



Sen. Cristina Castro

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10200SB2079sam001

LRB102 16580 RLC 24733 a

1 AMENDMENT TO SENATE BILL 2079

2 AMENDMENT NO. _____. Amend Senate Bill 2079 by replacing
3 everything after the enacting clause with the following:

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

1 attorney or is employed in an agency in which all supervisory
2 officials are members of a collective bargaining unit.
3 Certifying officials shall:

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

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

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

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

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

1 ~~evidence does not support a finding that the person is a victim~~
2 ~~of qualifying criminal activity.~~ The certifying official shall
3 complete the certification form and provide it to the person
4 within 90 business days of receiving the request, except:

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

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

24 (3) if the person's children, parents, or siblings
25 under paragraph (2) of this subsection (d) would become
26 ineligible for benefits under Sections 1184(p) and 1184(o)

1 of Title 8 of the United States Code in less than 21
2 business days of receipt of the certification request, the
3 certifying official shall complete and provide a
4 certification form to the person within 5 business days;
5 or

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

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

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

1 expedited review. A certifying official may extend the
2 deadline by which he or she will complete and reissue the
3 certification form only upon written agreement with the victim
4 or victim's representative.

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

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

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

14 (Source: P.A. 100-1115, eff. 1-1-19.)

15 (5 ILCS 825/11 new)

16 Sec. 11. Denials.

17 (a) If the certifying official does not determine that the
18 requester is a victim of a qualifying criminal activity, the
19 certifying official shall provide written notice to the person
20 or the person's representative explaining why the available
21 evidence does not support a finding that the person is a victim
22 of qualifying criminal activity. The certifying official shall
23 submit the notice to the address provided in the request and
24 shall provide contact information should the requester desire
25 to appeal the decision. The certifying agency or certifying

1 official shall accept all appeals and must respond to the
2 appeals within 30 business days.

3 (b) Notwithstanding subsection (a), no requester is
4 required to file an administrative appeal or otherwise exhaust
5 administrative remedies with a certifying official or agency
6 under subsection (a) before filing a mandamus action or
7 seeking other equitable relief in circuit court for a
8 completed certification form required under Section 10."