

# SUPPORTING YOUR WORK WITH IMMIGRANT SURVIVORS: TECHNICAL ASSISTANCE FROM ASISTA

This project was supported by Grant No. 2017-TA-AX-K061 awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women."



# Goals

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- Describe ASISTA's work
- Identify how ASISTA can help advocates and attorneys meet the needs of immigrant survivors
- Learn what issues are affecting your work with immigrant survivors

# About ASISTA

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Trainings

Resources

Networks

Individualized  
case  
assistance

Liaison work

# Hypo

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- Talia is an immigrant woman from El Salvador who entered the United States without inspection in 2001. Her spouse is physically abusive to her and her minor children.
- She tells you that she tried to go to a local DV shelter, but the shelter staff is concerned they will get in trouble for harboring an undocumented immigrant.
- Talia is concerned about what will happen if she is arrested by immigration enforcement.

# Addressing Concerns: Going to Court or Contacting Police

**3 OUT OF 4  
ADVOCATES**



report that immigrant survivors have concerns about going to court for a matter related to the abuser/offender.

*Are immigrant survivors sharing with your agency that they have concerns about contacting police?*



# Enhancements to Safety Planning

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- Working with Individual Survivors
  - ▣ What are you doing already to address immigration concerns in safety planning?
  
- Educating others at your agency
  - ▣ Obligations of non-discrimination
  - ▣ “Life and Safety” Exemption
  - ▣ Joint HHS, HUD, DOJ letter

# Confidentiality Obligations

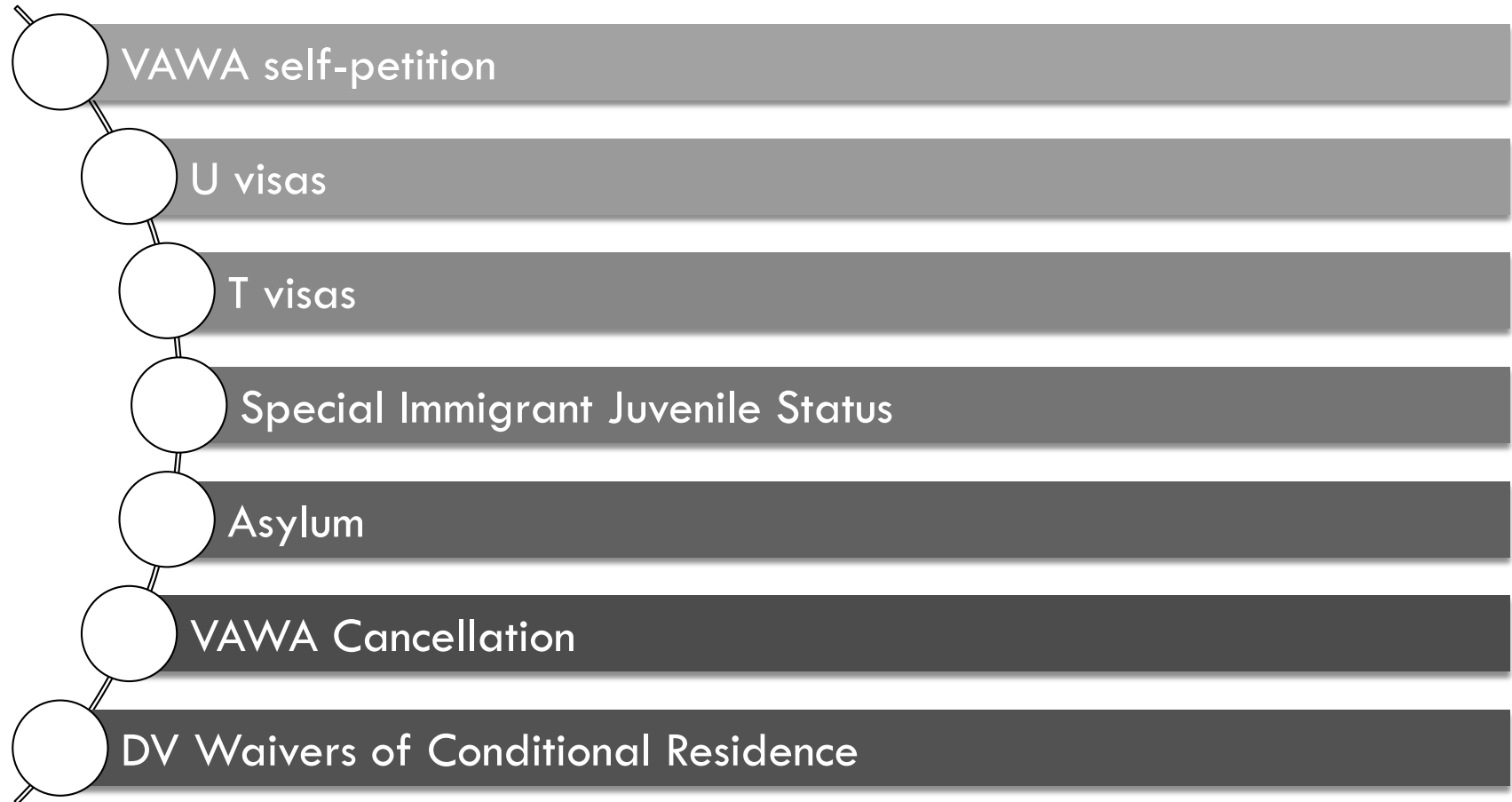
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- VAWA Confidentiality– 8 USC 1367
- VAWA VOCA, or FVPSA funding recipients
  - Cannot Discriminate
  - Must provide services to immigrant and refugee victims
  - Cannot disclose personally identifying information **UNLESS**
    - Release
    - Order
    - Required by law
  - Be aware of difference between DHS issued warrant vs a Court-issued warrant (e.g. signed by judge)
- Cannot enter if 1) Document is not a warrant; 2) If it is not signed by a judge; and 3) If it doesn't name your facility

# Identifying Options for Relief



# Immigration Benefits for Survivors



# Immigration benefits

## VAWA self-petition

- Spouse or child of USC or LPR or parent of adult USC son or daughter
- Suffered battery or extreme cruelty
- Joint residency with abuser
- Good moral character
- For petitions based on marriage: show good faith marriage

## U visa

- Victim of Qualifying Crime –full list at INA 101(a)(15)(u)(iii)
- Suffered substantial physical or mental abuse as a result of victimization;
- Had information about the crime;
- Was, is, or will be helpful in the investigation or prosecution of the crime.
- Crime occurred in US or violated U.S law
- Admissible or eligible for a waiver under INA 212(d)(14) “national or public interest”

## T visa

- Victim of severe form of trafficking
- Physically present in the U.S. On account of the trafficking;
- Complied with reasonable requests for help in the investigation or prosecution of trafficking
- Would suffer extreme hardship if had to return to home country.

# Hypo

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- Talia is an immigrant woman from El Salvador who entered the United States without inspection in 2005. Her spouse is physically abusive to her and her minor children.
- She tells you that she tried to go to a local DV shelter, but the shelter staff is concerned they will get in trouble for harboring an undocumented immigrant.
- Talia is concerned about what will happen if she is arrested by immigration enforcement.

# New Facts

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- Talia tells you that she is married to a US citizen who has been physically abusive.
- She has called the police after an incident where her spouse was violent toward her and her 7 year old son and is willing to testify at the trial.
- She also says that she now works at her spouse's business and hasn't been paid. When she asked to get paid, her spouse said immigration would have her deported since she was working without permission.

# Complex Facts

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- Talia has a recent conviction for assault. After one time where her spouse tried to choke her, she scratched her spouse's arms in self-defense. When the police came, they saw the scratches and arrested her.
- Talia was issued an NTA but didn't go to her hearing since she didn't understand what was happening.
- Talia's spouse told her to lie about her immigration status to get a job to help with the finances.

# Process Issues

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- Talia decides to file for a VAWA self-petition. Her case is beyond processing times at the Vermont Service Center.
  
  - You get an RFE in this case stating that she doesn't have good moral character because of her criminal history
  
  - Talia is arrested and detained by immigration enforcement agents before her VAWA case has been adjudicated.

# Good Moral Character

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- GMC bars at INA 101(f)
  
- Analysis for Purposes of VAWA
  - Does the bar apply?
  - Is there a waiver available?
  - Is act or conviction “connected” to abuse



# Helping Survivors in Removal Proceedings

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- We can help
  - Assess relevant guidance
  - Identify trends and options
  - Think through next steps.

# Requesting Technical Assistance

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- Register your agency with ASISTA to start with TA:
  - <http://bit.ly/ASISTARegistrationOVW>
  
- Do your research
  - What does the statute say? The regs? Any relevant case law?
  
- Reach out to the Hotline:
  - VAWA: [hotlinefollowupi360.vsc@uscis.dhs.gov](mailto:hotlinefollowupi360.vsc@uscis.dhs.gov).
  - U and T: [hotlinefollowupi918i914.vsc@uscis.dhs.gov](mailto:hotlinefollowupi918i914.vsc@uscis.dhs.gov)
  - DV-based 751 Hotline:  
[Hotlinefollowupl751ef.vsc@uscis.dhs.gov](mailto:Hotlinefollowupl751ef.vsc@uscis.dhs.gov)

What are you seeing?

# How to reach us

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- [www.asistahelp.org](http://www.asistahelp.org)
- [Questions@asistahelp.org](mailto:Questions@asistahelp.org)
- Cecelia Friedman Levin, [cecelia@asistahelp.org](mailto:cecelia@asistahelp.org)
- Gail Pendleton, [gail@asistahelp.org](mailto:gail@asistahelp.org)