

THE WITNESS ASSISTANCE AND CRIMINAL ACCOUNTABILITY ACT

The *Witness Assistance and Criminal Accountability Act* would make our communities safer by holding criminals accountable, encouraging witnesses of criminal activity to participate in the justice system, and ensuring noncitizens who assist police and prosecutors are not punished for their participation.

Current law does not provide protections for noncitizens who witness a heinous crime and wish to aid law enforcement by providing credible information, testimony, or evidence in their possession. While certain noncitizens may be eligible for an S Visa if they assist law enforcement in prosecuting a crime committed by a terrorist group or criminal organization, the requirements are so narrow that the State Department did not issue a single S Visa between 2019 and 2023. The lack of protections for noncitizen witnesses means these individuals are forced to weigh their desire to help in a criminal prosecution against the risk of being deported if they come forward.

The bill does not require that state or local law enforcement participate in the program but does include provisions to safeguard against potential abuse. Designated law enforcement officials must certify that the information is reliable and the individual's presence in the U.S. is critical to the investigation or prosecution. The Department of Homeland Security ultimately has the authority to determine whether a noncitizen witness is eligible.

The *Witness Assistance and Criminal Accountability Act* would protect witnesses and encourage cooperation with law enforcement to help prosecute crimes. Specifically, the bill would:

- Amend the Immigration and Nationality Act to establish a new nonimmigrant classification – the W Visa – for individuals who are in possession of critical information regarding criminal activity and who are willing to assist with law enforcement's prosecution of eligible crimes;
- Ensure that noncitizens who step forward to participate in the criminal justice system have access to immigration protection;
- Facilitate communication and cooperation between state and local law enforcement and the communities they serve by ensuring that members of the community are not afraid to participate because of their immigration status.