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VIA FEDERAL EXPRESS

U.S. Citizenship and Immigration Services
Vermont Service Center
75 Lower Welden Street
St. Albans, VT 05479-0001

June 9, 2011

Re:

[REDACTED]
Petitioner A # [REDACTED]
Response to Notice of Action EAC [REDACTED]

Dear Sir or Madam:

I represent [REDACTED] # [REDACTED] in connection with his petition for U Nonimmigrant Status pursuant to the Battered Immigrant Women Protection Act of 2000, Pub. L. 106-386, §§ 1501-1513 ("BWPA," codified at 8 U.S.C. § 1101).

[REDACTED] This letter responds to a Notice of Action dated March 17, 2011 (Receipt Number EAC [REDACTED]), resubmitted in the original with this letter. The Notice of Action requests the following information in further support of [REDACTED]'s petition for U Nonimmigrant Status:

1. Evidence that [REDACTED] was the victim of a qualifying criminal activity;
2. Evidence that [REDACTED] suffered substantial physical or mental abuse as a result of the qualifying criminal activity;
3. Evidence that [REDACTED] possesses credible and reliable information establishing that he has knowledge of the details concerning qualifying criminal activity;

4. Evidence that [REDACTED] has been helpful, is being helpful, or is likely to be helpful to the certifying agency in the investigation or prosecution of the qualifying criminal activity;
5. Evidence that the qualifying criminal activity occurred in the United States or in the territories or possession of the United States, or violated a United States Federal law that provides for extraterritorial jurisdiction to prosecute the offense in Federal court; and

[REDACTED]'s responses to the above requests are set forth below, and additional evidence in support of his petition is submitted with this letter. The additional evidence submitted in response to the Notice of Action includes:

- A supplemental declaration by [REDACTED] describing the qualifying criminal activity perpetrated upon him by Agriprocessors including involuntary servitude, extortion, peonage, human trafficking, **obstructing justice** as well as other qualifying criminal activity, and the physical and mental abuse suffered as a result of such activity;
- A USCIS Form 918-B signed by a duly authorized official of the Iowa Attorney General's Office identifying the specific Iowa criminal statutory provisions violated by Agriprocessors' qualifying criminal activity; indicating that the qualifying criminal activity occurred at Postville, Iowa, within the United States; and certifying that [REDACTED] possesses credible, reliable, and detailed information regarding the qualifying criminal activity of **Witness Tampering, among other crimes** committed by Agriprocessors and has been, is being, and will continue to be helpful to its investigation and prosecution;
- **An official report from Special Agent Jon Turbett with the Iowa Division of Criminal Investigation, stating that [REDACTED] was helpful to its investigation and prosecution of the crimes committed at the Agriprocessors plant in Postville, Iowa;**
- Letters by members of the Postville community in support of [REDACTED]'s petition for U Nonimmigrant Status;
- Various newspaper articles describing multiple qualifying criminal activities at the Agriprocessors plant in Postville, Iowa;

As shown below, the attached evidence, establishes that [REDACTED] meets the requirements for U Nonimmigrant Status as set forth in the BWPA (see 8 U.S.C. § 1101(a)(15)(U)(i)(I)-(IV)) and the regulations promulgated thereunder. Accordingly, I respectfully request that [REDACTED]'s petition be granted.

1. [REDACTED] was the victim of qualifying criminal activity.

Qualifying crimes generally

Qualifying criminal activities for purposes of U Nonimmigrant Status include one or more of the following or any similar activity in violation of Federal, State, or local criminal law: rape, torture, trafficking, incest, domestic violence, sexual assault, abusive sexual contact, prostitution, sexual exploitation, female genital mutilation, being held hostage, peonage, involuntary servitude, slave trade, kidnapping, abduction, unlawful criminal restraint, false imprisonment, blackmail, extortion, manslaughter, murder, felonious assault, witness tampering, obstruction of justice, perjury, or attempt, conspiracy, or solicitation to commit any of the above mentioned crimes. 8 U.S.C. § 1101(a)(15)(U)(i)(V)); 8 C.F.R. § 214.14(a)(9). The term "any similar activity" refers to criminal offenses in which the nature and elements of the offenses are substantially similar to the statutorily enumerated list of criminal activities. 8 C.F.R. § 214.14(a)(9).

As shown below, [REDACTED] was the victim of involuntary servitude, trafficking, extortion, obstruction of justice, witness tampering, and similar crimes as defined under Federal and Iowa law.

1. [REDACTED] **WAS THE VICTIM OF OBSTRUCTION OF JUSTICE UNDER IOWA LAW, TAMPERING WITH A WITNESS UNDER FEDERAL LAW.**

In the Request for further evidence, your office is alleging that there is insufficient documentation to demonstrate that [REDACTED] was the victim of a qualifying crime under INA 101 a 15 U.

Initially, [REDACTED] submitted a personal declaration explaining briefly how he was the victim of the crime of witness tampering. In support of his case, he submitted his personal declaration, pay stubs from Agriprocessors showing that he was employed and that they actual pay did not reflect the number of hours that he truly worked there.

In response to this request for additional documentation [REDACTED] is submitting:

- 1- Copy of official report from Special Agent Jon Turbett, Iowa Division of Criminal Investigation stating that [REDACTED] was the victim of obstruction of justice and that he was threatened with physical harm, was fearful as the result of the crime. **He was pushed by the supervisors questioning him concerning testifying at trial.** Special Agent had to arrange for local law enforcement to patrol the street where [REDACTED] was living at in order to protect him from the threats of harm.
- 2- Letter from Violeta Aleman accounting her direct personal knowledge and witnessing of the crime of witness tampering against [REDACTED] and the impact of such crime it had including fear and stress.
- 3- Additional letters from witnesses stating the same accounts and personal knowledge and or witnessing of the impact of the crime on [REDACTED]

4- Attempting to obstruct justice or attempting to prevent or induce a witness to appear as part of the prosecution's case-in-chief is a crime under Iowa law.

a. According to the Iowa Code, "a person who, with intent to prevent the apprehension or obstruct the prosecution or defense of any person, knowingly does any of the following acts, commits an aggravated misdemeanor: ...(2) Induces **a witness having knowledge material to the subject at issue to leave the state or hid, or to fail to appear when subpoenaed.**" Iowa Code § 719.3(2) (*emphasis added*). Similarly, it is a crime under Federal law to tamper with a witness or influence such a witness to withhold testimony. According to the U.S. Code, 18 U.S.C. § 1512 (b)-(d):

(b) Whoever knowingly uses intimidation, threatens, corruptly persuades another person, or attempts to do so, or engages in misleading conduct toward another person with intent to:

(1) **influence, delay, or prevent the testimony of any person in an official proceeding;**

(2) cause or induce any person to:

(A) **withhold testimony**, or withhold a record, document, or other object, from an official proceeding;

(D) **be absent** from an official proceeding to which such person has been summoned by legal process."

(c) Whoever corruptly:

(2) otherwise obstructs, influences, or impedes any official proceeding, or attempts to do so. U.S. Code, 18 U.S.C. § 1512 (b)-(d)

5- Agriprocessors' supervisors and representatives knowingly attempted to induce [REDACTED] not to testify, physically harmed him and threatened him daily until the day of the trial.

- The "new" company had the "same" supervisors and rabbies working at the plant than before. [REDACTED] Decl. at ¶2.
- [REDACTED] found himself between staying in the country to testify upon the request of the Northern District of Iowa and the Iowa Attorney General's Office while working to support his family or being harmed by his supervisors if he testified. [REDACTED] Pers. Decl. at ¶3.
- The first time he asked permission from the plant to testify he was allowed to do so, after that the harassment, intimidation and physical assaults begun. [REDACTED] Pers. Decl. at ¶¶4,5,6.

- [REDACTED] had to lie to his supervisors to avoid the continuous harassment, threats with physical harm and assaults before the actual trial took place. [REDACTED] Pers. Decl.
- [REDACTED] was physically hurt and suffered substantial emotional harm as the result of the threats, intimidation, assaults from the supervisors to prevent him from testifying at the trial. [REDACTED] Pers. Decl. at ¶¶ 6, 9, 10.
- He was so concerned for his life that he reported the crime to the authorities. [REDACTED] Pers. Decl. at ¶ 15. See also Report from Special Agent Turbett, Exhibit #____.
- [REDACTED] suffered physical, psychological and financial harm as the result of the crime and his collaboration with the Government. [REDACTED] Pers. Decl. at ¶¶ 9, 10, 15.

CONCLUSION

As set forth above, pursuant to both Federal law and Iowa law, the facts demonstrate that Agriprocessors illegally attempted to obstruct justice and tamper with a witness with the purpose of influencing [REDACTED] to withhold his testimony against Sholom Rubashkin.

[REDACTED] was the victim of involuntary servitude and a substantially similar crime, forced labor, under Federal law.

Federal law defines the crime of involuntary servitude as the knowing and willful "compulsion of services by the use or threatened use or threat of physical restraint or physical injury, or by the use or threat of coercion through law or the legal process." 18 U.S.C. § 1584. In determining whether the coercion or threats "could plausibly have compelled the victim to serve" a court is permitted to consider "the victim's special vulnerabilities" United States v. Kozminski, 487 U.S. 931, 948, 952 (1988).

The Trafficking Victims Protection Act of 2000 ("TVPA"), Pub. L. 106-386, §§ 101-113 (codified at 22 U.S.C. §§ 7101-7110) defines involuntary servitude even more broadly. In its findings in support of the TVPA, Congress stated that involuntary servitude includes "cases in which persons are held in a condition of servitude through nonviolent coercion." 22 U.S.C. § 7101(b)(13). In accordance with this Congressional finding, involuntary servitude under the TVPA encompasses: "(A) any scheme, plan, or pattern intended to cause a person to believe that, if the person did not enter into or continue in such condition, that person or another person would suffer serious harm or physical restraint; or (B) the abuse or threatened abuse of the legal process." 22 U.S.C. § 7102(5).

The nature and elements of involuntary servitude under the foregoing statutes are substantially similar to the Federal crime of forced labor. The United States Criminal Code defines forced labor as labor that is obtained:

1. by means of force, threats of force, physical restraint, or threats of physical restraint to that person or another person;
2. by means of serious harm or threats of serious harm to that person or another person;
3. by means of the abuse or threatened abuse of law or legal process; or
4. by means of any scheme, plan or pattern intended to cause the person to believe that, if that person did not perform such labor or services, that person or another person would suffer serious harm or physical restraint.

18 U.S.C. § 1589(a)(1)-(4).

Forced labor is substantially similar to the qualifying criminal activity of involuntary servitude. The primary distinction between the two crimes is that, for purposes of forced labor, the phrase “serious harm” in 18 U.S.C. § 1589(a)(2) broadly includes harm, whether physical or nonphysical, including psychological, financial, or reputational harm, that is sufficiently serious, under all the surrounding circumstances, to compel a reasonable person of the same background and in the same circumstances to perform or to continue performing labor or services in order to avoid incurring that harm.” 18 U.S.C. § 1589(c)(2). Congress included this expansive definition of harm in the forced labor statute in order to counteract the Supreme Court’s holding in Kozminski limiting involuntary servitude to use or threats of legal or physical coercion. See United States v. Bradley, 390 F.3d 145, 150 (1st Cir. 2004), vacated on other grounds, 545 U.S. 1101 (2005).

The work [REDACTED] performed for Agriprocessors constitutes involuntary servitude and forced labor as defined under Federal law. [REDACTED] worked at Agriprocessors out of fear for what might happen to him if he were to lose his job. In fact, [REDACTED] was constantly threatened by his supervisors—if he did not work fast enough, they would threaten to fire him. [REDACTED] Pers. Decl. ¶ 14. Even when [REDACTED] fell ill, his supervisor denied him sick leave. *Id.* at ¶ 16. According to [REDACTED] “The supervisor told me that if I did not show up to work he was going to fire me. I ended up going to work even though I was sick because I was afraid of losing my job.” *Id.*

Specifically, he worked under the constant belief that Agriprocessors was providing him with immigration protection and the threat that Agriprocessors would contact immigration officials and have him deported if he refused to work longer hours without compensation. Further, [REDACTED] was continually harassed for not working quickly enough under the threat of being fired. Thus, [REDACTED] continuously worked under the threat of the Agriprocessors alleged power to report him and have him deported. Agriprocessors further tried to deter employees from seeking help outside the plant through unions, thereby attempting to control and intimidate [REDACTED] and others. In this regard, please

see the attached letter from Agriprocessors owner Sholom Rubashkin discouraging employees from unionizing.

██████████'s working conditions at Agriprocessors were so bad that he wanted to quit. ██████████ Pers. Decl. ¶ 15. Unfortunately, ██████████ had no choice but to work at the plant to support his mother who is currently suffering from brain cancer. *Id.* at ¶ 31. ██████████ continued to work at Agriprocessors despite the exhausting hours and numerous abuses he suffered there, as described more fully below. He constantly worried about making mistakes, being blamed for errors or situations not attributable to him, or otherwise not meeting his superiors' expectations, which would cause him to be fired, costing him the immigration protection he believed Agriprocessors was providing him and more importantly, preventing him from paying for his mother's brain surgery. *Id.*

At the age of 16, ██████████'s job consisted of chopping off cow heads and ears. ██████████ Pers. Decl. ¶ 8. The heads weighed around 25 pounds each. *Id.* The job was extremely dangerous as ██████████ had to get underneath the cows to chop off the head and the cow could subsequently fall on top of him. The supervisors would scream at him if he did not work quickly enough, even though he was working with 6 inch knives, and no protection for his hands or face, despite the constant stream of blood that would spill over him during the process. *Id.* Despite the multiple wounds that ██████████ incurred while working, he was told he could either work or he had to go home and lose his job. *Id.*

██████████ suffered constant verbal abuse and threats of physical abuse at the hands of his Agriprocessors supervisors, inflicted to force ██████████ to work harder and faster. On a daily basis, the supervisors would scream obscenities in Spanish at ██████████ threatening him with abuse, threatening him with employee termination, and insulting him. ██████████ Pers. Decl. ¶ 14. Beyond the humiliation that ██████████ suffered at the hands of his supervisor, ██████████ suffered extreme physical injuries on the job and was denied physical treatment. *Id.* at ¶ 8. According to ██████████ "Many times, the wounds continued bleeding and I had to work like that. When the wound was big, it bled and hurt a lot, but I had to continue working. I could not complain about it, I had to continue working." *Id.* Once, ██████████ cut off the tip of his finger with a chain saw, received nothing more than a band-aid and was sent back to work. *Id.* at ¶ 9. The injury kept bleeding, but ██████████ was forced to keep working—his finger has healed, but experiences constant numbness and difficulty in bending. *Id.* These injuries combined with the humiliation and abuse suffered at the Agriprocessors plant have caused ██████████ to become severely anxious and depressed while forced to continue working at the plant. *Id.* at ¶ 14

The actual and threatened use of physical force and the threat of reporting a person, particularly a child, to immigration or otherwise causing him to be deported in order to obtain his labor or services is a clear abuse of the Federal crimes set forth above. Agriprocessors' actions were equivalent to threats of force, serious harm, and use of the legal process if ██████████ and other child employees did not accept without complaint the terrible conditions in which they were forced to labor.

[REDACTED] was a minor at the time he worked with Agriprocessors. He had a mother who was suffering from brain cancer. If he was deported, he would be sent back to Guatemala, where the unemployment rate is extremely high and there are little to no opportunities to earn money to support his family, much less pay for his mother's treatment. [REDACTED] Pers. Decl. ¶ 31. Not only did [REDACTED] have to send money to support his family and his mother's treatments, but he is also indebted to those who assisted him in travelling to the United States. *Id.* These factors made [REDACTED] particularly vulnerable to the threat of being reported to immigration authorities.

Having so obtained [REDACTED]'s labor and services through the threat of force, serious harm, and abuse of legal process, Agriprocessors engaged in the qualifying crimes of involuntary servitude and forced labor against [REDACTED].

Even if USCIS finds that the Iowa child labor crimes are not similar to the BWPA-enumerated crimes, the Iowa Attorney General's Office has certified that [REDACTED] was the victim of BWPA-enumerated crimes such as witness tampering.

The Notice of Action states that while [REDACTED] was a victim of Iowa child labor law violations, this is not a qualifying criminal activity, nor is it similar to a qualifying criminal activity. However, as shown above, there are in fact substantial similarities between Iowa child labor violations and BWPA-enumerated crimes such as trafficking, involuntary servitude, and extortion. Furthermore, while the Iowa Attorney General's Office ultimately decided to prosecute Agriprocessors for its child labor law violations, during its investigation the agency discovered many other qualifying criminal activities perpetrated by Agriprocessors upon its child employees, such as trafficking, involuntary servitude, and extortion (among others). As demonstrated above, the crimes perpetrated by Agriprocessors satisfy the elements of these qualifying crimes. In addition, as indicated by the enclosed USCIS Form I-918 Supplement B, an authorized certifying official from the Iowa Attorney General's Office has declared under penalties of perjury that [REDACTED] was the victim of such BWPA-enumerated qualifying crimes.

Thus, while not every violation of Iowa child labor laws might involve elements of trafficking and other qualifying crimes, [REDACTED]'s case, as well as the cases of other juvenile workers the Agriprocessors' Postville plant, do in fact involve qualifying criminal activity. The prosecutorial decision of the Iowa Attorney General's Office to charge Agriprocessors for its numerous and egregious child labor law crimes does not render [REDACTED] and other victims of these crimes and Agriprocessors' other BWPA-enumerated qualifying crimes ineligible for U Nonimmigrant Status.

2. [REDACTED] suffered substantial physical and/or mental abuse as a result of the qualifying criminal activity.

A petitioner must have "suffered substantial physical or mental abuse as a result of having been a victim of" a qualifying criminal activity. 8 U.S.C. § 1101(a)(15)(U)(i)(I); 8 C.F.R.

§ 214.14(b)(1). Physical or mental abuse means injury or harm to the victim's physical person, or harm to or impairment of the emotional or psychological soundness of the person. 8 C.F.R. § 214.14(a)(8). Whether abuse is substantial is based on a number of factors, including but not limited to: the nature of the injury inflicted or suffered; the severity of the perpetrator's conduct; the severity of the harm suffered; the duration of the infliction of the harm; and the extent to which there is permanent or serious harm to the appearance, health, or physical or mental soundness of the victim, including aggravation of preexisting conditions. No single factor is a prerequisite to establish that the abuse suffered was substantial. 8 C.F.R. § 214.14(b)(1).

██████████ experienced substantial and repeated physical abuse as a result of Agriprocessors' trafficking, forced labor, child labor and extortion activities. He was forced to work extensive hours, "10,12 and 14 hours per day", with little or no break. ██████████ Pers. Decl. at ¶¶ 6, 20, 24.

██████████ received minimal and sub-par medical treatment and was then forced to return to work despite his injuries. *Id.* at ¶¶ 8, 9, 13. After being injured, ██████████ would go to the "laundry room" where other workers would merely slap a band-aid on the injury. *Id.* ██████████ worked many times, with open and profusely bleeding wounds. *Id.* In fact, he was forced to continue working, even after he sliced off the tip of his finger with a chain-saw. *Id.* Further, as a result of working extensively with dangerous chemicals without protection, ██████████'s eyes would burn constantly, so much that he "could not even sleep because I had so much pain in my eyes." *Id.* at ¶ 11. As a result, ██████████ felt exhausted, overwhelmed, sad, depressed, helpless and nervous so extensively that he was unable to sleep as a result of the physical demands of his job. *Id.* at ¶ 14. ██████████ still suffers from nightmares about work and often cries about the humiliations he endured there. *Id.*

In addition to such physical abuses ██████████ experienced, he also suffered mentally as a result of Agriprocessors' actions. ██████████ describes himself as being hopeless. ██████████ Pers. Decl. ¶ 14. "I felt pressured and stressed almost every day I worked there. Many times I could not sleep at night; I used to and still have nightmares. I always dream about work. In my nightmares the supervisors continued yelling at me and I would wake up scared. Once I was awake, I could not fall asleep again because I kept thinking that I had to go back to work and everything was going to be the same...I did not want to get up the next day...but I knew that I must continue working in order to keep a roof over my parents' head." *Id.* at ¶¶ 14-15.

On top of all of this was ██████████'s constant worry that he would lose his job and the immigration protection it provided if he did not perform and constant fear for his safety at the hands of his supervisors. Because ██████████ believed that Agriprocessors was protecting him from immigration and the possibility of deportation, which carried with it the threat of not being able to provide for his infirm mother, keeping his job at Agriprocessors was of paramount importance. The thought of losing it and the devastating consequences that could follow were substantial and pervasive stresses on ██████████'s mental and emotional state. *Id.* at ¶ 14, 15, 31.

The abuses [REDACTED] has suffered as a result of Agriprocessors' trafficking, forced labor, child labor and extortion activities are substantial physical and mental abuses. In fact, the abuses he has suffered were so substantial that it has been determined that Agriprocessors violated his civil rights through its treatment of [REDACTED] during his employment. In this regard, please see the attached letter from the bankruptcy group regarding the abuses suffered by child employees at the Agriprocessors plant.

3&4. [REDACTED] possesses credible and reliable information regarding the qualifying criminal activity perpetrated upon him and has been helpful to the certifying agencies in the investigation and prosecution of such activity.

A petitioner must possess credible and reliable information establishing that he or she has knowledge of the details concerning the qualifying criminal activity upon which his or her petition is based. In this regard, the alien must possess specific facts regarding the criminal activity leading a certifying official to determine that the petitioner has, is, or is likely to provide assistance to the investigation or prosecution of the qualifying criminal activity. 8 U.S.C. § 1101(a)(15)(U)(i)(II)-(III); 8 C.F.R. §§ 214.14(b)(2)-(3). A Form 918, Supplement B, "U Nonimmigrant Status Certification," is mandatory and constitutes prima facie evidence that the petitioner possesses reliable and credible information and has been, is being, or will be helpful to an investigation or prosecution of a qualifying criminal activity. 8 C.F.R. § 214.14(c)(2)(i).

As a victim himself of the qualifying criminal activities of Agriprocessors, [REDACTED] possesses credible, specific, and detailed information regarding such activities. [REDACTED] has also demonstrated his ability and willingness to assist the Iowa Attorney General's Office in investigating and prosecuting these crimes. In this regard, please see: (1) the enclosed Form I-918 Supplement B signed by an authorized official of the Iowa Attorney General's Office certifying under penalties of perjury that [REDACTED] possesses credible and reliable information about the qualifying criminal activity and has been, is being, or is likely to be helpful in the investigation and prosecution of such activity; and (2) Two separate and signed letters from the Iowa Department of Justice certifying that [REDACTED] is a witness for the attorney general and has been a crucial, cooperative, and credible witness for the Department of Justice. This certification constitutes prima facie evidence that the two above-mentioned requirements for [REDACTED]'s petition of U Nonimmigrant Status are satisfied. In addition, Special Agent Turbett has submitted a copy of his report regarding specifically how [REDACTED] was the victim of witness tampering and how he reported the crime. As a result of the report, Special Agent Turbett had to request local police protection for [REDACTED] and other minors. See attached report.

5. The qualifying criminal activity occurred in the United States.

The qualifying criminal activity upon which a petition is based must have occurred in the United States or in the territories or possessions of the United States, or violated a U.S. Federal law that provides for extraterritorial jurisdiction to prosecute the offense in a U.S. Federal court. 8 U.S.C. § 1101(a)(15)(U)(i)(IV); 8 C.F.R. §§ 214.14(b)(4). The qualifying criminal activities of which [REDACTED] was a victim occurred in Postville, Iowa, within the continental United States. In this regard, please see the enclosed letter and Form I-918 Supplement B signed by an authorized official of the Iowa Attorney General's Office, which states that the qualifying

criminal activity of which [REDACTED] and others were victims occurred in Postville, Iowa.

6. [REDACTED] has submitted a Properly Executed Form I-918, Supplement B, U Nonimmigrant Status Certification.

[REDACTED] submitted a properly executed Form I-918, Supplement B, U Nonimmigrant Status Certification, in support of his petition for U Nonimmigrant Status.

As shown above, the evidence establishes [REDACTED] satisfies the requirements for U Nonimmigrant Status under the BWPA. Accordingly, I respectfully request that his petition be granted. If you have any further questions or require any additional information, please do not hesitate to contact me at (515) 255-9317 or (515) 480-4387. Thank you for your attention to this matter.

Sincerely,

Sonia Parras Konrad

Enclosures (as stated)

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REQUEST FOR FURTHER EVIDENCE
OF THE U VISA APPLICATION FOR**

[REDACTED]

**COVER LETTER
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- 1. G-28
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- 3. RESPONSE TO REQUEST FOR FURTHER EVIDENCE

3.1 PROOF OF U VISA ELIGIBILITY UNDER INA SEC. 101 (a)(15)(u)

1. QUALIFYING CRIMINAL ACTIVITY

- a. Legal argument analyzing qualifying crimes in connection with facts of the case.
- b. **Newspapers and articles** regarding the existence of multiple qualifying criminal activity in Agriprocessors, Inc., Postville, Iowa.
- c. **Letter from the Attorney General's Office** stating that [REDACTED] is being helpful to their criminal investigation of the Postville plant located in Iowa.
- d. Statement from Special Agent Jon Turbett regarding Witness Tampering
- e. Statement from Violeta Aleman regarding personal knowledge of witness tampering
- f. Statement from additional witnesses corroborating that [REDACTED] was the victim of witness tampering

2. COLLABORATION I-918 B STATING:

- a. Form 918B- already submitted
- b. Specific **Iowa Code provisions** regarding qualifying criminal activity.
- b. Specific **jurisdiction**: that the crime occurred in Agriprocessors, Inc. located in Postville, Iowa. Helpfulness of the victim in the past, present and likelihood of future helpfulness- Already submitted.

- c. That Applicant possess credible, reliable and detailed information concerning the qualifying activity- See personal declaration and declaration from special agent Jon Turbett

3. SUBSTANTIAL PHYSICAL OR MENTAL ABUSE

- a. Applicant's **personal declaration** stating the specific crimes he has endured and the substantial physical and/or mental abuse including the impact of the crime of witness tampering
- i. Applicant has been victimized while employed at Agriprocessors, Inc. by his supervisors.
 - ii. Applicant has suffered substantial physical and/or mental abuse as the result of the crimes committed against his
 - iii. [REDACTED] was working under stress constantly. He was often times ridiculed, pushed around and assaulted in front of other co-workers. He was forced to use chemicals and dangerous materials to the point that his skin came off and his nose was bleeding. He was injured several times and the plant denied critical care and sent him back to work. All this happened while he was underage, which constitutes child endangerment as well as assault, felonious assault.
 - iv. [REDACTED] was threatened by rabbis and supervisors not to testify against Shalom
- b. **Support letters** from community members, co-workers and people that had personal knowledge of the abuses Applicant endured while employed at Agriprocessors, Inc already submitted and new letters from witnesses regarding the crime of witness tampering
- c. **Letter from Paul Rael, Director of Hispanic Ministry, of Saint Bridget Catholic Church in Postville, Iowa** stating that the church had to hire a counselor to address the trauma Applicant suffered while employed at Agriprocessors, Inc. in Postville, Iowa. The letter also explains accounts of witnessing and listening to the trauma Applicant has endured while employed.
- d. **Affidavit of Lidia R. Carnota Cohen, M.D.** stating that in her professional opinion, Applicant has suffered substantial mental harm as the result of the crime(s) committed against him, specifically that Applicant is experiencing post-traumatic symptoms, symptoms of dissociation and emotional numbing, and major depression and severe anxiety.

4. HELPFULNESS

- a. Please notice that Applicant is a main witness on the trial against Agriprocessors, Inc. and has testified at the trial as requested by the Attorney General's office. Therefore, Applicant has been helpful to the investigation of the crimes and prosecution.
- b. Applicant also reported the crime to the Division of Criminal Investigation, specifically to Jon Turbett
- c. Letters regarding Applicant's helpfulness have been also previously submitted

5. JURISDICTION

- a. **Please see I-918B** stating that these crimes happened in Postville, Iowa, USA and violated US law.
- b. **Please see letter from the Attorney General's Office** stating that [REDACTED] is being helpful to their criminal investigation of the Agriprocessors, Inc. plant located in **Postville, Iowa already submitted.**