

STATE OF NEW YORK

10404

IN ASSEMBLY

March 3, 2026

Introduced by M. of A. CRUZ -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to enacting the voices of immigrant communities empowering survivors (VOICES) act which provides certification to certain immigrant victims of qualifying criminal activity; and to repeal section 483-dd of the social services law relating to law enforcement assistance with respect to immigration

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. This act shall be known and may be cited as the "Voices of
2 Immigrant Communities Empowering Survivors (VOICES) Act".

3 § 2. The executive law is amended by adding a new section 642-b to
4 read as follows:

5 § 642-b. Immigrant victim; certification. 1. For the purposes of this
6 section, the term:

7 (a) "Certification form" means a law enforcement certification or
8 declaration as established by federal immigration law certifying that a
9 person is a victim of qualifying criminal activity or human trafficking
10 including, but not limited to, the information required by Section
11 1184(p) of Title 8 of the United States Code, including current United
12 States Citizenship and Immigration Services Form I-918, Supplement B, or
13 any successor form for purposes of obtaining U nonimmigrant status or by
14 Section 1184(o) of Title 8 of the United States Code, including current
15 United States Citizenship and Immigration Services Form I-914, Supple-
16 ment B, or any successor form for purposes of obtaining T nonimmigrant
17 status.

18 (b) "Certifying entity" means:

19 (i) A state or local law enforcement agency;

20 (ii) A prosecutor's or district attorney's office;

21 (iii) The office of court administration, where the certifying offi-
22 cial is a judge;

23 (iv) The police department of a state university of New York or a city
24 university of New York; or

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 (v) Any other entity or authority that has responsibility for the
2 detection or, investigation or prosecution of a qualifying crime or
3 criminal activity; and

4 (vi) Entities that have criminal detection or investigative jurisdic-
5 tion in their respective areas of expertise, including, but not limited
6 to, child protective services, the division of human rights, and the
7 department of labor.

8 (c) "Certifying official" means:

9 (i) The head of a certifying entity;

10 (ii) A person in a supervisory role who has been designated by the
11 head of a certifying entity to issue certifications under this section
12 on behalf of such entity;

13 (iii) A judge; or

14 (iv) Any other certifying official defined under Section 214.14 (a)(3)
15 of Title 8 of the Code of Federal Regulations.

16 (d) "Human Trafficking" has the same meaning as "severe forms of traf-
17 ficking in persons" pursuant to Section 7102 of Title 22 of the United
18 States Code and shall include, but not be limited to:

19 (i) Sex trafficking in which a commercial sex act is induced by force,
20 fraud, or coercion, or in which a person induced to perform such act has
21 not attained eighteen years of age;

22 (ii) The recruitment, harboring, transportation, provision, or obtain-
23 ing of a person for labor or services, through the use of force, fraud,
24 or coercion for the purpose of subjection to involuntary servitude,
25 peonage, debt bondage, or slavery; and

26 (iii) Criminal offenses for which the nature and elements of the
27 offenses are substantially similar to the criminal activity described in
28 subparagraph (i) or (ii) of this paragraph, and the attempt, conspiracy,
29 or solicitation to commit any such offenses.

30 (e) "Petitioner" means a person requesting certification under this
31 section such as a victim or a victim's representative, including but not
32 limited to the victim's licensed attorney or representative fully
33 accredited by the United States department of justice, a family member,
34 or crime victim advocate.

35 (f) "Representative fully accredited by the United States department
36 of justice" is a person who is approved by the United States department
37 of justice to represent individuals before the board of immigration
38 appeals, the immigration courts, or the department of homeland security.
39 The representative shall be a person who works for a specific nonprofit,
40 religious, charitable, social service, or similar organization that has
41 been recognized by the United States department of justice to represent
42 those individuals and whose accreditation is in good standing.

43 (g) (i) "Qualifying criminal activity" has the meaning given to that
44 term in 8 C.F.R. 214.14 and shall include, but is not limited to, the
45 following crimes: rape; torture; trafficking; incest; domestic
46 violence; sexual assault; abusive sexual contact; prostitution; sexual
47 exploitation; female genital mutilation; being held hostage; peonage;
48 involuntary servitude; slave trade; kidnapping; abduction; unlawful
49 criminal restraint; false imprisonment; blackmail; extortion;
50 manslaughter; murder; felonious assault; witness tampering; obstruction
51 of justice; perjury; any similar activity; or attempt, conspiracy, or
52 solicitation to commit any such crimes.

53 (ii) The term "any similar activity" refers to criminal offenses in
54 which the nature and elements of the offenses are substantially similar
55 to the statutorily enumerated list of criminal activities.

1 2. (a) Upon the request of a victim or a petitioner, a certifying
2 official shall, in writing, certify that a victim has been helpful on a
3 certification form designated by the United States Citizenship and Immi-
4 gration Services if:

5 (i) the victim is a victim of qualifying criminal activity or human
6 trafficking; and

7 (ii) the victim has been helpful, is being helpful or is likely to be
8 helpful to the detection or investigation or prosecution of the qualify-
9 ing criminal activity or human trafficking. For purposes of determining
10 victim helpfulness, there is a rebuttable presumption that a victim is
11 helpful, has been helpful or is likely to be helpful to the detection,
12 investigation or prosecution of a qualifying criminal activity or human
13 trafficking if the victim has not refused to provide information and
14 assistance reasonably requested by law enforcement officials. A current
15 or ongoing investigation, a prosecution or a conviction is not required
16 for a certification under this section.

17 (b) A certifying official processing a certification under this
18 section shall:

19 (i) fully complete and sign the certification form;

20 (ii) include in the form specific details about the nature of the
21 qualifying criminal activity detected or investigated or prosecuted and
22 a detailed description of the victim's helpfulness or likely helpful-
23 ness; and

24 (iii) complete the certification form and provide it to the petitioner
25 within thirty days of receiving the request, except:

26 (A) if the petitioner making the request for completion of the certifi-
27 cation form is in federal immigration removal proceedings or detained,
28 the certifying official shall complete and provide the certification
29 form to the petitioner no later than seven days after the request is
30 received by the certifying official or entity; and

31 (B) if the children, parents, or siblings of the victim would become
32 ineligible for benefits under Sections 1184(p) and 1184(o) of Title 8 of
33 the United States Code by virtue of age, the certifying official shall
34 complete and provide the certification form to the petitioner no later
35 than seven days after the request is received by the certifying official
36 or entity.

37 3. (a) If a certifying official or entity denies certification under
38 this section, the official or entity shall, in writing, notify the peti-
39 tioner of the reason for the denial. The denial notification shall
40 include, but not be limited to:

41 (i) The date of the denial; and

42 (ii) The reason for the denial consisting of at least one of the
43 following:

44 (A) Lack of qualifying criminal activity or human trafficking;

45 (B) Refusal to provide information or assistance reasonably requested
46 by the certifying entity;

47 (C) Lack of jurisdiction over the certification request; or

48 (D) Other circumstances for which a certifying official or entity may
49 lawfully deny certification.

50 (b) After receiving a denial letter, the petitioner may submit addi-
51 tional evidence to the certifying official or entity. If the petitioner
52 submits additional evidence, the certifying official or entity shall
53 reconsider the denial not more than seven days after the date the certi-
54 fying official or entity receives such additional evidence.

55 (c) A petitioner may submit a new request for certification, after a
56 previous request is denied, from the same or a different certifying

1 entity for processing, so long as the certifying entity was involved in
2 the detection or investigation or prosecution of the qualifying criminal
3 activity or human trafficking.

4 (d) A certifying official is immune from civil and criminal liability
5 for, in good faith, certifying or denying certification.

6 4. (a) Certifying entities and certifying officials are prohibited
7 from disclosing the immigration status of a victim or other petitioner
8 unless such disclosure is:

9 (i) required by federal law or legal process; or

10 (ii) authorized by the victim or other petitioner.

11 (b) Documents submitted with a request for certification under this
12 section and any written response to a certification request from a
13 certifying official or entity are confidential and shall not be
14 disclosed unless the disclosure is:

15 (i) required by state or federal law or legal process;

16 (ii) constitutionally required; or

17 (iii) authorized by the victim.

18 (c) A petitioner submitting United States Citizenship and Immigration
19 Services Form I-918, Supplement B or United States Citizenship and Immi-
20 gration Services Form I-914, Supplement B does not have to be present in
21 the United States at the time of filing. The certifying official or
22 entity shall forward the completed certification form to the petitioner
23 without requiring the petitioner to provide government-issued identi-
24 fication.

25 (d) A certifying entity's inability to communicate with a victim due
26 to the victim's language shall not be considered a refusal or failure to
27 provide assistance.

28 5. (a) Each year, each certifying entity shall file a report to the
29 attorney general regarding certification requests received by the entity
30 during the previous calendar year. Such report shall include, but not be
31 limited to:

32 (i) The total number of certification requests received, requests
33 granted and requests denied, and the number of pending certifications
34 for such year; and

35 (ii) For denied certification requests, the number of times each of
36 the following were the reason for the denial:

37 (A) Lack of qualifying criminal activity or human trafficking;

38 (B) Refusal to provide information or assistance reasonably requested
39 by the certifying entity;

40 (C) Lack of jurisdiction over certification request; or

41 (D) Other circumstances for which a certifying official or entity may
42 lawfully deny certification.

43 (b) A certifying entity that did not receive any certification
44 requests during the previous calendar year shall report that the certi-
45 fying entity received zero requests.

46 (c) A report made under this subdivision shall not contain any
47 personally identifying information.

48 (d) Within ninety days of receiving reports from certifying entities,
49 the attorney general shall prepare a comprehensive report on the certif-
50 ication process and submit the comprehensive report to the speaker of
51 the assembly, the temporary president of the senate, and the governor.
52 The attorney general shall make publicly available the comprehensive
53 report. The comprehensive report shall identify any certifying entity
54 that did not submit a report.

1 6. (a) A certifying entity or official may certify a Form I-918,
2 Supplement B, or a Form I-914, Supplement B certification for direct
3 victims, indirect victims, and bystander or witness victims.

4 (b) A direct victim is any person who has suffered direct harm or who
5 is directly and proximately harmed as a result of the criminal activity.

6 (c) An indirect victim is a qualifying family member of a direct
7 victim if the direct victim is incompetent, incapacitated, or deceased,
8 including spouses, unmarried children under the age of twenty-one,
9 parents if the direct victim was under the age of twenty-one, and
10 siblings under the age of eighteen if the direct victim was under twen-
11 ty-one years of age. Indirect victims shall cooperate in the investi-
12 gation or prosecution but are not required to possess information about
13 the crime itself. Indirect victim cooperation shall include parents who
14 make their children available to communicate with the certifying entity.

15 (d) A bystander or witness victim is any individual who was not the
16 direct target of a crime, but who nevertheless suffered unusually direct
17 injury as a result of the qualifying crime.

18 7. This section shall not reduce the rights or privileges of any immi-
19 grant victim under any other section of law.

20 § 3. Section 483-dd of the social services law is REPEALED.

21 § 4. This act shall take effect on the thirtieth day after it shall
22 have become a law. Effective immediately, the addition, amendment and/or
23 repeal of any rule or regulation necessary for the implementation of
24 this act on its effective date are authorized to be made and completed
25 on or before such effective date.