

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

Hispanic Interest Coalition of Alabama, et al.,

Plaintiffs,

v.

Governor Robert Bentley, et al.,

Defendants.

Case No. 5:11-cv-02484-SLB

**Exhibits in Support of
Plaintiffs' Motion For
Preliminary Injunction
And Memorandum In
Support**

Exhibit 26

Declaration of Jane Doe #2

DECLARATION OF [REDACTED]

I, [REDACTED], hereby make this declaration based on my personal knowledge and if called to testify I could and would do so competently as follows.

1. I currently live in Birmingham, Alabama. I am the mother of three children. I am a single mother. I have lived in Alabama for the past 12 years.

2. I came to the United States in 1999 on a visa. When my visa expired, I decided to remain because I felt I could make a better life for myself here. I do not have a green card, and because of this I also do not have a driver's license or any kind of government-issued photo identification from the United States. I do not have a passport with a valid visa either.

3. One of my children was the victim of a serious crime committed by an official at her school. My child and another child were both sexually assaulted by the official. When the mother of the other child told me about this, I was shocked and horrified for what had happened to my baby. I sought therapy for my child and myself to deal with this traumatic experience. The other mother wanted to press charges, and did so. She asked me if I would join her in talking to the police about what happened to my child. I wanted to. I wanted to make sure other children would be protected from this school official. But I was afraid to do so because I had overstayed my visa and I was fearful I could be detained and deported, so I refused. But the police learned why I would not talk to them, and

they explained that since my child was a victim of crime, my child, and I as the child's parent, could apply for a visa from the federal government, called a U nonimmigrant visa, if I participated in the prosecution. We did participate in the prosecution, and the official is now serving time in prison for what he did, and more importantly, all of the children in the school are safe.

4. My children and I applied for a U visa. My child was certified as a victim of crime by the law officers who helped us. The U-visa application process allows us to file the application with U.S. Citizenship and Immigration Services, but it does not give me or my children any legal status while the application is pending. I hope that we will be granted a U visa by the federal government. If we are granted U visas, we must wait three years before we apply for a green card. But right now, I have no proof of any of this. Although I do not fear that the federal government will try to deport me while my application is pending, I still do not have any simple document that I could show to Alabama law enforcement officers demonstrating that I have legal status or that the federal government is aware that I am in the country without status, but is not attempting to deport me.

5. If HB 56 goes into effect, I worry that I will become a criminal under state law, even though I am eligible for the U-Visa under federal law because my child was the victim of a crime. I do not have any of the federal alien registration documents required by HB 56, and until my application is approved, I do not have

lawful immigration status by the federal government. I also fear I will be detained by police while they try to verify my immigration status, simply because my petition hasn't been approved yet.

6. If HB 56 goes into effect, I will try to avoid any possible interaction with law enforcement. I will be very unlikely to report a crime whether I was a victim or just happened to witness it because I wouldn't want to be questioned about my immigration status. It will be just like when my child was hurt by the official. I would rather keep my family together and safe than risk jail time and my children being taken away from me.

7. The saddest part about this law is what it is doing to my children. I have always taught them that if they are in trouble or in danger, they should trust the police officers. I have always told them that the police are their friends and are there to protect them. But my children are now terrified of the police. They tell me they are afraid I will be arrested and taken away from them. I try to reassure them, but what can I say? If HB 56 becomes law, they could be right.

8. I worry about the future of my children if I were to be detained due to implementation of HB 56. I have no other family in the United States. If I were to be detained, I have no family who could take care of the children for me. My children consider Birmingham their home. All three of them were born in the United States and have lived their whole lives here.

9. I worry that HB 56 will interrupt my children's education. I understand that HB 56 would require my children's school to determine my immigration status when I enroll them at school. And, based on my responses, I fear that these school officials may report me to the police, who would be required to arrest me under HB 56. I also fear my children will be treated as second-class students by the teachers and their peers. I do not know what I will do. My children need to be educated. I am considering if I would need to home school them if HB 56 goes into effect, but if I have to home school them I don't know how I would be able to work in order to provide for them. For this reason, I fear HB 56 will seriously hurt my children's future.

10. I work hard to support my children. We are on our own because I have divorced my ex-husband, who was abusive to me. I clean houses for a living. However, even this would become a crime under HB 56 because it criminalizes working, and applying for work, without work authorization, and I am not eligible for work authorization until my U-visa is approved.

11. I am afraid that HB 56 will make the contracts I enter into unenforceable. Yet, I depend on the contracts I enter into in order to survive. If I am unable to enter into contracts, for example to rent a house, buy a car, or pay for cell phone service, I will be unable to have a place to live or a means of travel or communication. If I am unable to enter into contracts to clean houses, I will no

longer have a source of income as well, and my children will not have their basic needs met. Therefore, I fear that HB 56 will make it harder, if not virtually impossible for me, to provide basic living for myself and my family.

12. I also fear that I would be committing a crime by renting an apartment if HB 56 went into effect. I do rent the apartment that I currently live in with my children, and I currently do not have proper immigration status. The law makes it a crime to rent to someone without status, and also makes it a crime to conspire or to solicit rentals if you are undocumented. I fear that I would be considered a solicitor of illegally renting.

13. If HB 56 goes into effect, I am afraid that I will be stopped and detained by the police because I cannot produce the kinds of identity documents specified in that law. I have been stopped by police before, but they have never had reason to arrest me. Now I may be stopped and detained, even though I am petitioning for a federal U-Visa and may therefore obtain status in the near future.

14. I am afraid I will be racially profiled by law enforcement officers in Alabama if HB 56 is allowed to take effect based on my Latino appearance and my foreign accent. This has already happened to some of my Latino friends, and I am worried it will happen to me, too. I will be afraid to travel or be in public. However, I need to drive in order to be able to work and take my children to school.

15. I am participating in this lawsuit because I need to stand up for myself and my children. However, I am terrified of being identified as a part of this lawsuit. My ex-husband has been verbally abusive to me in the past, and also threatened to report me to immigration authorities when I said I would leave him. To this day, he continues to threaten me. He threatens to report me if I try to force him to provide child support for our children or if I go on a date with someone and he finds out. If HB 56 goes into effect, I will be even more fearful of further abuse by my ex-husband and less likely to report crimes for fear of detention and deportation. Under HB 56, I would be even more vulnerable to crimes and threats by my ex-husband. I fear that my ex-husband will report me and that I will be subject to criminal prosecution, even though I am applying for a federal U-Visa because my child was the victim of a crime. HB 56 would make me a state criminal and even more vulnerable to prosecution, even though I may obtain status in the near future. I also fear being subjected to discriminatory and retaliatory treatment by the police and members of the general public if my role in this lawsuit is made public.

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED this 15 day of July, 2011 in Birmingham, AL.