

## Case Study: The Significance of Collaboration

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Lorena was a native of Colombia. She was married to Manuel. They lived in Texas. They had a daughter, Alexandra, in common that was 4 years old. Alexandra was born in Colombia. During their marriage they had many instances of abuse. Her husband Manuel was very abusive verbally and physically.

Lorena called the police on several occasions because of the abuse. She was a victim of brutal beatings and a victim of sexual abuse. He always threatened her by telling her that if she called the police he would get custody of their daughter because she would be deported. They would not believe her because she was undocumented. She believed him.

Because she did not speak English, every time the police came to her door they spoke with her husband who told them everything was ok. She was very much afraid of him. The police believed him. On one occasion when she called the police, Manuel had raped her. She had bruises all over her body and her mouth. Manuel raped Lorena in front of their daughter. This time when the police arrived, they arrested him and she had the courage to make the report and told the police everything that happened. Manuel was arrested. He retained an attorney and was let out on bail. He filed for divorce while the criminal case was pending. Lorena did not have money and she lived in the house owned by him and his mother.

Lorena went to Court and was granted a Domestic Violence Injunction. She was referred to a legal aid provider for assistance with her divorce and with her immigration status. The immigration attorney filed for a U Visa and almost 9 months later the U- visa was approved. Throughout this time, Manuel violated the injunction many times. She reported the violations to the police. The divorce became a very long and nasty process. Manuel's attorney indicated that she was mentally ill due to her hysteria and the judge ordered psychiatric evaluations. They had hearing after hearing. At one of the hearings Manuel's attorney told the judge that Manuel should have custody of their daughter because he had legal status and Lorena did not. He insinuated that Lorena was a flight risk and she wanted to take the child out of the country. In fact, Lorena had no intention of leaving the country. At the time of the hearing where he made those claims, Lorena's U visa was pending. She had no intention of leaving the country.

The judge did not understand the immigration process and he awarded temporary custody of Alexandra to Manuel. In his order the judge indicated that he was not awarding custody to Manuel because Lorena was an unfit mother. He was awarding custody to Manuel because in his opinion Lorena was a flight risk because she was undocumented. Lorena was devastated. Her child was her reason for living. Lorena became desperate. She was alone in this country. She was working but she no longer had a will to live. All her fears became a reality. All the threats Manuel made to her throughout the years became a reality.

She lost custody of her daughter! Lorena now had a full fledged divorce case pending before the family court and a full-fledged custody case before the family court. She had her immigration case that she was working on and she was also dealing with the criminal cases involving the abuse and the sexual assault (rape). Aside from

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all of this Lorena was now feeling the growing effects of the trauma related to all that was happening in her life. All her worst fears became a reality. Because she was dealing with so many different people she was feeling disoriented, and sometimes was confused about when to go to what office and what to take to each provider.

The family case was dragging months passed and slowly it turned in to a year, and then a year and a half and so forth. Manuel and Manuel's mother would not let her see her child. Finally her fear turned to desperation and she would go to his house and scream for him to let her see her child. She was hysterical. Manuel would call the police and they would file a report that she was harassing him and his family.

The criminal case was still pending. There were depositions and depositions. Then one day, Lorena received a phone call from Manuel (in violation of the restraining order) and he told her that he and his lawyer agreed that if she dropped the charges against him for the rape and the DV they would return Alexandra to her. She was elated. She saw the light. He told her that his attorney would want her to go to his office and make a statement. However, she should not tell her attorney because all they wanted was money and they would not let her do it. She should fire them.

She went to Manuel's attorney's office without her attorney's knowledge. She went into a room where there were several people. Manuel told her she should say the rape never happened, she made it up and that she hit herself on the face with the telephone. Lorena did all she was told, she couldn't wait to get her daughter back. Everything she said was recorded but she was not even thinking about anything else except that she was getting her Alexandra back. When she finished, she asked about Alexandra and they told her that once the State Attorney dropped the case, she would be able to get Alexandra back.

The State Attorney did drop the charges and Lorena stuck to the story. All she could think about was Alexandra was coming home. But Alexandra did not come home! On the contrary, after the charges were dropped, Manuel's attorney went to immigration court and spoke with the duty attorney. He told the duty attorney that Lorena had received U Visa protections by lying. The State Attorney notified Vermont Service Center that Lorena was unreasonable refused to cooperate and that she had perjured herself! The government attorney took it upon herself to seek to revoke the U Visa and finally was able to have it revoked. They issued an amended Notice to Appear (NTA) at immigration court allowing her to be detained at family court where she was scheduled for a custody hearing. She was detained and put in immigration detention. Now the government attorney threatened her with charges of perjury. The State attorney did not want to reopen the rape case because she lost all credibility, the divorce case was prolonged even more. She could not attend the hearings because she was in immigration custody. Finally after much advocacy they allowed her to be transported by the county jail officials to the family hearings but the judge did not allow her to change her clothes. She went before the family judge in an orange jail jumpsuit. Her family judge by this time had been changed about three times. By now this entire process had taken over 4 years. Her daughter had now been with the abuser a little over three years. During the hearing family hearing her credibility weighed on her recantation of the criminal charges, on the moments of hysteria when she wanted to see her child. The Court did not hear testimony on the lack of visitation by the father, on the fact that Manuel never petitioned for his child nor his wife (lack of understanding of immigration system) and now child had been residing with the father for about 4 years.

The judge did not issue a decision at this hearing. The Immigration Court granted voluntary departure, if Lorena elected to go forward with a U Visa or VAWA the government attorney threatened with Perjury charges so that was no longer an option. The Family Court did not grant a decision immediately in the meantime Lorena was deported from the country without a decision on the family case. She has not seen her child in almost 7 years.