REPORT TO THE CALIFORNIA STATE LEGISLATURE: ANNUAL T-VISA CERTIFICATION DATA PURSUANT TO PENAL CODE §679.11(m)

Reporting period: January 1, 2025 through December 31, 2025
Submitted by: Michelle Ray, Deputy District Attorney
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<u>**EXECUTIVE SUMMARY**</u>

This report is respectfully submitted by the Office of the Orange County District Attorney to the California State Legislature pursuant to Chapter 749, Statutes of 2016 (Assembly Bill 2027), amended and later enacted in January 2020 as California Penal Code §679.11. This report is prepared in strict compliance with California Government Code §9795.

Penal Code §679.11(m) mandates that all certifying entities report, annually, beginning January 1, 2018, the number of Form I-914 Supplement B (T-Visa) certifications requested, signed and denied by the certifying agency.

During the 2025 calendar year, the Office of the Orange County District Attorney processed a total of 3 initial requests for Form I-914 Supplement B certifications. Of these requests, 2 were officially signed and approved, and 1 were denied.

An electronic copy of this complete report is publicly accessible at https://ocdistrictattorney.gov/ For questions or to request a physical paper copy of this report, please contact the agency representative listed below.

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STATUTORY BACKGROUND AND OBLIGATIONS

As part of the federal Victims of Trafficking and Violence Prevention Act of 2000, Congress created specific immigration benefits, including T Visa nonimmigrant status (also known as the "T-Visa") for noncitizen victims of certain crimes. In creating the T-Visa, Congress recognized that people without lawful immigration status can be vulnerable to victimization, and may be reluctant to help in the detection, investigation or prosecution of criminal activity due to a fear of removal from the United States, because of trauma suffered as a result of the crime they experienced and/or a general mistrust of law enforcement. U.S. Citizenship and Immigration Services (USCIS) is the federal agency within the Department of Homeland Security (DHS) that adjudicates immigration and citizenship benefits and has jurisdiction to determine who is eligible for a T-Visa.

Specifically, T-Visas provide an immigration benefit for victims of human trafficking who have been helpful, are being helpful, or are likely to be helpful to law enforcement, prosecutors, judges, or other officials in the detection, investigation and prosecution of human trafficking.

"'Human trafficking' has the same meaning as 'severe forms of trafficking in persons' pursuant to Section 7102 of Title 22 of the United States Code and includes either of the following: 1) sex trafficking in which a commercial sex act is inducted by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age or 2) the recruitment, harboring, transportation, provision, or obtaining a person for labor or services, through the use of force, fraud or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage or slavery."[1]

"'Human trafficking' also includes criminal offenses for which the nature and elements of the offenses are substantially similar to the criminal activity described in subdivision (c), and the attempt, conspiracy, or solicitation to commit any of those offenses."[2]

"Upon request of the victim, victim's family member, licensed attorney representing the victim, or representative fully accredited by the United States Department of Justice authorized to represent the victim in immigration proceedings, a certifying official from a certifying entity shall certify victim cooperation on the Form I-914 Supplement B certification, when the victim was a victim of human trafficking and has been cooperative, is being cooperative, or is likely to be cooperative to the investigation or prosecution of human trafficking…"[3] A certifying agency includes a prosecutor.[4]

Finally, Penal Code §679.11(m) mandates that every certifying agency submits its operational metrics to the Legislature on or before January 1 of each year. These metrics include the number of victims that requested Form I-914 Supplement B certification, the number of those certifications signed and the number of certifications denied.[5]

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[1] Penal Code §679.11(c)
[2] Penal Code §679.11(d)
[3] Penal Code §679.11(f)(1)
[4] Penal Code §679.11(a)(2)
[5] "A certifying entity that receives a request for Form I-914 Supplement B certification shall report to the Legislature, on or before January 1, 2018, and annually thereafter, the number of victims that requested Form I-914

OPERATIONAL METRICS

The table below details the Form I-914 Supplement B certifications recorded by the Office of the Orange County District Attorney for the year 2025:

Year:	Total Requested:	Total Granted:	Total Denied[6]:
2025	3	2	1

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."

[6] Denials were based on federal or state statutory limits including but not limited to: (1) the applicant was not a victim of human trafficking, the applicant failed and/or refused to assist law enforcement with the ongoing criminal investigation or prosecution, or insufficient information was provided to complete the request.