

## **Bench Card: U and T Visa Certification Reporting Requirements In California<sup>1</sup>**

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### **WHAT ARE THE REPORTING REQUIREMENTS FOR U AND T VISA CERTIFYING ENTITIES IN CALIFORNIA?**

Pursuant to California Senate Bill No. 674,<sup>3</sup> any certifying entity that receives a request for a Form I-918 Supplement B (U visa) or a Form I-914 Supplement (T visa) certification must report annually on the:

- Number of victims that requested certifications,
- Number of certification forms that were signed, and
- Number of certification requests that were denied

These reports must comply with Article 6, Section 9795<sup>4</sup> of the Government Code which together with California Penal Code §§ 679.10(n)<sup>5</sup> and 679.11(m)<sup>6</sup> govern what must be included in the annual report, where reports are to be sent and how they are to be published.

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### **WHAT MUST BE INCLUDED IN THE ANNUAL REPORT?<sup>7</sup>**

Each report must include a summary of its contents, not exceeding one page, a hyperlink to the website where the report can be downloaded and a phone number to call for a hard copy of the report. All state agencies must also post their reports on their website.

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<sup>1</sup> For a fuller discussion of U visa and T visa certification requirements of state certifying agencies in California *see*, Courtney Veneri and Leslye E. Orloff, U and T Visa Certifications and Certification Reporting Requirements in California (June 25, 2020) available at <https://niwaplibrary.wcl.american.edu/wp-content/uploads/CA-U-T-visa-certification-and-certification-reporting-6.25.20-1.pdf>

<sup>2</sup> Please contact NIWAP with any technical assistance requests by calling (202) 274-4457 or emailing [info@niwap.org](mailto:info@niwap.org).

<sup>3</sup> Sen. Bill 674, 2015-2016 Reg. Sess. (Cal. 2015)

[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201520160SB674](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB674).

<sup>4</sup> Cal. Gov't Code § 9795 (1996).

[https://leginfo.legislature.ca.gov/faces/codes\\_displayText.xhtml?lawCode=GOV&division=2.&title=2.&part=1.&chapter=7.&article=6](https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=GOV&division=2.&title=2.&part=1.&chapter=7.&article=6). (A copy of this code section is included in Appendix A)

<sup>5</sup> U Visa reports were due on or before January 1, 2017 and are due annually thereafter. *Report Section 679.10 of the Penal Code*, California Agency Reports (2016-2020), <https://agencyreports.ca.gov/node/32208>.

<sup>6</sup> T Visa reports were due on or before January 1, 2018 and are due annually thereafter. *Report Section 679.11 of the Penal Code*, California Agency Reports (2017-2020), <https://agencyreports.ca.gov/rep14762074976236>.

<sup>7</sup> Cal. Gov't Code § 9795 (1996).

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## WHERE IS THE REPORT SENT?

The reports must be sent to three statutorily required state agencies 1) the Secretary of the Senate, 2) the Chief Clerk of the Assembly, and 3) the Office of Legislative Counsel.

1) The California Secretary of State

The report must be mailed as a **printed copy** to the Secretary of the Senate, currently Erika Contreras, to the following address:

Secretary of the Senate, State Capitol, Room 3044 Sacramento, CA 95814

2) The Chief Clerk of the California Assembly

The report must be sent **electronically** to the Chief Clerk of the Assembly, currently Sue Parker to the following email address:

[amy.leach@asm.ca.gov](mailto:amy.leach@asm.ca.gov)

3) Office of Legislative Counsel

All reports submitted to Legislative Counsel must include a one page summary of the report's contents that is to be submitted along with the report on U visa and T visa certification required by California Penal Code §§ 679.10(n) and 679.11(m). The report and the summary page must be sent **either by mail or email** to the Legislative Counsel, pursuant to Article 2, Section 10242.5<sup>8</sup> at one of the addresses below:

Office of Legislative Counsel, Indexing Unit

925 L St., Suite 1105

Sacramento, CA 95814-3703

[agency.reports@lc.ca.gov](mailto:agency.reports@lc.ca.gov)

When reports are required to be sent by a state agency to the Office of Legislative Counsel, the agency must also provide an electronic copy of the report's summary page directly to each member of the appropriate house or houses of the Legislature, via the California State Legislature directory.<sup>9</sup>

The Legislature will annually publish an electronic list<sup>10 11</sup> of all the reports.

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<sup>8</sup> Cal. Gov't Code § 10242.5 (2013).

[http://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=GOV&sectionNum=10242.5](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV&sectionNum=10242.5)

<sup>9</sup> Find your district and legislator to send the report to via: [http://www.legislature.ca.gov/legislators\\_and\\_districts.html](http://www.legislature.ca.gov/legislators_and_districts.html).

<sup>10</sup> U Visa Reports, *Report Section 679.10 of the Penal Code*, California Agency Reports (2016-2020), <https://agencyreports.ca.gov/node/32208>.

<sup>11</sup> T Visa Reports, *Report Section 679.11 of the Penal Code*, California Agency Reports (2017-2020), <https://agencyreports.ca.gov/rep14762074976236>.

## **APPENDIX A: Relevant California Statutes**

### California Penal Code § 679.10(n)

679.10(n) A certifying entity that receives a request for a Form I-918 Supplement B certification shall report to the Legislature, on or before January 1, 2017, and annually thereafter, the number of victims that requested Form I-918 Supplement B certifications from the entity, the number of those certification forms that were signed, and the number that were denied. A report pursuant to this subdivision shall comply with Section 9795 of the Government Code.

### California Penal Code § 679.11(m)

679.11(m) A certifying entity that receives a request for a Form I-914 Supplement B declaration shall report to the Legislature, on or before January 1, 2018, and annually thereafter, the number of victims who requested Form I-914 Supplement B declarations from the entity, the number of those declaration forms that were signed, and the number that were denied. A report pursuant to this subdivision shall comply with Section 9795 of the Government Code.

### California Government Code § 9795

(a) (1) (A) Any report required or requested by law to be submitted by a state or local agency to the Members of either house of the Legislature generally, shall instead be submitted as a printed copy to the Secretary of the Senate, as an electronic copy to the Chief Clerk of the Assembly, and as an electronic or printed copy to the Legislative Counsel. Each report shall include a summary of its contents, not to exceed one page in length. If the report is submitted by a state agency, that agency shall also provide an electronic copy of the summary directly to each member of the appropriate house or houses of the Legislature. Notice of receipt of the report shall also be recorded in the journal of the appropriate house or houses of the Legislature by the secretary or clerk of that house.

(B) Notwithstanding subparagraph (A), reports of the State Bar of California may be submitted electronically to the Secretary of the Senate.

(2) In addition to and as part of the information made available to the public in electronic form pursuant to Section 10248, the Legislative Counsel shall make available a list of the reports submitted by state and local agencies, as specified in paragraph (1). If the Legislative Counsel receives a request from a member of the public for a report contained in the list, the Legislative Counsel is not required to provide a copy of the report and may refer the requester to the state or local agency, as the case may be, that authored the report, or to the California State Library as the final repository of public information.

(b) No report shall be distributed to a Member of the Legislature unless specifically requested by that Member.

(c) Compliance with subdivision (a) shall be deemed to be full compliance with subdivision (c) of Section 10242.5.

(d) A state agency report and summary subject to this section shall include an Internet Web site where the report can be downloaded and telephone number to call to order a hard copy of the report. A report submitted by a state agency subject to this section shall also be posted at the agency's Internet Web site.

(e) For purposes of this section, "report" includes any study or audit.

California Government Code § 10242.5

(a) The Legislative Counsel shall annually prepare, publish, and maintain an electronic list of all reports that state and local agencies are required or requested by law to prepare and file with the Governor or the Legislature, or both, in the future or within the preceding year. The list shall include all of the following information:

- (1) The name of the agency that is required or requested to prepare and file the report.
- (2) A brief description of the subject of the report.
- (3) The date on which the report is to be completed and filed.
- (4) The date on which the report was filed with the Legislative Counsel.

(b) The Legislative Counsel shall make the list of reports available to the public on an Internet Web site and shall annually provide to each Member of the Legislature a hyperlink to the Internet Web site whereby the list can be accessed.

(c) (1) Each state and local agency that is required or requested by law to prepare a report described in subdivision (a) shall file a printed or electronic copy of the report with the Legislative Counsel. If an electronic copy of a report is filed, and the report is posted on an Internet Web site, the agency filing the electronic copy shall provide to the Legislative Counsel a hyperlink whereby the report may be accessed.

(2) The Legislative Counsel shall include, on the Internet Web site it maintains for purposes of this section, any hyperlinks provided by state and local agencies pursuant to paragraph (1).

(d) As used in this section:

(1) "Agency" includes any city, county, special district, department, board, bureau, or commission, including any task force or other similar body that is created by statute or resolution. "Agency" does not include the University of California.

(2) "Report" includes any study or audit.

(e) The Legislative Counsel shall update the list required by subdivision (a) by removing duplicate reports from the list. The Legislative Counsel shall also remove reports from the list as directed by Section 4 of Chapter 7 of the Statutes of 2010, or a subsequent statute that further requires the Legislative Counsel to remove reports included in the list.