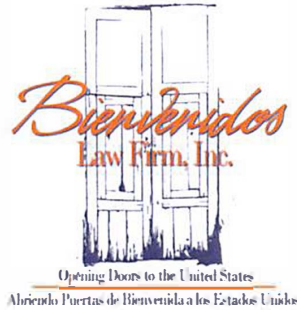


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RE: HF 321 Certifications for Victims of Crimes

Dear Chair Becker-Finn and members of the Judiciary Finance and Civil Law Committee:

I, Terja Bouvin Larsen, Managing Attorney at Bienvenidos Law Firm, Inc., support the proposed bill and respectfully request that members of this committee support efforts to prevent the victimization of Minnesota residents, especially in Greater Minnesota, and in doing so, support police in their effort to maintain the safety and security of the communities they serve.

I have been an immigration attorney for over 18 years and I have spent my entire career representing victims of crime in their immigration matters. I have represented thousands of victims of crime over the years to gain immigration status, so they were able to move forward with their lives, creating businesses, getting better jobs, buying their own homes, and creating strong and secure homes for their children. None of this would be possible without a positive and trusting relationship between victims and police – a relationship which is fostered by the U Visa certification process.

The U visa certification process fosters trust among immigrant communities and law enforcement, which furthers public safety because victims feel safe to report crime and cooperate in the investigation and prosecution of the crime. I see many instances where victims never reported the crime because of fear of retribution due to unlawful immigration status. Some undocumented immigrants sincerely believe that law enforcement will call ICE if they discover that a victim is undocumented. While I cannot say that this never happens, it is rare. In many countries, law enforcement is not to be trusted. If one calls the police, they don't show up. If they do show up, they often blame the victim, or worse, further victimize the victim. For my clients who did report the crime, they often find it amazing that police show up quickly; that when they show up, they help and protect the victims in the situation. If there are wounds, they attend to wounds as first responders and call ambulances as necessary. My clients realize that when they are in the worst situation of their lives, the police are the people you want to see. In our communities where there is a growing distrust of law enforcement, the U visa certification process needs support to combat this growing mistrust. For those clients who are simply consulting with me and who have been the victim of crime that was never reported due to fear, I have a conversation with them about trusting the police in any future unfortunate circumstance where they find themselves victimized.

I also know through my experience that the majority of immigrants have been the victim of a crime at some time in their lives because I ask each and every person who consults with me; more than half say

yes to that question. Often, the prospective client was the victim of a crime many years ago, but didn't report it to law enforcement. When I ask why they didn't report it, they most often cite fear. Sometimes they feared the law enforcement themselves due to mistrust from past experience in their home countries, or sometimes they fear law enforcement because of a belief that law enforcement will involve immigration authorities. As the U visa process has grown more popular and is better understood by the immigrant community, immigrants have more often reported crimes. This results in more and improved investigations as victims and witnesses give the details needed by law enforcement to make arrests, and more substantial prosecutions as victims and witnesses cooperate with the prosecutors to make convictions. This has also fostered trust between immigrant communities and law enforcement – and not just trust of law enforcement by immigrant communities, but also law enforcement's trust in immigrant communities that they all want the same result: safer streets for their children.

I have seen the partnership that happens with law enforcement as the police and prosecution are able to catch and convict the bad guys. I had a group of clients, they were young adult siblings and cousins living together in an apartment when a group of men broke down the door and began beating and cutting the group of unsuspecting young adults with bats and knives, landing more than one of them in the hospital. I felt the genuine care that the police had for this group of young people as the police fully cooperated in the U visa certification process.

One of this group of young people had been picked up by ICE and was about to be sent back to his home country of Honduras because of an in-absentia removal order that he had incurred because he wasn't informed of his hearing when he was under 18 years of age. Because of the U visa process, I was able to prevent this man from being deported, so that he could fully cooperate with the police and prosecution in the criminal proceedings against the suspects. This young man would have been in grave danger had he been sent back to Honduras. It was thanks to the police's very prompt response and cooperation in the certification process that this man was able to apply for a U Visa immediately and avoid being deported.

I have witnessed this young man grow as he has become a father to a young son and a husband to the mother of his child. He runs a crew installing siding for houses and I see him as an up-and-coming young man who displays leadership among his siblings and cousins and responsibility towards his extended family as well as his immediate family. While greatly traumatized by this brutal assault, he has been able to move forward with his life, creating a better life for his children and extended family. In this situation, had the police department delayed in signing his certification, or worse, flat-out refused to cooperate in the certification process, he would have been separated from his young son and wife, leaving his wife to be a single mother here in the US.

Obtaining the U visa certification is just the beginning in the long process of becoming a Lawful Permanent Resident, a process that can take as long as 15 years for a U visa applicant. Preparing a U Visa application itself can take months because the victim needs to collect evidence to prove that she or he was the victim of a crime, was helpful to the law enforcement, and suffered substantial harm as a result of the crime. Examples of evidence are personal documentation that sometimes needs to be brought from overseas, a personal statement, notarized letters of support from family and friends, medical records, psychological evaluations, translations into English of all documentation and the payment of \$930 filing fee, among others. If law enforcements were requested to process the U visa certifications within 90 days,

many victims of crime would be able to avoid deportation, remain together with their families, and move forward with their lives sooner.

Since the immigration process takes many years with several stages and the process involves helping immigrants tell their story of not just their victimization, but their hopes and dreams for a better life for their children, their families and themselves, I get to see first-hand as they build lives here in the United States, as they become integral parts of our communities, as they build businesses. I share in their joy as children graduate from high school and often go off to college. I get to witness resourcefulness, determination, perseverance, faith, optimism and plain old grit. I see the work ethic that this requires as they often work two and three jobs to make a better life for the next generation; for most often the long work days with little sleep isn't about moving themselves forward in life, but moving the next generation. It is about their children. Their motivation isn't for themselves, but their extended families at home and their children here. I see first-generation kids have a work ethic like no other, which they learned from their parents. I consider it a privilege to be a small but integral part of this process. My clients have continually inspired and taught me so much over the years.

There are many stories that I would love to share. I have seen single mothers who were victims of some of the most brutal domestic violence move forward with their lives to create safe and secure homes for their children. I have seen victim mothers' pride in their children as their children overcome trauma, do well in school and grow up to have healthy relationships and break the cycle of violence. This process takes many years, but my clients inspire me every day as I get to witness them do the work to move through this process.

I have seen the surviving parents of a murdered child move forward through the grief of their lost child to further a loving, secure and relatively prosperous home for their two surviving children. While their lost child will be a constant cloud in their lives, they are determined in their love for their two surviving children to move forward and work through their family's trauma.

I got to see a mother who was previously the victim of relentless stalking by an ex-partner who terrorized her and her two children, go on to remarry a loving and kind man who became the true father to her two children. The couple went on to have three more children. Her first two children are already college graduates, one a nurse and the other in physical therapy school. Her other three children are in middle and high school. She recently was able to finally visit her ailing mother in Mexico after 13 years of being unable to travel outside the US due to her immigration status. The trauma of her past life still creeps up on her now and again, but through the U visa process, she was able to move her family's lives forward, resulting in a loving home where her children have thrived.

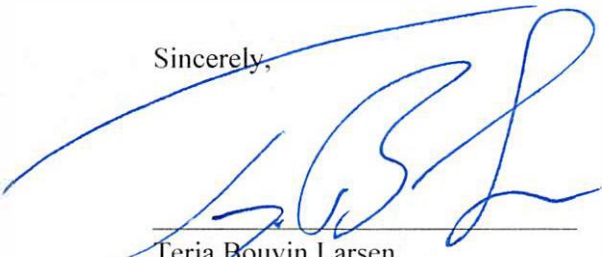
I have seen a loving father who was the victim of a brutal assault where his back was fractured and he was out of work for several weeks. He had come to the United States to work and send money back to his wife and four children, and thus making the ultimate sacrifice for his children -- his day-to-day, in-person relationship with them. All the while he maintained close contact through phone, video calls and texts until, through the U visa process, he was later able to bring his wife and four children to the United States. After several years in this immigration process, they are now applying for their green cards. Through the long and arduous process, he always maintained his faith in God and his faith that he, his wife and children would soon be reunited here in Minnesota.

Not all jurisdictions are cooperative in the U visa certification process. I have seen instances where my client, a domestic violence victim, was unable to apply for a U visa because the particular jurisdiction where the crime happened flat-out refused to cooperate. Not being able to move forward with the U visa process sets up a victim for further victimization. The U visa process is one of the tools that advocates have to break the cycle of violence. I get to follow the families where law enforcement cooperated in the certification process, which provided that first little hope in being able to actually apply for a U visa. It starts the snowball to a better life. Combined with grit, faith and resourcefulness, the U visa process provides a road to a better and more secure life, free from fear of violence and free from fear of law enforcement. If police continue to support the immigrant community by cooperating in the U Visa certification process in a prompt manner, the communities they serve will flourish.

I strongly urge this committee to support this proposed bill and to support both immigrants and police in their efforts to build stronger, safer communities.

Thank you for your consideration and your support.

Sincerely,



Terja Bouvin Larsen
Attorney at Law