

**NIWAP**



***Journey of Migrant Women's Justice  
in the United States - Plenary***

**Gender Justice and Intersectional  
Practice Conference**

**Ipswich, UK  
November 29, 2024**

**NIWAP**

National Immigrant Women's Advocacy Project  
American University Washington College of Law

# Faculty



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Washington College of Law

# NIWAP's Training, Technical Assistance and Communities of Practice To Support...

Victim advocates, attorneys, social workers, and Local, State, Federal judges, law enforcement, and prosecutors, and other professionals

Improve the response to immigrant victims of domestic violence, sexual assault, dating violence, stalking, human trafficking, child/elder abuse and neglect and other crimes

Topics include:  
immigration relief, civil protection orders, family law remedies, public benefits access, language access, culturally competent holistic legal and advocacy services

# Career Path

- Family law domestic violence litigation history (17 years 1982-1999) & Fundraising
- Co-founded and directed National Network to End Violence Against Immigrant Women (1992-2012)
- Co-led advocacy and helped draft legislation
  - Violence Against Women Act (VAWA) 1994, 2000, 2005, 2013
  - Battered Spouse Waiver 1990
  - Trafficking Victims Protection Act 2000 & 2008
  - International Marriage Broker Regulation Act 2005
  - Public benefits, legal services, confidentiality 1996/97, 2000, 2005, 2013
- Trained judges, police, prosecutors, immigration (adjudicators, enforcement officers, trial attorneys), lawyers, advocates
  - Office on Violence Against Women - technical assistance provider since 2000
- Research (social science, stories, legal & leg. History)
- Published (law, social science, training manuals/tools)

# What Were the Legal Options for Immigrant Victims in 1993- Pre-Violence Against Women Act?

- Abusive spouses with legal immigration status had total control over the their spouses and children
  - Lock victims in abusive relationships
  - Keep victims from calling police or seeking help
  - Avoid prosecution
- Immigrant sexual assault victims no remedy
  - Including workplace SA
- Immigrant victims had little access to help
  - No language accessibility to programs, police, and courts in many communities
  - Some shelters turning away immigrant victims
    - Without legal status
    - Who did not speak English

## Pre-VAWA Help for Immigrant Victims -1993

- Under 50 programs with expertise serving immigrant victims – most in urban areas
  - Providing creative holistic help to immigrant survivors
  - Most operating on a shoestring with little funding
  - Isolated from one another
- Most programs serving immigrant victims offering only domestic violence services
- No independent access to legal immigration status
- Little access to family courts, protection orders, police, legal services, public benefits
  - Advocates & attorneys key access to justice role

# VAWA Advocacy Partners

- Diverse professions, ethnicities, cultural backgrounds, immigrant histories, lived experiences, U.S. geographic locations
- Domestic & sexual violence victim advocates and state coalitions – E.g. Wyoming
- Faith based organizations
- Immigrant rights groups
- Women's rights groups
- Police, prosecutors

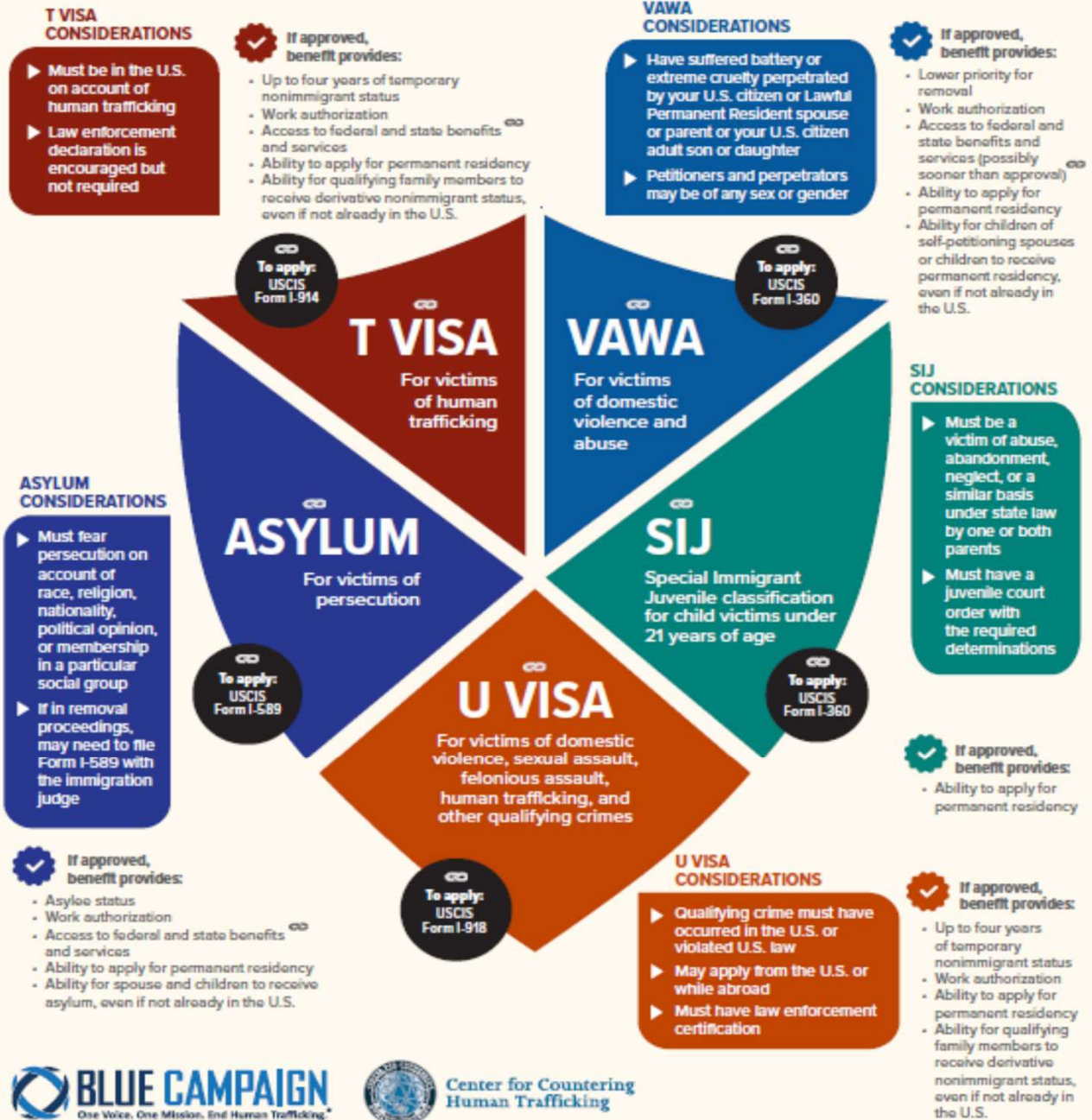
# VAWA Included

- Interstate enforcement of protection orders
- Interstate crimes of domestic violence
- Immigration relief
- Protections for underserved survivors
  - Immigrants, women of color, LGBTQI, Native Americans, persons with disabilities, rural communities
- Funding for
  - Victim advocacy, legal services, culturally and linguistically specific organizations
  - Law enforcement, prosecution, courts
  - Required collaboration
  - Technical assistance and training
  - Gender based violence research

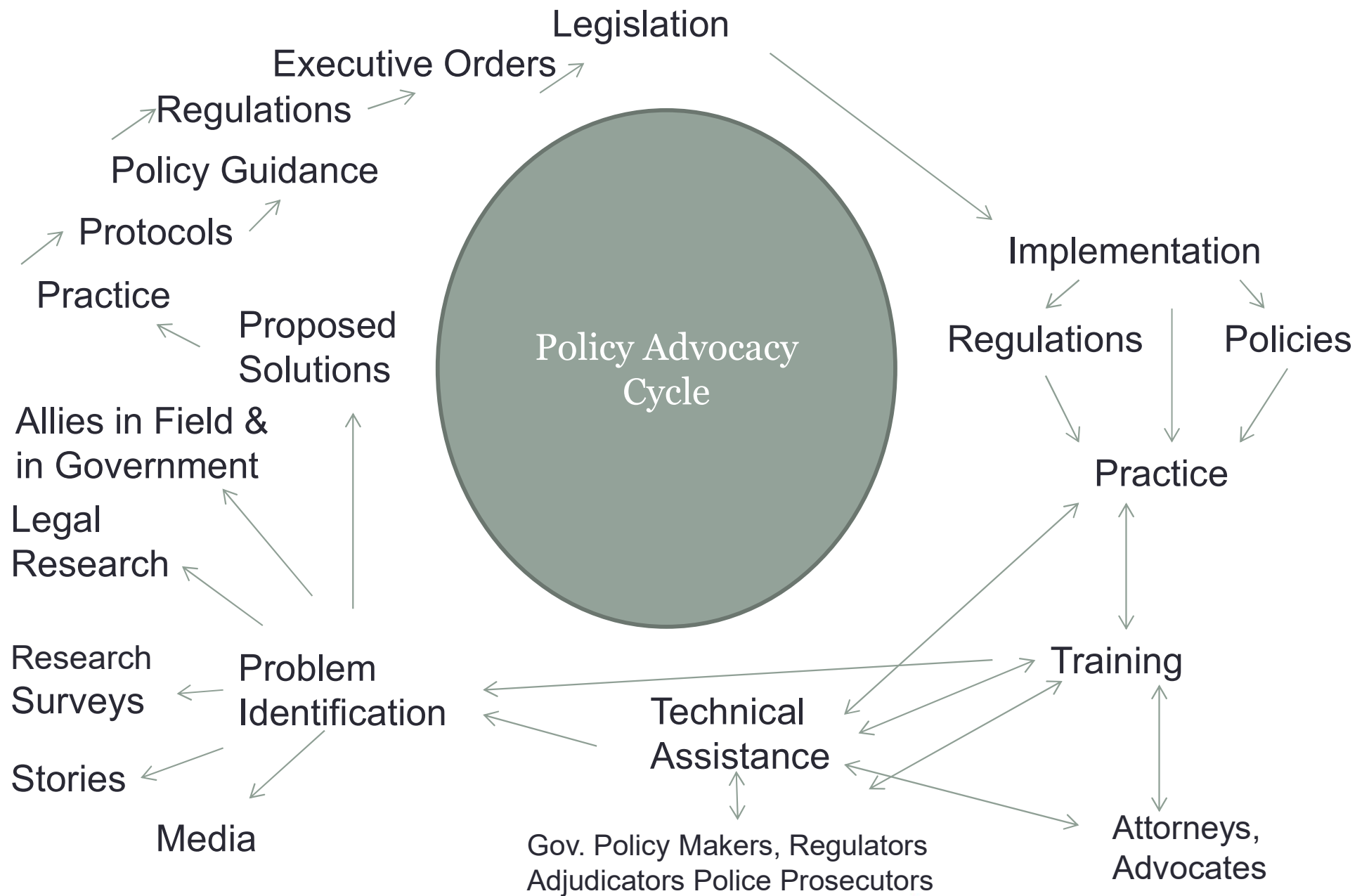


# U.S. Immigration Benefits for NONCITIZEN CRIME VICTIMS

## Immigration Protections for Noncitizen Victims of Crime and Abuse



Center for Countering Human Trafficking



# Research has found...

- With support from advocates and attorneys who
  - Provide/help secure language access
  - Are knowledgeable about legal rights of immigrant survivors
- Immigrant and LEP survivors will
  - Seek protection orders, help from courts, access services, and apply for immigration relief

Mary Ann Dutton, Nawal Ammar, Leslye Orloff, and Darci Terrell, Use and Outcomes of Protection Orders by Battered Immigrant Women: Revised Final Technical Report to the National Institutes of Justice (November 19, 2006)

- When state courts provide language access, issue SIJS judicial determinations and sign U visa certifications
  - Immigrant victims of domestic violence, sexual assault, human trafficking and child abuse are willing to seek protection orders and help from family courts at significantly higher rates

Nawal H. Ammar, Leslye E. Orloff, and Amanda Couture-Carron, Immigrant Victims of Interpersonal Violence and Protection Orders, In Civil Court Responses to Intimate Partner Violence and Abuse (2020)

# Helping Survivors Despite Systemic Barriers

- What we learned from our experience helping domestic and sexual violence victims before the Violence Against Women Act
- Immigrant women's needs do not all fit clearly in the traditional legal & advocacy framework
- Need holistic, intersectional, creative approach
- Key role of
  - protection orders, family court remedies
  - Safety planning, trauma-informed, empowerment based approach

# Holistic Legal Services

- Protection orders
  - Including unlawful contact protection orders
  - Creative remedies to stop immigration related abuse, child kidnapping, and address cultural needs
- Divorce, custody, child & spousal support, adoption,
- Immigration relief
  - VAWA self-petitions, U visas, T visas, Special Immigrant Juvenile Status,
- Public benefits: e.g. housing, food, health care, driver's licenses, income support, beautician's licenses

# Victim Advocacy and Social Services

- Counseling, health & mental health services
- Removing abuser from home, Shelter or other safe housing
- Police assistance
- Food, Clothing
- Childcare
- Healthcare
- Financial support, learning English, job skills

# Central Importance of Collaborations

- Need collaborations between the following
  - Programs that immigrant women trust
    - Community-based programs
      - Will differ by community and cultural background of survivor
    - Survivor-led programs
  - Programs with expertise helping GBV survivors navigate systems
    - Legal system (courts, law enforcement, prosecutors)
    - Government services (healthcare, housing, benefits, services, counseling, childcare)

# Building Bridges to Serve Immigrant Gender Based Violence Survivors

- Best practices bring together those with
  - Expertise on systems
  - Knowledge of survivor's cultural, language, religion, home country & immigration background whom immigrant women trust
  - Informed by our immigrant clients and those clients/professionals with lived experience



## VAWA and VAWA Immigration Has Taught Us

- That what might seem impossible is possible
- Building success incrementally
  - Helps survivors today
  - Brings new allies for future change
- That collaboration between attorneys, advocates, immigrant community groups, government officials, and justice system personnel is possible
- And can reap immeasurable benefits for victims of domestic violence, sexual assault, stalking, child/elder abuse and human trafficking

# Technical Assistance and Materials

- Power Point presentations and materials for this conference at <https://niwaplibrary.wcl.american.edu/PHOBE2024>
- **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)