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GENERAL PROVISIONS
(5 ILCS 825/) Voices of Immigrant Communities Empowering Survivors (VOICES) Act.

(5 ILCS 825/1)
Sec. 1. Short title. This Act may be cited as the Voices of Immigrant Communities Empowering Survivors (VOICES) Act.
(Source: P.A. 100-1115, eff. 1-1-19.)

(5 ILCS 825/5)
Sec. 5. Definitions. In this Act:
"Certification form" means a law enforcement certification form or statement required by federal immigration law certifying that a person is a victim of qualifying criminal activity including, but not limited to, the information required by Section 1184(p) of Title 8 of the United States Code, including current United States Citizenship and Immigration Services Form I-918, Supplement B, or any successor form for purposes of obtaining a U visa or by Section 1184(o) of Title 8 of the United States Code, including current United States Citizenship and Immigration Services Form I-914, Supplement B, or any successor form for purposes of obtaining a T visa.
"Certifying agency" means a State or local law enforcement agency, prosecutor, or other public authority that has responsibility for the investigation or prosecution of a qualifying crime or criminal activity, including an agency that has criminal investigative jurisdiction in its respective areas of expertise, but not including any State court.
"Qualifying criminal activity" means any activity, regardless of the stage of detection, investigation, or prosecution, designated in Section 1101(a)(15)(U)(iii) of Title 8 of the United States Code, any implementing federal regulations, supplementary information, guidance, and instructions.
"Victim of qualifying criminal activity" means a person described in Section 1101(a)(15)(U)(i)(I) of Title 8 of the United States Code, in the definition of "victim of a severe form of trafficking" in Section 7102(14) of Title 22 of the United States Code, or in any implementing federal regulations, supplementary information, guidance, and instructions.
(Source: P.A. 100-1115, eff. 1-1-19.)

(5 ILCS 825/10)

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

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

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

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

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

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

(d) Upon receiving a request for completion of a certification form, a certifying official shall complete the certification form for any victim of qualifying criminal activity. In completing the certification form, there is a rebuttable presumption that a victim is helpful, has been helpful, or is likely to be helpful to the detection or investigation or prosecution of that qualifying criminal activity, if the victim has not refused or failed to provide information and assistance reasonably requested by law enforcement. The certifying official shall fully complete and sign the certification form and, regarding victim helpfulness, include specific details about the nature of the crime investigated or prosecuted and a detailed description of the victim's helpfulness or likely helpfulness to the detection or investigation or prosecution of the criminal activity. The certifying official shall complete the certification form and provide it to the person within 90 business days of receiving the request, except:

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

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

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

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

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

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

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

(f) Notwithstanding any other provision of this Section, a certifying official's completion of a certification form shall not be considered sufficient evidence that an applicant for a U or T visa has met all eligibility requirements for that visa and completion of a certification form by a certifying official shall not be construed to guarantee that the victim will receive federal immigration relief. It is the exclusive responsibility of federal immigration officials to determine whether a person is eligible for a U or T visa. Completion of a certification form by a certifying official merely verifies factual information relevant to the federal immigration benefit sought, including information relevant for federal immigration officials to determine eligibility for a U or T visa. By completing a certification form, the certifying official attests that the information is true and correct to the best of the certifying official's knowledge. No provision in this Act limits the manner in which a certifying officer or certifying agency may describe whether the person has cooperated or been helpful to the agency or provide any additional information the certifying officer or certifying agency believes might be relevant to a federal immigration officer's adjudication of a U or T visa application. If, after completion of a certification form, the certifying official later determines the person was not the victim of qualifying criminal activity or the victim unreasonably refuses to assist in the investigation or prosecution of the qualifying criminal activity of which he or she is a victim, the certifying official may notify United States Citizenship and Immigration Services in writing.

(g) A certifying official or agency receiving requests for completion of certification forms shall not disclose the

immigration status of a victim or person requesting the certification form, except to comply with federal law or State law, legal process, or if authorized, by the victim or person requesting the certification form.
(Source: P.A. 102-234, eff. 8-2-21; 102-401, eff. 1-1-22.)

(5 ILCS 825/11)
(Text of Section from P.A. 102-234)
Sec. 11. Denials.

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

(b) Notwithstanding subsection (a), no requester is required to exhaust an administrative appeal under subsection (a) before filing a mandamus action or seeking other equitable relief in circuit court for a completed certification form required under Section 10.
(Source: P.A. 102-234, eff. 8-2-21.)

(Text of Section from P.A. 102-401)
Sec. 11. Denials.

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

(b) Notwithstanding subsection (a), no requester is required to file an administrative appeal or otherwise exhaust administrative remedies with a certifying official or agency under subsection (a) before filing a mandamus action or seeking other equitable relief in circuit court for a completed certification form required under Section 10.
(Source: P.A. 102-401, eff. 1-1-22.)

(5 ILCS 825/15)

Sec. 15. Immunity. A certifying agency or certifying official acting or failing to act in good faith in compliance with this Act shall have immunity from civil or criminal liability that might otherwise occur as a result of so acting or failing to act, with the exception of willful or wanton misconduct. Any action brought to seek enforcement of this Act shall be ineligible to seek attorney's fees and costs, unless the action demonstrates willful or wanton misconduct by a certifying agency or certifying official.
(Source: P.A. 100-1115, eff. 1-1-19.)

(5 ILCS 825/20)
Sec. 20. Reporting requirements.

(a) In order to ensure compliance with this Act, starting on the effective date of this amendatory Act of the 102nd General

Assembly, law enforcement agencies shall submit a report annually to the Attorney General. This report shall include the following information regarding any requests for completion of a certification form under Section 10 of this Act:

(1) the date of receipt of such request; and

(2) the date on which the law enforcement agency provided the completed certification form to the requester or provided written notice explaining why the available evidence does not support a finding that the requester is a victim of qualifying criminal activity.

If an agency receives no requests for completion of a certification form during a reporting period, the agency shall certify and report that it received no such requests.

(b) Law enforcement agencies shall not include names or other personally identifying information in any reports required under this Section.

(Source: P.A. 102-234, eff. 8-2-21.)

(5 ILCS 825/25)

Sec. 25. Training. Each certifying agency shall arrange for regular training for officials designated under subsection (a) of Section 10 of this Act regarding all requirements of this Act.

(Source: P.A. 102-234, eff. 8-2-21.)

(5 ILCS 825/30)

Sec. 30. Attorney General enforcement provisions. In order to ensure compliance with this Act:

(a) The Attorney General shall have authority to conduct investigations into violations of this Act. The Attorney General may:

(1) require a law enforcement agency, law enforcement official, or any other person or entity to file a statement or report in writing under oath or otherwise, as to all information the Attorney General may consider necessary;

(2) examine under oath any law enforcement official or any other person alleged to have participated in or with knowledge of the alleged violation; or

(3) issue subpoenas, obtain records, conduct hearings, or take any other actions in aid of any investigation. In the event a law enforcement agency, law enforcement official, or other person or entity fails to comply, in whole or in part, with a subpoena or other investigative request issued pursuant to this paragraph, the Attorney General may compel compliance through an action in the circuit court.

(b) Upon his or her own information or upon the complaint of any person, the Attorney General may maintain an action for declaratory, injunctive or any other equitable relief in the circuit court against any law enforcement agency, law enforcement official, or other person or entity who violates any provision of this Act. These remedies are in addition to, and not in substitution for, other available remedies.

(Source: P.A. 102-234, eff. 8-2-21.)

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