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Case highlights immigrants' vulnerability

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Yet acting Mexican consul Amparo Anguiano says the case of Edgar Velásquez, an illegal immigrant seeking workers' compensation, is unique in some ways.

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CENTRAL FALLS - The situation of Edgar Velásquez, an illegal Mexican immigrant who sustained severe injury on the job, illustrates the vulnerability of undocumented workers in this country, an immigration lawyer said at a news conference on Monday.

Velásquez, 22, returned to Rhode Island from Mexico through a government-issued humanitarian visa last week, to pursue a workers' compensation case against William J. Gorman Jr., a tree-service company owner in Warwick.

Velásquez slashed his face open with a chain saw while working for Gorman last year, and tried to pursue a claim against Gorman. But immigration agents arrested Velásquez outside the courthouse on the day of a scheduled hearing, and Velásquez was expelled from the country less than a month later.

Speakers at the news conference included Amparo Anguiano, acting consul for the Mexican consulate in Boston; Velásquez and his lawyer, Maureen Gemma, of the law firm of Stephen J. Dennis; and representatives of the Mexican-American Association of Rhode Island and several other Hispanic community advocacy groups.

"Edgar's situation is not all that uncommon," said lawyer Roberto Gonzalez. "It happens every day. Undocumented workers are the most vulnerable people in our society, and people of ill will feel free to take advantage of them and discard them when they are damaged."

Gonzalez last week secured a two-week extension of Velásquez's five-day humanitarian visa that will allow Velásquez to remain in Rhode Island through Oct. 14, while his case proceeds. Gonzalez acted on behalf of Gemma and Stephen Dennis' law firm.

Workers Compensation Court Judge Bruce Q. Morin held a pretrial hearing Thursday, and ordered lawyers on both sides to submit a memorandum on Oct. 10. Gemma, who represents Velásquez, said the judge could render a decision after that, or could set it down for trial.

Speaking of Velásquez's earlier failed attempt to pursue his claim, Gonzalez said, "This was a situation where someone tried to assert his rights, his legal rights, under the Constitution ... which gives rights to all persons," regardless of their immigration status in this country. "He tried to go to court and he was denied justice - that's what makes this so bad."

Gonzalez added, "This points out the need to work on the bigger issues of immigration reform. Until the Congress of this country gets off the fence, rather than building fences, this will

continue to happen."

Gemma, Velásquez's lawyer, recounted when he first came to her office for help.

"He was exercising his circumscribed rights when he came to see me. And he was not sure he wanted to continue with this claim," said Gemma. "I assured him at that time that we had many people in this country [in similar situations] who had gotten workers' compensation. I lived to regret those words."

Gemma, however, credited the Mexican-American Association of Rhode Island, the office of Sen. Jack Reed and others who were instrumental in securing a humanitarian visa for Velásquez so that he could return.

Said Gemma, "We're thrilled to have him here, and we hope we can get some kind of justice done."

Anguiano said the Velásquez case is unique in the history of the Boston consulate.

"One of the main duties of our consulate is to protect the rights of all Mexican nationals in this country, regardless of their immigration status," said Anguiano. "This is the first time our office has dealt with a case where there was a court proceeding going on and the Mexican national was brought back to the United States."

Juan Garcia, organizer for the Immigrants in Action Committee of St. Teresa Church in the Olneyville section of Providence, said the Velásquez case "sends a clear message to all businesses that have no integrity when workers have accidents."

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