

National Judicial Network Forum on Human Trafficking and Immigration in State Courts

Immigration Options for Survivors & Court's Role

June 1st, 2021

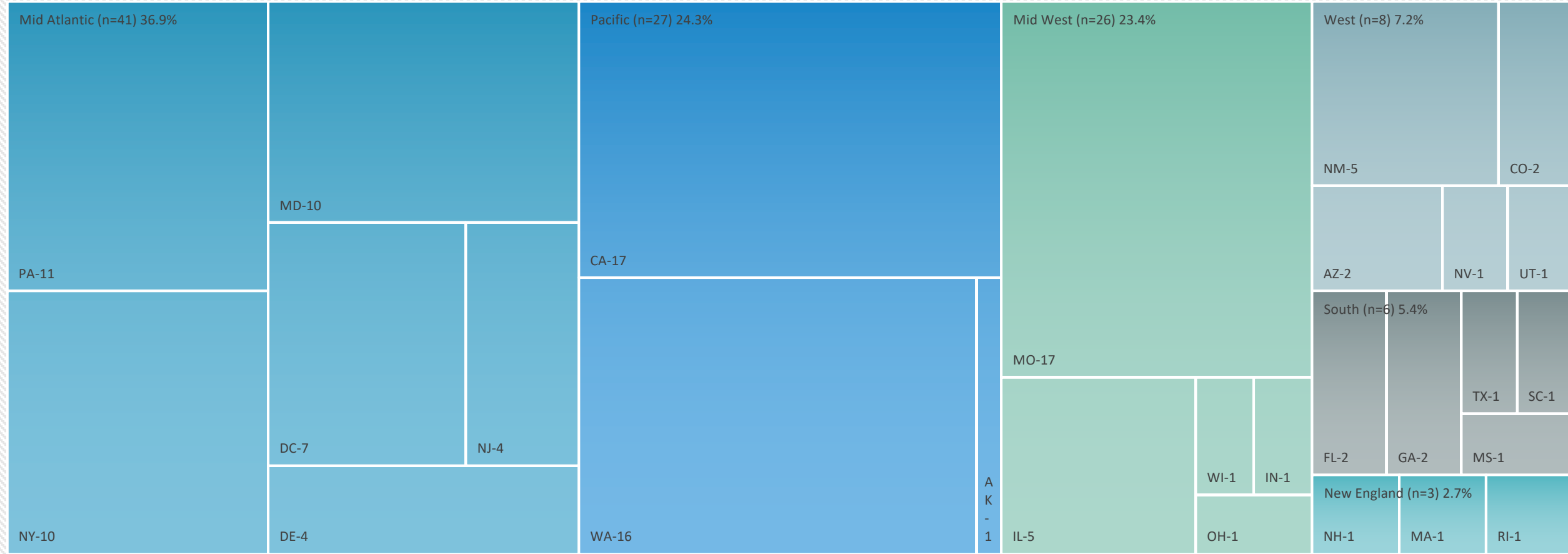
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The points of view expressed are those of the authors and do not necessarily represent the official
position or policies of the State Justice Institute.



Regional Representation in The Network

Figure 2: Regional Location of National Judicial Network Members (n=126 members) as of June 1st, 2021

■ Mid Atlantic (n=41) 36.9% ■ New England (n=3) 2.7% ■ Mid West (n=26) 23.4% ■ South (n=6) 5.4% ■ West (n=8) 7.2% ■ Pacific (n=27) 24.3%



Commissioners – 8 Judges – 96 Magistrates – 7 Project Partners – 2 Retired Judges – 5 Tribal Judges – 8



Join The Network Slack!

The screenshot shows a Slack workspace for the National Judicial Network. The left sidebar lists channels including #general-support, #judges-only, and #steering-committee, along with direct messages. The main area displays the #general-support channel with a welcome message, a notification that NIWAP joined, and a message from NIWAP renaming the channel. A date separator for Wednesday, March 31st is visible, followed by a message bubble containing 'Hi everyone!' and 'Let's try using Slack for...'. At the bottom is a text input field for sending a message to #general-support.

Upcoming Peer-to-Peer Session Dates & Topics

July & August – BREAK, Labor Trafficking

Webinar

September 7th – TBD

October 5th – TBD

November 2 – TBD

December 7th – TBD

Session Evaluation

- Please don't forget to complete the evaluation at the end of the session!
- Link to the poll
 - <https://www.surveymonkey.com/r/N63R6DL>
- We will also send the link in a separate email after the session.

Today's Facilitators



Leslye Orloff
*Director, National Immigrant
Women's Advocacy Project (NIWAP)*

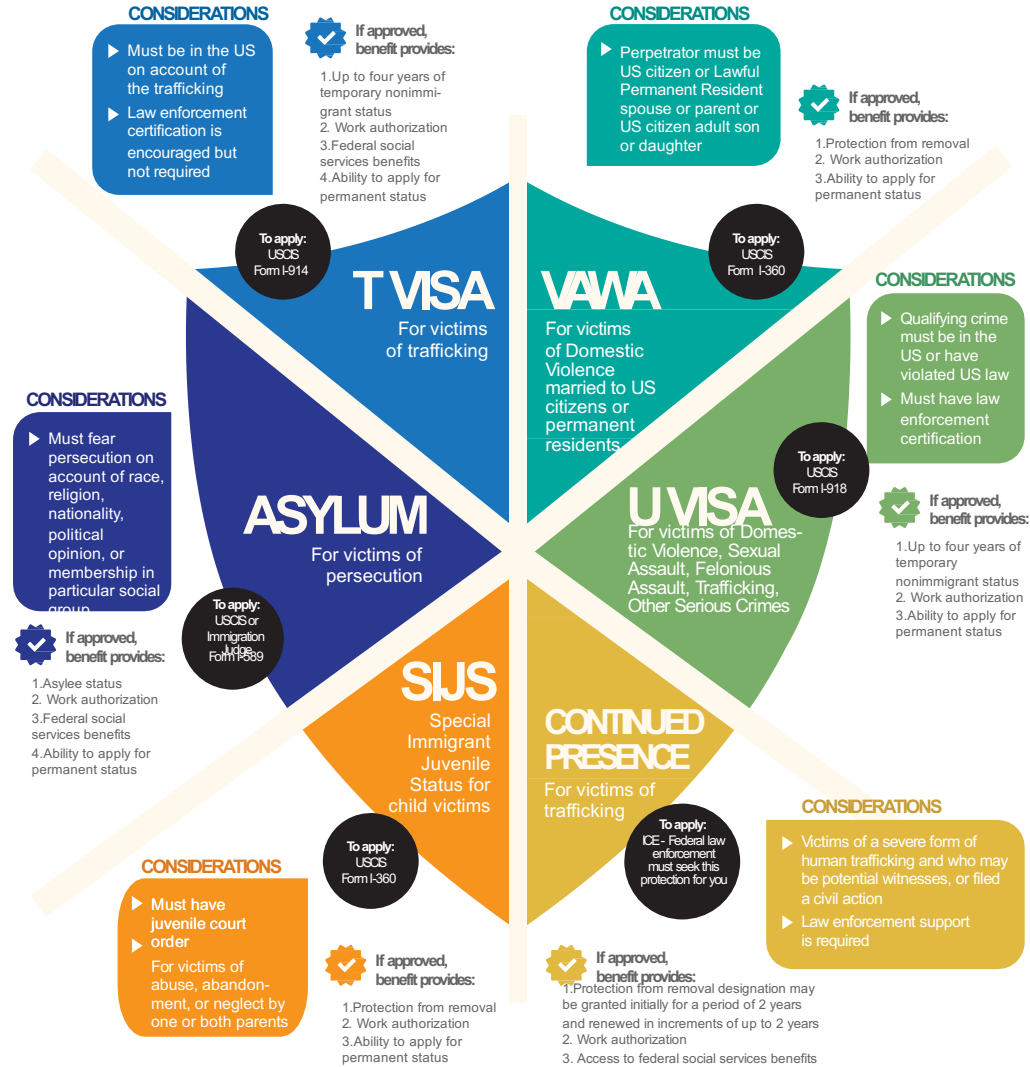


Hon. Julie R. Breslow
D.C. Superior Court

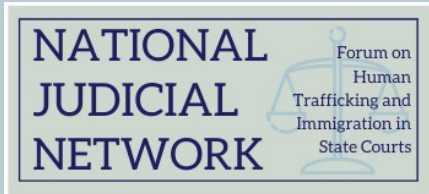


Hon. Mary Grace Rook
D.C. Superior Court

Protections for Immigrant Victims



[DHS.GOV/BLUE-CAMPAIGN](https://www.dhs.gov/blue-campaign)



HOPE Court

- Brief description
- Immigration issues that arise in hope court

Hypothetical

Clara met Eduardo, a lawful permanent resident, when he came back to his hometown to visit his family in El Salvador. Eduardo started dating Clara, who was raising her 12-year-old daughter, Juanita. Juanita's father abandoned her when she was an infant.

After Clara became pregnant, Eduardo and Clara married and Clara gave birth to a baby girl, Lupe. Eduardo decided to bring Clara, Juanita, and Lupe to the U.S. to live with him. When they arrived in the U.S., Eduardo took Clara's, Juanita's, and Lupe's Salvadorian passports and became physically and sexually abusive of Clara.

One night when Juanita was 14 and Lupe was 2, Eduardo flew into a rage and beat Juanita and Lupe severely with a belt. When Clara intervened to protect the children, Eduardo strangled her until she passed out. The neighbors called the police for help, and Clara talked to police when they arrived. The police arrested Eduardo for attempted murder and sexual assault of Clara and child abuse/aggravated assault of both children. The police took Clara to the hospital, and the children were placed in foster care. Eduardo was convicted of sexual assault and attempted murder of Clara, and child abuse/aggravated assault of both children and sentenced to a long prison term.

Lupe's neglect case was also assigned to Judge Breslow and she was adjudicated a neglected child due to the physical abuse by Eduardo. The judge granted Clara's request for sole legal and physical custody of Lupe. The Court closed Lupe's neglect case since Eduardo was in jail and Clara seemed to understand her obligation to protect Lupe in the future.

Juanita's Neglect case was assigned to Judge Breslow, who found that Eduardo was acting "in loco parentis" and that Juanita was a neglected child due to Eduardo's physical abuse. Juanita absconded from her foster home and was taken in by "friends", who turned out to be members of MS13. The gang members trafficked her, forcing her to engage in sex with men in exchange for money paid to MS13. After being in run-away status for a year, Juanita returned to foster care and Judge Breslow transferred the case to Judge Rook, who presides over HOPE Court, a treatment court for youth who are victims of CSEC, commercial sexual exploitation of children.

Hypothetical Cont'd

Clara was resistant to the services HOPE Court offered her family. She feared that MS13 would retaliate against her and her family if they cooperated with services. HOPE Court offered Clara assistance in moving to a new apartment, in a neighborhood where MS13 had no presence. Clara was also resistant to having the family moved for their own protection because, as an undocumented person, she worried that she would not have support or be able to find another job if she left the neighborhood where she had friends and family. Clara also had high blood pressure and suffered from depression and anxiety but refused therapy because she did not feel comfortable opening up to a therapist given her lack of legal status. Clara blamed Juanita for running away and causing ongoing court involvement for the family. Clara's issues created parent/child tension and complicated Juanita's ability to make progress in HOPE court. Juanita's Neglect case remains open before Judge Rook, with a permanency goal of reunification.

What Immigration Relief are Clara, Lupe, and Juanita eligible for?

Special Immigrant Juvenile Status (SIJS)

- Immigration relief for unmarried children
- Under the age of majority under state law
- Victims of abuse, abandonment, neglect, or dependency
 - By at least **one parent**
- To apply must submit required findings from a state court with jurisdiction over
 - the care, custody, or dependency of the child
- **Timeline to approval = 6 – 36 months (2019)**
- **Judicial role**

T Visa for Trafficking Victims

- A victim of a severe form of trafficking in persons
 - Sex or labor trafficking involving victim under 18 or and adult subject to force, fraud or coercion
- Victim is physically present in the U.S. on account of trafficking
- Victim must comply with reasonable requests for helpfulness in investigating or prosecuting trafficking. Exceptions
 - Under age 18
 - Physical or psychological trauma impede helpfulness/cooperation
- Removal from the U.S. would cause extreme hardship
- **Timeline to work authorization = 3–12 months (2019)**
- **Judicial role**

U Visa Requirements

- Victim of a qualifying criminal activity
- Has been, is being, or is likely to be helpful in
 - Detection, investigation, prosecution, conviction, or sentencing
- Suffered substantial physical or mental abuse as a result of the victimization
- Possesses information about the crime
- Crime occurred in the U.S. or violated U.S. law
- **Timeline to work authorization and waitlist approval =**
 - **4–6 years(2019)**
 - **Judicial role**

VAWA Self-Petitioning Requirements

- Subjected to Battery or Extreme Cruelty
- By a U.S. Citizen or Permanent Resident
 - Spouse; Parent; or
 - Citizen adult son/daughter (over 21)
- With Whom Self-Petitioner Resided
 - No time period required
- Good Moral Character
- Good Faith Marriage
- VAWA cancellation of removal has similar eligibility requirements
- Battered Spouse Waiver if perpetrator files
- **Timeline to work authorization = 4–18 months (2019)**
- **Judicial role**

Q & A

Please put your questions in the chat

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