

A large graphic of the American flag, showing the stars and stripes, is positioned in the top right corner of the page, extending diagonally across the layout.

WHAT'S NEXT?

EXPLORING POST ELECTION PROPOSALS TO IMMIGRATION POLICIES

**Join the Jenesse Center for a conversation
on proposed changes to immigration.**

November 21st 12:00pm – 1:00pm

Webinar: [https://us02web.zoom.us/j/87453724437?
pwd=2G2mz4zoBK7rjKm6ygvSk2jrgPpsP.1](https://us02web.zoom.us/j/87453724437?pwd=2G2mz4zoBK7rjKm6ygvSk2jrgPpsP.1)

A large graphic of the American flag, showing the stars and stripes, is positioned in the top right corner of the page, extending diagonally across the background.

¿QUE SIGUE?

EXPLORANDO LAS PROPUESTAS POLITICAS DE INMIGRACION

**El Centro Jenesse va a tener una
conversación sobre los cambios propuestos a
la inmigración.**

21 de noviembre 12:00pm – 1:00pm

Seminario Web : [https://us02web.zoom.us/j/87453724437?
pwd=2G2mz4zoBK7rjKm6ygvgSk2jrgPpsP.1](https://us02web.zoom.us/j/87453724437?pwd=2G2mz4zoBK7rjKm6ygvgSk2jrgPpsP.1)

The LA VAWA NETWORK of Los Angeles and Orange Counties

Presents

15th Annual U Visa Certifier Roundtable

Working in partnership to strengthen support for
immigrant survivors



TABLE OF CONTENTS

LOS ANGELES VAWA/U NETWORK
15TH ANNUAL CERTIFIER ROUNDTABLE
NOVEMBER 7, 2024

| TAB | AGENCY/DOCUMENT |
|-----|--|
| A | Los Angeles VAWA Network contact list and referral information |
| B | Los Angeles City Attorney's Office |
| C | Los Angeles District Attorney's Office |
| D | Los Angeles Police Department |
| E | LA County Department of Children and Family Services |
| F | California Labor Commissioner's Office |
| G | United States Department of Labor |
| H | California Department of Justice |
| I | U.S. Equal Employment Opportunity Commission (EEOC) |
| J | California U Visa Law Update, January 2024 |

TAB A

LOS ANGELES VAWA NETWORK
CONTACT LIST AND REFERRAL
INFORMATION

Los Angeles VAWA Network

| AGENCY NAME and CONTACT INFORMATION | ADDITIONAL INFORMATION |
|---|--|
| <p><u>Asian Americans Advancing Justice Southern California</u></p> <p>1145 Wilshire Blvd. Los Angeles, CA 90017 (213) 977-7500</p> <p><u>Legal Help Hotlines:</u></p> <p>English: 888.349.9695 普通话/广东话: 800.520.2356 한글: 800.867.3640 Tagalog: 855.300.2552 हिन्दी: 855.971.2552 ภาษาไทย: 800.914.9583 Tiếng Việt: 714.477.2958</p> <p>www.ajsocal.org</p> | <ul style="list-style-type: none"> ● Free, if low-income guidelines are met ● Monday – Friday ● 9:00 AM – 5:00 PM |
| <p><u>Central American Resource Center (CARECEN)</u></p> <p>Contact: (213) 385-7800 ext. 136 (Los Angeles Office) (818) 616-6019 (San Fernando Valley Office) (213) 385-7800 ext. 140 (For Appointments) svureferrals@carecen-la.org (E-mail) www.carecen-la.org</p> <p>Los Angeles Office, 2845 W. 7th St., Los Angeles, CA 90005</p> <p>San Fernando Valley Office 16501 Sherman Way, #220, Van Nuys, CA 91406</p> | <ul style="list-style-type: none"> ● Free services, if low-income and grant requirements are met ● Otherwise fee depends on income |

Los Angeles VAWA Network

| | |
|--|--|
| <p><u>Coalition for Human Immigrant Rights, LA (CHIRLA)</u></p> <p>Contact: (213) 353-1333 General www.chirla.org</p> <p>Los Angeles Office (Main) 2533 W. 3rd St., #101 Los Angeles, CA 90057</p> <p>South Los Angeles Office 4255 South Olive Street Los Angeles, CA 90037</p> <p>Pacoima Office 11243 Glenoaks Blvd., #9 Pacoima, CA 91331</p> | <ul style="list-style-type: none">• Consultations available once a month at the Main Office*<ul style="list-style-type: none">- Please call (213) 353-1333 for dates.- *Subject to limited capacity. |
| <p><u>Community Legal Aid SoCal</u></p> <p>Contact: (800) 834-5001 www.communitylegalsocal.org</p> <p>Santa Ana Office 2101 N. Tustin Avenue Santa Ana, 92705</p> <p>Norwalk Office 12501 Imperial Highway, Suite 250 Norwalk, CA 90650</p> <p>Compton Office 725 W. Rosecrans Ave Compton, CA 90222</p> <p>Anaheim Office 250 E. Center Street Anaheim, CA 92805</p> | <ul style="list-style-type: none">• Free services, if low-income and grant requirements are met.• We help in the following areas of law if client meets eligibility guidelines:<ul style="list-style-type: none">- Immigration- Family law- Housing- Public Benefits- Health- Consumer |

Los Angeles VAWA Network

| | |
|---|---|
| <p><u>Glendale YWCA</u></p> <p>Contact:</p> <p>Main: (818) 242-4155 Crisis Hotline: (888)999-7511</p> <p>www.glendareywca.org</p> <p>735 E. Lexington Drive Glendale, CA 91206</p> | <ul style="list-style-type: none"> ● The legal department provides free family law & immigration legal consultation & services for clients receiving domestic violence services through the agency. ● YWCA of Glendale Domestic Violence ● Service Center Hours: Monday – Friday; 9:00 AM – 6:00 PM |
| <p><u>Immigration Center for Women and Children (ICWC)</u></p> <p>Contact:</p> <p>Phone: (213) 614-1165 ext. 1331 to schedule an appointment Fax: (213) 624-1163</p> <p>www.icwclaw.org</p> <p>634 South Spring St., 727 Los Angeles, CA 90014</p> | <ul style="list-style-type: none"> ● Free legal services, if low-income and meet grant requirements ● Fees depend on income and family size ● Services: <ul style="list-style-type: none"> - U Visa - VAWA Self Petitions - Special Immigrant Juvenile Status - Asylum - U Visa and VAWA Adjustment of Status - Consular Processing |
| <p><u>Immigration Resource Center of San Gabriel Valley</u></p> <p>Contact:</p> <p>(626) 509-9472 www.ircsgv.org</p> <p>303 W. Colorado Blvd</p> | <ul style="list-style-type: none"> ● Fees are on a sliding scale based on income ● Free services if covered by CDSS grant ● Services include: <ul style="list-style-type: none"> - U-Visa - VAWA |

Los Angeles VAWA Network

| | |
|--|---|
| <p>Monrovia, CA 91016</p> | <ul style="list-style-type: none"> - Family-based Petitions - Adjustment of Status - Naturalization - DACA - Consular Processing - Afghan Affirmative Benefits (SIV, AOS, DS-4317, TPS, etc.) |
| <p><u>Jenesse Center, Inc.</u></p> <p>Contact:</p> <p>Phone Number: (323)299-9496 Emergency Hotline: (800)479-7328 www.Jenesse.org</p> <p>Mailing Address: PO Box 8476 Los Angeles, CA 90008</p> | <ul style="list-style-type: none"> ● Comprehensive domestic violence intervention program that provides free services to survivors of domestic violence, sexual assault, and human trafficking ● Services provided include: <ul style="list-style-type: none"> - Emergency shelter services - Transitional living program - Mental health counseling - Case management - Vocational education programs - Direct legal services in family law and immigration cases involving humanitarian forms of relief (U and T Visas and AOS, VAWA self-petitions, and Battered Spouse Waivers). |
| <p><u>Justice and Immigration Clinic (JIC) at University of La Verne College of Law and Public Service</u></p> <p>Contact:</p> <p>Phone Number: (909) 460-2014</p> <p>Mailing/Physical Address: 320 East D Street Ontario, CA 91764</p> <p>https://law.laverne.edu/academics/clinical-programs/</p> | <ul style="list-style-type: none"> ● Free. ● Only for low-income clients. ● Representation limited to cases retained in July and December due to academic calendar. ● By appointment only. ● Please call and leave a message for an intake. |

Los Angeles VAWA Network

| | |
|---|---|
| | <ul style="list-style-type: none">● Only humanitarian forms of relief:<ul style="list-style-type: none">○ U and T visas○ VAWA○ DACA renewals○ TPS○ SIJS (AOS only)○ Asylum (affirmative and defensive) |
| <p><u>Legal Aid Foundation of Los Angeles (LAFLA)</u></p> <p>Contact: Client Information: (800) 399-4529 www.lafla.org https://lafla.org/get-help/</p> <p>New Client Intake: Monday – Friday 9:00 AM – 12:00 PM</p> <p>Ron Olson Justice Center 1550 W. 8th Street Los Angeles, CA 90017</p> <p>East Los Angeles Office 5301 Whittier Blvd., 4th Floor Los Angeles, CA 90022</p> <p>Long Beach Office 601 Pacific Avenue Long Beach, CA 90802</p> <p>Santa Monica Office 1640 5th Street, Suite 124 Santa Monica, CA 90401</p> <p>South Los Angeles Office 7000 S. Broadway Los Angeles, CA 90003</p> | <ul style="list-style-type: none">● Free legal services if applicant meets low-income guidelines<ul style="list-style-type: none">- Immigration- Family- Eviction Defense- Employment- Employment Barriers- Government Benefits- Housing- Community Economic Development- Expungements- Student Loan Fraud- Torture Survivors- Veterans' Assistance● Languages Spoken:<ul style="list-style-type: none">- Chinese (Cantonese, Mandarin)- Farsi- Japanese- Khmer/Cambodian- Korean- Russian- Spanish- Tagalog/Filipino- Vietnamese● Interpretation available for additional languages● Self-Help Legal Access Centers:<ul style="list-style-type: none">- Inglewood- Long Beach- Santa Monica- Torrance |

Los Angeles VAWA Network

| | |
|---|---|
| | <ul style="list-style-type: none">● Domestic Violence Clinics located at Superior Courts:<ul style="list-style-type: none">- Downtown Los Angeles (Stanley Mosk)- Long Beach- Santa Monica |
| <p><u>Los Angeles LGBT Center</u></p> <p>Contact: (323)993-7670 www.lalgbtcenter.org</p> <p>Highland Annex 1220 N. Highland Avenue Los Angeles, CA 90038</p> | <ul style="list-style-type: none">● Provides free legal assistance to survivors of domestic violence, sexual assault, and hate crimes● Including regular immigration clinics, opportunities for pro bono placement of certain types of immigration cases and referral |
| <p><u>Loyola Immigrant Justice Clinic (LIJC)</u></p> <p>Contact: (213)252-7409 (General Questions/Info) www.lls.edu/lijc</p> <p>919 Albany Street Los Angeles, CA 90015</p> | <ul style="list-style-type: none">● LIJC is a community based clinic that serves the Eastside of Los Angeles● Offers free consultations twice a month at partner sites of Dolores Mission Parish and Homeboy Industries.● LIJC focuses on providing free legal services to low income individuals who qualify for humanitarian forms of relief.● Free, if meets low-income guidelines● By Appointment Only● Consultations offered at:<ul style="list-style-type: none">- Dolores Mission Church; 1st and 3rd Thursday of each month; 323-881-0039- Homeboy Industries; 3rd Thursday of each month; 323-526-1254 ext. 325 |

Los Angeles VAWA Network

| | |
|--|--|
| <p><u>Neighborhood Legal Services of LA County</u></p> <p>Contact: Apply by Telephone: (800) 433-6251 For Health Issues: (800) 896-3202 (Mon-Fri 9am-12pm and 1-4pm)</p> <p>Apply online at www.nlsla.org</p> <p>Pacoima Office 13327 Van Nuys Blvd., Pacoima, CA 91331</p> <p>El Monte Office 3629 Santa Anita Ave, Suite 109, El Monte, CA 91731</p> <p>Glendale Office 1104 E. Chevy Chase Dr., Glendale, CA 91205</p> <p>The Wellness Center Office 1200N. State Street Los Angeles, CA 90033</p> | <ul style="list-style-type: none">● Free legal services if client meets low-income guidelines● Areas of law including, but not limited to:<ul style="list-style-type: none">- Immigration- Family law- Eviction defense- Workers' rights,- Government benefits- Disaster relief- Clean slate initiatives- Education● Serving residents of Los Angeles County.● Self-Help Legal Access Centers located at:<ul style="list-style-type: none">- Chatsworth- Lancaster- Van Nuys- Pasadena- Pomona Courthouses |
| <p><u>Peace Over Violence (Legal Advocacy Project)</u></p> <p>Contact: (626) 584-6191 (Pasadena Office)</p> <p>(213) 955-9090 (Metro/Downtown Office)</p> <p>www.peaceoverviolence.org</p> <p>Pasadena Office 829 N. Fair Oaks Avenue, Suite D Pasadena, CA 91103</p> <p>Metro/Downtown Office 1541 Wilshire Blvd. #300 Los Angeles, CA 90017</p> | <ul style="list-style-type: none">● Provides free immigration and certain family law legal services to low-income clients who are survivors of domestic violence and sexual assault.● By appointment only. |

Los Angeles VAWA Network

| | |
|--|---|
| <p>Public Counsel</p> <p>Contact:</p> <p>(213) 385-2977</p> <p>www.publiccounsel.org</p> <p>610 South Ardmore Ave. Los Angeles, CA 90005</p> | <ul style="list-style-type: none"> ● Free, if meets low-income guidelines. ● By appointment only ● Spanish speaking ● Monday – Friday; 9:00 AM to 5:00 PM |
| <p><u>Southwestern Law School Immigration Law Clinic</u></p> <p>Contact:</p> <p>(213) 738-5710</p> <p>Email: immigration@swlaw.edu</p> <p>www.swlaw.edu</p> <p>3050 Wilshire Blvd., 4th Floor, Room W 408 Los Angeles, CA 90010</p> | <ul style="list-style-type: none"> ● Free. ● Only for low-income clients. ● By appointment only. ● Please call and leave a message or email our office for an intake. |
| <p><u>St. John’s Community Health - Legal Services Program</u></p> <p>Contact:</p> <p>Andy Ruiz (323) 740 - 2926</p> <p>Email: aruiz@sjch.org</p> <p>www.sjch.org</p> <p>808 W. 58Th Street #119 Los Angeles, CA 90037</p> <ul style="list-style-type: none"> ● Please call or email Andy Ruiz for any referral within the scope of our work. | <ul style="list-style-type: none"> ● Free Reentry legal services to those recently released (within 12 months) from CA state prison, reentering the areas of South LA and Compton ● Providing Free Legal services to survivors of Hate Based Crimes/Incidents in LA County <ul style="list-style-type: none"> ○ Qualifying participants may receive assistance with: <ul style="list-style-type: none"> ○ Counsel and Advise ○ Filing and Administrative complaint |

Los Angeles VAWA Network

| | |
|---|---|
| | <ul style="list-style-type: none">○ U-Visa○ VAWA○ T-Visa○ Civil Harassment Restraining Order○ DV Restraining order○ Family law |
| <p><u>Survivor Justice Center</u> (formerly Los Angeles Center for Law and Justice)</p> <p>Contact: (323) 980-3500 www.laclj.org</p> <p>5301 Whittier Boulevard 4th Floor Los Angeles, CA 90022</p> | <ul style="list-style-type: none">● Free legal representation and social service referrals to low income survivors of intimate partner violence, sexual assault, and/or human trafficking● Free if client meets low-income guidelines and other grant requirements● By appointment only |

TAB B

LOS ANGELES CITY ATTORNEY'S
OFFICE

U Visa Certification Protocol Questions

1. Should advocates mail a hard copy of a U visa certification request?

Email is preferred. Please email att.uvisa@lacity.org for all requests. However, please do not send police reports via email, as our email (Gmail) does not meet DOJ security requirements. If the request includes police reports or other criminal offender record information (e.g., rap sheets), please mail a hard copy of the request.

2. If your agency prefers that advocates email requests for U visa certification, should they email an editable Form I-918B?

It is not required that they email an editable Form I-918B, but they may wish to provide one with the basic identifying information of the client for accuracy.

3. What are your agency's criteria for signing U visa certifications?

Certifiers review the case to determine if the petitioner was the victim of a qualifying crime and whether the victim was, is being, or is likely to be helpful to the detection, investigation, or prosecution of the qualifying crime. Certifiers follow the presumption of helpfulness found in the law.

4. What is the average time to process a request for certification?

Thirty days, unless the petitioner is in removal proceedings, in which case we process the request within seven days.

5. What is the procedure for follow-up on pending certification requests?

If there are questions about pending requests, please email the general U Visa account which is monitored daily: att.uvisa@lacity.org.

6. What procedure should advocates follow to flag deadlines and to request expedited processing of a U certification request?

The advocate should note on the cover sheet of the request and/or in the subject line of the email that the request is time sensitive and requires expedited processing.

- a. For example, if a child is eligible to file as part of her parent's U visa application and must file her application with USCIS before she turns 21 years of age. In this example, the advocate's request for U certification is urgent and requires a expedited review in order to preserve the child's eligibility for immigration relief.**

U Visa Certification Protocol Questions

- 7. What protocol does your agency follow in cases where the victim has not been able to obtain any law enforcement agency reports in a timely manner? Is your agency willing to search for records in order to review the certification request?**

We will conduct our own search for reports needed to process the request.

- 8. What type of information do you include in a denial of request for U visa certification? Do you send the advocate a letter stating the reason for the denial?**

In case of denial, certifiers send a letter providing detailed information explaining the reason for the denial. There are instances when we are unable to certify because, e.g., the case was never presented to our office. In such cases, we will send a referral letter containing contact information for the appropriate certifying agency.

- 9. Is there an appeal process for a review of a denied request for U visa certification?**

Yes, please email att.uvisa@lacity.org and indicate “appeal” in the subject line. Address all appeals to Pallavi Dhawan.

- 10. Do you recommend any best practices for a request for U visa certification?**

Please only send the following information as part of the request:

Defendant’s Name and date of birth
Court Case Number or LAPD report (DR) number
Victim/Client’s Name and date of birth (and any other names used)

Please note that any additional information sent will need to be disclosed to the criminal defense attorney in open cases. For more information on our U Visa certification process, please visit <https://cityattorney.lacity.gov/u-visa>

- 11. Do you have any “pet peeves” that advocates should avoid in their request for U certification?**

Please note that the Los Angeles City Attorney’s Office only handles misdemeanor crimes in the city of Los Angeles and does not have jurisdiction over crimes committed in L.A. County.

THANK YOU FOR PARTICIPATING IN THE LA VAWA/U NETWORK
U VISA CERTIFIER ROUNDTABLE!

TAB C

LOS ANGELES DISTRICT
ATTORNEY'S OFFICE

U Visa Certification Protocol Questions 2024

1. **Is email your agency's preferred format to send in a U visa certification request?**
Yes, preferably email, however US mail is also acceptable.
2. **Do you prefer that advocates email an editable Form I-918B?**
The I-918B, does not need to be in an editable format
3. **What are your agency's criteria for signing U visa certifications?**
**Our criteria are based on USCIS's guidelines as set forth in our Special Directive 22-07 which can be found on our website at this link:
<https://da.lacounty.gov/sites/default/files/policies/SD-22-07-Immigration-Policy-Revised.pdf>.**
4. **What is the average time to process a request for certification?**
Thirty days, except when unforeseen delays occur (i.e., file is in archives, holidays, personnel leave, etc.)
5. **What is the procedure for follow-up on pending certification requests?**
E-mail utilizing a "request for status" in the e-mail reference line.
6. **What procedure should advocates follow to flag deadlines and to request expedited processing of a U certification request? For example, for a child who is eligible to file as part of her parent's U visa application and who must file her application with USCIS before she turns 21 years of age. Thus, the advocate's request for U certification is urgent and requires a fast review in order to preserve the child's eligibility for immigration relief.**
Submit U Visa request highlighting deadline date in the cover letter.
7. **What protocol does your agency follow in cases where the victim has not been able to obtain any reports in a timely manner? Is your agency willing to search for records in order to review the certification request?**
Every effort is made to research records in our databases and archives in order to review certification requests.
8. **What type of information do you include in a denial of request for U visa certification? Do you send the advocate a letter stating the reason for the denial?**
Yes, advocates/applicants are sent a letter stating the reason for a denial. When applicable, we refer them to the agency that may have assisted in their case.
9. **Is there an appeals process if advocates wish to seek further review of a denied U visa certification?**
The Director of Prosecution Support Operations has been appointed as the District Attorney's Designee for appeals of U Visa certifications. Any applicant

U Visa Certification Protocol Questions 2024

may appeal a denial of certification to the Director of Prosecution Support Operations in writing with articulable reasons why the applicant believes the certification was inappropriately denied. The District Attorney's Designee shall also be available to consult with Directors upon request on any issues relating to certification.

- 10. Do you recommend any other best practices to assist advocates with the U visa certification process?**

The best practice is to submit the requests with the required information and documents in order to conduct the review without delay.

- 11. Do you have any "pet peeves" that advocates should avoid in the U certification process?**

Submitting requests without enough information or documentation is discouraged and can delay our ability to timely review the request for certification.

**THANK YOU FOR PARTICIPATING IN THE LA VAWA/U NETWORK
U VISA CERTIFIER ROUNDTABLE!**

TAB D

LOS ANGELES POLICE
DEPARTMENT

LAPD U Visa Certification Protocol Questions

1. Should advocates mail a hard copy of a U visa certification request?
Email is preferred and more direct. Mailed request will be accepted but there may be a processing delay.

2. If your agency prefers that advocates email requests for U visa certification, should they email an editable Form I-918B?
No, a supplied Form I-918B document is used as information only. It's Department policy to fill out a Form I-918B ourselves. It's most important that all relevant information is sent with the request. Provide as much of the below listed information as possible.

Needed documentation:

- Petitioner's full name
- Petitioner's DOB
- Date of the incident
- Report number
- Copy of the petitioner's identification
- Address for a certified U-Visa to be mailed to

3. What are your agency's criteria for signing U visa certifications?
We are governed by the criteria laid out by USCIS and only process crimes that occur in the City of Los Angeles.

4. What is the average time to process a request for certification?
Department policy (and state law) is to have the initial request completed in 30 days, unless under certain circumstances, and we work to keep to that timeline.

5. What is the procedure for follow-up on pending certification requests?
Send an email or call the Area U-Visa Coordinator that the request was made to asking for a status update.

6. What procedure should advocates follow to flag deadlines and to request expedited processing of a U certification request?
a. **For example, if a child is eligible to file as part of her parent's U visa application and must file her application with USCIS before she turns 21 years of age. In this example, the advocate's request for U certification is urgent and requires an expedited review in order to preserve the child's eligibility for immigration relief.**

If there is an approaching deadline or a request for expedited processing, note or flag the email as urgent. We will work to process the request in a timely manner.

Additionally, if the request is for a report, R&I will prioritize those U-Visa applicants marked on the outside of the envelop as an "U/T Visa request" otherwise there is a several month delay.

LAPD U Visa Certification Protocol Questions

7. **What protocol does your agency follow in cases where the victim has not been able to obtain any law enforcement agency reports in a timely manner? Is your agency willing to search for records in order to review the certification request?**
Along with the answer above for R&I requests, U-Visa Coordinators will search for a report number, however, it is in the petitioner's best interest to supply the U-Visa Coordinator with as much information as possible. Too often, requests are delayed due to the lack of helpful information provided in an initial request. Please refer to the answer #2 for the helpful information listed above.
8. **What type of information do you include in a denial of request for U visa certification? Do you send the advocate a letter stating the reason for the denial?**
Denial letters provide the reason(s) and short explanation for why request was denied. (Below are the reasons listed in the standardized letter.) We only send the letter to the advocate if that's the mailing address.
- Applicant does not qualify as an indirect victim or bystander
 - No police report found (insufficient information to determine the crime was reported to LAPD)
 - LAPD was not the investigative agency
 - Applicant was not the victim of a qualifying crime
 - Applicant has refused or failed to provide information and assistance reasonably requested
9. **Is there an appeal process for a review of a denied request for U visa certification?**
There is an appeal process; all appeals are reviewed at Detective Bureau. When a petitioner receives a denial letter it lists the contact information for the appeal request.
10. **Do you recommend any best practices for a request for U visa certification?**
Supply all the requested information and documents, and please be patient. For many of the coordinators this is one of many duties. They attempt to process the requests as often as they can, but do have other responsibilities, too, and while pretty straight forward it can be time consuming especially when we do not have too much information to start with in attempting to find a crime report.
11. **Do you have any "pet peeves" that advocates should avoid in their request for U certification?**
It's unnecessary to print and mail the standardized documents from the U-Visa website.

THANK YOU FOR PARTICIPATING IN THE LA VAWA/U NETWORK
U VISA CERTIFIER ROUNDTABLE!

Los Angeles Police Department U Visa Coordinator Roster

| Operations Central Bureau | | | | |
|---------------------------|----------|---------------------|-------------------|--------------|
| CENTRAL | DII | ELBIN QUINTANILLA | 37452@lapd.online | 213-996-1842 |
| | DII | CHRIS REDRUP | 35618@lapd.online | 213-996-1866 |
| HOLLENBECK | DII | SANDRA LOPEZ | 33511@lapd.online | 323-395-8997 |
| | POIII | FRANK LOPEZ | 33822@lapd.online | 323-342-4193 |
| | DII | WENDY REYES | 36912@lapd.online | 323-846-6576 |
| NEWTON | DII | GERARDO PANTOJA | 32483@lapd.online | 323-846-6576 |
| | DII | ALEJANDRO GALVAN | 36493@lapd.online | 323-846-6589 |
| NORTHEAST | POII | JOAN VARGAS | 42915@lapd.online | 323-561-3485 |
| | DII | MATT EDDY | 36207@lapd.online | 323-561-3324 |
| | DII | MICHELLE GOMEZ | 34514@lapd.online | 323-561-3479 |
| RAMPART | SRADMCLK | PAULA PELAEZ | N2208@lapd.online | 213-484-3467 |
| | DIII | EMILY RAUPP | 31849@lapd.online | 213-484-3629 |
| | DIII | GEORGE LEE | 33252@lapd.online | 213-484-3617 |
| Operations South Bureau | | | | |
| HARBOR | SRADMCLK | WENDY ORNELAS | N3858@lapd.online | 310-726-7938 |
| | MA | CECELIA ANDERSON | G9684@lapd.online | 310-726-7905 |
| | DIII | KIMBERLY PORTER | 32089@lapd.online | 310-726-7865 |
| SOUTHEAST | DIII | ANA PINELL | 32591@lapd.online | 213-972-7859 |
| | DII | GERARDO VEJAR | 33198@lapd.online | 213-972-7873 |
| SOUTHWEST | POIII | SEAN ANDERSON | 35839@lapd.online | 213-485-6878 |
| | DII | NATHAN BAEZ | 34572@lapd.online | 213-485-6570 |
| | DII | JESUS FLORES | 35932@lapd.online | 213-485-2561 |
| 77TH | DII | MAURA COONEY | 36195@lapd.online | 323-486-5420 |
| | DIII | MICHAEL LOPEZ | 35486@lapd.online | 323-786-5476 |
| Operations Valley Bureau | | | | |
| DEVONSHIRE | DIII | RUBEN ARELLANO | 34839@lapd.online | 818-832-0609 |
| | DII | MERILL DUNN | 36161@lapd.online | 818-817-5139 |
| FOOTHILL | DIII | ROSA GARRETT | 34491@lapd.online | 818-834-3118 |
| | DII | JD GARCIA | 32362@lapd.online | 818-834-3142 |
| MISSION | MA | JIN KIM | G9273@lapd.online | 818-838-9946 |
| | DIII | LUZ MONTERO | 34545@lapd.online | 818-838-9967 |
| | PII | KRIKOR TOROSSIAN | 39246@lapd.online | 818-838-9946 |
| NHWD | DII | MARTIN CONTRERAS | 34460@lapd.online | 818-754-8410 |
| | DII | GABRIEL MEDINA | 38584@lapd.online | 818-754-8429 |
| TOPANGA | DIII | DEBORAH MYERS | 34498@lapd.online | 818-756-4820 |
| | DII | ELOY NAVARRO | 36689@lapd.online | 818-756-4800 |
| VAN NUYS | DIII | MARIA MENDOZA | 34553@lapd.online | 818-374-0031 |
| | DII | DAVID LANGE | 36173@lapd.online | 818-374-2880 |
| WVAL | DIII | JOSEPH HAMPTON | 36817@lapd.online | 818-374-7717 |
| | DI | JENNIFER STROMEYER | 35550@lapd.online | 818-374-7755 |
| Operations West Bureau | | | | |
| HOLLYWOOD | DII | SIAMONE BANGPHRAZAY | 33968@lapd.online | 213-972-2902 |
| | DIII | CHRISTOPHER MARSDEN | 34231@lapd.online | 213-972-2922 |
| OLYMPIC | SRADMCLK | SHARMIKA LUCAS | N3304@lapd.online | 213-382-9492 |
| | DII | FRANK LOPEZ | 34343@lapd.online | 213-382-6628 |
| PACIFIC | DIII | ALICIA ELLIOTT | 35028@lapd.online | 310-482-6379 |
| | DII | GUSTAVO MARTINEZ | 31123@lapd.online | 310-348-3831 |
| WILSHIRE | DII | SHAWN MURPHY | 32200@lapd.online | 213-922-8269 |
| | DII | ALEX JACINTO | 34868@lapd.online | 213-922-8269 |
| WLA | DIII | JUSTIN MALCUIT | 36275@lapd.online | 310-444-1521 |
| | DIII | JOHN HILL | 37294@lapd.online | 213-485-7336 |

Los Angeles Police Department U Visa Coordinator Roster

| Traffic Divisions | | | | |
|---|------|-------------------|-------------------|--------------|
| CENTRAL | DII | JUAN CAMPOS | 31480@lapd.online | 213-486-0755 |
| SOUTH | DIII | RYAN MORENO | 32013@lapd.online | 323-421-2500 |
| | POII | GERALD CHAVARRIA | 37560@lapd.online | 323-421-2500 |
| VALLEY | DII | NEREIDA ORTEGA | 37052@lapd.online | 818-644-8045 |
| WEST | DIII | JAMES DICKSON | 37895@lapd.online | 213-473-0216 |
| Specialized Divisions | | | | |
| Mailing: 100 West 1st Street, Los Angeles, CA 90012 <i>Attention: [the specialized division]</i> | | | | |
| GND | DIII | RODOLFO RODRIGUEZ | 27638@lapd.online | 213-486-6981 |
| | DII | DAVID ALCANTARA | 32616@lapd.online | 213-486-6984 |
| JUVENILE | DIII | JUAN PEREZ | 32020@lapd.online | 213-486-0531 |
| | DIII | CARLOS MONTERROSO | 35698@lapd.online | 213-486-0570 |
| RHD | DIII | MARTIN MOJARRO | 31917@lapd.online | 213-486-6890 |
| | DII | DARA BROWN | 36317@lapd.online | 213-486-6931 |
| SB HOMICIDE | DIII | ROBERT LAIT | 34117@lapd.online | 323-786-5123 |
| | DIII | JOHN JAMISON | 33398@lapd.online | 323-786-5100 |
| VB HOMICIDE | DII | EFREN GUTIERREZ | 31494@lapd.online | 818-374-1923 |
| | DI | AL ARGUELLES | 36473@lapd.online | 818-374-1932 |
| WB HOMICIDE | DIII | HERMAN FRETTLOHR | 31420@lapd.online | 213-382-9470 |
| | DIII | SAMUEL MARULLO | 33567@lapd.online | 213-382-9470 |
| WB SEX | DIII | ASIA HODGE | 36725@lapd.online | 213-473-0447 |
| | DII | BRENT HOPKINS | 39343@lapd.online | 213-487-0417 |

TAB E

LA COUNTY DEPARTMENT OF
CHILDREN AND FAMILY SERVICES

U Visa Certification Request Protocol

- Request needs to be sent via email U-Visa@dcfs.lacounty.gov
- Include Cover Letter with requesting Agency's Information, Contact Person, Client/Victim Information, at least One Child's Name & DOB from the Case/Referral, & if applicable: DFCS State Number, Court Number, and/or Referral Number.
- If the request is Expedited/Urgent, please indicate so on the Cover Letter (Ex. **EXPEDITED REQUEST**) and indicate if you'd like a scanned copy via email.
- Include pre-completed Form I-918 Supplement B, U Nonimmigrant Status Certification
- Include Court/DCFS Status Review Report or DCFS Investigation Narrative(s), & if applicable: Police Report(s), Restraining Order & other related reports included in I-918 B.
- Include Completed & Signed DCFS 4389 (Release of Records) by client/victim
- Please be advised the certifications are sent out within two weeks, barring any complications.
- If the request is being denied/rejected, a letter will be sent to the requesting agency including a reason for the denial/rejection.

DCFS POLICY: In order for the DCFS, designated U Visa Certifier to sign the Certification there either has to be an open/closed DCFS Court Case or DCFS Investigation Narrative on file. The U Visa Certifier needs to verify, per DCFS documentation, that the client/victim was either helpful, is being helpful, or is likely to be helpful with the investigation or prosecution of the crime (and/or DCFS Investigation, with respect to our agency/department). All the facts in the case will be evaluated to determine if the I-918 B will be signed, on a case by case basis.

PLEASE NOTE: An Investigation Narrative, is not open court Case. An Investigation Narrative is a DCFS related report on file regarding allegations that were reported to the DCFS CPH and investigated by the DCFS ER CSW. The allegations can either be deemed Substantiated, Inconclusive or Unfounded. Reports with Substantiated allegations are typically "promoted" to a Court or Voluntary Case. Unfounded & Inconclusive allegations can be "Closed" or "Evaluated Out." Only allegations that were investigated and concluded as "Inconclusive" or "Substantiated" will be considered for certification.

PLEASE SEND U VISA CERTIFICATION REQUEST TO:

U-Visa@dcfs.lacounty.gov

**Requests for DCFS related reports need to be requested directly through Children's Court by the client/victim prior to submitting U Visa Certification Request.*

Children's Court DCFS Records Unit/Office of County Counsel

201 Centre Plaza Drive, Suite 1, Monterey Park, CA 91754

(323) 526-6100 or (323) 526-6236

| | |
|---|--|
| ATTORNEY, ATTORNEY DESIGNEE, OR PARTY WITHOUT ATTORNEY (name and address): Attorney Or Attorney Designee for (Client's Name): Telephone No.: _____ Fax No.: _____ | |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES Juvenile Division 201 Centre plaza Drive Monterey Park, CA 91754 | |
| CHILD'S NAME: _____ DOB: _____ | |
| DECLARATION IN SUPPORT OF ACCESS TO AND COPIES OF JUVENILE RECORDS (WIC §827, CRC Rule 5.552; Local Rule 7.2) | Juvenile Case Number: Dependency _____ Delinquency _____ |

A. Person/Agency Entitled to Access Pursuant to Welfare & Institutions Code (WIC) §827, California Rules of Court, Rule 5.552, and Los Angeles Superior Court (LASC) Local Rules, Rule 7.2:

- Subject child
- Subject child's parent or legal guardian
- Attorney for subject child (including appellate attorney) *[continue to Section B below]*
- Attorney for subject child's parent/legal guardian (including appellate attorney) *[continue to Section B below]*
- The county counsel, city attorney, or any other attorney representing the petitioning agency in a dependency action. *[Continue to Section B below]*
- Attorney authorized to prosecute adult criminal or juvenile matters under California state law (district attorney, city attorney, city prosecutor) *[Continue to Section B below]*
- Person/agency actively participating in adult criminal or juvenile proceedings involving the minor (hearing officers, probation officers, law enforcement officers)
- State Department of Social Services staff for the purposes delineated in WIC §827(a)(1)(I)
- Member of child protective agencies per Penal Code §11165.9 (police, sheriff, county probation, county child welfare)
- Superintendent or designee of school district where child attends or is enrolled
- State Department of Social Services staff for the purposes delineated in WIC §827(a)(1)(J)
- Member of child's multi-disciplinary team
- Person/Agency currently providing supervision or treatment of child
Title & Relationship to Child _____
- Family law judicial officer, or clerk acting on behalf of judicial officer; family law case # _____
- Family law mediator or evaluator (including person performing investigation or assessment)
- Court-appointed probate guardianship investigator
- Local child support agency
- Juvenile justice commission
- Other (including pursuant to court order; please attach copy of order)

NOTE: Attorney designees (including paralegals, investigators, and social workers) must check the appropriate box in Section A as to the attorney, and must fill out the attorney information in Section B.

B. Attorney

| | | |
|---|--------------------|--------------------|
| Name: _____ | State Bar #: _____ | Case No: _____ |
| Court (criminal, juvenile, etc.) _____ | | Client Name: _____ |
| Client's relationship to subject of juvenile records: _____ | | |

C. Type of Records

Please check the box corresponding to the records you wish to access (check all that apply):

- Juvenile Dependency - court file only
- Juvenile Delinquency - court file only
- Other (please specify below the type of records you seek, if not listed above)

If you are entitled and wish to access records from the Department of Child and Family Services (DCFS), please contact **Elo Ulloa or Marcy Stevenson – DCFS Records Unit/Office of County Counsel – address: 201 Centre Plaza Dr Ste. 1, Monterey Park, CA 91754 – phone number: (323) 526-6100.**

If you are entitled and wish to access records from the Probation Department, please contact the Custodian of Records, **Tracy Jordan-Johnson, at (323) 260-2788.**

D. Reason for Request of Records

- Personal use
- Other (please specify below if you plan to re-disclose records to third parties)

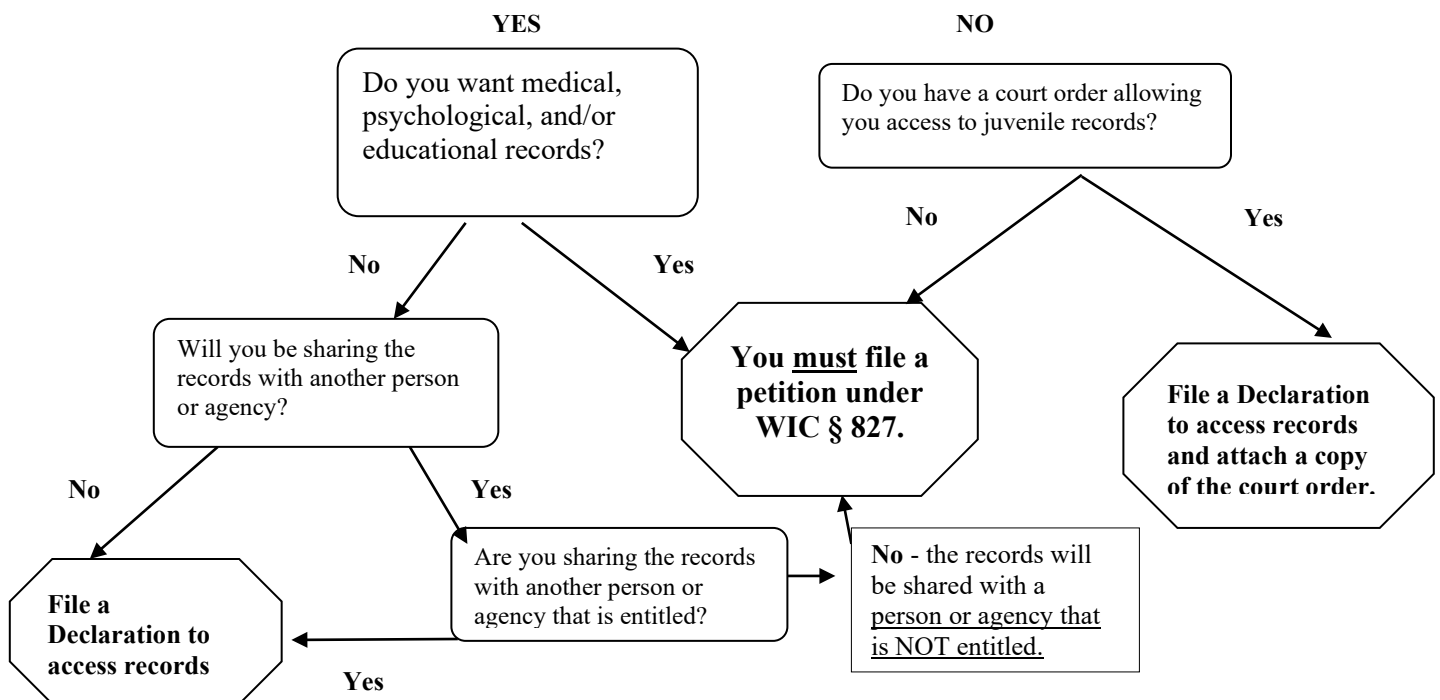
WARNING: Any records, reports or information obtained from the juvenile record(s) shall not be further released or disseminated to persons or agencies not otherwise entitled to access pursuant to WIC §827, CRC Rule 5.552, and LASC Local Rule 7.2 (i.e. agencies/individuals listed above). Further, juvenile records shall not be attached to any documents without prior approval of the Juvenile Court Presiding Judge, unless they are used in connection with a criminal investigation or juvenile court proceeding to declare a minor a dependent or ward of the Court.

I declare under penalty of perjury that the foregoing is true and correct and that I am aware of the above warning regarding dissemination of juvenile records.

Date: _____ Signature: _____

JUV010 - Revised 1/2013

ARE YOU ENTITLED TO RECORDS? (Are you a person/agency listed in Section A above?)



TAB F

CALIFORNIA LABOR
COMMISSIONER'S OFFICE

U/T Visa Certification Protocol Questions

1. Is email your agency's preferred format to send in a U/T visa certification request?

Please email all requests to Judith Rojas at jrojas@dir.ca.gov. This is a change from prior years. Email is preferred over paper, but paper requests are fine. We ask for a narrative statement, a written document giving us permission to discuss the case with the advocate, and a partially filled out supp b form – just the biographical data.

2. Do you prefer that advocates email an editable Form I-918B/I-914B?

Yes.

3. What are your agency's criteria for signing certifications?

Must involve a California workplace, must have taken place in California. Otherwise, we certify for all qualifying crimes we detect in the course of our investigation.

4. What is the average time to process a request for certification?

Varies widely, average is 30-60 days.

5. What is the procedure for follow-up on pending certification requests?

Contact Judith Rojas at jrojas@dir.ca.gov.

6. What procedure should advocates follow to flag deadlines and to request expedited processing of a certification request? For example, for a child who is eligible to file as part of her parent's application and who must file her application with USCIS before she turns 21 years of age. Thus, the advocate's request for certification is urgent and requires a fast review in order to preserve the child's eligibility for immigration relief.

Just tell us in the initial request.

7. What protocol does your agency follow in cases where the victim has not been able to obtain any reports in a timely manner? Is your agency willing to search for records in order to review the certification request?

N/A. We do not require any records.

8. What type of information do you include in a denial of request for certification? Do you send the advocate a letter stating the reason for the denial?

U/T Visa Certification Protocol Questions

We let the advocate know we didn't find evidence of a qualifying crime or if it didn't meet our requirements, i.e., it involves crimes taking place outside of California, does not involve a California workplace.

9. Is there an appeals process if advocates wish to seek further review of a denied certification?

No, but advocates can always resubmit with new or different information.

10. Do you recommend any other best practices to assist advocates with the U/T visa certification process?

Make sure the narrative statement provides evidence of the qualifying crime. For human trafficking certifications please provide the facts that support each element of the crime. A declaration from the applicant can be very helpful.

11. Do you have any “pet peeves” that advocates should avoid in the U/T certification process?

Some advocates do not provide sufficient facts to support the fact that a qualifying crime took place. In this case, LCO may call the advocate and schedule a phone interview with the applicant to gather more information.

THANK YOU FOR PARTICIPATING IN THE LA VAWA/U NETWORK
U VISA CERTIFIER ROUNDTABLE!

Deferred action information:

https://www.dir.ca.gov/dlse/dhs_deferred_action_FAQ.htm

Please send all requests for statement of interest to: LCOstatementrequests@dir.ca.gov

Frequently Asked Questions on LCO's Role in Supporting Immigration-Related Prosecutorial Discretion

(https://www.dir.ca.gov/dlse/dhs_deferred_action_FAQ.htm)

[► en Español](#)

The Labor Commissioner's Office (LCO) enforces labor laws to promote economic justice and ensure a just day's pay in every workplace in the State. Effective investigation of complaints and enforcement of workers' rights depends on the cooperation of workers. LCO enforces labor laws and protects workers' rights regardless of the immigration status of the impacted workers. LCO does not enforce immigration laws. **Therefore, LCO does not ask about a worker's immigration status. Workers in California are protected regardless of immigration status.**

Nonetheless, some workers may fear that providing information to LCO will result in retaliation based on their immigration status or lead to disclosure of their or their family member's immigration status. To address this fear and ensure appropriate enforcement of labor laws, LCO has developed a process for workers to request LCO submit a Statement of Interest during an active LCO investigation or enforcement action to the U.S. Department of Homeland Security (DHS) in support of a worker's request to DHS for immigration-related prosecutorial discretion.

1. What is immigration-related "prosecutorial discretion"?

Because DHS cannot respond to all immigration violations within its jurisdiction, it exercises prosecutorial discretion to determine if or when to pursue removal (deportation) of immigrants. DHS may exercise prosecutorial discretion at any step in the immigration process, such as deciding whom to detain or release or deciding whether to settle or dismiss a case. One type of prosecutorial discretion is called "deferred action." Although deferred action does not confer lawful status, a noncitizen granted deferred action is considered lawfully present in the United States for certain limited purposes and may be eligible for work authorization.

An immigration attorney can help you decide if prosecutorial discretion or other forms of immigration relief may help you. (See #11 below.)

2. Does LCO support requests for immigration-related prosecutorial discretion for workers involved in LCO cases?

Yes. LCO may submit a Statement of Interest in certain active investigations or enforcement actions to allow LCO to fully investigate worksite violations while

protecting workers. LCO will consider requests on a case-by-case basis for a Statement of Interest where any part of LCO is conducting an active investigation or is enforcing the law through administrative citation hearings or in court against your employer. Cases will be considered where there is a threat of immigration related retaliation or other immigration enforcement action that deters workers from cooperating with investigation or enforcement. Typically, LCO will submit a Statement of Interest for an entire worksite and not name individual workers.

3. **How do I ask LCO for a Statement of Interest in support of my request that DHS grant deferred action?**

If you believe LCO has an active investigation or enforcement action against your employer, you can send the request to LCOstatementrequests@dir.ca.gov with the subject line "Request for Submission of Statement of Interest." An active investigation or enforcement action refers to a dispute or allegation of a violation of law that the LCO is investigating or enforcing through administrative citation hearings or in court against your employer. Cases that have been closed will not qualify.

A request may be made by a worker, advocate, or representative. Requests may also be made on behalf of a group of workers.

Requests should include the following information:

- Name and address of the employer;
- Worksite addresses;
- LCO case number and the LCO unit investigating or doing the enforcement, if known;
- A brief description of the case and the impact of the violations on workers;
- A description of any retaliation or threats (or fear of such) workers at the worksite may have witnessed or experienced related to labor disputes or violations and/or immigration status;
- A point of contact who can respond to follow-up questions from LCO.

NOTE: Disclosure of individual worker names is not necessary to establish that LCO has an active investigation or enforcement action. When emailing a request, requesters **should not** disclose:

- Individual workers' immigration histories or needs;
- Sensitive or personally identifiable information, including dates of birth, Social Security Numbers, or Alien Registration Numbers.

4. **After I submit my request to LCO for a Statement of Interest, what will LCO do?**

LCO will decide on a case-by-case basis whether to submit a Statement of Interest to support a request for prosecutorial discretion to DHS and may contact the requester for more information. The LCO never communicates with your employer about your request. If LCO decides to support the request, LCO will send DHS the Statement of Interest and provide the requester with a copy of the Statement.

5. What happens if LCO declines to submit a Statement of Interest?

If LCO decides not to submit a Statement of Interest to DHS, LCO will inform the requester or their representative in a timely manner. Statements of Interest are wholly discretionary and decided on a case-by-case basis. If LCO decides not to provide a Statement of Interest, LCO will not communicate with DHS about the request. A decision not to submit a Statement of Interest will not affect LCO's labor investigation or enforcement action

6. Does submission of a Statement of Interest by LCO convey any immigration status or protection to a worker?

No. A submission by LCO of a Statement of Interest to DHS does not confer immigration status, nor any specific immigration protection, to individual workers. Instead, an individual worker must request deferred action from DHS and include LCO's submission of a Statement of Interest as part of that request.

7. Does the submission of a Statement of Interest guarantee that DHS will use immigration-related prosecutorial discretion in a particular case?

No. DHS exercises sole discretion in deciding whether to exercise immigration-related prosecutorial discretion. The submission of a statement of interest from LCO does not guarantee that DHS will grant prosecutorial discretion in any individual case.

8. Will LCO seek prosecutorial discretion for me?

No. LCO's role is limited to supporting requests for prosecutorial discretion by submitting a Statement of Interest explaining why the exercise of discretion in a particular case will aid LCO's active investigation or enforcement action. Individual workers, or their advocates or representatives, must independently request that DHS exercise its prosecutorial discretion. For more information on how to request prosecutorial discretion from DHS, visit: <https://www.dhs.gov/enforcement-labor-and-employment-laws>. Below (question #11) is information about how you can find pro bono legal service providers.

9. Will the LCO keep the information contained in a request confidential?

In keeping with LCO's standard practices, to the maximum extent permitted by law, LCO will keep requests for a Statement of Interest confidential. LCO will share Statements of Interest with DHS, but such Statements typically will not

contain any personally identifiable information of any individual, such as names, birth dates, etc., without their prior permission and notification.

10. Can LCO provide a Statement of Interest to DHS without receiving a request?

Yes. Where appropriate, LCO can submit a Statement of Interest regarding a worksite's labor dispute to further its investigation or enforcement action on its own without receiving a request.

11. Where can I get more information?

Questions about the process outlined above may be directed to LCOstatementrequests@dir.ca.gov before a request is submitted.

Consistent with LCO's enforcement role, LCO cannot provide legal advice on the benefits and risks of seeking immigration-related prosecutorial discretion. Individuals should seek immigration law advice before deciding whether to request a Statement of Interest or whether to submit a request for the use of prosecutorial discretion to DHS.

For a list of pro bono legal service providers funded by the State of California: <https://www.cdss.ca.gov/benefits-services/more-services/immigration-services/immigration-services-contractors> [English].

TAB G

UNITED STATES DEPARTMENT OF
LABOR



Process for Requesting a Statement of US DOL Interest During Labor Disputes

Frequently Asked Questions For Workers and Their Representatives¹

Overview

The U.S. Department of Labor (US DOL or Department)'s mission and effective enforcement depend on the cooperation of workers. However, workers who lack work authorization or whose immigration status is tied to their employer are often reluctant to report violations, engage with government enforcement agencies, or otherwise exercise their rights. For example, certain workers who experience labor law violations may fear that cooperating with an investigation will result in the disclosure of their immigration status or that of family or community members, or will result in immigration-based retaliation from their employers and adverse immigration consequences for themselves or their family or communities. As a result, both workers and the Department face barriers to equitable and effective enforcement of workplace rights and protections, and the many employers that adhere to labor and employment laws face unfair competition.

US DOL has long supported the Department of Homeland Security (DHS)'s use of their prosecutorial discretion on a case-by-case basis, to further enforcement of laws within US DOL's jurisdiction. Such immigration-related prosecutorial discretion may include deferred action, parole, or other forms of discretionary protection.

This document clarifies the Department's process for workers and their representatives to request US DOL's support for their requests for discretionary immigration relief, including deferred action, to DHS on a case-by-case basis to strengthen US DOL's enforcement and worker protection efforts.

For more information regarding DHS's use of deferred action to support labor enforcement, visit www.dhs.gov/enforcement-labor-and-employment-laws.

For more information about the laws enforced by US DOL and other federal labor agencies, visit <https://www.worker.gov>.

Requesting a Statement of US DOL Interest

Workers who are experiencing a labor dispute at their worksite can request that US DOL provide a "Statement of US DOL Interest" by sending a request to statementrequests@dol.gov with the subject line "Request for Statement of US DOL Interest."

As discussed in more detail in FAQ #3 below, requesters are encouraged to provide enough information in the emailed request for the Department to identify the worksite that is the subject of the labor dispute. Requesters are invited to include facts that support any factors discussed in FAQ #6 that US DOL may consider in responding to these requests, including but not limited to:

- A description of the labor dispute including its location and how it is related to the laws enforced by US DOL;
- A description of any retaliation or threats workers at the worksite may have witnessed or experienced related to labor disputes; and



¹ These Frequently Asked Questions were updated on April 3, 2024. The Department of Homeland Security webpage entitled "DHS Support of the Enforcement of Labor and Employment Laws" with additional information is available at: <https://www.dhs.gov/enforcement-labor-and-employment-laws>.



- A description of how fear among workers at the worksite of potential immigration-related retaliation or other immigration enforcement in the future is likely to deter workers from reporting violations related to the labor dispute to US DOL or otherwise cooperating with US DOL. As relevant, it will be helpful to include the time, place, and manner of any such facts.

US DOL may contact the requester with questions, so it will be helpful to include reliable contact information for the requester. A request may be made by a worker or by an advocate or representative. Requests may be made on behalf of a group of workers.

Requesters should not disclose certain information to US DOL in their request, as summarized in the chart below.

| Information that is Helpful to US DOL: | Please do NOT include: |
|---|---|
| <p>Information to Identify Worksite or Employer</p> <ul style="list-style-type: none"> • Employer’s name (such as the name of a business) • Address of worksite • Time period of the labor dispute • Name of US DOL agency to which complaint was submitted or that is investigating or litigating <p>Information about the Labor Dispute</p> <ul style="list-style-type: none"> • Description of labor dispute and relation to the laws enforced by US DOL • Description of any retaliation or threats related to labor dispute • Description of how fear among workers of immigration-related retaliation or enforcement is likely to deter workers from reporting to or cooperating with US DOL • Contact information for requester <div style="text-align: center;"></div> | <ul style="list-style-type: none"> • Do NOT include individual workers’ names (Statements of US DOL Interest name the worksite or employer, generally not individual workers); • Do NOT include individual workers’ particular immigration histories or needs; • Do NOT include individual workers’ home addresses • Do NOT include copies of workers’ identity documents, including passports, drivers’ licenses, and identification cards; • Do NOT include sensitive personally identifiable information, including dates of birth, Social Security Numbers, or Alien Registration Numbers; • Do NOT include G-28 and other immigration forms <div style="text-align: center;"></div> |

The Department will generally respond to the requester within 30 days with a determination on the request or a status update. Please see FAQ #13 for more detail. If US DOL, in its discretion, issues a Statement of US DOL Interest, US DOL will send a copy to both DHS and the requester.

Requesting an Updated Statement of US DOL Interest to Support Subsequent Requests for Deferred Action

To ensure that US DOL can effectively process a request for an updated Statement of US DOL Interest, requesters should submit requests **no less than 160 days prior to the expiration of the original period of deferred action.**

Requests may be emailed to statementrequests@dol.gov with the subject line “Updated Statement of US DOL Interest Request.” In the emailed request, requesters should clearly indicate that they are seeking a Statement of US DOL Interest to support a subsequent request to DHS. Requesters are encouraged to provide enough information for the Department to identify the worksite that is the subject of the labor dispute.



Generally, the employer's name (such as the name of a business), address of the worksite, and date of the initial Statement of US DOL Interest are helpful. The Department will generally respond to the requester within 30 days with a determination. Please see FAQ #3 for more detail on how to submit a request. If US DOL, in its discretion, issues an Updated Statement of US DOL Interest to support a subsequent request for deferred action, US DOL will send a copy to both DHS and the requester. If US DOL decides not to issue the updated Statement of US DOL Interest, US DOL will notify the requester.

Frequently Asked Questions

1. Does the US Department of Labor accept requests to express support for deferred action for workers involved in labor disputes?

Yes. We consider such requests naming employers and/or worksites on a case-by-case basis. If the Department issues a Statement of US DOL Interest, a worker may use the Statement to support an individual request to the Department of Homeland Security (DHS) for deferred action. For US DOL to enforce the laws under its jurisdiction, regardless of immigration status, workers must feel free to participate in the Department's investigations and proceedings without fear of retaliation or immigration-related consequences.

2. What is a Statement of US DOL Interest?

A Statement of US DOL Interest is a letter from US DOL to DHS identifying an employer and/or worksite and a circumstance where DHS's use of its prosecutorial discretion would assist US DOL's enforcement of the laws under its jurisdiction. Statements of US DOL Interest are generally issued on an employer or worksite basis and generally do not identify individual workers by name.

3. How do I ask US DOL for a Statement of Interest?

Workers who are experiencing a labor dispute at their worksite can request that US DOL provide a "Statement of US DOL Interest" by sending a request to statementrequests@dol.gov with the subject line "Request for Statement of US DOL Interest." In the emailed request, requesters are encouraged to provide enough information for the Department to identify the worksite that is the subject of the labor dispute. Generally, the employer's name (such as the name of a business), address of the worksite, time period of the dispute, name of the US DOL agency to which a complaint was submitted or that is investigating or litigating (such as the Wage and Hour Division or Occupational Safety and Health Administration) and/or case number, are helpful for US DOL. **Individual workers' names and personal information should not be submitted (see below).**

Additionally, requesters are invited to include facts that support any factors listed in FAQ #6 that US DOL may consider in responding to these requests, including but not limited to:

- A description of the labor dispute including its location and how it is related to the laws enforced by US DOL;
- A description of any retaliation or threats workers at the worksite may have witnessed or experienced related to labor disputes; and
- A description of how fear among workers at the worksite of potential immigration-related retaliation or other immigration enforcement in the future is likely to deter workers from reporting violations related to the labor dispute to US DOL or otherwise cooperating with US DOL. As relevant, it will be helpful to include the time, place, and manner of any such facts.

US DOL may contact the requester with questions, so it will be helpful to include reliable contact information for the requester. A request may be made by a worker or by an advocate or representative. Requests may be made on behalf of a group of workers.



NOTE: US DOL will evaluate requests to determine whether a labor dispute related to a law enforced by US DOL exists at a particular worksite and whether and how deferred action for workers at the worksite would help US DOL carry out its enforcement mission and priorities. For more information, see FAQ #6. Disclosure of individual worker names may not be necessary to establish that a labor dispute exists, depending on, for instance, US DOL's additional corroborating information.

Questions about the process outlined above may also be directed to statementrequests@dol.gov before a request is submitted. For more information about the laws enforced by US DOL and other federal labor agencies, visit <https://www.worker.gov>.

4. What Information Should I NOT Include in My Request?

In the emailed request, requesters **should not** disclose to US DOL:

- Individual workers' names (Statements of US DOL Interest name the worksite or employer generally not individual workers);
- Individual workers' particular immigration histories or needs;
- Individual workers' home addresses or copies of workers' identity documents, including passports, drivers' licenses, and identification cards;
- Sensitive personally identifiable information, including dates of birth, Social Security Numbers, or Alien Registration Numbers;
- G-28 and other immigration forms

5. How do I notify US DOL of the labor dispute and file a complaint?

If you have not yet filed a complaint with US DOL related to your labor dispute, you are encouraged to use the links below to find the appropriate local US DOL Office to file a complaint:

- Find a local **Wage and Hour Division** District Office here: <https://www.dol.gov/agencies/whd/contact/local-offices>
- Find a local **Occupational Safety and Health Administration** Area Office here: <https://www.osha.gov/contactus/bystate>
- Find a local **Office of Federal Contract Compliance Programs** District Office here: <https://www.dol.gov/agencies/ofccp/contact/district-area-offices>

In addition to filing a complaint, workers are encouraged to remain in contact with local offices to provide relevant case information. The Statement of US DOL Interest process is not a substitute for filing a complaint with the relevant enforcement agency. Delays in providing information about labor disputes to local offices may lead to a delay in US DOL's determination on whether a Statement of US DOL Interest should be issued.



6. What factors will the Department consider when deciding whether to provide a Statement of US DOL Interest in a worksite's labor dispute?

US DOL will assess each request on a case-by-case basis and in consideration of its specific enforcement needs. Statements of US DOL Interest are based on a labor dispute at a worksite that is related to laws enforced by US DOL, they are not based on individual workers. Factors that may be considered include, but are not limited to:

- US DOL's need for witnesses to participate in its investigation and/or possible enforcement;
- Whether DHS's use of discretionary immigration protection, such as deferred action, would support US DOL's interest in holding labor law violators accountable for such violations;
- Whether workers are experiencing retaliation, threats of retaliation, or fear retaliation and/or may be "chilled" from reporting violations of the law or participating in US DOL enforcement;
- Whether immigration enforcement concerning workers who may be witnesses to or victims of a violation of laws within US DOL's jurisdiction could impede US DOL's ability to enforce the labor laws or provide all available remedies within its jurisdiction;
- Likelihood that immigration enforcement could be an instrument used to undermine US DOL's enforcement of laws in the geographic area or industry and/or give rise to further immigration-based retaliation.

The Department will weigh factors listed above based on the specific circumstances of the labor dispute. US DOL may contact the requester with questions.

7. After I submit my request for a Statement of US DOL Interest, what will US DOL do?

US DOL will determine whether its enforcement interests justify support for a request for deferred action by DHS. If so, and in its discretion, US DOL will send both DHS and the requester a Statement of US DOL Interest. The Statement informs DHS that US DOL believes DHS's use of discretionary immigration protections such as deferred action for employees at a particular worksite or of a particular employer is necessary for US DOL to effectively carry out its mission, and that it supports workers' requests for deferred action or other applicable discretionary immigration protection.

For example, where workers have faced retaliation for complaining about their wages or working conditions and fear retaliatory immigration action if they participate in a US DOL investigation or legal proceeding, DHS's use of deferred action may help to alleviate that fear and further US DOL's investigation or enforcement action. Worker participation strengthens US DOL's ability to obtain redress and employer compliance.

8. How do individual workers who experience a labor dispute ask DHS for discretionary immigration protection such as deferred action?

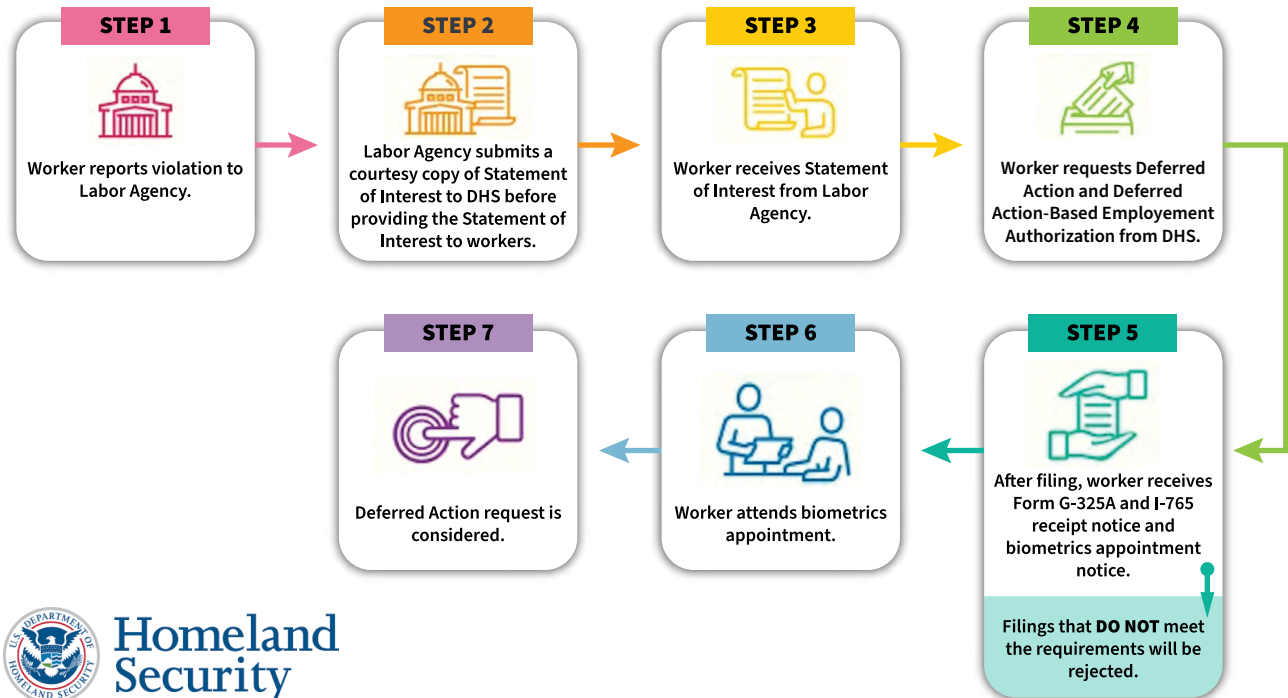
Workers seeking deferred action from DHS must make such requests directly to DHS. For more information on how to make such requests to DHS, visit www.dhs.gov/enforcement-labor-and-employment-laws.

DHS has an explanatory graphic on the process, included on the next page.



REQUESTS FOR DEFERRED ACTION

FOR WORKERS IN SUPPORT OF LABOR AGENCY INVESTIGATIONS



Homeland Security

This FAQ provides information about how a worker may request a Statement of US DOL Interest regarding a labor dispute, which is the DOL portion of the process shown above.

NOTE: Workers may have additional bases for requesting that DHS provide deferred action or other immigration relief that are not addressed in this FAQ. For more information, you may wish to seek immigration legal advice. For a list of pro bono legal service providers, please visit: <https://www.justice.gov/eoir/list-pro-bono-legal-service-providers>. A specific outcome for any individual worker cannot be guaranteed; each worker should consider seeking counsel to better understand the individual implications of submitting a request to DHS for discretionary immigration protection.

9. Does a Statement of US DOL Interest in a worksite’s labor dispute provide any immigration status or protection to a worker?

No. A Statement of US DOL Interest in a labor dispute does not confer immigration status, nor any specific immigration protection, to individual workers. Instead, individual workers may include the Statement of US DOL Interest as part of a request for deferred action directed to DHS. For more information regarding DHS’s use of deferred action to support labor enforcement, visit www.dhs.gov/enforcement-labor-and-employment-laws.

10. Does the Statement of US DOL Interest guarantee that DHS will grant deferred action or other applicable discretionary immigration protection in a particular case?

No. The decision of whether to grant deferred action or other discretionary immigration protection rests solely with DHS. A Statement of US DOL Interest does not guarantee that DHS will grant deferred action in any individual immigration case. Individual workers must independently request deferred action from DHS. For more information regarding DHS’s use of deferred action to support labor enforcement, visit www.dhs.gov/enforcement-labor-and-employment-laws.



11. Which agencies within US DOL will consider issuing a Statement of US DOL Interest concerning immigration-related deferred action?

US DOL will consider requests for Statements of Interest related to the enforcement of laws within the jurisdiction of its enforcement agencies on a case-by-case basis and at the discretion of the agency. Given the manner in which US DOL processes requests for Statements of US DOL Interest, more than one agency may issue a Statement of US DOL Interest for a particular worksite or employer.

Some workers requesting a Statement of US DOL Interest from OSHA may instead be covered by an OSHA-approved workplace safety and health program operated by a state or a U.S. territory (called a “State Plan”). For requests for statements of interest related to labor disputes covered by a State Plan, you may wish to reach out to the State Plan to ask whether they process requests for labor agency statements of interest in support of deferred action. To see if you live in a state with a State Plan, and to find the State Plan contact information, please go to OSHA’s website: www.osha.gov/stateplans/.

12. Will US DOL keep the information contained in my request confidential?

In keeping with US DOL’s standard practices, US DOL will keep requests for a Statement of US DOL Interest confidential to the maximum extent permitted by law. If US DOL grants a request, US DOL will share the Statement of US DOL Interest with the requesters and DHS.

13. How long does the Department expect it will take to respond to these requests?

The Department will generally respond to the requester within 30 days with a determination on the request or a status update. US DOL will seek to provide status updates every 30 days while a request remains under consideration. Please note that this timeframe may vary depending on the complexity of the request and the overall volume of requests for Statements of US DOL Interest that the Department has received.

14. What should a requester expect if the Department declines to provide a Statement of US DOL Interest in a worksite’s labor dispute?

If US DOL declines to provide a Statement of US DOL Interest in a labor dispute, the requester or their representative will be informed as soon as possible. Statements of US DOL Interest are wholly discretionary.

If the Department declines to provide a Statement of US DOL Interest in a labor dispute, US DOL typically **will not** communicate with DHS about the request. US DOL **does not** enforce worksite immigration law.

15. What role does US DOL play in DHS’s adjudication of an individual worker’s request for deferred action?

The decision about whether to provide deferred action or other discretionary immigration protection rests solely with DHS. US DOL or other law enforcement agencies may inform DHS of a need for immigration enforcement discretion to carry out their missions and may respond to requests for additional information from DHS regarding requests for immigration enforcement discretion.

For more information regarding DHS’s use of deferred action to support labor enforcement, visit www.dhs.gov/enforcement-labor-and-employment-laws.

For more information about the laws enforced by US DOL and other federal labor agencies, visit <https://www.worker.gov>.



16. What if I want to add additional information to my initial request to US DOL for a Statement of US DOL Interest?

Information about the request generally may be supplemented as needed by the requester using the email address provided above.

17. Where can I get more information about whether I should request a Statement of US DOL Interest and/or seek deferred action from DHS?

You may wish to seek immigration law advice before deciding whether to request a Statement of US DOL Interest or whether to submit a request for deferred action to DHS. For a list of pro bono legal service providers, please visit: <https://www.justice.gov/eoir/list-pro-bono-legal-service-providers>. A specific outcome for any individual worker cannot be guaranteed; each worker should consider seeking counsel to better understand the individual implications of submitting a request for deferred action to DHS. For more information regarding DHS's use of deferred action to support labor enforcement, visit www.dhs.gov/enforcement-labor-and-employment-laws.

18. If I seek deferred action from DHS by using a Statement of US DOL Interest, how long will the deferred action last? Can the deferred action be renewed?

The decision of whether to grant deferred action, and the duration of deferred action, rests solely with DHS. DHS has stated that deferred action, if approved, may be granted for a period of up to four years, subject to termination at any time. DHS also has guidance for workers who have been granted deferred action and are requesting a subsequent period of deferred action through this process. A worker granted deferred action based on a labor agency enforcement interest may request a subsequent period of deferred action for an additional two years when there continues to be an ongoing labor agency need. For more information on seeking subsequent periods of deferred action to support labor enforcement from DHS, visit <https://www.dhs.gov/enforcement-labor-and-employment-laws>.

19. Does US DOL provide updated Statements of US DOL Interest in support of workers' subsequent requests for deferred action?

Yes. US DOL considers requests for updated Statements of US DOL Interest on a case-by-case basis to further its interest in enforcing the laws under its jurisdiction.

DHS allows workers to submit subsequent requests for deferred action to extend the initial deferred action period, which must include an updated Statement of Interest from the labor agency, 120 days prior to the expiration of the original period of deferred action. Subsequent requests for deferred action received by DHS with less than 120 days remaining in the original period of deferred action could result in delays in adjudications and gaps in deferred action and related employment authorization.

To ensure that US DOL can effectively process a request for an updated Statement of US DOL Interest, requesters should submit requests to US DOL **no less than 160 days prior to the expiration of the original period of deferred action**.

Requests may be emailed to statementrequests@dol.gov with "Updated Statement of US DOL Interest Request" included in the subject line. In the emailed request, requesters should clearly indicate that they are seeking a Statement of US DOL Interest to support a subsequent request to extend the period of deferred action to DHS. Requesters are encouraged to provide enough information for the Department to identify the worksite that is the subject of the labor dispute. Generally, the employer's name (such as the name of a business), address of the worksite, and date of the initial Statement of US DOL Interest are helpful. The Department will generally respond to the requester within 30 days with a determination. Please note that this timeframe may vary depending on the complexity of the request and the overall volume of requests for Statements of US DOL Interest that the Department has received.



The updated Statements of US DOL Interest will not be specific to an individual worker; they will be issued based on a worksite or employer.

20. Can US DOL provide a Statement of US DOL Interest in a labor dispute to DHS without receiving a request for such a statement?

Yes. Where appropriate to further the Department's enforcement work, the Department issues Statements of US DOL Interest or similar statements regarding a worksite's labor dispute on its own, without receiving a request.

21. Is there any cost associated with the request for a Statement of US DOL Interest?

There is no cost associated with submitting a request for a Statement of US DOL Interest. This request may be submitted directly by the affected individual(s) involved in the labor dispute or by a representative of the individual(s) involved in the labor dispute, such as legal representatives or others assisting the workers.

22. Must I file a complaint with a US DOL agency regarding my labor dispute if I have submitted a request for a Statement of US DOL Interest?

Workers experiencing a labor dispute over a law enforced by US DOL are encouraged to file a complaint with their appropriate local US DOL office if US DOL is not already aware of the particular labor dispute. The Statement of US DOL Interest process is not a substitute for filing a complaint with the relevant enforcement agency, and submitting a request for a Statement of US DOL Interest is not intended as a mechanism to report potential violations of workplace laws.

- Find a local **Wage and Hour Division** District Office here: <https://www.dol.gov/agencies/whd/contact/local-offices> or call 1-866-487-9243
- Find a local **Occupational Safety and Health Administration** Area Office here: <https://www.osha.gov/contactus/bystate> or call 1-800-321-6742 (OSHA)
- Find a local **Office of Federal Contract Compliance Programs** District Office here: <https://www.dol.gov/agencies/ofccp/contact/file-complaint>


For more information about workers' rights, visit <https://www.worker.gov/>.

23. Is US DOL the only labor agency that provides Statements of Interest for these purposes?

No. DHS's process permits any federal, state, or local labor and employment agency to submit Statements of Interest. Other federal labor and employment agencies, including the National Labor Relations Board (<https://www.nlr.gov/guidance/key-reference-materials/immigrant-worker-rights>), the Equal Employment Opportunity Commission (<https://www.eeoc.gov/faq/eeocs-support-immigration-related-deferred-action-requests-dhs>), and the Department of Justice Civil Rights Division (<https://www.justice.gov/crt/support-workers-deferred-action-requests-dhs>) also provide Statements of Interest. In addition, some state and local labor agencies provide Statements of Interest. The US DOL is a separate entity from these federal, state, and local departments of labor. Individuals who are impacted by a matter or investigation pending with another labor agency or who are interested in requesting statements of interest from one of these other labor agencies should contact that agency directly. The US DOL will not issue Statements of Interest when a labor dispute does not involve a DOL enforcement.

TAB H

CALIFORNIA DEPARTMENT OF
JUSTICE

| | | |
|---|---------------------------------------|--|
| <p>California Department of Justice DIVISION OF LAW ENFORCEMENT Stephen Woolery, Chief (acting)</p>  | <h1>INFORMATION BULLETIN</h1> | |
| <p><i>Subject:</i></p> <p>Update to Information Bulletin 2020-DLE-01: New and Existing State and Federal Laws Protecting Immigrant Victims of Crime</p> | <p><i>No.</i></p> <p>2024-DLE-05</p> | <p><i>Contact for information:</i></p> <p>Stephen Woolery, Chief (acting) Division of Law Enforcement (916) 210-6300</p> |
| | <p><i>Date:</i></p> <p>04/03/2024</p> | |

TO: ALL CALIFORNIA LAW ENFORCEMENT AGENCIES

The purpose of this bulletin is to update information provided in Information Bulletin 2020-DLE-01, dated April 1, 2020, titled “Update to Information Bulletin No. 2015-DLE-04: New and Existing State and Federal Laws Protecting Immigrant Victims of Crime.” Information Bulletin 2020-DLE-01 offered a detailed summary of a then new state law, Assembly Bill (AB) 917 (Stats. 2019, Ch. 576), enacted into law and effective on January 1, 2020, which required agencies that investigate or prosecute criminal matters to assist crime victims without authorized immigration status in applying for a U nonimmigrant visa (U visa) – a federal immigration visa set aside for victims of crime who have suffered substantial mental or physical abuse because of criminal activity, and who are willing to assist federal, state, and local law enforcement agencies or government officials in the investigation of that criminal activity.¹

On October 10, 2023, Governor Gavin Newsom signed the Immigrant Rights Act, Assembly Bill (AB) 1261 (Stats. 2023, Ch. 679), into law, effective on January 1, 2024. **AB 1261 provides additional affirmative obligations for law enforcement officials when responding to requests for U visa certifications.** The United States Department of Homeland Security, United States Citizenship and Immigration Services (USCIS) requires these certifications in order to grant a qualifying immigrant a U visa.

In addition to providing guidance on the newly enacted AB 1261 this bulletin answers relevant questions regarding U Visa eligibility, and encourages state and local law enforcement agencies and officials to be vigilant in identifying and supporting immigrant crime victims who may be eligible for U visas. These visas are an important tool for encouraging the cooperation of witnesses; investigating, prosecuting, and convicting criminals; and increasing public safety.

California Law Regulating U Visa Certifications by Law Enforcement—Effective January 1, 2024

AB 1261 amends California Penal Code sections 679.10 and 679.11 and adds section 679.13 to the Penal Code. Significantly, the amendments require that certifying state and local agencies and officials:

- Complete U visa certifications, upon request, for direct victims, indirect victims, and bystander or witness victims.

¹ This bulletin only addresses U visa certifications. However, we note that AB 1261 also contains updates to the T visa certification process. More information regarding T visas can be found at: https://www.dhs.gov/sites/default/files/publications/U-and-T-Visa-Law-Enforcement-Resource%20Guide_1.4.16.pdf.

- A **direct victim** is any person who has suffered direct harm or who is directly and proximately harmed as a result of qualifying criminal activity.
- An **indirect victim** is a qualifying family member of a direct victim who is incompetent, incapacitated, or deceased, including spouses, unmarried children under the age of 21, parents if the direct victim was under the age of 21, and siblings under the age of 18 if the direct victim was under 21 years of age. Indirect victim cooperation includes parents who make their children available to communicate with the certifying official.
- A **bystander** or **witness victim** is any individual who was not the direct target of a crime, but who nevertheless suffered unusually direct injury as a result of the qualifying crime.
- An individual does not have to be present in the United States at the time of submitting the certification or request filing the petition.
- Complete U visa certifications, upon request, for immigrant crime victims who have been helpful, are being helpful, or are likely to be helpful in the detection, investigation, or prosecution of specified qualifying crimes within 30 days in most cases, and within 7 days of the first business day following the day the request was received if the individual is in removal proceedings or if the individual asserts their qualifying family member will lose eligibility to apply for a U visa within 60 days (such as if the victim's noncitizen sibling will turn 18, the victim's noncitizen child will turn 21, or the victim will turn 21).
- Certify "victim helpfulness" or "victim cooperation" if the victim reasonably asserts they were unaware of a request for cooperation. In these cases, their failure to cooperate does not rebut the presumption of helpfulness, which is described in more detail below.
- Provide a written explanation for certification denials, including specific details of any reasonable requests for cooperation and a detailed description of how the individual refused to cooperate.
- Complete certification or otherwise certify that an individual has been helpful regardless of a) the victim's criminal history, b) the victim's immigration history, c) the victim's gang membership or affiliation, d) the certifier's belief that the U visa will not be approved, e) the victim's open case with another certifying agency, f) the extent of the harm suffered, g) the victim's inability to produce a crime report, and/or h) the victim's cooperation or refusal to cooperate in a separate case.
- Return completed certifications to the immigrant crime victim or the victim's representative without requiring them to come in person or the victim to provide a government-issued identification.

Provisions of state law that have remained unchanged include that:

- A certifying official must complete U visa certifications, upon request, for immigrant crime victims who have been helpful, are being helpful, or are likely to be helpful in the detection, investigation, or prosecution of specified qualifying crimes within 30 days in most cases, and 7 days for victims in removal proceedings.
- There is still a rebuttable presumption that an immigrant victim is helpful, has been helpful, or is likely to be helpful, if the victim has not refused or failed to provide information and assistance reasonably requested by law enforcement.
 - A certifying official must certify "victim helpfulness" or "victim cooperation" when requested by the victim, the victim's family member, a licensed attorney representing the victim, or a representative fully accredited by the United States Department of Justice authorized to represent the victim in immigration proceedings.
- A certifying official must provide a copy of the police report to the victim, the victim's attorney, or a

United States Department of Justice fully accredited representative of the victim within 7 days of the request.

- A certifying official may only withdraw a previously granted certification if the victim refuses to provide information and assistance when reasonably requested.
- A certifying official must fully complete and sign the U visa certification and include “specific details about the nature of the crime investigated or prosecuted and a detailed description about the victim’s helpfulness or likely helpfulness to the detection or investigation or prosecution of the criminal activity.”
- Certifying agencies are prohibited from disclosing the immigrant status of a victim or person requesting a U visa certification, except to comply with federal law or legal process, or if authorized by the victim or person requesting the certification.
- A current investigation, the filing of charges, and a prosecution or conviction are not required for the victim to request and obtain the certification from a certifying official.
- Certifying agencies that receive certification requests must annually report to the Legislature the number of victims that requested certifications from the particular agency, the number of certifications signed, and the number of certifications denied.

State U visa certification requirements apply to the following California state and local entities and officials:

- State and local law enforcement agencies (including the police department of the University of California, a California State University campus, or the police department of a school district);
- Prosecutors;
- Judges (civil or criminal judges who detect qualifying criminal activity);
- Agencies with criminal detection or investigative jurisdiction in their respective areas of expertise, including but not limited to child protective services, the Department of Fair Employment and Housing, and the Department of Industrial Relations; and
- Any other authority responsible for the detection or investigation or prosecution of a qualifying crime or criminal activity.

Questions and Answers Regarding U Visa Certifications

1. Who is eligible for a U visa?

Eligibility for U visas is governed by the Victims of Trafficking and Violence Protection Act (VTVPA) and determined by USCIS. Under those federal provisions, individuals without authorized immigrant status may be eligible for a U visa if they: (1) are victims of specified qualifying crimes (discussed below), (2) have suffered substantial physical or mental abuse as a result of having been a victim of criminal activity, (3) have specific knowledge and details of a qualifying crime committed within the United States, (4) are currently assisting, have previously assisted, or are likely to be helpful in the detection, investigation, or prosecution of the qualifying crime; and (5) are admissible to the United States, and if they are not admissible, they may apply for a waiver of inadmissibility. Victims may apply for a U visa even if they are no longer in the United States. Individuals presently in removal proceedings or with final orders of removal can also apply.

Where the direct victim of qualifying criminal activity is deceased due to manslaughter or murder, or is

incompetent or incapacitated and therefore unable to provide information concerning the criminal activity, a victim of qualifying criminal activity includes the direct victim of the commission of the qualifying criminal activity **and** the direct victim's spouse, children under 21 years of age, parents, and unmarried siblings under 18 years of age. For purposes of determining eligibility under this definition, the age of the victim will be considered at the time the qualifying criminal activity occurred.²

Moreover, a parent without authorized immigrant status can petition for their own U visa as an "indirect victim" of the qualifying crime, if their child is: (1) under 21 years of age, (2) the victim of a qualifying crime, and (3) incompetent or incapacitated such that she or he is unable to provide law enforcement with adequate assistance in the investigation or prosecution of the crime. (An immigrant parent can petition for a U visa regardless of his/her child's citizenship status or whether his/her child died as the victim of murder or manslaughter.)

2. What is a qualifying crime?

Under the relevant state and federal laws, qualifying crimes include rape, torture, human trafficking, incest, domestic violence (including violations of domestic violence restraining orders), sexual assault, abusive sexual conduct, prostitution, sexual exploitation, female genital mutilation, being held hostage, peonage, perjury, involuntary servitude, slavery, kidnaping, abduction, unlawful criminal restraint, false imprisonment, blackmail, extortion, manslaughter, murder, felonious assault, witness tampering, obstruction of justice, fraud in foreign labor contracting, stalking, and other related crimes which include any similar activity where the elements of the crime are substantially similar to the above specified offenses.

California law, consistent with federal law, states that a qualifying crime includes the attempt, conspiracy, or solicitation to commit any of the specified and *other related offenses*.

Bystanders who suffer unusually direct injury as a result of a qualifying crime may be considered eligible victims as well. An example provided by USCIS includes a pregnant woman who suffered a miscarriage as a result of trauma she experienced witnessing a violent crime.³

3. Is an arrest, prosecution, or conviction necessary to certify a U visa petition?

No. California's Immigrant Victims of Crime Equity Act makes clear that a current investigation, the filing of charges, and a prosecution or conviction are not required to sign the law enforcement certification. Many situations exist where an immigrant victim reports a crime, but an arrest or prosecution cannot take place due to evidentiary or other circumstances. For example, the perpetrator may have fled the jurisdiction, cannot be identified, or has been deported by federal law enforcement officials. In addition, neither a plea agreement nor a dismissal of a criminal case affects a victim's eligibility. Furthermore, a law enforcement certification is valid regardless of whether the crime that is eventually prosecuted is different from the crime that was investigated, as long as the individual is a victim of a qualifying crime and meets the other requirements for U visa eligibility.

² 8 CFR § 214.14(a)

³ Preamble at Federal Register, Vol. 72, No. 179, p. 53016-53017 (Sept. 17, 2017).

4. *Can an agency deny a U visa certification request based on timeliness?*

No. There is ***no statute of limitations*** that bars immigrant crime victims from applying for a U visa. Law enforcement agencies' duty to sign a certification is not time-limited, even if the investigation or case is already closed.

5. *Will certifying a U visa petition automatically grant the victim an immigration benefit?*

No. Federal, state, and local law enforcement agencies cannot legally grant or guarantee an immigrant crime victim a U visa or any other type of immigration status by signing a U visa certification (Form I-918 Supplement B). Instead, U visa petitions are adjudicated by USCIS, which conducts a full review of the victim's petition and a thorough background check of the petitioner before approving or denying the petition. USCIS will also make the determination as to whether the victim has met the "substantial physical or mental abuse" standard on a case-by-case basis during its adjudication of the petition. Additionally, USCIS makes the determination of the applicant's admissibility to the United States or eligibility for a waiver of inadmissibility.

By signing a certification, the law enforcement official states: (1) under penalty of perjury, that the individual is or has been a victim of one of the qualifying crimes, and (2) the remaining information provided in the certification is true and correct to the best of the certifying official's knowledge. **Without a completed U visa certification, victims will not be eligible for a U visa.**

6. *If a certifying agency denies a U visa certification request, what information must the agency provide?*

There is a rebuttable presumption that a victim is helpful, has been helpful, or is likely to be helpful, if the victim has not refused or failed to provide information and assistance reasonably requested by law enforcement. To comply with the rebuttable presumption of helpfulness in the VTTPA, the reason for denial of certification should be clearly articulated and specific (i.e., non-cooperative because of three unreturned phone calls on dates X, Y, and Z). Further, any denials of certification should be based upon issues within a particular law enforcement agency's jurisdiction/investigation; each law enforcement agency should focus exclusively on its investigation to determine cooperation and should make a determination based on its investigation regardless of whether there is an investigation, referral, and/or prosecution by another law enforcement agency.

Recommendations and Additional Resources for Law Enforcement

Attorney General Rob Bonta is committed to seeking justice for every crime victim in California regardless of the victim's immigration status. Undocumented immigrants are often among the most vulnerable victims of crime across California. Fear of deportation is a significant deterrent to reporting crime for many undocumented immigrants. As such, the Attorney General encourages all agencies and officials subject to California's new law to immediately establish and implement a U visa certification policy and protocol that is consistent with California law and the guidance provided in this law enforcement bulletin. As such, a U visa certification policy and protocol may address the following:

1. Ensuring decisions are made as soon as possible within the 30-day or 7-day windows, especially in urgent cases (i.e., where a qualifying family member will otherwise lose eligibility).
2. An appeals process for certification denials through which (1) an individual other than the initial supervisor that approved the “denial” reviews the certification to ensure impartiality and (2) the appeals process is made public to provide transparency.
3. A review of the entire police report and file to independently consider whether or not all potential victims are eligible for certification (i.e., some police reports do not always list all potential victims and sometimes categorize victims as witnesses).
4. Signing single-sided I-918B U Visa Certification forms with a signature and date clearly written in blue ink, and providing the original signature to the requestor.
5. A consistent way of handling when parents of minors under 16 years of age have effectively cooperated with law enforcement by making the minor available to law enforcement or encouraged the minor’s cooperation with law enforcement, and may also be eligible for obtaining certification if they have also cooperated with law enforcement in the investigation of the crime(s).

The **USCIS web site** includes useful information regarding U visa eligibility, qualifying criminal activities, and applying for a U visa. See <https://www.uscis.gov/humanitarian/victims-of-criminal-activity-u-nonimmigrant-status>. The Form I-918 Supplement B Certification can be found here: <http://www.uscis.gov/i-918>.

We look forward to working with you to ensure that California continues to set an example across the nation for building and preserving the relationship of trust between our peace officers and the communities we are sworn to serve, including immigrant communities.

Please direct questions regarding this bulletin to the Department of Justice, Division of Law Enforcement at (916) 210-6300.

California Department of Justice Complaint Forms

1. Local Law Enforcement Agency Complaint
<https://oag.ca.gov/police-complaints-form>
2. General Contact Form (for complaints re: entities that are not local law enforcement agencies)
<https://oag.ca.gov/contact/general-comment-question-or-complaint-form>

If sending hard copy of complaint form (in place of on-line complaint forms via links listed above), mail to:

Attorney General's Office
California Department of Justice
Attn: Public Inquiry Unit
P.O. Box 944255
Sacramento, CA 94244-2550



CALIFORNIA DEPARTMENT OF JUSTICE POLICY GOVERNING CITIZEN COMPLAINTS AGAINST LAW ENFORCEMENT

PURPOSE

This general policy establishes guidelines governing the manner in which the Department of Justice will respond to complaints by members of the public against a law enforcement agency or its employees.

GENERAL POLICY

It is the Department of Justice general policy that local government will be primarily responsible for citizen complaints against law enforcement agencies or employees of law enforcement agencies, and that appropriate local resources (e.g. sheriff or police department and district attorney) be utilized for resolution of such complaints prior to a request for intervention by the Attorney General.

The Attorney General will review citizen complaints against a law enforcement agency or its employees for possible investigation when substantive allegations of unlawful conduct are made and all appropriate local resources for redress have been exhausted, or when the local district attorney is the subject of the complaint. Allegations of police misconduct that are not criminal are handled exclusively by the law enforcement agency.

ADMINISTRATION OF GENERAL POLICY

All complaints against law enforcement agencies or employees of those agencies will be initially processed and reviewed by the Attorney General's Public Inquiry Unit (PIU). To expedite processing and ensure accuracy, all complaints must be submitted to the PIU in writing. Those which do not meet the policy criteria above will be responded to by the Public Inquiry Unit. This response will inform complainants of the appropriate local resources to be contacted for resolution of complaints and/or request clarifying information as needed.

Complaints appearing to meet the aforementioned policy criteria will be immediately forwarded by the Public Inquiry Unit for acknowledgment and handling to both the Senior Assistant Attorney General, Criminal Law Division (CLD), in the area having geographical jurisdiction and also to the Senior Assistant Attorney General of the Civil Rights Enforcement Section (CRES) of the Division of Public Rights. Both recipients of the complaint shall confer, as often as is necessary or prior to any action, to both keep each other informed about developments in their respective evaluations and also to coordinate investigative or litigation activities. All proposed legal actions (i.e. the filing of criminal charges or civil litigation) must be reviewed and approved by the Chief Deputy Attorney General for Legal Affairs.

Where appropriate and requested by the CRES and/or the CLD, the Division of Law Enforcement shall provide investigative assistance.

Questions regarding the guidelines that govern responses to citizen complaints against law enforcement agencies and/or personnel of those agencies should be directed to the Public Inquiry Unit at (916) 210-6276 or toll-free (800) 952-5225.



Rob Bonta
ATTORNEY GENERAL

COMPLAINT ABOUT PEACE OFFICERS/ LAW ENFORCEMENT AGENCY

Please read the Information Collection,
Use and Access notice on page 4.

Mail Form to:

Public Inquiry Unit
Office of the Attorney General
P.O. Box 944255
Sacramento, CA 94244-2550

PUBLIC INQUIRY UNIT
(916) 210-6276 / (800) 952-5225 Toll Free - CA only
TTY/TDD (800) 735-2929 (California Relay Service)
For TTY/TDD, dial 711.
AG Web Site: <https://oag.ca.gov/>

PRINT FORM

RESET FORM

SECTION 1 - POLICY FOR REVIEWING CITIZEN COMPLAINTS AGAINST LAW ENFORCEMENT

Under the general policy of the Department of Justice, your complaint about a law enforcement agency or its employee(s) must be addressed first to appropriate local authorities. The Attorney General will review complaints for possible investigation when substantive allegations of unlawful conduct are made and all appropriate local remedies have been exhausted.

SECTION 2 - TYPE OF COMPLAINT

This is a complaint about a law enforcement officer. This is a complaint about a law enforcement agency.

SECTION 3 - YOUR INFORMATION

| | | | | |
|---------------------------|--|---|---|---|
| First Name: | | MI: | Last Name: | |
| Address: | | | | |
| City: | | County: | State: | Zip Code: |
| Phone: | E-mail Address: | | Year of Birth (optional): | |
| Gender (optional): | <input type="checkbox"/> Female | <input type="checkbox"/> Male | <input type="checkbox"/> Transgender Woman/Girl | <input type="checkbox"/> Transgender Man/Boy |
| | <input type="checkbox"/> Not Listed | | | <input type="checkbox"/> Prefer Not to Answer |
| Ethnicity (optional): | <input type="checkbox"/> American Indian / Alaska Native | <input type="checkbox"/> Asian / Pacific Islander | <input type="checkbox"/> Black / African American | |
| | <input type="checkbox"/> Hispanic / Latinx | <input type="checkbox"/> Middle Eastern | <input type="checkbox"/> South Asian | <input type="checkbox"/> White / Caucasian |
| | <input type="checkbox"/> Not Listed | | | <input type="checkbox"/> Prefer Not to Answer |
| Relationship to Incident: | <input type="checkbox"/> Victim | <input type="checkbox"/> Witness | <input type="checkbox"/> Family Member / Friend | <input type="checkbox"/> Concerned Citizen |

SECTION 4 - INCIDENT INFORMATION

| | |
|---|--|
| Name of Agency / Agencies Involved: | |
| Name of Officer(s) Involved (Provide Badge Numbers if Known): | |

SECTION 5 - INCIDENT DETAILS

| | | |
|---|--|--|
| Date of Incident: | Time: | Location: |
| Type of Incident: | <input type="checkbox"/> Arrest <input type="checkbox"/> Call for Service <input type="checkbox"/> Death in Custody <input type="checkbox"/> Job Related Dishonesty <input type="checkbox"/> Officer Involved Shooting <input type="checkbox"/> Officer Involved Sexual Assault <input type="checkbox"/> Traffic Stop <input type="checkbox"/> Use of Force - Baton/Fist Strikes <input type="checkbox"/> Use of Force - Carotid Hold <input type="checkbox"/> Use of Force - K-9 <input type="checkbox"/> Use of Force - Less Lethal Projectile <input type="checkbox"/> Use of Force - Pepper Spray/OC/Tear Gas <input type="checkbox"/> Use of Force - Taser <input type="checkbox"/> Use of Force - Other _____ | |
| Is There a Summons or Arrest Associated with this Incident? | | YES <input type="checkbox"/> NO <input type="checkbox"/> |
| Does the Complaint Involve the Death of a Civilian? | | YES <input type="checkbox"/> NO <input type="checkbox"/> |
| If Yes, Name of Civilian: | | |
| Names of any Persons Injured: | | |

SECTION 6 - EXHAUSTION OF LOCAL REMEDIES

| | |
|---|--|
| Has this incident been reported to another agency? | YES <input type="checkbox"/> NO <input type="checkbox"/> |
| If yes, please attach a copy of your complaint(s) to the local authorities and their responses. Do not send original documents. | |

PLEASE DESCRIBE COMPLAINT ON NEXT PAGE



Rob Bonta
Attorney General

COMPLAINT ABOUT PEACE OFFICERS/LAW ENFORCEMENT AGENCY

Information Collection, Use and Access

Collection and Use of Personal Information. The Public Inquiry Unit of the Department of Justice collects the information requested on this form as authorized by Government Code Section 11180 and Civil Code Section 52.3. The Unit uses this information to review your complaint. In addition, any personal information collected by state agencies is subject to the limitations in the Information Practices Act and state policy. The Department of Justice's general privacy policy is available at

<https://oag.ca.gov/privacy-policy>.

Providing Personal Information. You do not have to provide the personal information requested. If you do not wish to provide personal information, such as your name, home address, or home telephone number, you may remain anonymous. In that case, however, we may not be able to contact you or help resolve your complaint.

Access to Your Information. You may review the records maintained by the Public Inquiry Unit in the Department of Justice that contain your personal information, as permitted by the Information Practices Act. See below for contact information.

Possible Disclosure of Personal Information. In order to follow up on your complaint, we may need to share the information you give us with the party you complained about or with other government agencies.

The information you provide may also be disclosed in the following circumstances:

- With other persons or agencies where necessary to perform their legal duties, and their use of your information is compatible and complies with state law, such as investigations or for licensing, certification, or regulatory purposes;
- To another government agency as required by state or federal law.

Contact Information: For questions about a written complaint that you submitted to the Public Inquiry Unit, please fill-out and submit our online form, available at:

<https://oag.ca.gov/contactus>

Please specify in the "Comments, Concern or Information" section the specific Public Inquiry Unit record that you are seeking. Or you may mail your request to Analyst, Public Inquiry Unit, Office of the Attorney General, P.O. Box 944255, Sacramento, CA 94244-2550. In addition, if you are seeking records maintained by another Department of Justice program, you should contact that program directly.



GENERAL CONTACT FORM

Mail Form to:

Rob Bonta
Attorney General

Please read the Information Collection, Use and Access
notice on the following page.

Public Inquiry Unit
Office of the Attorney General
P.O. Box 944255
Sacramento, CA 94244-2550

PUBLIC INQUIRY UNIT
(916) 210-6276 / (800) 952-5225 Toll Free - CA only
TTY/TDD (800) 735-2929 (California Relay Service)
For TTY/TDD, dial 711.
AG Web Site: <https://oag.ca.gov/>

PRINT FORM

RESET FORM

In sending this comment, concern or information, I understand that the Attorney General cannot answer legal questions or give legal advice to me and cannot act as my personal lawyer. I also understand that the Attorney General may need to refer my matter to a more appropriate agency for response.

SECTION 1 - YOUR CONTACT INFORMATION

| | | | | |
|-------------|---------|-----------------|------------|--|
| First Name: | | Middle Initial: | Last Name: | |
| Address: | | | | |
| City: | County: | State: | Zip Code: | |
| Phone: | | Email: | | |

SECTION 2 - COMMENT, CONCERN OR INFORMATION

| | |
|---|-------------------------|
| Attach additional pages if more space is needed. Attach copies of any supporting documentation. DO NOT SEND ORIGINALS. | Total # Pages Attached: |
|---|-------------------------|

| | |
|------------|-------|
| Signature: | Date: |
|------------|-------|



GENERAL CONTACT FORM

Rob Bonta
Attorney General

Information Collection, Use and Access

Collection and Use of Personal Information. The Public Inquiry Unit in the Department of Justice collects the information on this form as authorized by Government Code Sections 8330, 8331, 8332, 11180, 11181, and 11182. The Unit uses this information to review your complaint. In addition, any personal information collected by state agencies is subject to the limitations in the Information Practices Act and state policy. The Department of Justice's general privacy policy is available at:

<https://oag.ca.gov/privacy-policy>

Providing Personal Information. You do not have to provide the personal information requested. If you do not wish to provide personal information, such as your name, home address, or home telephone number, you may remain anonymous. In that case, however, we may not be able to contact you or help resolve your complaint.

Access to Your Information. You may review the records maintained by the Public Inquiry Unit in the Department of Justice that contain your personal information, as permitted by the Information Practices Act. See below for contact information.

Possible Disclosure of Personal Information. In order to follow up on your complaint, we may need to share the information you give us with the party you complained about or with other government agencies.

The information you provide may also be disclosed in the following circumstances:

- With other persons or agencies where necessary to perform their legal duties, and their use of your information is compatible and complies with state law, such as investigations or for licensing, certification, or regulatory purposes;
- To another government agency as required by state or federal law.

Contact Information. For questions about a written comment or complaint that you submitted to the Public Inquiry Unit, please fill-out and submit our online form, available at:

<https://oag.ca.gov/contactus>

Please specify in the "Comments, Concern or Information" section the specific Public Inquiry Unit record that you are seeking. Or you may mail your request to Analyst, Public Inquiry Unit, Office of the Attorney General, P.O. Box 944255, Sacramento, CA 94244-2550. In addition, if you are seeking records maintained by another Department of Justice program, you should contact that program directly.

TAB I

U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION
(EEOC)



EEOC Procedures: Requesting EEOC Certification for U Nonimmigrant Classification (U Visa) Petitions in EEOC Cases

These procedures apply to requests for EEOC to certify petitions for U Nonimmigrant Status ("U visa") pursuant to the Victims of Trafficking and Violence Prevention Act of 2000, 8 U.S.C. §§ 1101(a)(15)(U) & 1184(p), and the interim final rule of the Department of Homeland Security, U.S. Citizenship and

Immigration Services (DHS/USCIS), 72 Fed. Reg. 53014 (Sept. 17, 2007), 8 C.F.R. § 214.14. The Chair has designated the General Counsel as a certifying official with authority to issue U nonimmigrant status visa certifications on behalf of the EEOC.

I. Procedures for Requesting the General Counsel's Certification for U visa Petitions

A. Requests for certification will initially be submitted (or referred) to the Regional Attorney (RA). The RA will conduct an inquiry into whether the individual seeking U visa status has been a victim of "qualifying criminal activity" and is being, has been, or is likely to be helpful to the investigation of that activity. "Qualifying criminal activity" is defined at 8 U.S.C. § 1101(a)(15)(U)(iii). The qualifying criminal activity must be related to the unlawful employment discrimination alleged in the charge or otherwise covered by the statutes the EEOC enforces. The factual inquiry must include an interview of the visa candidate. If the requirements for certification do not appear to be met, the RA can decline the request.

- B. If the RA determines that the certification requirements are satisfied as a factual and legal matter, the RA will present the recommendation to headquarters OGC for review. The information presented to OGC should include all materials described in Section II below (hereinafter "the package"). The General Counsel (GC) will review the package and authorize certification when based on the investigation by the field and a review of the applicable criminal law, the GC determines that conduct constituting employment discrimination is related to "criminal activity" within the meaning of the U visa statute and that the individual requesting certification for a U visa "has been, is being, or is likely to be helpful to an investigation" of that conduct. If the GC determines that certification is not appropriate, the GC will advise the RA to deny the request.
- C. When certification requests are submitted for more than one individual affected by the same employment practices that the district office believes constitute a "qualifying criminal

activity," all individuals can be discussed in a single cover memorandum. However, because certifications are submitted to DHS/USCIS on an individual basis, and detailed facts on how each crime victim was affected by the unlawful employment practices will not be included in Part 3 of the I-918 Supplement B form, it is essential that the cover memorandum contain sufficient information to show whether each individual was affected by the employment practices in such a manner as to support the U visa crimes that the district office believes the individual was a victim of. The information should be sufficient to allow the GC to make an independent determination regarding the individual's certification, including the appropriateness of the U visa qualifying crimes asserted for each individual. At the district office's option, this can be done in an appendix to the cover memorandum.

D. If the GC concludes that EEOC should act as the certifying agency, the GC will notify the RA and designate the RA as the certifying official for that particular case. If the GC determines

that EEOC should not act as the certifying agency, the GC will inform the RA in writing of this decision.

E. In each case in which the GC determines that EEOC should act as the certifying agency, OGC will provide the RA a letter stating that the RA is designated as the certifying official for the named individual(s). This letter shall be sent by OGC to the RA. DHS/USCIS requires that each U visa petition include such a letter when the head of the certifying agency has designated someone else to exercise the certifying authority.

II. Information Required by OGC

For purposes of OGC's review of a request for EEOC to act as the certifying agency for a U visa petition, the requesting office should supply OGC with the following items:

A. A narrative explaining how the case came to the EEOC's attention and the current status of the matter.

1. An interview with the crime victim by a legal unit attorney should be conducted.
 2. Credibility determinations made by those who interviewed the crime victim should also be provided.
- B. A narrative explaining how the facts support the alleged crimes and the status of efforts to coordinate with criminal law enforcement.
1. Field legal staff should independently research the criminal statutes that were allegedly violated and determine if the facts support a violation of those statutes. Field legal staff should also list the elements of each crime and any relevant case law or other legal authority that assisted in the determination that the laws in question were violated, in addition to the information provided in Supplement B concerning the specific criminal laws at issue (Part 3, Subpart 3).
 2. Field legal staff should explain how the qualifying criminal activity is related to the unlawful employment discrimination

alleged in the charge or otherwise under investigation by the EEOC.

3. Field legal staff should describe what has been or will be done to refer the case to an appropriate criminal law enforcement agency, including any collaborative efforts or information-sharing that EEOC has done or intends to do with local, state or federal criminal law enforcement agencies.

C. A draft of Form I-918 Supplement B, U Nonimmigrant Status Certification.¹₂

Supplement B includes 6 parts. All parts, except for Part 6 (the certification itself), should be completed in accordance with the instructions provided by DHS/USCIS. Particular attention should be paid to the following issues raised in Supplement B:

1. In Part 2, EEOC's "certifying agency category" should be listed as "Other." A statement should be attached explaining EEOC's authority as a certifying agency and that the EEOC came to be involved in the

case through our investigation of a violation of the relevant EEO statute.

Where the agency has sought, or may seek or will be seeking, monetary and injunctive remedies with respect to the employment discrimination violations that also constitute U visa qualifying crimes, this should be indicated.

2. Part 3 is divided into 6 subparts and includes the following questions:
 - a. Subpart 1 asks that the relevant criminal offenses be named. EEOC should conduct an independent review of the facts to determine which of the listed criminal offenses are involved.
 - b. Subpart 3 asks for a list of the statutory citations for the criminal activity being investigated or prosecuted. (See §II, B (1) and (2) above).
 - c. Subpart 5 asks the certifying agency briefly to describe the criminal activity being investigated and/or prosecuted

and the involvement of the victim seeking U visa status in that activity.

d. Subpart 6 asks for a description of any known or documented injury to the victim. Provide a brief description of such harm.

3. Part 4 asks for a description of the helpfulness of the victim. This description should explain how the facts known to the victim would assist in the EEOC's enforcement efforts.

Footnote

¹ Supplement B is the form DHS/USCIS created for certifying agencies to submit in support of U visa petitions. Form I-918, Supplement B can be found at [**http://www.uscis.gov/portal/site/uscis**](http://www.uscis.gov/portal/site/uscis) ([**http://www.uscis.gov/portal/site/uscis**](http://www.uscis.gov/portal/site/uscis)), along with instructions and fact sheets explaining the requirements for certification, which should be consulted in preparing the package.

U/T Visa Certification Protocol Questions

EEOC RESPONSE: ANNA PARK

1. Is email your agency's preferred format to send in a U/T visa certification request?

Yes depending on whether the case is in litigation or in investigation, to the Regional Attorney and/or the District Director. I would include the RA in either case for the specific district.

2. Do you prefer that advocates email an editable Form I-918B/I-914B?
Yes.

3. What are your agency's criteria for signing certifications?

See requirements forwarded earlier. Per the requirements, we will be doing an interview and if you can preliminarily identify certify crimes, since we get these from different states, that we should consider, would be helpful.

4. What is the average time to process a request for certification?

Depends but we try to process in 30 days to 60 days but depends if we cannot reach the person for an interview etc, will delay. If you need it expedited, let us know.

5. What is the procedure for follow-up on pending certification requests?

Email the Regional Attorney. Can also reach out to Liane Rice at liane.rice@eoc.gov from the EEOC Office of General Counsel in DC.

6. What procedure should advocates follow to flag deadlines and to request expedited processing of a certification request? For example, for a child who is eligible to file as part of her parent's application and who must file her application with USCIS before she turns 21 years of age. Thus, the advocate's request for certification is urgent and requires a fast review in order to preserve the child's eligibility for immigration relief.

I would say that up front and/or follow up in an email to either the Regional Attorney or Liane.

U/T Visa Certification Protocol Questions

7. What protocol does your agency follow in cases where the victim has not been able to obtain any reports in a timely manner? Is your agency willing to search for records in order to review the certification request?

Yes we do our own search. We will not be asking for any supporting documents but maybe charge numbers etc.

8. What type of information do you include in a denial of request for certification? Do you send the advocate a letter stating the reason for the denial?

We don't normally send a detailed letter but just deny it. We can discuss any concerns with the advocate if you want more information.

9. Is there an appeals process if advocates wish to seek further review of a denied certification?

No but you can always reach out to Liane Rice.

10. Do you recommend any other best practices to assist advocates with the U/T visa certification process?

Be responsive and if you can assist in arranging an interview, can move the process along. Also identifying certifying crimes you would like us to consider would be helpful but we will do our own research. Any identifying information, like charge numbers would be helpful. We will likely follow up but having information about charge information would be helpful. DO NOT upload into the portal or give to the investigator to become part of the investigation. Very Important. Any communication should be directed to the RA or assigned attorney handling the certification request.

11. Do you have any "pet peeves" that advocates should avoid in the U/T certification process?

No pet peeves but if you have a concern or issues, please do not hesitate to reach out. If you can't get through to us, can always reach out to me if involve another office. I can connect you with the right folks.

THANK YOU FOR PARTICIPATING IN THE LA VAWA/U NETWORK
U VISA CERTIFIER ROUNDTABLE!

TAB J

CALIFORNIA U VISA LAW
UPDATE, JANUARY 2024



**TEACHING, INTERPRETING,
& CHANGING LAW SINCE 1979**



**Los Angeles
Center for
Law and Justice**

CALIFORNIA U VISA LAW UPDATE

By Alison Kamhi and Michelle Carey

I. What Is a U Visa?

The U visa was created by federal law in 2000 to protect certain noncitizen crime survivors and encourage cooperation with law enforcement. By providing cooperating survivors protection from deportation and a pathway to a green card, the U visa enhances law enforcement's ability to investigate and prosecute crimes and furthers humanitarian interests by protecting survivors of serious crimes.

To be eligible for a U visa, the person must:

- Have been the victim of a qualifying crime or similar activity in the United States (or that violated U.S. laws);
- Have suffered substantial physical or mental abuse as a result;
- Have information about the crime and have been helpful, be helpful, or be likely to be helpful to law enforcement in the investigation or prosecution of the crime;
- Have a certification from a federal, state, or local law enforcement authority certifying their helpfulness; and
- Be admissible to the United States or be eligible for a waiver of inadmissibility.

II. How Does the U Visa Affect Law Enforcement Officials?

The process of applying for a U visa implicates law enforcement officials, in that one of the eligibility requirements is having a certification—provided on Form I-918 Supplement B¹—from a federal, state, or local law enforcement authority certifying the noncitizen crime survivor's helpfulness in the investigation or prosecution of the crime. Law enforcement agencies in California have been responding to requests for U visa certifications for many years; however, until 2016 there was no statewide standard or protocol for certifications. Several bills have passed in the meantime to further streamline the process; most recently, AB 1261 was signed into law in October 2023 and went into effect on 01/01/2024.

¹ Form I-918 Supplement B can be found at <http://www.uscis.gov/i-918>.

III. What Do California's State U Visa Laws Do?

SB 674 (effective 2016), **AB 917** (effective 2020), **AB 2321** (effective 2021), **AB 2426** (effective 2021), and **AB 1261** (effective 2024) impose several requirements on certifying agencies in California when responding to U visa certification requests.²

The newest amendments are highlighted in green:

Evidence Gathering (AB 918, codified at Cal. P.C. § 679.10(f)):

1. The law enforcement agency with whom the survivor filed a police report must provide a copy of the police report within 7 days of the survivor's or their representative's request.³



Victim Categories (AB 1261, codified at Cal. P.C. §§ 679.10 (o)(1)-(4))

2. A certification can be signed for direct victims,⁴ indirect victims, and bystander or witness victims. A direct victim is any person who has suffered direct harm or who is directly and proximately harmed as a result of the criminal activity.
3. An indirect victim is a qualifying family member of a direct victim who is incompetent, incapacitated, or deceased, including spouses, unmarried children under the age of 21, and if the direct victim was under the age of 21, parents and siblings under the age of 18.
4. A bystander or witness victim is any individual who was not the direct target of a crime, but who nevertheless suffered unusually direct injury as a result of the qualifying crime.



² See Cal. Penal Code § 679.10(f)–(n). This law also covers certification requirements for T nonimmigrant status (Cal. Penal Code § 679.11) and S nonimmigrant status (Cal. Penal Code § 679.13), both of which are beyond the scope of this advisory.

³ Note that Cal. Fam. Code § 6228 provides an even faster turnaround requirement of 48 hours for police reports requested by survivors of certain criminal activity including domestic violence, sexual assault, stalking, human trafficking, abuse of an elder or dependent adult. It also requires law enforcement agencies to provide these reports to survivors or their representative without charging a fee.

⁴ Please note that the ILRC often uses the terms “victim” and “survivor” interchangeably. Because a “victim” is typically defined by harm done to them, many advocates choose to instead use the word “survivor” to refer to clients. “Survivors” are defined by their lives *after* the harm, allowing them to reclaim control of their lives and their recovery. While our goal as advocates is to help community members survive and thrive despite harms they have suffered, we sometimes use the term “victim” when referring to a particular aspect of the criminal legal system, penal code, or immigration law; when describing someone recently affected by crime; when talking about the actions of a perpetrator; or when discussing the harm inflicted on those who did not survive.

Victim Helpfulness (SB 674, codified at Cal. P.C. §§ 679.10(g)-(i) and (o)):

1. Certifying officials are required to certify victim helpfulness when the crime survivor, their family member, or representative requests a certification; when they were a victim of a qualifying crime (or similar activity); and when they have been helpful, are being helpful, or are likely to be helpful to the detection, investigation, or prosecution of that crime;
2. There is a “**rebuttable presumption**” that a survivor meets the helpfulness requirement if there is no evidence that the survivor refused or failed to provide information and assistance reasonably requested by law enforcement;
3. If the victim reasonably asserts they were unaware of a request for cooperation, their failure to cooperate does not rebut the presumption of helpfulness.
4. Indirect victim cooperation includes parents who make their children available to communicate with the certifying entity; and
5. The certifying official must fully complete and sign the certification and include specific details about the crime and the survivor’s helpfulness.



Certification Requests (SB 674, AB 917, and AB 2426 codified at Cal. P.C. §§ 679.10(g), (j)-(l)):

1. California law mandates that agencies process certification requests within **30 days**, or within **7 days** of the first business day following the day the request was received if the survivor is in removal proceedings or if the survivor asserts their qualifying family member will lose eligibility within 60 days (such as if the victim’s noncitizen sibling will turn 18, the victim’s noncitizen child will turn 21, or the victim will turn 21).
2. California law clarifies that a survivor can request and obtain a certification even if no charges were ever filed, no prosecution or conviction resulted, the investigation is over, or the case is closed;
3. A survivor does not have to be present in the United States at the time of submitting the certification request or filing the petition;
4. The certifying official may not refuse to complete a certification or otherwise certify that a survivor has been helpful because of the victim’s criminal history, victim’s immigration history, victim’s gang membership or affiliation, certifier’s belief that the U visa will not be approved,



- extent of the harm suffered, victim's open case with another certifying agency, victim's inability to produce a crime report, victim's cooperation or refusal to cooperate in a separate case], completed prosecution or other resolution in the victim's case, or the fact that the time for commencing a criminal action has expired; and
5. Under California law, the certifying official can only withdraw the certification if the survivor refuses to provide information and assistance when reasonably requested.
 6. If a certifier does not certify, they must provide a written explanation for the denial, including specific details of any reasonable requests for cooperation and a detailed description of how the victim refused to cooperate.
 7. Certifiers shall return the completed certification to the victim or their representative without requiring them to come in person or the victim to provide government-issued identification.

Data Collection & Reimbursement (SB codified at Cal. P.C. § 679.10(n)):

1. California law requires all certifying agencies to report to the legislature annually regarding the number of certification requests received, signed, and denied.
2. California law provides for reimbursement of actual costs associated with compliance with them. Under California law, eligible claimants can submit claims for reimbursement to the State Controller's Office in accordance with specific instructions and forms.⁵

Confidentiality (SB 674, codified at Cal. P.C. § 679.10(m); AB 2321, codified at Cal. Wel. & Inst. Code §§ 781(a)(1)(D)(iii)(II), 786(g)(1)(M)):

1. California law prohibits the certifying entity from disclosing the immigration status of the person requesting a certification, except to comply with federal law or legal process, or if authorized by the person requesting the certification.⁶
2. Judges and prosecutors may access certain sealed juvenile court records generated in connection with the investigation, prosecution, or adjudication of a qualifying crime to process U certification requests. The law also prohibits such information from being shared with other agencies or individuals except as necessary to certify a U visa case and affirms that under no circumstances can the information be used to impose penalties, detention, or other sanctions on an individual.

⁵ See Cal. Gov't Code §§ 17560–61; Office of the State Controller, *State-Mandated Costs Claiming Instructions No. 2019-01, U Visa 918 Form, Victims of Crime: Nonimmigrant Status—Program No. 372*, Apr. 29, 2019, Revised Sept. 1, 2020, https://www.sco.ca.gov/Files-ARD-Local/Manuals/la_1920_uvisa372.pdf.

⁶ ILRC's position is that Cal. Penal Code § 679.10(m) does not change existing law with regards to the disclosure or nondisclosure of U visa materials in criminal proceedings. For more on U visa certifications and discovery, see CEB, *California Judges Benchbook: Domestic Violence Cases in Criminal Court* (2020).



San Francisco

1458 Howard Street
San Francisco, CA 94103
t: 415.255.9499
f: 415.255.9792

ilrc@ilrc.org
www.ilrc.org

Washington D.C.

1015 15th Street, NW
Suite 600
Washington, DC 20005
t: 202.777.8999
f: 202.293.2849

Austin

6633 East Hwy 290
Suite 102
Austin, TX 78723
t: 512.879.1616

San Antonio

10127 Morocco
Street
Suite 149
San Antonio, TX
78216

About the Immigrant Legal Resource Center

The Immigrant Legal Resource Center (ILRC) works with immigrants, community organizations, legal professionals, law enforcement, and policy makers to build a democratic society that values diversity and the rights of all people. Through community education programs, legal training and technical assistance, and policy development and advocacy, the ILRC's mission is to protect and defend the fundamental rights of immigrant families and communities.