

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, but not including any State court.

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

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

14 Section 10. Certifications for victims of qualifying
15 criminal activity.

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

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

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

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

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

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

1 within 90 business days of receiving the request, except:

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

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

21 (3) if the person's children, parents, or siblings
22 under paragraph (2) of this subsection (d) would become
23 ineligible for benefits under Sections 1184(p) and 1184(o)
24 of Title 8 of the United States Code in less than 21
25 business days of receipt of the certification request, the
26 certifying official shall complete and provide a

1 certification form to the person within 5 business days; or

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

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

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

1 (f) Notwithstanding any other provision of this Section, a
2 certifying official's completion of a certification form shall
3 not be considered sufficient evidence that an applicant for a U
4 or T visa has met all eligibility requirements for that visa
5 and completion of a certification form by a certifying official
6 shall not be construed to guarantee that the victim will
7 receive federal immigration relief. It is the exclusive
8 responsibility of federal immigration officials to determine
9 whether a person is eligible for a U or T visa. Completion of a
10 certification form by a certifying official merely verifies
11 factual information relevant to the federal immigration
12 benefit sought, including information relevant for federal
13 immigration officials to determine eligibility for a U or T
14 visa. By completing a certification form, the certifying
15 official attests that the information is true and correct to
16 the best of the certifying official's knowledge. No provision
17 in this Act limits the manner in which a certifying officer or
18 certifying agency may describe whether the person has
19 cooperated or been helpful to the agency or provide any
20 additional information the certifying officer or certifying
21 agency believes might be relevant to a federal immigration
22 officer's adjudication of a U or T visa application. If, after
23 completion of a certification form, the certifying official
24 later determines the person was not the victim of qualifying
25 criminal activity or the victim unreasonably refuses to assist
26 in the investigation or prosecution of the qualifying criminal

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

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

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