



Support Immigrant Crime Survivors

SB 32 (VOICES Act)
(J. Cullerton/ Hernandez)

Immigrants who experience domestic violence or other crimes often do not report to the police out of fear that going to the police could lead to deportation. In 2000, Congress created the U visa, which enables immigrant victims of certain 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 victims.

To qualify for a T or U visa, an immigrant needs local police or another investigating agency to provide a certification that documents the immigrant's cooperation. Many law enforcement agencies, however, refuse to issue certifications or delay their responses. These delays and refusals block immigrants from being able to apply for U and T visas, and discourage them from coming forward to work with law enforcement.

What the VOICES Act (SB 32) would do:

- a) Law enforcement and other investigative agencies would be required to issue a certification no later than 90 business days after they get the certification request from the applicant. The deadline is 14 business days if the immigrant is detained or faces imminent deportation or if a relative of the immigrant will age out of being included in the immigrant's application within 90 business days. An agency can refuse to issue a certification only if it finds that the applicant is not in fact a crime victim.
- b) Each agency would need to designate an official to receive and respond to certification requests and provide outreach to crime victims about the certification process. The certifying official for an agency can be an employee of another agency with whom the agency formally arranges to handle U visa certifications (such as a state's attorney's office can agree to handle requests submitted to that county's sheriff's department).
- c) Agencies must reissue certifications within 90 business days of receiving the reissue request.

These certifications do not grant any immigration benefit. This bill clarifies that U.S. Citizenship and Immigration Services (USCIS) must evaluate all U and T visa applications, and is solely responsible for deciding whether the applicant is a qualifying victim of a qualifying crime to whom it will issue a U or T visa.

This bill requires ONLY that a certifying agency complete the certification in a truthful and timely manner. If the applicant is not cooperating with the certifying agency, the agency can say so on the certification form but must still complete 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.