

Violence Against Women Act: Current Protections and Future Possibilities for Immigrant Victims of Sexual Assault and Domestic Violence

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Peace Over Violence
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**Advocacy Leading to Passage of the
Violence Against Women Act
Protections for Immigrant Victims of
Domestic Violence, Sexual Assault and
Human Trafficking**

National Network to End Violence Against Immigrant Women

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Key Role of the National Network

- Founded by:
 - Legal Momentum/NOW Legal Defense
 - Family Violence Prevention Fund
 - National Immigration Project of the National Lawyer's Guild
- Grown from 15 groups in 1992
- 25 groups in 1994,
- Over 3000 groups/individuals today
- Active policy committee working on VAWA 2011

Collaborative Legislative Advocacy

- Battered Spouse Waiver – 1990
- Violence Against Women Act – 1994
- Carve outs and benefits access for battered immigrants in the 1996 Welfare and Immigration Reforms
- Access to Legal Services for Battered Immigrants – 1998
- Violence Against Women Act 2000
- Victims of Trafficking Protection Act 2000
- Funding for INS processing of domestic violence crime victim and trafficking cases 2001
- Violence Against Women Act of 2005
- Trafficking Victims Protection Reauthorization Act 2008
- Current -- Violence Against Women Act of 2011

Keys to Success

- History providing direct services
- Developing trust – honesty
- Developing coalitions
 - National Network on Behalf of Battered Immigrant Women
 - Freedom Network
 - Researchers, advocates, attorneys
 - Community based and Faith based
- Documentation of Need
 - Collaboration with community based advocates and attorneys

Documentation of Problem

- Untold stories – 1993
 - 32 stories complete narratives
 - 33 stories summarized
 - 90 organizations submitted cases
 - 4 co-authoring organizations
- Ayuda survey

Advocacy Approach

- Collaboration
- Domestic violence groups take the lead
- Immigrant rights groups provide technical support
- Documenting the need
 - Stories
 - Research
 - Collecting issues from the field across the country
 - Technical assistance and training
- Grassroots role
- Alliances with police and prosecutors
- Understand that progress can be incremental change
- Involvement in implementation with federal agencies

Fear of Deportation and Safety Planning

Individual Activity: Immigrant Victim Barriers

- Write down 3 reasons why an immigrant victim does not want to be deported back to his/her home country

**Large Group Discussion:
Why Immigrant Victim Does Not Want
To Be Deported to Home Their Country?**

Victim's Deportation Concerns

- **Immigration related abuse/deportation**
- **Economic survival**
- **Family/children**
- **Fear of losing custody /access to children**
- **Power and control over victim's immigration status**
- **Victim believes that if he gets deported she has to go with him**
- **Danger to victim in the home country (retaliation)**
- **Fear of being ostracized by home country community**
- **Fear of abandoning the home**
- **Fear of police/experience in home country**
- **Religion**
- **Political instability in home country**
- **Gender barriers in home country**
- **Fear of unknown**

If an Immigrant/Refugee Victim Considers Reporting, What Barriers are Present?

Story sharing

Barriers for Noncitizens

- Language access
- Lack of understanding of U.S. Laws
- Abuser's power and control over victim's immigration status
 - Domestic violence
 - Sexual assault in the workplace or at university
 - Refugees
- Enhanced enforcement of immigration laws
 - Local enforcement of immigration laws
 - Communities in which law enforcement prioritizes cooperation with Homeland Security over criminal investigations

Help Legally Open to Immigrant Victims Without Regard to Immigration Status

Both Documented and Undocumented Immigrant Victims Can Access

- Protection Orders
- Shelter
- Transitional Housing
- Child Custody and Support
- Receive Emergency Medical Care
- Police Assistance
- Have Their Abusers Criminally Prosecuted
- Assistance for Crime Victims
- Obtain Public Benefits for Their Children
- Legal Services
- Language Access

VAWA 2005 and Legal Services Access for Battered Immigrants

- All legal services programs can use any source of funding
 - Legal Services Corporation
 - VAWA (e.g. LAV, STOP)
 - Foundation funding
 - Private funding
- To represent any victim of domestic violence, sexual assault, trafficking or other U visa listed crime
- Without asking questions about the victim's immigration status

Attorney General's List of Required Services

- in-kind services
- provided at the community level
- not based on the individuals income or resources
- necessary to protect life & safety

Benefits Available to All Immigrants

- Crisis counseling and intervention
- Child and adult protection services
- Violence and abuse prevention
- Victim assistance
- Treatment of mental illness or substance abuse
- Help during adverse weather conditions
- Soup kitchens
- Community food banks
- Short-term shelter or housing assistance for the homeless, victims of domestic violence, or for runaway, abused, or abandoned children
- Nutrition programs for those requiring special assistance

Other Federal Benefits Available to ALL Immigrants

- Elementary and Secondary education
- School lunch and breakfast
- WIC
- Immunizations, testing, and treatment of communicable diseases
- Emergency Medicaid

Health Care For Undocumented Immigrants

- Services necessary to protect life and safety
- Community health clinics
- State funded programs
- Post assault health care paid by VOCA funds
- Emergency Medicaid

Emergency Medicaid, defined

- Available only in cases where the person needs treatment for medical conditions with acute symptoms that could:
 - place the patient’s health in serious jeopardy;
 - result in serious impairment of bodily functions;
or
 - cause dysfunction of any bodily organ or part.

What Various States Offer Under Federal Emergency Medicaid

- Labor and Delivery (emergency and most states normal)
- Severe and acute
- Urgent pharmacy needs
- Mental health
- Inpatient substance abuse
- 72 hour release of drugs without prior approval

Range of Coverage: Emergency Medicaid

- Inpatient
- Outpatient
- Emergency care
- Not covered:
 - continuation of services
 - Limited to current medical condition
 - Some states mental health care or chronic conditions explicitly excluded

Forensic Examinations

- If the victim reports crime within a specified time frame (see charts)
 - Significant barrier
- Immigration status of victim not relevant
- Knowledge of manner of reimbursement in your state key to helping victims

Federally Qualified Health Centers

- Community Health Centers
- Migrant Health Centers
- Open to all
- Underserved populations unable to pay
- www.nachc.com

Federally Qualified Health Centers Offer

- Primary care
- Diagnostic, laboratory and radiological services
- Prenatal care
- Post-assault health care
- Cancer and other disease screening
- Well child services
- Immunizations
- Blood test screening
- Eye, ear and dental screenings for children
- Family planning services
- Preventative dental services
- Pharmaceutical services
- Emergency medical and dental services

Legal Momentum State-by-State Charts

- Forensic Exams
- Emergency Medicaid
- Post-Assault Health Care
- Prenatal Care
- State by state summary of
 - Eligibility laws
 - Application procedures
 - Who pays based on immigration status
 - Extent of coverage

When children qualify and their parents do not:

- If a child qualifies for benefits as a citizen or qualified immigrant the benefits granting agency may only ask questions about the child's eligibility
- No questions may be asked about the immigration status of the child's parent if the parent is not applying for additional benefits for themselves

Understanding Department of Homeland Security Enforcement Policies

Effect On Immigrant Crime Victims

Department of Homeland Security Immigration Functions

- United States Citizenship and Immigration Services (USCIS)
- Immigration and Customs Enforcement (ICE)
- Customs and Border Protection (CBP)

Civil vs. Criminal Immigration Violations

- Civil:
 - Unlawful presence
 - Working without employment authorization
 - Unlawful entry into the U.S.
- Criminal:
 - Illegal entry, departure, and subsequent reentry (federal)
 - Using a false social security number (in limited circumstances)

Local Enforcement of Immigration Laws

- Secure communities
- 287(g)
- Criminal Alien Program (CAP)
- Informal partnerships with Immigration and Customs Enforcement (ICE)

DHS Humanitarian Release

- Breastfeeding mothers
- Sole/primary caregivers of children
- Screening in detention done
 - In English/Spanish
 - Oral and writing
- Release as
 - Order of recognizance
 - Order of supervision
 - Alternatives to Detention

New Release From Detention Homeland Security Policy (August 20, 2010)

- Applies to Homeland Security Detention
 - Initiation and prosecution of removal of immigrants
 - Homeland Security detention
- Release for immigrants with a filed, pending or approved applications for immigration benefits
 - U visa,
 - T-Visa
 - VAWA,
 - Family Petition
 - Other

August 2010 DHS Policy

- Dismissal without prejudice of immigration removal case if Homeland Security believes the applicant is likely to receive an immigration benefit
- Unless applicant
 - Has criminal convictions or misconduct
 - Is a threat to public safety or national security
 - Evidence of fraud
- Importance of Predominant Aggressor Determination
- Effect of VAWA confidentiality protections

Violence Against Women Act Immigration Relief

Immigration 101 and Immigrant Crime Victims

You can gain citizenship while you are in which immigration status:

- **Blue:** a visa
- **Yellow:** a green card (lawful permanent residency)
- **Purple:** either

The most common way to get lawful permanent residency is:

- **Blue:** by staying in the U.S. for many years
- **Yellow:** through an employer
- **Purple:** through a family member

Who of the following would qualify for a work visa:

- **Blue:** someone who invests a million dollars in the U.S. economy
- **Yellow:** a touring artist
- **Purple:** a restaurant worker

An undocumented person is a criminal when:

- **Blue:** always, being undocumented is a crime
- **Yellow:** s/he enters the U.S. unlawfully
- **Purple** when the undocumented person commits and is convicted of a state or federal criminal law.

Why is Legal Immigration Status Important?

The Importance of Immigration Status

- Ability to work legally
- Path to lawful permanent residency and ultimately citizenship
- Protection from deportation
- Increased access to public benefits, including housing
- Severs dependence on potential abusers
- Ability to travel to and from the U.S. (with some exceptions)
- Improved access family law remedies, such as protection orders and custody

Potential Immigration Remedies

- Applications filed DHS
 - VAWA self petition
 - Battered spouse waivers (spouses of USCs with conditional permanent residency)
 - U visa
 - T visa (victims of trafficking)
 - Asylum (persecution based on protected classes)
- Forms of relief from removal- granted by Immigration Judge
 - VAWA cancellation of removal
 - VAWA suspension of deportation



General VAWA Self-Petitioning Requirements

- Subjected to Battery or Extreme Cruelty
- By a U.S. Citizen or Permanent Resident
 - spouse,
 - parent,
 - adult son/daughter (over 21)
- With Whom self-petitioner resided
 - No time period required
- Good Moral Character
- Good Faith Marriage
- *Screening flow chart*

VAWA Cancellation

- Cancellation is only available to people in *removal proceedings*
- Denial = deportation
- Relationship to abusive party (broader than self-petition)
 - Mother of a child abused by the child's other parent who is a USC or LPR even when no marriage
 - More than 2 years have passed since divorce from the abuser
- Battered or Subject to Extreme Cruelty
- Good moral character
- Extreme Hardship to return to the home country
- Three years physical presence in the U.S.
- Not inadmissible

What evidence would you use to prove:

- Battering?
- Extreme cruelty?

Forms of Extreme Cruelty

- Emotional Abuse
- Economic Abuse
- Sexual Abuse
- Coercion
- Deportation threats
- Immigration related abuse
- Intimidation
- Social Isolation
- Degradation
- Possessiveness
- Harming pets

Factors that can constitute extreme cruelty

- Correlate strongly with physical & sexual abuse
 - Isolation
 - Intimidation
 - Economic Abuse
 - Employment Related Abuse
 - Immigration related abuse
- Threats to kill or cause bodily harm
- Threats to harm children or family members
- Threats to take away children
- Threats to take away money

Proof of Extreme Cruelty or Battery

- Self-petitioner's declaration
- Others' declarations (family, neighbors, friends, faith communities, workplace, school)
- Domestic abuse service providers (shelters, crisis lines, support groups)
- Protection orders
- Criminal court records
- E-mails, notes, letters, voicemails
- Photos: injuries, broken windows, furniture
- Med records (injuries, scars, PTSD, migraines, insomnia)
- Vet records
- Counselors (marriage, religious, mental health)
- Police reports

VAWA self-petitioning available

- If case filed within 2 years of marriage termination
- Bigamy
- Child abuse up to age of 25 to file
- Step children up until divorce
- Police report, protection order, medical records NOT required
- *All credible evidence* standard of proof

Approved VAWA petitions

- Protection from deportation and detention
–deferred action status.
- Legal work authorization
- Ability to apply for lawful permanent residency through VAWA

U-VISAS FOR CRIME VICTIMS

Immigrant Crime Victim Visas (“U”)

- Non immigrant visa
- Employment authorization
- Path to permanent residency
- Includes family members
- Can be undocumented or enter without inspection and still apply
- Grant of U-visa terminates any removal case against victim

Crime Victim (“U”) Visa Requirements

- Victim of a qualifying criminal activity
- Has been, is being, or is likely to be helpful
- 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



Criminal activities covered by the “U” visa?

- Rape
- Torture
- Trafficking
- Incest
- Domestic violence
- Sexual assault
- Prostitution
- FGM
- Blackmail
- Extortion
- Manslaughter
- Murder
- Felonious assault
- Witness tampering
- Involuntary servitude
- Slave trade
- Being held hostage
- Kidnapping
- Abduction
- Peonage
- False Imprisonment
- Obstruction of justice
- Perjury
- Attempt, conspiracy or solicitation to commit any of these crimes
- Any similar activity

The U-visa Process

1. Certification
2. Application
3. Approval – Deferred Action
4. U-Visa status 4 years
5. Some will qualify for lawful permanent residence

U-visa Certification: Considerations For Law Enforcement

- Identify the victim
 - Note injuries observed
- Helpfulness of the victim
 - Current or past
 - Willingness to be helpful
- Any family members implicated in the crime
- **Goal: Identification of the crime, the victim and initiation of the process**

Which U-Visa Recipients Can Obtain Lawful Permanent Residence?

- Did not unreasonably refuse to cooperate in the detection, investigation or prosecution of criminal activity; AND
 - Humanitarian need; OR
 - Family unity: OR
 - Public Interest
- Homeland Security review of cooperation and the reasonableness of non-cooperation is required for lawful permanent residency
- After 5 years lawful permanent residency can apply for naturalization

Factors That Harm Victim Access to VAWAs Immigration Protections

- Criminal History
- Purchase/use of false documents
- Immigration/Benefits Fraud
- Other Red Flags

Screening for Red Flags When Attorney Is Essential

- Alcohol abuse
- **Drug trafficking**
- Drug abuse or addiction
- Illegal gambling
- False testimony for immigration purposes
- Penal confinement
- Genocide, torture, killings, violations of religious freedom
- **Child Protective Services intervention**
- Communicable disease
- Physical or mental disorder
- **Any criminal convictions**
- Unlawful voting
 - Polygamy
- Prostitution
- Human trafficking
- \$ laundering
- Terrorist activities
- Espionage
- Communist
- Public charge
- Immigration violation
- Misrepresentation for immigration purposes
- Stowaway
- **“Alien smuggling”**
- Draft evasion
- **Previously deported**
- **Unlawfully present**
- **Unlawful entry**
- International child abduction

Comparison VAWA vs. U-visa

- Abuser spouse, former spouse, parent, 21+ USC child
- Abuser USC or LPR
- Children included
- No cooperation with law enforcement required
- No proof of harm
- Criminal involvement can cut off access to relief
- Qualified immigrant = public benefits
- One year wait for work authorization
- Protection from deportation 1 yr
- Green card after approval if abuser is a citizen or 7 yr wait if abuser LPR
- Abuser anyone
- Any status
- Children included
- Cooperation in detection, investigation or prosecution required
- Substantial physical or emotional abuse
- Crimes can be waived
- PRUCOL less benefits access
- One year wait for work authorization
- If in immigration proceedings case expedited
- Green card after 3 years if can show cooperation + either humanitarian need, public interest or family unity

VAWA CONFIDENTIALITY



VAWA Confidentiality

- DHS barred from making inadmissibility or deportability decisions based solely upon information provided by abusers, including family members of abusers
- DHS cannot disclose VAWA information to anyone (except in limited circumstances)
- Enforcement locational prohibitions

VAWA Confidentiality Protected Immigrants

- Immigrant Victims
 - Subjected to battery or extreme cruelty
 - Subjected to a qualifying U-visa criminal activity
 - Subjected to a severe form of trafficking in persons
- OR Self-petitioners

Prong 1: Relying on Information

- The government cannot gather and/or use information provided solely by an perpetrator or his or her family members to make adverse determination regarding admissibility/ deportability
- The victim does not have to have filed or even qualify to file a VAWA, T or U visa immigration application, just prove that individual is a protected immigrant

Prong 2: Protecting Immigration Files

- Prohibits the Departments of Justice, Homeland Security, or State from disclosing of any information relating to someone who has filed one of the eligible self-petitions, a T or a U visa.
- Disclosure rules extend to everyone, not just crime perpetrator
- Disclosure rules generally bar access by government officials too

Prong 3: Locational Prohibitions

- Enforcement actions are not to be taken at
 - shelters,
 - rape crisis centers,
 - victim services programs,
 - community based organizations,
 - supervised visitation center
 - family justice centers
 - Courthouse protections in connection with any
 - protection order case, child custody case, civil or criminal case involving or related to domestic violence, sexual assault, trafficking, stalking

Collaborations That Work Effectively to Help Immigrant Victims

What kinds of collaborative relations will you need to develop to best help immigrant sexual assault, domestic violence and trafficking victims?

Preventative Strategies

- Advise victim and whomever victims interact with to know that such protections exist
- Train personnel who work at prohibited locations
- Work with DHS and local law enforcement to screen out, prevent and not pursue actions against victims

Preventative Strategies, Cont.

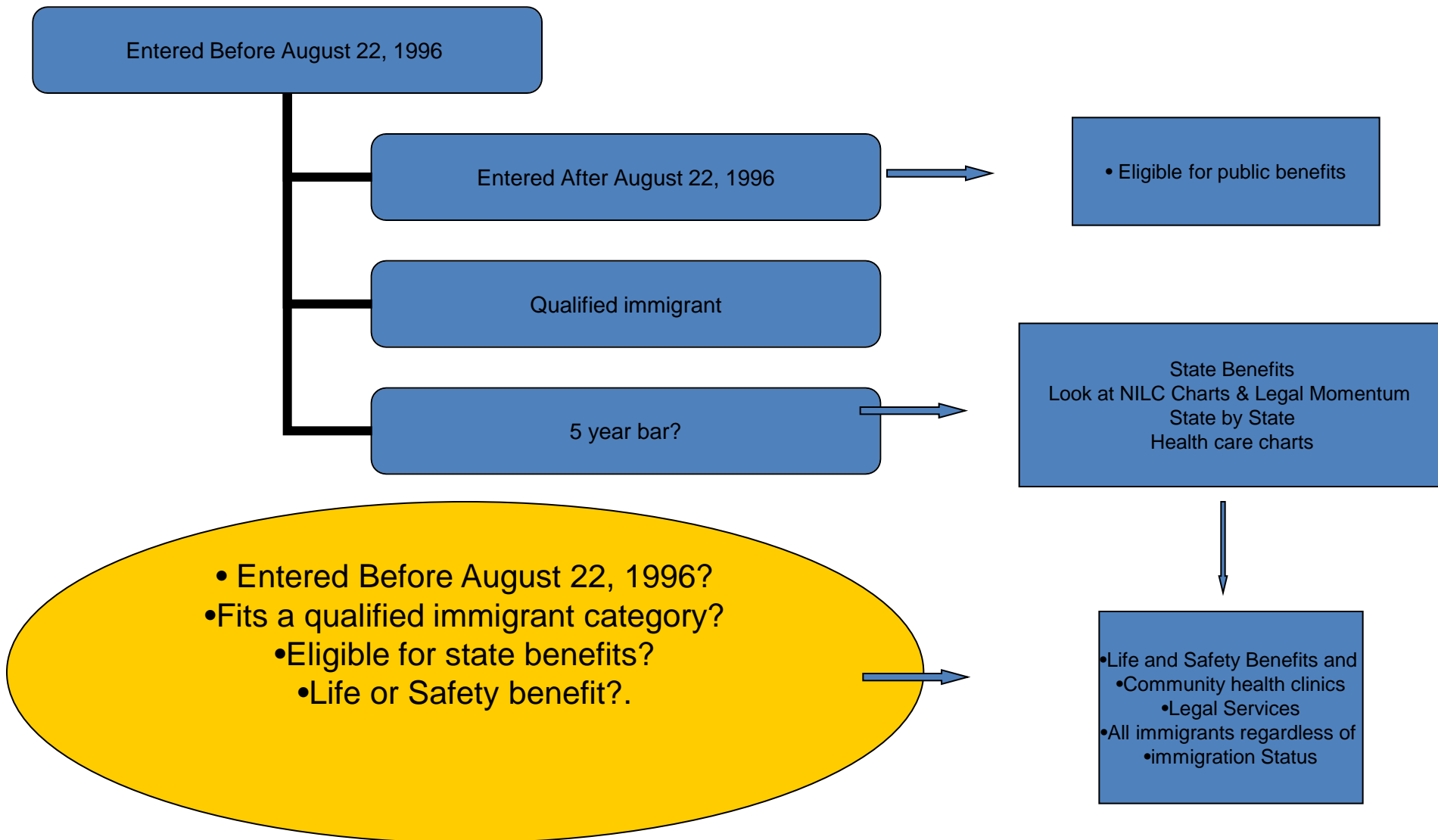
- File skeletal immigration applications
- Provide victims with proof of filed VAWA, T or U case
- Object to discovery of information contained in or about the immigration case in family court proceedings

Public Benefits Options For Immigrant Victims in California

Potential Barriers

- Immigrant benefit categories;
- Language access barriers;
- Verification barriers;
- Fear of Deportation;
- Benefits agency officials with incorrect information
- Pride – Not wanting to depend on the welfare system

How to determine whether an immigrant is eligible for public benefits



Public Benefits in Pennsylvania

- PRUCOL – Persons residing under color of law receive state funded:
 - Medicaid
 - TANF
- SCHIP –
 - PRUCOL or
 - Qualified immigrant – no 5 year bar for children



Immigrant Benefit Classifications created by 1996 Welfare Law

- Citizens
- Qualified Immigrants
 - Entering US before Aug. 22, 1996
 - Entering US on or after Aug. 22, 1996 must fit into category
- Not Qualified Immigrants
- Prucol (Permanently Residing Under Color of Law)
 - Check state law for continued relevance
 - NILC charts
- Undocumented Immigrants

Qualified Immigrants

- Lawful Permanent Resident (LPR)
- Refugee, Asylee, Withholding of Deportation/ Removal, Conditional Entrant status
- Paroled into U.S. for at least 1 Year
- Cuban/Haitian Entrant
- Amerasians
- Veterans of certain US military Action
- Battered Spouse and Battered Children
- Child of Battered Spouse
- Victim of a severe form of trafficking

Federal Means-Tested Public Benefits Programs

- TANF (5 yr bar post 8/22/96)
- Medicaid (5 yr bar post 8/22/96)
- SCHIP qualified immigrant children no bar (ICHEA)
- Food Stamps (very restricted except qualified immigrant children under 18)
- SSI (most restrictive)

Other Federal Public Benefits/Community Programs Open to Qualified Immigrants

- Subsidized Housing Programs
- Public and Assisted Housing
- Social Security
- Head Start
- Post-Secondary Education
- Social Services Block Grant Funded Programs

Protection Orders and Other Family Court Options for Immigrant Victims

Immigration Status and Immigrants in Family Court

- Name the various ways immigration status and being an immigrant can play out in family law court.

Intersections in Family Law Court

- Immigrant Access to family court
 - Jurisdiction
 - VAWA confidentiality and DHS
 - Language and cultural barriers
- Civil Protection orders
 - Creative remedies for immigrants
 - Immigration consequence of violating protection orders

Impact of Divorce On:

- VAWA self-petitioners
 - Must file within two years of final divorce
 - Bigamy/innocent spouse not a bar
- Spouses and children of:
 - Students
 - Persons with legal work visas
 - Diplomats
- Spouses/children of people seeking lawful permanent residency
 - Employment based
 - Asylees
 - Family based
 - Cancellation of removal applicants

Issues With Annulment

- VAWA self-petitioning
 - Must file within two years of annulment judgment
 - Does not matter who files
- Impact on
 - Spousal support
 - Property division
- Annulment can lead to immigration marriage fraud finding that
 - Permanently bars approval of any visa petition
 - Ground of Deportation

Intersections in Family Law Court

- Creative protection orders
 - immigration specific remedies
- Violation of protection order deportable offense
- Abusers raise immigration status to win custody
- Detention and termination of parental rights for immigrant victims

Abuser's Raising Immigration Status of Non-abusive Immigrant Parent in Custody Proceedings

- Overcome laws prohibiting awarding child custody to abusers
- Argue benefits of citizenship
- Highlight ability to financially support child
- Driver's license and ability to care for child
 - CA must be legally present
- Abusers will try to use discovery in the family law case to obtain information about VAWA immigration case
 - Hawke v. U.S.
 - Legal Momentum's tool kit for family lawyers

Effect of Increased Immigration Enforcement on Immigrant Mothers

- **Case Examples**
- **Maria Luis, Nebraska**
- **Encarnacion, Missouri**

Immigrant Parents' Constitutional Right to Custody of Their Children

- Constitution right to custody absent finding of unfitness
- Overriding presumption that parent child relationship is constitutionally protected and
- In child's best interest to stay with/be reunited with their parent
- Applies to all families without regard to
 - Immigration status; and
 - Whether or not the parent is
 - In immigration detention or deported
- Child's best interests not comparison of natural vs. adoptive parent's
 - cultures, countries, or financial means

Lessons Learned From the Maria Luis Case

- Due Process: Court documents and proceedings in immigrant parents' native languages
- Improper for Court to weigh where children "better off"
- Consular Notification, Consular Notification, Consular Notification!!!
- Preventive Measure: Execute Power of Attorney

Safety Planning and Action Steps for Immigrant Mothers

- Understand and intervene early in child welfare system
- Developing plan to ensure care of children if detained
- Power of Attorney appointing guardianship
- Timing of immigration and family court cases
- Documentation victim can carry with her
 - Evidence that immigration case has been filed
 - Civil protection order

Solutions Review

- Advocacy for victims in all immigration enforcement actions
- Prevents unnecessary child welfare system involvement
- Execute power of attorney
- Carry information about immigration filings
- Client must tell DHS that she is a primary caretaker of children
- Give client phone number of her government's consular office
- Increased collaboration among immigration and family attorneys, consulates, community-based organizations, and service providers
- Build relationships with child welfare staff and immigration enforcement personnel.

Immigrant Women and Comprehensive Immigration Reform

Legalization will help immigrant women

- Win custody of their children
- Stops separation of children from their
 - primary caretaker immigrant mothers
- Promotes healthier outcomes for children
- Research among a particularly vulnerable population of immigrant mothers (battered immigrant women) found
 - When immigrant victims get help including legal immigration status
 - The likelihood mother's abuser would also abuse the children dropped from 77% to 23%

Legalization helps immigrant women

- Counter court orders that mothers learn English before
 - Being awarded custody
 - The court will return children taken by child protective services
- Who are subjected to DHS enforcement at and outside courthouses
- Receive protection orders by stopping judges who
 - Refuse to issue protection orders to immigrant victims
 - Threaten to turn undocumented victims over to DHS when they came to court seeking protection orders

Comprehensive Immigration Reform Will Benefit Immigrant Women By

- Promoting family reunification
 - Reducing family visa back logs
- Ensure that legalization & immigration fee structures are designed to enable all members of the family to attain legal immigration status
- Promote women's economic security by protecting immigrant women workers rights
- Provide portable work authorization

Comprehensive Immigration Reform Will Benefit Immigrant Women By

- Enhancing access to a fair justice system for all immigrants
 - Language access
 - Unrestricted access to legal services
- Providing access to federal and state funded public safety net benefits for lawfully present immigrants
 - End the 5 year bar
- Expanding access to protection & services for immigrant victims
 - Screening all immigrants subject to enforcement actions for victimization and humanitarian release eligibility
 - Providing early access to work authorization and protection from deportation

Comprehensive Immigration Reform Will Benefit Immigrant Women By

- Ending immigration enforcement practices
 - Separate immigrant mothers from their children
 - Humane Enforcement and Legal Protections for Separated Children Act (HELP)
 - Serving as a potent tool for crime perpetrators
- Enhancing personal and economic security and autonomy by expanding access to immigration status
 - Based on an immigrant women's own work
 - For immigrant children who graduate high school and attend college (DREAM Act)

Immigrant Women and Girls Need Passage of the DREAM Act

- Lawful permanent residency for 57,000 immigrant women
 - Age 18 or older who graduated U.S. high schools and
 - Completed an associates or higher degree from a US college
- 268,000 young immigrant women (18-34)
 - With high school diploma or GED
 - Could obtain conditional legal residency in the US by
 - Enrolling and remaining in good standing in college or
 - Joining the US armed services
- Will encourage greater numbers of the 468,000 undocumented girls currently enrolled in US schools to graduate high school
 - 22% of Latino youth drop out of high school

DREAM

- Each year approximately 65,000 undocumented immigrant children become US high school graduates
- Without legal status and educational opportunities immigrant children have to work in the informal economy
 - Doing hourly low pay work, without benefits
 - Earn less – median income for immigrant women is
 - \$16,562 lower than for U.S. born men
 - Work in jobs that can have significant health and safety problems
 - Are vulnerable to exploitation and sexual violence
- 86% of Latino parents want their children to attend college
- 1/3 of children in Latino families who qualify cannot attend college

International Violence Against Women Act

The International Violence Against Women Act (I-VAWA) (S.2982, HR. 4594) Will If Passed:

- Increase U.S. government efforts to stop the global crisis of violence against women and girls
- Place women at the center of U.S. foreign policy
- Support measures to prevent violence, protect survivors and bring perpetrators to justice
- Promote best practices for preventing and responding to violence against women during
 - times of peace and
 - times of conflict
- Support new efforts to change social norms that support or condone violence

I-VAWA Would

- Create 5-year comprehensive strategy and funding to
 - Prevent & respond to violence against women
 - In 10-20 poor to middle income countries
 - With high rates of violence against women
- Expand ability of the U.S. to raise gender-based violence issues with foreign governments
 - as part of its diplomatic relations
- Requires the U.S. to develop a faster and more effective response to violence against women during
 - armed conflicts and humanitarian emergencies

I-VAWA Would--

- Provides funding that will lead U.S. foreign assistance programs to support overseas groups
 - women's, health, legal, economic, social, & humanitarian
 - That incorporate stopping violence against women into their work
- Encourage investment in women to
 - alleviate poverty & increase the effectiveness of foreign aid
- Mandate that Senior Dept of State and USAID officials assert leadership, are accountable and coordinate the US role in prevention/response to violence against women

What you can do.

- Take action on line:
 - takeaction.amnestyusa.org
 - Follow links to I-VAWA
- Write an I-VAWA editorial/letter to the editor/blog post
 - Sample available at
 - endabuse.org
- Organize a call in or letter writing campaign to either
 - Urge your Senator/Representative to sign on as a co-sponsor
 - Thank you Senator/Representative for co-sponsoring I-VAWA
 - List of co-sponsors at: govtrack.us/congress

The Violence Against Women Act of 2011 Priorities and Possibilities

National Network VAWA IV

Selected Priorities Include

- Make U-Visa certification primary evidence NOT mandate
- Early access to work authorization
- Expand access to federal public benefits for victims
 - U-visa victims
 - End 5 year bar
- Improved protections against deportation
 - Red Flag system for VAWA, T and U victims cases
 - Reinstatement of removal not apply to VAWA/T/U
- Expand inadmissibility waivers for VAWA self-petitioners
- Expand list of U-visa crimes
 - e.g. stalking, child abuse, child exploitation, child labor exploitation, child endangerment, elder abuse and exploitation, sexual harassment

National Network VAWA IV Selected Priorities

- Any state or local police who get involved in immigration enforcement subject to VAWA confidentiality
- Improved protections/options for immigrant children
- Recapture of U-visas lost due to DHS regulations delay
- Death of the abuser or the victim will not cut off VAWA, T or U-visa eligibility
- Divorce of parent not cut off child from VAWA self-petition
- Improved access to gender-based asylum
- Enforcement of language access re: governmental agencies

VAWA VI Priorities

- Funding priorities when police/prosecutor/court is
 - Certifying in U and T visa cases
 - Providing language access
- Open VOCA in all states to non-citizens
- Expanding grant programs that can fund legal assistance
- Improved access to transitional housing
- Encouraging more government funding for research on
 - Violence against women including domestic violence, sexual assault, trafficking, stalking, dating violence and elder abuse
 - Underserved victims, including immigrant victims
- HELP Separated Children Act
- Uniting American Families Act

For further assistance

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