

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

Opening Forum  
March 2, 2021

# Today's Facilitators



**Judge Hon. Susan F. Maven**  
New Jersey Superior Court -  
Family Division, Juvenile  
Human Trafficking Diversion  
Program  
Atlantic City, New Jersey



**Judge John Romero (Ret.)**  
Former Judge, Second Judicial  
District Court  
Children's Court Division  
Albuquerque, New Mexico

# Today's Facilitators



**Judge Rosemary Collins (Ret.)**  
Circuit Court Judge of the 17<sup>th</sup>  
District Circuit Court of  
Winnebago County



**Leslye Orloff**, Director  
National Immigrant Women's  
Advocacy Project,  
American University  
Washington College of Law

# Introduction

- 100 National Judicial Network members
- 25 states, Tribal Nations, jurisdictions, territories
- 20 steering committee members
  - 16 judges
  - 2 partners (NIWAP & NCJFCJ)
  - 1 state judicial education staff
- State Judicial Institute

# NJN Steering Committee

**Leslye E. Orloff**  
*District of Colombia*

**Hon. Abigail Aragon**  
*New Mexico*

**Hon. Susan Breall**  
*California*

**Hon. Rosemary Collins (ret.)**  
*Illinois*

**Hon. Lori Dumas**  
*Pennsylvania*

**Hon. Katherine G. Essrig**  
*Florida*

**Hon. Ramona A. Gonzalez**  
*Wisconsin*

**Hon. Melissa Hemstreet**  
*Washington*

**Hon. Abigail Hill**  
*Maryland*

**Hon. Viktoria Kirstiansson**  
*Pennsylvania*

**Hon. Lora J. Livingston**  
*Texas*

**Hon. Barbara Mack (ret.)**  
*Washington*

**Hon. Susan F. Maven**  
*New Jersey*

**Rose Patterson**  
*Florida*

**Hon. John Romero (ret.)**  
*New Mexico*

**Hon. Mary Grace Rook**  
*District of Colombia*

**Hon. Toko Serita**  
*New York*

**Hon. Mary F. Weir**  
*Missouri*

**Hon. Loretta M. Young**  
*Delaware*

Cc:

**Joey Orduna Hastings**  
*Nevada*

# Dates for Upcoming Peer-to-Peer Sessions

- April 6, 2021
- May 4, 2021
- June 1, 2021
- July – TBD
- August 3, 2021
- September 7, 2021
- October 5, 2021
- November 2, 2021
- December 7, 2021

# Poll 1: Where are you from?

- A. The Midwest
- B. Mountain region
- C. Western states
- D. The South
- E. The Northeast
- F. Mid-Atlantic
- G. Tribal Nations
- H. U.S. Territories



# National Judicial Network

- Who are we?
  - State and Tribal Court Judges and magistrates
  - Court officials and administrative staff
  - Judicial education professionals
- Who are committed to the effective adjudication of cases involving immigration and human trafficking victims



# Training and Development

- The NJN is focused on providing training and developing resources to support judges and judicial officers who encounter litigants in state or tribal courts who are potentially human trafficking victims and/or immigrant crime victims.

# Peer-to-Peer Forum

- Monthly voluntary sessions to learn and share information and resources in order to raise everyone's knowledge in these areas
  - Forums – sessions not recorded
  - Webinars - recorded
  - Listserv - confidential

# Poll 2: Have you had experience working with --

- A. Human trafficking survivors/victims
- B. Immigrant survivors/victims of domestic or sexual violence
- C. Immigrant youth
- D. Not sure



# What is Human Trafficking?

- Human trafficking is one of the fastest growing criminal enterprises in the world and is estimated to be a \$32 billion dollar industry.
- Human trafficking includes both *SEX* trafficking and *LABOR* trafficking.

# Prevalence

- No reliable prevalence data with respect to human trafficking domestically or abroad.
- Hidden nature of crime, mischaracterization of victims as perpetrators, lack of sufficient attention to issue means current numbers only reflect *TIP OF THE ICEBERG*.
- Of the 24.9 million victims of forced labor and commercial sexual exploitation, nearly 1 of 4 were exploited outside their home country
- Judges should not be deterred from improving the response in their local community and court system.

# Gender

- The vast majority of identified trafficking victims in the U.S. are women and girls...
- But boys are trafficked too, and under reporting is highly likely.
  - Often seen as willing participants or exploiters, not as victims.
  - Males face powerful gender and social barriers to disclosure.
- Gay and transgender victims are over-represented among sexually exploited males

# Ethnicity

- Victims of Human Trafficking are *disproportionately women and* girls of color.
- Native American and Latina women and girls are also disproportionately affected.
  - Indigenous women are 2.5 times more likely to be raped or be victims of sexual assault compared to the rest of the country.

# Court Risk Factors

- Court involvement
- Courts that:
  - Do not understand the victim-defendant paradigm
  - Do not understand the impact of *victimization* and the importance of being trauma-informed
  - *Lack the capacity to identify trafficking victims*
  - Have limited strategies to respond to trafficking victims
  - Lack an understanding of the nexus between foster care placement, runaway, homelessness and trafficking



# Judicial Leadership

- Judges are in a unique position to exercise an important role from the bench and to be an instrument of encouragement, collaboration, and change.
- As state and tribal court judges and organizations that make up the National Judicial Network, we can work together to provide positive outcomes in cases involving immigration and human trafficking victims.

What would you most like  
to learn about judge's role  
for human trafficking  
victims?



# Poll 3: Have you or your court...

(Select all that apply)

- A. Signed U or T visa certifications
- B. Issued SIJS findings
- C. Had immigration issues raised by one party against another in a case
- D. Been asked to allow discovery of a victim's immigration case file
- E. None of the above



# Sexual Assault Rates Among Immigrant Women

- High school aged immigrant girls
  - Twice as likely to have suffered sexual assault as their non-immigrant peers, including recurring sexual assault

Decker, M., Raj, A. and Silverman, J., Sexual Violence Against Adolescent Girls: Influences of Immigration and Acculturation, 13 Violence Against Women 498, 503 (2007).

# Coercive Control Over Immigration Status

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

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

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

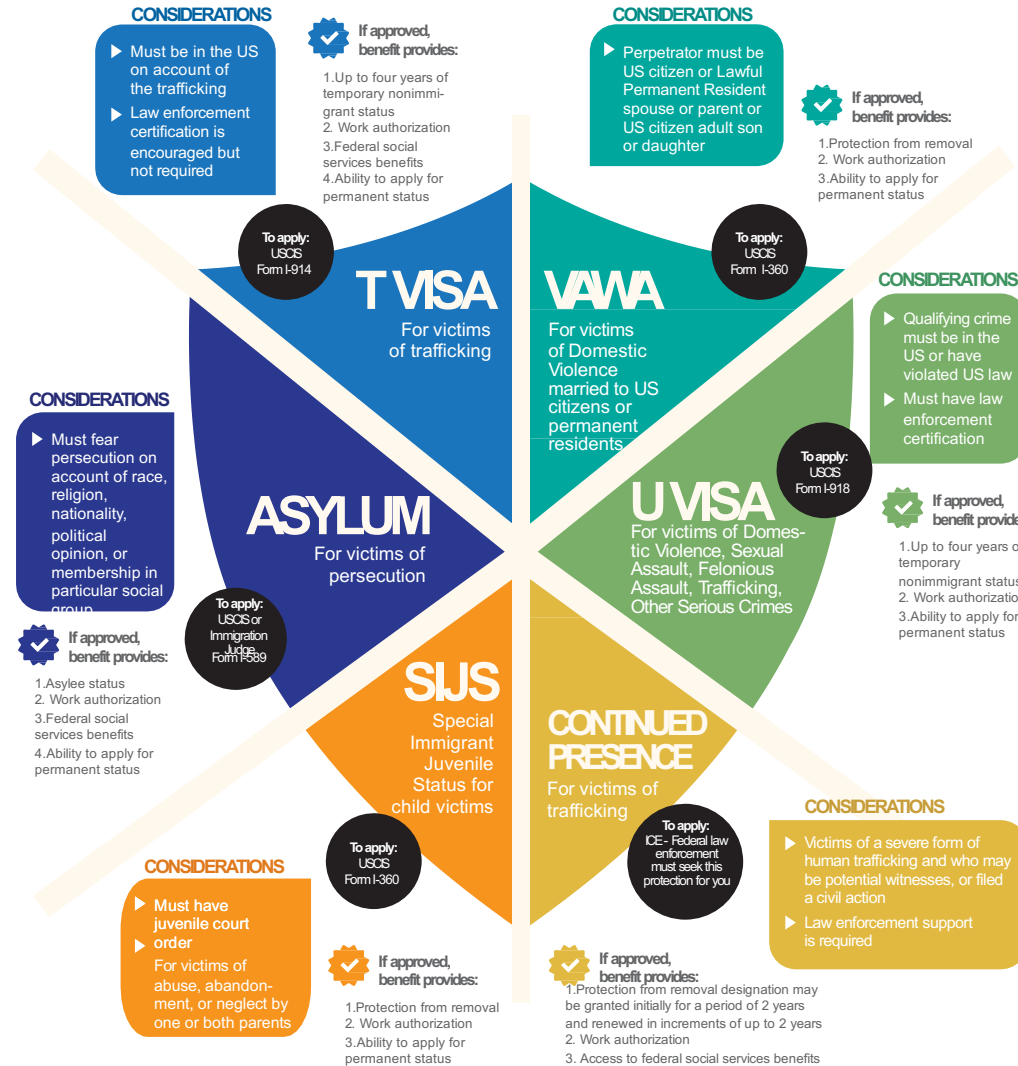
Edna Erez and Nawal Ammar, Violence Against Immigrant Women and Systemic Responses: An Exploratory Study (2003)

# Protecting Children in Immigrant Families

- Immigrant victims who receive help, including immigration relief, child abuse likelihood drops significantly (77% to 23%).
- Children of help seekers 20% less likely to have abuser threaten them
- One third less likely to have abuser threaten to take them away from their mother

Ammar, Orloff, Hass and Dutton, “Children of Battered Immigrant Women: An Assessment of the Cumulative Effects of Violence, Access to Services and Immigrant Status.” (September 2004) <http://niwaplibrary.wcl.american.edu/pubs/co-occurencedvchildabuse/>

# PROTECTIONS FOR IMMIGRANT VICTIMS



DHS.GOV/BLUE-CAMPAIGN

# Immigration Relief Available for Immigrant Victims of --

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



# How Immigration Affects State Courts

- Judicial role created by federal and state laws
  - U visa certification
  - Special Immigrant Juvenile Status Findings
- Impact on state court rulings
  - Federal VAWA confidentiality laws impact rulings on state court discovery motions
  - Legally correct or incorrect information can influence rulings in family court cases (e.g. custody)
- State court findings helpful in DHS adjudications
  - Marriage and parent/child relationship
  - Abuse: domestic violence, sexual assault, stalking, child abuse, abandonment or neglect

In cases of immigrant survivors, what role can state court judges play?



# VAWA, T and U Visa Legislative History

- *“The single most important provision we add to the Violence Against Women Act is the battered immigrant women provision.”*
- Senator Joseph Biden, Senate Congressional Record, October 11, 2000

Where can judges find  
resources and receive  
support?



# NIWAP's Role in the National Judicial Network

- Convening and staffing the NJN and the NJN steering committee
- Supporting peer-to-peer forum judicial facilitators
- Managing Slack listserv
- Assisting in planning and delivering webinars
- Providing subject matter expertise
  - Providing technical assistance and facilitating judge-to-judge technical assistance
  - Developing any materials requested
  - Serving with judges as faculty as appropriate

# Resources Available to Assist Courts

- SJI Funded Materials for Judges in the NIWAP Web Library
  - Bench book on SIJS
  - U visa certification toolkit for judges
  - Bench cards for family court judges
  - Training tools and resources
    - Example: 51 jurisdiction survey on jurisdiction and service including serving parents living abroad – being published today.
    - <https://niwaplibrary.wcl.american.edu/family-law-service-jurisdiction-charts>
  - Overview of research on human trafficking in the U.S. - to be published by April 2021
  - Directory of service providers

# NIWAP Web Library





# SJI Funded Resources: Menu of Topics

- Victim protection-based forms of immigration relief: (VAWA, U and T Visas, SIJS)
- VAWA confidentiality limitations on courthouse immigration enforcement and state court discovery (family, civil, criminal)
- Using legally correct information to address immigration allegations in custody, divorce, protection order, child/spousal support & child welfare cases
- U and T Visa certification by state court judges
- Special Immigrant Juvenile Status findings best practices
- Public benefits access for immigrant victims
  - Health care, housing, TANF, SNAP, Education and more
- Improving access to justice for immigrant and LEP persons



# Technical Assistance, Materials, and Training

- Judicial training manuals, toolkits, bench card and materials at <https://niwaplibrary.wcl.american.edu/sji-jtn-materials>
- **NIWAP Technical Assistance**
  - Call (202) 274-4457
  - E-mail [info@niwap.org](mailto:info@niwap.org)
- Web Library: [www.niwaplibrary.wcl.american.edu](http://www.niwaplibrary.wcl.american.edu)
- Future trainings – NIWAP's SJI grant

What are you most interested in learning from your participation in the National Judicial Network?



# Q & A

Please put your questions in the chat

# Session Evaluation

- Link to the poll
  - <https://www.surveymonkey.com/r/GNBK78C>
- We will also send the link in a separate email