



## VOICES Act (Public Act 100-1115)

The VOICES Act, which took effect on January 1, 2019, helps immigrants who have experienced domestic violence, sexual assault, trafficking, and other crimes. Many of these survivors fear that reporting to law enforcement will lead to deportation—to the detriment of public safety for our entire community. To address this concern, Congress in 2000 created the **U visa**, which enables immigrant survivors of domestic violence, sexual assault, and other crimes to stay and work temporarily in the US if they cooperate with law enforcement, and the **T visa**, which offers similar protection to trafficking survivors.

To qualify for a T or U visa, **a survivor needs a law enforcement agency to provide a certification** that documents the survivor's cooperation. **Many agencies, however, refuse to issue certifications or delay their responses.** These delays and refusals prevent survivors from applying for U and T visas, and discourage them from coming forward to work with law enforcement.

### What the VOICES Act requires:

- Law enforcement and other investigative agencies need to **designate certifying officials** to respond to certification requests and provide outreach to survivors about the certification process. A certifying official for an agency can be an employee of another agency with whom the agency formally arranges to handle certification requests (for example, a state's attorney's office can agree to handle requests submitted to that county's sheriff's department).
- Survivors must **first ask for a certification from the law enforcement agency that detected, investigated, or prosecuted the offense**, that is, the agency with which the survivor worked most closely and that would have the most information about the case.
- Certifying officials in most cases **must issue a certification within 90 business days** after receiving the certification request. That deadline is **shortened to 21 business days** if the requester is in proceedings or detained, or if the requester or the requester's child, parent, or sibling would age out of qualifying for a U or T visa. If both sets of circumstances apply, the deadline is five business days. Requests for such expedited processing must be raised by the requester.
- Certifying officials **can decline to issue a certification only if they cannot determine that the applicant is in fact a crime victim.** Certifying agencies are also immune from civil or criminal liability for issuing or failing to issue a certification unless the agency engages in willful and wanton misconduct.

VOICES requires **ONLY** that a certifying agency **complete the certification in a truthful and timely manner.** If the survivor is not cooperating with the certifying agency, the agency can say so when it completes the certification. And if, after the agency completes the certification, the applicant is found not to in fact be a crime victim or refuses to cooperate, the agency can notify USCIS.

Certifications **do not** grant any immigration benefit. U.S. Citizenship and Immigration Services (USCIS) must evaluate all U and T visa applications, and is solely responsible for deciding to issue a U or T visa.

*For more information, please contact Fred Tsao at ICIRR, [ftsao@icirr.org](mailto:ftsao@icirr.org), or 312-332-7360 x213.*