

Nareeneh Sohbati
John E. Schreiber
Winston & Strawn LLP
333 S. Grand Ave., 38th Floor
Los Angeles, CA 90071
Ph: 213-615-1700

DETAINED

Gail Pendleton
Executive Director
ASISTA Immigration Assistance
1317 Old Sandwich Rd.,
Plymouth, MA 02360
Ph: 774-269-3110

Counsel for proposed *Amici Curiae*

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
BOARD OF IMMIGRATION APPEALS
FALLS CHURCH, VIRGINIA**

**In the Matter of Nicholas C. Plante
In Removal Proceedings**



REQUEST TO APPEAR AS AMICI CURIAE

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Undersigned *Amici Curiae* respectfully request leave to file this brief in support of Respondent/Applicant, seeking reversal of the Immigration Judge's failure to implement this Board of Immigration Appeals' (the "Board") *Matter of Sanchez-Sosa*, 25 I. & N. Dec. 807 (BIA 2012) decision regarding continuances for U visa applicants in proceedings.

Respondent/Applicant consents to the filing of this brief.

Amici are non-profit organizations dedicated to protecting and advancing the rights and safety of immigrant survivors of domestic violence, sexual violence, and other crimes. *Amici* possess extensive knowledge about the legal protections for immigrant survivors in the Violence Against Women Act ("VAWA") and its progeny, especially VAWA self-petitions, U visas, and T visas. *Amici* applaud this Board for its recognition that immigrant crime survivors who have been helpful to law enforcement should not be removed from the United States ("U.S.") while the United States Citizenship and Immigration Services ("USCIS") determines the fate of their applications. *Amici* ask the Board to affirm its decision in *Sanchez-Sosa* and instruct all immigration judges to follow its guidance in issuing U visa continuances.

ASISTA Immigration Assistance ("ASISTA") is a national non-profit organization that works to advance and protect the rights and routes to status of immigrant survivors of violence, especially those who have suffered gender-based violence inside the U.S.. ASISTA has worked with Congress to create and expand routes to secure immigration status for survivors of domestic violence, sexual assault, and other crimes in VAWA and its subsequent reauthorizations. ASISTA also serves as liaison between those who represent these survivors and the Department of Homeland Security ("DHS") personnel charged with implementing the laws at issue in this appeal, including USCIS, Immigration and Customs Enforcement ("ICE"), and DHS's Office for

Civil Rights and Civil Liberties. ASISTA also trains and provides technical support to local law enforcement officials, civil and criminal court judges, domestic violence and sexual assault advocates, and legal services, non-profit, pro bono, and private attorneys working with immigrant crime survivors.

The Tahirih Justice Center (“Tahirih”) is the largest multi-city direct services and policy advocacy organization specializing in assisting immigrant women and girls who survive gender-based violence. Tahirih offers legal and social services to women and girls fleeing all forms of gender-based violence, including human trafficking, forced labor, domestic violence, rape and sexual assault, and female genital cutting/mutilation. Since its beginning in 1997, Tahirih has provided free legal assistance to more than 25,000 individuals, including many who are eligible for, and have received, U nonimmigrant status. Through direct legal and social services, policy advocacy, and training and education, Tahirih protects immigrant women and girls so that they can live in safety and dignity. Courts across the country have accepted and considered *amicus* briefs submitted by Tahirih relating to such matters.

Freedom Network USA (“FNUSA”) is the largest alliance of human trafficking advocates in the U.S. Its 68 members include survivors of human trafficking and those who provide legal and social services to trafficking survivors in over 40 cities, providing comprehensive legal and social services, including representation in immigration cases. In total, FNUSA’s members serve over 2,000 trafficking survivors per year, including adults and minors, survivors of both sex and labor trafficking, over 65% of whom are foreign national survivors. FNUSA provides training and advocacy to increase understanding of the wide array of human trafficking cases in the U.S., including a Department of Justice grant to increase access to housing for human trafficking survivors. It has been involved in the passage of the Trafficking

Victims Protection Act and has been a key advocate in each subsequent reauthorization. While many trafficking survivors in the U.S. pursue T visas, others pursue U visas. FNUSA has an interest in ensuring that foreign national trafficking survivors are protected from removal from the U.S. while their U visa is pending. Human trafficking is a pernicious crime. Survivors have been isolated, threatened, abused, and exploited emotionally and financially. Traffickers take advantage of U.S. immigration law and policy to depress wages, harm workers, and distort the U.S. economy. The U visa is a critical tool for both protecting survivors and supporting the prosecution of traffickers.

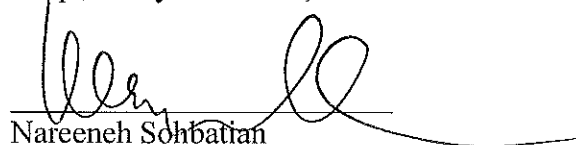
The Immigration Center for Women and Children (“ICWC”) is a non-profit legal services organization whose mission is to provide affordable immigration services to underrepresented immigrants in California and Nevada. Specifically, ICWC cases focus on the rights and legal remedies of the most vulnerable immigrant communities, including victims of serious crimes, domestic violence, and sexual assault. ICWC represents thousands of clients before USCIS each year with a specialization in U nonimmigrant status. ICWC assists clients to gain legal status and obtain work authorization to improve their lives and create security and stability for their families. ICWC does this by providing direct legal services, hosting a database for advocates nationwide, conducting national trainings, and publishing practice manuals in its area of expertise. Since its foundation in 2004, ICWC has provided legal assistance to more than thirty thousand individuals, including many who are eligible for, and have received, U nonimmigrant status. ICWC has filed *amicus* briefs previously.

Because of *Amici Curiae*’s history servicing and advocating on behalf of survivors of violence and their familiarity with the statutory framework under which crime victims may seek U nonimmigrant relief pursuant to 8 U.S.C. § 1101(a)(15)(U) (“U nonimmigrant status”), *Amici*

Curiae provide a “unique perspective” and insight on this subject for the Board of Immigration Appeals.

Dated: July 15, 2019

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Nareeneh Sohbattian', is written over a horizontal line.

Nareeneh Sohbattian

John E. Schreiber

Winston & Strawn LLP

333 S. Grand Ave., 38th Floor

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BRIEF BY AMICI CURIAE

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I. INTRODUCTION

In 2012, this Board of Immigration Appeals (the “Board”) issued the *Matter of Sanchez-Sosa* decision, ensuring crime victims seeking U visas would not be removed while the United States Citizenship and Immigration Services (“USCIS”) determined the fate of their applications. *See Matter of Sanchez-Sosa*, 25 I.&N. Dec. 807 (BIA 2012). The Board’s *Sanchez-Sosa* “prima facie” framework reflects an established system at USCIS. Immigration and Customs Enforcement (“ICE”) memoranda already required ICE officers to request prima facie determinations from USCIS before denying stays of removal or seeking the removal of individuals. In this matter of Nicholas C. Plante (“Respondent”), ICE ignored its own internal regulations and memoranda, and the Immigration Judge (“IJ”) failed to apply the prima facie analysis this Board articulated in *Sanchez-Sosa*.

This prima facie “web of protection” has, until now, helped ensure that the crime victims Congress intended to help were not removed from the United States (“U.S.”) as a result of having helped law enforcement. *Amici* fear that if the decision below is allowed to stand immigrants will once again fear accessing U.S. systems that are designed to provide safety and justice to all and hold perpetrators accountable. *Amici* respectfully suggest, therefore, that this Board (i) make clear that it will not countenance the immigration court system being used as a weapon by perpetrators of crime to deport those individuals who report them to law enforcement officials, and (ii) insist that the Executive Office for Immigration Review (“EOIR”) follow its decision in *Sanchez-Sosa*. Deporting those who have been helpful to law enforcement before USCIS has decided the merits of their claims undermines Congress’s repeated attempts to encourage access to safety and justice for everyone in the U.S.

II. ARGUMENT

A. **Congress Created the U Visa to Encourage Reporting by Those Who Feared That Accessing the U.S. Criminal System Would Result in Their Removal**

Congress created U nonimmigrant status to encourage immigrant crime victims to report crimes committed against them and to assist the law enforcement officers who investigate and prosecute those crimes. *See* Victims of Trafficking and Violence Prevention Act of 2000, Pub. L. No. 106-386, 114 Stat. 1464-1548 (2000). Congress's action has proven highly successful: Tens of thousands of people each year submit applications for U nonimmigrant status that include a signed, sworn statement by law enforcement officers that the applicant has been helpful with the investigation or prosecution of serious crimes. *See* USCIS, *Number of Form I-918, Petition for U Nonimmigrant Status, by Fiscal Year, Quarter, and Case Status 2009-2019* ("U Petition Status"), available at https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/Victims/I918u_visastatistics_fy2019_qtr2.pdf. In fact, so many more individuals than the 10,000 per year statutory cap apply for the U visa that USCIS estimates U visa applications are taking more than four years to process, between 49 and 50 months. *See* *USCIS Processing Times*, Form: 1-918, Field Office or Service Center: VSC, USCIS (last accessed June 7, 2019), available at <https://egov.uscis.gov/processing-times/>. The U visa program has therefore given law enforcement a powerful tool to hold perpetrators of crimes accountable while encouraging individuals and communities who were previously paralyzed by fear of deportation to access justice.

Congress created U nonimmigrant status as part of a decades-long legislative effort to encourage immigrant crime victims to seek justice. Those efforts began with the Violence Against Women Act of 1994 ("VAWA"), Pub. L. No. 103-322, 108 Stat. 1796 (1994), which

created legal protections for immigrants subjected to battery or extreme cruelty by a U.S. citizen or lawful permanent resident spouse. *See* 8 U.S.C. § 1154(a)(1). By allowing such immigrants to “self-petition” for lawful permanent resident status, VAWA freed them from a significant source of control by their abusive spouses. VAWA, however, did not address the needs of survivors of abuse who are not immediate relatives of U.S. citizens or lawful permanent residents.

Congress provided protection to those survivors by creating U nonimmigrant status in 2000. U nonimmigrant status is available only to immigrants who were “severely victimized by criminal activity.” Victims of Trafficking and Violence Protection Act of 2000 (“VTVPA”), Pub. L. No. 106-386, § 1513(a)(2)(B), 114 Stat. 1464, 1533.¹ U nonimmigrant status, once granted, provides work authorization (8 U.S.C. § 1184(p)(3)(B)) and extends for four years (*id.* § 1184(p)(6)). At the close of that period, many U nonimmigrant status holders are eligible to adjust their status to lawful permanent resident. *See id.* § 1255(m).

Congress provided these benefits to protect crime victims. As the Security (“DHS”) has acknowledged, “[i]mmigrants, especially women and children, can be particularly vulnerable to criminal activity like human trafficking, domestic violence, sexual assault, stalking, and other crimes” because of “language barriers, separation from family and friends, lack of understanding of U.S. laws, fear of deportation, and cultural differences.” *U & T Visa Law Enforcement Resource Guide for Federal, State, Local, Tribal & Territorial Law Enforcement, Prosecutors, Judges, & Other Government Agencies* (“*U & T Guide*”), DHS, (last accessed June 23, 2019), available at https://www.dhs.gov/sites/default/files/publications/U-and-T-Visa-Law-Enforcement-Resource%20Guide__1.4.16.pdf. Congress therefore created U nonimmigrant status

¹ The term “U nonimmigrant status” derives from the statutory subsection, 8 U.S.C. § 1101(a)(15)(U), which codifies the status.

to eliminate the fear of deportation and “offer[] protection to victims . . . in keeping with the humanitarian interests of the United States.” VTVPA, Pub. L. No. 106-386, § 1513(a)(2)(A).

Congress also had a second goal. It recognized that the fear of deportation prevented many crime survivors who lack lawful immigration status from reporting serious crimes or “fully participat[ing]” in the investigation and prosecution of those crimes. VTVPA, Pub. L. No. 106-386, § 1513(a)(1)(B). Congress further recognized that encouraging immigrant survivors of violence to come forward would “strengthen the ability of law enforcement agencies to detect, investigate, and prosecute” serious crime. *Id.* U nonimmigrant status therefore both benefits crime victims and makes the U.S. a safer place for everyone.

To advance this second goal, Congress imposed relatively formidable prerequisites to obtaining U nonimmigrant status. Simply surviving victimization does not entitle an immigrant to receive U nonimmigrant status. The survivor must complete and submit Form I-918, providing detailed background and family information as well as information about the qualifying crime. 8 C.F.R. § 214.14(c)(1). She must also submit a signed statement “describing the facts of the victimization” (*id.* § 214.14(c)(2)(iii)) and submit to a biometric capture (*id.* § 214.14(c)(3)). Most importantly, the survivor must be “helpful” or “likely to be helpful” to “a Federal, State, or local law enforcement official,” prosecutor, judge, or similar official. 8 U.S.C. § 1101(a)(15)(U)(i)(III). And she must provide a certification signed under penalty of perjury by the investigating or prosecuting official that attests to her helpfulness in the investigation or prosecution of criminal activity. *Id.* § 1184(p)(1). DHS recognizes that this third-party certification, which is unique to U nonimmigrant status, “acts as a check against fraud and abuse.” *U & T Guide* at 26.

B. DHS and EOIR Implement the Will of Congress

To implement the Congressional goal of providing a safety net for survivors who are helpful to law enforcement, both ICE and this Board have applied a “prima facie approval” analysis to U applicants in proceedings.

i. ICE *Must* Request Prima Facie Decisions from USCIS

In 2009, ICE issued guidance designed to create a safety net against the removal from the U.S. crime survivors in immigration removal proceedings with pending U Visa applications. Pursuant to that guidance, when an individual in immigration removal proceedings provides proof that she has filed a U visa petition, the Office of the Chief Counsel (“OCC”) “*shall* request a continuance to allow USCIS to make a prima facie determination.” *Guidance Regarding U Nonimmigrant Status (U visa) Applicants in Removal Proceedings or with Final Orders of Deportation or Removal*, DHS ICE, (Sept. 25, 2009), available at https://www.ice.gov/doclib/foia/dro_policy_memos/vincent_memo.pdf (emphasis supplied). If USCIS grants a prima facie approval, OCC “should consider administratively closing the case or seek to terminate proceedings pending final adjudication of the petition.” *Id.* Contrary to some local ICE officer assertions, these memoranda remain operational. *Email from Danielle Bennett, ICE Spokesperson, to Lauren Villagran, Journal Staff Writer*, Searchlight New Mexico, (Apr. 19, 2019, 07:05 AM CST), available at https://docs.wixstatic.com/ugd/ce3522_9e0daae9a68f4a038920181abaf3ba76.pdf.

ii. This Board Adopts and Articulates Prima Facie Protection Against Removal

In 2012, this Board articulated its own version of prima facie protection against removal. *Sanchez Sosa*, 25 I. & N. Dec. at 812-13.² In *Sanchez Sosa*, the Board extended the good cause factors identified in *Matter of Hashmi* to U visa applicants who are seeking a continuance of their immigration removal proceedings, including “(1) the DHS’s response to the motion; (2) whether the underlying visa petition is prima facie approvable; and (3) the reason for the continuance and other procedural factors.” *Id.* As a general rule, this Board determined a rebuttable presumption exists that an individual who has filed a prima facie approvable U visa application with USCIS will warrant a favorable exercise of discretion. *Id.* at 815.

iii. OCC’s Position When ICE Refuses to Request a Prima Facie Decision from USCIS

By the time a survivor’s case appears before an IJ, ICE should have followed its own guidance on prima facie requests to the Vermont Service Center (“VSC”), the USCIS location ultimately responsible for adjudicating all VAWA self-petitions, U and T visas. Although *Amici* may disagree, on occasion, with how VSC decides cases, *Amici* agree that such decisions should reside with the part of the agency that is trained on the law, on domestic and sexual violence, and on the experience of undocumented crime victims who are helpful to law enforcement.

In this matter, ICE did not request a prima facie determination from USCIS and instead took action contrary to its own internal policies by opposing Respondent’s motion to continue. IJ Decision at 4. To ensure a swift *Sanchez-Sosa* analysis, ICE merely needs to follow its own

² The Board’s *Matter of L-A-B-R* decision does not change the standard set out in *Sanchez Sosa* and *Hashmi*. See *Matter of L-A-B-R*, 27 I. & N. Dec. 405, 413, 418 (A.G. 2018) (citing *Sanchez Sosa* and *Hashmi* with approval). In fact, *L-A-B-R* states unequivocally that it is “consistent with Board precedents.” *Id.* at 418 (citing *Sanchez Sosa* and *Hashmi*).

guidance. Instead, ICE shifts the burden of making a prima facie determination from USCIS to EOIR. Assuming IJs cannot force intransigent ICE to follow its own guidance, *Amici* suggest IJs should, minimally, disregard any opposition the agency proffers to a continuance.

iv. Prima Facie Approvability Requirements

According to this court, an IJ's initial assessment of whether a U visa case is prima facie approvable focuses on two statutory requirements and the related USCIS regulations:

- 1) whether the individual can show that he or she suffered "substantial physical or mental abuse" from the qualifying crime; and
- 2) whether the underlying criminal activity is enumerated in the statute (or is a "similar activity"). *Sanchez Sosa*, 25 I. & N. Dec. at 813.

If the IJ determines these above requirements are met, then he should review the law enforcement certification, the primary documentation dictated by Congress to show "helpfulness to law enforcement." 8 U.S.C. § 1101(a)(15)(U)(i)(III). Only after examining these primary eligibility requirements should the IJ examine the immigration grounds of inadmissibility.

v. Congress's U waiver: Why IJs Should Avoid Determining U Admissibility

Sanchez-Sosa's analysis of the grounds of inadmissibility consideration is sparse and lacks citation or discussion of either (a) the statutory inadmissibility exceptions Congress mandated (*all grounds* except (d)(3)) or (b) the special waiver Congress created for waiving these grounds at INA 212(d)(14) ("national or public interest."). *See Sanchez Sosa*, 25 I. & N. Dec. 807. Since the decision references the relevant USCIS *regulations* for U grounds of inadmissibility, *Amici* assume the Board understands that U applicants are subject to an inadmissibility analysis most IJs do not encounter.

The unusual statutory provisions of U grounds of inadmissibility are one reason IJs should not deny U visa petition continuances based solely on grounds of inadmissibility. The main reason IJs should refrain from deciding *prima facie* eligibility solely on grounds of inadmissibility is that “national or public interest” – the (d)(14) waiver standard – necessarily requires assessing the crime survivor’s helpfulness to law enforcement and the harm experienced. *See* INA § 212 (d)(14).

Without fully examining the initial eligibility requirements dictated by this Board, and without properly assessing the Congressionally mandated waiver standard at (d)(14), the IJ in this case determined that the Respondent’s U visa relief “remain[ed] speculative.” IJ Decision at 4. This is not an adequate *prima facie* decision as it fails to assess the eligibility requirements and their subsequent influence on the “public interest” waiver for inadmissibility.

vi. USCIS Backlogs Do Not Justify Deporting Those Who Have Been Helpful to Law Enforcement

The final *Sanchez-Sosa* consideration is, essentially, an “unreasonable delay” factor. As noted above, from a law enforcement perspective the U visa is a huge success. Tens of thousands of crime victims have, in their files, certifications by law enforcement that they have been helpful. *See supra* U Petition Status at 2. While there are backlogs in the adjudication of U visas, these backlogs are not caused by applicants but are due to the annual statutory caps on U visas. 8 U.S.C. § 1184(p)(2)(A); *see supra* U Petition Status at 2. *Amici* respectfully suggest that any harm caused by granting continuances to crime victims is far outweighed by the damage premature deportations wreak on effective community policing.

vii. IJ Error Requires Remand

To summarize, the IJ did not “consider and articulate all of the relevant factors to ‘evaluate the viability of the underlying’ petition.” *Sanchez-Sosa*, 25 I. & N. Dec. at 815 (citing

to *Hashmi*, 24 I. & N. Dec. at 791). He committed at least two fundamental errors in his prima facie analysis. While he acknowledged the Respondent's family's victimization, he did not assess harm and the qualifying crime. IJ Decision at 3. He also did not articulate or apply the Congressionally mandated (d)(14) public interest standard in his inadmissibility determination, informed by these other eligibility criteria. *Id.* at 1-4.

Amici respectfully posit that the inherent pitfalls in EOIR prima facie determinations illustrated by this case are the best argument for ensuring ICE follows its own memoranda. If ICE complied with its own procedures, IJs would know, for certain, whether VSC, the location in the immigration system that adjudicates U visas, agrees that a U applicant has made a prima facie showing.

viii. The Prima Facie System Is Vital to Ensuring Congressional Intent

A theme *Amici* often hear from ICE officers is that, because U visa applicants may pursue cases from abroad, deporting respondents does not cause them harm.³ This position reveals deep ignorance about the reality immigrant crime victims experience in this country and, whether intentional or not, threatens the integrity of the U visa system Congress created to encourage full participation in the U.S. criminal justice system. *Amici* suggest this Board expressly renounce this excuse for prematurely deporting those who have been helpful to law enforcement.

C. Deportation Discourages Crime System Participation

Deportation comes with its own documented hazards: loss of financial stability, the possibility of increased violence in one's home country, loss of access to the justice system and services that are assisting crime victims with their recovery, and either separation from family or

³ In this matter, the IJ takes the position the Respondent need not be in the U.S. to pursue his U visa application, despite receiving substantial evidence regarding the Respondent's family's victimization and the Respondent's cooperation in the criminal matter of which he was a victim. *See* IJ Decision at 3-4.

subjecting children to deportation. Deportation causes families “severe and sudden financial impact.” Samantha Artiga & Barbara Lyons, *Family Consequences of Detention/Deportation: Effects on Finances, Health, and Well-Being*, Kaiser Family Foundation (2018), available at <https://www.kff.org/report-section/family-consequences-of-detention-deportation-effects-on-finances-health-and-well-being-issue-brief/>. Many immigrants come from countries in which authorities are “brazenly corrupt” and “horrifically brutal.” David A. Harris, *The War On Terror, Local Police, And Immigration Enforcement: A Curious Tale of Police Power in Post-9/11 America*, 38 Rutgers L.J. 1 (2006). Others have grown up in the U.S. and do not have strong connections to their countries of origin. These immigrants are often deported to homelessness. Amy F. Kimpel, *Coordinating Community Reintegration Services for “Deportable Alien” Defendants: A Moral and Financial Imperative*, 70 Fla. L. Rev. 1019, 1021 (2018).

Prior to VAWA self-petitioning and the U visa, these risks discouraged many crime survivors from accessing justice. Undocumented immigrants, especially, underreport crimes due to the fear they will be deported if they do so. Michael J. Wishnie, *Immigrants and the Right to Petition*, 78 N.Y.U. L. Rev. 667 (2003). The law Congress created to protect undocumented immigrants gave them hope. Jacqueline P. Hand & David C. Koelsch, *Shared Experiences, Divergent Outcomes: American Indian and Immigrant Victims of Domestic Violence*, 25 Wis. J. L. Gender & Soc’y 185, 203 (2010).

Unfortunately, many crime survivors once again fear that, despite these laws, reporting crimes will now result in their deportation and the deportation of their children. A 2017 survey of more than 700 advocates working with survivors of intimate partner violence, sexual abuse, and human trafficking revealed that 43 percent of advocates had clients who dropped a civil or criminal case due to fear of immigration enforcement. Key Findings: 2017 Advocate and Legal

Service Survey Regarding Immigration Survivors, Tahirih Justice Center et al. (2017), available at <https://www.tahirih.org/wp-content/uploads/2017/05/2017-Advocate-and-Legal-Service-Survey-Key-Findings.pdf>; *see also* Tyler Kingkade, Domestic Abuse Victims Aren't Coming Forward Because They're Scared of Being Deported, BuzzFeed (Mar. 16, 2017), available at <https://www.buzzfeednews.com/article/tylerkingkade/under-trump-domestic-abuse-victims-are-more-afraid-of-being>. Forty-one percent of Latinos and Latinas report that deportation is the primary reason why Latino and Latina survivors do not come forward. The No Más Study: Domestic Violence and Sexual Assault in the Latin@ Community, Case De Esperanza (2015), available at <http://nomore.org/wp-content/uploads/2015/04/NO-MAS-STUDY-Embargoed-Until-4.21.15.pdf>.

i. This Fear Endangers the Safety of All

When immigrant crime victims fear deportation if they access the U.S. criminal justice system, everyone suffers. Criminals target vulnerable populations, such as immigrants. Pauline Portillo, *Undocumented Crime Victims: Unheard, Unnumbered, And Unprotected*, 20 Scholar 346, 354-55 (2018). Gang members have reported that their criminal enterprises are strengthened by immigrant vulnerability to deportation because witnesses will not come forward. Dan Lieberman, *MS13 Members: Trump Makes the Gang Stronger*, CNN (July 28, 2017), available at <https://www.cnn.com/2017/07/28/us/ms-13-gang-long-island-trump/index.html>.

Victim fear generated by deportations significantly fetters the ability of law enforcement to take dangerous criminals off the street. Meagan Flynn, *Houston's Chief Acevedo, Defiant and Introspective, Rails Against SB 4*, Houston Press (Apr. 28, 2017), available at <https://www.houstonpress.com/news/hpd-chief-acevedo-lambasted-sb4-in-defiant-candid-monologue-9394376>. Witnesses to crime will no longer report. Lindsey Bever, *Hispanics "Are Going Further into the Shadows" Amid Chilling Immigration Debate, Police Say*, Wash. Post

(May 12, 2017), *IJat* https://www.washingtonpost.com/news/post-nation/wp/2017/05/12/immigration-debate-might-be-having-a-chilling-effect-on-crime-reporting-in-hispanic-communities-police-say/?noredirect=on&utm_term=.b409c75cc992.

Allowing decisions such as the one in this matter to stand will undermine the situation Congress sought to fix with the U visa. It will reinforce the growing belief that the U visa program is an unreliable false promise and that reporting crimes will result in a victim's removal. When vulnerable populations fear reporting crime, perpetrators remain free to continue to perpetrate crimes. Thus, the immigration system becomes exactly what Congress sought to fix in the original Violence Against Women Act of 1994: Abusers, rapists and other criminals again use the U.S. immigration system as a weapon to silence and control their victims.

III. CONCLUSION

Respondent in this case proceeded exactly as Congress sought to facilitate—he cooperated with law enforcement authorities. IJ Decision at 3. To deny him a continuance in his immigration removal proceedings and instead remove him from the U.S. thwarts the will of Congress. It also conveys the message to perpetrators of crime that ICE and EOIR will assist them to remove from the U.S. those who would hold them accountable for the crimes they have perpetrated. *Amici* respectfully request that this Board remand the case to the IJ and resoundingly reaffirm its adherence to *Sanchez-Sosa*. The crime victims *Amici* serve need the Board's reassurance they may safely assist law enforcement and access the safety and justice Congress

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wished them to access in the U.S.

Dated July 15, 2019

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Nareeneh Sohbati", with a long horizontal flourish extending to the right.

Nareeneh Sohbati

John E. Schreiber

Winston & Strawn LLP

333 S. Grand Ave., 38th Floor

Los Angeles, CA 90071

Ph: 213-615-1700

Gail Pendleton

Executive Director

ASISTA Immigration Assistance

1317 Old Sandwich Rd.,

Plymouth, MA 02360

Ph: 774-269-3110

Counsel for proposed *Amici Curiae*

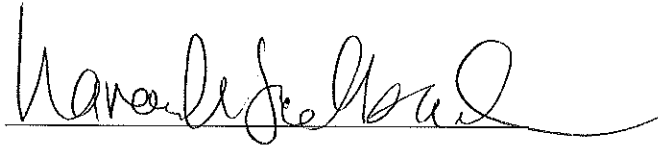
Nicholas C. Plante,

DETAINED, A # 200-424-671

CERTIFICATE OF SERVICE

On July 15, 2019, I, Nareeneh Sohbatian, mailed a copy of the Request to Appear as *Amici Curiae* and Brief by Proposed *Amici Curiae* to counsel for Respondent Nicholas C. Plante by first class mail to:

Wayne Sachs, Esq.
1518 Walnut St., Suite 610
Philadelphia, PA 19102

A handwritten signature in black ink, appearing to read 'Nareeneh Sohbatian', written over a horizontal line.

Nareeneh Sohbatian
July 15, 2019

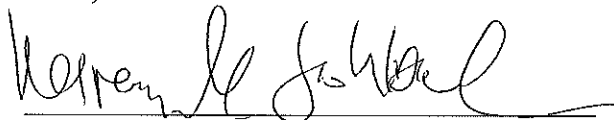
Nicholas C. Plante,

DETAINED, A # 200-424-671

CERTIFICATE OF SERVICE

On July 15, 2019, I, Nareeneh Sohbati, mailed a copy of the Request to Appear as *Amici Curiae* and Brief by Proposed *Amici Curiae* to the Department of Homeland Security by first class mail to:

Department of Homeland Security
Office of the Chief Counsel
Immigration and Customs Enforcement
3400 Concord Rd.
York, PA 17402

A handwritten signature in black ink, appearing to read 'Nareeneh Sohbati', written over a horizontal line.

Nareeneh Sohbati
July 15, 2019