

VAWA CONFIDENTIALITY TRAINING MATERIALS

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VAWA Confidentiality

Bench Cards

- Family Court Bench Card on VAWA Confidentiality
<http://niwaplibrary.wcl.american.edu/pubs/family-court-bench-card-vawa-confidentiality>
- Bench Card: DHS Enforcement Priorities, Courthouse Enforcement and Sensitive Location Policies and Memoranda: Information for State Court Judges
<http://niwaplibrary.wcl.american.edu/wp-content/uploads/IMM-Qref-DHSEnforcementPriorities-2.11.17-FINAL.pdf>

VAWA Confidentiality Statutes, Regulations and Policies

Training Materials

- Three Prongs of VAWA Confidentiality
<http://niwaplibrary.wcl.american.edu/pubs/conf-vawa-bro-3prongsofconfidentiality/>
- Quick Reference: VAWA Confidentiality Protections: Quoting Statutes, Regulations and DHS Policies 3.29.19
http://niwaplibrary.wcl.american.edu/pubs/federal-law-quotes-vawa-confidentiality-protections_3-29-19/
- VAWA Confidentiality Protections for Immigrant Crime Victims (March 3, 2017- Update March 8, 2021) (Webpage)
<http://niwaplibrary.wcl.american.edu/vawa-confidentiality-materials-tools/>
- Chapter 3.2: VAWA Confidentiality and Breaches of Confidentiality
<http://niwaplibrary.wcl.american.edu/pubs/ch3-2-vawa-confidentiality/>
- Chapter 3: VAWA Confidentiality, History, Purpose, DHS Implementation, and Violations of VAWA Confidentiality Protections
<http://niwaplibrary.wcl.american.edu/pubs/ch3-vawa-confidentiality-history-purpose/>
- Utilizing VAWA Confidentiality Protections in Family Court Proceedings**
<https://www.civresearchinstitute.com/online/article.php?pid=6&iid=1270>
- Protecting Immigrant Victims: VAWA Offers Immigration Protections for Sexual Assault Victims (Delaware Lawyer's Magazine)
<http://niwaplibrary.wcl.american.edu/pubs/protecting-immigrant-victims-article/>
- NIWAP Newsletter of NVAWA Confidentiality (January 2015)
<https://niwaplibrary.wcl.american.edu/pubs/confidentiality-newsletter-january-2015>
- NIWAP Newsletter on VAWA Confidentiality (September 2014)
<http://niwaplibrary.wcl.american.edu/pubs/niwap-newsletter-9-15-14/>

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>

Statute, Regulations, Policies and DHS Publications

- Interlineated VAWA Confidentiality Statute <http://niwaplibrary.wcl.american.edu/pubs/vawa-confidentiality-interlined/>
- 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/>
- DHS: 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>
- 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>
- 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>
- 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 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 - 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>
- 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>
- 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 <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
<http://niwaplibrary.wcl.american.edu/pubs/iceopla-vawa-confidentiality-2007-foia/>
- 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
<http://niwaplibrary.wcl.american.edu/pubs/conf-vawa-gov-dhscomplaintinstrts-2008/>
- 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>
- HR 3402 House Judiciary Report: VAWA Confidentiality Legislative History (September 22, 2005) <https://niwaplibrary.wcl.american.edu/pubs/conf-vawa-lghist-dojexcerpts-hr-3402-09-22-2005>
- INA: Section 239 - Initiation of Removal Proceedings and VAWA Confidentiality (2006)
<https://niwaplibrary.wcl.american.edu/pubs/ina-239-1367-vawa-confidentiality-removal>
- 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
<http://niwaplibrary.wcl.american.edu/pubs/conf-vawa-gov-insconfvawamemo-05-05-1997/>
- Executive Office of Immigration Review EOIR: VAWA Confidentiality Procedures for Immigration Court (1997)
<https://niwaplibrary.wcl.american.edu/pubs/doj-ij-vawa-confidentiality-guidance-1997>

VAWA Confidentiality and Courthouse Enforcement Policies

- Civil Immigration Enforcement Actions Inside Courthouses (January 10, 2018)
<http://niwaplibrary.wcl.american.edu/wp-content/uploads/ICE-Directive-1.10.2018-003.pdf>
- VAWA Confidentiality Protections, Courthouse Enforcement, and Sensitive Location Policies at a Glance (3.29.19)
<http://niwaplibrary.wcl.american.edu/pubs/vawa-protections-in-state-courts-and-cases/>
- 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>
- How to Argue or Rule on VAWA Confidentiality Protections in Discovery Involving Immigrant Survivors (October 13, 2022)
<https://niwaplibrary.wcl.american.edu/wp-content/uploads/VAWA-Confidentiality-and-Discovery-Guide-10.13.22.pdf>
- VAWA Confidentiality and Discovery Cases (October 18, 2022)
<https://niwaplibrary.wcl.american.edu/vawa-confidentiality-cases>
- Quick Reference Guide for Judges: VAWA Confidentiality and Discovery Related Case Law
<http://niwaplibrary.wcl.american.edu/pubs/judges-vawa-confidentiality-cases-and-discovery/>
- 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/>
- Quick Reference Guide for Prosecutors: U Visa and VAWA Confidentiality Related Case Law
<http://niwaplibrary.wcl.american.edu/pubs/case-law-quick-reference-tool-7-24-17-final-w-logo/>
- Training Tools for Prosecutors on the U Visa, VAWA and Criminal Court Discovery (November 8, 2017) <https://niwaplibrary.wcl.american.edu/prosecutors-tools>
- Court Decision Interprets VAWA Confidentiality Provisions (2008)
<https://niwaplibrary.wcl.american.edu/pubs/court-interprets-vawa-provisions>

Webinars

- Impact of DHS Enforcement Priorities on Courts: VAWA Confidentiality and Enforcement” (Webinar)(August 21, 2018)
<http://niwaplibrary.wcl.american.edu/jffnm2018/>
- 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 (February 9, 2015)
<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>
- US Equal Employment Opportunity Commission v SOL Mexican Grill LLC (June 11, 2019)
<https://niwaplibrary.wcl.american.edu/pubs/eec-v-mexican-grill-2019>

- 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) <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>
- State v. Buccheri-Bianca (October 30, 2013) <https://niwaplibrary.wcl.american.edu/pubs/state-v-buccheri-bianca-2013>
- 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>
- 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>

VAWA Confidentiality Briefs and Motions

- 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>