



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

*Certification for Victims of Violent Crime and Human Trafficking*

The Office of the Attorney General (AGO) issues this legal guidance regarding M.G.L. c. 258F,<sup>1</sup> relative to *Certification for Victims of Violent Crime and Human Trafficking*, which went into effect July 1, 2021.<sup>2</sup> This legal guidance is intended to provide guidance, 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, and possess information concerning that crime, and who 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 Section 65 of the FY22 Budget, on July 16, 2021, effective as of July 1, 2021. Chapter 258F provides that:

- Certifying agencies shall adopt policies for completing and signing nonimmigrant status certification forms for victims of crime or trafficking who intend to petition for U or T nonimmigrant status; and
- Certifying agencies shall respond to requests for certification non later than 90 days after receiving the request, absent extenuating circumstances outside of the control of the agency.

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

- State and local law enforcement agencies

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<sup>1</sup> Special thanks to the U and T Visa Working Group of the Immigration Coalition of Massachusetts Law Reform Institute for their content contributions.

<sup>2</sup> See M.G.L. c. 12, §§ 3, 6, and 9.

- Prosecutor’s offices; and
- Other government offices or officials with the authority to detect, investigate, or prosecute crimes or trafficking in persons. Such offices include, but are not limited to, judges, the Department of Children and Families, the Massachusetts Commission Against Discrimination, and the Attorney General’s Office.

## **II. Responses to U and T Visa Certification Requirements**

All certifying agencies must respond to a request for U and/or T visa certification within 90 days, absent extenuating circumstances beyond the control of the agency. 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
- A written notification of extenuating circumstances beyond the control of the certifying agency, including 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

## **III. Data Collection**

The new law also creates a framework for collecting data by requiring that certifying agencies report to the Executive Office for Public Safety and Security the following information:<sup>3</sup>

- The number of requests for certification received;
- The number of certifications that were completed and signed; and
- The number of denied requests.

## **IV. Documentation & Resources**

Members of the U and T Visa Working Group of the Immigration Coalition of Massachusetts Law Reform Institute prepared [A Guide for Certifying Agencies](#), which is a comprehensive guide to the Certification for Victims of Violent Crime and Human Trafficking. The Guide includes several sample documents, including:

- Certification Policies
- Annotated U Visa Certification
- Annotated T Visa Certification
- Designated Certifier Letter
- Decision Letter
- Tracking Spreadsheet

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<sup>3</sup> This data will be used to generate a publicly available report.