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VOICES

Effective Advocacy for Immigrant Victims in Difficult Times: Lessons from the Past

By Leslye E. Orloff

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When I first started practicing law in 1983, I was the only Spanish-speaking lawyer in the District of Columbia who knew what a protection order was. I had just completed a clerkship with Judge Gladys Kessler, who, as presiding judge of the Family Division, had set up D.C.'s first specialized court issuing protection orders to domestic violence victims. Her work inspired me to spend the next 17 years representing immigrant victims of domestic and sexual violence and child abuse. This included developing close working relationships with local police to help secure police assistance for my Spanish-speaking clients before D.C. provided 911 services in languages other than English.

During my 15 years leading the family law program at D.C.-based Ayuda, we provided holistic legal services for immigrant victims of family violence using all of the laws available to us at the time. I went to trial and won more than 800 family law cases. We helped clients who had no options for immigration relief because crime victim immigration protections were not created until the 1990 battered spouse waiver, the 1994 Violence Against Women Act (VAWA) self-petition, and the U visa in 2000.

Despite this, the vast majority of my battered immigrant clients left their abusers, secured safety, and rebuilt their lives with their children. Many of their children ultimately went to college.

Advocates and lawyers who worked with immigrant victims saw that abusers' control over victims' immigration status and threats of deportation caused victims to stay in abusive homes and relationships longer. We worked with Congress to pass immigration laws giving immigrant crime victims confidential paths to legal immigration status that survivors could file. I co-led this advocacy from 1990 to 2012, which resulted in creation of the VAWA self-petition, U visa, T visa and access to legal services, VAWA confidentiality protections against deportation, and increases in access to public benefits for some immigrant victims. These laws have improved legal options and safety for immigrant victims and their children and have significantly increased access to justice in family and criminal court cases.

In times of increased immigration enforcement and anti-immigrant sentiment, perpetrators can use deportation threats and misinformation about immigration laws to trap immigrant victims in abusive spaces. When victims choose not to file an immigration case, it is extremely important that lawyers and advocates help them access all of the other legal and social services options available—the ones we used to aid immigrant victims in the pre-VAWA and pre-U visa years.

As we undertake work helping immigrant victims in 2019 and beyond, we need to nurture and grow relationships we have developed with law enforcement officials, prosecutors, judges, and courts in the years since VAWA became law. In my years at Ayuda, more than a third of my clients were brought to me by local police officers. Since the U visa became law in 2000, we have been building relationships with law enforcement officers on U visa certification, training, and community policing efforts. These relationships allow state and local law enforcement officials to intervene with federal immigration officials, improving criminal investigations and prosecutions. The result? Lives are saved, and safety is improved for our clients and our communities.

As I consider the role lawyers and advocates must play to help immigrant victims of domestic and sexual violence in difficult anti-immigrant times, I remain hopeful. We need lawyers and advocates with the courage, creativity, and optimism to meet immigrant victims where they are; lawyers willing to offer legal options to both victims who stay with abusers as well as victims who leave, whether or not the victim is currently willing to pursue immigration relief. We have to be the light. We cannot and must not let our own views about current immigration policies undermine our ability to help those in need.

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