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BCIAP Prevents Deportation of Abuse Victim

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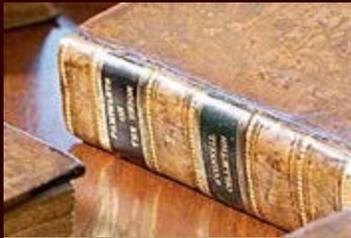


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BCIAP Prevents Deportation of Abuse Victim

2012 NEWS ARCHIVE

05/22/12

5/21/12—The Boston College Immigration and Asylum Project (BCIAP) is pleased to announce an important victory in the battle to prevent the deportation of a nineteen-year-old abuse victim from Guatemala. BCIAP was able to obtain a trafficking visa (T visa) for the woman, preventing her from being returned to her home country, where she would have faced further oppression and grave danger.

Ms. A (her name has been withheld to protect her identity) is from a rural, mountainous area near Guatemala’s border with Mexico. At the age of seventeen, she attempted to enter the United States after her mother threatened to kill her if she did not leave home. Parental beatings and murder of children are distressingly common in that area of Guatemala, and Ms. A had suffered physical and mental abuse for years.

“Difficult cases such as this, that have such a vital impact on people’s lives, are the core of our immigration clinical program,” said Daniel Kanstroom, BC Law professor and director of BC’s International Human Rights Program. “Ms. A’s situation, though heartbreaking, also illustrates the challenges and the opportunities within our immigration legal system. We are proud of the work done by Laura Murray-Tjan, our clinical professor and our students [at BCIAP], who were instrumental in helping Ms. A.”

Ms. A., who fled Guatemala after having been promised a paying job as a domestic servant with a man and his children living in Florida, was apprehended by Customs and Border Protection when she crossed into Arizona. She was involved in a serious auto accident as the driver of a van she was in attempted to avoid the border patrol. Because of her age at the time, she was transferred from the hospital to a federal shelter for unaccompanied minors.

At the shelter, Ms. A discovered that her cousin and other family members had deceived her in brokering the domestic servant position, and had intended for her to work without pay, while holding over her head a large debt she had incurred for her trip north. It was later learned that the man with whom Ms. A. was to live was not married and had no children.

The facility refused to release Ms. A to her cousin. The man who held the debt began threatening Ms. A’s family members in Guatemala, and she was afraid for her life if deported. When Ms. A’s cousin visited her later, she was told by him that she would receive no assistance in paying off the debt and was on her own.

After it was determined that Ms. A had been trafficked, she was granted Unaccompanied Refugee Minor (URM) status by the Department of Health and Human Services. The URM program moved her to Massachusetts so that she would be safe from her traffickers, and BCIAP took on her legal case. Despite the fairly long odds in cases like these, BCIAP prepared the supporting documents, applied for the T Visa and represented Ms. A with U.S. Immigration and Citizenship Services. The visa was granted in May.

“[Ms. A] risked death and other extremely serious harm if deported back to Guatemala, where she has no home to return to; faces death threats; and would be forced into a dangerous and vulnerable life on the streets with a real risk of being re-trafficked or severely brutalized,” said Laura Murray-Tjan in a letter supporting the visa application. “For the first time in her life, she is experiencing comfort and safety with a loving foster mother and caring social workers.”

The events that took place in Ms. A's journey characterize a sadly typical trafficking scenario for a young, indigenous Guatemalan girl. The experiences she went through closely parallel the tactics employed by traffickers against their victims. With her immigration visa, Ms. A no longer has to fear being deported, and can build a life in America.

The Boston College Immigration and Asylum Project provides legal representation for low-income and indigent immigration detainees, including refugees, asylum seekers, and torture survivors, who are placed in immigration detention in Massachusetts during removal proceedings. Deportation of detainees creates heartache for children and other family members, and often results in severe hardship and impoverishment for remaining family. Although deportation can result in permanent banishment and separation from U.S. family members, the federal government does not provide counsel for immigrants in deportation proceedings. BCIAP also seeks to empower detainees and their families to help themselves in the process of deportation when limited resources do not permit direct representation by the BCIAP staff attorney.