
IMMIGRANT RIGHTS – HELPING FAMILIES, WOMEN, AND CHILDREN IN A TIME OF NEED

WHERE ARE WE NOW AND HOW DO WE MOVE FORWARD?

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WHAT IS THE CURRENT STATE OF IMMIGRANT WOMEN AND FAMILIES IN THE US?

- What are the existing immigration laws aimed at protecting women and children?
- What are changes to existing law that we've seen under the current administration and how do they affect women and children?
- Stories of tears and joy
- What are some opportunities for AAUW Members and the community as a whole to impact change?

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VIOLENCE AGAINST WOMEN ACT (VAWA) PROTECTIONS

- Established in 1994
- Three large provisions:
 - Ability to Self-Petition if one is married to an abusive U.S. Citizen or Lawful Permanent Resident.
 - Ability to file for waiver of joint-filing requirement in a marriage-based removal of conditions case
 - VAWA Cancellation of Removal relief for individuals in removal proceedings.



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SPECIAL IMMIGRANT JUVENILE STATUS (SIJS)

First File with a State Family Court

- Under 21, Living in the United States
- Not Married
- Juvenile Court Order finding:
 - Dependent on the Court
 - Court Order Special Findings: Child cannot be reunified with one or both of their parents because Abuse, Abandonment, Neglect, or a similar basis under state law; AND
 - It is not in their best interests to return to the country of nationality or origin.

Then File Self-Petition with USCIS

- Under 21, Living in the United States
- Not Married
- Juvenile Court Order finding:
 - Dependent on the Court
 - Court Order Special Findings: Child cannot be reunified with one or both of their parents because Abuse, Abandonment, Neglect, or a similar basis under state law; AND
 - It is not in their best interests to return to the country of nationality or origin.

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U NONIMMIGRANT STATUS: "U-VISAS"

“Congress makes the following findings: Immigrant women and children are often targeted to be victims of crimes committed against them in the United States.....All women and children who are victims of these crimes committed against them in the United States must be able to report these crimes to law enforcement and fully participate in the investigation of the crimes committed against them and the prosecution of the perpetrators of such crimes.”

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T-NONIMMIGRANT STATUS: "T-VISAS"

- Victims of Trafficking and Violence Protection Act 2000.
- Survivors of severe forms of human trafficking.
- Human trafficking is a form of modern-day slavery in which traffickers use force, fraud, or coercion to compel individuals to provide labor or services, including commercial sex.

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ASYLUM, WITHHOLDING OF REMOVAL, PROTECTION UNDER U.N. CONVENTION AGAINST TORTURE (CAT)

- Afraid to return to home country due to
 - Past persecution or
 - “Well-founded” fear of persecution upon return
- Persecution must be “on account of”:
 - Race
 - Religion
 - Nationality
 - Political opinion
 - Membership in a particular social group

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CHANGES TO ASYLUM

Matter of *AB* – attempt to role back protections enshrined in international and domestic law

Private actor violence (gang violence, domestic violence) should generally not qualify for asylum

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BORDER POLICIES

How Process Should Work:

- Asylum seeker arrives at POE & expresses fear to CBP officer
- CBP performs initial screening, then refers case to regional asylum office;
- Asylum officer performs CFI; if positive finding, bonded out/paroled and released from detention (family together, work while waiting, obtain counsel)

Current Reality:

- “la lista” – wait in MX weeks for “number” to be called
- “la hielera”
- Children separated from parents
- Detention during entire process (abusive conditions)
- Application of Matter of AB in immigration court

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CHALLENGES TO CURRENT POLICY

- Grace v. Whitaker: Injunction issued by District Court judge prohibiting application of certain provisions from Matter of AB to CFI proceedings
- 04/08/2019 SF District Court Judge issues preliminary injunction enjoining Migrant Protection Protocol policy



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CHANGES TO OTHER SURVIVOR BASED APPLICATIONS

- FEE WAIVER DENIALS
- DOJ FUNDING CUTS TO ORGANIZATIONS WORKING WITH SURVIVORS
- GENERAL CHILLING EFFECT OF INCREASED ENFORCEMENT AND OTHER POLICIES

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CHANGES IN POLICIES, PRECEDENTS, AND ADJUDICATIONS UNDER THE CURRENT ADMINISTRATION

- ICE Priorities Memo – Everyone is now a priority
- ICE Elimination of Prosecutorial Discretion and Joint Motions
- Termination of Deferred Action for Childhood Arrivals (DACA)
- Policy Memo Regarding Referral of Denied of Cases to Removal Proceedings
- Policy Memo Regarding Unlawful Presence for Students
- Increased Inadmissibility Grounds being Applied
 - Public Charge
 - Smuggling
- Processing Times
- Attorney General successful attempts at limiting Immigration Judge's authority to administratively close or continue a case

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STORIES...

- SEPERATED PARENTS
- GENDER BASED ASYLUM APPROVALS
- U-VISA APPLICANTS

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OPPORTUNITIES TO IMPACT CHANGE

Learn More about the Issues

- Get your news from those in the know!
 - Center for Gender and Refugee Studies
 - ACLU – Immigrant Rights Project
 - American Immigration Council

Speak Out in Your Community

- Refute current rhetoric about asylum seekers and immigrants when you hear it.
- Engage in State and Local Advocacy on Issues that affect Immigrant Communities
- Engage in Social Media Advocacy –
 - Center for Gender and Refugee Studies at UC Hastings.
 - Sample #tweets, emails to Congressional Reps

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OPPORTUNITIES TO IMPACT CHANGE

Donate Your Time

- Volunteer with Border Organizations:
 - Al Otro Lado, Kino Border Initiative (Jesuit)
- Volunteer with your local Domestic Violence Organization
 - Whatcom & Skagit: DVASAS
- Kids In Need of Defense
- www.immigrantsurvivors.org
- Call your Senators/Congressional Reps and request
 - Investment of resources in U visa adjudicators
 - support budget provisions that prohibit \$\$\$ to implement matter of AB

Donate Money

- RAICES Bond Fund: Raises money to pay the bond to get parents out of immigration detention, increasing likelihood of reunification
- Lawyer Moms of America: Travel Bank has collected over 5 million donated frequent flier miles that they've used to reunite families
- ASISTA, API, NWIRP, ACLU
 - ASISTA recently lost their 20yr old OVW funding stream from DOJ.

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QUESTIONS???

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