VAWA Confidentiality

Training Materials

Last updated: November 17, 2023

**VAWA Confidentiality**

Bench Cards

- Family Court Bench Card on VAWA Confidentiality

- Bench Card: DHS Enforcement Priorities, Courthouse Enforcement and Sensitive Location Policies and Memoranda: Information for State Court Judges

**VAWA Confidentiality Statutes, Regulations and Policies**

Training Materials

- Three Prongs of VAWA Confidentiality

- Quick Reference: VAWA Confidentiality Protections: Quoting Statutes, Regulations and DHS Policies 3.29.19

- VAWA Confidentiality Protections for Immigrant Crime Victims (March 3, 2017 - Update March 8, 2021) (Webpage)

- Chapter 3.2: VAWA Confidentiality and Breaches of Confidentiality

- Chapter 3: VAWA Confidentiality, History, Purpose, DHS Implementation, and Violations of VAWA Confidentiality Protections

- Utilizing VAWA Confidentiality Protections in Family Court Proceedings

- Protecting Immigrant Victims: VAWA Offers Immigration Protections for Sexual Assault Victims (Delaware Lawyer’s Magazine)

- NIWAP Newsletter of NVAWA Confidentiality (January 2015)

- NIWAP Newsletter on VAWA Confidentiality (September 2014)

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)

Statute, Regulations, Policies and DHS Publications

• Interlineated VAWA Confidentiality Statute http://niwaplibrary.wcl.american.edu/pubs/vawa-confidentiality-interliniated/

• VAWA Confidentiality Statutes, Legislative History and Implementing Policy (2.23.17) http://niwaplibrary.wcl.american.edu/pubs/vawa-confidentiality-statutes-leg-history/

• All DHS Directive on VAWA Confidentiality Implementation which included and explains the annual requirement for training taking the FLTEC and DHS developed on line course ‘VAWA Confidentiality and Immigration Relief’ http://niwaplibrary.wcl.american.edu/pubs/implementation-section-1367/


• 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


• 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


• DHS - Delegation of Authority to Issues Guidance and Implement VAWA Confidentiality 8 USC 1367 (September 23, 2013) https://niwaplibrary.wcl.american.edu/pubs/1367-crccl-delegation


• All DHS VAWA Confidentiality Instruction http://niwaplibrary.wcl.american.edu/pubs/implementation-of-section-1367-all-dhs-instruction-002-02-001/
• 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/

• ICE and OPLA VAWA Confidentiality Operations Memos

• VAWA Confidentiality Complaint Process at DHS Civil Rights and Civil Liberties (CRCL) (2018)
https://niwaplibrary.wcl.american.edu/pubs/vawa-confidentiality-process-crcl-2018

• DHS Civil Rights Civil Liberties Complaint Instructions for VAWA Confidentially Violation Investigations

• U Visa Regulations and Preamble Discussion of VAWA Confidentiality (September 17, 2007)

• HR 3402 House Judiciary Report: VAWA Confidentiality Legislative History (September 22, 2005)

• INA: Section 239 - Initiation of Removal Proceedings and VAWA Confidentiality (2006)

• DHS Directive 002-02 Council on Combatting Violence Against Women (March 14, 2013)
https://niwaplibrary.wcl.american.edu/pubs/dhs-council-on-vawa-directive

• Memorandum: Non-disclosure and Other Prohibitions Relating to Battered Aliens: IIRIRA §384

• Executive Office of Immigration Review EOIR: VAWA Confidentiality Procedures for Immigration Court (1997)

VAWA Confidentiality and Courthouse Enforcement Policies

• Civil Immigration Enforcement Actions Inside Courthouses (January 10, 2018)

• VAWA Confidentiality Protections, Courthouse Enforcement, and Sensitive Location Policies at a Glance (3.29.19)

• Immigration and Customs Enforcement January 2018 Courthouse Enforcement Policy and VAWA Confidentiality Protections for Immigrant Crime Victims
http://niwaplibrary.wcl.american.edu/courthouse-protections-and-crime-victims/

• Courthouse Immigration Enforcement: Steps State Courts Are Taking (2018)
http://niwaplibrary.wcl.american.edu/pubs/courtroom-enforcement-steps-courts-are-taking/

• February 2018 Newsletter: New ICE Policies on Courthouse Enforcement and VAWA Confidentiality
http://niwaplibrary.wcl.american.edu/pubs/niwap-feb-newsletter/
VAWA Confidentiality and State Court Discovery

- This section contains some of the materials NIWAP has on VAWA confidentiality and discovery. A full up-to-date list of materials and cases related to VAWA confidentiality and its impact on state court discovery see [https://niwaplibrary.wcl.american.edu/pubs/vawa-confidentiality-and-discovery-training-mats](https://niwaplibrary.wcl.american.edu/pubs/vawa-confidentiality-and-discovery-training-mats)
- How to Argue or Rule on VAWA Confidentiality Protections in Discovery Involving Immigrant Survivors (October 13, 2022)
- VAWA Confidentiality and Discovery Cases (October 18, 2022)
  [https://niwaplibrary.wcl.american.edu/vawa-confidentiality-cases](https://niwaplibrary.wcl.american.edu/vawa-confidentiality-cases)
- Quick Reference Guide for Judges: VAWA Confidentiality and Discovery Related Case Law
- Court Rulings Confirm Federal VAWA Confidentiality Protections Bar Discovery of VAWA Confidentiality Protected Information in State Family Court Proceedings
- VAWA Confidentiality and Criminal Cases: How Prosecutors Should Respond to Discovery Attempts for Protected Information
- Quick Reference Guide for Prosecutors: U Visa and VAWA Confidentiality Related Case Law
- Training Tools for Prosecutors on the U Visa, VAWA and Criminal Court Discovery (November 8, 2017)
  [https://niwaplibrary.wcl.american.edu/prosecutors-tools](https://niwaplibrary.wcl.american.edu/prosecutors-tools)

Webinars

- Impact of DHS Enforcement Priorities on Courts: VAWA Confidentiality and Enforcement”
  (Webinar)(August 21, 2018)
- VAWA Confidentiality and Protections for Immigrant Victims of Domestic Violence (October 31, 2017)
- VAWA Confidentiality Webinar (February 9, 2015)
  [http://niwaplibrary.wcl.american.edu/vawa-confidentiality-webinar/](http://niwaplibrary.wcl.american.edu/vawa-confidentiality-webinar/)

VAWA Confidentiality and Immigration Protective Order Cases

- Memorandum on People v. Alvarez ( March 15, 2019)
  [https://niwaplibrary.wcl.american.edu/pubs/alvarez-memo](https://niwaplibrary.wcl.american.edu/pubs/alvarez-memo)
• Diaz Silvas v Horning Brothers Order Granting Protective Order (2018)  
  https://niwaplibrary.wcl.american.edu/pubs/diaz-silvas-u-visa-protective-order
• Cazorla v. Koch Foods of Mississippi - 5th Cir ( February 27, 2017)  
• Cazorla v. Koch Foods of Mississippi - 5th Cir (September 27, 2016)  
  https://niwaplibrary.wcl.american.edu/pubs/5th-cir-eeoc-v-koch-decision

VAWA Confidentiality Briefs and Motions
• Sample Amicus Curiae Brief VAWA Confidentiality and Family Court Discovery (2011)  
• Amicus Curiae Brief of Legal Momentum, Sanctuary for Families, and NIWAP (2012)  
• Amicus Curiae Brief EEOC v Koch Foods (October 22, 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/hawke-v-dhs