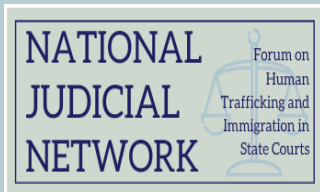


# National Judicial Network Forum on Human Trafficking and Immigration in State Courts

## Afghan Refugees: What Courts Need to Know and the Role Judges Can Play

March 1<sup>st</sup>, 2022

This publication was developed under grant number SJI-20-E-005 from the State Justice Institute.  
The points of view expressed are those of the authors and do not necessarily represent the official  
position or policies of the State Justice Institute.



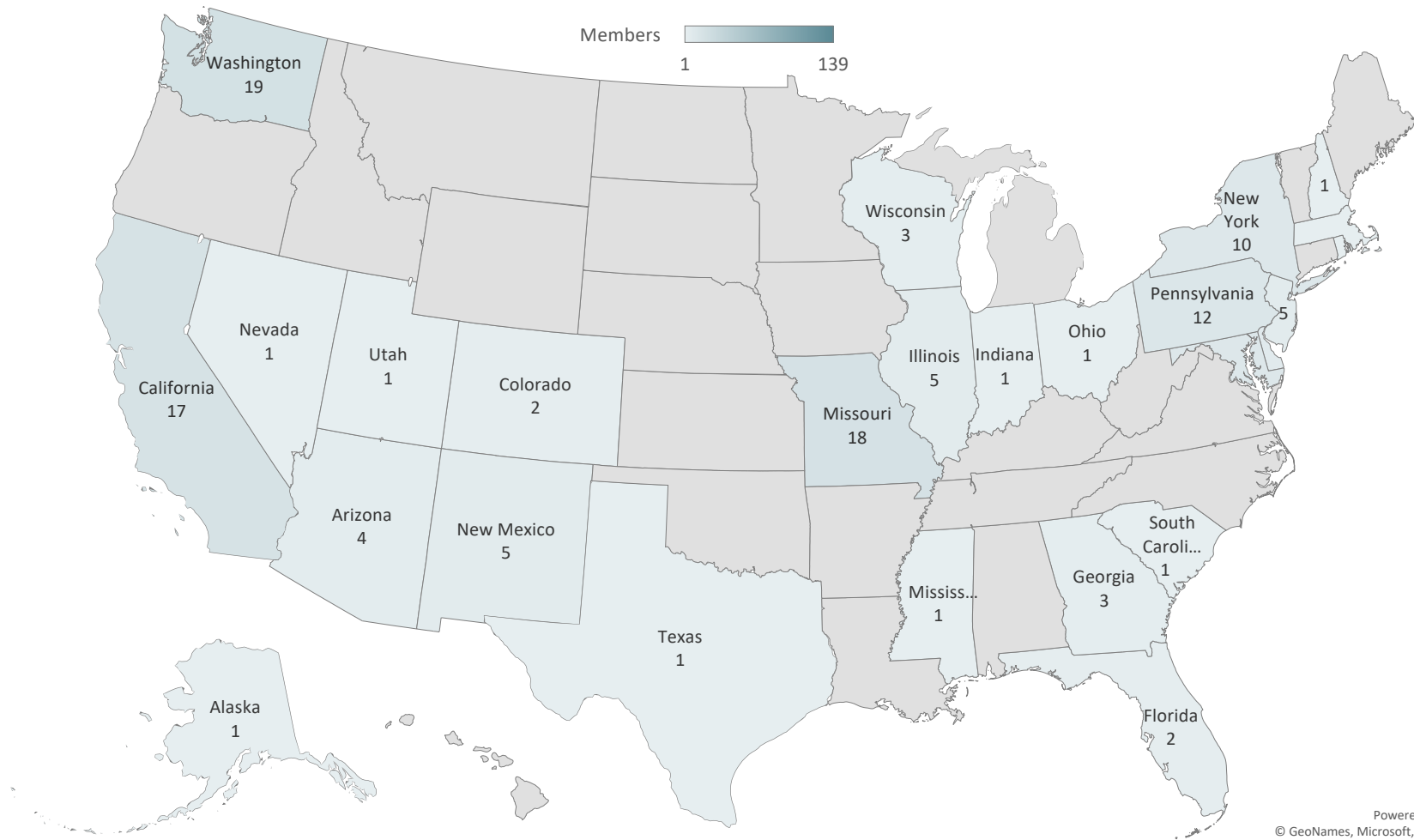
# Announcements

- Please don't forget to complete the evaluation at the end of the session! We will also send the link in a separate email after the session, along with the session recording.
  - <https://www.surveymonkey.com/r/9HFZDLY>

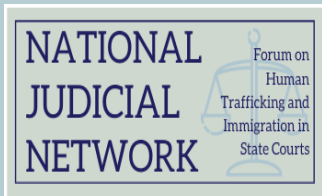
# Accessing Session Recordings

- Starting September 2021, we began recording peer-to-peer sessions. They will be made available after each session and are housed on a password-protected webpage available to members only.
  - <https://niwaplibrary.wcl.american.edu/njn-session-recordings>
- Password: **njn2021**

# State Representation in The National Judicial Network as of March 1, 2022



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# Upcoming Peer-to-Peer Session Dates

**April 5th**

**May 3rd**

**June 7th**

# Upcoming Peer-to-Peer Session Topics

- **Familial Trafficking:** The role of family members in trafficking of children and its intersection with domestic violence and child abuse and how identifying trafficking families improves immigration and public benefits options for immigrant victims
- **Commercial Sex Trafficking in boys and young men:** Tips for identifying cases and red flags
- **Labor Trafficking of children**

# Interactive Public Benefits Map



NIWAP

Web Library About NIWAP Maps by Benefit Demogr

NIWAP

Web Library About NIWAP Maps by Benefit Demographics

Legal Services

## Maps by Benefit

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

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



### Cash Assistance (TANF)

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

[Go to Map](#)



### Child Care

Child Care services may be provided through public benefits.

[Go to Map](#)



### Children's Health Insurance Program

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

[Go to Map](#)



### Driver's License

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

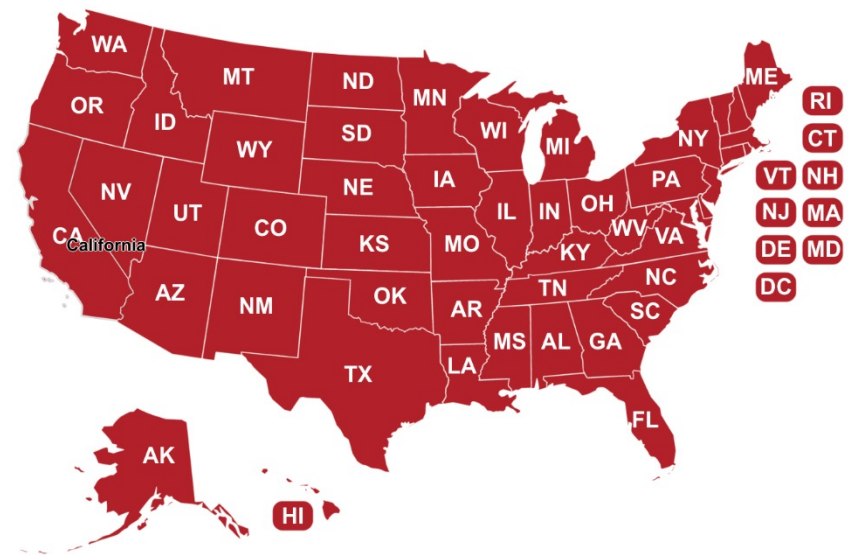
[Go to Map](#)



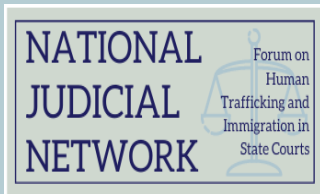
### Earned Income Tax Credit



### Emergency Housing & Safety Programs



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



# Thank You to SJI

- This project was supported by Grant No. SJI-T-047 (2021) from the State Justice Institute. The opinions, findings, conclusions, and recommendations expressed by program faculty and in program materials are those of the authors and do not necessarily represent the official position or policies of the State Justice Institute.



# Faculty



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Senior Director of Migration and  
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# Who is a Refugee?

Refugees are defined and protected in international law.

The 1951 Refugee Convention is a key legal document and defines a refugee as:

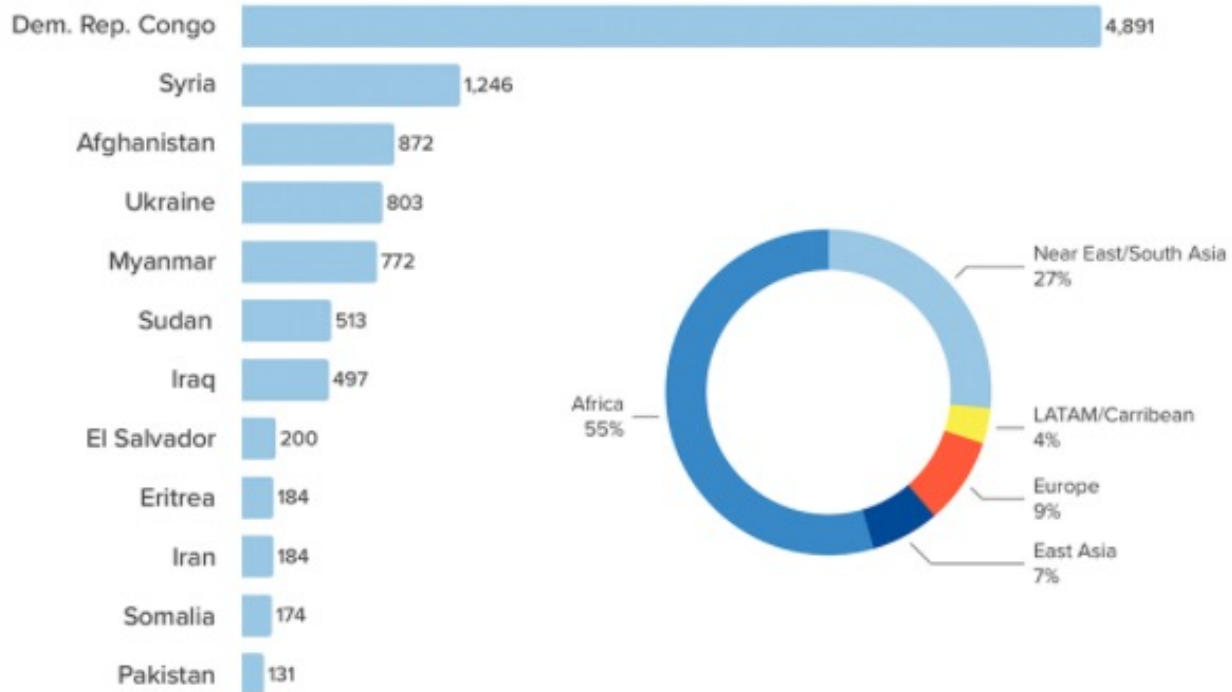
“someone who is unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion.”



# What is Resettlement?



## REFUGEE ADMISSIONS BY COUNTRY AND REGION OF ORIGIN

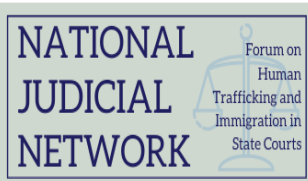


# Refugees Coming to the United States

Federal law requires that every year before October 1<sup>st</sup>, the beginning of the federal fiscal year, the President and Administration consult with Congress and set and formally sign the **Presidential Determination** on Refugee Admissions.

### FY 2020 Reception and Placement Program Affiliate Sites

July 2020



# Services for Newly Arrived Neighbors

- Reception and Placement (R&P) Programs
  - R&P provides resettlement agencies a one-time payment per refugee to assist with expenses during the first three months
  - Refugees must be resettled within a 100-mile radius of the resettlement agency (in most cases)

# R&P Continued

- Airport pickup, apartment setup, culturally specific pantry stocking
- Enrollment in employment services
- Registering youth for school
- Applying for social security cards
- Cultural orientation

**THESE SERVICES ARE LIMITED TO THE FIRST 90 DAYS**



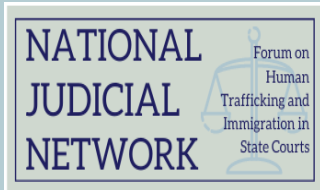
# All Services are Geared Toward Economic Independence

- Match Grant: case management, employment/skills training, job referrals, family budget planning, housing/food/utility support, transportation, health/medical, English language training, social/cultural adjustment
- Preferred Communities (for vulnerable refugees)  
Long term case management, health and medical interventions, social and cultural adjustment services

# Volunteer!



# Family Law FOR the American Muslim Community



# How Does Religion Show Up in THESE cases?

- As power and control?
- As a factor in safety planning?
- As a way to design safety planning for victims needs?

# Abuse of Islamic Law

- Not granting an Islamic divorce – impeding civil divorce.
- Threatening custody because of internalized patriarchy – talk about custody rules
- “secret marriage”
- Temporary marriage
- Polygyny

# Criminal Charges – What Do You Need to Think About?

- Gendered Islamophobia (discussion on barriers to reporting because of fear or distrust of law enforcement OR shame that survivor is “airing” dirty laundry of Muslim communities)
- May or may not be helpful to communities of color - particularly refugees/immigrants
- Barriers to reporting (law enforcement or child protective services)
- Tension with mandated reporters
- If the perp is incarcerated, will impact financial rights of the survivor/children of survivor

# Let's Talk About Marriage

- Is the Islamic marriage contract just a formality? Just tradition? Is it still important in the American context?
- What are the Islamic requirements for marriage
- What provisions are in a marriage contract?
- What if the marriage occurred in a different country?

# Islamic Marriage Contract in American Courts

- Islamic marriage contracts can ABSOLUTELY be relevant in American courts.
- Beware of expert witnessing – make sure you take this seriously.
  - Chesterfield case
  - NJ Case:  
[http://www.judiciary.state.nj.us/mcs/case\\_law/sd\\_v\\_mjr.pdf](http://www.judiciary.state.nj.us/mcs/case_law/sd_v_mjr.pdf)



# How Does Islamic Divorce Fit In?

- How many types of divorce are there in Islam?
  - Talaq
  - Khul'
  - Tafriq

# What Is a Talaq?

- Unilateral divorce initiated by the husband.
- Can a woman give a talaq?

# What Is a Khul'?

- In many schools of thought, the khul' is a divorce that the wife gives to the husband.
- Why does it matter who initiates the divorce?

# What Is the Mahr?

- “Mahr” or sadaq in Islamic marriage contracts is a marital gift given to the bride at the time of marriage
- It is the SUPERIOR debt on a husband at any given time in his life (this is because, of course, it is due at the time of marriage)
- It is the ABSOLUTE right of the bride and not of anyone else.
- It is not a dowry
- You can be entitled to *mahr* AND equitable distribution in a divorce.

# Tafriq – Judicial Divorce

- Tafriq is very similar to an American, civil divorce.
- The main point to keep in mind regarding this third type of divorce, is that the judge (in an Islamic setting) can order the *mahr* to the wife even in her application for divorce if there are certain factors such as harm (*DARAR*) (i.e. in domestic violence situations).

# Contact Information

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# Q & A

Please put your questions in the chat

# Session Evaluation

- Link to the poll
  - <https://www.surveymonkey.com/r/9HFZDLY>