



## Testimony for the House Judiciary Committee

February 13, 2018

### HB 461 – Victims and Witnesses – U Nonimmigrant Status – Certification of Victim Helpfulness

#### SUPPORT

The ACLU of Maryland supports HB 461, which allows a victim or relative of a victim to be granted a U Nonimmigrant Status if the person was considered to be helpful, or likely to be helpful, to the detection, investigation, or prosecution of certain criminal activity.

It is imperative that Maryland make allowances to protect non-citizens who are victims of crime or seek to assist in crime prevention. In this climate of increased, inconsistent, and unpredictable enforcement, tens of thousands of working immigrant families have been caught in the fray of immigration proceedings. Many of these families have been living and working peacefully in the United States for years, and come into contact with law enforcement only because they are victims of domestic violence or other crimes.<sup>1</sup>

Consider the experience of Maria Bolanos Hernandez.<sup>2</sup> One Christmas Eve a few years ago, she had a heated argument with the father of her daughter. The argument turned violent, and she called the police for help. To this day, she regrets having made that call. The Prince George's County Police officers who responded to her call for help later charged her with illegally selling a \$10 phone card— an allegation that was unsubstantiated and that the police later dropped. In the meantime, however, they had already run her fingerprints through the system. Because of the then Secured Communities program, her fingerprints were transferred automatically to Immigration and Customs Enforcement (ICE), and she was turned over to ICE to face immigration proceedings. The only contact Ms. Bolanos had ever had with law enforcement in her entire time in the United States was the one phone call she made to try to escape a domestic violence situation. Instead of helping her, police charged her with an unrelated minor offense, which was sufficient to route her into immigration proceedings.

Fear is exacerbated today than it ever was before, and we continue to see immigrants fearful of reporting crimes, let alone receive an immigration benefit from reporting that crime as a victim through the U visa process. In mid-2017, we

<sup>1</sup> See, e.g., Lee Romney & Paloma Esquivel, Noncriminals Swept Up in Federal Deportation Program, *LA Times*, April 25, 2011, <http://articles.latimes.com/2011/apr/25/local/la-me-secure-communities-20110425>; Stephen Magnanini, Mexican couple's deportation leaves behind two small children in Lodi, *Sacramento Bee*, November 2, 2010, <http://www.mcclatchydc.com/2010/11/02/103001/mexican-couples-deportation-leaves.html>.

<sup>2</sup> Shankar Vedantam, Call for help leads to possible deportation for Hyattsville mother, *Washington Post*, November 1, 2010, available at <http://www.washingtonpost.com/wp-dyn/content/article/2010/11/01/AR2010110103073.html>.

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were contacted by an individual who was assaulted at his workplace, but was too scared to report the crime because he had overstayed a visa. The perpetrator was a US citizen, who told him “you aren’t from here, you can’t do shit.” In another case in 2017, a doctor at Johns Hopkins Bayview Medical Center contacted the ACLU of Maryland to report that an immigrant died in her care because he came into the hospital too late to receive lifesaving treatment. Without efforts to help immigrants who are victims of crimes receive lasting immigration relief, we will continue to hear tragic stories where immigrants distrust law enforcement. In order to give more immigrants access to the U visa program, HB 461 is crucial.

For the foregoing reasons, the ACLU of Maryland urges a favorable report on HB 461.

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