EXPLORING BARRIERS TO U VISA CERTIFICATION FOR VICTIMS OF DOMESTIC VIOLENCE: A QUALITATIVE STUDY INVESTIGATING SERVICE PROVIDERS’ SOLUTIONS TO OVERCOMING CERTIFICATION CHALLENGES

A Thesis Presented to the Faculty of California State University, Stanislaus

In Partial Fulfillment of the Requirements for the Degree of Master of Social Work

By Irma Ochoa
May 2015
EXPLORING BARRIERS TO U VISA CERTIFICATION FOR VICTIMS OF DOMESTIC VIOLENCE: A QUALITATIVE STUDY INVESTIGATING SERVICE PROVIDERS’ SOLUTIONS TO OVERCOMING CERTIFICATION CHALLENGES

by
Irma Ochoa

Signed Certification of Approval Page is on file with the University Library

John A. Garcia, PhD.
Professor of Social Work

Katie Galvin, PhD.
Assistant Professor of Social Work
DEDICATION

This thesis is dedicated to all of my family members because this work could have not been completed without their support. Thank you for every part of the support, especially for watching my most precious little person, Adair. I love you guys!

I also want to give special thanks to my Mom for supporting me through this whole process and for being there to take care of my son and listening to me in my stressful moments. Thank you.

To my husband: Thank you for supporting me through my whole educational process, which has been many, many years. I know that I could have not done this without your support, love, and patience. I especially want to thank you for always believing in me, even in the times when I did not believe in myself. I am so grateful to have you. To Adair: You have been my motivation to continue pushing through this process I am blessed to have you as my son.

This thesis is also dedicated to the members of the undocumented community who continue to live in the shadows. I pray this community will soon be blessed with the opportunity to obtain legal status in the United States and become an inclusive part of this society to be invisible no more. To all of these people and my family that continues to fight through the challenges of a broken immigration system, this piece of work is especially for you.
Esta tesis está dedicada a toda mi familia, porque este trabajo no se puede haber logrado sin su apoyo. Gracias por todo, sobre todo por a ver cuidado de mi preciosa pequeña persona Adair. Los Amo a todos!

Yo también quiero dar un agradecimiento especial a mi madre por apoyar me a través de este proceso, estando siempre conmigo cuando más lo necesitaba, por cuidar de Adair, por escuchar me en mis momentos de estrés. Gracias.

A mi esposo gracias por apoyar me a través de mi proceso educativo en su totalidad que han sido muchos, muchos años. Sé que no podría haber hecho esto sin tu apoyo, amor y paciencia. Te quiero dar especialmente las gracias por siempre creer en mí, incluso en ocasiones en las que yo no podía. Estoy tan agradecida por tenerte. A Adair que ha sido mi motivación para seguir adelante durante este proceso, tengo la bendición de contar contigo como mi hijo.

Esta tesis está dedicada a la comunidad indocumentada que continua viviendo en las sombras. Le pido a dios que pronto esta comunidad este bendecida con la oportunidad de obtener estatus legal en los Estados Unidos, y ser un parte más de esta sociedad, y no ser invisible ya más. A todas estas personas y a mi familia que sigue luchando a través de los desafíos de un sistema de inmigración roto, este trabajo es especialmente para ustedes.
ACKNOWLEDGEMENTS

I want to start by giving thanks to God for being by my side during this journey and for being my support in some of my most difficult times.

I would also like to acknowledge my thesis chair, Dr. John Garcia, and my reader, Katie Galvin, for their support, patience, and guidance through this entire journey. Thank you.

I also want—and need—to acknowledge a wonderful organization of which I have had the privilege of being part of during the last six years of my life. Thanks to all of my Haven co-workers/friends who have supported me through this and many other journeys. A special thanks to my shelter family—Roberta, Frances, Judy, Rachel, and Belinda. I will always carry a part of Haven and the people I have met along the way. Thank you, Haven Women Center.
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dedication</td>
<td>iv</td>
</tr>
<tr>
<td>Acknowledgements</td>
<td>vi</td>
</tr>
<tr>
<td>List of Tables</td>
<td>ix</td>
</tr>
<tr>
<td>Abstract</td>
<td>x</td>
</tr>
<tr>
<td><strong>CHAPTER</strong></td>
<td></td>
</tr>
<tr>
<td>I. Introduction</td>
<td>1</td>
</tr>
<tr>
<td>- Statement of the Problem</td>
<td>1</td>
</tr>
<tr>
<td>- Statement of the Purpose</td>
<td>5</td>
</tr>
<tr>
<td>- Significance of the Study</td>
<td>6</td>
</tr>
<tr>
<td>II. Literature Review</td>
<td>8</td>
</tr>
<tr>
<td>- Overview</td>
<td>8</td>
</tr>
<tr>
<td>- Process of the U visa From Certification to Completion</td>
<td>8</td>
</tr>
<tr>
<td>- Exploring the Problem</td>
<td>10</td>
</tr>
<tr>
<td>- Obtaining Successful Certification</td>
<td>13</td>
</tr>
<tr>
<td>- Who Benefits from the U Visa?</td>
<td>17</td>
</tr>
<tr>
<td>III. Methodology</td>
<td>19</td>
</tr>
<tr>
<td>- Overview</td>
<td>19</td>
</tr>
<tr>
<td>- Research Design</td>
<td>19</td>
</tr>
<tr>
<td>- Sampling Plan</td>
<td>20</td>
</tr>
<tr>
<td>- Instrumentation</td>
<td>21</td>
</tr>
<tr>
<td>- Data Collection</td>
<td>21</td>
</tr>
<tr>
<td>- Plan for Data Analysis</td>
<td>23</td>
</tr>
<tr>
<td>- Protection of Human Subjects</td>
<td>23</td>
</tr>
<tr>
<td>IV. Results</td>
<td>25</td>
</tr>
<tr>
<td>- Overview of Sample</td>
<td>25</td>
</tr>
<tr>
<td>- Barriers and Challenges</td>
<td>26</td>
</tr>
<tr>
<td>- Service Providers’ Solutions to Overcoming Certification Challenges</td>
<td>32</td>
</tr>
<tr>
<td>- Effectiveness of the U visa Policy</td>
<td>35</td>
</tr>
</tbody>
</table>
## Summary .................................................................................................................. 37

### V. Discussion ........................................................................................................ 39

- **Overview** ............................................................................................................. 39
- **Major Findings** ..................................................................................................... 39
- **Findings as they Relate to Existing Knowledge** .................................................. 40
- **Limitations** ........................................................................................................... 46
- **Implications for Social Work Practice and Policy** .............................................. 46
- **Recommendations for Future Research** ................................................................. 48

## References ............................................................................................................ 50

### Appendices

- A. **Interview Questions** .......................................................................................... 56
- B. **Informed Consent** ............................................................................................... 58
LIST OF TABLES

<table>
<thead>
<tr>
<th>TABLE</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Reasons Certifiers Give for Not Signing Certifications</td>
<td>12</td>
</tr>
<tr>
<td>2. Victim Visa Roulette by City</td>
<td>14</td>
</tr>
</tbody>
</table>
ABSTRACT

The U visa is currently one immigration policy that can assist undocumented victims of domestic violence obtain legal status to be in the United States. The purpose of the study was to explore the barriers that service providers face when attempting to obtain U visa certification on behalf of an undocumented domestic violence victim and the strategies used by service providers for successful certification. The study was a qualitative method and exploratory research effort that was guided by two major questions pertaining to the barriers that service providers face when attempting to obtain a U visa certification on behalf of their clients and the practices that service providers use for certification success. Additionally, a service provider’s perspective on the effectiveness of the U visa policy was explored. A total of five participants’ responses from in-depth interviews were analyzed in this study. The major findings of the barriers certification were categorized according to themes, policy interpretation, and erroneous policy practices, as well as victims’ challenges to certification. The major findings for solutions to certification were categorized according to the education of authorized signing agencies, collaborative relationships, and disciplinary expertise. The policy was seen by the participants as effective if appropriately and effectively implemented by certifiers. The findings of this study revealed a need to educate and establish collaborative relationships within certifiers for successful certification and knowledgeable service providers for effective U visa certifications.
CHAPTER I

INTRODUCTION

Statement of the Problem

Violence toward women continues to be a prevalent global issue. According to the World Health Organization, 35% of women worldwide have experienced either physical or sexual intimate partner violence or non-partner sexual violence (2013). According to the U.S. Department of Justice, the majority of intimate partner violence was committed against females (82%) compared to males (18%); this statistic includes current or former spouses, boyfriends, and girlfriends (Truman & Morgan, 2014). The prevalence of violence against women, and in particular domestic violence, can be hard to determine since violence happens behind closed doors and is fittingly described as the “hidden war” (Abrams, 2008). Within the undocumented community, this battle unfolds with unique challenges that are difficult to resolve (Abrams, 2008). Lack of legal status in the United States is one of the most difficult issues for an undocumented victim of domestic violence to face, often contributing to the barriers that prevent women from leaving an abusive partner (Hass, Dutton, & Orloff, 2000). Other barriers that exist include: lack of knowledge regarding the American legal system, fear of deportation, and language, cultural, and economic barriers, all of which exacerbate the ability for domestic violence victims to free themselves from abusive partners (National Immigrant Family Violence Institute, n.d., p. 2–3).
The legal system can be intimidating, especially when women’s home countries have legal systems that can be unfavorable to women’s rights and their safety. An example of this is one common law that many women from Mexico assume to exist in this country, which is known as “Abandono de Hogar” (abandonment of the home). Under this law, which exists in Mexico, a woman may lose her children if she leaves them for a certain period of time, even if it is for safety reason (Vidales, 2010). Fortunately, this law does not exist in the U.S., but knowledge of the judicial systems in the victims’ own countries, combined with the controlling attitudes of their abusers, have often instilled in women who suffer from domestic violence a fear of trying to escape.

Along with fear of the legal system, for undocumented women, there is also the fear of deportation. Studies have found that a major reason that victims fail to seek help or report the abuse is precisely due to the fear of deportation (Reina, Lohman, & Maldonado, 2014). Another huge hurdle faced by domestic violence victims who are undocumented is lack of monetary funds. If women are undocumented and under the strict control of their abusers’ finances, lack of self-sufficiency becomes a huge barrier for many of them to overcome. Without legal status, most cannot obtain employment to support their getting out of an abusive relationship (Reina, Lohman, & Maldonado, 2014). Therefore, exploring current policies and implementation of these policies is crucial to addressing barriers that hinder the ability of undocumented immigrants from leaving an abusive relationship.
Recognizing the need to investigate and prosecute violent crimes against women, the Clinton administration, in 1994, was motivated to develop legislation aimed at protecting the lives of such women by passing the Violence against Women Act (VAWA-I). The VAWA-I included provisions allowing abused spouses of U.S. citizens or permanent residents an avenue for obtaining legal status without having to rely on their abusive spouses to gain this status (Clark, 2002). Though helpful, the benefits were limited to people married to U.S citizens or permanent residents. In 2000, the Battered Immigrant Women Protection Act (BIWPA) was passed, providing a new type of immigration relief for immigrant victims of violent crimes named the U nonimmigrant status, also known as the “U” visa and victims of sexual assault or trafficking providing the “T” visas, all allowing victims of violent crimes and trafficking the possibility of obtaining temporary residence (Battered Immigrant Women Protection Act 2000). The purpose of the U visa is to “facilitate the reporting of crimes to law enforcement officials by trafficked, exploited, victimized and abused aliens who are not in lawful immigration status… while offering status protection to victims of such offenses in keeping with the humanitarian interests of the United States” (Victims of Trafficking and Violence Protection Act of 2000) Yet, the goal of such an act has not come without difficulties due to one of the core requirements of U visa eligibility, specifically, certification. Certification is the possession of a signed form from a certifying agency that confirms to the United States Citizenship and Immigration Services (USCIS) that a qualifying crime has occurred and that the
victim was helpful, is being helpful, or is likely to be helpful in the investigation or prosecution of criminal activity (Department of Homeland Security, 2012, p. 2)

A valid certifying agent, as stated by USCIS agencies include all authorities responsible for the investigation, prosecution, conviction or sentencing of the qualifying criminal activity. Some of these agents include law enforcement agencies, local prosecutors’ offices and other federal and state departments (Department of Homeland Security, 2012). In addition to this provision, USCIS states that those who are allowed to sign the form need to hold a supervisory role and be responsible for issuing certificates of helpfulness, though USCIS does allow the agency to designate another certifying official if it chooses to do so (Department of Homeland Security 2012). Without an agency certification, the U visa application is denied. Although DHS authorizes these agencies to sign the U visa certification, “an agency’s decision to provide a certification is entirely discretionary” (Lindsey, 2013, p. 2068-2069). This discretionary component leaves room for challenges through the certification process and additional barriers for those who seek it.

Discretionary action for certification, along with a reduced number of certifying agents to approve a U visa, is only part of the problem. The National Immigrant Women’s Advocacy Project (NIWAP) conducted a study exploring the experiences of service providers with U visa certification in which it highlighted 18 of the most frequent reasons why certifications were denied. Most of the reasons law enforcement gave indicated a lack of understanding regarding policy practices (Lee, Quinones, Ammar, & Orloff, 2013). NIWAP’s study found that law enforcement
agencies that have ongoing collaborative relationships with victim advocacy and legal services agencies are four times (79.2%) more likely to sign U visa certifications actively than those who are not (20.8%) (Lee et al., 2013). In addition to a lack of understanding, “lack of language access to formal systems of help prevent immigrant victims from accumulating the evidence they need to apply for a U visa… or follow up with the tasks of the visa process until completion” (Hass, Yang, Monahan, Orloff, & Anver, 2014, p. 10). Many of the barriers to certification have been reduced through service providers such as pro-bono attorneys, legal services, social services organizations, domestic violence and sexual assault agencies, law enforcement, and prosecutors’ offices (Lee, Quinones, Ammar, & Orloff, 2013). Therefore, exploring how these agencies assist in obtaining successful certification is a key to this study. This knowledge, in turn, will assist both policy developers and policy implementers to address one of the barriers that hinders the ability of undocumented immigrants to leave an abusive relationship – obtaining U visa certification.

**Statement of Purpose**

The purpose of the study is to explore the barriers that service providers face when attempting to obtain U visa certification on behalf of an undocumented domestic violence victim along with effective approaches used to obtain certification. The questions guiding this study are: 1) what are the barriers that service providers face when attempting to obtain a U visa certification on behalf of their clients? and 2) what are the strategies and practices that service providers have used for certification success? The intent of this study was to obtain insight on how service providers
accomplish successful certification and barriers that impede certification, thus providing social workers information and tools to better assist immigrant’s victims of domestic violence obtain higher and more successful certification and in the hope that this will lead to a pathway to legal permanency in the United States. Lastly, service providers were asked on the effectiveness of the policy and if they believed it was providing the assistance Congress intended it to provide to victims and law enforcement.

**Significance of the Study**

The information gathered from this study is projected to provide a greater base of knowledge about immigration policies that specifically support undocumented immigrant victims of domestic violence and sexual assault. Given the additional challenges that undocumented immigrants face when leaving abusive relationships, the U visa should not be another obstacle they need to overcome. Therefore, exploring how agencies can successfully assist in obtaining U visa certification will be an important part of this study and findings will assist other agencies and social workers to propagate the execution of successful certification processes.

With stronger implementation processes in place, better success rates can be achieved and this can ultimately create an avenue for the kind of legal residency that so many of these women need to leave their abusive relationships. As social workers, it is our ethical responsibility to provide efficient social justice advocacy to the most vulnerable populations by continuously acquiring knowledge regarding policy through research and law (National Association of Social Workers [NASW], 2008).
Not only does this increased knowledge in matters of policy help social workers better serve vulnerable populations, but it also helps us understand the role that macro systems such as the justice system, immigration laws, and local service providers can play in deconstructing systematic barriers that impede a successful implementation of policies.
CHAPTER II
LITERATURE REVIEW

Overview

This chapter examines various fundamental points from existing literature in order to obtain a better understanding of the factors that constitute successful U Visa certification. It also describes some of the challenges that are most prominent for service providers. Therefore, in order to better understand the significance of a U Visa Certification, a brief overview of the U visa process is explained. Finally, this chapter explores the benefits of the U Visa and who is most likely to benefit from such policy.

Process of the U visa from Certification to Completion

The U visa is a four year temporary visa created under the Victims of Trafficking and Violence Prevention Act of 2000. The intent of this policy has been to strengthen the ability of law enforcement agencies to detect, investigate, and prosecute cases of domestic violence, sexual assault, human trafficking, and other crimes; and to offer protection to victims of such crimes (Victims of Trafficking and Violence Protection Act of 2000). The first step before petitioning for the U visa is determining if eligibility requirements have been met before proceeding. Eligibility components are as follows: (a) the individual needs to have suffered substantial physical or mental abuse as a result of having been a victim of a qualifying criminal activity; (b) has information concerning the crime; (c) has been helpful, is being helpful, or is likely to be helpful in the investigation or prosecution of the crime; (d)
and the crime needs to have occurred in the United States or violated a U.S. federal law (USCIS, 2014). The qualifying criminal activity is defined by USCIS as a list of activities that violate Federal, State, or local criminal law, from murder, rape, torture, sexual exploitation, and extortion to witness tampering, obstruction of justice, false imprisonment, domestic violence sexual abuse, trafficking and other crimes which vulnerable immigrants are often targeted (USCIS, 2014). After eligibility requirements have been met the victim may petition for “U Nonimmigrant Status (Form I-918)”. The second step at this point is obtaining certification of helpfulness from a certifying agent before any further action can take place. If the signature is not obtained the U visa process automatically ends and the process does not move forward.

However, if the certification is obtained the victim now has the ability to move to the next phase, which is submission of the petition. It is important to mention that certification does not automatically signify approval of the visa: who has the ultimate say is USCIS. USCIS is only able grant no more than 10,000 U nonimmigrant status visas in any given fiscal year, October 1 through September 30. If the cap is reached in that fiscal year before all petitions are decided, USCIS creates a waiting list in which victims are expected to continue cooperating with law enforcement agencies until they are able to stabilize their immigration status. Further, petitioners assigned to the waiting list, are given deferred action; that is, they will be eligible to apply for employment authorization until their petitions can be decided after the start of the following fiscal year (USCIS, 2007). Victims of domestic
violence are one of the recipients can highly benefit from deferred action, because as they wait they are able to obtain legal work authorization, which is crucial in helping immigrant victims provide for themselves and their children (Orloff, Angel & Robinson, 2013). For most immigrant women their only means of support has been there abusive partner, and by obtaining the ability to work this brings down one of the barriers that causes many victims to go back to their partners (Erez, 2000). The ultimate anticipated outcome with the U visa is the ability to obtain a permanent resident card within 3 years before the 4 years U visa ends.

**Exploring the Problem**

Nevertheless, if the victim is obtaining a work permit or waiting for the highly anticipated permanent resident card nothing can commence without a certifying agent signature. Yet, time after time there has been an inconsistency in how the eligibility requirements are interpreted. Finding certifying agents willing to sign also becomes challenge at times.

A recently published study gave data reported by grantees of the Legal Assistance for Victims Grant Program, whose job is to provide legal aid to victims of domestic violence, sexual assault and stalking. Grantees report and submit information on services provided to victims semi-annually and is the data that was used for the study. The study gathered data from 2007-2008 and analyzed the barriers and successes that the grantees’ reports indicated. After reviewing the data they were able to come up with some of the most common obstacles that emerged when it came to U visa certification (Hass et al., 2014). Some of the common themes include: some
of the police departments had erroneous policies and practices such as incorrect information about the U visa and U visa certification, did not designated anyone to sign U visa certifications and some had a policy of not signing U visa certifications. In addition to these challenges, grantees also found that if an officer’s personal view about immigrants and immigration did not concur to their own view of shared humanitarian values and common crime fighting objective, it made certification difficult. This personal view of immigrants and immigrations is one of the constant battles that continue to be a precedent issue in the United States, so it’s no surprise that biases can be and influencing factor in obtaining certification.

Lack of understanding or speaking the English language is an additional barrier immigrants face when obtaining certification. Not being able to communicate with law enforcement creates a problem because if law enforcement is unable to talk to the victim, the victim runs into the problem of a report not being taken down accurately or one not be taken at all. The police report is essential in order to be considered in having a U visa certification signed. Research by Hass et al., (2014) states the issue as a three systemic structural problem: Limited English Proficient (LEP) available services from qualified interpreter, transportation, and the interaction of civil and criminal court process. The victims’ inability to communicate with law enforcement, courts and other social service make the U Visa signature unattainable without the assistance of English proficient speaker and is why the role of service providers may be of great benefit when obtaining certification. A nationwide survey for service providers conducted through National Immigrant Women’s Advocacy
Project (NIWAP), coincided with the view languages access in the field and during legal procedures was key on assisting with certification needs of clients and the systemic barriers that impede this access (Lee et al. 2014).

Service providers, through this survey, were also able to identify one or more than one reason that agencies that were authorized to sign gave for declining to certify. There was a total of 18 most common reasons that law enforcement gave to the responding agencies for not signing certifications as illustrated bellow:

Table 1

<table>
<thead>
<tr>
<th>Reasons Certifiers Give for Not Signing Certifications</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. The criminal was not prosecuted</td>
<td>536 (12.1%)</td>
</tr>
<tr>
<td>2. The crime happening too long ago</td>
<td>534 (12.0%)</td>
</tr>
<tr>
<td>3. The criminal was not arrested</td>
<td>346 (7.8%)</td>
</tr>
<tr>
<td>4. The victim’s case was closed</td>
<td>322 (7.2%)</td>
</tr>
<tr>
<td>5. The victim did not show enough assistance</td>
<td>306 (6.9%)</td>
</tr>
<tr>
<td>6. Law enforcement has the discretion not to certify</td>
<td>300 (6.7%)</td>
</tr>
<tr>
<td>7. The victim did not have any or enough injuries</td>
<td>293 (6.6%)</td>
</tr>
<tr>
<td>8. The certifier did not feel comfortable granting legal status</td>
<td>281 (6.3%)</td>
</tr>
<tr>
<td>9. The agency does not know they can certify</td>
<td>247 (5.6%)</td>
</tr>
<tr>
<td>10. Victim may stop cooperating after u visa certification is signed</td>
<td>225 (5.1%)</td>
</tr>
<tr>
<td>11. The criminal was not identified</td>
<td>173 (3.9%)</td>
</tr>
<tr>
<td>12. Victim is a child and the parent is seeking certification</td>
<td>139 (3.1%)</td>
</tr>
<tr>
<td>13. The criminal has not been convicted</td>
<td>136 (3.1%)</td>
</tr>
<tr>
<td>14. The victim never testified</td>
<td>133 (3.0%)</td>
</tr>
<tr>
<td>15. Agency did not want to certify due to concern about liability</td>
<td>130 (2.9%)</td>
</tr>
<tr>
<td>16. Victim has a removal order or is in removal proceedings</td>
<td>130 (2.9%)</td>
</tr>
<tr>
<td>17. Victim no longer in the U.S.</td>
<td>114 (2.6%)</td>
</tr>
<tr>
<td>18. Agency has no certification policy</td>
<td>102 (2.3%)</td>
</tr>
</tbody>
</table>

Most of the listed responses in the survey reflected lack of and misperceptions of the requirement and legal restrictions of the certification process. Of the 18 reasons law enforcement gave for denying certification, none of were valid under the U visa statute, USDHS regulations or polices (Lee et al., 2013 pg.14). While a valid reason to deny certification is acceptable, the responses that many of the certifiers gave also suggest that they may be under the impression that part of their role is to determine if the victims meet “substantial physical or mental abuse,” when in reality USCIS is the only one that can determine which victim meets these standards. In working toward eliminating many of the barriers that service provider encounter when attempting to obtain U visa certification, more victims of domestic violence may be given a chance to gain legal status and leave their abusive relationships.

**Obtaining Successful Certification**

Though there continues to be barriers that service providers and victims come across as they seek certification, they also seem to be finding solutions to some of these obstacles, such as collaboration with law enforcement and alternative certification approaches. While some counties struggle with certification, others have a better turn out rate with certification. Reuters international multimedia news agency conducted a national study, including dozens of interviews, and found that there was wide spread disparities among jurisdictions in how likely law enforcement was to certify a victims U visa form, and part of the gaining certification in the United States was largely a matter of geographic location (Levin & Cooke, 2014). Reuters was able to obtain public records from U.S. Citizenship and Immigration Services that
provided zip codes from each law enforcement agency listed on over 86,000 U visa verification received by federal government between 2009 to the end of May 2014 and was able to identify cities through the zip codes and determined which cities gave the highest rate of U visa certifications (Levin & Cooke, 2014).

Table 2

_Victim Visa Roulette by City_

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Sacramento</td>
<td>300</td>
<td>466,488</td>
<td>22.1%</td>
<td>3,520</td>
<td>739</td>
</tr>
<tr>
<td>Fresno</td>
<td>492</td>
<td>496,009</td>
<td>21.2%</td>
<td>2,748</td>
<td>543</td>
</tr>
<tr>
<td>San Diego</td>
<td>893</td>
<td>1,301,621</td>
<td>26.0%</td>
<td>5,529</td>
<td>413</td>
</tr>
<tr>
<td>San Jose</td>
<td>1,430</td>
<td>982,165</td>
<td>38.2%</td>
<td>3,547</td>
<td>363</td>
</tr>
<tr>
<td>San Francisco</td>
<td>1,663</td>
<td>805,235</td>
<td>35.7%</td>
<td>5,777</td>
<td>704</td>
</tr>
<tr>
<td>Oakland</td>
<td>2,992</td>
<td>390,719</td>
<td>27.5%</td>
<td>7,963</td>
<td>1,993</td>
</tr>
<tr>
<td>Los Angeles</td>
<td>4,585</td>
<td>3,792,627</td>
<td>39.1%</td>
<td>18,547</td>
<td>481</td>
</tr>
</tbody>
</table>

*Note.* Adapted from Reuters, Special Report: U.S. Visa Program for Crime Victims is hit-or-miss prospect, by D. Levine and K. Cooke, 2014

Taking an excerpt of data presented, data analyzed for California in its self had a huge disparity between cities. For instance, comparing San Diego and San Jose, San Diego has a larger population, higher number of violent crime incidents, violent crime rate per capita and despite its lower amount of foreign born population it still illustrates a significant lower number of certifications than San Jose. The question then arises as what San Jose is implementing to achieve higher numbers of signed certifications?

Some researchers suggest that successful certification is due to some common components that make certification more accessible for service providers. Hass et al.
and Lee et al. (2014, 2013) parallel findings indicate the importance of building and sustaining collaborations between law enforcement and service providers was a helpful element for certification. Continuous collaboration has yield better and more effective results both in greater availability to U visa certification along with securing more qualified interpreters for police to communicate with LEP victims (Hass et al., 2014; Lee et al., 2013). Acquiring qualified interpreters provides law enforcement and victims a way of communicating effectively so that a report can be made, and the eligibility requirement of helpfulness can be achieved and certification can be obtained.

Another strategy that has gain positive results has been in opting to obtain certification from alternative certifiers. When law enforcement is unwilling to sign, other certifiers that may be willing to sign are, prosecutors’ offices such as district attorneys, judges, child and adult protective service workers and labor enforcement agencies (Hass et al., 2014). In addition, service providers were successful in obtaining certification by attempting to obtain law enforcement certification in other jurisdictions, though many service providers did report not looking beyond their local jurisdictions (Hass et al., 2014). One organization that has found an innovative solution in finding U visa signers is Immigration Center for Women and Children. This agency has generated a data base with the collaboration of over 700 advocate’s nationwide, providing access to a national list of designated certifiers. The purpose of the U Visa Certifiers information is to create a pool of knowledge on not only who the certifying officers are and where to send the requests, but the most updated policies
and practices nationwide (ICWC Law U Travel and Certifier Database, n.d.). Their goal is to update information on every state and federal agency, whether they do or do not sign certifications (ICWC Law U Travel and Certifier Database, n.d.). Collaborations effort such as the data base are ingenious solutions for systematical issues that cannot always be solved at a local level.

A huge component in the difficulty in obtaining certification from law enforcement is also due to the misconceptions and lack of understanding of the U visa certification process. The approach that some service providers have taken is promoting U visa participation within law enforcement agencies, by trainings and education on U visa procedures and certification process. Organizations such as Vera Institute of Justice, National Immigrant Family Violence Institute (NIFVI), and National Immigrant Women’s Advocacy Project (NIWAP) to name a few, have created law enforcement toolkits used to educate and inform law enforcement and other certifying agents on the U visa proceedings. National Immigrant Family Violence Institute (2013) believes that by education and promoting the U visa, negative attitudes from law enforcement that are so frequently affected by public opinions can be eradicated into shared humanitarian values, to create successful collaborations within victim advocates and law enforcement. By providing this type of education they are not only assisting with certification but are also enhancing the intervention and prevention strategies helpful to free abused immigrants from violent relationships and protect communities from crime.
Who Benefits from the U Visa?

Many have argued that with the U visa the undocumented community is the only one benefiting. Anti-immigrant groups and others have expressed that immigrant crime victims, especially in cases involving domestic violence, use the U visa only to seek a route to legal immigration status, and that immigrants should not be able to gain legal status solely for being helpful in a crime (McCormick, pg. 591, 2011). If used right both law enforcement and victims can benefit from this policy.

The reality is that undocumented victims of domestic violence continue to hesitate in reporting crimes because of fear of being deported and fear of losing their children (Hass et al, 2014). The U visa was implemented to improve immigration willing to call law enforcement, and without this law the possibility of domestic violence victims reporting crimes can be hindered. Vera Institute of Justice (2011) reported some of the benefits that law enforcement have stated when implementing in their communities: a stronger relationship with the communities they serve, and agencies have found that individual are also more likely to report past crimes along with immigrants increased likelihood of reaching out to police, regardless if they are to apply for legal status. This law was implemented for both the undocumented victim and law enforcement to work together for crime fighting collaboration. As stated by Hass et. al (2014),“Building and sustaining long term collaborations between law enforcement, attorneys and advocates results in the U visa being used as a crime fighting tool by law enforcement” (p.16).
It is undeniable that undocumented domestic violence immigrants are benefiting possibly at a higher level than law enforcement with this law, but the U visa was intended for it to also be used as a humanitarian policy. Undocumented immigrants who are victims of domestic violence have protections afforded to them under the U visa, which can untimely? help immigrant women have the means to escape a violent situation and protect the wellbeing of their children without the paralyzing fear of deportation (Ingram et al., 2010). It is of vital importance that service providers continue taking steps to introduce the U visa and its humanitarian and connection-building purpose in attempt to increase a cohesive approach to the policy and hopefully have more willing authorized certifiers signing.
CHAPTER III

METHODOLOGY

Overview

The purpose of this study was to explore the barriers that immigrant victims of domestic violence face when obtaining U visa certification through a service providers perspective. It also explored approaches that service providers used for the successful completion of the certification process. The overarching question that this study proposes to answer is, “What factors contribute to a successful U visa certification process in Stanislaus County?” In order to answer the question, interviews with individuals at various service provider locations in Stanislaus County were conducted as a part of this exploratory study.

Research Design

An exploratory research design was used for this study. The rationale for using this method is attributed to lack of information on this issue, which merits intensive investigation, along with the identification of implementation problems (Rubin & Babbie, 2014, p. 478). Therefore, a qualitative methodology approach was utilized in order to encompass a valid analysis of this exploratory study via in-person interviews conducted at various U visa assisting organization and agencies throughout Stanislaus County. The interviews were semi-structured in nature so that the interviewees had an opportunity to be complete with their answers, but also researchers were able to collect a plethora of data to address the research questions. In
this method of research, the key strengths are comprehensiveness of perspective, along with a deeper understanding of the participant’s perspective (Rubin & Babbie, 2014). The aim of this research design was to create open interview questions so that as much information would obtained to answer all of the aspects of the research questions. Due to issues of feasibility, this study provides a glimpse of what is happening in Stanislaus County. It did not bring in complete perspective other counties’ processes and implementation strategies related to U visa certification.

**Sampling Plan**

A nonprobability purposive sampling strategy was used for this study. It is a commonly used sampling method, based on the researcher’s own knowledge of the population sample and where participants were gathered from. (Rubin & Babbie, 2014). The researcher’s knowledge and pre-established network base in the community facilitated the purposive sampling recruitment of participants. The primary strength of this sampling type was the ability to generate a larger sample size of participants. However, the weakness of this approach is that no randomized sampling was implemented.

The study sample was compromised of various service providers who provide advocacy for, or work directly with, undocumented immigrant victims of domestic violence and sexual assault. More specifically, for the purpose of this study, a service provider was categorized as anyone who has directly worked with a client who has been a victim of domestic violence and attempted to obtain U visa certification on his or her behalf. The two requirements for participation were that (1) they belong to one
of the service groups and (2) they have previously worked with a DV client for U visa certification attainment. Those who were interviewed under the service provider title included attorneys, case managers, paralegals, district attorney victim advocates, domestic violence advocates, and legal advocates. All of those who met the previous criteria and who were willing to participate were allowed to be a part of the study.

The goal of the sampling plan was to obtain as many participants from each service provider group. A total of 5 participants were recruited for the study.

**Instrumentation**

This study includes an author-developed instrument (Appendix A) that collected demographic data on the respondents. Semi-structured interviews were administered an interview guide designed by researcher was used to elicit narratives from the participants’ perspective. The questions were divided into two groups that would answer the underlining research questions. The first group of questions focused on the successes and barriers that service providers have encountered when working with clients to obtain U visa certification. The second group of questions focused on service providers’ perceptions of their role in assisting undocumented immigrant victims of domestic violence in obtaining U visa certification. The last question in the second group referred to the service providers’ views on the U visa policy and its success in the overall implementation.

**Data Collection**

This researcher was the primary and single collector of data. The researcher compiled a listing of service providers in Stanislaus County who provided
direct immigration services or advocacy for the U visa process. The first step was to make contact with those on the list in order to solicit their participation in this study. The second step to data collection consisted in obtaining permission to conduct the research from the appropriate individual at each agency and program. If permission was needed to be granted from a supervisor, a meeting was arranged to obtain approval. Participants were informed that the interviews would be recorded for the purpose of accurate data collection along with all measures were taken to provide anonymity and keep their information private. After participants agreed to take part in the study, participants were presented with an informed consent sheet. The researcher reviewed this sheet orally and answered questions that arouse. When the participant chooses to continue, she or he signed one copy of the informed consent and returned it to the researcher.

The data were collected after hours at the site where each participant worked (and when availability was determined by participants). The interviews took less than an hour and were completed in a 2- to 3-week timeframe. One strength of this collection process was flexibility of the researcher in conducting interviews at times that worked for the participants which, ultimately created a convenience for the participant to participate. Another strength of this collection process was the current networks that the researcher had developed with the current participant group. However, one of the weaknesses of the data collection process is that no focus groups were conducted, thus making the data collection process a bit more involved and time consuming.
Plan for Data Analysis

This study followed a qualitative data analysis procedure. This procedure presented rich content that described service providers’ perspectives about U visa certification, along with narratives of successful and difficult certification attempts through the interview process. Interviewee data was gathered by using a digital voice recorder, along with some handwritten notes. After the recordings were collected, they were transcribed by using Nuance Dragan Naturally Speaking software and were revised by the researcher for accuracy. Subsequent to the transcription process, data connotation was analyzed by using Lawrence Neuman’s (2011) five-step qualitative data analysis components, which consisted of sorting and classifying, open coding to condense data into categories, axial coding to combine some of the categories, and selective coding, which was considered selectively for cases that illustrated themes and a comparison of data collection after the main data was completed. Finally, there was interpretation of the data (Neuman, 2011, pp. 510–517). Neuman’s five-step qualitative analysis was completed in collaboration with the researcher’s chair. Interpretation of the data is presented in relevant and significant interview transcription data through the use of selected quotes that are the most representative of the research findings.

Protection of Human Subjects

The researcher provided each participant with a hard copy of the informed consent form that explains the purpose of the research study and their rights and responsibilities before conducting the interview. The consent form informed the
participants of the exploratory research study about their experiences in obtaining U visa certification. It notified the participants of their right to discontinue their participation in the study at any time and their ability to refuse to answer any interview question if they choose. They were informed of any risks that may arise in the process of answering any of the questions, and the participants were informed of how the participation would assist with the questions of policy implementation of the U Visa process, along with assisting in looking at the best approach to accomplish U visa certification for others. Lastly, they were asked to sign the consent form before participating in the study. Participants were informed of the importance of their anonymity and that all measures would be taken to keep their information private. The recording device was kept in a locked location during the course of the study; the transcribed data was encrypted with a password on a Word document to protect it from inappropriate disclosure. At the end of the study, data was deleted from both the recording and computer device.
CHAPTER IV
RESULTS

The purpose of this study was to explore the barriers that hinder successful U visa certifications, along with effective practices and strategies that service providers use to obtain successful certification. The researcher engaged in discussions with participants using seven main questions to obtain a solid representation of what makes a U visa certification signature possible. This chapter presents the results of the study, guided by the following research questions:

1. What are the barriers that service providers face when attempting to obtain a U visa certification on behalf of their clients?
2. What are the strategies and practices that service providers have used for certification success?

Lastly, the seventh and last question on the interview was used to obtain a service provider’s perspective on effectiveness of the U visa policy as it pertains to assisting law enforcement ability to investigate and prosecute cases and while also offering protections to the victims as proposed by Congress. Results are organized by the following pattern and themes: Barriers and challenges, service providers’ solutions to overcome challenges to certification, and effectiveness of U visa policy.

Overview of Sample

The sample consisted of five service providers. The service providers were composed of two attorneys, an attorney legal office manager, a victims’ advocate
program manager, and a legal program manager. The participants’ years of experience assisting in obtaining U visa certification ranged from 6 months to 5 years. There was one male participant and four female participants in the study. All participants work in Stanislaus County; however, some assist in obtaining certification from counties other than Stanislaus County.

Participants were asked to share, based on their experience working with U visa clients, what they observed as barriers in obtaining a successful certification, along with what strategies or practices they employed in difficult certification cases. Of those responses, various themes emerged and are presented below.

**Barriers and Challenges**

The participants identified many barriers to certification that were reflective of inconsistencies to USCIS policies and regulations of the U Visa. In addition, the victim’s vulnerable position, as an undocumented immigrant and a victim of domestic violence, created a layer of additional challenges as identified by the participants. All the participants reported many barriers, but the most common were categorized under the following themes: 1) policy interpretation and erroneous policy practices and 2) victim’s challenges to certification.

**Policy Interpretation and Erroneous Policy Practices**

The participants indicated that many of the barriers were due to erroneous policy practices or interpretations of the U visa. One of the most prominent randomly interpreted essential components of qualifying for the U visa certification is the “helpfulness” of the victim to law enforcement in the investigation and prosecution of
serious crimes. Helpfulness can be the mere act of reporting a crime to law enforcement; this would then fulfill the helpfulness component. Since the law does not specifically define what is meant by “helpful” to law enforcement in the investigation and prosecution of serious crimes, it creates a challenge to certification. USCIS does provide a few guidelines to agencies certifying U visa applications but still has certifying agencies interpreting “helpfulness arbitrarily” (Gassen, n.d). Four out of the five participants indicated this as one of their reasons for denying U visa certification. One participant said,

> Usually it has to do with how recent the crime happened if the potential client was cooperative in the investigation. That counts significantly, because if they are not cooperative, the sheriff’s department or police department will not give a certification out.

Another participant expressed,

> One of the reasons that I last remember was because they said the victim didn’t directly cooperate at the time; for example, somebody called law enforcement rather than the victim because the victim was scared to talk to law enforcement. Law enforcement saw it as non-cooperation so it was difficult for the victim to get certification.

Another participant shared an example,

> The number-one reason of a denial is going to be a domestic violence situation such as where the victim states that she does not want to file charges. The police may then go ahead and file the report probably because it’s happened more than one time and possibly the victim has declined in the past. Then the case goes to the district attorney and the district attorney attempts to prosecute, but if she can’t or he can’t go to trial successfully because the victim is unwilling to testify, this would be considered lack of cooperation. So, cooperating is an aspect that is required by the U visa. Another example that I thought was a little bit odd was a case where the victim did cooperate and did tell the truth and when the case went to court after the defendant was convicted and … they got a successful conviction, she filed to take away the restraining order and that was the reason for denial. So that is also a cautionary situation.
Yet another participant shared,

It was a situation where the sheriff declined to investigate a home invasion assault. And despite the sheriff declining to investigate, the sheriff’s position on the application was that the person was not helpful. But this was a misstatement of what happened in the case. But for whatever reason, the official reason was the person didn’t provide enough assistance. Would you say the agency understood the process of the U Visa? Oh yes! I taught them myself.

Since the signing of the certification is discretionary, many certifiers can interpret helpfulness subjectively and thus create challenges for certification. In addition to this component, two participants also shared that the lack of follow-through by domestic violence victims was because of fear for their safety and of deportation. One participant gave an example,

One unsuccessful certification was from Washington. We tried advocating for a client multiple times. They kept sending us from one person to another person following a list of different police departments. Finally, they said that they would not be able to sign it because it was out of their jurisdiction. I contacted the Domestic Violence Women’s Center over there to see if we could work together to advocate for her. We really did not get a good response from law enforcement. It was more like she did not cooperate. It was A, B, and C—they didn’t sign it. What was their reason? Not cooperating. There being multiple incidents, according to them she didn’t do what they wanted her to do, such as reporting or testifying. Not being helpful enough? Yes, her concern at that time was just her safety. She just wanted to leave. And because of that, they counted that as not cooperating.

The second most common and evident theme was the lack of knowledge or understanding of U Visa policy. One participant stated, “We needed to explain that a lot of times it’s about lack of understanding on the policy side because law enforcement does not really do this, because it’s immigration law.” Another participant expressed,
I believe that there is a misconception, and I am not generalizing here. It’s just my observation of one particular incident where the record department was thinking or under the impression that by signing the certification, they were granting or giving pathway for the person to obtain a green card.

Although this policy is geared to eventually provide some legal status to a victim, the signed certification is only a piece of evidence that the victim has to prove they have been helpful. But the actual approval of the U visa is determined by USCIS (Hass, 2014).

Another participant shared,

I think that not everybody knows of the U visa in law enforcement agencies. I don’t think that everybody has seen the certificate, and so I think it’s important for the clients to have a letter explaining what she’s needing and requesting. This letter would be given to the victim to take … to law enforcement.

According to one participant, another policy practice that has been created by some certifying agencies is placing a time limit on the age of the case that they are willing to sign off on. Though no time stipulations are indicated by USCIS when it comes to the signing of certification, some agencies have decided to place this time restraint on signing off on U visas, thus making it challenging for some victims to obtain signatures in old cases. The participant stated,

“It used to be easy. Before it wouldn’t matter how long ago the crime took place; you would be able to go to the sheriff’s office and request a certification. I’m assuming it is just assumption, but because there have been huge incidents of people reporting domestic violence issues and more people are educated in regards to the U visa program, there have been a lot of people requesting you certification so they’re swamped. Now, my experience is that they have limited now whether if the crime has happened with in the last year or two or if the case that is still opened … is in this county.”
In addition, the time-restraint policies created by some agencies that foster a stance of not signing and the lack of sufficient signers for certification create a slower and arduous task. One participant stated, “By law, they do not have to sign. There is really not much you can do if they have a policy stance of not wanting to sign.” This is due to the discretionary aspect of the law part of the U visa police. It is under the discretion of every agency how they wish to set up their policy procedures (Department of Homeland Security, 2009). It was also expressed by another participant by identifying some of the counties where obtaining certification is problematic,

We found certain counties where we are less likely to take the case and we feel out law enforcement. There is San Mateo County, which is known through the community as a place that you’re not going to get certification. They’re probably the single hardest county followed by Merced County and then parts of San Joaquin County.

Another participant stated,

The barrier is even requesting the signature most of the time. The second kind of the layer of that is whether or not they even want to sign it. But even getting to the point where you get to request the signature could take months in Stanislaus, in San Joaquin, all over the place. Just in San Joaquin, who’s our neighbor, they had the DA’s office with no one who was in charge of facilitating the U visas. So people would go like a year waiting to even hear back or for a signature.

Victim’s Challenges to Certification

Another component of the challenges identified by the service provider participants were the challenges that the victims faced before and during requesting of certification by the service provider. The common themes identified were: attitudes on immigration, language barriers, and past criminal history. These challenges created
an additional layer of barriers before they even arrived with a service provider. Two participants shared how attitudes on immigration hinder client’s chances for certification. One participant stated,

I recall when I first started doing U visa certifications, and the agency was talking about the certification and getting it from law enforcement. I would hear comments directly from law enforcement, such as “They are just becoming victims to get their papers.” So it was really challenging to refer client’s to law enforcement, knowing that was their mind frame.

Another participant shared,

Every county is completely different, and every few months it’s bound to change because they could restructure who’s in charge of what. So, it’s all depending on the personality of the person who is going to certify. It also depends on whether that agency already has a policy in place.

Language barriers were another common reflection presented in the study. When participants were asked about the barriers that victims encountered and if they felt that victims needed a power agent, three of the participants thought that victims’ lack of English proficiency hindered victims’ efforts to request certification or fill out paperwork needed for certification. One of the participants stated,

As for barriers, language will be number one—if they don’t speak English, and English is the primary language of basically all law enforcement and district attorney’s offices. The good thing about DA’s offices is that they usually have a Victim Services area and they usually have someone that speaks Spanish. If they don’t speak Spanish or English, it’s going to be even more difficult because it’s less likely find other languages around here.

Another participant conveyed,

*Do you believe certification is possible for victims to do it on their own?* Not at all, because of language barriers they don’t know what they need, or they cannot read or write English so it’s very hard for them to understand the forms. The main barrier is language, being able to explain to law enforcement why they need to have the certification signed.
The last barrier had to do with criminal history. Both attorneys presented this as an issue when obtaining U visa certification. If the victim has a criminal history, it is more challenging to obtain the certification. One of the attorneys said, “Our biggest problems come generally before our client gets to us—they’ve messed up.” The second attorney agreed with the notion that criminal history is a barrier and shared an example:

One main barrier is going to be if they decide to run a background check on the person who is applying for the U visa. If that person has a criminal record, that stops a lot of officers from signing. Any gang stuff can be a little more difficult to do; a lot more persuading is needed. So you just have to see what you’re working with before you move forward.

**Service Providers’ Solutions to Overcoming Certification Challenges**

The second research question was used to explore what service providers found as solutions to overcoming some of the many barriers to certification. Participants were asked to think of an example of a certification that was difficult to obtain and what they did to obtain a successful certification. They were also asked what has made certification successful in their experience. Of the five participants, two indicated that in their experience as service providers in Stanislaus County, U visa certification has been highly successful. The two participants who revealed high success rates expressed what they did to support successful certifications along with practices that were in place. All the participants shared their creative solutions to difficult certifications. The participants’ responses were categorized under three themes: educating authorized signing agencies, collaborative relationships, and disciplinary expertise.
Educating Authorized Signing Agencies

All the participants stated in one way or another that lack of knowledge or misinterpretations of the U visa policy as one of the biggest barriers to certification. To overcome this barrier, participants expressed that educating certifying agencies improved the chances of certification. One participant gave an example of how certification was possible in a difficult case,

This client was having issues trying to get certification. I think it was a lack of communication from her to the police department. They didn’t really understand what she was looking to get, and so what I did is I printed up the regulations. So this is an attorney’s office, so we are able to print out a specific practice guidelines. I printed a few practice guidelines that explained the reasons behind certification and once I educated the officer that was doing the record, they were finally able to give us a certification.

Another participant shared,

We had a client who went to a law enforcement agency a few times, and they said to drop off the certificate and somebody would call her back and she was never called back. They were giving her the runaround. And after that, we gave her a copy of the letter that specified what she needed and the certificate was signed by the chief of police.

Another participant suggested that being of assistance and a source of knowledge for the certifiers is helpful. The participant stated,

It becomes a matter of making contacts in the office, explaining, educating what the U visa is, and why they might even want to help us, along with why it might benefit theme to help. … You just need to make it as easy as possible for them to complete the task. So we always have the certification form completely filled out and then blank in case they want to change something. I have had district attorneys say, Hey, I’ve never done this. Can you explain what it is?” Then, I do. “Hey, I don’t know what to write. Can you come over?” Absolutely. And I will run over and write out the form by hand if I have to. In general the district attorney is in favor of the people we are supporting, which are the victims.
Collaborative Relationships

Participants also expressed the importance of creating professional relationships with certifying agencies and authorized signers when possible. All the participants in the study had some level of current established relationships with certifying agencies, such as law enforcement and district attorneys. The relationships facilitated to some extent quicker responses to requested signatures, leading to a higher degree of successful certifications. One example was shared by a participant,

I do criminal defense, and since I see and know most of the district attorneys around, it’s easier for me to give them a call and say, “Hey, are you willing to sign this?” because of our professional relationship.

One example of a collaborative team was shared by two of the participants. Both spoke of the Family Justice Center of Stanislaus County, which has been helpful when it comes to obtaining certification. Under this agency, law enforcement, sheriffs, district attorneys, attorneys, and domestic violence prevention advocates worked together with a procedure and process already in place for U visa certification. The participant shared, “At Family Justice Center, they have an attorney who helps with the U visa and VAWAS, so there is a process where they do that for the client rather than the client having to do the process on their own.”

Disciplinary Expertise

Participants were asked, if victims did not have access to power agents such as themselves, whether certification would be possible for them. All participants stated that having knowledge and experience related to assisting clients with obtaining U visa certifications was beneficial in obtaining successful certification, more than if the
victims went on their own to request the certifications. However, one participant did indicate that victims are capable of requesting a signature on their own, but the challenge comes when they are not able to explain to the certifier the purpose of the certification, or struggle to do so because of language barriers. The participant stated,

I think they can obtain a certification. I do think that they are ill-equipped in a way if they are victims of ongoing violence I believe that domestic violence victims are, as a general category, more timid just based on what they’ve gone through.

Another participant stated,

In this county, in Por Per, I would expect they would have problems, but that’s just because it’s a complex problem. It’s not that they need a power agent or person that’s connected, but it’s just that you need to know what the heck you’re doing …. It took us some serious training to know how to do it. Outside of this county, in many jurisdictions if you don’t know who to call you will not get certified.

Effectiveness of the U visa Policy

The effectiveness of the policy was viewed by the participants as one where certifiers needed to appropriately and effectively implement the U visa program. In regard to the victims, there was an array of concepts of how this policy would be more effective for them. All the participants agreed that the U visa program is a great tool to have available, if used objectively and if appropriately implemented. One participant expressed,

I think the law enforcement agencies that have embraced the U visa that I’ve seen are benefiting tremendously from it. The law enforcement agencies that have not embraced it and are not using it as it was designed or are seeing it as a loophole of some sort are very resistant. They’re getting what they expect from it. From the law enforcement perspective, I think it’s exactly what you make of it, if you make it a useful tool, it is; if you make an obstacle that hinders, that’s what it becomes.
Another participant presented it this way,

I think the immigrants are benefiting more than law enforcement. Because law enforcement could use it more than they do, but they don’t really use it as tool. If police were offering people the U visa in the beginning when the crime happened, I am sure they could get a lot more use out of it. But the way it works is people find out after the fact about the U visa, go to attorneys, and then it’s not that helpful to law enforcement because they are getting the same response. The part where they could use it more often is the fact after you have the U visa for 4 years. You renew and then the police have to sign off again, so they have that as a tool in their back pocket if you haven’t gone to trial yet. They could hold this over so that the victims have incentive to cooperate and continue.

In general, all participant’s viewed that law enforcement was not taking advantage of the true potential that the U visa could provide to law enforcement.

Congress created the U visa not only to provide assistant to law enforcement in investigating crimes but also as humanitarian prospect to protect undocumented immigrants against the vulnerabilities of being an undocumented victim of a crime. All participants believed that there is still room for improvement when it comes to the policy and that it benefits the victims as Congress intended. One participant said that the barriers that are implemented by certifying agencies were not conducive to appropriate policy implementation. The participant shared,

I think it’s mostly successful, but there are times when a person is very adamant of being a victim of domestic violence, but let’s say it was a violent crime that happen about 8 years ago, because the agencies are now putting a statue on how recent the crime has to be in order to give certification, I think that in itself has defeated the U visa program.

Another participant indicated that victims are still scared of the possibility of deportation. The participant stated, “I think there always is that fear from the client perspective of what is going to happen or if it doesn’t go through.” This fear prevents
many victims from obtaining the protections this policy is supposed to provide. One final participant provided insight on the larger picture of the policy effectiveness,

I don’t think the system as it is reaches the victims that were intended. The people who are most at need are the ones who are the least likely to have the resources to go forward, the ones who are most likely to benefit are certainly not the people Congress had in mind. I don’t know how anyone can fix that though because I tried to reason my way through it. I can’t imagine a better system except for lifting the cap, but that would help a little bit. But, if you make it easier you would have even more people who weren’t in mind and if you try to tighten down on those people you’re going to squeeze out the few who were in mind…As of right now, whether or not you qualify for the U visa has more to do with where you were the victim of a crime than what the crime was and what you did. That’s not what I think Congress had in mind.

Summary

The research focused on exploring the barriers service providers encounter when attempting to obtain U visa certification along with solutions to obtain successful certification. Some of the main themes that composed the barriers for successful certification were, policy interpretation and erroneous policy practices and victim’s challenges to certification. Under the main themes subgroups emerged such as, victim helpfulness, timing, lack of policy understanding, attitudes on immigration, language barriers, and past criminal history, all which played an issue to obtaining successful certification.

In terms to solutions to some of the barriers service providers presented, three main themes emerged, educating authorized signing agencies, collaborative relationships, and disciplinary expertise. These successful strategies assisted the service providers obtain successful certifications that if not implemented would have generated a denied certification.
Lastly, U visa policy was seen as an effective and a beneficial tool by the majority of the service providers, as long as the policy is properly implemented and embraced by law enforcement. In addition the participants viewed victims as being the most benefited with this policy as long as the implementation of the U visa is appropriately and objectively practiced.
CHAPTER V
DISCUSSION

Overview

The purpose of this study was to explore barriers that impeded successful U visa certification through the perspective of service providers. In addition, this study also explored the strategies and practices employed by service providers to obtain successful U visa certification. Finally, this study also examined the policy implications for law enforcement and immigrant victims by asking service providers their views of the effectiveness of the policy as it pertained to each group. This qualitative exploratory study gathered information from five participants, all of whom were service providers who had experience with the U visa certification process. This chapter discusses the major findings of the study in relation to existing knowledge. This chapter also addresses the implications for social work practice and policy, the limitations of the study, and provides recommendations for future studies.

Major Findings

The first research question focused on the barriers and challenges service providers face when attempting to obtain U visa certification. Two major findings emerged from the data to answer the first research question. The first major finding indicated by participants was that they encountered many certifying agencies interpreting incorrectly U visa policy and inaccurately implementing U visa policy. The second major finding connoted by the participants was that the barriers victims
face included the certifier’s attitude on immigration, language barriers, and past criminal history.

The second research question explored what service providers employed to obtain successful certification, strategies, practices, and solutions. Three major solutions found in the study were educating authorized signing agencies, establishing collaborative relationships, and utilizing participants’ disciplinary expertise. All participants used or were using one of the practices to obtain higher successful U visa certifications.

The last component to the study was to obtain a service provider’s perspective on the effectiveness of the U visa policy in regard to law enforcement and the victims it was intended to protect as stated by Congress. The major finding to this question was that most participants believed that the law needs to be implemented objectively instead of arbitrarily so that both law enforcement and victims can obtain the full benefits of such policy.

**Findings as they Relate to the Existing Knowledge Base**

The first major finding in regard to barriers was U visa policy interpretation and implementation. Under this theme, various specific barriers of erroneous policy practices were identified. The common themes were victim helpfulness, timing, and lack of policy understanding. The first common sub-theme under this barrier was the certifier’s interpretation of the “helpfulness” of the victim. Many of the participants indicated that lack of helpfulness or not enough of helpfulness to law enforcement resulted in denied U visa certification. These findings are parallel to the findings of
Lee et al. (2014); victims not showing enough assistance fell fifth on the list of reasons certifiers declined to sign certifications. One example a participant gave was a case where a victim cooperated and the defendant was convicted, but when the victim decided to take away the restraining order, the certification was denied. Lee et al. (2014) state that U visa regulations specify that assistance with “detection” of a criminal activity is sufficient for both certification and issuance of the U visa. In this case, it was apparent that U visa policy implementation was not appropriately implemented.

A second barrier presented by the participants was law enforcement’s lack of education on the U visa and how it works. One participant brought insight to this issue. The participant mentioned that law enforcement or district attorneys are familiar with criminal law but not immigration. This was one of the common barriers indicated by Hass et al. (2014) and Lee et al. (2013), stating that misconceptions of policy hinders successful certification.

Another major barrier is a statute of limitation. Some law enforcements have decided to credit a victim’s helpfulness to law enforcement, thus narrowing the time victims will be able to obtain certification. This obstacle was also presented in the Hass et al. (2014) study as the second most frequent reason certifiers gave for not signing a certification. Though, for whatever reason law enforcements decides to take up the practice of placing limits on certification, DHS is clear that there is, “no statute of limitations on a victim's helpfulness to law enforcement” (National Immigrant Women's Advocacy Project, 2011, p. 1).
The second major finding was the barriers of victims’ personal challenges to certification. This was identified as attitudes on immigration, language barriers, and past criminal history. These many points were identified in some way or another by all participants. Currently, lack of comprehensive immigration policy resonates in individuals, governmental offices, and agencies in many different ways. Providing effective U visa policy implementation in some agencies can become challenging if the views on immigration are negative. Two participants in this study indicated how lack of positive regard on immigration can make certification more challenging to obtain. This was also similar in what grantees reported in Hass et al.’s (2014) study in which it was stated, Grant reports described the impact that the views about immigrant and immigration held by individual government officials and agencies had on the safety of immigrant victims, on U visa certification practices, and on the overall goal of fighting crime committed against immigrants in the community.

In addition to immigration attitudes, victims with limited English proficiency encounter high levels of challenges through the U visa process. The service providers stated that victims encounter the problem of the inability to communicate with law enforcement to request certification in filling out any documentation needed for the U visa process. Similar to these findings were those of Hass et al. (2014) and Lee et al. (2013) where both specify how lack of limited English proficiency interpreters hinders the ability of non-English speakers to make a report to law enforcement or for
it to be taken down accurately by law enforcement. This initial and important action can be a factor to obtaining a successful U visa certification.

Finally, the last common barrier that participants identified was any past criminal history. Two of the participants indicated that if a past criminal history is found in a victim’s background, attaining the certification becomes moreover challenging. Though challenging, it is not impossible to obtain as stated by the participants. Both participants were attorneys, so difficult criminal cases may be headed by an attorney versus any other service providers. In regard to existing literature, this was not one of the barriers addressed in any of the studies, but this may just mean it is not one of the most addressed.

The major findings to obtaining successful certification are presented as educating authorized signing agencies, establishing collaborative relationships, and utilizing the disciplinary expertise of the participants. These finding coincided almost directly with the barriers previously presented, as well as to existing literature. Educating certifying agencies was one of the most pronounced topics addressed by the participants and throughout the literature. Misinterpretations of the policy or lack of knowledge of the U visa were solved by service providers educating certifiers in regard to what the U visa actually is, error of policy interpretation, and how it could be of benefit for them. Law enforcement training tool kits and promoting U visa as a tool for law enforcement coincided with the work of organizations such as Vera Institute of Justice, National Immigrant Family Violence Institute, and National
Immigrant Women’s Advocacy Project to obtain more successful certification nationwide.

Creating collaborative relationships was another major finding and key in obtaining successful certifications. Most of the participants had ongoing relationships with law enforcement due to the work they do assisting victims. One of the participants indicated how working directly with district attorneys aided in obtaining certification successfully. Another component that was addressed by the participants was the collaborative team of the Family Justice Center of Stanislaus County with a process in place to assist in attainment of U visas. This type of relationship may be why many of the participants indicated that U visa certification in Stanislaus County was considered favorable compared to other counties where certification was much more difficult to obtain. According to Hass et al. (2014), these types of relationship are very beneficial for certification attainment.

The last major finding addressed by the participants was their expertise in the process and knowledge base of the U visa program. Though not all participants had the same level of U Visa policy expertise, it was enough for them to be able to aid the victims successfully, as opposed to the victims going on their own to seek the certification as stated by some of the participants. According to Hass et al. (2014), “Most immigrant victims of violence who had gained a form of legal immigration status were able to do so because of the help by advocates and attorneys” (p. 16). In addition to this, their availability to communicate in English with the certifiers was also considered helpful to obtain certification for their clients.
The last piece to the study was to obtain a service provider’s perspective of the effectiveness of the U visa policy as it relates to Congress’ intentions with such policy and those who are most benefiting from it. Congress’ intention was to create a policy that would provide a tool for law enforcement to strengthen the agencies to detect, investigate, and prosecute cases of domestic violence, sexual assault trafficking of aliens, and other violent crimes, while offering protections to victims of such offenses and keeping the humanitarian interest of the United States (VAWA 2000, Pub. L. No. 106-386, 114 Stat. 1464 §§ 1513(a) (1) & (2))

Most of the participants’ perspectives to this question were that law enforcement was not using the U visa policy in a way that took full advantage of the crime fighting capabilities of such policy. This view was similar to that of Vera Institute of Justice (2011) where they indicated that continued use of the U visa as a tool by law enforcement, legal services providers, and the federal government could help maximize the U visa’s benefits as a community-policing and crime-fighting tool. Participants also had the same view that those agencies who did embrace such policy were the ones to benefit the most from it. The findings that were significant to the victims indicated that there was still fear of reporting to law enforcement because of fear of deportation by immigration authorities. In addition, it was stated that those who are the most vulnerable are not always the ones to know or benefit from the U visa. This concept of fear of deportation coincides with the research in Hass et al. (2014) who also indicated that fear of losing children was also present when deciding to cooperate and make a report to law enforcement. As a result of these findings and
literature, it seems that if law enforcement were to implement the U visa program more readily instead of subjectively and inform victims about the U-visa, law enforcement could possibly benefit from this policy by strengthening their work with the communities along with giving victims protections they so need.

**Limitations**

In conducting the study, the researcher was unable to obtain as many participants as previously planned. Therefore, the research design of the study was altered to five in-depth interviews with individual participants. Another limitation was the lack of direct literature information available to connect to the major findings of the study. Additionally, the interviews and findings were limited to Stanislaus County and surrounding areas, hence interview findings did not encompass a broad range of interview data. Despite these limitations, a comprehensive exploratory U-visa certification study is presented.

**Implications for Social Work Practice and Policy**

The findings from this study are important to social work practice because they provide knowledge about immigration policy that is not always readily available to social workers. The findings will be especially useful for social workers that work in communities or organizations that work with undocumented immigrants and victims of domestic violence. These findings are also useful to understanding how policy takes part in the lives of our vulnerable populations and how we as health care service providers can make a difference in changing the lives of our clients, by being up to date with current policy. In addition, these findings can assist social workers
that play an active part in policy creation to fight for just policy procedures for the U visa.

One major implication of the study is the fact that many domestic violence victims will need the assistance of someone that can help them navigate the system or educate them about resources available to domestic violence victims. As social workers, we may be the first source a victim may come in contact with after an abusive incident. Educating victims about the U visa can create a ray of hope to leave an abusive relationship. The other important finding of this study was how collaborative teams created more successful certifications. Therefore, when possible, social workers that can connect with law enforcement or other agencies that help victims of abuse can be a stronger advocate and stronger tool for immigrant’s to gain access to the U visa process.

Implementation and comprehension of the U visa policy was one of the most important findings when it came to the barriers that hinder successful U visa certification. Therefore, reexamining the U visa policy will be of great benefit to victims. It is apparent that more education and policy amendments could enhance the effectiveness of such policy. Currently, immigration is one of the most heated issues. The U visa is one of the limited immigration options for immigration relief along with providing protections to one of the most vulnerable populations, immigrants of domestic violence. This policy has room for much more improvement. The National Association of Social Workers’ (2008) Code of Ethics section encourages social and
political action. Hence, the social worker’s duty is to provide political and social action in situations where vulnerable populations are affected.

**Recommendations for Future Research**

This study’s findings provided information that can aid service providers and policy makers to establish more effective ways of assisting immigrant victims attain U visa certification. Future research can be considered by taking into perspective the victim’s view of the U visa and certification process, to obtain a more comprehensive view of the whole issue. In addition, in-depth U visa policy analysis would be useful for promoting U visa changes that could ultimately award higher successful U visas.

One participant indicated that this policy needs to be promoted in all counties by education and training. This recommendation is great a way for this study to go from here. Educating and training law enforcement agencies along with other certifying agents would continue the process of attempting to obtain a better overall U visa certification rate in all counties. Levin and Cook (2014), in a Reuter’s special report, coincided with the view of some of the participants that the U visa’s success is currently due to where you live rather than victim helpfulness. Possibly, the training and educating of more certifiers on U visa practices and process could assist with this imbalance of U visa certification in different counties. This could then be followed up by a study on the effectiveness of such training implementations within counties to determine if trainings and workshops increased the success of U visa certification in overall counties.
REFERENCES
REFERENCES


APPENDICES
APPENDIX A

INTERVIEW QUESTIONS

What is your job title?

How long have you been working under your title?

How long have you assisted clients with U visa certification?

Phase 1. Certification Success and/or Barriers.

1. What is the most common type of crime for which a client who seeks a U visa help has been a victim? Example. Sexual assault, DV, stalking

2. What has been your experience in obtaining U visa certification in Stanislaus County?
   Probe: If they did sign, what made it a success?
   Probe: What reasons did agencies that were authorized by statute and DHS regulations to sign certifications give for declining to certify? (Did they understand the process?)

3. Giving a round figure, what percent would you say U visa certification has been a success here in Stanislaus County?

4. Can you think of an example of a certification that was difficult to obtain and what you did to make it successful?

5. Have you ever worked with U visa certification in other counties?
   If yes, how do you compare the success rate between them? Do you see a pattern?

Phase 2. As a service provider and barriers of victims for certification
1. If victims did not have access to power agents such as you, do you believe that certification would be possible for them?

Probe: If not, why? What are their barriers?

Probe: What are you providing for these victims that they cannot provide for themselves when they are seeking U visa certification?

2. Congress created the U visa program to strengthen the law enforcement community’s ability to investigate and prosecute cases of domestic violence, sexual assault, human trafficking, and other crimes while also offering protection to victims. Do you believe that this program has assisted law enforcement and victims with its implementation? Why or why not.

Conclusion:

Do you have anything to add? I there anything you think I should have asked?
APPENDIX B

INFORMED CONSENT

Dear Participant:

You are being asked to participate in a research project that is being done to fulfill requirements for a Master’s degree in Social Work at CSU Stanislaus. We hope to learn the barriers that service providers face when attempting to obtain U visa certification on behalf of an undocumented immigrant who is also a victim of domestic violence. Along with exploring the barriers, this study will examine strategies and practices that are put in place by service providers to make U visa certification successful. If you decide to volunteer, you will be interviewed and asked a few questions in regards to the topic previously mentioned. The commitment to this study will be this one time interview session, which should be less than hour long. There are no known risks to you for your participation in this study.

It is possible that you will not benefit directly by participating in this study. Others may benefit by your participation to this study, your information and experience may be of assistance in obtaining successful U visa certification. The interviews will be recorded for the purpose of accurate data collection for the study. Information collected will be protected from all inappropriate disclosure under the law. All data will be kept in a secure location. Anonymity is of vital importance and as such, no names will be linked with the recorded data. The recording device will be kept in a locked location during the course of the study; the transcribed data will be encrypted with a password on a Word document to protect it from inappropriate disclosure. At the end of the study, data will be deleted from both the recording and computer devices.

There is no cost to you beyond the time and effort required to complete the procedure described above. Your participation is voluntary and you have the right to discontinue participation in the study at any time along with the right to refuse to answer any interview questions at any time.

If you agree to participate, please indicate this decision by signing below. If you have any questions about this research project please contact me, Irma Ochoa, at (209) 277-3185 or my faculty sponsor, John Garcia, Ph.D. at office phone number (209) 667-3769. If you have any questions regarding your rights and participation as a research subject, please contact the Campus Compliance Officer by phone (209) 667-3794 or email IRBAdmin@csustan.edu.

Sincerely,
Irma Ochoa, MSW Student

Participant signature  ____________________________  Date

58