

NIWAP



Violence Against Women Act Immigration Protections for Survivors of Domestic and Sexual Violence, Human Trafficking, Stalking, and Child/Elder Abuse

**Nebraska Coalition to End Sexual and Domestic Violence
Lincoln, Nebraska
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Faculty Introductions

- Leslye E. Orloff, American University, Washington College of Law
- Prosecutor Christopher Freeman
- Lt. Giovanni Veliz

Learning Objectives

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

- Identify adult and child victims who qualify for the forms of immigration relief created by Congress to protect victims and improve their access to justice
- Understand how facilitating early filing for immigration relief increases offender accountability and officer, community and victim safety
- Work in multi-disciplinary teams that increase successful criminal investigations and prosecutions and criminal and civil justice system participation by immigrant victims

Small Group Activity

- How does filing early after identification of immigrant victims who qualify help –
 - Law enforcement
 - Prosecutors
 - Child protection officials
 - Immigrant victims and their children

Importance of Immigration Status

- Ability to work legally
- Protection from deportation and removal
- Ability to obtain a driver's license and social security number
- Better access to housing and public services
- Break from isolation/ Gain Independence
- Ability to travel to and from the U.S. (with some exceptions)
- Path to lawful permanent residency and ultimately citizenship

Benefits for Law Enforcement, Prosecutors and Child Protection

- Encourages victims to report crimes and child abuse/neglect
- Improves investigation and prosecution of violent crimes
- Increases potential to convict most dangerous criminals
- Demonstrates commitment to protecting immigrant community members
- Enhanced immigrant community involvement
- Makes it easier to identify victim witnesses
- Reduces repeat calls and recanting victims
- Fosters community policing partnerships
- Enhances officer and community safety

Benefits for Survivors

- Access to legal immigration status
- Enhances ability to seek help from the criminal and civil justice systems
- Financial independence from perpetrator
 - Legal work authorization (3-48 months from filing)
 - Issuance of federally recognized ID
- VAWA confidentiality protection from deportation

NIJ Funded Immigrant Victims and Protection Order Study Findings (2006)*

- With advocate support immigrant victims will use and benefit from justice system assistance
 - 60.9% of victims first learned about protection orders from their advocates
 - 81% got a protection order with help from advocate
 - 96% found them helpful
 - 68.3% of violations of immigrant victims' protection orders were ongoing immigration related threats and abuse

*Mary Ann Dutton, Nawal Ammar, Leslye Orloff, and Darcy Terrell, Use and Outcomes of Protection Orders By Battered Immigrant Women (November 10, 2006)

Improved Access to Justice After Victims File Immigration Cases*

- Seek protection orders
 - 47.6% self-petitioners; 43.7% U visa cases
- Help in criminal case
 - 73.1% U visa cases; 33.4% self-petitioners
- Filed police report in future cases
 - 36.2% self-petitioners; 50.3% U visa cases
- Sought help from family court –greater than
 - 32.1% self-petitioners; 19.6% U visa cases

*Natalia Lee, Daniel J. Quinones, Nawal Ammar & Leslye E. Orloff, National Survey of Service Providers on Police Response to Immigrant Crime Victims, U Visa Certification and Language Access (April 16,2013)

Benefits to These Collaborations*

- Factors positively affecting LEP/immigrant victim's willingness to call the police:
 - To protect children
 - Severity of abuse
 - Learned from others in the community who received help
 - Safety planning/victim advocacy
 - Obtained a protection order that was violated

*Natalia Lee, Daniel J. Quinones, Nawal Ammar & Leslye E. Orloff, National Survey of Service Providers on Police Response to Immigrant Crime Victims, U Visa Certification and Language Access (April 16,2013)

Impact Without Collaborations*

- When immigrant/LEP victim called for help, of law enforcement who responded:
 - 24.3% used the perpetrator or child to interpret
 - Spoke only with perpetrator in cases of
 - DV (10.7%); SA (8.1%); Trafficking (4.8%)
 - Did not take police report despite visible injury
 - DV (9.6%); SA (10.4); Trafficking (11.8%)

*Natalia Lee, Daniel J. Quinones, Nawal Ammar & Leslye E. Orloff, National Survey of Service Providers on Police Response to Immigrant Crime Victims, U Visa Certification and Language Access (April 16,2013)

Research Findings: Benefits of Collaboration

- Collaborations between law enforcement and community based victim advocates improves
 - Language access
 - U visa certification
- Collaborations on
 - Cases (81.3%); Trainings (71.9%); Community Education (69.2%); SART (58.8%); CCR (57.9%); immigrant community outreach (51.5%)

*Natalia Lee, Daniel J. Quinones, Nawal Ammar & Leslye E. Orloff, National Survey of Service Providers on Police Response to Immigrant Crime Victims, U Visa Certification and Language Access (April 16,2013)

Story: How Immigration Relief for Victims Improves Community Safety

What are all of the forms of immigration relief that immigrant survivors you have worked with qualified for?

Purpose of Crime Victim Protections

Congress enacted VAWA self-petitioning (1994) and the U and T visas (2000) to:

- Enhance victim safety
- Allow victims to report crimes and seek help from courts without fear of deportation
- Improve access to justice from family/criminal/civil courts for victims of domestic & sexual violence and child/elder abuse
- Improves survivors options for stability & economic security
Improve community policing and community relationships
- Increase prosecution of perpetrators of crimes against immigrant victims
- Keep communities safe

Legislative Intent

- We want crimes reported to police
- No one should be a victim of crime, especially violent crime
- Offenders prey upon the most vulnerable in our communities, often immigrants
- Without victims reporting crimes, we don't know about the most dangerous offenders
 - Domestic Violence
 - Sexual Violence
 - Child abuse

Goals of Immigration Relief

**Community-
police
relations**

Prosecutions

Improve

**Reporting of
crime**

**Safety of victims,
communities, and
police**

Immigration Relief Available for Immigrant Victims of:

- Domestic violence
 - 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

Potential Immigration Remedies

- Applications filed with DHS
 - VAWA self petition
 - Battered spouse waivers
 - Work authorization for abused spouses of work visa holders
 - U-visa (crime victims)
 - T-visa (victims of trafficking)
 - Special Immigrant Juvenile Status
- Forms of relief from removal- granted by Immigration Judge
 - VAWA cancellation of removal
 - VAWA suspension of deportation

Large Group Discussion

- When a victim comes to your agency for help how do you approach what to do first?
- How might the information about immigration relief and immigration related abuse impact
 - Your case strategy
 - Discuss by profession
 - Victim safety

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Raise your hand if You have worked with domestic violence or sexual assault victim survivors who have received...

 When poll is active, respond at [PollEv.com/leslyeorloff767](https://www.poll-ev.com/leslyeorloff767)  Text a **CODE** to **22333**

A. Threats of deportation from perpetrators

218708

B. Have been contacted by immigration enforcement officials

218711

When Victims are Subject to Immigration Enforcement the Cause is... (2013 and 2017)

- Perpetrators actively reporting for removal victims with pending immigration cases
 - VAWA self-petitioners 38.3%; U visa 25%
- Perpetrators got the victim arrested for domestic violence
 - VAWA self-petitioners 15.4% (2013)-17% (2017); U visa 7.5%(2013)-36% (2017)

Krisztina E. Szabo, David Stauffer, Benish Anver, *Authorization For VAWA Self-Petitioners and U Visa Applicants*, NIWAP (Feb. 12, 2014) and 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)

VAWA Confidentiality Protections

- **Abuser-Provided Information:** DHS, DOJ and the State Department are barred from taking action against a victim based *solely* upon information provided by abusers and crime perpetrators (their family members or associates)
- **Location Prohibitions** to enforcement unless DHS complies with specific statutory and policy safeguards – includes no courthouse immigration enforcement against immigrant crime victims
- **Non-Disclosure:** DHS, DOJ and the State Department cannot disclose VAWA confidentiality protected information to anyone including through civil, family and criminal court discovery of information about or contained in the file of any protected case:
 - VAWA self-petitioners, VAWA cancellation/suspension, T visa, U visa, Battered Spouse Waiver, Abused Visa Holder Spouses

VAWA Confidentiality Prongs Chart

Non-Disclosure

Protects victims **who have filed** a protected case with DHS

- *VAWA self-petitions
- *Battered spouse waiver
- *VAWA Cancellation/Suspension
- *U and T Visas
- *Abused Spouses of work visa holders work authorization applications

Abuser-Provided Information Prohibition

Includes family members of abusers, crime perpetrators and their agents

Protects:

- ***All victims abused by spouse or parent**
- ***All victims in the process of applying for U or T visas**

Location Prohibitions

Protects:

All Victims

Requires:

No action at protected locations
OR

Notice to Appear must state how they complied with VAWA confidentiality

Violation = \$5,000 fine and/or disciplinary action

DHS VAWA Confidentiality Computer System

- DHS “red flag” “384” computer system to identify victims who have already filed for or have been granted victim-based immigration relief
- Reminds immigration officers, agents, attorneys about immigration law protections for
 - Victims of domestic violence
 - Crime victims
 - Human trafficking victims

Improving Immigrant Victim Safety Through Early Screening

- Know forms of immigration relief immigrant survivors qualify for
- Document history of abuse
- Know differences between immigration options
- Incorporate into safety planning
 - How victim can safely carry DHS document copies
- Understand how VAWA confidentiality affects your case and victim safety

Case Strategies That Promote Victim Participation in Civil and Criminal Cases

- Changes in case strategy- when possible an immigration case should be filed before:
 - CPO, family or criminal court case
 - Victim travels to new location
 - Victim experiencing immigration related threats
- Role of VAWA confidentiality laws
- Importance of sufficient evidence for prima facie case

Advocacy and Best Practices

- Give victims a letter stating that they are in the process of filing a VAWA, T or U visa immigration case
- File immigration case before
 - Protection order, divorce, or custody case
 - Victim travels to a new location
- Particularly when the victim is receiving immigration related threats
- Must include sufficient evidence for prima facie case

What to Take to Court When Accompanying an Immigrant DV/SA Survivor

- A# or Letter from advocate/attorney stating that victim is in the process of filing a
 - VAWA, T or U visa case
- Police Reports
- Copy of the U/T certification
- VAWA confidentiality policies
 - ICE, DHS
- Evidence of abuse include copies of protection orders, photos, documentation of the perpetrator's criminal case

Victim Witness DHS Memo 2011

Continuing Effect Confirmed 4/19

- Goal: “Minimize any effect that immigration enforcement may have on the willingness and ability of victims, witnesses, and plaintiffs to call police and pursue justice.”
- “Absent special circumstances or aggravating factors, it is against ICE policy to initiate removal proceedings against an individual known to be the immediate victim or witness to a crime.”
- Crime victims and witnesses should receive “release from detention and deferral or a stay of removal.”

Forms of Immigration Relief for Immigrant Crime Victims and Their Children

Battered Spouse Waivers

- For survivors with a 2 year conditional residency card
- Waives the joint filing requirement and two year wait for full lawful permanent residency
- Requires proof of
 - Good faith marriage to U.S. citizen or permanent resident *and*
 - Battered or subjected to extreme cruelty
 - To spouse, child, step-child

VAWA Self-Petitioning Requirements

- Subjected to Battery or Extreme Cruelty
- By a U.S. Citizen or Permanent Resident
 - Spouse
 - Parent
 - Citizen adult son/daughter (over 21)
- With Whom Self-Petitioner Resided
 - No time period required
- Good Moral Character
- Good Faith Marriage
- VAWA cancellation of removal has similar eligibility requirements
- **Timeline to formal protection = 4-18 months (2019)**

VAWA Self-Petitioning: Facts

- Must file case within 2 years of marriage termination
- Bigamy + unknowing immigrant “spouse”
- Child abuse up to age of 25 to file
- Step-children up until divorce
- Any credible evidence standard of proof (police report, protection order, medical records NOT required)

Forms of Extreme Cruelty

- Emotional Abuse
- Economic Abuse
- Sexual Abuse
- Coercion
- Deportation threats
- Immigration related abuse
- Intimidation
- Social Isolation
- Degradation
- Possessiveness
- Harming pets

Immigration Law Definition of Battering or Extreme Cruelty

- “Being the victim of any act or a threatened act of violence, including any forceful detention, which results or threatens to result in physical or mental injury. Psychological or sexual abuse or exploitation, including rape, molestation, incest (if the victim is a minor) or forced prostitution shall be considered acts of violence. Other abusive actions may also be acts of violence under this rule. Acts or threatened acts that, in and of themselves, may not initially appear violent may be part of an overall pattern of violence” 8 C.F.R. §204.2(c)(1)
- Based on what state family courts have consider to be extreme cruelty in divorce, alimony, support and custody cases

WHAT KINDS OF EVIDENCE COULD YOU
HELP A SURVIVOR COLLECT/DEVELOP TO
PROVE IN HER IMMIGRATION CASE –

EXTREME CRUELTY?

BATTERING?

Small group discussion

Proof of Extreme Cruelty or Battery

- Self-petitioner's declaration
- Others' declarations (family, neighbors, friends, faith communities, workplace, school)
- Domestic abuse service providers (shelters, crisis lines, support groups)
- Protection orders
- Criminal court records
- E-mails, notes, letters, voicemails
- Photos: injuries, broken windows, furniture
- Medical records (injuries, scars, PTSD, migraines, insomnia)
- Vet records
- Counselors (marriage, religious, mental health)
- Police reports

Benefits of VAWA Protections

- **Deportation:** Protection from deportation shortly after filing.
- **Immigration Benefits for Children:**
 - VAWA self-petitioners' children receive immigration benefits – no separate petition needed
- **Public Benefits:** As qualified immigrants (\approx 3 months), may qualify for additional state funded benefits – See Public Benefits Map
- **Employment Authorization:**
 - Citizen abuser (\approx 6 months);
 - Lawful permanent resident abuser (currently \approx 18 months)
- **VAWA Confidentiality:** protections against the release of information and reliance on abuser provided information
- **Lawful Permanent Residency:**
 - Citizen perpetrator apply upon approval (1 year)
 - Lawful permanent resident perpetrator (\approx 5+ years-depends on when a visa is available)

U Visa for Immigrant Survivors

- A victim of qualifying criminal activity is eligible for a U Visa when:
 - The criminal activity occurred in the U.S. **or** violated U.S. law;
 - The victims possesses information about the crime;
 - The victim has been, is being, or is likely to be helpful in the detection, investigation, prosecution, conviction or sentencing of the offense; and
 - The victim has suffered substantial physical or mental abuse as a result of the victimization
- **Timeline to formal protection = 4-6 years (2019)**

Department of Homeland Security



- DHS Video 1

U Visa Regulations Definitions

Although terms are used interchangeably

- As a matter of law (U visa regulations)
 - Helpfulness in the “investigation or prosecution” always means
 - “Detection, investigation, prosecution, conviction, or sentencing”
 - “Crime” always means
 - “criminal activity”
- “Criminal activity” chosen to offer early access to justice system protection
 - Improving stability for crime victims

Qualifying Criminal Activity

Abduction	Hostage	Sexual Assault
Abusive Sexual Contact	Incest	Sexual Exploitation
Blackmail	Involuntary Servitude	Slave Trade
Domestic Violence	Kidnapping	Stalking
Extortion	Manslaughter	Torture
False Imprisonment	Murder	Trafficking
Felonious Assault	Obstruction of Justice	Witness Tampering
Female Genital Mutilation	Peonage	Unlawful Criminal Restraint
Fraud in Foreign Labor Contracting	Perjury	Prostitution
Rape	Attempt, conspiracy or solicitation to commit crime or similar activity	

U Visa Statistics

11/2011

% of U Visas	Criminal Activity
76.1% = Domestic Violence, Sexual Assault, Child/Elder Abuse, Human Trafficking	
9.9%	Felony Assault, Murder, Manslaughter
8.47%	Kidnapping, Being Held Hostage, Unlawful Criminal Restraint, Torture
5.3%	Blackmail, Extortion, Perjury, Obstruction of Justice, Attempts, Conspiracy, Solicitation

Certification Required From:

*DHS U and T Resource Guide states:
“law enforcement” & “law enforcement agencies” =*

- Federal, state, and local
 - Law enforcement
 - Prosecutors
 - Judges, Magistrates, Commissioners
 - Civil protection order
 - Divorce, Civil &
 - Criminal cases
- Departments of Labor (DOL) and the Equal Employment Opportunity Commission (EEOC)
- Child and Elder Abuse investigators and agencies
- Other government agencies



Supplement B, U Nonimmigrant Status Certification

Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form I-918
OMB No. 1615-0104
Expires 02/28/2019

Why would victims seek a U visa certification from a judge?

- A. Only justice system contact was a custody, protection order, child welfare or civil employment case
- B. No language access to police when victim called for help
- C. Judge observed the victim's attendance/participation in criminal or civil case
- D. All of the above

What types of evidence might be present in a state court case that could be a basis for a judges' certification?

Criminal Case Examples: Evidence of Helpfulness

- Evidence in case that the victim:
 - Called 911
 - Participated in a criminal investigation
 - Identified perpetrator at line up
 - Testified before a grand jury or at trial
 - Appearance in a case
 - Attended criminal court hearings in the case
 - Victim impact statement
 - Testimony at sentencing

Family/Civil Case Examples: Evidence of Helpfulness

- Filed and/or appeared at hearing for full protection order
- Plead and or testified about abuse or sexual assault in a court case (e.g. protection order, divorce, custody, small claims, housing, employment)
- Evidence in case that victim called the police, made a police report, cooperated in a criminal or EEOC investigation
- Serving the perpetrator with notice of a
 - temporary protection order
 - A case in which the pleadings contain allegations of facts that constitute domestic violence, sexual assault or other U visa criminal activities

According to DHS, a U/T Visa Certification Tells USCIS Only 3 Things:

- Certifier believes the applicant is a victim of a qualifying criminal activity
- Victim had knowledge of the criminal activity
- Victim was, is, or is likely to be helpful in the detection, investigation, prosecution, conviction or sentencing

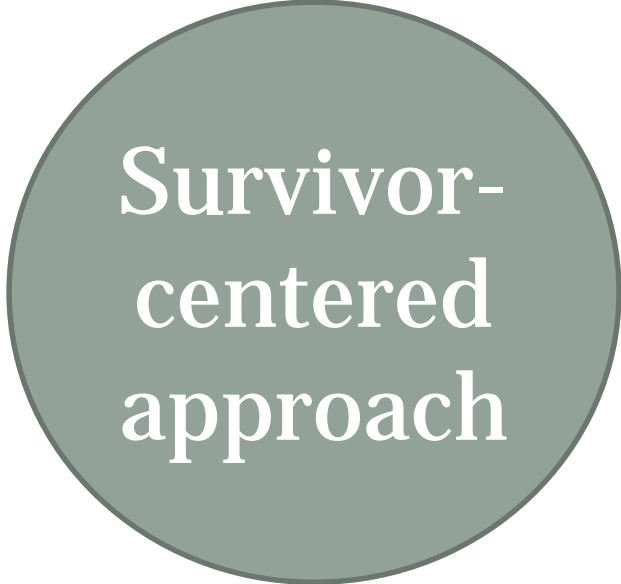
Helpfulness Requirement Met

Even When:

- Victim reports a crime and there's no further investigation or prosecution
- Perpetrator absconds or is deported
- Perpetrator is being prosecuted for a different crime
- Victim is not needed as a witness
- Victim is dead (indirect victim is applying)
- Perpetrator is dead
- The criminal case did not result in a guilty plea or conviction
- Victim is applying for a civil protection order or custody but domestic violence is not being criminally prosecuted

Not Required

- Conviction
- Charges filed
- Offender arrested
- Testimony at trial
- Necessary witness
- Within statute of limitations
- Offender is identified
- Offender alive



Survivor-
centered
approach

U Visa Facts and Benefits

- Only 10,000 U visas can be granted annually – Currently there is a waitlist of 110,000 visas
- Work authorization Via Deferred Action Status (4-6 years)
- The U visa grants a temporary 4 year stay
- Limited state benefits in a few states
- Lawful permanent residency 3 years after U visa if:
 - Continued cooperation or does not unreasonably refuse to cooperate; and
 - humanitarian need, family unity or public interest
- U.S. Citizenship after 5 years of lawful permanent residency+ proof of good moral character

U Visa Application Process

Filing to decision:

Decision to receipt of U Visa (48+ months):

Certification

Application &
supporting
documentation

Decision by
DHS

Special Immigrant Juvenile Status (SIJS)

- Immigration relief for unmarried children
- Under the age of majority under state law
- Victims of abuse, abandonment, or neglect
 - By at least **one parent**
- To apply must submit required findings from a state court with jurisdiction over
 - the care, custody, or dependency of the child
- Findings
 - Not in child's best interests to return to home country
 - Reunification with abusive parent not viable
- **Timeline to formal protection = 6 – 36 months (2019)**

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Have you worked on a case where both the immigrant victim and her child were abused by the child's father?

Respond at [PollEv.com/leslyeorloff767](https://www.poll-ev.com/leslyeorloff767) Text a **CODE** to **22333**

Yes

242642

No

242652

State Court Findings Needed for SIJS

State Law Applies To Each

- The court has jurisdiction to issue orders regarding the care, custody, or placement of an immigrant child (under age of majority and unmarried) with
 - An individual (e.g. non-abusive parent, grandparent, kinship care, guardian, next friend, adopting parent) OR
 - State agency, private agency, including foster care system
- It is not in the child's best interest to return to their home country
 - Best caregiver identification/often not necessary to compare countries
- Reunification of the child is not viable with a parent due to at least ONE PARENT'S abuse, abandonment, or neglect

Decisions about care and custody of children arise in family court proceedings

- Civil protection order cases
- Custody cases
- Divorce cases
- Paternity and child support cases
- Adoption cases
- Motions for declaratory judgements
- Bench Book chapters on each case type

Home country not in child's best interests

- Identify each potential custodian in U.S. and home country
- Apply state best interests factors to each placement
- States in court order the factual findings that support chosen placement
- Make findings that illustrate why under state best interest factors court is not choosing placements in child's home country
- Compare the supports, help, services child needs U.S vs. home country
 - Example of factors VAWA Extreme hardship

Finding: Reunification Not Viable

- Does not require termination of parental rights
- Viability of reunification does not necessitate no contact with parent – Visitation can occur
- Means granting the abusive parent custody is not envisioned by the court as a viable option
- Changes in circumstances can occur
 - But not granting full legal/physical custody to abusive parent

T Visa for Trafficking Victims

- A victim of a severe form of trafficking in persons
 - Sex or labor trafficking involving victim under 18 or and adult subject to force, fraud or coercion
- Victim is physically present in the U.S. on account of trafficking
- Victim must comply with reasonable requests for helpfulness in investigating or prosecuting trafficking.
Exceptions
 - Under age 18
 - Physical or psychological trauma impede helpfulness/cooperation
- Removal from the U.S. would cause extreme hardship
- **Timeline to formal protection = 3–12 months (2019)**

Sex Trafficking

22 U.S.C. § 7102; 18 U.S.C. § 1591

Act	Means	Purpose
<ul style="list-style-type: none">• Recruits• Entices• Harbors• Transports• Provides• Obtains• Advertises• Maintains• Patronizes• Solicits• Benefits, financially or by receiving anything of value	<ul style="list-style-type: none">• Force• Fraud• Coercion	<ul style="list-style-type: none">• Commercial Sexual Activity

Labor Trafficking

22 U.S.C. § 7102; 18 U.S.C. § 1590

Act	Means	Purpose
<ul style="list-style-type: none">• Recruits• Harbors• Transports• Provides• Obtains• Benefits, financially or by receiving anything of value	<ul style="list-style-type: none">• Force• Restraint• Threats of harm• Abuse or threatened abuse of the legal system• Any scheme, plan, or pattern intended to cause the person to believe that if they did not perform labor, they would suffer serious harm or restraint	<ul style="list-style-type: none">• Involuntary servitude• Peonage• Debt Bondage• Slavery

Protections for Abused Children and Family Members

- VAWA self petitioner = Abused Child, Parent of abused child, Abused parent
 - Family included: applicants' children and an under 21 year old child can include their parent
- U and T visa applicant = Child victim or their parent
 - Family included:
 - Under 21: spouse, children, parents, unmarried siblings under 18
 - Over 21: spouse and children
- Special Immigrant Juvenile Status = child victim
 - Family included: None

Immigrant Adult and Child Victims Who File for Immigration Relief Receive:

- Protection from deportation
- Legal work authorization and access to drivers' licenses upon
 - Approval or wait list approval
- Access to some federal public benefits
 - Varies by immigration case type, state, and benefit
- VAWA confidentiality protection upon filing VAWA, T or U visa case

Each Professional's Role in Helping Survivors of Domestic and Sexual Violence and Child Abuse File VAWA and U Visa Immigration Cases

Small Group Discussion

- At your tables, discuss the role of one of the following professions assigned to your table
 - Law enforcement
 - Prosecutors
 - Child welfare workers
 - Health care providers

How can victim advocates help victims and attorneys VAWA and U visa immigration cases?

- A. Help obtain certifications in U visa cases
- B. Help the victim write their declaration
- C. Help with evidence collection
- D. All of the above
- E. None of the above

Helping Survivors File VAWA and U Visa Cases

- Best Practices – Victim Advocate & Lawyer collaboration
- When lawyers with expertise working with immigrant Survivors are not available due to:
 - Long waiting list
 - Not available (Rural)
- Victim advocates can assist survivors with VAWA and U visa immigration cases
 - With tools and help from attorney or TA provider

What Advocates Can Do

- Screening and identifying survivors
- Helping survivors obtain identity documents
- Assist survivors with writing a declaration using the trauma informed tool
- Providing a letter of support/ expert affidavit of services provided
- Collaborating with certifiers to obtain U visa certification
- Flagging for immigration inadmissibility
- Collecting other evidence

Helping Victims Prove:

- Battering, sexual assault or extreme cruelty
 - VAWA/U
- Good faith marriage
 - VAWA
- Spouse or parent/child relationship
 - VAWA
 - U when children/spouse of victim also applying
- Their story of experiencing domestic or sexual violence for their affidavit

What Attorneys Can Do

- Review intake, facts of the case and issue spot
- Provide legal advice and determine the best immigration remedy based on the survivors needs and desires
- Review affidavit/declaration draft
- Identify any additional information needed
- Work with advocate to obtain additional information
- Finalize affidavit
- Fill the immigration forms
- Draft Cover Letter
- Draft Index
- Assemble and submit application package

Technical Assistance and Materials

- Power Point presentations and materials for this conference at
 - <http://niwaplibrary.wcl.american.edu/september-2019-nebraska-law-enforcement/>
 - **NIWAP Technical Assistance:**
 - Call (202) 274-4457
 - E-mail info@niwap.org
- Web Library: www.niwaplibrary.wcl.american.edu