



NIWAP



Proposal for Judicial Training (Current as of February 2017)

Title: State Courts and the Protection of Immigrant Crime Victims and Children
Date: TBD
Location: TBD
Cost: **\$2,600 for a plenary, workshop, ½ day or full day training +travel costs for two trainers (1 NIWAP staff and 1 Judge)**

The National Immigrant Women’s Advocacy Project, American University, Washington College of Law (NIWAP), has a State Justice Institute grant to bring training on the intersection of immigrant crime victims and state court proceedings to 4 states nationally. We are seeking courts and judicial training agencies that plan statewide judicial trainings interested in the judicial training described below. We are able to deliver full day, half day or workshop length trainings with a curriculum and materials that have been developed under NIWAP’s SJI grant. The curriculum and materials we have developed to date are available at www.niwap.org/go/sji.

If you are interested in receiving the training described below please contact NIWAP at: info@niwap.org or (202) 274-4457.

How does information about immigration policies and laws protecting immigrant crime victims help state courts promote the fair administration of justice in cases involving immigrant families?

In the past decade, the U.S. has experienced an unprecedented increase in the number of linguistically and culturally diverse foreign-born individuals living in the country.¹ Nationwide, significant percentages (85.6%) of children in immigrant families are U.S. citizens.² As a result, state courts are among the first in the justice system called upon to provide access to justice for these new immigrant populations and their children.

Family courts across the country are seeing growing numbers of proceedings involving immigrants and/or their children in cases for: civil protection orders, custody, child support, dependency determination, termination of parental rights, divorce, U visa certification, unaccompanied minors, and juvenile cases. Working with newly arriving immigrants who come from different cultures and backgrounds and live in families with a range of differing citizenship and immigration statuses, present challenges for the courts.

A review of family court decisions reveals a growing number of cases in which court rulings have been based on legally incorrect information about U.S. immigration laws and/or about the immigration laws’ applicability to a party or a witness in the case. Access to legally accurate information about immigration laws, DHS regulations, policies, and current DHS priorities and practices will promote the fair administration of justice in cases involving immigrant families. This includes information about immigration protections for immigrant victims of domestic violence, child and elder abuse, sexual assault, and human trafficking

¹ NIWAP has tracked immigration demographics in each state since 2000, for information about your state please see <http://niwaplibrary.wcl.american.edu/reference/additional-materials/iwp-training-powerpoints/ovw-providence-2013/state-immigrant-demographics>.

² *Id.*

under the Violence Against Women Act (VAWA) and the Trafficking Victims Protection Act (TVPA) that have been an essential part of U.S. immigration laws for almost two decades.

What is the training that NIWAP will offer?

The National Immigrant Women's Advocacy Project (NIWAP), American University Washington College of Law is working with the Center for Public Policy Studies (CPPS), Immigration and the State Courts Initiative, and Human Trafficking and the State Courts under a grant from the State Justice Institute, U.S. Department of Justice. This grant funds the development of a training workshop for judges on issues that arise in state court cases involving immigrant parties and immigrant families. NIWAP would like to offer a training for state court judges in your state. The trainings we offer include: plenary sessions for state-wide judicial trainings; workshops for state-wide judicial trainings; ½ day or full day training for judges and court staff that could include training for a mixed audience of judges, police, prosecutors, attorneys and victim advocates. Faculty for the training will include Leslye E. Orloff, NIWAP's Director, John Martin of CPPS, and a state court judge who is an expert in family law, immigration benefits, U visa certification and the judicial process, and a family court judge (either the Honorable Lora Livingston or the Honorable Ramona Gonzalez).

The training will provide judges with tools, bench cards, and materials containing up-to-date, legally correct information on current DHS policies, immigration enforcement priorities, and immigration law options that provide protection from deportation, legal immigration status and work authorization for immigrant victims of domestic violence, child abuse, elder abuse, sexual assault, stalking, human trafficking and other crimes. NIWAP's collection of SJI-approved tools for state courts on immigration relief for immigrant crime victims and children³ may be accessed here: www.niwap.org/go/sji. This information, together with the individual technical assistance NIWAP offers judges, will provide judges the information they need for the fair administration of justice in cases involving immigrant litigants and immigrant crime victims.

How will NIWAP's proposed judicial training help state court judges and court staff?

Having a better understanding of the unique dynamics of violence and sexual assault perpetrated against immigrant victims will help courts recognize patterns, assess lethality and issue effective court orders in cases involving immigrants and their children. The fair administration of justice is promoted when courts have access to legally accurate information on the full range of legal options, government funded services and public benefits available to immigrants from state and federal governments. The training will provide an overview of legal options for immigrant crime victims including: immigration relief (e.g. VAWA self-petition, VAWA confidentiality rules, U and T visas, special immigrant juvenile status, and protection from deportation), public benefits (e.g. health care, housing, food stamps, victim assistance, and income support), language access, and the effect of immigration laws on state family and criminal court cases. The training will highlight how these legal issues arise in family court proceedings, particularly in custody, protection orders, and child support cases involving immigrant family violence, sexual assault and human trafficking victims. The special role Congress created for judges in issuing U visa certifications will also be discussed.

Learning Objectives

- Understand the intersections between state court proceedings and immigration law
- Know how accurate immigration law information affects just and fair outcomes in state courts

³ The materials include bench cards, charts, and other tools to assist courts and judges in cases involving immigrant parties, victims and witnesses. The development of this section of the web library was developed under grant number SJI-12-E-169 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.

- Recognize facts that indicate a party qualifies for legal immigration status and/or protection from deportation and which immigrants are a low priority for removal
- Be able to sign U visa certifications
- Make findings in state court cases that are helpful to an immigrant crime victim's immigration case

Faculty Bios

Leslye Orloff is an Adjunct Professor and Director of the National Immigrant Women's Advocacy Project (NIWAP) at American University Washington College of Law. NIWAP advocates for laws, policies and practices that enhance legal options for immigrant women and immigrant victims of domestic violence, sexual assault and human trafficking. Ms. Orloff's 34-year career includes working collaboratively with experts across the country to develop and implement immigration relief, public benefits access and family law protections for immigrant women, children and survivors. She was involved in drafting the immigration protection in the Violence Against Women Acts (VAWA) 1994, 2000, 2005, and 2013, the Trafficking Victims Protections Acts of 2000 and 2008, legal services access for battered immigrants in 1997 and 2005 and welfare access for battered immigrants in 1996. Ms. Orloff is a family law expert with years of litigation experience representing immigrant victims in custody, protection order and divorce actions. She has published numerous law and social science journal articles, curricula, and training materials for attorneys, law enforcement, judges and other professionals on protections for immigrant victims under family, immigration, public benefits and language access laws and serves as faculty training judges, law enforcement officers, attorneys and advocates on the legal rights immigrant victims. She was appointed to the U.S. Immigration and Customs Enforcement Advisory Committee on Family Residential Centers where she chaired the subcommittee on Health, Mental Health and Trauma.

Judge Lora Livingston is a 1982 graduate of the UCLA School of Law. She began her legal career as a Reginald Heber Smith Community Lawyer Fellow assigned to the Legal Aid Society of Central Texas in Austin, Texas. After completion of the two-year fellowship program, she continued to work in the area of poverty law until 1988 when she entered private practice with the law firm of Joel B. Bennett, P.C. In 1993, she and S. Gail Parr formed a partnership and opened the law firm of Livingston & Parr. She was engaged in a general civil litigation practice with an emphasis on family law. In January, 1995, she was sworn in as an Associate Judge for the District Courts of Travis County, Texas. After her successful election, Judge Livingston was sworn in as Judge of the 261st District Court in January, 1999. She is the first African-American woman to serve on a district court in Travis County, Texas. Judge Livingston currently serves as the Travis County Local Administrative Judge. An active member of the Austin community, Judge Livingston has served on the boards of the Ann Richards School for Young Women Leaders, Capital Area Food Bank, Austin Symphony Orchestra, Austin Tenants Council, Central East Austin Community Organization, YMCA, Austin Area Urban League, and El Buen Samaritano. Judge Livingston is also a graduate of the 1999-2000 class of Leadership Austin.

Judge Ramona Gonzalez is from La Crosse, Wisconsin. Judge Gonzalez has been serving as a State of Wisconsin Circuit Judge since April 1995. She has served on the Family Violence Department Advisory Committee for NCJFCJ, and has been an active speaker and trainer for numerous organizations, including the NCJFCJ. She has participated in or presented during numerous international conferences and meetings, and serves as Liaison Judge with the U.S. Judicial Advisory Council on International Family Abduction. Among her many awards and honors, Judge Gonzalez has received the President Award from the State Bar of Wisconsin.

Judge Mary Weir was appointed as an Associate Circuit Judge by Governor Jay Nixon on May 10, 2013. Prior to her appointment, she began working in 2001 as a contract attorney with Hope House, Inc., and

provided legal representation to victims of domestic violence and their children. She also represented juveniles and their parents in cases heard before the Jackson County Family Court through her work as "of counsel" with the Raith Law Firm. Judge Weir served as an Assistant Missouri Public Defender from 1998 until 2001. She was also a law clerk to the Honorable Christine Sill-Rogers of Division 31 from 1995 until 1998. She has taught at the University of Missouri-Kansas City Law School as an Adjunct Professor since 2004. Judge Weir received her J.D. degree from Washburn University Law School in Topeka, Kansas in 1995. She obtained a B.A. degree in Political Science from UMKC in 1991.

Commissioner Loretta Young graduated from the University of Delaware with a B.A. in Psychology and received her J.D. from Widener Law School. She is admitted to practice in Delaware, Pennsylvania and Federal Court. She worked as a criminal DAG in Dover, and thereafter joined the former firm of Hudson, Jones, Jaywork, Williams & Liguori, practicing family law and criminal defense. Ms. Young joined Family Court in 1995 as a Master and has been a Family Court Commissioner since 1998. She presides over juvenile and adult criminal matters, criminal and civil domestic violence hearings, custody matters, and is the lead judicial officer for the Juvenile Mental Health Court Diversion Program and the Adult Mental Health Court in New Castle County. She is the former vice president of the DSBA criminal law section and a current member of the Supreme Court Task Force on Criminal Justice and Mental Health and Chair of the Delaware Juvenile Anti-Trafficking Committee. Outside of the court, she serves on the Board of Editors for Delaware Lawyer magazine and has authored numerous legal articles for other publications.

Hon. Susan M. Breall serves as a judge in the Superior Court for the City and County of San Francisco. Currently, she presides over a juvenile delinquency department. Her previous assignments have included presiding over both adult and juvenile drug court, felony settlement court, jury trials, and long cause preliminary hearings. Prior to her appointment to the bench in 2001, she was Chief of the Criminal Division of the San Francisco district Attorney's Office for all crimes of violence against women, children, elderly and intimate partners. She prosecuted felony domestic violence cases for ten years, and was an Assistant District Attorney for seventeen years. Judge Breall has done numerous trainings for police and prosecutors throughout the United States. In 1997 she traveled to the Federation of Bosnia and Herzegovina where she conducted domestic violence trainings for the Federation of Bosnian Judges on police investigations, interview techniques and evidence gathering for domestic violence cases. In 1998, she conducted trainings for all the police officers in the United States Virgin Islands on legal issues affecting battered immigrant women. Her special interest in the area of domestic violence is in working with underserved populations. She tried numerous cases in the seventeen years in which she practiced law involving undocumented battered immigrant women as victims of domestic violence.

Judge Gustavo N. Sztraicher was appointed to the Los Angeles Superior Court in June of 2014. Prior to the bench, Mr. Sztraicher served as a senior trial lawyer at the Los Angeles County Public Defender's Office since 2001, where he held multiple positions since 1990, including felony trainer, misdemeanor trainer and team leader at the Public Integrity Assurance Section. Judge Sztraicher has six years of curriculum development and training experience. He was an associate attorney at the Kaplan Law Corporation from 1988 to 1990 and at the Pfiester Law Corporation from 1987 to 1988. Judge Sztraicher earned a Juris Doctor degree from Loyola Law School and a Bachelor of Arts degree from the University of California, Santa Cruz. Judge Sztraicher is married and is a father. He was born in Buenos Aires, Argentina.