



## Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

# Final Fiscal Note

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<b>Drafting Number:</b>	LLS 21-0259	<b>Date:</b>	September 17, 2021
<b>Prime Sponsors:</b>	Rep. Gonzales-Gutierrez; Jodeh Sen. Gonzales	<b>Bill Status:</b>	Signed into Law
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**Bill Topic:** U VISA CERTIFICATION REQUIREMENTS

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**Summary of Fiscal Impact:**

<input checked="" type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure	<input checked="" type="checkbox"/> Local Government
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

This bill sets time limits for a certifying entity to sign or decline to sign a U non-immigrant status certification form and limits the factors than can be considered. Beginning in the current fiscal year, FY 2020-21, it will reduce state and local revenue and increase state workload and local expenditures on an ongoing basis.

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**Appropriation Summary:** No appropriation is required.

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**Fiscal Note Status:** The fiscal note reflects the enacted bill.

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## Summary of Legislation

The U non-immigrant status (U visa) was created by the United States Congress for victims of certain crimes who have experienced mental or physical abuse and are being helpful to law enforcement. A certifying agency is required to complete a form for submission to the U.S. Citizenship and Immigration Services (USCIS) within the Department of Homeland Security that confirms that the qualifying crime occurred, and that the victim is being helpful in the detection, investigation, or prosecution of the qualifying criminal activity.

This bill sets time limits for a certifying agency to either sign or decline to sign the certification form and limits the factors than can be considered. A certifying agency is prohibited from disclosing personal identifying information or the immigration status of a victim or requestor except to comply with federal law, and is required to report annually to the Division of Criminal Justice (DCJ) in the Department of Public Safety on requests for certifications received. If a certifying official or agency signs the certification form, they must also provide relevant documentation to the requestor at no cost. Finally, a certifying agency is required to provide information regarding the U visa to victims of qualifying crimes.

## **Background**

A U visa may be granted for up to four years and authorizes the applicant to work, obtain a valid social security number, and in Colorado, a state issued driver license or identification card. After three years, a non-immigrant with a U visa may be eligible to apply for lawful permanent residence in the United States. U visa applicants may include certain family members in their U visa petitions. The majority of U visa petitions are certified by law enforcement.

The total number of U visas issued is limited to 10,000 per year and that number has been reached every year since 2010. Qualifying family members are included with the applicant in a single U visa. As of the end of federal fiscal year 2019, the USCIS had approximately 152,000 applications awaiting a decision. Processing time is more than four years. If a petition is approved, but no visas are available, the USCIS puts the applicant in deferred action status and places them on a waitlist. Applicants on the waitlist can apply for a two-year, renewable work permit. It is the policy of Immigration Control and Enforcement to not remove a U visa applicant or qualifying family member who is on the wait list.

## **State Revenue**

To the extent that the Department of Public Safety is required to provide offense reports associated with a certification form at no cost, the department will see a reduction in revenue for Colorado Open Records Act (CORA) charges. This amount will depend on the number and size of case files for which the department signs certification forms. This revenue reduction is subject to TABOR.

## **State Expenditures**

This bill will increase workload for the Department of Public Safety beginning in FY 2020-21 to:

- collect annual reports from certifying entities; and
- provide expedited certifications and offense reports to requestors.

This workload increase can be accomplished within existing resources.

**TABOR refunds.** The bill is expected to increase the amount of state revenue required to be refunded to taxpayers by a minimal amount in FY 2021-22 and FY 2022-23. TABOR refunds are paid from the General Fund. This estimate is based on the June 2021 LCS revenue forecast, which incorporates the revenue impacts of bills passed during the 2021 session. A forecast of state revenue subject to TABOR is not available beyond FY 2022-23.

## **Local Government**

This bill will increase costs and workload for district attorneys in a number of ways, as well as reduce revenue. The time limits for completing or denying a certification request creates a statutory preference towards these cases over other duties of district attorneys. Depending on the number of certification requests, additional staff may be needed in some offices to meet these time lines. In cases

where the district attorney signs the certification form, the bill requires that the certification form be returned to the requestor with relevant pages of offense reports related to the qualifying criminal activity subject to release by law at no cost, which may reduce revenue.

## Effective Date

The bill was signed into law by the Governor on May 10, 2020, it took effect September 1, 2021. It applies to requests for certifications made on or after that date.

## State and Local Government Contacts

Counties	District Attorneys	Information Technology
Judicial	Labor	Law
Public Safety	Sheriffs	