



Office for the Prevention of Domestic Violence



Featured in this issue: Domestic Violence and Immigration

Fall 2018

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From the Executive Director

After 10 successful years of our Shine the Light campaign, this October we are encouraging all New Yorkers to consider how they can be allies of victims and survivors of domestic violence, while still “going purple” in their communities and workplaces. Our new Ally [card](#) offers tips and the accompanying [poster](#) helps spread this important message, as victims and survivors often feel isolated and alone. Check out our updated [toolkit](#) for these and other materials.

This issue explores the complex intersection of domestic violence and immigration. While we continue to see the effects of deportation and detention on those coming to this country without legal status, we recognize how that impact is magnified when individuals are fleeing from the abuse of intimate partners and other family members.

In our feature article, Lisa Frisch shares information about local efforts to assist asylum seekers currently detained at the Albany County Jail. Our Q&A with Michelle Caldera-Kopf discusses the challenges and legal remedies for individuals seeking asylum, including victims of domestic violence. Additional articles present several local and state agency strategies and responses to the needs and rights of all who are seeking asylum.

I wish you a wonderful fall and a happy holiday season.

Albany Police Form Local Partnership

The [Albany Police Department](#) (APD) has partnered with the [Albany Karen Community](#), the [Albany Karen Seventh-Day Adventist Church](#) and the [Refugee Community Health Partnership Program of Trinity Alliance](#) to create an ongoing dialogue with the local Karen community that will encourage them to willingly reach out to law enforcement.

Earlier this year, Albany Police Officer Brian Mascaro and intern Day Day Poe hosted Karen refugees from Myanmar (Burma) and Thailand to talk about their civil and legal rights, and followed up with a tour of the Albany Police Department’s South Station. Attendees shared concerns about issues affecting their community, including domestic violence. With the assistance of an interpreter, officers answered questions about intimate partner, elder and child abuse, and provided information about community resources. Officers also shared their contact information so that attendees could reach out with follow-up questions after the meeting. Most importantly, leaders within the Karen community were identified and empowered to act as liaisons with the police.

Attendees said they were amazed by the kindness and respect with which the police treated them, since many had such negative interactions with police in their communities of origin and in refugee camps. The Karen women said that this event greatly improved their perceptions of police officers, and many hugged the officers.

For more information

[Edmund Russell Altone](#), JD, MA, MPH:
Co-organizer, Refugee Community Health Partnership Program. 518-727-3971

[Lin Yone Yone](#): Chairman of Albany Karen Community. 518-704-1390

[Pastor Saw Htoo](#): 518-649-7168

1-800-942-6906
NYS Domestic & Sexual Violence Hotline

Confidential • 24 HRS/7 DAYS
English & español, multi-language
Accessibility
711: Deaf or Hard of Hearing
In NYC: 311 or 1-800-621-HOPE (4673)
TDD: 1-800-810-7444



#NYGoesPurple4DV

October is Domestic Violence Awareness Month. Check out our updated [toolkit](#) for materials and resources, and when you post your events and efforts on social media, don't forget to use the hashtag #NYGoesPurple4DV and tag us: @NYSOPDV. And, remember to send photos to: opdvpurple@opdv.ny.gov so we can share them on Facebook, Instagram and Twitter.

Did You Know?

Between 2016 and 2017, the National Domestic Violence Hotline saw a 13.5 percent increase in contacts from immigrant domestic violence survivors and their family and friends. Many did not want to seek protection orders or access criminal justice options for fear of detention or deportation.

Source: [The National Domestic Violence Hotline](#)

Coming Together as a Community: Helping Those Seeking Asylum

by Lisa A. Frisch, Executive Director, [The Legal Project](#)

A little more than three months ago, 330 [United States Immigration and Customs Enforcement](#) (ICE) detainees from the San Diego border were flown into the Albany County Jail. Disoriented and frightened, they came from countries around the world: India, China, Nepal, Russia, the Ukraine and Africa and South America. They spoke dozens of different languages and dialects and range in age from 16 to 66 years old. Many were separated from their family members, including minor children, and were confused by their circumstances. Most had few resources and no support systems.

Local Criminal Justice Response

Although the [Albany County Sheriff's Department](#) had accepted ICE detainees in the past, they were unprepared to take such a large group of people into the jail with no time to establish a plan to meet so many needs and requirements. In response, Albany Sheriff Craig Apple contacted Professor Sarah Rogerson of the [Immigration Law Clinic](#) at [Albany Law School](#) and legal staff from [The Legal Project](#), to request assistance from law students and pro bono attorneys about how best to interview and assist those who were being detained. Since most detainees had travelled to this country to seek asylum - protection from abuses and horrors they were escaping in their home countries - Sheriff Apple understood that prioritizing their current and future safety was essential.

A New World for Those Seeking Asylum

Prior to the [recent changes](#) by the U.S. Attorney General, those who entered this country to ask for asylum were not charged with any crimes and were not detained. There was a clear process for evaluating their cases and providing appropriate oversight, so the vast majority of asylum seekers willingly adhered to legally established ICE reporting requirements. Now, as a result of the Attorney General's implementation of a "zero tolerance policy" for all asylum seekers, regardless of domestic violence or any other special status or circumstances, Albany also was simultaneously challenged by the unexpected humanitarian crisis facing hundreds of men and women. Other than asking for our country's protection, these individuals had committed no crime in coming here. Under the universally applied zero tolerance policy, however, they were incarcerated and facing deportation proceedings. Many of the women detainees were victims of domestic violence, and reported being retraumatized by their incarceration.

Calls for Help Answered

Albany Law School and The Legal Project joined with the New York Immigration Coalition (NYIC) to mobilize community resources and issue an urgent call for volunteer lawyers and interpreters. Their call was answered - and then some. Hundreds of volunteer attorneys and those able to provide interpreter services offered to help, and many received specialized training that prepared them to conduct required screening interviews at the jail.

At the next stage, attorneys began preparing the detainees for their credible fear interviews by the [U.S. Citizenship & Immigration Service](#). Many New York City law firms also responded by donating their attorneys' time and travel to Albany to assist with this critical preparation. These interviews determine whether the detainees can make a valid asylum claim to the government. Without an attorney's help, the chances of passing their credible fear interviews are extremely low. This pro bono assistance greatly increased the odds that many detainees would be able to make a successful asylum claim.

In addition to the outpouring of legal assistance, Albany County Jail asked for donations of much needed clothing, particularly socks and underwear. The Legal Project put the call out to the local community resulting in truckloads of these items, all of which have been distributed to those in greatest need. The community also donated hundreds of bibles and Qurans, prayer mats, books in various languages, and nearly \$20,000 for detainees' emergency needs and jail commissary accounts, for items such as stamps and paper to write letters to their families. CAP COM Federal Credit Union also donated funds for the money orders required to deposit commissary funds into the individual accounts.

A Community of Hope

At a time when things seem overwhelmingly challenging, seeing the community step up to help these scared and vulnerable people has been truly heartwarming. This has been an inspiring collaboration not only of legal services, but of the entire community, and could serve as a model response for other communities.

"Working with The Legal Project and the NYIC to bring this coalition together has been one of the most inspiring and gratifying experiences of my legal and legal teaching career. New Yorkers from every corner of the state joined hands to show compassion and restore some dignity to refugees caught in a very broken immigration system."

*Professor Sarah Rogerson,
Director of the Immigration Law
Clinic at Albany Law School*

"Doing intake interviews of asylum seekers was life-changing. I felt honored to have the opportunity to record the unimaginable stories of violence and persecution they suffered in their own countries, their arduous journeys to America, and their experiences at our southern borders, where they were often separated from loved ones and imprisoned. Offering legal support and human kindness to people who, like me, had never been in a prison in their lives, was the most rewarding work I have ever done."

*Robin Ringle, volunteer attorney
for The Legal Project*

Q&A: Asylum for Immigrant Victims of Domestic Violence

This Q&A was conducted with Michelle Caldera-Kopf, Senior Attorney & Project Manager, Liberty Defense Project at [Empire Justice Center](#)

Q What does “asylum” mean?

A Asylum is protection for people who incur harms outside the United States that cause them to flee from or fear returning to their countries. The law of asylum grants them certain legal protections by allowing them to remain in the United States rather than return to a country where they have been or will be persecuted.

Q Is an asylum seeker a refugee?

A According to the law of asylum, a refugee is a person who has a well-founded fear of persecution due to race, religion, nationality, membership in a particular social group, or political opinion. Under federal law, an asylum seeker is someone inside the United States, while a refugee is located outside the country and then enters under the protection of the federal government.

Q How does a person seek asylum?

A In the United States, asylum is granted through an administrative process, either as a defense to deportation, or when someone requests protection. Asylum seekers must meet the definition of refugee by showing that their government, or actors their government is unable or unwilling to control, has inflicted or will inflict serious harm, and will do or has done so because of their perception of race, religion, nationality, membership in a particular social group, or political opinion.

Q What if a request for asylum is denied?

A Individuals may appeal through an administrative appeal, the federal Circuit Court of Appeals, and the Supreme Court. Those who are denied and who do not win an appeal are deported. All who appeal must retain and pay for legal representation as the government will not provide attorneys for appeals.

Q Aside from asylum, does immigration law provide other protections to immigrant victims of domestic violence?

A The law of asylum has been highly

contested, and among the most contested claims are those by women seeking protection from domestic violence.

The federal [Violence Against Women Act](#) provides some protections for immigrant victims of domestic violence when the abuse has occurred inside the United States.

Immigrant victims who are married to U.S. citizens or lawful permanent residents can “self-petition” for immigration benefits.

Additionally, victims of crimes, including crimes of domestic violence, may be eligible for a “U-visa” if they have been, are or will be helpful in the reporting, investigation, or prosecution of a crime in the United States.

Immigration law also provides special protections for victims of human trafficking: the [T-visa](#). Children who have been abused, neglected, or abandoned by one or both parents, can seek [Special Immigrant Juvenile Status](#) (SIJS).

Each of these paths for victims of domestic violence is complex and any claim should be evaluated by an attorney.

Q Are there specific challenges or obstacles for immigrant victims of domestic violence who are seeking asylum in the United States?

A After years of litigation, the Board of Immigration Appeals (BIA) [decided](#) that “married women in Guatemala who cannot leave the relationship,” qualified as a “particular social group” and therefore could form the basis of an asylum claim. The federal government conceded that the particular social group was appropriate, but the U.S. Attorney General recently overturned the BIA’s decision.

Q What was the rationale for overturning the decision?

A The Attorney General held that the group, “married women in Guatemala who cannot leave the relationship,” does not qualify as a particular social group, stating that such persecution was being committed by

non-governmental actors in response to the increase of gang-based asylum claims from Central America. This holding, though limited, will make it more difficult for asylum seekers whose claims are based on domestic violence to prove that they qualify.

Q Is the Attorney General’s decision allowable?

A Congress has given the Attorney General a lot of power to administer and decide immigration matters, and immigration officials and judges are required to follow his direction. Nevertheless, the federal courts ultimately decide the contours of immigration law, and even the Attorney General is not allowed to decide questions that have not come before the court.

Here is a detailed [explanation](#) of the decision for immigration lawyers.

Q Where do we go from here?

A Federal Court. Individuals are strongly encouraged to seek the specialized services of an immigration lawyer by calling the [New York State Office for new Americans](#) hotline: 800-566-7636. Advocates for immigrant women who have experienced or fear domestic violence will continue to argue that the law of asylum offers protection for their clients, and individuals seeking protection from domestic violence will continue to flee to the United States.

Federal litigation takes time and resources. Although the outcome remains uncertain, survivors of domestic violence who come to the United States seeking safety and protection should continue to file claims, pursue appeal if necessary, and keep demanding the protections they deserve.

Q Where can I find additional information and practical resources?

A [Futures Without Violence](#) has recently released a [toolkit](#) about the law of asylum and domestic violence, and ways to support asylum-seekers who have experienced gender-based persecution, including domestic violence.

The New York State Office for New Americans

[The New York State Office for New Americans](#) (ONA) is the nation's first statutorily-created immigrant services office. Since its inception five years ago, ONA, through its network of 27 community-based Opportunity Centers and six legal counsels, has helped more than 200,000 new Americans navigate the naturalization process, start and grow their own businesses, learn English, and become part of New York's diverse cultural fabric.

ONA's work is enhanced by the New Americans Hotline (800-566-7636), where individuals can obtain free, multilingual services, referrals to ONA partners, and file fraud complaints. In addition to providing free, direct

assistance to individuals, ONA's partners offer seminars and meetings to educate New Yorkers on a variety of issues of interest to the community, such as how to apply for a passport, how to apply for college, what to do if/when immigration officers come to their homes, what avenues are available for victims of domestic violence, and more.

Other landmark programs include a statewide network of ONA Navigators who provide accurate and reliable information to immigrant and refugee communities and a first-in-the-nation program to support parents and families caring for unaccompanied and/or undocumented children.

ONA also administers the Liberty Defense Project (LDP), the nation's first state-led project that assists immigrants - regardless of status - with obtaining access to legal services and process. The LDP provides essential legal services on deportation defense, direct representation, consultations, application assistance and more. LDP partners are available to assist immigrants with asylum, Violence Against Women Act (VAWA), and U and T visa applications.

New Employment Recruitment Initiative

[The New York State Office of General Services](#) (OGS) has initiated a recruitment campaign to broaden its candidate pools, specifically focusing on underserved populations experiencing chronic unemployment and/or barriers to employment based upon life experiences.

Through a partnership with the [New York State Office for the Prevention of Domestic Violence](#), OGS aims to connect with domestic violence programs to include survivors of domestic violence in its efforts to attract potential candidates to fill current and future position vacancies.

OGS offers a broad array of opportunities across a wide spectrum of occupations, from entry-level clerical, administrative, technical and professional jobs. In most instances, employment opens the door to the full-range of benefits associated with state employment:

- Health, dental, vision and hearing benefits;
- Paid leave;
- New York State Retirement System membership;
- Tuition reimbursement Programs to

support college study;

- Professional development programs to refine existing skills and develop enhanced skills to create opportunities for career advancement.

For more information, please contact [Elatisha Kirnon](#), OGS Diversity and Equal Employment Opportunity Officer, at 518-486-9399, or [Alicia Borns](#), OPDV's Director of Family and Victim Resources, at 518-457-5813.

SUNY Immigrant and International Victims of Violence

While sexual and interpersonal violence affects individuals across communities, the effect on documented and undocumented immigrants may be compounded by challenges in accessing resources and services, and fears that they are not protected under the law. Immigrants, international students and community members may not know that they have certain rights and resources available to them if they are the victim of a crime.

The State University of New York, in partnership with experts from across the country, developed [the SUNY Visa and Immigration online resource](#), which provides top-level information

to immigrant and international victims/survivors of sexual or interpersonal violence. Available to any college, nonprofit, or government agency, the resource includes how to report an incident, the U and T visa statuses, options under F-1, J-1, H-1B, O-1, E-3, and TN visas, and where to locate immigration lawyers.

Funding from the state Department of Health allowed SUNY to translate the online resource into 120 languages and provide access to customized, translated Excel documents, which allow for additional customization (for instance, a domestic violence shelter may delete the section about on campus reporting) to

assist victims/survivors outside a college environment.

Like the SAVR violence response resource, and Education Law 129-B translations, the SUNY Visa and Immigration resource is free and may be customized or further edited by any non-commercial user (as long as it is not sold or commercialized).

For more information, email Joe Storch or visit <http://www.tinyurl.com/SUNYvisa>.

NYS Office for the Prevention of Domestic Violence www.opdv.ny.gov

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