

Barriers and Successes in U-Visas for Immigrant Victims

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Presentation Objective

- To present the experiences of Legal Assistance for Victims grantees have in assisting immigrant victims of domestic violence, sexual assault, and other crimes who are eligible for U-Visa immigration relief.
- Legal Assistance for Victims is a grant program of the Office on Violence Against Women of the U.S. Department of Justice.

Learning Objectives

- Participants will be able to describe the emerging needs, gaps and markers of success in U-visa cases on behalf of non-citizen victims of violence.
- Participants will be able to utilize this information to
 - improve their practice,
 - critically assess practices and policies to best and most safely support immigrant victims seeking U-visas

Authors

- This presentation is based on a cooperative project between *Legal Momentum* and the *Muskie School of Public Service at the University of Southern Maine*. This project is funded by the Office on Violence Against Women at the U.S. Department of Justice.
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The Violence Against Women Act of 2000

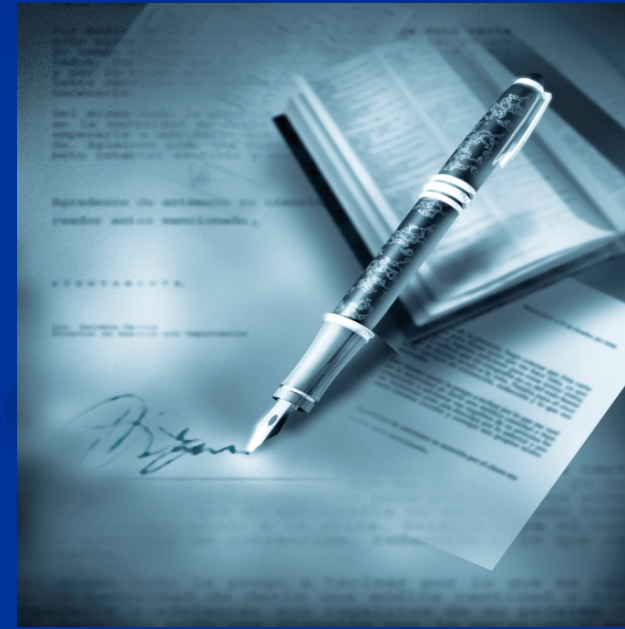
- Created two new immigrant visas for noncitizen victims of crimes: T-visa and U-visa
- These visas are designed to provide lawful immigration status to noncitizens who are assisting or are willing to assist authorities detecting, investigating or prosecuting criminal activities.

U-Visa is designed for noncitizen crime victims who

- have suffered substantial physical or mental abuse from criminal activity;
- have information regarding the criminal activity;
- assist government officials in the detection, investigation or prosecution of criminal activity

U-Visa Regulations

- The U-visa became law on October 21, 2000.
- In September 2007 The U.S. Department of Homeland Security issued regulations establishing the requirements and procedures for filing and adjudication of U-visas.



LAV Program Grantees

- Provide legal services and legal representation to victims of intimate partner violence, family violence, dating violence, sexual assault, and/or stalking
- Grantees are primarily legal services organizations, victim advocacy programs, or violence against women coalitions
- Grantees provide a range of legal and social service assistance including: protection orders, family law, immigration, housing, shelter, and public benefits.

Data from VAWA-funded Programs

- Reporting mandated by VAWA 2000—number of people served, people seeking services not served, and effectiveness of programs funded under VAWA
- Biennial report to Congress
- Quantitative and qualitative data reported semi-annually
- Cleaned and analyzed by Muskie School staff

Purpose of data collection

- To enable monitoring of grant-funded activities by funding agency—Office on Violence Against Women (OVW), U.S. Department of Justice
- To meet Congressional reporting mandate
- To enable OVW program managers to monitor grantees progress and effectiveness

Procedure

- We studied the prompted and spontaneous comments in the reports of a sample of LAV grantees from the following reporting periods:
 - 1. July to December 2007
 - 2. January to June 2008
 - 3. July to December 2008
 - 4. January to June 2009



Selection Criteria

- Grantees were sorted based upon the number and percentage of clients served who met the following criteria:
 - Immigrants
 - Limited English Proficiency
 - Asian, Hispanics, or Pacific-Islander
 - Reporting periods July/Dec 08 and Jan/June 09 included an additional factor:
 - # of VAWA, U-visas, and T-visas.

Selection Criteria

- Project partners chose review reports by grantees who met the following criteria:
 - the largest proportion of clients served in any of these categories,
 - Worked on at least 20 U-visa cases in any one reporting period,
 - or at least 5 cases but had geographic diversity

Sample N=226

Reporting period	Number	38.6 % from total (Total=586)
JD 07	59	37.6 %
JJ 08	63	45.3%
JD 08	45	28%
JJ 09	59	45.7%

Geographic Representation

AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, ME, MH, MD, MA, MI, MN, MS, NE, NV, NH, NJ, NM, NY, NC, OH, OK, PA, SD, TN, TX, UT, VT, VA, WA, WI, WY



LAV Qualitative Data

Open-ended questions, not systematic:

- Goals and objectives—status of
- What VAWA funds have enabled grantees to do
- Outcomes for victims—systemic and individual
- Effectiveness of services provided (what's working) and other additional information
- Remaining areas of need

Comments under the heading “additional information” in each of the following categories

- Special interests
- Training
- Coordinated
community response
- Comprehensive
services
- Victim/Legal services
information

And comments from:

- Provide additional
information
- Additional
information

Data Analysis: “Ground Theory”

- To conduct an open-ended, in-depth exploration of grassroots legal assistance providers’ experiences with U-visas
- Each grantee constituted a unit, no aggregation
- Data entered verbatim by program associates (students) blind to the project goals
- Narrative drove the initial concrete thematic organization

Data Analysis: “Ground Theory”

- Narratives read independently by two of the authors who agreed on categories, concepts, and properties
- Categories:
 - Positive experiences
 - Success stories
 - Problems and challenges
 - Related themes



Results: Challenges

Systemic barriers that prevent victims from coming forward, proceeding and/or following through

Language
Access

Psychological
Factors

Justice
System

Economic
Factors

Immigration
Enforcement

PSYCHOLOGICAL STATE

Psychological toll of abuse
Frustration with process intrusive and lengthy

Fears:
About retaliation, feeling they have to chose
between, abuse v. streets, abuse v. children,
protection v. community learning they are in same
sex relationships.

Challenges in collaborations

Law Enforcement

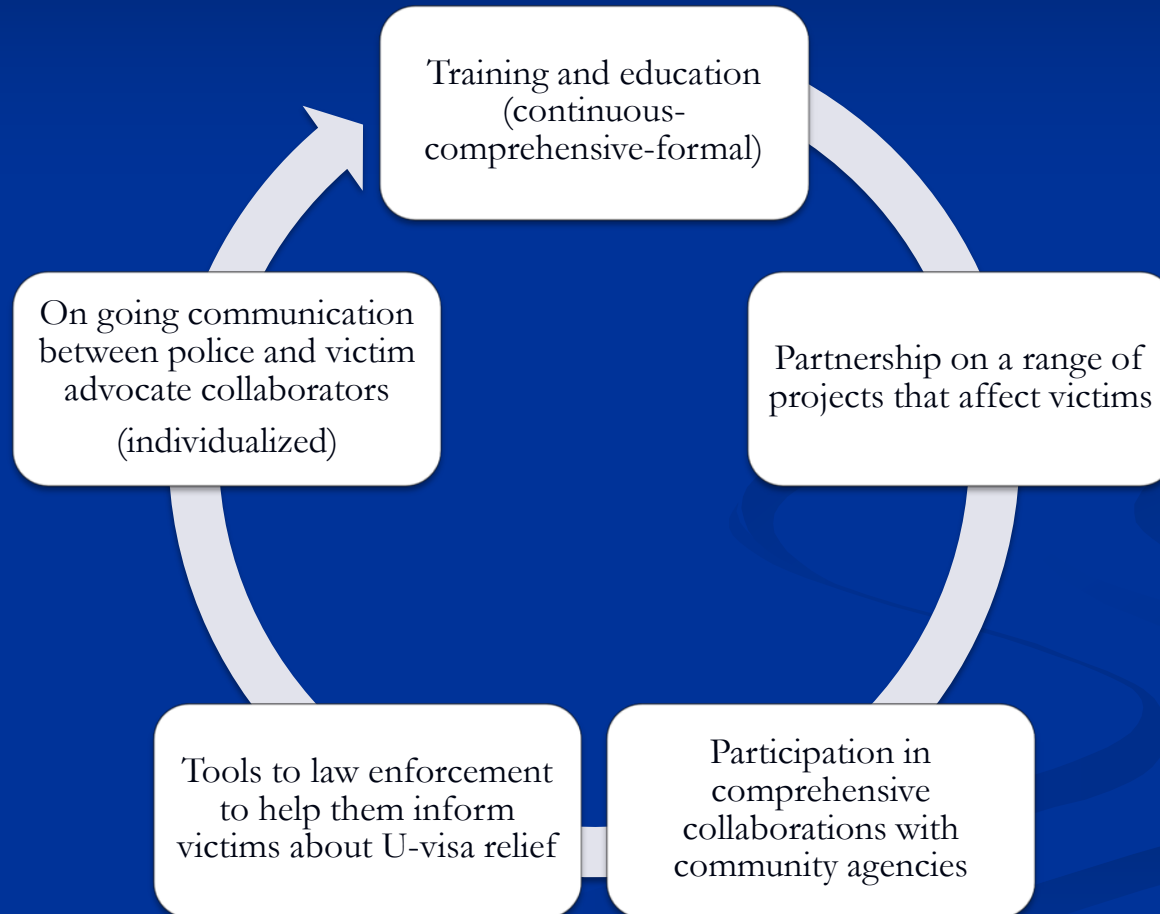
Success

- Aware and sensitive about DV
- Coordinated with other first responders
- Call legal aid when there is a case
- Educated about U visas
- Lack anti-immigrant attitude

Challenges

- Not aware of DV dynamics
- Not coordinating with others
- Not educated about U visas
- Anti-immigrant attitude

Creative Solutions to collaboration challenges with law enforcement



Immigrant Victims Who LAV Programs Successfully Helped Attain U-Visas: Examples

- A battered woman had to share custody of her child with abuser and he took the child to another country.



Victims Helped by U-Visas

- Migrant farm worker with a 1 year old son, who received a beating while pregnant and she lost her unborn child.



Victims Helped by U-Visas

- A battered woman whose batterer was deported but his parents took her children and falsely reported her to CPS.
- A battered woman whose abuser shot her and then killed himself.
- An immigrant woman who reported husband sexually abusing daughter.

Conclusions

- Success stories confirm that the U-visa provides protection for victims who did not previously have an avenue to immigration relief.
- U-visas make a real difference in the lives of immigrant women and their children.
- Victims receiving U-visas are protected from deportation and receive legal work authorization.

Some of the Primary Challenges Are

- System barriers that prevent victims from coming forward, proceeding, and/or following through.
- Personal attitudes, lack of training, limited understanding of non-citizen victims legal rights, lack of language access and/or cultural sensitivity on the part of first responders that interfere with implementation of victims' legal protections.

Limitations

- Sample of convenience, no control
- Grantees do not report all activities, only those funded by OVW
- Core issue of the exploratory data analyzed was not specifically prompted
- LAV grantees work only with domestic violence, dating violence, sexual assault, and/or stalking; no information on whether U-visa is used for other crimes

Questions?

