

1 AN ACT concerning government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Illinois TRUST Act.

6 Section 5. Definitions. In this Act:

7 "Certification form" means any law enforcement
8 certification form or statement required by federal
9 immigration law certifying that a person is a victim of
10 qualifying criminal activity including, but not limited to, the
11 information required by Section 1184(p) of Title 8 of the
12 United States Code (including current United States
13 Citizenship and Immigration Service Form I-918, Supplement B,
14 or any successor form) for purposes of obtaining a U visa, or
15 by Section 1184(o) of Title 8 of the United States Code
16 (including current United States Citizenship and Immigration
17 Service Form I-914, Supplement B, or any successor form) for
18 purposes of obtaining a T visa.

19 "Certifying agency" means a State or local law enforcement
20 agency, prosecutor, or other public authority that has
21 responsibility for the detection, investigation, or
22 prosecution of criminal activity, including an agency that has
23 criminal investigative jurisdiction in its respective areas of

1 expertise. "Certifying agency" also includes the Department of
2 Labor, the Department of Children and Family Services, the
3 Department of Human Services, and the Illinois Workers'
4 Compensation Commission. "Certifying agency" does not include
5 any State court.

6 "Certifying official" means the head of a certifying agency
7 as defined in this Section, or a person within the agency
8 performing a supervisory role who is specifically designated by
9 the head of the certifying agency to respond to requests for
10 certification forms or a person within another certifying
11 agency specifically designated by agreement between the heads
12 of the agencies to respond to requests for certification forms.

13 "Qualifying criminal activity" means any activity,
14 regardless of the stage of detection, investigation, or
15 prosecution, designated in Section 1101(a)(15)(U)(iii) of
16 Title 8 of the United States Code and any implementing federal
17 regulations, and includes one or more of the following or any
18 similar activity in violation of federal, State, or local
19 criminal law: rape; torture; trafficking; incest; domestic
20 violence; sexual assault; abusive sexual contact;
21 prostitution; sexual exploitation; stalking; female genital
22 mutilation; being held hostage; peonage; involuntary
23 servitude; slave trade; kidnapping; abduction; unlawful
24 criminal restraint; false imprisonment; blackmail; extortion;
25 manslaughter; murder; felonious assault; witness tampering;
26 obstruction of justice; perjury; fraud in foreign labor

1 contracting (as defined in Section 1351 of Title 18 of the
2 United States Code); or attempt, conspiracy, or solicitation to
3 commit any of the above-mentioned crimes; and any criminal
4 activity that has an articulable similarity to any activity
5 listed under this definition, but is not specifically listed
6 under this definition. "Qualifying criminal activity" also
7 means any qualifying criminal activity that occurs during the
8 commission of non-qualifying criminal activity, regardless of
9 whether or not criminal prosecution was sought for the
10 qualifying criminal activity. Criminal activity may be
11 considered qualifying criminal activity regardless of how much
12 time has elapsed since its commission.

13 "Victim of qualifying criminal activity" means a person
14 who:

15 (1) (A) (i) has reported qualifying criminal activity to
16 a law enforcement agency or certifying agency; or (ii) has
17 otherwise participated in the detection, investigation, or
18 prosecution of qualifying criminal activity; and

19 (B) has suffered direct and proximate harm as a result
20 of the commission of any qualifying criminal activity,
21 including, but not limited to: (i) an indirect victim
22 regardless of the direct victim's immigration or
23 citizenship status, who, in any case in which the direct
24 victim is deceased, incompetent, or incapacitated, is the
25 direct victim's spouse, the direct victim's child under 21
26 years of age, or if the direct victim is under 21 years of

1 age, the direct victim's unmarried sibling under 18 years
2 of age or parent; or (ii) a bystander victim who suffers
3 direct physical or mental harm as a result of the
4 qualifying criminal activity, or

5 (2) was a victim of a severe form of trafficking in
6 persons as defined in Section 7102 of Title 22 of the
7 United States Code and Section 10-9 of the Criminal Code of
8 2012.

9 More than one victim may be identified and provided with a
10 certification form depending upon the circumstances. For
11 purposes of the definition of "victim of qualifying criminal
12 activity", the term "incapacitated" means unable to interact
13 with the law enforcement agency or certifying agency personnel
14 as a result of a cognitive impairment or other physical
15 limitation, because of physical restraint or disappearance, or
16 because the victim was a minor at the time the crime was
17 committed and reported.

18 Section 10. Certifications for victims of qualifying
19 criminal activity.

20 (a) Upon a receipt of a request from a victim of qualifying
21 criminal activity, as defined in Section 5 of this Act, or the
22 victim's representative for completion of a certification form
23 by a certifying agency, the designated certifying official for
24 the agency shall complete and issue the certification form,
25 except that the certifying official may decline, by written

1 notice to the requesting victim or the victim's representative,
2 to complete the certification form requested under this
3 subsection only if, after a good faith inquiry, the agency
4 cannot determine that the applicant is a victim of qualifying
5 criminal activity as defined in Section 5 of this Act. The
6 certifying official shall complete and issue the certification
7 form within 90 business days of receiving the request, except:

8 (1) if the victim of qualifying criminal activity is in
9 federal immigration removal proceedings or detained, then
10 the certifying official shall complete the certification
11 form no later than 14 business days after the request is
12 received by the agency; and

13 (2) if the victim's children, parents, or siblings
14 would become ineligible for benefits under Sections
15 1184(p) and 1184(o) of Title 8 of the United States Code by
16 virtue of the victim's children having reached the age of
17 21 years, the victim having reached the age of 21 years, or
18 the victim's sibling having reached the age of 18 years
19 within 90 business days from the date that the certifying
20 agency receives the certification request, the certifying
21 official shall complete the certification form no later
22 than 14 business days after the request is received by the
23 agency, or if the loss of the benefit would occur less than
24 14 business days of receipt of the certification request,
25 the certifying official shall complete a certification
26 form within 5 business days.

1 Requests for expedited completion of a certification form
2 under paragraphs (1) and (2) of this subsection (a) shall be
3 affirmatively raised by the victim or representative of the
4 victim in writing by the victim or representative of the victim
5 and shall establish that the victim is eligible for expedited
6 review.

7 (b) A request for completion of a certification form under
8 subsection (a) of this Section may be submitted by a
9 representative of the victim, including, but not limited to, an
10 attorney, accredited representative, or domestic violence
11 service provider.

12 (c) Each certifying agency has independent legal authority
13 to complete and issue a certification form. A certifying
14 official from each certifying agency shall perform the
15 following responsibilities:

16 (1) respond to requests for certifications as required
17 by this Section; and

18 (2) make information regarding the agency's procedures
19 for certification requests publicly available for victims
20 of qualifying criminal activity and their representatives.

21 (d) A certifying official shall complete and reissue a
22 certification form within 90 business days of receiving a
23 request to reissue. If the victim seeking recertification has a
24 deadline to respond to a request for evidence from United
25 States Citizenship and Immigration Services, the certifying
26 official shall complete and issue the form no later than 14

1 business days after the request is received by the certifying
2 official. Requests for expedited recertification shall be
3 affirmatively raised by the victim or representative of the
4 victim in writing by the victim or representative of the victim
5 and shall establish that the victim is eligible for expedited
6 review.

7 (e) Notwithstanding any other provision of this Section, a
8 certifying official's completion of a certification form shall
9 not be considered sufficient evidence that an applicant for a U
10 or T visa has met all eligibility requirements for that visa
11 and completion of a certification form by a certifying agency
12 shall not be construed to guarantee that the victim will
13 receive federal immigration relief. It is the exclusive
14 responsibility of federal immigration officials to determine
15 whether a person is eligible for a U or T visa. Completion of a
16 certification form by a certifying official merely verifies
17 factual information relevant to the immigration benefit
18 sought, including information relevant for federal immigration
19 officials to determine eligibility for a U or T visa. By
20 completing a certification form, the certifying official
21 attests that the information is true and correct to the best of
22 the certifying official's knowledge. If, after completion of a
23 certification form, the certifying official later determines
24 the person was not the victim of qualifying criminal activity
25 or the victim unreasonably refuses to assist in the
26 investigation or prosecution of the qualifying criminal

1 activity of which he or she is a victim, then the certifying
2 official may notify United States Citizenship and Immigration
3 Services in writing.