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# FISCAL IMPACT REPORT

**BILL NUMBER:** Senate Bill 31

**SHORT TITLE:** U Visa Certification Act

**SPONSOR:** Sedillo Lopez

**LAST ORIGINAL**  
**UPDATE:** \_\_\_\_\_ **DATE:** 02/12/2026 **ANALYST:** Sanchez

## ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT\*

(dollars in thousands)

Agency/Program	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
NMAG AODA CYFD DPS	See "Fiscal Implications"	See "Fiscal Implications"	See "Fiscal Implications"	See "Fiscal Implications"	Recurring	General Fund

Parentheses ( ) indicate expenditure decreases.

\*Amounts reflect most recent analysis of this legislation.

## Sources of Information

LFC Files

### Agency or Agencies Providing Analysis

Administrative Office of the District Attorneys

Office of the Attorney General

Healthcare Authority

Children, Youth and Families Department

Department of Public Safety

## SUMMARY

### Synopsis of Senate Bill 31

Senate Bill 31 (SB31) enacts a new section of Chapter 31 NMSA 1978, titled the “U Visa Certification Act,” to establish a uniform, statewide process for the review and issuance of U visa certifications by state and local entities.

SB31 defines key terms, including “certifying agency,” “certifying official,” and “victim,” and expressly authorizes victims of qualifying criminal activity, or individuals acting on their behalf, to request U visa certification from designated law enforcement agencies, prosecutors, courts, and certain executive agencies with authority to detect, investigate, or prosecute criminal activity. It establishes statutory eligibility criteria, stating that a victim qualifies for certification if they possess credible and reliable information about qualifying criminal activity and have assisted, or are likely to assist, in its detection, investigation, or prosecution.

The bill imposes mandatory timelines on certifying officials, requiring that requests be processed within 30 days and within 14 days when the victim is in federal removal proceedings and seeks expedited review by a district attorney's office or the state department of justice. If certification is granted, the official must complete and sign the federal certification form and provide the victim with supporting documentation at no charge. If certification is denied, the official must issue a written explanation, provide notice of any internal appeal process, and preserve relevant records.

SB31 also grants district courts jurisdiction to review certification determinations and to make findings of fact and conclusions of law, providing a judicial remedy if a victim challenges a denial. SB31 establishes a statutory framework governing who may issue U visa certifications, who may request them, the eligibility standards, the review procedures and timelines, and the availability of judicial oversight.

This bill does not contain an effective date and, as a result, would go into effect 90 days after the Legislature adjourns, which is May 20, 2026.

## **FISCAL IMPLICATIONS**

SB31 creates new statutory duties for multiple certifying agencies, including the Office of the Attorney General (NMAG), the Administrative Office of the District Attorneys (AODA), the Children, Youth and Families Department (CYFD), the Department of Public Safety (DPS), and potentially other state entities listed in the bill. Several agencies report that, although the volume of requests is unknown, the bill could increase the administrative workload associated with processing U visa certification requests, establishing and administering internal appeal procedures, publishing procedures online, maintaining records, and meeting statutory response timelines.

NMAG reports SB31 would require the agency to create and administer an internal appeal process for certification denials, review denials issued by other agencies, compile annual data, publish required information, and potentially defend petitions filed in district court. The agency indicates it is unclear how many appeals or petitions would occur annually and, therefore, whether additional full-time employees would be required. Additionally, if a district court awards attorney fees or costs under Section 6, the agency may incur litigation-related expenditures.

AODA indicates that certifying agencies would need to establish an appeal process and may require additional personnel to administer it. Similarly, CYFD notes that the bill imposes new procedural requirements, including a 30-day timeline for decisions, certified mailing of determinations, an internal appeals process, and the maintenance of records for potential review. CYFD states it intends to absorb these costs within existing resources. DPS reports no identified fiscal impact but acknowledges new administrative requirements, including tracking, documentation, and supervisory review processes, to comply with statutory timelines.

The Health Care Authority (HCA), which is included in the bill's definition of certifying agency, reports no direct appropriation but indicates the volume of potential requests is unknown, and staff resources would be needed to respond to certification requests and comply with procedural requirements if the agency remains subject to the bill. HCA also notes that it does not currently investigate or prosecute the qualifying criminal activities enumerated under federal U visa law,

which may affect the number and nature of requests directed to the agency.

Because the number of certification requests, internal appeals, NMAG reviews, and potential district court petitions is unknown, the magnitude of any additional operating budget impact cannot be estimated at this time. Potential cost drivers may include personnel time to review and process requests within statutory timelines; administrative costs associated with certified mail and record retention; information technology modifications to publish procedures and track requests; and potential litigation costs, including attorney fees and equitable relief awarded by a district court. Absent an appropriation, agencies would be required to absorb these costs within existing budgets.

## **SIGNIFICANT ISSUES**

SB31 establishes a state statutory framework governing U visa certification, an area comprehensively regulated under federal immigration law, including 8 U.S.C. Section 1101(a)(15)(U) and its implementing regulations at 8 C.F.R. Section 214.14. Because immigration is an area of federal authority, courts may examine whether provisions of the bill are preempted if they are interpreted to conflict with or expand upon federal standards. For example, differences between the bill’s definitions and federal regulatory definitions of “victim,” “certifying agency,” or “qualifying criminal activity” could result in an individual qualifying for certification under state law but not ultimately qualifying for U visa relief under federal law. Such discrepancies could lead to confusion for applicants and agencies and may affect the legal enforceability of certain provisions.

The bill also designates courts, including district and other trial courts, as “certifying agencies” and authorizes district courts to complete certifications and award equitable relief, including attorney fees and costs, upon petition. Under federal regulations, a certifying agency is defined as a federal, state, or local authority that detects, investigates, or prosecutes qualifying criminal activity. Expanding certification authority to judicial officers who may not have direct investigative or prosecutorial involvement in the underlying offense may raise questions regarding alignment with federal certification requirements and the scope of judicial authority in this context.

Additionally, Section 6 establishes a petition process in district court to review certification denials but does not specify the applicable standard of review, the burden of proof, or whether the proceeding is intended to function as an appeal of administrative action or as an independent civil action. The absence of procedural detail may require courts to determine the appropriate framework for adjudicating such petitions, potentially resulting in inconsistent application across judicial districts until clarified through case law or rulemaking.

The bill also requires certifying agencies to provide unredacted copies of police or incident reports, criminal complaints, or affidavits with approved certifications. These requirements may intersect with existing confidentiality provisions, discovery rules, or the Inspection of Public Records Act (IPRA), and agencies may need to reconcile those obligations with statutory protections for sensitive information, including information related to ongoing investigations or protected personal data.