Immigrant Integration in Ohio: Promoting Trusting Relationships between Law Enforcement and Immigrant Communities

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Immigration in Ohio

- Between 2000 and 2012, Ohio’s immigrant population increased by 57.9%
- Constitute 4% of the state population
- Constitute 4.7% of the workforce
- 1 in 20 Ohioans are Latino or Asian
- 49.5% of Ohio immigrants are citizens
- 40% of Ohio’s immigrants have a bachelor’s degree or higher
- In 2010, Asian-owned businesses had sales of $6.8 billion and employed 51,478 people, and Latino-owned businesses had sales of $2.3 billion and employed 11,562 people

Source: immigrationpolicy.org
Categories of Immigrants

• U.S. Citizen
• Lawful Permanent Resident (LPR)
• Refugee/Asylee
• Temporary Protected Status
• Non-immigrant visa holder (temporary visa)
• Deferred action, withholding of removal
• "Undocumented," "Underdocumented," "Unauthorized"
Immigrants and Crime

• There are many reasons immigrants may be less likely to report crime, including:
  • Fear of law enforcement
  • Fear of deportation
  • Lack of understanding/knowledge of US laws
  • Different experiences with police in home country
  • Language and cultural differences
  • Separation from family and friends
Immigrants and Crime

• Immigrants may be more likely to be targets/victims of crime:
  • Less social support
  • Known fear of reporting
  • Lack of knowledge of US laws/justice system
  • For robbery/burglary: perception that immigrants carry large sums of cash or will not reclaim stolen property
Local Immigration Enforcement
Arizona v. United States

• Reinforced Federal Government’s “broad, undoubted power over immigration and alien status.”
• Struck down three provisions of Arizona Senate Bill 1070 because they were pre-empted by federal law:
  • Section 3: would have made failure to carry federal immigration registration documents a state crime (Slip Op. at 10).
  • Section 5(C): would have made working without authorization a state crime (Slip Op. at 15).
  • Section 6: would have authorized local law enforcement to arrest individuals for “removable” (deportable) offenses without a warrant (Slip Op. at 17-18).
Challenges to Building Trust between Law Enforcement and Immigrant Communities

• 287(g) programs
  • Deputizes local law enforcement to enforce immigration
  • Local law enforcement bears cost
  • How do immigrants know which jurisdictions have agreement?

• Secure Communities
  • Fingerprint data sent to FBI and forwarded to ICE
  • Mandatory program

• ICE Detainers
  • Voluntary in Nature
  • Locality bears cost
Federal Relief for Immigrant Victims of Certain Crimes:

- Congress created several forms of immigration relief in an effort to bolster trust between immigrant communities and law enforcement agencies:
  - U Visa: for victims of certain serious crimes
  - T Visa: for victims of trafficking
  - VAWA “self petition”: for victims of abuse married to citizens or permanent residents
U Visa

• For immigrant victims of qualifying crimes,

• Who were helpful to police and/or prosecution in investigating and/or prosecuting crime, AND

• Who have suffered severe mental or physical abuse as a result of the crime.
U Visas: Qualifying Crimes

- Rape
- Involuntary servitude
- Torture
- Slave trade
- Trafficking
- Kidnapping
- Incest
- Unlawful criminal restraint
- Domestic violence
- False imprisonment
- Sexual assault
- Blackmail
- Extortion
- Fraud in Foreign Labor Contracting
- Abusive sexual conduct
- Prostitution
- Manslaughter
- Sexual exploitation
- Murder
- Female genital mutilation
- Felonious assault
- Being held hostage
- Obstruction of justice
- Witness tampering
- Peonage
- Abduction
- Perjury
Human Trafficking Victims

• T nonimmigrant status (T Visa)
• Provides immigration protection to victims of trafficking.
• To be eligible, you must show:
  • You were a victim of a trafficking.
  • You are in the U.S. because of trafficking.
  • You would suffer extreme hardship if you returned to your home country.
  • You have followed any reasonable request from law enforcement to assist in the investigation or prosecution of your trafficker (unless you are under 18—some other exceptions apply).
Indicators of Trafficking

The individual may be a trafficking victim if he or she:

• Is not free to leave or come and go as they wish
• Is under 18 and is providing commercial sex acts
• Is in the commercial sex industry and has a pimp / manager
• Is unpaid, paid very little, or paid only through tips
• Works excessively long and/or unusual hours
• Is not allowed breaks or suffers under unusual restrictions at work
• Owes a large debt and is unable to pay it off
• Was recruited through false promises concerning the nature and conditions of his/her work
• High security measures exist in the work and/or living locations

Source: Sarah Warpinski, Skadden Fellow/Attorney at Law, Legal Aid of Western Ohio, swarpinski@lawolaw.org
U Visa and T Visa Benefits

• **T Visa holders may obtain the following benefits:**
  • Permission to live and work in the U.S. for up to 4 years.
  • May petition for qualified family members.
  • May be able to adjust to the status of lawful permanent resident after 3 years of continuous physical presence in U.S.
    • Requires additional certification that 1) case is closed or 2) applicant has not unreasonably refused to provide assistance in the criminal investigation or prosecution.

• **T Visa victims are also eligible for continued presence during investigation.**
Violence Against Women Act (VAWA)

• For immigrant victims of abuse whose immigration status depends on a citizen or permanent resident spouse, child or parent.

• Note: applicants for VAWA frequently have some form of visa (but this is not required).
Violence Against Women Act

• Allows immigrants to petition for their own status if they can establish they:
  • Had a qualifying relationship with abuser
  • Lived with abuser at one time
  • Were subjected to battery or extreme cruelty
  • Have good moral character

• Government does not notify abuser of petition.
Immigration in Dayton

- General population has decreased
  - 15% in last ten years
- Foreign-born population has increased
  - More than 40% increase in Greater Dayton Region
  - More than 50% increase in City of Dayton
Resources

• U.S. Citizenship and Immigration Services
  • www.USCIS.gov
  • To learn more about the DHS Blue Campaign and human trafficking: http://www.dhs.gov/humantrafficking.shtm

• TOOL KIT FOR LAW ENFORCEMENT USE OF THE U-VISA published by Legal Momentum and the Vera Institute of Justice and funded by the Department of Justice
Questions?

For resources or additional questions, contact:

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