Welcome to Day 2
Access Exercise
Multi-State Training
New Orleans, Louisiana
April 6, 2019

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Multi-State Training

1

Faculty

- All Faculty

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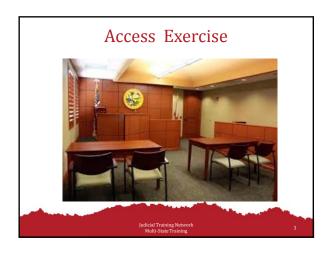
2

Access Exercise

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3

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

- Analyze the complex realities faced by immigrants subject to domestic abuse, sexual assault, child abuse, or human trafficking
- Identify gaps in access to justice in your courts and communities
- Develop skills for working with immigrant survivors you encounter in your courtrooms and your courthouses

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Access Exercise – Your Experience Discussion

- How did it feel to go through the process?
  - Participants with green folders?
  - Participants with red folders?

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Which of the following will help immigrant survivors who encounter DHS enforcement avoid detention?

- Obtaining a protection order before filing the victim's immigration case
- Showing ICE a letter from a lawyer stating that the victim is in the process of filing a VAWA, T or U visa case
- Telling the immigration official that the victim is a US citizen of lawful permanent resident when they are not
- Telling the immigraiton official that the victim has an A# in a domestic violence, sexual assault, child abuse or human trafficking case
  - Which did you choose as number 1
  - Which did you choose as number 4

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Learning From the Access Exercise Discussion

- What lessons did you learn?
- What systems barriers to access to justice for immigrant and LEP victims did the exercise illustrate?
- What types of help do immigrant victims and children who try to access justice from courts need?

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Large Group Discussion

What are steps courts can take to make the courts accessible to immigrant, LEP and culturally diverse populations?

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DEBRIEF Steps Courts Take to Increase Accessibility

- By developing:
  - Relationships with NGOs that serve immigrant, refugee and asylee populations
  - U visa certification and SIJS findings practices
  - Incorporate immigrant victims needs into collaborative community response work courts ae involved in

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What if you identify a child or victim that qualifies immigration relief ?

- How does the judge raise the issue without alarming immigrant litigants?

- How does the judge respond to a party raising the immigration status of the opposing party?

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Large Group Discussion

Question: What's the judges role when immigration status is raised ?

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Raquel's Path Accessing Justice

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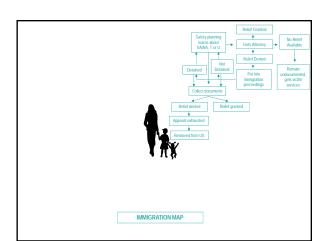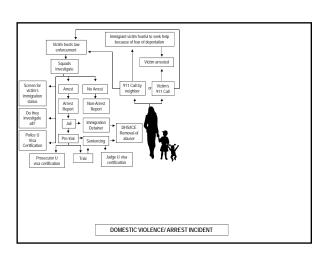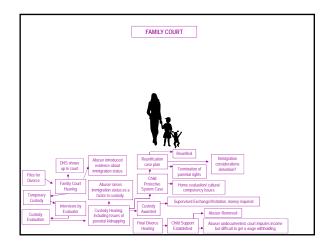
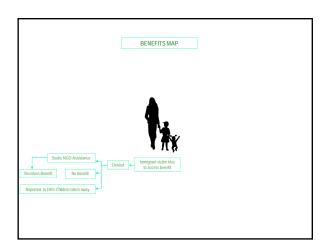**Immigrant Victims in the Justice System -Raquel**

This Infographic illustrates how immigration issues intersect in state court proceedings involving immigrant victims of domestic violence, sexual assault and child abuse and their children. This provides an overview for judges, police, prosecutors, victim advocates and attorneys of the role immigration status can play.
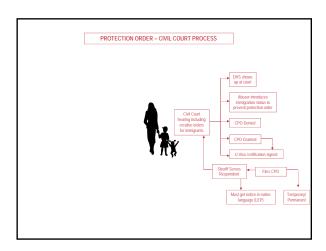

Safety planning learns about VAWA, T or U

Relief Granted

Gets Attorney

No Relief Available

Relief Denied

Detained

Not Detained

Put into immigration proceedings

Remain undocumented, gets victim services

Collect documents

Relief denied

Relief granted

Appeals exhausted

Removed from US

IMMIGRATION MAP

Immigrant victim fearful to seek help because of fear of deportation

Victim trusts law enforcement

Victim arrested

Squads Investigate

Screen for victim's immigration status

Arrest

No Arrest

911 Call by neighbor

or

Victim's 911 Call

Arrest Report

Non-Arrest Report

Do they investigate all?

Jail

Immigration Detainer

DHS/ICE Removal of abuser

Police U Visa Certification

Pre-trial

Sentencing

Prosecutor U visa certification

Trial

Judge U visa certification

DOMESTIC VIOLENCE/ ARREST INCIDENT

FAMILY COURT

Files for Divorce

Temporary Custody

Custody Evaluation

Interviews by Evaluator

Family Court Hearing

DHS shows up in court

Abuser introduced evidence about immigration status

Abuser raises immigration status as a factor in custody.

Custody Hearing, including issues of parental kidnapping

Custody Awarded

Final Divorce Hearing

Child Support Established

Child Protective System Case

Reunification case plan

Termination of parental rights

Reunified

Immigration considerations detention?

Home evaluation/ cultural competency issues

Supervised Exchange/Visitation, money required

Abuser Removed

Abuser undocumented, court imputes income but difficult to get a wage withholding

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BENEFITS MAP

Immigrant victim tries to access benefit

Denied

Seeks NGO Assistance

Receives Benefit

No Benefit

Reported to DHS Children taken away

PROTECTION ORDER – CIVIL COURT PROCESS

Civil Court hearing including creative orders for immigrants

DHS shows up at court

Abuser introduces immigration status to prevent protection order

CPO Denied

CPO Granted

U Visa certification signed

Sheriff Serves Respondent

Files CPO

Must get notice in native language (LEP)

Temporary/ Permanent

Day 2

- Welcome back
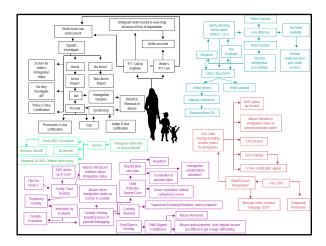- Housekeeping

Materials Review – Flash Drive

- Research findings on
  - Access to justice for immigrant victims
  - How once victims file their immigration case they increase efforts to seek help from the justice system
    - Police
    - Courts
- Manual chapters on dynamics of domestic and sexual violence experienced by immigrant victims
- Journal article: Abused, abandoned and neglected: legal options for immigrant girls

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
- Web Library: www.niwaplibrary.wcl.american.edu

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