

T and U-visa Holders Need Legal Permanent Residency: Real Life Stories¹

July 3, 2008

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 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. 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

¹ The names of the victims in all of these stories have been changed 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.

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.

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.

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.

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.

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 now 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.

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.

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

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).

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.

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 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.

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.

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.

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.

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.

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.