

 **NIWAP** 

Multi-State Training  
New Orleans, Louisiana  
April 5, 2019

Judicial Training Network  
Multi-State Training 1

---

---

---

---

---

---

---

---

**Thank you to Kellogg**

We are grateful to the W.K. Kellogg Foundation for financial support that made this work possible.

Judicial Training Network  
Multi-State Training 2

---

---

---

---

---

---

---

---

**Introductions**

- Faculty and Participants
- Housekeeping

Judicial Training Network  
Multi-State Training

---

---

---

---

---

---

---

---

### Learning Objectives

By the end of this training you will be better able to:

- Help judges get familiar with how to access NIWAP materials when they need it.
- Provide judges opportunities to work with the subject matter issues through interactive exercises so they are more comfortable providing TA and training to other judges in their states.
- Help judges better identify and address implicit bias that arises in cases involving immigrant children, immigrant victims, and immigrant families.




---

---

---

---

---

---

---

---

### Update on the Judicial Training Network




---

---

---

---

---

---

---

---

### Accomplishments

- 69 plenaries and workshops at
  - 27 different in-person conferences, and
  - 6 webinars
  - Training 2,922 attendees
- 108 new and updated publications for judges and courts
  - Distribution numbers reach 17,649
  - Family law 56.9%
  - Immigration relief and VAWA confidentiality 29.6%
  - Demographics and public benefits 13.8%
- JTN 56 participants=
  - 37 judges + 8 court staff/judicial education + 7 university staff + 2 Expert faculty and 2 Evaluators




---

---

---

---

---

---

---

---

## Next Steps

- This training designed
  - To deepen your knowledge of the law
  - Facilitate future planning for judicial training and technical assistance in the states
  - Build your familiarity with the materials and technical assistance available to assist you

---

---

---

---

---

---

---

---

## Training Agenda Overview

Topics to be covered include:

- U Visa Certification by Judges
- Special Immigrant Juvenile Status (SIJS)
- VAWA Confidentiality Limitations on Courthouse enforcement
- Custody and Implicit Bias
- Protection Orders
- VAWA Confidentiality and Discovery
- Barriers to Access to Justice for Immigrant Victims and Children
- Public Benefits and Services
- Special Issues Arising in Divorce Cases Including Affidavits of Support
- Language access




---

---

---

---

---

---

---

---

## Small group: Demographics Exercise

- Review your state demographics and discuss:
  - What you expected to see
  - What was surprising
  - What is important for your work as a judge and for the court system

---

---

---

---

---

---

---

---

**Survey Findings – Comparing 2016 and 2017**

- Willingness to file immigration cases dropped in 2017 compared to 2016
  - 391% VAWA self-petitions
  - 30% U visas
- Willingness to seek a protection order
  - Attorneys/advocates reported 84% of battered immigrant clients were likely/very likely to seek protection orders
  - Willingness to seek protection orders dropped by 7% in 2017
  - This drop occurred mostly in jurisdictions that were not signing U visa certifications and issuing SIJS findings

Judicial Training Network  
Multi-State Training 10

---

---

---

---

---

---

---

---

---

---

**Signing Compared to Non-Signing Courts**

- Signing courts reported more immigrant victims coming to court for protection orders
  - Protection orders 1.1 times higher
  - Divorce 1.7 times higher
  - Child Abuse/Neglect 1.8 higher
  - Custody 2 times higher
  - Child Support 3 times higher

Judicial Training Network  
Multi-State Training 11

---

---

---

---

---

---

---

---

---

---

**Law Enforcement Preliminary Survey Results**

- 20% report reductions in immigrant victim cooperation – police reports/investigations
- Top crimes harder to investigate
  - Domestic violence 69%
  - Human trafficking 64%
  - Sexual assault 59%
  - Child abuse 50%
- Due to fear perpetrator will have victim deported (47%) & threats of deportation (42%)

Judicial Training Network  
Multi-State Training 12

---

---

---

---

---

---

---

---

---

---

### Judges Preliminary Survey Results

- In 2017 - 35% of judges report that court cases interrupted due to immigrant victim's fears of coming to court
- Judges reporting higher rates of parties or defendants raising immigration status of a victim or opposing party in 2017 vs 2016
  - Criminal - 39%
  - Protection order – 32%
  - Custody – 31%
  - Divorce – 23%

Judicial Training Network  
Multi-State Training

13

---

---

---

---

---

---

---

---

### Steps signing courts were taking

- Signing U certifications and SIJS findings
- Making it clear to attorneys, victim advocates, and litigants that
  - The court will treat immigrants fairly
  - ICE cannot undertake enforcement actions in family court
  - The court will respond appropriately when one party raises the immigration status of the other party in court proceedings

Judicial Training Network  
Multi-State Training

14

---

---

---

---

---

---

---

---



**Question:** Who is required to report that a person is unlawfully in the country to Department of Homeland Security (DHS)?

Judicial Training Network  
Multi-State Training

8

---

---

---

---

---

---

---

---

### Who is Required to Report to DHS?

#### REQUIRED

- Public benefit agencies RE: persons "known" to be unlawfully in the country = deportation order

#### Voluntary Agreements

- Law enforcement with ICE 287(g) agreements
- Jails with ICE agreements under Secure Communities

#### NOT REQUIRED

- Judges/Courts
- Healthcare providers
- Schools
- Law enforcement
- Nonprofits /Faith Based Organizations
- Legal and social service providers Individuals
- Individuals

---

---

---

---

---

---

---

---

---

---

### Materials Review – Flash Drive

- Infographic on JTN Accomplishments
- JTN – NOLA 2019 Agenda
- National access to justice survey
- NCSC- Promoting Access to Justice of Immigrant Crime Victims
- International Association of Chiefs of Police (IACP) Overcoming Fear and Building Trust with Immigrant Communities and Crime Victims
- Privacy Protections, Reporting, and Public Benefits




---

---

---

---

---

---

---

---

---

---

### Technical Assistance and Materials

- Power Point presentations and materials for this conference at  
– <http://niwaplibrary.wcl.american.edu/jtn-nola-2019/>
- Judicial Training Manual at  
– <http://niwaplibrary.wcl.american.edu/sji-materials/>  
– **NIWAP Technical Assistance:**  
– Call (202) 274-4457  
– E-mail [info@niwap.org](mailto:info@niwap.org)
- Web Library: [www.niwaplibrary.wcl.american.edu](http://www.niwaplibrary.wcl.american.edu)

---

---

---

---

---

---

---

---

---

---