

U Visa Certification Requests in Oregon, 2021

Per Senate Bill 962 (2019)

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Oregon Criminal Justice Commission

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The mission of the Oregon Criminal Justice Commission is to improve the legitimacy, efficiency, and effectiveness of state and local criminal justice systems.

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1: Senate Bill 962 (2019) Requirements

In the 2019 Regular Legislative Session, the legislature passed Senate Bill (SB) 962¹. This bill clarified the processing of U Visa Certification Requests in Oregon. The U Visa is a nonimmigrant status for victims who are helpful to law enforcement or government officials in the investigation or prosecution of criminal activity². An early step in applying for a U Visa is submitting a certification request to a certifying agency³ to certify that the applicant was/is helpful in the prosecution of the crime. Section 2 of SB 962 requires law enforcement agencies to submit data to the Oregon Criminal Justice Commission (CJC) on U Visa certification requests in Oregon that the CJC will then report on to the legislature. This report covers the second year of this data collection, including certification requests received by certifying agencies in Oregon during 2021.

SB 962 (2019) specifies the data law enforcement agencies shall submit to the CJC. Specifically, all certifying agencies that received certification requests shall submit the total number of certification requests received; of those requests, agencies shall report the number granted, denied, and pending as of the date of submission. For denied certification requests, certifying agencies report the number of times each of the following were the reason for the denial: (i) Lack of qualifying criminal activity; (ii) Lack of helpfulness; (iii) Lack of jurisdiction over certification request; (iv) Other circumstances for which a certifying official or agency may lawfully deny certification. According to SB 962, section 2, subsection 3(a), the CJC shall identify any certifying agency that did not submit a report as required. To fulfill this requirement, CJC asked all certifying agencies in the state to submit data, whether they received certification requests or not.

2: 2021 Certification Requests in Oregon

The second year of data covers certification requests received by agencies in 2021. Table 2.1. displays the reported data on 2021 certification requests stratified by type of agency. CJC received data from 147 certifying agencies in the state: Oregon Judicial Department⁴, 33 District Attorney's Offices, and 113 Law Enforcement Agencies. Of the 147 agencies, 89, or 61 percent, reported that they received no certification requests in 2021. District Attorney's Offices reported the highest number of requests, with 291. Most of the certification requests reported across all agencies were approved.

¹ 2019 Regular Legislative Session SB 962 <https://olis.oregonlegislature.gov/liz/2019R1/Measures/Overview/SB962>

² U.S. Citizenship and Immigration Services <https://www.uscis.gov/humanitarian/victims-of-human-trafficking-and-other-crimes/victims-of-criminal-activity-u-nonimmigrant-status>

³ According to SB 962 (2019) "Certifying agency" means: (A) A state or local law enforcement agency; (B) A prosecutor's or district attorney's office; (C) The Judicial Department, with respect to a judge of a state court acting as a certifying official; (D) A judge other than a judge of a state court; or (E) Any other agency that has responsibility for the detection, investigation or prosecution of a qualifying criminal activity, including but not limited to a certifying agency as defined in 8 C.F.R. 214.14

⁴ Two circuit courts reported: Clackamas County and Clatsop County.

Table 2.1. Certification Requests by Agency Type

Type of Agency	Reporting Agencies	Agencies with No 2021 Requests	Requests Received			
			Total	Approved	Denied	Pending
Oregon Judicial Department	1	0	3	3, 100%	0, 0%	0, 0%
District Attorney's Office	33	13	291	216, 74%	59, 20%	16, 5%
Law Enforcement Agency	113	76	282	184, 65%	90, 32%	8, 3%
Total	147	89	576	403	149	24

Table 2.2. displays the denial reasons for certification requests reported to the CJC in 2021. The most common denial reason reported by District Attorney's Offices and law enforcement agencies is Lack of qualifying criminal activity. In some counties the District Attorneys' Offices process certification requests instead of law enforcement agencies. In these counties, law enforcement agencies that receive requests, as policy, forward the requests directly to their county's District Attorney's office, essentially denying the request due to lack of jurisdiction. Tables A.1., A.2., and A.3. in the appendix display the detailed certification requests received.

Table 2.2. Denial Reasons by Agency Type

Type of Agency	Total Requests Denied	Denial Reasons			
		Lack of Qualifying Criminal Activity	Lack of Helpfulness	Lack of Jurisdiction	Other Lawful Reason
Oregon Judicial Department	0	0, 0%	0, 0%	0, 0%	0, 0%
District Attorney's Office	59	32, 54%	6, 10%	14, 24%	7, 12%
Law Enforcement Agency	90	47, 52%	10, 11%	22, 24%	11, 12%
Total	149	79	16	36	18

3: Data Not Reported

2021 was the first year in which data were collected. The data consisted of certification requests from 2020 and was reported to the legislature in [January 2022](#). The official submission window for the second year of data closed on April 15, 2022. At that time, CJC began following up with agencies who had submitted incomplete or inconsistent data. SB 962 (2019) sunsets in 2023, so this will be the final required report to the legislature.

Table A.3. in the Appendix displays the District Attorney’s Offices and Law Enforcement Agencies from which the CJC did not receive data. According to SB 962, section 2, subsection 3(a) this report must identify any certifying agency that did not submit a report as required. CJC directly contacted the agencies listed in Table A.3. and were unable to confirm whether these agencies received zero or more certification requests. Table A.3. does not list other agencies that have responsibility for the detection, investigation, or prosecution of a qualifying criminal activity, including but not limited to a certifying agency as defined in 8 C.F.R. 214.14. Certifying agencies that fall into this category would have been required to report to the CJC if they received certification requests in 2021.

Appendix

Table A.1. Certification Requests Data Received, District Attorney's Offices

District Attorney's Office	Requests Received				Denial Reasons				
	Total	Approved	Pending	Denied	Lack of Qualifying Criminal Activity	Lack of Helpfulness	Lack of Jurisdiction	Other Lawful Reason	
Baker	0	0	0	0	0	0	0	0	
Benton	3	3	0	0	0	0	0	0	
Clackamas	11	9	0	2	1	0	0	1	
Clatsop	6	6	0	0	0	0	0	0	
Columbia	0	0	0	0	0	0	0	0	
Coos	0	0	0	0	0	0	0	0	
Crook	0	0	0	0	0	0	0	0	
Curry	0	0	0	0	0	0	0	0	
Deschutes	5	5	0	0	0	0	0	0	
Douglas	3	0	3	0	0	0	0	0	
Grant	0	0	0	0	0	0	0	0	
Hood River	4	3	0	1	0	1	0	0	
Jackson	10	8	0	2	0	0	2	0	
Jefferson	3	3	0	0	0	0	0	0	
Josephine	0	0	0	0	0	0	0	0	
Klamath	0	0	0	0	0	0	0	0	
Lane	14	10	0	4	1	0	3	0	
Lincoln	1	1	0	0	0	0	0	0	
Linn	4	4	0	0	0	0	0	0	
Malheur	6	6	0	0	0	0	0	0	
Marion	41	30	0	11	11	0	0	0	
Morrow	13	12	0	1	0	1	0	0	
Multnomah	43	26	0	17	8	2	6	1	
Polk	3	3	0	0	0	0	0	0	
Sherman	0	0	0	0	0	0	0	0	
Tillamook	3	3	0	0	0	0	0	0	
Umatilla	9	6	0	3	1	0	1	1	
Union	0	0	0	0	0	0	0	0	
Wallowa	0	0	0	0	0	0	0	0	
Wasco	0	0	0	0	0	0	0	0	
Washington	101	71	13	17	10	2	2	3	
Wheeler	0	0	0	0	0	0	0	0	
Yamhill	8	7	0	1	0	0	0	1	
Total	291	216	16	59	32	6	14	7	

Table A.2. Certification Requests Date Received, Law Enforcement Offices

Law Enforcement Agency	Requests Received				Denial Reasons				
	Total	Approved	Pending	Denied	Lack of Qualifying Criminal Activity	Lack of Helpfulness	Lack of Jurisdiction	Other Lawful Reason	
Albany Police Department	5	5	0	0	0	0	0	0	
Ashland Police Department	0	0	0	0	0	0	0	0	
Astoria Police Department	0	0	0	0	0	0	0	0	
Aumsville Police Department	0	0	0	0	0	0	0	0	
Baker City Police Department	0	0	0	0	0	0	0	0	
Baker County Sheriff's Office	0	0	0	0	0	0	0	0	
Bandon Police Department	0	0	0	0	0	0	0	0	
Beaverton Police Department	18	7	0	11	0	3	8	0	
Bend Police Department	2	1	0	1	1	0	0	0	
Benton County Sheriff's Office	0	0	0	0	0	0	0	0	
Black Butte Ranch Police Department	0	0	0	0	0	0	0	0	
Boardman Police Department	0	0	0	0	0	0	0	0	
Canby Police Department	3	2	0	1	1	0	0	0	
Cannon Beach Police Department	0	0	0	0	0	0	0	0	
Carlton Police Department	0	0	0	0	0	0	0	0	
Central Point Police Department	0	0	0	0	0	0	0	0	
Clackamas County Sheriff's Office	8	6	0	2	2	0	0	0	
Clatsop County Sheriff's Office	0	0	0	0	0	0	0	0	
Coburg Police Department	0	0	0	0	0	0	0	0	
Columbia City Police Department	0	0	0	0	0	0	0	0	
Columbia County Sheriff's Office	0	0	0	0	0	0	0	0	
Coos Bay Police Department	0	0	0	0	0	0	0	0	
Coos County Sheriff's Office	0	0	0	0	0	0	0	0	
Coquille Police Department	0	0	0	0	0	0	0	0	

(Table A.2. continued on next page)

Corvallis Police Department	2	1	0	1	1	0	0	0
Cottage Grove Police Department	1	1	0	0	0	0	0	0
Crook County Sheriff's Office	0	0	0	0	0	0	0	0
Dallas Police Department	1	1	0	0	0	0	0	0
Eagle Point Police Department	0	0	0	0	0	0	0	0
Eugene Police Department	3	0	0	3	2	1	0	0
Florence Police Department	0	0	0	0	0	0	0	0
Forest Grove Police Department	1	0	0	1	0	0	0	1
Gearhart Police Department	0	0	0	0	0	0	0	0
Gervais Police Department	0	0	0	0	0	0	0	0
Gilliam County Sheriff's Office	0	0	0	0	0	0	0	0
Gold Beach Police Department	0	0	0	0	0	0	0	0
Gresham Police Department	21	20	0	1	0	0	1	0
Hermiston Police Department	4	4	0	0	0	0	0	0
Hines Police Department	0	0	0	0	0	0	0	0
Hood River County Sheriff's Office	3	3	0	0	0	0	0	0
Hood River Police Department	2	2	0	0	0	0	0	0
Hubbard Police Department	0	0	0	0	0	0	0	0
Independence Police Department	1	1	0	0	0	0	0	0
Jefferson County Sheriff's Office	0	0	0	0	0	0	0	0
Keizer Police Department	6	6	0	0	0	0	0	0
Klamath County Sheriff's Office	0	0	0	0	0	0	0	0
Klamath Falls Police Department	1	1	0	0	0	0	0	0
La Grande Police Department	0	0	0	0	0	0	0	0
Lake Oswego Police Department	0	0	0	0	0	0	0	0
Lane County Sheriff's Office	1	1	0	0	0	0	0	0
Lebanon Police Department	0	0	0	0	0	0	0	0
Lincoln City Police Department	0	0	0	0	0	0	0	0
Lincoln County Sheriff's Office	0	0	0	0	0	0	0	0
Madras Police Department	0	0	0	0	0	0	0	0
Malheur County Sheriff's Office	3	3	0	0	0	0	0	0
Malin Police Department	1	1	0	0	0	0	0	0

(Table A.2. continued on next page)

Manzanita Department of Public Safety	0	0	0	0	0	0	0	0
Marion County Sheriff's Office	11	10	0	1	1	0	0	0
McMinnville Police Department	0	0	0	0	0	0	0	0
Medford Police Department	2	0	0	2	2	0	0	0
Milton-Freewater Police Department	2	2	0	0	0	0	0	0
Milwaukie Police Department	0	0	0	0	0	0	0	0
Molalla Police Department	0	0	0	0	0	0	0	0
Monmouth Police Department	0	0	0	0	0	0	0	0
Mt. Angel Police Department	0	0	0	0	0	0	0	0
Multnomah County Sheriff's Office	11	5	0	6	2	0	4	0
Newberg-Dundee Police Department	0	0	0	0	0	0	0	0
Newport Police Department	0	0	0	0	0	0	0	0
North Bend Police Department	0	0	0	0	0	0	0	0
Nyssa Police Department	0	0	0	0	0	0	0	0
Oakridge Police Department	0	0	0	0	0	0	0	0
Oregon City Police Department	0	0	0	0	0	0	0	0
Oregon State Police	3	2	0	1	1	0	0	0
Pendleton Police Department	0	0	0	0	0	0	0	0
Philomath Police Department	0	0	0	0	0	0	0	0
Pilot Rock Police Department	0	0	0	0	0	0	0	0
Polk County Sheriff's Office	0	0	0	0	0	0	0	0
Port of Portland Police Department	0	0	0	0	0	0	0	0
Port Orford Police Department	0	0	0	0	0	0	0	0
Portland Police Bureau	84	40	0	44	28	4	5	7
Portland State University Department of Public Safety	0	0	0	0	0	0	0	0
Prineville Police Department	0	0	0	0	0	0	0	0
Rainier Police Department	0	0	0	0	0	0	0	0
Roseburg Police Department	0	0	0	0	0	0	0	0
Salem Police Department	20	18	0	2	1	1	0	0
Sandy Police Department	0	0	0	0	0	0	0	0
Seaside Police Department	1	1	0	0	0	0	0	0

(Table A.2. continued on next page)

Silverton Police Department	1	1	0	0	0	0	0	0
Springfield Police Department	3	0	0	3	3	0	0	0
Stayton Police Department	0	0	0	0	0	0	0	0
Sutherlin Police Department	1	0	1	0	0	0	0	0
Sweet Home Police Department	0	0	0	0	0	0	0	0
Talent Police Department	0	0	0	0	0	0	0	0
The Dalles Police Department	2	1	0	1	0	0	0	1
Tigard Police Department	8	6	0	2	0	0	0	2
Tillamook County Sheriff's Office	0	0	0	0	0	0	0	0
Tillamook Police Department	0	0	0	0	0	0	0	0
Toledo Police Department	0	0	0	0	0	0	0	0
Tualatin Police Department	2	2	0	0	0	0	0	0
Umatilla County Sheriff's Office	0	0	0	0	0	0	0	0
Umatilla Police Department	3	0	0	3	0	0	3	0
Union Pacific Railroad Police Department	0	0	0	0	0	0	0	0
University of Oregon Police Department	0	0	0	0	0	0	0	0
Vernonia Police Department	0	0	0	0	0	0	0	0
Wallowa County Sheriff's Office	0	0	0	0	0	0	0	0
Warrenton Police Department	0	0	0	0	0	0	0	0
Wasco County Sheriff's Office	0	0	0	0	0	0	0	0
Washington County Sheriff's Office	21	13	7	1	0	0	1	0
West Linn Police Department	0	0	0	0	0	0	0	0
Winston Police Department	0	0	0	0	0	0	0	0
Woodburn Police Department	20	17	0	3	2	1	0	0
Yamhill County Sheriff's Office	0	0	0	0	0	0	0	0
Yamhill Police Department	0	0	0	0	0	0	0	0
Total	282	184	8	90	47	10	22	11

Table A.3. Non-Reporting Agencies

District Attorney's Offices

Gilliam County District Attorney's Office
Harney County District Attorney's Office
Lake County District Attorney's Office

Law Enforcement Agencies

Brookings Police Department	Morrow County Sheriff's Office
Burns Police Department	Myrtle Creek Police Department
Butte Falls Police Department	Myrtle Point Police Department
Condon Police Department	North Plains Police Department
Curry County Sheriff's Office	OHSU Department of Public Safety
Deschutes County Sheriff's Office	Ontario Police Department
Douglas County Sheriff's Office	Phoenix Police Department
Enterprise Police Department	Powers Police Department
Gladstone Police Department	Redmond Police Department
Grant County Sheriff's Office	Reedsport Police Department
Grants Pass Department of Public Safety	Rockaway Beach Police Department
Happy Valley Police Department	Rogue River Police Department
Harney County Sheriff's Office	Scappoose Police Department
Hillsboro Police Department	Sherman County Sheriff's Office
Jackson County Sheriff's Office	Sherwood Police Department
Jacksonville Police Department	St. Helens Police Department
John Day Police Department	Stanfield Police Department
Josephine County Sheriff's Office	Sunriver Police Department
Junction City Police Department	Turner Police Department
King City Police Department	Union County Sheriff's Office
Lake County Sheriff's Office	Wheeler County Sheriff's Office
Linn County Sheriff's Office	Wilsonville Police Department
Merrill Police Department	

*CJC was unable to confirm with any of these agencies whether they received 0 or more certification requests in 2021.