

New ICE Policies on Courthouse Enforcement and VAWA Confidentiality

ICE Courthouse Enforcement Policies and VAWA Confidentiality Protections for Immigrant Crime Victims

Immigration and Customs Enforcement at the U.S. Department of Homeland Security issued a policy on [January 10, 2018](#) limiting civil immigration enforcement at courthouses. For advocates, attorneys, law enforcement, prosecutors, judges and court staff, it is important to note that the new policy's limits and rules regarding immigration enforcement at courthouses are protections that apply to all immigrants and are in addition to the protections provided to immigrant crime victims by VAWA Confidentiality.

This ICE Courthouse Enforcement Memo confirms (in footnote 2) that immigrant crime victims and witnesses continue to receive VAWA confidentiality protections against courthouse enforcement that are in addition to the limitations on civil courthouse enforcement set out in the January 10, 2018 memo. (See further discussion below)

Read together with VAWA Confidentiality protections for immigrant victims, the policy will result in the following:

- Under both the ICE Courthouse policy and VAWA Confidentiality, supervisory approval at the high levels of the local ICE offices is needed to approve any civil immigration enforcement action that is to take place at a courthouse in a family court or civil court case (including protection orders, custody, divorce, child support, small claims, landlord tenant, etc.)
 - For victims of domestic violence, sexual assault, human trafficking, stalking, and other U visa listed criminal activities once the victim has filed their immigration case the case will appear in a DHS data base of VAWA confidentiality protected cases that the supervisors and enforcement officers can access and will have to check as part of the process of approving civil enforcement at a courthouse in a non-criminal case. (Note VAWA confidentiality protected victims also receive some protection from immigration enforcement in criminal cases). The VAWA confidentiality protected immigration case types that will be flagged for additional protection are:
 - VAWA self-petitions, VAWA cancellation of removal and VAWA suspension of deportation
 - U visas for crime victims
 - T visas for human trafficking victims
 - Battered spouse waivers
 - Work authorization applications filed by abused spouses of A, E(iii), G and H visas.
- Since it is clear from research that when victims begin filing for immigration protections and seek help from lawyers, law enforcement and courts, perpetrators are actively

involved in trying to get immigrant victim deported by providing “tips” about the victim to immigration enforcement officials. The protections these policies offer victims are strongest once the victim has filed one of the immigration cases listed above.

- Advocates, attorneys, law enforcement and prosecutors need to screen immigrant victims early and file their VAWA confidentiality protected immigration case as soon as possible so that victims can get the best protections from the policies described in more detail on NIWAP's [website here](#).

See the [**Three Prongs of VAWA Confidentiality and Courthouse Protections for Immigrant Victims of Domestic Violence, Sexual Assault, Human Trafficking and Other U Visa Criminal Activities**](#) (March 3, 2017 and January 31, 2018) (Webinars, training materials, newsletters, tools, statutes, regulations and policies on VAWA confidentiality)