

Building Trust with Noncitizen Witnesses and U Visa Applicants

**Twin Cities, MN
January 23, 2026**

For Law Enforcement, Prosecutors, and Systems-Based
Victim Witness Staff

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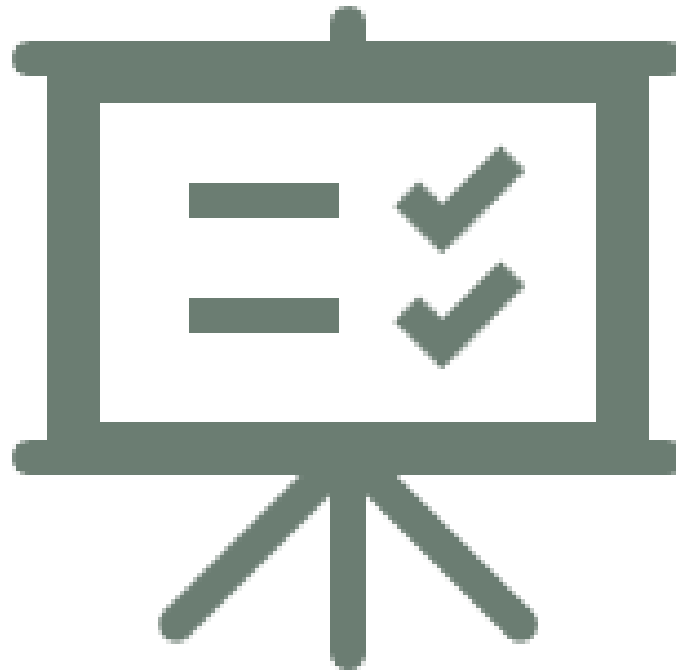
The opinions, findings, conclusions and
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Introduction

- Faculty
- Housekeeping

How much do you know about the U Visa? T Visa? Continued Presence?

Participant Goals and Expectations



Learning Objectives

By the end of this workshop, you will be better able to:



Describe who qualifies for U and T Visas

Sign U Visa and T Visa applications to increase victim stability and safety

Collaborate to improve trust with immigrant communities

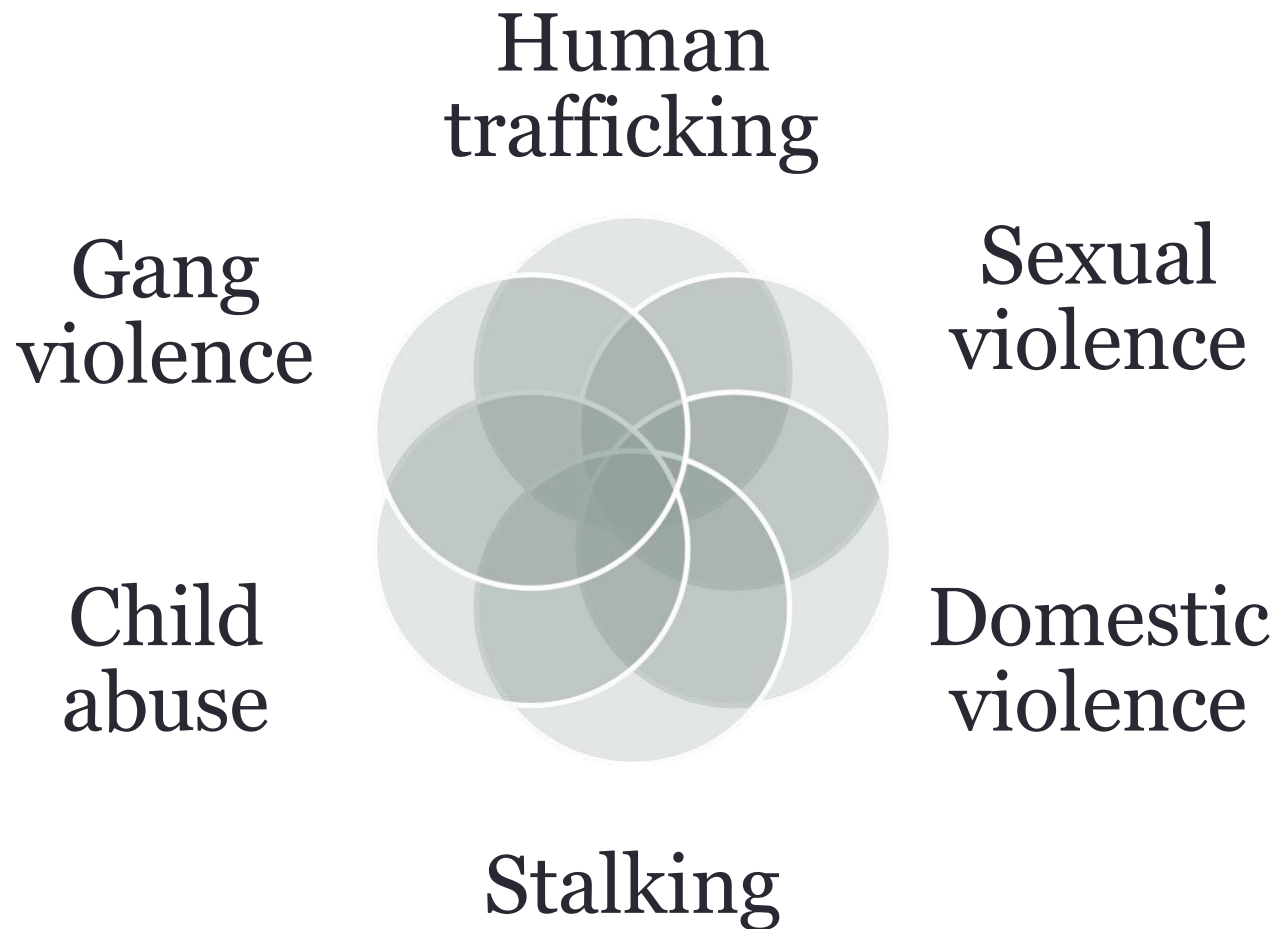
Develop strategies to overcome common defenses in cases involving immigrant victims

DYNAMICS OF INTIMATE PARTNER
VIOLENCE, STALKING, SEXUAL
ASSAULT,
AND HUMAN TRAFFICKING INVOLVING
IMMIGRANT VICTIMS

Large Group Discussion

- What are some specific tactics used by offenders seeking to assert power and control over immigrant victims of...
 - Intimate Partner Violence
 - Sexual Assault
 - Stalking
 - Child abuse
 - Human trafficking

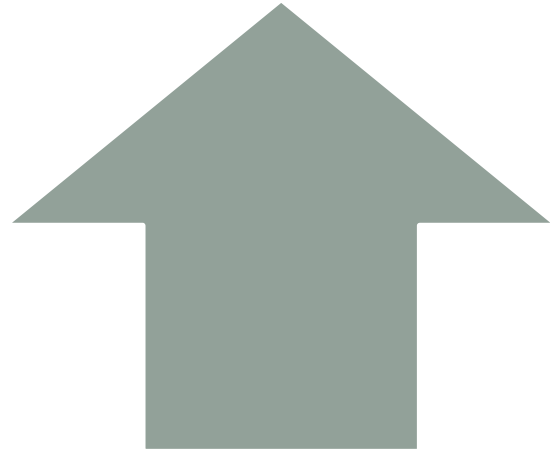
Co-Occurring Crimes



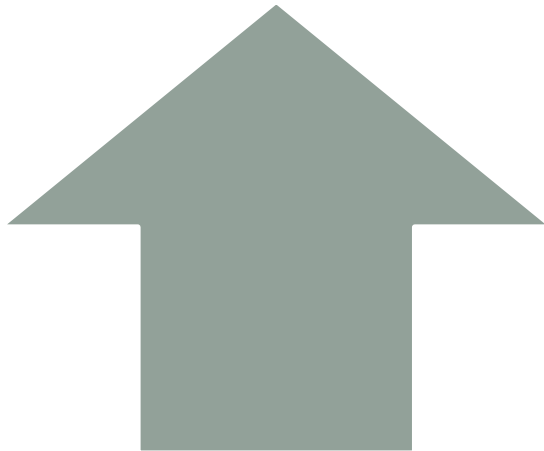
Commonalities

- Victim and offender relationship is based on an unbalanced power dynamic.
- Criminal behavior is ongoing.
- Offenders engage in criminal and non-criminal acts.
- Victims often do not disclose their victimization.
- Witness intimidation is prevalent.

Exploitation and Violence



Victimization



Vulnerability

Common Vulnerabilities

- Age
- Poverty
- Immigration status
- Non-English speaking
- Unstable home lives
- Prior abuse
- Substance use disorder
- Mental health issues
- Criminal justice system involvement
- Lack of educational or job opportunities
- Disability

COMMON OFFENDER TACTICS

Power & Control Wheel

Domestic Abuse Intervention Project, Duluth, MN

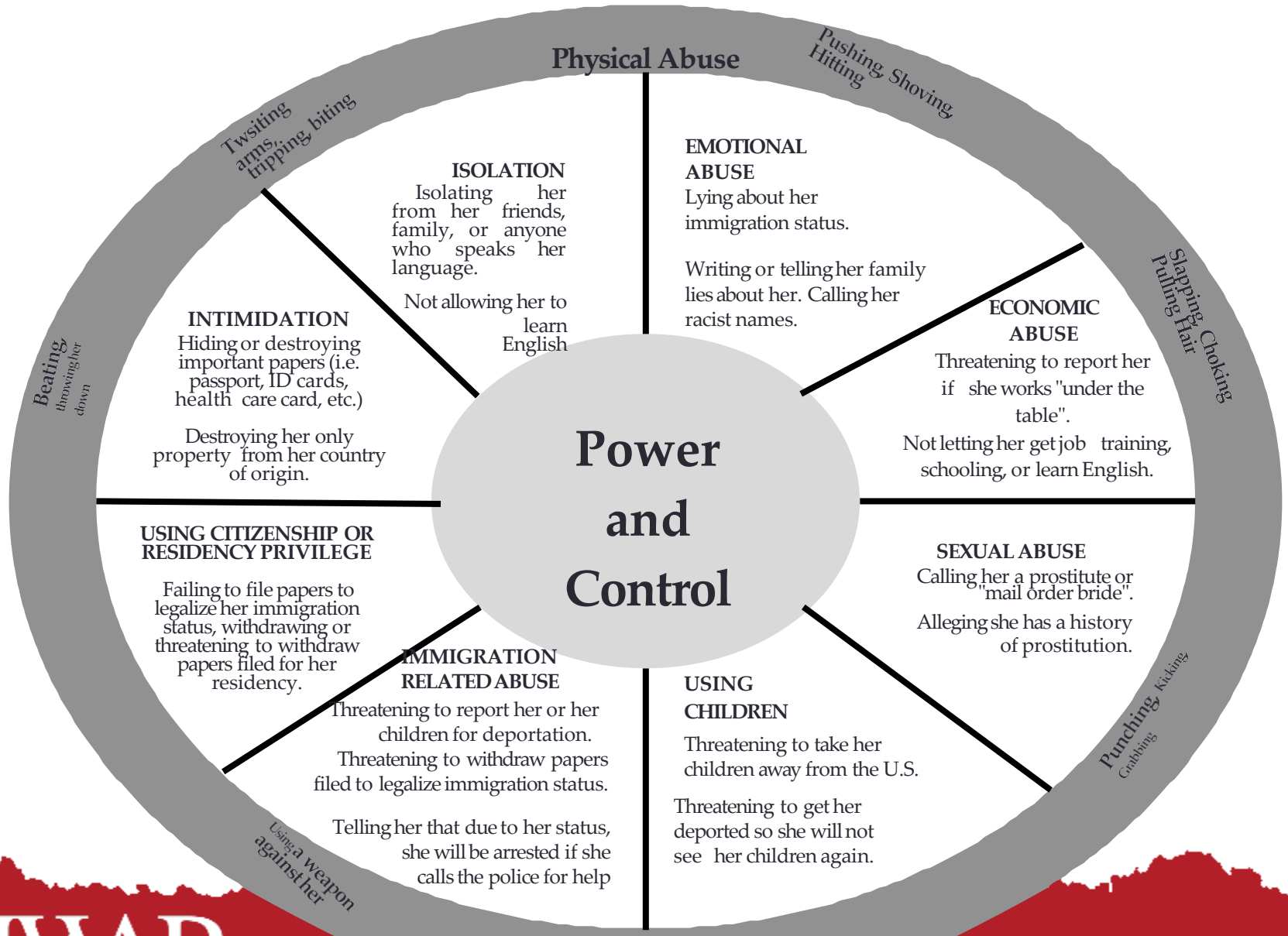


DISCUSSION:

What are some specific tactics used by offenders seeking to assert power and control over immigrant victims...

Power & Control Tactics Used Against Immigrant Women

Document Updated December 3, 2024



Immigration-Related Abuse

- 65% of immigrant survivors report some form of immigration-related abuse (NIJ, 2003)
- Abuse rates among immigrant women is almost three times the national average*
 - Lifetime as high as 49.8%
 - Those married to citizens and lawful permanent residents – 50.8%
 - U.S. citizen spouse/former spouse abuse rate rises to 59.5%

* Hass, G. A., Ammar, N., Orloff, L. (2006). Battered Immigrants and U.S. Citizen Spouses

Immigration-Related Abuse, cont'd.

- Among abusive spouses who could have filed legal immigration papers for survivors*:
 - 72.3% never file immigration papers
 - Mean delay of 3.97 years with those who did file
- Threats or taking steps to withdraw an immigration case filed on the survivor's behalf
- Forcing partners to work with false documents

*Edna Erez and Nawal Ammar, Violence Against Immigrant Women and Systemic Responses: An Exploratory Study (2003)



Immigration-Related Abuse, cont'd.

- Threats or attempts to have immigrant partner deported or have case denied
 - 25% of perpetrators actively report the victim for removal
- Using language proficiency to manipulate law enforcement
 - 36% of perpetrators get immigrant and LEP victims victims arrested for domestic violence*

* Krisztina E. Szabo, David Stauffer, Benish Anver, *Work Authorization For VAWA Self-Petitioners and U Visa Applicants*, NIWAP (Feb. 12, 2014) and Rafaela Rodrigues, Alina Husain, Amanda Couture-Carron, Leslye E. Orloff and Nawal H. Ammar, *Promoting Access to Justice for Immigrant and Limited English Proficient Victims* (2017)

Sexual Assault and Immigrants

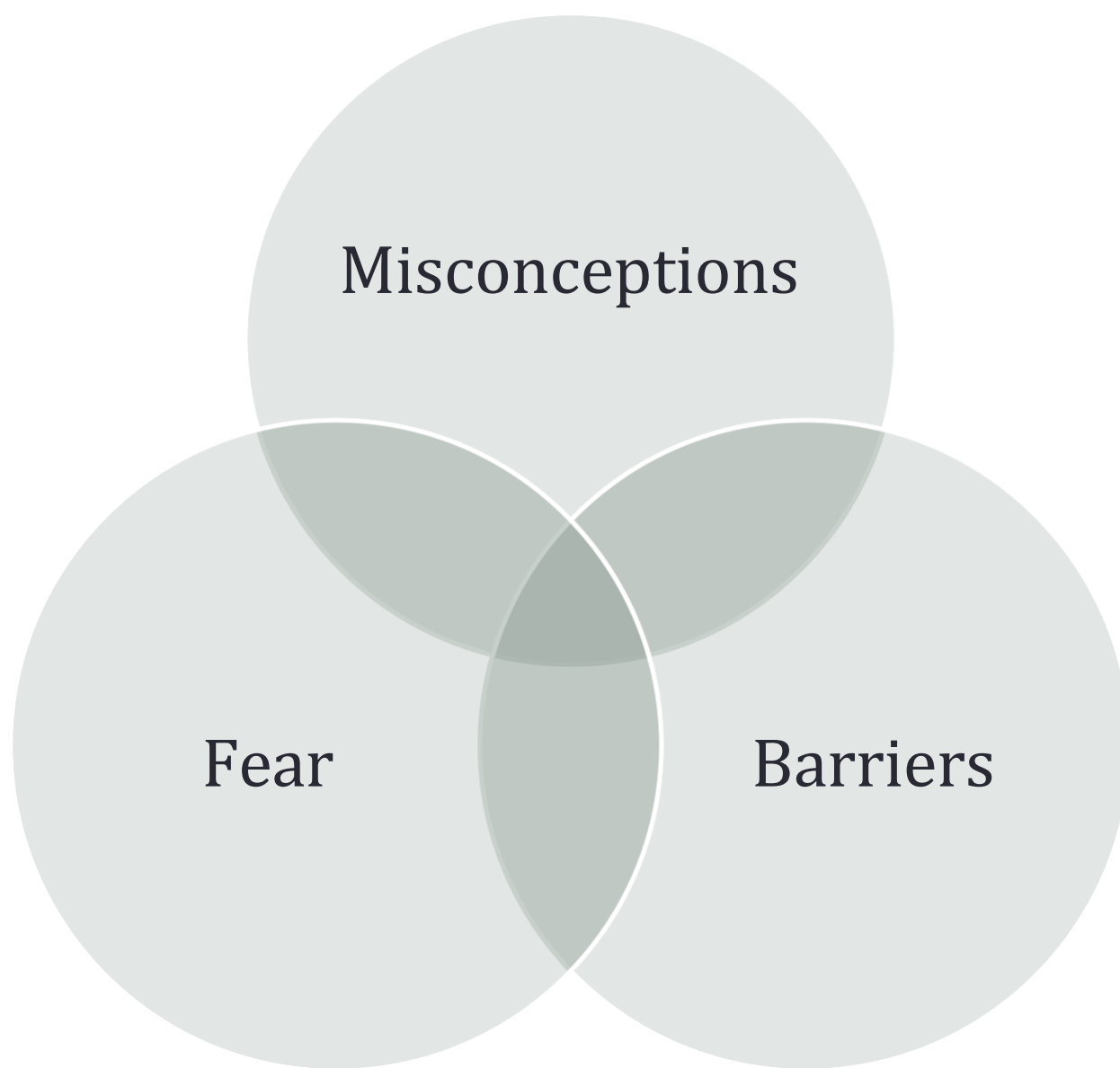
- High school aged immigrant girls
 - Twice as likely to have suffered sexual assault as their non-immigrant peers, including recurring sexual assault
- Decker, M., Raj, A. and Silverman, J., Sexual Violence Against Adolescent Girls: Influences of Immigration and Acculturation, 13 Violence Against Women 498, 503 (2007)

Immigration-Related Abuse

- 10 times higher in relationships with physical/sexual abuse as opposed to psychological abuse*
- May predict abuse escalation
- Corroborates the existence of physical and sexual abuse

*Mary Ann Dutton, Leslye Orloff, and Giselle Hass, Characteristics of Help-Seeking Behaviors, Resources and Service Needs of Battered Immigrant Latinas: Legal and Policy Implications (Summer 2000)

What prevents immigrant victims from reporting crime?



Fears

- Deportation
- Returning to home country
- Separation from children
- Lack of contact with family
- Family in danger in their country of origin
- Ostracism from the community
- Retaliation

Immigrant Experience/ Misconceptions

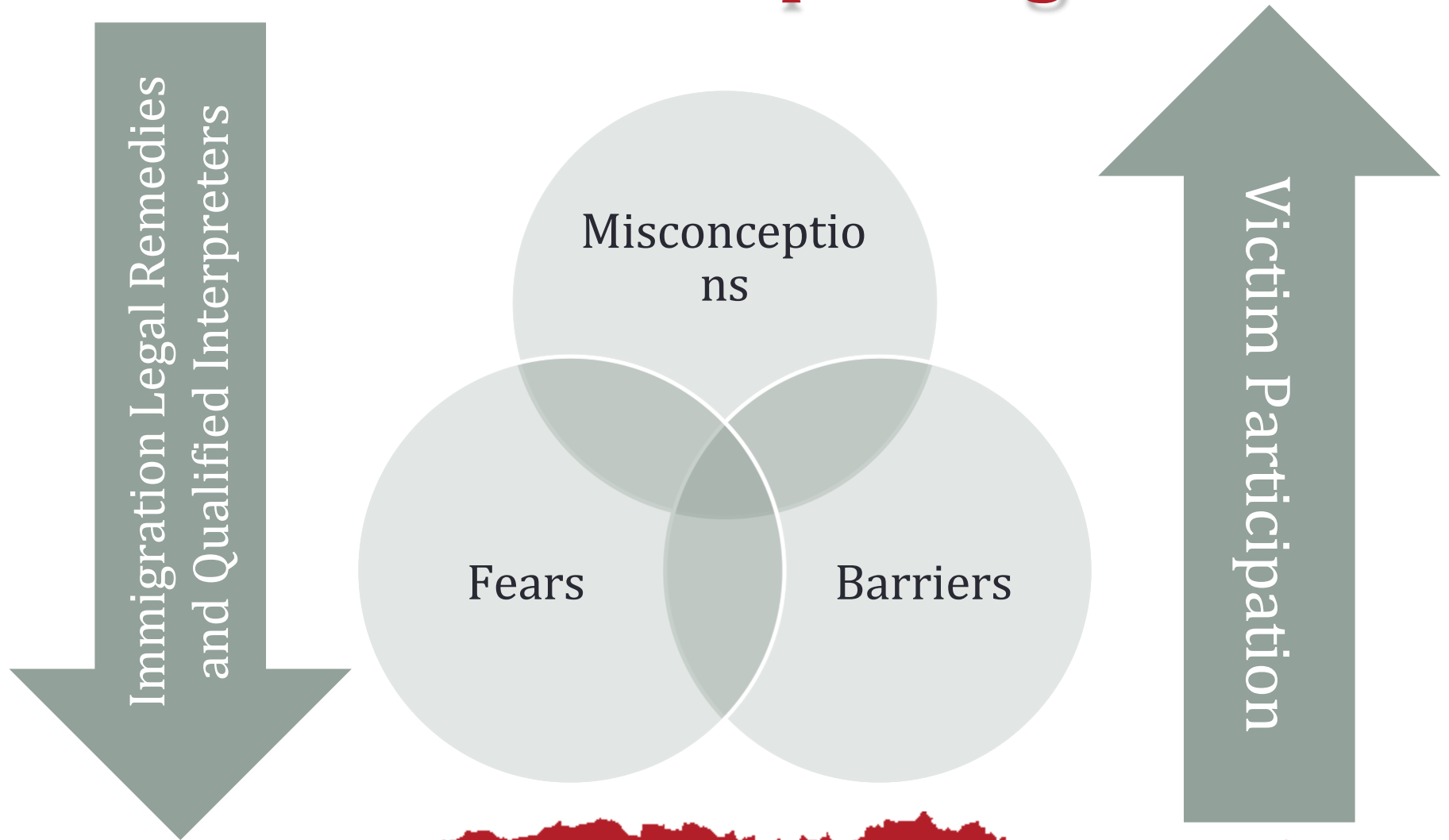
- History of Immigrant Experience
 - Lack of knowledge of
 - Crime victim legal rights
 - Laws regarding domestic violence, sexual assault
 - Fears based on past experiences
 - Do not trust the police
- Misconceptions
 - Believe police will arrest them
 - Local police are immigration officers
 - No services are available to immigrant victims
 - Police are corrupt
 - Criminal justice system will do nothing



Barriers

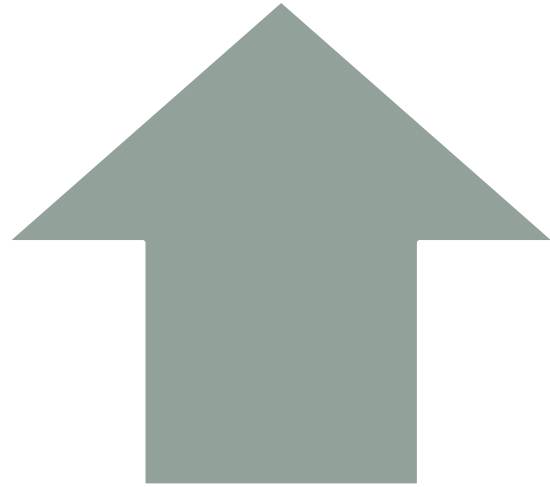
- Do not speak or understand English
- Financial dependence on perpetrator
- Isolation
- Lack of transportation or child care
- Community pressure
- Family pressure
- Religious factors

Lack of Reporting



EFFECTIVE RESPONSES TO IMMIGRANT VICTIMS OF CRIME

Effective Responses



Improve victim
safety and stability



Minimize barriers
and
misconceptions

EFFECTIVE INTERVIEWING AND USE OF INTERPRETERS

Best practices to successfully
investigate and prosecute cases
involving non-English speaking
victims

What countries are you seeing immigrant survivors coming from?

Minnesota Data

*Sources: Migration Policy Institute Data Hub
(November 2023) and Lawful Permanent Resident
estimates MPI and DHS (2022)*

Minnesota (2022)*

- ❖ Total foreign-born population – 498,826
- ❖ 8.7% of the state's ~ 5.7 million people are foreign born
 - 58.2% naturalized citizens
 - 27% legal permanent residents (as of 2019)*
 - 14.8% temporary visa holders or undocumented immigrants
- 91.5% rise in immigrant population from 2000 to 2022
- ❖ Length of time immigrants have lived in the U.S.
 - 35.1% entered before 1999
 - 26.5% entered 2000 - 2009
 - 38.4% since 2010
- ❖ 20.2% of children under age 18 have one or more immigrant parents
 - 84.7% of these children are native-born U.S. citizens

**Source: Migration Policy Institute Data Hub (July, 2024) and Lawful Permanent Residents MPI and DHS (2022)*

Minnesota – Countries/Regions of Origin & Limited English Proficiency (LEP)(2022)*

- ❖ Asia – 36.3%
 - ❖ Southeastern Asia (19.5%)
 - ❖ India (6.0%)
 - ❖ China/Taiwan (3.0%)
- ❖ Africa – 27.1%
 - ❖ Eastern Africa (19%)
 - ❖ Western Africa (6.6%)
- ❖ Latin America – 22.3%
 - ❖ Central America (16.1%)
 - ❖ Mexico (12.5%)
 - ❖ South America (5.3%)
- ❖ Europe – 9.0%
 - ❖ Eastern Europe (4.6%)
- ❖ Canada – 2.5%
- ❖ Western Asia – 2.3%
- ❖ Oceania – 0.6%
- ❖ Language spoken
 - ❖ 12.2% of people in the state who speak a language other than English at home
 - ❖ 40.9% of foreign-born persons are LEP - speak English less than “very well”

**Source: Migration Policy Institute Data Hub (July, 2024)*

Minnesota - Languages Spoken at Home (2022)*

- ❖ Spanish (203,771)
- ❖ Amharic, Somali, or Other Afro-Asiatic Languages (104,558)
- ❖ Hmong (69,541)
- ❖ Vietnamese (23,712)
- ❖ Chinese (including Mandarin, Cantonese) (18,475)
- ❖ Yoruba, Twi, Igbo, or Other Languages of Western Africa (18,341)
- ❖ German (17,322)
- ❖ Russian (16,397)
- ❖ French (including Cajun) (16,229)
- ❖ Arabic (14,503)
- ❖ Swahili or Other Languages of Central, Eastern, and Southern Africa (12,262)
- ❖ Tagalog (including Filipino) (7,710)
- ❖ Nepali, Marathi, or Other Indic Languages (7,511)
- ❖ Hindi (7,329)
- ❖ Khmer (7,139)
- ❖ Native Languages of North America (4,816)

* Source: <https://www.migrationpolicy.org/data/state-profiles/state/language/ML> (July, 2024)

Minnesota - LEP (2022)*

- ❖ Limited English Proficiency (Speak English less than very well)
 - ❖ Naturalized citizens – 36.6%
 - ❖ Noncitizens – 47.0%
- ❖ Limited English Proficiency by language spoken at home
 - ❖ Vietnamese (58.0%)
 - ❖ Russian (32.5%)
 - ❖ Amharic, Somali, or Other Afro-Asiatic Languages (42.0%)
 - ❖ Chinese (including Mandarin, Cantonese) (46.1%)
 - ❖ Spanish (41.7%)
 - ❖ Hmong (41.5%)
 - ❖ Arabic (30.7%)
 - ❖ Swahili or Other Languages of of Central, Eastern, and Southern Africa (30.0%)
 - ❖ Yoruba, Twi, Igbo, or Other Languages of Western Africa (31.6%)
 - ❖ French (including Cajun) (27.5%)

* Source: <https://www.migrationpolicy.org/data/state-profiles/state/language/MI> (July, 2024)

“Meaningful Access”

“Language assistance that results in accurate, timely and effective communication at no cost to the LEP individual. For LEP individuals, meaningful access denotes access that is not significantly restricted, delayed or inferior, as compared to programs or activities provided to English proficient individuals”

First responders –
What do you do
when you arrive at a
crime scene?



First Response

- Locate and secure the scene
- Are there any weapons?
- Is anyone injured?
- Identify the people involved
 - Victim
 - Offender
 - Witnesses
- If offender is not on the scene
 - Where is the suspect?
 - Are they a continuing danger?
 - Is suspect in possession of weapon?



What is the Difference Between

- Securing the scene
- Interviewing victims and witnesses



Exigent Circumstances

- Use the most reliable *temporary* interpreter available to address exigent circumstances
 - Fleeing suspect
 - Weapons
 - Life threatening to the officer, the victim, or the public

Best Practices for Investigations & Interrogations

- A qualified interpreter shall be used for any interrogation or taking of a formal statement where the suspect or witness' legal rights could be adversely impacted
 - Police reports
 - Criminal interrogations
 - Crime witness interviews
- Vital written materials translated into primary language
 - Miranda warnings & Know your rights brochures

Using Qualified Interpreters

Benefits

- Safety
- ID offender
- Locate weapons
- Admissible statements (excited utterances)

Harms if not used

- Mistaken ID of offender
- Arrest of victim
- Misinterpretation results in inaccurate statements
- Trauma to children

“Qualified Interpreter”

When considering whether an interpreter is qualified, the LEP plans should discourage the use of police officers as interpreters in interrogations except under circumstances in which the LEP individual is informed of the officer’s dual role and the reliability of the interpretation is verified, such as, for example, where the officer has been trained and tested in interpreting and tape recordings are made of the entire interview.

Bilingual Officer v. Interpreter

- Bilingual officers
 - When they are interpreting, they are not investigating
- Biculturalism v. bilingualism
 - Different words have different meanings:
 - e.g.: Variations on the word “highway” depending on what state you’re from.
 - “500 feet” many communities don’t know what that distance looks like.



Spotting a Bad Interpreter

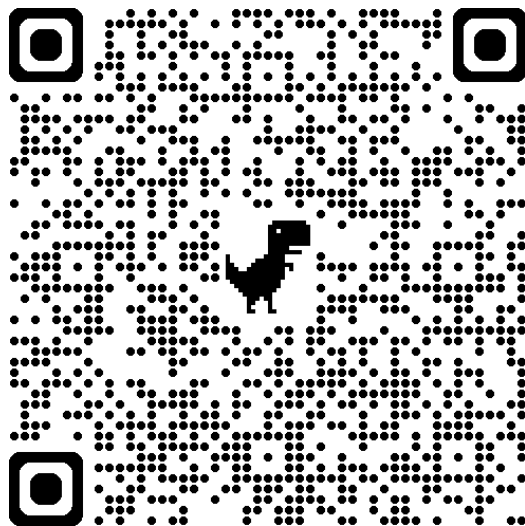
- Can you understand the interpreter?
- Does the individual look confused?
- Does the interpreter appear confused?
- Is the interpreter engaging in side conversations?
- Is the interpreter engaging in conversations with the individual before/after the interpretation meeting?
- Is the interpreter summarizing?
- Is everything being interpreted ?
- Is the interpreter using English words?
- Is there a change in the individual's demeanor?

Language Resources

- Language line
- Video remote interpretation
- Video relay interpretation – Dartmouth Hospital System
- Department interpreters line developed in response to large local refugee population
- Immigrant community-based organization partners
- Health care providers
- School systems
- Court systems



HOW U AND T VISA ARE CRIME FIGHTING TOOLS



Immigration Protections for Noncitizen Victims of Crime and Abuse

U.S. Immigration Benefits for NONCITIZEN CRIME VICTIMS

T VISA CONSIDERATIONS

- ▶ Must be in the U.S. on account of human trafficking
- ▶ Law enforcement declaration is encouraged but not required



If approved, benefit provides:

- Up to four years of temporary nonimmigrant status
- Work authorization
- Access to federal and state benefits and services
- Ability to apply for permanent residency
- Ability for qualifying family members to receive derivative nonimmigrant status, even if not already in the U.S.

VAWA CONSIDERATIONS

- ▶ Have suffered battery or extreme cruelty perpetrated by your U.S. citizen or Lawful Permanent Resident spouse or parent or your U.S. citizen adult son or daughter
- ▶ Petitioners and perpetrators may be of any sex or gender



If approved, benefit provides:

- Lower priority for removal
- Work authorization
- Access to federal and state benefits and services (possibly sooner than approval)
- Ability to apply for permanent residency
- Ability for children of self-petitioning spouses or children to receive permanent residency, even if not already in the U.S.

To apply:
USCIS
Form I-914

T VISA

For victims of human trafficking

To apply:
USCIS
Form I-360

VAWA

For victims of domestic violence and abuse

ASYLUM CONSIDERATIONS

- ▶ Must fear persecution on account of race, religion, nationality, political opinion, or membership in a particular social group
- ▶ If in removal proceedings, may need to file Form I-589 with the immigration judge

ASYLUM

For victims of persecution

To apply:
USCIS
Form I-589

SIJ

Special Immigrant Juvenile classification for child victims under 21 years of age

To apply:
USCIS
Form I-360

SIJ CONSIDERATIONS

- ▶ Must be a victim of abuse, abandonment, neglect, or a similar basis under state law by one or both parents
- ▶ Must have a juvenile court order with the required determinations



If approved, benefit provides:

- Ability to apply for permanent residency



If approved, benefit provides:

- Asylee status
- Work authorization
- Access to federal and state benefits and services
- Ability to apply for permanent residency
- Ability for spouse and children to receive asylum, even if not already in the U.S.

To apply:
USCIS
Form I-918

U VISA

For victims of domestic violence, sexual assault, felonious assault, human trafficking, and other qualifying crimes

U VISA CONSIDERATIONS

- ▶ Qualifying crime must have occurred in the U.S. or violated U.S. law
- ▶ May apply from the U.S. or while abroad
- ▶ Must have law enforcement certification



If approved, benefit provides:

- Up to four years of temporary nonimmigrant status
- Work authorization
- Ability to apply for permanent residency
- Ability for qualifying family members to receive derivative nonimmigrant status, even if not already in the U.S.



Center for Countering
Human Trafficking

DHS.GOV/BLUECAMPAIGN

For victim support call 1-888-373-7888 or text INFO or HELP to BeFree (233733)

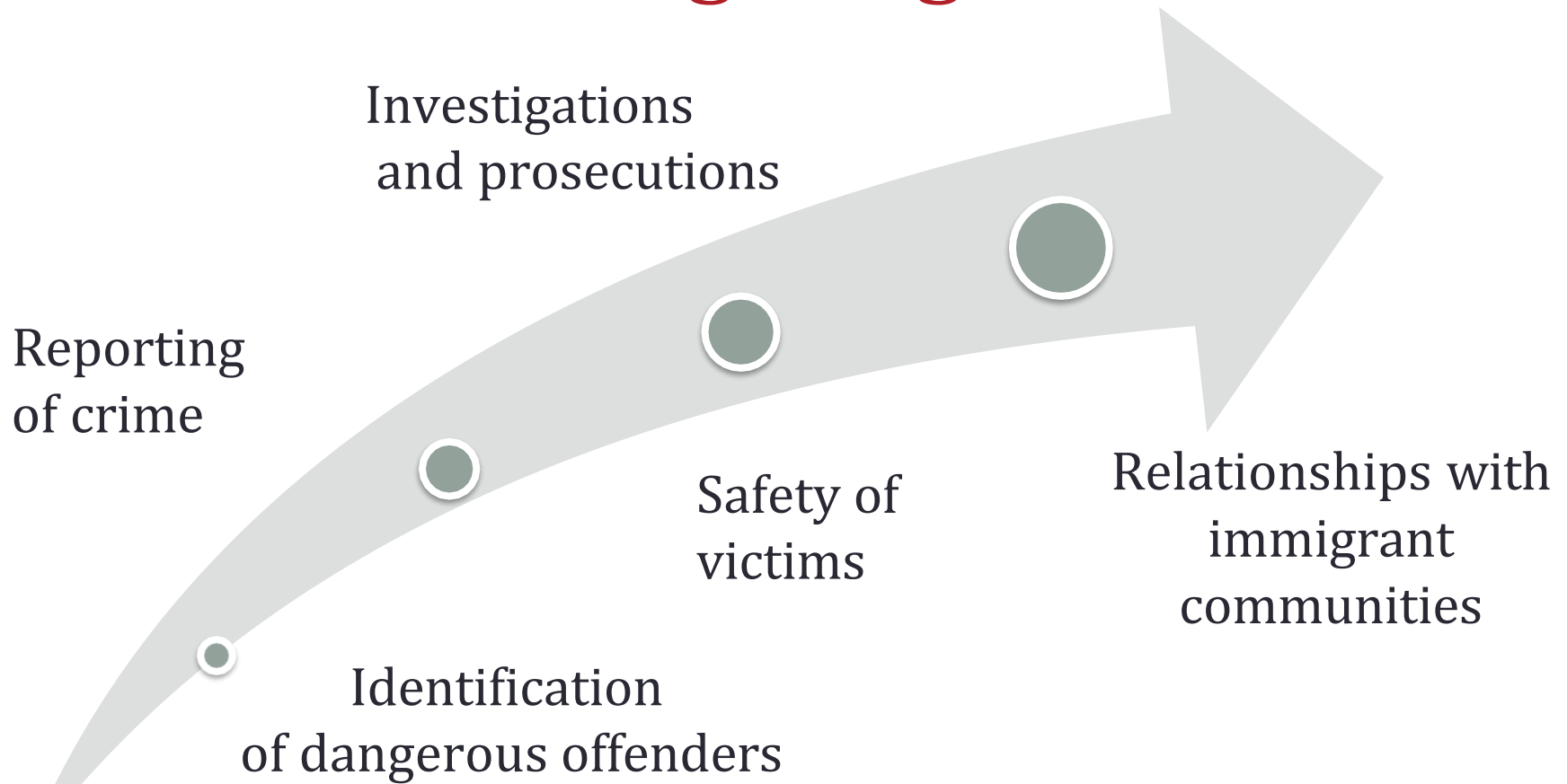
All U.S. Citizenship and Immigration Services (USCIS) forms can be found at: www.uscis.gov/forms/all-forms

Why do you think these forms of legal immigration remedies exist for victims of crime?

Legislative Intent

- We want crimes reported to police
- No one should be a victim of crime, especially violent crime
- Offenders prey upon the most vulnerable in our communities, often immigrants
- Without victims reporting crimes, we do not know about the most dangerous offenders
 - Domestic violence
 - Sexual violence

Immigration Legal Remedies as a Crime Fighting Tool



How do immigration legal remedies and use of qualified interpreters promote officer safety?

(Example)

IACP 2018 Resolution

- Recognizes U as a significant crime fighting tool
- Recommends using U Visas as best practice
- Supports training, education, communication and “increased police leadership involvement”
- Commits to increasing collaboration

U Visas are “effective tools for law enforcement agencies that enhance public safety, officer safety and protection of victims nationwide.”

RESEARCH SHOWS THAT U VISA APPLICANTS REPORT FUTURE CRIMES AT HIGHER RATES

Krisztina E. Szabo, David Stauffer, Benish Anver, *Work Authorization For VAWA Self-Petitioners and U Visa Applicants*, NIWAP (Feb. 12, 2014) and Rafaela Rodrigues, Alina Husain, Amanda Couture-Carron, Leslye E. Orloff and Nawal H. Ammar, *Promoting Access to Justice for Immigrant and Limited English Proficient Victims* (2017)

After VAWA Self-Petitioners and U Visa Victims Receive Work Authorization and Deferred Action

- Increased justice system involvement
 - 114% increase in willingness to trust the police
 - 70% participate in active criminal prosecutions and investigations
 - 29% willing to cooperate if their criminal cases went forward
 - 36% make police reports regarding future crimes
 - 60% seek protection orders and/or custody
 - 22% help other victims report abuse and seek help/justice
- Significant reductions in abusers using immigration as a tool to perpetuate abuse
 - 74% decline in immigration-related abuse
 - 78% decline in threats to snatch/cut off access to children
 - 65% decline in efforts of abusers to use immigration to gain an advantage in family court

U Visa Basics

- Law enforcement certification is just one part of the overall process; it does not equal citizenship
- Meant to promote the reporting of crime
- Target offenders who prey on the most vulnerable victims
- Offender may be a citizen or noncitizen
- Victim can be lawfully present or undocumented
- Increases immigrant victim participation in the criminal justice system
- No statute of limitations
- Can be revoked

U Visa Requirements

Victim

- Qualifying criminal activity
- Possesses information about the crime
- Criminal activity occurred in U.S. or violated U.S. law

Helpfulness

- Victim has been, is being, or is likely to be helpful in *any of the following*:
 - Detection
 - Investigation
 - Prosecution
 - Conviction
 - Sentencing

Harm

- Substantial physical or mental abuse as a result

This is not a part of the certification.

Immigration Legal Remedies Available for Immigrant Victims of ---

- Domestic violence
 - Child/elder abuse
- Sexual assault
- Rape
- Incest
- Prostitution
- Torture
- Felonious assault
- Manslaughter
- Murder
- Female genital mutilation
- Kidnapping
- Abduction
- Trafficking
- Involuntary servitude
- Slave trade
- Being held hostage
- Fraud Foreign Labor Contracting
- Peonage
- False Imprisonment
- Blackmail
- Extortion
- Witness tampering
- Obstruction of justice
- Perjury
- Stalking
- Abusive sexual contact
- Sexual exploitation
- Unlawful criminal restraint

**Attempt, conspiracy, or solicitation to commit any
of these crimes or any similar activity**

Similar Criminal Activity

- Qualifying criminal activity includes any similar activity where the elements of the crime are substantially similar. Examples:
 - Hate crimes
 - Video voyeurism
 - Elder abuse/abuse of adults with disabilities
 - Child abuse
 - Robbery or aggravated robbery could include felonious assault, depending on the evidence and state law definition

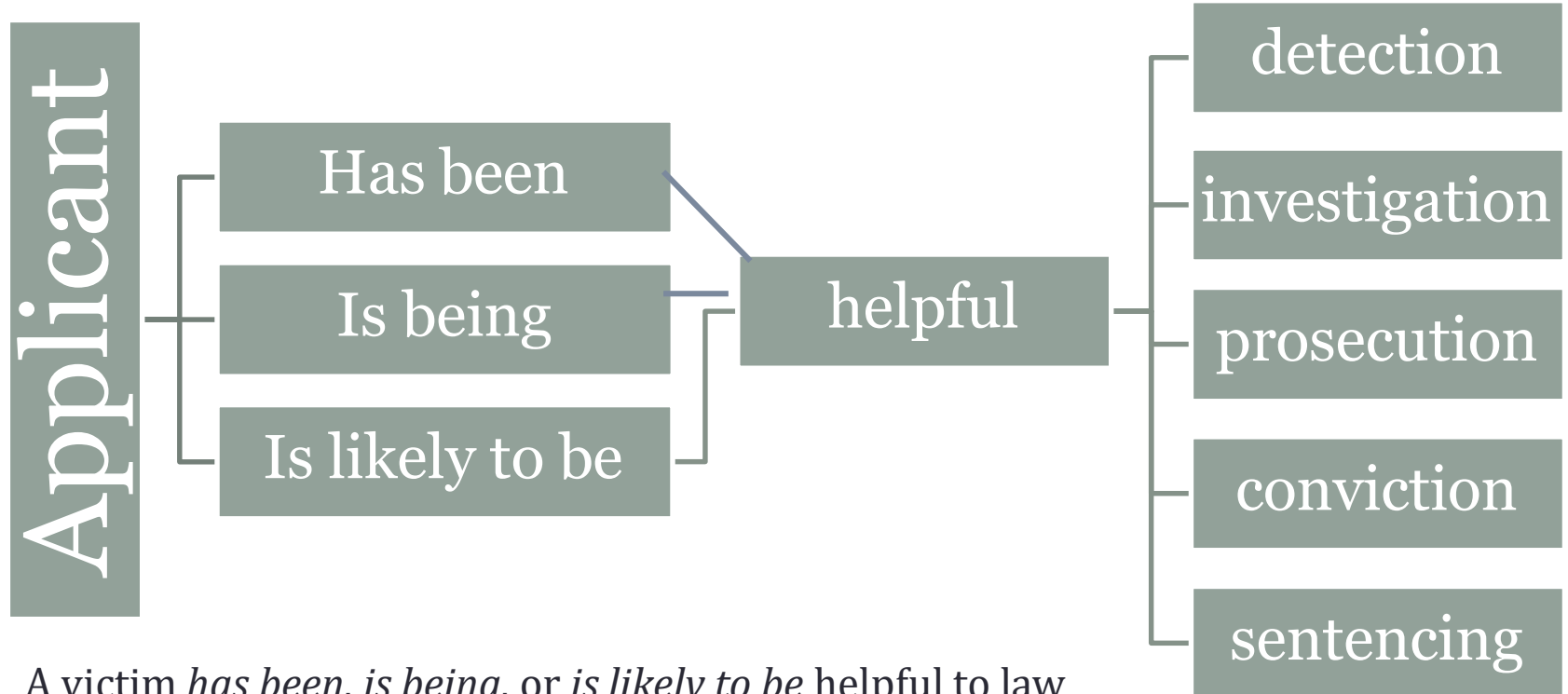
U Visa Statistics

NIWAP 11/2011 and USCIS 2020

% of U Visas	Criminal Activity
58% to 76.1% = Domestic & Sexual Violence, Crimes Against Children & Human Trafficking	
50%	Felonious Assault, Murder, Manslaughter
9%	False Imprisonment, Kidnapping, Being Held Hostage, Unlawful Criminal Restraint
4% - 5.3%	Torture, Stalking, Blackmail, Extortion, Perjury, Obstruction of Justice, Attempts, Conspiracy, Solicitation, Other U Visa Criminal Activities

Definition of “Helpfulness”

8 C.F.R 214.14(b)(3)



A victim *has been, is being, or is likely to be* helpful to law enforcement, prosecutors, judges, or other government officials

Small Group Activity - Aditi

- Meet as a group to review and discuss the assigned case study
 - Make a list of the criminal activities experienced by the victim
 - Identify the ways that the victim provided or is providing helpfulness
 - Would you certify?
 - What are the questions you want to be able to answer about certification in this case
- Handouts: Helpfulness Definition and U visa criminal activity list



Who Can Certify?

*“law enforcement” & “law enforcement agencies” =
Head of agency or designee*

- Federal, state, and local
 - Law enforcement
 - Prosecutors
 - Judges, magistrates, commissioners, and other judicial officials
- Child and Elder Abuse agencies
- Departments of Labor (DOL) and the Equal Employment Opportunity Commission (EEOC)
- Other government agencies with investigative authority



U VISA LAW ENFORCEMENT RESOURCE GUIDE

For Federal, State, Local, Tribal and Territorial
Law Enforcement, Prosecutors, Judges and
other Government Agencies

U Visa Law Enforcement Resource Guide, U.S. CITIZENSHIP AND IMMIGRATION SERVICES,
https://www.uscis.gov/sites/default/files/document/guides/U_Visa_Law_Enforcement_Resource_Guide.pdf.

U Visa and T Visa Declaration ToolKits

- Please scan the QR code to access the webpage
- This webpage includes Toolkits for
 - Law Enforcement Agencies and Prosecutors
 - Federal, State, and Local Judges
 - Child Protective Services Agencies
 - Adult Protective Services Agencies



How do law enforcement and prosecutors benefit from the U visa?



U Visa Benefits

Law Enforcement and Prosecutors

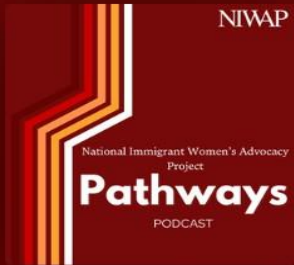
- Encourages victims to report crimes
- Improves investigation and prosecution of violent crimes
- Increases the potential to convict the most dangerous criminals
- Build trust with U visa victims that can solve other crimes
- Demonstrates commitment to protecting immigrant community members
- Enhanced immigrant community involvement
- Makes it easier to identify victim witnesses
- Reduces repeat calls and recanting victims
- Fosters community policing partnerships
- Enhances officer and community safety

Resources

- Technical Assistance
 - Call: 202.274.4457
 - Email: niwap@wcl.american.edu
 - Web Library:
<https://niwaplibrary.wcl.american.edu/>
- Materials for this training :
 - <https://niwaplibrary.wcl.american.edu/2026-minnesota-training/>

Pathways, NIWAP Podcast

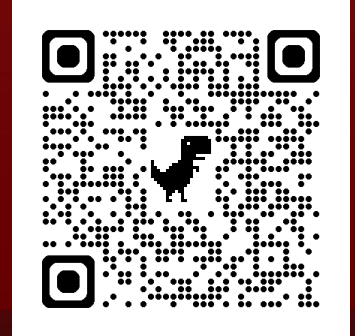
<https://niwaplibrary.wcl.american.edu/niwap-podcast-series>



Podcast

Pathways

National Immigrant Women's Advocacy Project (NIWAP)



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All Episodes ▾

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• Issues Around Language Access for Immigrant Crime Victims and Witnesses (Part 2 of 2) Pathways

In this episode, Leslye Orloff, director of NIWAP, Detective Shelli Sonnenberg from the Boise, Idaho Police Department, and Investigator Michael LaRiviere from the Salem, Massachusetts Police Department continue their conversation...

Apr 25 • 58 min 14 sec



• Issues Around Language Access for Immigrant Crime Victims and Witnesses (Part 1 of 2) Pathways

In this episode, Leslye Orloff, director of NIWAP, Detective Shelli Sonnenberg from the Boise, Idaho Police Department, and Investigator Michael LaRiviere from the Salem, Massachusetts Police Department talk about language access for...

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- 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)
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