



Stories From the Field
A Collection of Stories of Immigrant Survivors
Documenting the Need for VAWA Immigration Protections
In the Violence Against Women Act (VAWA)
Reauthorization of 2012

Index:

U visa case stories illustrating how victims will be harmed if access to lawful permanent residency for u visa victims is denied..... 2

U-visa Holders Need Legal Permanent Residency.....10

U visa case benefits for victim safety and law enforcement even when no criminal case is opened or pursued31

Perpetrator Interference With Victim Access to VAWA Immigration Relief.....35

Stories collected by the Immigration Committee for the National Task Force to End Sexual and Domestic Violence and NIWAP at American University Washington College of law. Special thanks to all of advocates, attorneys, police officers and government officials who provided stories on short notice for this compilation and heartfelt thanks to the survivors and advocates who shared their journeys.

**U VISA CASE STORIES ILLUSTRATING HOW VICTIMS WILL BE HARMED IF
ACCESS TO LAWFUL PERMANENT RESIDENCY FOR U VISA VICTIMS IS
DENIED**

May 16, 2012

Madeleine was told by her ten year old son O. that his stepfather had sexually abused his nine year old sister S. (the abuser's biological child) as well as O. Madeleine was estranged from the abuser. When she found out, she began to question her daughter S. and learned that her husband had sexually abused his young biological daughter on many occasions in the past. Madeleine reported the abuse and the abuser was arrested. Following his arrest for incest and sexual abuse on a child it was discovered that this pedophile had abused a six year old neighbor child as well. All charges are currently pending against him. Case certified by DA. She was encouraged to report by availability of U. She is suddenly single parent and needs employment authorization. Also is fearful perpetrator will take her kids but U has given her courage to continue to pursue charges against him.

Laura was referred by the State Attorney's office to a domestic violence organization. Laura described emotional abuse by her ex-boyfriend. She had ended the relationship after a few months, and her ex-boyfriend was angry and became abusive. His abuse evolved from emotional to physical, including an attack at her place of work. Laura obtained an emergency order of protection based on her abuser's threats and intimidation, both in person and over the phone. After her ex had violated the civil protective order many times and even, as the last straw, broke into her home, Laura was granted a criminal order of protection. With assistance, Laura has been able to extend her order of protection multiple times.

When Laura was first referred for help, she was afraid for her life. She was also afraid of being arrested, deported, or losing her job because of false police reports made by her abuser. She had difficulty sleeping since her abuser had broken into her home. As her criminal legal case against her abuser continued, her abusive ex's new girlfriend began to file false reports to police as well. After gathering enough evidence to prove her innocence, Laura obtained a stalking order of protection against her abuser's girlfriend as well.

Laura participated in counseling and regularly attends the domestic violence ongoing support group. She was also referred for help with her legal status. Laura had cooperated extensively with law enforcement and she was approved for temporary immigration status. Laura was able to regain her confidence and courage to speak up for her rights, present her case in front of judges in civil, criminal and traffic courts, cooperate with police and detectives, defend her innocence in

the face of lies by the abuser, and to achieve greater stability and safety by pursuing a very important legal remedy for victims of violence

We have a client who obtained a U Visa with her mother and brother as derivative U visa holders. Client was 12 years old when she was brutally and repeatedly raped by mom's common law husband/her step-father. Child finally told mom what stepdad had been doing, but only after she was hospitalized due to the physical harm from the rape. She and the mother testified against the abuser and he was convicted and is serving a 10 year sentence. Because of their limited resources and access to resources (abuser had been the sole breadwinner for the family of 6), because of their state of absolute physical and psychological trauma, because of their low level of education, and because of the need to deal with the family's more immediate needs such as protection from the abuser who was making threats from jail throughout the prosecution, the family did not make a connection with legal services to deal with their immigration status until 3 years after the rapes occurred. Law enforcement was very willing to sign the certification in this case due to the extensive assistance from the victims. To be honest, I don't think this little girl could have talked to me about what she suffered when she was 12 and when the man she knew as her father was sent to prison. The abuser and the victims are all from Mexico. He is more than half way through his sentence. If they are not allowed to apply for permanent residence in 2 years when they are eligible to apply, they will lose their U status and be deportable at just about the time that he gets deported to Mexico.

I received a U visa for a 19 year old Mexican woman who entered without inspection into United States at age 16 and was then forced to be the girlfriend of a labor contractor (from Mexico) while picking crops in the South. She was 16 when the relationship started, he was 26. He made her drink alcohol and regularly beat her. During the final incident she was a little drunk after being forced to drink beer, he attacked her, she struggled back, there was a knife and she lit some rags on fire in the kitchen. The police were called, and the young woman was charged with attempted battery and attempted arson and brought to delinquency court because of her age. The perpetrator fled when police were called. While in juvenile detention, the woman gave statements to the police detailing the many instances of domestic violence against her during the previous two years. At the time she reported the crimes against her, she had no idea where perpetrator was, told police that he used several aliases and that she had heard he had been deported. No criminal charges were filed, nor was an investigation able to be undertaken because his whereabouts and even his real identity were unknown. The juvenile court judge signed the U cert and the woman is safe, working and has a beautiful young USC daughter

Cecilia was sexually assaulted by a family friend at the age of five. Her parents, undocumented indigenous Mayans from Guatemala, discovered the crime but were fearful of reporting the crime to law enforcement. Cecilia's parents did not speak English or Spanish and were new arrivals to the United States. They were told by others in their community that they would be

arrested if they contacted the police. A year later, the same perpetrator assaulted another child. The father of that child contacted Cecilia's father and together they went to the police. The perpetrator of the crimes was arrested and successfully prosecuted. Immigration Attorney (Colorado)

Follow up: Availability for U visa most definitely helped Cecilia's family to report. At time crime occurred they were too fearful of police to report. After the incident but prior to the reporting of the incident the aunt of Cecilia was a victim of domestic violence and she filed for a U visa and was granted. This helped ease the fears of the parents of Cecilia and they were thus less fearful about reporting when approached by the father of the other child who had been molested. District Attorney certified case.

15 year old female from El Salvador was kidnapped from her high school. The perpetrator were two 28 year females from the same country, they used brass knuckles, duct tape, a knife, gun, and their own hands to brutally injure the child. They dumped the defenseless female at a cemetery. One perpetrator was sentence to 25 years in prison. The other one got away. (U-Visa approval Pending)

6 year old female from El Salvador was molested by babysitter's boyfriend. Child's older brother witness the inappropriate actions from the perpetrator who was also from the same country. He was sentenced to 10 years in jail, but only served 2 then he was deported. (U-Visa approved)

Emme was sexually assaulted by her 25 year old "boyfriend" when she was 12 years old. School authorities noticed a bruise on her arm and questioned Emme. Her friends had told the authorities that Emme had an older boyfriend but she had denied it. Some months later, her mother discovered Emme was five months pregnant. She contacted the police and Emme cooperated with them. Sexual assault charges were filed. Emme became a mother at the age of 13. She and her parents were granted a U visa. (Her father had been picked up in an ICE raid and was able to avoid removal when granted the U)

31 year female from Mexico was walking to the bus stop on her way to work when a 56 year male pointed a gun and forced her into his vehicle and proceeded to grab her genitals and breasts. He threaten to kill her during the time she was kept hostage in his car. She was eventually released and perpetrator captured two weeks later. Turns out that the perpetrator is a neighbor and is from the same country. He was sentence to 10 years. (U-Visa approval pending)

My other U-visa cases are pending sentencing for child rape, child molestation, and attempted rape.

Tonya was brutally abused by her boyfriend. During their relationship, he threatened repeatedly to kill her, raped her, and forced her to undergo an at-home abortion. When Tonya was pregnant, he attacked her using his fists and a sharp object that left cuts on her chest, hands, and arms. The police arrested both of them. Criminal proceedings were commenced against Tonya and her boyfriend and they both received stay away orders. Upon release from jail, Tonya's boyfriend sent threatening text messages. She told law enforcement and he was arrested again. In retaliation, Tonya's boyfriend falsely reported that she violated his temporary order of protection, resulting in her arrest. Tonya was arrested and brought to Rikers Island where ICE subsequently initiated removal proceedings. After several months of advocacy showing Tonya was the actual victim, all criminal charges against her were dropped. Tonya cooperated with the District Attorney in the prosecution of her ex-boyfriend. She ultimately received a U visa. Legal Aid Society (New York)

We have a client who has brutally raped by an unknown assailant while she was walking home one evening. She fully cooperated with the police investigation, providing DNA samples, giving a detailed statement of what happened to her and reviewing photo arrays with detectives. The rapist has not been caught but the police provided her with a U visa certification. The police felt that she had been incredibly cooperative. The police actually felt that they had let her down by not catching her rapist. The case is unfortunately considered a cold case but the police are hopeful that the information provided by the client, especially the DNA evidence, will assist them in the future. In the meantime, the client filed a U visa application, which was approved. She, of course, remains willing to assist with any type of criminal investigation against her rapist, should he ever be apprehended.

Male client in NYC was working for a guy who attempted rape on him in a house that they were supposed to work on. He was able to escape. He had to testify twice because the first trial was dismissed on a technicality. Because of the stigma that comes with his type of case and that he's not familiar with the resources available such as counseling, he was never able to share his horrifying story, until he was fortunate enough to stumble upon our law school clinic. Since the date of the incident in 2001, he finally has his Legal Permanent Resident status granted to him this year. Although it has been a long journey for him, he had been waiting patiently for this status, but still in fear that his attacker would come after him after his release from prison. As a green card holder, he is very thankful that the U.S. has this remedy available and feels personally stronger to withstand any future attack against him and his family because he would be able to come forward to law enforcement without fear of being sent back to Central America.

We have a number of child sex abuse cases where the clients are abused by family members. In many cases, the perpetrators are deported back to the home country. The child victims are under

extreme pressure to recant because of the tensions this creates in families. For example, our client's 4 year old child (USC) was sexually abused by her uncle. When the client discovered the abuse, she immediately reported it. She testified in court and cooperated on her child's behalf. The uncle's family (in the US and abroad) was extremely angry with our client. He is in jail and will be deported after serving his sentence. If our client was unable to adjust and had to return to her country, she and her family would face the trauma and danger of running into the perpetrator and his family.

A recent example of a case we processed is for 2 young men, brothers, both sexually abused by a church worker. I don't know the nationality of the church worker, but he was convicted of a lot of counts of rape, sexual abuse, endangering welfare of minors etc. The boys were 9 and 11 when this perpetrator started abusing them. Defendant was sentenced to 15 years.

Rita was approved for U nonimmigrant status as the victim of domestic violence committed against her by her ex-boyfriend, and father of her US citizen child. She had reported her ex-boyfriend for trying to strangle her twice but the local police only sign certifications when the crime occurred within 60 days of the certification request. She moved to another state. She reported her ex-boyfriend for stealing her car and threatening her but the local police would not certify. She had obtained a final restraining order where the judge made findings that her ex-boyfriend had committed domestic violence crimes as defined under the criminal code. Based on the Judge's finding, she obtained a certification and U nonimmigrant status. The Judge's investigation and the restraining order case was concluded and not the subject of an ongoing investigation.

U visa was granted to my client after a neighbor called the police to report a domestic. She had recently immigrated to the US as a fiancé and did not speak English well. The police interpreter was a relative of the abuser and when she told the police officer through the interpreter that her abuser attacked her with a knife, the interpreter told her she couldn't say that or he'd get into trouble. The interpreter did not relay that information to the police officer, who then did not arrest her husband and did no further investigation. As a result of the abuse she suffered, she suffered from PTSD, major depression, hallucinations and night terrors. The client came to me six years after separating from her husband.

I have a U client who was the victim of attempted murder. She is from Honduras and her ex-boyfriend/abuser is from Mexico. He stabbed her repeatedly in a parking lot and left her for dead. She received a victim of the year award (or something like that) from the DA's office. She stayed in communication with police and the DA's office as the abuser remained at large in the community for months as she fought for her life. He is now in prison, and will likely be there for more than four years. When he is eventually deported, it will not be to Honduras. Because of our client's wounds, physical and emotional, she cannot even imagine trying to survive in

Honduras. She cannot do physically demanding work. She has a therapy group here that she needs to continue to access, also.

Another client was the victim of attempted murder. He is from Mexico, and was shot alongside a friend who was killed in the incident. Despite some media attention and strong police involvement, the killer was never found. Our client was very helpful, though, and it is not his fault that police were not able to locate the person who tried to kill him.

Another client was the victim of domestic violence by her husband's sister. The victim is from Mexico and the husband and his family are from Guatemala. Our client and her husband called police and brought charges against the sister, forming a united front against his violent family member.

We have a client whose father killed her mother at a party on mother's day when all the family was present. He pointed his gun at others in the room and fled. Their children was cooperated with law enforcement, including helping police track him down in another state after he fled. He is now serving time in prison, but his family members have issued a threat to kill anyone they learn has cooperated with police to imprison him. One of my client's brothers was murdered in Mexico. Especially all the male members of the family are terrified to ever step foot in Mexico.

David was shot in the abdomen at close range by a shotgun in a dispute over a \$100 bet on a boxing match. The blast ripped his internal organs apart, and the large shell exited out his back. He was on life support and in a coma and law enforcement was unable to question him. Miraculously, David lived, although he lost a kidney and has been permanently disabled. Several months later, when he was able to speak, David aided in the investigation and prosecution of the crime, despite threats of retaliation from the perpetrators' families. Eventually three individuals were prosecuted and sentenced to five to ten years in the state penitentiary. Case was certified by District Attorney and U is pending. Availability of U did encourage him to cooperate. He was threatened by the family of the perpetrators of the crime and is fearful that they will harm him if he is returned to Mexico.

17-year old mom whose USC adult boyfriend / father of her son shot her in the back as she pushed her infant son down the street away from him during an argument. She was brought to the US when she was less than 2 years old and has her USC son and 3 USC siblings & no family she knows in her country. He is now in prison serving a five-year sentence. If she isn't able to adjust status, she will have no way to support her son and his whole family blames her for him going to prison.

Now 16 year old U Visa holder immigrant who was the victim of horrific sexual abuse (multiple rapes, forced sodomy, & physical abuse) by her father from age 11 – 15. Her mom was in the home and was aware of some of the abuse and did nothing, even when teen told her. When she was fifteen (15), she told a friend's mom who called the police. She told the police and participated in a pretext call to her father in which he admitted having sex with his daughter. He was arrested and has been in jail with multiple felony charges pending. He is likely to go to prison for many years and to be deported upon release. She is in foster care but will graduate from foster care and, if she is not able to adjust status, has nowhere to go in her home country of Guatemala but his family and places he knows and can find her. His whole family blames her, and the law enforcement in Guatemala will not protect her, or other abuse victims. If she hadn't reported to law enforcement on this guy, I am sure he would have raped and molested other girls including her USC sister. His charges are still pending before the court.

Two teen girls were sexually molested by their mother's boyfriend from age when they were 7 – 10 years old. Abuse was recognized when younger daughter was diagnosed with genital warts at age 8. Abuser was prosecuted, served a prison sentence, and was deported to the girls home country. Girls just got U status but if they are not able adjust they would be very afraid to return to their country and encounter him. He has tried to contact them since his release and his family keeps him updated as their mom has two younger children which are his, so they are afraid he would find out if they went back.

I met with a woman the other day who will be applying for a domestic violence-based U Visa, and her abusive husband told her previously that if she tried to get any legal help or talked to a lawyer, he would kill her. We helped her get a protective order and get into a domestic violence shelter, but I believe that if he had known she was applying for a U Visa, she would have been in greater danger.

We represented a U visa applicant who was strangled. The victim was fearful about going to the police initially. When the crime was reported, the perpetrator could not be located. The police certified the case nonetheless and the victim and victim's family all received U visas. (They are doing very well; working and in college).

We currently have a U visa case where a victim suffered child sexual abuse. The prosecutor's office will not certify until the case is closed.

Choi recently received U nonimmigrant status. She was the victim of domestic violence from her ex-boyfriend, and reported the crime after her boyfriend drove off, dragging Choi from his car. Choi's ex-boyfriend is a US citizen, born in the U.S. She only recently received U nonimmigrant status and is not eligible to adjust status until 2015.

Paula was approved for U nonimmigrant status as the victim of domestic violence committed against her by her ex-boyfriend, and father of their three US citizen children. Paula is from Brazil and her ex-boyfriend is from Honduras (and has since returned there). She is not eligible for adjustment of status until 2013.

U-visa Holders Need Legal Permanent Residency:

Real Life Stories¹

May 16, 2012

Congress enacted T and U-visa victims of crime protections under the Victims of Trafficking and Violence Prevention Act of 2000 to protect immigrant victims of domestic violence, sexual assault, human trafficking and other violent crimes as they come forward to report criminal activity. VAWA 2000's T and U-visa protections help law enforcement agencies by providing them greater access to immigrant crime victims who help them investigate and prosecute criminal activity and improve public safety. Access to lawful permanent residency helps assure that abusers, traffickers, and crime perpetrators can no longer continue to use DHS officials as tools in carrying out threats of deportation. The perpetrators threats of deportation silence many immigrant crime victims, effectively preventing them from providing critical assistance in criminal investigations and prosecutions. Access to lawful permanent residency helps immigrant crime victims overcome many hardships including: vulnerability to retaliation, separation from family, and employment loss and instability.

These stories were originally collected to illustrate the impact that *delaying access to lawful permanent residency* had on immigrant crime victims. The stories described below clearly illustrate the important role that access to lawful permanent residency plays in promoting the safety of courageous immigrant crime victims who come forward and work with law enforcement prosecute violent criminals. Eliminating adjustment of status for U-visa victims or limiting it only to those victims whose perpetrators are deported to the victim's home country will leave victims like those whose stories are described below with no ability to safely come forward and if VAWA is amended in this way perpetrators of the crimes described below will go free.

These hardships are illustrated by the stories below.

Hannah

- **Crime: Domestic Violence, Felonious Assault**
- **Granted U-visa Interim Relief: 01/2004**
- **Eligible for Adjustment of Status: 01/2007**

Hannah, a Moroccan national, came to the United States in 1999 to live with her husband, Mr. Z, whom she married in Morocco in January 1999. Approximately two weeks after they married, Mr. Z became physically abusive. He would slap and verbally abuse Hannah. Mr. Z also stole Hannah's bankcard and other documents. When Hannah confronted Mr. Z about stealing her bankcard and documents, he pushed her down and started to punch her face, breaking her nose.

¹ This story collection was adapted from the T and U visa story book developed by Legal Momentum, Leslye Orloff and NIWAP own a license for its use.

The names of the victims in all of these stories have been changes and locational information removed so as to protect victim confidentiality consistent with VAWA confidentiality laws. Written by Sunita Boyce and Leslye Orloff. This publication is adapted from stories that were collected and submitted to the Office on Budget and Management as illustrations of the need for access to lawful permanent residency to T and U visa holders.

Hannah's whole face was black and blue. Although she sought medical attention at a clinic, she did not call the police out of fear. Eventually, Mr. Z apologized and agreed to a divorce because he was scared that she would report him to the police. In March 2001, Hannah moved into her own apartment but Mr. Z would still come by and harass her. Although Mr. Z had another girlfriend, he would still come by and slap Hannah and try to start an argument. He threatened to harm her family in Morocco if she ever reported anything to the police. After Mr. Z ended his relationship with his girlfriend, he tried to get back together with her and when she refused he threatened to kill her.

Mr. Z began being friendly towards Hannah, but this lasted for only a short while. During the night of February 11, 2001, between 3 and 4 a.m., Mr. Z showed up to Hannah's apartment seeming very sad and talking about how much he missed her. Hannah refused to give him another chance and they briefly argued. At some point during the argument Mr. Z pulled a knife out of his jacket and stabbed Hannah in the eye. She does not remember much afterwards because she quickly lost consciousness. The neighbors found Hannah and called the police. She had several knife wounds all over her face and hands and was taken to the trauma unit. Hannah had to undergo months of surgery and physical therapy to regain the use of her left hand, which had extremely deep knife wounds. To this day, her face is still scarred from the attack.

Hannah worked with investigators and testified as a witness in Mr. Z's criminal case. Due to her participation with the prosecution of her case, Mr. Z pled guilty on in September 2006 and is currently serving a 16-year sentence for this crime. Although Hannah entered on a tourist visa, her legal status in this country eventually expired until she finally received U-visa Interim Relief in January 2004. She should have been eligible to adjust to legal resident in January 2007, however she has had to re-file and is still in deferred action status. In March 2008, Hannah's mother passed away and she was unable to travel to Morocco to attend her funeral. Hannah needs to travel to Morocco in August to visit with her siblings and deal with family issues during this extremely hard time. Without legal residency in the United States, Hannah will not be able to travel to Morocco without worrying she may not be able to return to the United States.

Esperanza

- **Crime: Trafficking**
- Granted U-visa Interim Relief: 10/2003
- Eligible to Adjust Status: 10/2006

Esperanza is a victim of human trafficking who cooperated in the investigation and prosecution of her traffickers. She applied for and received a T-visa in October 2003 and has been eligible to apply for adjustment of status as a T-visa recipient since October 2006 but has not been able to apply because DHS has failed to issue T and U adjustment regulations. As a victim of human trafficking, Esperanza desires to help other victims like herself. She knows her experience will serve as a comfort to other women who suffer the same fate. Her rebuilding her life after becoming free from her traffickers has been difficult. Currently, Esperanza works as a security guard in Los Angeles, but dreams of becoming a police officer. Unfortunately, she has not been able to pursue her dream because one of the requirements to become a police officer is that Esperanza be a lawful permanent resident.

Since there are no regulations allowing her to adjust her immigration status from T-nonimmigrant visa holder to lawful permanent resident she must continue to wait. The inability to apply for and attain lawful permanent residency locks Esperanza and other trafficking victims into low paying jobs, cutting them off from well paying government jobs for which they can qualify. Regrettably, it is easier for immigrants, who haven't had to overcome such physical and emotional abuse, to become legal permanent residents than women like Esperanza. Issuance of T and U adjustment regulations will offer trafficking victims and crime victims a wider range of employment options.

Jane

- Crime: Rape, Stalking**
- Granted U-visa Interim Relief: 10/2005
- Eligible for Adjustment of Status: 10/2008

Jane and her family, citizens of South Korea, entered the United States in 1998 at the invitation of her minister on B1-visas for business visitors. Jane's minister offered her and her family the ability to remain longer in the United States, R1-visa status for religious workers. Instead of filing the paperwork for their R1-visas, Jane's minister took the family's entire life savings. Jane's husband and youngest child returned to South Korea.

After the devastating experience with her minister, Jane eventually was put into removal proceedings. Jane put her trust and future in the hands of her immigration attorney, Mr. I, whom she hired to represent her during removal proceedings. Mr. I violated Jane's trust and his professional ethics, when he wooed her, raped her and then stalked her. After those incidents Jane was very afraid of Mr. I, so she sent her two eldest children back to South Korea. Jane fled to the east coast to escape Mr. I, but he pursued her and managed to find her. Jane returned to the west coast because Mr. I falsely and insistently claimed she had to be present for a Federal Circuit Court decision about her immigration case. The abuse and stalking continued and Jane was granted a protection order against Mr. I ordering him to cease contact with her and to stop all future abuse.

Once Jane retained new counsel she could trust, she reported the abuse and was assisted in filing a bar complaint against Mr. I. In fact one of the charges against him was practicing law without a license during the time he represented Jane. Jane was granted U-visa interim relief in October 2005 as a rape and stalking victim. She will be eligible to adjust to legal residency in October 2008. Jane very much wants to be reunited with her family and has been unable to visit with them. It has been 10 years since Jane could see her husband and youngest child living in South Korea. The family has not been living together in the same place for the past decade. Jane desperately needs reunification with her family in order to psychologically heal and feel she and her family are safe. Jane is feeling depressed because she is losing hope about her U-visa being adjudicated, receiving her green card, and most of all being able to see her family.

Leigh and Cara

- **Crime: Child Sexual Abuse, Incest, Aggravated Felony**
- Granted U-visa Interim Relief: 08/2006
- Eligible for Adjustment of Status: 08/09

Leigh and Cara entered the United States from Mexico with their family, including their father. When Leigh and Cara were minors, their father sexually abused them. Their father was convicted of an aggravated felony and deported back to Mexico. Leigh and Cara received U-visa Interim Relief in August 2006 and will be eligible to adjust to legal residency in August 2009. One person whom they should be able to trust, their own father, violated the girls' trust. It is important for survivors of child sexual abuse to have a strong support system in order to psychologically heal. The sisters find good support from their mother and legal resident brother in the United States. As a result of the abuse both Leigh and Cara have an eating disorder, and Leigh has also developed diabetes. Leigh and Cara need medical attention and counseling, which may not be affordable or accessible in Mexico. The sisters' fear returning to Mexico and seeing their father, who may retaliate against them. Also, if the sisters see their father it could damage the delicate healing process they are currently undergoing.

Faye

- **Crime: Domestic Violence, Aggravated Assault of a Minor**
- Granted U-visa Interim Relief: 1/05
- Eligible for Adjustment of Status: 1/08

Faye entered the United States from Mexico in April 1992. Faye's husband, Mr. Q verbally abused and threatened her with harm. In addition to Mr. Q's verbal abuse, he would slap and punch Faye leaving her with bruises. Faye reported the abuse that occurred against her on various occasions to the police. The abuse culminated in June 2003 when her Mr. Q arrived home after drinking. He began to verbally assault Faye. The violence escalated as their son, stepped in to prevent his father from physically attacking his mother. Faye then tried to help her son as her Mr. K began to assault her. She told her daughter to call the police. Faye's husband then became furious and punched a window with his fist breaking it and severely cutting himself. Mr. K fled the home as the police were on the way. Faye explained what happened to the police and helped in the investigation of the assault. The next day Faye and her children found out that Mr. K had bled to death the evening before due to the cuts on his arm from the broken window. Faye continued to help in the investigation of her husband's death and the assault he committed against her that evening. Faye was granted U-visa Interim Relief in January 2005 and was eligible to apply for legal residency this past January based on humanitarian need and public interest. The family has received counseling to deal with the violent and traumatic death of their husband and father. Faye worries that her son, who was often the victim of Mr. K's abuse, will have problems in the future with his anger and violence and hopes to have him continue counseling. Faye is very concerned about the instability of her family's situation if they must return to Mexico, where they may not receive the counseling they need. Faye had hoped to apply for lawful permanent residency as a visa recipient as soon as she was eligible in order to feel safe and secure and to recover from her trauma.

David

- **Crime: Child Sexual Abuse, Threats from Abuser's Family**
- Granted U-visa Interim Relief: 06/ 2005
- Eligible for Adjustment of Status: 06/2008

David entered the United States with his family when he was a young child. When David was 10 years old, his neighbor sexually abused him. David's mother found out about the sexual abuse and reported the abuse to the police. The state filed charges of against David's abuser. The abuser's family still lived next to David and his mother, and they made threats towards them during the prosecution of the neighbor. The District Attorney's Victim/Witness Program was able to relocate David and his mother to another location for their safety. David and his mother were granted U-visa Interim Relief in June 2005 as a result of the sexual abuse and were eligible to adjust to legal residents in June 2008.

David is undergoing counseling to help him cope with the trauma he incurred. David needs to remain in the United States to continue his counseling. In Mexico, David and his mother would not receive witness relocation. Also, they fear possible retaliation from the neighbor and will probably not be meaningfully protected in Mexico. The neighbor was convicted and deported to Mexico.

Although David's mother was placed in removal proceedings, her case was administratively closed to allow her to apply for U-visa Interim Status. David's mother has a valid employment authorization document, but has been questioned by immigration officers who told her the employment authorization card is not valid and they cannot verify her case and threaten to take her into custody. Fortunately David's mother has not been taken into custody, but she is apprehensive about taking public transportation. David's mother may miss out on employment opportunities because employers are used to seeing a green card and are unfamiliar with the fact that people with U-visa Interim Relief are eligible to be employed and unsure why the work authorization lapses and needs to be renewed each year. Employment eligibility in the United States is so important because David's mother needs to be able to support him emotionally without having to worry about how she will support David financially. Her status would not be questioned if she were able to adjust to legal residency and obtain a green card.

Jennifer

-Crime: Murder, Felonious Assault

-Granted U-visa Interim Relief: 01/2006

-Eligible for Adjustment of Status: 01/2009

Jennifer and her husband, Tom, both citizens of Mexico, were victims of a tragic crime in the United States. After finishing a 12 hour-shift, Jennifer and Tom were held up getting off a city bus at 10 p.m. Although Jennifer and Tom gave the robbers all they had, the robbers killed Tom in cold blood in front of Jennifer. Jennifer was traumatized, but found the strength to cooperate with the investigation and testify against her assailants. Jennifer was granted U-visa Interim Relief in January 2006 for her help in bringing her and her husband's assailants to justice. In January 2009 Jennifer will be eligible to adjust her status to legal resident. Jennifer has been unable to visit her two daughters in Mexico who lost their father and never had a chance to say good-bye. Losing a parent, especially in such a senseless way, is very difficult on children and Jennifer's children need to be with her in the United States to help them cope with and understand their loss. It has been very difficult for Jennifer to be separated from her children the

past two years because she is unable to travel to Mexico with U-visa Interim Relief. Each year Jennifer has renewed her status and employment authorization, paying fees of \$545.00 dollars. Jennifer has tried rebuilding her life and has subsequently remarried. Unfortunately, she no longer qualifies for a fee waiver for her employment authorization because the combined incomes put her slightly above the poverty level.

Carmen

- **Crime: Threats With Deadly Weapon; Domestic Violence; Kidnapping**
- Granted U-visa Interim Relief: 12/04
- Eligible for Adjustment of Status: 12/07

Carmen is a national of Mexico who last entered the United States in 1996. She is the mother of three United States Citizen children and has suffered substantial physical and mental abuse at the hands of her husband. Carmen and Mr. X met in Mexico when they were both fifteen years old. After a pleasant two-year courtship, they decided to live together. After they moved in together, Mr. X became physically, verbally, and emotionally abusive to Carmen and their three children, particularly when he was drinking. He told her that if she ever called the police, he would kill her and take her children away from her. After several failed attempts at reconciliation, Carmen finally left Mr. X for good on August 2, 2003.

On that date, Mr. X locked his wife in their bedroom and threatened her with an outdoor staple gun and a knife, saying he would cut her to pieces and send the pieces to her mother as a gift. Once she was finally able to escape from the bedroom, Carmen motioned to her daughter J to call the police from her bedroom. When the police arrived a short time later, Mr. X was arrested and he spent seven months in jail before being deported to Mexico. Mr. X continues to harass and threaten Carmen. He calls to tell her that if he sees her with someone else he will kill them both and take away her children. He also tells her that his brother, who lives in the US, is watching her every move.

A victim services program helped Carmen gain approval of her U Visa Interim Relief and Deferred Action Status in December 2004 and would have been eligible to adjust this past December based upon humanitarian need and public interest. Now, she awaits approval of her U Visa Application with a retroactive grant. She is afraid that without something more permanent like her LPR status that she would be sent back to Mexico where her husband would be able to harm her. She feels that the protection she has received here is what has enabled her to leave her violent spouse. Though she has her interim relief, she still feels a sense of impermanency and fears what could happen to her and her children in the future if their immigration statuses are not made more permanent.

Bette

- Crime: Domestic Violence**
- Granted U-visa Interim Relief: 11/2004
- Eligible for Adjustment of Status: 11/2007

Bette is a national of Kenya. Bette suffered physical and emotional abuse from Mr. Z throughout her 8-year marriage Mr. Z's family never accepted the marriage, and they made it a point to

make her miserable. When they came to the United States in 1998, Bette thought that things would improve but rather it got worse. Mr. Z continued to be verbally, emotionally, and physically violent toward Bette on several occasions. Mr. Z would strategically hit Bette in places where he knew the bruises would be difficult to see. He was also unfaithful to Bette. Bette called the police many times to report the abuse, but always agreed to get back together with her Mr. Z when he asked for forgiveness and said he would change. Finally, in July 2003, Bette found the courage to leave her husband for good. She subsequently testified against him in court, and he was found guilty and sentenced to two years of probation and fined \$4,000. Bette was granted Deferred Action Status and U visa interim relief in November 2004, along with her two children who have derivative status. Bette's youngest daughter is mentally retarded and hearing impaired. Her daughter is currently receiving care and services in the United States. Bette does not believe her daughter would receive the same quality of care in Kenya. In addition, Bette fears Mr. Z will be able to retaliate against her more easily in Kenya. She fears he will try to physically harm her and her children or kidnap her children. Bette was eligible to adjust her status to legal resident in November 2007.

Martinez Family

- Crime: Felonious Assault, Attempted Burglary**
- Granted U-visa Interim Relief: 09/2006
- Eligible for Adjustment of Status: 01/2009

The Martinez family was sound asleep in their apartment, when late one evening they heard a knock on the door. Mr. Martinez answered the door. Mr. V was at the door and he demanded beer. Mr. Martinez tried to explain that he did not have any beer. Mr. V and his two associates barged into the Martinez apartment. Mr. Martinez's 13 year-old son, Jim, went into the living room to be with his father. One of the assailants stabbed Mr. Martinez in the neck. Jim yelled to his mother to call 911, but as she was dialing one of the assailants threatened her. Jim went into the kitchen to get a knife to defend himself because a third assailant was coming at him with a knife. Jim tried to protect himself and started lashing out, stabbing two of the assailants. All the assailants left the Martinez apartment. The police arrived a few minutes later. Even after the terrible experience, Jim was able to give the police detailed descriptions of the assailants. The police came upon a car and arrested the assailants based upon the descriptions Jim provided. The Martinez family has five children, ranging in ages 13 to 4 years old. Three of the Martinez children are United States citizens. Mr. and Mrs. Martinez, Jim, and the other eldest child were granted U-visa Interim Relief in September 2006. Mr. and Mrs. Martinez both have aging parents in Mexico, whom they are unable to visit until they adjust to legal residency. One of the younger children may have special education needs as well. The Martinez family will be eligible to adjust status in September 2009, and hope to attain legal residency in a timely manner so they may have certainty in their life and be able to visit their family in Mexico.

Delarosa

- **Crime: Domestic Violence**
- Granted U-visa Interim Relief: 6/05
- Eligible for Adjustment of Status: 6/08

Delarosa, a national of Mexico, is the mother of three United States Citizen children. Delarosa met Mr. X casually through friends in Mexico and saw him just a few times, but did not think too much of Mr. X. In February 1995, Mr. X tracked down and sought out Delarosa in Waco, Texas where she had relocated. Having very few friends in Waco, Texas, Delarosa was flattered Mr. X had looked for her. Delarosa and Mr. X began dating. The relationship was going relatively well, until Mr. X's jealousy and mistrust began to cause problems. He constantly accused Delarosa of cheating on him. The first time Mr. X hit Delarosa was in April 1997, after a friend told Mr. X she had seen Delarosa kissing a co-worker. Delarosa did not call the police to report this abuse because she believed Mr. X would change. She also feared the police would report her to Immigration.

Mr. X beat Delarosa on Valentine's Day in 2004 because he found a picture of a male co-worker celebrating the holidays with Delarosa and her family, and he immediately assumed she was having an affair. When Delarosa arrived at work that day, visibly upset, her manager convinced her to call the police and report what had happened. Several days later, Delarosa found the courage to tell Mr. X he had to leave their home and has not seen him since that day. Delarosa is now receiving counseling from a local battered women's shelter, which is greatly helping with her recovery. Delarosa was granted U Visa interim relief and Deferred Action Status on June 05. Delarosa does not believe that she would get the same support and counseling that she has received in the United States in her home country. Since Mr. X was deported back to her home country, Delarosa fears he would find her and harm her in retaliation for reporting his abuse to the police. Delarosa is eligible to apply for permanent residency in June 2008 based on humanitarian need and public interest.

Nina

- **Crime: Elder Abuse**
- Granted U-visa Interim Relief: 07/05
- Eligible for Adjustment of Status: 07/08

Nina is a citizen of the USSR and an Armenian national who entered the United States in June 2004 at the request of her daughter, Ms. G, who subsequently physically and mentally abused her mother. Ms. G was physically violent with Nina on several occasions. On October 4, 2004, Nina asked a building manager for help because Ms. G had physically attacked her. Nina reported the abuse to the local Police. She assisted the police in their investigation and also assisted Adult Protective Services in its investigation of the abuse she suffered. Nina initially received U-visa Interim Relief in June 2005 and will be eligible to adjust in July 2008, pending approval of her U Visa application. Nina is 82-years old and has no place to return to. She gave up her entire life and sold everything she had to come to the US to be with her daughter, who eventually abused her. Nina is financially independent with the support of a small church where she belongs. Nina works sewing and cleaning at the church. Nina fears that she will not be able to start over at her age in the USSR and hopes to gain legal residency in the United States, so she may live out the rest of her years in tranquility.

Jillian

- **Crime: Domestic Violence, Sexual Assault, Rape**

- Granted Deferred Action 03/05
- Eligible for Adjustment of Status 03/08

Jillian is a national of Mexico who last entered the United States in August 1996. Jillian is a mother of three United States Citizen children, she has suffered substantial physical and mental abuse at the hands of her ex-boyfriend and father of her three children, Mr. P. Jillian met Mr. P while living with her brother-in-law. Mr. P would come to their home to visit his sister-in-law. After a pleasant two-month courtship, Jillian decided to move in with Mr. P. Things turned sour when Mr. P learned about one of Jillian's prior boyfriends. He became extremely jealous and abusive. Mr. P was unfaithful, and even vowed to have revenge for Jillian's supposed cheating. Jillian has suffered from epileptic seizures ever since a brutal attack she suffered at the age of 18, and when she had these seizures Mr. P would often take advantage of his unconscious girlfriend to "experiment" sexually. He also raped her several times while she was conscious. Jillian was afraid to report the abuse, because Mr. P threatened to take her children away from her. Also, she did not want her children to lose their father. But with the help of a friend, Jillian finally found the courage to report the abuse she was suffering to the police and seek help. Jillian continues to struggle with depression and epileptic seizures and is in need of almost constant medical attention and monitoring for her condition. Jillian received U-visa Interim Relief in May 2005. Jillian is currently receiving medical treatment in the United States for her depression and epileptic seizures; treatment would not be adequate in Mexico. She needs to remain in the United States, where her children will best be able to care and monitor her condition. Jillian was eligible to apply for legal residency in March 2008.

Irma

- **Crime: Kidnapping, Sexual Assault of a Minor**
- Granted U-visa Interim Relief: 6/10/05
- Eligible for Adjustment of Status: 6/10/08

Irma is a national of Mexico who entered the United States in March 1991. Irma was kidnapped by Mr. M, a friend of her father's, from her home in the early morning hours of September 12, 2004. Mr. M set a trap to get Irma's father out of the house that morning, and then proceeded to pick up a sleeping Irma and place her into his truck. Mr. M drove with Irma until his truck broke down. Mr. M attempted to sexually assault her, but Irma was able to fight off his advances despite also being physically assaulted by him. Mr. M then forced Irma into the woods with him, where he again tried to sexually assault her. Throughout the ordeal, Mr. M forced Irma to call home several times and lie about their whereabouts in order to divert the helicopters that had been dispatched by the police to look for them.

As day broke and workers were arriving at a nearby construction site, Mr. M called his friend to come pick them up. They told Irma that they would kill her father or her little brother if she said anything to the police about Y's involvement in the kidnapping. They dropped her off at a grocery store and told her to call her parents. The police arrived at the grocery store and took Irma to the hospital for an examination. Soon after the kidnapping, the family learned that Mr. M was a fugitive; he had done this same thing to a young girl in Colorado. His accomplice, Y, has not been arrested either, apparently due to a lack of sufficient evidence against him. Irma and her parents applied for and were granted U Visa interim relief in June 2005. Pending approval of

their U Visa applications, they will be eligible to apply for permanent residency this June. The family fears retaliation from Mr. M and also believes that they will not be able to continue with counseling for Irma if they are forced to return to Mexico.

Lucinda

- **Crime: Domestic Violence, Sexual Assault**
- Granted U-visa Interim Relief: 07/04
- Eligible for Adjustment of Status: 07/07

Lucinda is a national of Nigeria who entered the United States on December 2001. Emotional, verbal, and physical abuse have been a constant during Lucinda's marriage to her husband, Mr. V, in 1994. It only worsened when she and her children came to the United States to join Mr. V, who was studying at Texas A&M University. After suffering two more years of abuse in the United States, Lucinda finally found the courage to call the police on August, 22 2002 when Mr. V attacked her with scissors in hand. The police took her to a shelter, where she lived until December. After four months apart, Lucinda decided to give her marriage another chance for her children's sake and moved back in with Mr. V. Lucinda requested that the charges against her Mr. V be dropped, but only with the assurance from the City Prosecutor that the case could be re-opened at any time within two years if additional violence occurred.

Unfortunately additional violence did occur, just one day after Lucinda moved back in. She hung on, even attending marriage-counseling retreats, but Mr. V did not change. Mr. V sexually assaulted Lucinda on March 3, 2002. Finally, on March 12, 2002, Lucinda left her husband for good. Lucinda has since requested that the City Prosecutor re-open the case against her Mr. V and has notified the College Station Police Department and the Texas A&M University Police Department of her intentions to press charges against him. Lucinda has reported the abuse to the police and prosecutors, and she has done everything within her power to assist law enforcement officials in prosecuting her husband for this crime. Lucinda has been granted a protection order from the local courts. She fears the stigma from her family and Mr. V's, who live in Nigeria, because of the abuse perpetrated against her, particularly the sexual assault. Lucinda is working with counselors to overcome cultural norms regarding marriage and to work through the trauma she has suffered. Lucinda will need continued counseling for quite some time and may not be able to get counseling in her home country. Lucinda and her children were granted U Visa interim relief in 06/04 and were eligible to apply for legal residency in 06/08. Permanent residency will give Lucinda the assurance she needs that she is able to stay in the United States, where she has an enforceable protection order against Mr. V's future violence.

Olga

- **Crime: Child Sexual Assault**
- Granted U-visa Interim Relief: 7/04
- Eligible for Adjustment of Status: 7/07

Olga is a national of Mexico who last entered the United States in August 2000 on a B2 visitor visa. She has suffered substantial physical and mental abuse at the hands of her father, F. Mr. F sexually assaulted Olga for approximately one year. During this time Olga suffered the abuse in silence because she was too afraid to tell anyone what was happening to her. Mr. F convinced

Olga that she would be punished if she told her mother, Yasmin, what was happening. She finally reported the abuse at her school in April 2003.

Her mother had no idea that this had been happening, and was shocked when she was called to a minor protection center and Mr. F was arrested. She later found out that her other daughter, Cristina, had also been sexually abused by her father, but never told her mother. Olga and Yasmin have worked closely with the Police Department and County District Attorney's Office to prosecute Mr. F for his crimes. Unfortunately they were never able to testify in court, as they had hoped to do, because Mr. F pled guilty in December 2003 and received a punishment of 10 years in prison for each of the two charges against him. Mr. F has been deported back to Mexico. Olga and Yasmin received Deferred Action Status in June 2004 and were eligible to adjust in June 2007. If Olga and Yasmin have to return to Mexico, they fear F will be able to locate them and will harm them because of their cooperation in his investigation and prosecution.

Sabrina

-Crime: Domestic Abuse

-Granted U-visa Interim Relief: 04/2005

-Eligible for Adjustment of Status: 04/2008

Sabrina, a Mexican national, experienced many years of severe domestic violence at the hands of her husband, the father of her five United States citizen children. The eldest children witnessed much of this abuse first hand and have been traumatized by the experience. The children's father has given them little or no financial assistance, nor emotional support. Sabrina reported the domestic violence to law enforcement and was granted U-visa Interim Relief in April 2005. She would have been eligible to adjust to legal residency in April 2008. Sabrina is both the primary caretaker and sole breadwinner for her five United States citizen children, ranging in age from 8 to 19 years old. Sabrina has persevered through financial hardship, working two jobs in order to support her family. She is putting her eldest daughter through college. Sabrina does not want to be separated from her children because she is the only parent they can depend upon both financially and emotionally. The children have lived in the United States their entire lives and are unfamiliar with Mexican culture and do not speak Spanish fluently. Sabrina would like to be able to get travel documents, so she may visit her aging parents in Mexico, whom she has not seen since the 1980's. Legal residency would give Sabrina the certainty she needs to heal and overcome the abuse she and her family experienced. She also needs to be able to permanently remain with her children in the United States and be able to travel to see her family.

Nermeen

- Crime: Threats to Kill, Domestic Violence

- Granted U-visa Interim Relief: 5/04

- Eligible for Adjustment of Status: 5/07

Nermeen is a national of Bangladesh who most recently entered the United States in October 2002 as an H-4 dependent of her husband, Mr. J, an H1-B visa holder. She has suffered substantial physical and mental abuse at the hands of Mr. J. Nermeen met her Mr. J the day they were to be married. Her parents and Mr. J's parents arranged the marriage. They lived together for four months in Bangladesh, before coming to the United States for Mr. J's work. The

emotional abuse began approximately three years ago, when Nermeen discovered that Mr. J had a mistress. The physical violence began after Mr. J entered a bigamous marriage with his mistress in December 2002, against Nermeen's wishes. Nermeen's husband has threatened to kill her on several occasions, and has attempted to do so at least three times. On one particular occasion when Nermeen refused to say her husband's second wife was her 'friend', as punishment he beat her head against the counter until she was bleeding. Nermeen managed to get into the bedroom and dial 911 for help.

Nermeen finally found the courage and support to report this abuse to the police after the third incident in May 2003 when Mr. J threw a ceramic cup at her, cutting open Nermeen's forehead and eyebrow. A shelter helped Nermeen find a family law attorney, enabling her to get a divorce from her husband. She has been granted a protection order against Mr. J. Nermeen is working with counselors and social workers to overcome the cultural stigma in Bangladesh regarding divorce and to work through the trauma she has suffered. Nermeen's husband travels back and forth between the United States and Bangladesh. Nermeen feels she cannot return to Bangladesh because of the cultural stigma and danger of retaliation by Mr. J. Nermeen also knows she will not receive the same protection from her Mr. J if returned to Bangladesh, which she receives in the United States. Nermeen was granted U-visa Interim Relief in 05/04 and was eligible to adjust her status to legal resident in May 2008.

Antoinette

- **Crime: Domestic Violence**
- Granted U-visa Interim Relief: 2004
- Eligible for Adjustment of Status: 2007

Antoinette is a Haitian national, who lived with her sister and her sister's boyfriend, Mr. Y., in the United States. Mr. Y physically abused Antoinette for years, but Antoinette did not report the abuse for fear of deportation. One day, Mr. Y attacked Antoinette, strangled her, forced her to the ground, and repeatedly kicked her. Antoinette said that she finally found the strength to call the police because if she had not, Mr. Y would have killed her. Antoinette was hospitalized and spent days in recovery. While still in the hospital, Antoinette began cooperating with the police and assisting in the investigation. Antoinette received U-visa Interim Relief in 2004. Antoinette, now 24, was accepted to design school, but cannot attend because she cannot afford the tuition and does not qualify for financial aid.

Marisol

- **Crime: Domestic Violence**
- Granted U interim relief: 3/2007, extended to 6/2008
- Eligible for Adjustment of Status 3/2010

Marisol, who had U interim relief, was stopped by border patrol while riding in a vehicle. Everyone in the car was undocumented except for Marisol and her US citizen son. She had a Notice to Appear from the court, the immigration judge ordered the case administratively closed, and her U interim relief notice of deferred action with her advocate's contact information on it.

Border patrol detained her for about 18 hours overnight and threatened and insulted for hours on end in order to try and get her to sign a voluntary departure order. She repeatedly asked to contact her advocate herself or alternatively have the agents contact the advocate. Marisol was repeatedly told that her papers were false and that lawyers only rob people. Her advocates have already filed the administrative Federal Tort Claims action complaint.

Pilar

- **Crime: Domestic Violence**
- Granted U interim relief 12/2005, extended to 1/2009
- Eligible for Adjustment of Status 12/2008

Pilar was stopped by border patrol at a checkpoint in Texas and interrogated. Both Pilar and her two daughters have U interim relief. They were told that their papers were false and that lawyers simply steal people's money. Pilar was so scared by threats that her US citizen children would be turned over to Child Protective Services, she signed a voluntary departure order, and she and her daughters were returned to Mexico. Since they were deported, they re-entered the United States without inspection, and Pilar's advocate is trying to contact border patrol and request that the orders be rescinded immediately.

Hector

- **Crime: Trafficking, Extortion, Kidnapping, Aggravated Assault**
- Granted U-visa Interim Relief: 07/05
- Eligible for Adjustment of Status: 07/08

Hector is a national of Mexico, who entered the United States in January 2003. Hector came to the United States looking for work to support his family in Mexico. Hector traveled from Chiapas, Mexico to Piedras Negras, Mexico where he made arrangements with coyotes to cross the border into the United States. However, once Hector arrived in San Antonio, Texas with the help of these coyotes, he was taken to a house where about nine other immigrants were being held until they paid off their smuggling debts. Hector was told to take off his clothing, and he was beaten and insulted. The kidnappers told Hector that he too owed them \$1,500. He called his family to gather the money for his release, but his smugglers did not want to wait.

Convinced that his own life was in danger after witnessing two men being brutally beaten and possibly killed, Hector decided to make his escape on a few days later. The kidnappers awoke as he and two other captives escaped, but fortunately at least one of the captives was able to run. The neighbors witnessed the smugglers beating this man in their front yard and called the police. The San Antonio Police Department as well as Immigration agents responded to the scene. Hector was one of three victims chosen to be a material witness for the federal case against his kidnappers. Because the federal government later declined prosecution of these individuals, opting to let the state handle the prosecution, his immigration documents were taken away from him and he was released to the custody of the Bexar County District Attorney's Office. The kidnappers were indicted by a Grand Jury, and Hector became a witness for the state. The kidnappers pled guilty to the state charges of kidnapping against them. The kidnappers are

currently serving 8-year prison sentences. Hector was granted U-visa Interim Relief in 06/05 and will be eligible to apply for legal residency the coming July based on humanitarian needs and public interest. If Hector is not able to get legal residency in the United States, and instead must return to Mexico, he is very fearful the smugglers or their associates will retaliate against him with violence.

Mahnaz and Farhana

- **Crime: Domestic Violence**
- Granted U-visa Interim Relief: 08/2003
- Eligible for Adjustment of Status: 08/2006

Mahnaz came to the United States from Pakistan with her husband and two children in 2001. She suffered horrendous abuse at the hands of her husband, including assault and harassment. Mahnaz found the courage to leave the abusive relationship. She was granted U-visa interim relief in 08/2003, along with her two young children. Mahnaz and her children were eligible to adjust to lawful permanent residents in 08/2006. Because of her high level of education and ability, Mahnaz is limited in her job opportunities because of the annual work employment renewal which can leave without lawful work authorization for months at a time.. Mahnaz is still trying to overcome her painful past. She needs lawful residency continue her recovery, which includes the comfort of knowing her and her family will be able to remain in the United States and seek education and employment opportunities in the future for financial security unavailable to them in Pakistan.

Mahnaz's daughter, Farhana, is entering her senior year of high-school and dreams of attending Johns Hopkins University and becoming a medical doctor. Farhana is a straight-A student in the top of her class. Farhana volunteers at the local hospital and is involved in many clubs in leadership positions. It is difficult explaining her U-visa immigration status to the colleges she is applying to, particularly since her U-visa status will expire in 08/2008. In order for college to even be an option, Farhana needs post-secondary federal financial aid that is only available to her if she can adjust to lawful permanent resident.

Rani

- **Crime: Domestic Violence, Involuntary Servitude**
- Granted U-visa Interim Relief: 12/2004
- Eligible for Adjustment of Status: 12/2007

Rani came to the United States with her husband, Qasim around 1999 from Pakistan. She endured extreme physical and verbal abuse from Qasim. During one instance, Qasim caused Rani to have a miscarriage because he beat her so badly. Qasim never bothered to get Rani a family-based visa based on being his spouse that she would have been entitled to because he did not register their religious marriage and fill out an application for her in order to control her. Rani was forced to work in their family business because she had no lawful status and was completely isolated. Rani was finally able to seek help and get out of an abusive marriage. She was granted U-visa interim relief in 12/2004 and was eligible to adjust to lawful resident in

12/2007. Rani was able to get work authorization and subsequently learn new skills. However, it is difficult for Rani to gain economic stability when she must save \$400 each year to pay for her work authorization renewal, which is a substantial amount for her to save. Although she applies for her renewal well in advance, the old card expires before she receives her new one and her employment authorization card is her main source of proof of lawful presence in the United States. Rani wants to start her own business, but without a valid employment authorization card, Rani is unable to pursue new, better paying employment opportunities. The absence of a valid card also causes her problems in proving her identity and lawful presence at public offices, such as when she renews her driver's license.

Rani continues her recovery in the United States by being able to share her story with others at local domestic violence conferences. She has also been lucky to find a good man to whom she is now happily married. Rani wishes she could take her new husband's name, but it is too hard to change it with her current status. Due to the fact Rani and her new husband have different last names, when Rani had a miscarriage last year it was difficult dealing with the hospital and getting them to release information and the body to Rani's new husband. She has not seen her family in Pakistan in almost 10 years. Rani's father is very ill, but she is not able to visit him until she can adjust to lawful permanent resident. Rani worries each night about whether her hard work will be for nothing because she is not secure about what will happen with her immigration status in the future.

Trafficking Victim Stories Illustrating Need for Access to Lawful Permanent Residency

Since trafficking victims are eligible for both T and U visas, we are including here stories that illustrate the particular needs of human trafficking victims and how lack of access to lawful permanent residency affects their lives.

Essence

- Crime: Trafficking, Child Rape, Child Sexual Abuse, Involuntary Servitude**
- Granted T-visa: 09/2002
- Eligible for Adjustment of Status: 09/2005

Essence, a citizen of Nigeria, was trafficked into the United States at age 11 by Dr. J, a pediatrician, and his wife Mrs. J. Essence's parents were living in extreme poverty, so they consented to allow Essence to work as a nanny for Dr. and Mrs. J because they were told money would be sent back to their family. The traffickers smuggled Essence into this country under the guise she was their adopted daughter. On her first night in the United States, 45 year-old Dr. J raped 11 year-old Essence. Dr. J continued to sexually abuse Essence for the next two years. Essence was not allowed to attend school her first year in the United States, instead she was made to work around the clock watching the children, cooking, and cleaning without any payment. Dr. J also physically and verbally abused Essence. Dr. J told Essence if she told anyone he would bring over one of her sisters and do the same thing to her.

Essence was eventually allowed to attend school. The teachers at Essence's school became suspicious that she was pregnant. At age 13, Essence had to undergo an abortion when she discovered she was 5 months pregnant. The teachers reported Dr. J and his wife to the authorities. Essence and Dr. J's children were immediately placed in foster care. Dr. J was arrested and convicted. He died of a heart attack in 1995. In 1999, Essence cooperated and assisted INS, FBI, and the U.S. Attorney for the Southern District of New York in the investigation and prosecution of Dr. J's brother, sister, and brother-in-law charged with smuggling, involuntary servitude, and fraud crimes. Dr. J had been listed as a co-conspirator in the original criminal complaint. Essence was able to offer evidence about another trafficking victim from her hometown, whom she had known through visitation with Dr. J's family, the named defendants. With the help of Essence's testimony the traffickers were convicted. Dr. J's sister is serving 148 months, his brother-in-law 135 months, and his brother 18 months in jail and subsequent deportation. Essence received a T-visa in September 2002, which she has renewed each year. Essence was eligible able to adjust her status to legal resident in September 2005.

Essence has lived in the United States since age 11. She barely speaks her native language and is unfamiliar with the culture. The only ties she has to her home country are parents and siblings she has not seen in 20 years, who gave her to her traffickers. Essence's whole support system, her foster family, friends, and counselors live in the United States. Essence faces great hardship if she has to return to Nigeria because she fears retaliation from Dr. J's family who hold her responsible for the incarceration of their relatives and Dr. J's death. The authorities in Nigeria are neither able nor willing to protect Essence meaningfully, unless she gives them protection money.

Essence was placed with her loving foster mother, where she remains even after the formal foster care arrangement has ended. Although Essence is now 30 years-old she still lives with her foster family because she suffers from post-traumatic stress disorder, mild mental retardation, mild multiple sclerosis, and muscular dystrophy. Her disabilities make it difficult for Essence to walk and get up. One senior social worker had stated that she has, "...never seen a worse case of psychological, physical, and sexual abuse in a young girl." In the United States Essence is able to get counseling, physical therapy, and follow-up medical treatment and monitoring, which would otherwise be highly inaccessible and unaffordable to her in her home country.

Essence graduated from high school, but would like to continue her education. She has been working at McDonald's for years at minimum wage. On this salary Essence is unable to make independent living arrangements. She would like to have her own place, but the low wages she makes prohibit this. Essence would like to go to college in order to get a better job, but is not able to do so without federal financial aid.

Unfortunately, while Essence has been waiting to adjust her status her T-visa has expired through no fault of her own. Since Essence's T-visa has expired and she is pending legal resident status, she is not eligible for certain benefits, such as federal financial aid and Medicaid. Also without Medicaid, Essence would be unable to pay for the treatment she needs. Essence dreams of having a family of her own one day, but without being able to adjust her status to permanent residency she will not be able to further her education, have a home of her own, and afford necessary medical treatment in order to fulfill her dreams of independence.

Thomas and Moses

-Crime: Trafficking

-Granted T-visa: 09/2003 and 08/2003

-Eligible for Adjustment of Status: 09/2006 and 08/2006

Thomas and Moses, citizens of Zambia, were victims of labor trafficking at the young ages of 16 and 11 respectively. In 1998, Thomas and Moses, both members of the Zambian Acappella Boys Choir, were falsely offered an opportunity to sing in the United States so they could raise money for schools and their families in Zambia and get an education. The traffickers ran the trafficking operation under a dummy program called Teaching Teachers Partners in Education based in Texas. The boys were required to sing 4-7 concerts per day, and often food was withheld from them. The traffickers took away the boys documentation, constantly threatened the boys, created rules where they were not allowed to speak to anyone, and denied them contact with their families. Fortunately in January 2000 the former INS, rescued the boys and their friends from the traffickers. Moses and Thomas were placed with families in the United States. Thomas received a T-visa in September 2003 and was eligible to adjust his status to legal resident in September 2006. Moses received a T-visa in August 2003 and was eligible to adjust his status to legal resident in August 2006.

Moses is an honors student studying biology, who dreams of becoming a dentist someday. As a T-visa holder Moses is eligible for federal financial aid. However, since Moses cannot yet adjust to legal residency he is not eligible for lower Texas in-state tuition rates at the state university he attends and must register as an international student paying higher tuition because of his T-visa status. Also, some of the dental schools Moses would like to attend only admit legal residents. Additionally as an orphan, Moses was unable to bring his brothers and sisters over as derivatives of his T-visa. It is hard for Moses not being able to see his family for so many years. The average life expectancy in Zambia is 35-years old. Moses wants to be able to see his siblings again and fears they may die before he can do so. Moses would also like to be able to travel outside the United States in order to continue his advocacy efforts raising awareness about human trafficking in international speaking engagements.

Thomas found refuge in a home in Illinois. While he loves his 'new' family, he would like to travel to Zambia to see his family whom he has not seen in 10 years. It is difficult for Thomas to make plans in his life when his future is uncertain. Thomas compares it to starting to build a house and having to leave it because a flood might come, never knowing when he can return or what will be left but hoping to come back to his house. The fees for his employment authorization, which he must pay each year, increase every year and are getting more difficult to pay.

Tita

- Crime: Trafficking

- Granted T-visa 10/2003 through 10/2006

- Eligible for Adjustment of Status 10/2006

Tita lived in Mexico with her husband and three children. Tita's husband was emotionally abusive in their home country, before Tita was trafficked into the United States. Tita was induced to come to the United States with the false promise of food, shelter, and a steady paying job if she traveled to Los Angeles and worked at a particular garment factory. Tita hoped to work temporarily in the United States to earn money in order to open her own business and become independent from her verbally and emotionally abusive husband. However, once she arrived in the U.S., Tita was forced to work 16-hour days in the shop from approximately 7 a.m. until 11 p.m. at a salary of a few dollars per hour in order to pay off her smuggling fees. Tita lived in the garment factory and was denied medical care. Tita was isolated and unable to escape because anytime she was ever able to leave the premises a factory manager accompanied her and she was told that if she tried to escape the police would catch and deport her.

Eventually, Tita escaped the prison-like conditions of the factory. The two shop managers were arrested by members of the U.S. Attorney's office task force and charged with immigration violations. Tita was cooperative with law enforcement and expressed a willingness to testify against the defendants if required. Both defendants pled guilty. Tita was granted T-nonimmigrant status for the period from October 2003 to October 2006. Tita very much wanted to be reunited with her three children in the United States. Tita's children were granted T-nonimmigrant derivative status for the period from April 2004 to October 2006. Despite the Tita's continued attempts, during this time her emotionally abusive husband refused to allow the children to consular process in her home country and come to the United States.

In February of 2008, she finally convinced the children's father to allow her children, now ages 17, 15 and 12, to come to the United States; however, the T-visa unit at the Vermont Service Center said the children were ineligible to consular process at this time because their T-visa derivative status had expired and the victim's T adjustment of status application cannot be adjudicated until the T-visa adjustment regulations are issued. Unfortunately Tita's only option is to apply for and receive lawful permanent residency based on her T-visa and bring her children to join her in the U.S.

Toni

- **Crime: Trafficking**
- Granted T Visa 3/2005 through 3/2008
- Eligible for Adjustment of Status 3/2006²

Toni was trafficked into the United States in 2003, she was forced to cook, clean and submit to almost daily rapes at the hands of her traffickers. In February 2003, she attempted to escape her traffickers along with another woman. As punishment the traffickers took them to a remote field where they were beaten, repeatedly raped by several men, and left for dead. Toni's collaboration in the investigation and prosecution of the crimes committed against them. Toni's traffickers were sentenced to serve between 4 months to 23 years incarceration. Toni was severely traumatized as a result of the crimes committed against her. In addition, Toni continues to suffer the physical consequences of the crimes committed against her.

² Toni is eligible to adjust in less than three years because VAWA 2005 allows T-visa holders to adjust status upon the completion of the investigation or prosecution of the trafficking crime. Though DHS has also not published a final rule implementing VAWA 2005, Congress mandated this change to afford trafficking victims earlier access to the protections of lawful permanent residency. Pub. L. No. 109-162, 119 stat. 2960 (2006).

Toni had four children, two adults and two minors. The minor children were able to reunite with her in the United States but her older adult children remained in the home country. Toni suffers agonizing over the well being of her older children who remained in her home country. She constantly worries about her traffickers' release from prison and the well being of her older children. Obtaining permanent residence would allow Toni to petition for her older children to be reunited with her here in the United States.

Silvia

- **Crime: Trafficking**
- Granted T Visa 12/2002 through 12/2005
- Eligible for Adjustment of Status 9/2005

Silvia was forced to work in an agricultural camp in Florida and South Carolina, harvesting vegetables and citrus. She was in a camp with about 400 other workers, mostly indigenous Mexicans and Guatemalans. They were forced to work 10-12 hour days, 6 days per week, for as little as \$20 per week, under the watch of armed guards. If they attempted escape, the workers were assaulted, pistol-whipped, and even shot. Silvia assisted in the investigation and prosecution of her traffickers that resulted in a 15-year sentence in federal prison on slavery, extortion, and firearms charges, amongst others. Since her escape, Silvia has not only assisted in the prosecution of crimes perpetrated against her but has also provided critical assistance to young girls and women enslaved in brothels in a sex trafficking case, and has participated in numerous federal law enforcement training for federal agents and prosecutors.

For the past three years Silvia has renewed her employment authorization card 90 days prior to the expiration of her current employment authorization. For the past six months Silvia has been completely destabilized because her employment authorization renewal was improperly delivered, through no fault of her own, to the wrong address. As a result, she lost her job and her only source of income. Obtaining permanent residence would allow Silvia stabilize her employment situation.

Kumari

- Crime: Trafficking, Involuntary Servitude**
- Granted T-visa: 09/2003
- Eligible for Adjustment of Status: 09/2006

Kumari, a citizen of Sri Lanka, was induced to come to the United States in 1996 to be a housekeeper. Kumari's traffickers promised her higher wages than what she was making in Sri Lanka, but in reality they paid her no wages at all. Kumari was forced to work all the time, seven days a week. Her traffickers locked her in the house and warned her not to open the door. They told Kumari not to speak to anyone because any strangers would probably kill her. Kumari was scared to leave because she did not know anyone, or where to get help. Eventually Kumari was freed from her servitude and given a second chance. She received a T-visa in September 2003 and was eligible to adjust her status in September 2006.

Kumari has been unable to see her family in Sri Lanka for the past 12 years, and is constantly worrying about how they are doing. She desperately wants to be reunited with her family. Kumari works very hard as a certified nurse technician. Kumari would like to work at the VA hospital because the position would offer her health insurance, a lighter working schedule, and would allow her time to further her education. However, Kumari is prohibited from taking a position at the VA hospital because she is not yet a legal resident or a citizen. The delay in issuance of the T-visa adjustment regulations locks Kumari into a low paying job without benefits, and at the same time requires she save money continually to pay for her extension and work authorization each year. Kumari had to pay higher closing fees and interest rates on the townhouse she purchased two years ago because she was not able to adjust to legal residency when she was eligible, which would qualify her for lower fees and rates.

Nina

-Crime: Trafficking

-Granted T-visa: 10/2003

-Eligible for Adjustment of Status: 10/2006

Nina's trafficker brought her to the United States, promising her a better job. Instead, Nina was taken to a rural town in North Carolina and forced to work as a prostitute in a brothel. One day Nina found the courage to escape through the window and ran to a nearby gas station for help. Nina met various people who helped her and referred her to social and legal services. Nina went to the FBI to report her traffickers and received a T-visa because she cooperated with the FBI's investigation in October 2003. Nina was eligible to adjust to permanent residency in October 2006.

Nina has tried to lead a somewhat normal life, living with her two United States citizen children and her boyfriend, the father of her younger child. Nina wishes to travel with her two children to Mexico, so they may meet their grandparents and extended family. After Nina escaped she had no support system and Nina shows signs of post-traumatic stress syndrome as a result of her traumatic experiences with her traffickers. Nina would greatly benefit from the support of her family, but is unable to visit them unless she can adjust her status to legal resident. Additionally, Nina wishes to visit her parents and sister who were threatened as a direct result of Nina's trafficking. She wants to help make sure her family is safe. In seeking employment, Nina has been discriminated against because of her status as a T-visa holder by employers who want to see legal permanent residency status before offering employment.

Andres

- Crime: Trafficking

- Granted T Visa 10/2002 through 10/2005

- Eligible for Adjustment of Status 6/2005

Andres was sold to his employer by a coyote. He was held with 33 other tomato pickers in two roach infested trailers in isolated swamplands and was kept under constant watch. The trailers had wholes in the floor through which they were able to observe snakes crawling. Their mattresses were on the floor. Andres worked approximately 10-hour days for about \$15 a day.

From his pay he was forced to pay rent, food and smuggling fees. When Andres and two other workers escaped the camp, their boss track them down a few weeks later and ran one of them down with his car, stating that he owned them. Andres' assistance led to the incarceration of his traffickers. Since he got his T Visa, Andres has also assisted the federal government in the training of federal agents and prosecutors.

Although Andres, has been invited to share his experiences in several international forums, including in trainings abroad sponsored by the Department of Justice and the Department of State, he has been unable to continue his advocacy and training efforts because his T Visa has expired and his adjustment of status application remains pending. If he leaves the United States, he runs the risk of becoming inadmissible and not being able to continue to receive protection from the authorities in this country. Andres wishes to obtain his legal permanent resident status so that he can continue bringing the voice of survivors of trafficking and contribute to US prevention efforts and technical assistance to prosecution of slavery cases around the world.

Shanti

- **Crime: Trafficking, Involuntary Servitude**
- Granted T-visa: 12/2004
- Eligible for Adjustment of Status: 12/2007

Shanti came to the United States from Sri Lanka for what she believed was a valid employment opportunity. Her employers, another family from Sri Lanka, had lied to her and trafficked her into the United States on a tourist visa to be their domestic servant. Shanti left behind her husband in order to earn money to give them a more secure economic future; however, her employers did not pay her. Shanti was forced to work 12-14 hour days cooking, cleaning, and watching children for no money and being subjected to verbal abuse. Shanti was unfamiliar with the laws and threatened by her employers for years. Finally, Shanti was able to get assistance and obtain a T-visa in 12/2004. She was able to get derivative status for her husband and he came to join her in the United States. Shanti and her husband were eligible to adjust to lawful residents in 12/2004.

Shanti's husband is not in very good health due to a workplace injury, so she is the sole breadwinner for the family. Each year Shanti must save \$800 for their work authorization renewal applications, which has put a significant dent in their meager savings. In anticipation of the issuance of T & U-visa regulations, Shanti and her husband spent additional time and money on their applications to adjust their immigration status to lawful residents. Shanti was excited when she got a biometric appointment and interview date from USCIS and completed her finger printing; however, USCIS informed her it had mistakenly given her an interview date. Shanti was devastated. Though her attorney has explained it, she does not completely understand why her and her husband are in limbo. Shanti and her husband want to visit their family in Sri Lanka, especially since the birth of two new grandchildren, but are unable to travel until they adjust to lawful residents. Shanti still worries that she will face retaliation from her traffickers if she is returned to Sri Lanka.

U VISA CASE BENEFITS FOR VICTIM SAFETY AND LAW ENFORCEMENT EVEN WHEN NO CRIMINAL CASE IS OPENED OR PURSUED

May 16, 2012

Mom's USC husband sexually molested her very young children – ages 2 & 4 when she reported to the police. Mom cooperated fully with the police investigation – brought children to multiple appointments and interviews, met with police and CPS multiple times. By the time of the investigation, he was in prison for something else but he called her and threatened to have her deported if she didn't stop. He had filed an I-130 for her so she believed him, but she continued to cooperate. In the end, the case was not prosecuted due to the children being too young to report credibly. Mom got a U visa. Several years later, his new girlfriend reported to the police that the same guy had molested her son. My client and her children were ready and willing to testify in a possible prosecution for the new molest. They would not have been available to do so had she not been given U status. (It turned out that that child also was too young to be a credible witness, but my client continues to be ready to testify if asked. She is now an LPR through a U adjustment).

A recent example of a case we processed is for 2 young men, brothers, both sexually abused by a church worker. I don't know the nationality of the church worker, but he was convicted of a lot of counts of rape, sexual abuse, endangering welfare of minors etc. The boys were 9 and 11 when this perpetrator started abusing them. Defendant was sentenced to 15 years.

As to the requirement that a U visa applicant can only apply during the pendency of an investigation or prosecution, you've probably heard this from other NY practitioners, but only one county's district attorney will certify any crime victim will a criminal prosecution is pending (Queens county) – all the other district attorney offices have a policy of not certifying a crime victim until a conviction is had or the case is closed in the courts. They don't want the U to be discoverable by criminal defense counsel

So this onerous requirement would eliminate a U visa possibility for many hundreds of NYC crime victims.

LE came to the U.S. with a G visa as the domestic worker of a diplomat from her home country. She lived with and worked for the diplomat and her husband. After they moved to the U.S., the diplomat's husband began raping LE and threatening to hurt her family back home if she told anyone. This went on for months. LE was afraid and didn't know what to do – the diplomat and her husband were powerful people, particularly back in their home country. Finally, she gained the courage to leave their home and a friend let LE stay with her. The friend also encouraged LE

to report the rape to the police, which she did. The police opened an investigation, but were unable to pursue it further because the rapist had diplomatic immunity and had already fled the U.S. when LE escaped his home. LE was afraid to go back to her home country, where the rapist had returned and where he and his wife had power to harm her. She was even ashamed to tell her family what had happened. Thankfully, through the U visa process, LE was able to remain in the U.S., obtain counseling, go to school, and has rebuilt her life. She is a Certified Nurse Assistant, has become fluent in English, and after several years fell in love, married, and has a beautiful baby boy. Not only has the U visa made a difference in LE's life, as well as her friends, family and community, by empowering her to be a "survivor" instead of a "victim," it allowed her to report the rape even though the case could not be prosecuted, resulting in the rapist leaving the U.S. – a huge benefit to our society.

----- A 6 year old male from Mexico was sodomized by 13 year boy from the same country. Victim's mom walked in shortly after the rape took place. The detective did not speak Spanish and did not obtain an interpreter to communicate with the immigrant child victim. The language barrier led the detective to be disengaged with the case and delayed the investigation. Since it took so long follow up with the case (6 weeks later)

39 year female and her daughters 16 and 13 were raped by her husband and biological father. When the 16 year confessed to her mother about the abuse father disappeared. He left the home with only his keys. (U-Visa approval pending)

Family of 5 from Mexico was assaulted, robbed, and mother was molested by 7 armed men with automatic weapons. The family could only determine that 5 of the men were African American and the other two Hispanic. (U-Visa approval pending) but took months to get the signature from law enforcement, then I was told, that the lawyers from the Police Department determined it was not their responsibility to sign the certification and I need to go to the District Attorney's office (in the future), regardless if the suspects were not captured.

A prosecutor in Atlanta just finished convincing and walking through Smyrna PD on how to handle this. Now they have assigned one Captain to handle all requests. I had a victim of a sexual attack from her employer. When she ran into another business and called 911 the police came out. The employer locked the door and when police came out to talk to him and knocked on the door he shot and killed himself. Because of this, none of the prosecution offices had a case and I had to convince them that they needed to fill out the paper work. It took a while, but I think that we finally got what the victim needed. Let me know if you need me to talk to anyone. I am afraid that it usually has more to do with bias against people who are undocumented. Once I phrased it

in a way that explained this was not going to grant them a Visa, which only allowed them to take the case in front of a federal judge to review it, the officers seemed much more receptive.

As to the requirement that a U visa applicant can only apply during the pendency of an investigation or prosecution, you've probably heard this from other NY practitioners, but only one county's district attorney will certify any crime victim will a criminal prosecution is pending (Queens county) – all the other district attorney offices have a policy of not certifying a crime victim until a conviction is had or the case is closed in the courts. They don't want the U to be discoverable by criminal defense counsel

So this onerous requirement would eliminate a U visa possibility for many hundreds of NYC crime victims.

Victim's need to obtain a U-visa even without an active investigation or prosecution is illustrated by one example of a woman who was sexually assaulted, beaten and stalked by her abuser, contacted police and followed up repeatedly, filed for and received a multiple-year order of protection against her, but law enforcement didn't follow proper procedure and never actually filed the criminal complaint with the court. Calls to law enforcement went unreturned and the DA's office had no record of anything being brought to their attention. The statute of limitations had already run by the time an advocate could have intervened to have the complaint filed with the court. She is still more than willing to testify against her abuser and even contacted the mayor's office, state police and other government agencies for assistance in getting justice. The DA's office would have prosecuted if they had received the complaint on time. If the law changed as is being suggested, a victim like her wouldn't get a U visa.

Patricia M. was 21 years old when she first came to the United States from Mexico about six years ago. Like most immigrant farmworkers in the US, Patricia did not have a work visa, but she was able to get work. About four years ago, she got a job harvesting almonds. The foreman would pick workers up and then drop them off at the end of the day at a local gas station. She said he repeatedly offered her food and drink, which "bothered [her] a lot," because she felt he was not offering these things innocently. He insinuated that he could help her, saying, "Listen to me, I'm the foreman, and you'll have a job." On the third day, he dropped off all the workers at the gas station except her. He told the rest of the workers he was going to pick up the water cooler, but instead, he took Patricia to a remote field.

"From there, he didn't say anything, he just stared at me. I was wearing a hat and a bandanna [that covered my face], and he said, 'What do you have there? An animal?' And I knew he wanted to do something to me."

Patricia described him as "fat, very big." She reported that he got on top of her and tied her hands with her bandanna to the hand grip above the truck door. Then, she said, "He took off my clothes and he raped m. He hurt me badly. Patricia did not tell anyone. She said, "I felt very sad

and very alone.” She had no family in the US, and she did not want to tell her family in Mexico what had happened.

After the rape, Patricia continued to work at the same farm. She could not leave the job because there was no other work available. The abuse continued. “He kept raping me and I let him because I didn’t want him to hit me. I didn’t want to feel pain.” Eventually, Patricia found out she was pregnant. She heard that she could apply for disability benefits and went to a social service agency where the employees asked her whether she had a partner. That question prompted her to tell them everything, and the agency helped her file a police report.

Patricia credits the agency for providing crucial support. She still has not told her family in Mexico what happened. Although she told her mother she was pregnant, she didn’t tell her about the rape, “Because I don’t want her to be sick.” Without the counselors at the agency, she knows she would never have filed the police report: “I was afraid they would put me in jail; I was afraid [they’d] send me to Mexico because I was illegal.”

Patricia stated that the foreman was not prosecuted and sentenced for the crime. Instead, after arresting him, the police seem to have contacted immigration authorities, as he was soon deported. Unfortunately, this does not mean he is completely out of Patricia’s life. She has heard reports from his family that he is planning to come back to the US and see the child. The rape continues to affect her in other ways as well. Patricia is now married, and her daughter is “so beautiful,” despite the painful memories of how she became pregnant. Yet she reports, “Sometimes, I remember and I can’t be intimate with my husband.” She also worries because, “I don’t know what to tell my daughter when she gets older.” (Human Rights Watch California, June 2011) See full report at <http://www.hrw.org/reports/2012/05/15/cultivating-fear>

EEOC alleged that a farm worker, soon after her hire was forced upon flattened card board boxes and raped with shears to her throat by her supervisor. The supervisor threatened to fire and kill her two siblings and brother-in-law (all co-employees) and her relatives in Mexico if she ever reported the rapes to anyone. Following the first rape, the farm worker was forced to perform sex on the supervisor several times in the fields during the winter months in Oregon. After she refused to perform sex in the fields in part because of the pain that she suffered, the supervisor fired her. Traumatized by the rapes and threats to kill her family, the charging party did not file a charge with the EEOC until 62 days past the 300 day deadline to file a charge.

The certification requirement in the HR4970 undermine the ability of the EEOC to bring enforcement actions to hold an employer in these situation accountable unless local police and prosecutors also commence an investigation which doesn’t happen often in many of these cases

ABUSERS INTERFERING WITH A VICTIM'S ABILITY TO ACCESS VAWA IMMIGRATION RELIEF

May 16, 2012

Introduction

The importance of VAWA relief for immigrant survivors of domestic abuse perpetrated by U.S. citizen or lawful permanent resident spouse and parents and by U.S. citizen sons and daughters against their immigrant parents is summarized eloquently by the following quote from an attorney who has worked on the front lines for years:

“The good news is that thanks to the way the VAWA works now we don't have a lot of stories of abusers interfering in the process because abusers use the tools that they have within reach and the protections in place have made it hard for them to hurt their victims through the VAWA. I can tell you about the fear I see in my clients' eyes until I explain that their information is protected by me and by the immigration service. I can tell you about clients who think their husbands can read their minds and watch them wherever they go because he has convinced them he is all-powerful. I can tell you that we have clients who whisper when they talk in our offices because they think their abuser can somehow hear them.”

The following stories illustrate how important VAWA self-petitioning has been to protect victims against immigration related abuse perpetrated by their U.S. citizen, and lawful permanent resident abusive family members. It is important to emphasize that VAWA self-petitioning was designed to help immigrant victims of family violence for whom immigrant visas were available for them under U.S. family based immigration laws. However, access to these visas was controlled prior to VAWA by the victim's abusive spouse, parent, son or daughter and victims were trapped in abusive homes by this power and control over immigration status and ongoing threats to have the victim deported, in many cases permanently severing non-abusive victim parents from custody and access to their children. VAWA self-petitioning allowed immigrant victim family members abused by U.S. citizen or lawful permanent residents to confidentially file their own immigration case, without the perpetrators knowledge or consent.

Proposals to stay adjudication of VAWA self-petitions when the level of violence occurring in the household against the immigrant victim and often her children has risen to the point where police have opened an investigation and/or a prosecution has been initiated, will place immigrant victims like those in the following real life stories at grave risk of harm from the perpetrator. The most effective way for perpetrators under investigation and prosecution from law enforcement officials to elude, avoid or interfere with a criminal investigation or protection is to threaten, scare, intimidate, abuse or take steps to deport the immigrant victim. The time when the risk of harm to the victim is greatest is when the criminal justice system is taking steps to prosecute the perpetrator

Woman from Taiwan married to USC with two children together, completely dependent on her spouse, not allowed to work. He had trouble holding down a job and never petitioned for her. He was physically abusive. She ended up in the shelter several times. We helped with VAWA Self-Petition. She went back to him because he had gotten custody of the children because she did not have legal status. He found out she had immigration papers pending. He tried to sue USCIS. Sent letters threatening the Service claiming he was the only one that could obtain papers for her. He took her and the children to Taiwan and left her there but brought the children to US with him. I was getting calls from Taiwan from her. She was very afraid of him. Because she was now out of country she lost her ability to Self-Petition

Nazira” is a South Asian Muslim woman whose U.S. citizen husband pled guilty to beating her and was convicted. She had been living in a domestic violence shelter for several months when she went to family court for an order of spousal support. As Nazira walked out of court, two ICE agents and a sergeant with the local Sheriff’s department met her at the door. They had been notified by Nazira’s husband that he was withdrawing his support of her visa. The immigration agents told her she was “illegal” and put her in the process of deportation. This was despite the fact that they said that they knew Nazira had filed an application for legal status under VAWA, that she had received prima facie approval of her application, and that she actually was in a period of authorized stay (i.e.; “legal”) pending the outcome of her application. (From the Tahirih Justice Center; case story from 2007)

Andrea sought protection under VAWA after her husband, who had perpetrated years of physical, emotional and verbal abuse against her, attempted to carry out his murder-suicide plan. He described to Andrea how their sons would come home from school and find him hanging from the rafters of the garage and her lying strangled in the bed. Ultimately, Andrea was able to escape from her husband during his attempted murder of her, but he did end up committing suicide. As such, it was clear her husband was not merely threatening her life - he fully intended to take both their lives that day. Andrea self-petitioned for legalization of her immigration status as a battered spouse. She was approved and later obtained her legal permanent residency.

Andrea is now a productive member of society – volunteering as a Eucharistic minister with her church and volunteering with senior citizens. Andrea has also raised two upstanding U.S. Citizen children, both of whom serve in the U.S. armed forces. Her oldest son is a corporal in the infantry of the U.S. Marine Corp and has done at least two tours of duty in Iraq. Her second son is in the U.S. Air Force and has completed two tours of duty – one in Korea and another in

Afghanistan. Andrea is proud of her children and selflessly supports them in their service of this country. Asian Pacific American Legal Center (California)

Claire is a survivor of domestic violence at her now ex-husband's hands. On occasions too numerous to document, he raped her, beat her, and strangled her. One time, he chained Claire to the radiator, beat her with a cord, and then raped her. Her husband promised that he would help Claire bring her daughter to the United States. He never did. Claire was able to obtain her permanent residence through VAWA and, after years, she is a few months away from filing for her citizenship. Her daughter was able to come to the U.S. and is now a permanent resident.

Remarkably, Claire's daughter will obtain citizenship before her mother, since she enlisted in the U.S. Armed Forces and is currently serving this country in our military with distinction. Since obtaining employment authorization and eventually permanent residency, Claire has thrived in the U.S. She has been consistently promoted in her industry, and she is now a manager at a national chain of restaurants, overseeing a staff of two dozen people.

I had a client; she had criminal charges of rape pending against her abuser. The judge erroneously gave the abuser custody of their child because she did not have immigration status. He said on the record she was not an unfit mother, she simply did not have status and he did have status. We had an I-360 (VAWA Self-Petition) approved. The abuser and his attorney then contacted my client and told her that if she dropped the charges they would return her daughter to her. In her desperation she recanted in two depositions by the defense. They used that against her and had her I-360 revoked and then threatened to have her charged with perjury. To make a very long story short, she lost custody of her daughter and was deported to her country of origin. The abuser and his attorney contacted ICE and this is how the Trial Attorney got the I-360 revoked.

Ms. S came to the US when she was 6 months pregnant. She meets USC Aggressor who convinces her to marry him by saying her baby will be taken away if she does not. Aggressor gets his name on the birth certificate as the father of Ms. S's baby. Aggressor attempts to take baby from Ms. S and she calls police. Ms. S cannot adequately explain that he is not the father and Officer incorrectly believes Aggressor has parental rights to take son. Officer codes the incident report as a one-time call-in not requiring investigation. Aggressor later sexually assaults Ms. S. Ms. S calls the police again, but is unable to explain. Officer again codes the incident report as a one-time call-in not requiring investigation.

Ms. S goes to the police station to supplement the incident reports to provide more information through an interpreter. Ms. S is unable to supplement the two prior incident reports because they were not coded to be investigated. Ms. S attempts to file a new police report describing in detail the two prior incidents and it is assigned a case number. This new police report is never filed by

the officer, gets lost, and the officer who took the report is transferred to another department. Ms. S goes to the police department again to re-file the same police report. She is told the case will not be investigated, but police department is willing to sign certification for U Visa. (Basically, by this time it was a tangled mess of paperwork and almost a year had passed since the original incidents).

The U visa was necessary for Ms. S because she had no other way of obtaining lawful status in the US. Although there was no active investigation or prosecution against Aggressor, due to Ms. S's proactivity, Aggressor "straightened up", for lack of a better word, once he realized Ms. S was communicating with law enforcement officials about his conduct and Aggressor was fully cooperative in the civil matter regarding Ms. S and her USC child.

I am currently working with a client whose husband submitted to the Probate & Family Court during a restraining order hearing forged documents purporting to be from a mental hospital, in support of his argument that she was delusional and therefore inventing her allegations of abuse. The client is also in the process of self-petitioning under VAWA. I do not know if the husband has mailed similar documents to USCIS already – but surely he will if he learns that she is self-petitioning

A battered wife married to an overseas US government employee fled to US with her minor daughter to escape abuse. At airport, client expressed fear of her husband to CBP inspector, which was well-founded because her abusive husband flew to US in hot pursuit. The abusive husband worked in East Asia for US army and was almost 30 years older than my client, who was from Philippines. He persuaded my client and my client's parents to allow my client and the abusive husband to adopt my client's much younger sister. Considering the fact that the abusive husband frequently traveled to Thailand, "to play golf" as he told my client although i don't think my client ever said he played golf at home, however the perpetrator was a child predator as well as DV abuser.

The abusive husband went to the local ICE office repeatedly to demand information about his wife so to protect her, ICE prolonged her detention until arrangements were made for the client and her child to enter a battered women's shelter. Eventually USCIS approved the I-360 and the client and her daughter adjusted, but obtaining corroborating evidence from overseas was difficult, which arguably delayed the final approval. After being rebuffed by ICE, the abusive husband attempted to submit a defamatory statement regarding his wife to the Immigration Court several times and after returning the statement to him several times, the Immigration Court forwarded to me.

After 5 years of representing immigrant victims of domestic violence, I found myself in court. This time I was in court representing myself at a harassment injunction hearing. JB had been referred to me for representation by a colleague who worked at a domestic violence shelter. I

learned firsthand how abusive and manipulative JB's husband could be. Not only did he stalk her and threaten to have her deported, he contacted the law school I graduated from requesting a copy of my transcript. He contacted the Office on Violence Against Women demanding that they revoke my grant through the Legal Assistance to Victims Program that had made it possible for me to help his wife. As an Emeritus Professor at the local university, he was very intelligent and highly connected. He tried to make my life miserable so that I would withdraw as his wife's attorney. I was granted the harassment injunction and JB was eventually granted her divorce. JB was put into removal proceedings before her VAWA Self-Petition was approved, because of her fear her husband she chose to leave the country before her Self Petition was approved since her SP took over 1 ½ to get approved because of his interference. This is an example of how batterer's will go to great lengths to try to control their victims and to ensure that there is no help for them as they try to escape abusive relationships.

Abuser sent pictures of her client and her brother to USCIS trying to make it seem like she was having an affair, trying to ruin her case. All of the abuser's submissions made it into the file and client had to explain all of the information submitted by the abuser at the interview.

From the San Francisco Police Department: Two years ago SFPD had a case which the victim was holding her baby and got into an argument with the baby's father. The suspect pushed her into a glass panel door, which sliced her arm to the bone, while holding the baby. The suspect ran out of the house. She was transported to the emergency room, where she received over fifty stitches and lost some of the feeling in her hand. The victim and the suspect worked at the same factory.

The suspect was arrested and the case went to trial. During this time she was unable to work and when she did go back the other workers made it hard for her. During the trial the suspect's attorney made several motions to have the case dismissed. One of the motions was regarding her U-visa application and how to obtain all the information. This became a battle because the perpetrator wanted to obtain a copy of the U-visa case. The Court denied the request. The assistant District Attorney handling the case asked for my help explaining to the court the U-visa process and VAWA confidentiality. The victim continued with the case, even after suffering several major hurdles.

Ms. E was sexually abused as a child for years by her father who is undocumented. Both are Mexican citizens and resided in the US. After years of sexual abuse, she made an outcry at school. She actively helped the police and the district attorney in the investigation and prosecution. Her father was indicted and Ms. E was available and willing to testify. Her father then fled the US to avoid prosecution and there was no active prosecution at the time her U Visa was certified by the DA.

Her U visa was necessary because she had no other way of obtaining lawful status in the US. She currently has U status, but if she is not able to adjust her status through the U-Visa, she will have to return to the same country where her abusive father is presumed to be living and she will not be present to help in any future prosecution if her father were to return to the US.

Husband was an LPR. We didn't do the original filing; it was done by a notario. The application wasn't put together well, so we stepped in on an RFE and completed the application. My understanding is that this was filed while they were separated and got back together. I don't think she said anything. I know we talked to her about it when their priority date went current and asked if there was a separate mailing address that we could send things to. She told us that she always got the mail and that she would tell him sooner or later.

I'm not sure how he was told, but she told us that he acted like he didn't care. When she and the kids went down to do biometrics, he wasn't happy, but not violent. When they got their EAD cards he asked a lot of questions, but kept his cool. When they got their interview notices, he lost it. Here's a report we found for the incident:

Shooting sentence (January 26, 2008)

A Fort Wayne man who shot his 18-year-old son in the arm last summer was sentenced in Allen Superior Court to 5 1/2 years in prison Friday. Rodolfo Lopez, 38, of the 2900 block of Trentman Avenue, became angry with his son, Jose and Jose's mother one night in August. According to court documents, an argument escalated and Lopez shot his son with a .25-caliber handgun. The teen suffered a gunshot wound to his upper arm but was able to knock the gun out of his father's hand when Rodolfo Lopez pointed it at the teen's mother. Lopez eventually pleaded guilty to battery and pointing a firearm. He was given 154 days credit served for time spent in Allen County Jail.

Here's link if you need it:

<http://www.fortwayne.com/apps/pbcs.dll/article?AID=/SE/20080126/NEWS/801260329>

Client showed up at her divorce hearing and was picked up by ICE. She was detained and put in removal proceedings. A battered spouse waiver case, client and son were threatened by abuser with a knife and he was charged with terroristic threatening. At the criminal hearing he argued that he was mentally unfit to proceed (he couldn't remember the year, heard voices, etc.) and the criminal case was dismissed because of that. Around the same time he was found mentally unfit, he submitted a letter to Immigration saying that he did not sign off on the joint waiver petition, that the client had forged his signature. The letter resulted in her lawful permanent residency being revoked. Again the abuser subverted the process to take prevent the victim from receiving immigration benefits. The case is still under review by CIS.

Most of the time we don't know what abusers say in our cases because CIS protects their confidentiality. When we ask for derogatory evidence against the victim, they never produce what the abuser said or sent in. It's very hard to fight secret information from the abuser.

Client married his US citizen wife and they had a baby. Wife tried to run him over with a car and the police were called. She was charged with abuse and the case was forwarded for prosecution. They separated and she filed for divorce and custody for the child; he counter-sued for custody. Before the court hearings for both the criminal abuse case against the wife and the custody hearing for the baby, ICE picked up him at his residence. Only 1 person knew where he was staying - his wife. He was detained by ICE and about to be immediately deported because he was here on a visa waiver. We prevented his immediate deportation, filed a VAWA self-petition for him, and he was able to assert his rights against his wife as a crime victim in criminal court and a parent in the custody proceedings. We believe his wife called ICE to report him to subvert the judicial process towards her interests, eliminating his opportunities to state his case in court.

Client TR was from Belarus. She met her abusive USC spouse in her home country when he was traveling there. She entered on a fiancé visa after they dated for close to a year. When she arrived he immediately began verbally abusing her and isolating her. They lived in rural Texas. TR did not speak much English and he would not allow her to communicate with her family back home.

They married and he began Immigration process for her. Violence escalated to physical violence when she became pregnant - he accused her of getting pregnant on purpose to trap him. He assaulted her on several occasions and when she was 8 months pregnant he strangled her when she said she was going to leave him. After the baby was born, he continued to be physically abusive to TR and also sexually assaulted her soon after she had the baby. He also threatened to have her deported and to take the baby away from her. She left him when her son was 2 years old. She confided in a woman she had met and the woman helped TR to escape with her son.

She came to us for services. We filed a VAWA case for her and asked that the pending adjustment be held in abeyance and let INS know about the confidentiality protections for VAWA clients. Husband went to INS spoke with an info officer - who I believe did not know that this was a VAWA case. Not sure why this was not marked in the file. Husband asked if their address change had gone through and asked to get the new address to make sure it was the correct one. The office gave the client's secure address to the husband said it was the wrong address and gave his address. Husband then began stalking the client. He came up to her and said INS was going to deport her.

I inquired at the District Office and found out the contact info had been given to the husband and about the change of address. In the end, the error was corrected. The District Office was helpful and did everything they could to correct the error. In the end the client had to re-locate. She was very fearful of her husband and what he would do to her and their son.

Luisa" had reported DV by her USC husband to police, and she also got an order of protection giving her possession of the marital home. Her husband hired an aggressive attorney to

challenge the order of protection, and to represent the husband at his criminal trial and in a divorce. The attorney sent some information to the local INS office (this was many years ago, I think before section 384) saying that my client had invented the DV allegations, and he apparently made some other allegations about her that raised concerns at INS. Two immigration officers appeared at my client's home about an hour before she was scheduled to testify as witness against her husband at his DV trial, intending to arrest and detain her. By that time she had a filing receipt from VSC for her VAWA self-petition, and she showed it to the officers, who had no idea what it was. Because my name was also on the filing receipt, the officers allowed her to call me, and I was able to explain what VAWA was and to convince them not to take her into custody right then. She went and testified at the trial, and the officers came to my office to talk with me, apparently to confirm that I was really an attorney representing her in VAWA case, and to get background information about VAWA. The husband was convicted of DV, and the client's self-petition was ultimately approved.

"Ilsa's" USC husband convinced her not to disclose a brief marriage to another man in the I-129 and at her consular interview on her K visa. He told her "I know how the US laws work, and you don't. You have to trust me on this, or else we can't be together." Her K visa was approved, she entered the US, and they married. Later, after she reported him to police for DV, he went to the local USCIS office, claimed he had been ignorant of the undisclosed marriage, gave USCIS "newly discovered" documentation of the marriage, and reported my client for lying at the consular interview. We got a notice for my client to appear for an interview at the local office, where USCIS issued her an NTA charging her with fraud. We had just filed the client's VAWA self-petition (in which we had disclosed the prior marriage), and I cited section 384 and talked with the ICE attorney (whose office was in the same building) and told him not to file the NTA with the Immigration Court - but it was filed anyway (possibly by mistake). My client's self-petition was approved, but we had to litigate the misrepresentation waiver before the Immigration Judge, who ultimately granted it.

Abuser got wife into removal proceedings, and then stalked her at immigration court (sat at the back of court watching her terrified in front of the IJ). She had to live in a shelter with her severely developmentally disabled son, both of whom were severely abused by him. We applied for VAWA for her and were able to have her removal case taken off the docket so he can no longer find out when her removal hearings are.

"Laura" was threatened and manipulated by her USC husband in many ways. On one occasion, when they were at an art fair with her young son (the abuser's stepson), he disappeared with the child for several hours, and she called police, terrified. When police responded and located the child, the husband told the police that he took the child for the child's own safety, because my

client was "off her meds" and hysterical. Of course she was hysterical by that time because she thought her child was missing. The police report was not favorable to her, and she ended up agreeing to go to a hospital for a psychological evaluation. On another occasion, her husband somehow found out that "Laura" had received help from the Domestic Violence Law Clinic at the local university, and he wrote a letter to the president of the university saying his wife was mentally ill and accusing the DV Law Clinic professor of making up the domestic violence stories to get more funding for her program. When I submitted the husband's ranting letter to USCIS in support of the client's VAWA self-petition - thinking it illustrated the lengths he would go to discredit his wife's reports of domestic violence - USCIS sent a Request for Additional Evidence that required us to rebut his accusations. It was a great deal of work, and it delayed the decision on the self-petition by several months, but ultimately the self-petition was approved. (The client did suffer from mental illness, but her husband greatly exaggerated her symptoms and behavior, and took advantage of her diagnosis to manipulate and discredit her.)

Ana's U.S. citizen abusive partner and father of her infant daughter beat her and threatened her on many occasions during their two year relationship. He threatened to call immigration authorities if she reported the abuse. Ana tried to separate from her partner. He threatened to have her deported if Ana did not allow him to take their infant daughter with him for a visit. He called Ana and told her that he would not return the baby back to Ana. She called the police to report her partner taking their daughter. Ana recovered her daughter. However, shortly thereafter ICE showed up at Ana's house and arrested pursuant to an old removal order. Ana's partner contacted ICE and reported her whereabouts to ICE. Ana was detained and as a result, lost her ability to breastfeed her infant daughter. She was not allowed access to a breast pump while in detention. Through the help of her lawyers, Ana obtained a U visa as a result of her cooperation with law enforcement based on kidnapping and domestic violence.

LS came to the U.S. as a fiancée of a U.S. citizen (who we'll call "Joe"), with her two young boys. After she moved in with Joe and they married, his personality and treatment of her changed drastically. He had told her he would file all the immigration paperwork for her, help her get a driver's license and social security card, but he never did. He isolated LS. She had no driver's license, she couldn't work, and he only gave her small amounts of money to go to the grocery and run errands. He was controlling and manipulative and became physically abusive to her sons. He told them that he was having to pay a fortune to send her sons to school (they attended public school) and that they could not shower daily because water was too expensive. LS didn't know what she could do to get out of the situation, as Joe completely controlled her daily activities and her immigration status. After Joe hit one of her sons in front of a neighbor, that neighbor called Family Services. Family Services investigated and said the children must be removed from the home – either with LS leaving or they would take the boys

into custody of the state. LS was terrified – she was isolated in a remote area of Georgia, had no idea what had happened with her immigration status, had no money or way to work on her own. But more than anything she was determined to keep her sons safe. She left and went to a shelter with her boys, while her neighbor reached out to find a volunteer immigration attorney.

Meanwhile, Joe drove to Atlanta to the ICE office and accused LS of tricking him into marriage to get to the U.S., showing a false web page the abuser created claiming LS was trying to find other men here in the U.S. The ICE officer, without taking any steps at all to find out if this might be an abusive situation, or questioning why someone already married to a U.S. citizen would be looking for a “new husband,” and relying solely on the abusive husband’s accusations (contrary to law), initiated a Notice to Appear to have LS removed from the U.S. and started tracking her down, leaving threatening calls that he would pick her up at the shelter if she didn’t turn herself in. By this time, I had become LS’s attorney. I had to intervene with ICE to remind them of their legal obligations to investigate potential VAWA/U/T eligibility in such cases, while helping LS to file her self-petition. After getting work authorization, she was able to move away from the small town where her husband could track her, and she has successfully built a safe life for herself and her sons.

Clearly, we cannot rely on ICE or law enforcement to protect victims without having much-needed VAWA protections in place. Further, requiring that an abuser be notified about a self-petition being filed is a ludicrous and dangerous concept – such notification would only serve to enrage the abuser and would likely result in more abuse as this would give the abuser yet one more way to control the victim.

The victim finally told the abuser that she would call police after a particularly severe beating. She had been scared in the past because he threatened to take the child away. The next day, the abuser, who was in law enforcement, showed up with an emergency order to civilly commit the abused spouse for being a threat to herself and the child. While the abused victim was in a psychiatric hospital for 3 days trying to convince doctors that she wasn't a threat and being utterly scared and confused, the abuser hid the child with relatives. He then filed an emergency custody order and obtained temp custody of the child based on the psychiatric hold of the victim. When was released, he handed her the temp order and told her to watch her back. If it were not for VAWA, this victim would have never been able to escape and be reunited with her only child.

The victim was in the process of getting VAWA, when the abuser used a mutual friend to gain access to her application. He immediately filed a bogus protective order against her and served her at her new place, which was supposed to be a safe place. He then started calling the victim

and harassing her by telling her information from her application word for word. He pretended that immigration was contacting him to check on her "lies". The victim was completely distraught. He then wrote to immigration to withdraw the pending I-130 and then produced a document to the victim that purportedly came from immigration informing him that "her Lies" would be noted in her file and her VAWA would be denied. The victim didn't want to continue with her application. It was only when the friend apologized to the victim for what she had done that she realized the abuser was reading from her application and that immigration didn't really contact him. It didn't matter that the attorney and counselor kept on reassuring the victim that the process was confidential and that he must have some other way of getting the information, the victim was still under the abuser's all powerful spell of terror

The Victim was in the process of getting VAWA and staying at a shelter when the abuser had his sister pretend to be a victim and find out where several shelters were and find the abused wife. The sister ended up in the same shelter as the victim and pretended that she was also abused. The abuser then followed the victim leaving the shelter and attempted to take the baby from her by calling police and trying to intimidate her. VAWA was her only recourse.

The abuser kept on intimidating a victim by sending documents to immigration, including proof that he had a child with another woman and using this to try and show that the victim had married him for the green card only. The baby was news to the abused victim. Since immigration does not reveal to us whether the abuser does indeed contact them, we couldn't confirm but the abuser sent monthly letters to the victim which were purportedly copies of his letters to CIS.

I also had the situation of an abuser who wrote multiple letters to the USCIS after he found out a self-petition had been filed, alleging that her accusations against him were lies and the marriage was a sham. The case was also in Immigration Court and the abuser wrote a letter to the judge alleging the same sorts of things and trying to show he had worked w/o permission etcetera. In fact, the abuser found out a master calendar court date and showed up at the Immigration Court in Boston (a four hour drive for him) to intimidate the woman and said he was going to tell the judge the truth. I was able to get Federal Marshalls to escort him out of the building. When the I-360 was approved and I requested termination of the court proceeding, the DHS attorney objected saying that he had information in the file that the marriage may have been fraudulent. What he was referring to was the letter from the abuser in her USCIS file. We argued for a while, but the Trial Attorney eventually agreed on termination. All this serves to prove how dangerous it is to give abusers info and the opportunity to be heard.

32 year female from Gambia was falsely accused of aggravated stalking her American husband. He also accused of using false documents (later determined that he forged her signature). She served time in jail, but charges were dropped after it was determined her American husband was lying. (Her VAWA was approved). Once the 32 year divorced her husband, 10 months later he attacked and rape her in her home. Currently waiting for the rape case to go to trial.

After our client obtained a restraining order against her abusive US citizen spouse, he wrote an angry letter to the Vermont Service Center claiming that the marriage was not a good faith one, but only for an immigration benefit. He wrote that he wanted to inform the VSC in “anticipation” of his wife filing a VAWA application. (He actually said a U visa application but meant VAWA.) It was preposterous because they had been married for over 5 years and he had NEVER filed a petition for her. She had endured years of abuse at his hands. In fact, he convinced the client to marry him even though her priority date as the unmarried daughter of a US citizen was almost current. She lost her opportunity to adjust status at that time because she got married to the abuser! Fortunately, she did file a VAWA self-petition and is now a lawful permanent resident.

After our client suffered years of abuse and was badly assaulted by her husband (an LPR), her sons were able to intervene and she told her husband to leave. As revenge, her husband reported her to the police and tried to have her arrested on the street in front of her sons. He then made a report to the Administration for Children’s Services (ACS) and filed for custody at Family Court, alleging that our client was an unfit mother who abused her kids, was an alcoholic, and was undocumented. This resulted in long, embarrassing, and onerous cases with ACS and the Family Court. We are filing a VAWA self-petition on our client’s behalf and the abuser has not tried to intervene in the VAWA case (presumably because he does not know our client is filing).

I had a client; she had criminal charges of rape pending against her abuser. The judge erroneously gave the abuser custody of their child because she did not have immigration status. He said on the record she not an unfit mother, she simply did not have status and he did have status. We had an I-360 approved. The abuser and his attorney then contacted my client and told her that if she dropped the charges they would return her daughter to her. In her desperation she recanted in two depositions by the defense. They used that against her and had her I-360 revoked and then threatened to have her charged with perjury. To make a very long story short, she lost custody of her daughter and was deported to her country of origin. The abuser and his attorney contacted ICE and this is how the Trial Attorney got the I-360 revoked.

My client was a 17 year old waitress in Cd. Juarez when she met the opponent, a then 39 year old ICE officer. After carrying on a cross border relationship with her for 5 years, and after the birth of their child (in MX), he petitioned for a fiancé visa. She came over with their baby and her two other children pursuant to that visa. He moved her out of the region to another border town, then insisted she stay in the apartment and not leave.

When she tried to leave due to his constant accusations that she was sleeping with neighbors while he was at work, he tried to forcibly restrain her. When she was able to get away and was walking out of the complex with her children, he called the police and accused her of stealing his ICE badge (a federal offense). Although he had planted the badge in her suitcase, they didn't locate it and no charges were made.

She later returned to live with him because she had nowhere to go. They got in another argument, the police were called. They saw bruises on her arm and arrested him when she confirmed that he had caused them. Since then he has been on a relentless mission to take away their daughter and have her deported. He got the charges against him dismissed. He filed perjury charges against her. He filed for custody, etc., etc. Now, we have learned that he has tried to call VSC to affect her application. He has called Child Protective Services on her several times (no findings), has challenged law enforcement to not certify her, has had friends follow her and ask about her status in the US, and otherwise harassed her.

Liz is a victim of domestic violence at the hands of her abusive U.S. citizen husband. Liz and her U.S citizen husband lived abroad for a few years. On one occasion, Liz's husband brought their son to the U.S. and did not return. A was desperate to reunify with her son and tried to enter the U.S. Liz was placed in removal proceedings. Her husband picked her up from detention and brought her home with him Liz's husband threatened her with deportation and beat Liz on many occasions during their relationship, a period of several years. On one occasion, Liz's husband dragged LIZ in front of their house and brutally beat her. He also threatened to kill her by throwing her into a well. A neighbor witnessed the abuse and called the police. Liz was afraid to leave her husband as he threatened to take their son away from her. LIZ's husband controlled LIZ's documents, including her immigration documents. Her husband obtained full custody of her son due to her immigration status. In addition, in violation of an order of protection, her husband showed up in immigration court with an attorney. The abuser stormed into immigration court and falsely accused his wife of marriage fraud. They were married for more than 7 years, had a five year old son and had lived together for all of those years. We called the police, but the abuser left before the police arrived. Liz obtained protection under VAWA and eventually regained custody of her son.

In one of my U visa cases the abuser wanted to know the basis for her application. He knew she applied because their children were listed as derivatives and we needed his permission for them to travel to the US – they were still in the home country. He tried to use the fact that we needed his consent as leverage for trying to find out how she was “legalizing”. He threatened to harm her if she used the abuse as the basis for her petition. He even got an attorney involved. He ultimately gave his consent and thanks to the rules re: confidentiality he never found out the basis of her application and my client is safe.

**** This story is not redacted but it is already public record in the Senate**

- When I was working at the NWIRP (the Northwest Immigrant Rights Project), Donna Lewen was the legal advocate for DV cases, and she had a client named Susana Remerata or Susana Blackwell who was trying to get away from an abusive American husband in a marriage that arose out of a so-called mail-order bride type of situation. We were representing her in getting-- I believe— waiver petition to remove conditional residency based on abuse. She was trying to get a divorce. He was trying get an annulment, and which at that time would have made it harder for her to get waiver petition to remove conditional residency based on abuse approved. Donna

testified in the divorce proceeding and the day after the husband, Timothy Blackwell came into the Courthouse and murdered Susana, as well as Phoebe Dizon and Veronica Laureta. (It could have just as easily been a VAWA Self-Petition as a waiver petition to remove conditional residency based on abuse)"Cantwell, in a Senate floor speech, stressed the importance of provisions protecting so-called "mail order" brides who find themselves victims of abuse. She cited two Washington state women, Anastasia King and Susana Blackwell, who were murdered. "Opponents who say that VAWA would create immigration fraud and gives money to those who don't need it should consider the story of Anastasia King and Susana Blackwell."

Raksha and Georgia Asylum Network had two cases in which the abusers asked for the immigration petition filed as part of the divorce proceedings. This happened in two different counties in Georgia. One judge allowed it and one did not. This is very dangerous in that the abuser then not only has access to what the battered spouses' account of the violence but will also have access to the community members and shelters/agencies that provided support to the survivor. In one situation the abuser called the Department of Labor numerous to a business where the survivor was volunteering to get work experience and just get out of the house. Eventually, the survivor could not go any more due to the harassment the business was getting as a result of her abuser's false report. The abusers in both cases used the court system to intimidate their spouses. The attorney for the spouse tried to get copies of the U Visa from the immigration attorney, the solicitor's office, and the divorce attorney.

Woman married with child in common with USC abuser. He sexually assaulted her in addition to battered her. She finally calls the police and the case reaches the State Attorney's Office. He convinces her to lie to the SAO and say that he never raped her in exchange of giving her custody of the young daughter. She agrees and he never returns the daughter to her. We filed I360. Before that she is already in proceedings and detained. She is fighting custody and divorce from detention. Through his attorneys he makes sure CIS knows she lied in criminal court. I360 is denied because she is charged by SAO with filing a false claim and committing perjury. After lots of efforts, she is finally removed. CIS claimed she was not credible.

My client was the victim of brutal domestic violence over a significant period of time. In addition to beatings, she was repeatedly raped, threatened with a gun, and her perpetrator climbed in her window to kidnap her baby (product of the rapes). After the police came, she went to a battered women's shelter. Her abuser immediately contacted child protective services and accused her of abusing her children. When that failed, he hired an attorney and fought the protective order she had obtained in court. He kept fighting the order for over a year, forcing her to repeatedly have contact with him.

When I met her, she was severely traumatized and it was very difficult for her to tell me what had happened to her. If she had been forced to have a formal interview with USCIS, I can promise that there is no way she would have been able to go through with it. If her abuser had

been granted the right to respond to her allegations, I can't even imagine how ugly that would have gotten and how he would have used that opportunity to further victimize her.

Marta was married to a US Citizen who was severely abusive including threatening to kill her and kill himself. When she left the marriage he began an online campaign to intimidate Marta, including a blog in which he detailed his multiple contacts with ICE falsely reporting Marta committed marriage fraud. In one posting, he stated that ICE officers were going to appear at the final hearing in his and Marta's divorce and arrest Marta to deport her. Marta was terrified to go to the hearing. Her husband was also attempting to get their marriage annulled alleging marriage fraud, and his annulment request was going to be heard at that hearing. Had Marta not attended that hearing her husband's annulment filing would have been unchallenged and granted by default.

Batterer wrote a letter purporting to be from the victim asking that the charges be dropped and recanting some of the information she gave the police and tried to force her to sign it. He also hacked into her email account and sent emails that appeared to be from her own account, but were written by him.

There lots of cases where the USC spouse after petitioning for immigrant spouse has withdrawn the application, then asks the victim for forgiveness and she takes him back then he reapplies for immigration relief and then he fails to show up at the interview or lies during the interview so that USCIS denies the application and puts the victim into removal proceedings.

In a family based I-130 context, a USC abuser told CIS that he never lived with his wife and that he asked a property manager to lie

In a VAWA case, a USC abuser called the police and stated that her husband sexually abused her children and then obtained an order of protection against him. Police determined he merely changed the child's diaper and the allegation to be unfounded. This action resulted in the client denied all contact with his only son, who was born a few months after the restraining order. His VAWA petition would not have been approved and if removed, he would never even met his son.

We represented a woman who met her husband online. She was from Colombia. Her husband brought her and her adult disabled child and moved to a remote/rural area. He became abusive toward both of them. When she tried to seek help, he took away the phone and left her without transportation. He threatened not to bring home food. She finally escaped with the assistance of a real estate agent who was in the area.

We represented a woman from Zimbabwe who married a USC. He severely abused her and forced their children to get objects with which he would beat her. After she obtained a domestic violence protection order, he refused to comply and threatened to call immigration.

It is very common for abusers to write to CIS to withdraw the application claiming she married him for the immigration papers happens, even when they have children in common. Last year we had a women detained and/or placed in proceedings due to abusive spouses calling ICE claiming she married them for the papers after withdrawing the application.

Laura was referred by the State Attorney's office to a domestic violence organization. Laura ended relationship and ex-boyfriend was angry and became abusive. His abuse evolved from emotional to physical, including an attack at her place of work. Laura obtained an emergency order of protection based on her abuser's threats and intimidation, both in person and over the phone. After her ex had violated the civil protective order many times and, broke into her home, Laura was granted a criminal order of protection. She was afraid of being arrested, deported, or losing her job because of false police reports made by her abuser. She had difficulty sleeping since her abuser had broken into her home. As her criminal legal case against her abuser continued, her abusive ex's new girlfriend began to file false reports to police as well. After gathering enough evidence to prove her innocence, Laura obtained a stalking order of protection against her abuser's girlfriend as well.

Laura had cooperated extensively with law enforcement and she was approved for temporary immigration status [U visa]. Laura was able to regain her confidence and courage to speak up for her rights, present her case in front of judges in civil, criminal and traffic courts, cooperate with police and detectives, defend her innocence in the face of lies by the abuser, and to achieve great

Tonya was brutally abused by her boyfriend. During their relationship, he threatened repeatedly to kill her, raped her, and forced her to undergo an at-home abortion. When Tonya was pregnant, he attacked her using his fists and a sharp object that left cuts on her chest, hands, and arms. The police arrested both of them. Criminal proceedings were commenced against Tonya and her boyfriend and they both received stay away orders. Upon release from jail, Tonya's boyfriend sent threatening text messages. She told law enforcement and he was arrested again. In retaliation, Tonya's boyfriend falsely reported that she violated his temporary order of protection, resulting in her arrest. Tonya was arrested and brought to Rikers Island where ICE subsequently initiated removal proceedings. After several months of advocacy showing Tonya was the actual victim, all criminal charges against her were dropped. Tonya cooperated with the District Attorney in the prosecution of her ex-boyfriend. She ultimately received a U visa. Legal Aid Society (New York)

I had a client a few years ago who fled her abuser and moved to another state to get away from him. He constantly lied to her about what her rights and “obligations” were to Immigration (i.e. she would be arrested/deported if she didn’t return to him; she would be “banished” from the U.S. and not allowed to have any contact with anyone in the U.S. ever again, etc.) He was relentless in still trying to find her/get her to return to him. He sent her many e-mails claiming that Immigration was looking for her and then even took a photo of flowers/an urn/a photo of her as if it were her ashes, contacting her family in her home country stating that her body had been found. He contacted local immigration authorities asking them to help him find his wife and then pretended to be my client, sent a threatening fax to the ICE agent who “wasn’t helping him”. He was charged with and convicted of threatening a federal agent (the store where he sent the fax in my client’s name had him on video sending the threatening fax). She got her VAWA self-petition approved and is now a lawful permanent resident. There is NO way she would have applied for status if her husband learned about her case and could have provided evidence. She wouldn’t even file an order of protection against him because she was terrified that he would find out where she was/hurt her at the hearing.
