

From the desk of
Jeff Barker

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Support Senate Bill 962B

U Nonimmigrant Visa Status Certifications - Creating Consistency Across Jurisdictions

Background:

In October of 2000, Congress created the U nonimmigrant visa (U Visa) with the passage of the Victims of Trafficking and Violence Protection Act, with the intent to strengthen the ability of law enforcement agencies to investigate and prosecute cases of domestic violence, sexual assault, trafficking of persons and other serious crimes, while also protecting victims of crime who have suffered substantial mental or physical abuse due to the crime.

As the U Visa program is a Federal resource, local law enforcement does not determine whether a U Visa is granted. They instead act as a certifier that the applicant meets basic criteria by filling out a form (USCIS Form I-918, Supplement B, U Nonimmigrant Status Certification) which the applicant then provides to the United States Citizenship and Immigration Services (USCIS). The form collects certain facts about the crime and indicates that the applicant has been a victim of a qualifying crime, and is, was, or is likely to be helpful in the investigation or prosecution of that crime. The applicant then includes that form in the U Visa application to USCIS. Without this form, the application will not be considered for a U Visa.

Inconsistencies:

Across Oregon, applicants and their representatives have experienced discrepancies across jurisdictions in the handling of requests for a U Visa status certification. Some entities process requests quickly and work collaboratively with applicants, while others may deny requests without review, or take extended periods of time to grant or deny the certification.

Advocates, immigration attorneys, law enforcement and other stakeholders came together from 2017-2019 with the goal of creating a transparent and consistent U Visa status certification process to be adopted across law enforcement agencies in Oregon; and to create predictability for victims of crime and ensure equal access to this federal resource across the state. SB 962B is the consensus measure produced out of that work group process.

Stakeholders agree, SB 962B will:

- Increase reporting of violent crime;
- Assist law enforcement investigation of crime and better hold perpetrators accountable;
- Improve trust and communication between crime victims and law enforcement;
- Improve awareness about a valuable federal resource;
- Give crime victims predictability and clear expectation of process;
- Ensure applicants receive equal treatment across jurisdictions;
- Allow applicants to receive a timely response to their request;
- Gather basic information on U Visa status certification across jurisdictions in Oregon to allow for future improvements.

Chief Clerks Office
House of Representatives
OREGON

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We support Senate Bill 962B!



AMERICAN IMMIGRATION LAWYERS ASSOCIATION



Oregon Alliance to End Violence Against Women



Oregon Law Center

