AMERICAN UNIVERSITY
WASHINGTON COLLEGE of LAW
WASHINGTON, DC

NIWAP

Navigating Family Law and Immigration Protections for Immigrant Survivors

Maryland Legal Aid

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Faculty



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Learning Objectives

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

- Understand the issues that arise at the intersection of family law and immigration;
- Assist immigrant survivors seeking creative remedies in civil protection order cases; and
- Obtain economic relief for immigrant survivors through Affidavit of Support enforcement and spousal and child support awards

Join a NIWAP Community of Practice

- Family Law Attorneys COP
- Victim Advocates COP
- Roundtable for Law Enforcement, Prosecutors and System-based Advocates
- National Judicial Network: Forum on Human Trafficking and Immigrants in State Courts (Judicial Officials only)



NIWAP Resources

- NIWAP Web library
  - Directory
  - Public Benefits Interactive Map & Demographics
  - Materials: Toolkits, training tools, legal research, multi-lingual outreach materials, statutes, regulations, policies
- Technical Assistance
  - Cases, policies, strategies
  - Email, phone, zoom
- Trainings and Webinars
  - On-line, virtual, in-person
  - Customized state/local needs
- Communities of Practice
  - Victim advocates, family lawyers
  - Key partners: law enforcement, prosecutors, judges



Technical Assistance Topics

- Legal immigration remedies
  - VAWA, U and T visas, Battered Spouse Waiver, Special Immigrant Juvenile Status, and Naturalization for Survivors
- U and T visa certification by government officials
- VAWA Confidentiality
- Issues that arise for immigrant survivors in family court cases
  - Including protection orders, custody, divorce, support
- Qualified immigrants and public benefits, services, and legal assistance
  - E.g. housing, healthcare, driver's licenses, food assistance, education
- Interpreters and translators best practices
- Prosecution strategies
  - Discovery, Victim Disclosures, and Expert Witness
- Providing trauma informed assistance to immigrant survivors

Immigration Related Abuse and Danger Assessments In Cases Of Immigrant Domestic Violence and Child Abuse Victims

Connection Between Abuse and Control Over Immigration Status

- Abuse rates among immigrant women
  - 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%
- Almost three times the national average

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

Abused Immigrant Spouses of U.S. Citizen Husbands

- Abuse rate rises to 59.5% when an immigrant's spouse/former spouse is a U.S. citizen
  - Twice the national average

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

- Between 2016 and 2017 there was a 391% decline in battered immigrant spouses' willingness to file VAWA self-petitions

Rodrigues et al. Promoting Access to Justice for Immigrant and Limited English Proficient Crime Victims in an Age of Increased Immigration Enforcement: Initial Report from a 2017 National Survey (May 3, 2018)

- This same research found no change in battered immigrant victim's willingness to seek protection orders

Ammar, N.H., Orloff, L.E., Couture-Carron, A., Immigrant Victims of Interpersonal Violence and Protection Orders, in Civil Court Responses to Intimate Partner Violence and Abuse (2020)

Polling Exercise: Myths and Realities

In over 70% of abusive marriages U.S. citizen husbands refuse to file or withdraw immigration papers they filed to sponsor their abused immigrant spouse for lawful permanent residency.





Coercive Control Over Immigration Status

- Among abusive spouses who could have filed legal immigration papers for survivors:
  - 72.3% never file immigration papers
  - The 27.7% who did file had a mean delay of **3.97 years**.

Hass, Dutton and Orloff (2000). "Lifetime prevalence of violence against Latina immigrants: Legal and Policy Implications." International Review of Victimology 7 93113

- 65% of immigrant survivors report some form of immigration related abuse (NIJ, 2003)

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

NCJFCJ Model Code

Coercive Control

- Range of abusive behaviors beyond physical violence
  - Problematic and dangerous parenting
  - Intimidation, implicit/explicit threats, or compels compliance
  - Purpose of restricting victim's safety or autonomy, trapping them, or using cultural practices/beliefs or immigration to instill fear and maintain control over the victim

See Revised Chapter Four: Families and Children Model Code on Domestic and Family Violence (December 30, 2022) https://www.ncjfcj.org/publications/revised-chapter-four-families-and-children-model-code-on-domestic-and-family-violence/

Immigration Related Abuse

- 10 times higher in relationships with physical/sexual abuse as opposed to psychological abuse
- May predict abuse escalation
- Corroborates 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)

Risk of re-abuse vs. risk of lethal violence

- Risk of re-abuse:
- Likelihood that a person who has already committed an assault will do so again in the future (sometimes also used to predict severity of new assault)
  - Validated tools include the Domestic Violence Screening Inventory Revised (DVSI-R) and the Ontario Domestic Assault Risk Assessment (ODARA)
- Lethality/dangerousness
  - Risk of Homicide (Much research focused on Femicide)
  - Tools include the Danger Assessment, Lethality Assessment Program (LAP), Arizona intimate Partner Risk Assessment Instrument System (APRAIS), and others

Risk factors for DV Homicide of an Adult: The Danger Assessment

- **Past domestic violence (esp. increasing) (3 vs.1)**
- **Recent separation (in past year) (5 vs 3)**
- Threats to kill (4 vs 3)
- Violently/constantly jealous (4 vs 1)
- **Choking/strangulation (esp. to blackout/dizziness) (3 vs 1)**
- **Use or threatened use of weapon (2 vs 3)**
- **Forced sex (2)**
- Threats to harm children (2 vs 1)
- Child known not to be the abusive person's (2)
- **Access to a firearm (1 vs 5)**
- Avoidance of arrest for DV (1 vs 3)
- Alcoholic/problem drinker (1)
- **Abuse during pregnancy (1)**
- Threats or attempted suicide (1)
- Victim's belief that person is capable of killing them (sometimes under-estimated, not over-estimated) (1)
- **Spying, leaving threating notes, destruction of property, unwanted contact/calls—stalking (1)**
- *Abuser's Unemployment (esp. not seeking work) (4 non-imm)*
- *Use of illegal drugs (1 non-imm)*
- *Control of daily activities (1 non-imm)*
- *Victim threats/attempts of suicide (1 non-imm)*

Factors Only In The DA-I (Immigrants)

- No children with the abuser (5)
- No children living with you in your home (4)
- Do you feel ashamed of things he does to you (4)
- Threats of deportation or turn victim into CPS or other authorities (2)
- Prevent you from school, job, learning English (2)
- Are you married to him (2)
- Was your partner born in the U.S. (2)
- Do you hide truth from others because you are afraid of him (1)
- Are you unemployed (1)
- Have you attended college, vocational school, graduate school (1)

Adult and Child Dangerousness Factors

- **Past domestic violence (esp. increasing) (3 vs1)**
- **Access to a firearm**
- ***Recent separation (within past year) (5 vs 3)***
- *Unemployment (esp. not seeking work)*
- **Use or threatened use of weapon (2 vs 3)**
- Threats to kill (4 vs 3)
- Avoidance of arrest for DV (1 vs 3)
- *Child known not to be the abusive person's (2)*
- ***Forced sex (2)***
- **Choking/strangulation (esp. to blackout/dizziness) (3 vs 1)**

- *Use of illegal drugs*
- Alcoholic/problem drinker (1)
- *Control of daily activities*
- Violently/constantly jealous (4 vs 1)
- **Abuse during pregnancy (1)**
- *Threats or attempted suicide (1)*
- *Threats to harm children (2 vs 1)*
- Victim's belief that person is capable of killing them (1)
- **Spying, leaving threating notes, destruction of property, unwanted contact/calls—stalking (1)**
- *Victim threats or attempts of suicide*

Legal Immigration Options

Large Group Discussion

How do VAWA's immigration protections benefit immigrant victims and their children ?

Benefits for Survivors

- Legal immigration status
- Financial independence from the perpetrator
  - Legal work authorization (6 months to 5 years from filing)
  - Issuance of federally recognized driver's licenses and IDs
  - Victims' increased eligibility for federal and state benefits & services
  - Affidavits of support enforcement
- VAWA confidentiality
  - Protection from removal
  - VAWA's protected locations

U.S. Legal Immigration Benefits for Noncitizen Victims of Crime and Abuse



Immigration Relief: Immigrants/Their Children are Victims of ---

Domestic violence
-- Child/elder abuse
Sexual assault
Rape
Incest
Prostitution
Torture
Felonious assault
Manslaughter
Murder
Female genital mutilation
Hate Crimes
False Imprisonment

Kidnapping
Abduction
Unlawful criminal restraint
Trafficking
Involuntary servitude
Slave trade
Being held hostage
Fraud Foreign Labor Contracting
Peonage
Blackmail

- Extortion
- Witness tampering
- Obstruction of justice
- Perjury
- Stalking
- Abusive sexual contact
- Sexual exploitation
- Video voyeurism
- Aggravated robbery
- **Parent perpetrated**
  - Child abuse, neglect, abandonment

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

VAWA Self-Petitioning Requirements

- Subjected to Battery or Extreme Cruelty
- By a U.S. Citizen or Permanent Resident
  - spouse; parent; or citizen adult son/daughter (over 21)
- With whom Self-Petitioner Resided
  - No time period required
- Good Moral Character
- Good Faith Marriage
- VAWA cancellation of removal has similar eligibility requirements
- *2026 time to work authorization ≈ 4 months or 3.7 years*
- **Battered Spouse Waiver**
  - Same group of victims – cases where abuser filed for victim
  - Removes requirement that victim stay with abuser for 2 years
  - *2026 time to approval ≈ 29.5 months*

Special Immigrant Juvenile Status (SIJS)

- Immigration relief for unmarried children
- Under the age of majority under state law
- Victims of abuse, abandonment, neglect, or dependency
  - By at least **one parent**
- To apply must submit required findings from a state court with jurisdiction over
  - the care, custody, or dependency of the child
- 2026 time to work authorization = 6 months - 5 yrs

U Visa Requirements

- Victim of a qualifying criminal activity
- Has been, is being, or is likely to be helpful in
  - Detection, investigation, prosecution, conviction or sentencing
- Suffered substantial physical or mental abuse as a result of the victimization
- Possesses information about the crime
- Crime occurred in the U.S. or violated U.S. law
- 2026 time to work authorization ≈ 1.5 Years

T Visa for Trafficking Victims

- A victim of a severe form of trafficking in persons
  - Sex or labor trafficking involving victim under 18 or and adult subject to force, fraud or coercion
- Victim is physically present in the U.S. on account of trafficking
- Victim must comply with reasonable requests for helpfulness in investigating or prosecuting trafficking. Exceptions
  - Under age 18
  - Physical or psychological trauma impede helpfulness/cooperation
- Removal from the U.S. would cause extreme hardship
- 2026 time to work authorization = 6 months
- Critical to identify trafficking occurring within families

Work Authorization for Spouses of Immigrant Visa Holders (3/8/16)

A-1, A-2, and A-3: Foreign government *diplomats* and *officials* + immediate family members, attendants, servants, personal employees;

E-3: *Australian specialty occupation* workers;

G-1, G-2, G-3, G-4, G-5: *Employees of foreign governments and international organizations* officials + immediate family members, attendants, servants, personal employees

H-1B, H-1B1, H-2A, H-2B, H-3, H-4: *Specialty occupation workers*, Free Trade Agreement professionals from Chile and Singapore, temporary agricultural and non-agricultural workers, trainees and special education exchange visitors, and immediate family members of specialty occupation workers

To File

Applicant is on an A, E, G or H visas

One of the following required

- Marriage to spouse with A, E, G, H visa OR
- Death of visa holder w/in 2 years
- Dissolution of marriage or abusive spouse lose of status w/in 2 years +
  - Connection to the abuse

Battering or extreme cruelty by A, E, G, or H visa holder of the immigrant spouse or the immigrant spouse's child/step-child

- Abuse only proven on initial application

Evidence Based Research Has Found Increased Access to Justice

- Courts that issue U/T visa certifications and SIJS judicial determinations
  - See greater numbers of immigrant victims seeking protection orders & custody, and participating in criminal, civil, and family cases
  - Even in times of increased anti-immigrant sentiment and immigration enforcement

Rodrigues, Orloff, Couture-Carron, and Ammar, Promoting Access to Justice for Immigrant Crime Victims and Children: Findings of a National Judicial Survey and Recommendations, **National Center for State Courts, Trends in State Courts** (2018) https://niwaplibrary.wcl.american.edu/pubs/trends-in-state-courts-survey-findings/

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
  - 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

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

- Mental Health, Education and Economic Benefits at Work Authorization
  - It being easier to make decisions 432%
  - Sleeping better & being calmer– 300%
  - Standing up for themselves 225%
  - Secure jobs: paying minimum wage+ 300%; that deduct taxes 542%; & 43% benefits vacation, sick leave, health insurance
  - ESL 226%; GEDs 35%; AAs & BAs 38%; Advanced degrees 19%

Orloff, Magwood, Campos-Mendez, & Hass, Transforming Lives: How the VAWA Self-petition and U Visa Change the Lives of Victims and their Children After Work-Authorization and Legal Immigration Status (June 2021); Krisztina E. Szabo, David Stauffer, Benish Anver, *Authorization For VAWA Self-Petitioners and U Visa Applicants*, NIWAP (Feb. 12, 2014) and Rodrigues et al. Promoting Access to Justice for Immigrant and Limited English Proficient Crime Victims in an Age of Increased Immigration Enforcement: Initial Report from a 2017 National Survey (May 3, 2018); Leslye Orloff, et. al., U Visa Victims and Lawful Permanent Residency 5 (September 6, 2012)

Importance of Family Court Remedies and Safety Planning

Learning From the Past - How We Helped Immigrant Victims Before VAWA – 1980's & 1990's

- Family Court
  - Civil protection orders
    - Enforcement through civil/criminal contempt
  - Custody, divorce, child support
  - Affidavits of support
- Shelters, rape crisis centers, victim services
- Collaboration with police and prosecutors
- Safety planning, empowering survivors, building upon their strengths
- Creative victim advocacy that met survivors intersecting and diverse needs

PROTECTION ORDERS



Immigrants and Protection Orders

- All persons are eligible to receive civil protection orders without regard to the immigration status of any party or child
- Protection order issuance = no effect on immigration status

Poll: Which the following are deportable offenses? (check all that apply)



A. Domestic violence criminal conviction
B. Finding in a custody case that a protection order was violated by further abuse of the victim
C. Criminal conviction for violating a protection order
D. Agreeing to diversion in a protection order enforcement case where upon violation diversion turns into a conviction

Protection Orders and Immigration Considerations

- Violation of a protection order is a deportable offense
  - Can lead to loss of lawful permanent residency and other immigration consequences for the perpetrator
  - Victims should not consent to issuance of a protection order against them
  - Victims should not be charged with violation of orders issued for their own protection
  - Best Practice – Padilla advisals in all CPO cases

Creative Protection Order Remedies

- Catch all provisions in civil protection order statutes, opportunity to offer relief designed to help:
  - Curb future abuse, harassment
  - Interfere with abuser/perpetrator's ability to exert power and/or coercive control
  - Offer victim remedy relief for past abuse
  - Help victim overcome victimization and build new post-abuse life
- Nexus with victimization
- Opportunity for courts to counter immigration-related abuse and order culturally helpful remedies

Poll: Have you obtained or issued protection orders for victims who … (Check all that apply)



A. Were not separating from their abusers
B. Returned to live with their abusers after they were granted a CPO that included a stay away
C. Were separated, served the CPO on the abuser, and returned to live with the abuser by the time of the CPO court hearing

Victims Who Stay: No Unlawful Contact Protection Orders

- No state's protection order statute requires separation of the parties
- Provisions:
  - No abuse
  - No immigration related abuse
  - No unlawful contact
  - Batterer's treatment
- Many battered immigrants do not leave until employment authorization
  - VAWA self-petitioners 33.9% (wait 5 months or 4 years)
  - U visas 30.1% (wait 1.6 years)

Research Among Immigrant Victims Found

- Protection orders were effective in preventing or reducing recurring physical abuse
  - Including full contact protection orders issued to victims who continued to live with their abusers

Dutton, M. A., Ammar, N., Orloff, L., & Terrell, D. (2006). *Use and outcomes of protection orders by battered immigrant women* (Revised final technical report #2003-WG-BX-1004). Washington, DC: *National Institute of Justice Office of Justice Programs*, U.S. Department of Justice.

How Do No Unlawful Contact Protection Orders Work

- Shift the balance of power in the relationship
- Give victims an opportunity to begin to envision a path toward separation
- Potent enforcement tool when
  - When abuse/violence occurs in violation of the protection order
- Discuss U.S. v Dixon Supreme Court Case

Use Creative Remedies to…

- Stop immigration related abuse
- Protect victims still living with their abusers
- Obtain documents the victim needs for an immigration case or for care of child
- Deter parental kidnapping
- Child/Spousal support/economic relief
- Enforce Affidavits of Support
- Maintain victim's health insurance

Stopping Immigration Related Abuse

- Defendant must obtain prior court approval before contacting any government agency (immigration officials, CPS, IRS, Welfare, etc.) concerning the petitioner except
  - Police emergency
  - Subpoena
- Cooperate in and not withdraw any case he has filed for petitioner with immigration authorities (e.g. work visa holders, I-130s)
- Abuser ordered to sign FOIA form to obtain information from the abuser's or victim's immigration case file

Helpful Evidence

Evidence of Legal Marriage

- Marriage certificate
- Wedding/family pictures
- Health insurance

Good Faith Marriage

- Children birth certificates
- Love letters, cards, text, emails
- Copies of joint leases/utility bills
- School records
- Letters and other mail addressed to the victim and to the abuser at the same address

Evidence of Abuse or Extreme Cruelty

- Police, medical, court documents about the relationship
- Protection order
- Affidavits of neighbors, relatives, friends

Evidence of Abusers Legal Status

- Abuser's green card or passport
- Copy of I-130 petition
- Social security number

Provisions that Deter Parental Kidnapping

- Not remove the children from the court's jurisdiction
- Turn over passports of parties and/or children
- Sign statement that no visa or passport should be issued to children absent court order
- Supervised visitation

Economic Relief

- Child support
- Spousal support
- Enforce Affidavit of Support
- Rent/Mortgage
- Pay for relocation
- Payment of Medical bills
- Household maintenance
  - Utilities, home insurance
- Maintain spouse & children on health insurance
- Pay for Repairs/replacement
  - Car, tires, windows, locks, cell phones, passports, identification cards, important documents
- Payment of
  - Credit card debt
  - Children's sports, travel, music lessons, religious school expenses
- Shall not dissipate assets

Tax Related Remedies

- Turn over income tax statements
- Respondent ordered to pay victim ½ of refund
- Victim named trustee for receipt of tax return funds
- Respondent ordered to sign over check
- Victim awarded exclusive right to claim children as tax exemptions

Custody of Children in Immigrant Families

Tool: Immigrant Victims and Custody Bench Card

Protecting Immigrant Mothers Protects Children

- Immigrant victims who receive help, including immigration relief, child abuse likelihood drops significantly (77% to 23%).
- Children of help seekers 20% less likely to have abuser threaten them
- One third less likely to have abuser threaten to take them away from their mother

Ammar, Orloff, Hass and Dutton, "Children of Battered Immigrant Women: An Assessment of the Cumulative Effects of Violence, Access to Services and Immigrant Status." (September 2004)
http://niwaplibrary.wcl.american.edu/pubs/co-occurencedvchildabuse/

Is Immigration Status Relevant to Custody?

- Relevant to: Immigrant crime victim presents evidence of immigration related abuse, power and control suffered
  - Either not filing or withdrawing immigration papers
  - Threats to turn victim in for deportation
  - Part of history of violence
- Not relevant to:
  - Core primary caretaker determination
  - Evaluation of parenting skills
  - Best interests of the child determination
  - Requirements regarding custody awards to non-abusive parent



Myth vs. Fact:
Parents without Legal Immigration Status

Myth

1. Deportation is imminent
2. Parent is likely to flee U.S. with child
3. The parent has no livelihood
4. Legally present parent must have custody in order to file for benefits for child

Fact

1. Less risk for victims with pending victim-based immigration cases and over 2 years in the US
2. US citizens and lawful permanent residents are more likely to flee with children, especially when
   - There have been threats of kidnapping children
   - They are dual nationals
   - They travel freely to and from U.S.
3. Abused immigrant parents in family court can receive child support & have a path to immigration relief, work authorization & some benefits
4. Custody does not affect parent's ability to file for or gain immigration benefits for their children.

Immigrant Parents and Child Custody

In re Interest of Angelica L., 277 Neb. 984 (2009)

- Parents have a constitutional right to custody (absent unfitness)
- Applies to all families without regard to:
  - Undocumented immigration status
  - Immigration detention
  - Deportation
- Overriding presumption that:
  - Parent-child relationship is constitutionally protected
  - In children's best interest to stay with/be reunited with their parent(s)
- Child's best interests is most important
  - A comparison of natural vs. adoptive parent's cultures, countries or financial means is not to be made

Trends in Case Law

- Flight risk:
  - Finding that undocumented immigration status does not make an individual a flight risk. *See* Huff v. Vallejo, 347 Ga. App. 127, 817 S.E.2d 696 (2018).
- Ability to provide financially for children
  - "…illegal aliens suffer disadvantages. For example, they cannot enter into an employment relationship. But plenty of people have worked, and thrived, as independent contractors all their lives." *See* Hupp v. Rosales, 2013 IL App (4th) 130433-U.

Divorce

Impact of Divorce

- VAWA self-petitioners:
  - Spouse must file within two years of final divorce
  - Step-children must file before divorce
- Ends legal immigration status for spouses and children of visa holders:
  - Students, Work Visa Holders, Diplomats
- Divorce cuts off access to lawful permanent residency for spouses and children of people seeking lawful permanent residency based on:
  - Asylum
  - Employment
  - Family relationships
  - Cancellation of removal

Family-Sponsored Immigration

- Divorce after the immigrant spouse receives conditional permanent residency
  - Need battered spouse waiver or
  - Hardship waiver based on divorce
  - Lawful permanent residency – no effect
- Family sponsored visa application denied if
  - Divorce before interview
  - Divorce after the interview and before lawful/conditional permanent residency is granted
- For some visas of spouses and step-children of lawful permanent residents terminate 30 days after divorce

Annulment Instead of Divorce

- Annulment can lead to a marriage fraud finding that:
  - Permanently bars approval of any visa petition
  - Is a ground for deportation
  - Can lead to an unfavorable exercise of discretion by an immigration judge not to grant immigration relief
- Impacts
  - Spousal support
  - Property division

What is discoverable in a state court?

- Criminal case
  - U visa and T visa case
    - The request for certification letter
    - The U certification itself
    - The T visa certification is there was one
  - VAWA self-petition, VAWA cancellation/suspension cases: Nothing
  - Discovery from prosecutor only, cannot discover immigration file directly from victim, victim's parents, victim's advocate or victim's immigration attorney
- Family Case - Nothing
- Civil Employment Case
  - Multiple victims redacted certifications may be discoverable
- The victim's immigration case file and its contents are not discoverable

Hawke v. Dep't of Homeland Security
(N.D. CA, 2008) – VAWA Self-Petition Case
(Judicial review exception)

- VAWA Confidentiality Protects cases:
  - All cases unless denied on the merits
- Judicial exception applies to appeals of victim's immigration case
  - Does not apply to civil or criminal court proceedings
- 6th Amendment right to compulsory process does not permit access to absolutely privileged information
- "Primary purposes of the VAWA confidentiality provision, namely *to prohibit disclosure of confidential application materials* to the accused batterer"

Demaj v Sakaj (D. Conn, 2012) –U Visa/Custody Case

- Although relevant to credibility and impeachment
- Family court discovery barred as contrary VAWA confidentiality purpose --
  - Prevent disclosure of documents & information in a protected case file to alleged criminals
  - Stop perpetrator's actions to interfere with & undermine a victim's immigration case
- Seeking to obtain protected information through discovery in a custody case = interference with the victim's immigration case barred by the federal statute
- VAWA confidentiality applies to protect the case file contents, including in cases when
  - The victim discloses in state court that DHS has approved her protected immigration case

EEOC v Koch (5th Circuit)

- In civil discovery court must consider
  - How discovery of U visas might intimidate victims outside of the case before the court
  - Compromising the U visa program and law enforcement investigations and prosecutions more broadly
  - Koch: limited discovery crafted to maintain anonymity may be allowable
  - That is not possible in a family or criminal court case

Ramirez v. Marsh,

No. S-1-SC-39966, 2025 WL 1409073 (N.M. May 15, 2025)

- Visa applications and related materials fall under attorney-client privilege
- VAWA Confidentiality (8 U.S.C. 1367) applies to legal service organization
- Criminal Court judges cannot circumvent by compelling from victim or family
- Defense has a right to cross-examine based on fact of application

People v. Jun Du – Criminal Case "Sanctuary For Families"

[NY Sup Ct Kings County 2024](Sept. 27, 2024)

- Based on VAWA confidentiality laws, the Judge reversed their previous decision grating an *in camera review* and denied the request for in *camera review* of the T-visa application (Form I-914).
- VAWA Confidentiality protects the disclosure of the T-visa application (Form I-914).
- Party seeking disclosure must show that the application is so relevant or material that it outweighs VAWA confidentiality.
- The Court decided the materials (T-visa application) are protected and confidential. No exceptions are permitted.

Economic Support

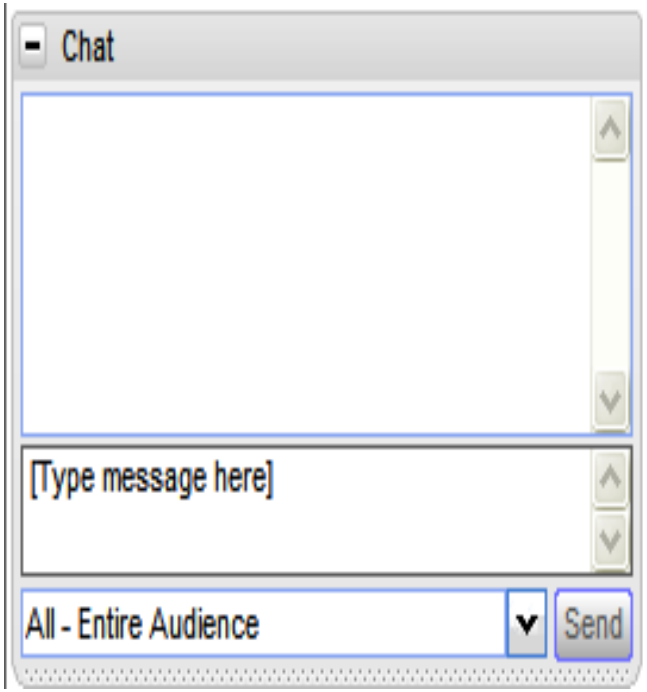
Affidavits of Support

- Each person who petitions for a family member to immigrate to the United States must execute a legally enforceable affidavit of support. 8 U.S.C. § 1182(a)(4)(C)(ii)
  - Contractually committed to support sponsored family member at annually at 125% of Federal Poverty Guidelines
  - Sponsor submits to DHS evidence of ability to support sponsored family member
- Affidavits of Support are enforceable as contracts by the sponsored immigrant
- Support obligation lasts till immigrant spouse
  - Naturalizes, dies, earns 40 quarters of work credit, or gives up lawful permanent residency and leaves the U.S.

Battered Immigrant Clients Will Have Affidavits of Support When…

- Their abuser is a U.S. citizen or lawful permanent resident spouse who filed a family-based visa application for them.
- The Affidavit of Support becomes an enforceable contract when the victim is granted either
  - Conditional permanent residency
  - Lawful permanent residency
- Enforcing affidavits of support should be a routine part of divorce cases in mixed immigration status families

How would you get a copy of the affidavit of support?



What evidence would have been submitted with the affidavit of support? (Check all that apply)



A. 3 years of tax returns
B. Evidence of current employment including self-employment
C. Proof of income sufficient to sustain spouse at or above 125% of the federal poverty guidelines
D. 12 months of bank statements
E. Ownership of assets

Supporting Evidence

- Evidence of ownership, value, and dates acquired of stocks, bonds, and certificates of deposit;
- Evidence of ownership, value/equity, and dates acquired of other personal property;
- Evidence of ownership, a recent licensed appraisal or county tax assessment, any mortgage/lien or lien release of any real estate, and dates acquired.

State Family Courts Have

- Enforced Affidavits of Support as contracts
- Used Affidavits of Support to set
  - Spousal support obligations and levels
  - Child support levels
- No duty to mitigate

Enforceability of the Affidavit Support

- Courts have found the I-864 Affidavit of Support enforceable and have ordered support payments to a former spouse.
  - *See*, Shumye v. Felleke, 555 F.Supp.2d 1020(N.D. Cal.2008); Stump v. Stump, 2005 WL 2757329 (N.D. Ind. Oct. 25, 2005); *Cheshire v. Cheshire*, No. 3:05-cv-00453-TJC-MCR, 2006 WL 1208010, at *2-4 (M.D. Fla. May 4, 2006)
  - Kumar v. Kumar A145181 (Cal. App. Div. II, July 28, 2017)(enforceable and no duty to mitigate)

Divorce does not end the obligation

- It is possible that none of these happen until the death of the parties involved.
- The Affidavit of Support itself specifically warns "that divorce **does not** terminate your obligations under this Form I-864."
- Estrangement, loss of contact between the spouses, premarital or divorce agreements to not end the responsibility
- There is no statute of limitations on enforcement

Calculating the Affidavit of Support For Sponsored Battered Spouse and Stepchild

- Poverty Guideline for 2 people for 2021
  - 17,420 X 125% = 21,775
- Poverty Guideline for 2 people for 2020
  - 17,240 X 125% = 21,550
- Poverty Guideline for 2 people for 2019
  - 16,910 X 125% = 21,138
- Total due under affidavit of support = 64,463

Child Support

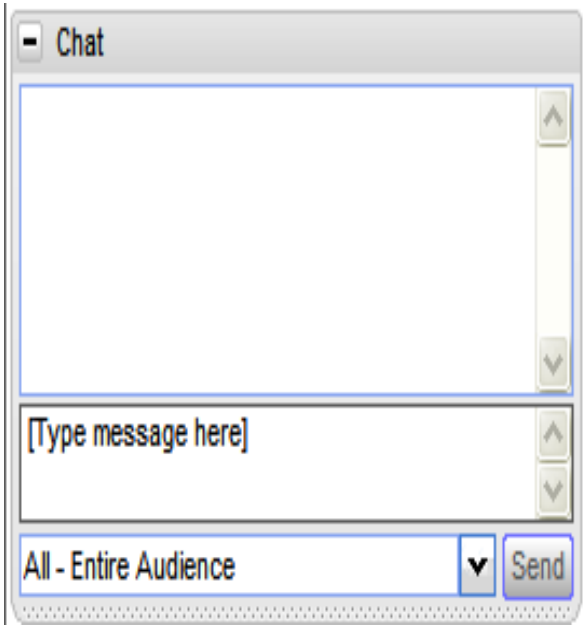
Child Support & Immigration:

- Payment of child support through the court provides a non-citizen parent with a history of child support payments
- This is helpful evidence of good moral character for *either parent's immigration cases*
  - Cancellation of removal
  - Naturalization
  - Obtaining relief in immigration court
    - Can be used to show hardship to family members
- Lack of legal work authorization is not a valid defense to non-payment of child support
- Can order child support, but not a job search, of an undocumented non-custodial parent
- Need court orders maintaining children on health insurance

Importance of Wage Withholding

- Creates documented track record of payment
- Improves safety for immigrant victims
- Courts have found employers who willfully violate wage withholding orders liable to the custodial parent for the amount of child support ordered withheld.
  - State v Filipino, Conn. Super. LEXIS 266 (2000)
  - Belcher v Terry, 420 S.E.2d 909 (1992)
  - Child Support Recovery Srvs., Inc. ex rel S.C. v. Inn at the Waterfront, Inc., 7 P3d 63 (Alas. 2000)

When a non-custodial immigrant parent is working in the informal economy what can be used to prove income for child support purposes?



Proof of Non-Custodial Immigrant Parent's Income

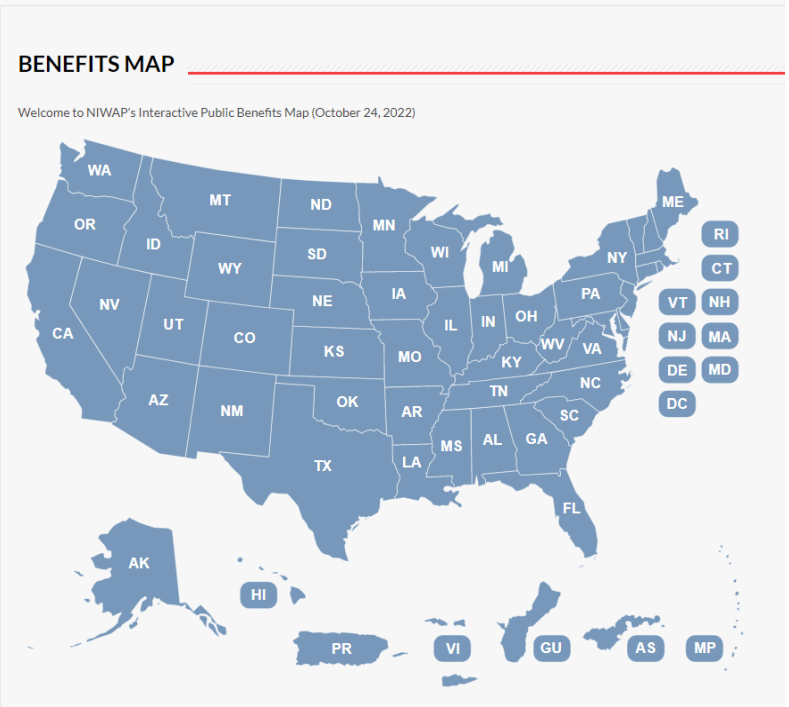
- Undocumented workers can be ordered to pay child support based on
  - Child Support Guidelines
  - Actual earnings
  - Employer's statements
  - Evidence of earning capacity
  - Attributed income (e.g. minimum wage)
- Undocumented workers may have paid state & federal taxes on income earned using an IRS issued ITIN

Access to Benefits and Services

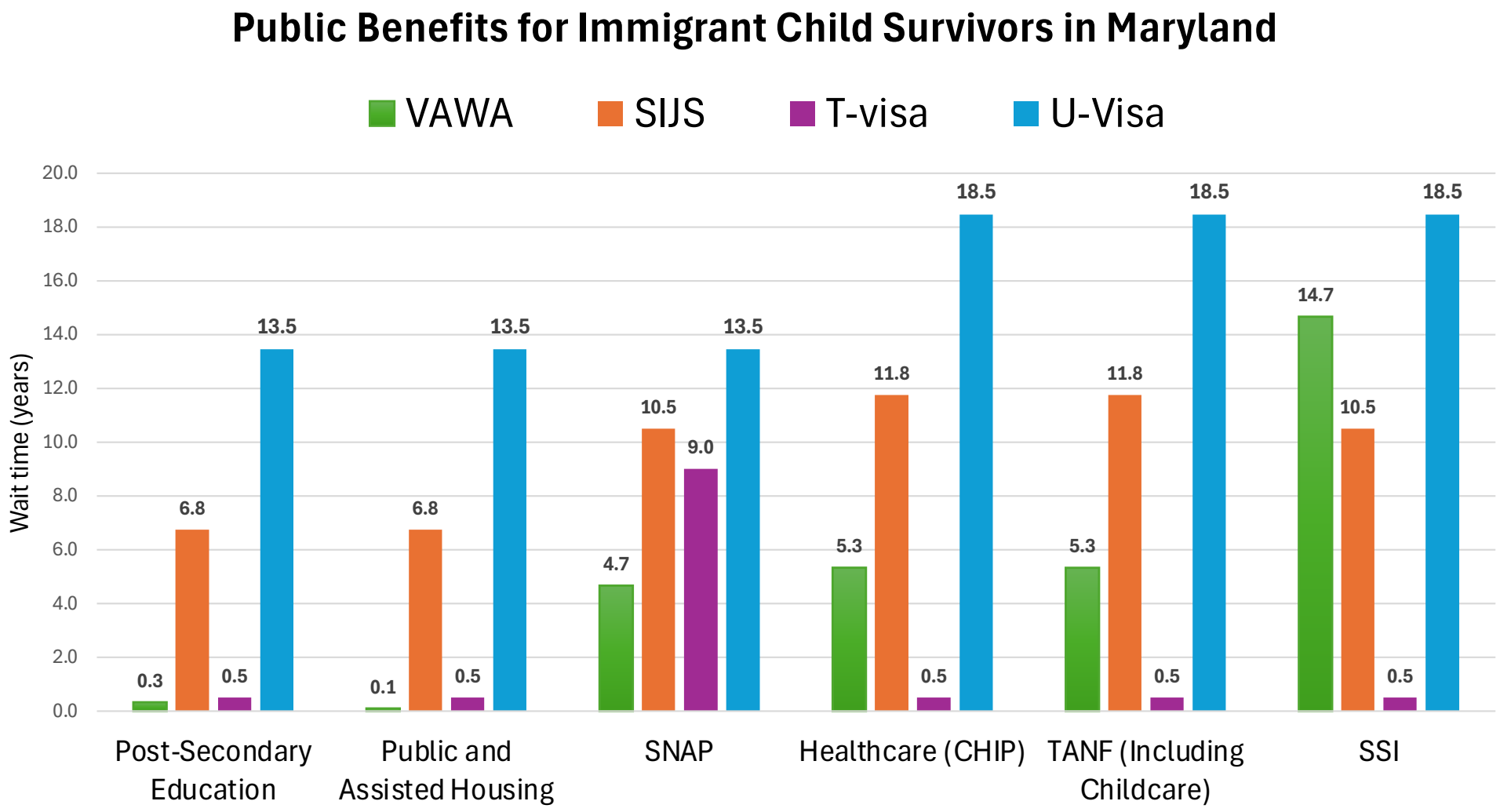
Both documented and undocumented immigrants can access:

- Family Court – e.g. divorce, custody, child support, protection orders, child welfare
- Language Access
- Police Assistance
- Have perpetrators prosecuted
- Obtain public benefits for their children
- Elementary & Secondary education
- School lunch/breakfast
- Soup kitchens, food banks, nutrition assistance
- Communicable disease immunizations, testing, treatment, treatment from public health centers
- Services necessary to protect life and safety
- Legal Services
- Assistance for Crime Victims
- Emergency Medicaid
- Emergency Shelter
- Transitional Housing
- Child and Adult protective services
- Crisis counseling and intervention
- Violence/abuse prevention services

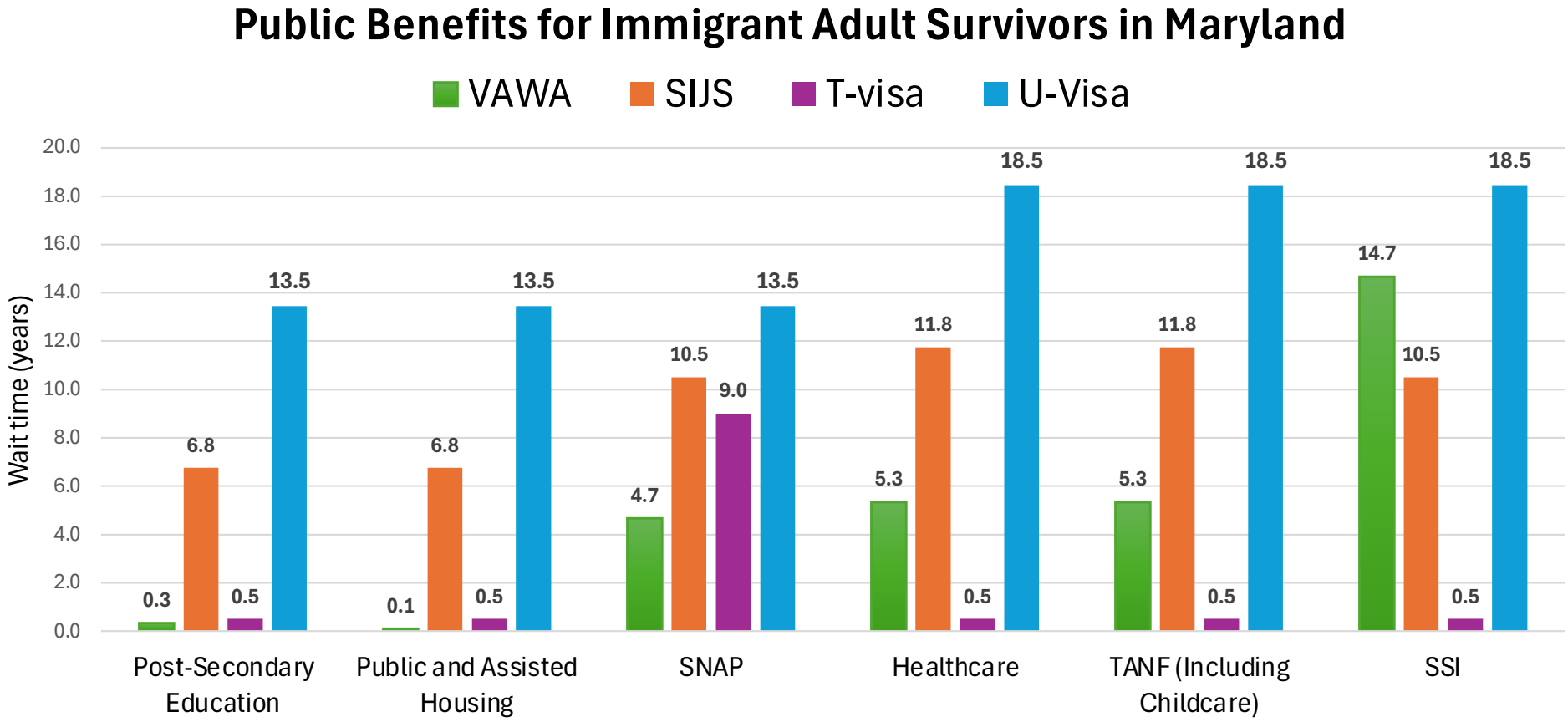
State-By-State Public Benefits Maps, Charts, and Tables With Citations



Public Benefits Eligibility
Immigrant Survivors Children - Maryland



Public Benefits Eligibility
Immigrant Survivors Adults - Maryland



Maryland Drivers License available without regard to immigration status if filed Maryland taxes or was claimed as a child on MD taxes for 2 years

Maps by Benefit

- Cash Assistance (TANF)
- Child Care
- Children's Health Insurance Program
- Driver's License, IDs, & Professional Licenses
- Earned Income Tax Credit
- Emergency & Transitional Housing & Safety Programs
- Emergency Medicaid
- Family Medical Leave
- Federal Education Benefits
- FEMA Assistance & Restricted Programs
- Food Stamps
- Health Insurance Exchanges
- Income Tax Credits
- Legal Services
- Medicaid
- Prenatal Care
- State Education Benefits
- Supplemental Security Income
- VOCA
- Weatherization & Energy Assistance
- WIC
- Unemployment Insurance

U and T Visa Certification By Judges and Special Immigrant Juvenile Status

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 Relief Available for Immigrant Victims of ---

- Domestic violence
  - -- Child abuse
  - -- 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
- Hate Crimes
- Video voyeurism

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

Who Can Certify?

"law enforcement" & "law enforcement agencies" =

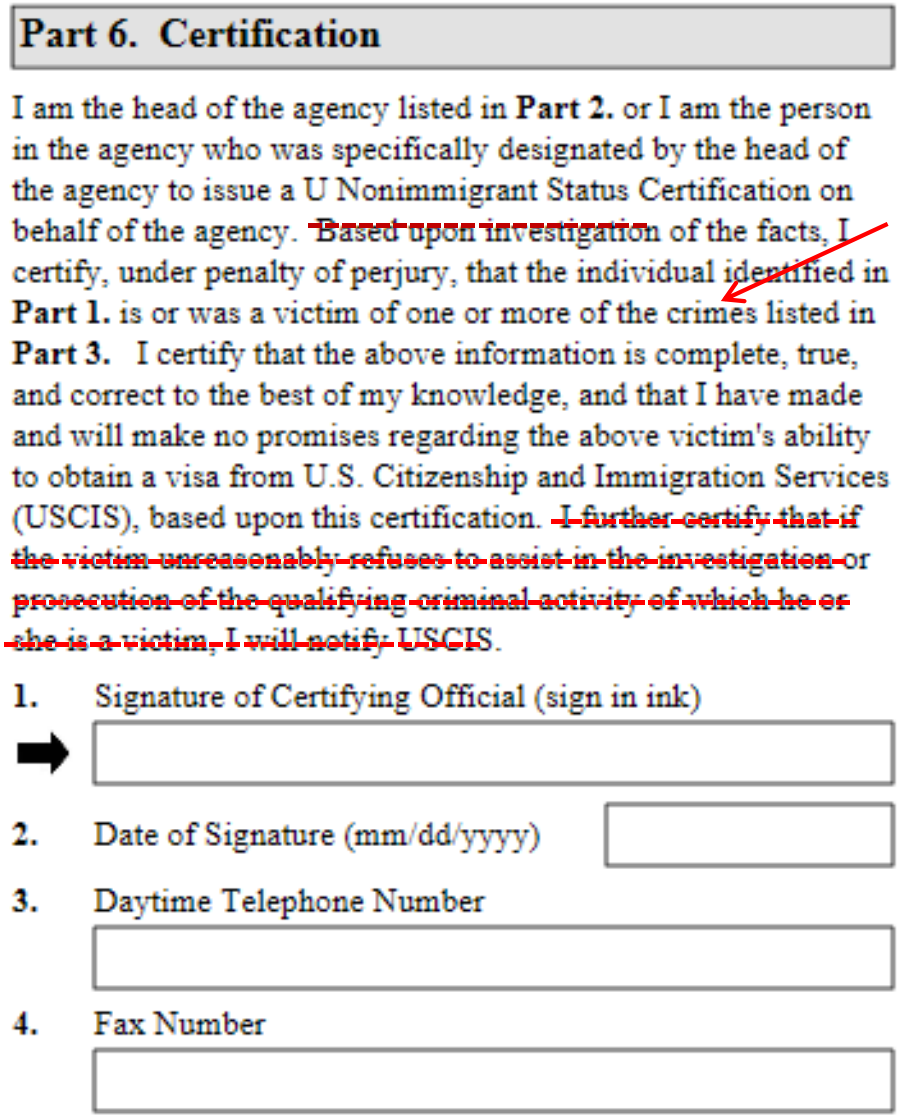
- Federal, state, and local
  - Police, sheriffs, FBI, HIS, ATF
  - Prosecutors
  - Head of agency or designee
  - Judges, Magistrates, Commissioners, other judicial official
- Departments of Labor (DOL) and the Equal Employment Opportunity Commission (EEOC)
- Child and Elder Abuse agencies
- Other government agencies with investigative authority

Which Judicial Officers Can Certify?

- Federal, state, & local
  - **Judges, Magistrates, Commissioners, Judicial Referees, Masters, Alderman, ALJs, Surrogates, Chancellors**
  - Others with delegated decision-making authority
- Judge will need to amend the form
- Judges can ethically sign U visa certifications
  - Procedures for judicial certification in closed vs. open cases

Why Victims Seek Judicial Certifications

- Only justice system contact a child welfare, custody, protection order, or civil employment case
- No language access to police when victim called for help
- Police did not investigate and case never sent to prosecutor
- Judge observed victim's attendance or participation in a child welfare, family, civil or criminal case



Part 6. Certification

I am the head of the agency listed in **Part 2.** or I am the person in the agency who was specifically designated by the head of the agency to issue a U Nonimmigrant Status Certification on behalf of the agency. ~~Based upon investigation~~ of the facts, I certify, under penalty of perjury, that the individual identified in **Part 1.** is or was a victim of one or more of the crimes listed in **Part 3.** I certify that the above information is complete, true, and correct to the best of my knowledge, and that I have made and will make no promises regarding the above victim's ability to obtain a visa from U.S. Citizenship and Immigration Services (USCIS), based upon this certification. ~~I further certify that if the victim unreasonably refuses to assist in the investigation or prosecution of the qualifying criminal activity of which he or she is a victim, I will notify USCIS~~.

1. Signature of Certifying Official (sign in ink)
2. Date of Signature (mm/dd/yyyy)
3. Daytime Telephone Number
4. Fax Number

Judges can amend the form

Examples: Based upon …

- My findings of fact or ruling in [name type of proceeding]
- Probable cause
- My issuance of a protection order
- My sentencing of the defendant
- My having presided over a criminal case

<u>REMEMBER</u>: This is a certification that you believe the applicant was a victim and identifies the crime(s).

Certification provides evidence to DHS.

DHS adjudicates and decides whether to grant the victim immigration relief.

T Visa Declaration

- Identify type of trafficking (sex, child sex, labor)
- Describe the victimization
- Identify relationship with the crime detected, under investigation, being prosecuted, conviction or sentencing and dates
- Comments on potential for retaliation or revenge from trafficker if victim is removed from U.S.
- Dates of trafficking
- Statutory citations to crimes
- Information about victims involvement in case(s) against trafficker
- Names and relationship of any family members involved in the human trafficking

Special Immigrant Juvenile Status

Raise your hand if you have issued SIJS findings in your court orders.



Special Immigrant Juvenile Status (SIJS)

- Humanitarian immigration relief for under 21 year old unmarried children who cannot be reunified with one or both parents who…
  - Abused, abandoned or neglected the child
- **State court judicial determination is a required SIJS filing prerequisite**
- Provide evidence for child's immigration case
- The state court order reflects judge's expertise on children's best interests
- State court order does **not** grant immigration status

SIJS Judicial Determinations Can Be Issued When Family Court Judge Awards Custody

- Child is dependent on a juvenile court or **legally committed *to or placed under the custody of*** an agency or department of State, or ***an individual*** or entity appointed by a State court.
- **Child's best interest** would not be served by being returned to his or her country of origin.
- **Reunification** with one or both parents **is not viable due to** abuse, neglect, abandonment, or a similar basis under state law (through adjudication by USCIS)

8 U.S.C. § 1101(a)(27)(J)

Family Court Cases That Include Decisions About Care & Custody of Children

- Dependency/Delinquency
- Civil protection order cases
- Custody cases
- Divorce cases
- Paternity and child support cases
- Adoption cases
- DHS states: All are of the above = *Juvenile courts*
  - Juveniles = all children
- SIJS Bench Book has chapters on each case type
  https://niwaplibrary.wcl.american.edu/sijs-manual-table-of-contents

Return to Home country not in child's best interests

- Identify each potential custodian state law requires the court to consider in U.S. and home country
- Apply state best interests factors to each placement
- Court order states the factual findings that support chosen placement
- Make findings that illustrate why under state best interest factors, court is not choosing placements in child's home country
- Compare the supports, help, services child needs U.S vs. home country
- Then, if relevant, address other country conditions
  - Gangs, other harmful factors

Reunification Not Viable

- Reunification with a parent is not viable due to abuse, neglect, abandonment, or similar state law basis
- Does not require termination of parental rights
- Viability of reunification does not necessitate no contact with parent – Visitation can occur
- Means granting the abusive parent custody is not envisioned by the court as a viable option
  - Duration: through adjudication of SIJS application
- Changes in circumstances can occur
  - But not granting full legal/physical custody to abusive parent

Apply Same Jurisdiction and Procedural Rules as All Other Cases

- Include a statement of the court's jurisdiction citing the state law under which the court is exercising jurisdiction.
- Follow your state court procedures and note that you do so to demonstrate that the court made an informed decision.

Best Practices to Address in SIJS Orders

- Make findings as to
  - The age of the child and the evidence relied upon
  - The child's parentage, naming each parent specifically
  - That the parent's identity is unknown (e.g., rape)
  - Abuse, abandonment, neglect suffered & impact on child
    - Address each occurring abroad and/or in the U.S.
  - Details of who the court awarded custody to and why
  - Include no-contact and other protective provisions
- Cite and apply only state law as to:
  - Definitions of abuse, abandonment, neglect, similar basis
  - Best interest
  - Jurisdiction

VAWA Confidentiality Prongs Chart

Non- Disclosure

Protects victims who have filed a protected case with DHS

*VAWA self-petitions

*Battered spouse waiver

*VAWA Cancellation/Suspension

*U and T Visas

*Abused Spouses of work visa holders work authorization applications

Abuser-Provided Information Prohibition

Includes family members of abusers, crime perpetrators and their agents

Protects:

*All victims abused by spouse or parent

*All victims in the process of applying for U or T visas

Location Prohibitions

Protects:

All Victims

Requires:

No action at protected locations OR

Notice to Appear must state how they complied with VAWA confidentiality

Violation = $5,000 fine and/or disciplinary action

At which protected locations does VAWA limit immigration enforcement against victims? Check all that apply



A. Shelters
B. Rape crisis centers
C. Supervised visitation centers
D. Family justice centers
E. Victim services program/provider
F. Community based organization
G. Courthouses

When Immigration Enforcement Occurs at a Courthouse Against A Victim --

- 8 U.S.C. §1229(e) -Requires ICE certification re: non-reliance on perpetrator provided information
- 8 U.S.C. §1367(c) violation = disciplinary action and fines
- 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/
  - ICE is required to check the Central Index System for the "COA 384" flag identifying victim-based cases filed under the Violence Against Women Act and the Trafficking Victim's Protection Act
  - Requires supervisory approval and advanced permission
  - Officers are to be "sensitive to the fact that the alien at issue may be a victim and the victim-abuse dynamic may be at play."

ICE Policy 11072.3 Court House Enforcement (January 2025) – Family and Non-Criminal Court Limitations

- "ICE officers and agents should generally avoid enforcement actions in or near courthouses, or areas within courthouses, that are wholly dedicated to non-criminal proceedings (e.g. family court, small claims court). When an enforcement action in the above situations is operationally necessary, the approval of the respective Field Office Director (FOD), Special Agent in Charge (SAC), or his or her designee is required prior to conducting the enforcement action."

https://niwaplibrary.wcl.american.edu/pubs/2025-01_ice_courthouse_enforcement_guidance/

Key 2025 Policies

- Enforcement at Protected Areas (Jan. 20, 2025) & Courthouse Enforcement (Jan. 2025) Policies
    - Require supervisor approval for courthouse enforcement in *family, child welfare, protection order and noncriminal* cases and courthouses
- Interim guidance on Victims 11005.4 Jan. 31, 2025
  - Requires that ICE deconflict with state, local and federal government agencies to ensure that criminal investigative and other enforcement actions will not be compromised
  - *Requires ongoing adherence to VAWA confidentiality statutes and implementing policies*
    - Bars reliance on "tips" from perpetrators, their family members, and others acting on their behalf

Importance of Screening and Filing for Victim-Based Forms of Immigration Relief

Violence Against Women Act (VAWA) Confidentiality

- Only Federal Statute That Limits Immigration Enforcement
  - Particularly important for cases where the person who perpetrator is in the U.S.

All DHS Memo 002-02-001.1 Rev.00.1 (May 29, 2019) Confirmed (Jan. 2025)

- States that the VAWA Confidentiality prohibited source and non-disclosure protections apply to victims who *are seeking, are in the process of preparing an application, have filed for, and have been approved* for a victim-based form of immigration relief covered by 8 U.S.C. 1367

Cases Protected by VAWA Confidentiality

- VAWA self-petitions
    - VAWA self-petitioner
    - Battered spouse waivers
    - VAWA Cuban Adjustment Act
    - VAWA Haitian Refugee Immigration Fairness Act
    - VAWA Nicaraguan Adjustment & Central American Relief Act
- VAWA cancellation of removal
- VAWA suspension of deportation
- U visa
- T visa
- Continued presence
- VAWA work authorization as abused spouses of visa holders (A, E(iii), G & H)

Consult An Immigration Attorney

- With expertise serving immigrant victims in VAWA, T, and U visa cases when victims
  - Have criminal histories
  - Get arrested
  - Have had removal orders issued against them
  - Have open immigration cases
- For most other victims filing a VAWA, T or U visa case is generally more protective than not
  - Timing is important
  - Victim advocates can help victims file well documented cases

Red Flags – That Require Referral to Immigration Counsel with Victim Expertise

- Claiming US citizenship for work or immigration purposes
- Criminal convictions or open criminal charges vs victim
- Previous deportation orders/Failure to voluntarily depart
- Fraud or misrepresentation to obtain an immigration benefit including document fraud or marriage fraud
- Cannot prove they have been in the U.S. for more than 2 years
- Protection order issued against the victim
- Terrorist activity/security related grounds
- International child abduction
- Unlawful voters
- Prostitution, drug involvement, polygamy
- VAWA "Red Flags" https://niwaplibrary.wcl.american.edu/pubs/vawa-red-flags/

For most other victims filing a VAWA, T or U visa case is generally --

- More protective than not
- Timing is important
- Must file well documented cases
  - Victim advocates can play an important role
  - NIWAP has trauma informed tools
- Particularly protective for victims who make police reports, work with law enforcement, and prosecutors

ICE Policy 11005.4 Civil Immigration Enforcement Actions Involving Current or Potential Beneficiaries of Victim Based Immigration Benefits

- "ICE officers and agents should coordinate and deconflict internally, and with local, state, and other federal law enforcement, as appropriate, when determining whether to take civil immigration enforcement actions to ensure criminal investigative and other enforcement actions will not be compromised;."
- When encountering an alien who is the beneficiary of a victim-based immigration benefit, ICE officers and agents should consult with the Office of the Principal Legal Advisor (OPLA) through their Field Office Directors or Special Agents in Charge prior to conducting a civil enforcement action against such known beneficiaries, or against primary and derivative applicants or petitioners for such benefits, to ensure any such action is consistent with applicable legal limitations;

New Tools Demonstration

- Letters for law enforcement and prosecutors and their agency staff to provide to victims
- Letters that advocates and attorneys can provide to victims
- Letters that advocates and attorneys at protected locations and courts can provide should they encounter ICE
- Video resources



Sample Letters for Victim Advocates, Victim Attorneys and Victims

Sample: VAWA Confidentiality Notices: Victims to Immigration Enforcement Officials

Current as of April 21, 2025

Sample letters for victim advocates, victim's attorneys and victims

- Letter for Victims from Victim Advocates and Attorneys 2
- Letter for Attorneys-Advocates Accompanying VAWA, U and T Visa Victims to Court 6
- Letter for Attorneys-Advocates Accompanying Other Victims to Court.....9
- Letter for VAWA Confidentiality Protected and OVW, OVC, FVPSA Funded Locations 11
- Letter for Other VAWA Confidentiality Protected Locations 14
- Attachment to Provide to ICE Officials 17
  - Text of ICE 2025 Victim Policy 17
  - Text of VAWA Confidentiality Statutes.....21
  - Text of DHS VAWA Confidentiality 2019 Policy.....25
  - VAWA Confidentiality Legislative History 41
  - Text of ICE 2025 Courthouse Enforcement Policy 43

MONTH DATE, 2025

RE: Victim Seeking and in the Process of Applying for a Victim-Based Form of Immigration Relief Protected by 8 U.S.C. §1367

Dear Officer,

Please be advised [INSERT VICTIM'S NAME] is a victim of battering, extreme cruelty, human trafficking, or other U visa listed criminal activit(ies) making the victim legally entitled to VAWA, T visa, or U visa immigration relief under the Violence Against Women Act (VAWA) and/or the Trafficking Victims Protection Act. This letter is to notify Department of Homeland Security employees that the victim is seeking and is in the process of applying for or has applied for immigration relief and is entitled to statutory protections under 8 U.S.C. §1367.

[INSERT VICTIM'S NAME] is currently receiving [advocacy and supportive services/legal assistance] from [INSERT NAME OF AGENCY].

[INSERT SHORT DESCRIPTION OF AGENCY – INCLUDING EXPERTISE IN WORKING WITH VICTIMS AND IMMIGRANT VICTIMS]

The name of the person responsible for this victim's case is:

Insert Name
Insert Cell Phone Number
Insert Email Address

[INSERT VICTIM'S NAME] has provided information and reported the criminal activity and abuse suffered to [INSERT NAME OF LAW ENFORCEMENT, PROSECUTION, STATE GOVERNMENT AGENCY OR COURT] and [is being/has been helpful] to that agency in efforts to hold the offender accountable. The contact information for agency staff working with this victim is:

Insert Name
Insert Cell Phone Number
Insert Email Address

ICE Victim Policy 11005.4: Interim Guidance on Civil Immigration Enforcement Actions Involving Current or Potential Beneficiaries of Victim-Based Immigration Benefits (January 30, 2025) requires:

"*Adherence to Laws*
In implementing this guidance, ICE personnel remain bound to adhere to all applicable statutory and policy requirements including the provisions of 8 U.S.C. § 1367 and Department of Homeland Security (DHS) Instruction No. 002-02-001, Rev. 00.1: Implementation of Section 1367 Information Provisions (May 28, 2019)."[1]

Advocates and Attorney's Role In U and T Visa Certification

- Screen for VAWA, U/Tvisa, SIJS eligibility
- Develop relationships with law enforcement and prosecutors that support certifications, their issuance of letters, and collaboration
- Help victims obtain civil protection orders and U/T visa certifications from courts
- Understand what certification is and is not
- Connect certifiers with training toolkits, resources, technical assistance on certification

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



Some Practice Tips

- Attorneys should encourage immigrant survivors to:
  - Carry
    - Important documents such as work authorization cards, bona fide determination letters, only if a case has been filed
    - Documentation showing evidence of being in the country for more than 2 years.
    - Victim letters and KYR card
  - Have a Plan in Place in case of Enforcement
    - Know their A#
    - Memorize victim advocate & attorney contact numbers
    - Guardianships, Powers of Attorney
      - Many family and immigration lawyers can help with these

Questions and Answers

Technical Assistance, Materials, Evaluation

- Please complete this evaluation





- Power Point presentations and materials for this training at: https://niwaplibrary.wcl.american.edu/navigatingfamilylawmdlegalaid/
- **NIWAP Technical Assistance**
  - Call (202) 274-4457
  - E-mail info@niwap.org
- Web Library: www.niwaplibrary.wcl.american.edu