

## **SB 962 -1 STAFF MEASURE SUMMARY**

### **Senate Committee On Judiciary**

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**Prepared By:** Gillian Fischer, Counsel

**Sub-Referral To:** Joint Committee On Ways and Means

**Meeting Dates:** 3/21, 4/1, 4/5

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#### **WHAT THE MEASURE DOES:**

Directs certifying agencies to certify to United States Citizenship and Immigration Services, within specified time, victim helpfulness in detecting, investigating or prosecuting qualifying criminal activity in response to U nonimmigrant visa requests (U visa) . Creates rebuttable presumption that victim is helpful. Directs agencies to create written procedures for processing certification requests. Specifies certification procedures. Directs certifying agencies to report annually to interim committees of Legislative Assembly related to judiciary beginning June 1, 2020. Directs staff of interim committees related to judiciary to compile reports and provide to Oregon Criminal Justice Commission within 90 days. Directs commission to prepare comprehensive report within 90 days and submit report to interim committees related to judiciary. Sunsets reporting requirement on January 2, 2022.

#### **ISSUES DISCUSSED:**

- Result of a work group
- Encourages victims to report and participate in criminal process regardless of immigration status
- Supports law enforcement's investigation of crimes
- Certification process does not provide legal status or citizenship to a victim
- Codifies federal requirements

#### **EFFECT OF AMENDMENT:**

-1 Makes technical changes. Substitutes the Criminal Justice Commission as agency for collection, analysis, and reporting of data from certifying agencies and removes duties directed to judiciary committee staff.

#### **BACKGROUND:**

The U nonimmigrant status (U visa) is set aside for victims of certain crimes who have suffered mental or physical abuse and are helpful to law enforcement or government officials in the investigation or prosecution of criminal activity. Congress created the U nonimmigrant visa with the passage of the Victims of Trafficking and Violence Protection Act (including the Battered Immigrant Women's Protection Act) in October 2000. The legislation was intended to strengthen the ability of law enforcement agencies to investigate and prosecute cases of domestic violence, sexual assault, trafficking of aliens and other crimes while also protecting victims of crimes who have suffered substantial mental or physical abuse due to the crime and are willing to help law enforcement authorities in the investigation or prosecution of the criminal activity. The legislation also helps law enforcement agencies to better serve victims of crimes.

Senate Bill 962 codifies procedural requirements for certifications of U visas and provides data uniform data collection requirements and centralized analysis to ensure equitable distribution of U visa certifications.