

HILDA L. SOLIS

32ND DISTRICT, CALIFORNIA

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Congress of the United States  
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February 25, 2004

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Michael J. Garcia, Assistant Secretary  
Department of Homeland Security  
U.S. Immigration and Customs Enforcement (ICE)  
425 I St, NW  
Room 7030  
Washington, DC 20536

Dear Assistant Secretary Garcia:

I am writing regarding the case of Maria Suarez (Alien # 36640042), whose removal order is pending before the Executive Office of Immigration Review in San Pedro, California.

It is my understanding that the United States Department of Homeland Security has the authority to dismiss removal proceedings under certain circumstances. To the extent you have oversight over this matter and in accordance with the laws and regulations regarding it, I urge you to give every careful consideration to Ms. Suarez's tragic and compelling case.

Ms. Suarez is a child sex trafficking victim. Two weeks after she entered this country legally at the age of 16, she was lured from her home by an unknown woman and sold to Mr. Anselmo Covarrubias for \$200. He held her captive for 5 years, during which time he raped, battered, and tortured her.

In 1981, Mr. Covarrubias was killed by a man who rented one of his houses, and the killer and his wife implicated Ms. Suarez in the crime. She was convicted of conspiracy to commit the murder of Covarrubias. The killer and his wife later admitted Ms. Suarez was not involved in the murder. In addition, the attorney who represented Ms. Suarez was disbarred after the trial and has since admitted that he misrepresented her.

Two decades after her incarceration, the Board of Prison Terms (BPT) determined that Ms. Suarez was the victim of extreme violence, abuse, and torture at the hands of Mr. Covarrubias. They also found that she was not guilty of killing him and called this case "one of the most egregious instances of Battered Woman Syndrome that [the BPT has] ever investigated." Unfortunately, evidence of "battered women's syndrome" or "battering and its effects" was not admissible at the time Ms. Suarez stood trial.

It is clear from the record that Ms. Suarez did not commit the homicide for which she was convicted. Further, even if she had acted in that manner, it is most likely that she would not have been convicted of a crime if evidence of her battering had been allowed into evidence at the time of her trial.

Based on her history of abuse and her post-incarceration conduct, Ms. Suarez was twice found suitable for parole. When she was released from prison on December 16, 2003, she was taken directly to a detention facility to await deportation proceedings.

Ms. Suarez has lived a lifetime of abuse as a victim of sex trafficking, battering, and wrongful conviction. She asks nothing more than to remain in this country so that she can be reunited with her family, who has supported her throughout her 22 years of incarceration.

The United States is a beacon of light around the world because of its commitment to human rights. In keeping with this commitment, we should give immigrant survivors of domestic violence and trafficking victims a genuine opportunity to explain their circumstances before federal authorities. Failure to take such action could send a wrong message around the world about the United States' commitment to combat domestic violence and trafficking.

After reviewing her record, I trust that you, too, will find Ms. Suarez's case to be very tragic. Again, I urge you to give every careful consideration to her case.

I appreciate your attention to this matter and look forward to your response.

Sincerely,

A handwritten signature in black ink that reads "Hilda L. Solis". The signature is written in a cursive, flowing style.

HILDA L. SOLIS  
Member of Congress

cc: Tom Ridge, Secretary, U.S. Department of Homeland Security (DHS)  
John Ashcroft, Attorney General, U.S. Department of Justice (DOJ)  
Asa Hutchinson, Under Secretary for Border and Transportation Security, U.S. DHS  
Daniel W. Sutherland, Officer for Civil Rights & Civil Liberties, U.S. DHS  
R. Alexander Acosta, Assistant Attorney General for Civil Rights, U.S. DOJ  
T. March Bell, Senior Special Counsel for Trafficking in Persons, U.S. DOJ