

## **Transforming Lives: How the VAWA Self-petition and U Visa Change the Lives of Survivors and their Children After Employment-Authorization and Legal Immigration Status**

### **Abstract, Conclusions and Recommendations**

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June 8, 2021<sup>4</sup>

#### Abstract

Research on immigrant survivors of crime and abuse has focused on learning about their experiences, assessing how social services, healthcare, and justice systems serve immigrant communities, and creating the policy reforms needed to meet immigrant survivors' needs. Research has seldom focused on measuring and learning about how immigrant survivors' lives are transformed as they apply to the U.S. government for immigration relief under the Violence Against Women Act's (VAWA) VAWA and U visa programs. The National Immigrant Women's Advocacy Project (NIWAP), at American University's Washington College of Law, conducted a national survey, collecting data from attorneys, advocates and state government staff at 169 agencies in 42 states serving immigrant survivors of crime and abuse in the U.S. Survey participant professionals reported on 11, 171 immigrant clients who applied for VAWA and U visa relief. Of those cases, 6,770 had been granted employment authorization and 2,845 obtained lawful permanent residence through the VAWA or U visa programs. This survey sought to learn from professionals how their immigrant survivor clients' lives changed from filing for VAWA and U visa relief through eventually obtaining lawful permanent residence. In the survey, participants answered both open and closed-ended questions describing how their VAWA and U visa clients' and their clients' children's lives changed as they moved through the immigration application process and obtained increasing levels of immigration protection. The survey found that when immigrant survivors of crime and abuse no longer fear deportation, can legally work, and ultimately become permanent residents in the U.S., they, their families and communities thrive. The transformation from fear to immigration relief leads to better law enforcement, workplace conditions, academic performance and health outcomes.

The survey results show that some of the most significant changes for most survivors occur at the point when the VAWA and U visa applicants are granted employment authorization and deferred action, a form of protection from deportation. The changes consist of significant reductions in immigration-related threats and abuse, threats of child abduction, threats to gain sole custody of children, and workplace-based abuse. After receipt of employment authorization, there is a 114% increase in immigrant survivors'<sup>5</sup> willingness to trust police and 30% of VAWA and U visa applicants who received

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<sup>3</sup> The authors wish to thank Maya Patel, American University, Washington College of Law, JD 2022 for her expert editorial help and assistance with the footnotes contained in this article.

<sup>4</sup> Initial publication date April 12, 2021. For the full final report, executive summary, conclusions and recommendations see <https://niwaplibrary.wcl.american.edu/transforming-lives-study-21>.

<sup>5</sup> This report uses the terms survivors and victims interchangeably in discussing immigrant clients pursuing VAWA and U visa immigration relief based on having suffered abuse and/or crime victimization.

employment authorization continued to make police reports regarding future crimes. These changes point to reduced fears and greater trust and faith in the law enforcement and justice systems of the U.S. As a result, survivors are more effective participants and witnesses, allowing for greater access to justice, enabling law enforcement agencies to hold perpetrators accountable for their crimes,<sup>6</sup> and generating greater safety for victims, law enforcement officers and communities across the country.

When survivors can legally work and no longer fear deportation, they end their isolation by reconnecting with friends, family, and the larger community, including their ethnic/cultural communities. There is a 6-fold increase in immigrant survivors' parental involvement in their children's schools, and a 24% increase in immigrant survivors reaching out to help other victims in their community. Finally, the survey results found that with employment authorization, labor force participation, in at least minimum wage employment, increased by 300% among immigrant survivors. Forty three percent of immigrant survivors authorized to work were employed in jobs with healthcare, vacation, and maternity leave benefits. According to survey results, after employment authorization, immigrant survivors' participation in English as a Second Language (ESL) classes increased 225%, with 35% obtaining GEDs and 38% pursuing either Associates or Bachelor's degrees, achievements which allow them and their families to make social and economic contributions to society.

Immigrant survivors' and their children's health, well-being and self-esteem also improved and continued to improve as they gained lawful permanent residence through the VAWA and U visa programs. This survey demonstrates how and when in the process of gaining legal status, immigrant survivors become more resilient, resourceful, economically stable, socially active, and engaged in helping others in their communities. In particular, data showed that among the gains is an increased adjustment of the immigrant survivors and their children through acculturation and biculturalism, thereby becoming more active and integrated members of the larger U.S. society. The results of this survey show that policy reforms that shorten the time from filing to employment authorization and protection from deportation will significantly benefit immigrant survivors and their communities and will promote access to justice. The results also clearly show that the ability of U.S. law enforcement and prosecution agencies to hold perpetrators accountable for their crimes is enhanced by expedited access to employment authorization and deportation protection for immigrant survivors.<sup>7</sup>

This survey contributes to our understanding of how immigrant survivors' and their children's lives change at various stages of the immigration process. It provides important insights into immigrant survivors' experiences that can support ongoing and future public policy reforms. This evidence-based information supports improvements in federal, state and local policies and practices that in turn can speed access to employment authorization, protection from deportation, and the humanitarian VAWA and U visa relief Congress created for immigrant survivors. The results of this survey can also improve training for state and federal judges, prosecutors, law enforcement officials, attorneys, and victim advocates who work with immigrant survivors across the country. This evidence-based survey demonstrates how providing needed support to immigrant VAWA and U visa eligible survivors, including access to immigration relief, public benefits, family and criminal courts, and other government funded services, leads to greater inclusion and civic participation of immigrant survivors and their children who will be more capable of healing, succeeding and thriving.

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<sup>6</sup> Corrin Chow et al., *Stories from the Field: The Crime Fighting Effectiveness of the U Visa*, NIWAP (Aug. 27, 2020) <https://niwaplibrary.wcl.american.edu/pubs/u-visa-crime-fighting-stories>.

<sup>7</sup> Id.

## **XII. Conclusions and Policy Recommendations**

In NIWAP's survey, eighty percent of participating agencies' clients were victims of domestic violence, child abuse, sexual assault, stalking and/or human trafficking.<sup>8</sup> Survivors often (53%) had children in common with their abusers as well as raising their own other children (29% VAWA, 37% U visa) and step-children (18% VAWA, 10% U visas), with many of these children living in homes where abuse is occurring.<sup>9</sup> VAWA self-petitioners had an average of 2.6 and U visa applicants had 2.9 children.<sup>10</sup>

A key goal of this survey was to learn how immigrant survivor applicants and their children benefited from the VAWA and U visa programs and at what point in the application process did survivors begin to benefit from these programs. To accomplish this goal, it was important that participating agencies had experience working with VAWA and U visa applicants whose cases had reached the stage where victims obtained employment authorization and protection from deportation through deferred action status (VAWA 60%, U visa 56%)<sup>11</sup> and that agencies had also worked with VAWA or U visa clients (25%).<sup>12</sup> who attained lawful permanent residence

Much has been written about the deleterious mental health outcomes resulting from exposure to pre-, peri-, and post-migration trauma as well as systemic anti-immigrant discrimination, both of which may limit immigrants' successful adaptation in the U.S. However, little empirical evidence has been provided to document histories of resilience and adaptation from immigrant survivors of interpersonal and gender-based violence. Immigrant victims' significant potential for resiliency and constructive ability to adapt and thrive in the U. S. tends to be ignored and minimized in favor of stereotyped and victim-blaming story lines. This study shows the stories of success, improved functioning and adaptation that agency advocates witnessed from the VAWA and U Visa applicants they serve.

Resilience is the individual's capacity to defeat adversity and demonstrate constructive adjustment.<sup>13</sup> An individual's resilience is not solely an innate trait, but is directly related to one's personal characteristics interact their environment.<sup>14</sup> Therefore, living in a threatening or violent environment places a person in a state of vulnerability. However, living in adverse conditions and being victimized does not necessarily mean that the individual is incapable of overcoming adversity when a safer environment and supportive interventions are provided. Even while suffering from psychological effects from trauma, many immigrants continue to function in major life and developmental domains (social life,<sup>15</sup> employment,<sup>16</sup> education,<sup>17</sup> etc.). Immigrant survivors only need opportunities and supportive interventions in order to demonstrate their hope, determination, self-reliance and continued capacity to contribute to the larger society. This survey showed that VAWA and U visa applicants' acquisition of employment authorization and protection from deportation were the catalysts for a

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<sup>8</sup> See Figures 7 & 23.

<sup>9</sup> See Figures 26 & 33.

<sup>10</sup> See Figures 25 & 32.

<sup>11</sup> See Figures 9 & 11.

<sup>12</sup> See Figures 6 & 13.

Peter Fonagy, Miriam Steele, Howard Steele, Anna Higgitt, Mary Target, *The Emanuel Miller Memorial Lecture 1992: "The Theory and Practice of Resilience,"* JOURNAL OF CHILD PSYCHOLOGY AND PSYCHIATRY Pg. 35, 2, 231-257, (1994).

<sup>14</sup> Michael Rutter, *Implications of Resilience Concepts for Scientific Understanding,* ANNALS OF THE NEW YORK ACADEMY SCIENCE, pg. 1-12, (Dec. 2006), doi: 10.1196/annals.1376.002.

<sup>15</sup> See Figures 59, 60, 62, 63, 85, 86, 91, & 92.

<sup>16</sup> See Figures 77 & 78.

<sup>17</sup> See Figures 65 & 66.

number of transformations. Policies and actions by federal, state and local government agencies that remove barriers and are aimed at supporting survivors have the capacity and potential to make a transformational difference for immigrant survivors of crime victimization and abuse.

Immigrants who had the courage to travel across borders to seek a new life already have a level of endurance that hints at their resilience and willingness to adapt to new circumstances. Similarly, immigrants who applied for VAWA and U Visa protections self-select and stand out by their awareness of their rights. However, this does not diminish the history of losses and suffering that are compounded by their arrival in an environment that may be hostile, anti-immigrant, and complex. Therefore, there are several risk factors that may limit adjustment and are issues that have been largely documented in the immigrant literature and which render them at risk of further abuse, victimization and psychopathology.<sup>18</sup> That is why the results of this survey are remarkable. It shows the numerous psychological, social, and functional milestones that immigrant survivors of abuse achieve following the receipt of employment authorization and protection from deportation (deferred action), which are received together in VAWA and U visa cases. These data show that stereotypes about applicants for immigration relief do not tell the story of personal success and contributions to society that VAWA and U visa immigrants largely bring to the U.S.

After receiving employment authorization, VAWA and U visa applicants were reported as having made important improvements in the quality of their jobs. For example, after receiving employment authorization, survivors were more able to obtain jobs paying at least minimum wage<sup>19</sup> and that deducted taxes,<sup>20</sup> less vulnerable to sexual assault and other forms of abuse at work,<sup>21</sup> and increased their acquisition of jobs with benefits such as sick leave, vacation, and maternity leave.<sup>22</sup> Also, VAWA and U visa applicants who work in the informal economy obtain tax ID numbers and file income tax returns.<sup>23</sup> Working not only provides for essentials of living but also provides meaning and purpose. Having employment and receiving an income assists women in achieving autonomy and confidence. Having a legitimate job represents an insertion into the social fabric of a society. It allows individuals to feel in charge of some aspects of their lives. In turn, this experience can trigger a host of other positive outcomes.

The survey revealed that these positive outcomes were also fueled by the dramatic reduction in immigration-related abuse and threats from their abusers that followed their receipt of protection from deportation, and employment authorization. Immigration-related abuse includes threats of deportation that will cut survivors off from their children,<sup>24</sup> calls from abusers/perpetrators to enlist the help of

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<sup>18</sup>Etiony Aldarondo, Rachel Becker, *Promoting the Well-Being of Unaccompanied Immigrant Minors*, SPRINGER SCIENCE & BUSINESS MEDIA, pg. 195–214, (2011), [https://doi.org/10.1007/978-1-4419-9452-3\\_10](https://doi.org/10.1007/978-1-4419-9452-3_10).

<sup>19</sup> VAWA and U visa survivors who are sometimes, often or always working at jobs that pay at least a minimum wage rose 300% from 37% at filing, to 60% after employment authorization and 63% at lawful permanent residence. Resulting in a 26% rise in the numbers of VAWA and U visa victims who earn more than \$15,000/year reaching 63% who earned more than this and 32% earning more than \$30,000/year by lawful permanent residence. See Figure 74.

<sup>20</sup> Following receipt of employment authorization VAWA and U visa survivors often or almost always obtained employment in the formal job sector that deducted taxes (50%, an increase of 542%) and paid minimum wage or more (40%, an increase of 300%). See Figures 76-78.

<sup>21</sup> Victims who sometimes, always or often experienced of sexual assault, sexual harassment and threats or attempts at work declined from 42% prior to filing to 21% at employment authorization and 10% at lawful permanent residence (total decrease of 77%). See Figures 38 & 39.

<sup>22</sup> VAWA and U visa survivors who never had jobs with benefits attained jobs that sometimes, often or almost always included the following benefits: paid sick leave (employment authorization 43%; lawful permanent residence 57%); vacation days (employment authorization 43%; lawful permanent residence 53%); health insurance through employer (employment authorization 43%, lawful permanent residence 55%) and maternity leave (employment authorization 40%, lawful permanent residence 55%). See Figures 76-78.

<sup>23</sup> After employment authorization the numbers of VAWA and U visa survivors working and paying taxes using tax IDs declines slightly from 50% at filing, to 43% at employment authorization, and 47% at lawful permanent residence. This is a result of victims ability to secure jobs in the formal sector of the economy that deduct taxes. However, this data shows that VAWA and U visa survivors who continue to work in the informal sector of the economy continue to use tax IDs and to file income tax returns. See Figures 76-78.

<sup>24</sup> Declined 78% in the numbers of immigrant victims who often or always experienced threats to cut victims off from their children when they lived with their abusers. This abuse is experienced by 71% of survivors still living with their domestic abusers, but it declines to 15% after employment

Department of Homeland Security (DHS) enforcement officials by providing “tips” about survivors/victims,<sup>25</sup> raising immigration status in family court to win custody of children,<sup>26</sup> threats to withdraw immigration cases the perpetrator filed for the survivor and destruction of the survivor’s passport. Research has found that these actions by abusers coexist in abusive relationships with physical and sexual violence and predict escalation of abuse.<sup>27</sup> Previous research has found that perpetrators of domestic violence, child abuse and sexual assault are actively involved in efforts to have their victim deported in retaliation when immigrants flee abusive homes.<sup>28</sup> With this ongoing abuse occurring, the survivor files for immigration relief in 38% of VAWA self-petition cases and 25% of U visa cases.<sup>29</sup> Granting VAWA and U visa applicants deferred action helps prevent DHS officials from being tricked by perpetrators into helping harm immigrant victims who are taking steps to leave abusers<sup>30</sup> and to seek help from the justice system. Speeding access to protection from deportation through deferred action also removes an important barrier<sup>31</sup> that prevents immigrant survivors from fully accessing the help available for victims in this country under immigration, family, criminal and public benefits laws that help them recover and thrive.

The survey results show that not only do the survivors benefit from the increased labor and economic advantage of employment authorization and protection from deportation, There are also accompanying important psychological, social, familial, and vocational changes that their attorneys and advocates observed as compared with their psychological functioning before the employment authorization.

To understand the transformation that occurred after survivors received their employment authorization and deferred action, the ecological model is helpful. The Ecological Model<sup>32</sup> places the individual within the context of the complex systems of relationships in the environment. The model states that a person’s own biology, immediate family, community environment, and the larger society, act to influence each other in a reciprocal manner. This perspective can be applied to both the impact of the trauma as well as the impact of healing. In cases of survivors of interpersonal violence, the social science literature has established that such violence does not occur in a vacuum and its impact reaches

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authorization, and 10% at lawful permanent residence (total decline of 87%). See Figures 38 & 39. This survey’s data on extreme cruelty used by batterers found that abusers of self-petitioners threaten to retaliate for the victims help seeking by cutting off victims’ access to their children 47% of the cases and threaten to kill, physically harm or abuse the victims children in 36% of cases. See Figure 21.

<sup>25</sup> The survey identified 70 victims who had been subject to immigration enforcement actions after their VAWA or U visa cases were filed with 65% (n=45) of these enforcement actions occurring between filing and employment authorization. See Figure 40.

<sup>26</sup> Perpetrators raising immigration status of victims to gain advantage in custody cases from 65% of abusers using this tactic following separation declining to 23% at employment authorization and 14% at lawful permanent residence. Immigration-related abuse declines 65% from filing to employment authorization and a total of 74% by lawful permanent residence. See Figures 38 & 39

<sup>27</sup> Giselle Hass, Mary Ann Dutton, Leslye Orloff, *Lifetime Prevalence of Violence Against Latina Immigrants: Legal and Policy Implications*, 7 INTERNATIONAL JOURNAL OF VICTIMOLOGY 1,2,3, (Summer 2000).

<sup>28</sup> Krisztina E. Szabo, et. al., Early Access to Work Authorization For VAWA Self-Petitioners and U Visa Applicants, NIWAP, 25-26 (Feb. 12, 2014) [https://niwaplibrary.wcl.american.edu/pubs/final\\_report-on-early-access-to-ead\\_02-12](https://niwaplibrary.wcl.american.edu/pubs/final_report-on-early-access-to-ead_02-12); Rafaela Rodrigues, Alina Hussein, Amanda Couture Carron, Leslye Orloff, Nawal H. Ammar, 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, NIWAP, 114 (May 3, 2018), <https://niwaplibrary.wcl.american.edu/pubs/immigrant-access-to-justice-national-report>.

<sup>29</sup> Krisztina E. Szabo, David Stauffer, et. al., *Early Access to Work Authorization For VAWA Self-Petitioners and U Visa Applicants*, NIWAP, (Feb. 12, 2014) [https://niwaplibrary.wcl.american.edu/pubs/final\\_report-on-early-access-to-ead\\_02-12](https://niwaplibrary.wcl.american.edu/pubs/final_report-on-early-access-to-ead_02-12); Rafaela Rodrigues, Alina Hussein, Amanda Couture Carron, Leslye Orloff, Nawal H. Ammar, 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, NIWAP, (May 3, 2018), <https://niwaplibrary.wcl.american.edu/pubs/immigrant-access-to-justice-national-report>.

<sup>30</sup> After receiving employment authorization 64% of U visa applicants able to leave their abusers. Krisztina E. Szabo, et. al., *Early Access to Work Authorization For VAWA Self-Petitioners and U Visa Applicants*, NIWAP, pg. 31 (Feb. 12, 2014), [https://niwaplibrary.wcl.american.edu/pubs/final\\_report-on-early-access-to-ead\\_02-12](https://niwaplibrary.wcl.american.edu/pubs/final_report-on-early-access-to-ead_02-12).

<sup>31</sup> Among the barriers immigrant survivors’ engagement with their communities, children’s schools, their own education and health care the largest barriers were immigration status related (52%), the ongoing abuse and its effects (23%), and language (19%). See Figure 67.

<sup>32</sup> Uri Bronfenbrenner, *The Ecology of Human Development*, HARVARD UNIVERSITY PRESS (1979).

every aspect of the survivors' lives and the lives of those around them.<sup>33</sup> Therefore, conceptualizing the factors analyzed in this survey from the perspective of those different ecological levels helps explain the mutual impact that appeared in the data like a domino effect of benefits to survivors, their children, their community and ultimately society.

### Individual Benefits

Survey participants reported on survivors' behavioral presentation, including their more balanced state, after the survivors obtained employment authorization and were protected from deportation, which contrasted with their demeanor when they first began the process of their VAWA and U visa applications. For example, agencies reported that the survivors presented a number of positive changes, including an easier time making decisions, ability to sleep better, calmer appearance, better self-care, more focused, independent, aware, empowered, involved with community, friends and family, and more hopeful about the future.<sup>34</sup> By the time VAWA and U visa applicants attain lawful permanent residence, agencies observed continued improvements in these areas, as well as victims having fewer medical problems and being more confident with independent decision-making.<sup>35</sup> A potential sign of their increased awareness of their own history of victimization and empowerment could be hypothesized by the increase found in survivors' desire to help other victims and volunteer in their communities.<sup>36</sup>

There is a large body of research establishing that physical, sexual or psychological abuse produces a wide range of physical and psychological problems.<sup>37</sup> According to the literature, victims of these types of interpersonal crimes tend to present with less energy, less alertness, sleeping disturbances, social isolation, feelings of self-doubt, low self-esteem, and lack of sense of personal power among other symptoms of mental distress.<sup>38</sup> Often these symptoms and behaviors cluster in a psychiatric diagnosis such as Post-Traumatic Stress Disorder or other stress related diagnoses. While one third of the VAWA and U Visa applicants in this survey were receiving professional mental health services, their attorneys and advocates observed emotional improvement after these applicants received employment authorization and were protected from deportation.

Another reported improvement among survivors was fewer medical problems after receiving employment authorization. The improvement in physical health further increased by the time the survivors received their lawful permanent residence. Because health and body functioning are crucial to our sense of wellbeing, positive changes in survivors' health have a major impact on other aspects of

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<sup>33</sup> Id.

<sup>34</sup> VAWA and U visa survivors are often or almost always feeling at employment authorization compared to filing: calmer 77% (300% improvement); sleep better 52% (300% increase); more focused 61% (280% increase); more at ease 68% (162% greater); having more energy and being more alert, active, and empowered 74% (188% more); less depressed 55% (183% increase); more independent 58% (261% greater); stand up for themselves 42% (225% increase); it is easier for them to make decisions 52% (432% increase); and are more hopeful 74% (130% improvement). Every one of these mental health measures continue to improve as survivors move through the immigration process and are benefits even greater numbers of VAWA and U visa survivors attain by lawful permanent residence. See *Figures 81-86*.

<sup>35</sup> By lawful permanent residence 74% of VAWA and U visa victims often or almost always have fewer medical problems. At filing rate with fewer medical problems is low at 13%, and begins to rise at employment authorization to 19%. The change by lawful permanent residence compared to filing is 475%. Victims who find it easier to make independent decisions also rises from 13% at filing to 23% at employment authorization, and reaches 40% by lawful permanent residence for an overall increase of 201%. See *Figures 81, 82, 83 & 95*.

<sup>36</sup> The rate at which VAWA and U visa victims are sometimes, often or almost always helping other victims and volunteering in their communities is 22% after employment authorization and 24% at lawful permanent residence. See *Figures 59-63*.

<sup>37</sup> Patricia Tjaden, Nancy Thoennes, (2000) *Full Report of the Incidence, Prevalence, and Consequences of Violence Against Women*, U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, (2020), <https://nij.ojp.gov/library/publications/full-report-prevalence-incidence-and-consequences-violence-against-women>.

<sup>38</sup> Giselle Hass, Mary Ann Dutton, Leslye Orloff, *Lifetime Prevalence of Violence Against Latina Immigrants: Legal and Policy Implications*, 7 INTERNATIONAL JOURNAL OF VICTIMOLOGY 1,2,3, (Summer 2000).

their lives. One impact of positive changes in physical health is the improved way in which a person experiences emotions and thoughts.

Thus, the bottom line regarding the behavioral and functional changes reported here is that they point to a process of gradual healing from the distress and trauma caused by prior victimization, both the abuse and victimization that led them to qualify for VAWA and U-visas as well as other previous history of trauma. Similarly, these psychological and emotional changes observed point to the survivors' increased resilience as they recover from adversity and adjust to a new environment in the U.S., including by leaving abusive homes and workplaces.

### ***Family Benefits***

For collectivist cultures, like the ones from which many of the VAWA and U-visa immigrants come, obtaining employment is not just an individual achievement but a collective resource. The entire family benefits not only from the increase in financial resources, but the dignity that work and social validation brings. Survivors who obtain better jobs than before their employment authorization reported a better quality of life that contributed to greater family engagement and improved parenting. For instance, advocates, attorneys and government agency staff in this survey reported that immigrant mothers became more engaged in their children's schools,<sup>39</sup> more supportive of their children's social development,<sup>40</sup> more involved with children's after school activities,<sup>41</sup> and were developing social relationships with other parents.<sup>42</sup> Similarly, survivors became more engaged with their friends and family members.<sup>43</sup>

A significant concern of this survey was to find out how the child victims and children raised by survivors fare after the parent receives employment authorization and deportation protection. Children about whom agencies reported in this survey were child victims who were applicants,<sup>44</sup> immigrant children included in their mother's application to receive immigration relief,<sup>45</sup> and U.S. born children and stepchildren whose mother was the immigrant applicant in VAWA and U visa cases.<sup>46</sup> Each group was exposed to diverse risk factors. Immigrant children may have suffered extraordinary hardship and/or violence in their home countries, during the migration journey, or may have been a target of abuse, neglect, and/or crime victimization after arriving to the U.S. Children who are victimized in the U.S. suffer harms that are in addition to the displacement, disorientation and losses of migration. Other children in this survey may have been traumatized by direct or indirect exposure to overwhelming physical or psychological experiences that involved living in a home where their mother was subjected to domestic abuse and/or having been abused themselves, both threats to the child's physical, emotional, or psychological safety.

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<sup>39</sup> VAWA and U visa applicant mothers who are often or almost always involved in their children's schools rises dramatically 662% from filing (3.9%) to employment authorization (30%) and continues to rise to 40.5% at lawful permanent residence (total increase of 939%). See Figures 62 & 63.

<sup>40</sup> VAWA and U visa applicants are also often or almost always more engaged in their children's social development rising from 8% at filing, to 19% at employment authorization, and to 30% at lawful permanent residence for a total increase since filing to 281%. See Figures 61, 62, and 63.

<sup>41</sup> Involvement with survivors' children after-school activities, both academic and sports rise from 16% at filing of VAWA and U visa applications, to 19% after employment authorization and rising to 32% at lawful permanent residence (total increase of 108%). See Figures 61, 62, and 63.

<sup>42</sup> The number of VAWA and U visa victims who rarely or never engage with other parents drops from 20% at filing to 8% at employment authorization. Those who sometimes, often or almost always develop relationships with other parents stays steady at 48% upon filing, 46% at employment authorization and 49% at lawful permanent residence. See Figures 61 & 62.

<sup>43</sup> The rate at which immigrant survivor applicants rarely/never engages with their own family declined from 29% at filing to 5% after employment authorization and those who usually/almost always engaged with friends increased by 48% to 41% at employment authorization. See Figures 58 & 59.

<sup>44</sup> Agencies reported for example on 252 child self-petitioners and on 347 mothers and stepmothers filing self-petitions to protect their abused children. See Figures 28, 29, and 30.

<sup>45</sup> See Figures 30, 32, and 33.

<sup>46</sup> See Figures 26, 27, 32, 33, and 35.

Violence in the home has the worst effect on children because "they are more intensely affected and the consequences last longer."<sup>47</sup> Domestic violence puts a strain on children who not only respond negatively to parental discord but become preoccupied with the toxic stress in an abusive home.<sup>48</sup> More recent research has found that child abuse and growing up in a home where domestic violence is occurring are two of several kinds of Adverse Childhood Experiences (ACEs).<sup>49</sup> Medical professionals have found that these ACEs have lasting, negative effects on the child's health and well-being and can lead to a wide range of chronic diseases including cancer, diabetes, heart disease, suicide, and an altered stress response system.<sup>50</sup> Further, experiencing and witnessing family violence as a minor affects children's neurocognitive development and intellectual functioning.<sup>51</sup>

Moreover, immigrant children may have suffered hostile and anti-immigrant attitudes in the U.S. which adds to their vulnerability to suffer from traumatic stress reactions.<sup>52</sup> In addition, most of the children were being raised by mothers who were suffering extreme levels of stress and instability due to their victimization and their unresolved immigration status. Children who are victimized, re-victimized, unprotected, and neglected in their basic needs for safety and stability are at definite risk of suffering a number of serious psychological, physiological, and behavioral problems, including chronic health conditions.<sup>53</sup> The longer the abuse, neglect, and exposure to violence persists without proper intervention and treatment, the harder it becomes to repair the damage to the child's functioning and physical, social, emotional, and/or spiritual well-being.<sup>54</sup>

Agencies participating in the survey noticed a change in the children of the survivors who obtained employment authorization. Children became more socially active,<sup>55</sup> more involved in pursuing their own interests,<sup>56</sup> their grades in school improved,<sup>57</sup> and they began to sleep better, eat better, and became more talkative.<sup>58</sup> These improvements for survivors' children accelerated as victims gained lawful permanent residence, particularly with regard to children's increased participation in academic and sport after-school activities, social activities with friends, and having fewer disciplinary problems at school.<sup>59</sup> These behavioral changes suggest that the children began to exhibit important changes at the

<sup>47</sup> Betsy M. Groves, CHILDREN WHO SEE TOO MUCH: LESSONS FROM THE CHILD WITNESS TO VIOLENCE PROJECT, BEACON PRESS, pg. 63, (2002).

<sup>48</sup> PREVENTING ADVERSE CHILDHOOD EXPERIENCE, CDC: VIOLENCE PREVENTION, [https://www.cdc.gov/violenceprevention/aces/fastfact.html?CDC\\_AA\\_refVal=https%3A%2F%2Fwww.cdc.gov%2Fviolenceprevention%2Ffacestudy%2Ffastfact.html](https://www.cdc.gov/violenceprevention/aces/fastfact.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fviolenceprevention%2Ffacestudy%2Ffastfact.html); Faiza Chappell, Meghan Fitzpatrick, Alina Husain, Giselle Hass, Leslye Orloff, *Understanding the Significance of a Minor's Trauma History in Family Court Rulings: Appendix E*, (Mar 30, 2021), <https://niwaplibrary.wcl.american.edu/wp-content/uploads/Appendix-E-Effects-of-Trauma-on-Minors-Fact-Sheet-3.29.18.pdf>.

<sup>49</sup> The Philadelphia ACE Research Committee, Philadelphia ACE Survey (2019); Joining Forces for Children, Adverse Childhood Experiences (2021) <https://www.joiningforcesforchildren.org/what-are-aces/>.

<sup>50</sup> PREVENTING ADVERSE CHILDHOOD EXPERIENCE, CDC: VIOLENCE PREVENTION, [https://www.cdc.gov/violenceprevention/aces/fastfact.html?CDC\\_AA\\_refVal=https%3A%2F%2Fwww.cdc.gov%2Fviolenceprevention%2Ffacestudy%2Ffastfact.html](https://www.cdc.gov/violenceprevention/aces/fastfact.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fviolenceprevention%2Ffacestudy%2Ffastfact.html).

<sup>51</sup> Faiza Chappell, Meghan Fitzpatrick, Alina Husain, Giselle Hass, Leslye Orloff, *Understanding the Significance of a Minor's Trauma History in Family Court Rulings: Appendix E*, (Mar 30, 2021), <https://niwaplibrary.wcl.american.edu/wp-content/uploads/Appendix-E-Effects-of-Trauma-on-Minors-Fact-Sheet-3.29.18.pdf>.

<sup>52</sup> Etiony Aldarondo, Rachel Becker, *Promoting the Well-Being of Unaccompanied Immigrant Minors*, SPRINGER SCIENCE & BUSINESS MEDIA, pg. 195–214, (2011), [https://doi.org/10.1007/978-1-4419-9452-3\\_10](https://doi.org/10.1007/978-1-4419-9452-3_10).

<sup>53</sup> Moroz, Kathleen, *The Effects of Psychological Trauma on Children and Adolescents*, VERMONT AGENCY OF HUMAN SERVICES, (2005), [https://kuswoyoaji.files.wordpress.com/2014/01/dmh-cafu\\_psychological\\_trauma\\_moroz.pdf](https://kuswoyoaji.files.wordpress.com/2014/01/dmh-cafu_psychological_trauma_moroz.pdf).

<sup>54</sup> Moroz, Kathleen, *The Effects of Psychological Trauma on Children and Adolescents*, VERMONT AGENCY OF HUMAN SERVICES, (2005), [https://kuswoyoaji.files.wordpress.com/2014/01/dmh-cafu\\_psychological\\_trauma\\_moroz.pdf](https://kuswoyoaji.files.wordpress.com/2014/01/dmh-cafu_psychological_trauma_moroz.pdf).

<sup>55</sup> Increasing 101% with 35% reporting children were often or almost always more socially active after employment authorization; rising to 53% by lawful permanent residence. See Figures 69 & 70.

<sup>56</sup> Increasing 134% with 41% reporting children were often or almost always pursuing their own interests after employment authorization; rising to 53% by lawful permanent residence. See Figures 72 and 73.

<sup>57</sup> Children's grades often or almost always begin to improve at employment authorization for 29% of survivors' children. With substantial increases of 175% by lawful permanent residence reaching 65% of children. See Figures 69 & 70.

<sup>58</sup> See Figures 72 & 73.

<sup>59</sup> By lawful permanent residence there was a 125% decrease in disciplinary problems for survivor's children and 80% are less aggressive. Survivors' children often or almost always had improved grades and slept better (65%); ate better (59%); and were less aggressive. 53% had fewer disciplinary



same time that their mother also improved psychologically. This is not unexpected as the social science literature has established that because of the unique mother-child attachment, children of immigrant survivors can be significantly impacted by the mother's mental state.<sup>60</sup>

The Centers for Disease Control (CDC) has found that "nurturing relationships can protect against factors that might increase the risk for perpetuating abuse (e.g., stress), and they provide models for positive interactions and social support."<sup>61</sup> Resiliency in children has been linked to the presence of close relationships with others such as parents and friends.<sup>62</sup> Positive adult figures help children achieve "greater resilience, lower stress, less likelihood of arrest, reductions in homelessness, higher levels of employment, less delinquent conduct, favorable health, less suicidal ideation, reductions in rapid repeat pregnancies, and better outcomes for the children of teen mothers."<sup>63</sup>

The healthy mother-child relationship, is a protective factor for children and fosters resilience through the benefits of attachment. Research has established that attachment to primary caregivers in early childhood relates to the development of important developmental processes, including emotional and behavioral regulation, cognitive flexibility, and social functioning.<sup>64</sup> Attachment disturbances increase children's vulnerability to re-victimization and sensitivity to stress. Disrupted relationships with their mothers may also cause difficulties to the process of acculturation and adjusting to a new environment.

Children whose parents lack lawful immigration status in the U.S. have been found to fear a parent's detention and deportation. Children who had a parent who was subjected to immigration enforcement exhibited higher levels of behavioral problems, depression, anxiety and lower self-concept than those children who had not had such experiences.<sup>65</sup> In VAWA and U visa cases, the long, unpredictable waits until obtaining protection against deportation exacerbated these harms to children and applicant parents whose abusers are often actively involved in efforts to trigger the victim's deportation.<sup>66</sup> In addition to the children's mother receiving employment authorization and protection from deportation as part of their VAWA and U visa cases, a related stabilizing event was that the immigration-related barriers to victims seeking help from the family courts receded.<sup>67</sup> As a result, nearly half were willing to fight for custody of their children if this was threatened,<sup>68</sup> and many survivors filed

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problems, pursued their own interests, were more talkative, and were more socially active. Another 47% were more engaged in sports. The research indicates that these improvements began after employment authorization and accelerated as victims and their children moved toward lawful permanent residence. See *Figures 68-73*.

<sup>60</sup> Alan Sroufe, Byron Egeland, Elizabeth A. Carlson, W. Andrew Collins, *The Development of the Person: The Minnesota Study of Risk and Adaptation from Birth to Adulthood*, NY: GUILFORD, (2005).

<sup>61</sup> *Essentials for Childhood: Creating Safe, Stable, Nurturing Relationships and Environments for All Children*, CDC, (2019), <https://www.cdc.gov/violenceprevention/pdf/essentials-for-childhood-framework508.pdf>.

<sup>62</sup> Nia Heard-Garris, Matthew M. Davis, Moira Szilagyi, Kristin Kan, *Childhood Adversity and Parent Perceptions of Child Resilience*. BMC PEDIATRIC, pg. 2 (June 2018) doi 10.1186/s12887-018-1170-3.

<sup>63</sup> *Promoting Protective Factors for In-Risk Families and Youth: A Guide for Practitioners*, CHILDREN'S BUREAU, pg. 3, (Sept. 2015) [https://www.childwelfare.gov/pubPDFs/in\\_risk.pdf](https://www.childwelfare.gov/pubPDFs/in_risk.pdf).

<sup>64</sup> Carlo Schuengel, Mirjam Oosterman, Paula S Sterkenburg, *Children with Disrupted Attachment Histories: Interventions and Psychophysiological Indices of Effects*, CHILD ADOLESCENT PSYCHIATRY HEALTH, pg. 3, 26 (2009), <https://doi.org/10.1186/1753-2000-3-26>.

<sup>65</sup> Luis H. Zayas, Sergio Aguilar-Gaxiola, Hyunwoo Yoon, Guillermina Natera Rey, *The Distress of Citizen-Children with Detained and Deported Parents*, JOURNAL OF CHILD AND FAMILY STUDIES, pg. 3213-3223, (2015), doi:10.1007/s10826-015-0124-8.

<sup>66</sup> Krisztina E. Szabo, et. al., *Early Access to Work Authorization For VAWA Self-Petitioners and U Visa Applicants*, NIWAP, (Feb. 12, 2014), [https://niwaplibrary.wcl.american.edu/pubs/final\\_report-on-early-access-to-ead\\_02-12](https://niwaplibrary.wcl.american.edu/pubs/final_report-on-early-access-to-ead_02-12); Rafaela Rodrigues, Alina Hussein, Amanda Couture Carron, Leslye Orloff, Nawal H. Ammar, *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*, NIWAP, (May 3, 2018), <https://niwaplibrary.wcl.american.edu/pubs/immigrant-access-to-justice-national-report>.

<sup>67</sup> The percent of VAWA and U visa victims who were rarely/never willing to seek family court help declined from 22% to 6% for custody cases and 32% to 10% for child support cases. See *Figure 47*.

<sup>68</sup> After employment authorization 48% and after lawful permanent residence 50% of survivors were sometimes, often or always willing to seek justice system help in custody cases. See *Figures 47 & 48*.

for divorce and sought child support from their abusers.<sup>69</sup> This survey confirms prior research findings that survivors who have filed VAWA and U visa applications are highly likely to turn to the justice system for help in protection order, custody, divorce and child support cases.<sup>70</sup> These findings in turn suggests that immigrant survivors increased their capacity to focus on their parenting and their children's protection as they became unburdened of their fear of deportation, were empowered by the employment authorization and as the immigration threats they have experienced for years as a key part of the abuse they suffered diminished significantly.

## Community and Social Benefits

VAWA and U visa applicants have in common the victimization that made survivors and/or their children feel rejected and abused. Among the consequences of interpersonal abuse is a self-protective tendency to withdraw and isolate themselves from a world that has been hostile and aggressive.<sup>71</sup> Survivors of domestic violence, sexual assault or other interpersonal crimes are often socially isolated by the abuser, by shame, or by financial and transportation limitations that are exacerbated for immigrant survivors by lack of access to employment authorization and driver's licenses. They have difficulties functioning socially and this in turn leads to an existential problem because interpersonal ties articulate our sense of self and allow us to know who we are. Data from this survey shows that an increase in socialization with friends and family occurred when the survivors received their employment authorization and protection from deportation.<sup>72</sup> Moreover, increases with other social contacts also occurred, such as increased participation in their community, faith community, with neighbors,<sup>73</sup> and with other parents.<sup>74</sup> This decrease in isolation<sup>75</sup> is an important change achieved after receiving employment authorization and a marker for improved quality of life as this survey's data illustrate in the continued improvements in engagement that continue with lawful permanent residence.<sup>76</sup> It is important to note that this increase in contact is selective, and presumably tending towards surrounding themselves with positive contacts<sup>77</sup> as suggested by the decline in involvement with the abuser's family.<sup>78</sup>

Regarding acculturation, the findings of this study are very encouraging for the future adjustment of the survivors and their families in the U.S. Migrating and settling into a new country is highly

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<sup>69</sup> VAWA and U visa survivors (42%) often or almost always sought child support after employment authorization and began to often or almost always seek divorce; 24% at employment authorization and 36% after lawful permanent residence. *See Figures 47 & 48.*

<sup>70</sup> Rafaela Rodrigues, Alina Hussein, Amanda Couture Carron, Leslye Orloff, Nawal H. Ammar, *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*, NIWAP, (May 3, 2018), pg. 88-89 (Protection order cases: VAWA self-petitioners 63%, U visa 67%; Custody cases: VAWA self-petitioners 60%, U visas 64%; Divorce cases: VAWA self-petitioners 59%, U visas 56%; Child support cases: VAWA self-petitioners 49%; U visas 55%) <https://niwaplibrary.wcl.american.edu/pubs/immigrant-access-to-justice-national-report>; Krisztina E. Szabo, et.al., *Early Access to Work Authorization For VAWA Self-Petitioners and U Visa Applicants*, NIWAP, (Feb. 12, 2014) pg. 28-31, (Protection Order Cases: VAW self-petitioners 63%, U visas 64%; Custody cases: VAWA self-petitioners 47%, U visas 44%; Divorce cases: VAWA self-petitioners 74%, U visas 34%; Child support cases: VAWA self-petitioners 45%, U visas 22%) [https://niwaplibrary.wcl.american.edu/pubs/final\\_report-on-early-access-to-ead\\_02-12](https://niwaplibrary.wcl.american.edu/pubs/final_report-on-early-access-to-ead_02-12).

<sup>71</sup> Danieli Yael, *Assessing Trauma in a Multigenerational Perspective*, CROSS CULTURAL ASSESSMENT OF PSYCHOLOGICAL TRAUMA AND PTSD, pg. 65-89 (2007).

<sup>72</sup> *See Figures 59 & 86.*

<sup>73</sup> At filing 58% rarely/never were engaged in their communities. This declined by 77%. It was 14% after employment authorization. *See Figures 58 & 59.* Victims' involvement often/almost always with community, friends, family, neighbors and others increases 160% for 16.1% at filing to 42% after employment authorization and reaches 58% at lawful permanent residence, a total increase of 261%. *See Figures 84-86.*

<sup>74</sup> Survivors sometimes, often, always have relationships with other parents 46% at employment authorization and 49% at lawful permanent residence. *See Figures 62 & 63.*

<sup>75</sup> This survey found, for example, two of the top ten contributors to extreme cruelty and coercive control used by self-petitioners' abusers were isolation experienced by 50% (#3) and cutting victims off from their friends and family members experienced by 45% (#7). *See Figure 21.*

<sup>76</sup> *See Figures 60, 63, & 86.*

<sup>77</sup> 80% increase in engaging with people in their communities outside of the abuser's family including friends, family, other parents, and neighbors. *See Figures 58-63.*

<sup>78</sup> The percentage of VAWA and U visa victims who are sometimes, often or always involved with the abusers family declines from 38% at filing to 18% after employment authorization and 16% after lawful permanent residence. *See Figures 59 & 60.*

stressful, especially when combined with victimization which was the case of the VAWA and U visa clients whose data is reported here. Some of the challenges reported in the literature for immigrant victims include losses such as having to distance from loved ones, social networks, home, and culture; problems finding housing, difficulties obtaining legal immigration documentation needed to live and work, learning a new language, changing family roles, and adjusting to new school systems, labor markets, justice and social systems.<sup>79</sup>

Migration challenges a person's identity as it demands radical life and role changes and adjustment to a foreign country's environment. Immigrant survivors need to adjust and overcome the challenge of the changes in identity that are the result of their migration experience. According to the literature on acculturation, an individual undergoing acculturation will engage in cultural, linguistic, and psychological changes.<sup>80</sup> These changes in the level of integration aim to manage the anxiety of living in a foreign and confusing environment. Further, immigrants who arrive to the U.S. are faced with ethnic and racial discrimination, xenophobia, and anti-immigrant sentiment that interferes with their ability to feel at ease and may make it less desirable to integrate into the new culture as opposed to remaining segregated and invisible.

The VAWA and U visa applicants who are the subject of this study seemed to move from the feeling of displacement, not belonging, being exiled from their own country, and perhaps feeling not accepted in the U.S. to progressive acculturation. The functional aspects of acculturation include use of the language of the host country and participation in their socio-cultural activities. Acculturation also includes acquisition of the relational style, beliefs about human nature, and time orientation of the host culture<sup>81</sup>.

The survey's data reveals that after employment authorization, survivors were highly interested in learning English. For instance, there was an increase in engagement in English as a Second Language (ESL) classes and increased efforts to speak English.<sup>82</sup> Moreover, the data showed that survivors came to feel more at home in the U.S., more comfortable socially with people from the U.S., including friends, neighbors, and co-workers, attended more social functions with people from the U.S., and began to adopt U.S. cultural norms, including in their diet.<sup>83</sup>

An important change in values that occurred after receiving protection from deportation and employment authorization was VAWA and U visa survivors' increased trust in the police,<sup>84</sup> resulting in

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<sup>79</sup> Encarnación Trueba Garza, Pedro Enrique T. Reyes, *Resiliency and Success: Migrant Children in the U.S.*, Harvard University Press, (2004).; Alejandro Portes & Ruben G. Rumbaut, *Introduction: The Second Generation and the Children of Immigrants Longitudinal Study. Ethnic and Racial Studies*, HARVARD UNIVERSITY PRESS, pg. 983-999 (2005) doi: 10.1080/01419870500224109; Carola Suarez-Orozco, Marcelo M. Suarez-Orozco, *The Developing Child: Children of immigration*, HARVARD UNIVERSITY PRESS, (2001).

<sup>80</sup> John W. Berry, *Immigration, Acculturation, and Adaptation*, APPLIED PSYCHOLOGY: AN INTERNATIONAL REVIEW, pg. 5-68, (1997), doi: 10.1111/j.1464-0597.1997.tb01087.x.

<sup>81</sup> José Szapocznik, Mercedes A. Scopetta, William Kurtines, María D. Aranalde, *Acculturation: Theory and Measurement*, REVISTA INTERAMERICANA DE PSICOLOGIA/INTERAMERICAN JOURNAL OF PSYCHOLOGY, (Nov. 1977), doi: 12:113-130.

<sup>82</sup> After employment authorization there is a 226% increase in VAWA and U visa survivors who are often or almost always enrolled in English as a Second Language classes from only 13% at filing, to 43% after employment authorization, which continues to rise to 47% at lawful permanent residence. The survey also found a 167% increase in survivors who often or almost always try to speak English from 20% at filing rising to 53% at employment authorization and 57% at lawful permanent residence. *See Figures 90 & 91.*

<sup>83</sup> The survey revealed that survivors' adaptation to life in the U.S. increases after employment authorization increases further at lawful permanent residence by which time VAWA and U visa survivors are often or almost always socializing with (43%) and attending social events with (58%) people from the U.S., feeling at home in the U.S. (37%), eating U.S. foods (33%) and adopting U.S. cultural norms (30%). After employment authorization 60% of VAWA and U visa survivors are attending social events with people from the United States. Found an increase of 159% socializing with people from the U.S. and 126% increase in survivors adopting U.S. social norms between filing and lawful permanent residence. *See Figures 90-92.*

<sup>84</sup> VAWA and U visa victims' willingness so sometimes, always or often trust police rose 114% at deferred action and employment authorization to 50% of survivors and rose further to 53% of survivors by lawful permanent residence (total increase of 128%). The number of victims who rarely or never trusted police fell from 60% at filing to 26% at receipt of employment authorization and to 20 % at lawful permanent residence. It is important to note that this illustrates trust increasing both among U visa victims and VAWA self-petitioners. *See Figures 93-95.*

increased participation in criminal investigations or prosecutions,<sup>85</sup> and continuing to file police reports for future crimes.<sup>86</sup> It has been documented that many immigrants, including VAWA and U visa applicants, because of their history with law enforcement in their countries of origin and their immigration status, which places them in a marginalized group, distrust the police and have difficulties trusting the U.S. justice system.<sup>87</sup> Survivors of domestic violence have been found to be particularly hesitant to call the police to obtain relief from violence for them and their children.<sup>88</sup> Against this background, it is especially important that this survey confirmed the role that the U visa is playing in building trust<sup>89</sup> in law enforcement and prosecutors among immigrant survivors.<sup>90</sup> This finding confirms results from a 2013 research study that found survivors who had filed VAWA self-petitions were turning to police for help at high rates with 50% filing police reports and 62% helping in criminal investigations and prosecutions,<sup>91</sup> in addition to the high rates of cooperation among U visa victims for whom cooperation and helpfulness is part of their U visa case process.<sup>92</sup>

In the case of VAWA and U visa applicant survivors, the access to protection against deportation and employment authorization that these programs provide are fostering greater confidence in and reliance upon the U.S. justice and law enforcement systems. As confidence, self-esteem, mental health, stability and safety of VAWA and U visa survivors improve, survivors' ability and willingness to participate in the criminal justice system increases, and they become better and more effective participants and witnesses in criminal investigations and prosecutions. A key finding of this survey that illustrates the impact of this growing trust is the increase in the numbers of VAWA and U visa applicants who are reaching out to help other immigrant survivors in their communities.<sup>93</sup>

These types of markers indicate that the survivors began to achieve a greater level of comfort and familiarity with the U.S., which is important for their wellbeing and prosperity. Acculturation has been found to increase the propensity to take the perspective of the other, in turn leading to improved social

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<sup>85</sup> Although VAWA self-petitioners who have no obligation to cooperate with law enforcement and prosecutors, this survey found a decline in the percent of VAWA and U visa clients who rarely or never wanted to be involved in criminal investigations and prosecutions fell from 20% before filing to 8% after receipt of employment authorization. This means that VAWA self-petitioners as well as U visa victims engaged in the criminal justice system once they received employment authorization. At employment authorization and lawful permanent residence 40% of VAWA and U visa applicant clients sometimes, often or almost always cooperated in criminal investigations and prosecutions. See *Figures 42-44*.

<sup>86</sup> VAWA and U visa victims sometimes, often or almost always file future police reports at rates of 36% after employment authorization and deferred action and 38% at lawful permanent residence. See *Figures 43 & 44*.

<sup>87</sup> Leslye Orloff, MaryAnn Dutton, Giselle Hass, and Nawal Ammar, *Battered Immigrant Women Willingness to Call for Help and Police Response*, UCLA WOMEN'S LAW JOURNAL, 5 (Fall 2003) <http://library.niwap.org/wp-content/uploads/2015/CULT-Rsch-ImmVictimsBatteredImmWomenPolice.pdf>.

<sup>88</sup> Leslye Orloff, MaryAnn Dutton, Giselle Hass, and Nawal Ammar, *Battered Immigrant Women Willingness to Call for Help and Police Response*, UCLA WOMEN'S LAW JOURNAL, (Fall 2003) <http://library.niwap.org/wp-content/uploads/2015/CULT-Rsch-ImmVictimsBatteredImmWomenPolice.pdf>.

<sup>89</sup> Corrin Chow, Zachary Perez, Rocio Molina, Leslye E. Orloff, *Stories from the Field: The Crime Fighting Effectiveness of the U Visa*, NIWAP, (August 27, 2020) <https://niwaplibrary.wcl.american.edu/pubs/u-visa-crime-fighting-stories> (stories from law enforcement and prosecution officials describing how U visa victims are helping with criminal investigations and prosecutions that go beyond the victim's own criminal case).

<sup>90</sup> Rafaela Rodrigues, Alina Hussein, Amanda Couture Carron, Leslye Orloff, Nawal H. Ammar, *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*, NIWAP, (May 3, 2018), pg. 44-46 <https://niwaplibrary.wcl.american.edu/pubs/immigrant-access-to-justice-national-report>. (Compared 2016 and 2017 and found that in times of increased immigration enforcement law enforcement agencies that regularly signed U visas combined with community policing efforts did not see the declines in immigrant victims coming forward to make police reports and participate in criminal investigations that non-signing law enforcement agencies experienced).

<sup>91</sup> Krisztina E. Szabo, et al., *Early Access to Work Authorization For VAWA Self-Petitioners and U Visa Applicants*, NIWAP, (Feb. 12, 2014) pg. 29, [https://niwaplibrary.wcl.american.edu/pubs/final\\_report-on-early-access-to-ead\\_02-12](https://niwaplibrary.wcl.american.edu/pubs/final_report-on-early-access-to-ead_02-12);

<sup>92</sup> Leslye Orloff, et. al., *U Visa Victims and Lawful Permanent Residence 5* (September 6, 2012) (70% continued cooperation and 29% victims were willing to cooperate if their criminal case went forward); Krisztina E. Szabo, et. al., *Early Access to Work Authorization For VAWA Self-Petitioners and U Visa Applicants*, NIWAP, (Feb. 12, 2014) pg. 29-30, [https://niwaplibrary.wcl.american.edu/pubs/final\\_report-on-early-access-to-ead\\_02-12](https://niwaplibrary.wcl.american.edu/pubs/final_report-on-early-access-to-ead_02-12) (73% cooperated with active criminal investigations and prosecutions).

<sup>93</sup> 70% increase in VAWA and U visa applicant survivors sometimes, often or almost always helping other victims; rising from 14% at filing, to 22% at employment authorization to 24% at lawful permanent residence. *Figures 61 to 63*.

judgement<sup>94</sup>. These attitudes also help a parent to be a role model, communicates the need to adapt, and to relate better to their children who would, by their developmental instincts, adapt quickly.

The dynamic effort of VAWA and U visa survivors to integrate into U.S. society while preserving links to their ethnic community in the U.S.<sup>95</sup> demonstrates that they were not rejecting or replacing their own cultural roots. The agencies noted that the survivors appeared more attached to their cultural roots by transmitting their cultural identity to their children, eating traditional foods from their ethnic group, relating to their ethnic communities, staying in close contact with family members in their home countries, and making plans to visit their home countries.<sup>96</sup>

By being open to their ethnic community in the U.S. and maintaining their interest in their home country and their loved ones there, the survivors' actions implied the formation of bicultural identities. Biculturalism, defined as the internalization of two cultures, involves the feeling of belonging, engaging in behaviors prescribed by, endorsing the values and beliefs, and having meaningful connections with members of both cultures.<sup>97</sup> Social science literature warns us that acculturation alone is unlikely to provide lasting wellbeing because individuals need to preserve a sense of history by maintaining their own culture. Similarly, there are many psychological benefits that biculturalism brings to a person's welfare.

Studies have shown that being bicultural promotes the ability to identify and value multiple perspectives and articulate them into a meaningful whole. Bicultural people also learn to combine those alternative viewpoints to make novel connections. These new mental skills have implications regarding ability to search for information and resources<sup>98</sup> and ability to tolerate ambiguous information without feeling overloaded, among other capacities of cognitive complexity<sup>99</sup> The benefits of biculturalism to immigrants also include a stronger sense of their multicultural identity and the ability of passing on those values to their children. By creating a bicultural family environment, survivors are helping themselves and their children in multiple ways. For instance, studies have found that home environments with a moderate degree of biculturalism was related to significantly fewer anxiety symptoms for male adolescents and significantly fewer depression symptoms for female adolescents<sup>100</sup>.

Desire and willingness to not only adjust but to thrive in their new home was revealed in increases in survivors' educational attainment and vocational training after receiving employment

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<sup>94</sup> Sammut, Gordon. (2012). The immigrants' point of view: Acculturation, social judgment, and the relative propensity to take the perspective of the other. *Culture & Psychology*, 18(2), 184–197. <https://doi.org/10.1177/1354067X11434837>

<sup>95</sup> As the VAWA and U visa programs help victims break free of their abuser's controls, survivor who usually/almost always reengage with their ethnic community grows exponentially (more than 13 fold) from 3% at filing, to 38% after employment authorization and 43% at lawful permanent residence (a total 15.6 fold increase). See *Figures 58-60*.

<sup>96</sup> By the time VAWA and U visa applicants attain lawful permanent residence survivors often or almost always are transmitting their culture to their children (58%), eating ethnic foods (60%); engaging with their ethnic community in the U.S. (38%); staying in close contact with family in their home country (63%), and now that they are able to travel making plans to visit their home country (50%). See *Figures 59, 88, & 89*.

<sup>97</sup> Veronica Benet-Martinez, Janxin Leu, Fiona Lee, Michael W. Morris, et al., 2002; Negotiating biculturalism cultural frame switching in biculturals with oppositional versus compatible cultural identities. *Journal of Cross Cultural Psychology*, 33 (5): 492-516. Doi: 10.1177/0022022102033005005.; David, E. J. R., Okazaki, Sumie, & Saw, Anne (2009). Bicultural self-efficacy among college students: Initial scale development and mental health correlates. *Journal of Counseling Psychology*, 56(2), 211–226. <https://doi.org/10.1037/a0015419>; Angela-MinhTu D. Nguyen & Veronica Benet Biculturalism Unpacked: Components, Measurement, Individual Differences, and Outcomes. October 2007. *Social and Personality Psychology Compass* 1(1):101 – 114. DOI: 10.1111/j.1751-9004.2007.00029.x

<sup>98</sup> Immigrant VAWA and U visa applicants' familiarity with and ability to access community resources grows from 10% at filing, to 23% at employment authorization and reaches 47% at lawful permanent residence, a 133% increase. See *Figures 93-95*.

<sup>99</sup> Carmit T. Tadmor, Adam D. Galinsky & William W. Maddux (2012). Getting the most out of living abroad: Biculturalism and integrative complexity as key drivers of creative and professional success. *Journal of Personality and Social Psychology*, 103 (3), 520-542.

<sup>100</sup> Biculturalism, Mental Health, and the Cultural Environment: A Longitudinal Approach to Examining the Person-Environment Fit Hypothesis by Camille D. Basilio. Unpublished dissertation. Arizona State University. Retrieved at: [https://repository.asu.edu/attachments/134987/content/Basilio\\_asu\\_0010E\\_13901.pdf](https://repository.asu.edu/attachments/134987/content/Basilio_asu_0010E_13901.pdf)

authorization.<sup>101</sup> Increases in educational attainments were obtained by hard effort but also by environmental supports such as student grants and loans, revealing the positive impact of external resources.

### **Promoting Access for VAWA and U Visa Survivors to Government Services and Community Support**

The results of this survey unequivocally point to a number of important gains and developments that occur with the granting of employment authorization and protection from deportation for survivors and their children. It follows that if these two benefits exert such a transformative and stabilizing impact in the lives of immigrant survivors, ensuring that survivors are granted these life-saving and stability enhancing protections and support sooner will lead to greater improvement and richer contributions to society. Providing earlier access to employment authorization and protection from deportation for VAWA and U visa applicants would provide the stability that would result in greater and more effective participation of these applicants in criminal investigations and prosecutions. This includes participating in criminal investigations and prosecutions and serving as witnesses in criminal cases involving their perpetrator in addition to the criminal case that was the qualifying crime that made them eligible for the VAWA or U visa immigration relief.<sup>102</sup> This survey's results reveal that granting federal and state funded benefits and assistance to immigrant crime victims promotes and supports healing for survivors and their children. When immigrant survivors have earlier access to a broad array of benefits and services, they more quickly adjust to life in the U.S. and more fully participate in both the justice system and civic life, which benefit us all.

Granting VAWA self-petitioners and U visa victims access to protection from deportation (deferred action) and employment authorization at a much earlier point in time can be accomplished without any changes to current statutes or regulations. Currently, the wait time after filing until immigrant survivors of crime and abuse receive employment authorization and deferred action is upwards of 5 years for U visa applicants and can be up to or more than 2 years for VAWA self-petitioners whose abusers are their lawful permanent resident spouses or parents.<sup>103</sup> During the waiting period between filing and receipt of deferred action and employment authorization, survivors' lives are in limbo. Perpetrators of domestic violence, child abuse and human trafficking and sexual predators in the workplace maintain the upper hand and survivors are trapped in homes and jobs where victimization is ongoing.<sup>104</sup>

Granting deferred action to VAWA self-petitioners and U visa applicants who have established a prima facie or bona fide case ends perpetrators' ability to use immigration-related threats as retaliation

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<sup>101</sup> The survey revealed starting at employment authorization VAWA and U visa survivors sometimes, often or almost always pursued educational opportunities at rates that by employment authorization of GEDs (35%), vocational training (21%), educational grants and loans (25%), Associates Degrees (22%), Bachelor's Degrees (16%; Advanced degrees (5%) and by lawful permanent residence are: GEDs (49%), vocational training (27%), educational grants and loans (40%), Associates and Bachelor's Degrees (27% each); Advanced degrees (19%). See Figures 77 & 78.

<sup>102</sup> Corrin Chow, Zachary Perez, Rocio Molina, Leslye E. Orloff, *Stories from the Field: The Crime Fighting Effectiveness of the U Visa*, NIWAP, (August 27, 2020) <https://niwaplibrary.wcl.american.edu/pubs/u-visa-crime-fighting-stories>.

<sup>103</sup> Agencies reported that in 35% of their VAWA self-petition cases the abuser was a lawful permanent resident spouse, parent or stepparent. See Figure 16.

<sup>104</sup> Research has found that many victims stay in homes and workplaces where the abuse that was the basis for the U visa application or VAWA self-petition continues occurring. With new incidents of sexual assault, domestic violence, child abuse, stalking occurring on a weekly/daily (48%) or monthly (24%) basis while victims await employment authorization and the protection from deportation needed to counter the perpetrator's immigration-related abuse. Rafaela Rodrigues, Alina Hussein, Amanda Couture Carron, Leslye Orloff, Nawal H. Ammar, *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*, NIWAP, (May 3, 2018), pg. 86-88 <https://niwaplibrary.wcl.american.edu/pubs/immigrant-access-to-justice-national-report>. Research conducted in 2013 made similar findings. Krisztina E. Szabo, et. al., *Early Access to Work Authorization For VAWA Self-Petitioners and U Visa Applicants*, NIWAP, (Feb. 12, 2014) pg. 21-23, [https://niwaplibrary.wcl.american.edu/pubs/final\\_report-on-early-access-to-ead\\_02-12](https://niwaplibrary.wcl.american.edu/pubs/final_report-on-early-access-to-ead_02-12).

and as an effective means to coercively control survivors. Employment authorization simultaneously provides survivors the tool they need to break financial ties with the abuser, to provide support for themselves and their children, and to access a range benefits, services and support that are available to survivors and any of their children included in the survivors' VAWA or U visa case. Examples include:

*State-Funded Medical Assistance and Health Care Subsidies:* Once U visa victims receive deferred action status they are considered "lawfully present"<sup>105</sup> under public benefits laws. This gives U visa victims and their children the legal ability to purchase health insurance in the healthcare marketplace exchanges in all states. Deferred action status also makes all children included in the U visa application lawfully present and eligible for subsidized child healthcare in 48 states.<sup>106</sup> Although prenatal care is open to VAWA and U visa victims in 20 states, lawful presence opens up prenatal care to pregnant immigrant women in an additional 21 states.<sup>107</sup>

*Driver's Licenses:* Only 12 jurisdictions offer state driver's licenses to immigrants who do not qualify for a federally recognized Real ID. Receipt of deferred action makes U visa applicants and VAWA self-petitioners eligible for driver's licenses in 3 states and obtaining employment authorization based on deferred action results in survivors being eligible for driver's licenses in an additional 31 states.<sup>108</sup>

*Temporary Aid to Needy Families (TANF):* Although 24 states grant access to state funded TANF to VAWA self-petitioners with prima facie determinations, U visa applicants only have access to TANF in 7 states. Receipt of deferred action gives U visa applicants and their children access to TANF in 2 additional states.<sup>109</sup>

Despite the barriers<sup>110</sup> to many public benefits, services, and driver's licenses that U visa applicants, U visa holders and some VAWA self-petitioners face, this survey found that immigrant survivors were willing to access the government services for which they became progressively eligible as their case moved through the immigration process. It is clear from prior research that victim advocates, attorneys, and government agencies play an important role in informing immigrant survivors about and helping them apply for publically funded benefits and services that strengthen the infrastructure upon which survivors rely as they rebuild their lives.<sup>111</sup>

This survey found that over one third of VAWA and U visa applicants were receiving assistance from mental health professionals.<sup>112</sup> Receipt of preventative medical care, adult healthcare and prenatal

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<sup>105</sup> Letter to Department of Health and Human Services, *Medicaid and CHIP Coverage of "Lawfully Residing" Children and Pregnant Women*, CENTER FOR MEDICARE, CHIP, AND SURVEY & CERTIFICATION, (July 1, 2010) <https://niwaplibrary.wcl.american.edu/pubs/pb-gov-hhslawfullyresidingmedicaid-07-01-10-also-in-qualified-immigrants>.

<sup>106</sup> See Leslye Orloff, State-Funded Public Benefits Comparison Chart, NIWAP, (April 9, 2021), <https://niwaplibrary.wcl.american.edu/pubs/state-benefits-comparison-chart>; see also, *All State Public Benefits Charts and Map*, NIWAP, (2019) (linking to state-by state charts with full legal citations documenting access to state and federal public benefits for VAWA and U visa victims and other immigrant survivors).

<sup>107</sup> *Id.*

<sup>108</sup> *Id.* Note that additionally in Maine VAWA self-petitioners with prima facie determinations are eligible for full federally recognized driver's licenses.

<sup>109</sup> *Id.*

<sup>110</sup> Immigration status related concerns (e.g., fear of deportation, no driver's license, lack of economic stability with employment authorization) were the biggest (36%) barrier survivors encountered to accessing, healthcare, education, involvement in their children's schools and community services, followed by their abuser's threats and interference (22.6%) and language access barriers (19.4%). See *Figure 67*.

<sup>111</sup> *Use and Outcomes of Protection Orders by Battered Immigrant Women*, COSMOS CORP., (Nov. 10, 2016), <https://niwaplibrary.wcl.american.edu/pubs/fam-gov-nijtechnicalreportprotectionorders11-10-06>; Krisztina E. Szabo, David Stauffer, & Leslye Orloff, *Survey Report on Access to Public and Assisted Housing for VAWA Self-Petitioners, their Children, and Trafficking Victims*, NIWAP, (June 2, 2014) pp 8-9 <https://niwaplibrary.wcl.american.edu/pubs/survey-access-to-public-and-assisted-housing>.

<sup>112</sup> 35% of victims before filing, at employment authorization, and at lawful permanent residence sometimes, often, almost always receiving mental health treatment. See *Figures 49, 51, & 52*.

care increases from receipt of employment authorization through lawful permanent residence.<sup>113</sup> The survey found slight increases in survivors' access to subsidized child care, SNAP, and state funded nutrition cash between filing and lawful permanent residence<sup>114</sup> and also found that after employment authorization, there was an increase in survivors' access to public and assisted housing with a simultaneous decrease in the use of transitional housing or emergency shelters.<sup>115</sup>

Based on these findings, there is no question that removing the fear of deportation and eliminating the delayed access to employment authorization will facilitate access to government-funded services, benefits and support. Such services, benefits and supports will help stabilize the lives of future lawful permanent resident VAWA and U visa survivors and encourage their even greater participation in the civic life of our communities.<sup>116</sup>

### **Implications for Policy Makers and Professionals Who Encounter or Serve Immigrant Survivors**

*Department of Homeland Security:* The findings of this study provide evidence-based support for a number of important policy changes that would contribute substantially to accomplishing the goals of the VAWA and U visa statutes and immigration relief programs. These include preventing abusers and criminals from using the U.S. immigration system to control and retaliate against victims, while shielding themselves from accountability, and offering effective humanitarian protection and relief for immigrant survivors and their children. Urgent policy reforms needed include:

1. Provide deferred action and employment authorization to U visa applicants who have established a bona fide case for eligibility as early as possible. These changes need to be implemented in a manner that ensures the shortened timelines continue into the future;
2. Provide deferred action and employment authorization to VAWA self-petitioners issued along with prima facie determinations as this will both provide immediate protection they need from deportation, the ability to work lawfully, and will facilitate access to drivers' licenses and state funded benefits particularly for abused spouses and children of lawful permanent residents. These changes need to be implemented in a manner that ensures early access to deferred action and work authorization now and in the future;
3. Increase staffing for and reinstate trainings for VAWA Unit adjudicators at the Vermont and Nebraska Service centers that are presented collaboratively by experts at DHS and subject matter experts from outside the agency similar to all the VAWA Unit trainings conducted in 2015, 2009 and 2005 and consider involving a judicial trainer with expertise on VAWA and U visas and maintain VAWA Unit staffing at least 85% of capacity at all times;

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<sup>113</sup> Willingness to sometimes, often or almost always seek preventative health care rose to 51% by lawful permanent residence from 38% at filing and employment authorization. See Figures 61, 62, and 63. Survivors who usually or often obtain: adult health care rising 142% from filing (14%) to lawful permanent residence (33%); and prenatal care rising 63% from 21% at filing to 35% at lawful permanent residence. See Figures 50, 51, & 52.

<sup>114</sup> Survivors were sometimes, often or almost always sought subsidized childcare at rates of 27% at filing, 33% after employment authorization, and 37% at lawful permanent residence; were usually/often willing to access SNAP that their children were eligible to receive 31% at filing rising to 36% at lawful permanent residence; and sometimes, often or almost always accessed state funded cash assistance at 23% before filing rising to 31% at lawful permanent residence. See Figures 54, 55, 56, & 57.

<sup>115</sup> From filing (14%) to lawful permanent residence (25%) there was an 85% increase public and assisted housing mostly as a result of VAWA self-petitioner eligibility and a decrease in VAWA and U visa victims who needed services from emergency shelters and transitional housing. Victims who sometimes, often or almost always needed: emergency shelter declined from 35% pre-filing to 4% at lawful permanent residence and transitional housing declined from 48% pre-filing to 31% after employment authorization and at lawful permanent residence. See Figures 49, 59, 51, & 52.

<sup>116</sup> *Executive Order on Restoring Faith in Our Legal Immigration Systems and Strengthening Integration and Inclusion Efforts for New Americans*, WHITE HOUSE BRIEFING ROOM, (Feb. 2, 2021), <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/02/02/executive-order-restoring-faith-in-our-legal-immigration-systems-and-strengthening-integration-and-inclusion-efforts-for-new-americans/>



4. Amend VAWA Unit expedite criteria to explicitly authorize expediting of a VAWA or U visa case as a remedy for VAWA confidentiality violations;
5. Conduct trainings for Immigration and Customs Enforcement (ICE) trial attorneys involving U.S. Citizenship and Immigration Services (USCIS) and subject matter experts from outside of the agency on VAWA confidentiality and the VAWA and U visa programs similar to the training held for all of ICE's Office of the Principal Legal Advisor (OPLA) staff and managers in 2007;
6. Prohibit arrest, detention, deportation, issuance of notices to appear, and any immigration enforcement against victims with pending or approved VAWA and U visa cases,<sup>117</sup> fully implement the 2011 Victim Witness Prosecutorial Discretion Memo, and cancel all Notices to Appear that were issued in cases of victims filing VAWA self-petitions, U visa, T visa and SIJS cases;
7. Promote U visa certification by rescinding the August 10, 2019 U Visa Law Enforcement Resource Guide and reconfirm the continued effect of the November 2015 U and T Visa Law Enforcement Resource Guide. Ensure that all future publications are consistent with U visa statutes and regulations;
8. Amend U visa regulations to remove the supervisor requirement and expand authority of Police Chiefs, Sheriffs, elected Prosecutors, and other government agency heads to delegate certification authority to any agency staff member they deem appropriate;
9. End all fees in cases involving VAWA self-petition, U visa, and any other immigrant survivor applicants who receive VAWA confidentiality protection. This includes fees on any employment authorization and lawful permanent residence applications, including but not limited to VAWA and U visa cases they file; and
10. Move adjudication of all battered spouse waiver cases to the VAWA Unit.

*Congress:* The results of this study prove that the protections for immigrant victims of domestic violence, sexual assault, child abuse, stalking, dating violence, human trafficking, and other crimes developed by Congress as part of the Violence Against Women Act are effective in promoting the safety, stability, self-sufficiency, and resilience of immigrant survivors and promoting their ability to turn to the criminal and civil justice systems for help. Further statutory changes are needed. Congress should improve protections for immigrant survivors of abuse and crime by:<sup>118</sup>

1. Permanently eliminating the U visa 10,000 per year visa cap;<sup>119</sup>
2. Adding child abuse, elder abuse, dating violence, and hate crimes to the list of U visa criminal activities;
3. Adding Victims of Crime Act (VOCA) administrators to the statutory list of U visa certifiers;
4. Prohibiting the arrest, detention, removal, and initiation of immigration enforcement actions against any individual defined as eligible for protection under 8 U.S.C. 1367 (VAWA confidentiality);
5. Amending federal funding programs to authorize training on VAWA, T and U visa immigration relief, U visa certification and T visa declarations and require that law enforcement, prosecution

<sup>117</sup> This protection would apply to all cases unless the case is denied on its merits and all opportunities for appeal have been exhausted. Exception for applicants who participated in Nazi persecution, genocide, acts of torture or extrajudicial killings.

<sup>118</sup> For draft statutory language for each of these proposed legislative reforms and other statutory changes that would improve access to protections and help for immigrant survivors and their children and a section-by-section description of each proposed provision see Legislative Proposals That Benefit Immigrant Survivors of Domestic and Sexual Violence and Child Abuse (June 5, 2021) <https://niwaplibrary.wcl.american.edu/2021-legislative-proposals-that-benefit-immigrant-survivors>.

<sup>119</sup> *Redefining Immigration Relief: How Immigration Supports American Ideals*, NISKANEN CNTR., (Nov. 2020), <https://niwaplibrary.wcl.american.edu/pubs/u-visa-reforms-needed>.

and courts receiving any sources of federal funding have by the end of the 2022 grant period U visa certification and T visa declaration practices in place;

6. Making all VAWA self-petitioners, U visa applicants, and children applying for Special Immigrant Juvenile Status eligible for state and federal public benefits and driver's licenses to the same extent as human trafficking victims and by making each of these groups of victims "qualified immigrants" under U.S. public benefits laws when they receive bona fide or prima facie determinations in their abuse or crime victim-based immigration case;
7. Amending VOCA to guarantee access to all victims without regard to immigration status;<sup>120</sup>
8. Confirming that "extreme cruelty," like "battery," is a question of law as applied to the facts of the case and is therefore reviewable on appeal by the Circuit Courts and is not a discretionary factor like "extreme hardship;" and
9. Adding the following groups of victims to the definition of "VAWA self-petitioner" in 101(a)(51) – VAWA cancellation of removal and suspension of deportation applicants, children applying for Special Immigrant Juvenile Status, and abused spouses defined in INA section 106.

*Law Enforcement and Prosecutors:* The findings of this evidence-based study demonstrate and affirm prior research findings that when immigrant survivors of crime and abuse file immigration cases and gain protection from deportation and work authorization, their trust in police increases. They become more involved in criminal investigations and prosecutions and serve as better witnesses because they are less afraid and less susceptible to witness tampering. They file more police reports for future crimes, and they help other survivors in their communities turn to the justice system and other resources for help. These findings support implementation of the following recommendations by law enforcement and prosecution agencies nationwide:

1. Greater numbers of police departments, sheriff's offices, and state police agencies, should immediately implement U visa and T visa certification practices<sup>121</sup> which will enhance public safety, officer safety, and protection for victims;<sup>122</sup>
2. Adopt U and T visa certification policies or protocols that promote certification consistent with federal laws and regulations and serve as an important community policing tool;<sup>123</sup>
3. Law enforcement and prosecutor leadership should ensure that their agencies' U and T visa practices are consistent with and do not include requirements that are inconsistent with federal statutes and regulations;<sup>124</sup>
4. Law enforcement and prosecution agencies should adopt language access plans to ensure that agencies are able to effectively serve limited English proficient victims;<sup>125</sup>

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<sup>120</sup> This would eliminate Alabama's restriction denying VOCA payments to most immigrant crime victims. There are no immigrant restrictions in any other state.

<sup>121</sup> See U Visa Certification and T Visa Declaration Toolkit for Law Enforcement Agencies and Prosecutors (May 6, 2021)

[https://niwaplibrary.wcl.american.edu/pubs/u-t-visa-toolkit\\_law-enforcement-prosecutors](https://niwaplibrary.wcl.american.edu/pubs/u-t-visa-toolkit_law-enforcement-prosecutors)

<sup>122</sup> International Association of Chiefs of Police, Resolution "Support for Education and Awareness on U Visa Certifications and T Visa Declarations" (November 2018) <https://niwaplibrary.wcl.american.edu/pubs/iacp-support-for-education-and-awareness-on-u-visa-certifications-and-t-visa-declarations>.

<sup>123</sup> Stacy Ivie et al., *Overcoming Fear and Building Trust with Immigrant Communities and Crime Victims*, POLICE CHIEF, Apr. 2018, 40; Model Policy for Interactions with Immigrant Victims of Crime and Human Trafficking & Signing of U Visa Certifications and T Visa Declarations (October 31, 2016) <https://niwaplibrary.wcl.american.edu/pubs/proposed-model-u-visa-policy>; Discussion Paper for Model Policy for Interactions with Immigrant Victims of Crime and Human Trafficking and Signing of U Visa Certifications and T Visa Declarations (October 31, 2016) <https://niwaplibrary.wcl.american.edu/pubs/discussion-paper-model-policy-u-visa-certification-may-2016>.

<sup>124</sup> New Classification for Victims of Criminal Activity; Eligibility for "U" Nonimmigrant Status, 72 Fed. Reg. 53,014, 53,017 (Sept. 17, 2007); Department of Homeland Security, U and T Visa Law Enforcement Resource Guide for Federal, State, Local, Tribal and Territorial Law Enforcement, Prosecutors, Judges, and Other Agencies (November 30, 2015) <https://niwaplibrary.wcl.american.edu/pubs/dhs-updated-u-certification-resource-guide-2015>.

<sup>125</sup> Assistance in the development of language access plans is available from the Interpretation Technical Assistance and Resource Center <https://www.api-gbv.org/culturally-specific-advocacy/language-access/>.

5. Increase training for law enforcement and prosecution officials, leadership, and their agency's victim witness staff U and T visa certification and the effectiveness of U and T visas as crime fighting tools and language access best practices.<sup>126</sup> The training should incorporate the evidence-based findings of this study demonstrating how U and T visa certification promote greater justice system participation by immigrant victims;<sup>127</sup>
6. Receive technical assistance from subject matter expert law enforcement and prosecution officials on U and T visa certification and language access;<sup>128</sup> and
7. Increase trainings for prosecutors on best practices that employ prosecution strategies that increase successful prosecution of perpetrators of crimes committed against immigrant victims that incorporate the findings of this study and address discovery, voir dire, strategies that lead to introduction of prior consistent statements, pre-trial motions *in limine*, and the benefits of U visa certification for prosecutors.<sup>129</sup>

*Judges and Courts:* This study's findings provide evidence-based support that demonstrates how judicial certification for U and T visa cases, signing SIJS findings in cases of immigrant children, and judicial leadership that makes available information at courthouses about legal rights under U.S. immigration laws of immigrant victims of crime and abuse improves outcomes, stability and resilience for immigrant children, youth, and adults. As immigrant survivors learn about, file immigration cases, and obtain work authorization and protection from deportation based upon having filed valid cases, victims and their children gain increased access to supportive resources including state and federal public benefits. Victims become more self-sufficient and less dependent on local resources and courts have expanded additional options including remedies in court orders that help immigrant survivors heal and thrive. This study's results support judges and courts implementing the following recommendations:

1. Judges in jurisdictions across the country should receive training that uses this study's evidence-based findings to promote U and T visa certification<sup>130</sup> and issuance of Special Immigrant Juvenile Status<sup>131</sup> findings by state court judges. Judges who encounter immigrant victims in hearing domestic violence, child abuse and neglect, custody, divorce, delinquency, adoption, termination of parental rights, criminal, and employment cases will all benefit from this training;<sup>132</sup>
2. State courts should adopt U and T visa certification policies or protocols that promote judicial certification. The U and T visa statutes and regulations authorize any judge who hears a case involving a U or T visa eligible immigrant to sign the certification. Courts may also designate a specific judge or judges to sign certifications for the court based rulings and records of cases

<sup>126</sup> International Association of Chiefs of Police, Resolution "Support for Education and Awareness on U Visa Certifications and T Visa Declarations" (November 2018) <https://niwaplibrary.wcl.american.edu/pubs/iacp-support-for-education-and-awareness-on-u-visa-certifications-and-t-visa-declarations>.

<sup>127</sup> NIWAP, American University, Washington College of Law, Technical Assistance Flyer – Law Enforcement and Prosecutor Training Flyer (2021) <https://niwaplibrary.wcl.american.edu/pubs/ta-flyer-lea> (Offering training for state and local law enforcement and prosecution agencies and their staff).

<sup>128</sup> Id.

<sup>129</sup> Training Tools for Prosecutors on the U Visa, VAWA and Criminal Court Discovery (November 8, 2017) <https://niwaplibrary.wcl.american.edu/prosecutors-tools>.

<sup>130</sup> See U Visa Certification and T Visa Declaration Toolkit for Federal, State and Local Judges, Commissioners, Magistrates, and Other Judicial Officers (August 12, 2020) <https://niwaplibrary.wcl.american.edu/pubs/judges-u-and-t-certification-toolkit-2020>.

<sup>131</sup> Although this study did not focus directly on SIJS children, all of the children who qualify for VAWA self-petitions and many child U visa applicants are children who were abused by one of their parents. As such VAWA self-petitioning children are similarly situated to and have suffered similar traumatic experiences as many SIJS eligible children. Thus, the findings of this study provide useful information about what the impact that gaining legal immigration status, work authorization and protection from deportation is likely to have on SIJS children. See Special Immigrant Juvenile Status Bench Book (March 31, 2018) <https://niwaplibrary.wcl.american.edu/sijs-manual-table-of-contents>.

<sup>132</sup> NIWAP, American University, Washington College of Law can provide this training virtually and in-person at state and national judicial conferences and trainings. Faculty for each training includes members of NIWAP's national judicial faculty and uses a State Justice Institute funded curricula. Technical Assistance and Training on Legal Rights of Immigrant Crime Victims (March 29, 2020) <https://niwaplibrary.wcl.american.edu/pubs/training-ta-flyer>.

heard by any of that court's judges, commissioners, magistrates, or other officials with judicial decision-making authority;<sup>133</sup>

3. Judges should join NIWAP's National Judicial Network through which they can receive training, judicial peer-to-peer learning opportunities, technical assistance, and access to webinars and training materials on issues that arise in cases involving immigrant survivors of crime, abuse and human trafficking;<sup>134</sup>
4. In adjudicating protection order, custody, and child welfare cases, judges will benefit from this study's findings regarding the ways in which perpetrators use the court system to perpetrate immigration related abuse.<sup>135</sup> Two key examples include raising immigration status of a victim to gain advantage in protection order, custody, and divorce cases and using family court discovery to try to obtain information contained in or about a victim's immigration case that is protected from discovery by federal VAWA confidentiality laws;<sup>136</sup> and
5. Judges need to know how and where to access legally correct information on immigration laws that protect immigrant victims of crime and abuse and immigrant children who are victims of parent perpetrated abuse, neglect, or abandonment who are likely eligible for VAWA, U visa, T visa or SIJS immigration protection.<sup>137</sup>

*Child and Adult Protective Services Agencies:* Both child and adult protective services agencies are authorized to sign U and T visa certifications for immigrant children, adult, and disabled persons they encounter in their work. Child protective services agencies can also sign U and T visa certifications for immigrant parents who are helpful in the detection, investigation, or prosecution of the child abuse that the agency is investigating. The results of this study demonstrate how it is in the children's best interests to sign U and T visa certifications and how children's lives and ability to overcome the effects of the trauma suffered are improved when children obtain work authorization and protection from deportation. State child protective services (CPS) agencies and adult protective services (APS) agencies should:

1. Adopt U and T visa certification practices for all cases in which they encounter immigrant victims<sup>138</sup> and consider issuing a certification policy or protocol;<sup>139</sup>
2. Ensure that each state CPS and APS agency head designate specific agency staff to be responsible for processing and signing U visa and T visa certifications for the agency. Depending on how the state agency is structured, the designation will be made by the head of the state or county APS or CPS agency. If the head of the agency is at the state level it is recommended that each county agency have a designated U and T visa signor; and
3. Child protective services agencies and attorneys who represent these agencies should be required to file requests for special immigrant juvenile status findings any time the agency is bringing a case to court involving a non-citizen foreign born child.

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<sup>133</sup> See Model: U and T Visa Certification Protocol for State Courts (October 29, 2020) <https://niwaplibrary.wcl.american.edu/pubs/u-t-visa-certification-protocol-courts>; San Francisco Superior Court Civil Division U-Visa Certification Protocol (October 27, 2017) <https://niwaplibrary.wcl.american.edu/pubs/san-francisco-court-civil-division-u-visa-certification-protocol>.

<sup>134</sup> The National Judicial Network is staffed by NIWAP, American University, Washington College of Law in collaboration with the National Council of Juvenile and Family Court Judges with support from the State Justice Institute. See National Judicial Network Outreach Letter <https://niwaplibrary.wcl.american.edu/pubs/njn-outreach-letter>.

<sup>135</sup> See *infra* pages 48-57; Figures 36-40.

<sup>136</sup> Limayli Hugué, et. al., Quick Reference Guide for Judges: VAWA Confidentiality and Discovery Related Case Law (March 26, 2019) <https://niwaplibrary.wcl.american.edu/pubs/judges-va-wa-confidentiality-cases-and-discovery>

<sup>137</sup> State Justice Institute and National Judicial Network Training Materials <https://niwaplibrary.wcl.american.edu/sji-jtn-materials>

<sup>138</sup> See Toolkit for Adult Protective Services' (APS) Use of The U-Visa (February 2014) <https://niwaplibrary.wcl.american.edu/pubs/aps-u-visa-toolkit>.

<sup>139</sup> For assistance developing a U visa and T visa certification policy or protocol contact NIWAP, American University, Washington College of Law for technical assistance at (202) 274-4457 or [info@niwap.org](mailto:info@niwap.org).

*Mental Health Providers, Victim Advocates, Victims' Attorneys and State Coalitions:* There are important implications of the findings of this study for mental health providers, victim advocates, and attorneys who work with immigrant survivors and their children. This study identified several areas in which eligible immigrant survivors were accessing benefits and services at low rates despite eligibility. There are areas in which victim advocates and attorneys can play a central role in encouraging and accompanying victims in applying for these important forms of assistance including adult health care, prenatal care, and VOCA crime victims' assistance.<sup>140</sup>

1. The results of this study warn against a top-down approach of service delivery that neglects to provide survivors with the control and power to lead themselves to healing supported by external changes. These data reminds us that with concrete supports such as the employment authorization and protection from deportation, immigrant survivors are able to draw upon their inner resources to alleviate their most pressing problems and are able to thrive;
2. All mental health providers, victim advocates, and attorneys need to be trained to screen immigrant survivors and immigrant children, including those with Deferred Action for Childhood Arrivals (DACA) for VAWA, SIJS and U and T visa eligibility. This training should include the importance of early identification of eligible survivors and developing relationships with programs in the state or community with expertise in immigration relief for immigrant survivors. Helping victims file for VAWA and U visa immigration relief as soon as possible this study found promotes:
  - a. Victim safety and stability and results in a significant reduction in immigration related abuse;<sup>141</sup> and
  - b. Immigrant survivors' willingness to turn to the family and civil courts and the criminal justice system for help;<sup>142</sup>
3. Mental health providers, attorneys, and victim advocates should learn about the legal rights and resources for which immigrant VAWA and U visa survivors and their children are legally eligible under immigration, public benefits, and family laws. These professionals can play an important role in informing immigrant survivors about available programs and should actively help immigrant survivors access all legally available programs, services, and resources. The difference these resources make will be significant. Policies and services that protect and support immigrant survivors serve as a scaffolding that allows for immigrant survivors' internal growth and resilience;
4. The U.S. Department of Justice Office on Victims of Crime and Office on Violence Against Women should require all its grantees to receive training on and inform immigrants they serve about immigrant eligibility for VOCA compensation and assistance;
5. Victim advocates and attorneys serving immigrant crime victims need to learn about and assist immigrant survivors in applying for:
  - a. VOCA victim compensation;<sup>143</sup>
  - b. Adult health care and prenatal health care; and

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<sup>140</sup> See *infra* pages 75-81 and 84-88; Figures 49-52 and Figures 54-57. .

<sup>141</sup> See *infra* pages 48-57; Figures 36-40.

<sup>142</sup> See *infra* pages 57-70; Figures 41-48.

<sup>143</sup> See, NIWAP, *Chapter 17.3 Post-Assault Healthcare and Crime Victim Compensation for Immigrant Victims of Violence* (July 13, 2018)

<https://niwaplibrary.wcl.american.edu/pubs/ch17-3-postassault-healthcare-compensation> (Collects all state VOCA laws on Victim Compensation, discusses the application process, and immigrant eligibility in all states and D.C.)

- c. The full range of state and federally funded benefits and services for which immigrant survivors and/or their children qualify;<sup>144</sup>
6. Victim advocacy and legal services organizations serving immigrant victims should use the findings of this study as evidence-based research support in grant proposals that documents the need, services, and support that the agency provides to immigrant survivors and the effectiveness of the services the program offers;
7. State coalitions should support and facilitate training for victim advocacy and legal services agencies in the state to ensure that staff have training about the full range of services and assistance and legal remedies under immigration, public benefits, and family laws in the state available to assist immigrant survivors and their children;
8. Study findings also show also that when a mental health provider, an attorney, or victim advocate provides an environment of safety, respect, trust, and validation, survivors are capable of profiting from the resources that they have at hand to rebuild themselves and their future;
9. The results of this study remind mental health providers, attorneys, and victim advocates to have faith in the resilience of immigrant survivors' human spirit in the face of injustice; and
10. Mental health providers, attorneys, and advocates should shift their approach when working with immigrant survivors from a *deficit model* to a *strength model* that acknowledges that their immigrant survivor clients can become full members of U.S. society and contributors to the economic, social, and cultural life of their communities.

*Funders of Programs and Services:* Agencies that administer federal and state grants that fund programs that provide legal services, victim advocacy, law enforcement, prosecution, and court's work with survivors of violence and abuse can benefit from this evidence-based study's findings about the effectiveness of immigration relief in promoting healing, safety, stability, and resilience of immigrant survivors and their children. These agencies include: State grant administrators (e.g., Victims of Crime Act (VOCA), STOP Formula Grant Program, Family Violence Prevention and Services Act (FVPSA)), federal funders of help for crime victims and victims of domestic violence and child abuse (e.g., Office on Violence Against Women (OVW), Office on Victims of Crime (OVC), State Justice Institute (SJI), Bureau of Justice Assistance (BJA), Legal Services Corporation), and federal funders of social science research (e.g. National Institutes of Health, National Institute of Justice). Federal, state, and foundation funders should:

1. Provide increased support for programs that assist immigrant survivors and their children in learning about and applying for immigration relief and the state and federal public benefits that flow from immigration relief eligibility;
2. Ensure that funding is provided to programs that fulfill the full range of immigrant survivors needs for legal services and victim advocacy including help obtaining family court relief (e.g., protection orders, custody, divorce, child support), help accessing publicly funded benefits and services (e.g., housing, healthcare, food stamps, childcare, TANF, drivers' licenses), help applying for immigration relief, and victim advocacy services and therapeutic support;
3. Fund judicial training on the issues that arise at the intersection of state family laws and federal immigration laws so that judges are able to issue spot and have access to legally correct information on immigration laws to apply when parties raise immigration issues in

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<sup>144</sup> Assistance from victim advocates and attorneys is a critical determining factor impacting immigrant survivor access to public benefits and services. When victim advocate and attorneys have incorrect information and believe they do not qualify, then immigrant survivors do not apply. To determine which benefits and services immigrant survivors and their children qualify for see *NIWAP, All State Public Benefits Charts and Map* <https://niwaplibrary.wcl.american.edu/all-state-public-benefits-charts>.

family court cases. This training should include U and T visa certification by judges, issuance of SIJS findings, and identification of victims eligible for immigration relief;

4. Fund training for law enforcement and prosecution officials on best practices for working with immigrant victims, language access, and T and U visa certification; and
5. Fund training for all funded grantees to ensure that they have legally correct information about immigrant survivors legal rights under family, benefits and immigration laws.

*Forensic Evaluators:* The implications of this data for forensic mental health evaluators who conduct VAWA and U visa evaluations are important. The purpose of these forensic mental health evaluations is to document psychological symptoms following traumatic experiences that help survivors applying for humanitarian immigration relief under the VAWA and U visa programs by establishing an evidence base that can aid with legal determinations.

1. Providers may conduct mental health evaluations and services for immigrant victims in a range of settings and for diverse purposes. Mental health professionals should strive to learn and adhere to best practices for mental health evaluations and services consistent with the unique needs of this vulnerable but resilient population;
2. Mental health forensic evaluators need to gain competence in conducting evaluations for VAWA and U visa immigration cases. For example, trauma-informed, culturally sensitive, and developmentally-appropriate evaluations and services are recommended;
3. Trainings should cover foundations of evidence-based assessment and analysis of psychological symptoms resulting from trauma exposure;
4. It is customary to assess and document the symptoms and presentations of VAWA and U visa applicants and conclude that they meet a number of diagnostic considerations. Sometimes, especially when the crime is recent, victims may appear justifiably distressed and even disorganized emotionally and psychologically. In an effort to diagnose, evaluators may run the risk of over-pathologizing and concluding that these are deep-rooted disorders from which it would be hard to recover. However, this study supports the literature that points to trauma as a context-dependent response that is not necessarily the direct result of inner pathology. Trauma is a natural response to horrific events and vulnerability can be a state that the victim is in for a period of time rather than a personality flaw. Therefore, healing inevitably requires escaping from the toxic situation and finding safety and meaning in life. The data from this study shows that recovery is possible and that it does not mean a total absence of symptoms or distressing memories, but that progress towards recovering and healing is possible when resources and support are provided;
5. While the results of this study reflect how a person can be internally transformed by external positive events, in this case, being granted employment authorization and protection from deportation, it is important to note that it is a reciprocal dynamic in which an external event leads to internal changes that in turn are reflected in external behaviors; and
6. The information from this study may help forensic evaluators search for characteristics such as being hardworking, courageous, resilient, proud, and with dignity, and other positive characteristics that provide a more balanced perspective and form the basis to understand a victim's resilience.