

# Garfield County violence victims fear deportation

Illegal immigrant speaks out against notification policy

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GLENWOOD SPRINGS — An undocumented immigrant detained by immigration authorities after being arrested in a domestic-violence incident — in which she was the victim — is speaking out because she doesn't want others to go through the same ordeal.

Virginia Mancinas Urtusuastegui, 35, of Glenwood Springs, said being in custody for two weeks under a deportation order, even though her misdemeanor charge of false reporting was dropped for lack of evidence, makes her reluctant to call police for help.

“If I have another problem like this one, I would never call the police,” Mancinas said. “A lot of people who know what happened to me won't call the police. They don't want to go to jail. They would rather suffer through what they are facing.”

Her case illustrates a policy battle that erupted locally this week between the American Civil Liberties Union of Colorado and Garfield County Sheriff Lou Vallario.

On Tuesday, the ACLU issued a statement criticizing Vallario over his longstanding policy of referring all undocumented immigrants who are booked into the county jail to U.S. Immigration and Customs Enforcement even if they are involved in a domestic-violence case.

The ACLU contends that Vallario is “out of step” with the intent of state law, which calls on police and sheriff's departments to refrain from reporting immigrants involved in domestic-violence cases until they are convicted in order to avoid reporting domestic-violence victims.

The agency notes that police sometimes arrest both parties at the time of an incident when they are unsure who is at fault. Knowing that a call for help could lead to trouble with ICE will make undocumented immigrants less likely to seek police help in a domestic-violence incident, the ACLU contends.

ACLU staff attorney Rebecca Wallace clarified Thursday that Vallario's policy is not a violation of state law, contrary to a description of the ACLU's position published in the May 23 edition of the Post Independent.

It is not against the law for jail deputies to call ICE when booking undocumented immigrants on domestic-violence charges, Wallace said. But the practice doesn't align with the intent of state legislators, who carved out an exception for domestic-violence cases in the state's mandatory-reporting law, she said.

“If we had wanted to say he was violating the law, trust me, we would have,” Wallace said. Instead, she said, the criticism was intended to “focus on the public-policy reasons” that support

withholding notifications to ICE until the criminal-justice system has time to verify whether the arrested person was a perpetrator or a victim.

“I appreciate them walking back on that,” Vallario said of the ACLU's clarification. “I would, to some extent, agree with them that the legislative intent and letter of the law are not necessarily aligned.”

“I appreciate Ms. Wallace's recognition of that after she has done so much damage to me and my organization,” Vallario added, noting that he spent time this week meeting with advocates for domestic-violence victims to explain his policy.

He argued that while asking sheriffs to refrain from notifying ICE until a domestic violence arrest is resolved through a conviction or dismissal, the practical logistics of tracking those cases out to the end would be difficult.

The case of Mancinas, who immigrated from Chihuahua, Mexico, would have been fairly easy to track because the charges against her were dropped four days after her arrest.

Mancinas called 911 at 3:30 a.m. on June 19 claiming that her husband had tried to smother her with a pillow. When the sheriff's deputy arrived at their home just outside Glenwood Springs, she refused to repeat the allegation and said she called for help because she got scared during an argument with her husband.

The deputy arrested her on suspicion of false reporting and booked her into the Garfield County Jail.

Within a few hours, she said, ICE officials were at the jail asking for her papers. They discovered a deportation order against her issued in 1998, which she said she was unaware of, and placed her on an immigration hold.

While the district attorney dropped the false-reporting charge on June 23 for lack of evidence, Mancinas was held in jail for another two weeks on deportation proceedings. She was transferred from the Garfield County Jail in Glenwood Springs to the Lake County Jail in Leadville, which also serves as a regional ICE detention facility.

Spending those two weeks in detention, fully expecting to be deported, Mancinas said through a translator, “was the worst thing that could ever happen.”

Her mother and her employer, a house-cleaning company, turned to Glenwood Springs immigration attorney Jennifer Smith.

“She got me out of detention,” Mancinas said. “The truth is, when they told me I was ready to be released, I couldn't believe it. I thought everything in my life had ended.”

Over the past year, Mancinas' 1998 deportation order has been canceled, she is working with Smith to establish legal residency in the U.S., and she and her husband are divorcing.

Her case was one of three in Garfield County investigated by the Colorado Immigrant Rights Coalition and the ACLU to underscore the policy complaint against Vallario.

Mancinas chose to speak out because, she said, “I don't want this to happen to anybody else.

“I know a lot of women who are victims who have been deported. They left their kids here; they left their life here. They were not as lucky as I was.”

Mancinas noted that her family and her employer had the resources to hire a lawyer.

“There are other people who don't have those supports who are waiting in jail, waiting to be deported,” she said.

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