

## News

### Pro Bono News: Helping Women Move out of the Shadow of Abuse

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For immigrant victims of crime or domestic violence, Congress created specific immigration law remedies. The Violence Against Women Act (VAWA), passed in 1994, provides protection for abused women who are married to US citizens or Lawful Permanent Residents. The T visa and U visa outlined in the Victims of Trafficking and Violence Protection Act of 2000 include provisions for noncitizens who are willing to assist authorities in investigating crimes related to their abusers.

The Tahirih Justice Center (Tahirih) in Falls Church, Virginia is a nonprofit legal services organization for immigrant women and girls fleeing gender-based human rights abuses. A significant portion of the work done by Tahirih involves helping women navigate the complex process of obtaining legal status in the US through VAWA self-petitions, asylum, T visas, and U visas. Direct legal services are provided by both in-house counsel and outside pro bono attorneys. The organization was formed in 1997 and Shearman & Sterling began working with Tahirih in December 2007.

Nirupa Narayan, Managing Immigration Attorney at Tahirih, says contributions from firms like Shearman & Sterling are critical to helping the organization realize its mission. “With the pro bono support we receive from DC-area firms, we are able to represent three times as many women as would otherwise be possible,” explains Narayan. “Our relationship with Shearman & Sterling is a budding one and our experience so far has been wonderful.”

#### **At the Intersection of Two Voiceless Populations**

Tax associate Lizzy Pike and Litigation associate Natalie Waites were the first Shearman & Sterling attorneys to volunteer to handle a case referred by Tahirih. Under the supervision of Litigation counsel [Neil Koslowe](#), the two have been working with their client, M, to apply for a U visa. Both Pike and Waites were attracted to the work because of the issues involved and the opportunity to possibly make a significant difference in M’s life.

Says Waites, “These cases occur at the intersection of two generally voiceless populations--immigrants, who are often voiceless because they lack specific rights, and victims of domestic violence, who tend to be silent for a variety of reasons.”

M came to the US after fleeing an abusive marriage in Honduras. She lived with her sister for several years before becoming involved in a relationship that was initially very happy, but later became abusive. Several police reports were made, charges filed, and the perpetrator arrested. At that point, the record becomes unclear, making the case more challenging.

Applicants for a U visa must submit a “certification” that the applicant has been, is being, or will be helpful to federal, state, or local authorities in the investigation or prosecution of the underlying criminal activity. Federal regulations require the certifying official to be the head of the agency or a designated supervisor who can attest to the victim’s help with law enforcement, generally someone from the police department or prosecutor’s office. The certification is discretionary and, consequently, federal, state, and local authorities determine when one should be issued.

In Prince William County, the jurisdiction for this case, the prosecutor's office has generally required victims to have participated in a proceeding that has been resolved before the head of the office will issue a certification. The Prince William County police department has simply failed to designate a certifying official since USCIS issued the regulations in September 2007.

"We know that there were a series of hearings; we know that the perpetrator was arrested and posted bail with conditions; we know there was a hearing approximately one year later," Pike explains. "But there is no record of how the case was disposed of."

However, M and the police officer who assisted her have told Pike and Waites that the prosecutor's office negotiated a plea deal with M's abuser. Pike and Waites have drafted a certification, submitted it to the prosecutor's office for review, and are currently awaiting a response.

### **Completing the Application Package**

In addition to the certification, U visa applicants must submit a completed I-918 form, which requires biographical information; a written personal statement detailing the substantial suffering that the victim has endured and her assistance to law enforcement; the I-192 form, which is an application to waive inadmissibility; and material that speaks to the applicant's good moral character and the validity of her story, such as statements from family and friends, doctors, clergy, and other community leaders. Tahirih provides ongoing mentorship to pro bono attorneys and reviews all of the documents before they are submitted to the Citizenship and Immigration Service. The entire package is then sent to a processing center in Vermont.

Pike and Waites feel the application for this client is strong and are eager to see the process move forward. They say the work has been arduous, but the benefit for the client is clear. "At times I feel as though Natalie and I are M's only chance," says Pike. "She doesn't have a lot of other people going to bat for her and even we are running into walls. It can be frustrating, but it's also been incredibly rewarding. We've seen our client start to blossom. She's gained more independence and a little more of a voice. She still has some instability in her life, but overall I think we see her beginning to step out of the shadow of what she's been through."

Pike and Waites have received substantial assistance from Sean Arthurs, another D. C. Litigation associate; Marni Chan, a former legal assistant; and Julian Gonzalez, a translator who has generously donated his time.

Shearman & Sterling is also currently supporting another case with Tahirih. [Click here to read more.](#)