

Filipina 'trafficking' victim gets 'T-visa' to stay and work in U.S.

Written by Administrator
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Jacqueline Aguirre displays her T-visa from the USCIS. Also in photo is her lawyer Felix Vinluan.

A Filipino accountant who claims to be a victim of human trafficking was granted a non-immigrant visa that will allow her to stay and work in the United States, while a pending deportation order against her was terminated by a U.S. immigration judge on Oct. 11.

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Jacqueline Aguirre, 48, received a T-visa from the U.S. Citizenship and Immigration Services (USCIS) Department of Homeland Security.

The visa is valid up to four years, from September 2012 to 2016, and it authorizes her to work within the validity period.

After three years, T-visa holder may apply for adjustment of status to legal permanent resident and may bring family members to the U.S. as derivatives.

“I am so happy,” Aguirre said of the visa she received under the Victims of Trafficking and Violence Protection Act (TVPA).

“This is a proof that victories can be achieved if we fight for it.”

“I spoke up against the injustice done to me, so other people heard and helped me through this ordeal,” she said.

“I know I did not do anything wrong and that gave me the strength and confidence to speak out and fight for my rights.”

Aguirre last year sued her former employer, Best Care Agency, owned by Dorothy Jordan and Perlita Jordan of Floral Park, N.Y.

According to a lawsuit pending in the Eastern District Court of New York, Aguirre worked as a staff accountant for Best Care Agency starting in 2001.

The agency promised to sponsor her as an H-1B worker and to pay her initially at the rate of \$19 per hour for a regular 40-hour work week.

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After her H-1B petition was approved, Aguirre was not paid the prevailing wage rate or the offered wage.

In addition, her compensation was even cut in half.

The agency then told her that she would receive the prevailing wage rate once she received her green card, which they also promised to initiate.

She was told that if she did not agree to receive less pay, they would discontinue their H-1B sponsorship and she would become unlawfully present and could be deported.

Not wanting to be deported, Aguirre begrudgingly accepted the agency’s conditions, and hoped that her green card sponsorship would be immediately approved as her employers kept on reminding her they had the financial capability to sponsor her immigrant petition.

In 2009 however, her application for permanent residency was denied, automatically placing her in deportation proceedings.

Best Care reportedly failed to submit sufficient evidence to convince the USCIS it had the financial capability to pay Aguirre the offered wage.

Aguirre is also seeking compensatory damages amounting to \$300,000, plus moral damages related to the alleged abuse of Aguirre by her employers, according to lawyer Felix Vinluan, head of the Foundation for Immigration and Employment Rights Advocacy, which handled Aguirre’s case.

National Alliance for Filipino Concerns (NAFCON), with its member organizations in the northeast, also helped Aguirre under its “Stop Trafficking Our People (STOP) Campaign” in

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December 2010, along with the case of Leticia Moratal, who was also granted the T-visa early this year.

NAFCON-Northeast coordinator Michelle Saulon said Aguirre's case and how she fought for her rights "is an inspiration to many Filipinos in the U.S. who were also victims of labor trafficking."

"We admire the courage of trafficked survivors such as Ms. Aguirre," Saulon said.

"Her struggle inspires many Filipinos who were trafficked to the United States, and (her experience) serves as an eye-opener for the community that these kinds of abuse happen, even in the land of milk and honey."