Let’s Talk About Supporting Immigrant Survivors
Krista Del Gallo & Mona Muro
Background of the Work

- Legal immigration remedies
- Public benefits & economic options
- Immigrant trafficking victims
- Cultural humility and relevance in service provision
Text TCFV to 22333
OR
Go to www.pollev.com/tcfv
Is your agency observing a change in the number of immigration related questions from survivors?
What we are hearing in Texas

- **80%** of advocates surveyed at TCFV Hackathon stated their “Agency was observing an increase in the number of immigration-related questions from survivors.
- **100%** of advocates surveyed at TCFV Hackathon stated that **immigrant survivors** are sharing that they have concerns about contacting police.
What are we hearing Nationally

2017 Advocate and Legal Service Survey Regarding Immigrant Survivors

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? 78% Yes
What's changed?

- The Landscape
- Executive Orders
- Enforcement Practice
Immigration Related Executive Orders

- **Border Security and Immigration Enforcement Improvements**
  Border Enforcement Executive Order - Issued Jan. 25, 2017

- **Enhancing Public Safety in the Interior of the United States**
  Interior Enforcement Executive Order - Issued Jan. 25, 2017
• Protecting the Nation from Foreign Terrorist Entry into the United States
Travel Ban for Refugees and those from 7 Muslim-Majority Countries
Executive Order - Issued Jan. 27, 2017
-Several revisions followed
Released February 20\textsuperscript{th}, 2017

- Implement the Executive Orders
- Focus on enforcement practice and priorities
Enforcement Priorities

Those who appear to be most at risk:

- those in detention or jail,
- those with a criminal history or potential criminal charges
- people who’ve been ordered deported in the past & lost or forfeited any appeals
Individuals who are subject to:

- criminal grounds of inadmissibility and deportability
- security and related grounds of inadmissibility and deportability
- suspected of fraud or material misrepresentation to obtain a visa or other document or entry to the U.S.
Federal Laws
Protections and Relief
Confidentially
Access to services
ICE Memo on Prosecutorial Discretion

- U.S. Immigration and Customs Enforcement (ICE) officers will continue to take into consideration if an individual is the immediate victim or witness to a crime, in determining whether to take enforcement action.
- Particular attention is paid to victims of domestic violence, human trafficking or other serious crimes.
VAWA Confidentiality Prongs

Non-Disclosure
- Protects victims who have filed a protected case with DHS

Abuser-Provided Information Prohibition
- Includes family members of abusers, crime perpetrators
- Protects: *All victims abused by as spouse or parent
  *All victims in the process of applying for U or T visas
  *Abused spouses of visa holders with VAWA work authorization filed

Location Prohibitions
- Protects: All Victims
- Requires: No action at protected locations OR Notice to Appear must state how they complied with VAWA confidentiality

National Immigrant Women's Advocacy Project, American University Washington College of Law
Enforcement actions are not to be taken unless the action is certified in advance through a specific process aimed at protecting victims:
- A shelter
- Rape crisis center
- Supervised visitation center
- Family justice center
- Victim services program or provider
- Community based organization
Location Prohibitions

- Protection order case, child custody case, civil or criminal case involving or related to domestic violence, sexual assault, trafficking, stalking
Interacting with DHS

Encountering DHS/ICE

Judicial Warrant

Warrant of Removal/Deportation
The government cannot gather and/or use information provided solely by:

- an abuser;
- trafficker;
- crime perpetrator or
- People closely associated with the perpetrator (e.g. family members) (ICE 2007)
Relying on Information Provided by: Abuser

- To take an adverse action against a victim includes
  - Arrests for civil immigration violations
  - Placing the an immigrant in removal proceedings or detention
  - Seeking or using information provided by the perpetrator in the victim’s immigration case
• Each violation
  – Disciplinary action and/or
  – $5,000 fine for the individual
• Violations also include making a false certifications in a Notice to Appear
• VAWA Confidentiality Enforcement Guidance CRCL (2008)
Multi-level Response
Materials & Website

Materials

- Immigration Legal Services Directory
- County list of Immigration Legal Services Directory
- Texas Detention Facilities List
- Immigrant Coalition Groups
- Immigration law school clinics

Website & Webinars

- New survivor immigration webinars and webpage with resources
Stakeholder calls

Ad hoc immigration committee & quarterly calls

- Leaders and colleagues creating an interagency cohort to discuss appropriate response and support to address the confusion and fear among immigrant communities and our programs serving immigrant survivors

- Calls for worker supporting immigrant survivors
GROUP

Activity
How can TCFV support you in this work?
Collective Dialogue