**VAWA CONFIDENTIALITY TRAINING MATERIALS**
Last updated: July 11, 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

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

Letters That Promote ICE Compliance With 2025 Policies and Statutes

https://niwaplibrary.wcl.american.edu/letters-that-promote-ice-compliance-with-2025-policies-and-statutes/

- ICE January 2025 Victim Witness and Courthouse Enforcement Policies and VAWA Confidentiality Statutes and Policies nhttps://niwaplibrary.wcl.american.edu/pubs/attachments-a-d-ice-courthouse-handout/

VAWA Confidentiality Statues, Regulations and Policies

Continued Application of VAWAs Protections Under 8 U.S.C. §1367 to Immigrant Victims

- ICE Policy: Victim Policy: Interim Guidance on Civil Immigration Enforcement Actions Involving Current or Potential Beneficiaries of Victim-Based Immigration Benefits (January 30, 2025) https://niwaplibrary.wcl.american.edu/pubs/11005-4-2025-victim-policy/
- ICE Policy: Issuance of Interim Policy Guidance Regarding Civil Immigration Enforcement Actions Involving Current or Potential Beneficiaries of Victim-Based Immigration Benefits (January 31, 2025) https://niwaplibrary.wcl.american.edu/pubs/memo-on-victim-based-imm/

2025 Policies Changing Sensitive Locations and Courthouse Enforcement Policies

- Memo Enforcement Actions In or Near Protected Areas (January 20, 2025) https://niwaplibrary.wcl.american.edu/pubs/memo-enforcement-protected-areas/
- ICE Interim Guidance: Civil Immigration Enforcement Actions In or Near Courthouses ICE Policy Number 11072.3 (January 2025) https://niwaplibrary.wcl.american.edu/pubs/2025-01_ice_courthouse_enforcement_guidance/

VAWA Confidentiality Statutes

- VAWA Confidentiality's Prohibited Source Bars, Immigration Case File Confidentiality Requirements, and Penalties for Violation 8 U.S.C. §1367 https://niwaplibrary.wcl.american.edu/pubs/8-usc-1367-penalties-for-disclosure-of-information/
- VAWA Confidentiality - Immigration Protected Locations for Victims 8 U.S.C. §1229(e): Certification of Compliance In Removal https://niwaplibrary.wcl.american.edu/pubs/8-usc-1229e-iniation-of-removal-proceedings/ (describing protected locations for immigrant victims with regard to immigration enforcement)
  - 42 U.S.C. §12291(a)(5) defines the community-based organizations that have location protections https://niwaplibrary.wcl.american.edu/pubs/34-uscs-section-12291/
- 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/
- Legislative History of VAWA (94,00,05), T and U-Visas, Battered Spouse Waiver, and VAWA Confidentiality (January 5, 2023) https://niwaplibrary.wcl.american.edu/pubs/vawa-t-u-leg-history/

Department of Homeland Security 8 U.S.C. §1367 Instruction

- DHS VAWA Confidentiality Implementation - Instruction 002-02-001, Implementation of Section 1367 Information Provisions (May 28, 2019) https://niwaplibrary.wcl.american.edu/pubs/implementation-of-section-1367-all-dhs-instruction-002-02-001/ (cited in 2025 memos)

Violence Against Women Act (VAWA) Confidentiality Requirements – Full Bill

- 34 U.S.C. §12291(b)(2) VAWA Confidentiality provisions applying to the entire VAWA bill and all recipients of grants awarded under VAWA https://niwaplibrary.wcl.american.edu/pubs/34-uscs-section-12291
- OVW, Frequently Asked Questions (FAQs) on the VAWA Confidentiality Provisions (34 U.S.C. §12291(b)(2)) (October 2017) https://niwaplibrary.wcl.american.edu/pubs/ovw-34-usc-12291-vawa-confidentlity-faq/

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.civicresearchinstitute.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

Regulations, Policies and DHS Publications

- USCIS Policy Manual Chapter 7 - Privacy and Confidentiality (January 19, 2025) https://niwaplibrary.wcl.american.edu/pubs/uscis-policy-man-ch-7-privacy-and-confidentiality/
- 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/
- USCIS Policy Update: VAWA Confidentiality and Safe Address for Survivor-Based Petitions (April 11, 2023) https://niwaplibrary.wcl.american.edu/pubs/vawa-confidentiality-policy-update-safe-address/
- 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 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-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/
- 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-dojexcerptshr-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

- 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/
- 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
- 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

**Please note only selected cases listed here. For a full list of cases and briefs see**, VAWA Confidentiality and Discovery Materials January 7, 2025 https://niwaplibrary.wcl.american.edu/pubs/vawa-confidentiality-and-discovery-materials/

- 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
- 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

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/
- 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