

CENTER FOR HUMAN RIGHTS AND CONSTITUTIONAL LAW

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MEDIA ADVISORY

IMMIGRANT CRIME VICTIMS FILE CLASS ACTION FOR VISAS

Press Conference: Wednesday March 7, 2007, 10 a.m. PST, 1 p.m. EST

Place: West Coast:
Catholic Charities CYO (CCCYO)
98 Bosworth St., 2nd Floor
San Francisco, CA 94112
(Limited parking available in adjacent parking lot)

East Coast
Sanctuary for Families
Steps of City Hall
New York City

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Julie Dinnerstein (718) 250-5103 (for East Coast)

On Wednesday March 7, 2007, at 10 AM PST, 1 PM EST, immigrant victims of violent crimes, including vigilante victims and survivors of domestic violence, will announce the filing of a class action lawsuit on behalf of thousands of undocumented immigrants living throughout the U.S. demanding that Michael Chertoff, Secretary of Homeland Security, and the U.S. Citizenship and Immigration Service (USCIS), issue visas to immigrant victims of violent crimes who have cooperated with law enforcement investigations or prosecutions of such crimes. In addition to the immigrants filing suit, other parties include organizations around the country that assist immigrant crime victims, including Catholic Charities CYO (San Francisco, CA), International Institute of the East Bay (Oakland, CA), the Voces Unidas Project of the Center for Human Rights and Constitutional Law (Los Angeles, CA), the Central American Resource Center (CARECEN- Los Angeles, CA), Hermandad Mexicana Nacional (Los Angeles, CA), Diocesan Migrant and Refugee Services (Texas), Friendly House (Arizona), and Sanctuary for Families (New York).

On October 28, 2000—over six years ago—the Victims of Trafficking and Violence Protection Act of 2000 ("Crime Victims Act"), was signed into law. Among other things, the Crime Victims Act permits undocumented immigrants who are victims of serious crimes, and who cooperate with law enforcement in the investigation or prosecution of those crimes, to apply for and receive "U" visas. This law reflects Congress's judgment that certain crime victims should be permitted to remain lawfully in the United States both for humanitarian reasons and to bring dangerous, violent criminals to justice.

This is the second time such a lawsuit has been initiated on behalf of immigrant victims of violent crimes. The first lawsuit was filed by the Center for Human Rights and Constitutional

Law in federal court in Los Angeles in October 2005. In response to that lawsuit, the Department of Homeland Security sought and obtained from Congress an extension to issue a U visa application form and regulations by July 2006. The present lawsuit, also filed by the Center for Human Rights and Constitutional Law joined by other organizations assisting immigrant crime victims, alleges that the DHS failed to comply even with the extension granted by Congress.

The lawsuit alleges that DHS Secretary Michael Chertoff and one of the agencies that he directs, the USCIS, have flouted the U visa law, and in the process given comfort to violent criminals and allowed them to sometimes escape justice because protections extended by Congress to the victims have not been implemented.

The plaintiffs have, without success, applied to the U.S. Government for visas, and are now turning to the federal court in a nationwide class action lawsuit in an effort to force Secretary Chertoff and the USCIS to immediately begin complying with the six year-old Crime Victims Act. The plaintiffs include immigrants living in California, Arizona, Kentucky, Texas, and New York who are the victims of armed vigilante violence, felonious assaults, attempted murders, and survivors of criminal domestic violence. Several of the immigrant plaintiffs, including vigilante victims and survivors of domestic violence, will speak at the press conferences along with representatives of the plaintiff organizations.