

Illegal Immigrants Who Aided Police Sue for Federal Visas

By Anna Gorman, Times Staff Writer
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A group of illegal immigrants who were victims of violent crimes sued the Department of Homeland Security on Tuesday, demanding that immigration authorities issue them visas for cooperating with law enforcement.

Under a law passed in 2000, illegal immigrants are eligible for visas if they help law enforcement agencies in the investigation or prosecution of some crimes, including rape, domestic violence, murder and human trafficking. The visas would enable them to work and live in the United States without fear of deportation — and to apply for permanent residency after three years.

"It is outrageous and unconscionable that five years after the Crime Victims Act was passed by Congress, the government has not even issued an application form for crime victims to apply for visas," Peter Schey, the lead attorney for the nine immigrants in the suit, said at a news conference. "As a result, thousands of violent crimes continue to go unreported because immigrants are reluctant to cooperate with police, fearing they will be deported."

The suit was filed in federal court in Los Angeles, and the plaintiffs are from California, Texas and Arizona. Their attorneys are from three Southern California organizations that provide services to immigrants.

U.S. Citizenship and Immigration Services acknowledged Tuesday that none of the special "U visas" for crime victims have been issued anywhere in the country because the department was hammering out the procedures. Spokesman Bill Strassberger said he did not know when the agency would finish writing the regulations but stressed that it was "not on the back burner" and that they needed to be "thorough, concise and clear."

"It's unfortunate that it's been a long time," Strassberger said. The potential visa "is a good law enforcement tool. But before we get the regulations out, they need to be properly written."

In the meantime, the agency can grant the immigrants a renewable one-year grace period, during which they would not be deported. Strassberger said more than 3,000 illegal immigrants have been granted that status. The nine plaintiffs have applied for that status but have not received any response, according to their attorneys.

To qualify, the immigrants must present supporting certification from a local, state or federal law enforcement agency.

Because the government has not decided on application procedures for the visas, attorneys say, some illegal immigrants are reluctant to apply.

"There is no guarantee that they won't be deported," said Karla Pleitez, attorney for the immigrant aid group El Rescate.

Two of the plaintiffs in the suit, Jorge and Eleuterio Rodriguez Ruiz, say they were attacked by an anti-immigrant vigilante at a rest stop in Maricopa County, Ariz., in April. The attacker chased the brothers to their car and held them at gunpoint until police arrived and arrested the gunman, they said.

"We thought that we were going to be shot to death at the highway rest stop," Eleuterio Rodriguez Ruiz, 28, said in Spanish.

The men, both illegal immigrants from Mexico, cooperated with police, Schey said. But they were arrested by immigration officials and now are in deportation proceedings.

Because there is no formal application for the visa or the grace period, the men sent letters, affidavits, police reports and other documents to the federal immigration agency. They have not received any response, their attorney said.

"I hope that this case will force the United States government to start obeying the U visa law," said Jorge Rodriguez Ruiz, 20. "If our lawsuit succeeds, and immigrant victims of violent crimes are provided immigration protection, they will be more likely to report crimes."