

SAFVIC ON THE SCENE

U Visas: A Law Enforcement Tool for Combating Crime and Restoring Victims

By: Krista Del Gallo, Policy Manager at Texas Council on Family Violence

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**New 8-Hr
Training for
911 Call Takers
Coming Soon!**

SAFVIC for Telecommunication Professionals



This training will educate call takers on the dynamics of family violence, stalking, sexual assault, & human trafficking, as well as techniques on how to handle such calls.

Background

In 2000, the Violence against Women Act¹ was reauthorized, creating the U visa, a new non-immigrant visa for victims of certain crimes who are not covered under other immigration remedies. Subsequent federal regulations relating to the new visa, along with federal statute, provide law enforcement with more tools to combat crime and promote public safety. This article summarizes and outlines the specific purpose of the U visa, who qualifies and how law enforcement can use the visa to assist in efforts to catch criminals and ameliorate the impacts of victimization of violent crimes.

Purpose²

The U visa (commonly referred to as the crime victim's visa) was created to enhance the ability of law enforcement agencies to effectively combat domestic violence, sexual assault, and other criminal activity against immigrant victims and offer meaningful protection to these victims. The U visa enables immigrant victims of certain crimes to remain temporarily in the United States to assist in investigations and/or prosecutions.

Eligibility³

In order to be eligible for consideration for the U visa, an individual must be a victim of one of the qualifying crimes listed below.

- Domestic Violence, Sexual Assault, Rape, Being held Hostage, Peonage, Involuntary servitude, Slave trade, Kidnapping, Abduction, False imprisonment, FGM (female genital mutila-

tion), Torture, Trafficking, Incest, Prostitution, Felonious assault, Manslaughter, Murder, Blackmail, Extortion, Witness tampering, Obstruction of justice, Perjury or Attempt conspiracy or solicitation to commit any of these crimes

Further, a victim of one of the above qualifying crimes must:

- Demonstrate that she/he has suffered "substantial physical or mental abuse" as the result of a form of criminal activity (or "similar" activity);
- Possess information concerning the criminal activity (UNLESS the victim is under 16, incapacitated or incompetent); AND
- Submit certification from an official at a government agency that the victim has been helpful, is being helpful or is likely to be helpful in the investigation or prosecution of the crime.



Certification⁴

Agencies that can certify victims include:

- Those with responsibility for the investigation or prosecution, conviction or sentencing of the qualifying criminal activity such as Federal, State, and local law enforcement agencies; prosecutors; Federal or State judges; and
- Others with jurisdiction to investigate crimes, such as the Child Protective Services, Equal Employment Opportunity Commission, and Department of Labor.

The official at a certifying agency who may complete the form for victims include:

We are pleased to announce the SAFVIC Program will be presenting an overview of the program at the TAASA Conference, as well as discussing:

- Stakeholder Collaborations
- Law Enforcement's Response to the Training
- Accomplishments & Challenges
- A Discussion of the Population Served

A panel of 4 SAFVIC Instructors will address these issues and answer any questions.

To view a complete conference schedule, please visit www.taasa.org.

NATIONAL STALKING AWARENESS MONTH

JANUARY 2009

January is National Stalking Awareness Month, a time to focus on this dangerous crime and seek ways to protect its victims. The Stalking Resource Center of the National Center for Victims of Crime has partnered with the Office on Violence Against Women of the U.S. Department of Justice in presenting a versatile set of resources to help you plan your 2009 National Stalking Awareness Month and your outreach throughout the year. They have developed a website where you will find artwork, media tools, fact sheets, brochures, and additional resources to download and distribute throughout your community.

www.stalkingawarenessmonth.org

They hope these tools will inspire your efforts to know, name, and stop stalking in your community.

27th Annual TAASA Conference

The 27th Annual Texas Association Against Sexual Assault Conference will provide the tools needed to continue work in a way that is "Rooted in Social Justice." In addition to offering specialized studies for diversity, sexual assault nurse examiners and volunteer management, this year's conference features social justice workshops aimed at providing tools and analyses to help attendees make connections between sexual violence and other social justice issues, as well as engage in efforts to impact social injustices in their own communities. Traditional workshops for first responders and service providers such as law enforcement, victim advocates, and counseling will also be available.

Online registration begins in January at www.taasa.org.

TCLEOSE Credit available for LE attendees!

Save the Date

Rooting Ourselves in Social Justice

Texas Association Against Sexual Assault
Annual Conference
 March 8-12, 2009
 Austin, Texas
 Airport Hilton Hotel

TAASA

Tuition Scholarships
 for Law Enforcement Officers to attend this conference will be available. Please visit the SAFVIC website after the 1st of the year to find more information & the scholarship application.

FEATURED AGENCY:



Family Crisis Center of East Texas

Connecting families and communities thru safety and hope

(Women's Shelter of East Texas, Inc.)

Helping survivors of family violence and sexual assault start over; A community effort.

The Family Crisis Center of East Texas (Women's Shelter of East Texas, Inc.) has been providing assistance to victims of family violence and sexual assault since 1979. We currently operate three emergency shelters and have two full time outreach offices for the nine East Texas counties that we serve (Angelina, Houston, Nacogdoches, Polk, Sabine, San Augustine, San Jacinto, Shelby, and Trinity counties.)

Our Mission: *The Family Crisis Center of East Texas is a non-profit organization incorporated to enhance the safety of women, children and men from family violence and sexual assault. Through education and community awareness, such occurrences can be reduced or prevented by providing emergency crisis and advocacy services.*

In order for victims to gain safety, effectively take action against violence, and heal from trauma symptoms related to family violence and sexual assault, it is important to seek services regardless of when the trauma occurred. The services provided by our agency include:

- 24 hour crisis hotline
- Emergency Shelter

- Personal/Legal Advocacy
- Child Advocacy
- Counseling & Support Groups
- Sexual Assault Advocacy
- Economic Stability Program
- Transitional Housing
- Public Education and Awareness
- Clothing assistance through agency thrift stores

Our agency has strong collaborative partnerships with numerous social service oriented organizations within the communities we serve. One of the most recent and successful collaborations we have is with the Angelina County Family Court. If you could, imagine a court room full of compassionate and caring people from several different entities, each taking time from their hectic work schedules, meeting for the purpose of helping those innocent victims who have had the misfortune of experiencing violence within their families.

During Family Court, our advocates provide support, information regarding family violence, offer services, and follow up with victims/clients that are currently seeking our assistance.

Our agency stresses the importance of a community effort to end violence in our homes and within our families. Law enforcement plays a key role in our ability to provide comprehensive case management and in providing quality services and safety planning for the victims we serve.

If you would like more information about our services or if you are interested in how **you** can assist us in our mission, please contact us.

Contact Information:
24 HOUR CRISIS HOTLINE
1-800-828-7233

Lufkin Outreach Office & Administration
 936-639-1681

Nacogdoches Outreach Office
 936-569-1018

Crockett Outreach Office
 936-546-7026

Article provided by Deldra Ware, Crisis Counselor.

SANCTUARY CITIES... A CONTRAVERSIAL TOPIC

Sanctuary cities, labeled as such for their policies regarding immigration investigation, are a controversial topic in Texas. Although federal and state law allow for cooperation between Immigrations and Customs Enforcement, Homeland Security, and local law enforcement agencies, some cities have chosen to pursue a policy of not inquiring about citizenship or residency status when investigating crimes unless the case specifically pertains to an immigration violation. For example, in a city with sanctuary policies, officers responding to a domestic violence call will not ask questions about the victim or suspect's residency status. However, officers would inquire about residency status in a human smuggling case, which pertains specifically to immigration.

Those opposed to sanctuary cities argue that more criminals would be deported and thus prohibited from committing more crimes in Texas if all agen-

cies included residency status checks as part of their standard procedures. On the other hand, proponents of sanctuary cities believe that these policies encourage a better relationship between law enforcement and the community that result in higher reporting and arrest rates. Proponents argue that requiring law enforcement to run citizenship and residency checks would result in less reporting, leaving criminals on the streets.

There are several immigration bills that have been introduced before the Texas Legislature for the 81st Legislative Session, some of which will affect the viability of sanctuary policies. There is no official designation or listing of sanctuary cities, and local policies have been in flux across the state recently on this issue. Some local jurisdictions may have passed ordinances that clearly define immigration enforcement policies

in the local code while others may leave it up to management to act and respond at their own discretion.

More information on bills filed with the state legislature can be found at www.legis.state.tx.us. Contact your local elected officials as well as your local law enforcement agencies to find out more about the practices in your local jurisdiction. City Council members or County Commissioners will be able to tell you if the immigration enforcement policies in your jurisdiction are codified, what practices are or are not formalized into law, and what policies are implemented as a matter of practice. Your local law enforcement agency can also give you this information and will be able to share what the experience of implementing (or not implementing) the policies has been.

Article provided by Brooks Louton, SAFVIC Program Assistant.

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- A Federal, State or local judge;
- The head of a certifying agency; and
- A person in a supervisory role, who has been specifically designated by the head of a certifying agency to issue certification on behalf of that agency.*

*If the certification is not signed by the head of the certifying agency, evidence of the agency head's written designation of the certifying official for this specific purpose must be attached to the official form. For example, the Austin Police Department has developed a formal section issued by their Chief Art Acevedo within their General Orders Policies and Procedures that details their U Visa certification process including which personnel are designated "certifying officials". In the case of the Austin Police Department, the Chief has designated that sergeants over

Violent Crime units and the Decentralized Area Investigative units are able to issue certifications on behalf of the Department. When submitting a completed certification form, APD sergeants also submit a copy of this policy.

It is important to note that certifying agents are solely verifying the victim's helpfulness in the investigation or prosecution. Helpful has been defined as assisting authorities in the investigation OR prosecution of the qualifying crime against the victim applying for the U visa. If there is an ongoing need for the victim's assistance with the case, then there is an ongoing responsibility on the part of the victim to be helpful.

All other factors for eligibility for the U visa will be evaluated and weighed by the Department of Homeland Security's Citizenship and Immigration Services (USCIS).

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In late 2007, TMPA formed the Training and Research Institute for Professional Law Enforcement (TRIPLE). TRIPLE's mission is to professionalize law enforcement through training, research, and service. TRIPLE is a 501(c)(3) charitable organization and will eventually administer grant programs which were previously administered by TMPA. Currently, TRIPLE is administering the SAFVIC program funded by the Criminal Justice Division of the Governor's Office. Because TRIPLE is a 501(c)(3) organization, there are more potential funding sources available for training and research projects related to law enforcement. TRIPLE is another example of TMPA bringing new paradigms to law enforcement and the communities they serve.

For more information about TRIPLE, please contact Mitch Landry at mitch@tmpa.org.

Interested in Becoming a SAFVIC Instructor or know anyone who is?

Deadline to submit an application is

December 29, 2008

For more information, please visit www.safvic.org.



"Piecing together the tools needed to effectively investigate and prevent sexual assault and family violence."

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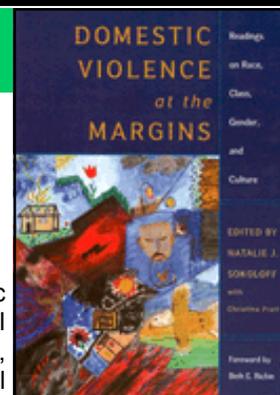
www.safvic.org



FEATURED BOOK:

**Domestic Violence at the Margins:
Readings on Race, Class, Gender, and Culture**

By Sokoloff, Natalie J (Editor), and Pratt, Christina (Editor), and
Richie, Beth E (Foreword by)



This groundbreaking anthology reorients the field of domestic violence research by bringing long-overdue attention to the structural forms of oppression in communities marginalized by race, ethnicity, religion, sexuality, or social class. Reprints of the most influential recent work in the field as well as more than a dozen newly commissioned essays explore theoretical issues, current research, service provision, and activism among Latinos, African Americans, Asian Americans, Muslim Americans, Jewish Americans, and lesbians. The volume rejects simplistic analyses of the role of culture in domestic violence by elucidating the support systems available to battered women within different cultures, while at the same time addressing the distinct problems generated by that culture. Together, the essays pose a compelling challenge to stereotypical images of battered women that are racist, homophobic, and xenophobic. The most up-to-date and comprehensive picture of domestic violence available, this anthology is an essential text for courses in sociology, criminology, social work, and women's studies. Beyond the classroom, it provides critical information and resources for professionals working in domestic violence services, advocacy, social work, and law enforcement.

Taken directly from www.alibris.com.

(Continued from page 3 - U Visa)

The exclusive authority to determine eligibility and adjudicate applications for immigration relief lies within the Department of Homeland Security. U visas are reviewed and handled by a trained and specialized "VAWA Unit" within USCIS. The United States Citizenship and Immigration Services (USCIS) weigh the certification with all the other information provided to determine whether an applicant is eligible.

Additionally, the only responsibility that remains with the certifying agent after completing and submitting the form is to notify USCIS in writing if the victim unreasonably refuses to assist in the investigation of the crime they were a victim of. It is recommended that certifying agents discuss this requirement with all victims whom they certify so that victims are clear about the responsibilities. If a victim has stopped responding to request for cooperation, officials and available victim services staff are encouraged to make attempts to again highlight this notification requirement with the victim, determine any valid reasons for the lack of cooperation (i.e. perhaps the victim's phone was disconnected or they moved and had not received correspondence, or the victim had been

threatened in regards to their participation) and give the victim an opportunity to talk with their advocate and come into cooperation prior to notifying USCIS.

Conclusion

The U visa offers law enforcement officers who work domestic violence and sexual assault cases the opportunity to ensure the presence of and promote cooperation of victims and witnesses with information and testimony critical to successful investigations and prosecutions. Additionally, it provides new encouragement for undocumented members of the community, who may have an historic fear of interaction with the criminal justice system and other authorities to come forward and report crimes and cooperate with officials. Appropriate use of the U visa will result in an enhanced community wide emphasis on working together to combat criminal activity and promote public safety.

1. It is important to note that, despite the Act's title, remedies and protections provided through VAWA are available to both female and male victims.
2. Content for this portion based on the USCIS Memo dated 10.08.03 by William R. Yates available at www.uscis.gov under Laws and Regulations/Policy Memoranda.
3. Content for this portion based on Victims of Trafficking and Violence Prevention Act, also referred to as VAWA Reauthorization, enacted in October 2000 and codified in INA § 101(a)(15)(U).
4. Content for this section drawn from the USCIS Instructions for I-918, Supplement B, U Nonimmigrant Status Certification available at: www.uscis.gov under Immigration Forms.