy)			

To be completed by an attorney or accredited representative (if any).	<input type="checkbox"/> Select this box if Form G-28 is attached.	Attorney State Bar Number (if applicable) <input type="text"/>	Attorney or Accredited Representative USCIS Online Account Number (if any) <input type="text"/>
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▶ **START HERE - Type or print in black or blue ink.**

Part 1. Information About You (Person filing this petition as a victim)

1.a. Family Name (Last Name)

1.b. Given Name (First Name)

1.c. Middle Name

Other Names Used (Include maiden name, nicknames, and aliases, if applicable)

2.a. Family Name (Last Name)

2.b. Given Name (First Name)

2.c. Middle Name

Home Address

3.a. Street Number and Name

3.b. Apt. Ste. Flr.

3.c. City or Town

3.d. State 3.e. ZIP Code

3.f. Province

3.g. Postal Code

3.h. Country

Safe Mailing Address (if other than Home Address)

4.a. In Care Of Name

4.b. Street Number and Name

4.c. Apt. Ste. Flr.

4.d. City or Town

4.e. State 4.f. ZIP Code

4.g. Province

4.h. Postal Code

4.i. Country

Other Information

5. Alien Registration Number (A-Number) (if any)
▶ A-

6. U.S. Social Security Number (if any)
▶

7. USCIS Online Account Number (if any)
▶

8. Marital Status
 Single Married Divorced Widowed

Part 1. Information About You (continued)

- 9. Gender Male Female
- 10. Date of Birth (mm/dd/yyyy)
- 11. Country of Birth
- 12. Country of Citizenship or Nationality
- 13. Form I-94 Arrival-Departure Record Number
- 14. Passport Number
- 15. Travel Document Number
- 16. Country of Issuance for Passport or Travel Document
- 17. Date of Issuance for Passport or Travel Document (mm/dd/yyyy)
- 18. Expiration Date for Passport or Travel Document (mm/dd/yyyy)

Place and Date of Last Entry into the United States and Date Authorized Stay Expired

- 19.a. City or Town
- 19.b. State
- 20. Date of Last Entry into the United States (mm/dd/yyyy)
- 21. Date Authorized Stay Expired (mm/dd/yyyy)
- 22. Current Immigration Status

Part 2. Additional Information About You

Answering "Yes" to the following questions below requires explanations and supporting documentation. Attach relevant documents in support of your claims that you are a victim of criminal activity listed in the Immigration and Nationality Act (INA) section 101(a)(15)(U)(iii). You must also attach a personal narrative statement describing the criminal activity of which you are a victim. If you are only petitioning for U derivative status for qualifying family members subsequent to your (the principal petitioner) initial filing, you are not required to submit evidence supporting the original petition with the new Form I-918.

If you need extra space to complete **Part 2.**, use the space provided in **Part 8. Additional Information.**

Select "Yes" or "No," as appropriate, for each of the following questions.

- 1. I am a victim of criminal activity listed in the INA at section 101(a)(15)(U)(iii). Yes No
- 2. I have suffered substantial physical or mental abuse as a result of having been a victim of this criminal activity. Yes No
- 3. I possess information concerning the criminal activity of which I was a victim. Yes No
- 4. I am submitting Form I-918, Supplement B, U Nonimmigrant Status Certification, from a certifying official. Yes No
- 5. The crime of which I am a victim occurred in the United States (including Indian country and military installations) or violated the laws of the United States. Yes No
- 6. I am under 16 years of age. Yes No
- 7.a. I was or am in immigration proceedings. Yes No

If you answered "Yes," select the type of proceedings. If you were in proceedings in the past and are no longer in proceedings, provide the date of action. If you are currently in proceedings, type or print "Current" in the appropriate date field. Select **all applicable** boxes. Use the space provided in **Part 8. Additional Information** to provide an explanation.

- 7.b. Removal Proceedings
Removal Date (mm/dd/yyyy)
- 7.c. Exclusion Proceedings
Exclusion Date (mm/dd/yyyy)
- 7.d. Deportation Proceedings
Deportation Date (mm/dd/yyyy)
- 7.e. Rescission Proceedings
Rescission Date (mm/dd/yyyy)
- 7.f. Judicial Proceedings
Judicial Date (mm/dd/yyyy)

Part 2. Additional Information About You
(continued)

Provide the date of entry, place of entry, and status under which you entered the United States for each entry during the five years preceding the filing of this petition.

8.a. Date of Entry (mm/dd/yyyy)

Place of Entry into the United States

8.b. City or Town

8.c. State

8.d. Status at the Time of Entry (for example, F-1 student, B-2 tourist, entered without inspection)

9.a. Date of Entry (mm/dd/yyyy)

Place of Entry into the United States

9.b. City or Town

9.c. State

9.d. Status at the Time of Entry (for example, F-1 student, B-2 tourist, entered without inspection)

10.a. Date of Entry (mm/dd/yyyy)

Place of Entry into the United States

10.b. City or Town

10.c. State

10.d. Status at the Time of Entry (for example, F-1 student, B-2 tourist, entered without inspection)

If you are outside of the United States, provide the U.S. Consulate or inspection facility or a safe foreign mailing address you want notified if this petition is approved.

11.a. Type of Office (Select **only one** box):

- U.S. Consulate Pre-Flight Inspection
 Port-of-Entry

11.b. City or Town

11.c. State

11.d. Country

Safe Foreign Address Where You Want Notification Sent
(if other than U.S. Consulate, Pre-Flight Inspection, or Port-of-Entry)

12.a. Street Number and Name

12.b. Apt. Ste. Flr.

12.c. City or Town

12.d. Province

12.e. Postal Code

12.f. Country

Part 3. Processing Information

Answer the following questions about yourself. For the purposes of this petition, you must answer "Yes" to the following questions, if applicable, even if your records were sealed or otherwise cleared or if anyone, including a judge, law enforcement officer, or attorney, told you that you no longer have a record.

NOTE: If you answer "Yes" to **ANY** question in **Part 3**, provide an explanation in the space provided in **Part 8. Additional Information**.

NOTE: Answering "Yes" does not necessarily mean that U.S. Citizenship and Immigration Services (USCIS) will deny your Petition for U Nonimmigrant Status.

Have you **EVER**:

- 1.a. Committed a crime or offense for which you have not been arrested? Yes No
- 1.b. Been arrested, cited, or detained by any law enforcement officer (including Department of Homeland Security (DHS), former Immigration and Naturalization Service (INS), and military officers) for any reason? Yes No
- 1.c. Been charged with committing any crime or offense? Yes No
- 1.d. Been convicted of a crime or offense (even if the violation was subsequently expunged or pardoned)? Yes No
- 1.e. Been placed in an alternative sentencing or a rehabilitative program (for example, diversion, deferred prosecution, withheld adjudication, deferred adjudication)? Yes No

Part 3. Processing Information (continued)

- 1.f. Received a suspended sentence, been placed on probation, or been paroled? Yes No
- 1.g. Been in jail or prison? Yes No
- 1.h. Been the beneficiary of a pardon, amnesty, rehabilitation, or other act of clemency or similar action? Yes No
- 1.i. Exercised diplomatic immunity to avoid prosecution for a criminal offense in the United States? Yes No

Information About Arrests, Citations, Detentions, or Charges

If you answered "Yes" to any of the above questions, respond to the questions below to provide additional details. If you need extra space, use the space provided in **Part 8. Additional Information**.

2.a. Why were you arrested, cited, detained, or charged?

2.b. Date of arrest, citation, detention, or charge (mm/dd/yyyy)

Where were you arrested, cited, detained, or charged?

2.c. City or Town

2.d. State

2.e. Country

2.f. Outcome or disposition (for example, no charges filed, charges dismissed, jail, probation)

3.a. Why were you arrested, cited, detained, or charged?

3.b. Date of arrest, citation, detention, or charge (mm/dd/yyyy)

Where were you arrested, cited, detained, or charged?

3.c. City or Town

3.d. State

3.e. Country

3.f. Outcome or disposition (for example, no charges filed, charges dismissed, jail, probation)

Have you **EVER**:

- 4.a. Engaged in, or do you intend to engage in, prostitution or procurement of prostitution? Yes No
- 4.b. Engaged in any unlawful commercialized vice, including, but not limited to, illegal gambling? Yes No
- 4.c. Knowingly encouraged, induced, assisted, abetted, or aided any alien to try to enter the United States illegally? Yes No
- 4.d. Illicitly trafficked in any controlled substance or knowingly assisted, abetted, or colluded in the illicit trafficking of any controlled substance? Yes No

Have you **EVER** committed, planned or prepared, participated in, threatened to, attempted to, conspired to commit, gathered information for, or solicited funds for any of the following:

- 5.a. Hijacking or sabotage of any conveyance (including an aircraft, vessel, or vehicle)? Yes No
- 5.b. Seizing or detaining, and threatening to kill, injure, or continue to detain, another individual in order to compel a third person (including a governmental organization) to do or abstain from doing any act as an explicit or implicit condition for the release of the individual seized or detained? Yes No
- 5.c. Assassination? Yes No
- 5.d. The use of any firearm with intent to endanger, directly or indirectly, the safety of one or more individuals or to cause substantial damage to property? Yes No
- 5.e. The use of any biological agent, chemical agent, nuclear weapon or device, explosive, or other weapon or dangerous device, with intent to endanger, directly or indirectly, the safety of one or more individuals or to cause substantial damage to property? Yes No

Have you **EVER** been a member of, solicited money or members for, provided support for, attended military training (as defined in section 2339D(c)(1) of Title 18, United States Code) by or on behalf of, or been associated with any other group of two or more individuals, whether organized or not, which has been designated as, or has engaged in or has a subgroup which has been designated as, or has engaged in:

- 6.a. A terrorist organization under section 219 of the INA? Yes No
- 6.b. Hijacking or sabotage of any conveyance (including an aircraft, vessel, or vehicle)? Yes No

Part 3. Processing Information (continued)

- 6.c. Seizing or detaining, and threatening to kill, injure, or continue to detain, another individual in order to compel a third person (including a governmental organization) to do or abstain from doing any act as an explicit or implicit condition for the release of the individual seized or detained? Yes No
- 6.d. Assassination? Yes No
- 6.e. The use of any firearm with intent to endanger, directly or indirectly, the safety of one or more individuals or to cause substantial damage to property? Yes No
- 6.f. The use of any biological agent, chemical agent, nuclear weapon or device, explosive, or other weapon or dangerous device, with intent to endanger, directly or indirectly, the safety of one or more individuals or to cause substantial damage to property? Yes No
- 6.g. Soliciting money or members or otherwise providing material support to a terrorist organization? Yes No

Do you intend to engage in the United States in:

- 7.a. Espionage? Yes No
- 7.b. Any unlawful activity, or any activity the purpose of which is in opposition to, or the control, or overthrow of the government of the United States? Yes No
- 7.c. Solely, principally, or incidentally in any activity related to espionage or sabotage or to violate any law involving the export of goods, technology, or sensitive information? Yes No
8. Have you **EVER** been or do you continue to be a member of the Communist or other totalitarian party, except when membership was involuntary? Yes No
9. Have you **EVER**, during the period of March 23, 1933 to May 8, 1945, in association with either the Nazi Government of Germany or any organization or government associated or allied with the Nazi Government of Germany, ordered, incited, assisted or otherwise participated in the persecution of any person because of race, religion, nationality, membership in a particular social group, or political opinion? Yes No

Have you **EVER** ordered, incited, called for, committed, assisted, helped with, or otherwise participated in any of the following:

- 10.a. Acts involving torture or genocide? Yes No
- 10.b. Killing any person? Yes No
- 10.c. Intentionally and severely injuring any person? Yes No
- 10.d. Engaging in any kind of sexual conduct or relations with any person who was being forced or threatened? Yes No
- 10.e. Limiting or denying any person's ability to exercise religious beliefs? Yes No
- 10.f. The persecution of any person because of race, religion, national origin, membership in a particular social group, or political opinion? Yes No
- 10.g. Displacing or moving any person from their residence by force, threat of force, compulsion, or duress? Yes No

NOTE: If you answered "Yes" to any question in **Item Numbers 10.a. - 10.g.**, please describe the circumstances in **Part 8. Additional Information.**

11. Have you **EVER** advocated that another person commit any of the acts described in the preceding question, urged, or encouraged another person, to commit such acts? Yes No

Have you **EVER** been present or nearby when any person was:

- 12.a. Intentionally killed, tortured, beaten, or injured? Yes No
- 12.b. Displaced or moved from his or her residence by force, compulsion, or duress? Yes No
- 12.c. In any way compelled or forced to engage in any kind of sexual contact or relations? Yes No

Have you **EVER**:

- 13.a. Served in, been a member of, assisted in, or participated in any military unit, paramilitary unit, police unit, self-defense unit, vigilante unit, rebel group, guerilla group, militia, or other insurgent organization? Yes No

Part 3. Processing Information (continued)

13.b. Served in any prison, jail, prison camp, detention facility, labor camp, or any other situation that involved detaining persons? Yes No

13.c. Served in, been a member of, assisted in, or participated in any group, unit, or organization of any kind in which you or other persons transported, possessed, or used any type of weapon? Yes No

NOTE: If you answered "Yes" to any question in **Item Numbers 13.a. - 13.c.**, please describe the circumstances in **Part 8. Additional Information.**

Have you **EVER**:

14.a. Received any type of military, paramilitary, or weapons training? Yes No

14.b. Been a member of, assisted in, or participated in any group, unit, or organization of any kind in which you or other persons used any type of weapon against any person or threatened to do so? Yes No

14.c. Assisted or participated in selling or providing weapons to any person who to your knowledge used them against another person, or in transporting weapons to any person who to your knowledge used them against another person? Yes No

NOTE: If you answered "Yes" to any question in **Item Numbers 14.a. - 14.c.**, please describe the circumstances in **Part 8. Additional Information.**

Have you **EVER**:

15.a. Recruited, enlisted, conscripted, or used any person under 15 years of age to serve in or help an armed force or group? Yes No

15.b. Used any person under 15 years of age to take part in hostilities, or to help or provide services to people in combat? Yes No

16. Are you **NOW** in removal, exclusion, rescission, or deportation proceedings? Yes No

17. Have you **EVER** had removal, exclusion, rescission, or deportation proceedings initiated against you? Yes No

18. Have you **EVER** been removed, excluded, or deported from the United States? Yes No

19. Have you **EVER** been ordered to be removed, excluded, or deported from the United States? Yes No

20. Have you **EVER** been denied a visa or denied admission to the United States? Yes No

21. Have you **EVER** been granted voluntary departure by an immigration officer or an immigration judge and failed to depart within the allotted time? Yes No

22. Are you **NOW** under a final order or civil penalty for violating section 274C of the INA (producing and/or using false documentation to unlawfully satisfy a requirement of the INA)? Yes No

23. Have you **EVER**, by fraud or willful misrepresentation of a material fact, sought to procure or procured a visa or other documentation, for entry into the United States or any immigration benefit? Yes No

24. Have you **EVER** left the United States to avoid being drafted into the U.S. Armed Forces or U.S. Coast Guard? Yes No

25. Have you **EVER** been a J nonimmigrant exchange visitor who was subject to the 2-year foreign residence requirement and not yet complied with that requirement or obtained a waiver of such? Yes No

26. Have you **EVER** detained, retained, or withheld the custody of a child, having a lawful claim to United States citizenship, outside the United States from a United States citizen granted custody? Yes No

27. Do you plan to practice polygamy in the United States? Yes No

28. Have you **EVER** entered the United States as a stowaway? Yes No

29.a. Do you **NOW** have a communicable disease of public health significance? Yes No

29.b. Do you **NOW** have or have you **EVER** had a physical or mental disorder and behavior (or a history of behavior that is likely to recur) associated with the disorder which has posed or may pose a threat to the property, safety, or welfare of yourself or others? Yes No

29.c. Are you **NOW** or have you **EVER** been a drug abuser or drug addict? Yes No

Part 4. Information About Your Spouse and/or Children

If you need extra space to complete **Part 4.**, use the space provided in **Part 8. Additional Information.**

1.a. Family Name (Last Name)

1.b. Given Name (First Name)

1.c. Middle Name

2. Date of Birth (mm/dd/yyyy)

3. Country of Birth

4. Relationship

5. Current Location

6.a. Family Name (Last Name)

6.b. Given Name (First Name)

6.c. Middle Name

7. Date of Birth (mm/dd/yyyy)

8. Country of Birth

9. Relationship

10. Current Location

11.a. Family Name (Last Name)

11.b. Given Name (First Name)

11.c. Middle Name

12. Date of Birth (mm/dd/yyyy)

13. Country of Birth

14. Relationship

15. Current Location

16.a. Family Name (Last Name)

16.b. Given Name (First Name)

16.c. Middle Name

17. Date of Birth (mm/dd/yyyy)

18. Country of Birth

19. Relationship

20. Current Location

21.a. Family Name (Last Name)

21.b. Given Name (First Name)

21.c. Middle Name

22. Date of Birth (mm/dd/yyyy)

23. Country of Birth

24. Relationship

25. Current Location

Filing On Behalf of Family Members

26. I am petitioning for one or more qualifying family members. Yes No

NOTE: If you answered "Yes" to 26., you must complete and include Supplement A for each family member for whom you are petitioning.

Part 5. Petitioner's Statement, Contact Information, Declaration, and Signature

NOTE: Read the **Penalties** section of the Form I-918 Instructions before completing this part.

Petitioner's Statement

NOTE: Select the box for either **1.a.** or **1.b.** If applicable, select the box for **2.**

- 1.a. I can read and understand English, and I have read and understand every question and instruction on this petition and my answer to every question.
- 1.b. The interpreter named in **Part 6.** read to me every question and instruction on this petition and my answer to every question in a language in which I am fluent, and I understood everything.
- 2. At my request, the preparer named in **Part 7.**, prepared this petition for me based only upon information I provided or authorized.

Petitioner's Contact Information

- 3. Petitioner's Daytime Telephone Number
- 4. Petitioner's Mobile Telephone Number (if any)
- 5. Petitioner's Email Address (if any)

Petitioner's Declaration and Certification

Copies of any documents I have submitted are exact photocopies of unaltered, original documents, and I understand that USCIS may require that I submit original documents to USCIS at a later date. Furthermore, I authorize the release of any information from any of my records that USCIS may need to determine my eligibility for the immigration benefit I seek.

I further authorize release of information contained in this petition, in supporting documents, and in my USCIS records to other entities and persons where necessary for the administration and enforcement of U.S. immigration laws.

I understand that USCIS may require me to appear for an appointment to take my biometrics (fingerprints, photograph, and/or signature) and, at that time, if I am required to provide biometrics, I will be required to sign an oath reaffirming that:

- 1) I provided or authorized all of the information contained in, and submitted with, my petition;
- 2) I reviewed and understood all of the information in, and submitted with, my petition; and
- 3) All of this information was complete, true, and correct at the time of filing.

I certify, under penalty of perjury, that all of the information in my petition and any document submitted with it were provided or authorized by me, that I reviewed and understand all of the information contained in, and submitted with, my petition, and that all of this information is complete, true, and correct.

Petitioner's Signature

- 6.a. Petitioner's Signature
- 6.b. Date of Signature (mm/dd/yyyy)

NOTE TO ALL PETITIONERS: If you do not completely fill out this petition or fail to submit required documents listed in the Instructions, USCIS may deny your petition.

NOTE: A parent or legal guardian may sign for a person who is less than 14 years of age. A legal guardian may sign for a mentally incompetent person.

Part 6. Interpreter's Contact Information, Certification, and Signature

Provide the following information about the interpreter.

Interpreter's Full Name

- 1.a. Interpreter's Family Name (Last Name)
- 1.b. Interpreter's Given Name (First Name)
- 2. Interpreter's Business or Organization Name (if any)

Part 6. Interpreter's Contact Information, Certification, and Signature (continued)

Interpreter's Mailing Address

3.a. Street Number and Name

3.b. Apt. Ste. Flr.

3.c. City or Town

3.d. State 3.e. ZIP Code

3.f. Province

3.g. Postal Code

3.h. Country

Interpreter's Contact Information

4. Interpreter's Daytime Telephone Number

5. Interpreter's Mobile Telephone Number (if any)

6. Interpreter's Email Address (if any)

Interpreter's Certification

I certify, under penalty of perjury, that:
I am fluent in English and ,
which is the same language specified in **Part 5., 1.b.**, and I have read to this petitioner in the identified language every question and instruction on this petition and his or her answer to every question. The petitioner informed me that he or she understands every instruction, question, and answer on the petition, including the **Petitioner's Declaration and Certification**, and has verified the accuracy of every answer.

Interpreter's Signature

7.a. Interpreter's Signature (sign in ink)

7.b. Date of Signature (mm/dd/yyyy)

Part 7. Contact Information, Declaration, and Signature of the Person Preparing this Petition, if Other Than the Petitioner

Provide the following information about the preparer.

Preparer's Full Name

1.a. Preparer's Family Name (Last Name)

1.b. Preparer's Given Name (First Name)

2. Preparer's Business or Organization Name (if any)

Preparer's Mailing Address

3.a. Street Number and Name

3.b. Apt. Ste. Flr.

3.c. City or Town

3.d. State 3.e. ZIP Code

3.f. Province

3.g. Postal Code

3.h. Country

Preparer's Contact Information

4. Preparer's Daytime Telephone Number

5. Preparer's Mobile Telephone Number (if any)

6. Preparer's Email Address (if any)

Preparer's Statement

- 7.a. I am not an attorney or accredited representative but have prepared this petition on behalf of the petitioner and with the petitioner's consent.
- 7.b. I am an attorney or accredited representative and my representation of the petitioner in this case
 extends does not extend beyond the preparation of this petition.

NOTE: If you are an attorney or accredited representative whose representation extends beyond preparation of this petition, you may be obliged to submit a completed Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, with this petition.

Preparer's Certification

By my signature, I certify, under penalty of perjury, that I prepared this petition at the request of the petitioner. The petitioner then reviewed this completed petition and informed me that he or she understands all of the information contained in, and submitted with, his or her petition, including the **Petitioner's Declaration and Certification**, and that all of this information is complete, true, and correct. I completed this petition based only on information that the petitioner provided to me or authorized me to obtain or use.

Preparer's Signature

- 8.a. Preparer's Signature (sign in ink)

- 8.b. Date of Signature (mm/dd/yyyy)

Part 8. Additional Information

If you need extra space to provide any additional information within this petition, use the space below. If you need more space than what is provided, you may make copies of this page to complete and file with this petition or attach a separate sheet of paper. Include your name and A-Number (if any) at the top of each sheet; indicate the **Page Number**, **Part Number**, and **Item Number** to which your answer refers; and sign and date each sheet.

1.a. Family Name (Last Name)

1.b. Given Name (First Name)

1.c. Middle Name

2. A-Number (if any) ▶ A-

3.a. Page Number 3.b. Part Number 3.c. Item Number

3.d. _____

4.a. Page Number 4.b. Part Number 4.c. Item Number

4.d. _____

5.a. Page Number 5.b. Part Number 5.c. Item Number

5.d. _____

6.a. Page Number 6.b. Part Number 6.c. Item Number

6.d. _____

7.a. Page Number 7.b. Part Number 7.c. Item Number

7.d. _____



Supplement A, Petition for Qualifying Family Member of U-1 Recipient

Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form I-918
OMB No. 1615-0104
Expires 02/28/2019

For USCIS Use Only	Remarks		Receipt		Action Block
	U.S. Embassy Consulate	Validity Dates (mm/dd/yyyy)	Wait Listed		
		From: / /	Stamp Number Date (mm/dd/yyyy)		
To: / /					

To be completed by an attorney or accredited representative (if any).	<input type="checkbox"/> Select this box if Form G-28 is attached.	Attorney State Bar Number (if applicable) <input type="text"/>	Attorney or Accredited Representative USCIS Online Account Number (if any) <input type="text"/>
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▶ **START HERE - Type or print in black or blue ink.**

NOTE: The recipient of the U-1 nonimmigrant classification is referred to as the "principal." His or her family members are referred to as "derivatives." The principal should complete Supplement A.

Part 1. Family Member's Relationship To You (Principal)

1. The family member that I am filing for is my:
- Spouse Parent Child
- Unmarried sibling under 18 years of age

Part 2. Information About You (Principal)

- 1.a. Family Name (Last Name)
- 1.b. Given Name (First Name)
- 1.c. Middle Name

Other Information

2. Date of Birth (mm/dd/yyyy)
3. Alien Registration Number (A-Number) (if any)
▶ A-
4. USCIS Online Account Number (if any)
▶
5. Status of your Form I-918
 Pending Approved

Part 3. Information About Your Qualifying Family Member (Derivative)

- 1.a. Family Name (Last Name)
- 1.b. Given Name (First Name)
- 1.c. Middle Name

Other Names Used (Include maiden name, nicknames, and aliases, if applicable)

- 2.a. Family Name (Last Name)
- 2.b. Given Name (First Name)
- 2.c. Middle Name

NOTE: If you need extra space to complete this section, use the space provided in **Part 11. Additional Information.**

Residence or Intended Residence in the United States

- 3.a. Street Number and Name
- 3.b. Apt. Ste. Flr.
- 3.c. City or Town
- 3.d. State 3.e. ZIP Code

Part 3. Information About Your Qualifying Family Member (The Derivative) (continued)

Safe Mailing Address (if other than Residence)

- 4.a. In Care Of Name
- 4.b. Street Number and Name
- 4.c. Apt. Ste. Flr.
- 4.d. City or Town
- 4.e. State 4.f. ZIP Code
- 4.g. Province
- 4.h. Postal Code
- 4.i. Country

Other Information About Qualifying Family Member

- 5. A-Number (if any) ▶ A-
- 6. U.S. Social Security Number (if any)
▶
- 7. USCIS Online Account Number (if any)
▶
- 8. Date of Birth (mm/dd/yyyy)
- 9. Country of Birth
- 10. Country of Citizenship or Nationality
- 11. Marital Status
 Single Married Divorced Widowed
- 12. Gender Male Female
- 13. Form I-94 Arrival-Departure Record Number
▶
- 14. Passport Number
- 15. Travel Document Number
- 16. Country of Issuance for Passport or Travel Document

- 17. Date of Issuance for Passport or Travel Document (mm/dd/yyyy)
- 18. Expiration Date for Passport or Travel Document (mm/dd/yyyy)

Part 4. Additional Information About Your Qualifying Family Member

Provide the date of last entry, place of last entry, and current immigration status for your family member if he or she is currently in the United States.

- 1.a. Date of Last Entry into the United States (mm/dd/yyyy)
- Place of Last Entry into the United States
- 1.b. City or Town
- 1.c. State
- 1.d. Current Immigration Status

Provide the date of entry, place of entry, and status at entry for your family member's last entry if he or she has previously traveled to the United States but is not currently in the United States.

- 2.a. Date of Last Entry into the United States (mm/dd/yyyy)
- Place of Last Entry into the United States
- 2.b. City or Town
- 2.c. State
- 2.d. Date Authorized Stay Expired (mm/dd/yyyy)
- 2.e. Status at the Time of Entry (for example, F-1 student, B-2 tourist, entered without inspection)

Part 4. Additional Information About Your Qualifying Family Member (continued)

If your family member is outside the United States, provide the U.S. Consulate or inspection facility or a safe foreign mailing address you want notified if this supplement is approved.

3.a. Type of Office (Select **only one** box):

- U.S. Consulate Pre-Flight Inspection
 Port-of-Entry

3.b. City or Town

3.c. State

3.d. Country

Safe Foreign Address Where You Want Notification Sent
(if other than U.S. Consulate, Pre-Flight Inspection, or Port-of-Entry)

4.a. Street Number and Name

4.b. Apt. Ste. Flr.

4.c. City or Town

4.d. Province

4.e. Postal Code

4.f. Country

If your family member was previously married, list the names of your family member's prior spouses and the dates his or her marriages were terminated. You must attach documents such as divorce decrees or death certificates.

5.a. Family Name (Last Name)

5.b. Given Name (First Name)

5.c. Middle Name

5.d. Date Marriage Ended (mm/dd/yyyy)

5.e. Where did the marriage end?

5.f. How did the marriage end?

6.a. Family Name (Last Name)

6.b. Given Name (First Name)

6.c. Middle Name

6.d. Date Marriage Ended (mm/dd/yyyy)

6.e. Where did the marriage end?

6.f. How did the marriage end?

Other Information

7.a. Your family member was or is in immigration proceedings. Yes No

If you answered "Yes," select the type of proceedings. If your family member was in proceedings in the past and is no longer in proceedings, provide the date of action. If your family member is currently in proceedings, type or print "Current" in the appropriate date field. Select **all applicable** boxes. Use the space provided in **Part 11. Additional Information** to provide an explanation.

7.b. Removal Proceedings
Removal Date (mm/dd/yyyy)

7.c. Exclusion Proceedings
Exclusion Date (mm/dd/yyyy)

7.d. Deportation Proceedings
Deportation Date (mm/dd/yyyy)

7.e. Rescission Proceedings
Rescission Date (mm/dd/yyyy)

7.f. Judicial Proceedings
Judicial Date (mm/dd/yyyy)

8. Your family member would like an Employment Authorization Document. Yes No

NOTE: If you answered "Yes," submit Form I-765, Application for Employment Authorization Document, separately. If your family member is living outside the United States, he or she is not eligible to receive employment authorization until he or she is lawfully admitted to the United States. Do **not** file Form I-765 for a family member living outside the United States.

Part 5. Processing Information

Answer the following questions about the family member for whom you are filing this supplement. For the purposes of this supplement, you must answer "Yes" to the following questions, if applicable, even if your family member's records were sealed or otherwise cleared or if anyone, including a judge, law enforcement officer, or attorney, told your family member that he or she no longer has a record.

NOTE: If you answer "Yes" to ANY question in Part 5., provide an explanation in the space provided in Part 11. **Additional Information.**

NOTE: Answering "Yes" does not necessarily mean that U.S. Citizenship and Immigration Services (USCIS) will deny your Supplement A, Petition for Qualifying Family Member of U-1 Recipient.

Has your family member **EVER**:

- 1.a. Committed a crime or offense for which he or she has not been arrested? Yes No
- 1.b. Been arrested, cited, or detained by any law enforcement officer (including Department of Homeland Security (DHS), former Immigration and Nationalization Service (INS), and military officers) for any reason? Yes No
- 1.c. Been charged with committing any crime or offense? Yes No
- 1.d. Been convicted of a crime or offense (even if the violation was subsequently expunged or pardoned)? Yes No
- 1.e. Been placed in an alternative sentencing or a rehabilitative program (for example, diversion, deferred prosecution, withheld adjudication, deferred adjudication)? Yes No
- 1.f. Received a suspended sentence, been placed on probation, or been paroled? Yes No
- 1.g. Been held in jail or prison? Yes No
- 1.h. Been the beneficiary of a pardon, amnesty, rehabilitation, or other act of clemency or similar action? Yes No
- 1.i. Exercised diplomatic immunity to avoid prosecution for a criminal offense in the United States? Yes No

Information About Arrests, Citations, Detentions, or Charges

2.a. Why was your family member arrested, cited, detained, or charged?

2.b. Date of arrest, citation, detention, or charge (mm/dd/yyyy)

Where was your family member arrested, cited, detained, or charged?

2.c. City or Town

2.d. State

2.e. Country

2.f. Outcome or disposition (for example, no charges filed, charges dismissed, jail, probation)

3.a. Why was your family member arrested, cited, detained, or charged?

3.b. Date of arrest, citation, detention, or charge (mm/dd/yyyy)

Where was your family member arrested, cited, detained, or charged?

3.c. City or Town

3.d. State

3.e. Country

3.f. Outcome or disposition (for example, no charges filed, charges dismissed, jail, probation)

Part 5. Processing Information (continued)

Has your family member **EVER**:

- 4.a. Engaged in, or does he or she intend to engage in, prostitution or procurement of prostitution? Yes No
- 4.b. Engaged in any unlawful commercialized vice, including, but not limited to, illegal gambling? Yes No
- 4.c. Knowingly encouraged, induced, assisted, abetted, or aided any alien to try to enter the United States illegally? Yes No
- 4.d. Illicitly trafficked in any controlled substance or knowingly assisted, abetted, or colluded in the illicit trafficking of any controlled substance? Yes No

Has your family member **EVER** committed, planned or prepared, participated in, threatened to, attempted to, conspired to commit, gathered information for, or solicited funds for any of the following:

- 5.a. Hijacking or sabotage of any conveyance (including an aircraft, vessel, or vehicle)? Yes No
- 5.b. Seizing or detaining, and threatening to kill, injure, or continue to detain, another individual in order to compel a third person (including a governmental organization) to do or abstain from doing any act as an explicit or implicit condition for the release of the individual seized or detained? Yes No
- 5.c. Assassination? Yes No
- 5.d. The use of any firearm with intent to endanger, directly or indirectly, the safety of one or more individuals or to cause substantial damage to property? Yes No
- 5.e. The use of any biological agent, chemical agent, nuclear weapon or device, explosive, or other weapon or dangerous device, with intent to endanger, directly or indirectly, the safety of one or more individuals or to cause substantial damage to property? Yes No

Has your family member **EVER** been a member of, solicited money or members for, provided support for, attended military training (as defined in section 2339D(c)(1) of Title 18, United States Code) by or on behalf of, or been associated with any other group of two or more individuals, whether organized or not, which has been designated as, or has engaged in or has a subgroup which has been designated as, or has engaged in:

- 6.a. A terrorist organization under section 219 of the Immigration and Nationality Act (INA)? Yes No
 - 6.b. Hijacking or sabotage of any conveyance (including an aircraft, vessel, or vehicle)? Yes No
 - 6.c. Seizing or detaining, and threatening to kill, injure, or continue to detain, another individual in order to compel a third person (including a governmental organization) to do or abstain from doing any act as an explicit or implicit condition for the release of the individual seized or detained? Yes No
 - 6.d. Assassination? Yes No
 - 6.e. The use of any firearm with intent to endanger, directly or indirectly, the safety of one or more individuals or to cause substantial damage to property? Yes No
 - 6.f. The use of any biological agent, chemical agent, nuclear weapon or device, explosive, or other weapon or dangerous device, with intent to endanger, directly or indirectly, the safety of one or more individuals or to cause substantial damage to property? Yes No
 - 6.g. Soliciting money or members or otherwise providing material support to a terrorist organization? Yes No
- Does your family member intend to engage in the United States in:
- 7.a. Espionage? Yes No
 - 7.b. Any unlawful activity, or any activity the purpose of which is in opposition to, or the control, or overthrow of the Government of the United States? Yes No
 - 7.c. Solely, principally, or incidentally in any activity related to espionage or sabotage or to violate any law involving the export of goods, technology, or sensitive information? Yes No
- 8. Has your family member **EVER** been or does he or she continue to be a member of the Communist or other totalitarian party, except when membership was involuntary? Yes No

Part 5. Processing Information (continued)

9. Has your family member **EVER**, during the period of March 23, 1933 to May 8, 1945, in association with either the Nazi Government of Germany or any organization or government associated or allied with the Nazi Government of Germany, ordered, incited, assisted or otherwise participated in the persecution of any person because of race, religion, nationality, membership in a particular social group or political opinion? Yes No

Has your family member **EVER** ordered, incited, called for, committed, assisted, helped with, or otherwise participated in any of the following:

- 10.a. Acts involving torture or genocide? Yes No
- 10.b. Killing any person? Yes No
- 10.c. Intentionally and severely injuring any person? Yes No
- 10.d. Engaging in any kind of sexual conduct or relations with any person who was being forced or threatened? Yes No
- 10.e. Limiting or denying any person's ability to exercise religious beliefs? Yes No
- 10.f. The persecution of any person because of race, religion, national origin, membership in a particular social group, or political opinion? Yes No
- 10.g. Displacing or moving any person from their residence by force, threat of force, compulsion, or duress? Yes No

NOTE: If you answered "Yes" to any question in **Item Numbers 10.a. - 10.g.**, please describe the circumstances in the spaces provided in **Part 11. Additional Information.**

11. Has your family member **EVER** advocated that another person commit any of the acts described in **Item Numbers 10.a. - 10.g.**, urged, or encouraged another person, to commit such acts? Yes No

Has your family member **EVER** been present or nearby when any person was:

- 12.a. Intentionally killed, tortured, beaten, or injured? Yes No
- 12.b. Displaced or moved from his or her residence by force, compulsion, or duress? Yes No
- 12.c. In any way compelled or forced to engage in any kind of sexual contact or relations? Yes No

Has your family member **EVER**:

- 13.a. Served in, been a member of, assisted in, or participated in any military unit, paramilitary unit, police unit, self-defense unit, vigilante unit, rebel group, guerilla group, militia, or other insurgent organization? Yes No
- 13.b. Served in any prison, jail, prison camp, detention facility, labor camp, or any other situation that involved detaining persons? Yes No
- 13.c. Served in, been a member of, assisted in, or participated in any group, unit, or organization of any kind in which you or other persons transported, possessed, or used any type of weapon? Yes No

NOTE: If you answered "Yes" to any question in **Item Numbers 13.a. - 13.c.**, please describe the circumstances in **Part 11. Additional Information.**

Has your family member **EVER**:

- 14.a. Received any type of military, paramilitary, or weapons training? Yes No
- 14.b. Been a member of, assisted in, or participated in any group, unit, or organization of any kind in which you or other persons used any type of weapon against any person or threatened to do so? Yes No
- 14.c. Assisted or participated in selling or providing weapons to any person who to your knowledge used them against another person, or in transporting weapons to any person who to your knowledge used them against another person? Yes No

NOTE: If you answered "Yes" to any question in **Item Numbers 14.a. - 14.c.**, please describe the circumstances in **Part 11. Additional Information.**

Has your family member **EVER**:

- 15.a. Recruited, enlisted, conscripted, or used any person under 15 years of age to serve in or help an armed force or group? Yes No
- 15.b. Used any person under 15 years of age to take part in hostilities, or to help or provide services to people in combat? Yes No
16. Is your family member **NOW** in removal, exclusion, rescission, or deportation proceedings? Yes No
17. Has your family member **EVER** had removal, exclusion, rescission, or deportation proceedings initiated against him or her? Yes No

Part 5. Processing Information (continued)

- 18. Has your family member **EVER** been removed, excluded, or deported from the United States? Yes No
- 19. Has your family member **EVER** been ordered to be removed, excluded, or deported from the United States? Yes No
- 20. Has your family member **EVER** been denied a visa or denied admission to the United States? Yes No
- 21. Has your family member **EVER** been granted voluntary departure by an immigration officer or an immigration judge and failed to depart within the allotted time? Yes No
- 22. Is your family member **NOW** under a final order or civil penalty for violating section 274C of the INA (producing and/or using false documentation to unlawfully satisfy a requirement of the INA)? Yes No
- 23. Has your family member **EVER**, by fraud or willful misrepresentation of a material fact, sought to procure or procured a visa or other documentation, for entry into the United States or any immigration benefit? Yes No
- 24. Has your family member **EVER** left the United States to avoid being drafted into the U.S. Armed Forces or U.S. Coast Guard? Yes No
- 25. Has your family member **EVER** been a J nonimmigrant exchange visitor who was subject to the 2-year foreign residence requirement and not yet complied with that requirement or obtained a waiver of such? Yes No
- 26. Has your family member **EVER** detained, retained, or withheld the custody of a child, having a lawful claim to United States citizenship, outside the United States from a United States citizen granted custody? Yes No
- 27. Does your family member plan to practice polygamy in the United States? Yes No
- 28. Has your family member **EVER** entered the United States as a stowaway? Yes No
- 29.a. Does your family member **NOW** have a communicable disease of public health significance? Yes No
- 29.b. Does your family member **NOW** have or has your family member **EVER** had a physical or mental disorder and behavior (or a history of behavior that is likely to recur) associated with the disorder which has posed or may pose a threat to the property, safety, or welfare of yourself or others? Yes No

29.c. Is your family member **NOW** or has your family member **EVER** been a drug abuser or drug addict?

Yes No

Part 6. Information About Your Qualifying Family Member's Spouse and/or Children

Provide the following information about your family member's spouse and/or children. If you need extra space to complete this section, use the space provided in **Part 11. Additional Information**.

- 1.a. Family Name (Last Name)
- 1.b. Given Name (First Name)
- 1.c. Middle Name
- 2. Date of Birth (mm/dd/yyyy)
- 3. Country of Birth
- 4. Relationship
- 5.a. Family Name (Last Name)
- 5.b. Given Name (First Name)
- 5.c. Middle Name
- 6. Date of Birth (mm/dd/yyyy)
- 7. Country of Birth
- 8. Relationship
- 9.a. Family Name (Last Name)
- 9.b. Given Name (First Name)
- 9.c. Middle Name
- 10. Date of Birth (mm/dd/yyyy)
- 11. Country of Birth
- 12. Relationship

Part 7. Petitioner's Statement, Contact Information, Declaration, and Signature

NOTE: Read the Penalties section of the Form I-918 Instructions before completing this part.

Petitioner's Statement

NOTE: Select the box for either Item Number 1.a. or 1.b. If applicable, select the box for Item Number 2.

- 1.a. I can read and understand English, and I have read and understand every question and instruction on this supplement and my answer to every question.
1.b. The interpreter named in Part 9. read to me every question and instruction on this supplement and my answer to every question in [] a language in which I am fluent, and I understood everything.
2. At my request, the preparer named in Part 10., [] prepared this supplement for me based only upon information I provided or authorized.

Petitioner's Contact Information

- 3. Petitioner's Daytime Telephone Number []
4. Petitioner's Mobile Telephone Number (if any) []
5. Petitioner's Email Address (if any) []

Petitioner's Declaration and Certification

Copies of any documents I have submitted are exact photocopies of unaltered, original documents, and I understand that USCIS may require that I submit original documents to USCIS at a later date. Furthermore, I authorize the release of any information from any of my records that USCIS may need to determine my eligibility for the immigration benefit I seek.

I further authorize release of information contained in this supplement, in supporting documents, and in my USCIS records to other entities and persons where necessary for the administration and enforcement of U.S. immigration laws.

I understand that USCIS may require me to appear for an appointment to take my biometrics (fingerprints, photograph, and/or signature) and, at that time, if I am required to provide biometrics, I will be required to sign an oath reaffirming that:

- 1) I provided or authorized all of the information contained in, and submitted with, my supplement;
2) I reviewed and understood all of the information in, and submitted with, my supplement; and
3) All of this information was complete, true, and correct at the time of filing.

I certify, under penalty of perjury, that all of the information in my supplement and any document submitted with it were provided or authorized by me, that I reviewed and understand all of the information contained in, and submitted with, my supplement, and that all of this information is complete, true, and correct.

Petitioner's Signature

- 6.a. Petitioner's Signature (sign in ink) []
6.b. Date of Signature (mm/dd/yyyy) []

NOTE TO ALL PETITIONERS: If you do not completely fill out this supplement or fail to submit required documents listed in the Instructions, USCIS may deny your supplement.

Part 8. Qualifying Family Member's Statement, Contact Information, Declaration, and Signature

NOTE: Read the Penalties section of the Form I-918 Instructions before completing this part.

Qualifying Family Member's Statement

NOTE: Select the box for either Item Number 1.a. or 1.b. If applicable, select the box for Item Number 2.

- 1.a. I can read and understand English, and I have read and understand every question and instruction on this supplement and my answer to every question.
1.b. The interpreter named in Part 9. read to me every question and instruction on this supplement and my answer to every question in [] a language in which I am fluent, and I understood everything.
2. At my request, the preparer named in Part 10., [] prepared this supplement for me based only upon information I provided or authorized.

Part 8. Qualifying Family Member's Statement, Contact Information, Declaration, and Signature
(continued)

Qualifying Family Member's Contact Information

- 3. Qualifying Family Member's Daytime Telephone Number
- 4. Qualifying Family Member's Mobile Telephone Number (if any)
- 5. Qualifying Family Member's Email Address (if any)

Qualifying Family Member's Declaration and Certification

Copies of any documents I have submitted are exact photocopies of unaltered, original documents, and I understand that USCIS may require that I submit original documents to USCIS at a later date. Furthermore, I authorize the release of any information from any of my records that USCIS may need to determine my eligibility for the immigration benefit I seek.

I further authorize release of information contained in this supplement, in supporting documents, and in my USCIS records to other entities and persons where necessary for the administration and enforcement of U.S. immigration laws. Any disclosure shall be in accordance with 8 U.S.C. section 1367 and 8 CFR 214.14(e).

I understand that USCIS may require me to appear for an appointment to take my biometrics (fingerprints, photograph, and/or signature) and, at that time, if I am required to provide biometrics, I will be required to sign an oath reaffirming that:

- 1) I provided or authorized all of the information contained in, and submitted with, my supplement;
- 2) I reviewed and understood all of the information in, and submitted with, my supplement; and
- 3) All of this information was complete, true, and correct at the time of filing.

I certify, under penalty of perjury, that all of the information in my supplement and any document submitted with it were provided or authorized by me, that I reviewed and understand all of the information contained in, and submitted with, my supplement, and that all of this information is complete, true, and correct.

Qualifying Family Member's Signature

- 6.a. Qualifying Family Member's Signature (sign in ink)
- 6.b. Date of Signature (mm/dd/yyyy)

NOTE TO ALL QUALIFYING FAMILY MEMBERS: If you do not completely fill out this supplement or fail to submit required documents listed in the Instructions, USCIS may deny your supplement.

Part 9. Interpreter's Contact Information, Certification, and Signature

Provide the following information about the interpreter.

Interpreter's Full Name

- 1.a. Interpreter's Family Name (Last Name)
- 1.b. Interpreter's Given Name (First Name)
- 2. Interpreter's Business or Organization Name (if any)

Interpreter's Mailing Address

- 3.a. Street Number and Name
- 3.b. Apt. Ste. Flr.
- 3.c. City or Town
- 3.d. State 3.e. ZIP Code
- 3.f. Province
- 3.g. Postal Code
- 3.h. Country

Interpreter's Contact Information

- 4. Interpreter's Daytime Telephone Number
- 5. Interpreter's Mobile Telephone Number (if any)
- 6. Interpreter's Email Address (if any)

Part 9. Interpreter's Contact Information, Certification, and Signature (continued)

Interpreter's Certification

I certify, under penalty of perjury, that:

I am fluent in English and , which is the same language specified in **Part 7., Item Number 1.b., and Part 8. Item Number 1.b.**, and I have read to this petitioner and qualifying family member in the identified language(s) every question and instruction on this supplement and the petitioner's and qualifying family member's answer to every question. The petitioner and qualifying family member informed me that they understand every instruction, question, and answer on the supplement, including the **Petitioner's Declaration and Certification and the Qualifying Family Member's Declaration and Certification**, and have verified the accuracy of every answer.

Interpreter's Signature

- 7.a. Interpreter's Signature (sign in ink)
- 7.b. Date of Signature (mm/dd/yyyy)

Part 10. Contact Information, Declaration, and Signature of the Person Preparing this Petition, if Other Than the Petitioner or Qualifying Family Member

Provide the following information about the preparer.

Preparer's Full Name

- 1.a. Preparer's Family Name (Last Name)
- 1.b. Preparer's Given Name (First Name)
- 2. Preparer's Business or Organization Name (if any)

Preparer's Mailing Address

- 3.a. Street Number and Name
- 3.b. Apt. Ste. Flr.
- 3.c. City or Town
- 3.d. State 3.e. ZIP Code
- 3.f. Province
- 3.g. Postal Code
- 3.h. Country

Preparer's Contact Information

- 4. Preparer's Daytime Telephone Number
- 5. Preparer's Mobile Telephone Number (if any)
- 6. Preparer's Email Address (if any)

Preparer's Statement

- 7.a. I am not an attorney or accredited representative but have prepared this supplement on behalf of the petitioner and qualifying family member and with the petitioner's and qualifying family member's consent.
- 7.b. I am an attorney or accredited representative and my representation of the petitioner and qualifying family member in this case extends does not extend beyond the preparation of this supplement.

NOTE: If you are an attorney or accredited representative whose representation extends beyond preparation of this supplement, you may be obliged to submit a completed Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, with this supplement.

Part 10. Contact Information, Declaration, and Signature of the Person Preparing this Petition, if Other Than the Petitioner or Qualifying Family Member (continued)

Preparer's Certification

By my signature, I certify, under penalty of perjury, that I prepared this supplement at the request of the petitioner and qualifying family member. The petitioner and qualifying family member then reviewed this completed supplement and informed me that they understand all of the information contained in, and submitted with, this supplement, including the **Petitioner's Declaration and Certification, and the Qualifying Family Member's Declaration and Certification**, and that all of this information is complete, true, and correct. I completed this supplement based only on information that the petitioner and qualifying family member provided to me or authorized me to obtain or use.

Preparer's Signature

8.a. Preparer's Signature (sign in ink)

8.b. Date of Signature (mm/dd/yyyy)

Part 11. Additional Information

If you need extra space to provide any additional information within this supplement, use the space below. If you need more space than what is provided, you may make copies of this page to complete and file with this supplement or attach a separate sheet of paper. Include your name and A-Number (if any) at the top of each sheet; indicate the **Page Number**, **Part Number**, and **Item Number** to which your answer refers; and sign and date each sheet.

Your Full Name (Principal)

1.a. Family Name (Last Name)

1.b. Given Name (First Name)

1.c. Middle Name

2. A-Number (if any) ▶ A-

3.a. Page Number 3.b. Part Number 3.c. Item Number

3.d. _____

4.a. Page Number 4.b. Part Number 4.c. Item Number

4.d. _____

5.a. Page Number 5.b. Part Number 5.c. Item Number

5.d. _____

6.a. Page Number 6.b. Part Number 6.c. Item Number

6.d. _____

7.a. Page Number 7.b. Part Number 7.c. Item Number

7.d. _____

Instructions for Petition for U Nonimmigrant Status and Supplement A, Petition for Qualifying Family Member of U-1 Recipient



Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form I-918
OMB No. 1615-0104
Expires 02/28/2019

What Is the Purpose of Form I-918 and Supplement A?

You should use Form I-918, Petition for U Nonimmigrant Status, to request temporary immigration benefits if you are a victim of certain qualifying criminal activity. You should also use Form I-918 if you received interim relief prior to publication of regulations regarding these benefits.

You should use Supplement A, Petition for Qualifying Family Member of U-1 Recipient, if you want to include your qualifying family members in your request of temporary immigration benefits.

Who May File Form I-918 and Supplement A?

You, the victim, should file Form I-918. You may include your qualifying family members by filing Supplement A with your original Form I-918. You can also file Supplement A at a later date for any qualifying family members not included with your original Form I-918.

1. Principal Petitioner. You must demonstrate all of the following:

- A. You are a victim of criminal activity designated in section 101(a)(15)(U)(iii) of the Immigration and Nationality Act (INA). Such activity is defined as being the victim of one or more of the following or any similar activity in violation of Federal, state, or local criminal law:

- | | |
|---|--|
| (1) Abduction | (16) Manslaughter |
| (2) Abusive Sexual Contact | (17) Murder |
| (3) Attempt to Commit Any of the
Named Crimes | (18) Obstruction of Justice |
| (4) Being Held Hostage | (19) Peonage |
| (5) Blackmail | (20) Perjury |
| (6) Conspiracy to Commit Any of the Named
Crimes | (21) Prostitution |
| (7) Domestic Violence | (22) Rape |
| (8) Extortion | (23) Sexual Assault |
| (9) False Imprisonment | (24) Sexual Exploitation |
| (10) Felonious Assault | (25) Slave Trade |
| (11) Female Genital Mutilation | (26) Solicitation to Commit Any of the
Named Crimes |
| (12) Fraud in Foreign Labor Contracting | (27) Stalking |
| (13) Incest | (28) Torture |
| (14) Involuntary Servitude | (29) Trafficking |
| (15) Kidnapping | (30) Unlawful Criminal Restraint |
| | (31) Witness Tampering |

- B. You have suffered substantial physical or mental abuse as a result of having been a victim of qualifying criminal activity;
 - C. You possess information concerning the qualifying criminal activity of which you are a victim;
 - D. A Federal, state, or local government official investigating or prosecuting a qualifying criminal activity certifies (using Supplement B, U Nonimmigrant Status Certification) that you were, are, or are likely to be helpful to the official in the investigation or prosecution of the criminal act of which you are a victim; and
 - E. The criminal activity of which you are a victim violated the laws of the United States or occurred in the United States (including Indian country and military installations) or the territories and possessions of the United States.
 - (1) **United States** means the continental United States, Alaska, Hawaii, Puerto Rico, Guam, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands.
 - (2) **Indian country** refers to all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation; all dependent Indian communities within the borders of the United States, whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state; and all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through such allotments.
 - (3) **Military installation** means any facility, base, camp, post, encampment, station, yard, center, port, aircraft, vehicle, or vessel under the jurisdiction of the Department of Defense, including any leased facility, or any other location under military control.
 - (4) **Territories and possessions of the United States** means American Samoa, Swains Island, Bajo Nuevo (the Petrel Islands), Baker Island, Howland Island, Jarvis Island, Johnston Atoll, Kingman Reef, Midway Atoll, Navassa Island, CNMI, Palmyra Atoll, Serranilla Bank, and Wake Atoll.
2. **Principal Petitioner** filing for a qualifying family member, or currently holding U-1 status and filing for a qualifying family member. You must also demonstrate that:
- A. If you are under 21 years of age on the date your petition is received by USCIS, the qualifying family members for whom you are filing are your:
 - (1) Spouse;
 - (2) Unmarried children under 21 years of age;
 - (3) Parents; and/or
 - (4) Unmarried siblings under 18 years of age.
 - B. If you are over 21 years of age on the date your petition is received by USCIS, the qualifying family members for whom you are filing are your:
 - (1) Spouse; and/or
 - (2) Unmarried children under 21 years of age.

General Instructions

U.S. Citizenship and Immigration Services (USCIS) provides forms free of charge through the USCIS Website. In order to view, print, or fill out our forms, you should use the latest version of Adobe Reader, which you can download for free at <http://get.adobe.com/reader/>. If you do not have Internet access, you may call the USCIS National Customer Service Center at 1-800-375-5283 and ask that we mail a form to you. For TTY (deaf or hard of hearing) call: 1-800-767-1833.

Signature. Each petition must be properly signed in black or blue ink and filed. For all signatures on this petition, USCIS will not accept a stamped or typewritten name in place of a signature. If you are under 14 years of age, your parent or legal guardian may sign the petition on your behalf. A legal guardian may also sign for a mentally incompetent person.

Filing Fee. There is no filing fee for Form I-918 or Supplement A.

Evidence. At the time of filing, you must submit all evidence and supporting documentation listed in the **Specific Instructions** and **General Requirements** sections of these Instructions.

Biometric Services Appointment. USCIS may require that you appear for an interview or provide fingerprints, photograph, and/or signature at any time to verify your identity, obtain additional information, and conduct background and security checks, including a check of criminal history records maintained by the Federal Bureau of Investigation (FBI), before making a decision on your application, petition, or request. After USCIS receives your petition and ensures it is complete, we will inform you in writing if you need to attend a biometric services appointment. If an appointment is necessary, the notice will provide you the location of your local or designated USCIS Application Support Center (ASC) and the date and time of your appointment or, if you are currently overseas, instruct you to contact a U.S. Embassy, U.S. Consulate, or USCIS office outside the United States to set up an appointment.

If you are required to provide biometrics, at your appointment you must sign an oath reaffirming that:

1. You provided or authorized all information in the petition;
2. You reviewed and understood all of the information contained in, and submitted with, your petition; and
3. All of this information was complete, true, and correct at the time of filing.

Copies. You may submit legible photocopies of documents requested, unless the Instructions specifically state that you must submit an original document. USCIS may request an original document at the time of filing or at any time during processing of an application, petition, or request. If you submit original documents when not required, the documents may remain a part of the record, and USCIS will not automatically return them to you.

Translations. If you submit a document with information in a foreign language, you must also submit a full English translation. The translator must sign a certification that the English language translation is complete and accurate, and that he or she is competent to translate from the foreign language into English. The certification must include the translator's signature, should contain the translator's printed name and the date, and it may also contain the translator's contact information.

How To Fill Out Form I-918 and Supplement A

1. Type or print legibly in black or blue ink.
2. If you need extra space to complete any item within Form I-918, use the space provided in **Part 8. Additional Information** or attach a separate sheet of paper; type or print your name and Alien Registration Number (A-Number) (if any) at the top of each sheet; indicate the **Page Number**, **Part Number**, and **Item Number** to which your answer refers; and sign and date each sheet.
3. If you need extra space to complete any item within Supplement A, use the space provided in **Part 11. Additional Information** or attach a separate sheet of paper; type or print your name (Principal's) and A-Number (if any) or the A-Number of the Qualifying Family Member at the top of each sheet; indicate the **Page Number**, **Part Number**, and **Item Number** to which your answer refers; and sign and date each sheet.
4. Answer all questions fully and accurately. If a question does not apply to you (for example, if you have never been married and the question asks "Provide the name of your current spouse"), type or print "N/A," unless otherwise directed. If your answer to a question which requires a numeric response is zero or none (for example, "How many children do you have" or "How many times have you departed the United States"), type or print "None," unless otherwise directed.

Specific Instructions for Form I-918

This petition is divided into **Parts 1. - 8.** The following information should help you fill out the petition.

You must also file Form I-918, Supplement B that was completed and signed by a certifying official. (See the Supplement B Instructions for more information on how to file Supplement B.) You must submit Supplement B with the original Form I-918 petition package. If it is not attached, USCIS will deny your Form I-918.

Part 1. Information About You (Person filing this petition as a victim)

Item Numbers 1.a. - 1.c. Provide your full legal name. Do not provide a nickname.

Item Numbers 2.a. - 2.c. Other Names Used. Provide all the names you have used, including your maiden name, nicknames, and aliases, if applicable.

Item Numbers 3.a. - 3.h. Home Address. Provide your physical street address. You must include a street number and name or a rural route number. Do not provide a post office box (PO Box) number here.

Item Numbers 4.a. - 4.i. Safe Mailing Address (if other than Home Address). Provide a “safe mailing address” if you do not feel secure in receiving correspondence regarding this petition at your home address. You may provide a PO Box or the address of a friend, attorney, a community-based organization that is helping you, or any other address where you can safely and punctually receive mail.

Item Number 5. Alien Registration Number (A-Number) (if any). This is your USCIS file number. If you do not have an A-Number or do not know it, leave this space blank.

Item Number 6. U.S. Social Security Number. Provide your U.S. Social Security Number. If you do not have a U.S. Social Security Number or do not know it, leave this space blank.

Item Number 7. USCIS Online Account Number (if any). If you have previously filed an application, petition, or request using the USCIS online filing system (previously called USCIS Electronic Immigration System (USCIS ELIS)), provide the USCIS Online Account Number you were issued by the system. You can find your USCIS Online Account Number by logging in to your account at www.uscis.gov/file-online and going to the profile page. If you previously filed certain applications, petitions, or requests on a paper form via a USCIS Lockbox facility, you may have received a USCIS Online Account Access Notice issuing you a USCIS Online Account Number. If you received such a notice, your USCIS Online Account Number can be found at the top of the notice. If you were issued a USCIS Online Account Number, enter it in the space provided. The USCIS Online Account Number is not the same as an A-Number.

Item Number 8. Marital Status. Select the appropriate box.

Item Number 9. Gender. Select the appropriate box.

Item Number 10. Date of Birth (mm/dd/yyyy). Provide your date of birth. (For example, type or print May 1, 1979 as 05/01/1979.)

Item Number 11. Country of Birth. Provide the name of the country where you were born.

Item Number 12. Country of Citizenship or Nationality. Provide the name of the country where you are a citizen or national. This is not necessarily the country where you were born.

Item Numbers 13. - 18. Form I-94 Arrival-Departure Record. If U.S. Customs and Border Protection (CBP) or USCIS issued you a Form I-94, Arrival-Departure Record, provide your Form I-94 number and date that your authorized period of stay expires or expired (as shown on Form I-94). The Form I-94 number is also known as the Departure Number on some versions of Form I-94.

NOTE: If you were admitted to the United States by CBP at an airport or seaport after April 30, 2013, you may have been issued an electronic Form I-94 by CBP, instead of a paper Form I-94. You may visit the CBP Website at www.cbp.gov/i94 to obtain a paper version of an electronic Form I-94. CBP **does not** charge a fee for this service. Some travelers admitted to the United States at a land border, airport, or seaport after, April 30, 2013 with a passport or travel document, who were issued a paper Form I-94 by CBP, may also be able to obtain a replacement Form I-94 from the CBP website, it may be obtained by filing Form I-102, Application for Replacement/Initial Nonimmigrant Arrival-Departure Record, with USCIS. USCIS **does** charge a fee for this service.

Passport and Travel Document Numbers. If you used a passport or travel document to travel to the United States, provide either the passport or travel document information in the appropriate space on the petition, even if the passport or travel document is currently expired.

Item Numbers 19.a. - 21. Place and Date of Last Entry into the United States and Date Authorized Stay Expired. Provide the place and date (mm/dd/yyyy) where you last entered the United States, how you entered the United States, and the date your authorized stay expired.

Item Number 22. Current Immigration Status. Provide your current immigration status, regardless of how you entered the United States or if you have overstayed any legal status (as a visitor, student, etc.).

Part 2. Additional Information About You

Item Numbers 1. - 7.a. You must answer each question. If you answer “Yes” to any of the questions, you must provide an explanation in the space provided in **Part 8. Additional Information**.

Item Numbers 7.b. - 7.f. If you answer “Yes,” to **Item Number 7.a.**, select the type of proceedings. If you were in proceedings in the past and are no longer in proceedings, provide the date of action. If you are currently in proceedings, type or print “Current” in the appropriate date field. Select all applicable boxes. Use the space provided in **Part 8. Additional Information** to provide an explanation.

Item Numbers 8.a. - 10.d. Provide the date of entry, place of entry, and status under which you entered the United States for each entry during the five years preceding the filing of this petition. If your last entry occurred more than five years ago, write “N/A” or “none.”

Item Numbers 11.a. - 12.f. If you are outside the United States, provide the U.S. Consulate or inspection facility or a safe foreign mailing address you want notified if this petition is approved.

Part 3. Processing Information

Item Numbers 1.a. - 29.c. You must answer each question. If you answer “Yes” to any of the questions, you must provide an explanation in the space provided in **Part 8. Additional Information**.

Part 4. Information About Your Spouse and/or Children

Item Numbers 1.a. - 25. Provide the requested information about your family members included in this petition.

Item Number 26. Answer this question to indicate whether you are petitioning for one or more qualifying family members at this time. If you answer “Yes,” see information below on completing Supplement A on behalf of your qualifying family members.

Part 5. Petitioner's Statement, Contact Information, Declaration, and Signature

Item Numbers 1.a. - 7.b. Select the appropriate box to indicate whether you read this petition yourself or whether you had an interpreter assist you. If someone assisted you in completing the petition, select the box indicating that you used a preparer. Further, you must sign and date your petition and provide your daytime telephone number, mobile telephone number (if any), and email address (if any). If you do not feel secure in receiving telephone calls regarding this petition at your home telephone number, provide a "safe telephone number" in this space. This number may be for a friend, your attorney, a community-based organization that is helping you, or any other number where you can safely and punctually receive a call or a message. Every petition **MUST** contain the signature of the petitioner (or parent or legal guardian, if applicable). A stamped or typewritten name in place of a signature is not acceptable.

Part 6. Interpreter's Contact Information, Certification, and Signature

Item Numbers 1.a. - 7.b. If you used anyone as an interpreter to read the Instructions and questions on this petition to you in a language in which you are fluent, the interpreter must fill out this section, provide his or her name, the name and address of his or her business or organization (if any), his or her daytime telephone number, his or her mobile telephone number (if any), and his or her email address (if any). The interpreter must sign and date the petition.

Part 7. Contact Information, Declaration, and Signature of the Person Preparing this Petition, if Other Than the Petitioner

Item Numbers 1.a. - 8.b. This section must contain the signature of the person who completed your petition, if other than you, the petitioner. If the same individual acted as your interpreter and your preparer, that person should complete both **Part 6.** and **Part 7.** If the person who completed this petition is associated with a business or organization, that person should complete the business or organization name and address information. Anyone who helped you complete this petition **MUST** sign and date the petition. A stamped or typewritten name in place of a signature is not acceptable. If the person who helped you prepare your petition is an attorney or accredited representative whose representation extends beyond preparation of this petition, he or she may be obliged to also submit a completed Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, along with your petition.

Part 8. Additional Information

Item Number 1.a. - 7.d. If you need extra space to provide any additional information within this petition, use the space provided in **Part 8. Additional Information.** If you need more space than what is provided in **Part 8.**, you may make copies of **Part 8.** to complete and file with your petition or attach a separate sheet of paper. Include your name and A-Number (if any) at the top of each sheet; indicate the **Page Number, Part Number, and Item Number** to which your answer refers; and sign and date each sheet.

We recommend that you print or save a copy of your completed petition to review in the future and for your records. We recommend that you review your copy of your completed petition before you come to your biometric services appointment at a USCIS ASC. At your appointment, USCIS will permit you to complete the petition process only if you are able to confirm, under penalty of perjury, that all of the information in your petition is complete, true, and correct. If you are not able to make that attestation in good faith at that time, USCIS will require you to return for another appointment.

Specific Instructions for Supplement A, Petition for Qualifying Family Member of U-1 Recipient

If you are filing for a qualifying family member, you must complete Supplement A for each family member for whom you are filing. You may file Supplement A with your initial Form I-918 or at any time thereafter. If you are filing Supplement A after filing your initial Form I-918, you do not need to resubmit evidence that you submitted with the original petition.

Part 1. Family Member's Relationship To You (Principal)

Item Number 1. Select the appropriate box.

Part 2. Information About You (Principal)

Item Numbers 1.a. - 1.c. Provide your full legal name. Do not provide a nickname.

Item Number 2. Date of Birth (mm/dd/yyyy). Provide your date of birth. (For example, type or print May 1, 1979 as 05/01/1979.)

Item Number 3. Alien Registration Number (A-Number) (if any) This is your USCIS file number. If you do not have an A-Number or do not know it, leave this space blank.

Item Number 4. USCIS Online Account Number (if any). If you have previously filed an application, petition, or request using the USCIS online filing system (previously called USCIS Electronic Immigration System (USCIS ELIS)), provide the USCIS Online Account Number you were issued by the system. You can find your USCIS Online Account Number by logging in to your account and going to the profile page. If you previously filed certain applications, petitions, or requests on a paper form via a USCIS Lockbox facility, you may have received a USCIS Online Account Access Notice issuing you a USCIS Online Account Number. If you received such a notice, your USCIS Online Account Number can be found at the top of the notice. If you were issued a USCIS Online Account Number, enter it in the space provided. The USCIS Online Account Number is not the same as an A-Number.

Item Number 5. Status of Your Form I-918. Select the appropriate box.

Part 3. Information About Your Qualifying Family Member (Derivative)

Item Numbers 1.a. - 1.c. Provide his or her full legal name. Do not provide a nickname.

Item Numbers 2.a. - 2.c. Other Names Used. Provide all the names he or she has used, including his or her maiden name, nicknames, and aliases, if applicable. If you need extra space to complete this section, use the space provided in **Part 11. Additional Information.**

Item Numbers 3.a. - 3.e. Residence or Intended Residence in the United States. Provide his or her intended physical street address. This must include a street number and name or a rural route number. Do not provide a PO Box number here.

Item Numbers 4.a. - 4.i. Safe Mailing Address (if other than Residence). Provide his or her "safe mailing address" if he or she does not feel secure in receiving correspondence regarding this supplement at his or her home address. You may provide a PO Box or the address of his or her friend, attorney, a community-based organization, or any other address where he or she can safely and punctually receive mail.

Item Number 5. A-Number (if any). This is his or her USCIS file number. If he or she does not have an A-Number or does not know it, leave this space blank.

Item Number 6. U.S. Social Security Number. Provide his or her U.S. Social Security Number. If he or she does not have a U.S. Social Security number, leave this blank.

Item Number 7. USCIS Online Account Number (if any). If you have previously filed an application, petition, or request using the USCIS online filing system (previously called USCIS Electronic Immigration System (USCIS ELIS)), provide the USCIS Online Account Number you were issued by the system. You can find your USCIS Online Account Number by logging in to your account and going to the profile page. If you previously filed certain applications, petitions, or requests on a paper form via a USCIS Lockbox facility, you may have received a USCIS Online Account Access Notice issuing you a USCIS Online Account Number. If you received such a notice, your USCIS Online Account Number can be found at the top of the notice. If you were issued a USCIS Online Account Number, enter it in the space provided. The USCIS Online Account Number is not the same as an A-Number.

Item Number 8. Date of Birth (mm/dd/yyyy). Provide his or her date of birth. (For example, type or print May 1, 1979 as 05/01/1979.)

Item Number 9. Country of Birth. Provide the name of the country where he or she was born.

Item Number 10. Country of Citizenship or Nationality. Provide the name of the country where he or she is a citizen or national. This is not necessarily the country where he or she was born.

Item Number 11. Marital Status. Select the appropriate box.

Item Number 12. Gender. Select the appropriate box.

Item Number 13. Form I-94 Arrival-Departure Record. If your family member is physically present in the United States, provide the number on his or her Form I-94 issued at the time of entry. If CBP or USCIS issued your family member a Form I-94, Arrival-Departure Record, provide his or her Form I-94 number and date that your authorized period of stay expires or expired (as shown on Form I-94). The Form I-94 number is also known as the Departure Number on some versions of Form I-94.

NOTE: If your family member was admitted to the United States by CBP at an airport or seaport after April 30, 2013, they may have been issued an electronic Form I-94 by CBP, instead of a paper Form I-94. You may visit the CBP website at www.cbp.gov/i94 to obtain a paper version of an electronic Form I-94. CBP **does not** charge a fee for this service. Some travelers admitted to the United States at a land border, airport, or seaport, after April 30, 2013 with a passport or travel document, who were issued a paper Form I-94 by CBP, may also be able to obtain a replacement Form I-94 from the CBP website without charge. If your family member's Form I-94 cannot be obtained from the CBP website, it may be obtained by filing Form I-102 with USCIS. USCIS **does** charge a fee for this service.

Item Numbers 14. - 18. Passport and Travel Document Numbers. If your family member used a passport or travel document to travel to the United States, enter either the passport or travel document information in the appropriate space on the supplement, even if the passport or travel document is currently expired.

Part 4. Additional Information About Your Qualifying Family Member

Item Numbers 1.a. - 1.d. Provide the date of last entry, place of last entry, and current immigration status for your family member if he or she is currently in the United States.

Item Numbers 2.a. - 2.e. Provide the date of entry, place of entry, and status at entry for your family member's last entry if he or she has previously traveled to the United States but is not currently in the United States.

Item Numbers 3.a. - 4.f. If your family member is outside the United States, provide the U.S. Consulate or inspection facility or a safe foreign mailing address you want notified if this supplement is approved.

Item Numbers 5.a. - 6.f. If your family member was previously married, list the names of your family member's prior spouses and the dates his or her marriages were terminated. You must attach documentation such as divorce decrees or death certificates.

Item Numbers 7.a. - 7.f. Indicate whether your family member was or is in immigration proceedings. If you answer “Yes,” select the type of proceedings. If your family member was in proceedings in the past and is no longer in proceedings, provide the date of action. If your family member is currently in proceedings, type or print “Current” in the appropriate date field. Select all applicable boxes. Use the space provided in **Part 11. Additional Information**.

Item Number 8. Answer “Yes” if your family member is living in the United States and would like an Employment Authorization Document. If you answer “Yes,” submit Form I-765, Application for Employment Authorization Document, separately.

NOTE: If your family member is living outside the United States, he or she is not eligible to receive employment authorization until he or she is lawfully admitted to the United States. Do not file Form I-765, Application for Employment Authorization, for a family member living outside the United States.

Part 5. Processing Information

Item Numbers 1.a. - 29.c. You must answer each question on behalf of your family member. If you answer “Yes” to any of the questions, you must provide an explanation in the space provided in **Part 11. Additional Information**.

Part 6. Information About Your Qualifying Family Member’s Spouse and/or Children

Item Numbers 1.a. - 12. Provide the requested information about your family member’s spouse and/or children. If you need extra space to complete this section, use the space provided in **Part 11. Additional Information**.

Part 7. Petitioner’s Statement, Contact Information, Declaration, and Signature

Item Numbers 1.a. - 7.b. Select the appropriate box to indicate whether you read this supplement yourself or whether you had an interpreter assist you. If someone assisted you in completing the supplement, select the box indicating that you used a preparer. Further, you must sign and date your supplement and provide your daytime telephone number, mobile telephone number (if any), and email address (if any). Every supplement **MUST** contain the signature of the petitioner (or parent or legal guardian, if applicable). A stamped or typewritten name in place of a signature is not acceptable.

Part 8. Qualifying Family Member’s Statement, Contact Information, Declaration, and Signature

Item Numbers 1.a. - 6.b. If your family member is in the United States, he or she must verify the accuracy of the information recorded on this supplement and must also complete this section of the supplement. He or she must select the appropriate box to indicate that he or she either read this supplement himself or herself or whether he or she had an interpreter assist him or her. If someone assisted him or her in completing the supplement, select the box indicating that he or she used a preparer. Further, he or she must sign and date the supplement and provide his or her daytime telephone number, mobile telephone number (if any), and email address (if any). Every supplement **MUST** contain the signature of the qualifying family member (or parent or legal guardian, if applicable). A stamped or typewritten name or a scanned, faxed, or emailed copy in place of an original signature is not acceptable. A legal guardian may sign for a mentally incompetent person. If the qualifying family member does not sign or date the supplement, USCIS may return Supplement A as incomplete.

Part 9. Interpreter’s Contact Information, Certification, and Signature

Item Numbers 1.a. - 7.b. If you and your family member used anyone as an interpreter to read the instructions and questions on this supplement to you in a language in which you are fluent, the interpreter must fill out this section, provide his or her name, the name and address of his or her business or organization (if any), his or her daytime telephone number, his or her mobile telephone number (if any), and his or her email address (if any). The interpreter must sign and date the supplement.

Part 10. Contact Information, Declaration, and Signature of the Person Preparing this Supplement, if Other Than the Petitioner or Qualifying Family Member

Item Numbers 1.a. - 8.b. This section must contain the signature of the person who completed your supplement, if other than you, the petitioner or your family member. If the same individual acted as your interpreter and your preparer, that person should complete both **Part 9.** and **Part 10.** If the person who completed this supplement is associated with a business or organization, that person should complete the business or organization name and address information. Anyone who helped you complete this supplement **MUST** sign and date the supplement. A stamped or typewritten name in place of a signature is not acceptable. If the person who helped you prepare your supplement is an attorney or accredited representative whose representation extends beyond preparation of this supplement, he or she may be obliged to also submit a completed Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, along with your supplement.

Part 11. Additional Information

Item Numbers 1.a. - 7.d. If you need extra space to provide any additional information within this supplement, use the space provided in **Part 11. Additional Information.** If you need more space than what is provided in **Part 11.**, you may make copies of **Part 11.** to complete and file with your supplement or attach a separate sheet of paper. Include your name (Principal) and A-Number (if any) at the top of each sheet; indicate the **Page Number, Part Number, and Item Number** to which your answer refers; and sign and date each sheet.

General Requirements

Required Initial Evidence to Support Form I-918

You **must** include the following initial evidence with your Form I-918.

If you, the petitioner, requested and received interim relief, USCIS will consider the evidence you submitted in conjunction with your request for interim relief as part of the petition package. In this instance, you may choose to file additional evidence with Form I-918 to add to the evidence submitted with the request for interim relief.

NOTE: You may use one document to demonstrate more than one element of your claim.

- 1. Supplement B.** You **must** submit an original, properly and timely executed Supplement B certification with your Form I-918. However, petitioners who requested and received U interim relief are not required to file Supplement B.

USCIS will give this certification significant weight as evidence demonstrating that you are a victim; that you possess information about the criminal activity; that the criminal activity violated the laws of the United States or occurred in the United States (including Indian country and military installations) or the territories and possessions of the United States; and that you were, are, or are likely to be helpful in the investigation or prosecution of the qualifying criminal activity of which you are a victim. You must also provide any additional relevant evidence to help meet these eligibility requirements.
- 2. Evidence You Are the Victim of Qualifying Criminal Activity.** You must demonstrate you have suffered direct and proximate harm as a result of the commission of qualifying criminal activity. You must include with your Form I-918 evidence establishing you are a victim of qualifying criminal activity. You may use Supplement B to help establish this eligibility requirement and include additional evidence you want USCIS to consider. A non-exhaustive list of the types of evidence you may submit includes, but is not limited to:
 - A.** Trial transcripts;
 - B.** Court documents;

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- C. Police reports;
 - D. News articles;
 - E. Affidavits; and
 - F. Orders of protection.

3. Evidence You Have Suffered Substantial Physical or Mental Abuse. You must present credible evidence that demonstrates you suffered substantial physical or mental abuse as a result of having been a victim of qualifying criminal activity. You may use Supplement B to help establish this eligibility requirement and include additional evidence you want USCIS to consider.

The evidence must show the nature and severity of the abuse you suffered. Factors USCIS will consider to determine whether the abuse is substantial include:

- A. The nature of the injury inflicted;
- B. The severity of the perpetrator's conduct;
- C. The severity of the harm you suffered;
- D. The duration of the infliction of the harm; and
- E. The extent to which there is permanent or serious harm to your appearance, health, or physical or mental soundness.

No single factor is a prerequisite to establish that the abuse suffered was substantial, nor does the existence of one or more of the factors automatically create a presumption that the abuse was substantial. If the criminal activity caused the aggravation of a pre-existing physical or mental injury, USCIS will consider that aggravation in evaluating whether the harm constitutes substantial physical or mental abuse. If the criminal activity involved a series of acts or occurred repeatedly over a period of time, document the pattern of abuse. USCIS will consider the abuse in its totality. USCIS may consider a series of acts taken together to have caused substantial physical or mental abuse even where no single act alone rises to that level.

You are encouraged to provide and document all credible evidence, particularly when documenting a pattern of abuse. A non-exhaustive list of suggested forms of evidence includes, but is not limited to:

- A. Reports and/or affidavits from judges and other court officials, medical personnel, school officials, clergy, social workers, and other social service personnel;
 - B. Orders of protection and related legal documents;
 - C. Photos of your visible injuries supported by affidavits; and
 - D. Affidavits from witnesses, acquaintances, or family members who have personal knowledge of the facts regarding the criminal activity.
- 4. Evidence You Possess Information Concerning Qualifying Criminal Activity.** You must submit evidence demonstrating you possess information concerning the qualifying criminal activity of which you were a victim. You must demonstrate that you have knowledge of details concerning the criminal activity that would assist in the investigation or prosecution of that criminal activity.

You may use Supplement B to help establish this eligibility requirement and include additional evidence you want USCIS to consider. Additional evidence to establish you possess information about the qualifying criminal activity may include, but is not limited to, reports and affidavits from police, judges, and other court officials.

In cases where the petitioner is a child under 16 years of age or is incapacitated or incompetent, the parent, guardian, or “next friend” can satisfy this requirement by submitting the evidence on behalf of the petitioner. “Next friend” is a person who appears in a lawsuit to act for the benefit of a victim under 16 years of age or incapacitated or incompetent, who has suffered substantial physical or mental abuse as a result of being a victim of qualifying criminal activity. The next friend is not a party to the legal proceeding and is not appointed as a guardian. Evidence to meet this eligibility requirement must include documents establishing the age, incapacity, or incompetence of the victim. Examples of such evidence include, but are not limited to:

- A. Birth certificate of the petitioner;
- B. Court documents demonstrating recognition of an individual as the petitioner’s next friend;
- C. Medical records; or
- D. Reports of licensed medical professionals demonstrating the incapacity or incompetence of the petitioner.

5. Evidence of Helpfulness. You must submit evidence demonstrating that you were, are, or are likely to be helpful to a certifying official in the investigation or prosecution of the qualifying criminal activity of which you are a victim.

You may use Supplement B to help establish this eligibility requirement and include additional evidence you want USCIS to consider. Examples of such evidence include, but are not limited to:

- A. Trial transcripts;
- B. Court documents;
- C. Police reports;
- D. News articles;
- E. Copies of reimbursement forms for travel to and from court; and
- F. Affidavits of other witnesses or officials.

In cases where the petitioner is a child under 16 years of age or is incapacitated or incompetent, the parent, guardian, or next friend can satisfy this requirement by submitting the evidence on behalf of the victim. Evidence to meet this eligibility requirement must include documents establishing the age, incapacity, or incompetence of the victim. Examples of such documentation include, but are not limited to:

- A. Birth certificate of the petitioner;
- B. Court documents demonstrating recognition of an individual as the petitioner’s next friend;
- C. Medical records; or
- D. Reports of licensed medical professionals demonstrating the incapacity or incompetence of the petitioner.

6. Evidence that Criminal Activity is Qualifying and Violated United States Law or Occurred in the United States.

You must submit evidence that the criminal activity of which you are a victim is included in the list of criminal activities contained in section 101(a)(15)(U)(iii) of the INA and included in these Instructions, and that the criminal activity violated a U.S. Federal law that provides for extraterritorial jurisdiction, or occurred in the United States (including in Indian country and military installations) or the territories and possessions of the United States.

You may use Supplement B to help establish this eligibility requirement and include additional evidence you want USCIS to consider. An example of such additional evidence includes, but is not limited to:

- A. A copy of the statutory provisions showing the elements of the offense or factual information about the criminal activity demonstrating that it is similar to a crime contained in the list of qualifying criminal activity contained at section 101(a)(15)(U)(iii) and in these Instructions; or
- B. If the criminal activity occurred outside the United States, the additional evidence may include a copy of the statutory provisions providing for the extraterritorial jurisdiction and documentation showing that the criminal activity violated Federal law and is prosecutable in a Federal court.

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7. **Personal Statement.** You must provide a personal narrative statement. This statement should describe the qualifying criminal activity of which you are a victim and must include the following information:
- A. The nature of the criminal activity;
 - B. When the criminal activity occurred;
 - C. Who was responsible;
 - D. The events surrounding the criminal activity;
 - E. How the criminal activity came to be investigated or prosecuted; and
 - F. What substantial physical and/or mental abuse you suffered as a result of having been the victim of the criminal activity.

When the petitioner is under 16 years of age, incapacitated, or incompetent, a parent, guardian, or next friend may submit a statement in lieu of the victim. The statement should contain as much information surrounding the criminal activity and physical and/or mental abuse as possible.

8. **Waiver of Grounds of Inadmissibility.** To be eligible for U nonimmigrant status, you must be admissible to the United States. If you or your qualifying family members answered “Yes” to any of the questions in **Part 3.** of Form I-918 or **Part 5.** of Supplement A, USCIS may deem you or your qualifying family members as inadmissible.

If you and/or your qualifying family members are or become inadmissible for conduct that occurs while the petition for U nonimmigrant status is pending, you and/or your family members are not eligible for U nonimmigrant status unless the ground of inadmissibility is waived by USCIS.

Petitioners seeking a waiver of inadmissibility must submit Form I-192, Application for Advance Permission to Enter as a Nonimmigrant. You may file your Form I-192 with your Form I-918. You must submit the appropriate I-192 fee or a request for a fee waiver (Form I-912, Request for Fee Waiver, or a written request). If you request a fee waiver you must also submit any required evidence of your inability to pay the fee. You can review the fee waiver guidance at www.uscis.gov/feewaiver. USCIS will decide eligibility for the fee waiver.

Supplement A and Evidence to Support Supplement A

You **must** include the following evidence to establish derivative U nonimmigrant status on Supplement A.

- 1. A completed Supplement A for each qualifying family member you want included on your Form I-918.
- 2. Credible documentation of the claimed relationship. The documents acceptable for this purpose are below.

If you are filing for your:

- A. **Husband or wife.** Submit a copy of your marriage certificate issued by a civil authority. If either you or your spouse were married before, you must submit documents to show all previous marriages were legally terminated (for example, provide a divorce decree or death certificate);
- B. **Child and you are the mother.** Submit a copy of the child’s birth certificate showing your name and the name of the child, issued by a civil authority;
- C. **Child and you are the father.** Submit a copy of the child’s birth certificate issued by a civil authority showing both parents’ names. If the child was born out of wedlock, give proof that a parent/child relationship exists or existed (for example, provide the child’s birth certificate showing your name and evidence that you have financially supported the child. In some cases, a blood test may be necessary);
- D. **Mother.** Submit a copy of your birth certificate issued by a civil authority showing your name and your mother’s name;

-
- E. Father.** Submit a copy of your birth certificate showing the names of both parents. Also, provide a copy of your parents' marriage certificate establishing that your father was married to your mother before you were born and copies of documents showing that any prior marriages of either your father or mother were legally terminated. If you are filing for a stepparent or adoptive parent, or if you are filing for your father and were not legitimated before you reached 18 years of age, also see **Items C., G., and H.** in this section;
- F. Stepparent/stepchild.** If your Form I-918 is based on a stepparent-stepchild relationship, you must file your petition with a copy of the marriage certificate of the stepparent to the child's natural parent, showing that the marriage occurred before the child reached 18 years of age and copies of documents showing that any prior marriages were legally terminated;
- G. Adoptive parent or adopted child.** If you and the person you are filing for are related by adoption, you must submit a copy of the adoption decrees showing that the adoption took place before the child reached 16 years of age. If you adopted the sibling of a child you already adopted, you must submit a copy of the adoption decrees showing that the adoption of the sibling occurred before that child reached 18 years of age. In either case, you must also submit copies of evidence that the child was in the legal custody of and jointly resided with the adoptive parents for at least two years before or after the adoption. Only a court or recognized government entity may grant legal custody and usually grants legal custody at the time the adoption is finalized. However, if legal custody is granted by a court or recognized government entity prior to the adoption, that time will count to fulfill the two-year legal custody requirement; or
- H. Your unmarried sibling under 18 years of age.** Submit a copy of your birth certificate and a copy of your sibling's birth certificate showing that you have at least one common parent. If you and your sibling have a common father but different mothers, submit copies of the marriage certificates of the father to each mother and copies of documents showing that any prior marriages of either your father or mothers were legally terminated. If you and your sibling are related through adoption or through a stepparent, or if you have a common father and either of you were not legitimated before you reached 18 years of age, also see **Items F. and G.** in this section.
- 3. Unavailable Documents.** If the required documents are not available, submit a statement of why the evidence is not available and provide secondary evidence such as the following:
- A. Church records.** A certificate under the seal where the baptism, dedication, or comparable rite occurred within two months after the birth, showing the date and place of the child's birth, date of the religious ceremony, and the names of the child's parents;
- B. Census records.** State or Federal census records showing the names, places and dates of birth, or ages of the persons listed;
- C. School records.** A letter from the authority of the school attended (preferably the first school) showing dates of admission to the school, child's date and place of birth, and the names and birthplaces of both parents, if shown in the school records; and/or
- D. Affidavits.** Written statements sworn to or affirmed by two persons who were living at the time and who have personal knowledge of the event you are trying to prove. (For example, provide the date and place of birth, marriage, divorce, or death.) The person making the affidavit need not be a citizen of the United States. Each affidavit should contain the following:
- (1) The relationship, if any, between you and the person making the affidavit;
 - (2) Full information concerning the event; and
 - (3) Complete details concerning how the person acquired knowledge of the event.
- NOTE:** In a case where you or your family member's name has changed from what is shown on the supporting document, submit the legal document authorizing such name change. (For example, provide a marriage certificate, adoption decree, or court order.)

NOTE: USCIS may require a statement from the appropriate civil authority certifying that the necessary document is unavailable.

What Is the Filing Fee?

There is no filing fee for Form I-918 or Supplement A. You are required to provide biometrics information, but are not required to pay the biometrics services fee. After you submit Form I-918 and Supplement A (if applicable), USCIS will notify you and your family member (if applicable) of when and where to go for biometrics services.

Where To File?

Please see our website at www.uscis.gov/I-918 or call our National Customer Service Center at **1-800-375-5283** for the most current information about where to file Form I-918 and Supplement A. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

Address Change

An applicant, petitioner, or requester who is not a U.S. citizen must notify USCIS of his or her new address within 10 days of moving from his or her previous residence. For information on filing a change of address, go to the USCIS Website at www.uscis.gov/addresschange or contact the USCIS National Customer Service Center at **1-800-375-5283**. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

NOTE: Do not submit a change of address request to the USCIS Lockbox facilities because the Lockbox does not process change of address requests.

Processing Information

USCIS will reject any Form I-918 or Supplement A that is not signed with a notice that Form I-918 or Supplement A is deficient. You may correct the deficiency and resubmit Form I-918 and/or Supplement A. A petition or supplement is not considered properly filed until accepted by USCIS.

Initial Processing. Once USCIS accepts your Form I-918 or Supplement A, we will check it for completeness. If you do not completely fill out this petition or supplement, you will not establish a basis for your eligibility and USCIS may reject or deny your Form I-918 or Supplement A.

Requests for More Information. We may request that you provide more information or evidence to support your Form I-918 or Supplement A. We also may request that you provide the originals of any copies you submit. USCIS will return any requested originals when they are no longer needed.

Requests for Interview. We may request that you and/or your family member appear at a USCIS office for an interview based on your petition or supplement. At the time of any interview or other appearance at a USCIS office, we may require that you and/or your family member provide your fingerprints, photographs, and/or signatures to verify your identity and/or update background and security checks.

Employment Authorization. If you are currently residing in the United States and your Form I-918 is approved, you will receive employment authorization incident to status and USCIS will send you an Employment Authorization Document as evidence of that authorization.

Derivative family members are also employment authorized incident to status, however an employment authorization document is not automatically issued. If he or she wishes to obtain an Employment Authorization Document, as evidence of authorization, he or she may file Form I-765, Application for Employment Authorization, with appropriate fees or requests for fee waivers.

NOTE: Derivative family members living outside the United States are not eligible to receive employment authorization until they lawfully enter the United States. Do **not** file Form I-765 for a derivative family member who is outside the United States.

Employment authorization can only be issued after the underlying U nonimmigrant status petition is approved, regardless of when the Form I-765, Application for Employment Authorization, document is filed.

If the statutory cap is reached in a fiscal year and USCIS uses the waiting list process described at 8 CFR 214.14(d)(2), petitioners for U nonimmigrant status and derivatives in the United States can apply for employment authorization using Form I-765, Application for Employment Authorization, based on deferred action. An application for employment authorization based on deferred action can only be approved after DHS has deferred action in your case, regardless of when the Form I-765 is filed.

Decision. The decision on Form I-918 and Supplement A involves a determination of whether you have established eligibility for the immigration benefit you are seeking. USCIS will notify you of the decision in writing.

Prohibition on Disclosure of Information. Information concerning U nonimmigrant status petitioners and derivatives is protected under 8 U.S.C. Section 1367. The disclosure of information relating to a pending or approved Form I-918 or Supplement A is prohibited except in certain limited circumstances.

USCIS Forms and Information

To ensure you are using the latest version of Form I-918 and Supplement A, visit the USCIS Website at www.uscis.gov/forms where you can obtain the latest USCIS forms and immigration-related information. If you do not have Internet access, you may order USCIS forms by calling our toll-free number at **1-800-870-3676**. You may also obtain forms and information by calling the USCIS National Customer Service Center at **1-800-375-5283**. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

Instead of waiting in line for assistance at your local USCIS office, you can schedule an appointment online at www.uscis.gov. Select "Schedule an appointment online" and follow the screen prompts to set up your appointment. Once you finish scheduling an appointment, the system will generate an appointment notice for you.

Penalties

If you knowingly and willfully falsify or conceal a material fact or submit a false document with your Form I-918 and/or Supplement A, we will deny your Form I-918 and/or Supplement A and may deny any other immigration benefit. In addition, you will face severe penalties provided by law and may be subject to criminal prosecution.

USCIS Privacy Act Statement

AUTHORITIES: The information requested on Form I-918 and Supplement A, and the associated evidence, is collected under the Immigration and Nationality Act, 8 U.S.C. sections 1101(a)(15)(U), 1184(p), 1182(d)(14), and 8 CFR 214.14.

PURPOSE: The primary purpose for providing the requested information on Form I-918 and Supplement A is to determine if you and your qualifying family member have established eligibility for the immigration benefit for which you are filing. DHS will use the information you provide to grant or deny the immigration benefit you are seeking.

DISCLOSURE: The information you provide is voluntary. However, failure to provide the requested information, and any requested evidence, may delay a final decision in your case or result in denial of your Form I-918 and/or Supplement A.

ROUTINE USES: DHS may share the information you provide on Form I-918 and Supplement A with other Federal, state, local, and foreign government agencies and authorized organizations. DHS follows approved routine uses described in the associated published system of records notices [DHS/USCIS-007 - Benefits Information System and DHS/USCIS-001 - Alien File, Index, and National File Tracking System of Records] which you can find at www.dhs.gov/privacy. DHS may also share the information, as appropriate, for law enforcement purposes or in the interest of national security.

Paperwork Reduction Act

An agency may not conduct or sponsor an information collection, and a person is not required to respond to a collection of information, unless it displays a currently valid OMB control number. The public reporting burden for Form I-918 is estimated at 5 hours per response, and the public reporting burden for Supplement A is estimated at 1 hour and 30 minutes per response, including the time for reviewing instructions, gathering the required documentation and information, completing the petition, preparing statements, attaching necessary documentation, and submitting the petition. The collection of biometrics is estimated to require 1 hour and 10 minutes. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: U.S. Citizenship and Immigration Services, Regulatory Coordination Division, Office of Policy and Strategy, 20 Massachusetts Ave NW, Washington, DC 20529-2140; OMB No. 1615-0104. **Do not mail your completed Form I-918 or Supplement A to this address.**



Supplement B, U Nonimmigrant Status Certification

Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form I-918
OMB No. 1615-0104
Expires 02/28/2019

For USCIS Use Only	Remarks
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▶ **START HERE - Type or print in black or blue ink.**

Part 1. Victim Information

- Alien Registration Number (A-Number) (if any)
▶ A-
- 2.a. Family Name (Last Name)
- 2.b. Given Name (First Name)
- 2.c. Middle Name

Other Names Used (Include maiden names, nicknames, and aliases, if applicable.)

If you need extra space to provide additional names, use the space provided in **Part 7. Additional Information.**

- 3.a. Family Name (Last Name)
- 3.b. Given Name (First Name)
- 3.c. Middle Name
4. Date of Birth (mm/dd/yyyy)
5. Gender Male Female

Part 2. Agency Information

- Name of Certifying Agency
- Name of Certifying Official
- 2.a.
- 2.b. (Last Name) (First Name)
- 2.c. Middle Name
- Title and Division/Office of Certifying Official

Name of Head of Certifying Agency

- 4.a. Family Name (Last Name)
- 4.b. Given Name (First Name)
- 4.c. Middle Name

Agency Address

- 5.a. Street Number and Name 99
- 5.b. Apt. Ste. Flr.
- 5.c. City or Town
- 5.d. State CA
- 5.f. ZIP Code
- 5.g. Province
- 5.h. Postal Code
- 5.i. Country USA

Other Agency Information

6. Agency Type
 Federal State Local
7. Case Status
 On-going Completed
 Other
8. Certifying Agency Category
 Judge Law Enforcement Prosecutor
 Other
9. Case Number
10. FBI Number or SID Number (if applicable)

Part 5. Family Members Culpable In Criminal Activity

1. Are any of the victim's family members culpable or believed to be culpable in the criminal activity of which the petitioner is a victim? Yes No

If you answered "Yes," list the family members and their criminal involvement. (If you need extra space to complete this section, use the space provided in Part 7. Additional Information.)

- 2.a. Family Name (Last Name)
- 2.b. Given Name (First Name)
- 2.c. Middle Name
- 2.d. Relationship
- 2.e. Involvement

- 3.a. Family Name (Last Name)
- 3.b. Given Name (First Name)
- 3.c. Middle Name
- 3.d. Relationship
- 3.e. Involvement

- 4.a. Family Name (Last Name)
- 4.b. Given Name (First Name)
- 4.c. Middle Name
- 4.d. Relationship
- 4.e. Involvement

Part 6. Certification

I am the head of the agency listed in Part 2, or I am the person in the agency who was specifically designated by the head of the agency to issue a U Nonimmigrant Status Certification on behalf of the agency. Based upon investigation of the facts, I certify, under penalty of perjury, that the individual identified in Part 1. is or was a victim of one or more of the crimes listed in Part 3. I certify that the above information is complete, true, and correct to the best of my knowledge, and that I have made and will make no promises regarding the above victim's ability to obtain a visa from U.S. Citizenship and Immigration Services (USCIS), based upon this certification. I further certify that if the victim unreasonably refuses to assist in the investigation or prosecution of the qualifying criminal activity of which he or she is a victim, I will notify USCIS.

1. Signature of Certifying Official (sign in ink) 
2. Date of Signature (mm/dd/yyyy)
3. Daytime Telephone Number
4. Fax Number



Instructions for Supplement B, U Nonimmigrant Status Certification

Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form I-918
OMB No. 1615-0104
Expires 02/28/2019

What Is the Purpose of Supplement B?

You should use this supplement to certify that an individual submitting Form I-918, Petition for U Nonimmigrant Status, is a victim of certain qualifying criminal activity and was, is, or is likely to be helpful in the investigation or prosecution of that activity.

Who May File Supplement B?

If you, the certifying official, determine that this individual (also known as the petitioner and principal) was, is, or is likely to be helpful in the investigation or prosecution of the qualifying criminal activity, you may complete Supplement B, U Nonimmigrant Status Certification. The petitioner must submit Supplement B to U.S. Citizenship and Immigration Services (USCIS) with his or her Form I-918.

“Investigation or prosecution” refers to the detection or investigation of a qualifying crime or criminal activity, as well as to the prosecution, conviction, or sentencing of the perpetrator of the qualifying crime or criminal activity.

NOTE: The decision whether to complete Supplement B is at the discretion of the certifying agency. However, without a completed Supplement B, the petitioner will be ineligible for U nonimmigrant status.

To be eligible for U nonimmigrant status, the petitioner must be a victim of qualifying criminal activity. The term “victim” generally means an individual who has suffered direct and proximate harm as a result of the commission of qualifying criminal activity.

USCIS will consider the petitioner’s spouse and unmarried children under 21 years of age, and the parents and unmarried siblings under 18 years of age if the victim is under 21 years of age, as victims of qualifying criminal activity where:

1. The direct victim is deceased due to murder or manslaughter; or
2. The direct victim is incompetent or incapacitated and, therefore, unable to provide information concerning the criminal activity or unable to be helpful in the investigation or prosecution of the criminal activity.

USCIS will consider a petitioner a victim of witness tampering, obstruction of justice, or perjury, including any attempt, conspiracy, or solicitation to commit one or more of those offenses if:

1. The victim was directly and proximately harmed by the perpetrator of the witness tampering, obstruction of justice, or perjury; and
2. There are reasonable grounds to conclude that the perpetrator committed the witness tampering, obstruction of justice, or perjury offense, at least in principal part, as a means:
 - A. To avoid or frustrate efforts to investigate, arrest, prosecute, or otherwise bring to justice the perpetrator for other criminal activity; or
 - B. To further the perpetrator’s abuse or exploitation of or undue control over the petitioner through manipulation of the legal system.

NOTE: A person who is culpable for the qualifying criminal activity being investigated or prosecuted is excluded from being recognized as a victim.

A victim of qualifying criminal activity must provide evidence that he or she has been, is being, or is likely to be helpful to a certifying official in the investigation or prosecution of the qualifying criminal activity as listed in **Part 3** of this supplement. In the case of a petitioner under 16 years of age or a petitioner who is incapacitated or incompetent, the parent, guardian, or “next friend” of the petitioner may provide evidence on behalf of the petitioner to be helpful to a certifying official’s investigation. “Next friend” is a person who appears in a lawsuit to act for the benefit of a victim under 16 years of age or incapacitated or incompetent, who has suffered substantial physical or mental abuse as a result of being a victim of qualifying criminal activity. The next friend is not a party to the legal proceeding and is not appointed as a guardian. Being “helpful” means assisting law enforcement authorities in the investigation or prosecution of the qualifying criminal activity of which he or she is a victim.

NOTE: Once you, the certifying official, have completed Supplement B, it will be valid for six months from the date of signature. If the victim does not file Form I-918, Petition for U Nonimmigrant Status, within six months, the victim will need to obtain a new Supplement B from the certifying agency.

General Instructions

How to Fill Out Supplement B

1. Type or print legibly in black or blue ink.
2. If you need extra space to complete any item within this supplement, use the space provided in **Part 7. Additional Information** or attach a separate sheet of paper; type or print the agency’s name, petitioner’s name, and the Alien Registration Number (A-Number) (if any) at the top of each sheet; indicate the **Page Number, Part Number, and Item Number** to which your answer refers; and sign and date each sheet.
3. Answer all questions fully and accurately. If a question does not apply to you type or print “N/A,” unless otherwise directed. If your answer to a question which requires a numeric response is zero or none, type or print “None.”
4. Each Supplement B must be properly signed and filed. USCIS will not accept a photocopy of the signature page of the Supplement B or a typewritten name in place of a signature.

Specific Instructions

This supplement is divided into **Parts 1 - 7**. The following information should help you fill out the supplement.

Part 1. Victim Information

Item Number 1. Alien Registration Number (A-Number) (if any). This is the victim’s USCIS file number. If the victim does not have an A-Number or you do not know it, leave this space blank.

Item Numbers 2.a. - 2.c. Full Name. Provide the victim’s full legal name. Do not provide a nickname.

Item Numbers 3.a. - 3.c. Other Names Used. Provide other names used by the victim, including his or her maiden name, nicknames, and aliases, if applicable.

Item Number 4. Date of Birth (mm/dd/yyyy). Provide his or her date of birth (Example, May 1, 1979, should be written 05/01/1979).

Item Number 5. Gender. Select the appropriate box.

Part 2. Agency Information

Item Number 1. Name of Certifying Agency. The certifying agency must be a Federal, state, local, or tribal law enforcement agency; prosecutor; authority; or Federal, state, or local judge that has responsibility for the detection, investigation, prosecution, conviction, or sentencing of the qualifying criminal activity of which the petitioner was a victim.

This includes traditional law enforcement branches with the criminal justice system and other agencies that have criminal investigative jurisdiction in their respective areas of expertise, including, but not limited to, Child Protective Services, the Equal Employment Opportunity Commission, and the Department of Labor.

Item Number 2.a. - 2.c. Name of Certifying Official.

A certifying official is:

1. The head of the certifying agency or any person in a supervisory role, who was specifically designated by the head of the certifying agency to issue a U Nonimmigrant Status Certification on behalf of that agency; or
2. A Federal, state, or local judge.

If the certification is not signed by the head of the certifying agency, attach evidence of the agency head's written designation of the certifying official for this specific purpose.

Item Numbers 3. - 10. Provide the requested information regarding agency officials, the agency's address, agency type, case status, certifying agency category, case number, and FBI Number or SID Number.

Part 3. Criminal Acts

Item Numbers 1. - 3. Select all of the crimes of which the petitioner is a victim that your agency is investigating, prosecuting, or sentencing and provide the dates of the criminal activity. If the criminal activity occurred over a period of time, provide a date on which at least one act constituting an element of qualifying criminal activity occurred. If multiple incidents occurred, provide the date of each incident investigated or prosecuted. List the statutory citations for the crimes in the space provided. If the crimes of which the petitioner is a victim are not listed, select the crimes that are similar to those crimes. You may provide a written explanation regarding how the crime of which the petitioner is a victim is similar to the listed crimes. Similar activity refers to criminal offenses in which the nature and elements of the offenses are substantially similar to the list of criminal activity at section 101(a)(15)(U)(iii) of the Immigration and Nationality Act (INA) and found on the certification form itself.

Item Numbers 4.a. - 7. Indicate whether the qualifying criminal activity violated the laws of the United States or occurred within the United States (including in Indian country and military installations) or the territories and possessions of the United States. Qualifying criminal activity of which the petitioner is a victim had to violate United States law or occur within the United States.

1. **United States** means the continental United States, Alaska, Hawaii, Puerto Rico, Guam, the Commonwealth of Northern Mariana Islands (CNMI), and the U.S. Virgin Islands.
2. **Indian country** refers to all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation; all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state; and all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through such allotments.
3. **Military installation** means any facility, base, camp, post, encampment, station, yard, center, port, aircraft, vehicle, or vessel under the jurisdiction of the Department of Defense, including any leased facility, or any other location under military control.

4. Territories and possessions of the United States means American Samoa, Swains Island, Bajo Nuevo (the Petrel Islands), Baker Island, Howland Island, Jarvis Island, Johnston Atoll, Kingman Reef, Midway Atoll, Navassa Island, Palmyra Atoll, Serranilla Bank, and Wake Atoll.

If the qualifying criminal activity did not occur within the United States as discussed above, but was in violation of U.S. law, it must violate a Federal extraterritorial jurisdiction statute. There is no requirement that a prosecution actually occur. Provide the statutory citation for the extraterritorial jurisdiction.

Part 4. Helpfulness of the Victim

Item Number 1. Indicate whether the victim possesses information about the crimes. A petitioner must possess information about the qualifying criminal activity of which he or she is a victim. A petitioner is considered to possess information concerning qualifying criminal activity of which he or she is a victim if he or she has knowledge of details concerning criminal activity that would assist in the investigation or prosecution of the criminal activity. Victims with information about a crime of which they are not a victim will not be considered to possess information concerning qualifying criminal activities.

When the victim is under 16 years of age, incapacitated, or incompetent, he or she is not required to personally possess information regarding the qualifying criminal activity. The parent, guardian, or next friend of the petitioner may provide that information.

Item Number 2. Provide an explanation of the victim's helpfulness to the investigation or prosecution of the criminal activity. A victim must provide evidence to USCIS that he or she was, is, or is likely to be helpful to a certifying official in the investigation or prosecution of the qualifying criminal activity. In the case of a victim under 16 years of age or a victim who is incapacitated or incompetent, the parent, guardian, or next friend of the victim may provide evidence on behalf of the victim to be helpful to a certifying official's investigation.

Being "helpful" means assisting law enforcement authorities in the investigation or prosecution of the qualifying criminal activity of which he or she is a victim. Petitioner victims who, after initiating cooperation, refuse to provide continuing assistance when reasonably requested, will not meet the helpfulness requirement. The victim has an ongoing responsibility to be helpful, assuming there is an ongoing need for the victim's assistance.

You, the certifying official, will make the initial determination as to the helpfulness of the petitioner. USCIS will give a properly executed Supplement B significant weight, but USCIS will not consider it conclusory evidence that the victim has met the eligibility requirements. USCIS will look at the totality of the circumstances surrounding the petitioner's involvement with your agency and all other information known to USCIS in determining whether the petitioner meets the elements of eligibility.

Item Number 3. Indicate if the victim has refused or failed to provide assistance reasonably requested since the initiation of cooperation. Explain in the space provided. If you need extra space, use the space provided in **Part 7. Additional Information**; type or print the agency's name, petitioner's name, and the A-Number (if any) at the top of each sheet; indicate the **Page Number**, **Part Number**, and **Item Number** to which your answer refers; and sign and date each sheet.

Item Number 4. Include any additional information you would like to provide.

Part 5. Family Members Culpable In Criminal Activity

Item Numbers 1. - 4.e. List whether any of the victim's family members are culpable or are believed to be culpable in the criminal activity of which the petitioner is a victim, their relationship to the victim, and their culpability in the criminal activity. USCIS will not grant U nonimmigrant status to a qualifying family member who committed the qualifying criminal activities that established the victim's eligibility for U nonimmigrant status, in a family violence or trafficking context.

Part 6. Certification

Item Numbers 1. - 4. Read the certification block carefully, and sign and date the supplement. Provide your daytime telephone number and a fax number (if any).

NOTE: At your discretion, you may withdraw or disavow a Form I-918, Supplement B at any time, even after this supplement is submitted to USCIS, if a victim unreasonably refuses to assist in the investigation or prosecution of the qualifying criminal activity. To do so, you must notify USCIS by sending a written statement to:

USCIS - Vermont Service Center
75 Lower Welden Street
St. Albans, VT 05479-0001

Include the victim's name, date of birth, and A-Number (if any) on all correspondence.

Part 7. Additional Information

Item Numbers 1. - 6.d. If you need extra space to provide any additional information within this supplement, use the space provided in **Part 7. Additional Information**. If you need more space than what is provided in **Part 7.**, you may make copies of **Part 7.** to complete and file with your supplement, or attach a separate sheet of paper. Include your agency's name, the petitioner's name, and A-Number (if any) at the top of each sheet; indicate the **Page Number**, **Part Number**, and **Item Number** to which your answer refers; and sign and date each sheet.

USCIS Privacy Act Statement

AUTHORITIES: The information requested on this supplement, and the associated evidence, is collected under the Immigration and Nationality Act, 8 U.S.C. sections 1101(a)(15)(U), 1184(p), 1182(d)(14), and 8 CFR 214.14.

PURPOSE: The primary purpose for providing the requested information on this supplement is to determine if the petitioner has established eligibility for the immigration benefit for which he or she is filing. The Department of Homeland Security (DHS) will use the information you provide to grant or deny the benefit the petitioner is seeking.

DISCLOSURE: The information you provide is voluntary. However, failure to provide the requested information, and any requested evidence, may delay a final decision in the case or result in denial of the petition.

ROUTINE USES: DHS may share the information you provide on this supplement with other Federal, state, local, and foreign government agencies and authorized organizations. DHS follows approved routine uses described in the associated published system of records notices [DHS/USCIS-007 - Benefits Information System and DHS/USCIS-001 - Alien File, Index, and National File Tracking System of Records] which you can find at www.dhs.gov/privacy. DHS may also share the information, as appropriate, for law enforcement purposes or in the interest of national security.

Paperwork Reduction Act

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U.S. Department of State

Diplomacy in Action

Victims of Trafficking and Violence Protection Act of 2000

October 28, 2000

[\(/documents/organization/10492.pdf\)](/documents/organization/10492.pdf)

H.R.3244

One Hundred Sixth Congress of the United States of America

AT THE SECOND SESSION

Begun and held at the City of Washington on Monday,

the twenty-fourth day of January, two thousand

An Act

To combat trafficking in persons, especially into the sex trade, slavery, and involuntary servitude, to reauthorize certain Federal programs to prevent violence against women, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the `Victims of Trafficking and Violence Protection Act of 2000'.

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS- This Act is organized into three divisions, as follows:

(1) DIVISION A- Trafficking Victims Protection Act of 2000.

(2) DIVISION B- Violence Against Women Act of 2000.

(3) DIVISION C- Miscellaneous Provisions.

(b) TABLE OF CONTENTS- The table of contents for this Act is as follows:

Sec.1.Short title.

Sec.2.Organization of Act into divisions; table of contents.

DIVISION A--TRAFFICKING VICTIMS PROTECTION ACT OF 2000

Sec.101.Short title.

Sec.102.Purposes and findings.

Sec.103.Definitions.

Sec.104.Annual Country Reports on Human Rights Practices.

Sec.105.Interagency Task Force To Monitor and Combat Trafficking.

Sec.106.Prevention of trafficking.

Sec.107.Protection and assistance for victims of trafficking.

Sec.108.Minimum standards for the elimination of trafficking.

Sec.109.Assistance to foreign countries to meet minimum standards.

Sec.110.Actions against governments failing to meet minimum standards.

Sec.111.Actions against significant traffickers in persons.

Sec.112.Strengthening prosecution and punishment of traffickers.

Sec.113.Authorizations of appropriations.

DIVISION B--VIOLENCE AGAINST WOMEN ACT OF 2000

Sec.1001.Short title.

Sec.1002.Definitions.

Sec.1003.Accountability and oversight.

TITLE I--STRENGTHENING LAW ENFORCEMENT TO REDUCE VIOLENCE AGAINST WOMEN

Sec.1101.Full faith and credit enforcement of protection orders.

Sec.1102.Role of courts.

Sec.1103.Reauthorization of STOP grants.

Sec.1104.Reauthorization of grants to encourage arrest policies.

Sec.1105.Reauthorization of rural domestic violence and child abuse enforcement grants.

Sec.1106.National stalker and domestic violence reduction.

Sec.1107.Amendments to domestic violence and stalking offenses.

Sec.1108.School and campus security.

Sec.1109.Dating violence.

TITLE II--STRENGTHENING SERVICES TO VICTIMS OF VIOLENCE

Sec.1201.Legal assistance for victims.

Sec.1202.Shelter services for battered women and children.

Sec.1203.Transitional housing assistance for victims of domestic violence.

Sec.1204.National domestic violence hotline.

Sec.1205.Federal victims counselors.

Sec.1206.Study of State laws regarding insurance discrimination against victims of violence against women.

Sec.1207.Study of workplace effects from violence against women.

Sec.1208.Study of unemployment compensation for victims of violence against women.

Sec.1209.Enhancing protections for older and disabled women from domestic violence and sexual assault.

TITLE III--LIMITING THE EFFECTS OF VIOLENCE ON CHILDREN

Sec.1301.Safe havens for children pilot program.

Sec.1302.Reauthorization of victims of child abuse programs.

Sec.1303.Report on effects of parental kidnapping laws in domestic violence cases.

TITLE IV--STRENGTHENING EDUCATION AND TRAINING TO COMBAT VIOLENCE AGAINST WOMEN

Sec.1401.Rape prevention and education.

Sec.1402.Education and training to end violence against and abuse of women with disabilities.

Sec.1403.Community initiatives.

Sec.1404.Development of research agenda identified by the Violence Against Women Act of 1994.

Sec.1405.Standards, practice, and training for sexual assault forensic examinations.

Sec.1406.Education and training for judges and court personnel.

Sec.1407.Domestic Violence Task Force.

TITLE V--BATTERED IMMIGRANT WOMEN

<https://www.state.gov/j/tip/laws/61124.htm>

Sec.1501.Short title.

Sec.1502.Findings and purposes.

Sec.1503.Improved access to immigration protections of the Violence Against Women Act of 1994 for battered immigrant women.

Sec.1504.Improved access to cancellation of removal and suspension of deportation under the Violence Against Women Act of 1994.

Sec.1505.Offering equal access to immigration protections of the Violence Against Women Act of 1994 for all qualified battered immigrant self-petitioners.

Sec.1506.Restoring immigration protections under the Violence Against Women Act of 1994.

Sec.1507.Remedying problems with implementation of the immigration provisions of the Violence Against Women Act of 1994.

Sec.1508.Technical correction to qualified alien definition for battered immigrants.

Sec.1509.Access to Cuban Adjustment Act for battered immigrant spouses and children.

Sec.1510.Access to the Nicaraguan Adjustment and Central American Relief Act for battered spouses and children.

Sec.1511.Access to the Haitian Refugee Fairness Act of 1998 for battered spouses and children.

Sec.1512.Access to services and legal representation for battered immigrants.

Sec.1513.Protection for certain crime victims including victims of crimes against women.

TITLE VI--MISCELLANEOUS

Sec.1601.Notice requirements for sexually violent offenders.

Sec.1602.Teen suicide prevention study.

Sec.1603.Decade of pain control and research.

DIVISION C--MISCELLANEOUS PROVISIONS

Sec.2001.Aimee's law.

Sec.2002.Payment of anti-terrorism judgments.

Sec.2003.Aid to victims of terrorism.

Sec.2004.Twenty-first amendment enforcement.

DIVISION A--TRAFFICKING VICTIMS PROTECTION ACT OF 2000**SEC. 101. SHORT TITLE.**

This division may be cited as the `Trafficking Victims Protection Act of 2000'.

SEC. 102. PURPOSES AND FINDINGS.

(a) **PURPOSES-** The purposes of this division are to combat trafficking in persons, a contemporary manifestation of slavery whose victims are predominantly women and children, to ensure just and effective punishment of traffickers, and to protect their victims.

(b) **FINDINGS-** Congress finds that:

(1) As the 21st century begins, the degrading institution of slavery continues throughout the world. Trafficking in persons is a modern form of slavery, and it is the largest manifestation of slavery today. At least 700,000 persons annually, primarily women and children, are trafficked within or across international borders. Approximately 50,000 women and children are trafficked into the United States each year.

(2) Many of these persons are trafficked into the international sex trade, often by force, fraud, or coercion. The sex industry has rapidly expanded over the past several decades. It involves sexual exploitation of persons, predominantly women and girls, involving activities related to prostitution, pornography, sex tourism, and other commercial sexual services. The low status of women in many parts of the world has contributed to a burgeoning of the trafficking industry.

(3) Trafficking in persons is not limited to the sex industry. This growing transnational crime also includes forced labor and involves significant violations of labor, public health, and human rights standards worldwide.

(4) Traffickers primarily target women and girls, who are disproportionately affected by poverty, the lack of access to education, chronic unemployment, discrimination, and the lack of economic opportunities in countries of origin. Traffickers lure women and girls into their networks through false promises of decent working conditions at relatively good pay as nannies, maids, dancers, factory workers, restaurant workers, sales clerks, or models. Traffickers also buy children from poor families and sell them into prostitution or into various types of forced or bonded labor.

(5) Traffickers often transport victims from their home communities to unfamiliar destinations, including foreign countries away from family and friends, religious institutions, and other sources of protection and support, leaving the victims defenseless and vulnerable.

(6) Victims are often forced through physical violence to engage in sex acts or perform slavery-like labor. Such force includes rape and other forms of sexual abuse, torture, starvation, imprisonment, threats, psychological abuse, and coercion.

(7) Traffickers often make representations to their victims that physical harm may occur to them or others should the victim escape or attempt to escape. Such representations can have the same coercive effects on victims as direct threats to inflict such harm.

(8) Trafficking in persons is increasingly perpetrated by organized, sophisticated criminal enterprises. Such trafficking is the fastest growing source of profits for organized criminal enterprises worldwide. Profits from the trafficking industry

contribute to the expansion of organized crime in the United States and worldwide. Trafficking in persons is often aided by official corruption in countries of origin, transit, and destination, thereby threatening the rule of law.

(9) Trafficking includes all the elements of the crime of forcible rape when it involves the involuntary participation of another person in sex acts by means of fraud, force, or coercion.

(10) Trafficking also involves violations of other laws, including labor and immigration codes and laws against kidnapping, slavery, false imprisonment, assault, battery, pandering, fraud, and extortion.

(11) Trafficking exposes victims to serious health risks. Women and children trafficked in the sex industry are exposed to deadly diseases, including HIV and AIDS. Trafficking victims are sometimes worked or physically brutalized to death.

(12) Trafficking in persons substantially affects interstate and foreign commerce. Trafficking for such purposes as involuntary servitude, peonage, and other forms of forced labor has an impact on the nationwide employment network and labor market. Within the context of slavery, servitude, and labor or services which are obtained or maintained through coercive conduct that amounts to a condition of servitude, victims are subjected to a range of violations.

(13) Involuntary servitude statutes are intended to reach cases in which persons are held in a condition of servitude through nonviolent coercion. In *United States v. Kozminski*, 487 U.S. 931 (1988), the Supreme Court found that section 1584 of title 18, United States Code, should be narrowly interpreted, absent a definition of involuntary servitude by Congress. As a result, that section was interpreted to criminalize only servitude that is brought about through use or threatened use of physical or legal coercion, and to exclude other conduct that can have the same purpose and effect.

(14) Existing legislation and law enforcement in the United States and other countries are inadequate to deter trafficking and bring traffickers to justice, failing to reflect the gravity of the offenses involved. No comprehensive law exists in the United States that penalizes the range of offenses involved in the trafficking scheme. Instead, even the most brutal instances of trafficking in the sex industry are often punished under laws that also apply to lesser offenses, so that traffickers typically escape deserved punishment.

(15) In the United States, the seriousness of this crime and its components is not reflected in current sentencing guidelines, resulting in weak penalties for convicted traffickers.

(16) In some countries, enforcement against traffickers is also hindered by official indifference, by corruption, and sometimes even by official participation in trafficking.

(17) Existing laws often fail to protect victims of trafficking, and because victims are often illegal immigrants in the destination country, they are repeatedly punished more harshly than the traffickers themselves.

(18) Additionally, adequate services and facilities do not exist to meet victims' needs regarding health care, housing, education, and legal assistance, which safely reintegrate trafficking victims into their home countries.

(19) Victims of severe forms of trafficking should not be inappropriately incarcerated, fined, or otherwise penalized solely for unlawful acts committed as a direct result of being trafficked, such as using false documents, entering the country without documentation, or working without documentation.

(20) Because victims of trafficking are frequently unfamiliar with the laws, cultures, and languages of the countries into which they have been trafficked, because they are often subjected to coercion and intimidation including physical detention and debt bondage, and because they often fear retribution and forcible removal to countries in which they will face retribution or other hardship, these victims often find it difficult or impossible to report the crimes committed against them or to assist in the investigation and prosecution of such crimes.

(21) Trafficking of persons is an evil requiring concerted and vigorous action by countries of origin, transit or destination, and by international organizations.

(22) One of the founding documents of the United States, the Declaration of Independence, recognizes the inherent dignity and worth of all people. It states that all men are created equal and that they are endowed by their Creator with certain unalienable rights. The right to be free from slavery and involuntary servitude is among those unalienable rights. Acknowledging this fact, the United States outlawed slavery and involuntary servitude in 1865, recognizing them as evil institutions that must be abolished. Current practices of sexual slavery and trafficking of women and children are similarly abhorrent to the principles upon which the United States was founded.

(23) The United States and the international community agree that trafficking in persons involves grave violations of human rights and is a matter of pressing international concern. The international community has repeatedly condemned slavery and involuntary servitude, violence against women, and other elements of trafficking, through declarations, treaties, and United Nations resolutions and reports, including the Universal Declaration of Human Rights; the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery; the 1948 American Declaration on the Rights and Duties of Man; the 1957 Abolition of Forced Labor Convention; the International Covenant on Civil and Political Rights; the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; United Nations General Assembly Resolutions 50/167, 51/66, and 52/98; the Final Report of the World Congress against Sexual Exploitation of Children (Stockholm, 1996); the Fourth World Conference on Women (Beijing, 1995); and the 1991 Moscow Document of the Organization for Security and Cooperation in Europe.

(24) Trafficking in persons is a transnational crime with national implications. To deter international trafficking and bring its perpetrators to justice, nations including the United States must recognize that trafficking is a serious offense. This is done by prescribing appropriate punishment, giving priority to the prosecution of trafficking offenses, and protecting rather than punishing the victims of such offenses. The United States must work bilaterally and multilaterally to abolish the trafficking industry by taking steps to promote cooperation among countries linked together by international trafficking routes. The United States must also urge the international community to take strong action in multilateral fora to engage recalcitrant countries in serious and sustained efforts to eliminate trafficking and protect trafficking victims.

SEC. 103. DEFINITIONS.

In this division:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES-** The term `appropriate congressional committees' means the Committee on Foreign Relations and the Committee on the Judiciary of the Senate and the Committee on International Relations and the Committee on the Judiciary of the House of Representatives.

(2) **COERCION-** The term `coercion' means--

(A) threats of serious harm to or physical restraint against any person;

(B) any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; or

(C) the abuse or threatened abuse of the legal process.

(3) **COMMERCIAL SEX ACT**- The term `commercial sex act' means any sex act on account of which anything of value is given to or received by any person.

(4) **DEBT BONDAGE**- The term `debt bondage' means the status or condition of a debtor arising from a pledge by the debtor of his or her personal services or of those of a person under his or her control as a security for debt, if the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined.

(5) **INVOLUNTARY SERVITUDE**- The term `involuntary servitude' includes a condition of servitude induced by means of-

(A) any scheme, plan, or pattern intended to cause a person to believe that, if the person did not enter into or continue in such condition, that person or another person would suffer serious harm or physical restraint; or

(B) the abuse or threatened abuse of the legal process.

(6) **MINIMUM STANDARDS FOR THE ELIMINATION OF TRAFFICKING**- The term `minimum standards for the elimination of trafficking' means the standards set forth in section 108.

(7) **NONHUMANITARIAN, NONTRADE-RELATED FOREIGN ASSISTANCE**- The term `nonhumanitarian, nontrade-related foreign assistance' means--

(A) any assistance under the Foreign Assistance Act of 1961, other than--

(i) assistance under chapter 4 of part II of that Act that is made available for any program, project, or activity eligible for assistance under chapter 1 of part I of that Act;

(ii) assistance under chapter 8 of part I of that Act;

(iii) any other narcotics-related assistance under part I of that Act or under chapter 4 or 5 part II of that Act, but any such assistance provided under this clause shall be subject to the prior notification procedures applicable to reprogrammings pursuant to section 634A of that Act;

(iv) disaster relief assistance, including any assistance under chapter 9 of part I of that Act;

(v) antiterrorism assistance under chapter 8 of part II of that Act;

(vi) assistance for refugees;

(vii) humanitarian and other development assistance in support of programs of nongovernmental organizations under chapters 1 and 10 of that Act;

(viii) programs under title IV of chapter 2 of part I of that Act, relating to the Overseas Private Investment Corporation; and

(ix) other programs involving trade-related or humanitarian assistance; and

(B) sales, or financing on any terms, under the Arms Export Control Act, other than sales or financing provided for narcotics-related purposes following notification in accordance with the prior notification procedures applicable to reprogrammings pursuant to section 634A of the Foreign Assistance Act of 1961.

(8) SEVERE FORMS OF TRAFFICKING IN PERSONS- The term `severe forms of trafficking in persons' means--

(A) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or

(B) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

(9) SEX TRAFFICKING- The term `sex trafficking' means the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act.

(10) STATE- The term `State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and territories and possessions of the United States.

(11) TASK FORCE- The term `Task Force' means the Interagency Task Force to Monitor and Combat Trafficking established under section 105.

(12) UNITED STATES- The term `United States' means the fifty States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the territories and possessions of the United States.

(13) VICTIM OF A SEVERE FORM OF TRAFFICKING- The term `victim of a severe form of trafficking' means a person subject to an act or practice described in paragraph (8).

(14) VICTIM OF TRAFFICKING- The term `victim of trafficking' means a person subjected to an act or practice described in paragraph (8) or (9).

SEC. 104. ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES.

(a) COUNTRIES RECEIVING ECONOMIC ASSISTANCE- Section 116(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151(f)) is amended to read as follows:

`(f)(1) The report required by subsection (d) shall include the following:

`(A) A description of the nature and extent of severe forms of trafficking in persons, as defined in section 103 of the Trafficking Victims Protection Act of 2000, in each foreign country.

(B) With respect to each country that is a country of origin, transit, or destination for victims of severe forms of trafficking in persons, an assessment of the efforts by the government of that country to combat such trafficking. The assessment shall address the following:

- (i) Whether government authorities in that country participate in, facilitate, or condone such trafficking.
- (ii) Which government authorities in that country are involved in activities to combat such trafficking.
- (iii) What steps the government of that country has taken to prohibit government officials from participating in, facilitating, or condoning such trafficking, including the investigation, prosecution, and conviction of such officials.
- (iv) What steps the government of that country has taken to prohibit other individuals from participating in such trafficking, including the investigation, prosecution, and conviction of individuals involved in severe forms of trafficking in persons, the criminal and civil penalties for such trafficking, and the efficacy of those penalties in eliminating or reducing such trafficking.
- (v) What steps the government of that country has taken to assist victims of such trafficking, including efforts to prevent victims from being further victimized by traffickers, government officials, or others, grants of relief from deportation, and provision of humanitarian relief, including provision of mental and physical health care and shelter.
- (vi) Whether the government of that country is cooperating with governments of other countries to extradite traffickers when requested, or, to the extent that such cooperation would be inconsistent with the laws of such country or with extradition treaties to which such country is a party, whether the government of that country is taking all appropriate measures to modify or replace such laws and treaties so as to permit such cooperation.
- (vii) Whether the government of that country is assisting in international investigations of transnational trafficking networks and in other cooperative efforts to combat severe forms of trafficking in persons.
- (viii) Whether the government of that country refrains from prosecuting victims of severe forms of trafficking in persons due to such victims having been trafficked, and refrains from other discriminatory treatment of such victims.
- (ix) Whether the government of that country recognizes the rights of victims of severe forms of trafficking in persons and ensures their access to justice.

(C) Such other information relating to trafficking in persons as the Secretary of State considers appropriate.

(2) In compiling data and making assessments for the purposes of paragraph (1), United States diplomatic mission personnel shall consult with human rights organizations and other appropriate nongovernmental organizations.'

(b) COUNTRIES RECEIVING SECURITY ASSISTANCE- Section 502B of the Foreign Assistance Act of 1961 (22 U.S.C. 2304) is amended by adding at the end the following new subsection:

(h)(1) The report required by subsection (b) shall include the following:

(A) A description of the nature and extent of severe forms of trafficking in persons, as defined in section 103 of the Trafficking Victims Protection Act of 2000, in each foreign country.

(B) With respect to each country that is a country of origin, transit, or destination for victims of severe forms of trafficking in persons, an assessment of the efforts by the government of that country to combat such trafficking. The assessment shall address the following:

- (i) Whether government authorities in that country participate in, facilitate, or condone such trafficking.
- (ii) Which government authorities in that country are involved in activities to combat such trafficking.
- (iii) What steps the government of that country has taken to prohibit government officials from participating in, facilitating, or condoning such trafficking, including the investigation, prosecution, and conviction of such officials.
- (iv) What steps the government of that country has taken to prohibit other individuals from participating in such trafficking, including the investigation, prosecution, and conviction of individuals involved in severe forms of trafficking in persons, the criminal and civil penalties for such trafficking, and the efficacy of those penalties in eliminating or reducing such trafficking.
- (v) What steps the government of that country has taken to assist victims of such trafficking, including efforts to prevent victims from being further victimized by traffickers, government officials, or others, grants of relief from deportation, and provision of humanitarian relief, including provision of mental and physical health care and shelter.
- (vi) Whether the government of that country is cooperating with governments of other countries to extradite traffickers when requested, or, to the extent that such cooperation would be inconsistent with the laws of such country or with extradition treaties to which such country is a party, whether the government of that country is taking all appropriate measures to modify or replace such laws and treaties so as to permit such cooperation.
- (vii) Whether the government of that country is assisting in international investigations of transnational trafficking networks and in other cooperative efforts to combat severe forms of trafficking in persons.
- (viii) Whether the government of that country refrains from prosecuting victims of severe forms of trafficking in persons due to such victims having been trafficked, and refrains from other discriminatory treatment of such victims.
- (ix) Whether the government of that country recognizes the rights of victims of severe forms of trafficking in persons and ensures their access to justice.

(C) Such other information relating to trafficking in persons as the Secretary of State considers appropriate.

(2) In compiling data and making assessments for the purposes of paragraph (1), United States diplomatic mission personnel shall consult with human rights organizations and other appropriate nongovernmental organizations.'

SEC. 105. INTERAGENCY TASK FORCE TO MONITOR AND COMBAT TRAFFICKING.

(a) ESTABLISHMENT- The President shall establish an Interagency Task Force to Monitor and Combat Trafficking.

(b) APPOINTMENT- The President shall appoint the members of the Task Force, which shall include the Secretary of State, the Administrator of the United States Agency for International Development, the Attorney General, the Secretary of Labor, the Secretary of Health and Human Services, the Director of Central Intelligence, and such other officials as may be designated by the President.

(c) CHAIRMAN- The Task Force shall be chaired by the Secretary of State.

(d) ACTIVITIES OF THE TASK FORCE- The Task Force shall carry out the following activities:

(1) Coordinate the implementation of this division.

(2) Measure and evaluate progress of the United States and other countries in the areas of trafficking prevention, protection, and assistance to victims of trafficking, and prosecution and enforcement against traffickers, including the role of public corruption in facilitating trafficking. The Task Force shall have primary responsibility for assisting the Secretary of State in the preparation of the reports described in section 110.

(3) Expand interagency procedures to collect and organize data, including significant research and resource information on domestic and international trafficking. Any data collection procedures established under this subsection shall respect the confidentiality of victims of trafficking.

(4) Engage in efforts to facilitate cooperation among countries of origin, transit, and destination. Such efforts shall aim to strengthen local and regional capacities to prevent trafficking, prosecute traffickers and assist trafficking victims, and shall include initiatives to enhance cooperative efforts between destination countries and countries of origin and assist in the appropriate reintegration of stateless victims of trafficking.

(5) Examine the role of the international 'sex tourism' industry in the trafficking of persons and in the sexual exploitation of women and children around the world.

(6) Engage in consultation and advocacy with governmental and nongovernmental organizations, among other entities, to advance the purposes of this division.

(e) SUPPORT FOR THE TASK FORCE- The Secretary of State is authorized to establish within the Department of State an Office to Monitor and Combat Trafficking, which shall provide assistance to the Task Force. Any such Office shall be headed by a Director. The Director shall have the primary responsibility for assisting the Secretary of State in carrying out the purposes of this division and may have additional responsibilities as determined by the Secretary. The Director shall consult with nongovernmental organizations and multilateral organizations, and with trafficking victims or other affected persons. The Director shall have the authority to take evidence in public hearings or by other means. The agencies represented on the Task Force are authorized to provide staff to the Office on a nonreimbursable basis.

SEC. 106. PREVENTION OF TRAFFICKING.

(a) ECONOMIC ALTERNATIVES TO PREVENT AND DETER TRAFFICKING- The President shall establish and carry out international initiatives to enhance economic opportunity for potential victims of trafficking as a method to deter trafficking. Such initiatives may include--

(1) microcredit lending programs, training in business development, skills training, and job counseling;

(2) programs to promote women's participation in economic decisionmaking;

(3) programs to keep children, especially girls, in elementary and secondary schools, and to educate persons who have been victims of trafficking;

(4) development of educational curricula regarding the dangers of trafficking; and

(5) grants to nongovernmental organizations to accelerate and advance the political, economic, social, and educational roles and capacities of women in their countries.

(b) **PUBLIC AWARENESS AND INFORMATION-** The President, acting through the Secretary of Labor, the Secretary of Health and Human Services, the Attorney General, and the Secretary of State, shall establish and carry out programs to increase public awareness, particularly among potential victims of trafficking, of the dangers of trafficking and the protections that are available for victims of trafficking.

(c) **CONSULTATION REQUIREMENT-** The President shall consult with appropriate nongovernmental organizations with respect to the establishment and conduct of initiatives described in subsections (a) and (b).

SEC. 107. PROTECTION AND ASSISTANCE FOR VICTIMS OF TRAFFICKING.

(a) **Assistance for Victims in Other Countries-**

(1) **IN GENERAL-** The Secretary of State and the Administrator of the United States Agency for International Development, in consultation with appropriate nongovernmental organizations, shall establish and carry out programs and initiatives in foreign countries to assist in the safe integration, reintegration, or resettlement, as appropriate, of victims of trafficking. Such programs and initiatives shall be designed to meet the appropriate assistance needs of such persons and their children, as identified by the Task Force.

(2) **ADDITIONAL REQUIREMENT-** In establishing and conducting programs and initiatives described in paragraph (1), the Secretary of State and the Administrator of the United States Agency for International Development shall take all appropriate steps to enhance cooperative efforts among foreign countries, including countries of origin of victims of trafficking, to assist in the integration, reintegration, or resettlement, as appropriate, of victims of trafficking, including stateless victims.

(b) **Victims in the United States-**

(1) **ASSISTANCE-**

(A) **ELIGIBILITY FOR BENEFITS AND SERVICES-** Notwithstanding title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, an alien who is a victim of a severe form of trafficking in persons shall be eligible for benefits and services under any Federal or State program or activity funded or administered by any official or agency described in subparagraph (B) to the same extent as an alien who is admitted to the United States as a refugee under section 207 of the Immigration and Nationality Act.

(B) **REQUIREMENT TO EXPAND BENEFITS AND SERVICES-** Subject to subparagraph (C) and, in the case of nonentitlement programs, to the availability of appropriations, the Secretary of Health and Human Services, the Secretary of Labor, the Board of Directors of the Legal Services Corporation, and the heads of other Federal agencies shall expand benefits and services to victims of severe forms of trafficking in persons in the United States, without regard to the immigration status of such victims.

(C) **DEFINITION OF VICTIM OF A SEVERE FORM OF TRAFFICKING IN PERSONS-** For the purposes of this paragraph, the term 'victim of a severe form of trafficking in persons' means only a person--

(i) who has been subjected to an act or practice described in section 103(8) as in effect on the date of the enactment of this Act; and

(ii)(I) who has not attained 18 years of age; or

(II) who is the subject of a certification under subparagraph (E).

(D) ANNUAL REPORT- Not later than December 31 of each year, the Secretary of Health and Human Services, in consultation with the Secretary of Labor, the Board of Directors of the Legal Services Corporation, and the heads of other appropriate Federal agencies shall submit a report, which includes information on the number of persons who received benefits or other services under this paragraph in connection with programs or activities funded or administered by such agencies or officials during the preceding fiscal year, to the Committee on Ways and Means, the Committee on International Relations, and the Committee on the Judiciary of the House of Representatives and the Committee on Finance, the Committee on Foreign Relations, and the Committee on the Judiciary of the Senate.

(E) CERTIFICATION-

(i) IN GENERAL- Subject to clause (ii), the certification referred to in subparagraph (C) is a certification by the Secretary of Health and Human Services, after consultation with the Attorney General, that the person referred to in subparagraph (C)(ii)(II)--

(I) is willing to assist in every reasonable way in the investigation and prosecution of severe forms of trafficking in persons; and

(II)(aa) has made a bona fide application for a visa under section 101(a)(15)(T) of the Immigration and Nationality Act, as added by subsection (e), that has not been denied; or

(bb) is a person whose continued presence in the United States the Attorney General is ensuring in order to effectuate prosecution of traffickers in persons.

(ii) PERIOD OF EFFECTIVENESS- A certification referred to in subparagraph (C), with respect to a person described in clause (i)(II)(bb), shall be effective only for so long as the Attorney General determines that the continued presence of such person is necessary to effectuate prosecution of traffickers in persons.

(iii) INVESTIGATION AND PROSECUTION DEFINED- For the purpose of a certification under this subparagraph, the term 'investigation and prosecution' includes--

(I) identification of a person or persons who have committed severe forms of trafficking in persons;

(II) location and apprehension of such persons; and

(III) testimony at proceedings against such persons.

(2) GRANTS-

(A) **IN GENERAL-** Subject to the availability of appropriations, the Attorney General may make grants to States, Indian tribes, units of local government, and nonprofit, nongovernmental victims' service organizations to develop, expand, or strengthen victim service programs for victims of trafficking.

(B) **ALLOCATION OF GRANT FUNDS-** Of amounts made available for grants under this paragraph, there shall be set aside--

(i) three percent for research, evaluation, and statistics;

(ii) two percent for training and technical assistance; and

(iii) one percent for management and administration.

(C) **LIMITATION ON FEDERAL SHARE-** The Federal share of a grant made under this paragraph may not exceed 75 percent of the total costs of the projects described in the application submitted.

(c) **TRAFFICKING VICTIM REGULATIONS-** Not later than 180 days after the date of the enactment of this Act, the Attorney General and the Secretary of State shall promulgate regulations for law enforcement personnel, immigration officials, and Department of State officials to implement the following:

(1) **PROTECTIONS WHILE IN CUSTODY-** Victims of severe forms of trafficking, while in the custody of the Federal Government and to the extent practicable, shall--

(A) not be detained in facilities inappropriate to their status as crime victims;

(B) receive necessary medical care and other assistance; and

(C) be provided protection if a victim's safety is at risk or if there is danger of additional harm by recapture of the victim by a trafficker, including--

(i) taking measures to protect trafficked persons and their family members from intimidation and threats of reprisals and reprisals from traffickers and their associates; and

(ii) ensuring that the names and identifying information of trafficked persons and their family members are not disclosed to the public.

(2) **ACCESS TO INFORMATION-** Victims of severe forms of trafficking shall have access to information about their rights and translation services.

(3) **AUTHORITY TO PERMIT CONTINUED PRESENCE IN THE UNITED STATES-** Federal law enforcement officials may permit an alien individual's continued presence in the United States, if after an assessment, it is determined that such individual is a victim of a severe form of trafficking and a potential witness to such trafficking, in order to effectuate prosecution of those responsible, and such officials in investigating and prosecuting traffickers shall protect the safety of trafficking victims, including taking measures to protect trafficked persons and their family members from intimidation, threats of reprisals, and reprisals from traffickers and their associates.

(4) TRAINING OF GOVERNMENT PERSONNEL- Appropriate personnel of the Department of State and the Department of Justice shall be trained in identifying victims of severe forms of trafficking and providing for the protection of such victims.

(d) CONSTRUCTION- Nothing in subsection (c) shall be construed as creating any private cause of action against the United States or its officers or employees.

(e) PROTECTION FROM REMOVAL FOR CERTAIN CRIME VICTIMS-

(1) IN GENERAL- Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended--

(A) by striking `or' at the end of subparagraph (R);

(B) by striking the period at the end of subparagraph (S) and inserting `; or'; and

(C) by adding at the end the following new subparagraph:

`(T)(i) subject to section 214(n), an alien who the Attorney General determines--

`(I) is or has been a victim of a severe form of trafficking in persons, as defined in section 103 of the Trafficking Victims Protection Act of 2000,

`(II) is physically present in the United States, American Samoa, or the Commonwealth of the Northern Mariana Islands, or at a port of entry thereto, on account of such trafficking,

`(III)(aa) has complied with any reasonable request for assistance in the investigation or prosecution of acts of trafficking, or

`(bb) has not attained 15 years of age, and

`(IV) the alien would suffer extreme hardship involving unusual and severe harm upon removal; and

`(ii) if the Attorney General considers it necessary to avoid extreme hardship--

`(I) in the case of an alien described in clause (i) who is under 21 years of age, the spouse, children, and parents of such alien; and

`(II) in the case of an alien described in clause (i) who is 21 years of age or older, the spouse and children of such alien, if accompanying, or following to join, the alien described in clause (i).'

(2) CONDITIONS OF NONIMMIGRANT STATUS- Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended--

(A) by redesignating the subsection (l) added by section 625(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104-208; 110 Stat. 3009-1820) as subsection (m); and

(B) by adding at the end the following:

`(n)(1) No alien shall be eligible for admission to the United States under section 101(a)(15)(T) if there is substantial reason to believe that the alien has committed an act of a severe form of trafficking in persons (as defined in section 103 of the Trafficking Victims Protection Act of 2000).

`(2) The total number of aliens who may be issued visas or otherwise provided nonimmigrant status during any fiscal year under section 101(a)(15)(T) may not exceed 5,000.

`(3) The numerical limitation of paragraph (2) shall only apply to principal aliens and not to the spouses, sons, daughters, or parents of such aliens.'

(3) WAIVER OF GROUNDS FOR INELIGIBILITY FOR ADMISSION- Section 212(d) of the Immigration and Nationality Act (8 U.S.C. 1182(d)) is amended by adding at the end the following:

`(13)(A) The Attorney General shall determine whether a ground for inadmissibility exists with respect to a nonimmigrant described in section 101(a)(15)(T).

`(B) In addition to any other waiver that may be available under this section, in the case of a nonimmigrant described in section 101(a)(15)(T), if the Attorney General considers it to be in the national interest to do so, the Attorney General, in the Attorney General's discretion, may waive the application of--

`(i) paragraphs (1) and (4) of subsection (a); and

`(ii) any other provision of such subsection (excluding paragraphs (3), (10)(C), and (10)(E)) if the activities rendering the alien inadmissible under the provision were caused by, or were incident to, the victimization described in section 101(a)(15)(T)(i)(I).'

(4) DUTIES OF THE ATTORNEY GENERAL WITH RESPECT TO `T' VISA NONIMMIGRANTS- Section 101 of the Immigration and Nationality Act (8 U.S.C. 1101) is amended by adding at the end the following new subsection:

`(i) With respect to each nonimmigrant alien described in subsection (a)(15)(T)(i)--

`(1) the Attorney General and other Government officials, where appropriate, shall provide the alien with a referral to a nongovernmental organization that would advise the alien regarding the alien's options while in the United States and the resources available to the alien; and

`(2) the Attorney General shall, during the period the alien is in lawful temporary resident status under that subsection, grant the alien authorization to engage in employment in the United States and provide the alien with an `employment authorized' endorsement or other appropriate work permit.'

(5) STATUTORY CONSTRUCTION- Nothing in this section, or in the amendments made by this section, shall be construed as prohibiting the Attorney General from instituting removal proceedings under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a) against an alien admitted as a nonimmigrant under section 101(a)(15)(T)(i) of that Act, as added by subsection (e), for conduct committed after the alien's admission into the United States, or for conduct

or a condition that was not disclosed to the Attorney General prior to the alien's admission as a nonimmigrant under such section 101(a)(15)(T)(i).

(f) ADJUSTMENT TO PERMANENT RESIDENT STATUS- Section 245 of such Act (8 U.S.C 1255) is amended by adding at the end the following new subsection:

“(l)(1) If, in the opinion of the Attorney General, a nonimmigrant admitted into the United States under section 101(a)(15)(T)(i)--

“(A) has been physically present in the United States for a continuous period of at least 3 years since the date of admission as a nonimmigrant under section 101(a)(15)(T)(i),

“(B) has, throughout such period, been a person of good moral character, and

“(C)(i) has, during such period, complied with any reasonable request for assistance in the investigation or prosecution of acts of trafficking, or

“(ii) the alien would suffer extreme hardship involving unusual and severe harm upon removal from the United States,

the Attorney General may adjust the status of the alien (and any person admitted under that section as the spouse, parent, or child of the alien) to that of an alien lawfully admitted for permanent residence.

“(2) Paragraph (1) shall not apply to an alien admitted under section 101(a)(15)(T) who is inadmissible to the United States by reason of a ground that has not been waived under section 212, except that, if the Attorney General considers it to be in the national interest to do so, the Attorney General, in the Attorney General's discretion, may waive the application of--

“(A) paragraphs (1) and (4) of section 212(a); and

“(B) any other provision of such section (excluding paragraphs (3), (10)(C), and (10)(E)), if the activities rendering the alien inadmissible under the provision were caused by, or were incident to, the victimization described in section 101(a)(15)(T)(i)(I).

“(2) An alien shall be considered to have failed to maintain continuous physical presence in the United States under paragraph (1)(A) if the alien has departed from the United States for any period in excess of 90 days or for any periods in the aggregate exceeding 180 days.

“(3)(A) The total number of aliens whose status may be adjusted under paragraph (1) during any fiscal year may not exceed 5,000.

“(B) The numerical limitation of subparagraph (A) shall only apply to principal aliens and not to the spouses, sons, daughters, or parents of such aliens.

“(4) Upon the approval of adjustment of status under paragraph (1), the Attorney General shall record the alien's lawful admission for permanent residence as of the date of such approval.”.

(g) ANNUAL REPORTS- On or before October 31 of each year, the Attorney General shall submit a report to the appropriate congressional committees setting forth, with respect to the preceding fiscal year, the number, if any, of otherwise eligible applicants who did not receive visas under section 101(a)(15)(T) of the Immigration and Nationality Act, as added by subsection (e), or who were unable to adjust their status under section 245(l) of such Act, solely on account of the unavailability of visas due to a limitation imposed by section 214(n)(1) or 245(l)(4)(A) of such Act.

SEC. 108. MINIMUM STANDARDS FOR THE ELIMINATION OF TRAFFICKING.

(a) MINIMUM STANDARDS- For purposes of this division, the minimum standards for the elimination of trafficking applicable to the government of a country of origin, transit, or destination for a significant number of victims of severe forms of trafficking are the following:

(1) The government of the country should prohibit severe forms of trafficking in persons and punish acts of such trafficking.

(2) For the knowing commission of any act of sex trafficking involving force, fraud, coercion, or in which the victim of sex trafficking is a child incapable of giving meaningful consent, or of trafficking which includes rape or kidnapping or which causes a death, the government of the country should prescribe punishment commensurate with that for grave crimes, such as forcible sexual assault.

(3) For the knowing commission of any act of a severe form of trafficking in persons, the government of the country should prescribe punishment that is sufficiently stringent to deter and that adequately reflects the heinous nature of the offense.

(4) The government of the country should make serious and sustained efforts to eliminate severe forms of trafficking in persons.

(b) CRITERIA- In determinations under subsection (a)(4), the following factors should be considered as indicia of serious and sustained efforts to eliminate severe forms of trafficking in persons:

(1) Whether the government of the country vigorously investigates and prosecutes acts of severe forms of trafficking in persons that take place wholly or partly within the territory of the country.

(2) Whether the government of the country protects victims of severe forms of trafficking in persons and encourages their assistance in the investigation and prosecution of such trafficking, including provisions for legal alternatives to their removal to countries in which they would face retribution or hardship, and ensures that victims are not inappropriately incarcerated, fined, or otherwise penalized solely for unlawful acts as a direct result of being trafficked.

(3) Whether the government of the country has adopted measures to prevent severe forms of trafficking in persons, such as measures to inform and educate the public, including potential victims, about the causes and consequences of severe forms of trafficking in persons.

(4) Whether the government of the country cooperates with other governments in the investigation and prosecution of severe forms of trafficking in persons.

(5) Whether the government of the country extradites persons charged with acts of severe forms of trafficking in persons on substantially the same terms and to substantially the same extent as persons charged with other serious crimes (or, to

the extent such extradition would be inconsistent with the laws of such country or with international agreements to which the country is a party, whether the government is taking all appropriate measures to modify or replace such laws and treaties so as to permit such extradition).

(6) Whether the government of the country monitors immigration and emigration patterns for evidence of severe forms of trafficking in persons and whether law enforcement agencies of the country respond to any such evidence in a manner that is consistent with the vigorous investigation and prosecution of acts of such trafficking, as well as with the protection of human rights of victims and the internationally recognized human right to leave any country, including one's own, and to return to one's own country.

(7) Whether the government of the country vigorously investigates and prosecutes public officials who participate in or facilitate severe forms of trafficking in persons, and takes all appropriate measures against officials who condone such trafficking.

SEC. 109. ASSISTANCE TO FOREIGN COUNTRIES TO MEET MINIMUM STANDARDS.

Chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by adding at the end the following new section:

SEC. 134. ASSISTANCE TO FOREIGN COUNTRIES TO MEET MINIMUM STANDARDS FOR THE ELIMINATION OF TRAFFICKING.

(a) AUTHORIZATION- The President is authorized to provide assistance to foreign countries directly, or through nongovernmental and multilateral organizations, for programs, projects, and activities designed to meet the minimum standards for the elimination of trafficking (as defined in section 103 of the Trafficking Victims Protection Act of 2000), including--

(1) the drafting of laws to prohibit and punish acts of trafficking;

(2) the investigation and prosecution of traffickers;

(3) the creation and maintenance of facilities, programs, projects, and activities for the protection of victims; and

(4) the expansion of exchange programs and international visitor programs for governmental and nongovernmental personnel to combat trafficking.

(b) FUNDING- Amounts made available to carry out the other provisions of this part (including chapter 4 of part II of this Act) and the Support for East European Democracy (SEED) Act of 1989 shall be made available to carry out this section.

SEC. 110. ACTIONS AGAINST GOVERNMENTS FAILING TO MEET MINIMUM STANDARDS.

(a) STATEMENT OF POLICY- It is the policy of the United States not to provide nonhumanitarian, nontrade-related foreign assistance to any government that--

(1) does not comply with minimum standards for the elimination of trafficking; and

(2) is not making significant efforts to bring itself into compliance with such standards.

(b) REPORTS TO CONGRESS-

(1) ANNUAL REPORT- Not later than June 1 of each year, the Secretary of State shall submit to the appropriate congressional committees a report with respect to the status of severe forms of trafficking in persons that shall include--

(A) a list of those countries, if any, to which the minimum standards for the elimination of trafficking are applicable and whose governments fully comply with such standards;

(B) a list of those countries, if any, to which the minimum standards for the elimination of trafficking are applicable and whose governments do not yet fully comply with such standards but are making significant efforts to bring themselves into compliance; and

(C) a list of those countries, if any, to which the minimum standards for the elimination of trafficking are applicable and whose governments do not fully comply with such standards and are not making significant efforts to bring themselves into compliance.

(2) INTERIM REPORTS- In addition to the annual report under paragraph (1), the Secretary of State may submit to the appropriate congressional committees at any time one or more interim reports with respect to the status of severe forms of trafficking in persons, including information about countries whose governments--

(A) have come into or out of compliance with the minimum standards for the elimination of trafficking; or

(B) have begun or ceased to make significant efforts to bring themselves into compliance,

since the transmission of the last annual report.

(3) SIGNIFICANT EFFORTS- In determinations under paragraph (1) or (2) as to whether the government of a country is making significant efforts to bring itself into compliance with the minimum standards for the elimination of trafficking, the Secretary of State shall consider--

(A) the extent to which the country is a country of origin, transit, or destination for severe forms of trafficking;

(B) the extent of noncompliance with the minimum standards by the government and, particularly, the extent to which officials or employees of the government have participated in, facilitated, condoned, or are otherwise complicit in severe forms of trafficking; and

(C) what measures are reasonable to bring the government into compliance with the minimum standards in light of the resources and capabilities of the government.

(c) NOTIFICATION- Not less than 45 days or more than 90 days after the submission, on or after January 1, 2003, of an annual report under subsection (b)(1), or an interim report under subsection (b)(2), the President shall submit to the appropriate congressional committees a notification of one of the determinations listed in subsection (d) with respect to each foreign country whose government, according to such report--

(A) does not comply with the minimum standards for the elimination of trafficking; and

(B) is not making significant efforts to bring itself into compliance, as described in subsection (b)(1)(C).

(d) **PRESIDENTIAL DETERMINATIONS-** The determinations referred to in subsection (c) are the following:

(1) **WITHHOLDING OF NONHUMANITARIAN, NONTRADE-RELATED ASSISTANCE-** The President has determined that--

(A)(i) the United States will not provide nonhumanitarian, nontrade-related foreign assistance to the government of the country for the subsequent fiscal year until such government complies with the minimum standards or makes significant efforts to bring itself into compliance; or

(ii) in the case of a country whose government received no nonhumanitarian, nontrade-related foreign assistance from the United States during the previous fiscal year, the United States will not provide funding for participation by officials or employees of such governments in educational and cultural exchange programs for the subsequent fiscal year until such government complies with the minimum standards or makes significant efforts to bring itself into compliance; and

(B) the President will instruct the United States Executive Director of each multilateral development bank and of the International Monetary Fund to vote against, and to use the Executive Director's best efforts to deny, any loan or other utilization of the funds of the respective institution to that country (other than for humanitarian assistance, for trade-related assistance, or for development assistance which directly addresses basic human needs, is not administered by the government of the sanctioned country, and confers no benefit to that government) for the subsequent fiscal year until such government complies with the minimum standards or makes significant efforts to bring itself into compliance.

(2) **ONGOING, MULTIPLE, BROAD-BASED RESTRICTIONS ON ASSISTANCE IN RESPONSE TO HUMAN RIGHTS VIOLATIONS-** The President has determined that such country is already subject to multiple, broad-based restrictions on assistance imposed in significant part in response to human rights abuses and such restrictions are ongoing and are comparable to the restrictions provided in paragraph (1). Such determination shall be accompanied by a description of the specific restriction or restrictions that were the basis for making such determination.

(3) **SUBSEQUENT COMPLIANCE-** The Secretary of State has determined that the government of the country has come into compliance with the minimum standards or is making significant efforts to bring itself into compliance.

(4) **CONTINUATION OF ASSISTANCE IN THE NATIONAL INTEREST-** Notwithstanding the failure of the government of the country to comply with minimum standards for the elimination of trafficking and to make significant efforts to bring itself into compliance, the President has determined that the provision to the country of nonhumanitarian, nontrade-related foreign assistance, or the multilateral assistance described in paragraph (1)(B), or both, would promote the purposes of this division or is otherwise in the national interest of the United States.

(5) **EXERCISE OF WAIVER AUTHORITY-**

(A) **IN GENERAL-** The President may exercise the authority under paragraph (4) with respect to--

(i) all nonhumanitarian, nontrade-related foreign assistance to a country;

(ii) all multilateral assistance described in paragraph (1)(B) to a country; or

(iii) one or more programs, projects, or activities of such assistance.

(B) AVOIDANCE OF SIGNIFICANT ADVERSE EFFECTS- The President shall exercise the authority under paragraph (4) when necessary to avoid significant adverse effects on vulnerable populations, including women and children.

(6) DEFINITION OF MULTILATERAL DEVELOPMENT BANK- In this subsection, the term 'multilateral development bank' refers to any of the following institutions: the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the Asian Development Bank, the Inter-American Investment Corporation, the African Development Bank, the African Development Fund, the European Bank for Reconstruction and Development, and the Multilateral Investment Guaranty Agency.

(e) CERTIFICATION- Together with any notification under subsection (c), the President shall provide a certification by the Secretary of State that, with respect to any assistance described in clause (ii), (iii), or (v) of section 103(7)(A), or with respect to any assistance described in section 103(7)(B), no assistance is intended to be received or used by any agency or official who has participated in, facilitated, or condoned a severe form of trafficking in persons.

SEC. 111. ACTIONS AGAINST SIGNIFICANT TRAFFICKERS IN PERSONS.

(a) AUTHORITY TO SANCTION SIGNIFICANT TRAFFICKERS IN PERSONS-

(1) IN GENERAL- The President may exercise the authorities set forth in section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1701) without regard to section 202 of that Act (50 U.S.C. 1701) in the case of any of the following persons:

(A) Any foreign person that plays a significant role in a severe form of trafficking in persons, directly or indirectly in the United States.

(B) Foreign persons that materially assist in, or provide financial or technological support for or to, or provide goods or services in support of, activities of a significant foreign trafficker in persons identified pursuant to subparagraph (A).

(C) Foreign persons that are owned, controlled, or directed by, or acting for or on behalf of, a significant foreign trafficker identified pursuant to subparagraph (A).

(2) PENALTIES- The penalties set forth in section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) apply to violations of any license, order, or regulation issued under this section.

(b) REPORT TO CONGRESS ON IDENTIFICATION AND SANCTIONING OF SIGNIFICANT TRAFFICKERS IN PERSONS-

(1) IN GENERAL- Upon exercising the authority of subsection (a), the President shall report to the appropriate congressional committees--

(A) identifying publicly the foreign persons that the President determines are appropriate for sanctions pursuant to this section and the basis for such determination; and

(B) detailing publicly the sanctions imposed pursuant to this section.

(2) REMOVAL OF SANCTIONS- Upon suspending or terminating any action imposed under the authority of subsection (a), the President shall report to the committees described in paragraph (1) on such suspension or termination.

(3) SUBMISSION OF CLASSIFIED INFORMATION- Reports submitted under this subsection may include an annex with classified information regarding the basis for the determination made by the President under paragraph (1)(A).

(c) LAW ENFORCEMENT AND INTELLIGENCE ACTIVITIES NOT AFFECTED- Nothing in this section prohibits or otherwise limits the authorized law enforcement or intelligence activities of the United States, or the law enforcement activities of any State or subdivision thereof.

(d) EXCLUSION OF PERSONS WHO HAVE BENEFITED FROM ILLICIT ACTIVITIES OF TRAFFICKERS IN PERSONS- Section 212(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)) is amended by inserting at the end the following new subparagraph:

(H) SIGNIFICANT TRAFFICKERS IN PERSONS-

(i) IN GENERAL- Any alien who is listed in a report submitted pursuant to section 111(b) of the Trafficking Victims Protection Act of 2000, or who the consular officer or the Attorney General knows or has reason to believe is or has been a knowing aider, abettor, assister, conspirator, or colluder with such a trafficker in severe forms of trafficking in persons, as defined in the section 103 of such Act, is inadmissible.

(ii) BENEFICIARIES OF TRAFFICKING- Except as provided in clause (iii), any alien who the consular officer or the Attorney General knows or has reason to believe is the spouse, son, or daughter of an alien inadmissible under clause (i), has, within the previous 5 years, obtained any financial or other benefit from the illicit activity of that alien, and knew or reasonably should have known that the financial or other benefit was the product of such illicit activity, is inadmissible.

(iii) EXCEPTION FOR CERTAIN SONS AND DAUGHTERS- Clause (ii) shall not apply to a son or daughter who was a child at the time he or she received the benefit described in such clause.'

(e) IMPLEMENTATION-

(1) DELEGATION OF AUTHORITY- The President may delegate any authority granted by this section, including the authority to designate foreign persons under paragraphs (1)(B) and (1)(C) of subsection (a).

(2) PROMULGATION OF RULES AND REGULATIONS- The head of any agency, including the Secretary of Treasury, is authorized to take such actions as may be necessary to carry out any authority delegated by the President pursuant to paragraph (1), including promulgating rules and regulations.

(3) OPPORTUNITY FOR REVIEW- Such rules and regulations shall include procedures affording an opportunity for a person to be heard in an expeditious manner, either in person or through a representative, for the purpose of seeking changes to or termination of any determination, order, designation or other action associated with the exercise of the authority in subsection (a).

(f) DEFINITION OF FOREIGN PERSONS- In this section, the term 'foreign person' means any citizen or national of a foreign state or any entity not organized under the laws of the United States, including a foreign government official, but does not include a foreign state.

(g) CONSTRUCTION- Nothing in this section shall be construed as precluding judicial review of the exercise of the authority described in subsection (a).

SEC. 112. STRENGTHENING PROSECUTION AND PUNISHMENT OF TRAFFICKERS.

(a) TITLE 18 AMENDMENTS- Chapter 77 of title 18, United States Code, is amended--

(1) in each of sections 1581(a), 1583, and 1584--

(A) by striking `10 years' and inserting `20 years'; and

(B) by adding at the end the following: `If death results from the violation of this section, or if the violation includes kidnapping or an attempt to kidnap, aggravated sexual abuse or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title or imprisoned for any term of years or life, or both.';

(2) by inserting at the end the following:

`Sec. 1589. Forced labor

`Whoever knowingly provides or obtains the labor or services of a person--

(1) by threats of serious harm to, or physical restraint against, that person or another person;

(2) by means of any scheme, plan, or pattern intended to cause the person to believe that, if the person did not perform such labor or services, that person or another person would suffer serious harm or physical restraint; or

(3) by means of the abuse or threatened abuse of law or the legal process,

shall be fined under this title or imprisoned not more than 20 years, or both. If death results from the violation of this section, or if the violation includes kidnapping or an attempt to kidnap, aggravated sexual abuse or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title or imprisoned for any term of years or life, or both.

`Sec. 1590. Trafficking with respect to peonage, slavery, involuntary servitude, or forced labor

`Whoever knowingly recruits, harbors, transports, provides, or obtains by any means, any person for labor or services in violation of this chapter shall be fined under this title or imprisoned not more than 20 years, or both. If death results from the violation of this section, or if the violation includes kidnapping or an attempt to kidnap, aggravated sexual abuse, or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title or imprisoned for any term of years or life, or both.

`Sec. 1591. Sex trafficking of children or by force, fraud or coercion

(a) Whoever knowingly--

(1) in or affecting interstate commerce, recruits, entices, harbors, transports, provides, or obtains by any means a person; or

(2) benefits, financially or by receiving anything of value, from participation in a venture which has engaged in an act described in violation of paragraph (1),

knowing that force, fraud, or coercion described in subsection (c)(2) will be used to cause the person to engage in a commercial sex act, or that the person has not attained the age of 18 years and will be caused to engage in a commercial sex act, shall be punished as provided in subsection (b).

`(b) The punishment for an offense under subsection (a) is--

`(1) if the offense was effected by force, fraud, or coercion or if the person transported had not attained the age of 14 years at the time of such offense, by a fine under this title or imprisonment for any term of years or for life, or both; or

`(2) if the offense was not so effected, and the person transported had attained the age of 14 years but had not attained the age of 18 years at the time of such offense, by a fine under this title or imprisonment for not more than 20 years, or both.

`(c) In this section:

`(1) The term `commercial sex act' means any sex act, on account of which anything of value is given to or received by any person.

`(2) The term `coercion' means--

`(A) threats of serious harm to or physical restraint against any person;

`(B) any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; or

`(C) the abuse or threatened abuse of law or the legal process.

`(3) The term `venture' means any group of two or more individuals associated in fact, whether or not a legal entity.

`Sec. 1592. Unlawful conduct with respect to documents in furtherance of trafficking, peonage, slavery, involuntary servitude, or forced labor

`(a) Whoever knowingly destroys, conceals, removes, confiscates, or possesses any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person--

`(1) in the course of a violation of section 1581, 1583, 1584, 1589, 1590, 1591, or 1594(a);

`(2) with intent to violate section 1581, 1583, 1584, 1589, 1590, or 1591; or

`(3) to prevent or restrict or to attempt to prevent or restrict, without lawful authority, the person's liberty to move or travel, in order to maintain the labor or services of that person, when the person is or has been a victim of a severe form of trafficking in persons, as defined in section 103 of the Trafficking Victims Protection Act of 2000,

shall be fined under this title or imprisoned for not more than 5 years, or both.

`(b) Subsection (a) does not apply to the conduct of a person who is or has been a victim of a severe form of trafficking in persons, as defined in section 103 of the Trafficking Victims Protection Act of 2000, if that conduct is caused by, or

incident to, that trafficking.

Sec. 1593. Mandatory restitution

(a) Notwithstanding section 3663 or 3663A, and in addition to any other civil or criminal penalties authorized by law, the court shall order restitution for any offense under this chapter.

(b)(1) The order of restitution under this section shall direct the defendant to pay the victim (through the appropriate court mechanism) the full amount of the victim's losses, as determined by the court under paragraph (3) of this subsection.

(2) An order of restitution under this section shall be issued and enforced in accordance with section 3664 in the same manner as an order under section 3663A.

(3) As used in this subsection, the term 'full amount of the victim's losses' has the same meaning as provided in section 2259(b)(3) and shall in addition include the greater of the gross income or value to the defendant of the victim's services or labor or the value of the victim's labor as guaranteed under the minimum wage and overtime guarantees of the Fair Labor Standards Act (29 U.S.C. 201 et seq.).

(c) As used in this section, the term 'victim' means the individual harmed as a result of a crime under this chapter, including, in the case of a victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardian of the victim or a representative of the victim's estate, or another family member, or any other person appointed as suitable by the court, but in no event shall the defendant be named such representative or guardian.

Sec. 1594. General provisions

(a) Whoever attempts to violate section 1581, 1583, 1584, 1589, 1590, or 1591 shall be punishable in the same manner as a completed violation of that section.

(b) The court, in imposing sentence on any person convicted of a violation of this chapter, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person shall forfeit to the United States--

(1) such person's interest in any property, real or personal, that was used or intended to be used to commit or to facilitate the commission of such violation; and

(2) any property, real or personal, constituting or derived from, any proceeds that such person obtained, directly or indirectly, as a result of such violation.

(c)(1) The following shall be subject to forfeiture to the United States and no property right shall exist in them:

(A) Any property, real or personal, used or intended to be used to commit or to facilitate the commission of any violation of this chapter.

(B) Any property, real or personal, which constitutes or is derived from proceeds traceable to any violation of this chapter.

(2) The provisions of chapter 46 of this title relating to civil forfeitures shall extend to any seizure or civil forfeiture under this subsection.

(d) WITNESS PROTECTION- Any violation of this chapter shall be considered an organized criminal activity or other serious offense for the purposes of application of chapter 224 (relating to witness protection).'; and

(3) by amending the table of sections at the beginning of chapter 77 by adding at the end the following new items:

1589. Forced labor.

1590. Trafficking with respect to peonage, slavery, involuntary servitude, or forced labor.

1591. Sex trafficking of children or by force, fraud, or coercion.

1592. Unlawful conduct with respect to documents in furtherance of trafficking, peonage, slavery, involuntary servitude, or forced labor.

1593. Mandatory restitution.

1594. General provisions.'

(b) AMENDMENT TO THE SENTENCING GUIDELINES-

(1) Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and, if appropriate, amend the sentencing guidelines and policy statements applicable to persons convicted of offenses involving the trafficking of persons including component or related crimes of peonage, involuntary servitude, slave trade offenses, and possession, transfer or sale of false immigration documents in furtherance of trafficking, and the Fair Labor Standards Act and the Migrant and Seasonal Agricultural Worker Protection Act.

(2) In carrying out this subsection, the Sentencing Commission shall--

(A) take all appropriate measures to ensure that these sentencing guidelines and policy statements applicable to the offenses described in paragraph (1) of this subsection are sufficiently stringent to deter and adequately reflect the heinous nature of such offenses;

(B) consider conforming the sentencing guidelines applicable to offenses involving trafficking in persons to the guidelines applicable to peonage, involuntary servitude, and slave trade offenses; and

(C) consider providing sentencing enhancements for those convicted of the offenses described in paragraph (1) of this subsection that--

(i) involve a large number of victims;

(ii) involve a pattern of continued and flagrant violations;

(iii) involve the use or threatened use of a dangerous weapon; or

(iv) result in the death or bodily injury of any person.

(3) The Commission may promulgate the guidelines or amendments under this subsection in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that Act had not expired.

SEC. 113. AUTHORIZATIONS OF APPROPRIATIONS.

(a) **AUTHORIZATION OF APPROPRIATIONS IN SUPPORT OF THE TASK FORCE-** To carry out the purposes of sections 104, 105, and 110, there are authorized to be appropriated to the Secretary of State \$1,500,000 for fiscal year 2001 and \$3,000,000 for fiscal year 2002.

(b) **AUTHORIZATION OF APPROPRIATIONS TO THE SECRETARY OF HEALTH AND HUMAN SERVICES-** To carry out the purposes of section 107(b), there are authorized to be appropriated to the Secretary of Health and Human Services \$5,000,000 for fiscal year 2001 and \$10,000,000 for fiscal year 2002.

(c) **AUTHORIZATION OF APPROPRIATIONS TO THE SECRETARY OF STATE-**

(1) **ASSISTANCE FOR VICTIMS IN OTHER COUNTRIES-** To carry out the purposes of section 107(a), there are authorized to be appropriated to the Secretary of State \$5,000,000 for fiscal year 2001 and \$10,000,000 for fiscal year 2002.

(2) **VOLUNTARY CONTRIBUTIONS TO OSCE-** To carry out the purposes of section 109, there are authorized to be appropriated to the Secretary of State \$300,000 for voluntary contributions to advance projects aimed at preventing trafficking, promoting respect for human rights of trafficking victims, and assisting the Organization for Security and Cooperation in Europe participating states in related legal reform for fiscal year 2001.

(3) **PREPARATION OF ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS-** To carry out the purposes of section 104, there are authorized to be appropriated to the Secretary of State such sums as may be necessary to include the additional information required by that section in the annual Country Reports on Human Rights Practices, including the preparation and publication of the list described in subsection (a)(1) of that section.

(d) **AUTHORIZATION OF APPROPRIATIONS TO ATTORNEY GENERAL-** To carry out the purposes of section 107(b), there are authorized to be appropriated to the Attorney General \$5,000,000 for fiscal year 2001 and \$10,000,000 for fiscal year 2002.

(e) **Authorization of Appropriations to President-**

(1) **FOREIGN VICTIM ASSISTANCE-** To carry out the purposes of section 106, there are authorized to be appropriated to the President \$5,000,000 for fiscal year 2001 and \$10,000,000 for fiscal year 2002.

(2) **ASSISTANCE TO FOREIGN COUNTRIES TO MEET MINIMUM STANDARDS-** To carry out the purposes of section 109, there are authorized to be appropriated to the President \$5,000,000 for fiscal year 2001 and \$10,000,000 for fiscal year 2002.

(f) **AUTHORIZATION OF APPROPRIATIONS TO THE SECRETARY OF LABOR-** To carry out the purposes of section 107(b), there are authorized to be appropriated to the Secretary of Labor \$5,000,000 for fiscal year 2001 and \$10,000,000 for fiscal year 2002.

DIVISION B--VIOLENCE AGAINST WOMEN ACT OF 2000**SEC. 1001. SHORT TITLE.**

This division may be cited as the 'Violence Against Women Act of 2000'.

SEC. 1002. DEFINITIONS.

In this division--

(1) the term 'domestic violence' has the meaning given the term in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-2); and

(2) the term 'sexual assault' has the meaning given the term in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-2).

SEC. 1003. ACCOUNTABILITY AND OVERSIGHT.

(a) **REPORT BY GRANT RECIPIENTS-** The Attorney General or Secretary of Health and Human Services, as applicable, shall require grantees under any program authorized or reauthorized by this division or an amendment made by this division to report on the effectiveness of the activities carried out with amounts made available to carry out that program, including number of persons served, if applicable, numbers of persons seeking services who could not be served and such other information as the Attorney General or Secretary may prescribe.

(b) **REPORT TO CONGRESS-** The Attorney General or Secretary of Health and Human Services, as applicable, shall report biennially to the Committees on the Judiciary of the House of Representatives and the Senate on the grant programs described in subsection (a), including the information contained in any report under that subsection.

TITLE I--STRENGTHENING LAW ENFORCEMENT TO REDUCE VIOLENCE AGAINST WOMEN**SEC. 1101. FULL FAITH AND CREDIT ENFORCEMENT OF PROTECTION ORDERS.**

(a) **IN GENERAL-** Part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh et seq.) is amended--

(1) in the heading, by adding '**AND ENFORCEMENT OF PROTECTION ORDERS**' at the end;

(2) in section 2101(b)--

(A) in paragraph (6), by inserting '(including juvenile courts)' after 'courts'; and

(B) by adding at the end the following:

'(7) To provide technical assistance and computer and other equipment to police departments, prosecutors, courts, and tribal jurisdictions to facilitate the widespread enforcement of protection orders, including interstate enforcement, enforcement between States and tribal jurisdictions, and enforcement between tribal jurisdictions.'; and

(3) in section 2102--

(A) in subsection (b)--

(i) in paragraph (1), by striking `and' at the end;

(ii) in paragraph (2), by striking the period at the end and inserting `, including the enforcement of protection orders from other States and jurisdictions (including tribal jurisdictions);'; and

(iii) by adding at the end the following:

`(3) have established cooperative agreements or can demonstrate effective ongoing collaborative arrangements with neighboring jurisdictions to facilitate the enforcement of protection orders from other States and jurisdictions (including tribal jurisdictions); and

`(4) in applications describing plans to further the purposes stated in paragraph (4) or (7) of section 2101(b), will give priority to using the grant to develop and install data collection and communication systems, including computerized systems, and training on how to use these systems effectively to link police, prosecutors, courts, and tribal jurisdictions for the purpose of identifying and tracking protection orders and violations of protection orders, in those jurisdictions where such systems do not exist or are not fully effective.'; and

(B) by adding at the end the following:

`(c) DISSEMINATION OF INFORMATION- The Attorney General shall annually compile and broadly disseminate (including through electronic publication) information about successful data collection and communication systems that meet the purposes described in this section. Such dissemination shall target States, State and local courts, Indian tribal governments, and units of local government.'.

(b) PROTECTION ORDERS-

(1) FILING COSTS- Section 2006 of part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-5) is amended--

(A) in the heading, by striking `filing' and inserting `and protection orders' after `charges';

(B) in subsection (a)--

(i) by striking paragraph (1) and inserting the following:

`(1) certifies that its laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, or in connection with the filing, issuance, registration, or service of a protection order, or a petition for a protection order, to protect a victim of domestic violence, stalking, or sexual assault, that the victim bear the costs associated with the filing of criminal charges against the offender, or the costs associated with the filing, issuance, registration, or service of a warrant, protection order, petition for a protection order, or witness subpoena, whether issued inside or outside the State, tribal, or local jurisdiction; or'; and

(ii) in paragraph (2)(B), by striking `2 years' and inserting `2 years after the date of the enactment of the Violence Against Women Act of 2000'; and

(C) by adding at the end the following:

<https://www.state.gov/j/tip/laws/61124.htm>

`(c) DEFINITION- In this section, the term `protection order' has the meaning given the term in section 2266 of title 18, United States Code.'

(2) ELIGIBILITY FOR GRANTS TO ENCOURAGE ARREST POLICIES- Section 2101 of part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh) is amended--

(A) in subsection (c), by striking paragraph (4) and inserting the following:

`(4) certify that their laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, or in connection with the filing, issuance, registration, or service of a protection order, or a petition for a protection order, to protect a victim of domestic violence, stalking, or sexual assault, that the victim bear the costs associated with the filing of criminal charges against the offender, or the costs associated with the filing, issuance, registration, or service of a warrant, protection order, petition for a protection order, or witness subpoena, whether issued inside or outside the State, tribal, or local jurisdiction.'; and

(B) by adding at the end the following:

`(d) DEFINITION- In this section, the term `protection order' has the meaning given the term in section 2266 of title 18, United States Code.'

(3) APPLICATION FOR GRANTS TO ENCOURAGE ARREST POLICIES- Section 2102(a)(1)(B) of part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh-1(a)(1)(B)) is amended by inserting before the semicolon the following: `or, in the case of the condition set forth in subsection 2101(c)(4), the expiration of the 2-year period beginning on the date the of the enactment of the Violence Against Women Act of 2000'.

(4) REGISTRATION FOR PROTECTION ORDERS- Section 2265 of title 18, United States Code, is amended by adding at the end the following:

`(d) NOTIFICATION AND REGISTRATION-

`(1) NOTIFICATION- A State or Indian tribe according full faith and credit to an order by a court of another State or Indian tribe shall not notify or require notification of the party against whom a protection order has been issued that the protection order has been registered or filed in that enforcing State or tribal jurisdiction unless requested to do so by the party protected under such order.

`(2) NO PRIOR REGISTRATION OR FILING AS PREREQUISITE FOR ENFORCEMENT- Any protection order that is otherwise consistent with this section shall be accorded full faith and credit, notwithstanding failure to comply with any requirement that the order be registered or filed in the enforcing State or tribal jurisdiction.

`(e) TRIBAL COURT JURISDICTION- For purposes of this section, a tribal court shall have full civil jurisdiction to enforce protection orders, including authority to enforce any orders through civil contempt proceedings, exclusion of violators from Indian lands, and other appropriate mechanisms, in matters arising within the authority of the tribe.'

(c) TECHNICAL AMENDMENT- The table of contents for title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended in the item relating to part U, by adding `AND ENFORCEMENT OF PROTECTION ORDERS' at the end.

SEC. 1102. ROLE OF COURTS.

(a) **COURTS AS ELIGIBLE STOP SUBGRANTEES-** Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended--

(1) in section 2001--

(A) in subsection (a), by striking `Indian tribal governments,' and inserting `State and local courts (including juvenile courts), Indian tribal governments, tribal courts,'; and

(B) in subsection (b)--

(i) in paragraph (1), by inserting `, judges, other court personnel,' after `law enforcement officers';

(ii) in paragraph (2), by inserting `, judges, other court personnel,' after `law enforcement officers'; and

(iii) in paragraph (3), by inserting `, court,' after `police'; and

(2) in section 2002--

(A) in subsection (a), by inserting `State and local courts (including juvenile courts),' after `States,' the second place it appears;

(B) in subsection (c), by striking paragraph (3) and inserting the following:

`(3) of the amount granted--

`(A) not less than 25 percent shall be allocated to police and not less than 25 percent shall be allocated to prosecutors;

`(B) not less than 30 percent shall be allocated to victim services; and

`(C) not less than 5 percent shall be allocated for State and local courts (including juvenile courts); and'; and

(C) in subsection (d)(1), by inserting `court,' after `law enforcement,'.

(b) **ELIGIBLE GRANTEEES; USE OF GRANTS FOR EDUCATION-** Section 2101 of part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh) is amended--

(1) in subsection (a), by inserting `State and local courts (including juvenile courts), tribal courts,' after `Indian tribal governments,';

(2) in subsection (b)--

(A) by inserting `State and local courts (including juvenile courts),' after `Indian tribal governments';

(B) in paragraph (2), by striking `policies and' and inserting `policies, educational programs, and';

(C) in paragraph (3), by inserting `parole and probation officers,' after `prosecutors,`; and

(D) in paragraph (4), by inserting `parole and probation officers,' after `prosecutors,`;

(3) in subsection (c), by inserting `State and local courts (including juvenile courts),' after `Indian tribal governments'; and

(4) by adding at the end the following:

`(e) ALLOTMENT FOR INDIAN TRIBES- Not less than 5 percent of the total amount made available for grants under this section for each fiscal year shall be available for grants to Indian tribal governments.'

SEC. 1103. REAUTHORIZATION OF STOP GRANTS.

(a) REAUTHORIZATION- Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by striking paragraph (18) and inserting the following:

`(18) There is authorized to be appropriated to carry out part T \$185,000,000 for each of fiscal years 2001 through 2005.'

(b) GRANT PURPOSES- Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended--

(1) in section 2001--

(A) in subsection (b)--

(i) in paragraph (5), by striking `racial, cultural, ethnic, and language minorities' and inserting `underserved populations';

(ii) in paragraph (6), by striking `and' at the end;

(iii) in paragraph (7), by striking the period at the end and inserting a semicolon; and

(iv) by adding at the end the following:

`(8) supporting formal and informal statewide, multidisciplinary efforts, to the extent not supported by State funds, to coordinate the response of State law enforcement agencies, prosecutors, courts, victim services agencies, and other State agencies and departments, to violent crimes against women, including the crimes of sexual assault, domestic violence, and dating violence;

`(9) training of sexual assault forensic medical personnel examiners in the collection and preservation of evidence, analysis, prevention, and providing expert testimony and treatment of trauma related to sexual assault;'; and

(B) by adding at the end the following:

`(c) STATE COALITION GRANTS-

`(1) PURPOSE- The Attorney General shall award grants to each State domestic violence coalition and sexual assault coalition for the purposes of coordinating State victim services activities, and collaborating and coordinating with Federal,

State, and local entities engaged in violence against women activities.

`(2) GRANTS TO STATE COALITIONS- The Attorney General shall award grants to--

`(A) each State domestic violence coalition, as determined by the Secretary of Health and Human Services through the Family Violence Prevention and Services Act (42 U.S.C. 10410 et seq.); and

`(B) each State sexual assault coalition, as determined by the Center for Injury Prevention and Control of the Centers for Disease Control and Prevention under the Public Health Service Act (42 U.S.C. 280b et seq.).

`(3) ELIGIBILITY FOR OTHER GRANTS- Receipt of an award under this subsection by each State domestic violence and sexual assault coalition shall not preclude the coalition from receiving additional grants under this part to carry out the purposes described in subsection (b).';

(2) in section 2002(b)--

(A) by redesignating paragraphs (2) and (3) as paragraphs (5) and (6), respectively;

(B) in paragraph (1), by striking `4 percent' and inserting `5 percent';

(C) in paragraph (5), as redesignated, by striking `\$500,000' and inserting `\$600,000'; and

(D) by inserting after paragraph (1) the following:

`(2) 2.5 percent shall be available for grants for State domestic violence coalitions under section 2001(c), with the coalition for each State, the coalition for the District of Columbia, the coalition for the Commonwealth of Puerto Rico, and the coalition for the combined Territories of the United States, each receiving an amount equal to 1/54 of the total amount made available under this paragraph for each fiscal year;

`(3) 2.5 percent shall be available for grants for State sexual assault coalitions under section 2001(c), with the coalition for each State, the coalition for the District of Columbia, the coalition for the Commonwealth of Puerto Rico, and the coalition for the combined Territories of the United States, each receiving an amount equal to 1/54 of the total amount made available under this paragraph for each fiscal year;

`(4) 1/54 shall be available for the development and operation of nonprofit tribal domestic violence and sexual assault coalitions in Indian country;';

(3) in section 2003, by striking paragraph (7) and inserting the following:

`(7) the term `underserved populations' includes populations underserved because of geographic location (such as rural isolation), underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the State planning process in consultation with the Attorney General;'; and

(4) in section 2004(b)(3), by inserting `, and the membership of persons served in any underserved population' before the semicolon.

SEC. 1104. REAUTHORIZATION OF GRANTS TO ENCOURAGE ARREST POLICIES.

Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by striking paragraph (19) and inserting the following:

“(19) There is authorized to be appropriated to carry out part U \$65,000,000 for each of fiscal years 2001 through 2005.”.

SEC. 1105. REAUTHORIZATION OF RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT GRANTS.

Section 40295(c) of the Violence Against Women Act of 1994 (42 U.S.C. 13971(c)) is amended--

(1) by striking paragraph (1) and inserting the following:

“(1) IN GENERAL- There is authorized to be appropriated to carry out this section \$40,000,000 for each of fiscal years 2001 through 2005.”; and

(2) by adding at the end the following:

“(3) ALLOTMENT FOR INDIAN TRIBES- Not less than 5 percent of the total amount made available to carry out this section for each fiscal year shall be available for grants to Indian tribal governments.”.

SEC. 1106. NATIONAL STALKER AND DOMESTIC VIOLENCE REDUCTION.

(a) REAUTHORIZATION- Section 40603 of the Violence Against Women Act of 1994 (42 U.S.C. 14032) is amended to read as follows:

SEC. 40603. AUTHORIZATION OF APPROPRIATIONS.

“There is authorized to be appropriated to carry out this subtitle \$3,000,000 for each of fiscal years 2001 through 2005.”.

(b) TECHNICAL AMENDMENT- Section 40602(a) of the Violence Against Women Act of 1994 (42 U.S.C. 14031 note) is amended by inserting “and implement” after “improve”.

SEC. 1107. AMENDMENTS TO DOMESTIC VIOLENCE AND STALKING OFFENSES.

(a) INTERSTATE DOMESTIC VIOLENCE- Section 2261 of title 18, United States Code, is amended by striking subsection (a) and inserting the following:

“(a) OFFENSES-

“(1) TRAVEL OR CONDUCT OF OFFENDER- A person who travels in interstate or foreign commerce or enters or leaves Indian country with the intent to kill, injure, harass, or intimidate a spouse or intimate partner, and who, in the course of or as a result of such travel, commits or attempts to commit a crime of violence against that spouse or intimate partner, shall be punished as provided in subsection (b).

“(2) CAUSING TRAVEL OF VICTIM- A person who causes a spouse or intimate partner to travel in interstate or foreign commerce or to enter or leave Indian country by force, coercion, duress, or fraud, and who, in the course of, as a result of, or to facilitate such conduct or travel, commits or attempts to commit a crime of violence against that spouse or intimate partner, shall be punished as provided in subsection (b).”.

(b) INTERSTATE STALKING-

(1) IN GENERAL- Section 2261A of title 18, United States Code, is amended to read as follows:

`Sec. 2261A. Interstate stalking

`Whoever--

`(1) travels in interstate or foreign commerce or within the special maritime and territorial jurisdiction of the United States, or enters or leaves Indian country, with the intent to kill, injure, harass, or intimidate another person, and in the course of, or as a result of, such travel places that person in reasonable fear of the death of, or serious bodily injury to, that person, a member of the immediate family (as defined in section 115) of that person, or the spouse or intimate partner of that person; or

`(2) with the intent--

`(A) to kill or injure a person in another State or tribal jurisdiction or within the special maritime and territorial jurisdiction of the United States; or

`(B) to place a person in another State or tribal jurisdiction, or within the special maritime and territorial jurisdiction of the United States, in reasonable fear of the death of, or serious bodily injury to--

`(i) that person;

`(ii) a member of the immediate family (as defined in section 115) of that person; or

`(iii) a spouse or intimate partner of that person,

uses the mail or any facility of interstate or foreign commerce to engage in a course of conduct that places that person in reasonable fear of the death of, or serious bodily injury to, any of the persons described in clauses (i) through (iii),

shall be punished as provided in section 2261(b).'

(2) AMENDMENT OF FEDERAL SENTENCING GUIDELINES-

(A) IN GENERAL- Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall amend the Federal Sentencing Guidelines to reflect the amendment made by this subsection.

(B) FACTORS FOR CONSIDERATION- In carrying out subparagraph (A), the Commission shall consider--

(i) whether the Federal Sentencing Guidelines relating to stalking offenses should be modified in light of the amendment made by this subsection; and

(ii) whether any changes the Commission may make to the Federal Sentencing Guidelines pursuant to clause (i) should also be made with respect to offenses under chapter 110A of title 18, United States Code.

(c) INTERSTATE VIOLATION OF PROTECTION ORDER- Section 2262 of title 18, United States Code, is amended by striking subsection (a) and inserting the following:

“(a) OFFENSES-

“(1) TRAVEL OR CONDUCT OF OFFENDER- A person who travels in interstate or foreign commerce, or enters or leaves Indian country, with the intent to engage in conduct that violates the portion of a protection order that prohibits or provides protection against violence, threats, or harassment against, contact or communication with, or physical proximity to, another person, or that would violate such a portion of a protection order in the jurisdiction in which the order was issued, and subsequently engages in such conduct, shall be punished as provided in subsection (b).

“(2) CAUSING TRAVEL OF VICTIM- A person who causes another person to travel in interstate or foreign commerce or to enter or leave Indian country by force, coercion, duress, or fraud, and in the course of, as a result of, or to facilitate such conduct or travel engages in conduct that violates the portion of a protection order that prohibits or provides protection against violence, threats, or harassment against, contact or communication with, or physical proximity to, another person, or that would violate such a portion of a protection order in the jurisdiction in which the order was issued, shall be punished as provided in subsection (b).”.

(d) DEFINITIONS- Section 2266 of title 18, United States Code, is amended to read as follows:

“**Sec. 2266. Definitions**

“In this chapter:

“(1) BODILY INJURY- The term ‘bodily injury’ means any act, except one done in self-defense, that results in physical injury or sexual abuse.

“(2) COURSE OF CONDUCT- The term ‘course of conduct’ means a pattern of conduct composed of 2 or more acts, evidencing a continuity of purpose.

“(3) ENTER OR LEAVE INDIAN COUNTRY- The term ‘enter or leave Indian country’ includes leaving the jurisdiction of 1 tribal government and entering the jurisdiction of another tribal government.

“(4) INDIAN COUNTRY- The term ‘Indian country’ has the meaning stated in section 1151 of this title.

“(5) PROTECTION ORDER- The term ‘protection order’ includes any injunction or other order issued for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with or physical proximity to, another person, including any temporary or final order issued by a civil and criminal court (other than a support or child custody order issued pursuant to State divorce and child custody laws, except to the extent that such an order is entitled to full faith and credit under other Federal law) whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection.

“(6) SERIOUS BODILY INJURY- The term ‘serious bodily injury’ has the meaning stated in section 2119(2).

“(7) SPOUSE OR INTIMATE PARTNER- The term ‘spouse or intimate partner’ includes--

`(A) for purposes of--

`(i) sections other than 2261A, a spouse or former spouse of the abuser, a person who shares a child in common with the abuser, and a person who cohabits or has cohabited as a spouse with the abuser; and

`(ii) section 2261A, a spouse or former spouse of the target of the stalking, a person who shares a child in common with the target of the stalking, and a person who cohabits or has cohabited as a spouse with the target of the stalking; and

`(B) any other person similarly situated to a spouse who is protected by the domestic or family violence laws of the State or tribal jurisdiction in which the injury occurred or where the victim resides.

`(8) STATE- The term `State' includes a State of the United States, the District of Columbia, and a commonwealth, territory, or possession of the United States.

`(9) TRAVEL IN INTERSTATE OR FOREIGN COMMERCE- The term `travel in interstate or foreign commerce' does not include travel from 1 State to another by an individual who is a member of an Indian tribe and who remains at all times in the territory of the Indian tribe of which the individual is a member.'.

SEC. 1108. SCHOOL AND CAMPUS SECURITY.

(a) GRANTS TO REDUCE VIOLENT CRIMES AGAINST WOMEN ON CAMPUS- Section 826 of the Higher Education Amendments of 1998 (20 U.S.C. 1152) is amended--

(1) in paragraphs (2), (6), (7), and (9) of subsection (b), by striking `and domestic violence' and inserting `domestic violence, and dating violence';

(2) in subsection (c)(2)(B), by striking `and domestic violence' and inserting `, domestic violence and dating violence';

(3) in subsection (f)--

(A) by redesignating paragraphs (1), (2), and (3) as paragraphs (2), (3), and (4), respectively;

(B) by inserting before paragraph (2) (as redesignated by subparagraph (A)) the following:

`(1) the term `dating violence' means violence committed by a person--

`(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and

`(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

`(i) the length of the relationship;

`(ii) the type of relationship; and

`(iii) the frequency of interaction between the persons involved in the relationship.';

(C) in paragraph (2) (as redesignated by subparagraph (A)), by inserting `, dating' after `domestic' each place the term appears; and

(D) in paragraph (4) (as redesignated by subparagraph (A))--

(i) by inserting `or a public, nonprofit organization acting in a nongovernmental capacity' after `organization';

(ii) by inserting `, dating violence' after `assists domestic violence';

(iii) by striking `or domestic violence' and inserting `, domestic violence or dating violence'; and

(iv) by inserting `dating violence,' before `stalking,'; and

(4) in subsection (g), by striking `fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years' and inserting `each of fiscal years 2001 through 2005'.

(b) MATCHING GRANT PROGRAM FOR SCHOOL SECURITY- Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting after part Z the following new part:

`PART AA--MATCHING GRANT PROGRAM FOR SCHOOL SECURITY

`SEC. 2701. PROGRAM AUTHORIZED.

(a) IN GENERAL- The Attorney General is authorized to make grants to States, units of local government, and Indian tribes to provide improved security, including the placement and use of metal detectors and other deterrent measures, at schools and on school grounds.

(b) USES OF FUNDS- Grants awarded under this section shall be distributed directly to the State, unit of local government, or Indian tribe, and shall be used to improve security at schools and on school grounds in the jurisdiction of the grantee through one or more of the following:

(1) Placement and use of metal detectors, locks, lighting, and other deterrent measures.

(2) Security assessments.

(3) Security training of personnel and students.

(4) Coordination with local law enforcement.

(5) Any other measure that, in the determination of the Attorney General, may provide a significant improvement in security.

(c) PREFERENTIAL CONSIDERATION- In awarding grants under this part, the Attorney General shall give preferential consideration, if feasible, to an application from a jurisdiction that has a demonstrated need for improved security, has a demonstrated need for financial assistance, and has evidenced the ability to make the improvements for which the grant amounts are sought.

`(d) MATCHING FUNDS-

`(1) The portion of the costs of a program provided by a grant under subsection (a) may not exceed 50 percent.

`(2) Any funds appropriated by Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of a matching requirement funded under this subsection.

`(3) The Attorney General may provide, in the guidelines implementing this section, for the requirement of paragraph (1) to be waived or altered in the case of a recipient with a financial need for such a waiver or alteration.

`(e) **EQUITABLE DISTRIBUTION-** In awarding grants under this part, the Attorney General shall ensure, to the extent practicable, an equitable geographic distribution among the regions of the United States and among urban, suburban, and rural areas.

`(f) **ADMINISTRATIVE COSTS-** The Attorney General may reserve not more than 2 percent from amounts appropriated to carry out this part for administrative costs.

`SEC. 2702. APPLICATIONS.

`(a) **IN GENERAL-** To request a grant under this part, the chief executive of a State, unit of local government, or Indian tribe shall submit an application to the Attorney General at such time, in such manner, and accompanied by such information as the Attorney General may require. Each application shall--

`(1) include a detailed explanation of--

`(A) the intended uses of funds provided under the grant; and

`(B) how the activities funded under the grant will meet the purpose of this part; and

`(2) be accompanied by an assurance that the application was prepared after consultation with individuals not limited to law enforcement officers (such as school violence researchers, child psychologists, social workers, teachers, principals, and other school personnel) to ensure that the improvements to be funded under the grant are--

`(A) consistent with a comprehensive approach to preventing school violence; and

`(B) individualized to the needs of each school at which those improvements are to be made.

`(b) **GUIDELINES-** Not later than 90 days after the date of the enactment of this part, the Attorney General shall promulgate guidelines to implement this section (including the information that must be included and the requirements that the States, units of local government, and Indian tribes must meet) in submitting the applications required under this section.

`SEC. 2703. ANNUAL REPORT TO CONGRESS.

Not later than November 30th of each year, the Attorney General shall submit a report to the Congress regarding the activities carried out under this part. Each such report shall include, for the preceding fiscal year, the number of grants

funded under this part, the amount of funds provided under those grants, and the activities for which those funds were used.

SEC. 2704. DEFINITIONS.

For purposes of this part--

(1) the term 'school' means a public elementary or secondary school;

(2) the term 'unit of local government' means a county, municipality, town, township, village, parish, borough, or other unit of general government below the State level; and

(3) the term 'Indian tribe' has the same meaning as in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

SEC. 2705. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this part \$30,000,000 for each of fiscal years 2001 through 2003.

SEC. 1109. DATING VIOLENCE.

(a) DEFINITIONS-

(1) SECTION 2003- Section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3996gg-2) is amended--

(A) in paragraph (8), by striking the period at the end and inserting `; and'; and

(B) by adding at the end the following:

(9) the term 'dating violence' means violence committed by a person--

(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

(i) the length of the relationship;

(ii) the type of relationship; and

(iii) the frequency of interaction between the persons involved in the relationship.

(2) SECTION 2105- Section 2105 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh-4) is amended--

(A) in paragraph (1), by striking `and' at the end;

(B) in paragraph (2), by striking the period at the end and inserting `; and'; and

(C) by adding at the end the following:

`(3) the term `dating violence' means violence committed by a person--

`(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and

`(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

`(i) the length of the relationship;

`(ii) the type of relationship; and

`(iii) the frequency of interaction between the persons involved in the relationship.'.

(b) STOP GRANTS- Section 2001(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg(b)) is amended--

(1) in paragraph (1), by striking `sexual assault and domestic violence' and inserting `sexual assault, domestic violence, and dating violence'; and

(2) in paragraph (5), by striking `sexual assault and domestic violence' and inserting `sexual assault, domestic violence, and dating violence'.

(c) GRANTS TO ENCOURAGE ARREST POLICIES- Section 2101(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh(b)) is amended--

(1) in paragraph (2), by inserting `and dating violence' after `domestic violence'; and

(2) in paragraph (5), by inserting `and dating violence' after `domestic violence'.

(d) RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT- Section 40295(a) of the Safe Homes for Women Act of 1994 (42 U.S.C. 13971(a)) is amended--

(1) in paragraph (1), by inserting `and dating violence (as defined in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3996gg-2))' after `domestic violence'; and

(2) in paragraph (2), by inserting `and dating violence (as defined in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3996gg-2))' after `domestic violence'.

TITLE II--STRENGTHENING SERVICES TO VICTIMS OF VIOLENCE

SEC. 1201. LEGAL ASSISTANCE FOR VICTIMS.

(a) IN GENERAL- The purpose of this section is to enable the Attorney General to award grants to increase the availability of legal assistance necessary to provide effective aid to victims of domestic violence, stalking, or sexual assault who are seeking relief in legal matters arising as a consequence of that abuse or violence, at minimal or no cost to the victims.

(b) DEFINITIONS- In this section:

(1) DOMESTIC VIOLENCE- The term `domestic violence' has the meaning given the term in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-2).

(2) LEGAL ASSISTANCE FOR VICTIMS- The term `legal assistance' includes assistance to victims of domestic violence, stalking, and sexual assault in family, immigration, administrative agency, or housing matters, protection or stay away order proceedings, and other similar matters. No funds made available under this section may be used to provide financial assistance in support of any litigation described in paragraph (14) of section 504 of Public Law 104-134.

(3) SEXUAL ASSAULT- The term `sexual assault' has the meaning given the term in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-2).

(c) LEGAL ASSISTANCE FOR VICTIMS GRANTS- The Attorney General may award grants under this subsection to private nonprofit entities, Indian tribal governments, and publicly funded organizations not acting in a governmental capacity such as law schools, and which shall be used--

(1) to implement, expand, and establish cooperative efforts and projects between domestic violence and sexual assault victim services organizations and legal assistance providers to provide legal assistance for victims of domestic violence, stalking, and sexual assault;

(2) to implement, expand, and establish efforts and projects to provide legal assistance for victims of domestic violence, stalking, and sexual assault by organizations with a demonstrated history of providing direct legal or advocacy services on behalf of these victims; and

(3) to provide training, technical assistance, and data collection to improve the capacity of grantees and other entities to offer legal assistance to victims of domestic violence, stalking, and sexual assault.

(d) ELIGIBILITY- To be eligible for a grant under subsection (c), applicants shall certify in writing that--

(1) any person providing legal assistance through a program funded under subsection (c) has completed or will complete training in connection with domestic violence or sexual assault and related legal issues;

(2) any training program conducted in satisfaction of the requirement of paragraph (1) has been or will be developed with input from and in collaboration with a State, local, or tribal domestic violence or sexual assault program or coalition, as well as appropriate State and local law enforcement officials;

(3) any person or organization providing legal assistance through a program funded under subsection (c) has informed and will continue to inform State, local, or tribal domestic violence or sexual assault programs and coalitions, as well as appropriate State and local law enforcement officials of their work; and

(4) the grantee's organizational policies do not require mediation or counseling involving offenders and victims physically together, in cases where sexual assault, domestic violence, or child sexual abuse is an issue.

(e) EVALUATION- The Attorney General may evaluate the grants funded under this section through contracts or other arrangements with entities expert on domestic violence, stalking, and sexual assault, and on evaluation research.

(f) AUTHORIZATION OF APPROPRIATIONS-

(1) **IN GENERAL-** There is authorized to be appropriated to carry out this section \$40,000,000 for each of fiscal years 2001 through 2005.

(2) ALLOCATION OF FUNDS-

(A) **TRIBAL PROGRAMS-** Of the amount made available under this subsection in each fiscal year, not less than 5 percent shall be used for grants for programs that assist victims of domestic violence, stalking, and sexual assault on lands within the jurisdiction of an Indian tribe.

(B) **VICTIMS OF SEXUAL ASSAULT-** Of the amount made available under this subsection in each fiscal year, not less than 25 percent shall be used for direct services, training, and technical assistance to support projects focused solely or primarily on providing legal assistance to victims of sexual assault.

(3) **NONSUPPLANTATION-** Amounts made available under this section shall be used to supplement and not supplant other Federal, State, and local funds expended to further the purpose of this section.

SEC. 1202. SHELTER SERVICES FOR BATTERED WOMEN AND CHILDREN.

(a) **REAUTHORIZATION-** Section 310(a) of the Family Violence Prevention and Services Act (42 U.S.C. 10409(a)) is amended to read as follows:

“(a) **IN GENERAL-** There are authorized to be appropriated to carry out this title \$175,000,000 for each of fiscal years 2001 through 2005.”.

(b) **STATE MINIMUM; REALLOTMENT-** Section 304 of the Family Violence Prevention and Services Act (42 U.S.C. 10403) is amended--

(1) in subsection (a), by striking ‘for grants to States for any fiscal year’ and all that follows and inserting the following: ‘and available for grants to States under this subsection for any fiscal year--

“(1) Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands shall each be allotted not less than 1/8 of 1 percent of the amounts available for grants under section 303(a) for the fiscal year for which the allotment is made; and

“(2) each State shall be allotted for payment in a grant authorized under section 303(a), \$600,000, with the remaining funds to be allotted to each State in an amount that bears the same ratio to such remaining funds as the population of such State bears to the population of all States.”;

(2) in subsection (c), in the first sentence, by inserting ‘and available’ before ‘for grants’; and

(3) by adding at the end the following:

“(e) In subsection (a)(2), the term ‘State’ does not include any jurisdiction specified in subsection (a)(1).”.

SEC. 1203. TRANSITIONAL HOUSING ASSISTANCE FOR VICTIMS OF DOMESTIC VIOLENCE.

Title III of the Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.) is amended by adding at the end the following:

SEC. 319. TRANSITIONAL HOUSING ASSISTANCE.

(a) IN GENERAL- The Secretary shall award grants under this section to carry out programs to provide assistance to individuals, and their dependents--

(1) who are homeless or in need of transitional housing or other housing assistance, as a result of fleeing a situation of domestic violence; and

(2) for whom emergency shelter services are unavailable or insufficient.

(b) ASSISTANCE DESCRIBED- Assistance provided under this section may include--

(1) short-term housing assistance, including rental or utilities payments assistance and assistance with related expenses, such as payment of security deposits and other costs incidental to relocation to transitional housing, in cases in which assistance described in this paragraph is necessary to prevent homelessness because an individual or dependent is fleeing a situation of domestic violence; and

(2) support services designed to enable an individual or dependent who is fleeing a situation of domestic violence to locate and secure permanent housing, and to integrate the individual or dependent into a community, such as transportation, counseling, child care services, case management, employment counseling, and other assistance.

(c) TERM OF ASSISTANCE-

(1) IN GENERAL- Subject to paragraph (2), an individual or dependent assisted under this section may not receive assistance under this section for a total of more than 12 months.

(2) WAIVER- The recipient of a grant under this section may waive the restrictions of paragraph (1) for up to an additional 6-month period with respect to any individual (and dependents of the individual) who has made a good-faith effort to acquire permanent housing and has been unable to acquire the housing.

(d) REPORTS-

(1) REPORT TO SECRETARY-

(A) IN GENERAL- An entity that receives a grant under this section shall annually prepare and submit to the Secretary a report describing the number of individuals and dependents assisted, and the types of housing assistance and support services provided, under this section.

(B) CONTENTS- Each report shall include information on--

(i) the purpose and amount of housing assistance provided to each individual or dependent assisted under this section;

(ii) the number of months each individual or dependent received the assistance;

(iii) the number of individuals and dependents who were eligible to receive the assistance, and to whom the entity could not provide the assistance solely due to a lack of available housing; and

(iv) the type of support services provided to each individual or dependent assisted under this section.

(2) REPORT TO CONGRESS- The Secretary shall annually prepare and submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that contains a compilation of the information contained in reports submitted under paragraph (1).

(e) EVALUATION, MONITORING, AND ADMINISTRATION- Of the amount appropriated under subsection (f) for each fiscal year, not more than 1 percent shall be used by the Secretary for evaluation, monitoring, and administrative costs under this section.

(f) AUTHORIZATION OF APPROPRIATIONS- There are authorized to be appropriated to carry out this section \$25,000,000 for fiscal year 2001.'

SEC. 1204. NATIONAL DOMESTIC VIOLENCE HOTLINE.

Section 316(f) of the Family Violence Prevention and Services Act (42 U.S.C. 10416(f)) is amended by striking paragraph (1) and inserting the following:

(1) IN GENERAL- There are authorized to be appropriated to carry out this section \$2,000,000 for each of fiscal years 2001 through 2005.'

SEC. 1205. FEDERAL VICTIMS COUNSELORS.

Section 40114 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322; 108 Stat. 1910) is amended by striking '(such as District of Columbia)--' and all that follows and inserting '(such as District of Columbia), \$1,000,000 for each of fiscal years 2001 through 2005.'

SEC. 1206. STUDY OF STATE LAWS REGARDING INSURANCE DISCRIMINATION AGAINST VICTIMS OF VIOLENCE AGAINST WOMEN.

(a) IN GENERAL- The Attorney General shall conduct a national study to identify State laws that address discrimination against victims of domestic violence and sexual assault related to issuance or administration of insurance policies.

(b) REPORT- Not later than 1 year after the date of the enactment of this Act, the Attorney General shall submit to Congress a report on the findings and recommendations of the study required by subsection (a).

SEC. 1207. STUDY OF WORKPLACE EFFECTS FROM VIOLENCE AGAINST WOMEN.

The Attorney General shall--

(1) conduct a national survey of plans, programs, and practices developed to assist employers and employees on appropriate responses in the workplace related to victims of domestic violence, stalking, or sexual assault; and

(2) not later than 18 months after the date of the enactment of this Act, submit to Congress a report describing the results of that survey, which report shall include the recommendations of the Attorney General to assist employers and employees affected in the workplace by incidents of domestic violence, stalking, and sexual assault.

SEC. 1208. STUDY OF UNEMPLOYMENT COMPENSATION FOR VICTIMS OF VIOLENCE AGAINST WOMEN.

The Secretary of Labor, in consultation with the Attorney General, shall--

(1) conduct a national study to identify State laws that address the separation from employment of an employee due to circumstances directly resulting from the experience of domestic violence by the employee and circumstances governing that receipt (or nonreceipt) by the employee of unemployment compensation based on such separation; and

(2) not later than 1 year after the date of the enactment of this Act, submit to Congress a report describing the results of that study, together with any recommendations based on that study.

SEC. 1209. ENHANCING PROTECTIONS FOR OLDER AND DISABLED WOMEN FROM DOMESTIC VIOLENCE AND SEXUAL ASSAULT.

(a) ELDER ABUSE, NEGLECT, AND EXPLOITATION- The Violence Against Women Act of 1994 (108 Stat. 1902 et seq.) is amended by adding at the end the following:

Subtitle H--Elder Abuse, Neglect, and Exploitation, Including Domestic Violence and Sexual Assault Against Older or Disabled Individuals

SEC. 40801. DEFINITIONS.

In this subtitle:

(1) IN GENERAL- The terms 'elder abuse, neglect, and exploitation', and 'older individual' have the meanings given the terms in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002).

(2) DOMESTIC VIOLENCE- The term 'domestic violence' has the meaning given such term by section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-2).

(3) SEXUAL ASSAULT- The term 'sexual assault' has the meaning given the term in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-2).

SEC. 40802. TRAINING PROGRAMS FOR LAW ENFORCEMENT OFFICERS.

The Attorney General may make grants for training programs to assist law enforcement officers, prosecutors, and relevant officers of Federal, State, tribal, and local courts in recognizing, addressing, investigating, and prosecuting instances of elder abuse, neglect, and exploitation and violence against individuals with disabilities, including domestic violence and sexual assault, against older or disabled individuals.

SEC. 40803. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this subtitle \$5,000,000 for each of fiscal years 2001 through 2005.

(b) PROTECTIONS FOR OLDER AND DISABLED INDIVIDUALS FROM DOMESTIC VIOLENCE AND SEXUAL ASSAULT IN PRO-ARREST GRANTS- Section 2101(b) of part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh et seq.) is amended by adding at the end the following:

(8) To develop or strengthen policies and training for police, prosecutors, and the judiciary in recognizing, investigating, and prosecuting instances of domestic violence and sexual assault against older individuals (as defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002)) and individuals with disabilities (as defined in section 3(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(2))).

(c) **PROTECTIONS FOR OLDER AND DISABLED INDIVIDUALS FROM DOMESTIC VIOLENCE AND SEXUAL ASSAULT IN STOP GRANTS-** Section 2001(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg(b)) (as amended by section 1103(b) of this division) is amended by adding at the end the following:

'(10) developing, enlarging, or strengthening programs to assist law enforcement, prosecutors, courts, and others to address the needs and circumstances of older and disabled women who are victims of domestic violence or sexual assault, including recognizing, investigating, and prosecuting instances of such violence or assault and targeting outreach and support, counseling, and other victim services to such older and disabled individuals; and'

TITLE III--LIMITING THE EFFECTS OF VIOLENCE ON CHILDREN

SEC. 1301. SAFE HAVENS FOR CHILDREN PILOT PROGRAM.

(a) **IN GENERAL-** The Attorney General may award grants to States, units of local government, and Indian tribal governments that propose to enter into or expand the scope of existing contracts and cooperative agreements with public or private nonprofit entities to provide supervised visitation and safe visitation exchange of children by and between parents in situations involving domestic violence, child abuse, sexual assault, or stalking.

(b) **CONSIDERATIONS-** In awarding grants under subsection (a), the Attorney General shall take into account--

(1) the number of families to be served by the proposed visitation programs and services;

(2) the extent to which the proposed supervised visitation programs and services serve underserved populations (as defined in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-2));

(3) with respect to an applicant for a contract or cooperative agreement, the extent to which the applicant demonstrates cooperation and collaboration with nonprofit, nongovernmental entities in the local community served, including the State or tribal domestic violence coalition, State or tribal sexual assault coalition, local shelters, and programs for domestic violence and sexual assault victims; and

(4) the extent to which the applicant demonstrates coordination and collaboration with State and local court systems, including mechanisms for communication and referral.

(c) **APPLICANT REQUIREMENTS-** The Attorney General shall award grants for contracts and cooperative agreements to applicants that--

(1) demonstrate expertise in the area of family violence, including the areas of domestic violence or sexual assault, as appropriate;

(2) ensure that any fees charged to individuals for use of programs and services are based on the income of those individuals, unless otherwise provided by court order;

(3) demonstrate that adequate security measures, including adequate facilities, procedures, and personnel capable of preventing violence, are in place for the operation of supervised visitation programs and services or safe visitation exchange; and

(4) prescribe standards by which the supervised visitation or safe visitation exchange will occur.

(d) REPORTING-

(1) **IN GENERAL-** Not later than 1 year after the last day of the first fiscal year commencing on or after the date of the enactment of this Act, and not later than 180 days after the last day of each fiscal year thereafter, the Attorney General shall submit to Congress a report that includes information concerning--

(A) the number of--

(i) individuals served and the number of individuals turned away from visitation programs and services and safe visitation exchange (categorized by State);

(ii) the number of individuals from underserved populations served and turned away from services; and

(iii) the type of problems that underlie the need for supervised visitation or safe visitation exchange, such as domestic violence, child abuse, sexual assault, other physical abuse, or a combination of such factors;

(B) the numbers of supervised visitations or safe visitation exchanges ordered under this section during custody determinations under a separation or divorce decree or protection order, through child protection services or other social services agencies, or by any other order of a civil, criminal, juvenile, or family court;

(C) the process by which children or abused partners are protected during visitations, temporary custody transfers, and other activities for which supervised visitation is established under this section;

(D) safety and security problems occurring during the reporting period during supervised visitation under this section, including the number of parental abduction cases; and

(E) the number of parental abduction cases in a judicial district using supervised visitation programs and services under this section, both as identified in criminal prosecution and custody violations.

(2) **GUIDELINES-** The Attorney General shall establish guidelines for the collection and reporting of data under this subsection.

(e) **AUTHORIZATION OF APPROPRIATIONS-** There is authorized to be appropriated to carry out this section \$15,000,000 for each of fiscal years 2001 and 2002.

(f) **ALLOTMENT FOR INDIAN TRIBES-** Not less than 5 percent of the total amount made available for each fiscal year to carry out this section shall be available for grants to Indian tribal governments.

SEC. 1302. REAUTHORIZATION OF VICTIMS OF CHILD ABUSE PROGRAMS.

(a) **COURT-APPOINTED SPECIAL ADVOCATE PROGRAM-** Section 218 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13014) is amended by striking subsection (a) and inserting the following:

“(a) **AUTHORIZATION-** There is authorized to be appropriated to carry out this subtitle \$12,000,000 for each of fiscal years 2001 through 2005.”.

(b) **CHILD ABUSE TRAINING PROGRAMS FOR JUDICIAL PERSONNEL AND PRACTITIONERS-** Section 224 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13024) is amended by striking subsection (a) and inserting the following:

`(a) **AUTHORIZATION-** There is authorized to be appropriated to carry out this subtitle \$2,300,000 for each of fiscal years 2001 through 2005.'.

(c) **GRANTS FOR TELEVISED TESTIMONY-** Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by striking paragraph (7) and inserting the following:

`(7) There is authorized to be appropriated to carry out part N \$1,000,000 for each of fiscal years 2001 through 2005.'.

(d) **DISSEMINATION OF INFORMATION-** The Attorney General shall--

(1) annually compile and disseminate information (including through electronic publication) about the use of amounts expended and the projects funded under section 218(a) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13014(a)), section 224(a) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13024(a)), and section 1007(a)(7) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(7)), including any evaluations of the projects and information to enable replication and adoption of the strategies identified in the projects; and

(2) focus dissemination of the information described in paragraph (1) toward community-based programs, including domestic violence and sexual assault programs.

SEC. 1303. REPORT ON EFFECTS OF PARENTAL KIDNAPPING LAWS IN DOMESTIC VIOLENCE CASES.

(a) **IN GENERAL-** The Attorney General shall--

(1) conduct a study of Federal and State laws relating to child custody, including custody provisions in protection orders, the Uniform Child Custody Jurisdiction and Enforcement Act adopted by the National Conference of Commissioners on Uniform State Laws in July 1997, the Parental Kidnaping Prevention Act of 1980 and the amendments made by that Act, and the effect of those laws on child custody cases in which domestic violence is a factor; and

(2) submit to Congress a report describing the results of that study, including the effects of implementing or applying model State laws, and the recommendations of the Attorney General to reduce the incidence or pattern of violence against women or of sexual assault of the child.

(b) **SUFFICIENCY OF DEFENSES-** In carrying out subsection (a) with respect to the Parental Kidnaping Prevention Act of 1980 and the amendments made by that Act, the Attorney General shall examine the sufficiency of defenses to parental abduction charges available in cases involving domestic violence, and the burdens and risks encountered by victims of domestic violence arising from jurisdictional requirements of that Act and the amendments made by that Act.

(c) **AUTHORIZATION OF APPROPRIATIONS-** There is authorized to be appropriated to carry out this section \$200,000 for fiscal year 2001.

(d) **CONDITION FOR CUSTODY DETERMINATION-** Section 1738A(c)(2)(C)(ii) of title 28, United States Code, is amended by striking `he' and inserting `the child, a sibling, or parent of the child'.

TITLE IV--STRENGTHENING EDUCATION AND TRAINING TO COMBAT VIOLENCE AGAINST WOMEN

SEC. 1401. RAPE PREVENTION AND EDUCATION.

(a) IN GENERAL- Part J of title III of the Public Health Service Act (42 U.S.C. 280b et seq.) is amended by inserting after section 393A the following:

SEC. 393B. USE OF ALLOTMENTS FOR RAPE PREVENTION EDUCATION.

(a) PERMITTED USE- The Secretary, acting through the National Center for Injury Prevention and Control at the Centers for Disease Control and Prevention, shall award targeted grants to States to be used for rape prevention and education programs conducted by rape crisis centers, State sexual assault coalitions, and other public and private nonprofit entities for--

(1) educational seminars;

(2) the operation of hotlines;

(3) training programs for professionals;

(4) the preparation of informational material;

(5) education and training programs for students and campus personnel designed to reduce the incidence of sexual assault at colleges and universities;

(6) education to increase awareness about drugs used to facilitate rapes or sexual assaults; and

(7) other efforts to increase awareness of the facts about, or to help prevent, sexual assault, including efforts to increase awareness in underserved communities and awareness among individuals with disabilities (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)).

(b) COLLECTION AND DISSEMINATION OF INFORMATION ON SEXUAL ASSAULT- The Secretary shall, through the National Resource Center on Sexual Assault established under the National Center for Injury Prevention and Control at the Centers for Disease Control and Prevention, provide resource information, policy, training, and technical assistance to Federal, State, local, and Indian tribal agencies, as well as to State sexual assault coalitions and local sexual assault programs and to other professionals and interested parties on issues relating to sexual assault, including maintenance of a central resource library in order to collect, prepare, analyze, and disseminate information and statistics and analyses thereof relating to the incidence and prevention of sexual assault.

(c) AUTHORIZATION OF APPROPRIATIONS-

(1) IN GENERAL- There is authorized to be appropriated to carry out this section \$80,000,000 for each of fiscal years 2001 through 2005.

(2) NATIONAL RESOURCE CENTER ALLOTMENT- Of the total amount made available under this subsection in each fiscal year, not more than the greater of \$1,000,000 or 2 percent of such amount shall be available for allotment under subsection (b).

(d) LIMITATIONS-

(1) SUPPLEMENT NOT SUPPLANT- Amounts provided to States under this section shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide services of the type described in subsection (a).

(2) STUDIES- A State may not use more than 2 percent of the amount received by the State under this section for each fiscal year for surveillance studies or prevalence studies.

(3) ADMINISTRATION- A State may not use more than 5 percent of the amount received by the State under this section for each fiscal year for administrative expenses.'

(b) REPEAL- Section 40151 of the Violence Against Women Act of 1994 (108 Stat. 1920), and the amendment made by such section, is repealed.

SEC. 1402. EDUCATION AND TRAINING TO END VIOLENCE AGAINST AND ABUSE OF WOMEN WITH DISABILITIES.

(a) IN GENERAL- The Attorney General, in consultation with the Secretary of Health and Human Services, may award grants to States, units of local government, Indian tribal governments, and nongovernmental private entities to provide education and technical assistance for the purpose of providing training, consultation, and information on domestic violence, stalking, and sexual assault against women who are individuals with disabilities (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)).

(b) PRIORITIES- In awarding grants under this section, the Attorney General shall give priority to applications designed to provide education and technical assistance on--

(1) the nature, definition, and characteristics of domestic violence, stalking, and sexual assault experienced by women who are individuals with disabilities;

(2) outreach activities to ensure that women who are individuals with disabilities who are victims of domestic violence, stalking, and sexual assault receive appropriate assistance;

(3) the requirements of shelters and victim services organizations under Federal anti-discrimination laws, including the Americans with Disabilities Act of 1990 and section 504 of the Rehabilitation Act of 1973; and

(4) cost-effective ways that shelters and victim services may accommodate the needs of individuals with disabilities in accordance with the Americans with Disabilities Act of 1990.

(c) USES OF GRANTS- Each recipient of a grant under this section shall provide information and training to organizations and programs that provide services to individuals with disabilities, including independent living centers, disability-related service organizations, and domestic violence programs providing shelter or related assistance.

(d) AUTHORIZATION OF APPROPRIATIONS- There is authorized to be appropriated to carry out this section \$7,500,000 for each of fiscal years 2001 through 2005.

SEC. 1403. COMMUNITY INITIATIVES.

Section 318 of the Family Violence Prevention and Services Act (42 U.S.C. 10418) is amended by striking subsection (h) and inserting the following:

(h) AUTHORIZATION OF APPROPRIATIONS- There are authorized to be appropriated to carry out this section \$6,000,000 for each of fiscal years 2001 through 2005.'

SEC. 1404. DEVELOPMENT OF RESEARCH AGENDA IDENTIFIED BY THE VIOLENCE AGAINST WOMEN ACT OF 1994.

(a) IN GENERAL- The Attorney General shall--

(1) direct the National Institute of Justice, in consultation and coordination with the Bureau of Justice Statistics and the National Academy of Sciences, through its National Research Council, to develop a research agenda based on the recommendations contained in the report entitled 'Understanding Violence Against Women' of the National Academy of Sciences; and

(2) not later than 1 year after the date of the enactment of this Act, in consultation with the Secretary of the Department of Health and Human Services, submit to Congress a report which shall include--

(A) a description of the research agenda developed under paragraph (1) and a plan to implement that agenda; and

(B) recommendations for priorities in carrying out that agenda to most effectively advance knowledge about and means by which to prevent or reduce violence against women.

(b) AUTHORIZATION OF APPROPRIATIONS- There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 1405. STANDARDS, PRACTICE, AND TRAINING FOR SEXUAL ASSAULT FORENSIC EXAMINATIONS.

(a) IN GENERAL- The Attorney General shall--

(1) evaluate existing standards of training and practice for licensed health care professionals performing sexual assault forensic examinations and develop a national recommended standard for training;

(2) recommend sexual assault forensic examination training for all health care students to improve the recognition of injuries suggestive of rape and sexual assault and baseline knowledge of appropriate referrals in victim treatment and evidence collection; and

(3) review existing national, State, tribal, and local protocols on sexual assault forensic examinations, and based on this review, develop a recommended national protocol and establish a mechanism for its nationwide dissemination.

(b) CONSULTATION- The Attorney General shall consult with national, State, tribal, and local experts in the area of rape and sexual assault, including rape crisis centers, State and tribal sexual assault and domestic violence coalitions and programs, and programs for criminal justice, forensic nursing, forensic science, emergency room medicine, law, social services, and sex crimes in underserved communities (as defined in section 2003(7) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-2(7)), as amended by this division).

(c) REPORT- The Attorney General shall ensure that not later than 1 year after the date of the enactment of this Act, a report of the actions taken pursuant to subsection (a) is submitted to Congress.

(d) AUTHORIZATION OF APPROPRIATIONS- There is authorized to be appropriated to carry out this section \$200,000 for fiscal year 2001.

SEC. 1406. EDUCATION AND TRAINING FOR JUDGES AND COURT PERSONNEL.**(a) GRANTS FOR EDUCATION AND TRAINING FOR JUDGES AND COURT PERSONNEL IN STATE COURTS-**

(1) SECTION 40412- Section 40412 of the Equal Justice for Women in the Courts Act of 1994 (42 U.S.C. 13992) is amended--

(A) by striking `and' at the end of paragraph (18);

(B) by striking the period at the end of paragraph (19) and inserting a semicolon; and

(C) by inserting after paragraph (19) the following:

`(20) the issues raised by domestic violence in determining custody and visitation, including how to protect the safety of the child and of a parent who is not a predominant aggressor of domestic violence, the legitimate reasons parents may report domestic violence, the ways domestic violence may relate to an abuser's desire to seek custody, and evaluating expert testimony in custody and visitation determinations involving domestic violence;

`(21) the issues raised by child sexual assault in determining custody and visitation, including how to protect the safety of the child, the legitimate reasons parents may report child sexual assault, and evaluating expert testimony in custody and visitation determinations involving child sexual assault, including the current scientifically-accepted and empirically valid research on child sexual assault;

`(22) the extent to which addressing domestic violence and victim safety contributes to the efficient administration of justice;'.

(2) SECTION 40414- Section 40414(a) of the Equal Justice for Women in the Courts Act of 1994 (42 U.S.C. 13994(a)) is amended by inserting `and \$1,500,000 for each of the fiscal years 2001 through 2005' after `1996'.

(b) GRANTS FOR EDUCATION AND TRAINING FOR JUDGES AND COURT PERSONNEL IN FEDERAL COURTS-

(1) SECTION 40421- Section 40421(d) of the Equal Justice for Women in the Courts Act of 1994 (42 U.S.C. 14001(d)) is amended to read as follows:

`(d) CONTINUING EDUCATION AND TRAINING PROGRAMS- The Federal Judicial Center, in carrying out section 620(b)(3) of title 28, United States Code, shall include in the educational programs it prepares, including the training programs for newly appointed judges, information on the aspects of the topics listed in section 40412 that pertain to issues within the jurisdiction of the Federal courts, and shall prepare materials necessary to implement this subsection.'.

(2) SECTION 40422- Section 40422(2) of the Equal Justice for Women in the Courts Act of 1994 (42 U.S.C. 14002(2)) is amended by inserting `and \$500,000 for each of the fiscal years 2001 through 2005' after `1996'.

(c) TECHNICAL AMENDMENTS TO THE EQUAL JUSTICE FOR WOMEN IN THE COURTS ACT OF 1994-

(1) ENSURING COLLABORATION WITH DOMESTIC VIOLENCE AND SEXUAL ASSAULT PROGRAMS- Section 40413 of the Equal Justice for Women in the Courts Act of 1994 (42 U.S.C. 13993) is amended by adding `, including

national, State, tribal, and local domestic violence and sexual assault programs and coalitions' after `victim advocates'.

(2) PARTICIPATION OF TRIBAL COURTS IN STATE TRAINING AND EDUCATION PROGRAMS- Section 40411 of the Equal Justice for Women in the Courts Act of 1994 (42 U.S.C. 13991) is amended by adding at the end the following:
 `Nothing shall preclude the attendance of tribal judges and court personnel at programs funded under this section for States to train judges and court personnel on the laws of the States.'

(3) USE OF FUNDS FOR DISSEMINATION OF MODEL PROGRAMS- Section 40414 of the Equal Justice for Women in the Courts Act of 1994 (42 U.S.C. 13994) is amended by adding at the end the following:

`(c) STATE JUSTICE INSTITUTE- The State Justice Institute may use up to 5 percent of the funds appropriated under this section for annually compiling and broadly disseminating (including through electronic publication) information about the use of funds and about the projects funded under this section, including any evaluations of the projects and information to enable the replication and adoption of the projects.'

(d) DATING VIOLENCE-

(1) SECTION 40411- Section 40411 of the Equal Justice for Women in Courts Act of 1994 (42 U.S.C 13991) is amended by inserting `dating violence,' after `domestic violence,'.

(2) SECTION 40412- Section 40412 of such Act (42 U.S.C 13992) is amended--

(A) in paragraph (10), by inserting `and dating violence (as defined in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3996gg-2))' before the semicolon;

(B) in paragraph (11), by inserting `and dating violence' after `domestic violence';

(C) in paragraph (13), by inserting `and dating violence' after `domestic violence' in both places that it appears;

(D) in paragraph (17), by inserting `or dating violence' after `domestic violence' in both places that it appears; and

(E) in paragraph (18), by inserting `and dating violence' after `domestic violence'.

SEC. 1407. DOMESTIC VIOLENCE TASK FORCE

The Violence Against Women Act of 1994 (108 Stat. 1902 et seq.) (as amended by section 1209(a) of this division) is amended by adding at the end the following:

`Subtitle I--Domestic Violence Task Force

`SEC. 40901. TASK FORCE.

`(a) ESTABLISH- The Attorney General, in consultation with national nonprofit, nongovernmental organizations whose primary expertise is in domestic violence, shall establish a task force to coordinate research on domestic violence and to report to Congress on any overlapping or duplication of efforts on domestic violence issues. The task force shall be comprised of representatives from all Federal agencies that fund such research.

`(b) USES OF FUNDS- Funds appropriated under this section shall be used to--

- (1) develop a coordinated strategy to strengthen research focused on domestic violence education, prevention, and intervention strategies;
- (2) track and report all Federal research and expenditures on domestic violence; and
- (3) identify gaps and duplication of efforts in domestic violence research and governmental expenditures on domestic violence issues.
- (c) REPORT- The Task Force shall report to Congress annually on its work under subsection (b).
- (d) DEFINITION- For purposes of this section, the term 'domestic violence' has the meaning given such term by section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-2(1)).
- (e) AUTHORIZATION OF APPROPRIATIONS- There is authorized to be appropriated to carry out this section \$500,000 for each of fiscal years 2001 through 2004.'

TITLE V--BATTERED IMMIGRANT WOMEN

SEC. 1501. SHORT TITLE.

This title may be cited as the 'Battered Immigrant Women Protection Act of 2000'.

SEC. 1502. FINDINGS AND PURPOSES.

(a) FINDINGS- Congress finds that--

- (1) the goal of the immigration protections for battered immigrants included in the Violence Against Women Act of 1994 was to remove immigration laws as a barrier that kept battered immigrant women and children locked in abusive relationships;
- (2) providing battered immigrant women and children who were experiencing domestic violence at home with protection against deportation allows them to obtain protection orders against their abusers and frees them to cooperate with law enforcement and prosecutors in criminal cases brought against their abusers and the abusers of their children without fearing that the abuser will retaliate by withdrawing or threatening withdrawal of access to an immigration benefit under the abuser's control; and
- (3) there are several groups of battered immigrant women and children who do not have access to the immigration protections of the Violence Against Women Act of 1994 which means that their abusers are virtually immune from prosecution because their victims can be deported as a result of action by their abusers and the Immigration and Naturalization Service cannot offer them protection no matter how compelling their case under existing law.

(b) PURPOSES- The purposes of this title are--

- (1) to remove barriers to criminal prosecutions of persons who commit acts of battery or extreme cruelty against immigrant women and children; and
- (2) to offer protection against domestic violence occurring in family and intimate relationships that are covered in State and tribal protection orders, domestic violence, and family law statutes.

SEC. 1503. IMPROVED ACCESS TO IMMIGRATION PROTECTIONS OF THE VIOLENCE AGAINST WOMEN ACT OF 1994 FOR BATTERED IMMIGRANT WOMEN.

(a) INTENDED SPOUSE DEFINED- Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) is amended by adding at the end the following:

`(50) The term `intended spouse' means any alien who meets the criteria set forth in section 204(a)(1)(A)(iii)(II)(aa)(BB), 204(a)(1)(B)(ii)(II)(aa)(BB), or 240A(b)(2)(A)(i)(III).'

(b) IMMEDIATE RELATIVE STATUS FOR SELF-PETITIONERS MARRIED TO U.S. CITIZENS-

(1) SELF-PETITIONING SPOUSES-

(A) BATTERY OR CRUELTY TO ALIEN OR ALIEN'S CHILD- Section 204(a)(1)(A)(iii) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)(iii)) is amended to read as follows:

`(iii)(I) An alien who is described in subclause (II) may file a petition with the Attorney General under this clause for classification of the alien (and any child of the alien) if the alien demonstrates to the Attorney General that--

`(aa) the marriage or the intent to marry the United States citizen was entered into in good faith by the alien; and

`(bb) during the marriage or relationship intended by the alien to be legally a marriage, the alien or a child of the alien has been battered or has been the subject of extreme cruelty perpetrated by the alien's spouse or intended spouse.

`(II) For purposes of subclause (I), an alien described in this subclause is an alien--

`(aa)(AA) who is the spouse of a citizen of the United States;

`(BB) who believed that he or she had married a citizen of the United States and with whom a marriage ceremony was actually performed and who otherwise meets any applicable requirements under this Act to establish the existence of and bona fides of a marriage, but whose marriage is not legitimate solely because of the bigamy of such citizen of the United States; or

`(CC) who was a bona fide spouse of a United States citizen within the past 2 years and--

`(aaa) whose spouse died within the past 2 years;

`(bbb) whose spouse lost or renounced citizenship status within the past 2 years related to an incident of domestic violence; or

`(ccc) who demonstrates a connection between the legal termination of the marriage within the past 2 years and battering or extreme cruelty by the United States citizen spouse;

`(bb) who is a person of good moral character;

`(cc) who is eligible to be classified as an immediate relative under section 201(b)(2)(A)(i) or who would have been so classified but for the bigamy of the citizen of the United States that the alien intended to marry; and

`(dd) who has resided with the alien's spouse or intended spouse.'

(2) SELF-PETITIONING CHILDREN- Section 204(a)(1)(A)(iv) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)(iv)) is amended to read as follows:

`(iv) An alien who is the child of a citizen of the United States, or who was a child of a United States citizen parent who within the past 2 years lost or renounced citizenship status related to an incident of domestic violence, and who is a person of good moral character, who is eligible to be classified as an immediate relative under section 201(b)(2)(A)(i), and who resides, or has resided in the past, with the citizen parent may file a petition with the Attorney General under this subparagraph for classification of the alien (and any child of the alien) under such section if the alien demonstrates to the Attorney General that the alien has been battered by or has been the subject of extreme cruelty perpetrated by the alien's citizen parent. For purposes of this clause, residence includes any period of visitation.'

(3) FILING OF PETITIONS- Section 204(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)) is amended by adding at the end the following:

`(v) An alien who--

`(I) is the spouse, intended spouse, or child living abroad of a citizen who--

`(aa) is an employee of the United States Government;

`(bb) is a member of the uniformed services (as defined in section 101(a) of title 10, United States Code); or

`(cc) has subjected the alien or the alien's child to battery or extreme cruelty in the United States; and

`(II) is eligible to file a petition under clause (iii) or (iv),

shall file such petition with the Attorney General under the procedures that apply to self-petitioners under clause (iii) or (iv), as applicable.'

(c) SECOND PREFERENCE IMMIGRATION STATUS FOR SELF-PETITIONERS MARRIED TO LAWFUL PERMANENT RESIDENTS-

(1) SELF-PETITIONING SPOUSES- Section 204(a)(1)(B)(ii) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(B)(ii)) is amended to read as follows:

`(ii)(I) An alien who is described in subclause (II) may file a petition with the Attorney General under this clause for classification of the alien (and any child of the alien) if such a child has not been classified under clause (iii) of section 203(a)(2)(A) and if the alien demonstrates to the Attorney General that--

`(aa) the marriage or the intent to marry the lawful permanent resident was entered into in good faith by the alien; and

`(bb) during the marriage or relationship intended by the alien to be legally a marriage, the alien or a child of the alien has been battered or has been the subject of extreme cruelty perpetrated by the alien's spouse or intended spouse.

`(II) For purposes of subclause (I), an alien described in this paragraph is an alien--

`(aa)(AA) who is the spouse of a lawful permanent resident of the United States; or

`(BB) who believed that he or she had married a lawful permanent resident of the United States and with whom a marriage ceremony was actually performed and who otherwise meets any applicable requirements under this Act to establish the existence of and bona fides of a marriage, but whose marriage is not legitimate solely because of the bigamy of such lawful permanent resident of the United States; or

`(CC) who was a bona fide spouse of a lawful permanent resident within the past 2 years and--

`(aaa) whose spouse lost status within the past 2 years due to an incident of domestic violence; or

`(bbb) who demonstrates a connection between the legal termination of the marriage within the past 2 years and battering or extreme cruelty by the lawful permanent resident spouse;

`(bb) who is a person of good moral character;

`(cc) who is eligible to be classified as a spouse of an alien lawfully admitted for permanent residence under section 203(a)(2)(A) or who would have been so classified but for the bigamy of the lawful permanent resident of the United States that the alien intended to marry; and

`(dd) who has resided with the alien's spouse or intended spouse.'

(2) SELF-PETITIONING CHILDREN- Section 204(a)(1)(B)(iii) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(B)(iii)) is amended to read as follows:

`(iii) An alien who is the child of an alien lawfully admitted for permanent residence, or who was the child of a lawful permanent resident who within the past 2 years lost lawful permanent resident status due to an incident of domestic violence, and who is a person of good moral character, who is eligible for classification under section 203(a)(2)(A), and who resides, or has resided in the past, with the alien's permanent resident alien parent may file a petition with the Attorney General under this subparagraph for classification of the alien (and any child of the alien) under such section if the alien demonstrates to the Attorney General that the alien has been battered by or has been the subject of extreme cruelty perpetrated by the alien's permanent resident parent.'

(3) FILING OF PETITIONS- Section 204(a)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(B)) is amended by adding at the end the following:

`(iv) An alien who--

`(I) is the spouse, intended spouse, or child living abroad of a lawful permanent resident who--

`(aa) is an employee of the United States Government;

`(bb) is a member of the uniformed services (as defined in section 101(a) of title 10, United States Code); or

`(cc) has subjected the alien or the alien's child to battery or extreme cruelty in the United States; and

`(II) is eligible to file a petition under clause (ii) or (iii),

shall file such petition with the Attorney General under the procedures that apply to self-petitioners under clause (ii) or (iii), as applicable.'

(d) GOOD MORAL CHARACTER DETERMINATIONS FOR SELF-PETITIONERS AND TREATMENT OF CHILD SELF-PETITIONERS AND PETITIONS INCLUDING DERIVATIVE CHILDREN ATTAINING 21 YEARS OF AGE- Section 204(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)) is amended--

(1) by redesignating subparagraphs (C) through (H) as subparagraphs (E) through (J), respectively;

(2) by inserting after subparagraph (B) the following:

`(C) Notwithstanding section 101(f), an act or conviction that is waivable with respect to the petitioner for purposes of a determination of the petitioner's admissibility under section 212(a) or deportability under section 237(a) shall not bar the Attorney General from finding the petitioner to be of good moral character under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) if the Attorney General finds that the act or conviction was connected to the alien's having been battered or subjected to extreme cruelty.

`(D)(i)(I) Any child who attains 21 years of age who has filed a petition under clause (iv) of section 204(a)(1)(A) that was filed or approved before the date on which the child attained 21 years of age shall be considered (if the child has not been admitted or approved for lawful permanent residence by the date the child attained 21 years of age) a petitioner for preference status under paragraph (1), (2), or (3) of section 203(a), whichever paragraph is applicable, with the same priority date assigned to the self-petition filed under clause (iv) of section 204(a)(1)(A). No new petition shall be required to be filed.

`(II) Any individual described in subclause (I) is eligible for deferred action and work authorization.

`(III) Any derivative child who attains 21 years of age who is included in a petition described in clause (ii) that was filed or approved before the date on which the child attained 21 years of age shall be considered (if the child has not been admitted or approved for lawful permanent residence by the date the child attained 21 years of age) a petitioner for preference status under paragraph (1), (2), or (3) of section 203(a), whichever paragraph is applicable, with the same priority date as that assigned to the petitioner in any petition described in clause (ii). No new petition shall be required to be filed.

`(IV) Any individual described in subclause (III) and any derivative child of a petition described in clause (ii) is eligible for deferred action and work authorization.

`(ii) The petition referred to in clause (i)(III) is a petition filed by an alien under subparagraph (A)(iii), (A)(iv), (B)(ii) or (B)(iii) in which the child is included as a derivative beneficiary.'; and

(3) in subparagraph (J) (as so redesignated), by inserting `or in making determinations under subparagraphs (C) and (D),' after `subparagraph (B),'.

(e) ACCESS TO NATURALIZATION FOR DIVORCED VICTIMS OF ABUSE- Section 319(a) of the Immigration and Nationality Act (8 U.S.C. 1430(a)) is amended--

(1) by inserting `, or any person who obtained status as a lawful permanent resident by reason of his or her status as a spouse or child of a United States citizen who battered him or her or subjected him or her to extreme cruelty,' after `United States' the first place such term appears; and

(2) by inserting `(except in the case of a person who has been battered or subjected to extreme cruelty by a United States citizen spouse or parent)' after `has been living in marital union with the citizen spouse'.

SEC. 1504. IMPROVED ACCESS TO CANCELLATION OF REMOVAL AND SUSPENSION OF DEPORTATION UNDER THE VIOLENCE AGAINST WOMEN ACT OF 1994.

(a) CANCELLATION OF REMOVAL AND ADJUSTMENT OF STATUS FOR CERTAIN NONPERMANENT RESIDENTS- Section 240A(b)(2) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)(2)) is amended to read as follows:

`(2) SPECIAL RULE FOR BATTERED SPOUSE OR CHILD-

`(A) AUTHORITY- The Attorney General may cancel removal of, and adjust to the status of an alien lawfully admitted for permanent residence, an alien who is inadmissible or deportable from the United States if the alien demonstrates that--

`(i)(I) the alien has been battered or subjected to extreme cruelty by a spouse or parent who is or was a United States citizen (or is the parent of a child of a United States citizen and the child has been battered or subjected to extreme cruelty by such citizen parent);

`(II) the alien has been battered or subjected to extreme cruelty by a spouse or parent who is or was a lawful permanent resident (or is the parent of a child of an alien who is or was a lawful permanent resident and the child has been battered or subjected to extreme cruelty by such permanent resident parent); or

`(III) the alien has been battered or subjected to extreme cruelty by a United States citizen or lawful permanent resident whom the alien intended to marry, but whose marriage is not legitimate because of that United States citizen's or lawful permanent resident's bigamy;

`(ii) the alien has been physically present in the United States for a continuous period of not less than 3 years immediately preceding the date of such application, and the issuance of a charging document for removal proceedings shall not toll the 3-year period of continuous physical presence in the United States;

`(iii) the alien has been a person of good moral character during such period, subject to the provisions of subparagraph (C);

`(iv) the alien is not inadmissible under paragraph (2) or (3) of section 212(a), is not deportable under paragraphs (1)(G) or (2) through (4) of section 237(a) (except in a case described in section 237(a)(7) where the Attorney General exercises discretion to grant a waiver), and has not been convicted of an aggravated felony; and

(v) the removal would result in extreme hardship to the alien, the alien's child, or the alien's parent.

(B) PHYSICAL PRESENCE- Notwithstanding subsection (d)(2), for purposes of subparagraph (A)(i)(II) or for purposes of section 244(a)(3) (as in effect before the title III-A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996), an alien shall not be considered to have failed to maintain continuous physical presence by reason of an absence if the alien demonstrates a connection between the absence and the battering or extreme cruelty perpetrated against the alien. No absence or portion of an absence connected to the battering or extreme cruelty shall count toward the 90-day or 180-day limits established in subsection (d)(2). If any absence or aggregate absences exceed 180 days, the absences or portions of the absences will not be considered to break the period of continuous presence. Any such period of time excluded from the 180-day limit shall be excluded in computing the time during which the alien has been physically present for purposes of the 3-year requirement set forth in section 240A(b)(2) (B) and section 244(a)(3) (as in effect before the title III-A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996).

(C) GOOD MORAL CHARACTER- Notwithstanding section 101(f), an act or conviction that does not bar the Attorney General from granting relief under this paragraph by reason of subparagraph (A)(iv) shall not bar the Attorney General from finding the alien to be of good moral character under subparagraph (A)(i)(III) or section 244(a)(3) (as in effect before the title III-A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996), if the Attorney General finds that the act or conviction was connected to the alien's having been battered or subjected to extreme cruelty and determines that a waiver is otherwise warranted.

(D) CREDIBLE EVIDENCE CONSIDERED- In acting on applications under this paragraph, the Attorney General shall consider any credible evidence relevant to the application. The determination of what evidence is credible and the weight to be given that evidence shall be within the sole discretion of the Attorney General.

(b) CHILDREN OF BATTERED ALIENS AND PARENTS OF BATTERED ALIEN CHILDREN- Section 240A(b) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)) is amended by adding at the end the following:

(4) CHILDREN OF BATTERED ALIENS AND PARENTS OF BATTERED ALIEN CHILDREN-

(A) IN GENERAL- The Attorney General shall grant parole under section 212(d)(5) to any alien who is a--

(i) child of an alien granted relief under section 240A(b)(2) or 244(a)(3) (as in effect before the title III-A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996); or

(ii) parent of a child alien granted relief under section 240A(b)(2) or 244(a)(3) (as in effect before the title III-A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996).

(B) DURATION OF PAROLE- The grant of parole shall extend from the time of the grant of relief under section 240A(b)(2) or section 244(a)(3) (as in effect before the title III-A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996) to the time the application for adjustment of status filed by aliens covered under this paragraph has been finally adjudicated. Applications for adjustment of status filed by aliens covered under this paragraph shall be treated as if they were applications filed under section 204(a)(1) (A)(iii), (A)(iv), (B)(ii), or (B)(iii) for purposes of section 245 (a) and (c). Failure by the alien granted relief under section 240A(b)(2) or section 244(a)(3) (as in effect before the title III-A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act

of 1996) to exercise due diligence in filing a visa petition on behalf of an alien described in clause (i) or (ii) may result in revocation of parole.'

(c) **EFFECTIVE DATE-** Any individual who becomes eligible for relief by reason of the enactment of the amendments made by subsections (a) and (b), shall be eligible to file a motion to reopen pursuant to section 240(c)(6)(C)(iv). The amendments made by subsections (a) and (b) shall take effect as if included in the enactment of section 304 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104-208; 110 Stat. 587). Such portions of the amendments made by subsection (b) that relate to section 244(a)(3) (as in effect before the title III-A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996) shall take effect as if included in subtitle G of title IV of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322; 108 Stat. 1953 et seq.).

SEC. 1505. OFFERING EQUAL ACCESS TO IMMIGRATION PROTECTIONS OF THE VIOLENCE AGAINST WOMEN ACT OF 1994 FOR ALL QUALIFIED BATTERED IMMIGRANT SELF-PETITIONERS.

(a) **BATTERED IMMIGRANT WAIVER-** Section 212(a)(9)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)(C)(ii)) is amended by adding at the end the following: 'The Attorney General in the Attorney General's discretion may waive the provisions of section 212(a)(9)(C)(i) in the case of an alien to whom the Attorney General has granted classification under clause (iii), (iv), or (v) of section 204(a)(1)(A), or classification under clause (ii), (iii), or (iv) of section 204(a)(1)(B), in any case in which there is a connection between--

`(1) the alien's having been battered or subjected to extreme cruelty; and

`(2) the alien's--

`(A) removal;

`(B) departure from the United States;

`(C) reentry or reentries into the United States; or

`(D) attempted reentry into the United States.'

(b) **DOMESTIC VIOLENCE VICTIM WAIVER-**

(1) **WAIVER FOR VICTIMS OF DOMESTIC VIOLENCE-** Section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a)) is amended by inserting at the end the following:

`(7) **WAIVER FOR VICTIMS OF DOMESTIC VIOLENCE-**

`(A) **IN GENERAL-** The Attorney General is not limited by the criminal court record and may waive the application of paragraph (2)(E)(i) (with respect to crimes of domestic violence and crimes of stalking) and (ii) in the case of an alien who has been battered or subjected to extreme cruelty and who is not and was not the primary perpetrator of violence in the relationship--

`(i) upon a determination that--

(I) the alien was acting in self-defense;

(II) the alien was found to have violated a protection order intended to protect the alien; or

(III) the alien committed, was arrested for, was convicted of, or pled guilty to committing a crime--

(aa) that did not result in serious bodily injury; and

(bb) where there was a connection between the crime and the alien's having been battered or subjected to extreme cruelty.

(B) CREDIBLE EVIDENCE CONSIDERED- In acting on applications under this paragraph, the Attorney General shall consider any credible evidence relevant to the application. The determination of what evidence is credible and the weight to be given that evidence shall be within the sole discretion of the Attorney General.'

(2) CONFORMING AMENDMENT- Section 240A(b)(1)(C) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)(1)(C)) is amended by inserting '(except in a case described in section 237(a)(7) where the Attorney General exercises discretion to grant a waiver)' after '237(a)(3)'

(c) MISREPRESENTATION WAIVERS FOR BATTERED SPOUSES OF UNITED STATES CITIZENS AND LAWFUL PERMANENT RESIDENTS-

(1) WAIVER OF INADMISSIBILITY- Section 212(i)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(i)(1)) is amended by inserting before the period at the end the following: 'or, in the case of an alien granted classification under clause (iii) or (iv) of section 204(a)(1)(A) or clause (ii) or (iii) of section 204(a)(1)(B), the alien demonstrates extreme hardship to the alien or the alien's United States citizen, lawful permanent resident, or qualified alien parent or child'.

(2) WAIVER OF DEPORTABILITY- Section 237(a)(1)(H) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(1)(H)) is amended--

(A) in clause (i), by inserting '(I)' after '(i)';

(B) by redesignating clause (ii) as subclause (II); and

(C) by adding after clause (i) the following:

(ii) is an alien who qualifies for classification under clause (iii) or (iv) of section 204(a)(1)(A) or clause (ii) or (iii) of section 204(a)(1)(B).'

(d) BATTERED IMMIGRANT WAIVER- Section 212(g)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(g)(1)) is amended--

(1) in subparagraph (A), by striking 'or' at the end;

(2) in subparagraph (B), by adding 'or' at the end; and

(3) by inserting after subparagraph (B) the following:

`(C) qualifies for classification under clause (iii) or (iv) of section 204(a)(1)(A) or classification under clause (ii) or (iii) of section 204(a)(1)(B);'.

(e) WAIVERS FOR VAWA ELIGIBLE BATTERED IMMIGRANTS- Section 212(h)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(h)(1)) is amended--

(1) in subparagraph (B), by striking `and' and inserting `or'; and

(2) by adding at the end the following:

`(C) the alien qualifies for classification under clause (iii) or (iv) of section 204(a)(1)(A) or classification under clause (ii) or (iii) of section 204(a)(1)(B); and'.

(f) PUBLIC CHARGE- Section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended by adding at the end the following:

`(p) In determining whether an alien described in subsection (a)(4)(C)(i) is inadmissible under subsection (a)(4) or ineligible to receive an immigrant visa or otherwise to adjust to the status of permanent resident by reason of subsection (a)(4), the consular officer or the Attorney General shall not consider any benefits the alien may have received that were authorized under section 501 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1641(c)).'.

(g) REPORT- Not later than 6 months after the date of the enactment of this Act, the Attorney General shall submit a report to the Committees on the Judiciary of the Senate and the House of Representatives covering, with respect to fiscal year 1997 and each fiscal year thereafter--

(1) the policy and procedures of the Immigration and Naturalization Service under which an alien who has been battered or subjected to extreme cruelty who is eligible for suspension of deportation or cancellation of removal can request to be placed, and be placed, in deportation or removal proceedings so that such alien may apply for suspension of deportation or cancellation of removal;

(2) the number of requests filed at each district office under this policy;

(3) the number of these requests granted reported separately for each district; and

(4) the average length of time at each Immigration and Naturalization office between the date that an alien who has been subject to battering or extreme cruelty eligible for suspension of deportation or cancellation of removal requests to be placed in deportation or removal proceedings and the date that the immigrant appears before an immigration judge to file an application for suspension of deportation or cancellation of removal.

SEC. 1506. RESTORING IMMIGRATION PROTECTIONS UNDER THE VIOLENCE AGAINST WOMEN ACT OF 1994.

(a) REMOVING BARRIERS TO ADJUSTMENT OF STATUS FOR VICTIMS OF DOMESTIC VIOLENCE-

(1) IMMIGRATION AMENDMENTS- Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended--

(A) in subsection (a), by inserting `or the status of any other alien having an approved petition for classification under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of section 204(a)(1) or' after `into the United States.'; and

(B) in subsection (c), by striking `Subsection (a) shall not be applicable to' and inserting the following: `Other than an alien having an approved petition for classification under subparagraph (A)(iii), (A)(iv), (A)(v), (A)(vi), (B)(ii), (B)(iii), or (B)(iv) of section 204(a)(1), subsection (a) shall not be applicable to'.

(2) EFFECTIVE DATE- The amendments made by paragraph (1) shall apply to applications for adjustment of status pending on or made on or after January 14, 1998.

(b) REMOVING BARRIERS TO CANCELLATION OF REMOVAL AND SUSPENSION OF DEPORTATION FOR VICTIMS OF DOMESTIC VIOLENCE-

(1) NOT TREATING SERVICE OF NOTICE AS TERMINATING CONTINUOUS PERIOD- Section 240A(d)(1) of the Immigration and Nationality Act (8 U.S.C. 1229b(d)(1)) is amended by striking `when the alien is served a notice to appear under section 239(a) or' and inserting `(A) except in the case of an alien who applies for cancellation of removal under subsection (b)(2), when the alien is served a notice to appear under section 239(a), or (B)'.

(2) EFFECTIVE DATE- The amendment made by paragraph (1) shall take effect as if included in the enactment of section 304 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104-208; 110 Stat. 587).

(3) MODIFICATION OF CERTAIN TRANSITION RULES FOR BATTERED SPOUSE OR CHILD- Section 309(c)(5)(C) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note) is amended--

(A) by striking the subparagraph heading and inserting the following:

`(C) SPECIAL RULE FOR CERTAIN ALIENS GRANTED TEMPORARY PROTECTION FROM DEPORTATION AND FOR BATTERED SPOUSES AND CHILDREN-'; and

(B) in clause (i)--

(i) in subclause (IV), by striking `or' at the end;

(ii) in subclause (V), by striking the period at the end and inserting `; or'; and

(iii) by adding at the end the following:

`(VI) is an alien who was issued an order to show cause or was in deportation proceedings before April 1, 1997, and who applied for suspension of deportation under section 244(a)(3) of the Immigration and Nationality Act (as in effect before the date of the enactment of this Act).'.

(4) EFFECTIVE DATE- The amendments made by paragraph (3) shall take effect as if included in the enactment of section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note).

(c) ELIMINATING TIME LIMITATIONS ON MOTIONS TO REOPEN REMOVAL AND DEPORTATION PROCEEDINGS FOR VICTIMS OF DOMESTIC VIOLENCE-

(1) REMOVAL PROCEEDINGS-

(A) IN GENERAL- Section 240(c)(6)(C) of the Immigration and Nationality Act (8 U.S.C. 1229a(c)(6)(C)) is amended by adding at the end the following:

“(iv) SPECIAL RULE FOR BATTERED SPOUSES AND CHILDREN- The deadline specified in subsection (b)(5)(C) for filing a motion to reopen does not apply--

“(I) if the basis for the motion is to apply for relief under clause (iii) or (iv) of section 204(a)(1)(A), clause (ii) or (iii) of section 204(a)(1)(B), or section 240A(b)(2);

“(II) if the motion is accompanied by a cancellation of removal application to be filed with the Attorney General or by a copy of the self-petition that has been or will be filed with the Immigration and Naturalization Service upon the granting of the motion to reopen; and

“(III) if the motion to reopen is filed within 1 year of the entry of the final order of removal, except that the Attorney General may, in the Attorney General's discretion, waive this time limitation in the case of an alien who demonstrates extraordinary circumstances or extreme hardship to the alien's child.’.

(B) EFFECTIVE DATE- The amendment made by subparagraph (A) shall take effect as if included in the enactment of section 304 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1229-1229c).

(2) DEPORTATION PROCEEDINGS-

(A) IN GENERAL- Notwithstanding any limitation imposed by law on motions to reopen or rescind deportation proceedings under the Immigration and Nationality Act (as in effect before the title III-A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note)), there is no time limit on the filing of a motion to reopen such proceedings, and the deadline specified in section 242B(c)(3) of the Immigration and Nationality Act (as so in effect) (8 U.S.C. 1252b(c)(3)) does not apply--

(i) if the basis of the motion is to apply for relief under clause (iii) or (iv) of section 204(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)), clause (ii) or (iii) of section 204(a)(1)(B) of such Act (8 U.S.C. 1154(a)(1)(B)), or section 244(a)(3) of such Act (as so in effect) (8 U.S.C. 1254(a)(3)); and

(ii) if the motion is accompanied by a suspension of deportation application to be filed with the Attorney General or by a copy of the self-petition that will be filed with the Immigration and Naturalization Service upon the granting of the motion to reopen.

(B) APPLICABILITY- Subparagraph (A) shall apply to motions filed by aliens who--

(i) are, or were, in deportation proceedings under the Immigration and Nationality Act (as in effect before the title III-A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note)); and

(ii) have become eligible to apply for relief under clause (iii) or (iv) of section 204(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)), clause (ii) or (iii) of section 204(a)(1)(B) of such Act (8 U.S.C. 1154(a)(1)(B)), or section 244(a)(3) of such Act (as in effect before the title III-A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note)) as a result of the amendments made by--

(I) subtitle G of title IV of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322; 108 Stat. 1953 et seq.); or

(II) this title.

SEC. 1507. REMEDYING PROBLEMS WITH IMPLEMENTATION OF THE IMMIGRATION PROVISIONS OF THE VIOLENCE AGAINST WOMEN ACT OF 1994.

(a) EFFECT OF CHANGES IN ABUSERS' CITIZENSHIP STATUS ON SELF-PETITION-

(1) RECLASSIFICATION- Section 204(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)) (as amended by section 1503(b)(3) of this title) is amended by adding at the end the following:

“(vi) For the purposes of any petition filed under clause (iii) or (iv), the denaturalization, loss or renunciation of citizenship, death of the abuser, divorce, or changes to the abuser's citizenship status after filing of the petition shall not adversely affect the approval of the petition, and for approved petitions shall not preclude the classification of the eligible self-petitioning spouse or child as an immediate relative or affect the alien's ability to adjust status under subsections (a) and (c) of section 245 or obtain status as a lawful permanent resident based on the approved self-petition under such clauses.”.

(2) LOSS OF STATUS- Section 204(a)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(B)) (as amended by section 1503(c)(3) of this title) is amended by adding at the end the following:

“(v)(I) For the purposes of any petition filed or approved under clause (ii) or (iii), divorce, or the loss of lawful permanent resident status by a spouse or parent after the filing of a petition under that clause shall not adversely affect approval of the petition, and, for an approved petition, shall not affect the alien's ability to adjust status under subsections (a) and (c) of section 245 or obtain status as a lawful permanent resident based on an approved self-petition under clause (ii) or (iii).

“(II) Upon the lawful permanent resident spouse or parent becoming or establishing the existence of United States citizenship through naturalization, acquisition of citizenship, or other means, any petition filed with the Immigration and Naturalization Service and pending or approved under clause (ii) or (iii) on behalf of an alien who has been battered or subjected to extreme cruelty shall be deemed reclassified as a petition filed under subparagraph (A) even if the acquisition of citizenship occurs after divorce or termination of parental rights.”.

(3) DEFINITION OF IMMEDIATE RELATIVES- Section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1154(b)(2)(A)(i)) is amended by adding at the end the following: “For purposes of this clause, an alien who has filed a petition under clause (iii) or (iv) of section 204(a)(1)(A) of this Act remains an immediate relative in the event that the United States citizen spouse or parent loses United States citizenship on account of the abuse.”.

(b) ALLOWING REMARRIAGE OF BATTERED IMMIGRANTS- Section 204(h) of the Immigration and Nationality Act (8 U.S.C. 1154(h)) is amended by adding at the end the following: “Remarriage of an alien whose petition was approved

under section 204(a)(1)(B)(ii) or 204(a)(1)(A)(iii) or marriage of an alien described in clause (iv) or (vi) of section 204(a)(1)(A) or in section 204(a)(1)(B)(iii) shall not be the basis for revocation of a petition approval under section 205.'.

SEC. 1508. TECHNICAL CORRECTION TO QUALIFIED ALIEN DEFINITION FOR BATTERED IMMIGRANTS.

Section 431(c)(1)(B)(iii) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641(c)(1)(B)(iii)) is amended to read as follows:

`(iii) suspension of deportation under section 244(a)(3) of the Immigration and Nationality Act (as in effect before the title III-A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996).'

SEC. 1509. ACCESS TO CUBAN ADJUSTMENT ACT FOR BATTERED IMMIGRANT SPOUSES AND CHILDREN.

(a) IN GENERAL- The last sentence of the first section of Public Law 89-732 (November 2, 1966; 8 U.S.C. 1255 note) is amended by striking the period at the end and inserting the following: `, except that such spouse or child who has been battered or subjected to extreme cruelty may adjust to permanent resident status under this Act without demonstrating that he or she is residing with the Cuban spouse or parent in the United States. In acting on applications under this section with respect to spouses or children who have been battered or subjected to extreme cruelty, the Attorney General shall apply the provisions of section 204(a)(1)(H).'

(b) EFFECTIVE DATE- The amendment made by subsection (a) shall be effective as if included in subtitle G of title IV of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322; 108 Stat. 1953 et seq.).

SEC. 1510. ACCESS TO THE NICARAGUAN ADJUSTMENT AND CENTRAL AMERICAN RELIEF ACT FOR BATTERED SPOUSES AND CHILDREN.

(a) ADJUSTMENT OF STATUS OF CERTAIN NICARAGUAN AND CUBAN BATTERED SPOUSES- Section 202(d) of the Nicaraguan Adjustment and Central American Relief Act (8 U.S.C. 1255 note; Public Law 105-100, as amended) is amended--

(1) in paragraph (1), by striking subparagraph (B) and inserting the following:

`(B) the alien--

`(i) is the spouse, child, or unmarried son or daughter of an alien whose status is adjusted to that of an alien lawfully admitted for permanent residence under subsection (a), except that in the case of such an unmarried son or daughter, the son or daughter shall be required to establish that the son or daughter has been physically present in the United States for a continuous period beginning not later than December 1, 1995, and ending not earlier than the date on which the application for adjustment under this subsection is filed; or

`(ii) was, at the time at which an alien filed for adjustment under subsection (a), the spouse or child of an alien whose status is adjusted to that of an alien lawfully admitted for permanent residence under subsection (a), and the spouse, child, or child of the spouse has been battered or subjected to extreme cruelty by the alien that filed for adjustment under subsection (a);'; and

(2) by adding at the end the following:

`(3) PROCEDURE- In acting on an application under this section with respect to a spouse or child who has been battered or subjected to extreme cruelty, the Attorney General shall apply section 204(a)(1)(H).'

(b) CANCELLATION OF REMOVAL AND SUSPENSION OF DEPORTATION TRANSITION RULES FOR CERTAIN BATTERED SPOUSES- Section 309(c)(5)(C) of the Illegal Immigration and Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 8 U.S.C. 1101 note) (as amended by section 1506(b)(3) of this title) is amended-

(1) in clause (i)--

(A) by striking the period at the end of subclause (VI) (as added by section 1506(b)(3) of this title) and inserting `; or'; and

(B) by adding at the end the following:

`(VII)(aa) was the spouse or child of an alien described in subclause (I), (II), or (V)--

`(AA) at the time at which a decision is rendered to suspend the deportation or cancel the removal of the alien;

`(BB) at the time at which the alien filed an application for suspension of deportation or cancellation of removal; or

`(CC) at the time at which the alien registered for benefits under the settlement agreement in American Baptist Churches, et. al. v. Thornburgh (ABC), applied for temporary protected status, or applied for asylum; and

`(bb) the spouse, child, or child of the spouse has been battered or subjected to extreme cruelty by the alien described in subclause (I), (II), or (V).'; and

(2) by adding at the end the following:

`(iii) CONSIDERATION OF PETITIONS- In acting on a petition filed under subclause (VII) of clause (i) the provisions set forth in section 204(a)(1)(H) shall apply.

`(iv) RESIDENCE WITH SPOUSE OR PARENT NOT REQUIRED- For purposes of the application of clause (i)(VII), a spouse or child shall not be required to demonstrate that he or she is residing with the spouse or parent in the United States.'.

(c) EFFECTIVE DATE- The amendments made by subsections (a) and (b) shall be effective as if included in the Nicaraguan Adjustment and Central American Relief Act (8 U.S.C. 1255 note; Public Law 105-100, as amended).

SEC. 1511. ACCESS TO THE HAITIAN REFUGEE FAIRNESS ACT OF 1998 FOR BATTERED SPOUSES AND CHILDREN.

(a) IN GENERAL- Section 902(d)(1)(B) of the Haitian Refugee Immigration Fairness Act of 1998 (division A of section 101(h) of Public Law 105-277; 112 Stat. 2681-538) is amended to read as follows:

`(B)(i) the alien is the spouse, child, or unmarried son or daughter of an alien whose status is adjusted to that of an alien lawfully admitted for permanent residence under subsection (a), except that, in the case of such an unmarried son or daughter, the son or daughter shall be required to establish that the son or daughter has been physically present in the United States for a continuous period beginning not later than December 1, 1995, and ending not earlier than the date on which the application for such adjustment is filed;

`(ii) at the time of filing of the application for adjustment under subsection (a), the alien is the spouse or child of an alien whose status is adjusted to that of an alien lawfully admitted for permanent residence under subsection (a) and the

spouse, child, or child of the spouse has been battered or subjected to extreme cruelty by the individual described in subsection (a); and

`(iii) in acting on applications under this section with respect to spouses or children who have been battered or subjected to extreme cruelty, the Attorney General shall apply the provisions of section 204(a)(1)(H).'

(b) **EFFECTIVE DATE-** The amendment made by subsection (a) shall be effective as if included in the Haitian Refugee Immigration Fairness Act of 1998 (division A of section 101(h) of Public Law 105-277; 112 Stat. 2681-538).

SEC. 1512. ACCESS TO SERVICES AND LEGAL REPRESENTATION FOR BATTERED IMMIGRANTS.

(a) **LAW ENFORCEMENT AND PROSECUTION GRANTS-** Section 2001(b) of part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg(b)) (as amended by section 1209(c) of this division) is amended by adding at the end the following:

`(11) providing assistance to victims of domestic violence and sexual assault in immigration matters.'

(b) **GRANTS TO ENCOURAGE ARRESTS-** Section 2101(b)(5) of part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh(b)(5)) is amended by inserting before the period the following: `, including strengthening assistance to such victims in immigration matters'.

(c) **RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT GRANTS-** Section 40295(a)(2) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322; 108 Stat. 1953; 42 U.S.C. 13971(a)(2)) is amended to read as follows:

`(2) to provide treatment, counseling, and assistance to victims of domestic violence and child abuse, including in immigration matters; and'.

(d) **CAMPUS DOMESTIC VIOLENCE GRANTS-** Section 826(b)(5) of the Higher Education Amendments of 1998 (Public Law 105-244; 20 U.S.C. 1152) is amended by inserting before the period at the end the following: `, including assistance to victims in immigration matters'.

SEC. 1513. PROTECTION FOR CERTAIN CRIME VICTIMS INCLUDING VICTIMS OF CRIMES AGAINST WOMEN.

(a) **FINDINGS AND PURPOSE-**

(1) **FINDINGS-** Congress makes the following findings:

(A) Immigrant women and children are often targeted to be victims of crimes committed against them in the United States, including rape, torture, kidnaping, trafficking, incest, domestic violence, sexual assault, female genital mutilation, forced prostitution, involuntary servitude, being held hostage or being criminally restrained.

(B) All women and children who are victims of these crimes committed against them in the United States must be able to report these crimes to law enforcement and fully participate in the investigation of the crimes committed against them and the prosecution of the perpetrators of such crimes.

(2) **PURPOSE-**

(A) The purpose of this section is to create a new nonimmigrant visa classification that will strengthen the ability of law enforcement agencies to detect, investigate, and prosecute cases of domestic violence, sexual assault, trafficking of aliens, and other crimes described in section 101(a)(15)(U)(iii) of the Immigration and Nationality Act committed against aliens, while offering protection to victims of such offenses in keeping with the humanitarian interests of the United States. This visa will encourage law enforcement officials to better serve immigrant crime victims and to prosecute crimes committed against aliens.

(B) Creating a new nonimmigrant visa classification will facilitate the reporting of crimes to law enforcement officials by trafficked, exploited, victimized, and abused aliens who are not in lawful immigration status. It also gives law enforcement officials a means to regularize the status of cooperating individuals during investigations or prosecutions. Providing temporary legal status to aliens who have been severely victimized by criminal activity also comports with the humanitarian interests of the United States.

(C) Finally, this section gives the Attorney General discretion to convert the status of such nonimmigrants to that of permanent residents when doing so is justified on humanitarian grounds, for family unity, or is otherwise in the public interest.

(b) ESTABLISHMENT OF HUMANITARIAN/MATERIAL WITNESS NONIMMIGRANT CLASSIFICATION- Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) (as amended by section 107 of this Act) is amended--

(1) by striking `or' at the end of subparagraph (S);

(2) by striking the period at the end of subparagraph (T) and inserting `; or'; and

(3) by adding at the end the following new subparagraph:

`(U)(i) subject to section 214(o), an alien who files a petition for status under this subparagraph, if the Attorney General determines that--

`(I) the alien has suffered substantial physical or mental abuse as a result of having been a victim of criminal activity described in clause (iii);

`(II) the alien (or in the case of an alien child under the age of 16, the parent, guardian, or next friend of the alien) possesses information concerning criminal activity described in clause (iii);

`(III) the alien (or in the case of an alien child under the age of 16, the parent, guardian, or next friend of the alien) has been helpful, is being helpful, or is likely to be helpful to a Federal, State, or local law enforcement official, to a Federal, State, or local prosecutor, to a Federal or State judge, to the Service, or to other Federal, State, or local authorities investigating or prosecuting criminal activity described in clause (iii); and

`(IV) the criminal activity described in clause (iii) violated the laws of the United States or occurred in the United States (including in Indian country and military installations) or the territories and possessions of the United States;

`(ii) if the Attorney General considers it necessary to avoid extreme hardship to the spouse, the child, or, in the case of an alien child, the parent of the alien described in clause (i), the Attorney General may also grant status under this paragraph based upon certification of a government official listed in clause (i)(III) that an investigation or prosecution

would be harmed without the assistance of the spouse, the child, or, in the case of an alien child, the parent of the alien; and

`(iii) the criminal activity referred to in this clause is that involving one or more of the following or any similar activity in violation of Federal, State, or local criminal law: rape; torture; trafficking; incest; domestic violence; sexual assault; abusive sexual contact; prostitution; sexual exploitation; female genital mutilation; being held hostage; peonage; involuntary servitude; slave trade; kidnapping; abduction; unlawful criminal restraint; false imprisonment; blackmail; extortion; manslaughter; murder; felonious assault; witness tampering; obstruction of justice; perjury; or attempt, conspiracy, or solicitation to commit any of the above mentioned crimes.'

(c) CONDITIONS FOR ADMISSION AND DUTIES OF THE ATTORNEY GENERAL- Section 214 of such Act (8 U.S.C. 1184) (as amended by section 107 of this Act) is amended by adding at the end the following new subsection:

`(o) REQUIREMENTS APPLICABLE TO SECTION 101(a)(15)(U) VISAS-

`(1) PETITIONING PROCEDURES FOR SECTION 101(a)(15)(U) VISAS- The petition filed by an alien under section 101(a)(15)(U)(i) shall contain a certification from a Federal, State, or local law enforcement official, prosecutor, judge, or other Federal, State, or local authority investigating criminal activity described in section 101(a)(15)(U)(iii). This certification may also be provided by an official of the Service whose ability to provide such certification is not limited to information concerning immigration violations. This certification shall state that the alien `has been helpful, is being helpful, or is likely to be helpful' in the investigation or prosecution of criminal activity described in section 101(a)(15)(U)(iii).

`(2) NUMERICAL LIMITATIONS-

`(A) The number of aliens who may be issued visas or otherwise provided status as nonimmigrants under section 101(a)(15)(U) in any fiscal year shall not exceed 10,000.

`(B) The numerical limitations in subparagraph (A) shall only apply to principal aliens described in section 101(a)(15)(U)(i), and not to spouses, children, or, in the case of alien children, the alien parents of such children.

`(3) DUTIES OF THE ATTORNEY GENERAL WITH RESPECT TO `U' VISA NONIMMIGRANTS- With respect to nonimmigrant aliens described in subsection (a)(15)(U)--

`(A) the Attorney General and other government officials, where appropriate, shall provide those aliens with referrals to nongovernmental organizations to advise the aliens regarding their options while in the United States and the resources available to them; and

`(B) the Attorney General shall, during the period those aliens are in lawful temporary resident status under that subsection, provide the aliens with employment authorization.

`(4) CREDIBLE EVIDENCE CONSIDERED- In acting on any petition filed under this subsection, the consular officer or the Attorney General, as appropriate, shall consider any credible evidence relevant to the petition.

`(5) NONEXCLUSIVE RELIEF- Nothing in this subsection limits the ability of aliens who qualify for status under section 101(a)(15)(U) to seek any other immigration benefit or status for which the alien may be eligible.'

(d) PROHIBITION ON ADVERSE DETERMINATIONS OF ADMISSIBILITY OR DEPORTABILITY- Section 384(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 is amended--

(1) by striking `or' at the end of paragraph (1)(C);

(2) by striking the comma at the end of paragraph (1)(D) and inserting `, or'; and

(3) by inserting after paragraph (1)(D) the following new subparagraph:

`(E) in the case of an alien applying for status under section 101(a)(15)(U) of the Immigration and Nationality Act, the perpetrator of the substantial physical or mental abuse and the criminal activity,'; and

(4) in paragraph (2), by inserting `section 101(a)(15)(U),' after `section 216(c)(4)(C),'.

(e) WAIVER OF GROUNDS OF INELIGIBILITY FOR ADMISSION- Section 212(d) of the Immigration and Nationality Act (8 U.S.C. 1182(d)) is amended by adding at the end the following new paragraph:

`(13) The Attorney General shall determine whether a ground of inadmissibility exists with respect to a nonimmigrant described in section 101(a)(15)(U). The Attorney General, in the Attorney General's discretion, may waive the application of subsection (a) (other than paragraph (3)(E)) in the case of a nonimmigrant described in section 101(a)(15)(U), if the Attorney General considers it to be in the public or national interest to do so.'

(f) ADJUSTMENT TO PERMANENT RESIDENT STATUS- Section 245 of such Act (8 U.S.C. 1255) is amended by adding at the end the following new subsection:

`(l)(1) The Attorney General may adjust the status of an alien admitted into the United States (or otherwise provided nonimmigrant status) under section 101(a)(15)(U) to that of an alien lawfully admitted for permanent residence if the alien is not described in section 212(a)(3)(E), unless the Attorney General determines based on affirmative evidence that the alien unreasonably refused to provide assistance in a criminal investigation or prosecution, if--

`(A) the alien has been physically present in the United States for a continuous period of at least 3 years since the date of admission as a nonimmigrant under clause (i) or (ii) of section 101(a)(15)(U); and

`(B) in the opinion of the Attorney General, the alien's continued presence in the United States is justified on humanitarian grounds, to ensure family unity, or is otherwise in the public interest.

`(2) An alien shall be considered to have failed to maintain continuous physical presence in the United States under paragraph (1)(A) if the alien has departed from the United States for any period in excess of 90 days or for any periods in the aggregate exceeding 180 days unless the absence is in order to assist in the investigation or prosecution or unless an official involved in the investigation or prosecution certifies that the absence was otherwise justified.

`(3) Upon approval of adjustment of status under paragraph (1) of an alien described in section 101(a)(15)(U)(i) the Attorney General may adjust the status of or issue an immigrant visa to a spouse, a child, or, in the case of an alien child, a parent who did not receive a nonimmigrant visa under section 101(a)(15)(U)(ii) if the Attorney General considers the grant of such status or visa necessary to avoid extreme hardship.

`(4) Upon the approval of adjustment of status under paragraph (1) or (3), the Attorney General shall record the alien's lawful admission for permanent residence as of the date of such approval.'

TITLE VI--MISCELLANEOUS

SEC. 1601. NOTICE REQUIREMENTS FOR SEXUALLY VIOLENT OFFENDERS.

(a) SHORT TITLE- This section may be cited as the `Campus Sex Crimes Prevention Act'.

(b) NOTICE WITH RESPECT TO INSTITUTIONS OF HIGHER EDUCATION-

(1) IN GENERAL- Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071) is amended by adding at the end the following:

`(j) NOTICE OF ENROLLMENT AT OR EMPLOYMENT BY INSTITUTIONS OF HIGHER EDUCATION-

`(1) NOTICE BY OFFENDERS-

`(A) IN GENERAL- In addition to any other requirements of this section, any person who is required to register in a State shall provide notice as required under State law--

`(i) of each institution of higher education in that State at which the person is employed, carries on a vocation, or is a student; and

`(ii) of each change in enrollment or employment status of such person at an institution of higher education in that State.

`(B) CHANGE IN STATUS- A change in status under subparagraph (A)(ii) shall be reported by the person in the manner provided by State law. State procedures shall ensure that the updated information is promptly made available to a law enforcement agency having jurisdiction where such institution is located and entered into the appropriate State records or data system.

`(2) STATE REPORTING- State procedures shall ensure that the registration information collected under paragraph (1)--

`(A) is promptly made available to a law enforcement agency having jurisdiction where such institution is located; and

`(B) entered into the appropriate State records or data system.

`(3) REQUEST- Nothing in this subsection shall require an educational institution to request such information from any State.'

(2) EFFECTIVE DATE- The amendment made by this subsection shall take effect 2 years after the date of the enactment of this Act.

(c) DISCLOSURES BY INSTITUTIONS OF HIGHER EDUCATION-

(1) IN GENERAL- Section 485(f)(1) of the Higher Education Act of 1965 (20 U.S.C. 1092(f)(1)) is amended by adding at the end the following:

`(I) A statement advising the campus community where law enforcement agency information provided by a State under section 170101(j) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(j)), concerning registered sex offenders may be obtained, such as the law enforcement office of the institution, a local law enforcement agency with jurisdiction for the campus, or a computer network address.'

(2) EFFECTIVE DATE- The amendment made by this subsection shall take effect 2 years after the date of the enactment of this Act.

(d) AMENDMENT TO FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974- Section 444(b) of the General Education Provisions Act (20 U.S.C. 1232g(b)), also known as the Family Educational Rights and Privacy Act of 1974, is amended by adding at the end the following:

`(7)(A) Nothing in this section may be construed to prohibit an educational institution from disclosing information provided to the institution under section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071) concerning registered sex offenders who are required to register under such section.

`(B) The Secretary shall take appropriate steps to notify educational institutions that disclosure of information described in subparagraph (A) is permitted.'

SEC. 1602. TEEN SUICIDE PREVENTION STUDY.

(a) SHORT TITLE- This section may be cited as the `Teen Suicide Prevention Act of 2000'.

(b) FINDINGS- Congress finds that--

(1) measures that increase public awareness of suicide as a preventable public health problem, and target parents and youth so that suicide risks and warning signs can be recognized, will help to eliminate the ignorance and stigma of suicide as barriers to youth and families seeking preventive care;

(2) suicide prevention efforts in the year 2000 should--

(A) target at-risk youth, particularly youth with mental health problems, substance abuse problems, or contact with the juvenile justice system;

(B) involve--

(i) the identification of the characteristics of the at-risk youth and other youth who are contemplating suicide, and barriers to treatment of the youth; and

(ii) the development of model treatment programs for the youth;

(C) include a pilot study of the outcomes of treatment for juvenile delinquents with mental health or substance abuse problems;

(D) include a public education approach to combat the negative effects of the stigma of, and discrimination against individuals with, mental health and substance abuse problems; and

(E) include a nationwide effort to develop, implement, and evaluate a mental health awareness program for schools, communities, and families;

(3) although numerous symptoms, diagnoses, traits, characteristics, and psychosocial stressors of suicide have been investigated, no single factor or set of factors has ever come close to predicting suicide with accuracy;

(4) research of United States youth, such as a 1994 study by Lewinsohn, Rohde, and Seeley, has shown predictors of suicide, such as a history of suicide attempts, current suicidal ideation and depression, a recent attempt or completed suicide by a friend, and low self-esteem; and

(5) epidemiological data illustrate--

(A) the trend of suicide at younger ages as well as increases in suicidal ideation among youth in the United States; and

(B) distinct differences in approaches to suicide by gender, with--

(i) 3 to 5 times as many females as males attempting suicide; and

(ii) 3 to 5 times as many males as females completing suicide.

(c) PURPOSE- The purpose of this section is to provide for a study of predictors of suicide among at-risk and other youth, and barriers that prevent the youth from receiving treatment, to facilitate the development of model treatment programs and public education and awareness efforts.

(d) STUDY- Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services shall carry out, directly or by grant or contract, a study that is designed to identify--

(1) the characteristics of at-risk and other youth age 13 through 21 who are contemplating suicide;

(2) the characteristics of at-risk and other youth who are younger than age 13 and are contemplating suicide; and

(3) the barriers that prevent youth described in paragraphs (1) and (2) from receiving treatment.

(e) AUTHORIZATION OF APPROPRIATIONS- There are authorized to be appropriated to carry out this section such sums as may be necessary.

SEC. 1603. DECADE OF PAIN CONTROL AND RESEARCH.

The calendar decade beginning January 1, 2001, is designated as the 'Decade of Pain Control and Research'.

DIVISION C--MISCELLANEOUS PROVISIONS

SEC. 2001. AIMEE'S LAW.

(a) SHORT TITLE- This section may be cited as 'Aimee's Law'.

(b) DEFINITIONS- In this section:

(1) DANGEROUS SEXUAL OFFENSE- The term `dangerous sexual offense' means any offense under State law for conduct that would constitute an offense under chapter 109A of title 18, United States Code, had the conduct occurred in the special maritime and territorial jurisdiction of the United States or in a Federal prison.

(2) MURDER- The term `murder' has the meaning given the term in part I of the Uniform Crime Reports of the Federal Bureau of Investigation.

(3) RAPE- The term `rape' has the meaning given the term in part I of the Uniform Crime Reports of the Federal Bureau of Investigation.

(c) PENALTY-

(1) SINGLE STATE- In any case in which a State convicts an individual of murder, rape, or a dangerous sexual offense, who has a prior conviction for any one of those offenses in a State described in paragraph (3), the Attorney General shall transfer an amount equal to the costs of incarceration, prosecution, and apprehension of that individual, from Federal law enforcement assistance funds that have been allocated to but not distributed to the State that convicted the individual of the prior offense, to the State account that collects Federal law enforcement assistance funds of the State that convicted that individual of the subsequent offense.

(2) MULTIPLE STATES- In any case in which a State convicts an individual of murder, rape, or a dangerous sexual offense, who has a prior conviction for any one or more of those offenses in more than one other State described in paragraph (3), the Attorney General shall transfer an amount equal to the costs of incarceration, prosecution, and apprehension of that individual, from Federal law enforcement assistance funds that have been allocated to but not distributed to each State that convicted such individual of the prior offense, to the State account that collects Federal law enforcement assistance funds of the State that convicted that individual of the subsequent offense.

(3) STATE DESCRIBED- A State is described in this paragraph if--

(A) the average term of imprisonment imposed by the State on individuals convicted of the offense for which the individual described in paragraph (1) or (2), as applicable, was convicted by the State is less than the average term of imprisonment imposed for that offense in all States; or

(B) with respect to the individual described in paragraph (1) or (2), as applicable, the individual had served less than 85 percent of the term of imprisonment to which that individual was sentenced for the prior offense.

For purposes of subparagraph (B), in a State that has indeterminate sentencing, the term of imprisonment to which that individual was sentenced for the prior offense shall be based on the lower of the range of sentences.

(d) STATE APPLICATIONS- In order to receive an amount transferred under subsection (c), the chief executive of a State shall submit to the Attorney General an application, in such form and containing such information as the Attorney General may reasonably require, which shall include a certification that the State has convicted an individual of murder, rape, or a dangerous sexual offense, who has a prior conviction for one of those offenses in another State.

(e) SOURCE OF FUNDS-

(1) IN GENERAL- Any amount transferred under subsection (c) shall be derived by reducing the amount of Federal law enforcement assistance funds received by the State that convicted such individual of the prior offense before the distribution of the funds to the State. The Attorney General shall provide the State with an opportunity to select the specific Federal law enforcement assistance funds to be so reduced (other than Federal crime victim assistance funds).

(2) PAYMENT SCHEDULE- The Attorney General, in consultation with the chief executive of the State that convicted such individual of the prior offense, shall establish a payment schedule.

(f) CONSTRUCTION- Nothing in this section may be construed to diminish or otherwise affect any court ordered restitution.

(g) EXCEPTION- This section does not apply if the individual convicted of murder, rape, or a dangerous sexual offense has been released from prison upon the reversal of a conviction for an offense described in subsection (c) and subsequently been convicted for an offense described in subsection (c).

(h) REPORT- The Attorney General shall--

(1) conduct a study evaluating the implementation of this section; and

(2) not later than October 1, 2006, submit to Congress a report on the results of that study.

(i) COLLECTION OF RECIDIVISM DATA-

(1) IN GENERAL- Beginning with calendar year 2002, and each calendar year thereafter, the Attorney General shall collect and maintain information relating to, with respect to each State--

(A) the number of convictions during that calendar year for--

(i) any dangerous sexual offense;

(ii) rape; and

(iii) murder; and

(B) the number of convictions described in subparagraph (A) that constitute second or subsequent convictions of the defendant of an offense described in that subparagraph.

(2) REPORT- Not later than March 1, 2003, and on March 1 of each year thereafter, the Attorney General shall submit to Congress a report, which shall include--

(A) the information collected under paragraph (1) with respect to each State during the preceding calendar year; and

(B) the percentage of cases in each State in which an individual convicted of an offense described in paragraph (1)(A) was previously convicted of another such offense in another State during the preceding calendar year.

(j) EFFECTIVE DATE- This section shall take effect on January 1, 2002.

SEC. 2002. PAYMENT OF CERTAIN ANTI-TERRORISM JUDGMENTS.**(a) PAYMENTS-**

(1) **IN GENERAL-** Subject to subsections (b) and (c), the Secretary of the Treasury shall pay each person described in paragraph (2), at the person's election--

(A) 110 percent of compensatory damages awarded by judgment of a court on a claim or claims brought by the person under section 1605(a)(7) of title 28, United States Code, plus amounts necessary to pay post-judgment interest under section 1961 of such title, and, in the case of a claim or claims against Cuba, amounts awarded as sanctions by judicial order on April 18, 2000 (as corrected on June 2, 2000), subject to final appellate review of that order; or

(B) 100 percent of the compensatory damages awarded by judgment of a court on a claim or claims brought by the person under section 1605(a)(7) of title 28, United States Code, plus amounts necessary to pay post-judgment interest, as provided in section 1961 of such title, and, in the case of a claim or claims against Cuba, amounts awarded as sanctions by judicial order on April 18, 2000 (as corrected June 2, 2000), subject to final appellate review of that order.

Payments under this subsection shall be made promptly upon request.

(2) **PERSONS COVERED-** A person described in this paragraph is a person who--

(A)(i) as of July 20, 2000, held a final judgment for a claim or claims brought under section 1605(a)(7) of title 28, United States Code, against Iran or Cuba, or the right to payment of an amount awarded as a judicial sanction with respect to such claim or claims; or

(ii) filed a suit under such section 1605(a)(7) on February 17, 1999, December 13, 1999, January 28, 2000, March 15, 2000, or July 27, 2000;

(B) relinquishes all claims and rights to compensatory damages and amounts awarded as judicial sanctions under such judgments;

(C) in the case of payment under paragraph (1)(A), relinquishes all rights and claims to punitive damages awarded in connection with such claim or claims; and

(D) in the case of payment under paragraph (1)(B), relinquishes all rights to execute against or attach property that is at issue in claims against the United States before an international tribunal, that is the subject of awards rendered by such tribunal, or that is subject to section 1610(f)(1)(A) of title 28, United States Code.

(b) FUNDING OF AMOUNTS-

(1) **JUDGMENTS AGAINST CUBA-** For purposes of funding the payments under subsection (a) in the case of judgments and sanctions entered against the Government of Cuba or Cuban entities, the President shall vest and liquidate up to and not exceeding the amount of property of the Government of Cuba and sanctioned entities in the United States or any commonwealth, territory, or possession thereof that has been blocked pursuant to section 5(b) of the Trading with the Enemy Act (50 U.S.C. App. 5(b)), sections 202 and 203 of the International Emergency Economic Powers Act (50 U.S.C. 1701-1702), or any other proclamation, order, or regulation issued thereunder. For the purposes of paying amounts for

judicial sanctions, payment shall be made from funds or accounts subject to sanctions as of April 18, 2000, or from blocked assets of the Government of Cuba.

(2) JUDGMENTS AGAINST IRAN- For purposes of funding payments under subsection (a) in the case of judgments against Iran, the Secretary of the Treasury shall make such payments from amounts paid and liquidated from--

(A) rental proceeds accrued on the date of the enactment of this Act from Iranian diplomatic and consular property located in the United States; and

(B) funds not otherwise made available in an amount not to exceed the total of the amount in the Iran Foreign Military Sales Program account within the Foreign Military Sales Fund on the date of the enactment of this Act.

(c) SUBROGATION- Upon payment under subsection (a) with respect to payments in connection with a Foreign Military Sales Program account, the United States shall be fully subrogated, to the extent of the payments, to all rights of the person paid under that subsection against the debtor foreign state. The President shall pursue these subrogated rights as claims or offsets of the United States in appropriate ways, including any negotiation process which precedes the normalization of relations between the foreign state designated as a state sponsor of terrorism and the United States, except that no funds shall be paid to Iran, or released to Iran, from property blocked under the International Emergency Economic Powers Act or from the Foreign Military Sales Fund, until such subrogated claims have been dealt with to the satisfaction of the United States.

(d) SENSE OF THE CONGRESS- It is the sense of the Congress that the President should not normalize relations between the United States and Iran until the claims subrogated have been dealt with to the satisfaction of the United States.

(e) REAFFIRMATION OF AUTHORITY- Congress reaffirms the President's statutory authority to manage and, where appropriate and consistent with the national interest, vest foreign assets located in the United States for the purposes, among other things, of assisting and, where appropriate, making payments to victims of terrorism.

(f) AMENDMENTS- (1) Section 1610(f) of title 28, United States Code, is amended--

(A) in paragraphs (2)(A) and (2)(B)(ii), by striking `shall' each place it appears and inserting `should make every effort to'; and

(B) by adding at the end the following new paragraph:

`(3) WAIVER- The President may waive any provision of paragraph (1) in the interest of national security.'.

(2) Subsections (b) and (d) of section 117 of the Treasury Department Appropriations Act, 1999 (as contained in section 101(h) of Public Law 105-277) are repealed.

SEC. 2003. AID FOR VICTIMS OF TERRORISM.

(a) MEETING THE NEEDS OF VICTIMS OF TERRORISM OUTSIDE THE UNITED STATES-

(1) IN GENERAL- Section 1404B(a) of the Victims of Crime Act of 1984 (42 U.S.C. 10603b(a)) is amended as follows:

(a) VICTIMS OF ACTS OF TERRORISM OUTSIDE UNITED STATES-

(1) IN GENERAL- The Director may make supplemental grants as provided in 1402(d)(5) to States, victim service organizations, and public agencies (including Federal, State, or local governments) and nongovernmental organizations that provide assistance to victims of crime, which shall be used to provide emergency relief, including crisis response efforts, assistance, training, and technical assistance, and ongoing assistance, including during any investigation or prosecution, to victims of terrorist acts or mass violence occurring outside the United States who are not persons eligible for compensation under title VIII of the Omnibus Diplomatic Security and Antiterrorism Act of 1986.

(2) VICTIM DEFINED- In this subsection, the term "victim"--

(A) means a person who is a national of the United States or an officer or employee of the United States Government who is injured or killed as a result of a terrorist act or mass violence occurring outside the United States; and

(B) in the case of a person described in subparagraph (A) who is less than 18 years of age, incompetent, incapacitated, or deceased, includes a family member or legal guardian of that person.

(3) RULE OF CONSTRUCTION- Nothing in this subsection shall be construed to allow the Director to make grants to any foreign power (as defined by section 101(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(a)) or to any domestic or foreign organization operated for the purpose of engaging in any significant political or lobbying activities.

(2) APPLICABILITY- The amendment made by this subsection shall apply to any terrorist act or mass violence occurring on or after December 21, 1988, with respect to which an investigation or prosecution was ongoing after April 24, 1996.

(3) ADMINISTRATIVE PROVISION- Not later than 90 days after the date of the enactment of this Act, the Director shall establish guidelines under section 1407(a) of the Victims of Crime Act of 1984 (42 U.S.C. 10604(a)) to specify the categories of organizations and agencies to which the Director may make grants under this subsection.

(4) TECHNICAL AMENDMENT- Section 1404B(b) of the Victims of Crime Act of 1984 (42 U.S.C. 10603b(b)) is amended by striking "1404(d)(4)(B)" and inserting "1402(d)(5)".

(b) AMENDMENTS TO EMERGENCY RESERVE FUND-

(1) CAP INCREASE- Section 1402(d)(5)(A) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(5)(A)) is amended by striking "\$50,000,000" and inserting "\$100,000,000".

(2) TRANSFER- Section 1402(e) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(e)) is amended by striking "in excess of \$500,000" and all that follows through "than \$500,000" and inserting "shall be available for deposit into the emergency reserve fund referred to in subsection (d)(5) at the discretion of the Director. Any remaining unobligated sums".

(c) COMPENSATION TO VICTIMS OF INTERNATIONAL TERRORISM-

(1) IN GENERAL- The Victims of Crime Act of 1984 (42 U.S.C. 10601 et seq.) is amended by inserting after section 1404B the following:

SEC. 1404C. COMPENSATION TO VICTIMS OF INTERNATIONAL TERRORISM.

(a) DEFINITIONS- In this section:

(1) INTERNATIONAL TERRORISM- The term 'international terrorism' has the meaning given the term in section 2331 of title 18, United States Code.

(2) NATIONAL OF THE UNITED STATES- The term 'national of the United States' has the meaning given the term in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).

(3) VICTIM-

(A) IN GENERAL- The term 'victim' means a person who--

(i) suffered direct physical or emotional injury or death as a result of international terrorism occurring on or after December 21, 1988 with respect to which an investigation or prosecution was ongoing after April 24, 1996; and

(ii) as of the date on which the international terrorism occurred, was a national of the United States or an officer or employee of the United States Government.

(B) INCOMPETENT, INCAPACITATED, OR DECEASED VICTIMS- In the case of a victim who is less than 18 years of age, incompetent, incapacitated, or deceased, a family member or legal guardian of the victim may receive the compensation under this section on behalf of the victim.

(C) EXCEPTION- Notwithstanding any other provision of this section, in no event shall an individual who is criminally culpable for the terrorist act or mass violence receive any compensation under this section, either directly or on behalf of a victim.

(b) AWARD OF COMPENSATION- The Director may use the emergency reserve referred to in section 1402(d)(5)(A) to carry out a program to compensate victims of acts of international terrorism that occur outside the United States for expenses associated with that victimization.

(c) ANNUAL REPORT- The Director shall annually submit to Congress a report on the status and activities of the program under this section, which report shall include--

(1) an explanation of the procedures for filing and processing of applications for compensation;

(2) a description of the procedures and policies instituted to promote public awareness about the program;

(3) a complete statistical analysis of the victims assisted under the program, including--

(A) the number of applications for compensation submitted;

(B) the number of applications approved and the amount of each award;

(C) the number of applications denied and the reasons for the denial;

`(D) the average length of time to process an application for compensation; and

`(E) the number of applications for compensation pending and the estimated future liability of the program; and

`(4) an analysis of future program needs and suggested program improvements.'.

(2) CONFORMING AMENDMENT- Section 1402(d)(5)(B) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(5)(B)) is amended by inserting `, to provide compensation to victims of international terrorism under the program under section 1404C,' after `section 1404B'.

(d) AMENDMENTS TO VICTIMS OF CRIME FUND- Section 1402(c) of the Victims of Crime Act 1984 (42 U.S.C. 10601(c)) is amended by adding at the end the following: `Notwithstanding section 1402(d)(5), all sums deposited in the Fund in any fiscal year that are not made available for obligation by Congress in the subsequent fiscal year shall remain in the Fund for obligation in future fiscal years, without fiscal year limitation.'.

SEC. 2004. TWENTY-FIRST AMENDMENT ENFORCEMENT.

(a) SHIPMENT OF INTOXICATING LIQUOR IN VIOLATION OF STATE LAW- The Act entitled `An Act divesting intoxicating liquors of their interstate character in certain cases', approved March 1, 1913 (commonly known as the `Webb-Kenyon Act') (27 U.S.C. 122) is amended by adding at the end the following:

`SEC. 2. INJUNCTIVE RELIEF IN FEDERAL DISTRICT COURT.

`(a) DEFINITIONS- In this section--

`(1) the term `attorney general' means the attorney general or other chief law enforcement officer of a State or the designee thereof;

`(2) the term `intoxicating liquor' means any spirituous, vinous, malted, fermented, or other intoxicating liquor of any kind;

`(3) the term `person' means any individual and any partnership, corporation, company, firm, society, association, joint stock company, trust, or other entity capable of holding a legal or beneficial interest in property, but does not include a State or agency thereof; and

`(4) the term `State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States.

`(b) ACTION BY STATE ATTORNEY GENERAL- If the attorney general has reasonable cause to believe that a person is engaged in, or has engaged in, any act that would constitute a violation of a State law regulating the importation or transportation of any intoxicating liquor, the attorney general may bring a civil action in accordance with this section for injunctive relief (including a preliminary or permanent injunction) against the person, as the attorney general determines to be necessary to--

`(1) restrain the person from engaging, or continuing to engage, in the violation; and

`(2) enforce compliance with the State law.

`(c) FEDERAL JURISDICTION-

`(1) IN GENERAL- The district courts of the United States shall have jurisdiction over any action brought under this section by an attorney general against any person, except one licensed or otherwise authorized to produce, sell, or store intoxicating liquor in such State.

`(2) VENUE- An action under this section may be brought only in accordance with section 1391 of title 28, United States Code, or in the district in which the recipient of the intoxicating liquor resides or is found.

`(3) FORM OF RELIEF- An action under this section is limited to actions seeking injunctive relief (a preliminary and/or permanent injunction).

`(4) NO RIGHT TO JURY TRIAL- An action under this section shall be tried before the court.

`(d) REQUIREMENTS FOR INJUNCTIONS AND ORDERS-

`(1) IN GENERAL- In any action brought under this section, upon a proper showing by the attorney general of the State, the court may issue a preliminary or permanent injunction to restrain a violation of this section. A proper showing under this paragraph shall require that a State prove by a preponderance of the evidence that a violation of State law as described in subsection (b) has taken place or is taking place.

`(2) ADDITIONAL SHOWING FOR PRELIMINARY INJUNCTION- No preliminary injunction may be granted except upon-

`(A) evidence demonstrating the probability of irreparable injury if injunctive relief is not granted; and

`(B) evidence supporting the probability of success on the merits.

`(3) NOTICE- No preliminary or permanent injunction may be issued under paragraph (1) without notice to the adverse party and an opportunity for a hearing.

`(4) FORM AND SCOPE OF ORDER- Any preliminary or permanent injunction entered in an action brought under this section shall--

`(A) set forth the reasons for the issuance of the order;

`(B) be specific in terms;

`(C) describe in reasonable detail, and not by reference to the complaint or other document, the act or acts sought to be restrained; and

`(D) be binding upon--

`(i) the parties to the action and the officers, agents, employees, and attorneys of those parties; and

`(ii) persons in active concert or participation with the parties to the action who receive actual notice of the order by personal service or otherwise.

(5) **ADMISSIBILITY OF EVIDENCE-** In a hearing on an application for a permanent injunction, any evidence previously received on an application for a preliminary injunction in connection with the same civil action and that would otherwise be admissible, may be made a part of the record of the hearing on the permanent injunction.

(e) **RULES OF CONSTRUCTION-** This section shall be construed only to extend the jurisdiction of Federal courts in connection with State law that is a valid exercise of power vested in the States--

(1) under the twenty-first article of amendment to the Constitution of the United States as such article of amendment is interpreted by the Supreme Court of the United States including interpretations in conjunction with other provisions of the Constitution of the United States; and

(2) under the first section herein as such section is interpreted by the Supreme Court of the United States; but shall not be construed to grant to States any additional power.

(f) **ADDITIONAL REMEDIES-**

(1) **IN GENERAL-** A remedy under this section is in addition to any other remedies provided by law.

(2) **STATE COURT PROCEEDINGS-** Nothing in this section may be construed to prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of any State law.

SEC. 3. GENERAL PROVISIONS.

(a) **EFFECT ON INTERNET TAX FREEDOM ACT-** Nothing in this section may be construed to modify or supersede the operation of the Internet Tax Freedom Act (47 U.S.C. 151 note).

(b) **INAPPLICABILITY TO SERVICE PROVIDERS-** Nothing in this section may be construed to--

(1) authorize any injunction against an interactive computer service (as defined in section 230(f) of the Communications Act of 1934 (47 U.S.C. 230(f)) used by another person to engage in any activity that is subject to this Act;

(2) authorize any injunction against an electronic communication service (as defined in section 2510(15) of title 18, United States Code) used by another person to engage in any activity that is subject to this Act; or

(3) authorize an injunction prohibiting the advertising or marketing of any intoxicating liquor by any person in any case in which such advertising or marketing is lawful in the jurisdiction from which the importation, transportation or other conduct to which this Act applies originates.'

(b) **EFFECTIVE DATE-** This section and the amendments made by this section shall become effective 90 days after the date of the enactment of this Act.

(c) **STUDY-** The Attorney General shall carry out the study to determine the impact of this section and shall submit the results of such study not later than 180 days after the enactment of this Act.
Speaker of the House of Representatives.

Vice President of the United States and

President of the Senate.

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DECLARATION OF SERVICE BY EMAIL

I, the undersigned, declare as follows:

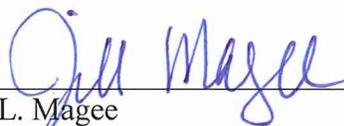
I am a resident of the County of Sacramento and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

On March 16, 2018, I served the:

- **Notice of Complete Test Claim, Schedule for Comments, and Notice of Tentative Hearing Date issued March 16, 2018**
- **Test Claim filed by the City of Claremont on March 6, 2018**
U Visa 918 Form, Victims of Crime: Nonimmigrant Status, 17-TC-01
City of Claremont, Claimant

by making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on March 16, 2018 at Sacramento, California.



Jill L. Magee
Commission on State Mandates
980 Ninth Street, Suite 300
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(916) 323-3562

COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 3/16/18

Claim Number: 17-TC-01

Matter: U Visa 918 Form, Victims of Crime: Nonimmigrant status

Claimant: City of Claremont

TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.3.)

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