

August 24, 2018

To the Honorable Members of
The Illinois Senate,
100th General Assembly:

Today I veto Senate Bill 34 from the 100th General Assembly, which imposes problematic mandates and timelines on agencies that receive certain types of protective visa applications.

U and T visas are non-immigrant visas issued for law enforcement purposes to otherwise deportable persons who are victims of criminal exploitation or abuse, including human trafficking, and are willing to assist law enforcement and government officials in the investigation or prosecution of the perpetrators. The purpose of such visas is to encourage cooperation with law enforcement by alleviating fear of deportation, encourage strong relations between law enforcement and these especially vulnerable classes of immigrants, and prevent deportation of witnesses before investigations and trials can be completed.

SB 34 provides that upon receiving a request for completion of a U or T visa certification form, a certifying official in the receiving law enforcement agency or prosecution office must complete the certification form and provide it to the requesting person under an aggressive timeline, unless the certifying official, after a good faith inquiry, cannot determine that the applicant is a victim of qualifying criminal activity. This is a significant change of law concerning the obligations of law enforcement agencies. Both the mandatory response requirements and timelines will subject agencies and certifying officials to significant liability, even for good faith efforts to certify. Requiring certification within a tight timeline but also subjecting law enforcement to perjury if a mistake is made is an unacceptably risky position to put law enforcement in. Further, the agencies that may be required to certify go far beyond who should be making the legal determination necessary to certify the applicant's eligibility for the visa. This responsibility should lie with the states attorney in the jurisdiction where the implicated crime occurred.

Finally, the bill provides no funding for the additional personnel State and local law enforcement agencies would inevitably be required to hire to process a likely large increase in

applications for U and T visas. The Illinois State Police, for example, anticipate that if enacted this legislation would require hiring additional attorneys and support staff, costing hundreds of thousands of dollars annually.

SB 34 constitutes an unfunded mandate upon already strained State, local, and federal law enforcement agencies beyond justifiable law enforcement need, allows for the legal determinations these applications require to be assigned to inappropriate agencies without the ability to accommodate the timelines in a responsible manner.

Therefore, pursuant to Section 9(b) of Article IV of the Illinois Constitution of 1970, I hereby return Senate Bill 34, entitled "AN ACT concerning government", with the foregoing objections, vetoed in its entirety.

Sincerely,

Bruce Rauner
GOVERNOR