

UNITED STATES DEPARTMENT OF JUSTICE  
CITIZENSHIP & IMMIGRATION SERVICES  
VERMONT SERVICE CENTER  
ST ALBANS, VERMONT

IN THE MATTER OF: )  
 )  
JANE DOE )  
 )  
Applicant )  
\_\_\_\_\_ )

**DECLARATION OF JANE DOE IN SUPPORT OF HER I-918 APPLICATION  
FOR RELIEF FOR U NONIMMIGRANT STATUS**

I, Jane Doe, hereby state under penalty of perjury that the following statements are true and accurate to the best of my knowledge, information, and belief, and that I incorporate the following statements into my application for deferred action under interim relief for U visa:

1. My name is JANE DOE. I was born on DATE, in El Salvador. I live in an apartment in CITY, Virginia.
2. I have two children who live in El Salvador with my mother. My son, SON, is 9. My daughter, DAUGHTER, just turned 6.
3. On DATE, I was brutally raped in my home by a stranger who followed me home from a restaurant. I called the police and they caught and arrested the man who raped and attacked me. I identified him to the police and then testified against him at trial. He was convicted of rape and sentenced to 25 - 35 years in prison
4. It was hard to testify in court against the man who raped me. I was so nervous, and so angry, and so sad. But I also know that I was courageous and strong. I helped put him in jail, and because I did that, he won't be able to hurt any other women. He's also the kind of man who would be dangerous for children to be around. I feel like those children are safer now.

5. I'm a good person, and I just don't understand why this happened to me. I don't know what I could have done that would make me deserve this. When I think about what happened to me, I feel like I'm filled with hate, and that's a terrible feeling. But I know I did the right thing by going to the police and testifying against the man who raped me. I'm proud that I did that.

### **The Day of the Rape**

6. On DATE, I had been out selling tamales until around 7:30 p.m. I walked to the 7-Eleven by my house to buy a phone card so I could call my mother in El Salvador. By the time I bought the phone card, it was about 8:30 p.m.
7. My boyfriend BOYFRIEND was at a Chinese restaurant halfway between the 7-Eleven and our apartment. I stopped by the restaurant to ask him for our phone so that I could call my mother. I took the phone to our apartment and called my mother. Then I ironed BOYFRIEND's clothes for work the next day and watched TV for a while.
8. I went back to the Chinese restaurant around 10 p.m. to see BOYFRIEND. He was there with a friend of his whose name I don't know, and our friend, G. C, a Chinese girl who bartends at the restaurant, gave me a coke. I hung out with BOYFRIEND, G, and BOYFRIEND's friend for a while. BOYFRIEND seemed a little drunk at that point.
9. Around 11 p.m., two black men and a white man walked into the restaurant. We didn't know them. While I was talking with the white man, I saw his car outside in the parking lot. I had seen the white man's car around the neighborhood before. He had a shaved head and a big nose. He was a medium height. He was wearing light blue jeans and a blue shirt. He looked like he was about my age, in his mid-twenties.

10. BOYFRIEND gets really friendly when he's been drinking. He becomes friends with everyone, and that can be a problem because they're not really his friends. He acts like he knows them better than he does. Around midnight, BOYFRIEND started talking to the three men while he played a game of pool with Friend. He introduced me to them as his girlfriend. After that, BOYFRIEND told me he was going to give his friend a ride home, and that I should stay at the restaurant with G. He said he'd come back to get me.
11. I had noticed that the truck parked outside the restaurant was the same truck that parked outside my apartment every day in our parking lot. I asked G if he would ask the three men whether it belonged to one of them. The white man said the truck was his. He and G started talking, and G asked him if he lived in my apartment complex. He said he did. Then he chatted with me a little bit and I told him that I lived in apartment ##. I heard him say he lived on the third floor. His name was D.
12. I'll never forget D's name, because he raped me later that night.
13. I played pool with my friend G while I was waiting for BOYFRIEND to come back to the restaurant and pick me up. D. asked me to play pool, so I played a game with him next. I could tell that D. had been drinking, but I'm not sure if he was drunk. I was definitely not drunk. All I'd had to drink that night was Coke and one margarita.
14. Around 1 a.m., I was still waiting for BOYFRIEND to come back to the bar and pick me up. D. and one of his friends kept saying things I didn't understand, and then G told me that they were saying disrespectful things about me. We decided that it would be best for me to go home. I said good-bye to Chi and G walked me home instead.

15. When we got to my apartment, G asked me if I wanted him to stay, but I was worried that BOYFRIEND would be upset if he got home and found G there, so I said no. G went back to the restaurant to wait for BOYFRIEND and tell him that I'd gone home.

### The Rape

16. As soon as G left, I locked my door and changed clothes to get ready for bed. Around 1:15 or 1:20 a.m., I heard a knock on the door. I wasn't wearing a shirt or a bra when I went to the door - just underpants and shorts. I tried to look through the peephole to see who was at the door, but the person knocking was also covering the peephole with his finger. I asked, "Who is it?" and then I looked through the peephole again. It was D., the man from the restaurant.

17. I opened the door a little bit. Earlier, I forgot to put on the chain, even though I know I should have done that. I peeked through to see what D. wanted, but I made sure that he wouldn't be able to see that I wasn't wearing a shirt.

18. D. asked me if BOYFRIEND was there and I said no. Then he said something else to me in English, but I couldn't understand him and I told him that. I said good-night and tried to close the door, but D. pushed it open. I tried to stop him, but he pushed harder and he forced his way into my apartment. I was screaming, "No! Don't come in!"

19. He shut the door behind him, locked it, and put the chain guard on. I was panicking and scared, and I kept screaming. He told me to be quiet, and then he grabbed me by the arm and put his other arm around my neck and tried to choke me. I fainted.

20. When I woke up, I was not fully conscious. My clothes were off and D. was on top of me and raping me. We were on the floor in front of my door, in the kitchen. Everything was spinning and the world seemed upside down. After he finished, D. got up and went

to the bathroom. As I lay on the floor unable to move, I heard D. open the drawer in the kitchen with our knives. Later, the police told me that drawer had been opened. After he was finished rooting through the drawers and using the bathroom, he came back and lifted me up in his arms. Then he flipped me over. My face was on the floor. D. inserted his fingers in my anus. After he had his fingers in my anus, he raped me again on the kitchen floor.

21. Next, he grabbed me, choked me, and dragged me across my kitchen floor and over to my loveseat in the living room. He had one arm across my chest. He threw me over the arm of the sofa and penetrated my vagina from behind with his penis. Then he penetrated my anus with his finger. Then he penetrated my anus with his penis. He kept calling me “Bitch” and saying things I didn’t understand. I kept screaming, “No! No!”
22. He put his hand on my neck and he had put his penis into my mouth. He made me give him oral sex, first while I was on my knees and then while I was standing up. We were still by my loveseat.
23. After he made me give him oral sex, he grabbed my shoulders and dragged me across the room to an open window in the living room. I live on the second floor and I was so scared because I thought he was going to throw me out the window. I was crying and begging him not to hurt me, not to kill me. I begged for the sake of my children. I don’t know if I was speaking in English and Spanish, but I remember crying out in English over and over, “No! Please!” and “I have kids!”
24. I pleaded with him not to do anything to me. I told him that if he came back the next day, I would have sex with him. I’m not sure what I did or even how I said it, but he seemed to believe me. He looked at me and ordered me not to tell anyone what had happened.

Then he left. This was around 1:55 a.m. I saw a clock on my window ledge and remember the time.

25. As soon as he left, I ran to my kitchen and grabbed a knife. I put my clothes back on and ran next door to my neighbor E's apartment and knocked on his door. He's Puerto Rican, so he understands Spanish. He's the only person in the building I could communicate with, because no other Latinos live in our building. When he answered his door, I was shaking. My hair was all messed up. He asked me what was wrong and I told him I'd been raped. My voice was scratchy. He asked me who had raped me and I said I wasn't sure. He took the knife from me and I asked him to call the police.
26. E. went back to my apartment with me to wait for the police. He told me not to touch anything. When the police came, they started asking me questions but I didn't understand because they were in English. I told them I didn't speak English and they called for a Spanish-speaking officer to come talk to me.
27. I saw D.'s truck in the parking lot of my apartment complex where he normally parked it. I pointed his car out to the police and told them that the car belonged to the man who had raped me, and that he lived in my apartment complex. They went and found him and arrested him. When I was in the police car, they told me that they'd found the man who raped me and they asked me if I could identify him. When I saw him, I got upset and nervous, but I knew it was him and I told the police that.
28. When I was leaving my apartment complex, I passed BOYFRIEND in the hallway. He was pretty drunk, and the police told me to not to talk to him. This was around 3:30 a.m. The police took me to the H hospital. I got an examination and stayed there overnight. The doctors gave me pain pills, because everything hurt and my throat was really sore.

There were lots of policemen around. My boyfriend also came to the hospital and brought my sister with him. Around 5:00 or 6:00 a.m., Detective came to see me and I told him everything that had happened. The Spanish-speaking police officer translated for me.

### **The Trial and Conviction**

29. A few months after I was raped I went to court and spoke with a lawyer. I don't remember the lawyer's name, but I know I met with him twice. He didn't speak Spanish, so we did everything through a translator who works for him. I told the lawyer the whole story the first time I talked to him. We talked once more after that to go over procedures. He told me not to worry about anything.
30. At my first court appearance, on the first day of the trial, I didn't testify. The policemen, G, C. (the bartender from the restaurant), and my neighbor E. all testified.
31. A few days later, I went to court again and I had to testify. My lawyer asked me questions for about an hour. He asked me to look at D. and then asked if that was the man who had raped me. I said it was, and after that, I didn't look at him again. I was really nervous when I was testifying, and I felt angry and violent. But I also felt like I was being courageous, and I felt strong.
32. D.'s lawyer asked me questions for over an hour. That was a lot harder than when my lawyer had been questioning me. D.'s lawyer kept trying to confuse me, making me go over things again and again to see if I would say something different than I had before. It didn't work, though, because I couldn't get confused. All I was doing was telling the truth, and the truth doesn't change.
33. D. was convicted and sentenced to 25-35 years in jail.

## The Aftermath

34. When BOYFRIEND and I moved in together, we had a good relationship. But after I was raped, we both had more problems. Right after the rape, BOYFRIEND said he wouldn't drink any more, but that only lasted about a month. He started drinking again, and he wasn't as sweet to me as he had been before. Sometimes, he would try to get close to me, but I would reject him. Other times he would treat me badly and get rough with me. He wouldn't talk to me. He's asked me to leave our apartment, and sometimes I do want to leave, but I'm really scared of being alone now. Lately, though, things have been getting better and our relationship has been improving. I feel better about what's going on with us. I feel like he listens when I talk to him, and that's been helping.
35. I've been upset and scared since I was raped, and I've felt really lonely. Sometimes it helps to talk about what happened, but it's hard, and I don't feel like I really have anyone I can talk to. I started seeing a counselor in May 2005, but I don't have a car and she was hard to get to. She also didn't speak Spanish, and it was really hard to have to do everything through a translator. I'm trying to find a Spanish-speaking counselor who could help me.
36. Right now, I know I need to get the counseling that will help me to move on with my life after the rape. In El Salvador, I couldn't get help like that. I also know I need to work and support my kids, and I know I can offer them a better life if I stay here. There are opportunities here that I could never get in El Salvador. It's hard to work there – hard to live. Here, I can make enough money to take care of my children, who are my reasons for living.



37. If you grant my application for a U-Visa, I will follow the laws of this country. I'm a good person. I don't know why all this happened to me, but I'm glad that in America I could testify against someone like D. and see him go to jail. I think everyone is safer because of that. Thank you very much for considering my application.

*The paragraphs below serve to demonstrate that your client possesses "good moral character," or simply put, that she is a good person who merits relief. Please note that while a showing of good moral character is not required by the U visa regulations, the Tahirih Justice Center recommends that information about your client's positive equities be included in the declaration in order to humanize her and present a more sympathetic applicant to the Vermont Service Center. However, this information is not required, and the lack of good moral character information should not delay the filing of an otherwise complete application. Additionally, please ensure that any discussion of good moral character does not directly or indirectly contradict evidence that your client suffered substantial harm.*

38. I've never had any interactions with the police in this country that didn't involve my rape. I have not been arrested for, charged with, or convicted of any crimes in the United States or my home country.

39. I entered the United States in 2000 by crossing the Rio Grande on foot. After crossing the border, helicopters appeared in the air above us, and then the police arrived. The authorities took us to a local immigration office with little cells and kept us there. Then they transferred us to an immigration detention facility in Texas, closer to the border. My biological father is a U.S. citizen and lives in Houston. He came to the jail and paid bail to get me out. He took me to his house in Houston, where he lives with his wife. When I was scheduled to appear in immigration court, my father told me he did not want to take me to court and I had no other means of attending.

40. In Houston, I found work at a restaurant. I sent most of my money back to my mother in El Salvador so that she could take care of my children. I saved the rest to buy a bus ticket to Virginia. My father wouldn't give me any money for a ticket. I don't think he ever really wanted me to live with him. Even though he's my father, I've never really known him.

41. Once I could afford a ticket, I took a bus to City, Virginia. I moved there to live near my two brothers and two sisters. It was winter when I arrived. I moved in with one of my sisters. When I first got to Virginia, I didn't have any work. I started cleaning houses with a woman I knew. Eventually, around the summer of 2001, I found work in a Salvadorian restaurant. I didn't have work authorization at that time, so I used false papers I'd gotten in Houston. I knew it was wrong, but I didn't feel like I had any option. I had to work to support my children in El Salvador, and I had no way of getting legal papers. I didn't even have a passport. Once I settled in Virginia, I went to my embassy and got a passport.
42. In mid-2002, I quit working at the restaurant. After not working for some time, I started making chicken tamales that I could take out and sell with my sister. Currently, I am working in a new restaurant. I work to support myself and to help my children who remain in my home country.

Signed under the pains and penalties of perjury.

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Jane Doe

Date

**CERTIFICATE OF TRANSLATION**

I, \_\_\_\_\_, do hereby certify that I am competent in both the English and Spanish languages and that I have translated the foregoing document from the original English into the Spanish language to Jane Doe who has confirmed to me that she understands the content of this document and believes it to be true and correct to the best of her knowledge, information, and belief.

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Name

Date