

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 5. The Voices of Immigrant Communities Empowering
5 Survivors (VOICES) Act is amended by changing Section 10 and
6 by adding Section 11 as follows:

7 (5 ILCS 825/10)

8 Sec. 10. Certifications for victims of qualifying criminal
9 activity.

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

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

23 (2) make information regarding the agency's procedures

1 for certification requests publicly available for victims
2 of qualifying criminal activity and their representatives.

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

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

13 (d) Upon receiving a request for completion of a
14 certification form, a certifying official shall complete the
15 certification form for any victim of qualifying criminal
16 activity. ~~If the certifying official cannot determine that the~~
17 ~~applicant is a victim of qualifying criminal activity, the~~
18 ~~certifying official may provide written notice to the person~~
19 ~~or the person's representative explaining why the available~~
20 ~~evidence does not support a finding that the person is a victim~~
21 ~~of qualifying criminal activity.~~ The certifying official shall
22 complete the certification form and provide it to the person
23 within 90 business days of receiving the request, except:

24 (1) if the person making the request for completion of
25 the certification form is in federal immigration removal
26 proceedings or detained, the certifying official shall

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

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

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

25 (4) a certifying official may extend the time period
26 by which it must complete and provide the certification

1 form to the person as required under this subsection (d)
2 only upon written agreement with the person or person's
3 representative.

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

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

24 (f) Notwithstanding any other provision of this Section, a
25 certifying official's completion of a certification form shall
26 not be considered sufficient evidence that an applicant for a

1 U or T visa has met all eligibility requirements for that visa
2 and completion of a certification form by a certifying
3 official shall not be construed to guarantee that the victim
4 will receive federal immigration relief. It is the exclusive
5 responsibility of federal immigration officials to determine
6 whether a person is eligible for a U or T visa. Completion of a
7 certification form by a certifying official merely verifies
8 factual information relevant to the federal immigration
9 benefit sought, including information relevant for federal
10 immigration officials to determine eligibility for a U or T
11 visa. By completing a certification form, the certifying
12 official attests that the information is true and correct to
13 the best of the certifying official's knowledge. No provision
14 in this Act limits the manner in which a certifying officer or
15 certifying agency may describe whether the person has
16 cooperated or been helpful to the agency or provide any
17 additional information the certifying officer or certifying
18 agency believes might be relevant to a federal immigration
19 officer's adjudication of a U or T visa application. 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 (Source: P.A. 100-1115, eff. 1-1-19.)

8 (5 ILCS 825/11 new)

9 Sec. 11. Denials.

10 (a) If the certifying official does not determine that the
11 requester is a victim of a qualifying criminal activity, the
12 certifying official shall provide written notice to the person
13 or the person's representative explaining why the available
14 evidence does not support a finding that the person is a victim
15 of qualifying criminal activity. The certifying official shall
16 submit the notice to the address provided in the request and
17 shall provide contact information should the requester desire
18 to appeal the decision. The certifying agency or certifying
19 official shall accept all appeals and must respond to the
20 appeals within 30 business days.

21 (b) Notwithstanding subsection (a), no requester is
22 required to file an administrative appeal or otherwise exhaust
23 administrative remedies with a certifying official or agency
24 under subsection (a) before filing a mandamus action or
25 seeking other equitable relief in circuit court for a

1 completed certification form required under Section 10.