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### FOR IMMEDIATE RELEASE

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### IMMIGRANT VICTIMS OF VIOLENT CRIMES SUE FOR VISAS

### BACKGROUND AND PRESS STATEMENTS

**San Francisco, California** –Immigrant victims of violent crimes and a coalition of civil rights organizations that assist them announced today the filing of a nationwide class action suit in federal court in San Francisco against Michael Chertoff, Secretary of the Department of Homeland Security, and the U.S. Citizenship and Immigration Service (USCIS, formerly the INS), alleging that the DHS has failed for six years to implement a law enacted by Congress granting visas to undocumented immigrant victims of violent crimes who report the crimes and cooperate with law enforcement to prosecute violent criminals.

On October 28, 2000, then-President Clinton signed into law a number of protections for victims of trafficking and domestic violence, including the creation of a new “U” visa, which allows victims who assist in the investigation or prosecution of a crime to obtain this special visa, which can lead to lawful permanent residence for them and their children. The DHS, however, in the more than six years since the U visa was created by Congress, has failed to an application form, or issue regulations, which would make U visas available to eligible victims. Not a single U visa has ever been granted. The failure to implement the law as passed has detrimentally affected thousands of crime victims while giving aid and comfort to violent criminals.

In response to demands for the issuance of U visas by immigrant advocates, DHS has agreed to offer immigrant crime victims temporary relief from deportation and some have received work permits. This temporary, ad hoc solution, however, does not provide the benefits of a U visa, including timely access to permanent residence status (a green card), referrals to social services, and the ability of crime victim’s children to receive lawful status. The delay implementing the law means that children of U visa eligible domestic violence victims who are residing abroad cannot join their mothers in the U.S. by obtaining U derivative status to which they are eligible under the law.

The immigrant plaintiffs reside in California, Arizona, Texas, Kentucky and New York. The lawsuit alleges that they have been the victims of criminal assaults, batteries, attempted murder, vigilante violence, and Border Patrol violence. The plaintiffs all reported the crimes and cooperated in their prosecution. Each of the immigrant plaintiffs have sought visas under the Victims of Crime Act, and the lawsuit alleges that none have been granted or denied U visas.

The lawsuit also alleges that many immigrant crime victims have immigrant children who are “aging out” of benefits available under the U visa law. The lawsuit claims that because of the DHS’s delay in issuing application forms and U visas, children have lost their ability to legalize status as they turn 21 years of age. The lawsuit also alleges that some children of crime victims living abroad have experienced violence by family members following their deportation after being convicted of domestic violence. Two children joined the lawsuit seeking U visas.

The lead counsel in the lawsuit, the Los Angeles-based Center for Human Rights and Constitutional Law, filed a similar suit against DHS in October 2005. It says it dismissed that suit after DHS agreed that when it started to issue U visas, it would do so retroactively so applicants did not have to wait an additional three years to apply for permanent resident status, and after DHS convinced Congress to enact a law giving the agency until July 2006 to issue regulations. The new lawsuit alleges that DHS missed the July 2006 deadline and has still not issued an application form or regulations or approved a any U visas.

A coalition of organizations that assist crime victims joined the lawsuit alleging that DHS’s failure to implement the U visa program deprives their members and clients of rights extended by Congress. The groups include 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).

The plaintiffs are asking the federal court to issue an injunction requiring the DHS to promptly issue an application form and regulations, and to grant relief to children who may have aged out of benefits under the U visa law.

The Center for Human Rights and Constitutional Law issued the following statement today by Peter A. Schey, its President and lead counsel in the litigation: “The failure of the DHS to issue an application form and regulations six years after Congress enacted the U visa law is unconscionable. DHS’s inaction discourages immigrant victims of violent crimes from cooperating with law enforcement agencies and contributes to violent criminals escaping justice. The DHS’s refusal to issue U visas flouts the law enacted by Congress and discourages thousands of immigrants from helping police to arrest and prosecute violent criminals. Had this law granted visas to white collar

professionals, rather than mostly low-income immigrants, DHS would have issued an application form and started processing visas years ago. DHS is an agency that is supposed to enforce the law and fight crime, not violate the law and encourage violent crime.”

Statement of plaintiff Sandra Bucio: “I am a citizen of Mexico. I live in San Francisco, California. My children who are also citizens of Mexico and I have suffered extreme domestic violence at the hands of my former partner. This abuse included beatings with a horsewhip, rope and cattle prod. I eventually found the courage to report these crimes to the police and my former partner was convicted of aggravated battery, false imprisonment, and child abuse among other charges. I joined the lawsuit filed yesterday in the federal court in San Francisco on behalf of myself, my children, and all other immigrant crime victims in the United States who have cooperated with the police. I hope that this legal case will force the U.S. Government to follow a law that has been ignored for over six years. It is very difficult for women in my situation to seek assistance from the police, even more so if we feel our immigration status is in jeopardy. There have been an increasing number of immigration raids taking place in the Bay Area in recent months, terrorizing the immigration community, and increasing our fear of law enforcement. If immigrants are aware that this law is not being followed by the Government of the United States, they will be less likely to report violent crimes or cooperate with the police because they fear they will themselves be arrested and deported.”

Statement of Victor Hwang, Managing Attorney of Asian Pacific Islander Legal Outreach: “Since the U visa was created by Congress, Asian Pacific Islander Legal Outreach has represented over 250 immigrant victims of crime, all of whom are eligible under the law for U visas. These are immigrants who have selflessly and courageously assisted law enforcement with investigations and prosecutions of such serious crimes as human trafficking, attempted murder, rape, and child abuse. But these victims remain in immigration limbo because of our government's unconscionable delay in issuing visas that these victims have earned through their cooperation with law enforcement agencies to put violent criminals behind bars.”

Statement of Susan Bowyer, Managing Attorney of the International Institute of the East Bay: “Because U visa regulations have not been formalized by DHS, some law enforcement officials have questioned the validity of the process and been reluctant to certify victim cooperation required by the law to issue U visas. Thousands of crime victims have been discouraged from applying for U visas because they do not know what the final eligibility regulations will say and they fear coming forward in case they are considered ineligible under final regulations and may then face deportation. The only group that benefits from the failure of the DHS to issue regulations are violent criminals, the very population Congress sought to bring to justice by granting immigration benefits to those who report violent crimes and assist in their prosecution.”

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