

# NIWAP



## WEBINAR

**NATIONAL IMMIGRANT WOMEN'S ADVOCACY  
PROJECT (NIWAP) & TECHNICAL ASSISTANCE  
PROVIDED TO RURAL GRANTEES  
RURAL GRANTEE ORIENTATION  
JANUARY 18, 2023**

# NIWAP

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

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# Introduction



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**NIWAP**

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

# Learning Objectives

By the end of this webinar you will be better able to:

- Screen and help eligible victims of domestic and sexual violence file for VAWA, T and U visa and SIJS immigration relief
- Help immigrant domestic and sexual violence survivors apply for the public benefits and services they are eligible for in your state
- Play a central role in promoting access to justice and immigration relief for immigrant domestic and sexual violence victims

# Poll: Let's see who is with us

**Please check the box that best describes you:**

- A. Law Enforcement
- B. Prosecutor
- C. Victim Advocate with Law Enforcement
- D. Victim/Witness Advocate with Prosecutors Office
- E. Other – type in the chat



# Who We Provide Technical Assistance To

- Local, State, Federal law enforcement, prosecutors, victim advocates, judges, attorneys and other professionals.
- NIWAP supports professionals in the field working with immigrant crime victims so that they are more effective in helping more victims access more help for which they are legally eligible.



# Technical Assistance Topics

- Immigration relief
  - VAWA, U and T visas, Battered Spouse Waiver, Special Immigrant Juvenile Status, and Naturalization for Survivors
- U and T visa certification by government officials
- VAWA Confidentiality
- Issues that arise for immigrant survivors in family court cases
  - Including protection orders, custody, divorce, support
- Access to legal services and public benefits
  - E.g. housing, healthcare, driver's licenses, food assistance, education
- Language access for Limited English Proficient survivors
  - To help from law enforcement, prosecutors, courts, victim services
- Prosecution strategies
  - Discovery, Victim Disclosures, and Expert Witness
- Providing trauma informed assistance to immigrant survivors
- Serving survivors' cultural, religious, and immigration related needs

# Types of Technical Assistance

- Case consultations
- Training materials and practice tools
- Legal research, motions, briefs
- In-person trainings and webinars
- 24/7 web library and training videos
- Help developing policies/protocols
- Strategies for removing systemic barriers
- Community of Practice and Roundtables
- List serves



# NIWAP Resources

- NIWAP Web library
  - Directory
  - Demographics
  - Public benefits Interactive Map
- Technical Assistance
- Trainings and Webinars
  - On-line, virtual, in-person
  - Customized
- Communities of Practice
  - Victim advocates, family lawyers, National Judicial Network
  - Law enforcement/prosecutors
- Materials
  - Bench cards, toolkits, training tools, legal research, multi-lingual outreach materials



# Dynamics of Domestic and Sexual Violence Experienced By Immigrant Survivors

# Connection Between Abuse and Control Over Immigration Status

- Abuse rates among immigrant women
  - Lifetime as high as 49.8%
  - Those married to citizens and lawful permanent residents – 50.8%
  - U.S. citizen spouse/former spouse abuse rate rises to 59.5%
- Almost three times the national average

Hass, G. A., Ammar, N., Orloff, L. (2006). Battered Immigrants and U.S. Citizen Spouses

# 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)

# Sexual Assault Rates Among Immigrant Women

- High school aged immigrant girls are
  - 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).

# Best Practice: Screen for Immigration Related Abuse

- Immigration Related Abuse
  - 10 times higher in relationships with physical/sexual abuse as opposed to psychological abuse\*
  - May predict abuse escalation
  - Corroborates existence of physical and sexual abuse

\*Mary Ann Dutton, Leslye Orloff, and Giselle Hass, Characteristics of Help-Seeking Behaviors, Resources and Service Needs of Battered Immigrant Latinas: Legal and Policy Implications (Summer 2000)

# Risks of Removal for Victims

- Perpetrators actively reporting for removal victims with pending immigration cases
  - VAWA self-petitioners 38.3%
  - VAWA petitioners arrested at crime scene instead of the abuser 15.4%
  - U visa victims 26.7%

Krisztina E. Szabo, David Stauffer, Benish Anver, *Authorization For VAWA Self-Petitioners and U Visa Applicants*, NIWAP (Feb. 12, 2014)

# The Central Role of Victim Advocates and Attorneys in Immigrant Survivors Access to Justice and Services in Rural Communities



# Best Practices For Serving Immigrant Survivors in Rural Communities

- Victim advocates & attorneys have information and training on immigrant survivors legal rights to access protections
- Collaboration between programs
- Trusting relationships built with law enforcement, prosecutors, courts
- Certification practices and LEP plans in place

# Goals of Immigration Relief

**Increase victim's civil  
and criminal justice  
system participation**

**Improved  
Community-  
police relations**

**Improve**

**Reporting of crime &  
seeking family court  
protections**

**Safety of victims,  
communities, and  
police**

# IACP 2018 Resolution

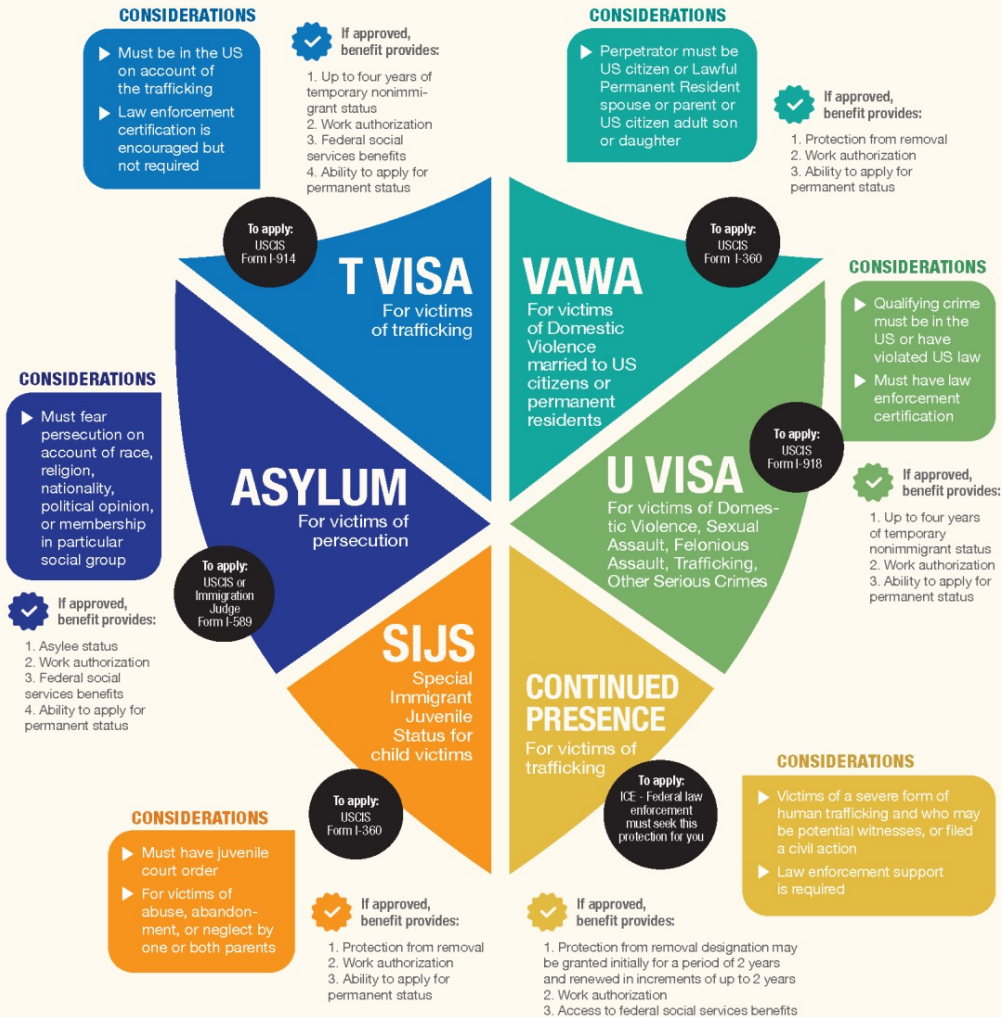
- Recognizes U and T Visas as significant crime fighting tools and using them as best practice
- Supports training, education, communication and “increased police leadership involvement”
- Committed to increasing collaboration

*U Visas are “effective tools for law enforcement agencies that enhance public safety, officer safety and protection of victims nationwide.”*

# What Survivors Can Gain

- Protection from deportation
  - VAWA confidentiality
- Can include family members in application
  - VAWAs, U visas and T visas
- Access to legal immigration status
- Financial independence from perpetrator
  - Legal work authorization
  - Issuance of federally recognized ID
  - Access to some state/federal public benefits beyond programs open to all immigrants

# PROTECTIONS FOR IMMIGRANT VICTIMS



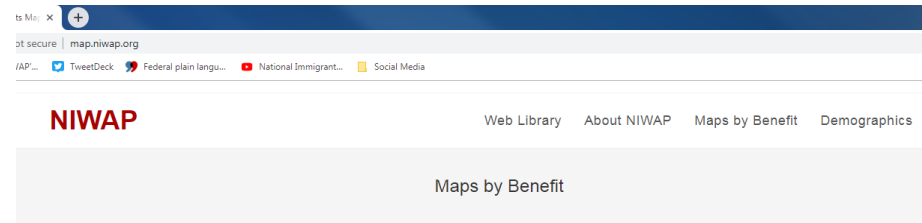
DHS.GOV/BLUE-CAMPAIGN

For victim support call 1-888-373-7888 or text INFO or HELP to BeFree (233733)

# Immigration Relief Available for Immigrant Survivors of:

- Domestic violence (battery or extreme cruelty)
  - 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
  - Stalking
  - Similar Activities
    - Hate Crimes
    - Child/Elder/Disabled Abuse
    - Aggravated Robbery
    - Video voyeurism
  - Parent perpetrated
    - Child abuse
    - Child neglect
    - Child abandonment
- Attempt, conspiracy or solicitation to commit any of these crimes or any similar activity**

# Interactive Public Benefits Map



NIWAP

Web Library About NIWAP Maps by Benefit Demogr

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.

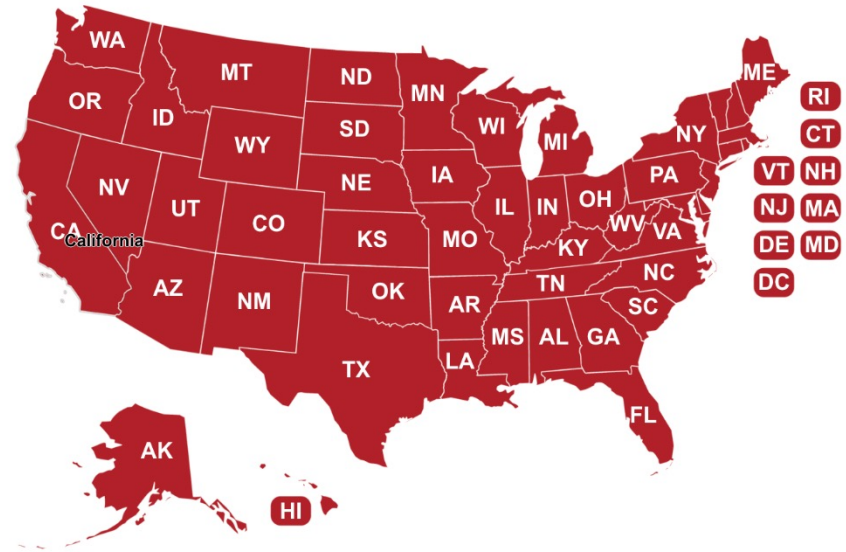
[Go to Map](#)



### Earned Income Tax Credit



### Emergency Housing & Safety Programs



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

Click here for your state's detailed chart

# Maps by Benefit

- Cash Assistance (TANF)
- Child Care
- Children's Health Insurance Program
- Driver's License
- Earned Income Tax Credit
- Emergency Shelter
- Emergency Medicaid
- Family Medical Leave
- Federal Education Benefits
- FEMA Assistance
- FEMA Restricted Programs
- Food Stamps
- Health Insurance Exchanges
- Health Care Subsidies
- Income Tax Credits
- Legal Services
- LIHEAP
- Prenatal Care
- State Education Benefits
- Supplemental Security Income
- Transitional Housing
- Weatherization & Energy Assistance
- WIC
- Unemployment Insurance
- VOCA Compensation



# Protection Orders

- All persons are eligible to receive civil protection orders without regard to the immigration status of any party or child
- Protection order issuance = no effect on immigration status
- A conviction *or finding* of violation of the “*protection against abuse provisions*” of a protection order is a deportable offense
  - Need Padilla warnings
- Immigrant victims and their children often need creative protection order remedies using the state catch all provisions

# Use Creative Remedies to...

- Stop immigration related abuse
- Protect victims still living with their abusers
- Obtain documents the victim needs for an immigration case or for care of child
- Deter parental kidnapping
- Economic relief including Child/Spousal support and Health Insurance

# Is Immigration Status Relevant to Custody?

- Relevant to: Immigrant crime victim presents evidence of immigration related abuse, power and control suffered
  - Either not filing or withdrawing immigration papers
  - Threats to turn victim in for deportation
  - Part of history of violence
- Not relevant to:
  - Core primary caretaker determination
  - Evaluation of parenting skills
  - Best interests of the child determination
  - Requirements regarding custody awards to non-abusive parent



# Resources and Technical Assistance

- Materials for Rural Grantees
- Web library materials – multiple topics
  - [www.niwaplibrary.wcl.american.edu](http://www.niwaplibrary.wcl.american.edu)
- Technical Assistance
  - Email: [info@niwap.org](mailto:info@niwap.org)
  - Phone: 202-274-4457
- NIWAP YouTube Channel (trainings)
  - <https://www.youtube.com/user/niwapwcl>
- NIWAP's New Podcast Series
  - <https://niwaplibrary.wcl.american.edu/niwap-podcast-series>
- Directory
  - <https://niwaplibrary.wcl.american.edu/home/directory-programs-serving-immigrant-victims>