

Navigating the Immigration System

Why do immigrant victims need the immigration system?

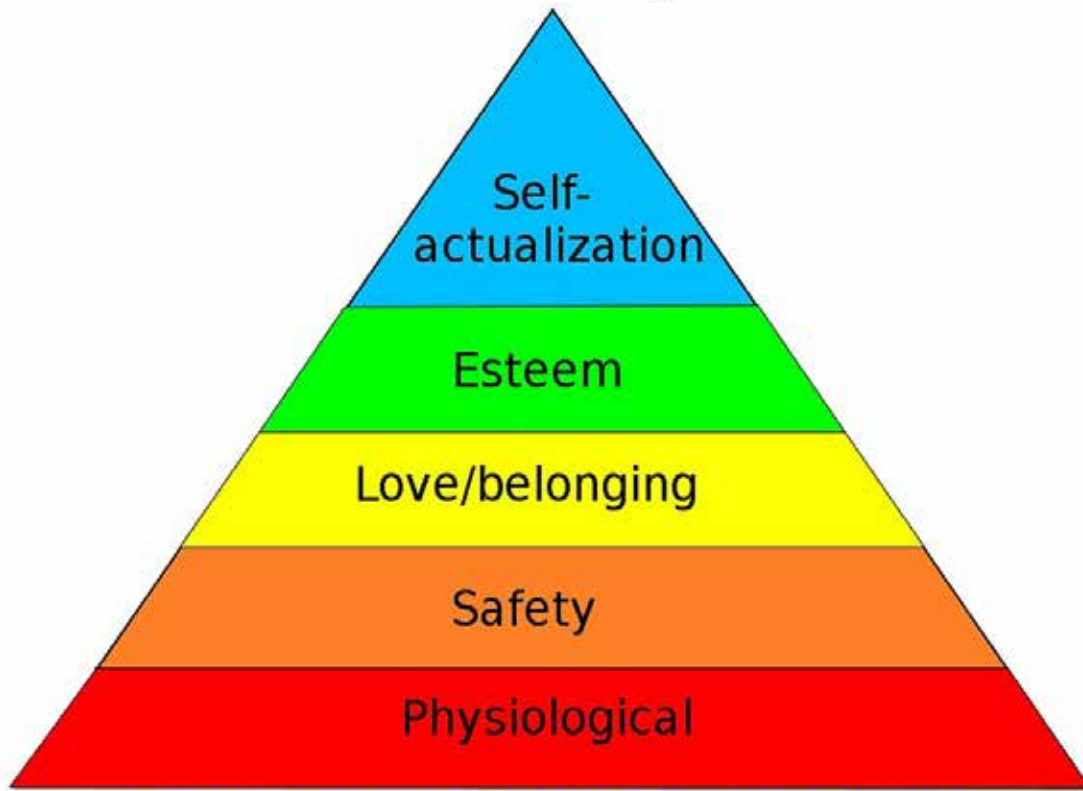
Fear of deportation is the principal barrier to immigrant victims' seeking any type of aid after experiencing abuse, including assistance from shelters, advocates, hospitals, and the police.

Violence Against Women Act 1994

- ❖ Provisions for undocumented victims of crime added in 2000
- ❖ Encourage reporting of crime
- ❖ Meant to take away fear of deportation

Why is Immigration relief a safety planning tool

Maslow's hierarchy of needs



- ❖ Remember that safety is a basic need
- ❖ Immigration related abuse
- ❖ Equality vs Equity
- ❖ VAWA Confidentiality

https://en.wikipedia.org/wiki/Maslow%27s_hierarchy_of_needs

We have an immigration system
in this country that not only
doesn't work, in many cases it
doesn't even make any sense.

Kendrick Meek

The Immigration Maze

How can advocates assist in the immigration process?

- ❖ Screen and identify survivors
- ❖ Recognize potential immigration issues
- ❖ Help survivor collect and obtain identity documents
- ❖ Assist survivors with writing personal declaration
- ❖ Provide a letter of support/expert affidavit of services provided
- ❖ Collaborate with LE for certification
- ❖ Assist in collecting other evidence needed

Client Stories: Immigrant Journeys through immigration

Maria's Story

- ❖ Undocumented Mexican woman with 3 children (USC's)
- ❖ Married to undocumented man from Mexico
- ❖ Immigration relief: U-Visa

U-Visa Requirements:

- ❖ You are the victim of qualifying criminal activity.
- ❖ You have suffered substantial physical or mental abuse as a result of having been a victim of criminal activity.
- ❖ You have information about the criminal activity. If you are under the age of 16 or unable to provide information due to a disability, a parent, guardian, or next friend may possess the information about the crime on your behalf.
- ❖ You were helpful, are helpful, or are likely to be helpful to law enforcement in the investigation or prosecution of the crime. If you are under the age of 16 or unable to provide information due to a disability, a parent, guardian, or next friend may assist law enforcement on your behalf.
- ❖ The crime occurred in the United States or violated U.S. laws.

Maria's Story

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- ❖ Victimization: Domestic Violence, sexual assault, stalking

Crimes included in U-Visa

Abusive Sexual Contact

Domestic Violence

Extortion

False Imprisonment

Female Genital Mutilation

Felonious Assault

Hostage

Incest

Kidnapping

Murder

Prostitution

Rape

Sexual Assault

Sexual Exploitation

Stalking

Torture

Trafficking

Witness Tampering

Unlawful Criminal Restraint

Other Related Crimes*†

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- ❖ Married to undocumented man from Mexico
- ❖ Immigration relief: U-Visa
- ❖ Victimization: Domestic Violence, sexual assault, stalking
- ❖ Law Enforcement Certification Process
- ❖ Intra-state issues
- ❖ Personal Declaration

Vilma's Story

- ❖ Undocumented woman from El Salvador
- ❖ Married to a USC
- ❖ Pregnant
- ❖ Immigration relief: VAWA Self-petition

Qualifying spousal relationship:

- ❖ You are married to a U.S. citizen or permanent resident abuser or
- ❖ You have suffered battery/extreme cruelty by your U.S. citizen or permanent resident spouse:
 - You have been abused by your U.S. citizen or permanent resident spouse, or
 - your child has been subjected to battery or extreme cruelty by your U.S. or permanent resident spouse.
- ❖ You entered into the marriage in good faith, not solely for immigration benefits.
- ❖ You have resided with your spouse.
- ❖ You are a person of good moral character.

Vilma's Story

- ❖ Undocumented woman from El Salvador
- ❖ Married to a USC
- ❖ Pregnant
- ❖ Immigration relief: VAWA Self-petition⁺
- ❖ Victimizations: Domestic Violence and Attempted Murder
- ❖ Personal Declaration
- ❖ Letters of Support

Margarita's Story

- ❖ Undocumented woman from Mexico
- ❖ Unmarried, 2 children still in Mexico
- ❖ Immigration relief: T-Visa

You may be eligible for a T visa if you:

- ❖ Are or were a victim of trafficking, as defined by law
- ❖ Are in the United States, American Samoa, the Commonwealth of the Northern Mariana Islands, or at a port of entry due to trafficking
- ❖ Comply with any reasonable request from a law enforcement agency for assistance in the investigation or prosecution of human trafficking (or you are under the age of 18, or you are unable to cooperate due to physical or psychological trauma)
- ❖ Demonstrate that you would suffer extreme hardship involving unusual and severe harm if you were removed from the United States

Margarita's Story

- ❖ Undocumented woman from Mexico
- ❖ Unmarried, 2 children still in Mexico
- ❖ Immigration relief: T-Visa
- ❖ Continued Presence
- ❖ Law Enforcement Certification
- ❖ Statement

Tips for advocates

- ❖ Educate your agency and community partners and YOURSELF
- ❖ Always use an attorney; avoid unauthorized practice of law
- ❖ Get to know all the attorneys you can
- ❖ Be creative and think outside of the box
- ❖ Use your resources (some links are at the end of slideshow)
- ❖ Be patient- this is a long process

- ❖ Trafficking resources <https://www.dhs.gov/blue-campaign/library>
- ❖ VAWA Confidentiality <http://niwaplibrary.wcl.american.edu/wp-content/uploads/2015/pdf/CONF-VAWA-Bro-3ProngsofConfidentiality-6.19.2014.pdf>
- ❖ U-Visa Manual https://www.ilrc.org/sites/default/files/resources/proseuvisamanual_english.pdf
- ❖ USCIS links to all visa information and applications <https://www.uscis.gov/humanitarian>
- ❖ <https://www.ilrc.org/>
- ❖ <http://www.asistahelp.org/>

Any questions?
