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:

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

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

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

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

(b) "Certifying entity" means:

(i) A state or local law enforcement agency;

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

(iii) The office of court administration, where the certifying official is a judge;

(iv) The police department of a state university of New York or a city 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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(v) Any other entity or authority that has responsibility for the detection or, investigation or prosecution of a qualifying crime or criminal activity; and

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

(c) "Certifying official" means:

(i) The head of a certifying entity;

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

(iii) A judge; or

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

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

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

(ii) 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; and

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

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

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

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

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

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

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

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

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

(i) fully complete and sign the certification form;

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

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

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

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

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

(i) The date of the denial; and

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

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

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

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

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

(b) After receiving a denial letter, the petitioner may submit additional evidence to the certifying official or entity. If the petitioner submits additional evidence, the certifying official or entity shall reconsider the denial not more than seven days after the date the certifying official or entity receives such additional evidence.

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

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

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

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

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

(ii) authorized by the victim or other petitioner.

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

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

(ii) constitutionally required; or

(iii) authorized by the victim.

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

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

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

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

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

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

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

(C) Lack of jurisdiction over certification request; or

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

(b) A certifying entity that did not receive any certification requests during the previous calendar year shall report that the certifying entity received zero requests.

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

(d) Within ninety days of receiving reports from certifying entities, the attorney general shall prepare a comprehensive report on the certification process and submit the comprehensive report to the speaker of the assembly, the temporary president of the senate, and the governor. The attorney general shall make publicly available the comprehensive report. The comprehensive report shall identify any certifying entity that did not submit a report.

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

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

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

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

7. This section shall not reduce the rights or privileges of any immigrant victim under any other section of law.

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

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