



Guidance from the MA Attorney General's Human Trafficking and Fair Labor Divisions Concerning M.G.L. c. 258F

Certification for Victims of Criminal Activity and Human Trafficking

The Office of the Attorney General (AGO) issues this revised guidance regarding M.G.L. c. 258F, relative to *Certification for Victims of Criminal Activity and Human Trafficking*, effective November 3, 2026.¹ This guidance is intended to provide information only and does not create any rights or remedies.

The U and T nonimmigrant visa program was established by the federal government to strengthen the ability of law enforcement agencies to detect, investigate, and prosecute certain crimes, while offering protection to victims of such offenses.

U nonimmigrant visas provide legal status to victims of an enumerated list of “qualifying criminal activities” who have suffered substantial physical or mental abuse, possess information concerning that crime, and have been, are being, or are likely to be helpful to law enforcement or government officials.

T nonimmigrant visas provide legal status to certain victims of human trafficking who assist law enforcement authorities in the investigation or prosecution of trafficking crimes.

I. Overview of M.G.L. c. 258F

M.G.L. c. 258F was signed into law as part of the Massachusetts PROTECT Act, on August 5, 2026. The provisions are effective November 3, 2026, and provide that:

- Certifying agencies must adopt, publish, and maintain written policies for receiving and responding to requests for U and T visa certification for victims of crime or trafficking; and
- Certifying agencies must respond to requests for certification no later than 45 days after receiving the request or, if the applicant or applicant’s counsel or advocate certifies that the applicant is in federal removal proceedings or has a scheduled immigration court hearing within 45 days or has a beneficiary who will age out within 45 days, certifying agencies must respond no later than 14 business days after receiving the request.
- Certifying agencies shall annually report certification request data to the secretary of the Executive Office of Public Safety and Security.

For the purposes of c. 258F, a “certifying entity” or certifying agency includes:

- State and local law enforcement agencies
- Prosecutors’ offices; and
- Other government offices or officials with the authority to detect, investigate, or prosecute qualifying crimes or severe forms of trafficking in persons. Such offices include, but are not limited to, local police departments, judges, the Department of Children and Families, the Massachusetts Commission Against Discrimination, and the Attorney General’s Office.

II. Certifying Entity Policies

All certifying agencies shall adopt, publish, and maintain a written certification policy containing at a minimum:

- Identification of a designated certifying official within the certifying entity and an alternate;
- A description of how requests may be submitted, which shall include, but not be limited to, by email, through legal counsel or through an authorized advocate;
- Objective criteria used to assess whether a person is a victim who meets the requirements for

¹Massachusetts General Laws Chapter 258F was enacted on July 1, 2021. In Section 13 of Chapter 163 of the Acts of 2026, the chapter was struck and redrafted as an updated M.G.L. c. 258F, enacted on August 5, 2026. The provisions of the redrafted chapter are effective on November 3, 2026, which is ninety days after enactment.

helpfulness consistent with federal certification forms;

- A prohibition against consideration of the applicant's immigration admissibility or eligibility beyond the determinations required by the federal certification form;
- A prohibition against any fee; and
- A description of the certifying entity's internal review process for denials.

No state or local employer shall report or threaten to report an individual to federal immigration authorities in retaliation for seeking certification, reporting a crime, participating in an investigation, filing a labor or civil rights complaint or cooperating with a proceeding.

III. Responses to U and T Visa Certification Requirements

All certifying agencies must respond to a request for U and/or T visa certification not later than 45 days of receipt, nor later than 14 business days if the applicant or applicant's counsel or advocate certifies that the applicant is in federal removal proceedings or has a scheduled immigration court hearing within 45 days or has a beneficiary who will age out within 45 days.

There are three acceptable responses to requests for certification under the law:

- Signed completion of the requested certification form;
- A written denial, without prejudice, informing the victim of the reasons the request does not meet the requirements of the agency's certification policy; or
- If the request for certification requires a response within 14 business days as described above, the certifying agency may issue a written notification of extenuating circumstances beyond its control that prevent a response within 14 business days; such notification shall include a written explanation of the delay, the process the certifying agency will take to make its response, and a projected timeline to receive that response.

IV. Data Collection

The law creates a framework for collecting data by requiring certifying agencies to report to the Executive Office for Public Safety and Security the following information:

- The number of requests for certification received;
- The number of certifications that were completed and signed;
- The number of denied requests and reasons for denial;
- The response times for each request.

Data must be reported in a manner that protects the confidentiality of each applicant/petitioner.

V. Enforcement

A petitioner, directly or through an authorized representative, may file a complaint with the AGO against a certifying entity for violations of chapter 258F by emailing ma.ago.visacertifications@mass.gov with the following information:

- Name of complainant;
- Law enforcement agency involved;
- Date of request for U or T visa certification;
- Date of response (if any);
- Description of complaint (e.g., what requirement of Chapter 258F has been violated);
- Copies of the certification request may be submitted.

The AGO may bring an action for declaratory, injunctive and other equitable relief to compel compliance or prevent violations of this chapter. Chapter 258F does not create a private right of action, nor does it limit any other remedies available under law, including, but not limited to, remedies under chapter 249.