

**BARRIERS TO THE SAFETY OF  
U-VISA PROTECTION:  
IMMIGRANT CRIME VICTIMS AT RISK**

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## **CALIFORNIA: Domestic Violence Victim**

Jin<sup>1</sup> is from Japan and came to the U.S. in 2001. She lived with her boyfriend Max, a truck driver, traveling around the country and living out of the truck. Jin did not like their living situation and they agreed to get an apartment in Austin, TX. Max got a job with an Austin trucking company and worked long hours.

In the six months they lived together, Max regularly abused Jin, preventing her from leaving the house, pushing her, grabbing her, hitting her, kicking her, raping her and threatening to kill her. Shortly after they moved in together, Max wanted to borrow money from Jin. When she refused to lend him the money, he kicked her in the stomach and took it from her wallet anyway. A month later, he held a knife to her breast and told her that if she went back to Japan, he would kill himself and frame her for the murder. In October, Max accused Jin of poisoning him after she made him dinner and beat her repeatedly in the head.

In December, when Jin asked Max for a ride to the grocery store, he grabbed her and pushed her to the floor, pulling her hair and hitting her repeatedly in the shoulders and head. A few days later, he again pushed her to the floor and beat her severely, sitting on her while he struck her body and punched her in the jaw. Max beat Jin several more times in December, and also dragged her across the floor and tried to smother her.

In January, when Jin refused to have sex, Max went crazy. He threw food and dishes on the floor, pulled all the drawers out and threw them on the floor. He threw Jin to the ground and beat her repeatedly, straddling her back and twisting her head. He caused multiple bruises on her arms and shoulder. He also pressed a point behind her ear, causing her pain. A few days later, the police appeared at the apartment Max and Jin shared. They had heard from a Japanese woman in the community that Jin was being beaten and held against her will. The police came to the apartment to check on Jin's welfare. They knocked on the door several times, and when they received no answer, they started drilling the lock to enter the apartment. At that point, Max opened the door from the inside. The officers saw Jin's bruises and through an interpreter, listened to her describe the abuse she had been suffering. A protection order and an arrest warrant for Max were issued.

Jin is currently homeless. Because she is undocumented, she cannot obtain transitional housing that would help her get back on her feet after Max's abuse of her. Jin has requested deferred action until her U visa application can be adjudicated. The Special Agent in the Investigations Department assigned to her case in the San Francisco District Office has not granted Jin deferred action. He has indicated that he would be more inclined to grant interim relief in U visa cases if the crime was a felony or if an investigation is currently pending. Max's whereabouts are currently unknown, but the state of Texas would be unable to prosecute Max without Jin's testimony. Jin already has certification from the Travis County, Texas District Attorney of her willingness to participate in the investigation, and the prosecution, if the prosecutor decides now or in the future to bring one, but the agent on the case has indicated he may require re-certification that the case is being actively investigated. If this agent, without expertise in criminal cases, limits the issuance of interim relief to cases he believes are being

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<sup>1</sup> All names and identifying information have been changed to protect the identities of those involved in these cases.

properly investigated or prosecuted, many victims will be deterred from assisting in criminal cases, a result contrary to Congressional intent in creating the U visa.

### **ILLINOIS: Domestic Violence Victim**

Mi-Jung and her husband Young have been married for 12 years and came to the U.S. from Korea. Young has been abusive to Mi-Jung and her two children for years. Several times he has hit her in the face and broken her glasses; she has received many bruises at his hands. She planned to divorce him many times, but he always begged her to stay.

One night, Young demanded his eleven year old daughter make him some food. When he became verbally abusive towards her, Mi-Jung told him to make his own food. Young became very angry and Mi-Jung and her daughter, afraid of his anger, sat on the bed holding hands. Young grabbed Mi-Jung by the shoulders and threw her off the bed. She hit the tile floor and was unable to move.

Mi-Jung's daughter fled, panicked and crying, to the neighbor's apartment downstairs, who had heard the loud thud when Mi-Jung hit the floor. The neighbors went upstairs to investigate and later called the police. When the police arrived, Mi-Jung was still lying on the floor, unable to move, and both she and her daughter were crying. Young was arrested and Mi-Jung was taken to the hospital, after arranging to have the children taken care of by a friend.

Young pled guilty to domestic battery and Mi-Jung has certification from the University of Illinois Police Department that she was helpful in the investigation and prosecution. Mi-Jung's attorney used the I-539 Change of Status form to apply for the U visa, since no specific U visa form exists. Her application was submitted to the Nebraska Service Center, which returned it, saying they could not process it there. Her attorney resubmitted the application to the Chicago office, but has received no response.

### **IOWA: Sexual Abuse Victim**

Sara came to the U.S. with the hopes of getting to know her father, who she had not seen in thirteen years; she had only heard about him through the stories her family told her. She arrived in Iowa to live with her father and his pregnant wife.

Shortly after her arrival, Sara's father began assaulting her. He tried to touch her legs and when she told him to stop, he beat her. On one occasion, her father tried to force her to touch his penis and his body. He also indicated that he wanted to have sex with her. Sara knocked him down and tried to get out of the room. She picked up her six month old baby sister and would not put her down until her stepmother arrived home. In order to remain safe from harm, Sara lied, telling her father she was "bad" then, but would do what he wanted the next day.

Later, her father overheard Sara telling a friend that she had had sex with her boyfriend. Upon hearing this conversation, Sara's father beat her and called her a whore, saying that she

gave her boyfriend what she would not give him. The next day, Sara arrived at school covered in bruises. Her teacher called the police and her father was arrested. Sara's father was charged with assault with intent to commit sexual abuse and pled guilty to assault causing injury.

Sara fully collaborated with the investigations of the local police officers, the prosecution, and the Department of Human Services. She is currently living in foster care, waiting for a response on her interim relief application.

## **IOWA: Domestic Violence Victim**

Betty constantly suffered from verbal, physical, and sexual assaults from her husband, James. James drank regularly and beat her in front of people. After countless other girlfriends, beatings, sexual assaults, and verbal abuse, Betty decided to leave him and moved in with her friend.

However, James continued to harass her, stopping by her friend's apartment and only leaving when her friend threatened to call the police. One morning, James forced his way into the house while she and her friend's family were sleeping in the bedroom. The young son of her friend woke up because he smelled smoke. James had dumped gasoline on the bedroom door and lit it on fire. They were all trapped in the bedroom between the fire and a double-paned window. After throwing a stereo through the window, they were able to escape by jumping out the window. During this catastrophe, Betty's friend injured her back severely and had to return to her family's home in order to be taken care of. James came to check on Betty at the hospital. He told a friend that he wished that they had all died in the fire.

Betty fully collaborated with the police officers and prosecutors in their investigations and their case against James. He pled guilty to arson in the first degree and was sentenced to 25 years in prison. Betty has requested interim relief until the U visa regulations are released and her application can be adjudicated. She has also requested employment authorization to support herself or her children.

Betty's attorney had four other clients who have received deferred action from the regional office. These clients were victims of severe sexual assault and sexual harassment at an egg packing plant. Like Betty, they all cooperated with federal and local investigators in the investigation of the supervisors at the egg packing plant, although those supervisors have not been prosecuted and are still at large. The egg packing plant victims still suffer from severe trauma and fear, but they are receiving counseling and are recovering from the assaults. They are able to work legally and are no longer hesitant to talk to the police because they have experienced firsthand how the system supported and assisted them. Unfortunately, it appears that the regional office has stopped granting deferred action to crime victims. Betty calls every week to inquire about her request for interim relief, but her attorney has no news for her.

## **IOWA: Domestic Violence Victim**

Ahn's husband, Xao, has abused her in China, Singapore and the U.S. The relentless abuse ranged from controlling her thoughts and what she could eat and read to being tied to a bed frame with a wire hanger for hours while being beaten, spit on, kicked, stomped, and left wrapped in blankets to suffocate.

She has been humiliated in public and in private, held captive in her own home, starved and watched by her abuser, and forced to study his materials with him, rather than concentrating on her own. Ahn was not allowed to speak to classmates, friends, or family and had to spend 24 hours per day, seven days a week with Xao. The only time she was not under his surveillance was when he went to class, since it would be considered strange in the U.S. for a wife to attend her husband's classes with him.

Ahn was isolated from her family, who she was only allowed to call for five minutes, once a month. Xao forced her to give him the passwords for her email accounts; he read and deleted her messages before she could even read them. Xao e-mailed her brothers, pretending to be her and telling them she did not want to hear from them. He also said insulting things to her parents, while forcing her to call his parents and say nice things to them. Since he controlled the finances, she was forced to give money to his family and give none to her own; Xao also forced her to borrow large amounts of money from her brother in the U.S., which he then gave to his parents.

Xao was charged with serious domestic assault and pled guilty. Ahn collaborated with the prosecution and was ready to testify at trial against him. Her F-2 student visa status recently expired because Xao would not renew her immigration status. She has no work authorization and is living at a shelter for victims of domestic abuse. Ahn is represented by the same attorney whose clients at an egg packing plant received deferred action due to their participation in the investigation of severe sexual assaults and sexual harassment at the plant. Unfortunately, the regional office appears to have stopped granting interim relief to crime victims - Ahn has not received a response to her request for deferred action.

## **IOWA: Domestic Violence Victim**

Abuya, a native of Kenya, has suffered severe emotional and physical abuse at the hands of her husband. She came to the U.S. in 1990 with her husband who was then a Ph.D. student at a local university. Abuya's third child was born in the U.S.

As a little girl, Abuya wanted nothing more than an education. She moved away from her parents' village to complete high school, attending whenever she could afford the tuition. She won a full governmental scholarship to a teacher's training college, which is when she met her future husband, Chege. She graduated with honors and taught for a few years before marrying Chege. She supported the family with her teaching position so that Chege could return to school for a master's degree in economics.

Soon after they married, Chege started emotionally and physically abusing Abuya. He constantly called her stupid and was very controlling. Abuya was not allowed to have friends and Chege watched every move she made. She was expected to come home straight from work and Chege arrived shortly afterward, demanding dinner and tea to be ready on the table when he came home. He regularly slapped and pushed her around. When she told his relatives about the abuse, they said that a little slap does no harm to a person and is sometimes necessary to remind a woman to do what she is expected to do.

Abuya thought things would get better when they moved to the U.S., but they became even worse. Chege prohibited Abuya from leaving the house, unless she was taking the children out to play. She was not allowed to talk or meet with anyone. She found a job, but never saw a penny of the money she earned, since Chege took it all. His controlling behavior was so excessive that he did not allow her to use deodorant, accusing her of trying to smell nice to attract another man and Abuya was asked to leave work one day because of her odor. Abuya kept up her education goals, however, graduated from community college with honors and went on to earn a bachelor's degree, a master's degree and started working on a Ph.D. in education.

Chege continued abusing Abuya, and the children as well. He intimidated the children by screaming at them and punished them by hitting them with his hands and belt. He did not want any more children, but he refused to let Abuya use birth control, and when she became pregnant, he wanted her to have an abortion. When she refused, he increased his abuse. When she was seven months pregnant, he punched and kicked her in the abdomen. He pulled her hair out and dragged her. Abuya felt sharp pains throughout her body and received bruises around her torso, stomach and head, as well as scratches on her hands and arms. She decided enough was enough. She called the police and for the first time in her life, someone came to help her. Abuya provided a statement to the police and Chege was arrested. Because of Abuya's statements to the police and prosecutor, Chege pled guilty to charges of domestic abuse and went to jail. She has certification of her participation in the investigation and prosecution from the Assistant Johnson County Attorney.

After the arrest, the local Kenyan community began demanding that Abuya agree to revoke the restraining order against Chege and allow him to return to the house. After enormous pressure, threats and concern for her children, Abuya agreed to allow Chege to come home. After moving back in, Chege threatened to take the children away and have Abuya deported back to Kenya if she called the police again. Abuya tried to change her visa status to a status that was not dependent on Chege's J1 visa, but was unable to do so. In 1999, Chege's visa, and consequently Abuya's as well, was revoked because he failed to fulfill the requirements of his program. Abuya is no longer able to continue her studies and has lost her employment, which was the only means of support for her and her children.

Chege has not again beaten Abuya as he did when she was pregnant – he appears to have concern about his own risk for deportation. However, he continues to physically intimidate Abuya by grabbing her and pushing her and he continues to emotionally abuse her. Chege works and occasionally contributes money towards rent, but refuses to otherwise share his income with the family. He continues to threaten to have Abuya deported and to take the children away from her if she tried to divorce him. If the family is deported, Chege's abusive behavior will escalate

in a culture that promotes a husband's control over his wife. Abuya is trapped in this relationship unless she can obtain her own legal immigration status.

Abuya has requested deferred action and employment authorization until her U visa application can be decided, so that she can continue to study and work and support her family. The District Director at the Omaha District Office denied Abuya's request for interim relief without giving any reasons.

### **IOWA: Sexual Assault Victim**

Keiko, a Japanese student at a college in Iowa was a straight 'A' student who was one course away from completing an Associate's degree. In November of 2001, she was sexually assaulted on campus by two strange men in November 2000. In Japan, sexual assaults are not disclosed to anyone because they bring shame to the victim's family, so Keiko could not speak of the assault to anyone for almost six months.

After the assault, Keiko was severely traumatized and numbed by fear, depression and helplessness. She was unable to attend class and had to drop out of school. She cannot walk the same route for fear of being targeted for another sexual assault. She remains afraid of men and finds it difficult to converse with men in a social manner.

Finally, despite her feelings of shame and fear, and her limited command of English, Keiko got help from a rape crisis center and was eventually able to report the assault to the police. She is recovering slowly, thanks to the support and counseling she is receiving at the crisis center, and she was recently able to enroll as a full-time student at a different university.

Because she had to leave school, her student visa was terminated and she was detained by the INS pending removal. She filed for deferred action pursuant to her U visa application. The District Counsel at the Omaha District Office refused to give her deferred action unless there was "a good chance of a conviction with her help." The District Counsel's decision was based on the fact that Keiko was approached from behind and did not see the faces of her attackers; he believes that there may not be enough evidence to support a conviction. This approach is erroneous for two reasons. First, rape prosecutions in this day and age can and do go forward under such circumstances. This can happen for a variety of reasons. The case may be made on DNA evidence or her rape was part of a series of rapes by the same attackers. In either instance, prosecutors need victims like Keiko to come forward and report their rape, be willing to submit to DNA evidence collection and to cooperate in other ways that can ultimately, although not immediately, lead to a prosecution. Second, it was for this very reason that U visas were designed for victims that help in both investigations and prosecutions. If the issuance of U visas is limited to cases that INS believes prosecutors can win, without expertise in criminal cases, many victims will be deterred from helping in criminal cases, a result totally contrary to Congressional intent in creating the U visa. U visas are intended to encourage immigrant victims to come forward and report crimes and provide victims with stable immigration status so they can participate in criminal investigations and prosecutions.

Keiko does have certification from the Ottumwa Police Department of her willingness to participate in the investigation, and the prosecution if the prosecutor decides now or in the future to bring one. Although Keiko's attorney took her case to the District Director, who asked her to drop the U visa application in exchange for a reinstatement of her student visa, immigrant victims should not be required to make such choices. Other victims in similar situations may have only had the U visa as an option. Since Keiko had a Master Hearing for her removal coming up, she agreed to the deal and her removal proceedings were closed.

### **MARYLAND: Domestic Violence and Child Sexual Assault Victims**

Consuela and her daughter Corazon are from Mexico. Consuela's husband, Julio, beat her constantly during the first five years of their marriage. The violence continued after Consuela and Julio moved to the U.S. They have a son who was born in the U.S.; after his birth, Julio regularly threatened to cut Consuela into pieces if she tried to leave him with their son.

Julio is Corazon's stepfather. He started molesting Corazon when she was seven years old, touching her vagina with his hands and fingers, and kissing her chest. Corazon tried to tell him to stop, but he would not listen to her and she was too afraid of him to tell her mother. Word of the sexual abuse reached a family services agency and a therapist there contacted the police. Consuela and her children left the home they shared with Julio and obtained a protection order against him.

Julio was arrested and eventually pled guilty to assault against Consuela and sexual abuse of Corazon. Consuela and Corazon both have certification from the Assistant State's Attorney for Baltimore City, stating that they have participated in the investigation and prosecution of Julio.

Consuela and Corazon have requested deferred action pursuant to their U visa applications. Julio has been deported because of his convictions, and if Consuela and Corazon are deported, they are afraid he will find them and seek revenge for getting him arrested and deported. Consuela has also requested employment authorization so that she can support her children, one of whom is a U.S. citizen. The children's fathers do not provide any support and Consuela is the sole provider for the children.

The Baltimore office has refused to grant deferred action to Consuela and Corazon. The office has stated that it cannot grant interim relief until headquarters has provided procedures in dealing with the U visa. Consuela and Corazon's attorney has submitted the August 2001 memorandum from Michael Cronin regarding interim relief for U visa cases, but the Baltimore office continues to refuse to grant interim relief.

### **MARYLAND: Domestic Violence Victim**

Malika and her husband are from the same African country. Her husband, Kame, is a diplomat whom she met while she was in school in London. They fell in love and Kame traveled



to her parents' home to ask them for her hand in marriage. Malika's father was hesitant, fearing that Malika's studies would suffer, but Malika convinced him that Kame had agreed to sponsor her education. They married in their home country and returned to London to live.

Malika became pregnant in 1991 and her mother came to stay with her until the baby was born. While her mother was visiting, Kame started losing his temper over simple disagreements. He would insult Malika in front of her mother, and insult her mother as well. In December of that year, the couple's three-month-old daughter became seriously ill. Malika told Kame they had to take her to the hospital, but Kame refused, saying he was too tired and Malika should take a cab.

Kame agreed to take Malika the next day to the pharmacy to fill a prescription for the baby. Kame left her and the baby in the car with the heat off, despite near-freezing temperatures, while he went into the pharmacy to fill the prescription. He took so long Malika got out of the car to seek what was taking so long and saw Kame talking with another woman. Malika beckoned to him and Kame approached very angrily and started to verbally abuse her. He threatened to throw her out of the car and actually forced her out while they were arguing. She resisted and Kame started driving with Malika half in and half out of the car. He dragged her a good distance until people in the car behind them started honking and calling out for him to stop. The police and an ambulance were called and Kame started speaking to Malika in their language, persuading her not to speak to the police. Malika was taken to the hospital with very deep cuts on her knees, legs and arms, where she needed surgery on her knees. When she returned home, Kame was very remorseful and asked for forgiveness.

Malika and Kame traveled a good bit in 1992 and were posted back to their home country in 1993. Their second child was born in 1994. Through this time, Kame continued abusing Malika – beating her, isolating her from family and friends, and keeping her financially dependent on him. He even moved her to his parents' home in a remote village where she was so mistreated she had to run away to her own parents' home.

In 1997, Malika became pregnant with their third child. One night, Kame told her he was going to an official function and Malika noticed that the car that came to pick him up had a female passenger in it. When Malika asked him who the woman was, Kame kicked her in the stomach. She started bleeding and begged a neighbor to take her to the hospital because she was afraid she would lose the baby. The doctors kept Malika in the hospital for four days.

When Malika came home from the hospital, she decided to leave the marriage, despite Kame's threats to harm her. She stayed in London briefly and then traveled to the U.S. to stay with an uncle. Her third child was born with a heart murmur and needed special care. He was also diagnosed with a rare deformity in his shoulder and needs follow-up medical care every six months.

Kame called and said he wanted to give the marriage another try. He said he was about to be posted to Washington, D.C. and needed copies of her and the children's passports to apply for plane tickets and benefits for the whole family. In 2000, Malika met Kame in Washington and was happy to be reunited with her children. Kame seemed happy to see her and was full of

promises to be a good husband and stop abusing her. He brought from home his sister, who disliked Malika and did her best to cause trouble between Malika and Kame.

In March 2001, Kame's sister and a newly-arrived niece assaulted Malika when she complained about the volume of music they were playing in the house. They both beat and kicked her and dragged her by her hair, pulling a couple of her braids out of her head. They also beat her daughter, who called 911. The police called the Ambassador, who sent two staff members to meet Malika at the hospital. Malika stayed the night at the home of one of the staffers, but was returned to her husband's home the next day.

Over the next few months, Kame raped Malika twice, causing her to bleed. He threatened her and kept her from contacting the police. He told her had obtained a divorce in their home country and would be bringing his new wife to live in the house and she had to leave. He slapped and shoved her and threatened to have her diplomatic immigration status revoked.

Malika was in fear for her life and reported the violence to the police. Because of Kame's diplomatic immunity, the police were unable to question or arrest him, but Malika did get a permanent protective order against Kame. The Maryland State's Attorney's Office did charge Kame with second degree assault against Malika, but Kame had already returned to their home country. The Maryland State's Attorney's Office has certified that she has been helpful in the investigation of the assaults against her.

Malika is being treated for depression and is trying recover from so many years of abuse. She and her children are now homeless. The Embassy has repossessed the house in which Malika was living with Kame and has not provided any financial support to her. Malika and her children are struggling to live on \$400 a month and their emergency benefits have run out. Kame is an influential man in their home country and has threatened to kill Malika if she returns there. He has also told her that she has been blacklisted in the government, which means that the government would send people to murder her – this has happened to other wives in her country.

She has requested interim relief and work authorization until her U visa application can be decided. The Baltimore District Office has told her that they cannot give her parole in the public interest and she has received no response for any other interim relief.

#### **MARYLAND: Sexual Assault Victim**

Lola was born in Guatemala and came to the U.S. in 1991. Her sister introduced her to Diego, who got her a job where he worked. They rode the bus to work together and got to know each other. After several months, Diego suggested they start dating. A single mother at the time, Lola resisted but after a few months she agreed. They dated for about three months and then moved in together.

Lola's problems began about a month after she moved in with Diego. He became very controlling – he forced her to quit her job and did not let her have any of her own money. He refused to let her talk to or visit her sister and he insisted she stop going to church. He became

very cruel to Lola – he called her stupid and useless and told her he did not love her. He yelled at her and often insulted her. He told her that he had only gotten together with her because he was trying to get over another woman. He often stayed out late and came home drunk.

Over the next couple of years, Diego left Lola three times but kept coming back. Every time he came back, he would demand that Lola serve him and have sex with him. Lola refused and told him he had to sleep in another room. She couldn't leave the house because by this point, she had two children with Diego and an older son from her previous marriage and she had nowhere else to go. She began sleeping with her bed lodged against the door so he could not get into her bedroom. He tried a few times to knock the door down.

Diego was abusive and neglectful to the children, especially Lola's oldest son from a previous marriage. He would refuse to give Lola money for food for the children. Diego's brother even bought Lola and her children some food because he saw that there was no food in the house and Diego refused to either buy food or give Lola money to buy it herself.

At the end of 1999, Diego came to the house in the evening, waited until the children were asleep and started following Lola around the house. She tried to get away from him, but he threw her down on the couch and raped her. She struggled and said no, but she was afraid he would become even more violent and that the noise would wake the children up. In January 2000, Lola went to a health clinic for a pregnancy test and found out she was pregnant as a result of the rape. She told the clinic workers that she had been raped, but they told her there was no proof Diego had raped her and that there was nothing the police could do. When she was six months pregnant, Diego attacked her and tried to choke her. Lola called a friend, who called the police for her. They told her that since there were no marks on her, there was nothing they could do.

Three months after her last child was born, Diego attacked Lola again. She woke up late at night to find Diego on top of her. He rammed his hand hard inside Lola's vagina and made her bleed. She was terrified but two of the children were asleep in the room with her and she did not want them to wake up. She finally got out from under him and ran to the living room. He caught her and threw her to the ground. He sat on top of her with his back to her and tried to ram his hand into her again. She struggled to keep her legs together and pleaded with him not to do this, for the children's sake. He bit her on her thighs, but eventually he gave up and got off her. He told her that he would be back the next day to find his glasses, which he had lost in the struggle.

Shocked, bleeding and in a great deal of pain, Lola stayed awake all night. The next day, she called her friend again, who told her to call the police. The police had not helped Lola the last time, and she did not think they would help her this time, either, but Lola did finally call them. The police came and took her statement and Lola got a medical examination. She worked closely with the prosecutor to get Diego convicted of first degree sexual assault. Although sexual assault carried a term of five years in prison, Diego got the prosecuting attorney to agree to amend the conviction and reduce the sentence in return for promising not to seek custody of the children. Diego has since gone back on his word and is now trying to get custody.

Lola has filed for deferred action until her U visa application has been decided. She has a certification letter from the prosecutor in the case. The Baltimore District Office lost her file after several months of inaction. She has re-filed her application, but has still not received a response.

### **MARYLAND: Domestic Violence Victim**

Carmen came to the U.S. from the Dominican Republic for what was supposed to be a short visit with her family in New York; she left her three children with family in her home country. While in New York, she met an old boyfriend, Ramon, who is also from the Dominican Republic, and she began dating him again. Their relationship was going very well and she began to fall in love with him. They worked together in a restaurant and lived in a basement apartment below the restaurant.

The first incidence of abuse occurred in May 2001. Carmen came downstairs to tell Ramon that the customers who had been using the pool tables in the restaurant had finished playing. Ramon began to insult Carmen in front of his friends, and when they left, he started attacking her with a pool cue. He told her he was going to kill her like he had killed a man in Brooklyn. He took her out into the street and continued beating her savagely, but people in the street stopped him and Carmen took a cab to the police station, where she reported the attack. The police took her to the hospital and arrested Ramon. Ramon got out on bond and came looking for Carmen. He threatened to have her deported if she went through with the prosecution; since Carmen had overstayed her tourist visa, she was undocumented and took his threat seriously. She withdrew the assault charges. She continued to live with Ramon because he continued to threaten to report her to the INS.

In June 2001, Ramon and Carmen got into another argument. He pushed her and stabbed her in the neck with a nail file. He threatened to kill her and her children in the Dominican Republic. He told her that he would get his brother, who lives in the same city as her children, to go to their house and kill them. Carmen called the police and filed assault charges against him. She also got a protection order from the criminal court.

In July, Ramon came up to Carmen on the street and began to argue with her about a necklace she was wearing. He ripped it off her neck and told her that if she did not drop the assault charges against him, he would go to the Dominican Republic to kill her children. Carmen called the police, but they did not respond. She stayed that night with her brother, but Ramon kept calling her on the phone all night. The next night, Ramon showed up at her brother's house and Carmen called the police again. Later, she learned that someone came to the house where her children were staying in the Dominican Republic and asked about her and the children. This person took pictures of the house and told her family that Ramon had sent him.

After this incident, Carmen moved to Manhattan, to get away as far away from Ramon as she could. She had to return to her old neighborhood for a doctor's visit and Ramon paid her brother \$200 to tell him where to find her. Ramon caught up with Carmen at the clinic, took her to his apartment and kept her there all night. Carmen got him to release her for her clinic

appointment the next day and she called her attorney and the police from the clinic. Ramon ran away when he heard the police coming, but he followed the police car when they took Carmen back to her apartment in Manhattan. That night, Ramon showed up as Carmen was leaving her apartment and took her to a basement apartment, where he held her hostage for four days and raped her repeatedly. He had a tape recorder taping all that he was doing to her. He had a gun, a knife, and a black bag that he said he was going to put her body parts in. He said he was going to throw her body parts away but put her head in the freezer so he could eat it later. Carmen was terrified that she would never see her children again.

Finally, Carmen was able to escape when Ramon was in the bathroom. She ran out of the apartment, screaming for help. A neighbor woman came out of her apartment and called the police. Meanwhile, Ramon came out of the basement and beat Carmen to the ground on the streets outside the building. The husband of the woman who called the police pulled Ramon off her. When the police came, they did not take her seriously at first, but when Carmen told them she had a criminal protection order against Ramon and they saw the bruises on her body and the contents of the apartment where Ramon had been keeping her, they called an ambulance for her.

Ramon turned himself into the police in September 2001. Carmen testified against him on several occasions and she has certification from the Bronx Assistant District Attorney that she was helpful in the investigation and prosecution. Ramon was ultimately convicted of two counts each of assault and criminal contempt. He is currently serving a one-year jail sentence. Carmen moved to Maryland because she still does not feel safe in New York. She does not want to return to the Dominican Republic because she knows that Ramon or his family will carry out his threats to kill her and her children. She filed a request for a U visa with the Vermont Service Center and requested deferred action from the New York City District Office. The New York City District Office did not respond to her request, and she filed a new request for deferred action in the Baltimore District Office when she moved to Maryland. She has received no response from the Baltimore office, either.

## **MARYLAND: Domestic Violence Victim**

Lourdes was born in Argentina and met Javier there when they were in high school. They eventually moved in together and had two children together. Javier moved to the U.S. and became a lawful permanent resident. He arranged for Lourdes and the children to come to the U.S. in 2001 for a vacation and visit.

After living at Javier's father's house for a month, the four of them moved into their own apartment. Lourdes soon realized that Javier wasn't the man she had thought he was. She realized that he had another girlfriend, although when she confronted him, he would always deny it. When she told him that she wanted to return to Argentina with the children, Javier became very angry. He hid her and the children's passports and threw away their return airplane tickets. Lourdes noticed that several of her belongings started disappearing, such as her cosmetics, perfumes, clothing and underwear.

Javier became very controlling; he only rarely let Lourdes leave the house and never gave her any money. He forbade her to wear certain clothing. He began hitting her, and grabbing her from behind and pulling her. He frequently hit her in front of the children. Lourdes tried several times to leave, but he physically prevented her from leaving and reminded her that she had nowhere to go, no money, and no way to support her two children. She even tried calling the embassy of Argentina to see if they would pay for plane tickets home.

She finally called the police, who gave her the phone number of a social worker, since her call was not an emergency. The social worker advised her to get a protection order, which she did. Javier was ordered to take an anger management class. For the next week, things at their apartment were calmer. Javier knew the police were keeping an eye out, so he did not try to hurt Lourdes. After that week, however, Javier told Lourdes that his attorney had told him to hit her where she would not bruise. From then on, Javier frequently punched Lourdes in the stomach or pulled her hair.

In December 2001, Lourdes left Javier and went to a battered women's shelter. She went to court for another protection order – because Javier had not complied with the first order, the protection order was extended for five years. Lourdes was given full custody of the children, and Javier was ordered to leave the apartment for the exclusive use of Lourdes and the children.

A friend of hers overheard Javier talking of killing her or hurting her very badly. Lourdes was very scared and did not know what to do. On night in January 2002, Lourdes was talking with a friend on the phone about her situation, when Javier entered the apartment, wearing gloves and carrying a knife. He came towards her with the knife and Lourdes screamed. Lourdes finds it difficult to remember all the details from that night, but she knows she struggled with Javier for control of the knife and was afraid for her life. The woman living in the apartment with her called 911 when she heard Lourdes scream. The police arrived and arrested Javier.

Lourdes was very traumatized by the attack. She experienced nightmares and anxiety, and was on anti-depressants for a while after the attack. She and the children were also in therapy for a while due to the attack.

Lourdes has certification from the Assistant Commonwealth Attorney for Arlington County, VA regarding her cooperation in the investigation and prosecution of the assault. Lourdes testified against Javier at trial and he was convicted and sentenced to four to ten years in prison. When he is released, he will be deported to Argentina. Lourdes does not want to return to Argentina because she is afraid Javier will come after her or the children when he is returned there.

Lourdes has requested deferred action until her U visa application can be decided. She has received no response from the Baltimore District Office.

## **MINNESOTA: Domestic Violence Victim**

Marte entered the U.S. with her husband, Johann, and their two children from South Africa in 2001. In 2002, Marte obtained a visa that allowed her to work on a farm in Minnesota. From the beginning of the marriage, Johann tried to control Marte's life with fear, terror and isolation. After being married for barely a year, Johann ripped her clothes off because she asked him to stop drinking so much. He often threw plates and glasses against the wall while calling Marte a slut and whore and yelling other obscenities at her. When she was pregnant with their youngest child, he hit her in the head and she lost consciousness.

Marte thought about leaving Johann several times, but she knew he would find her. Once, after he had been especially violent towards her, she fled with the children in her car. Johann threw a large rock at the car's windshield, narrowly missing her and the children. They went into hiding at her employer's house, but Johann threatened to burn the house down. Johann always said that if he couldn't have Marte, no one would.

Johann's violence against Marte continued after they came to the U.S. Everywhere she went, he followed her and threatened her. He also continued to belittle and abuse the children. Marte learned about the laws protecting battered women in the U.S. Fed up his threats and concerned that his violence towards the boys was increasing as they got older, Marte decided to divorce him.

One night, Johann followed Marte to the farm where she worked. As she was talking with her employer, Johann jumped over a gate and began to accuse her of being unfaithful. Marte's boss, Richard, told him to settle down or leave if he couldn't behave himself. Johann left briefly, but returned with a beer bottle, which he began swinging at Richard. While Richard was struggling with Johann, Marte tried to spray him with her pepper spray. Johann grabbed her by the hair and threw her to the ground, kicking her in the legs and arms. Richard ordered Johann off the farm and he left, but only to hide in the back of Marte's car. When Marte saw him in her car, she fled back to the farmhouse to call her sons to pick her up. Her sons arrived, and Marte got into her older son Peter's car, but Johann continued to come after Marte. He rammed his truck into the back of Peter's car. Marte got out of the car and Johann grabbed her and again threw her to the ground, kicking her in the legs and back. Peter tried to pull Johann off her, but Johann took out a knife, which he pointed at Marte. She put her arms up to protect her chest and he stabbed her in the arm so brutally the knife went through her arm and broke off at the handle.

Marte's younger son, Karl, drove his car between Johann and Marte so Johann could not reach her. Johann went after Richard, who had come out of the farmhouse when he heard Marte's screams. Johann attacked Richard and while they struggled, Richard's wife called the police and an ambulance. Marte had to undergo surgery to repair the severed artery in her arm and needed twelve stitches to close the wounds in her arm.

Johann was arrested and prosecuted for assault against Marte, Peter, and Richard. Marte and her sons have certification from the Winona County Attorney's Office that they have been helpful in the investigation and prosecution of Johann and she and Peter testified against him at

trial. He pled guilty to felony assault against Marte and the prosecutor dropped the domestic assault charges against Peter and Richard. He spent three months in jail and then was turned over the INS and deported.

Marte does not want to return to South Africa, where the authorities do not take domestic violence seriously and there are no laws to protect women against abuse by their husbands. Johann knows where her family in South Africa live and he has always told her that no matter where she goes in South Africa, he will find her. She knows that he will kill her if she returns. She has requested deferred action or parole in the public interest until her U visa can be adjudicated. Her attorney has called the St. Paul District Office several times and gets inconsistent answers. For example, she has been told that the INS cannot give her parole unless she first leaves the U.S. or that she cannot be given deferred action unless Marte is already in removal proceedings. When Marte's attorney tells the officers about the memorandum on interim relief from Michael Cronin, directing officers to grant deferred action or parole, she is transferred from supervisor to supervisor, never getting a consistent response.

#### **NEVADA: Sexual Assault Victim**

Katerina was born in eastern Europe. Her father, Adolfo, is a U.S. citizen who left her mother before Katerina was born. When she was seventeen, he contacted her through his parents and asked her to come to the U.S. to meet him. She couldn't get a visa through the U.S. embassy in her home country, but Adolfo told her he had another way to get her into the U.S. Even though he promised her that he would take care of the necessary paperwork so she could stay in the U.S. legally, in 1996 he had her smuggled into the U.S. through Mexico.

From the moment Katerina met Adolfo in Mexico, she felt very uncomfortable. She did not like the strange looks he was giving her and began to regret leaving her home. A few days after arriving in the U.S., Katerina learned that her father's purpose in bringing her here was to make money off her by forcing her into prostitution. Adolfo came home drunk and told Katerina to take a shower with bubbles so would smell good and he could "qualify" her. When she got out of the shower, he took off her clothes and tried to get her to participate in sex with him. When she refused, he forced her legs apart and raped her.

The next morning, Katerina told him she wanted to return home, but Adolfo said she could not go back until she paid him the \$8,000 it had cost him to bring her to the U.S. He told her that if she tried to leave, he would kill her and her family at home. Katerina was so terrified and desperate to get away from him that she tried to kill herself, but since she couldn't read English, she didn't know that the 80 pills she swallowed were only vitamins, which made her sick but didn't kill her.

Adolfo insisted that Katerina watch pornographic films, telling her that she needed to learn how to have sex so he could take her to Las Vegas and make money with her. He raped her again and kept her locked in his apartment for several hours.



Katerina knew she had to get away and remembered a shop her father pointed out that was owned by his ex-wife, Marisa, who he said was evil and had stolen from him. Katerina knew Marisa spoke the same language she did and took the chance that she would be sympathetic to her plight. Marisa took Katerina to the police station and supported her while she reported the assaults.

Adolfo was arrested but claimed he was mentally ill, so he did not stand trial right away. He was found competent to stand trial in late 1999 and a 2000 trial date was set. Katerina was prepared to testify against her father and she believes that it was her willingness to testify that led him to ultimately plead guilty to forcible rape and incest. He is currently serving a six year prison sentence.

Katerina still lives in fear that her father will find her one day and kill her or, through his mafia connections, harm her family in her home country. She has certification from the Riverside County District Attorney's Office and an INS officer that she was helpful in the investigation and prosecution. She requested interim relief pursuant to her U visa application from the Las Vegas office, which sent her application to the Phoenix District Office, which apparently sent it to the Vermont Service Center. She got a letter from Vermont telling her she should request parole or deferred action and employment authorization at the local office. She took that letter back to the Las Vegas office, but they claimed they did not know what to do with her case and she has received no response.

#### **NEW JERSEY: Domestic Violence Victim**

Maya came to the U.S. from Mexico in 1994. Her husband, Ricardo, has a long history of abusing Maya and her young daughter.

Ricardo was arrested in September 1994 for assaulting Maya. He came home drunk and began arguing with her. He hit her in the face and pulled her hair. Maya's sister pulled him off her. Drunk again in January 1995, Ricardo struck the baby in the back of the head and punched Maya in the face. Maya fled to her sister's place, but could not stay there for long, and when she returned to the apartment, Ricardo told her not to come back and threatened to hurt her and the baby again. Ricardo was arrested for assault and child endangerment and Maya got a restraining order against Ricardo that also gave her possession of the apartment. In 1997, Ricardo was arrested again for assaulting Maya. He grabbed her, shook her and hit her in the face. He also yelled at her to get her to give him money to buy alcohol. Maya got another restraining order against Ricardo in 1998, after he punched her in the head and arm again.

Ricardo started stalking Maya. He drove past her on the street and yelled to her that he was going to kill her. A few weeks later, he approached Maya, who was standing with their daughter and Maya's mother outside her apartment and tried to take the little girl out of her grandmother's arms. He hit Maya's mother and punched Maya in the head, then fled the scene before the police could arrive. A month later, Ricardo approached Maya at her work and threatened her with a knife. Maya was afraid for her life. Ricardo was eventually arrested and charged with assault, stalking and making terroristic threats. He ultimately pled guilty to the

assault and terroristic threats charges. Maya has certification from the Monmouth County Prosecutor's Office that she has been helpful in the investigation and prosecution of the case.

Maya is trying to obtain a U visa. She has a very compelling case and knows that interim relief is available to potential U visa applicants, but because of the confusion regarding the procedures for obtaining interim relief, she is left in an out-of-status limbo. She filed a Form I-485 application to adjust her status to U visa holder with the Newark District Office, which returned her application, saying "we don't do these here." The Newark office told her to file her application with the Vermont Service Center, but Vermont rejected her application with no explanation of how to properly apply for a U visa or interim relief. Her attorney, using his best judgment of how to get relief for his client, refiled her application with the Vermont Service Center using Form I-360 petition for VAWA self-petitions. He has received no response and Maya is left with no relief.

### **NEW JERSEY: Child Sexual Assault Victim**

Manuela was brought the U.S. by her family from Ecuador. Manuela's father started sexually assaulting her when she was nine years old. The attacks began in Ecuador, but continued after the family moved to the U.S. Manuela's father fondled and kissed her breasts, put his fingers in her vagina and performed oral sex on her.

When she was fourteen years old, Manuela told a school administrator about her father's sexual abuse. The New Jersey Division of Youth and Family Services opened an investigation; Manuela was removed from the family home and made a ward of the State of New Jersey.

In 1991, Manuela's father, Raul, was arrested and charged with aggravated sexual assault, aggravated sexual contact, terroristic threats, child abuse and endangering the welfare of a child. Manuela provided statements to the police and to the Hudson County Prosecutor's Office. Raul was successfully prosecuted for the crimes and has since been deported from the United States. He is now living in Ecuador.

Since being removed from her family's home, Manuela has been living in therapeutic residential settings, which provide her with the counseling and other services she needs as a result of her father's abuse. Now in her early twenties, Manuela still resides in a therapeutic setting and continues to receive intensive counseling and other services.

Since Manuela is currently without immigration status, she is requesting deferred action pursuant to her U visa application. She has certification from the Hudson County Prosecutor's Office regarding her participation in the investigation and prosecution of her father. She does not want to leave the U.S. because she will have to return to the very community in which her father now resides. She would be endangered by the very person who not only sexually assaulted her for six years, but who also blames her for his deportation.

The Newark District Office has told her attorney that she must be in removal proceedings before she can be granted deferred action. Since Manuela is not in removal proceedings at the present time, the Newark District Office considers her ineligible for U visa interim relief.

### **NEW YORK: Sexual Abuse Victim**

Leon entered the U.S. on a visitor visa with his mother and siblings from Trinidad. When he was fifteen years old, his church youth group leader, William, a man old enough to be his father, began sexually abusing him. Leon tried to end the relationship several times, but he was afraid of William and was coerced back into the relationship each time. Since Leon has overstayed his visa, he was undocumented and William repeatedly threatened to report him to the INS if he ended the relationship.

William sexually abused and sodomized Leon regularly for five years. Leon was very upset about the abuse and had trouble sleeping and eating. He wanted to report the abuse to the police, but was afraid of the possible ramifications for himself and his family. He became increasingly depressed and eventually suicidal. He finally sought help from a former youth group leader, his high school English teacher and a close friend, who went with him to a crisis center, where he received counseling and information about his rights in the criminal justice system.

He did eventually report the abuse to the police and William was arrested in 2001. Leon participated in the investigation and prosecution and William ultimately pled guilty to sixteen counts each of sodomy, sexual misconduct, sexual abuse, and endangering the welfare of a child in 2002.

Leon does not want to return to Trinidad. His mother has married a U.S. citizen and she and his siblings have received their green cards through that marriage, but Leon was too old to qualify. He was recently diagnosed with Prolonged Post Traumatic Stress Disorder and is undergoing intensive psychotherapy to help him cope with the recurring nightmares, intrusive thoughts and memories of the abuse and a pervasive depression due to a lack of hope that he would ever overcome the abuse and resume normal relations with adults and peers.

Leon received certification from the Kings County District Attorney's Office regarding his help in the investigation and prosecution. He has requested deferred action pursuant to his U visa application. The New York District Office sent his attorney a letter requesting a long list of more information, most of which his attorney had already included in the original application, but she resent all the information requested and has received no response from the office.

### **NORTH CAROLINA: Domestic Violence Victim**

Greta and her son Troy are from South Africa. They came to the U.S. in 2001 with Greta's husband, David, on his J visa. Greta knew no one in the U.S. except David; unfortunately, David had a history of abusing Greta. He kept her isolated from friends and did

not allow her to attend church. He insisted she remain in the apartment while he was at work and would call during the day to check up on her, counting the number of times the phone rang before she answered. He examined every phone bill and controlled who Greta could receive phone calls from as well as who she could call. He controlled their only vehicle, their finances and their bank account, and would not allow her to take a job, even though she was granted employment authorization. David also controlled his stepson Troy's life, too. He would not allow Troy to participate in any after-school activities and insisted that Troy stay in his room when he was not at school.

In November, David came home from work and began interrogating Greta about a recent phone bill. He verbally insulted and abused Greta in front of her son and became even more violent after dinner. He turned the volume up on the television so no one would hear Greta screaming and hid the telephones so that he would not be interrupted and she could not call for help. He threw a drinking glass at her, which nearly hit her and shattered against the wall. He pulled her hair, shoved her, pushed her down on the ground, and slapped her with his open hand. He tried to choke her, then twisted her arm behind her back causing excruciating pain, swelling and stiffness in her right wrist, arm, and shoulder. He also caused severe bruising around her arms, neck and face. While David was beating Greta, her son Troy hid in his room, terrified and crying, with a knife hidden under his pillow, afraid he might have to use it to protect his mother.

A neighbor heard the sounds of glass breaking and Greta screaming and called the police. They found Greta hysterical and bruised, and Troy crying in his room. They arrested David, charged him with assault, and kept him in police custody for 48 hours. When he was released, he came after Greta with renewed vengeance. His photo and arrest report appeared in the local paper and his employers and peers found out about the arrest. He blamed Greta for the shame and embarrassment he felt and his violence towards Greta increased. Greta feared for her life and that of her son. She worried that David had become suicidal and might try to kill her as well as himself.

Greta and Troy escaped from the apartment they shared with David in March and fled to the police. They helped her find temporary housing and counseling services for her and her son. David was prosecuted for assault on a female and Greta assisted in the prosecution; she has certification from the Orange County District Attorney's Office. As a result of her willingness to testify, David pled guilty to the charge.

Greta does not want to leave the U.S. She is still suffering from David's abuse. She attends regular support groups for battered women and has individual counseling sessions. Because of David's abuse, Troy began to show signs of severe depression and anxiety. He became very withdrawn and developed a severe stuttering problem, which caused him humiliation at school and prevented him from expressing himself verbally in class. He is receiving counseling and attending support groups to help with his depression, anxiety and stuttering. These services are not available to Greta and Troy in their home country.

Greta has requested deferred action. The District Manager at the Charlotte sub-office has said that the memo on interim relief was vague and confusing and he was waiting for written clarification from headquarters before granting any relief.

## **PENNSYLVANIA: Domestic Violence Victim**

Juanita was born in Peru and met her husband Andreas there. They lived together in Peru for several years. In 1998 Andreas emigrated to the U.S. and became a lawful permanent resident; Juanita joined him in 2000 and they were married in 2002.

Shortly after they were married, Andreas told Juanita that the only reason he married her was to gain more control over her. He told her that since she was in the U.S. illegally, she had no rights. He told her that he could kill her and dump her in the river and she could not do anything against him because he was legal and she was not. Andreas had beat her many times before they were married and she was afraid he would hurt her again. A friend convinced her that she should leave him and she finally did.

After they were separated for about two weeks, Andreas called to talk. He promised not to hurt her and convinced her to get in his car by telling her he had some papers she was supposed to sign. When Juanita discovered that his story about the papers was a trick, she tried to get out of the car, but Andreas had locked the door so that she could not open it from the inside. Andreas was driving and telling Juanita that he would rather see her dead than with another man and that he was going to kill her, put her in a black bag and dump her in the river. He hit her in the face, bit her finger and then choked her until she lost consciousness.

When Juanita woke up, she was in bed at the home she had shared with Andreas. He saw her wake up and said "What? You're still alive?" He started to choke her again. His friend George came in from the other room and stopped Andreas from strangling Juanita, but refused to call the police on his friend. Juanita ran out of the house to find a phone, but George followed her in his truck; he offered to take her to a friend's house if she didn't call the police.

When Juanita got to her friend's house, she asked him to take her to the police station. The police arrested Andreas but he was released on bail. This occurred in 2002. When Juanita went to court the first time, Andreas cursed her and threatened to kill her, so the prosecutor added the charge of making terroristic threats to the existing assault charges. To further ensure that Juanita could not help prosecutors prosecute the crimes against him, Andreas reported Juanita to INS. INS acted on the information provided to them by Andreas who at the time was being prosecuted for his criminal actions against Juanita and placed Juanita in INS detention pending her removal. They chose to place her in an INS detention facility that was close to the location of the criminal prosecution against Andreas so that Juanita could serve as a witness against him in the criminal prosecution. The INS told Juanita that they knew that it was her husband who called them about her. Andreas, like many other abusers, tried to use INS to keep Juanita from testifying so that he could avoid criminal prosecution for his crime. VAWA immigration protections, the U visa and VAWA confidentiality provisions were all designed by Congress to prevent abusers from successfully using INS in this way. Despite all this, while in detention, she assisted in the prosecution of Andreas. She was the sole witness to both the assault and terroristic threats and the Bucks County District Attorney's Office certified that she was helpful in the prosecution. Andreas eventually pled guilty and was sentenced on both charges.

Juanita was released from detention after posting bond, but was still in removal proceedings. She requested interim relief pursuant to her U visa application and the Philadelphia District Counsel administratively closed her removal proceedings, but she has not received deferred action or any other status that would allow her to receive employment authorization and still remains in limbo with no protection against Andreas continuing to use her lack of legal immigration status against her.

## **PENNSYLVANIA: Domestic Violence Victim**

Karla started living with Frederick in Germany in 1993. Shortly after they started living together, Karla became pregnant and Frederick became physically violent towards her. Frederick would throw her down on the bed and pin her shoulders down. When Karla would say "stop, it hurts", Frederick would reply "it's supposed to hurt."

Frederick had rigid and controlling rules, such as no television and no bathing, and he would punish Karla by destroying her or her daughter's property if she did not adhere to these rules. He controlled her access to money and controlled the grocery list to the extent that Karla had to struggle to get essentials. He isolated her from friends and family and kept the car keys from her so that she had no transportation for social visits.

Frederick's physical abuse of Karla escalated over time. He would kick her, squeeze her arm until it bruised, and be physically aggressive during sex. He was abusive to the children too, and when Karla would intervene to protect the children, he would hit her instead. He would destroy the children's toys and wake her daughter up in the middle of the night, demanding that she repeat after him terrible things about her mother. Her daughter had frequent nightmares where Frederick killed her mother. Frederick himself repeatedly threatened to kill Karla by poisoning her with cyanide, to which he had access at work.

Karla tried to leave Frederick several times while they were still living in Germany, but Frederick would apologize and convince her to return. Once they moved to the U.S., it was even more difficult for Karla to leave, since she had nowhere to go and no way to support herself or her children. Frederick refused to help her apply for work authorization and since Karla was unfamiliar with American culture, she did not know where to turn for help.

In January 2002, Frederick and Karla had an argument about the television. Frederick ordered her to turn the TV off and when Karla refused, he struck her several times with a chair, causing multiple bruises. Karla had a prescheduled doctor's appointment the next day. Ordinarily, she would have cancelled the appointment out of embarrassment, but this time she decided to keep the appointment and tell her doctor the truth about her injuries. The doctor sent her to the emergency room for evaluation and the emergency room physician encouraged her to report the abuse to the police. Frederick was arrested and Karla obtained a protection from abuse order, which ordered Frederick to stay away from Karla but allowed him access to their home at certain hours of the day.

As soon as Frederick made bail, he returned to their home, harassed Karla, threatened her and pressured her to withdraw the statements she had made to the police. Karla told the assistant district attorney about his threats and Frederick was rearrested and a new protection from abuse order was issued completely evicting him from the home. He got out on bail again and physically stayed away from Karla but continued to harass her by leaving angry phone messages. Karla has certification from the Superintendent of Police in Radnor County of her participation in the investigation and prosecution of Frederick's crimes. She served as a witness in Frederick's trial and he was eventually convicted of domestic violence related offenses.

Karla has suffered severe mental and physical abuse as a result of the domestic violence. She had surgery in February 2002 to repair the accumulated physical damage Frederick caused her shoulder, including a torn rotator cuff and a chipped bone. She is fearful, depressed, has frequent nightmares, and needs medication to get to sleep. She is unsure of her current immigration status – she entered the U.S. on a J1 visa and changed to a H4 visa, following the grant of an H1B visa to her husband. The most recent extension of her stay expired in December 2001; Frederick applied for an extension of his stay, but Karla does not know whether she was included in that application, since Frederick is withholding that information from her as part of his abuse.

Karla filed a request for deferred action for herself and one of her children. The Philadelphia District Office apparently forwarded her application to the Vermont Service Center but has not responded to her request for deferred action.

### **OHIO: Domestic Violence Victim**

Sela was born and raised in Ethiopia and lived through several years of political unrest and ethnic conflicts. She was arranged to be married to Kasim, an Ethiopian man several years older than she, whom she barely knew. The marriage was troubled from the beginning and Kasim was both verbally and physically abusive. Kasim was pathologically jealous and possessive and prevented Sela from having a life or friends outside the home.

After a brief stay in Europe, the family moved to the United States in 1999 so Kasim could work, study and do research at a university. Kasim continued to abuse Sela and his possessiveness became more intense. He often left work in the middle of the day to drive by their apartment building to make sure that she was at home. At times, he required her to take their oldest daughter with her on errands so that he could question the child about Sela's activities while she was away from home. In October 2000, he ordered her to leave the house during a violent episode. She stayed for a couple weeks at a battered women's shelter, but the pastor of her church convinced her to return home after Kasim promised him he would change his behavior and participate in marriage counseling with the pastor.

Less than a month after she returned home, while the pastor and his wife were at their home, Sela asked Kasim for the car keys to go buy milk for the children. Kasim refused and when Sela reached for the keys, he attacked her with a knife, stabbing her repeatedly in front of the pastor, his wife, and Sela's two daughters. The pastor and his wife ran out of the apartment

when Kasim began stabbing Sela, although they returned and took Sela to the hospital. They left the children with Kasim, the baby was covered in Sela's blood. even though both girls were extremely upset and terrified after having just witnessed their father attack their mother.

Sela was admitted to the hospital with life-threatening injuries to her chest, legs, arms and back. She spent the first night in the Intensive Care Unit with a chest tube and after four days in the hospital she spent several more weeks in a nursing home recovering from her injuries. Her children were kept in foster care until Sela was able to care for them again.

Kasim called the police after the pastor took Sela to the hospital and surrendered himself. At his trial, he maintained that he had acted in self-defense, but after Sela and several others testified, he was convicted of several felonies and sentenced to prison. When he is released, he will be deported back to Ethiopia.

Sela is living in a battered women's shelter. Her immigration status was dependent on her husband's J1 visa; when he was convicted, the university terminated his position and salary. She has no income and, without work authorization, no way to earn money to support herself and her daughters. Her oldest daughter has a medical condition that requires surgery. Sela does not want to return to Ethiopia. Her mother and siblings are all in hiding due to the continuing political instability and ethnic conflict in Ethiopia. She is afraid her husband and his family will seek revenge on her if she returns. In addition, she is concerned about her daughters being subjected to female genital mutilation, which the members of her ethnic tribe practice.

Sela has filed for gender-based asylum based on her fear that she will be harmed or killed for prosecuting her husband for domestic violence. Her asylum application was originally denied and is being reconsidered, but the availability of gender-based asylum is uncertain. She has also filed for interim relief pursuant to a U visa. She has received no response from the Cincinnati District Office on her request.

## **OREGON: Domestic Violence Victim**

Nadia and Mikhail were married in Russia and have been together for about seven years. Mikhail has a history of abuse against Nadia and in May 2002, she obtained a restraining order against him because the judge found that she had been subjected to abuse within the last six months and Mikhail was a credible threat to her safety. On two separate occasions in 2002, Nadia was forced to call the police because Mikhail was violating the restraining order.

In June 2002, Mikhail knocked on Nadia's door, drunk. When she opened the door, he forced his way inside her apartment. She told him to leave, but he started yelling at her and pushing her. Sometime during the pushing, he grabbed her, pulled her close and bit her on her face. Nadia managed to pull away and grab the phone. She locked herself in the bathroom and called 911. The police came and arrested Mikhail for violating the restraining order, assault and burglary.



By November 2002, Mikhail had apologized for the previous violence and promised it would never happen again and Nadia was considering removing the restraining order. Mikhail had made a duplicate of Nadia's apartment key and when she returned from visiting friends with the children, he was waiting for her in the apartment. He put the children on the couch and took Nadia to the bedroom, where they began arguing and Nadia told him to leave the apartment. Mikhail grabbed her hair and began pulling it out - he actually pulled out a few of her braids. Then he grabbed her by the throat and hit her on the side of her head. He pushed her down on the bed and punched her in the stomach. He stood over her on the bed and wouldn't let her up.

Nadia told him she was going to call the police and Mikhail said "Go ahead and call the police and even if they catch me, I will get out and I will kill you." Nadia was very afraid and tried to get to the phone to call the police. Her children were crying and afraid that Mikhail was going to kill her. Mikhail tried to keep her from leaving the apartment. Finally, Nadia jumped off the balcony of the second-floor apartment and ran to the apartment manager's office to call the police. Mikhail fled the scene. The police added the charges of assault with children present, violation of restraining order and menacing to the charges from June 2002, but Mikhail is still at large.

Nadia has certification from the Clackamas County District Attorney's Office that she has been and will continue to be helpful in the investigation and prosecution of Mikhail. She testified against him before the grand jury. Despite having two young children who are both U.S. citizens, Nadia was taken into INS custody and placed in removal proceedings. She requested a stay of deportation, release from detention and employment authorization as interim relief pursuant to her U visa application. The Portland District Office, which has not granted interim relief for any other U visa applicants, did grant Nadia a stay of removal and employment authorization and did release her from detention, but only because Nadia's attorney threatened to file a habeas petition if the District Office did not adjudicate her request within 24 hours.

## **WASHINGTON: Domestic Violence Victim**

Jane came to the U.S. with her husband, Tim, who had abused her repeatedly during their marriage. Each time, Tim would apologize and say things will be better, and Jane hoped that they would be able to work things out. However, every time she did or said something he disapproved of, he would verbally abuse her, yell at her and often beat her. She was afraid to call the police because he had threatened to harm her and her daughter.

Tim eventually started to abuse their daughter, Sally. One evening, Jane said something Tim did not like and Tim started to hit Sally on her face and legs with his open hand. Jane intervened to protect her daughter and Tim turned his focus on her. He hit her several times across the face and neck and continued to kick and hit her for the next three hours. Jane huddled over Sally in a corner of the room while Tim beat her and kicked her, hitting her several times in the face with a cell phone and cutting her lip.

After Tim stopped hitting her, he continued to verbally abuse her. He kept her within eyesight and pushed her down if she tried to get up from the couch. He threatened to kill her and

Sally if she called the police. He forced her into the car and drove her and Sally around town. When they returned, he locked them into a room and threatened to kill them both if Jane called anyone. He continued yelling at her all night.

The next evening, Jane managed to grab the cordless phone and call a relative from the bathroom while Tim was away. Her relative flew to the state in which Jane was living and confronted Tim about the abuse. Tim admitted he had hit Jane and her daughter. Jane's relative was very concerned about her safety and took Jane and her daughter to live with him in Washington. Once she was safe in Washington, Jane contacted a battered women's center and reported Tim's violence to the local police. She obtained a protection order against Tim and is pursuing divorce proceedings.

The local police in Washington have communicated with the police in the state where the violence occurred and Jane remains willing to participate in the investigation and any prosecution. She has certification from the local police department where she reported the abuse.

Jane is afraid to return to her home country, where the social stigma surrounding divorce is severe and many believe that if a marriage fails, it is the fault of the wife. She has requested interim relief until her U visa application can be adjudicated, as well as employment authorization so that she can support her daughter. She has received no response from the Seattle District Office.