VAWA Confidentiality and Discovery in Family & Criminal Court Cases
Training Materials
Last updated: June 29, 2025

NIWAP also offers technical assistance for judges and court staff. Find out how to receive NIWAP's technical assistance from NIWAP's experts and judicial faculty here. If you are a judge or judicial faculty, please consider joining our National Judicial Network. You can find more information about the **National Judicial Network here**.

Communities of Practice: NIWAP runs several Roundtables and Communities of Practice that provide opportunities for peer-to-peer learning by meeting virtually several times a year with others from across the country working in your profession and serving immigrant victims of domestic violence, sexual assault, dating violence, stalking, and human trafficking. For each, membership is limited to that profession. Please join and encourage others in your community to join:

- Community of Practice for Family Law Attorneys www.surveymonkey.com/r/FamCOP2023
- Roundtable for Law Enforcement, Prosecutors and System-based Advocates https://www.surveymonkey.com/r/LERoundtable
- National Judicial Network: Forum on Human Trafficking and Immigrants in State Courts (Judicial Officials only) https://niwaplibrary.wcl.american.edu/pubs/njn-outreach-letter

**For more information on* VAWA Confidentiality Protections for Immigrant Crime Victims including protections against deportation, immigration enforcement location prohibitions including prohibitions on courthouse enforcement, and bars against reliance on perpetrator provided information *follow these links:*

- VAWA Confidentiality Training Materials (November 17, 2023) https://niwaplibrary.wcl.american.edu/pubs/vawa-confidentiality-materials
- VAWA Confidentiality Protections for Immigrant Crime Victims (Update March 8, 2021) https://niwaplibrary.wcl.american.edu/vawa-confidentiality-materials-tools
- How VAWA Confidentiality Impacts Discovery in Cases Involving Immigrant Survivors (updated November 18, 2022) https://niwaplibrary.wcl.american.edu/discovery

Webinars and Podcasts Relevant to VAWA Confidentiality and Discovery

- National Judicial Network Peer-to-Peer Sessions – Violence Against Women Act (VAWA) Confidentiality: Criminal and Family Case Discovery (October 1 & Nov. 12, 2024) https://niwaplibrary.wcl.american.edu/njn-vawa-criminal-case-discovery-oct-1-2024/
- What Judges, Attorneys, and Prosecutors Need to Know About How VAWA Confidentiality Impacts Discovery in Cases Involving Immigrant Survivors (October 14, 2022) https://niwaplibrary.wcl.american.edu/vawa-confidentiality-webinar-oct-22
- VAWA Confidentiality and Protections for Immigrant Victims of Domestic Violence (October 31, 2017) https://niwaplibrary.wcl.american.edu/vawa-confidentiality-protections-fo-immigrant-victims-domestic-violence-october-31-2017
- VAWA Confidentiality Webinar: Understand the Three Safeguards and Limited Discovery Exceptions When Advocating for Survivors in Family and Criminal State Courts (February 5, 2015) http://niwaplibrary.wcl.american.edu/vawa-confidentiality-webinar/
- Podcast: Certifying Early (32 minutes)
    - This podcast emphasizes the importance of certifying early in the U-Visa and T-Visa processes. Featuring Christopher Freeman, a prosecutor from Hennepin County, MN, and Jane Anderson, a former prosecutor who now works at Aequitas, a resource for prosecutors on violence against women.

- Spotify: Certifying Early Podcast
- SoundCloud: Certifying Early Podcast

Training Materials

Toolkits

- U Visa Certification and T Visa Declaration Toolkit for Federal, State and Local Judges, Commissioners, Magistrates and Other Judicial Officers (June 17, 2021) https://niwaplibrary.wcl.american.edu/pubs/judges-u-and-t-certification-toolkit-2
- U Visa Certification and T Visa Declaration Toolkit for Law Enforcement Agencies and Prosecutors (August 30, 2021) https://niwaplibrary.wcl.american.edu/pubs/u-t-visa-toolkit-law-enforcement-prosecutor

For Attorneys, Prosecutors, and Judges

- VAWA Confidentiality and Discovery Training Materials and Case Law (January 7, 2025) https://niwaplibrary.wcl.american.edu/pubs/vawa-confidentiality-and-discovery-materials/
- Quick Reference Guide for Judges: VAWA Confidentiality, Discovery, and Admissibility Related Case Law (October 7, 2024) https://niwaplibrary.wcl.american.edu/pubs/vawa-confidentiality-discovery-cases-judicial/
- Quick Reference Guide for Prosecutors: U Visa and VAWA Confidentiality Related Case Law https://niwaplibrary.wcl.american.edu/pubs/quick-reference-guide-for-prosecutors-u-visa-and-vawa-confidentiality
- How to Argue or Rule on VAWA Confidentiality Protections in Discovery Involving Immigrant Survivors (October 13, 2022) https://niwaplibrary.wcl.american.edu/pubs/how-to-vawa-confidentiality-discovery
- Discovery and Use of Immigration Information in Court Checklist (2019) https://niwaplibrary.wcl.american.edu/pubs/ca-discovery-vawa-confidentiality-bench-card
- Court Rulings Confirm Federal VAWA Confidentiality Protections Bar Discovery of VAWA Confidentiality Protected Information in State Family Court Proceedings http://niwaplibrary.wcl.american.edu/pubs/conf-vawa-tool-hawkedemajfactsheet/
- VAWA Confidentiality and Criminal Cases: How Prosecutors Should Respond to Discovery Attempts for Protected Information http://niwaplibrary.wcl.american.edu/pubs/discovery-and-vawa-confidentiality-tool-final-7-24-17/
- Court Decision Interprets VAWA Confidentiality Provisions (2008) https://niwaplibrary.wcl.american.edu/pubs/court-interprets-vawa-provisions
- Utilizing VAWA Confidentiality Protections (69-84) in Family Court Proceedings in Winning Custody Cases for Immigrant Survivors: The Clash of Laws, Cultures, Custody and Parental Rights https://www.civicresearchinstitute.com/online/article_abstract.php?pid=6&iid=1269&aid=8306; and https://www.courts.ca.gov/documents/BTB24-PreCon1E-11.pdf
- What's Immigration Status Got to Do with It? Prosecution Strategies for Cases Involving Undocumented Victims http://niwaplibrary.wcl.american.edu/pubs/pretrial-strategies-7-24-17-final-with-logos/
- Relevancy of a Victim's Immigration Status in State Criminal Court Proceedings (August 24, 2022) https://niwaplibrary.wcl.american.edu/pubs/relevance-victims-immigration-status
- Family Court Bench Card on VAWA Confidentiality http://niwaplibrary.wcl.american.edu/pubs/family-court-bench-card-vawa-confidentiality
- Certifying Early: When Should You Sign a U or T Visa Certification for a Victim? http://niwaplibrary.wcl.american.edu/pubs/certifying-early-7-24-17-final-w-logo/
- VAWA Confidentiality and Discovery Cases (October 18, 2022) https://niwaplibrary.wcl.american.edu/vawa-confidentiality-cases

- Bench Card: DHS Enforcement Priorities, Courthouse Enforcement and Sensitive Location Policies and Memoranda: Information for State Court Judges https://niwaplibrary.wcl.american.edu/pubs/dhsenforcementpriorities-benchcard/

Tools on VAWA Confidentiality and Privacy for Immigrant Survivors

- The Violence Against Women Act (VAWA): Tips to Protect the Privacy of Immigrant Survivors (January 2023) https://niwaplibrary.wcl.american.edu/pubs/immigrant-survivor-privacy-vawa-protections
- FAQs for Victims' Lawyers: The Central Role of Federal Immigration Laws and the Confidentiality Provisions of the Violence Against Women Act (VAWA) in Protecting the Safety and Privacy of Immigrant Survivors (January 2023) https://niwaplibrary.wcl.american.edu/pubs/immigration-privacy-faqs

VAWA Confidentiality and Discovery Cases

- Ramirez v. Marsh (May 15, 2025) https://niwaplibrary.wcl.american.edu/pubs/ramirez-v-marsh-decision-2025/
- State v. Jun Du (September 27, 2024) https://niwaplibrary.wcl.american.edu/pubs/ny-vawa-confidentiality-decision-state-v-jun-du-2024/
- NM Supreme Court Issues Order Against Disclosure of Immigration-Related Information of Noncitizen Crime Victims (May 7, 2024) https://niwaplibrary.wcl.american.edu/pubs/nm-supreme-ct-ruling-against-u-t-visa-disclosure
- Ramirez v. Marsh, S-1-SC-39966 & New Mexico Immigrant Law Center v. Leos, S-1-SC-40114, New Mexico Supreme Court (May 7, 2024) https://niwaplibrary.wcl.american.edu/pubs/nm-supreme-court-u-t-visa-discovery-order-may-2024/
- Ramirez v. Marsh, S-1-SC-39966, New Mexico Supreme Court Writ of Superintending Control (Marsh) (May 7. 2024) https://niwaplibrary.wcl.american.edu/pubs/ramirez-v-marsh-nm-supreme-court-discovery-u-visa/
- New Mexico Immigrant Law Center v. Leos, S-1-SC-40114, Writ of Superintending Control (Leos) New Mexico Supreme Court (May 7, 2024) https://niwaplibrary.wcl.american.edu/pubs/nm-supreme-court-t-visa-discovery-leos/
- State v. Espinosa (Ariz. App. 2024) https://niwaplibrary.wcl.american.edu/pubs/state-v-espinosa-ariz-app-2024/
- Ortiguerra v. Grand Isle Shipyard (June 7, 2024) https://niwaplibrary.wcl.american.edu/pubs/ortiguerra-v-grand-isle-shipyarde-d-la-2024/
- Gonzalez v. State (May 29, 2024) https://niwaplibrary.wcl.american.edu/pubs/gonzalez-v-state-md-2024/
- Chavez v. State (Nov. 9, 2023) https://niwaplibrary.wcl.american.edu/pubs/chavez-v-state-tex-app-2023/
- People v. Castaneda-Prado(August 30, 2023) https://niwaplibrary.wcl.american.edu/pubs/people-v-castaneda-pradocal-app-2023/
- People v. Flores (NY App. 2023) https://niwaplibrary.wcl.american.edu/pubs/people-v-flores-ny-app2023/
- United States v. Warda(CAAF) (Sept. 29, 2023) https://niwaplibrary.wcl.american.edu/pubs/united-states-v-wardacaaf-2023/
- Walsh v. Unforgettable Coatings, Inc. (August 23, 2022) https://niwaplibrary.wcl.american.edu/pubs/walsh-v-unforgettable-coatings-inc
- Guillen v. B.J.C.R. LLC (March 31, 2022) https://niwaplibrary.wcl.american.edu/pubs/guillen-v-bjcr-llc
- Molnar v. Margaret W. Wong Assocs. Co. L.P.A. (April 22, 2021) https://niwaplibrary.wcl.american.edu/pubs/molnar-v-margaret-w-wong-assocs-co-lpa

- People v. Villa (2001) https://niwaplibrary.wcl.american.edu/pubs/people-v-villa_3-1-21/
- Memorandum on People v. Alvarez (March 15, 2019) https://niwaplibrary.wcl.american.edu/pubs/alvarez-memo
- US Equal Employment Opportunity Commission v SOL Mexican Grill LLC (June 11, 2019) https://niwaplibrary.wcl.american.edu/pubs/eeoc-v-mexican-grill-2019
- Washington v. Horning Bros. LLC (May 14, 2018) https://niwaplibrary.wcl.american.edu/pubs/washington-v-horning-bros-llc
- Diaz Silvas v Horning Brothers Order Granting Protective Order (2018) https://niwaplibrary.wcl.american.edu/pubs/diaz-silvas-u-visa-protective-order
- Gomez v. State_ 245 So. 3d 950 (1) (2018) https://niwaplibrary.wcl.american.edu/pubs/gomez-v-state_-245-so-3d-950-1/
- Cazorla v. Koch Foods of Mississippi - 5th Cir (February 27, 2017) https://niwaplibrary.wcl.american.edu/pubs/cazorla-v-koch-eeoc-5th-cir-2017
- Cazorla v. Koch Foods of Mississippi - 5th Cir (September 27, 2016) https://niwaplibrary.wcl.american.edu/pubs/5th-cir-eeoc-v-koch-decision
- Guardado v. State (2015) https://niwaplibrary.wcl.american.edu/pubs/guardado-v-state-2015
- People v. Alvarez Alvarez (California, 2014) https://niwaplibrary.wcl.american.edu/pubs/people-v-alvarez-alvarez-california-2014
- State v. Marroquin-Aldana (2014) https://niwaplibrary.wcl.american.edu/pubs/state-v-marroquin-aldana-2014
- Briggs v Hedgpeth – Order Denying Writ of Habeas Corpus (March 19, 2013) https://niwaplibrary.wcl.american.edu/pubs/briggs-v-hedgpeth-order-denying-writ-of-habeas-corpus-march-19-2013/
- Briggs v. Hedgpeth- 9th Cir (October 7, 2014) https://niwaplibrary.wcl.american.edu/pubs/briggs-v-hedgpeth-9th-cir-october-7-2014/
- State v. Buccheri-Bianca (October 30, 2013) https://niwaplibrary.wcl.american.edu/pubs/state-v-buccheri-bianca-2013
- Camayo v. John Peroulis Sons Sheep Inc. (November 27, 2012) https://niwaplibrary.wcl.american.edu/pubs/camayo-v-john-peroulis-sons-sheep-inc
- EEOC v. Dimare Ruskin Inc. (February 15, 2012) https://niwaplibrary.wcl.american.edu/pubs/eeoc-v-dimare-ruskin-inc
- Demaj v. Sakaj (March 18, 2013) https://niwaplibrary.wcl.american.edu/pubs/demaj-v-sakaj-2013
- Hawke vs. U.S. (U.S. District Ct. 2008) https://niwaplibrary.wcl.american.edu/pubs/hawke-2008
- Avila-Blum v. Casa De Cambio Delgado Inc. (May 16, 2006) https://niwaplibrary.wcl.american.edu/pubs/avila-blum-v-casa-de-cambio-delgado-inc
- EEOC v. Bice of Chicago (July 18, 2005) https://niwaplibrary.wcl.american.edu/pubs/eeoc-v-bice-of-chicago
- EEOC v. First Wireless Group Inc. (November 19, 2004) https://niwaplibrary.wcl.american.edu/pubs/eeoc-v-first-wireless-group-inc
- Rivera v NIBCO Inc. (April 13, 2004) https://niwaplibrary.wcl.american.edu/pubs/rivera-v-nibco-inc
- US v. Brown (October 28, 2003) https://niwaplibrary.wcl.american.edu/pubs/us-v-brown-2003
- US v. Locascio (October 8, 1993) https://niwaplibrary.wcl.american.edu/pubs/us-v-locascio-1993

Statutes, Regulations, and Government Reports

- Interlineated VAWA Confidentiality Statute http://niwaplibrary.wcl.american.edu/pubs/vawa-confidentiality-interliniated/
- VAWA Confidentiality Statutes, Legislative History and Implementing Policy (February 23, 2017) http://niwaplibrary.wcl.american.edu/pubs/vawa-confidentiality-statutes-leg-history/

- HR 3402 House Judiciary Report: VAWA Confidentiality Legislative History (September 22, 2005) https://niwaplibrary.wcl.american.edu/pubs/conf-vawa-lghist-dojexcerptshr-3402-09-22-2005
- Legislative History of VAWA (94, 00, 05), T and U-Visas, Battered Spouse Waiver, and VAWA Confidentiality (June 17, 2015) https://niwaplibrary.wcl.american.edu/pubs/vawa_leg-history_final-6-17-15-sji
- Spouses Battered or Subjected to Extreme Cruelty by A, E (3), H or G Visa Holders Are Eligible to Apply for Work Authorization (February 14, 2017) VAWA Confidentiality protections for abused visa holder spouses. https://niwaplibrary.wcl.american.edu/work-authorization-abused-visa-holder-spouses
- VAWA Confidentiality Statutes, Legislative History and Implementing Policy (Updated June 7, 2021) https://niwaplibrary.wcl.american.edu/pubs/vawa-confidentiality-statutes-leg-history
- U Visa Regulations and Preamble Discussion of VAWA Confidentiality (September 17, 2007) https://niwaplibrary.wcl.american.edu/pubs/dhs-u-visa-regulations-vawa-confidentiality-1367-09-17-2007
- INA: Section 239 - Initiation of Removal Proceedings and VAWA Confidentiality (2006) https://niwaplibrary.wcl.american.edu/pubs/ina-239-1367-vawa-confidentiality-removal

DHS: Policy Publications and Directives

DHS Policies & Directives

- All DHS Directives on VAWA Confidentiality Implementation which included and explains the annual requirement for training taking the FLTEC and DHS developed online course 'VAWA Confidentiality and Immigration Relief http://niwaplibrary.wcl.american.edu/pubs/implementation-section-1367/
- Prosecutorial Discretion: Certain Victims, Witnesses, and Plaintiffs (June 17, 2011) https://niwaplibrary.wcl.american.edu/pubs/dhs-memo-june-17-2011-prosecutorial-discretion-for-victims
- Memorandum: Non-disclosure and Other Prohibitions Relating to Battered Aliens: IIRIRA §384 http://niwaplibrary.wcl.american.edu/pubs/conf-vawa-gov-insconfvawamemo-05-05-1997/
- Executive Office of Immigration Review: VAWA Confidentiality Procedures for Immigration Court (1997) https://niwaplibrary.wcl.american.edu/pubs/doj-ij-vawa-confidentiality-guidance-1997
- Privacy Compliance Review of the Privacy Incidents Affecting Individuals Protected by Section 1367 (February 4, 2019) https://niwaplibrary.wcl.american.edu/pubs/dhs-privacy-report-1367-2019
- ICE and OPLA VAWA Confidentiality Operations Memos http://niwaplibrary.wcl.american.edu/pubs/iceopla-vawa-confidentiality-2007-foia/

Section 1367 Implementation & Disclosure Guidance

- Customer Service and Interpretation of 8 U.S.C. 1367 (VAWA) Confidentiality Protections for U.S. Citizens (June 12, 2024) https://niwaplibrary.wcl.american.edu/pubs/vawa-confidentiality-and-naturalization/
- Instruction 002-02-001, Implementation of Section 1367 Information Provisions (VAWA Confidentiality)(5/28/19) https://niwaplibrary.wcl.american.edu/pubs/implementation-of-section-1367-all-dhs-instruction-002-02-001/
- All DHS Directive on Implementation of Section 1367 Information Provisions (November 1, 2013) https://niwaplibrary.wcl.american.edu/pubs/implementation-section-1367
- All DHS VAWA Confidentiality Instruction 002-02-001, Implementation of Section 1367 Information Provisions (11/7/13) http://niwaplibrary.wcl.american.edu/pubs/implementation-of-section-1367-all-dhs-instruction-002-02-001/
- DHS Disclosure of Section 1367 Information to Law Enforcement Officials For Legitimate Law Enforcement Purposes (6/18/16) https://niwaplibrary.wcl.american.edu/pubs/1367-lea-disclosure-dhs-policy

- DHS Disclosure of Section 1367 Information to National Security Officials for National Security Purposes Instruction (11/7/13) https://niwaplibrary.wcl.american.edu/pubs/1367-national-security-instruction
- DHS Disclosure of Section 1367 Information to National Security Officials for National Security Purposes Directive (11/6/2013) https://niwaplibrary.wcl.american.edu/pubs/1367-national-security-directive
- DHS Broadcast Code of Admission for VAWA confidentiality protected cases the DHS computerized red flag system for cases that have already been filed http://niwaplibrary.wcl.american.edu/pubs/dhs-broadcast-class-admission-code/

Council on Combating Gender Based Violence

- DHS The Council on Combating Violence Against Women Instruction (3/15/2013) https://niwaplibrary.wcl.american.edu/pubs/dhs-vaw-council-instruction
- DHS Council on Combating Violence Against Women Directive (3/14/2013) https://niwaplibrary.wcl.american.edu/pubs/dhs-vaw-council-directive
- DHS Directive 002-02 Council on Combatting Violence Against Women (March 14, 2013) https://niwaplibrary.wcl.american.edu/pubs/dhs-council-on-vawa-directive

Procedure for Violations of VAWA Confidentiality

- VAWA Confidentiality Complaint Process at DHS Civil Rights and Civil Liberties (CRCL) (2018) https://niwaplibrary.wcl.american.edu/pubs/vawa-confidentilaity-process-crcl-2018
- DHS Civil Rights Civil Liberties Complaint Instructions for VAWA Confidentially Violation Investigations http://niwaplibrary.wcl.american.edu/pubs/conf-vawa-gov-dhscomplaintinstrts-2008/
- DHS - Delegation of Authority to Issues Guidance and Implement VAWA Confidentiality 8 USC 1367 (September 23, 2013) https://niwaplibrary.wcl.american.edu/pubs/1367-crcl-delegation

VAWA Confidentiality Briefs and Motions

- Sanctuary for Families – Memorandum of Law in Support of Motion to Quash VAWA Confidentiality (August 16, 2024) https://niwaplibrary.wcl.american.edu/pubs/sanctuary-for-families-vawa-confidentiality-motion-to-quash-2024/
- NIWAP VRLC Motion for Leave to File Amicus Brief Ramirez v. Marsh New Mexico Supreme Court (March 5, 2024) https://niwaplibrary.wcl.american.edu/pubs/amicus-ramirez-v-marsh-nm-sup-ct-2024/
- Quick Reference Guide for Judges: VAWA Confidentiality, Discovery, and Admissibility Related Case Law (October 7, 2024) https://niwaplibrary.wcl.american.edu/pubs/2015-10-22_amici-curiae-brief-eeoc-v-koch-foods/
- https://niwaplibrary.wcl.american.edu/pubs/vawa-confidentiality-discovery-cases-judicial/
- Sample Amicus Curiae Brief VAWA Confidentiality and Family Court Discovery (2011) https://niwaplibrary.wcl.american.edu/pubs/state-family-court-vawa-confidentiality-amicus-2011
- Amicus Curiae Brief of Legal Momentum, Sanctuary for Families, and NIWAP (2012) https://niwaplibrary.wcl.american.edu/pubs/u-s-district-ct-amicus-vawa-confidentiality-criminal-2012
- Amicus Curiae Brief EEOC v Koch Foods (October 22, 2015) https://niwaplibrary.wcl.american.edu/pubs/amicus-brief-eeoc-v-koch-2015
- Sample Victim's Motion *in Limine* to Strike the Defendants' Pleadings, Motions, and Advocacy for Pleadings and Motions for Violation of Federal Rule of Civil Procedure 11 (2009) https://niwaplibrary.wcl.american.edu/pubs/conf-vawa-samp-motionlimine
- Sample Motion for Protective Order Addressing VAWA Confidentiality Protections in Family Court Cases (2009) https://niwaplibrary.wcl.american.edu/pubs/conf-vawa-samp-protorder-2009
- Amicus Curiae Brief of Legal Momentum in Hawke v. Department of Homeland Security (2008) https://niwaplibrary.wcl.american.edu/pubs/hawke-v-dhs