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Young Immigrants, Seeking Deferred Action Help, Find Unexpected Path

By [KIRK SEMPLE](#)

When Angy Rivera, an illegal immigrant, was a young girl in New York City, she was sexually abused by her mother's boyfriend. He was eventually convicted and imprisoned, but only recently did Ms. Rivera find out that her cooperation with investigators had qualified her for a special benefit: a visa for victims of serious crimes.

Many young illegal immigrants across the country have similarly learned in recent months that they could be eligible for little-known visas that would allow them to put years of worrying about deportation behind them, [immigration](#) lawyers said.

These discoveries have come about as an unintended consequence of [an immigration policy adopted last June by President Obama](#) that allows young illegal immigrants, under certain conditions, to apply for the right to remain in the country temporarily and work.

The policy, [called deferred action](#), has spurred hundreds of thousands of illegal immigrants to seek legal help, often for the first time in their lives. During these consultations, many have learned that they are eligible for other, more permanent, forms of immigration relief, like special visas for crime victims.

More than a dozen immigration lawyers around the country — from private practice, advocacy organizations and university law clinics — said that as many as a quarter of the young immigrants who have consulted with them about deferred action since last summer appeared to be eligible for visas or other relief.

“This whole time I had been in the system already and no one had said anything to me or my mom,” said Ms. Rivera, 22, who was born in Colombia and entered the United States on false immigration documents when she was 4. “It was out of the blue for me.”

The unexpected visa eligibility for so many young people highlights a defining facet of illegal immigration and of the debate over immigration reform. Many illegal immigrants are so fearful of contact with the authorities, or thwarted by language and economic barriers, that they live in a kind of isolation that often prevents them from taking advantage of opportunities or services to which they are entitled under the law.

It is a measure of this isolation that not even Ms. Rivera knew that she was a candidate for a special visa — even though she is an immigration advocate and writes a popular [online advice column](#) for young illegal immigrants.

She found out about her eligibility for the crime-victims visa, [called a U visa](#), only last fall when she met with a lawyer at [Atlas: DIY](#), a nonprofit group in New York City that works with young immigrants.

Her lawyer, Lauren Burke, said advocacy groups and government agencies had not always done an adequate job of informing illegal immigrants about their rights under the nation's complex immigration laws.

“The onus is on the immigrant for him or her to find out the information,” Ms. Burke said. “But if you say, ‘I need immigration help,’ you are exposing so much about yourself and putting yourself at such risk.”

Deferred action allows recipients to work legally and live openly without fear of deportation. But it must be renewed after two years, and the program could be canceled by President Obama or his successors. As a result, illegal immigrants would generally prefer to obtain a green card or a visa that would open the door to permanent residency.

Federal officials insisted that they were being vigilant against false eligibility claims, which can result in criminal charges and deportation. Still, some opponents of more lenient policies have contended that deferred action and other immigration programs might tempt some illegal immigrants to commit fraud in order to qualify.

More than 438,000 people have applied for deferred action, and more than 411,000 have been scheduled for fingerprinting and photographs for background checks, the second step in the process. By some estimates, as many as 1.7 million people [could be eligible for the reprieve](#) under the program, which is open to people who meet certain conditions, including that they entered the country before they were 16 and were under the age of 31 as of June 15, 2012.

Laura Lichter, president of the [American Immigration Lawyers Association](#), said the wave of immigrants seeking legal help for the first time and discovering their eligibility for some kind of relief was “one of the very good things” to emerge from the deferred action policy.

Many of the young immigrants who have sought help for deferred action were victims of crimes or were abandoned, neglected or abused by a parent, making them eligible for [visas under existing programs](#), lawyers said. Others have discovered that they were able to apply for permanent residency through a family connection.

Shelly, 25, an illegal immigrant from Jamaica, said that as she was talking about deferred action with a lawyer at [African Services Committee](#), an immigrant assistance organization in Harlem, she found out she could petition for a green card under the Violence Against Women Act because she had been physically and emotionally abused for years by her American-born husband.

“I felt like I was living again,” recalled Shelly, who asked that her full name be withheld in order not to anger her husband, from whom she is estranged.

Federal immigration officials, led by Alejandro Mayorkas, director of United States Citizenship and Immigration Services, have [conducted an outreach campaign](#) in recent years about special visas.

Even before the deferred action program began, the number of special visas had been increasing in recent years, according to government statistics. In the 2012 federal fiscal year, which ended on Sept. 30, about 24,800 applications were submitted for the U visa, with about 10,100 approved, up from 6,800 applications and 5,800 approved in 2009, the first year that it was offered.

Another illegal immigrant, who gave only her first initial, J., said she revealed to a lawyer during her deferred action consultation that she had been repeatedly raped by a smuggler when she was 11 as he helped her get to the United States from her home in Guyana.

With the help of Ms. Burke, the lawyer at Atlas: DIY, who is also supervising staff attorney at the [New York Asian Women's Center](#), J. obtained the deferred action reprieve last year. She then filed a petition for a [T visa, which is reserved for victims of human trafficking](#).

J., who is now 19 and a sophomore in college in New York, said that when she heard about the T visa, she started to cry, in part because she was angry with herself that she had never told a lawyer about her experience.

"I felt that if I had said something earlier in my life then my situation could've been changed way before," she said.

<http://www.nytimes.com/2013/03/23/nyregion/immigrants-seeking-deferred-action-help-find-unexpected-relief.html>