



#### Community of Practice for Family Law Attorneys Representing Immigrant Survivors

VAWA Confidentiality
Question and Answer Session

February 25, 2025



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The following slides are intended to be a guide to lead our discussion on this topic and to provide substantive material for your future reference.





#### NIWAP Community of Practice Team



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# Notification of That Victim Has VAWA Confidentiality Protections

- Does this mean that client vicitms of a domestic violence or sexual assault organization could carry around a letter from their advocate/attorney to protect against deportation?
- Is there a template we can use for the letter we provide our clients that cites VAWA confidentiality and the 2019 DHS directive?

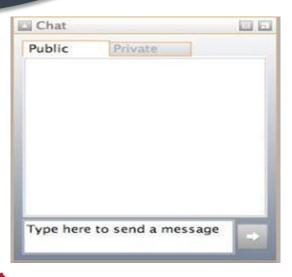


## Extent of VAWA Confidentiality Protections

- Does VAWA confidentiality extend to the VAWA Unit sharing information about a victims with ICE?
- If DHS officers are supposed to be checking a system to determine if a victim is protected from enforcement action, would local authorities participating in the 287(g) program also have access to that system?







## VAWA Confidentiality Protected Locations

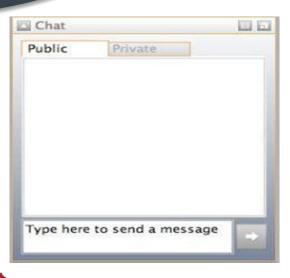
- Are these protected locations or sensitive locations and does the terminology matter?
- What about a victim unit within a larger community-based organization?
- How does main VAWA confidentiality 34 U.S.C. Section 12291(b)(2) offer protections that can help?

#### **Protected Locations**

- How does ICE know if an organization is providing victims services in a way that would make it a sensitive location?
- Is there suggested language/a template sign that can be put up to make that clear?



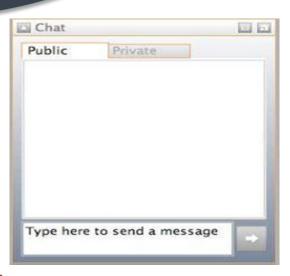




#### Sensitive Locations

- Are religious locations such as churches still sensitive locations?
- Are sensitive locations also listed in the memo or policy?





## VAWA Confidentiality and Courthouses

- How about outside courthouses?
  - Where ICE has been standing recently
- Is there a role family lawyers and victim advocates can play to make courthouses safer for victims?







# Can Victims Safely Pursue Legal Immigration Options

• Is a victim of crime who has a previous order of removal at risk of reinstatement and deportation if they submit a U visa?







#### **Technical Assistance and Materials**

- NIWAP Technical Assistance:
  - Call (202) 274-4457
  - E-mail <u>info@niwap.org</u>
  - Web Library:www.niwaplibrary.wcl.american.edu
  - Directory
    - https://niwaplibrary.wcl.american.edu/home/dire ctory-programs-serving-immigrant-victims/
- Materials for this COP:
  - https://niwaplibrary.wcl.american.edu/family-lawcop-materials-repository/



### Next Community of Practice Call

- Tuesday, March 25<sup>th</sup>, 2025
  - Topic: Service of Process
- Calls are on last the Tuesday of every month





### Thank you!

