

## What Works for Immigrant Survivors: Building Collaboration with Law Enforcement, U-Visa Certification and Family Court Emerging Issues

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Atlanta, Georgia

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## Housekeeping

- Overview of Training
  - Track #1: "Community Safety and Legal Relief for Immigrant Survivors: A Collaborative Response"
  - Track #2: "Emerging Issues in Family Court for Immigrant Survivors"
- Review Agenda
- Go over materials in packet

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## Faculty Introductions

**Leslye Orloff**, National Immigrant Women's Advocacy Project (NIWAP)  
**Rocio Molina**, National Immigrant Women's Advocacy Project (NIWAP)  
**Officer Michael LaRiviere**, Salem Police Department  
**Sargent Antonio Flores**, San Francisco Police Department  
**Soraya Fata**, Consultant with National Immigrant Women's Advocacy Project (NIWAP)  
**Maria Jose Fletcher**, VIDA Legal Assistance, Inc.,  
**Mercedes Lorduy**, VIDA Legal Assistance, Inc.  
**Vivianna Stubbe**, VIDA Legal Assistance, Inc.

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## Participant Introductions



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## Icebreaker activity: Identifying Collaborating Partners

1. Move around the room and locate a participant with the last name starting with the same letter as yours
2. Find the name of a person in the role listed that they work with most closely.



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## IMMIGRANT DEMOGRAPHICS

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## U.S. Immigrant Demographics

- **Immigrant:** defined as someone born outside the U.S. (and is not a U.S. citizen)
- 35.7 million immigrants in U.S.
- 55% increase over 1990
- Today 25% of U.S. population are immigrants or children of immigrants

From Michael Fix & Jeffrey S. Passel, The Urban Inst., *Immigration and Immigrants: Setting the Record Straight* 39-40, at <http://www.urban.org/publications/305184.html> (last visited November 9, 2012).

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## Immigrant Demographics

- 80% of immigrants are living in the U.S. legally
- 1/3 of foreign-born populations are naturalized U.S. citizens
- 1/3 of permanent residents were at one time undocumented

From Michael Fix & Jeffrey S. Passel, The Urban Inst., *Immigration and Immigrants: Setting the Record Straight* 39-40, at <http://www.urban.org/publications/305184.html> (last visited November 9, 2012).

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## Children in Immigrant Families

- 85% of immigrant families are "mixed status" (including at least 1 U.S. citizen, often a child)
- 1 in 5 children is the child of an immigrant
- 18% (5 and older) speak a language other than English at home

From Michael Fix & Jeffrey S. Passel, The Urban Inst., *Immigration and Immigrants: Setting the Record Straight* 39-40, at <http://www.urban.org/publications/305184.html> (last visited November 9, 2012).

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## DYNAMICS OF DOMESTIC VIOLENCE EXPERIENCED BY BATTERED IMMIGRANTS AND THEIR CHILDREN

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## Connection Between Abuse and Control Over Immigration Status

- Abuse rates among immigrant women
- Lifetime as high as 49.8%
- Those married to citizens and lawful permanent residents – 50.8%
- U.S. citizen spouse/ former spouse abuse rate rises to 59.5%
- Almost three times the national average

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## Immigration Related Abuse

- Refusal to file immigration papers for spouse/child/parent's behalf
- Threats or taking steps to withdraw an immigration case filed on the victim's behalf
  - Family or work based visas
- Forcing victim to work with false documents
- Threats/attempts to have victims deported
- Calls to DHS to turn her in – have her case denied



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## Sexual Assault Among Immigrant Women

- Immigrant women are particularly vulnerable to recurrent sexual assault
- School aged immigrant girls are twice as likely to have suffered **sexual assault** as their non-immigrant peers
- Increased vulnerability may stem from
  - Increased isolation
  - Break-up & restructuring of families during immigration process
  - Younger immigrant girls being actively targeted by sexual assault perpetrators who see them as **legally and socially vulnerable**



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## Immigration 101 and Immigrant Crime Victims



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## Key Terms

- **LPR**: Legal Permanent Resident
- **USC**: United States Citizen
- **DHS**: Department of Homeland Security
- **ICE**: Immigration and Customs Enforcement
- **TA** : Technical Assistance



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

- > **Blue**: a visa
- > **Pink**: a green card (lawful permanent residency)
- > **Green**: either



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The most common way to get lawful permanent residency is:

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



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Who, of the following, would qualify for a work visa:

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


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An undocumented person is a criminal when:

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

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Case Study: The Significance of Collaboration



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Small group activity

- Who are all the Players in the Case Study?



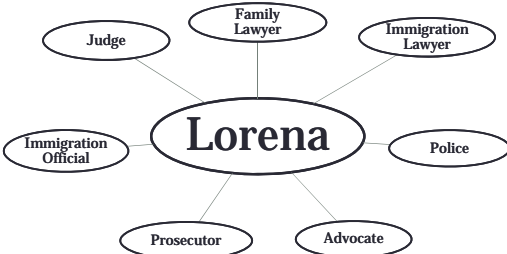
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Players Report Back

- Large group facilitated report back and discussion

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Players in Case



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## What are the Players Roles ?

- Small group activity: Each of the groups will be assigned the role of one player who could collaborate in assisting Lorena
  - What is the role of that player
  - What is the goal they would like to accomplish
  - What is Lorena's role/relationship with the player?



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## Role of Police

- Apprehension of criminals
- Prevention and detection of crime
- Maintenance of public order
- **Victim** safety

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## Role of Advocate

- Safety plan with the **survivors**
- Reach out to the survivor to provide information about her rights and options
- Help survivors navigate the complicated legal process
- Work with other players to provide services to survivors

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## Role of Prosecutor

- Reviews the information received from law enforcement to determine whether a charge should be issued and what that charge should be
- Represent the government/state (the community's best interest) to present a case, and to seek a just outcome

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## Role of Family Law Attorney

- Advising **clients** on legal options
- Ensuring that clients understand which options are in their best interest
- Attend court proceedings to represent clients best interest
- Obtain a fair divorce/custody/child support order

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## Role of Immigration Lawyer

- To advise **noncitizens clients** about immigration remedies available to them if any
- Present an application with the proper evidence before DHS
- Or represent the noncitizen client's before immigration officials

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## Role of Family Court Judge

- Ensure **both parties** follow the rules of procedure
- Make orders according to the state family code—usually an equitable distribution
- Ensure agreements are made knowingly and willingly
- Ensure a fair trial for both parties
- Oversee that orders are consistent with the best interest of the child

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## Victim Witness Advocate

- To provide **crime victims and witnesses** with a liaison to help them through the prosecution of the crime
- Assist victims with understanding and exercising their rights, finding referrals for victim support services and providing information about the case process

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## Role of Immigration Officials

- Enforce immigration laws and secure our borders
- Protect **foreign nationals** who are **victims** of crime, domestic violence, human trafficking or seeking refuge in the U.S.

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## What roles are given to the survivor in this case?

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## Role of the Survivor

- Victim
- Witness
- Client
- Noncitizen
- Petitioner/Respondent
- Foreign national
- \* Survivor
- \* Mother

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## How do the goals of different disciplines fit together?

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## Mission Statement Exercise

- Participants have brought with them the mission statement from their organizations
- Participants are provided copies of law enforcement mission statements from their jurisdiction



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## Mission Statement Activity

- Participants will work at their tables to identify commonalities between their agencies' mission statements and law enforcement mission statements.
- Each commonality identified by the group will be written on puzzle pieces provided



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## Questions

The next sessions, will begin at 10:45 a.m.

- Track I: "Keeping Communities Safe: Ensuring Immigrant Survivors of Crime have Access to VAWA/ U Visa"
- Track II: "Basic Immigration Relief"



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