

DMRS Response to ICE Statement About Walmart Shooting Survivor Who was Deported

El Paso, TX: On February 3, 2021, Immigration and Customs Enforcement Headquarters in Washington, DC released a statement in response to media inquiries about the deportation of DMRS client Rosa, a survivor of the August 3, 2019 Walmart shooting who was deported on Friday, January 29, 2021.

USCIS has confirmed they received Rosa's U visa application. DMRS is advocating for Rosa to be returned to the United States on Humanitarian Parole while her U visa application is processed and so that she may be physically present in the U.S. to testify against the alleged shooter and await a response on her pending U application.

Below is the official response from DMRS Executive Director Melissa M. Lopez.

"I just received a copy of a statement issued by ICE Headquarters that reads in part, "Neither Rosa nor her attorney made known to ICE her coordination with ICE to determine whether it is necessary that Rosa [...] be physically present in the United States." It is untrue that the El Paso ICE Office was unaware prior to Rosa's deportation on January 29, 2021 that she was a Walmart victim. Officer Talamantes, who was the ICE agent that processed and deported Rosa on January 29th, was advised by Rosa herself that she was a Walmart victim and that she was on the list of witnesses expected to testify at the upcoming trial. Officer Talamantes did try to reach our office; however, Ms. Hey was in a meeting and the call went to voicemail. Without waiting for Ms. Hey to return his call, Officer Talamantes had Rosa deported. As she begged with him not to deport her, Officer Talamantes told her something along the lines of: "if they really need you here to testify they will bring you back and then return you to Mexico after a few days." When Ms. Hey returned Officer Talamantes' call, Officer Talamantes acknowledged to Ms. Hey that Rosa told him she was a Walmart victim. He also advised that he could only share with us what information he was authorized to share. Ms. Hey advised Officer Talamantes that we already had the victim certification and would be promptly filing Rosa's application. But, it was too late by that point because Officer Talamantes had already had Rosa deported to Mexico. As you can see, it is blatantly untrue that your office was unaware that Rosa was a survivor of the mass shooting at Walmart. Officer Talamantes was very much aware of Rosa's status as a victim, and he acknowledged as much to Ms. Hey on the phone later that afternoon.

Additionally, ICE Homeland Security Investigations (HSI) officers were present when Rosa was interviewed by the El Paso Police Department and the FBI in reference to the events of the August 3rd Walmart shooting."