


**How the Justice System can  
Respond to Intersections of  
Immigration Status, Gender, and  
Culture**



**Day Two  
Plenary 4  
New Orleans, LA**

**NIWAP** National Immigrant Women's Advocacy Project at the  
American University Washington College of Law 12/13/2016 -- 1

---

---

---

---

---

---

---

---

**Introductions**

- Veronica T. Thronson
  - Clinical Professor of Law, Michigan State University College of Law
- Inspector Antonio Flores
  - Inspector, Special Victims Unit, San Francisco Police Department
- Session 1: Judge Mary Weir, Jackson County Court, Kansas City, Missouri
- Session 2: Judge Ramona Gonzalez, La Crosse Wisconsin

**NIWAP** National Immigrant Women's Advocacy Project at the  
American University Washington College of Law 12/13/2016 -- 2

---

---

---

---

---

---

---

---

**Learning Objectives**

**By the end of this plenary you will be able to:**

- Gain a better understanding of advocates and law enforcement roles when serving diverse immigrant survivors
- Explore practices that have been effective when working with immigrant victims for advocates, law enforcement, and the justice system
- Understand how to develop a better relationship among advocates, the judiciary and law enforcement

**NIWAP** National Immigrant Women's Advocacy Project at the  
American University Washington College of Law 3

---

---

---

---

---

---

---

---

### Our Roles

- Immediate needs of victim v. immediate needs of law enforcement/judiciary



**NIWAP** National Immigrant Women's Advocacy Project at the American University Washington College of Law 12/5/2016 ... 4

---

---

---

---

---

---

---

---

### Abusive Use of Court System

- Abusers may use the legal system as a way to threaten and intimidate the victim by:
  - Seeking sole custody of children
  - Portraying himself as victim
  - Prolonging litigation and/or filing excessive or frivolous motions
  - Seeking continuances
  - Reneging on agreements

**NIWAP** National Immigrant Women's Advocacy Project at the American University Washington College of Law 12/5/2016 ... 5

---

---

---

---

---

---

---

---

### Additional Examples of Abusive Use of Court System

- Abusing the discovery process (i.e., by requesting excessive information)
- Violating court orders
- Calling CPS on victim
- Calling victim unfit or unstable
- False accusations against victim
- Threats and retaliation against family or friends

**NIWAP** National Immigrant Women's Advocacy Project at the American University Washington College of Law 12/5/2016 ... 6

---

---

---

---

---

---

---

---

### Using Court System against immigrant victims

- Using immigration status to attack credibility ("She is making it up to get a visa!")
- Threats to have her deported
- Threats to have relatives reported
- Using her ties to home country to label her a "flight risk"

**NIWAP** National Immigrant Women's Advocacy Project at the American University Washington College of Law 12/5/2016 ... 7

---

---

---

---

---

---

---

---

### Consequences of Abusive Litigation

- Loss of trust in legal system
- Loss of access to justice system
- Frustration with judge ("Judge does not get it!")
- Pressure to make concessions to make it stop
- Loss of financial resources, opportunities, and job

**NIWAP** National Immigrant Women's Advocacy Project at the American University Washington College of Law 12/5/2016 ... 8

---

---

---

---

---

---

---

---

### Ways the Judiciary Can Respond

- Impose consequences for abusive litigation:
  - Sanctions: order DV treatment
  - Award attorney fees
  - Award court costs
- Restrict excessive filing
- Increase education on domestic violence dynamics

**NIWAP** National Immigrant Women's Advocacy Project at the American University Washington College of Law 12/5/2016 ... 9

---

---

---

---

---

---

---

---

### Immigration Status and Gender: The LGBTQ Immigrant Community

- The U.S. has a history of denying entry to immigrants based on race, ethnicity, gender and sexual orientation
- In 1990, immigration law changed, no longer denying entry to people based solely on their sexual orientation
- However, many obstacles still remain, which can make immigration especially challenging for LGBTQ persons



National Immigrant Women's Advocacy Project at the American University Washington College of Law

12/5/2016 -- 10

---

---

---

---

---

---

---

---

### Immigration Remedies for LGBTQ

- Asylum
  - Homosexuality illegal in more than 76 countries, some countries punish with death penalty
- Same-sex couples
  - Family based petition
- U visas
  - Victim of crime, including hate crime



National Immigrant Women's Advocacy Project at the American University Washington College of Law

12/5/2016 -- 11

---

---

---

---

---

---

---

---

### Easy Targets

- A *New York Times* analysis of FBI data recently found that of all groups in the U.S., LGBTQ people are the most likely targets of hate crimes
- Within the LGBTQ community, transgender and gender-nonconforming people of color and undocumented immigrants are the most likely to experience physical violence



National Immigrant Women's Advocacy Project at the American University Washington College of Law

12/5/2016 -- 12

---

---

---

---

---

---

---

---

## Not Enough Reporting of Crimes

- A recent investigation by [The Associated Press](#) found that thousands of city police and county sheriff's departments had not filed a single hate crime report to the F.B.I. between 2009 and 2014



---

---

---

---

---

---

---

---

## Differences in Reporting

- Larger cities or cities with a more visible LGBTQ community are more likely to have procedures and training to detect and reduce hate crimes
  - Example, in 2014 only one hate crime was reported for the entire state of Mississippi
  - In Connecticut, where LGBTQ people are arguably more visible and influential, 23 hate crimes based on sexual orientation were reported



---

---

---

---

---

---

---

---

## Law Enforcement Response

- Better training and education
- Cultural sensitivity
- Community policing strategies
- Partnership with advocates
- Dialogue



---

---

---

---

---

---

---

---

### SFPD LGBTQI Resource Guide

- A resource for every officer and LGBTQI community
- Created to strengthen the relationship between community and law enforcement
- Tips for victims of crime
- Includes resources for LGBTQI community
- Available in Chinese, Spanish, Russian, Tagalog and Vietnamese



National Immigrant Women's Advocacy Project at the American University Washington College of Law

12/5/2016 ... 16

---

---

---

---

---

---

---

---

### Example: SF City of Refuge Ordinance

- The City of Refuge Ordinance prohibits the use of city resources to assist in the enforcement of federal immigration laws, except in limited circumstances such as enforcement of a federal criminal warrant for arrest, but not for a civil warrant



National Immigrant Women's Advocacy Project at the American University Washington College of Law

12/5/2016 ... 17

---

---

---

---

---

---

---

---

### WORKING BETTER TOGETHER



National Immigrant Women's Advocacy Project at the American University Washington College of Law

12/5/2016 ... 18

---

---

---

---

---


---

---

---

### Domestic Violence

<b>Law Enforcement/Judiciary</b>	<b>Advocate</b>
<ul style="list-style-type: none"><li>• Safety</li><li>• Accountability of abuser</li><li>• On-going violence</li><li>• Violations of court orders</li><li>• Court testimony</li><li>• Hold abuser accountable</li><li>• Help from victim to proceed with case</li></ul>	<ul style="list-style-type: none"><li>• A safe location (shelter)</li><li>• Help with order of protection</li><li>• Work with law enforcement</li><li>• Help victim with counseling</li><li>• Follow up court system</li><li>• Find services for victim</li></ul>



**NIWAP** National Immigrant Women's Advocacy Project at the American University Washington College of Law 12/5/2016 ... 19

---

---

---

---

---


---

---

---

### Sexual Assaults Adult/Child

<ul style="list-style-type: none"><li>• Initial contact by law enforcement/advocate</li><li>• Sexual assault exam</li><li>• Multi-display interview</li><li>• Obtaining evidence</li><li>• Follow up with investigator/advocate</li></ul>	<ul style="list-style-type: none"><li>• High profile/media</li><li>• Follow up with prosecutor</li><li>• Social media</li><li>• Court proceeding</li></ul>
---	--



**NIWAP** National Immigrant Women's Advocacy Project at the American University Washington College of Law 12/5/2016 ... 20

---

---

---

---

---

---

---

---

### Human Trafficking

- Under age
- Smuggled/trafficked
- Forced labor
- Commercial sex
- Immigration issues
- Law enforcement



**NIWAP** National Immigrant Women's Advocacy Project at the American University Washington College of Law 12/5/2016 ... 21

---

---

---

---

---

---

---

---

### Human Trafficking Continued

- Power and control
- Sexual assault
- Mental health
- Victim has warrants
- Victim has pending case or convictions from being forced
- Victim charged with prostitution



National Immigrant Women's Advocacy Project at the American University Washington College of Law

12/5/2016 ... 22

---

---

---

---

---

---

---

---

### Mental Health/ Trauma Impacted Survivors

- Dual diagnosis
- Homeless
- Veterans (male/female)
- Unreported incidents
- In and out of the court system
- Danger to themselves or others
- Safe locations
- Working with other government groups (adult/child protection service/VA)
- Working with families



National Immigrant Women's Advocacy Project at the American University Washington College of Law

12/5/2016 ... 23

---

---

---

---

---

---

---

---

### How To Build a Better Community

- Know and understand the importance of each others roles
- Come together and have open communication
- Form committees with realistic and achievable goals
- Committee should have representative from each group
- Develop policy when dealing with the issues
- Communicate the small problems before it is too late



National Immigrant Women's Advocacy Project at the American University Washington College of Law

12/5/2016 ... 24

---

---

---

---

---

---

---

---



## Technical Assistance and Materials

- Power Point presentations and materials for this conference at [www.niwap.org/go/NOLA2016](http://www.niwap.org/go/NOLA2016)
- **NIWAP Technical Assistance:**
  - Call (202) 274-4457
  - E-mail [niwap@wcl.american.edu](mailto:niwap@wcl.american.edu)
- Web Library: [www.niwaplibrary.wcl.american.edu](http://www.niwaplibrary.wcl.american.edu)



National Immigrant Women's Advocacy Project at the American University Washington College of Law

12/13/2016 ... 25

---

---

---

---

---

---

---

---

## Questions



National Immigrant Women's Advocacy Project at the American University Washington College of Law

12/13/2016 ... 26

---

---

---

---

---

---

---

---

## Evaluations



National Immigrant Women's Advocacy Project at the American University Washington College of Law

12/13/2016 ... 27

---

---

---

---

---

---

---

---

Thank you!

*THIS PROJECT WAS SUPPORTED BY GRANT NO. 2015-TA-AX-K043 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*

**NIWAP**

National Immigrant Women's Advocacy Project,  
American University Washington College of Law

28

---

---

---

---

---

---

---

---