

Attachment Seven (7)

Committee on Domestic Violence Agenda
July 17, 2019

Contents: U-Visa Presentation



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Prepared by: Liz Ortenburger, CEO of SafeNest

Regarding: Clark County U-Visa Processes

Overview

SafeNest has been helping victims of domestic violence for over 42 years. One of the services we provide is U-Visa support and navigation of the system. During the past few years we have experienced frustration as to the implementation and inconsistency of the U-Visa process.

Definition

U-Visa - The U visa is a United States nonimmigrant visa which is set aside for victims of crimes (and their immediate family members) who have suffered substantial mental or physical abuse while in the U.S. and who are willing to assist law enforcement and government officials in the investigation or prosecution of the criminal activity.[1] It permits such victims to enter or remain in the US when they might not otherwise be able to do so.

T-Visa - A T visa is a type of visa allowing certain victims of human trafficking and immediate family members to remain and work temporarily in the United States, typically if they report the crime to law enforcement, and agree to help them in the investigation and/or prosecution of the crime (or crimes) committed against them. It also allows close family members of the victims to come to the United States legally.

Concerns

- Currently in Las Vegas, METRO signs the certification for the U-Visa if the crime occurred with a time frame of 5 years or less. We have encountered victims of domestic violence that they have the qualifications to start to legalize their status thru U-Visa, but the crime occurred more than 5 years and METRO won't sign the certification. Could be great if they can expand that time frame.
- In many occasions, even though there was an arrest; the charges against the aggressor are dismissed. This is another factor that can stop a victim of domestic violence to start the process thru U-Visa since it's likely law enforcement will not sign the certification.
- Lack of resources. In Las Vegas, NV Legal Aid Center of So. NV and The Immigrant Home Foundation assist with those applications. However, as a victim many do not qualify to get those services thru Legal Aid due to over income, but the reality is that The Immigrant Home Foundation will assist the client on this process, but client may have to pay for some of the costs; when they do not even have that money.

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- Documentation also has a cost and in many occasions, a victim has no money to pay for like police report, medical records (if they have had suffered physical injuries and were taken to a medical facility, print injury pictures (if they were taken from her cell phone (any law enforcement agency release injury pictures if the case still on a pending investigation), certified copy of the final disposition (in a criminal case).
- Victims of domestic violence also can be arrested, if the aggressor called police and made false statements to the police. Going thru a criminal process when they are the real victim, can be an issue. In some cases, the victims have to pay for court fines and if they do not receive services from victim advocates or someone who is willing to listen to them, it's likely that victim will navigate a criminal system not knowing what to do or what to say in court. In many occasions, they even plead guilty just to be released from jail.
- Victims also may face denying of protection orders, which can leave them without having supporting documentation about domestic violence because in many occasions the victims do not call the police.
- Inconsistence in the state to who are the entities to provided the certification (at this point is only Metro) but the certifying entities are : State or Local law enforcement agencies, Prosecutors, Judges, any other authority (civil, criminal or administrative) with responsibility for detection, investigation, prosecution, conviction or sentencing of criminal activities or civil /administrative violations. Including but not limit to CPS,DFEH and Department of Industrial Relations.
- Inconsistence on VAWA Confidentiality and DHS Enforcement the prohibited locations as Shelter, Rape crisis centers, Supervised visitation centers, FJC, Victim Services program or Provider, Community Base Organizations. Court House in connection with protection orders, child custody cases or any case involving or related domestic violence, sexual assault, trafficking, stalking.
- Lack of inforcement of one of the most important provision from the Violence Women Act is the battered immigrant women provision. Abusers are brought to justice and the battered immigrants also escape abuse without being subject to other penalties. Threats of deportation are the most potent tool abusers of immigrants victims use to maintain control over and silence victims.

Possible Solution

Create a task force through the DV task force to study this issue and provide solutions.