



NIWAP Releases National Survey on Increased Immigration Enforcement on Immigrant Crime victims

NIWAP is pleased to announce the Survey Report “Promoting Access to Justice for Immigrant and Limited English Proficient Crime Victims in an Age of Increased Immigration Enforcement: Initial Report from a 2017 National Survey.” This new and extensive report explores how the public discussion about immigration, the rise in anti-immigrant sentiment in the public discourse, and increased federal immigration enforcement is impacting immigrant crime victims and their willingness to seek help from courts, police, prosecutors, victim advocates and attorneys. The report focuses particularly on the experiences of immigrant and limited English proficient (LEP) crime victims during 2016 and 2017 in accessing the justice system. This survey was a collaboration between the National Immigrant Women’s Advocacy Project, American University, Washington College of Law and the College of Humanities and Social Sciences, Rowan University.

The survey was conducted with four different groups of professional - judges, police, prosecutors, and victim advocates/attorneys and compares 2017 data with 2016 data on crime survivor participation in criminal investigations, prosecutions, and court proceedings. The survey report also examines the extent to which increased immigration enforcement is affecting immigrant victim’s willingness to seek immigration protections through the VAWA, T and U visa programs and willingness to seek civil protection orders from state family courts.

Download the full survey report: “Promoting Access to Justice for Immigrant and Limited English Proficient Crime Victims in an Age of Increased Immigration Enforcement: Initial Report from a 2017 National Survey.” The survey reports on 18 instances in 2016 and 2017 of immigration enforcement in family court reported by judges and 51 instances of courthouse immigration enforcement against immigrant crime victim reported by victim advocates and attorneys. This survey also documents some notable declines in immigrant crime victims’ willingness to seek help in 2017 compared to 2016:

- 12% of judicial survey participants report declines in requests for protection orders by immigrant victims

- Declines in complaints filed by the immigrant community (18%) and in willingness (15%) of immigrant community members and victims to cooperate on criminal cases were reported by law enforcement survey participants
- Law enforcement officers reported in greater detail the areas in which they observed declines in immigrant victim willingness to
 - Make police report – 22%
 - Participate in crime scene investigations – 21%
 - Assist in post-crime scene criminal investigations – 20%
 - Work with prosecutors – 18-25%
 - Work with victim witness staff at police agencies – 13%
- Victim advocates and attorneys participating in the survey reported a
 - 391% decline in the numbers of VAWA self-petitions filed on behalf of battered immigrant spouses and children of U.S. citizens and lawful permanent residents by the agencies on behalf of immigrant victim clients
 - 31% decline in the numbers of U visa cases filed by the agencies on behalf of immigrant victim clients
 - 8% decline in the numbers of immigrant domestic violence victims willingness to call the police for help

Another theme across disciplines that the survey data revealed is that when immigrant victims come forward to file police reports, seek help from the courts and/or cooperate with police and prosecutors immigration-related threats, fears and immigration enforcement, including immigration enforcement at courthouses is making cases involving immigrant victims more difficult and complex:

- Judges observed this complexity as including:
 - The immigration status of victims being raised in criminal (39%), civil protection order (32%), custody (31%), divorce (23%) and other family court cases;
 - Court proceedings being interrupted due to victim's fears of coming to court (54% in 2017 and 45% in 2016); and
 - Instances of immigration enforcement at courthouses (2016= criminal 11, family/civil 8; 2017 = criminal 18, family/civil 10); and
 - Judges reporting that they are concerned or very concerned about the effect immigration enforcement is having on the willingness of immigrant and LEP litigants and victims to participate in court cases. Examples include:
 - Human trafficking – 94%
 - Sexual assault – 92%
 - Domestic Violence – 91%
 - Child abuse and neglect – 91%
 - Custody – 88%
 - Criminal – 87%
- Law enforcement officers reported
 - That fears about deportation and victims being turned in by perpetrators to DHS are among the top reasons that criminal cases of crimes committed against immigrant and LEP victims are underreported and becoming harder to prosecute:
 - Domestic violence – (69%)

- Human trafficking – (64%)
 - Sexual assault – (59%)
 - Child abuse – (50%)
 - Extortion-Blackmail – (38%)
 - Elder abuse and exploitation (34%)
 - Felonious assaults – (33%)
- 52% - That barriers to cooperation by victims are leading to greater numbers of perpetrators at large in their communities
- That when immigrant victims do not cooperate this affects officer safety (64%), community safety (69%), victim safety (67% all victims; 69% immigrant and LEP victims) and the ability to hold violent perpetrators accountable (71%).
- Prosecutors participating in the survey reported
 - 62% that immigration status issues about crime victims were being raised in criminal cases more in the past 5 years than ever before
 - Declines in immigrant victims' willingness to work with prosecutors in the past year compared to prior years
 - Domestic violence 43%
 - Sexual assault 43%
 - Child abuse 39%
 - Stalking 32%
 - Human trafficking 27%
 - Immigration-related reasons for non-cooperation in prosecutions that included
 - That fear that the perpetrator will turn the victim in to immigration officials – 72%
 - Fear if being separated from their children – 70%
 - Victims receiving threats from perpetrators to report the victim to immigration official – 70%
 - That the following crimes are harder to prosecute in cases involving immigrant victims
 - Domestic violence 82%
 - Sexual assault 70%
 - Human trafficking 55%
 - Child abuse 48%

The report provides detailed information on the findings of the four national surveys completed by over 775 professionals with representation from almost every state. The report concludes with recommendations for courts, police, prosecutors, victim advocates, attorneys, Congress, state legislators and the Department of Homeland Security on steps each can take to promote access to justice and protection for immigrant crime victims and their children.

Help With VAWA Confidentiality Violations

Have you worked with an immigrant victim of domestic violence, sexual assault, child abuse or human trafficking who became subject to immigration enforcement? If yes, and you believe what triggered the enforcement action were tips from the perpetrator, the perpetrator's family member or someone working on behalf of the perpetrator, the immigration enforcement action brought against the victim may have violated Violence Against Women Act (VAWA) confidentiality laws. The research NIWAP conducted identified numerous instances of immigration enforcement actions against victims triggered by calls from the victim's abusers or perpetrators.

If you are currently working with a victim who has been subjected to immigration enforcement or have worked on a case in the past, you should consider filing a VAWA confidentiality complaint on your client's behalf. We can provide technical assistance with both the decision on whether to file a complaint and walk you through complaint process itself. By reporting you may not only be assisting the survivor you are working with but survivors who are facing the same issues.

Filing formal VAWA confidentiality violation complaints can play an important role in preventing future immigration enforcement actions against the victim while the victim's VAWA, T and U visa cases are pending. These complaints also are useful in informing Department of Homeland Security (DHS) about officials who are violating VAWA confidentiality protections including by failing to examine the DHS Central Index System that would have notified the immigration enforcement officer that the immigrant against whom they are considering enforcement is a victim. Complaints lead to formal investigations by the Office of Civil Rights and Civil Liberties at DHS that draw attention to the immigration enforcement officials' confidentiality violations and educate officers and their supervisors about statutes, regulations, policies and directives that all DHS personnel are required to follow.

Resources with instructions for filing VAWA confidentiality complaints:

- Step-by-step instructions on how to file a VAWA confidentiality complaint;
- Department of Homeland Security, Office of Civil Rights and Civil Liberties (CRCL), VAWA Confidentiality violation complaint instructions;
- VAWA confidentiality [overview](#); and
- CRCL VAWA Confidentiality investigation process [flow chart](#).

What you can do:

- Contact NIWAP for technical assistance if you have a case in which you believe VAWA confidentiality laws may have been violated or if you are working with an immigrant victim who becomes subject to immigration enforcement.
- Consider filing a VAWA confidentiality complaint for current or any past violations. NIWAP can provide technical assistance with both the decision on whether to file a complaint and the complaint process itself.
- **Contact NIWAP at (202) 274-4457 or info@niwap.org**

Help Identifying National Trainers

NIWAP is seeking law enforcement and prosecutors to join our national faculty of trainers for our Violence Against Women (OVW) funded project, “Law Enforcement and Prosecution Best Practices: Immigrant Crime Victims, Language Access and the U and T Visa”, which provides direct peer-to-peer technical assistance and training (in person and via webinars) to law enforcement and prosecutors on best practices for serving immigrant and Limited English Proficient (LEP) victims of domestic and sexual violence. Selected applicants will need to attend our “Train the Trainer” event projected dates are August 6-8, 2018 in Georgia. For more information contact Rocio Molina at 240-480-6378 or email at molina@wcl.american.edu

Call for Directory Update

For Professionals Serving Immigrant and Refugee Women and Children

The National Immigrant Women’s Advocacy Project is updating our national database of service providers. NIWAP maintains an online directory of attorneys, advocates, and other professionals with experience working with immigrant survivors of domestic violence, sexual assault, trafficking, and other criminal activity. This directory helps service providers connect with, support each other and share best practices. It also helps programs working with immigrant victims identify programs with expertise working with immigrant survivors both in their state and in the state to which their client may be moving for safety.

We are seeking your help in updating our directory.

- Please review the listing for your agency, provide missing information and update contact information: Go to: <http://directory.niwap.org/>
- If your organization is not listed, please provide your information [here](#).
- If you work with organizations that provide assistance to immigrant survivors and children who are not listed please e-mail us the organization’s name, email, and phone number of a contact person at that agency to info@niwap.org

FOR MORE INFORMATION, CALL US AT (202) 274-4457 OR EMAIL US AT INFO@NIWAP.ORG

Free Technical Assistance and Resources

For Professionals Serving Immigrant and Refugee Women and Children

The National Immigrant Women's Advocacy Project (NIWAP, pronounced new-app) is a national provider of training, legal and social science research, policy development and technical assistance to advocates, attorneys, pro bono law firms, law schools, universities, federal, state and local law enforcement, prosecutors, judges, court staff, social services and health care providers, justice system personnel and other professionals who work with immigrant women, children and crime victims. We offer assistance on a broad range of issues including access to services, safety and legal rights.

Our technical assistance and resources cover the following topics:

- Legal right under federal legislation (including immigration, public benefits, health care, family, language access) for immigrant survivors of family violence, sexual assault, stalking, dating violence, human trafficking, and other crimes
- Immigrant victim eligibility for VAWA self-petition, U visa, T visa, Special Immigrant Juvenile Status and other forms of immigration relief designed to help immigrant victims
- Immigrant access to public benefits, legal, social, and victim services, the justice system, legal immigration status, work authorization, and preventing immigration enforcement, detention, and removal of immigrant victims
- Understanding and enforcing VAWA and confidentiality protections for immigrant victims
- Special issues that arise in family court cases that involve immigrant survivors and children, including custody, protection orders remedies, child support, abuse and neglect, special immigrant juvenile status, termination of parental rights, and discovery
- Assistance for judges and court staff to best serve immigrant litigants in court
- Building relationships with law enforcement, prosecutors and other government agencies that promote U Visa certification, T Visa endorsement, language access to law enforcement assistance, and improved justice system access for immigrant survivors
- Assistance with advocacy that benefits immigrant survivors (e.g. improving language access, U visa certification, and T Visa endorsement policies)
- Special issues arising for rural service providers
- Best practices for judges, police, prosecutors, advocates/attorneys working with immigrant survivors

More information on NIWAP's technical assistance is available [here](#).

Call (202) 274-4457 email info@niwap.org access our [web library](#)

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