

NIWAP Newsletter

Sept. 17, 2018



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Webinars

"Using Civil Protection Orders to Prevent Forced Marriages" Webinar on September 20, 2018 from 3-4 p.m. EST

Date: Thursday, September 20, 2018

Time: 3-4 p.m. EST

This webinar was presented by Lisa V. Martin, Assistant Professor at University of South Carolina's School of Law. Professor Martin is the author of "Restraining Forced Marriages," the first report to undertake a detailed evaluation of the viability of civil protection orders to address forced marriage in the United States.

Drawing on her research, Professor Martin covered the following topics during this webinar:

- Background on the dynamics of forced marriage cases;
- Guidance for pursuing protection orders in forced marriage cases under current statebased legal regimes;
- Essential considerations when working with immigrant survivors; and
- Advocacy opportunities and expert guidance for how to make protection orders more accessible and effective for individuals facing forced marriage.

To access the information discussed and resources used in this past webinar, click [here](#).

Casa de Esperanza Sponsored Webinars on October 15 and October 22 from 1-2:30 pm EST.

Casa de Esperanza sponsored two webinars that were presented by NIWAP staff.

Webinar: Judges' Roles in Cases of Immigrant Domestic and Sexual Violence Survivors"

Date: October 15 from 1-2:30 PM EST.

Topic: This webinar discussed important issues that arise in family court cases involving immigrant survivors of domestic violence, sexual assault, and stalking and their children. The range of issues that perpetrators raise in custody cases involving battered immigrant parents were addressed with particular emphasis providing legally correct information that counter's misinformation perpetrators provide about immigration law, status and relevance in domestic violence custody proceedings. A discussion of U visa certification by judges covered the range of family, civil and criminal court cases in which immigrant victims have turned to the courts for help providing information and criminal activities they have suffered in court documents and proceedings. Additionally, this webinar discussed how immigrant youth who are victims of domestic or sexual violence or who are children of battered immigrants qualify for Special Immigrant Juvenile States and the state court findings that must be obtained before the application for immigration relief can be filed.

To access the information discussed and resources used for this past webinar, [click here](#).

Webinar: "Protections for Immigrant Survivors of Domestic and Sexual Violence Under Violence Against Women Act Confidentiality Protections"

Date: October 22 from 1-2:30 PM EST.

Topic: This webinar discussed the protections offered immigrant victims of domestic violence, sexual assault and stalking under Violence Against Women Act (VAWA) confidentiality laws and their effect on best practices for victim advocacy, legal representation, and safety planning. Participants learned about VAWA confidentiality's:

- 1) Protections against deportation,
- 2) Prohibitions that prevent immigration officials from relying on perpetrator provided information to harm victims
- 3) Immigration case confidentiality rules that limit discovery of information about the existence of, action taken in and the contents of VAWA confidentiality protected immigration case filings; and
- 4) Protected locations at which immigration enforcement against immigrant victims cannot occur except in very limited circumstances with high level supervisory approval.

This webinar also discussed the additional protections available to immigrant victims under Immigration and Customs Enforcement policies limiting immigration enforcement at courthouses and sensitive locations.

To access the information discussed and resources used for this past webinar, [click here](#).

New Fact Sheet Reports and Research Briefs

View NIWAP's Fact Sheet Discussing How The 2018 Gender-Based Asylum Policies Do Not Affect Survivors' Access To VAWA, T and U Visa and SIJS Immigration Remedies

NIWAP has released a Fact Sheet to address the confusion that has arisen in the legal and victim advocacy communities following the issuance of a precedential decision by the U.S. Attorney General in *Matter of A-B-*, 27 I&N Dec. 316 (AG 2018) which narrows the likelihood of being granted asylum victims who experienced domestic violence perpetrated against them outside of the United States who are seeking asylum in the United States.

This decision does not affect, alter or limit the ability of adult and child victims of domestic violence perpetrated in the United States to obtain immigration relief through any of the following immigration programs:

- Violence Against Women Act (VAWA) self-petition;
- VAWA cancellation of removal or suspension of deportation;
- Battered spouse waiver;
- U visa;
- T visa;
- Special Immigrant Juvenile Status (SIJS); or
- Work authorization for abused spouses of work visa holders.

For more information about what this decision means, [download the fact sheet from NIWAP's web library](#).

New Practices Advisory on Special Immigrant Juvenile Status Applications Published

The Immigration Legal Resource Center recently published a helpful Practice Advisory on "Risk of Applying for Special Immigrant Juvenile Status in Affirmative Cases" due to the recently updated USCIS guidance on when it will refer a person to Immigration & Customs Enforcement (ICE) or issue a Notice to Appear (NTA, the charging document that begins a case in immigration court). This Practice Advisory includes information that is very useful for attorneys representing immigrant children applying for SIJS. It also contains information based on current USCIS decisions in SIJS cases that provide important direction to judges about how the level of detail and the information that USCIS is seeking in state court SIJS findings and court orders.

A copy of the ILRC Practice Advisory and additional supporting information from NIWAP for Attorneys, Advocates, and Judges that augments the information provided in the Practice Advisory is available [here](#).

New Report on Unaccompanied Minors: *Vulnerable But Not Broken: Psychosocial Challenges and Resilience Pathways among Unaccompanied Children from Central America*

NIWAP wants to make you aware of and seek your assistance in distributing widely a new report that provides courts, attorneys, advocates, prosecutors, law enforcement, psychologists, social workers, teachers and health care professionals with important information on the mental health, development and resiliency of children who have

immigrated to the United States. This report was developed by a group of psychologists with expertise and experience working with immigrant children. The report provides an overview on the many issues facing unaccompanied children from Central America who have been apprehended at the Southwest border of the United States.

The research findings and clinical expertise discussed in the article is also very relevant for judges, attorneys, advocates and other professionals working who encounter and work with immigrant children in their work, including those who immigrated with parents or other family member.

The document highlights children's resiliency regardless of challenging trauma histories and their ability to adapt to changes in familial and social environments. It also explores key resources that assist these immigrant children including unaccompanied minors. The psychosocial aspects of immigration are reviewed, outlining priority areas for future research and providing recommendations for culturally and developmentally informed practice, programs, legal representation, and will be helpful information for judges issuing decisions in cases involving immigrant children.

Please help us spread this document and this useful information!

To view the report, [click here](#).

The Center on Immigration and Child Welfare has Released Two New Reports on the Impacts of Detention and Incarceration

Two new Research Briefs were published September 12, 2018 that by The Center on Immigration and Child Welfare authored by teams of expert researchers and scholars that will be very useful to courts, attorneys, victim advocates, and mental health care providers working with immigrant children, crime victims and families. The Research Briefs discuss the negative impact of parental detention on children and the impact on children and their parents. The reports are:

- “The Impacts of Parental Incarceration on Children and Families” and
- “How Do Immigrant Children and Families Experience Detention.”

The Research Briefs are [available here](#).

It is important to note that the findings of these research briefs are consistent with many of the findings and recommendations made to Immigration and Customs Enforcement on Family Detention by the [ICE Advisory Committee on Family Residential Centers in October of 2016](#) which provides important findings and recommendations about the impact of family detention on children and their parents.

NIWAP Can Bring A Training to Your State or Local Jurisdiction in 2019 and 2020

NIWAP is reaching out to Office of Violence Against Women (OVW) and STOP grantees and potential grantees who may be interested in having NIWAP come to offer a training hosted by your agency and other local agencies you partner with. The training would be on legal protections for immigrant victims of domestic violence, sexual assault, stalking and dating violence. Training attendees could include police, prosecutors, victim advocates and attorneys want to learn more about best practices for working with immigrant domestic and sexual violence victims. Topics could include immigrant survivors legal rights in custody, protection order, divorce, immigration, public benefits and language access matters and the

full range of assistance and support immigrant survivors are eligible to receive. All faculty will be national experts who are family court judges, law enforcement officers, prosecutors, victim advocates and lawyers with extensive experience in their work with immigrant survivors. A full list of topics we can cover is available [here](#).

If you would like to be sure to receive information about how NIWAP could bring this important training to your state please contact NIWAP at (202) 274-4457, at info@NIWAP.org. It is also helpful to complete one of the forms listed below which help us expedite your request for a training in your state, region or community.

Victim Advocates, Attorneys or Multi-Disciplinary Audience:

Statement of Interest Form: for NIWAP offering an in-person training and technical assistance to your community, state or region for victim advocates, attorneys (family, immigration, benefits), justice system personnel or a multi-disciplinary audience.

<https://www.surveymonkey.com/r/training-form>

Training for Staff From Law Enforcement and Prosecution Agencies

Statement of Interest Form: for offering an in-person training and technical assistance to law enforcement officers, prosecutors and the victim witness staff working in law enforcement and prosecution agencies to your state, region or community

<https://www.surveymonkey.com/r/JY2STBF>

Check Out the New NIWAP.org

This summer, NIWAP went through the process of redesigning our website to improve the look and make it more user-friendly. Check out our brand new design [here!](#)

NATIONAL IMMIGRANT WOMEN'S ADVOCACY PROJECT

CALL (202) 274-4457 EMAIL [INFO@NIWAP.ORG](mailto:info@NIWAP.org) ACCESS OUR [WEB LIBRARY](#)