

# E-SJI NEWS

## Immigration and the State Courts Initiative Releases Updated Bench Cards

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As part of SJI-sponsored *Immigration and the State Courts Initiative*, the Center for Public Policy Studies (CPPS) has produced a series of bench cards to provide quick access for state criminal, juvenile, and family court judges and court managers. The bench cards are available for download on the [SJI website](#).

The bench cards are designed to help judges and court managers identify circumstances where a litigant's immigration status and potential immigration rights might affect the outcome of a state court case or limit the options available to a judge in determining criminal sentences or case dispositions in juvenile and family cases. They are intended to provide an accessible guide to the major issues that a state court judge may face in dealing with immigrant litigants.

The Initiative has produced 14 bench cards discussing how the immigration issues link to state court processing. Nine (9) of the cards are revised versions of cards produced earlier, and 5 are cards on new topics not addressed in the original set of cards. The cards include the following:

- [Glossary of Key Immigration Terms](#). This card provides definitions of the most important immigration terms.
- [Overview of Types of Immigration Status](#). This describes the eligibility requirements for naturalization, lawful permanent resident status, VAWA self-petitioner status, Special Immigrant Juvenile status, T (trafficking victim) and

U (crime victim) visas, and temporary visas.

- [Overview of Immigration Consequences of State Court Criminal Convictions](#). Conviction of a variety of crimes can cause a person to be deportable, inadmissible, or ineligible for discretionary immigration relief.
- [Eligibility for Probation, Work, Benefits, and Services](#). Immigration status can affect a litigant's eligibility for work authorization and federally or state funded treatment or services that might be ordered by a judge.
- [Risks to Immigrants From Drug Court Participation](#). Participation in drug court poses risks to immigration status for any immigrant, including lawful permanent residents.
- [Good Moral Character](#). Good moral character is a requirement to be eligible for a variety of discretionary benefits, including naturalization.
- [Child Custody and Placement](#). Immigration status can affect where and with whom immigrants will be able to live.
- [Immigration Rights of Battered Spouses and Children](#). There are some special protections for immigrant battered spouses and children, including pathways to becoming a lawful permanent resident.
- [Special Immigrant Juvenile Status](#). This is a pathway for abused or abandoned unauthorized

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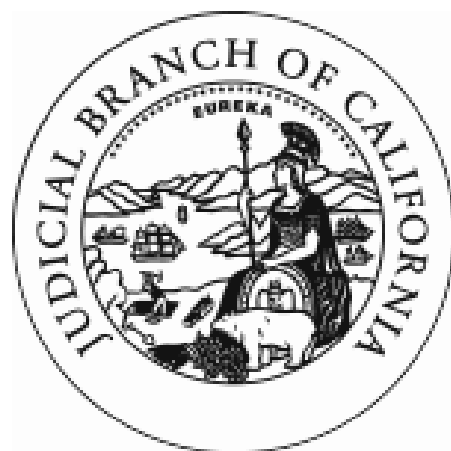
- [Advising Juveniles in Delinquency Plea Hearings](#). Actions by a juvenile in a delinquency hearing can jeopardize his or her immigration status or eligibility for certain discretionary immigration benefits. **\*NEW\***
- [Requirements of the Hague Convention](#). The Hague Convention applies to parental responsibility and the protection of children in international situations. **\*NEW\***
- [Requirements of the Vienna Convention](#). The Vienna Convention provides for the right of a national of one signatory country who is in prison, custody or detention in another signatory country to converse and correspond with the consulate of his or her home country. **\*NEW\***
- [Immigration Rights of Victims of Human Trafficking](#). There are non-immigrant visas available for individuals who have been the victims of human trafficking, including T visas, U visas, and VAWA self-petitioner rights. **\*NEW\***
- [Uses of State Criminal Court Records in Immigration Court Hearings](#). Immigration courts routinely use a wide range of records from a criminal trial in determining whether a particular conviction is for a crime that carries immigration consequences under Federal immigration law. **\*NEW\***

## California Risk Assessment Pilot Project

The [California Risk Assessment Pilot Project \(CalRAPP\)](#) began in 2009 as a joint project of the California Administrative Office of the Courts (AOC) and the Chief Probation Officers of California, and is jointly funded by the Department of Justice/National Institute of Corrections (NIC) and SJI (SJI-09-I-080 and SJI-10-I-173).

The project is designed to explore the ways in which evidence-based practices (EBP) and offender risk/needs assessment information could successfully be used in adult felony sentencing and violation of probation proceedings to reduce offender recidivism and improve offender accountability. Four California counties (Napa, San Francisco, Santa Cruz and Yolo) are participating in the pilot project. Recidivism rates of offenders were tracked at baseline (i.e., prior to program implementation) and will be compared to the rates of similar offenders at a designated follow-up period after EBP have been implemented.

Since the start of the project, California has enacted two laws that significantly changed the state's criminal justice landscape generally, and CalRAPP specifically. In 2010, the *California Community Corrections Performance Incentive Act* (SB 678) went into effect. SB 678 authorized the state to allocate money



each year to a Community Corrections Performance Incentive Fund in each county to fund evidence-based supervision of adult felony probationers. At first, SB 678 overwhelmed the California probation departments and delayed CalRAPP implementation in the pilot counties, but long-term this legislation was effective in expanding the implementation and use of evidence-based supervision practices in the CalRAPP counties and across the state.

In 2011, California adopted the *Criminal Justice Realignment Act* that shifted responsibility for more than 60,000 lower-level offenders and parolees from the state to local community corrections programs. The realignment legisla-

tion has been called the most dramatic change in California adult corrections since statehood. Probation chiefs in all four CalRAPP counties, together with their justice system partners, have confirmed that participation in this pilot project made them better prepared for the dramatic changes initiated by realignment.

After passage of the realignment legislation, the AOC expanded the scope of the project to provide CalRAPP counties with training and technical assistance on incorporating EBP and risk/needs assessment information into critical court decision-making processes with the new realigned populations (those on post-release community supervision and mandatory supervision), including pre-trial release determinations, at sentencing, and in responding to violations of supervision.

## Vermont Language Connection

With multi-year support from SJI, the Vermont Judiciary has made substantial gains in improving access to justice for limited English proficient individuals. The court interpreter project culminated this year with the adoption of Vermont's Language Access Plan (SJI-11-T-006), and the transfer of the project to a free-standing centralized interpreter entity supported by a statewide collaboration of stakeholders (SJI-12-T-008).

Most of Vermont's interpreters come from refugee communities. Although they may be highly proficient in English, they are not trained interpreters. Demand for interpreter appointments in a given language is not enough to sustain a living, so most have other full-time jobs and interpret on the side. As a particular community integrates and learns English, the demand further diminishes. Thus, there is little incentive for interpreters to continuously improve skills and techniques. In addition, many lack the English language

skills, in terms of legal terminology and legal system experience necessary to interpret in the courtroom.

There were numerous challenges to providing qualified interpreters in Vermont. These include concerns about adequate training; cultural sensitivity; availability of interpreter resources; and access, scheduling, and cancellation policies. SJI support enabled the Vermont Judiciary to conduct multiple interpreter training events and administer the first written test for interpreters (SJI-10-T-008). They also created the Vermont Judiciary Court Interpreter Manual, and adopted the Vermont Language Access Plan. In addition, judges and staff received training on procuring interpreter resources.

The Vermont Judiciary hosted three Interpreter Summits inviting stakeholders from government, law enforcement, medical, and non-profit organizations to come together to address a shared responsibility to provide inter-

preters. The Vermont Language Connection (VLC), a centralized interpreter entity designed to provide training, testing, credentialing of interpreters, and track interpreter credentialing, was established as a result of these summits.

The Vermont Judiciary continues to improve interpreter quality by engaging with partners who share a vision of providing enhanced language access services. The Judiciary will continue to be a leader in providing court interpreter training, service provider training, and court staff education, working with the VLC as it continues to build its operations.

Many of the resources developed as a part of these efforts are available in the [NCSC Library eCollection](#).

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The State Justice Institute is a federally-funded, non-profit corporation established by federal law in 1984 to improve the quality of justice in the state courts.

