



# T VISA AND U VISA NONIMMIGRANT STATUS CERTIFICATION



ISSUE DATE:	04 December 2024	EFFECTIVE DATE:	
RESCINDS:	12 May 2023 Version		
INDEX CATEGORY:	02 - Human Rights and Community Partnerships		
CALEA:			

## I. PURPOSE

This directive:

A. revises the Department's procedures for completing and processing requests for the US Citizenship and Immigrant Services (USCIS):

1. T Visa certifications, Form I-914, Supplement B, Declaration of Law Enforcement Officer for Victim of Trafficking in Persons, in compliance with the Illinois VOICES Act, ILCS 825/1.

**NOTE:** Requests for the US Citizenship and Immigration Services (USCIS) Form I-914, Supplement B, Declaration of Law Enforcement Officer for Victim of Trafficking in Persons will be completed by **Vice Section** sworn supervisors only.

2. U Visa certifications, Form I-918, Supplement B, U Visa Nonimmigrant Status Certification, in compliance with the Illinois VOICES Act, ILCS 825/1.

**NOTE:** Requests for the US Citizenship and Immigration Services (USCIS) Form I-918, Supplement B, U Visa Nonimmigrant Status Certification will be completed by **Records Division** sworn supervisors only.

B. continues the use of:

1. the Notice of Non-Eligibility for U Nonimmigrant Status Certification form ([CPD-31.117](#)); and
2. the Notice of Non-Eligibility for T Nonimmigrant Status Certification form ([CPD-31.118](#)).

## II. BACKGROUND

A. **T Visas**

1. The T Visa is a federal immigration benefit for victims of human trafficking who meet certain eligibility requirements. If approved, it allows eligible victims to legally remain and work in the United States for four years. While in T Visa nonimmigrant status, subject to certain statutory exceptions, the victim has an ongoing duty to cooperate with law enforcement's reasonable requests for assistance in the investigation or prosecution of human trafficking.

2. **It is the exclusive responsibility of federal immigration officials to determine whether a person is eligible for a T Visa.** The US Citizenship and Immigration Services (USCIS) will make the determination on whether the evidence is sufficient and whether the applicant meets each eligibility requirement. While these qualifying elements may be established without submitting a T Visa Certification, submission of the US Citizenship and Immigrant Services (USCIS) Form I-914, Supplement B, Declaration of Law Enforcement Officer for Victim of Trafficking in Persons is one piece of evidence towards the applicant's eligibility requirements for a T Visa.

3. Pursuant to section 10 of the Illinois VOICES Act, 5 ILCS 825/10, the Chicago Police Department must respond to requests for completion of the T Visa Certification within the timelines provided by the statute. The Department must complete the T Visa Certification if the individual is or was a victim of human trafficking. In completing the form, the Department must apply a rebuttable presumption that the victim was, is, or is likely to be cooperative with law enforcement during the investigation.

#### B. U Visas

1. The U Visa is a federal immigration benefit for victims of certain crimes who meet eligibility requirements. If approved, it allows eligible victims to legally remain and work in the United States for up to four years.
2. **It is the exclusive responsibility of federal immigration officials to determine whether a person is eligible for a U Visa.** The US Citizenship and Immigration Services (USCIS) considers law enforcement certification as primary, though not exclusive, evidence that an individual:
  - a. was a victim of a qualifying crime;  
**NOTE:** A list of qualifying crimes can be found in Form I-918 at [www.uscis.gov/i-918](http://www.uscis.gov/i-918).
  - b. has knowledge of that crime;
  - c. was, is, or is likely to be helpful in the law enforcement detection, investigation, or prosecution of the qualifying crime.
3. A victim must demonstrate cooperation with reasonable requests from law enforcement for assistance in detecting, investigating, or prosecuting the qualifying crime by submitting a completed and signed law enforcement U Visa Certification, USCIS Form I-918, Supplement B, U Nonimmigrant Status Certification, stating that the victim has cooperated with law enforcement.
4. Pursuant to the Illinois VOICES Act, 5 ILCS 825/10, the Chicago Police Department must respond to requests for completion of the U Visa Certification within the timelines provided by the statute. The Department must complete the U Visa Certification if the individual is or was a victim of a qualifying crime, any similar crimes, or an attempt, conspiracy, or solicitation to commit a qualifying crime or similar activity. In completing the form, the Department must apply a rebuttable presumption that the victim was, is, or is likely to be cooperative with law enforcement during the investigation.

### III. DEFINITIONS

#### A. APPLICANT/REQUESTER

1. T Visa — a victim of a severe form of trafficking in persons who requests a T Visa Certification (applicant) or a person or organization who requests a T Visa Certification on behalf of a victim of a severe form of trafficking in persons (requester).
2. U Visa — a victim of a qualifying crime who requests a U Visa Certification (applicant) or a person or organization who requests a U Visa Certification on behalf of a victim of a qualifying crime (requester).

- #### B. CERTIFYING OFFICIAL
- Certifying officials are the only persons with the authority to sign T Visa and U Visa certifications for the Department. The Superintendent of Police, as head of the Department, is a de facto certifying official. Under federal law, the Superintendent of Police, in writing, may designate additional members of the Department who are in a supervisory capacity to sign certifications on behalf of the Department. Certifying officials will receive regular training on the requirements and criteria for T Visa and U Visa certifications, as well as the provisions of the Voices of Immigrant Communities Empowering Survivors (VOICES) Act.

- C. **QUALIFYING CRIMES** — A qualifying crime refers to crimes that are part of the criteria for U status and can be found in Form I-918 at [www.uscis.gov/i-918](http://www.uscis.gov/i-918).
- D. **SEVERE FORM OF TRAFFICKING IN PERSONS** — A severe form of trafficking in persons, as defined in 8 C.F.R. § 214.11(a), means sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act is under the age of 18 years; or the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.
1. Sex Trafficking means the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act.
  2. Commercial sex act means any sex act on account of which anything of value is given to or received by any person.
- E. **T VISA CERTIFICATION** — USCIS Form I-914, Supplement B, Declaration of Law Enforcement Officer for Victim of Trafficking in Persons, is a document that the Department will complete, free of charge, for a victim of a severe form of trafficking in persons who is petitioning USCIS for T nonimmigrant status.
- F. **T NONIMMIGRANT STATUS (T VISA)** — is a temporary immigration benefit that enables certain victims of a severe form of human trafficking to remain in the United States for up to four years if they have assisted law enforcement in an investigation or prosecution of human trafficking.
- NOTE:** T nonimmigrant status is also available for certain qualifying family members of trafficking victims. Persons holding this status are eligible for employment authorization and certain federal and state benefits and services, and those who qualify may also be able to adjust their status and become lawful permanent residents (obtain a "Green Card").
- G. **USCIS** — U.S. Citizenship and Immigration Services (USCIS) is the federal component of the Department of Homeland Security that has the sole authority to approve or deny (adjudicate) petitions for U nonimmigrant status (U Visa) and T nonimmigrant status (T Visa).
- H. **U NONIMMIGRATION STATUS (U VISA)** — Temporary, four-year nonimmigrant status granted to victims of certain qualifying crimes, as designated by U.S. Citizenship and Immigration Services (USCIS).
- NOTE:** U nonimmigrant status is also available for certain qualifying family members of crime victims. Persons holding this status are eligible for employment authorization and certain federal and state benefits and services, and those who qualify may also be able to adjust their status and become lawful permanent residents (obtain a "Green Card").
- I. **U VISA CERTIFICATION** — USCIS Form I-918, Supplement B, U Nonimmigrant Status Certification, is a document that the Department will complete free of charge for an eligible victim of a qualifying crime who is petitioning USCIS for U nonimmigrant status.

#### IV. REQUESTS FOR CERTIFICATION

- A. **T Visa**
1. Requests for a T Visa Certification (USCIS Form I-914, Supplement B, Declaration of Law Enforcement Officer for Victim of Trafficking in Persons) from the Chicago Police Department will be submitted to the **Records Division either in person or mailed to the Chicago Police Department, 3510 S. Michigan Ave., Chicago, IL 60653 Attn: Records/T Visa Certifications.**
  2. Requesters can find the T Visa Certification and other information at <https://www.uscis.gov/i-914>.

3. **It is the exclusive responsibility of federal immigration officials to determine whether a person is eligible for a 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 T Visa. By completing the T Visa Certification, the certifying official attests that the information is true and correct to the best of the certifying official's knowledge.
4. No provision in the Illinois Voices of Immigrant Communities Empowering Survivors (VOICES) 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 T Visa application.
5. If, after completion of a T Visa Certification, the certifying official later determines the person was not the victim of a severe form of trafficking in persons or the victim unreasonably refuses to assist in the investigation or prosecution of the severe form of trafficking in persons of which he or she is a victim, the certifying official may notify USCIS in writing.

#### B. **U Visas**

1. Requests for U Visa Certification (USCIS Form I-918, Supplement B, U Nonimmigrant Status Certification) from the Chicago Police Department will be submitted to the **Records Division either in person or mailed to the Chicago Police Department, 3510 S. Michigan Ave., Chicago, IL 60653 Attn: Records/U Visa Certifications.**
2. Requesters can find the U Visa Certification and other information at [www.uscis.gov/i-918](http://www.uscis.gov/i-918).
3. **It is the exclusive responsibility of federal immigration officials to determine whether a person is eligible for a U 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 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.
4. No provision in the Illinois VOICES 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 Visa application.
5. 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.

#### V. **CRITERIA FOR COMPLETING A CERTIFICATION FORM**

The below listed criteria will be considered by a certifying official during the review of the request for certification. A certifying official may refer to U.S. Department of Homeland Security law enforcement guides, available at <https://www.dhs.gov/publication/u-visa-law-enforcement-certification-resource-guide>, in considering these criteria. The three areas to consider include:

- A. Determining if a qualifying criminal activity was identified or investigated. Qualifying criminal activity includes attempts, conspiracies, or solicitations to commit any of the qualifying criminal activity. Qualifying criminal activity also includes the criminal activities listed on the certification form, including criminal activity under Illinois statute that are equivalent to those listed on the certification form.

- EXAMPLE:** (1) "Felonious Assault" is listed on the certification form as a qualifying criminal activity; however, Aggravated Battery" as defined by Illinois law is similar to the federal definition of "Felonious Assault" and is therefore considered a qualifying criminal activity.
- (2) "Rape" is listed on the certification form as a qualifying criminal activity; however, under Illinois statute, the crime is defined as Criminal Sexual Assault.

- B. Determining if the applicant is the direct or indirect victim of a severe form of qualifying criminal activity. If the certifying official determines that the applicant was the victim of qualifying criminal activity, the certifying official will complete the certification form.

- EXAMPLE:** 1) Bystanders who suffer an unusually direct injury as the result of a qualifying crime may qualify as the direct victim of the criminal activity;
- 2) Certain family members of the direct victim may qualify as an indirect victim if the direct victim is deceased due to murder or manslaughter, or is incompetent or incapacitated, including due to injury, trauma, or age.

- C. Describing the nature of the applicant's cooperation. If the Certifying Official determines that the applicant was the victim of qualifying criminal activity, the Certifying Official will complete the certification form and describe the nature of the applicant's cooperation, including if the person has cooperated, is likely to cooperate, or explicitly states that they will not cooperate with or support the ongoing criminal investigation.

1. Pursuant to the Illinois VOICES Act, 5 ILCS 825/10, the Department must apply a rebuttable presumption that the victim was, is, or is likely to be helpful to the detection, investigation or prosecution of the qualifying criminal activity.
2. The nature of the applicant's cooperation with the ongoing investigation will be individually assessed and be based on the totality of the circumstances of the particular investigation.

**NOTE:** The totality of the circumstances may take into account such factors as general law enforcement, prosecutorial, and judicial practices; the kinds of assistance asked of other victims of crimes involving an element of force, coercion, or fraud; the nature of the request to the alien for assistance; the nature of the victimization; the applicable guidelines for victim and witness assistance; and the specific circumstances of the applicant, including fear, severe traumatization (both mental and physical), and the age and maturity of the applicant.

3. An open investigation, arrest, prosecution, or conviction is not required to complete a certification form.

## VI. COMPLETING T VISA CERTIFICATIONS

- A. **Requests for the US Citizenship and Immigration Services (USCIS) T Visa Nonimmigrant Status Certification will be received by the Records Services Section and forwarded to the Vice Section for review by a Vice Section sworn supervisor designated as a certifying official.**
- B. The designated sworn supervisor of the Vice Section, Bureau of Counterterrorism, will review all available Department records after receiving the T Visa Certification request and will make a determination on each of the following:
1. **Identity of the Victim:** Determine whether the victim named in the T Visa Certification request is a victim of a crime that the Department is investigating or has investigated by completing a search for the corresponding Chicago Police Department case report. If found, the Records Division case report number will be documented in the T Visa Certification.

2. **Statement of Claim:** Determine whether the individual was a victim of a severe form of trafficking in persons. Include date(s) and location(s) of occurrences and citations for the state or federal statute implicated. **Only briefly describe** the criminal activity being investigated or prosecuted and the involvement of the victim. Pursuant to USCIS Form I-914 Supplement B, the analysis is based on the victimization the applicant experienced rather than on the specific violations charged, the counts on which convictions were obtained, or whether any prosecution resulted in convictions. Note that the definitions that control this analysis are not the elements of criminal offenses, but are those set forth at 8 C.F.R. § 214.11(a).

**NOTE:**

In many cases, victims do not initially identify or present as victims of a severe form of human trafficking. A victim may not understand or be able to disclose their victimization until they have worked with a service provider. Therefore, the Vice Section will also consider any amended or supplemental reports made during the investigation or certification request while completing the USCIS Form I-914, Supplement B, Declaration of Law Enforcement Officer for Victim of Trafficking in Persons Certification form.

3. **Cooperation of the Victim:** Pursuant to the Illinois VOICES Act, 5 ILCS 825/10, completion of a Certification may not be refused due to an individual's lack of cooperation or helpfulness. However, the Certification form requires a description of the extent to which the victim has complied with reasonable requests for assistance in the detection, investigation or prosecution of a crime or crimes that are a severe form of human trafficking. Pursuant to the Illinois VOICES Act, 5 ILCS 825/10, there is a rebuttable presumption that the victim has cooperated or been helpful to law enforcement if they have not affirmatively refused or declined to provide information and assistance that was reasonably requested by law enforcement. Individuals who were under the age of 18 at the time at least one of the acts of human trafficking occurred are not required to cooperate with requests from law enforcement, and the Department may sign T Visa Certifications for minor victims of human trafficking they identify regardless of their cooperation. Per the T Visa requirements, individuals who were unable to cooperate due to physical or psychological trauma are similarly exempt from the cooperation requirement.
  4. **Family Members Implicated in Severe Form of Human Trafficking:** Identify and determine whether any of the victim's family members are involved in the severe form of human trafficking.
- C. The certifying official will complete the T Visa Certification and provide it to the applicant/requester within 30 business days of the Department receiving the request, except when:
1. the applicant seeking completion of the T Visa Certification is in federal immigration removal proceedings or detained, the certifying official will complete and provide the T Visa Certification to the applicant/requester no later than 21 business days after the request is received;
  2. the children, parents, or siblings of the applicant making the request for completion of the T Visa Certification would become ineligible for benefits under Sections 1184(p) and 1184(o) of Title 8 of the United States Code by virtue of the applicant's children having reached the age of 21 years, the applicant having reached the age of 21 years, or the applicant'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 will complete and provide the T Visa Certification to the applicant/requester no later than 21 business days after the request is received;
  3. if the applicant's children, parents, or siblings 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 will complete and provide the T Visa Certification to the applicant/requester within 5 business days; or

4. a certifying official may extend the time period by which it must complete and provide the T Visa Certification to the person as required under Section 1184(d) only upon written agreement with the applicant/requester.

**NOTE:** Requests for expedited completion of a T Visa Certification under this section will be affirmatively raised by the applicant/requester in writing to the certifying agency and will establish that the victim is eligible for expedited review.

- D. **COMPLETION OR DENIAL OF CERTIFICATIONS:** If the reviewing certifying official determines the applicant *is a victim of severe form of trafficking in persons*, they will send the original completed T Visa Certification (**signed in blue ink**), via US mail, to the applicant/requester listed on the T Visa Certification.

**NOTE:** If the reviewing certifying official determines the applicant is **not a victim of a severe form of trafficking in persons**, they will forward the application and their review to the Legal Affairs Division for additional review consistent with Item VIII of this directive.

## VII. COMPLETING U VISA CERTIFICATIONS

- A. **Requests for the US Citizenship and Immigration Services (USCIS) U Visa Nonimmigrant Status Certification will be received by the Records Services Section and reviewed by a Records Services Section sworn supervisor designated as a certifying official.**

- B. The designated sworn supervisor of the Records Services Section will review all available Department records after receiving the U Visa Certification request and will make a determination on each of the following:

1. **Identity of the Victim:** Determine whether the victim named in the U visa certification request is a victim of a crime that the Department is investigating or has investigated by completing a search for the corresponding Chicago Police Department case report. If found, the Records Division case report number will be documented in the U Visa Certification.

**NOTE:** If the direct victim is deceased due to murder or manslaughter, or is incompetent or incapacitated, then certain indirect victims may qualify for the U visa. An indirect victim can include the victim's spouse, children under 21, parents (if direct victim is under 21), and siblings (if direct victim is under 21 and sibling is under 18).

2. **Qualifying Crime:** Determine whether the reported crime or similar activity, including attempts, conspiracies, or solicitations to commit such a crime. Include date(s) and location(s) of occurrences and citations for the state or federal statute implicated. **Only briefly describe** the criminal activity being investigated or prosecuted and the involvement of the petitioner. Provide a description of any known documented injury to the victim.

**NOTE:** The Records Services Section will refer to the U Visa Law Enforcement Certification Resource Guide for further guidance on qualifying criminal activity in relation to U Visa certification.

3. **Helpfulness of the Victim:** Determine whether the victim was, is, or is likely to be helpful to the Department's investigation of the qualifying criminal activity. Per USCIS guidelines, helpfulness means the victim was, is, or is likely to be assisting law enforcement in the investigation or prosecution of the qualifying criminal activity. This includes being helpful and providing assistance when reasonably requested. A current open investigation, the filing of charges, a prosecution or conviction are not required for a victim to be considered helpful. Pursuant to the Illinois VOICES Act, 5 ILCS 825/10, there is a rebuttable presumption that the victim has cooperated or been helpful to law enforcement if they have not affirmatively refused or declined to provide information and assistance that was reasonably requested by law enforcement.

4. **Family Members Implicated in Criminal Activity:** Identify and determine whether any of the victim's family members are involved in the criminal activity.

**NOTE:** In many cases, immigrant victims are initially afraid to report domestic violence and other qualifying crimes. Therefore, the Records Services Section will also consider any amended or supplemental reports made during the investigation or certification request while completing the USCIS Form I-918, Supplement B, U Nonimmigrant Status Certification.

- C. The certifying official will complete the certification forms and provide it to the applicant 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 will complete and provide the certification forms 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 will 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 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 will 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 Section 1184(d) only upon written agreement with the person or person's representative.

**NOTE:** Requests for expedited completion of a certification form under this section will be affirmatively raised by the person or that person's representative **in writing** to the certifying agency and will establish that the person is eligible for expedited review.

- D. **COMPLETION OR DENIAL OF CERTIFICATIONS:** If the reviewing certifying official determines the applicant is **the victim of qualifying criminal activity** for certification, they will send the original signed application (**signed in blue ink**), via US mail, to the applicant/requester listed on the U Visa Certification.

**NOTE:** If the reviewing certifying official determines the applicant is **not the victim of qualifying criminal activity**, they will forward the application and their review to the Legal Affairs Division for additional review consistent with Item VIII of this directive.

## VIII. REVIEW OF DENIALS OF U VISA AND T VISA CERTIFICATION

- A. **All denials of U Visa and T Visa certification requests made by the original certifying official will be submitted to and reviewed by the Legal Affairs Division.**
- B. A designated sworn supervisor assigned to the Legal Affairs Division will:
1. conduct a privileged legal review of the non-eligibility status determination by the original certifying official, including all the submitted materials and all available Department records, within 30 business days of the Department receiving the request;



2. if the Illinois VOICES Act requires a response from the Department within 5 business days, conduct a privileged legal review within 3 business days of the Department receiving the request;
  3. if the Illinois VOICES Act requires a response from the Department within 21 business days, conduct a privileged legal review within 10 business days of the Department receiving the request; and
  4. forward the legal review to the original certifying official for consideration.
- C. If, after considering the legal review conducted by the Legal Affairs Division, the certifying official determines that the applicant:
1. **is the victim of qualifying criminal activity**, the completed certification form will be sent to the applicant/requester within the timeline required by the Illinois VOICES Act.
    - a. For U Visas, the certifying official will send the original signed application (**signed in blue ink**), via US mail, to the applicant/requester listed on the U Visa Certification.
    - b. For T Visas, the certifying official will send the original completed T Visa Certification (**signed in blue ink**), via US mail, to the applicant/requester listed on the T Visa Certification.
  2. **is not the victim of qualifying criminal activity**, the applicant/requester will be notified in writing of the continued denial within 90 business days or any expedited timeline required by the Illinois VOICES Act. Pursuant to the Illinois VOICES Act, such notification shall explain why the available evidence does not support a finding that the applicant was a victim of qualifying criminal activity.
    - a. The certifying official will complete Notice of Non-Eligible for U Nonimmigrant Status Certification ([CPD-31.117](#)) and will send the letter via US mail to the applicant/requester listed on the U Visa Certification. The form letter includes boxes to be checked by the certifying official indicating the reason(s) for non-eligibility status, a section for "additional information," and instructions for the victim to request an appeal of the non-eligibility status. The notice must contain a written explanation of why the available evidence does not support a finding that the applicant was a victim of qualifying criminal activity.
    - b. The certifying official will complete Notice of Non-Eligible for T Nonimmigrant Status Certification ([CPD-31.118](#)) and will send via US mail to the applicant/requester listed on the T Visa Certification. The notice includes boxes to be checked by the certifying official indicating the reason(s) for non-eligibility status, a section for "additional information," and instructions for the applicant/requester to appeal the non-eligibility status. The notice must contain a written explanation of why the available evidence does not support a finding that the applicant was a victim of a severe form of trafficking in persons.

## IX. APPEALS OF CERTIFICATION DENIALS

- A. **All appeals of the Department's denials of certifications for U Visas and T Visas will be submitted to and reviewed by the Legal Affairs Division. Pursuant to the VOICES Act, 5 ILCS 825/11, the Department shall accept all appeals and must respond to the appeals within 30 business days.**
- B. A designated sworn supervisor assigned to the Legal Affairs Division will:
  1. conduct a privileged legal review of the appeal of the non-eligibility status determination by the original certifying official, including all the submitted materials and all available Department records, within 20 business days of the Legal Affairs Division receiving the request, and
  2. forward the legal review to the Superintendent or authorized designee for consideration.

- C. If, after considering the legal review conducted by the Legal Affairs Division, the Superintendent or authorized designee determines that the applicant:
1. **is eligible**, the appeal will be forwarded to the Records Services Section and a certifying official will send the certification to the applicant/requester within 10 business days of the Superintendent or authorized designee receiving the appeal, consistent with Item VIII-C-1 of this directive.
  2. **continues to be not eligible**, the appeal will be forwarded to the Records Services Section and a certifying official will notify the applicant/requester of the continued non-eligibility for certification, within 10 business days of the Superintendent or authorized designee receiving the appeal, consistent with Item VIII-C-2 of this directive.

**X. REISSUING CERTIFICATION FORMS**

**A. U VISAS**

A certifying official will reissue a U Visa Certification form within 90 business days of receiving a request to reissue from a victim, a victim's representative, or USCIS. 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 will complete and issue the form no later than 21 business days after the request is received by the certifying official. Requests for expedited recertification will be affirmatively raised by the victim or victim's representative in writing and will 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.

**B. T VISAS**

A certifying official will reissue a T Visa Certification within 90 business days of receiving a request to reissue from a victim, a victim's representative, or USCIS. If the applicant/requester seeking recertification has a deadline to respond to a request for evidence from USCIS, the certifying official will complete and issue the T Visa Certification no later than 21 business days after the request is received by the certifying official. Requests for expedited recertification will be affirmatively raised by the applicant/requester in writing and will establish that the applicant is eligible for expedited review. A certifying official may extend the deadline by which he or she will complete and reissue the T Visa Certification only upon written agreement with the applicant/requester.

**NOTE:** Additional evidence or records are not required to be submitted by an applicant seeking a reissuance of the certification.

Authenticated by MWK

Larry Snelling  
Superintendent of Police

T23-092 EW