



AMERICAN CIVIL LIBERTIES UNION

Oregon

**Testimony of Ricardo Lujan-Valerio, Policy Associate
In Support of SB 962
Senate Committee on Judiciary
March 21, 2019**

Chair Prozanski and Members of the Committee:

The American Civil Liberties Union of Oregon¹ supports SB 962, which would direct certifying agencies, such as police departments and district attorney offices, to certify U-Visa Supplement B forms for victims of specific crimes. It would also create a reporting mechanism for certifying agencies to Oregon's Criminal Justice Commission.

Oregon must give victims, especially those most vulnerable, the ability to access our justice system. The U-Nonimmigrant Visa is one that victims of specific crimes can qualify for if they have been helpful, are being helpful, or are likely to be helpful in the future, to law enforcement in the reporting, investigation or prosecution of the crime. SB 962 seeks to provide eligible petitioners the ability to request a certification from any certifying agency within the jurisdiction where the crime took place. This bill seeks to remove barriers that often discourage a victim from reporting crimes and leave petitioners in a state of uncertainty – contrary to Congress' intent when establishing this visa.

A petitioner's pursuit of a U-Visa does not end with the certifying agency. However, it cannot move forward without it. A petitioner must successfully go through multiple phases to be afforded a U-Visa. Although an agency's certification *must* be included in a person's application for consideration, the Department of Homeland Security (DHS) has the final decision whether a petitioner is approved or denied. That process includes an extensive background check of each applicant. Federal statute limits DHS from issuing these visas to 10,000 individuals per year. This means that the application process can take an average of 4 years.² In the context of this already expensive and timely endeavor, SB 962 aims to assist victims by lowering the hardships in this process.

¹ The American Civil Liberties Union of Oregon (ACLU of Oregon) is a nonpartisan, nonprofit organization dedicated to preservation and enhancement of civil liberties and civil rights, with more than 45,000 members and supporters statewide.

² USCIS I-918 Processing Time

Certifying agencies in Oregon should have a clear intake structure for U-Visa certification requests. It is common to be rejected from a law enforcement agency when requesting certification. Often times, this is not due to malicious intent from an agency. Rather, it is the lack of understanding by an agency in their authority to certify in the first place. SB 962 would require agencies to appoint a liaison dedicated to understanding this authority and to give a timely response to petitioners. If an agency rejects a petitioner's request, it must provide them with an explanation of denial—something that most agencies do not currently do.

Lastly, a statewide reporting mechanism will allow state leaders to create sound policies for victims. With such an important role bestowed upon our law enforcement agencies comes great responsibility. The state has the opportunity with SB 962 to maximize the effectiveness of Congress' intent when enacting the Victims of Trafficking and Violence Protection Act. Through this comprehensive reporting mechanism, the legislature can continue to evaluate how we can more effectively assist agencies in certifying applications and provide petitioners with clear expectations when interacting with their law enforcement liaison.

These policy changes are crucial for ensuring access to justice for all Oregonians. For these reasons, the ACLU of Oregon urges you to support SB 962. Please feel free to contact us if you have any questions, comments, or concerns.