

How NIWAP's Training and Technical Assistance Can Support Your Work with Immigrant Crime Victim Survivors



Rocio Molina
Deputy Director
National Immigrant Women's
Advocacy Project, American
University Washington College
of Law



Michael La Riviere
Investigator
Salem, MA Police
Department

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Learning Objectives

By the end of this section you will be better able to:

- Be familiar with NIWAP's technical assistance project and the resources and support tools available to strengthen your work
- Understand immigration options exist for non-citizen crime victims that can improve victim participation in the criminal justice system by enhancing safety and security while minimizing barriers, fears, and misconceptions.
- Identify the wide range of issues that impact immigrant crime victims and various ways to easily access our training and technical assistance

Who We Are

- The National Immigrant Women's Advocacy Project (NIWAP) at American University Washington College of Law
- Provide technical assistance, training and advocacy that promotes the implementation and use of:
 - laws, policies, and practices to improve legal rights, services, and assistance for immigrant victims of domestic violence, sexual assault, stalking, human trafficking, child abuse and other crimes.



Poll: Let's see who is with us

Please check the box that best describes you:

- A. Law Enforcement
- B. Prosecutor
- C. Victim Advocate with Law Enforcement
- D. Victim/Witness Advocate with Prosecutors Office
- E. Other – type in the chat



Who We Provide Technical Assistance To

- Local, State, Federal law enforcement, prosecutors, victim advocates, judges, attorneys and other professionals.
- NIWAP supports professionals in the field working with immigrant crime victims so that they are more effective in helping more victims access all the help for which victims and their children are legally eligible.



How NIWAP Can Support You

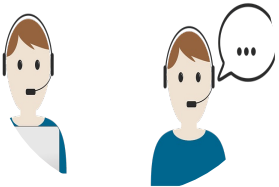


Training and Virtual Training: Develop curricula for in-person and web-based learning designed to meet your specific needs



Resource Hub: Wide range of accessible tools and publications designed to strengthen your response and best practices for serving noncitizen victims using a trauma-informed approach

SUPPORT



Technical Assistance: Consultations with subject matter experts to answer case-specific inquiries, discuss safety planning, develop strategies and policies, and provide case law, legal and evidence based research in support of your work with immigrant survivors

Types of Technical Assistance

- Case consultations
- Training materials, practice tools, legal research, motions, briefs
- In-person trainings and webinars
- 24/7 web library and training videos
- Help developing policies/protocols
- Strategies for removing systemic barriers
- Communities of Practice and Roundtables
- Immigration support for
 - VAWA self-petitions, U and T visa, SIJS, Battered spouse waivers, and Naturalization for Survivors

NIWAP Topics

- Immigrant crime dynamics
- Victim-based immigration relief
- U visa certification/ T visa declaration
- VAWA confidentiality
- Language access
- Prosecution strategies – Discovery, Victim Disclosures, and Expert Witness
- Relationship building with immigrant communities
- Public benefit access to for noncitizen crime victims
- Providing trauma informed support

Demographics

<https://niwaplibrary.wcl.american.edu/demographics>

United States (2019)*

- ❖ Total foreign born population – 44,932,901
- ❖ 13.7% of the country's ~ 328 million people are foreign born
 - 45% naturalized citizens
 - 28% legal permanent residents
 - 27% temporary visa holders or undocumented immigrants
- 44.4% rise in immigrant population from 2000 to 2018
- ❖ Length of time immigrants have lived in the U.S.
 - 50.7% entered before 1999
 - 24.6% entered 2000 - 2009
 - 24.8% since 2010
- ❖ 25.8% of children under age 18 have one or more immigrant parents
 - 87.9% of these children are native-born U.S. citizens

**Source: Migration Policy Institute Data Hub (May 2022) and Lawful Permanent Resident estimates MPI and DHS (2022)*

United States– Countries/Regions of Origin & Limited English Proficiency (LEP)(2019)*

- ❖ Latin America – 50.3%
 - ❖ Mexico (24.3%)
 - ❖ Caribbean (10%)
 - ❖ Other Central America (8.4%)
 - ❖ South America (7.5%)
- ❖ Asia – 27.9%
 - ❖ China/Taiwan (6.4%)
 - ❖ India (6%)
 - ❖ Other Southeastern Asia (5.1%)
 - ❖ Philippines (4.6%)
- ❖ Europe – 10.4%
 - ❖ Eastern Europe (4.7%)
- ❖ Africa – 5.5%
- ❖ Middle East – 3.5%
- ❖ Canada – 1.8%
- ❖ Oceania – 0.7%
- ❖ Language spoken
 - ❖ 22% of people in the U.S. speak language other than English at home
 - ❖ 46.4% of foreign born persons are LEP - speak English less than “very well”

*Source: [Migration Policy Institute Data Hub](#) (May 2022)

Dynamics Of Domestic Violence Experienced By Immigrant Survivors

Polling Exercise: Myths and Realities

Abusers of immigrant spouses are more likely to be lawful permanent residents and immigrants than U.S. citizens.



True



False

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

Hass, G. A., Ammar, N., Orloff, L. (2006). Battered Immigrants and U.S. Citizen Spouses

Abused Immigrant Spouses of U.S. Citizen Husbands

- Abuse rate rises to 59.5% when an immigrant's spouse/former spouse is a U.S. citizen
 - Twice the national average

Hass, G. A., Ammar, N., Orloff, L. (2006). Battered Immigrants and U.S. Citizen Spouses

- Between 2016 and 2017 there was a 391% decline in battered immigrant spouses' willingness to file VAWA self-petitions

Rodrigues et al. Promoting Access to Justice for Immigrant and Limited English Proficient Crime Victims in an Age of Increased Immigration Enforcement: Initial Report from a 2017 National Survey (May 3, 2018)

- This same research found no change in battered immigrant victim's willingness to seek protection orders

Ammar, N.H., Orloff, L.E., Couture-Carron, A., Immigrant Victims of Interpersonal Violence and Protection Orders, in Civil Court Responses to Intimate Partner Violence and Abuse (2020)

Polling Exercise: Myths and Realities

In over 70% of abusive marriages U.S. citizen spouses refuse to file or withdraw immigration papers they filed to sponsor their abused immigrant spouse for lawful permanent residency.



True



False

Coercive Control Over Immigration Status

- Among abusive spouses who could have filed legal immigration papers for survivors:
 - 72.3% never file immigration papers
 - The 27.7% who did file had a mean delay of **3.97 years.**

Hass, Dutton and Orloff (2000). "Lifetime prevalence of violence against Latina immigrants: Legal and Policy Implications." *International Review of Victimology* 7 93113

- 65% of immigrant survivors report some form of immigration related abuse (NIJ, 2003)

Edna Erez and Nawal Ammar, *Violence Against Immigrant Women and Systemic Responses: An Exploratory Study* (2003)

Polling Exercise: Myths and Realities

Foreign born girls are twice as likely as U.S. born girls to have experienced sexual assault by the time they are in high school.



True



False

Sexual Assault Rates Among Immigrant Women

- High school-aged immigrant girls
 - Twice as likely to have suffered sexual assault as their non-immigrant peers, including recurring sexual assault
 - Decker, M., Raj, A. and Silverman, J., Sexual Violence Against Adolescent Girls: Influences of Immigration and Acculturation, 13 Violence Against Women 498, 503 (2007).

Immigration Related Abuse

- 10 times higher in relationships with physical/sexual abuse as opposed to psychological abuse
- May predict abuse escalation
- Corroborates existence of physical and sexual abuse

Mary Ann Dutton, Leslye Orloff, and Giselle Hass, Characteristics of Help-Seeking Behaviors, Resources and Service Needs of Battered Immigrant Latinas: Legal and Policy Implications (Summer 2000)

Goals of Immigration Relief

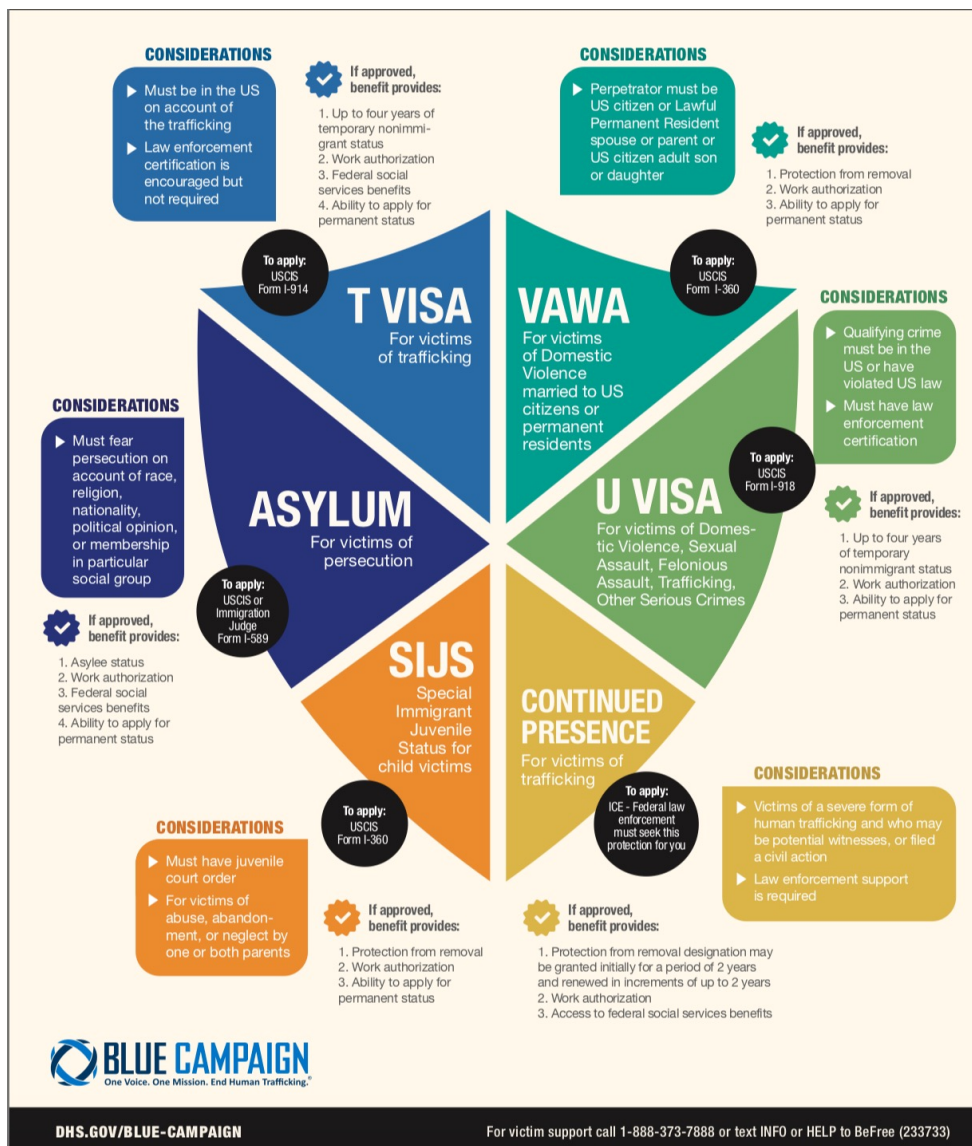


IACP 2018 Resolution

- Recognizes U and T Visas as significant crime fighting tools and using them as best practice
- Supports training, education, communication and “increased police leadership involvement”
- Committed to increasing collaboration

U Visas are “effective tools for law enforcement agencies that enhance public safety, officer safety and protection of victims nationwide.”

Primary Immigration Protections for Victims



Immigration Relief Available for Immigrant Survivors of —

- Domestic violence (battery or extreme cruelty)
 - Child abuse
 - Sexual assault
 - Rape
 - Incest
 - Prostitution
 - Torture
 - Felonious assault
 - Manslaughter
 - Murder
 - Female genital mutilation
 - Kidnapping
 - Abduction
 - Trafficking
 - Involuntary servitude
 - Slave trade
 - Being held hostage
 - Fraud Foreign Labor Contracting
 - Peonage
 - False Imprisonment
 - Blackmail
 - Extortion
 - Witness tampering
 - Obstruction of justice
 - Perjury
 - Stalking
 - **Parent perpetrated**
 - **Child abuse**
 - **Child neglect**
 - **Child abandonment**
- Attempt, conspiracy or solicitation to commit any of these crimes or any similar activity**

U Visa Requirements

- Victim of a qualifying criminal activity
- Has been, is being, or is likely to be helpful in
 - Detection, investigation, prosecution, conviction, or sentencing
- 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
- Timeline to work authorization, bona fide/waitlist and some very limited benefits = 61 months (2022)

U Visa Qualifying Criminal Activity

- Domestic violence
- Sexual assault
- Rape
- Incest
- Prostitution
- Torture
- Felonious assault
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- Obstruction of justice
- Perjury
- Stalking

Attempt, conspiracy or solicitation to commit any of these crimes any similar activity

Who can Certify the U Visa Certification?

- Law enforcement officer
 - Local and State police
 - Federal
 - University
- Prosecutor (State and Federal)
- Judge, Tribal Judge & other Judicial officers
 - e.g. Commissioner, Magistrate, ALJ
- Adult and Child Protective Services
- EEOC, DOL and state labor agencies
- Other authority with responsibility for investigation or prosecution of criminal activity

What Role Can You Play

- Identify crime victims eligible for immigration relief
- Develop a victim centered holistic approach
- Utilizing the U and T visa as tool to increase reporting of crime and participation in the criminal justice system
- Assist in filing for immigration relief
- Share information and resources with partners
- Insure compliance with language access requirements
- Obtain accurate up to date information about current immigration laws, policies and practices



DHS Immigration Options for Victims of Crime Brochure



- Languages Offered
 - Spanish
 - Mandarin
 - English
 - Korean
 - Russian

DOJ REQUIREMENTS OF COURTS AND LAW ENFORCEMENT



What is Meaningful Access?

- Meaningful access is defined in the US Department of Justice as:
“Language assistance that results in accurate, timely and effective communication at no cost to the LEP individual. For LEP individuals, meaningful access denotes access that is not significantly restricted, delayed or inferior, as compared to programs or activities provided to English proficient individuals.”

Recipients of Federal Financial Assistance and Title VI Compliance



Executive Order 13166

Goal

Provide meaningful access to people with limited English proficiency

Provides

Instruction and guidance about what *Title VI* and *Lau v. Nichols* means for federal agencies and grantees

Encourages

The development of language access plans

DOJ Guidelines on Language Access for Courts

- The use of qualified interpreters:
 - Not limited to courtrooms
 - clerks' offices, file rooms
 - For all parties, defendants and witnesses and when appropriate (e.g., parents of minor crime victims)
 - For all types of proceedings and courts
 - motions, status hearings and trials
 - For court ordered services batterers treatment, therapy, drug counseling
 - LEP individuals should not incur any fees for these services

DOJ Requirements for Investigations & Interrogations

- “A qualified interpreter shall be used for any interrogation or taking of a formal statement where the suspect or witness’ legal rights could be adversely impacted”
 - Criminal interrogations
 - Crime witness interviews
- Vital written materials translated into primary language
 - Miranda warnings

Training for Your Community

- Onsite or virtual training
 - Led by a multidispinary team
 - Interactive and responsive
 - Customized to meet the needs of your agency
- Available for advocates, attorneys, coalitions, law enforcement, prosecutors, judges, victim service professionals, allied professionals, and others
- To request a training for your community email us at: info@niwap.org



Join Our Virtual Roundtables and Community of Practices

- For advocates, family law attorneys, law enforcement, prosecutors and system-based advocates
- Learn and share through interactive discussions
 - Strategies to develop best practices, build community, strengthen skills and discuss emerging issues
 - Ask questions from subject-matter experts and peers

NIWAP's New Podcast Series

<https://open.spotify.com/show/5SbCodnS6Br28mHtnTdIOk?si=03eea03451964cd2>

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Web Library Podcast Dec 2020
Introduction to NIWAP and the Web Library featuring Leslye Orloff. What NIWAP is, how it came to be, and how to take advantage of its resources (including the web library, local resources, online webinars, training materials, and technical assistance)
Oct 29 · 25 min 42 sec

Langauge Access Podcast 2020 - Part Two
Issues of language access for crime victims and witnesses featuring Detective Shelli Sonnenberg from the Boise, Idaho, police department, and Investigator Michael LaRiviere from the Salem, MA Police Department, along with Leslye Orloff, director of NIW...
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About

Podcast by National Immigrant Women's Advocacy Project

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National Immigrant Women's Advocacy Project at the
American University Washington College of Law

NIWAP Web library

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NIWAP

National Immigrant Women's Advocacy Project at the
American University Washington College of Law

Example of Resources

- U-Visa Toolkit for Law Enforcement Agencies and Prosecutors
<https://niwaplibrary.wcl.american.edu/pubs/uvisatoolkit-police-prosecutors>
- Blue Card: Screening for Victims Who Qualify for Immigration Protective Relief (Squad Car Screening Tool)
<https://niwaplibrary.wcl.american.edu/pubs/screening-tool-victims-qualify>
- Model Policy for Interactions with Immigrant Victims of Crime and Human Trafficking & Signing of U Visa Certifications and T Visa Declarations
<https://niwaplibrary.wcl.american.edu/pubs/proposed-model-u-visa-policy/>
- Webinar, “The U Visa as a Crime-Fighting Tool: How Certification Improves Domestic and Sexual Violence Investigations and Prosecutions”
<https://niwaplibrary.wcl.american.edu/u-visa-2020>
- Certifying Early: When Should You Sign a U or T Visa Certification for a Victim?
<https://niwaplibrary.wcl.american.edu/pubs/certifying-early-7-24-17-final-w-logo/>

NIWAP Resources

- NIWAP Web library
- Technical Assistance
- Trainings and Webinars
 - On-line, virtual, in-person
 - Customized
- Communities of Practice
 - Victim advocates, family lawyers
 - Law enforcement/prosecutors, judges
- Materials
 - Bench cards, toolkits, training tools, legal research, multi-lingual outreach materials
- Directory



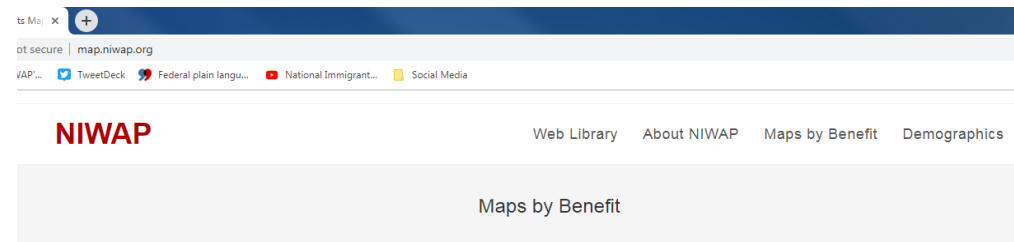
Directory of Service Providers

- Extensive directory of providers with experience working with immigrant survivors



<https://niwaplibrary.wcl.american.edu/home/directory-programs-serving-immigrant-victims>

Interactive Public Benefits Map



NIWAP

Web Library About NIWAP Maps by Benefit Demogr

Legal Services



Maps by Benefit

These maps break down available public benefits based on immigrant's state and immigration status.

We are still working on this site, so if you cannot click on your state, check back soon for completed maps.



Cash Assistance (TANF)

Temporary Assistance for Needy Families (TANF) provides cash assistance to low income families with children.

[Go to Map](#)



Child Care

Child Care services may be provided through public benefits.

[Go to Map](#)



Children's Health Insurance Program

Medical assistance is available to children through the Children's Health Insurance Program (CHIP).

[Go to Map](#)



Driver's License

State-specific requirements to be issued a driver's license.

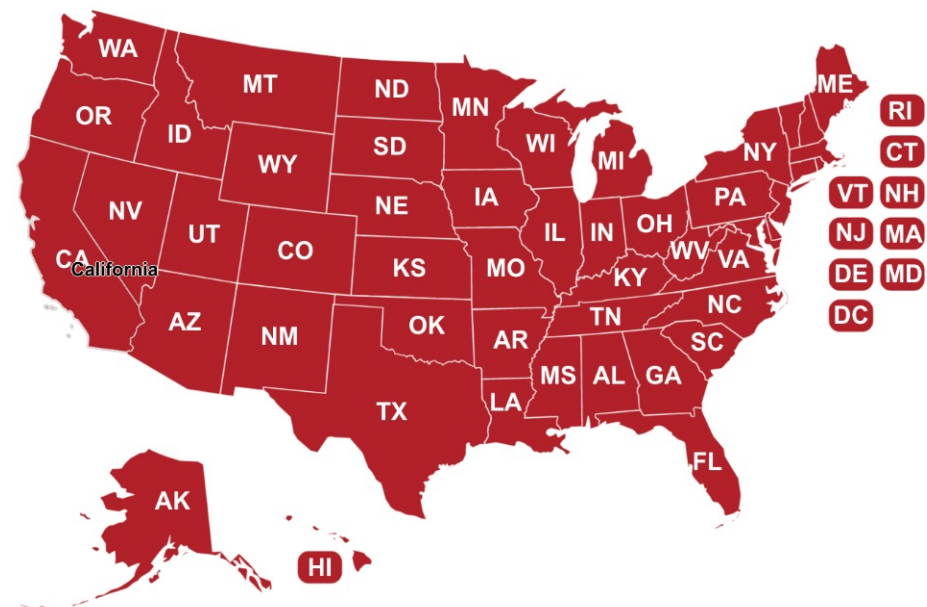
[Go to Map](#)



Earned Income Tax Credit



Emergency Housing & Safety Programs



<http://map.niwap.org/>

Technical Assistance

- NIWAP
 - Call: 202.274.4457
 - Email: niwap@wcl.american.edu

