

AGENTS FOR CHANGE

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Agents for Change
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Battered Women's Legal
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CONGRESS PASSES THE VIOLENCE AGAINST WOMEN ACT!

**Reauthorization Provides New Tools for Communities to Prevent
Violence and Support Survivors**

Congress renewed legislation to continue nationwide efforts to combat domestic violence, sexual assault, dating violence and stalking. Passing with overwhelming support in the House and Senate, the Violence Against Women Act (VAWA) of 2005 reauthorizes existing programs and creates new ones to meet emerging needs of communities working to prevent the violence. The bill now goes to President Bush for signature. The National Network to End Domestic Violence (NNEDV) praised Congress for their continued dedication to improving the lives of women and children.

"The passage of the Violence Against Women Act ensures that communities have the tools they need to intervene in and ultimately prevent violence in our homes," said Lynn Rosenthal, President of NNEDV. "Congress has taken an important step forward in saving lives".

Rosenthal credits Senators Joseph Biden (D-DE), Arlen Specter (R-PA), Orrin Hatch (R-UT) and Patrick Leahy (D-VT) and Representatives Jim Sensenbrenner (R-WI-5), Mark Green (R-WI-8), John Conyers (D-MI-14), Hilda Solis (D-CA-32), Ginny Brown-Waite (R-FL-5), Deborah Pryce (R-OH-15), for championing the bill, saying "their efforts to pass a strong, comprehensive bill show a true commitment to ending domestic violence, dating violence, sexual assault and stalking."

VAWA 2005 takes a more holistic approach to addressing violence against women. In addition to enhancing criminal and civil justice and community-based responses to these crimes, VAWA creates notable new focus areas such as:

- developing prevention strategies to stop the violence before it starts,
- protecting individuals from unfair eviction due to their status as victims of domestic violence or stalking,
- creating the first federal funding stream to support rape crisis centers,
- developing culturally- and linguistically-specific services for communities,
- enhancing programs and services for victims with disabilities, and
- broadening VAWA service provisions to include children and teens.

(Continued on page 4)

Upcoming Events at BWLAP

January 6th -
DVLAW at
MCBW Noon to
2:00 pm

January 16th -
BWLAP closed for
Martin Luther King
Jr. Day

January 24th -
GAL workgroup at
MCBW 10:00am to
3:00 pm

February 3rd -
DVLAW at
MCBW Noon to
2:00 pm

March 4th -
International Women's
Day 2006

Immigration Corner

Dream Act Reintroduced in Senate

At the end of November 2005 a bipartisan group of senators officially introduced the Development, Relief, and Education for Alien Minors Act (commonly known as the DREAM Act), giving new possibilities to this piece of legislation.

The features of the DREAM Act of 2005 are very similar to other versions that passed the Senate Judiciary Committee last year by 16-3 vote. This proposed legislation addresses the situation faced by young people who were brought to the U.S. years ago as undocumented immigrant children but who have since grown up here, stayed in school, and kept out of trouble.

To qualify for immigration relief under the DREAM Act, a student must have been brought to the U.S. more than 5 years ago when he or she was 15 years old or younger and must demonstrate good moral character. Once graduated from high school, under the DREAM Act such a student would be allowed to apply for conditional status, for up to 6 years. During that 6 years period, the student would be required to:

- Graduate from a 2-year college, or
- Complete at least 2 years towards a 4 year degree, or
- Serve in the U.S. military for at least 2 years.

If one of these requirements is completed the student would be granted permanent residence at the end of the 6 years period, if she/he is able to demonstrate that have maintained good moral character.

This much needed legislation is aimed to break the cycle of lack of education – poverty – lack of education – more poverty. It is supported by both political parties and it is crucial for immigrant communities that come to the U.S. without documentation.

The children of undocumented immigrants, who consequently are undocumented as well, cannot apply for student loans or scholarships. They cannot pursue their dreams for a better future; they cannot take the challenge of overcoming their financial limitations. In few words, they are just condemned to repeat the destiny of disenfranchising of their parents, not to mention that perceiving this lack of opportunities at so early age is, in most cases, the main reason why immigrant youth is in danger of being lured to join gangs or become involved in other criminal activities. We hope this time the DREAM Act could become reality.

Do you need technical assistance with Minnesota's current domestic violence issues?

Check out BWLAP's

Website

www.bwlap.org

Congress agrees that Domestic Violence Programs should continue to put confidentiality first

1) HOW WILL NEW VAWA PROVISIONS PROTECT VICTIM INFORMATION?

Congress has clarified and reaffirmed the importance of victim confidentiality in two sections of VAWA:

- Section 3 "Universal Grant Conditions: Nondisclosure of Confidential or Private Information," and
- Section 605 "Amendment to the McKinney-Vento Homeless Assistance Act".

2) HOW WILL THE VAWA SECTION 3 CONFIDENTIALITY PROVISION MORE BROADLY PROTECT VICTIM INFORMATION?

In VAWA 2005, Congress amends VAWA and FVPSA funded programs to provide more protections for victim information in multiple arenas, including in public records and databases. With this provision, Congress clarifies and affirms existing confidentiality practices that protect the safety and privacy of victims of domestic violence, dating violence, sexual assault, and stalking.

Section 3 prohibits sharing personally identifying information about victims without "reasonably time-limited," written and informed consent. Given this new provision, VAWA and FVPSA funded programs are prohibited from disclosing personally identifying victim information to any third party database, including an HMIS system. This provision allows a survivor to choose to temporarily waive her confidentiality for a meeting or conversation or other limited period of time, through informed, written consent and a specific short-term release.

3) WHAT HMIS RELATED PROVISIONS ARE INCLUDED IN VAWA?

In Section 605, Congress has amended the McKinney-Vento Homeless Assistance Program in VAWA to protect personally identifying information of victims.

- Domestic Violence Programs shall not provide identifying information about victims. VAWA 2005 prevents local victim service programs from providing personally identifying information about victims. It is Congress' clear intent that encoding or scrambling personally identifying information does not make it subject to disclosure.
- New Rule Making. If HUD wants to mandate that victim services programs provide non-identifying information, such as aggregate data, HUD must first create a new public notice and comment period.
- Non-Identifying Data. After notice and comment, HUD may request that victim service providers enter into HMIS non-identifying information such as aggregate totals, or other demographics that do not identify a victim. Since it is possible to identify many victims in rural states and small communities by nothing more than ethnicity or age + zip code, the information that victim service providers can share must be carefully scrutinized and limited. In addition, non-personally identifying information must be further protected by being "de-identified, encrypted, or otherwise encoded."
- Stronger Confidentiality Laws. Over 30 states have advocate confidentiality laws that prevent local programs from disclosing any identifying information about victims, encrypted or otherwise, and if those protections are stronger than the Section 605 protection, the stronger protection will prevail. As mentioned above, VAWA 2005 has strengthened the federal confidentiality laws for VAWA and FVSPA funded programs, which further prohibits the sharing of any identifying victim information.

4) WHEN DO THESE VAWA PROVISIONS TAKE EFFECT?

Section 605, the amendment to the McKinney-Vento program will go into effect as soon as the President signs VAWA 2005 into law. Federal agencies will be providing more information to grantees about the confidentiality provision in Section 3 of VAWA, including when it goes into effect.

(Continued on Page 4)

(VAWA continued from Page 1)

“The housing provisions are of particular importance,” said Rosenthal. “Ninety two percent of homeless women have experienced severe physical or sexual abuse at some point in their lives. We thank Representatives Michael Oxley (R-OH-4), Barney Frank (D-MA-4) and Bob Ney (R-OH-18) and Senators Richard Shelby (R-AL), Jack Reed (D-RI) and Paul Sarbanes (D-MD) for their leadership in ensuring housing protections and resources for victims.”

Initially passed in 1994, VAWA created the first federal legislation acknowledging domestic violence and sexual assaults as crimes, and provided federal resources to encourage community-coordinated responses to combating the violence. Its reauthorization in 2000 improved the foundation established by VAWA 1994 by creating a much-needed legal assistance program for victims and expanding the definition of crime to cover dating violence and stalking.

“The reauthorization of VAWA shows that Congress recognizes domestic violence as a devastating social problem,” said Rosenthal. “By applying a more comprehensive approach, we move one step closer to eradicating domestic violence.”

(Confidentiality continued from Page 3)

5) WHICH OF THESE VAWA PROVISIONS WILL APPLY TO MY PROGRAM?

Section 605 amends the McKinney-Vento Homeless Assistance Act to prohibit all victim service providers from entering personally-identifying information into an HMIS database. Consistent with this federal law, victim services providers and the Continuums of Care to which they belong should not be providing personal, identifying information about victims, nor should they be punished by having their funds withheld or application incentives removed for complying with this law or State law.

The Confidentiality Provisions in Section 3 apply to programs funded by the Violence Against Women Act or the Family Violence Prevention and Services Act (FVPSA). Many of Minnesota’s domestic violence programs receive VAWA and FVPSA funding through our VAWA and FVPSA Administrators. MCBW can help you determine if you receive VAWA or FVPSA funding.

6) IN SECTION 605, WHO ARE "VICTIM SERVICE PROVIDERS"?

Victim service providers include nonprofit organizations whose primary mission is to provide services to victims of domestic violence, dating violence, sexual assault, or stalking, such as rape crisis centers, battered women's shelters, and domestic violence transitional housing programs. This also includes faith-based programs and homeless shelters which have specific victim services programs or umbrella organizations that have a specific victim services program as part of their organization. In those cases, confidentiality protections would only extend to the specific program in question, unless the larger organization receives VAWA or FVPSA funding and falls under the Section 3 protection.

7) HOW CAN WE HELP PROTECT VICTIMS WHO USE OTHER SERVICES SUCH AS HOMELESS SHELTERS?

Victims are not automatically exempt from having their information entered into HMIS when they use other HUD-funded services. It is critical that advocates educate victims about their right to decline any information about them being entered into an HMIS system and also educate other HUD funded agencies to provide full notice and consent (not "inferred consent," a concept used by some HMIS programs). All clients should have the opportunity to decline any or all electronic HMIS entry - whether the information is "scrambled," "hidden," or "open."

Punto de Vista Latino

La reforma inmigratoria anunciada

La reforma del sistema de inmigración en los Estados Unidos nunca ha sido tan necesaria como ahora.

En los últimos cinco años, como nunca había sucedido antes, el número de inmigrantes indocumentados supera el número de inmigrantes documentados.

De acuerdo con CLINICS, en base a las encuestas del Bureau Censo, la inmigración hacia los Estados Unidos totalizó 1.1 millones cada año en la década de los 1990s., tuvo un pico en el año 2000 de 1.5 millones, para declinar luego de los acontecimientos del año 2001. Sin embargo, en el año 2004 hubo un nuevo aumento en el número de inmigrantes, sólo que esta vez, el aumento fue exclusivamente en indocumentados.

Según Jeffrey S. Passel esta es la primera vez en la historia de esta nación en que la inmigración indocumentada supera la documentada.

Hay muchas razones que podrían explicar este fenómeno, pero la razón más importante es que luego de Septiembre 2001, el gobierno ha reducido el número de visas de refugiados y ha enlentecido el proceso de otro tipo de visas. Esto afecta enormemente a los inmigrantes que con documentación temporaria esperan por su tarjeta verde en este país.

Esta situación tan especial sólo puede ser resuelta con una reforma total del sistema inmigratorio. Nuestros legisladores deben ofrecer a los trabajadores indocumentados que residen en el país la posibilidad de salir de las sombras y entrar en un sistema que los lleve a la residencia permanente. Esta sería, además de la mas justa, la medida mas eficaz y seria para promover la seguridad interna.

La propuesta está presentada desde hace más de un año y tiene apoyo de los dos principales partidos políticos, falta que la voluntad política se afiance y exija la promulgación de esta ley. BWLAP a través de su programa de inmigración está comprometida en esta lucha. Si usted desea mas información o desea unirse a nuestro compromiso por favor contacte a Maria Gloria Fressia al teléfono 612 343 9846.

Goodbye Fall Interns, Hello Spring Interns!

Once again it is time to say goodbye to our fall interns, but luckily many of them will be staying on another semester! I want to thank our fall interns for their very hard work this semester. Thank you to Sarah B., Meghan, Amy, Rebecca, Steven and Ann. You all did wonderful work!

I want to welcome our spring interns. Sarah B., Meghan, Rebecca and Ann will all be staying on with us for another semester and Sarah V., Julie and Thomas will also be joining us this semester. We are very excited to be combining experienced interns with new interns and hope to have another successful semester.

Goodbye and thank you fall interns. Hello and welcome spring interns. Now let's get back to work!

**CHECK OUT OUR
WEBSITE!
WWW.BWLAP.ORG**

Mother of Slain Children Takes Case to International Tribunal

ACLU Files First-Ever Domestic Violence Complaint With Inter-American Commission on Human Rights

FOR IMMEDIATE RELEASE

December 27, 2005

Contact: Erica Pelletreau, (212) 519-7829, (212) 549-2666; media@aclu.org

NEW YORK - The American Civil Liberties Union today filed a petition with the Inter-American Commission on Human Rights (IACHR) on behalf of Jessica Gonzales, the mother of three girls killed by her estranged husband whose domestic violence protection claims were rejected by the U.S. Supreme Court. The petition, the first of its kind, asserts that domestic violence victims have the right to be protected by the state from the violent acts of their abusers.

In June 2005, the U.S. Supreme Court ruled against Gonzales when it found that the Constitution does not recognize an entitlement by domestic violence victims to enforcement of their protective orders.

“Jessica Gonzales’ quest for justice met a dead end at the U.S. Supreme Court,” said Caroline Bettinger-Lopez, an attorney with the ACLU Women’s Rights Project. “She suffered devastating harm as a result of police inaction and if the U.S. Supreme Court won’t hear her case on the merits, we will bring it to the international community. The police department’s failure to protect the lives of Jessica’s three young daughters should be internationally condemned.”

Gonzales is a Colorado woman whose three children were brutally murdered by her estranged husband when local police refused to enforce her restraining order. She repeatedly called the police, telling them of her fears for the safety of her daughters and guiding them to the girls’ location. The police failed to respond and several hours later all three children were shot and killed by their father, the abductor, against whom Gonzales had a restraining order.

The ACLU said that its concern is not limited to the specific Gonzales case. It extends more broadly to all victims of domestic violence who are not adequately protected by law enforcement. This case is the first individual complaint against the United States brought before any international human rights body for the violation of the rights of victims of domestic violence.

The ACLU petition seeks compensation for the violation of Gonzales’ rights, adoption by the United States of necessary measures to deter the commission of similar crimes, and an advisory opinion from the Inter-American Court of Human Rights on the obligations of the United States under international law to protect victims of domestic violence.

The Inter-American Commission on Human Rights was created in 1959 and is expressly authorized to examine allegations of human rights violations by members of the Organization of American States, which include the United States. It also carries out on-site visits to observe the general human rights situations in all 35 member states of the Organization of American States and to investigate specific allegations of violations of Inter-American human rights treaties. Its charge is to promote the observance and the defense of human rights in the Americas.

(Continued on Page 7)

Join a growing statewide campaign to secure SIGNIFICANT, NEW, DEDICATED resources to fund LOW-INCOME RENTAL ASSISTANCE AND AFFORDABLE HOUSING.

Dear Advocates:

Housing and homelessness programs have been targeted for significant cuts in recent years (most recently the proposed cuts in 2005 to the Housing Challenge Fund and the renter's credit). Advocates joined forces to fight the deep cuts—and we succeeded!

We can take this energy and momentum to promote a proactive agenda for housing and homelessness programs! Real progress needs to start NOW to address the needs of the 300,000 low-income MN households who can't afford their housing before that number grows to the projected 330,000 households by 2010. ("The Next Decade of Housing in Minnesota," BBC Research and Consulting, 2003.)

The policy proposal, introduced during the 2005 Legislative Session, would add a deed surcharge to the existing deed tax to generate the revenue for much-needed low-income housing assistance. The surcharge could raise significant new resources for Minnesota's housing programs. An 8% increase would raise \$10 million each year while a 20% increase could raise over \$25 million each year. The funds would be dedicated to two of Minnesota's most flexible statewide housing programs—half to the Housing Trust Fund for rental assistance and half to the Challenge Fund for production and rehabilitation of affordable housing. (For more information on the specifics, view the policy brief at http://www.mnhomelesscoalition.org/Downloads/Download_deedsurcharge.pdf.)

We invite you to join us in this campaign.

Please SIGN ON by contacting Rachel Callanan at the Minnesota Coalition for the Homeless.

Rachel Callanan

State Policy Director

Minnesota Coalition for the Homeless

Tel: 612-230-3285, Fax 612-870-9085, E-mail callanan@mnhomelesscoalition.org.

Thank you!

(Gonzales continued from Page 6)

Gonzales is represented by Bettinger-Lopez, Emily Martin and Lenora Lapidus of the ACLU Women's Rights Project and Ann Beeson and Steven Watt of the ACLU Human Rights Working Group.

The ACLU's petition in *Gonzales v. USA* is available online at: www.aclu.org/womensrights/gen/232271g120051223.html

More information about Jessica Gonzales' Supreme Court case is available online at: www.aclu.org/scotus/2004/20919res2005021504278/20919res20050215.html

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BWLAP is a Minnesota-based, statewide, non-profit organization that provides legal information, consultation, training, litigation support, and policy development assistance to battered women, their advocates, civil/criminal justice, and social service systems.

Cell Phone Donations

BWLAP is still collecting old cell phones for re-use as emergency phones for battered women. Many of you have old cell phones gathering dust at the bottom of a desk drawer. These phones can be put to good use and you may also be able to get a tax deduction based on the value of the phone you donate. Please consider donating cell phones that you no longer use. Drop off used phones at our office or you can mail them to us.
Thank you!

BWLAP extends its heartfelt gratitude to our funders:

It is only with the help of our funders that we may help others. *Thank you!*

Alkire Foundation
Elmer and Eleanor Andersen Foundation
Bremer Foundation
Bush Foundation
Department of Justice – Legal Assistance for Victims
DeLuxe Corporation
IOLTA
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Minneapolis Foundation
Office of Justice Programs (ex-MCCVS)
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