
Re: U- and T-visa certifications [* External Email ***] [*** External Email ***] [*** External Email ***]**

From McClure, James <James.McClure@gwinnettcountry.com>

Date Tue 3/3/2026 1:23 PM

To Lim, Marvin <Marvin.Lim@house.ga.gov>

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Representative Lim - Good afternoon. I appreciate you taking the time to reach out regarding the U and T certification program. I'm not sure if you were aware, but the Gwinnett County Police Department has long participated in this program. The state of Illinois may have different requirements or stipulations in their program, but again, GCPD continues to participate.

Please see additional notes listed below. If you have any additional questions, please let me know.

Respectfully,



J.D. McClure | Chief

Gwinnett County Police Department

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From: Lim, Marvin <Marvin.Lim@house.ga.gov>

Sent: Tuesday, January 13, 2026 11:00 AM

To: McClure, James <James.McClure@gwinnettcountry.com>

Subject: U- and T-visa certifications

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Dear Chief McClure:

Would GCPD consider adopting policies similar to what Illinois mandated, regarding completion of U-visa and T-visa certification forms? I've copied this guidance from the Illinois AG, but have also attached it (pp. 10-12)

Law enforcement officials must complete U-visa and T-visa certification forms.

In order to encourage immigrant victims of crimes to come forward and work with law enforcement, federal law permits survivors of certain crimes to apply for U-visa or T-visa nonimmigrant status based on their willingness to assist law enforcement in investigating or prosecuting the crime. Survivors of qualifying crimes, such as domestic violence and sexual assault, may apply for U-visas; survivors of severe human trafficking may apply for T-visas.

A key component of the U-visa and T-visa application process is the law enforcement certification form, by which a certifying agency confirms the survivor's helpfulness or willingness to assist in the investigation or prosecution of the qualifying crime. Though these visas are created by federal law, they require forms certified by state and local law enforcement agencies responsible for detecting, investigating, and prosecuting qualifying criminal activity.

The VOICES Act, 5 ILCS 825/1 *et seq.*, sets forth requirements for certifying agencies that receive requests to complete U-visa or T-visa certification forms. As amended by the Way Forward Act, the VOICES Act requires each agency to:

- Designate a supervisory official or officials as the agency's certifying official(s) who must respond to requests for certification; **YES**
- Make publicly available information regarding the agency's procedures for certification requests; ***We provide information at our precincts and Headquarters lobby regarding certification requests. I also found a link on the Solicitor General page <https://gwinnettsj.com/victim-services/>***
- Arrange regular trainings for its certifying official(s); ***This is not a requirement by law that I can find. Again, we participate in the program voluntarily. We currently have (1) program lead/designee and (1) backup commander. Both are well versed in the laws regarding the use of this program.***
- ***Proactively, we have taken advantage of certification training offered by the federal government.***
- Not disclose the immigration status of a victim or person requesting a certification form, except to comply with federal or state law, legal process, or when authorized by the victim or requester; and
- Follow certain timeframes and procedures to complete certification forms submitted by victims of qualifying criminal activity. ***Yes; We do not disclose information, and we complete the process within the allowed timeframe. By policy within 30 days.***

Unlike federal law, which allows state and local agencies discretion in determining whether to complete these certification forms, the VOICES Act mandates that certifying agencies in Illinois complete certification forms if certain requirements are met.

Agencies that receive a certification request from a victim of qualifying criminal activity must:

- Within 90 business days of receiving the request, complete the certification form and provide it to the requester;

- Apply a rebuttable presumption⁵⁸ that the victim is, has been, or is likely to be helpful to the detection, investigation, or prosecution of the qualifying criminal activity; and
- Fully complete and sign the certification form and include details about the nature of the crime and a detailed description of the victim's helpfulness or likely helpfulness. If requested to recertify or reissue a certification form, the certifying official must provide the reissued certification within 90 business days of that request.

The 90-day deadlines are expedited to 21 business days in three circumstances. First, the expedited deadline applies if the requester is in federal immigration removal proceedings or detained. Second, the expedited deadline applies if the children, parents, or siblings of the requester would reach an age within the 90-business-day period that would make them ineligible for certain benefits under federal law. If they would reach that age within the 21-business-day period, then the certifying official has just 5 business days to complete and provide the certification form to the requester. And third, the expedited deadline applies if the person seeking recertification has a deadline to respond to a request for evidence from United States Citizenship and Immigration Services (USCIS). The 90-day statutory deadlines can be extended only upon written agreement with the requester or requester's representative.

A certifying agency may properly deny a U- or T-visa certification request only if it determines that the crime at issue does not constitute "qualifying criminal activity" as defined by the VOICES Act, that the requester was not a "victim" of such activity, or that the qualifying criminal activity was not "detected, investigated, or prosecuted" by the agency for another reason (for example, if the crime occurred outside the agency's jurisdiction *and* was not reported to or otherwise detected or investigated by the agency). On the other hand, a victim's failure to meet the other federal requirements for a U- or T-visa—to include the general requirement that the victim be helpful to law enforcement in the investigation or prosecution of the qualifying crime—is not a valid ground for denying a certification request.

If a certifying official denies a certification request, then the official must provide written notice of the denial to the requester explaining why the available evidence does not support a finding that the person is a victim of qualifying criminal activity, and provide contact information should the requester desire to appeal the decision. If a requester appeals, the certifying agency or official must respond to the appeal within 30 business days. The requester is also entitled to file a mandamus action or seek other equitable relief against the certifying agency in a circuit court without exhausting administrative appeals.

To ensure compliance with the VOICES Act, law enforcement agencies must report annually to the Illinois Attorney General's Office on every request for completion of a certification form. This report must include the date that each request was received, and the date on which the law enforcement agency responded (either with a completed certification form or a written notice explaining the denial).

-Rep. Lim