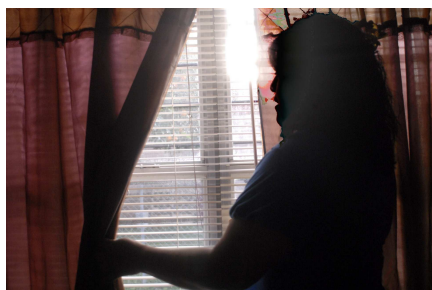




U Visa provides temporary legal status for victims of violent crime

By [JAZMINE ULLOA, The Brownsville Herald](#)

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He erupted in rage one night, slamming her against the wall while she wrapped her arms around her stomach in an effort to protect her womb. He stormed through their home, yelling, cursing, "breaking everything in sight," she recalls.

When he left, shattered glass and tears were riddled across the floor. She called the police, then made the decision — perhaps the toughest she has ever made — to press charges against her husband. An immigrant woman from the small Mexican town of Silacayoapan, she had no legal documents, no steady income, no family members nearby.

"I felt I had nowhere to go, that he was my only salvation, that without him, I could not do anything," she says, taking a deep breath. But she had been six months pregnant, and her son, then 16 years old, had witnessed the abuse.

Though she did not know it then, the police report she filed that night in 2006 would become her way out. By coming forward to the authorities, the immigrant woman, who asked not to be identified for fear of retaliation from her husband, became eligible for a U Visa, a temporary legal status for victims of violent crime in the United States who cooperate in criminal investigations.

The visa was created through the Victims of Violence and Trafficking Act in 2000 to encourage a vulnerable immigrant population to report crime without fear of deportation. But it took seven years for the Department of Homeland Security to issue the regulations that would govern the application process, a delay that has mired legal services agencies aiding visa petitioners in a bureaucratic tangle.

From 2000 until October 2007, while the rules were under negotiation, U.S. Citizenship and Immigration Services did not grant the visa, but "interim relief," which had to be renewed every year and authorized work and travel but not legal status.

Next week, the interim relief period ends — meaning that by then, all who have qualified for the temporary status should have filed their paperwork again under the new application process.

That has tied back legal service agencies in the last two years. Before the formal rules were established, agencies had created their own forms, working out the process as they went along, said Celestino Gallegos, an immigration attorney at Texas Rio Grande Legal Aid in Edinburg.

"It was a piecemeal, time-consuming process," he said, and in a way "revictimized" immigrants by its sluggishness and unpredictability. Now the new regulations require additional documentation or records that some petitioners no longer have, putting victims through another long process, Gallegos said.

"Congress intended for victims to have immigration relief. I do not think Congress intended for them to be bogged down in red tape," he said. "It should have been, from the very get-go, a simple process."

Some immigration advocates said bureaucratic reshuffling after Sept. 11 caused the delay in regulations, others said the change in administration has now accelerated the process. But establishing criteria and training for immigration officials was a complex procedure, which took time, said Chris Rhatigan, spokeswoman for U.S. Citizenship and Immigration Services.

The national immigration agency is making progress, she said. It can grant visas for up to 10,000 petitioners plus family members each fiscal year, according to the limit set by Congress. While a little more than 50 were approved in 2008, about 6,000 were approved the following year, Rhatigan said. This year, the agency has begun to process more than 11,000 requests.

"We really have done a tremendous effort to reach out to those people who have not responded to our request for supplemental information (for the visa application)," she said.

Proyecto Libertad, an immigration legal services agency in Harlingen, has helped about 80 petitioners qualify for the visa and, like other area service agencies, has dozens of more applications pending. Despite the backlog, Juan Rios, an assistant coordinator at Proyecto, urged people not to become discouraged.

"We are helping people, not at the rhythm we want, not at the level the community is demanding," he said. "But we want people to still come in and ask questions and to know what rights they have."

Immigrants also should not be afraid to report crime to the authorities, said Cameron County Sheriff Omar Lucio. Law enforcement officials have viewed the U Visa program with skepticism in the past, believing it encouraged some to exaggerate crimes or create scams. But on the positive side, the program is a way for authorities to build trust among immigrant communities, Lucio said.

"People can come here and report a crime and they will not be questioned about their citizenship," he said.

Like the woman from Silacayoapan, at least three-fourths of applicants from across the country and more than half in the Rio Grande Valley have been victims of domestic violence, according to immigration services

agencies.

For many women, the choice to call the police comes with great pain, Maria Salas Aquino said. She endured an abusive relationship for more than a decade before she finally reported her husband to the authorities.

Her husband's blows were first psychological, she says. He took away her pride, her beauty and her self-worth. The physical abuse followed.

She thought he would change — that she could change him. And she had withstood it all, she recalls, even his addiction to cocaine. But seeing him wring her teenage child's shirt and lift him off the ground one day in June tore her apart.

She dialed 9-1-1 and arrived at local women's shelter soon after. There, she learned she could apply for a U Visa even though she and her husband were in the country illegally.

The process was long, but it opened doors, Aquino said. The day she got her first job at a local tortilleria, she cried out of joy.

"At the shelter, we would have night discussions. We would think, 'poor him,' 'poor him.' That is when we learned to think, 'poor me,' why should I tolerate this?" she said. "I am very happy now, my children are safe. I am grateful."

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