

Report
**The Importance of the U-visa as a Crime-Fighting Tool for Law Enforcement
Officials - Views from Around the Country¹**
December 3, 2012

Developed by
National Immigrant Women's Advocacy Project²
at American University Washington College of Law

As part of the Violence Against Women Act (VAWA) of 2000, Congress created the U-visa. The U-visa has become an important crime fighting tool that helps law enforcement officials, including police, sheriffs, and prosecutors across the country to build trust with immigrant crime victims and their communities. The U-visa offers undocumented immigrant crime victims the protection and support they need to muster the courage to approach the police, make police reports, and cooperate in the detection, investigation and/or prosecution of perpetrators of domestic violence, sexual assault, human trafficking, murder, manslaughter, felonious assault, and other violent crimes. The U-visa helps both law enforcement officials and immigrant crime victims because the U-visa and DHS policies contain the following key components:

- *Protection of immigrants from deportation*
- *Access to legal work authorization*
- *Help for immigrant victims who come forward and report crimes whether past, present or future crimes*

¹ This project was supported by Grant No. 2009-DG-BX-K018 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the SMART Office, and the Office for Victims of Crime. Points of view or opinions in this document are those of the author and do not represent the official position or policies of the United States Department of Justice.

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- *Protection for victims against crime perpetrators tampering with crime victims to obstruct justice, such as perpetrators interfering with the adjudication of the victim's immigration case by violating VAWA confidentiality protections*
- *Motivation for victims to report crimes and collect evidence that leads to prosecutions of serial offenders and rapists without regard to whether the perpetrator has been identified or whether the criminal case is being actively investigated or prosecuted at the time of the victim's U-visa application*
- *Creation of a path to lawful permanent residency for immigrant victims who cooperate in crime detection, investigation, conviction and/or sentencing*

Since its creation in 2000, the U-visa has served as “a powerful law enforcement tool, providing critical protection for victims of domestic violence, sexual assault and other violent crimes, and ensuring that dangerous offenders are taken off our streets. The U-visa program has proven enormously successful, leading to the prosecution of thousands of violent offenders.”³

The following are quotes from law enforcement officials that describe the ways in which the U-visa has helped them in detecting, investigating, and prosecuting crime in their communities throughout the United States.⁴

BY ENCOURAGING IMMIGRANT VICTIMS TO COOPERATE WITH LAW ENFORCEMENT OFFICIALS, THE U-VISA ACTS AS A USEFUL PROSECUTION AND LAW ENFORCEMENT TOOL WHICH ENHANCES POLICE WORK AND PUBLIC SAFETY.

Attorneys General Mark Shurtleff (Utah) and Doug Gansler (Maryland): “For many of these women, immigration status is one more weapon that abusers use to intimidate them. Abusers often threaten, ‘You can’t call the police. They’ll just deport you.’ Under the existing law, our response is clear: ‘He’s wrong. You’re safe.’ If we certify that a victim was helpful to law enforcement during an investigation, she can seek special legal immigration status — known as a U-visa. . . .

“What kind of person does the U-visa help? Consider ‘Stephanie,’ an immigrant living in Maryland who lacked work authorization. She had already been sexually harassed by work supervisors when a stranger followed her into a room in the building where she was working and tried to rape her. Stephanie was able to fight him off and immediately reported the incident to police, who found the man nearby and arrested him. After reporting the terrible crime, Stephanie learned she would be eligible for a U-visa for her cooperation with police and the state’s attorney. Her assistance helped get a rapist off the streets. Today, Stephanie has her U-visa and is confident and self-supporting. . . . The law enforcement community now has 17 years of experience with the Violence Against Women Act and has used it successfully to combat human trafficking, sexual assault and domestic

³ Comment of Senator Patrick Leahy on the Success of the U Visa Program to Protect Victims of Domestic Violence and Sexual Assault (August 21, 2012), <http://www.leahy.senate.gov/press/u-visa-program-release>.

⁴ Many were contributed during a national teleconference about the U-visa hosted by NIWAP on August 27, 2012. Comments made during this call have been independently verified and information about reaching the speakers is available from NIWAP.

violence. We have relied on it to protect survivors of all stripes and hold their abusers accountable.”⁵

PROVIDING PROTECTION FROM DEPORTATION AND THE ABILITY TO OFFER LAWFUL PERMANENT RESIDENCY, RATHER THAN TEMPORARY PROTECTION, ENABLES THE U-VISA TO ACT AS AN IMPORTANT MOTIVATING FACTOR FOR VICTIMS TO COME FORWARD AND COMMUNICATE WITH THE POLICE. CRIME VICTIMS WHO MIGHT NOT OTHERWISE COOPERATE WITH THE POLICE FEEL IT IS WORTH THE RISK IF THERE IS A POSSIBILITY OF LONG-TERM PROTECTION.

Detective Sergeant Dean Faust (Payson, Arizona): “We have used U-visas for victims of sexual assault or child crimes. . . . The initial call is a real problem for law enforcement. If people are not making the call to law enforcement, which happens when people don’t know the U-visa is available, this is a problem. This is the hard part because people are reluctant to call since they are worried about deportation. I don’t know if there are any plans to get the word out for people who need it.”⁶

Officer Michael LaRiviere, Salem Police Department (Salem, Massachusetts): “One example began with a larceny case at a restaurant. In the process of reviewing surveillance for that crime, a detective observed a worker being sexually assaulted, got in touch with the worker, who turned out to be undocumented, and told her about the relief available. This victim then was able to identify someone who was sexually assaulting not only her but also other undocumented immigrants. As a result of this relationship, . . . undocumented immigrants in the community who learned this relief was available have been reaching out to advocates and contacting law enforcement. When people got the U-visa, it increased cooperation.”⁷

Chief Pete Helein, Appleton Police Department (Appleton, Wisconsin): “In June of 2011, I was part of a U-visa training session and heard about this case. A gang officer from the Washington, D.C. metro area worked with a woman who was a victim of domestic violence and sexual assault. Because they assisted the victim with the U-visa process and had established a level of trust, the woman came back and reported that a contract had been put out on the investigating officer and his partner. She was helpful in alerting them about the death threat. This was a legitimate gang threat against his life that would have perhaps gone unreported, and might have ended in his and his partner’s death. This level of cooperation and trust between law enforcement and an undocumented victim certainly paid off.”⁸

Stan Garnett, Boulder County District Attorney (Boulder, Colorado): “Nobody is more vulnerable than someone who has questionable immigration status. . . . They're afraid of the police,

⁵ Mark Shurtleff and Doug Gansler, *Opinion: Weakening Violence Against Women Act betrays immigrant victims*, POLITICO (Sept. 11, 2012, 9:20 PM), <http://www.politico.com/news/stories/0912/81048.html>.

⁶ This statement was made during a national teleconference about the U-visa hosted by NIWAP on August 27, 2012 and has been independently verified.

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and they don't know the system. There's a perception that these people are fair game, but they're not fair game while I'm DA.”⁹

Police Chief Danny Ford (Duncan, Oklahoma): “[Undocumented crime victims are] scared of being deported, so most of them won’t press charges or even talk to us. Most of the calls we’ve received have been from people who have seen the crime occur [and some who have suffered directly from the violence]. It’s gotten bad enough that we’ve had to send at least one to the hospital for some pretty severe injuries. There [are] probably several more [victims] that needed medical attention that didn’t get it because they were afraid to come forward. . . . [The Duncan Police Department] learned of . . . the U-visa in talking with some people from the FBI.”¹⁰

U-VISA AND T-VISA PROTECTIONS PLAY AN ESPECIALLY CRITICAL ROLE FOR CHILDREN AND VICTIMS OF TRAFFICKING MOTIVATING THEM TO OPEN UP TO THE POLICE, EVEN IN CASES IN WHICH PROSECUTION CANNOT BE COMMENCED IMMEDIATELY.

Sergeant Inspector Antonio Flores, San Francisco Police Department (San Francisco, California): “It opens up a different level of communication for police because police are helping each other with U-visa cases. People don’t understand what value there is in making an arrest when you know the suspect or know you cannot prosecute it at that time. In domestic violence cases this happens all the time that you arrest a perpetrator but cannot prosecute the case at the time, but I imagine in trafficking you might reach the same conclusion.

“For example, one case started in San Francisco when we received various complaints about fruit vendors selling fruit on a street corner. An officer approached a vendor, who was a minor, 14 or 15 years old, who was selling fruit on the corner. When he found out he was a minor, the officer asked who took care of him and how he got to the fruit stand. The child gave the officer the number he calls to get picked up every day, and when the officer called the number, the adult responded that he was taking care of the child but was not his parent or guardian. It turned out that the boy had been smuggled from Tijuana, through Arizona, and trafficked to San Jose where he was taught to sell fruit and then was trafficked to Oregon. He wanted to return home, but couldn’t, since he was on his own and they would not help him go back home. The suspects would tell the child that if the cops approached him and took his fruit, he would owe money, and if he did not sell the amount of fruit he was given, he would owe money, and would have no lunch or bathroom breaks. Child Protective Services got involved, and moved forward on that case as the child started identifying the people who brought him over. He mentioned a San Jose house and mentioned other children in his situation. Another woman and her husband came forward who had been sexually assaulted by the same perpetrator. The boy, the woman and her husband corroborated the story. We were able to take that case, identify all the parties, and the boy and the other victims were able to cooperate. We went to the FBI with the case, and it turns out all four brothers in San Jose were moving people from Mexico to Arizona and then to San Jose and up to Oregon depending on the fruit season. They

⁹ Meltzer, Erica, *Boulder DA Stan Garnett Takes a Stand on Crimes Against Immigrants*, DAILY CAMERA (Oct. 16, 2011), http://www.dailycamera.com/boulder-county-news/ci_19121370 (“Garnett said he believes more cases are being reported since his office actively reached out to groups that work with immigrant communities.”).

¹⁰ Kerr, Kevin, *Illegal Immigrants Targeted in Assaults*, DUNCAN BANNER (Oct. 3, 2010), <http://duncanbanner.com/local/x231067851/Illegal-immigrants-targeted-in-assaults/print>.

are all in custody now. We certified the sexual assault and the minor victim. They came in because of the U-visa and T-visa.”¹¹

**THE U-VISA HAS AN IMPACT ON THE SAFETY OF
ALL VULNERABLE GROUPS, AND NOT JUST IMMIGRANT VICTIMS.**

Chris Verdeck, Assistant Police Chief (Burlington, North Carolina): “Whether [crime victims] are here legally or not, these are things we need to know about. They are still victims of crime. And these criminals aren’t just targeting immigrants. They are targeting all of us.”¹²

Lieutenant David Moss, Palm Beach Sheriff’s Office (Lake Worth, Florida): “The people committing these crimes [against immigrants] commit them everywhere. Today it might be a Guatemalan, but tomorrow it might be a senior citizen.”¹³

Sergeant Jay Eisner (DeKalb, Georgia): “For most people who commit rapes, robberies and aggravated assaults, that is not an isolated incident, it’s their lifestyle. If the victim happens to be illegal and can help us get this person off the street, other people that would have been victimized now won’t be as a result of the immigrant coming forward.”¹⁴

**THE U-VISA PLAYS A VITAL ROLE IN IMPROVING RELATIONSHIPS BETWEEN IMMIGRANT
COMMUNITIES AND LAW ENFORCEMENT AND IN BUILDING TRUST WITH THE POLICE. MANY
CRIMES WOULD GO UNDETECTED IF VICTIMS DID NOT FEEL COMFORTABLE COMMUNICATING
WITH THE POLICE AND IMMIGRANT SERVICE PROVIDERS IN CASES IN WHICH THERE IS NO
“SMOKING GUN” EVIDENCE THAT WOULD OTHERWISE ALERT THE POLICE TO THE CRIME.**

Chief Pete Helein, Appleton Police Department (Appleton, Wisconsin): “The real benefit of the U-visa, in addition to temporary status, is the fact that law enforcement can build trust between the immigrant community and the police department. It opens up that line of communication to where people who have been victimized in the past are feeling more comfortable coming forward. Those who have historically been preyed upon now come to the police without fear of deportation. They are coming forward to help. Most of our cases come from old cases that have gone unsolved or unreported. People come forward now because trust has been established. The victims are also reporting new crimes.”¹⁵

Maria Watkins, Retired Police Captain (Washington, DC): “In active investigations, it creates a bridge of trust with the police department. The idea is that police are here to help no matter what the

¹¹ This statement was made during a national teleconference about the U-visa hosted by NIWAP on August 27, 2012 and has been independently verified.

¹² Abernethy, Michael, *U visas Gaining Prominence*, TIMES-NEWS (December 30, 2011).

¹³ Howard, Willie, *Lake Worth Liaison Builds Trust Between City’s Immigrants, Law Officers*, PALM BEACH POST (March 11, 2012), <http://www.palmbeachpost.com/news/news/lake-worth-liaison-builds-trust-between-citys-imm-1/nLhZq/> (“Benito Gaspar [Community Outreach Liaison] has been working for nearly two years to build trust between the city’s immigrants and the Palm Beach County Sheriff’s Office. . . . Calls to Crime Stoppers from Lake Worth increased 25 percent last year compared with 2010, which the sheriff’s office attributes in part to Gaspar’s efforts.”).

¹⁴ Simmons, Andria, *From Crime Victims to U.S. Citizens*, ATLANTA JOURNAL-CONSTITUTION (Feb. 20, 2011), at 1B.

¹⁵ This statement was made during a national teleconference about the U-visa hosted by NIWAP on August 27, 2012 and has been independently verified.

victims' immigration status, to protect the public, the people. We want to know what's going in the community. Even if they don't know the perpetrator, we want to know what is going on in the community. We don't want crimes to be going on in any street, in any community, without our knowing about it. That's why it's important to have a tool to show immigrant victims that the police are there to help them and not to deport them. If the police officers don't know what's going on in the community, we can't deploy personnel appropriately. Sometimes small crimes lead to bigger investigations. A fraud investigation can develop into a rape investigation. It's important for police departments to know what's going on."¹⁶

Eve Sheedy, Deputy City Attorney (Los Angeles, California): "The relationship that has increased the communication between the immigrant community and law enforcement has come from immigrant service providers that have developed relationships with law enforcement because of the U-visa. Victims' reports are coming in a different way. When they have clients that come in with additional information, there is a level of cooperation. More often, the issue of people who aren't coming forward with information out of fear of law enforcement is allayed to some degree because the immigration attorney is acting as a go-between and they have developed a level of trust. Relationships have begun with nonprofit immigration attorneys and law enforcement that were not there before."¹⁷

Deputy Sheriff Keith Bickford, Director of Oregon Human Trafficking Task Force, (Portland, Oregon): "I have had several cases where I signed off on a U-visa, and I think what has helped is that these immigrant communities are seeing that help is coming from law enforcement, especially by word of mouth. Once you do something like that, groups of people become interested and want to talk. I have been doing bilingual classes with the community, and the outreach is great. It is breaking the ice between law enforcement and these immigrant communities that are afraid, based on whatever countries they came from and the issues they're facing. They see that there are law enforcement officers out there that will help and can extend a helping hand. We are getting so many people coming forward, and we can map different communities we are starting to develop relationships with.

"As for the types of cases they are bringing forward, they include trafficking and labor violations. . . We find trafficking through other criminal reports because you never know where trafficking could be hiding. One interesting thing about trafficking is it can hide in so many different places, so unless you look, you will never know where to find it. If there is a U-visa involved, I will be more than happy to try to sign a certification if I can. I have to go through command procedure so they can monitor what I can do, but I think opening a U-visa case has helped with my relationship with different communities. There is a team of immigration attorneys I work with who do pro bono cases. They are like our victim assistance team. We use T- and U-visas differently depending on the case."¹⁸

Sergeant Inspector Antonio Flores, San Francisco Police Department (San Francisco, California): "In San Francisco, we have built a great liaison with the nonprofits who assist in the

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applications for visas. They tell people they can approach the police; they can come forward with any crime they were involved with even if it's not prosecuted. This opens up the dialogue not only with the victims who are reporting these crimes, but also sets up a dialogue with the advocates and nonprofits who will then say that they trust the police department.

“One example is the therapist story. The perpetrator posed as a doctor, and the client of the therapist in this case, who was undocumented, was referred to the suspect for plastic surgery. The perpetrator scammed her, and in the process not only botched her surgery but also sexually assaulted her. She was not the only victim. Several other people turned out to be victims, over 10-15 victims. I have talked to only two victims who have come forward, but the word is out. The office will sign off on U-visas.”¹⁹

Lieutenant Kevin Wiley, commander of Oakland Police Department's Special Victims Unit (Oakland, California): “These are disclosure-driven crimes, meaning people have to come forth and report them; there's no gunshot to bring it to our attention. . . . It's all about building trust.”²⁰

THE INFORMATION THE POLICE RECEIVE FROM U-VISA VICTIMS IS CRUCIAL TO FIGHTING SERIAL CRIMES IN THE COMMUNITY, AND ALL THE EVIDENCE POLICE RECEIVE HELPS SOLVE CRIME OVER TIME. INFORMATION ABOUT BOTH ACTIVE AND INACTIVE CASES IS ESSENTIAL.

Emily Menke, Victim Witness Coordinator, District Attorney's Office, 20th District (Nashville, Tennessee): “Why should I certify even if the case is over? Because we are trying to encourage people to cooperate in the future. Once others in the community learn about this opportunity, they will be encouraged to report crime and are less likely to view cooperation with law enforcement as a risk. In domestic violence cases, the victim's abuser might get deported, which creates a whole host of problems for the victim, financially as well as in terms of safety. With the U-visa, the victim has the opportunity to obtain a work permit and a social security number, both of which are important tools in re-stabilizing the family. Often the abuser is the sole bread winner and so you have a situation in which a woman is suddenly responsible for all the household expenses and transportation as well as dealing with the emotional trauma in terms of herself as well as her children. There is the fear of being deported to the country where the abuser was deported, the fear that the abuser will try to get her deported, the fear that she and her children will suffer financially or otherwise. There is so much to overcome just in making the decision to call the police, and then after that, following through with prosecution.

“The idea is that in assisting victims in addressing some of these obstacles, not only do you help that family in particular but the hope is that fear of reporting in general is reduced, resulting in a higher reporting rate, and an increase in successful prosecution due to cooperation of victims, and in turn, ideally a reduction in the incidence of domestic abuse. I interact with the two agencies that provide free immigration legal assistance in our area on a monthly basis. The relationship has at the very least improved the level of communication. If we didn't have the U-visa opportunity, I don't know how much less cooperation we would have, because there are those who are intrinsically motivated and I work with a lot of people like that. However, due to the challenges specific to

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immigrant victims, I would guess that there would be a drop in participation in the legal system if the U-visa was not available. We don't provide legal immigration advice. I want to inform them, and not offer promises. It can be used as a tool to undermine prosecution if we do that. Basically, we want to make victims aware of the opportunity and in cases where it is vital to the prosecution encourage them to follow up on that opportunity."²¹

**THE U-VISA'S FUNCTION AS A CRIME-FIGHTING TOOL FOR LAW ENFORCEMENT
NECESSITATES THE REMOVAL OF IMPEDIMENTS TO THE CERTIFICATION PROCESS.**

Steve Searcy, Executive Director of One Place Family Justice Center, formerly Commander of the Montgomery Police Department Domestic Violence Bureau (Montgomery, Alabama): "I have seen problems. We would run the cases through legal services, and the victim would flee from the time we would start working on the case to the certification process, and the chief law enforcement officer would then not want to sign off on the certification. People were not understanding the process and certification was difficult. People in the police department turn over in the interim. The process took too long. Crime victims would get scared that that they would become a victim of the system, in addition to being victimized by the crime, and be deported, and consequently would flee. If someone more midlevel in law enforcement instead of the chief or captain could sign off, to expedite the process, this would be helpful.

"I can report two cases: one case of domestic violence and one menacing case at a chicken processing plant. He would menace the victim at work. Both the perpetrator and the victim were undocumented. She fled during the process. In the second case, the victim who was 18 years old, was bartered since she was 15, came in through Texas and ended up in Alabama. She presented as a domestic violence victim and was sent to bureau of domestic violence because they thought they could help, but she also fled. The worker bees know what they're doing and have the training, whereas the chief and captain don't really know and don't have up-to-date training and knowledge. Removing the certification requirement by the chief would help to move that along."²²

Chief Pete Helein, Appleton Police Department (Appleton, Wisconsin): "It is so important for the police chief or sheriff to set the policy, communicate the priority within the community, and then turn it over to the people who are actually doing the work. The chief has a strong influence in getting the program up and running, and continuing to endorse the concept and opportunity, but the people who are actually working on the investigations are really in the best position to certify."²³

**THE U-VISA PLAYS A SIGNIFICANT ROLE
EVEN IN CASES IN WHICH VICTIMS CANNOT IDENTIFY PERPETRATORS.**

Ann Wagner, Deputy State's Attorney at Prince George's County State's Attorney's Office, formerly Chief of Domestic Violence Unit (Upper Marlboro, Maryland): "In homicide cases, witnesses could provide additional information to make the case go forward. The majority of the

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cases that I certify are domestic violence cases where the victim knows the perpetrator. The others are sexual assault cases and homicides.”²⁴

Emily Menke, Victim Witness Coordinator, District Attorney's Office, 20th District (Nashville, Tennessee): “We don’t certify for a victim unless a suspect has been arrested. Once the person has been arrested, we will likely need the witness to testify, even if the victim cannot identify the suspect. The importance of victim participation in prosecution cannot be overestimated. Even in cases when in which we don’t have enough evidence to prosecute, it is still vitally important that victims report crimes. We need everybody who was affected to be involved throughout the legal process. The more evidence we have, the more likely we get a suspect arrested and the more likely we get a guilty verdict or a plea.”²⁵

**PROVIDING A PATH TO LAWFUL PERMANENT RESIDENCY IS
CRUCIAL TO MAKING THE U-VISA WORK AS A TOOL FOR LAW ENFORCEMENT.**

Eve Sheedy, Deputy City Attorney (Los Angeles, California): “I have seen more cooperation from people who have gone from temporary to permanent resident status. In one example, a person initially cooperated, I signed the U-visa certification, and after the person got the U-visa, she subsequently reported three probation violations that likely would not have been reported otherwise. Now, she is applying for residency, so that was additional proof that her cooperation increased.”²⁶

Sergeant Inspector Antonio Flores, San Francisco Police Department (San Francisco, California): “For example, there are suspect cases where things have been told and we hit a stumbling block and have nothing more to do or are waiting for test results. But we gain a person who is willing to come forward and testify, which is a big deal. We are always asking for witnesses—it is not always that we need more victims.

“Witnesses are key in a lot of these cases, and the reason these witnesses are coming forward is the trust they have built with the police department through the U-visa. It keeps that open communication, constantly, with the victim. Even if the victim has moved on, I am still able to communicate with them, especially through the non-profit groups.

“If the path to residency is removed, the danger is that they will be a victim again. They might have no other means but to use the same criminal organization they used before, either because their work is here, their families, husbands, or US-born children are here. This leads to re-victimization. Gangs are getting involved in trafficking now. We’re seeing them kidnapping people and holding trafficked persons from their American family here in exchange for ransom. For domestic violence, once the victim is deported, we have handed her back to the abuser, because usually the abusers have no travel restrictions. In terms of getting to know your community base, it’s amazing how little police and law enforcement know about the U-visa process how little the community knows. Once

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that relationship has been built, it's going to be so much easier, and then you're able to refer other people the right way so they don't get re-victimized."²⁷

Emily Menke, Victim Witness Coordinator, District Attorney's Office, 20th District (Nashville, Tennessee): "Intuitively I think that an offer of temporary status is less likely to motivate cooperation than an option which can, if the victim cooperates, lead to permanent residency. I don't foresee the same willingness to cooperate if it is only 2 or 3 years versus something long term. Often people want to just do the right thing and protect others from being victims. In domestic violence cases, the large majority of defendants get deported and the victims are often from the same country. The possibility of retaliation is real. These victims who participate, regardless of motive, I think are acting in a way we want our citizens to act, in a uniquely American way. They are looking out for the greater good at a perceived great cost to themselves. Not that the visa is something to be earned or gained by merit, but offering it without anything further than two or three years, I believe, would be detrimental to the program's integrity. There are so many fears just to take the first step into court, especially in felonious assault cases. The fear is very high for retaliation and I rarely go into a hearing without having the witness express that fear to me. Sometimes the victims are able to overcome that fear based on the desire for others not to have to go through what they themselves are going through. So that is the American part I was talking about, wanting to protect their fellow man, citizen or not."²⁸

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