

Voir Dire on Immigration Issues

- Has anyone heard of something called a “T Visa”?
- What about a “U Visa” or any other visa or form of immigration relief that is available to immigrant victims of crime?
- Does it surprise you to hear that the U.S. government has visa programs available for victims of crime?
- Why do you think these programs exist?
 - Why do you think a qualified person may get this benefit *before* the case going to trial?
 - What might happen to the case/victim if they didn't have a visa?
 - What would happen to the case, if the victim got deported?
- Remember when we talked earlier about vulnerable populations – What about immigrants make them more vulnerable?
- Why would an offender target an immigrant to victimize?
- If a victim is undocumented, what do you think the likelihood is that the crime gets reported?
- Do you think it’s okay that predators and offenders can commit crimes against people (just because they are undocumented) and get away with it?
- Do you think the U.S. has an interest in making sure that all crimes are investigated? That all perpetrators are held accountable? Why?
- Now that we’ve talked a little about this, what are your thoughts on there being forms of immigration relief available to victims of crime?

- If someone is applying for (or has received) a Visa based on the fact that they are a victim, does that make that person automatically less credible?
 - As jurors, one of your primary responsibilities is to make credibility determinations about witnesses that testify. We all make credibility determinations in our daily lives all the time. What types of things do you look at to make those determinations?
 - “Motive to lie” has got to be one of those factors right?
 - You know, sometimes I think about different crimes falling into two different categories
 - (1) is where the offender and the victim don’t know each other at all; for example, a burglar breaking into a stranger’s house or a gunman walking into a convenience store and holding the cashier at gunpoint. In some ways, these cases are a little simpler because they are a little *cleaner*, if you know what I mean.
 - Because (2) there are cases where the offender and victim know each other or have some sort of history with one another. Why are these maybe a little more complicated?
 - Most of the time, there is going to be some “bias or motive to lie” or some accusation of same, right? Whether it’s a long-standing feud, a pending divorce, or just a lot of history between the people involved.
 - In these cases, do you think you can still make a credibility determination of a witness that may have some “bias or motive to lie”? How will you do that?
 - Juror #__, what do you think?
- Juror #__, what are your concerns about having a person testify who has received some form of immigration benefit?

- What else would you consider to make your credibility determination?
- Would it matter to you whether this person knew that they might qualify for a visa prior to them going to the police?
 - Why, why not?