



Sen. John J. Cullerton

Filed: 4/20/2018

10000SB0034sam001

LRB100 04993 SLF 37782 a

1 AMENDMENT TO SENATE BILL 34

2 AMENDMENT NO. _____. Amend Senate Bill 34 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Voices of Immigrant Communities Empowering Survivors (VOICES)
6 Act.

7 Section 5. Definitions. In this Act:

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

1 States Citizenship and Immigration Services Form I-914,
2 Supplement B, or any successor form for purposes of obtaining a
3 T visa.

4 "Certifying agency" means a State or local law enforcement
5 agency, prosecutor, or other public authority that has
6 responsibility for the investigation or prosecution of a
7 qualifying crime or criminal activity, including an agency that
8 has criminal investigative jurisdiction in its respective
9 areas of expertise, including the Department of Labor, the
10 Department of Children and Family Services, the Department of
11 Human Services, and the Illinois Workers' Compensation
12 Commission, but not including any State court.

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, any implementing federal
17 regulations, supplementary information, guidance, and
18 instructions.

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

25 Section 10. Certifications for victims of qualifying

1 criminal activity.

2 (a) The head of each certifying agency shall designate an
3 official or officials in supervisory roles, either within the
4 agency or, by agreement with another agency with concurrent
5 jurisdiction over the geographic area or subject matter covered
6 by that agency, within that other agency. Designated officials
7 may not be members of a collective bargaining unit represented
8 by a labor organization, unless the official is an attorney or
9 is employed in an agency in which all supervisory officials are
10 members of a collective bargaining unit. Certifying officials
11 shall:

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

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

18 (b) Any person seeking completion of a certification form
19 shall first submit a request for completion of the
20 certification form to the certifying official for any
21 certifying agency that detected, investigated, or prosecuted
22 the criminal activity upon which the request is based.

23 (c) A request for completion of a certification form under
24 this Section may be submitted by a representative of the person
25 seeking the certification form, including, but not limited to,
26 an attorney, accredited representative, or domestic violence

1 or sexual assault services provider.

2 (d) Upon receiving a request for completion of a
3 certification form, a certifying official shall complete the
4 certification form for any victim of qualifying criminal
5 activity. If the certifying official cannot determine that the
6 applicant is a victim of qualifying criminal activity, the
7 certifying official may provide written notice to the person or
8 the person's representative explaining why the available
9 evidence does not support a finding that the person is a victim
10 of qualifying criminal activity. The certifying official shall
11 complete the certification form and provide it to the person
12 within 90 business days of receiving the request, except:

13 (1) if the person making the request for completion of
14 the certification form is in federal immigration removal
15 proceedings or detained, the certifying official shall
16 complete and provide the certification form to the person
17 no later than 21 business days after the request is
18 received by the certifying agency;

19 (2) if the children, parents, or siblings of the person
20 making the request for completion of the certification form
21 would become ineligible for benefits under Sections
22 1184(p) and 1184(o) of Title 8 of the United States Code by
23 virtue of the person's children having reached the age of
24 21 years, the person having reached the age of 21 years, or
25 the person's sibling having reached the age of 18 years
26 within 90 business days from the date that the certifying

1 official receives the certification request, the
2 certifying official shall complete and provide the
3 certification form to the person no later than 21 business
4 days after the request is received by the certifying
5 agency;

6 (3) if the person's children, parents, or siblings
7 under paragraph (2) of this subsection (d) would become
8 ineligible for benefits under Sections 1184(p) and 1184(o)
9 of Title 8 of the United States Code in less than 21
10 business days of receipt of the certification request, the
11 certifying official shall complete and provide a
12 certification form to the person within 5 business days; or

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

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

23 (e) A certifying official who issued an initial
24 certification form shall complete and reissue a certification
25 form within 90 business days of receiving a request from a
26 victim to reissue. If the victim seeking recertification has a

1 deadline to respond to a request for evidence from United
2 States Citizenship and Immigration Services, the certifying
3 official shall complete and issue the form no later than 21
4 business days after the request is received by the certifying
5 official. Requests for expedited recertification shall be
6 affirmatively raised by the victim or victim's representative
7 in writing and shall establish that the victim is eligible for
8 expedited review. A certifying official may extend the deadline
9 by which he or she will complete and reissue the certification
10 form only upon written agreement with the victim or victim's
11 representative.

12 (f) Notwithstanding any other provision of this Section, a
13 certifying official's completion of a certification form shall
14 not be considered sufficient evidence that an applicant for a U
15 or T visa has met all eligibility requirements for that visa
16 and completion of a certification form by a certifying official
17 shall not be construed to guarantee that the victim will
18 receive federal immigration relief. It is the exclusive
19 responsibility of federal immigration officials to determine
20 whether a person is eligible for a U or T visa. Completion of a
21 certification form by a certifying official merely verifies
22 factual information relevant to the federal immigration
23 benefit sought, including information relevant for federal
24 immigration officials to determine eligibility for a U or T
25 visa. By completing a certification form, the certifying
26 official attests that the information is true and correct to

1 the best of the certifying official's knowledge. If, after
2 completion of a certification form, the certifying official
3 later determines the person was not the victim of qualifying
4 criminal activity or the victim unreasonably refuses to assist
5 in the investigation or prosecution of the qualifying criminal
6 activity of which he or she is a victim, the certifying
7 official may notify United States Citizenship and Immigration
8 Services in writing.

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

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