

House File 2388 - Introduced

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BY ANDERSON

A BILL FOR

1 An Act providing for certification for purposes of federal
2 immigration law of alien victims of crime who are helpful to
3 law enforcement.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 915.105 Definitions.

2 For purposes of this subchapter, unless the context
3 otherwise requires:

4 1. "*Certifying entity*" means any of the following:

5 a. A state or local law enforcement agency.

6 b. A prosecutor.

7 c. A judge.

8 d. Any other authority that has responsibility for the
9 detection or investigation or prosecution of a qualifying crime
10 or qualifying criminal activity.

11 e. An agency that has criminal detection or investigative
12 jurisdiction in the agency's areas of expertise.

13 2. "*Certifying official*" means any of the following:

14 a. The head of a certifying entity.

15 b. A person in a supervisory role who has been specifically
16 designated by the head of a certifying entity to issue form
17 I-918 supplement B certifications on behalf of the certifying
18 entity.

19 c. A judge.

20 d. Any other certifying official as defined under 8 C.F.R.
21 §214.14(a)(3).

22 3. "*Form I-918*" means a form issued by United States
23 citizenship and immigration services for the purpose of
24 an individual to petition for U nonimmigrant status, or a
25 successor form.

26 4. "*Form I-918 supplement B*" means a form issued by United
27 States citizenship and immigration services for the purpose
28 of certification by a certifying official that an individual
29 submitting a form I-918 is a victim of qualifying criminal
30 activity and has been helpful, is being helpful, or is likely
31 to be helpful to the detection, investigation, or prosecution
32 of the qualifying criminal activity, or a successor form.

33 5. "*Qualifying crime*" includes a criminal offense for
34 which the nature and elements of the offense are substantially
35 similar to qualifying criminal activity, as well as the

1 attempt, conspiracy, or solicitation to commit such an offense.

2 6. *“Qualifying criminal activity”* means qualifying criminal
3 activity pursuant to 8 U.S.C. §1101(a)(15)(U)(iii).

4 7. *“Victim”* means an alien who has suffered direct and
5 proximate harm as a result of the commission of qualifying
6 criminal activity.

7 Sec. 2. NEW SECTION. 915.106 **Certification of helpful**
8 **victim of crime — federal form — rebuttable presumption.**

9 1. If an individual is a victim of qualifying criminal
10 activity and has been helpful, is being helpful, or is likely
11 to be helpful to the detection, investigation, or prosecution
12 of the qualifying criminal activity, a certifying official from
13 a certifying entity shall certify the helpful status of the
14 victim on a form I-918 supplement B upon the request of the
15 individual.

16 2. If the requirements of subsection 1 are met, the
17 certifying official shall fully complete and sign the form
18 I-918 supplement B and include specific details about the
19 nature of the crime detected, investigated, or prosecuted and a
20 detailed description of the victim’s helpful status or likely
21 helpful status relating to the detection, investigation, or
22 prosecution of the criminal activity. A current investigation,
23 the filing of charges, or a prosecution or conviction shall
24 not be required for a victim to request and obtain a form
25 I-918 supplement B certification from a certifying official.
26 A certifying entity shall process an I-918 supplement B
27 certification within ninety days of an individual’s request,
28 unless the individual is currently subject to removal
29 proceedings, in which case a certifying entity shall process
30 the certification within fourteen days of the individual’s
31 request. A certifying official shall not withdraw a
32 certification unless the victim refuses to provide information
33 and assistance when reasonably requested by law enforcement
34 personnel.

35 3. For purposes of determining a victim’s helpful status,

1 being helpful, or is likely to be helpful to the detection,
2 investigation, or prosecution of the qualifying criminal
3 activity.

4 United States customs and immigration enforcement form I-918
5 is a form used by an alien who is a victim of certain crimes
6 and is helpful to law enforcement relating to such crimes to
7 petition for temporary immigration status as specified under
8 federal law. Certification by law enforcement on a form
9 I-918 supplement B that the alien was a victim of the crime
10 and is helpful to law enforcement relating to the crime is
11 a prerequisite to obtaining such status. The bill specifies
12 which law enforcement entities and officials and which crimes
13 are subject to the bill.

14 If the requirements specified in the bill are met, the
15 bill requires a certifying official to fully complete and
16 sign a form I-918 supplement B. The bill provides that a
17 current investigation, the filing of charges, or a prosecution
18 or conviction shall not be required for a victim to request
19 and obtain certification from a certifying official. The
20 bill provides deadlines for completion of certification.
21 The bill prohibits a certifying official from withdrawing a
22 certification unless the victim refuses to provide information
23 and assistance when reasonably requested by law enforcement
24 personnel.

25 The bill provides that for purposes of determining
26 a victim's helpful status, there shall be a rebuttable
27 presumption that a victim is helpful, has been helpful, or
28 is likely to be helpful to the detection, investigation, or
29 prosecution of qualifying criminal activity if the victim has
30 not refused or failed to provide information and assistance
31 reasonably requested by law enforcement personnel.

32 The bill prohibits a certifying entity from disclosing the
33 immigration status of an individual requesting certification to
34 any person except to comply with the requirements of federal
35 law or a legal proceeding or if authorized by the individual

1 requesting certification.

2 The bill requires a certifying entity that receives a
3 request for form I-918 supplement B certification to submit
4 an annual report on such certifications to the department of
5 public safety no later than January 5. The bill requires the
6 department to submit an annual report on such certifications to
7 the general assembly and the governor no later than January 15.
8 The bill specifies the content of the reports.