



# **REPORT TO THE LEGISLATURE**

**ASSEMBLY BILL 2027**

**VICTIMS OF CRIME: T NONIMMIGRANT STATUS**

**California Highway Patrol  
2022**

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ASSEMBLY BILL 2027**

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**GAVIN NEWSOM  
GOVERNOR  
STATE OF CALIFORNIA**

**TOKS OMISHAKIN  
SECRETARY  
CALIFORNIA STATE TRANSPORTATION AGENCY**

**A. L. RAY  
COMMISSIONER  
CALIFORNIA HIGHWAY PATROL**

**2022**

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A. ASSEMBLY BILL 2027 – VICTIMS OF CRIME: T NONIMMIGRANT STATUS

## **EXECUTIVE SUMMARY**

On September 28, 2016, Governor Brown signed Assembly Bill 2027 (Quirk, Chapter 749, Statutes of 2015). This law, which went into effect January 1, 2017, requires specified certifying entities, including state law enforcement agencies, to review and certify I-914, Petition for T Nonimmigrant Status, forms for noncitizen victims of specified crimes pursuant to Section 679.11 of the California Penal Code. These requests are commonly referred to as T Visa requests.

Assembly Bill 2027 requires certifying entities which receive T Visa requests to submit a report to the Legislature on or before January 1, 2018, and annually thereafter.

During the fiscal year reporting period from July 1, 2021, through June 30, 2022, the California Highway Patrol received zero T Visa requests.

The California Highway Patrol will continue to review all T Visa requests submitted and provide certifications as outlined in Section 679.11 of the California Penal Code.

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**Introduction**

In October of 2000, the United States Congress created the T nonimmigrant status by passing the Victims of Trafficking and Violence Prevention Act. The legislation strengthened the ability of law enforcement agencies to investigate and prosecute human trafficking and offers protection for noncitizen victims from deportation and permission to work in the United States. This is known as a T Visa.

Assembly Bill 2027 (Quirk, Chapter 749, Statutes of 2015), signed by Governor Brown on September 28, 2016, requires specified certifying entities, including state law enforcement agencies, to review and certify T Visa requests pursuant to Section 679.11 of the California Penal Code. Assembly Bill 2027 went into effect January 1, 2017. (Refer to Annex A.)

In order to qualify for a T Visa, Section 679.11 of the California Penal Code specifies petitioners must be a victim of human trafficking which includes any of the following:

- Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age.
- The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.
- Any crime which is substantially similar to the criminal activity described above, and the attempt, conspiracy, or solicitation to commit any of those offenses.

Section 679.11 of the California Penal Code requires a victim to have been cooperative, is currently being cooperative, or is likely to be cooperative to the investigation or prosecution of human trafficking. For the purpose of determining cooperation pursuant to subdivision (f) of the California Penal Code, there is a rebuttable presumption that a victim is cooperative, has been cooperative, or is likely to be cooperative to the investigation or prosecution of human trafficking, if the victim has not refused or failed to provide information and assistance reasonably requested by law enforcement. Additionally, a current investigation, the filing of charges, or a prosecution or conviction is not required for the victim to request and obtain the Form I-914 Supplement B declaration from a certifying official.

Due to the decentralized nature of the California Highway Patrol, local California Highway Patrol commanders are designated to review T Visa applications for incidents occurring within their immediate jurisdiction. The California Highway Patrol is the primary law enforcement agency involved and provides certification when a T Visa application meets the criteria set forth in Section 679.11 of the California Penal Code.

Section 679.11 of the California Penal Code requires a certifying entity report to the Legislature on or before January 1, 2018, and annually thereafter, the number of T Visa requests the agency received, the number certified, and the number denied.

The California Highway Patrol’s Research and Planning Section was designated as the Office of Primary Interest for T Visa policy and data collection. In addition to providing guidance to California Highway Patrol field commands, Research and Planning Section collects the information submitted by field commands to ensure accurate reporting to the Legislature.

**Statistical Data**

Data depicted in the following tables encompass California Highway Patrol T Visa statistics from 2018 through 2022.

<b>Fiscal Year</b>	<b>Requests Received</b>	<b>Requests Certified</b>	<b>Requests Denied</b>
<b>July 1, 2021 – June 30, 2022</b>	<b>0</b>	<b>0</b>	<b>0</b>
July 1, 2020 – June 30, 2021	0	0	0
<b>Calendar Year</b>	<b>Requests Received</b>	<b>Requests Certified</b>	<b>Requests Denied*</b>
2020	0	0	0
2019	0	0	0
2018	0	0	0

**Conclusion**

The T Visa process provides another method of protecting the diverse communities served by the California Highway Patrol, while maintaining our commitment to providing a high level of Safety, Service, and Security to the people of the great State of California in a fair and professional manner. As such, the California Highway Patrol will continue to review all T Visa requests submitted and provide certifications as outlined in Section 679.11 of the California Penal Code.

**ANNEX A**

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