

The Interconnectedness of immigration and other courts

By: Samantha M. Salamon

Date: Sept. 21, 2023



About me:





Other things:



"do you remember?"

me:





**And
these:**





Why does
this
matter?

6 GUIDING PRINCIPLES TO A TRAUMA-INFORMED APPROACH

The CDC's Office of Public Health Preparedness and Response (OPHPR), in collaboration with SAMHSA's National Center for Trauma-Informed Care (NCTIC), developed and led a new training for OPHPR employees about the role of trauma-informed care during public health emergencies. The training aimed to increase responder awareness of the impact that trauma can have in the communities where they work. Participants learned SAMHSA'S six principles that guide a trauma-informed approach, including:



Adopting a trauma-informed approach is not accomplished through any single particular technique or checklist. It requires constant attention, caring awareness, sensitivity, and possibly a cultural change at an organizational level. On-going internal organizational assessment and quality improvement, as well as engagement with community stakeholders, will help to imbed this approach which can be augmented with organizational development and practice improvement. The training provided by OPHPR and NCTIC was the first step for CDC to view emergency preparedness and response through a trauma-informed lens.

Trauma

Trauma Responsiveness (in a culturally-humble manner)

Let's see how to do that...

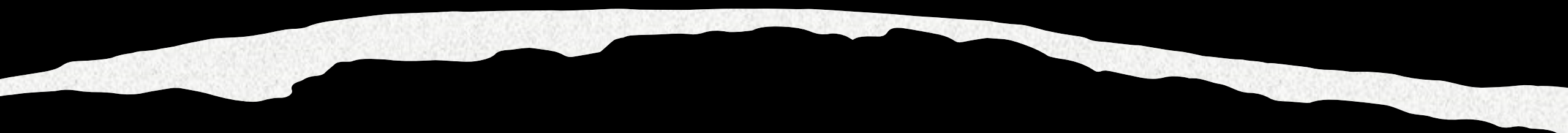
Objectives:

Learning basic immigration terminology and an overview of the U.S. immigration system

Understanding culture and the impacts of immigration in civil courts

Best practices and dissect practical scenarios when working with immigrants/refugees

Understanding Immigration



Immigration Terminology

Immigrant - a person that has the intent of coming to America and staying in America permanently.

Refugee - a person who has been displaced from their home country and must flee to another country to escape danger.



Refugee Resettlement Process

- Can take 12- 36 months to get selected to resettle to a country
- Must take a medical exam and be cleared before getting to resettle in another country
- Once a country is selected refugees will watch a video on the culture of where they are going and then given a travel loan for airfare which they pay back once resettled
- Once arrived in the United States they are matched with a resettlement agency



- U.S. resettlement agencies are required to provide a community orientation within a refugee's first 90 days on the following subjects:

- The role of the resettlement agency
- Health & hygiene
- Safety (police & fire)
- Transportation
- Financial/Money Management
- Education & Learning English
- Housing
- Employment
- Community Services
- Rights & Responsibilities (as well as immigration completion requirements & U.S. laws)
- Cultural Adjustment

**Connecting
with resettlement agency**

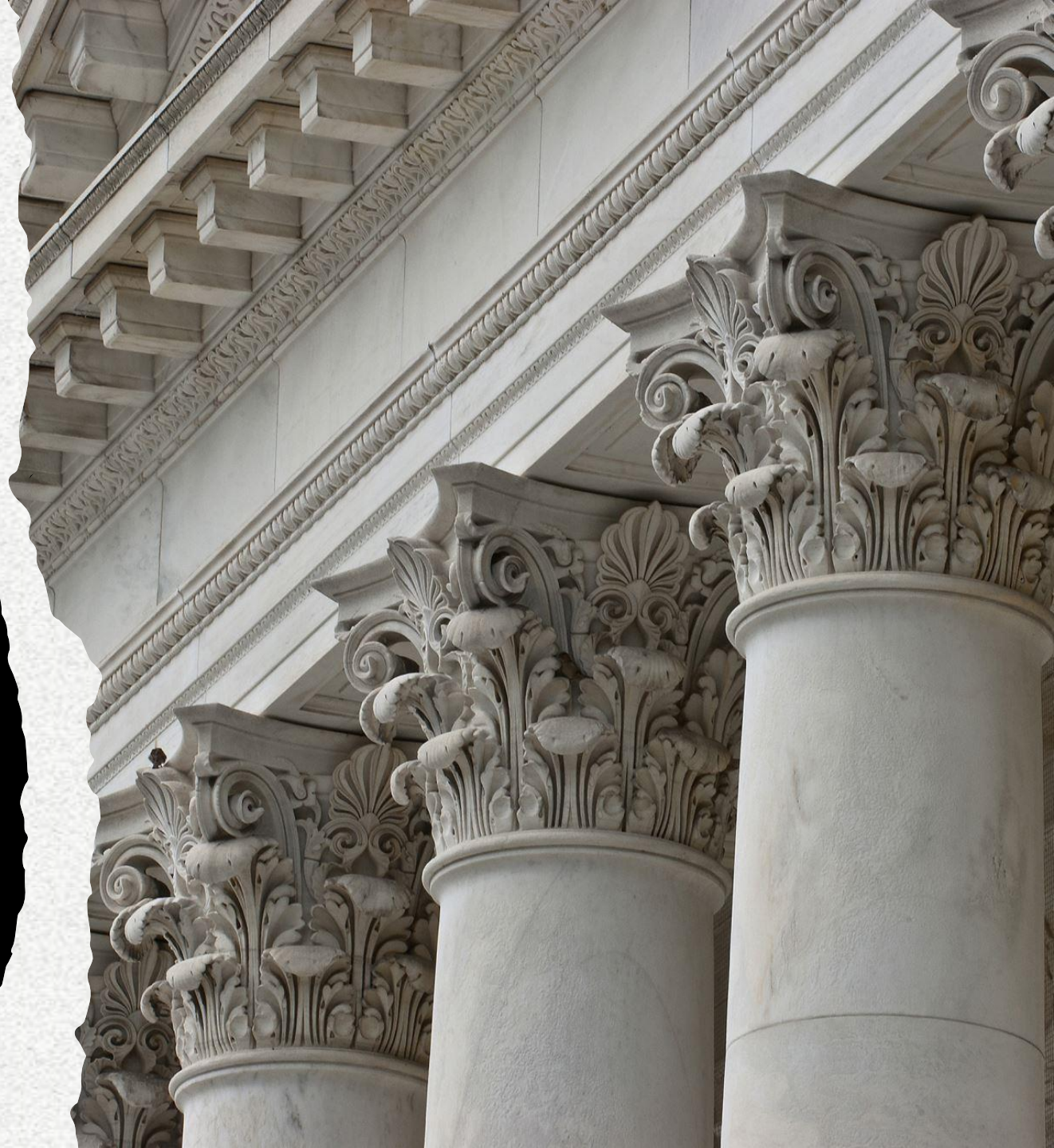
Immigration Terminology Continued



- Alien
- Asylee/Asylum
- Green card
- Lawful Permanent Resident
- Work Authorization
- Visa
- USCIS (United States Customs and Immigration Services)
- Undocumented
- ICE (Immigration and Customs Enforcement)

Immigration Legal System

- Federal law system
 - Court precedent changes depending upon the U.S. Attorney General
- Area of law that can change frequently and with each administration
- Immigration status intertwines with everyday life of non-US citizen
 - Admission of immigration status could be detrimental to the non-US citizen
- **Deportation is ALWAYS a concern when working with non-US citizens**
- Department of Homeland Security can subpoena everything



How do people come to America?

Visitor/tourist visa

Refugee

Student visa

Marriage/fiance visa

Family

Investors

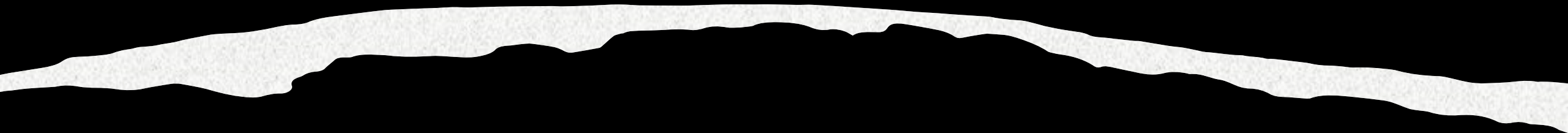
Employment (special talents visa)

How do people stay in the US?



- Marry a U.S. citizen
- Apply for asylum
- **Be a victim of a qualifying crime**
 - **VAWA**
 - **Human trafficking (T-visa)**
 - **U-visa**
- Employment after schooling

Culture





**What
encompasses
someone's
culture?**

Go to [Menti.com](https://www.menti.com)
Use code: 44248158

Culture: An umbrella term that describes characteristics of a particular group which encompasses social norms, beliefs, language, arts, laws and habits of individuals within that group.



Communication styles

It affects thinking, growth, sense of identity and community, and decision making

Determine a sense of belonging and security

Helps people relate to one another

Intertwines with everything we do and how we react to trauma and coping mechanisms

Identifies support systems

Power dynamics of the dominant culture

All ethnic groups have unique cultural identities

Acknowledgement of the latitude of oppression (horizontal vs. vertical)



Holistically understanding the I & R Experience

■ Diverse Backgrounds

- Immigrants come from diverse cultural, linguistic, and socio-economic backgrounds.

■ Reasons for Immigration

- People immigrate for various reasons, including seeking better economic opportunities, reuniting with family, escaping persecution, or pursuing education.

■ Cultural Adjustment

- Immigrants often face the challenge of adapting to a new culture, language, and way of life.
- This adjustment can lead to feelings of isolation and cultural identity struggles.

■ Legal Hurdles

- Navigating complex immigration laws and procedures can be daunting.
- The legal status of immigrants can profoundly impact their experiences and access to resources.



Continue...

- Economic Struggles:**

- Many immigrants face economic challenges, such as underemployment or wage disparities.
- Economic stability is often a key driver for immigration.

- Family Separation:**

- Immigration can result in family members being separated for extended periods due to visa processes or deportation.
- These separations can cause emotional distress and impact family dynamics.

- Discrimination and Bias:**

- Immigrants may experience discrimination, bias, or xenophobia, which can affect their sense of belonging and well-being.

- Access to Services:**

- Language barriers can further hinder access to these essential services.

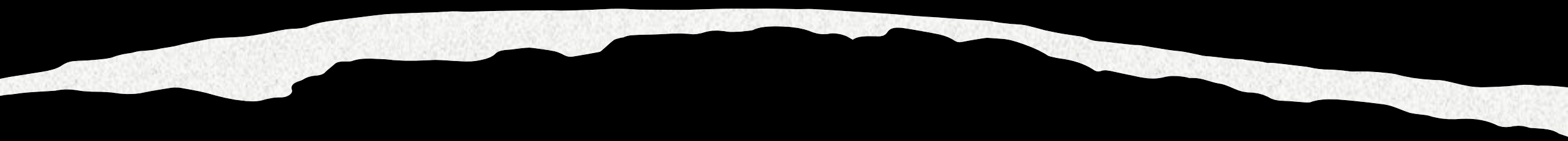
- Immigration Trauma:**

- Experiences related to migration, such as fleeing conflict or surviving dangerous journeys, can lead to trauma.
- Mental health challenges may be prevalent among immigrant populations.

The background of the image is a dark, textured surface covered with numerous question marks. The question marks are rendered in a 3D style, with some appearing in a light tan or gold color and others in a dark charcoal or black color. They are scattered across the frame, creating a sense of depth and repetition. The lighting is soft, highlighting the edges of the question marks and giving them a slightly metallic or glossy appearance.

**THE BIGGEST PROBLEM
OF THEM ALL....**

Language Access



Do you have adequate interpretation/translation services available?

- Do you have access to interpreters?
- Do you know how to access the right dialect interpreter?
- Do you know how to get an interpreter?
- Do you have important materials translated?
- If you know a client only speaks Swahili are you sending notices in their language? (If they know how to read their language)
- Do you know how to work with an interpreter?
- Do you know how to be trauma informed while using interpreters?
- Are you using terminology/verbiage that the interpreter can interpret?



**Are you able to
utilize language
access resources
whenever you
need to?**

Go to [Menti.com](https://menti.com)
Use code: 44248158

Reminders

If you receive federal funding it is mandatory to provide interpretation

Lack of funding does not excuse not having interpreters for clients

Key Principles:

1. Language access is difficult, but it must be taken into consideration and provided
2. Your client CANNOT make an informed decision if they cannot competently understand what you are saying
3. Many cultures would struggle in asking for interpreters, but rather simply be submissive when talking to you out of respect



Immigration in the other Courts

Courts to Focus on:

Criminal Courts

Domestic Relations: protection
orders, divorce proceedings

Juvenile Courts: D/N cases,
custody

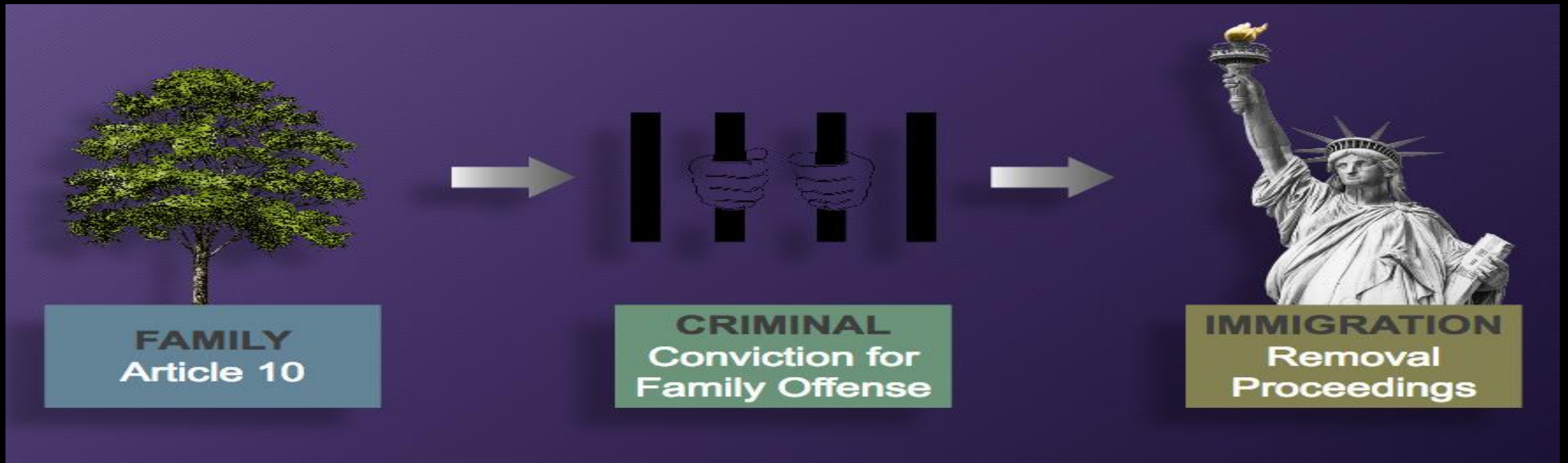
Criminal Courts

- Deportation is ALWAYS a concern for non-US citizens
 - This is contingent upon the specific charge
- Tends to be a common threat during these cases
- Lack of understanding legal proceedings and restrictions

Need to get an immigration attorney involved!



Immigration Cases in Civil Courts





Domestic Relations Courts

- Unintentional lies to the Courts
- Culturally married vs. Legal marriage
- Not understanding court orders, which could lead to criminal issues
- Custody with pending immigration statuses
- Disclosure of immigration status



Juvenile Courts



Common immigration concerns

- Unknown immigration status and impact on custody
- Child support issues
- Disclosure of immigration status
- Any other pending cases
- Contacting ICE on cases

Special Immigration Juvenile Status (SIJS)

- If you are in the United States and need the protection of a juvenile court because you have been abused, abandoned or neglected by a parent
- Requirements:
 - Must be under 21,
 - Currently living in the U.S
 - Be unmarried,
 - A valid Juvenile Court order saying you have been identified as abandoned or within Child Services custody and cannot be reunified with parents due to A/D/N or other comparable state law
 - Must be completed in good faith
- Special procedure in completing this process – talk to an immigration attorney!

Common cultural concerns

- Cultural norms vs. US expectations
 - Punishment/discipline
 - Multi-generational homes
 - Foods/eating habits
 - Sleeping habits
 - Personal hygiene
 - Parenting styles
- Education levels of parents
- Traditional gender roles
- Competent language access
 - DO NOT USE THE CHILDREN TO INTERPRET FOR PARENTS!
- Understanding court requirements or case plans
- Understanding the role of personnel





From a Refugee's voice: Our struggles in court cases

- Language Barriers
- Limited legal Knowledge
- Access to legal Representation
- Fear of Immigration Consequences
- Documentation and Evidence
- Discrimination and Bias
- Financial Struggles
- Complex legal procedures
- Family and community pressure
- Cultural and social differences

Best Practices for Practitioners

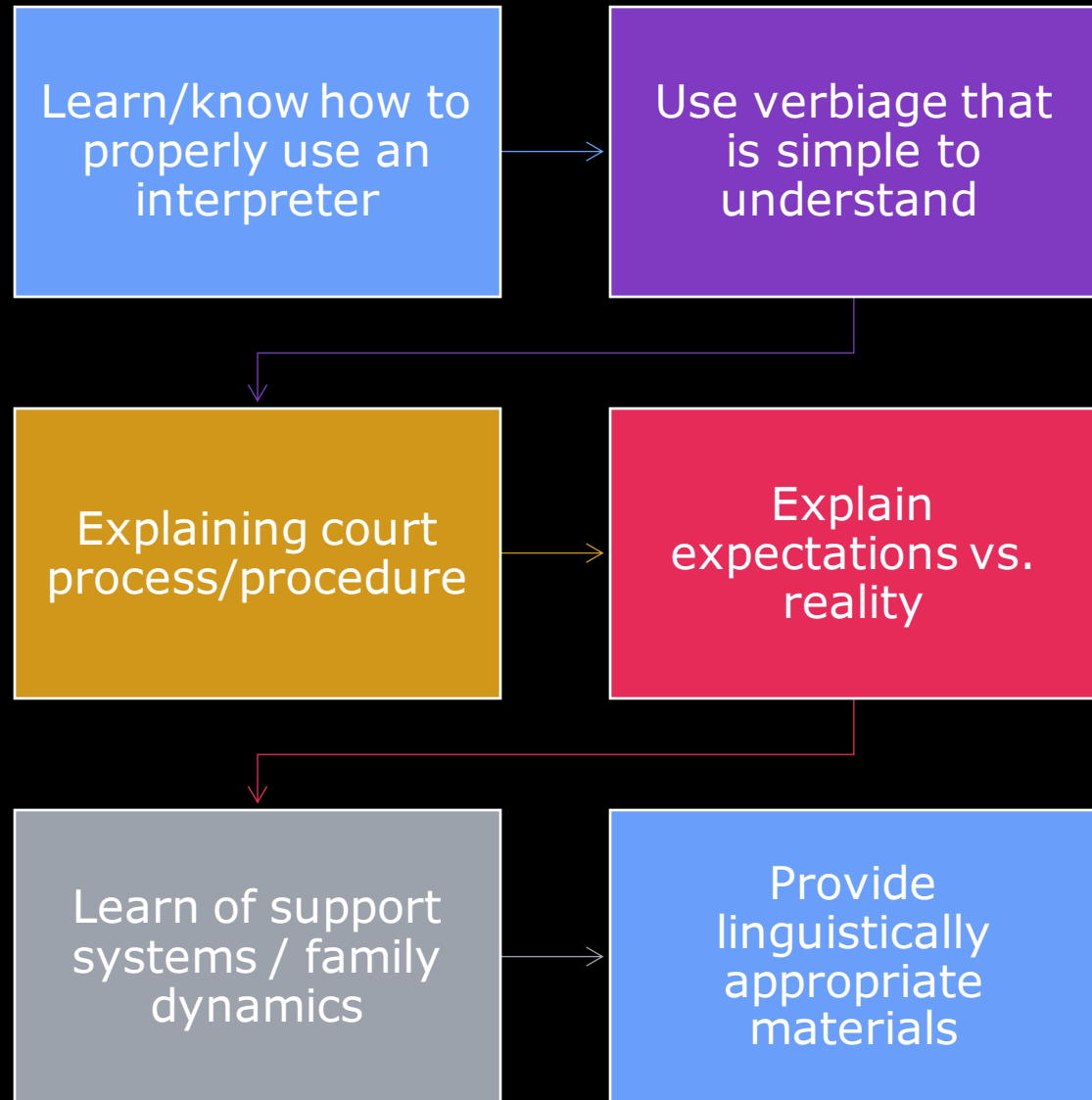




1. Know your limitations!!
2. Providing non-biased competent interpreter

3. Do not document your client's immigration status on ANY of your materials
4. Thoroughly explain your roll and the roll of everyone in the court case
5. Learn about the client's culture, what they believe to be the correct way of handling situations, and take that into consideration
6. Learn of resources in your community to turn to for help

When communicating with client/family:





Case Study

Meet Sapan

- Nepali refugee woman, 19 years old with a 7th grade education level
- Culturally married to Nar, 27-year-old Nepali refugee man
- Have one child together that is 3.5 years old
- Nar's family lives close and Sapan's family is in PA
- Nar was physically abusive towards Sapan
- Neighbor called the police and Nar was arrested on DV and child endangering charges
- Sapan brought Nar back into the home and children services removed their child and appointed a CASA worker to their case

Identifiable issues:



- Language access
 - Immigration status of the couple
 - Low education level – lack of understanding/knowledge of legal proceeding
 - Possibly financially dependent on Nar
 - No support system of her own around
 - Issues of when she got pregnant
- Potentially wants to stay with Nar (abuser)

CONTACT INFORMATION

Name: Samantha Salamon

Agency: Asian Services in Action, Inc.

Email: Salamon@asiaohio.org

Phone: 3305353263

