



# **REPORT TO THE LEGISLATURE**

**SENATE BILL 674**

**VICTIMS OF CRIME: U NONIMMIGRANT STATUS**

**California Highway Patrol  
2022**

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SENATE BILL 674**

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**2022**

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**ANNEX**

A. SENATE BILL 674 – VICTIMS OF CRIME: U NONIMMIGRANT STATUS

## **EXECUTIVE SUMMARY**

On October 9, 2015, Governor Brown signed Senate Bill 674 (De León, Chapter 721, Statutes of 2015). This law, which went into effect January 1, 2016, requires specified certifying entities, including state law enforcement agencies, to review and certify I-918, Petition for U Nonimmigrant Status, forms for noncitizen victims of specified crimes pursuant to Section 679.10 of the California Penal Code. These requests are commonly referred to as U Visa requests.

Senate Bill 674 requires certifying entities which receive U Visa requests to submit a report to the Legislature on or before January 1, 2017, and annually thereafter.

During the fiscal year reporting period from July 1, 2021, through June 30, 2022, the California Highway Patrol received 62 U Visa requests, of which 32 were certified, and 30 were denied.

The California Highway Patrol will continue to review all U Visa requests submitted and provide certifications as outlined in California Penal Code Section 679.10.

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**Introduction**

The federal Victims of Trafficking and Violence Prevention Act of 2000 created the Victims of Crime Visa, known as a U Visa. A U Visa grants relief from deportation and permission to work in the United States to noncitizen victims of specified crimes.

Petitioners filing U Visa requests with United States Citizenship and Immigration Services must obtain a certification from a specified certifying entity using the I-918, Petition for U Nonimmigrant Status, form.

Senate Bill 674 (De León, Chapter 721, Statutes of 2015), signed by Governor Brown on October 9, 2015, requires specified certifying entities, including state law enforcement agencies, to review and certify U Visa requests pursuant to Section 679.10 of the California Penal Code. Senate Bill 674 went into effect January 1, 2016. (Refer to Annex A.)

In order to qualify for a U Visa, Section 679.10 of the California Penal Code specifies petitioners must be a victim or indirect victim of any of the following crimes:

- Rape
- Torture
- Human Trafficking
- Incest
- Domestic violence
- Sexual assault
- Abusive sexual conduct
- Prostitution
- Sexual exploitation
- Female genital mutilation
- Being held hostage
- Peonage
- Perjury
- Involuntary servitude
- Slavery
- Kidnapping
- Abduction
- Unlawful criminal restraint
- False imprisonment

- Blackmail
- Extortion
- Manslaughter
- Murder
- Felonious assault
- Witness tampering
- Obstruction of justice
- Fraud in foreign labor contracting
- Stalking
- Any crime which is substantially similar to the criminal activity described above

Section 679.10 of the California Penal Code requires a victim to have been helpful, is currently being helpful, or is likely to be helpful in the future regarding the investigation into the criminal activity to which they were subjected. Helpfulness is a rebuttable presumption. Additionally, the filing of charges or the successful prosecution of a suspect in a criminal matter is not required.

Due to the decentralized nature of the California Highway Patrol, local California Highway Patrol commanders are designated to review U 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 U Visa application meets the criteria set forth in Section 679.10 of the California Penal Code.

Section 679.10 of the California Penal Code requires a certifying entity report to the Legislature on or before January 1, 2017, and annually thereafter, the number of U 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 U 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 U 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>62</b>	<b>32</b>	<b>30</b>
July 1, 2020 – June 30, 2021	37	18	19
<b>Calendar Year</b>	<b>Requests Received</b>	<b>Requests Certified</b>	<b>Requests Denied*</b>
2020	19	14	5
2019	26	10	16
2018	37	13	24

\* *Requests that were denied did not meet statutory requirements set forth in Section 679.10 of the California Penal Code.*

### **Conclusion**

The U 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 U Visa requests submitted and provide certifications as outlined in California Penal Code Section 679.10.

**ANNEX A**

**SENATE BILL 674 – VICTIMS OF CRIME:  
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