

Date of Hearing: Thursday, February 4, 2021
To: Members of the Judiciary Finance and Civil Law Committee
From: Rachel Kohler. Attorney at Standpoint

Madam Chair, members of the Committee, my name is Rachel Kohler. I speak today as an attorney for Standpoint, a statewide nonprofit that provides legal advice and consultation to domestic and sexual violence victims, and as a member of the Minnesota Coalition Against Sexual Assault and Violence Free Minnesota, who support this bill [H. F. No. 2367]. I am speaking to you today as a supporter of the bill and to address the importance of the data privacy protections found in subsection 4.

Subsection 4 specifically states that certifying entities are not to disclose the immigration status of the victim of the criminal activity, except in compliance with federal law, a legal process, or with the victim's permission; and to classify the data as "private data" (under MN Stat 13.02, subd. 12). There are many reasons that protection of this information is an important element of this bill.

First, protecting victim privacy is consistent with the purpose of the U visa, which was created to strengthen the ability of law enforcement to investigate and prosecute cases of domestic violence, sexual violence, and human trafficking by building trust between law enforcement and the immigrant communities they serve. Having these protections in the bill will inform immigrant crime victims that it is safe to come forward to report crimes against them, knowing their immigration status will be kept private. Abusers of immigrant victims use threats of deportation to maintain control over them, to silence them, and to create a fear of law enforcement and the criminal process. Providing these privacy protections will help to counteract these abusive tactics.

Additionally, protecting victim privacy is consistent with our own state laws. Minnesota law protects a crime victim's identity at their request (MN Stat 611A.021) and provides automatic privacy protections to victims of sexual assault (MN Stat 13.822) and child abuse (MN Stat 609.3471). Protecting victim privacy is also consistent with protections which exist in federal law through the Violence Against Women Act (8 U.S.C. § 1367(a)(2)), which prevents abusers, traffickers, and crime perpetrators from obtaining any information about even the existence of a U visa application.

Lastly, this bill will provide important information and transparency around the processing of U visa certification requests for victims of domestic and sexual violence. It asks certifying entities to create a certification process within their own agency and then to do outreach to inform victims of what that process is. Currently, each certifying entity develops their own individual process for considering U-visa certification requests, if such processes are developed at all. As an immigration attorney, I often need to contact each law enforcement agency connected to each of my clients' cases to determine what their individual requirements are for requesting a U visa certification. This creates hardship for the attorney and for the crime victim, who is already

juggling a mountain of considerations in the wake of an assault. If no process for considering U visa certification requests exists, it creates hardship for the law enforcement agency that must try to determine how to handle such requests on an ad hoc basis. By requiring the creation of a U visa certification process, and by requiring transparency of that process to the public, we are reducing barriers to victims and ensuring that each certifying agency knows what to do with a U visa certifications request.

I want to take the last seconds of my time to encourage support for this bill. What this bill actually requires is very limited in scope and very reasonable in its terms, but it has a large impact on encouraging and building trust between immigrant victims of crime and law enforcement. Please join me in supporting its passage. Thank you.