

U Visa Case Scenarios¹

September 9, 2015

Nusheen entered the United States five years ago with a tourist visa. Well after the visa had expired, she met Ali through a friend at her mosque. Months later they married and bought a home together. One night soon afterward, their home was robbed and Ali was murdered in the couple’s living room while Nusheen was asleep in the bedroom. She never saw the perpetrator, though several neighbors did. The police contacted Nusheen, who told them everything she knew but was unable to fill out the composite. The police also spoke with the neighbors, who described the perpetrator.

Li is an 18-year-old Chinese national. A friend introduced him to a “snakehead” who would take him from China to the United States for \$75,000. The snakehead arranged for Li to go from China to Hong Kong, where Li was given a fake passport that he used to enter the U.S. Li now works seven days a week in a Chinatown restaurant. Most of his wages are taken from him to pay the snakehead, room and board, and other “fees.” When Li asked to work fewer hours so he could go to school, his employer shoved him against a wall and told him to never ask again. Li made contact with a Chinatown-based police officer who is fluent in Mandarin. The officer encouraged Li to report the restaurant to the Department of Labor and work with his department’s trafficking unit to report the snakehead. Li has agreed to do both.

Amelia and Juan Carlos were living in poverty in their home country. Together they saved, borrowed and planned to pay a “coyote” \$3,000 to bring each of them into the United States. Once they arrived in the U.S., the “coyote” demanded an additional \$3,000 to release and transport them to family members living in Louisiana. After the “coyote” had held Amelia and Juan Carlos in an abandoned house for 5 days, without food or water, their family was able to send the additional money. The coyote agreed to drive Amelia and Juan Carlos to their family. The coyote had been drinking heavily before the drive, and just before they reached their destination, the coyote’s van crashed into oncoming traffic. Amelia was sitting in the passenger seat and died instantly. The passengers in the other car had minor injuries. Police arrived on the scene, and took both Juan Carlos and the “coyote” into custody. Juan Carlos told the police many details of the coyotes’ illegal business enterprises.

Maricela and Diego paid a coyote to take them to Kansas, where they now work at a poultry processing plant. One payday they were robbed by three gang members who think of immigrants like Maricela and Diego as “walking ATMs” because they don’t have bank accounts and carry a lot of cash. In addition to losing their wages, the couple was beaten and Maricela was sexually assaulted. After their friends encouraged them, the couple reported the incident to local police. Maricela and Diego were able to describe their assailants and a few days later, the police apprehended three people who matched the descriptions. Maricela and Diego refuse to press charges, however, because they

¹This project was supported by Grant No. 2011-TA-AX-K002 and 2013-TA-AX-K009 awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication are those of the author(s) and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women. This training tool was developed under grant number SJI-14-E-234 from the State Justice Institute. The points of view expressed are those of the authors and do not necessarily represent the official position or policies of the State Justice Institute.

fear retaliation.

Aditi entered the United States seven years ago with a student visa. One night after the visa had expired, she was walking home from waiting tables and was raped by a masked assailant. She never got a good look at the perpetrator. He whispered that he knew where she lived and told her he would tell her family back home the “filthy things” she has done if she told anyone. Four months later, Aditi realized she was pregnant. When she began to miss late shifts at work and was disciplined by her boss, she finally shared with him what had happened to her. Her boss called the police. Aditi told the police everything she knew, she was unable to assist police in making a composite and she said she wouldn’t testify in court because she feared retaliation.

Maura is 17 years old and from Mexico. She came to the U.S. at age 5, crossing the border with her mother. When Maura was 15 years old, her mother married Jose, a lawful permanent resident abuser. After enduring 5 years in the abusive household and sexual advances from her step-father, Maura left home and moved in with her boyfriend Juan, who started battering Maura when she became pregnant with their child. During an incident of abuse, the neighbors heard Maura screaming and called the police. When they arrived, Maura described the incident to the police officer, but fearing that she would get deported, she did not appear at the hearing on the domestic violence charge. The charge was amended to misdemeanor battery. Juan pled no contest and was convicted of battery.

Gloria is 14 years old and was born in the US to immigrant parents. She was forced to continually have sex with Simon, an older man who is a friend of her father’s. Her parents notice that Simon has been making frequent calls to her cell phone and become suspicious. They confront Gloria, but she denies that anything is going on between her and Simon. Simon threatened to have her and her parents deported if she revealed the sexual assaults. Her parents do not believe her, they find her cellphone with proof that Simon has been having sexual relations with Gloria. So they call the police, who arrest Simon. The parents take Gloria to get a sexual assault exam at the hospital and they are able to confirm and provide evidence to police, and she finally tells her parents everything and starts talking with the police. Simon was charged with 2nd degree sexual assault and released on bail and has fled to his home country. With the perpetrator at large, the case remains open.

Sun: One evening when Karen was cleaning out her closet and hears strange muffled sounds that sound like a child whining coming from the common wall between her condo and her new neighbors who she recently met and learned they are chefs at a local sushi restaurant. The noises continue for over an hour and Karen goes next door to her neighbors and knocks but there is no answer. She returns to the closet and carefully listens. She is convinced that what she is hearing is a child and not a pet. Karen calls the police who respond, hear the whining, and enter the condo to check the wellbeing of the people inside. They find a five year old child, Sun, confined to a large dog crate. The child is in horrible physical condition and appears to have been confined to the crate for quite some time. Sun’s parents were arrested and charged with child abuse. Karen volunteered to be a temporary placement for the Sun until child welfare could make arrangements for Sun, who was born in Japan, to be placed with relatives in Nebraska. While awaiting trial Sun’s parents flee the U.S. and return to Japan. A warrant is issued for their arrest. When Sun is 10 years old her relatives learn about the U visa and seek a U visa certification from their local police department.