

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 Voices  
5 of Immigrant Communities Empowering Survivors (VOICES) Act.

6 Section 5. Definitions. In this Act:

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

1 areas of expertise, including the Department of Labor, the  
2 Department of Children and Family Services, the Department of  
3 Human Services, and the Illinois Workers' Compensation  
4 Commission, but not including any State court.

5 "Qualifying criminal activity" means any activity,  
6 regardless of the stage of detection, investigation, or  
7 prosecution, designated in Section 1101(a)(15)(U)(iii) of  
8 Title 8 of the United States Code, any implementing federal  
9 regulations, supplementary information, guidance, and  
10 instructions.

11 "Victim of qualifying criminal activity" means a person  
12 described in Section 1101(a)(15)(U)(i)(I) of Title 8 of the  
13 United States Code, in the definition of "victim of a severe  
14 form of trafficking" in Section 7102(14) of Title 22 of the  
15 United States Code, or in any implementing federal regulations,  
16 supplementary information, guidance, and instructions.

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

19 (a) The head of each certifying agency shall designate an  
20 official or officials in supervisory roles, either within the  
21 agency or, by agreement with another agency with concurrent  
22 jurisdiction over the geographic area or subject matter covered  
23 by that agency, within that other agency. Designated officials  
24 may not be members of a collective bargaining unit represented  
25 by a labor organization, unless the official is an attorney or

1 is employed in an agency in which all supervisory officials are  
2 members of a collective bargaining unit. Certifying officials  
3 shall:

4 (1) respond to requests for completion of  
5 certification forms received by the agency, as required by  
6 this Section; and

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

10 (b) Any person seeking completion of a certification form  
11 shall first submit a request for completion of the  
12 certification form to the certifying official for any  
13 certifying agency that detected, investigated, or prosecuted  
14 the criminal activity upon which the request is based.

15 (c) A request for completion of a certification form under  
16 this Section may be submitted by a representative of the person  
17 seeking the certification form, including, but not limited to,  
18 an attorney, accredited representative, or domestic violence  
19 or sexual assault services provider.

20 (d) Upon receiving a request for completion of a  
21 certification form, a certifying official shall complete the  
22 certification form for any victim of qualifying criminal  
23 activity. If the certifying official cannot determine that the  
24 applicant is a victim of qualifying criminal activity, the  
25 certifying official may provide written notice to the person or  
26 the person's representative explaining why the available

1 evidence does not support a finding that the person is a victim  
2 of qualifying criminal activity. The certifying official shall  
3 complete the certification form and provide it to the person  
4 within 90 business days of receiving the request, except:

5 (1) if the person making the request for completion of  
6 the certification form is in federal immigration removal  
7 proceedings or detained, the certifying official shall  
8 complete and provide the certification form to the person  
9 no later than 21 business days after the request is  
10 received by the certifying agency;

11 (2) if the children, parents, or siblings of the person  
12 making the request for completion of the certification form  
13 would become ineligible for benefits under Sections  
14 1184(p) and 1184(o) of Title 8 of the United States Code by  
15 virtue of the person's children having reached the age of  
16 21 years, the person having reached the age of 21 years, or  
17 the person's sibling having reached the age of 18 years  
18 within 90 business days from the date that the certifying  
19 official receives the certification request, the  
20 certifying official shall complete and provide the  
21 certification form to the person no later than 21 business  
22 days after the request is received by the certifying  
23 agency;

24 (3) if the person's children, parents, or siblings  
25 under paragraph (2) of this subsection (d) would become  
26 ineligible for benefits under Sections 1184(p) and 1184(o)

1 of Title 8 of the United States Code in less than 21  
2 business days of receipt of the certification request, the  
3 certifying official shall complete and provide a  
4 certification form to the person within 5 business days; or

5 (4) a certifying official may extend the time period by  
6 which it must complete and provide the certification form  
7 to the person as required under this subsection (d) only  
8 upon written agreement with the person or person's  
9 representative.

10 Requests for expedited completion of a certification form  
11 under paragraphs (1), (2), and (3) of this subsection (d) shall  
12 be affirmatively raised by the person or that person's  
13 representative in writing to the certifying agency and shall  
14 establish that the person is eligible for expedited review.

15 (e) A certifying official who issued an initial  
16 certification form shall complete and reissue a certification  
17 form within 90 business days of receiving a request from a  
18 victim to reissue. If the victim seeking recertification has a  
19 deadline to respond to a request for evidence from United  
20 States Citizenship and Immigration Services, the certifying  
21 official shall complete and issue the form no later than 21  
22 business days after the request is received by the certifying  
23 official. Requests for expedited recertification shall be  
24 affirmatively raised by the victim or victim's representative  
25 in writing and shall establish that the victim is eligible for  
26 expedited review. A certifying official may extend the deadline

1 by which he or she will complete and reissue the certification  
2 form only upon written agreement with the victim or victim's  
3 representative.

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

1           (g) A certifying official or agency receiving requests for  
2 completion of certification forms shall not disclose the  
3 immigration status of a victim or person requesting the  
4 certification form, except to comply with federal law or State  
5 law, legal process, or if authorized, by the victim or person  
6 requesting the certification form.

7           Section 15. Immunity. A certifying agency or certifying  
8 official acting or failing to act in good faith in compliance  
9 with this Act shall have immunity from civil or criminal  
10 liability that might otherwise occur as a result of so acting  
11 or failing to act, with the exception of willful or wanton  
12 misconduct. Any action brought to seek enforcement of this Act  
13 shall be ineligible to seek attorney's fees and costs, unless  
14 the action demonstrates willful or wanton misconduct by a  
15 certifying agency or certifying official.