

# Revolution

a journal for those working to stop sexual and domestic violence

In this edition:

**Working with immigrant survivors  
of sexual and intimate partner violence**

Volume 4: 2011



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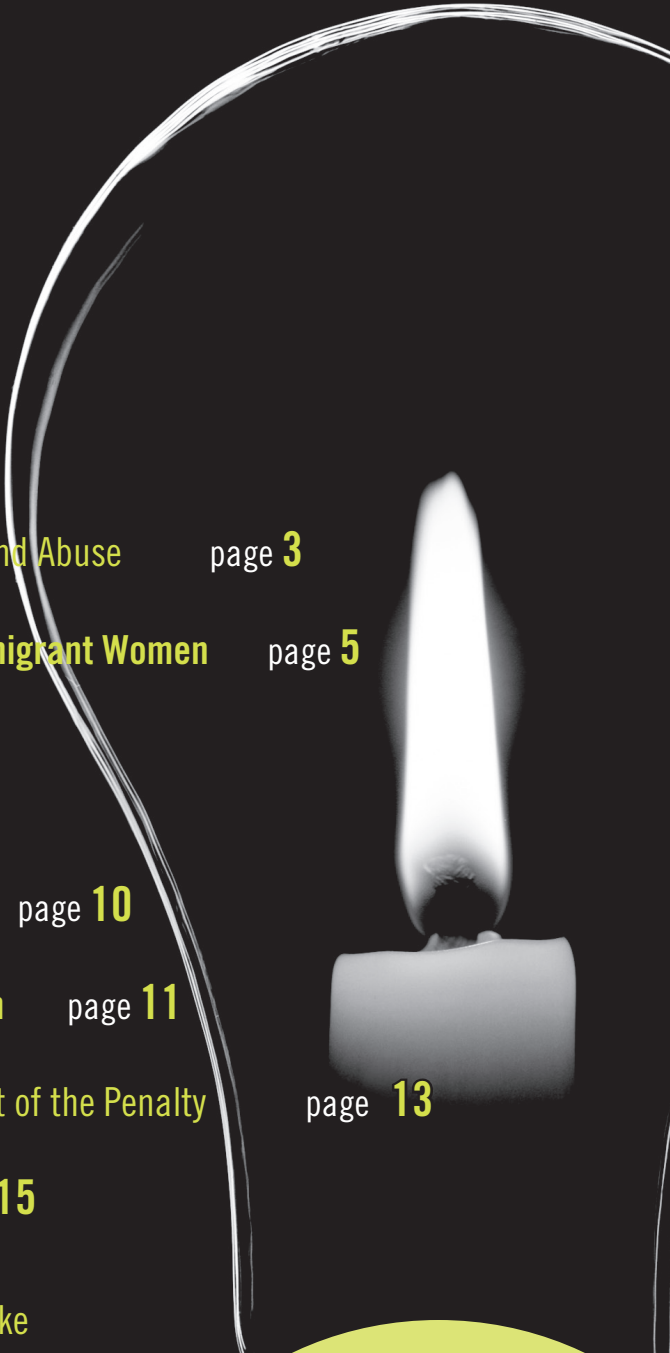
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“When you invite  
people to think,  
you are inviting  
revolution”

Ivone Gebara,  
Brazilian philosopher  
and theologian ecofeminist

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# Working with Immigrant Survivors

By Jeanine Beiber & Kristi VanAudenhove, Alliance Co-Directors

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hange....it's something that happens continually and elicits a continuum of responses from those of us experiencing it. Some of us adapt to change readily, some of us accept it as inevitable, and some of us refuse to accept that it's happening—often hoping that the thing that's creating change will go away. Regardless of where you identify on the continuum, there is a change taking place in Virginia that is affecting the way we do the work of providing services for victims of sexual and intimate partner violence.

Women outside this country are entering relationships or participating in arrangements that bring them to America seeking an array of things, such as: work and an income to support themselves and their families, education for themselves and/or their children to provide future career opportunities, escape from the ravages of war, poverty or patriarchal domination, or perhaps seeking asylum from various forms of persecution. Along the way their hopes may result in the rewards they seek, or in just the opposite of what they had hoped for.

All too often immigrant women seeking a better life are caught in situations that are abusive, isolating and dangerous. From the northern area of the state bordering our nation's capital, to the coastal area with its highly transient population, to the agriculturally rich Shenandoah valley, and into the far southwest reaches of Virginia, immigrant women experiencing violence are reaching out to our programs for support—or perhaps not reaching out for fear of what the result of seeking services may mean to them.

This has created a situation that stretches those of us who provide advocacy for victims of sexual and domestic violence, often beyond our abilities to feel competently able to provide the help that we would like to be able to provide. Consequently, this issue of Revolution is focused on working with immigrant survivors of sexual and domestic violence, in hopes of illuminating some of the challenges faced by immigrant women in need of our services, and to offer information and resources that will help advocates seeking to provide that support.

We are appreciative of the work being done by organizations at the national level to address issues of immigrant victimization, who have provided us with information for several of the articles you'll find in the journal. These include Legal Momentum: The Women's Legal Defense and Education Fund, Ayuda, the Family Violence Prevention Fund, Just Detention International, and the National Latino Alliance for the Elimination of Domestic Violence. We are grateful to


*"...there is a change taking place in Virginia that is affecting the way we do the work of providing services for victims of sexual and intimate partner violence."*

have the opportunity to partner at the state level with two outstanding organizations offering legal services, public policy advocacy and educational outreach. They are the Virginia Poverty Law Center, who, in partnership with the Challa Law Offices offer free clinics to undocumented immigrant victims of sexual and domestic violence, and the Tahirih Justice Center, offering services and advocacy in northern Virginia.

We extend our thanks to three members of our staff who share the stories of their migration to America from Peru, Jamaica and Trinidad—and who have put the skills they have learned from their experiences to work in the Action Alliance's Immigration Advocacy Technical Assistance Project. This project is designed specifically to strengthen our member agencies' partnerships with immigration service providers in order to enhance services to immigrant victims of sexual and domestic violence. Those of you interested in assessing your program's ability to provide culturally relevant services to immigrant victims might find the cultural proficiency continuum on page 22 helpful. If upon assessment you don't find yourself high on the continuum, we ask that you don't become discouraged. Instead, contact our Immigration Technical Assistance Project and join the network of support available in the state!







# Yearning to Breathe Free:

## Barriers Immigrants Must Overcome When Seeking Help to End Abuse

By Leslye Orloff and Rachel Little  
The Women's Legal Defense and Education Fund

**I**mmigrant women arrive to this country alone or with their spouses in the hope of creating a better life for themselves and their children. Many flee political repression, severe poverty, domestic violence, unemployment, or war. In their home countries, they may have faced rape or torture for their political beliefs. They may have been forced into prostitution, state-sponsored sterilization programs, or may have been subjected to female genital mutilation. They may bear physical and psychological scars from this abuse and may still be fighting the effects of post traumatic stress disorder (PTSD).

Crossing the U.S. border can be a harrowing experience as women and children risk being robbed, raped, or detained. Others face possible mistreatment by the U.S. Border Patrol. Once they are in the United States, they may experience discrimination, unemployment, and isolation. Many may fear being caught by the Immigration and Customs Enforcement (ICE). Immigrant women may also have difficulty obtaining employment in the United States because they lack basic job or language skills. If they are able to find work, they may face low wages, sexual harassment, dangerous working conditions, or long hours because they work “under the table” and their immigration status prevents them from seeking the protection of U.S. labor laws. They may be under considerable pressure to work hard and send money to support their children and other family members back in their home countries.<sup>4</sup>



If immigrant women are married to military personnel or met and married their spouses through an international matchmaking organization, they may be extremely isolated from their cultures and unable to access traditional sources of support. They may be further stigmatized by the use of the term “mail order bride.”<sup>2</sup> Farmworker migrant women live a very transient life-style and are often even more isolated. They are generally paid significantly less than men, work very long hours in hazardous conditions, and are often forced to turn over their paychecks to their husbands.<sup>3</sup> These pressures result in very difficult lives for immigrant women, particularly those who are undocumented. If an immigrant woman is trapped in an abusive relationship, these factors make the flight from violence even more problematic. As a result, battered immigrant women are among the most marginalized victims of domestic violence in this country. Through the activism of immigrant survivors of domestic violence and service providers, the domestic violence advocacy community has become more aware of immigrant women’s stories and this population’s need for accessible domestic violence services.

Abusers of immigrant women use power and control tactics (see page 12) to exert control over a battered immigrant woman’s movements, emotions, thoughts, relationships with the outside world, and potentially every aspect of her life. In addition to their abusers’ use of violence or coercion, immigrant victims of domestic violence face unique obstacles when obtaining help from domestic violence services providers and protection from the legal system.

## Language Barriers

One of most immediate hurdles facing battered immigrants are language barriers that prevent them from obtaining legal or social services. For instance, if the police respond to a domestic violence incident, an immigrant victim of domestic violence who does not speak English may not be able to communicate with the law enforcement officer. The officer may then defer to the abuser because he speaks English and believe the perpetrator’s claim that the victim initiated the violence or that nothing happened at all. If an English-speaking child is asked to translate, the child may not tell the officer what really happened out of fear of the abuser. Based solely on language barriers, a police officer may inappropriately arrest a victim, let a perpetrator go who should be arrested, or fail to provide a victim with information about her legal rights. When an arrest is made or a report is taken, language barriers and the use of untrained translators may result in the police officer preparing and filing an inaccurate report. This creates credibility problems for the victim when the police report is introduced during a trial. It may also serve to undermine her already tenuous trust in the police and discourage her from making reports in the future. Similarly, a battered immigrant may be unable to access other community resources because of language issues. Most courts have only limited access to interpreters and many do not have interpreters readily available at clerks’ offices or domestic violence programs in the courthouse. An inability to communicate with court personnel can make the process of seeking help from the legal system even more difficult for battered immigrants. Victims may encounter similar frustrations if they attempt to get aid from local domestic violence shelters, crisis hotlines, or social services agencies.

To help address these problems, domestic violence advocacy programs should identify social service agencies that work with significant language minority populations in their communities.

*“...battered immigrant women are among the most marginalized victims of domestic violence in this country...”*

Advocates should meet with representatives from that agency and should develop agreements under which their staff will assist with interpreting and translating for domestic violence cases that advocates are working on. In exchange domestic violence victim advocates should offer training on domestic violence for social service agency personnel and assistance with battered women in their case loads. In addition, volunteer translators and interpreters can be recruited from local universities and church groups. Social service staff and volunteer interpreters should receive training on domestic violence so that they will be better able to help battered women when called upon to provide translation, interpretation, or other support services.

## Perception of Law Enforcement and the Legal System

Battered immigrants may fear that the police or courts will not help them because of experiences with repressive or non-responsive law enforcement and judicial systems in their countries of origin. Victims may fear the police in the United States because of police brutality in their home country, in their local neighborhood, or because they are afraid that the police will report them to ICE or take their children away.<sup>4</sup>

Most immigrant women, even those who have attained lawful permanent residency or become naturalized citizens, are afraid to use and do not understand how our legal system works.<sup>5</sup> Battered immigrants may hesitate to utilize the legal system because they come from countries with different legal procedures or standards for credibility.<sup>6</sup> In these countries, the legal system is often based on a civil law system where oral testimony is not valid evidence. When oral testimony is taken, it must be corroborated. In some countries, corroboration may only be provided by men. In many other countries, the testimony of a man has more value as a matter of law than testimony provided by a woman. As a result, battered women from such countries could have great difficulty understanding that their testimony has any value in the U.S. legal system.<sup>7</sup> Other battered immigrants may be familiar with a legal system in which money or governmental ties, rather than due process, determine legal outcomes.<sup>8</sup> Battered women who have learned not to expect justice from such legal systems find it difficult to believe that our system will function differently.

Battered immigrants may further distrust the U.S. legal system as a result of misinformation and lies told by their abusers. For battered immigrant women, the connection between control over legal immigration status and domestic violence is very

*continued on page 7*



# Improving Accessibility of Your Program's Services to Immigrant Women

**L**ack of information about and access to services to assist battered women is one of the major obstacles battered immigrant women encounter when they consider fleeing a violent relationship. For immigrant women who do not speak English, communities without bilingual services are communities without any services. These tips will help your program help all members of your community who need assistance to end domestic violence.

## Step 1: Examine the Demographics of Your Community.

Determine the cultural, linguistic and economic demographics in your community. Compare the demographics of the general community with those of your service population. If there is a difference, it is likely that your services are not accessible to a portion of the population in your area.

## Step 2: Change The Way You Work to Make Your Services More Accessible.

Build relationships with service providers working with cultural and linguistic minority communities.

- Make a list of organizations that work with linguistic, racial and cultural minority populations.
- Add to the list bilingual/bicultural professionals who work with organizations and government agencies.
- Invite these representatives to a meeting to help you develop a plan for expanding your services to diverse communities.

- Develop a plan for how your agency can work together with the groups you have invited to your meeting to serve battered women who are immigrants and/or from diverse cultures.

- Cross-train professionals and staff of other agencies on domestic violence. Have your staff participate in a training conducted by organizations working with diverse populations on specific issues that affect those populations.

- Identify a liaison who will facilitate communication between your organization and other agencies and professionals so that you will be able to coordinate client services in the future.

- Work out the procedures each agency will use to contact each other to help serve domestic violence victims.

- Work together as a team on domestic violence cases so that women from diverse cultures will have an advocate who is an expert on domestic violence and one who has a thorough understanding of her cultural needs.

- Invite staff members of organizations serving diverse cultural communities who work with you on domestic violence cases to join your local domestic violence coordinating council.

## Step 3: Hire Multi-lingual/ Multi-cultural Staff.

This should be the ultimate goal. Place a priority on hiring bilingual/bicultural staff each time you have an opening in your office in the future. The goal should be to attain as much cultural diversity as possible so that you can better serve all members of your community.



- Bilingual/bicultural staff supplement the work of contract employees and volunteers and offer continuity.
- Having a multi-lingual staff offers much more than interpretation. Some clients will be more able to talk easily with someone who is more like them, from their own culture.
- Some immigrant women fear interacting with members of the majority culture whom they expect to be unfriendly or impatient. They expect to be treated as they have been by others in the community at large.
- If interpretation is to be part of their job, the contract of bilingual/bicultural employees must reduce other job responsibilities to allow time within the normal working day for interpretation so that they are not penalized in their job performance for not completing as many of their other job responsibilities as other employees.
- Bilingual staff must have the same promotional possibilities as other staff members. Your agency must be willing to replace bilingual staff who are promoted with new bilingual/bicultural staff members.

## Hiring Bilingual/Bicultural Staff

Change the way you recruit staff members the next time an opening becomes available.

- Mail job announcements to organizations and professionals who serve diverse communities.
- Develop a list of ethnic language minority newspapers and newsletters where you can advertise jobs.
- Mail job announcements to language departments and Latin/Asian/African-American studies departments of local universities.
- Increase the hiring time frame so that you will have an applicant pool that will contain significant numbers of diverse candidates.
- Remember in making hiring decisions that cultural competency and language proficiency are job skills that should be measured for each candidate who applies for a job.

## Step 4: Develop a Community Education & Outreach Campaign on Domestic Violence.

In addition to improving your ability to serve immigrant and culturally diverse communities, it is essential that you develop a plan to educate members of the diverse communities in your area that:

- domestic violence is a crime;
- many professionals are willing to help abused women and children— doctors, nurses, police, judges, attorneys, shelter workers, social workers;
- abuse victims can safely seek help without risking deportation;

- abuse victims can get help even if they plan to continue living with their abusers;
- victims can receive custody of their children and child support; and
- you and others will listen to them and support them through the process of ending domestic violence in their lives.



## The Need for a Core of Qualified Interpreters Trained on Domestic Violence

The best approach is to contract with interpreters who provide services in each of the languages represented in your community who will work with your office as needed to help offer your full range of services to battered immigrant women. These interpreters should be required to complete domestic violence training and their allegiance would be to your office.

- Include a line item in your budget to address this need.
- Hiring your own core of interpreters avoids conflicts that arise in small ethnic communities where the interpreter may be a friend of the abuser or the abuser's family and may not respect confidentiality.
- An interim approach might include working with bilingual staff at other agencies who will assist offering both interpretation and support for battered immigrant women.
- You might also recruit a group of volunteer interpreters. These may be less available at the times you need them than contract interpreters.

**It is DANGEROUS to use the battered immigrant woman's companions or children as interpreters.**

- The companion may be the abuser.
- The victim may edit the conversation or be inhibited from speaking because she fears gossip or that what she says will be told to her abuser, or she may want to protect her children.
- Knowledge of the details of abuse may traumatize children or endanger them.

*This document was developed at Ayuda Inc., Washington, D.C and Legal Momentum. Permission to reprint from Legal Momentum.  
<http://www.legalmomentum.org/assets/pdfs/wwwimprovingaccessibility.pdf>*

strong.<sup>9</sup> Abusers may tell the victims that they will never be believed, that they have no legal rights, or that they will be deported if they call the police or go to court.

Advocates for battered immigrants should discuss the U.S. legal system with their clients and ease their fears by explaining how the legal system works, that their testimony can be credible evidence, and that legal relief is available for all victims of domestic violence.<sup>10</sup> Advocates should also discuss their track record and experience obtaining protection orders for victims to further alleviate their fears. Finally, offering to take a battered immigrant with the advocate to court prior to her court date can be helpful as well. This experience provides battered immigrants with an opportunity to see how our system works and observe that other battered women do testify and receive favorable court orders from the judge.

## **Fear of Deportation**

One of most powerful threats abusers use against battered immigrants is that of deportation.<sup>11</sup> Abusers frequently threaten to have their partners or spouses deported if they seek any type of help. As a result, many immigrant victims remain silent about the abuse, and refrain from calling the police, going to the hospital, or seeking legal assistance. Regardless of their actual immigration status, victims of domestic violence frequently believe that their abusers can have them deported because that is what their abusers have told them. This may be true even for lawful permanent residents who attained their green card through marriage. Some have been repeatedly told by their abusers that because their abuser helped them get their green card, he can have it taken away. This is untrue. In other cases where the victim is undocumented, ICE may actually carry out the abuser's threats. For example, ICE may act on information supplied by the abuser even if the abuser has contacted ICE to punish the victim for pursuing criminal charges or a civil protection order.<sup>12</sup> Battered immigrants who qualify for relief under the Violence Against Women Act (VAWA) can cut off their abuser's ability to influence the outcome of their immigration case. VAWA's confidentiality provisions prevent ICE from relying on information in a self-petitioning case that is supplied by the abuser.

Fear of deportation has dire consequences for battered immigrants, as it may prevent them from getting help to stop the violence. In a survey conducted in San Francisco, 64% of undocumented battered women said that the fear of deportation was the primary reason why they did not seek social services.<sup>13</sup> This hesitation to seek help may lead to a dearth of corroborating evidence about the domestic violence despite the long history of abuse. The victim may not have any medical records, police reports, or protection orders. A lack of documentation of the abuse may then affect a victim's ability to obtain immigration relief, which requires proof of the abuse.

Battered immigrant women often fear deportation for very legitimate reasons relating to the abuse. They are afraid that they will be ostracized by the abusers' relatives, their own relatives, or community members for cooperating with the prosecution of their batterer.<sup>14</sup> She may face the shame of losing her job and the ability to send money home. Moreover, if deported, she may be sent to a country that the abuser can freely travel to and that may not have domestic violence laws. She may also fear that if she reports the abuse, her abuser will be deported and she will lose child support or other economic assistance that he provides. She may love him, value his relationship with their children, depend on him economically, or

fear reprisal by him or his family. While for many women the benefits and safety that come with reporting outweigh the risks, each battered immigrant must weigh the pros and cons for herself and make her own choice. She should consult with an immigration expert to understand the potential consequences of her abuser's deportation.

To counter these fears and the abuser's threats, advocates and attorneys should provide battered immigrant women with correct information about whether they face risks of deportation and whether they may qualify for VAWA or other immigration benefits. Advocates should develop relationships with immigration attorneys and experts who can help determine if a client is eligible for VAWA or any other available immigration options. An advocate should never call ICE without first consulting with an immigration lawyer or trained immigration expert.

## **Cultural Issues**

Cultural factors may stop victims from seeking services for domestic violence. A victim may be under pressure from within her own community to remain in an abusive marriage for complex reasons, ranging from cultural mores about the role of women or the sanctity of marriage, to the abuser's powerful standing within the community.

Battered immigrants may worry that if they seek help from outside of their community, they will be ostracized by members of their community, which might include all of their family members or friends in the United States.<sup>15</sup> Victims are often under tremendous pressure to keep family matters private. In some cases, immigrant women who speak out against their abusive husbands may be blamed for the violence, lose social respect, and cause uninvolved family members to be ridiculed.<sup>16</sup> As a result, many battered immigrants seek solutions to end the violence that do not require them to separate from their abusers. It is extremely important that advocates not blame the victim for her choice to remain with the abuser and offer her needed assistance.

Advocates should send a clear message that the victim can seek help from them at any time in the future.<sup>17</sup> They should work with each battered immigrant to help her address each need, fear, or barrier through civil protection orders, safety planning, public benefits assistance, immigration relief, education, and support.

Battered immigrants may also hesitate to seek help if domestic violence programs do not provide culturally or linguistically appropriate services.<sup>18</sup> Victims from immigrant communities may have cultural traditions – such as eating or sleeping arrangements – that are very different from the rules imposed by the domestic violence shelter. These cultural factors may discourage battered immigrants from seeking assistance. Those battered immigrants who do attempt to live in shelters often feel alienated, uncomfortable, unwelcome, alone, and afloat without access to culturally familiar surroundings.

Addressing this issue is crucial to reaching battered immigrant women and assuring that they receive effective assistance from shelters and domestic violence programs. This process may include allowing the battered immigrant to prepare food for herself and her children separate from the meals that are prepared for shelter residents.<sup>19</sup> Additionally, battered immigrants may choose to find alternate housing arrangements apart from domestic violence shelters by evicting the abuser from the family home or by living with friends, co-workers, or family members.



Advocates should help battered women obtain protection orders to protect the battered immigrant and any third parties who offer her shelter. When battered immigrants seek safe shelter outside of domestic violence programs, advocates should also assist them with accessing ancillary services (e.g., social work services or support groups run by shelter programs).

## Religious Issues

Victims from tightly knit religious communities may find that their religious beliefs conflict with standard legal remedies for domestic violence. For example, victims or their family members may have religious beliefs that emphasize the sanctity of the family and prohibit or discourage divorce. In some cases, religious principles may require wives to obtain their husband's permission to divorce him, giving perpetrators an additional means of control.<sup>20</sup> Advocates should work with battered women from these communities to develop creative responses that counter violence but avoid forcing victims to choose between deeply held traditional and spiritual beliefs and much

needed legal remedies.

Victims who live in insular religious communities may be afraid to reveal the family violence to service providers outside of their community. They may fear that if they seek outside assistance, members of their community will support the perpetrator, particularly if the religion emphasizes the rights of men to rule their families. When they do disclose the violence to religious leaders, victims often fail to receive support and are told instead that it is their duty to make their marriage work. Battered immigrants who receive such advice are often reluctant to leave their abusers. At the same time, some battered immigrants may prefer to disclose the abuse to people outside of their religious or cultural group as they expect that they may not be judged so harshly. Advocates should work closely with these abuse victims, offering them safety planning and protection orders that do not require the parties to separate. These orders can require that the abuser not assault, harass or commit any

*continued on page 19*

## Federal Protections for Immigrant Crime Victims

### Violence Against Women Act (VAWA):

*For victims of domestic violence*

- VAWA allows foreign nationals to escape abusive relationships with US citizens or Legal Permanent Residents (LPR) on whom their own legal status depends without fear of automatic deportation. VAWA enables spouses, children, or parents who were victims of abuse at the hands of a US citizen or LPR spouse, parent, or child to petition for legal status independent of the abuser.

### U Visa:

*For victims of serious crimes (Including domestic violence)*

- The "U visa" or "U nonimmigrant status" permits certain non-citizen crime victims who have suffered substantial mental or physical abuse as a result of one of the crimes listed by statute to remain in the United States as long as they cooperate with the police in the investigation and prosecution of the crime. To be eligible, the applicant must be a crime victim or the victim's immediate relative, such as their spouse or child. The applicant does not have to be married to the perpetrator, and the perpetrator can be someone other than a US citizen or LPR.

### T Visa:

*For victims of human trafficking (also known as "modern-day slavery"):*

- The T visa is available to an immigrant victim who is in the U.S. as a result of "a severe form of trafficking" (sex or labor trafficking), and permits that victim to remain in the United States, provided that she shows she would suffer extreme hardship if she were deported and so long as she cooperates with law enforcement.

*Information provided by Jeanne Smoot of Tahirih Justice Center. Source: Revolution 2008.*

# The Action Alliance Immigration Technical Assistance Project: Enhancing Services for Immigrant Survivors of Domestic and Sexual Violence in Virginia



**A**s a result of President Obama signing into law the Landmark American Recovery and Reinvestment Act of 2009 (the “Recovery Act”), the Virginia Sexual & Domestic Violence Action Alliance applied for and received funding from the U.S. Department of Justice (DOJ) Office on Violence Against Women, to institute an Immigration Advocacy Technical Assistance Project.

The goal of the Immigration Advocacy Technical Assistance Project is to strengthen our coalition and our member agencies’ partnerships with immigration service providers to enhance Virginia’s capacity to serve survivors of sexual and domestic violence who are also immigrants. The Action Alliance is committed to collaborating with immigration service providers in Virginia, including the Tahirih Justice Center and the Virginia Poverty Law Center, to expand support and resources available to Sexual and Domestic Violence Agencies (SDVAs) and communities. Project staff also provide ongoing technical assistance to SDVAs on culturally appropriate services for immigrant survivors.

In order to develop and implement a project that would be meaningful and effective in addressing the needs of immigrant survivors, the Action Alliance project staff conducted several interviews with professionals working with immigrant survivors to identify gaps in services and ideas of possible solutions to address those gaps. Additionally, a survey was conducted with advocates in local SDVAs with the same intent. We also wished to gather information about barriers faced by immigrant survivors and to learn more about the needs of advocates who provide services to this traditionally underserved population.

Results from the interviews and surveys indicated that advocates needed culturally appropriate training, networking opportunities, and ongoing technical assistance from Action Alliance staff to adequately support immigrant survivors. Gaps identified in service delivery for immigrant survivors included: translation

services, interpretation services, legal representation (including representation for family law cases, such as divorce, child custody and child support), and limited advocacy resources available about immigration issues. Barriers confronting immigrant survivors included: cultural and linguistic barriers, fear of deportation, legal status, lack of transportation, fear of the abuser revoking sponsorship, negative law enforcement experiences, lack of trust for the system(s), lack of available employment options to become self-sufficient, and survivors being unaware of “rights” and available resources.

In response to interview and survey results, the Action Alliance has committed to coordinating and offering annual technical assistance calls, an annual statewide training, and quarterly networking opportunities for advocates and professionals who work with immigrant survivors on a regular basis.

In 2010, the Action Alliance provided a statewide technical assistance call for victim advocates, facilitated two networking meetings for advocates, created a statewide resource list for victim advocates working with immigrants, and hosted its first Immigration Advocacy Training. In 2011 we will continue these activities to further strengthen advocacy for immigrant victims.



*The Action Alliance Immigration Project Technical Assistance Staff are: Jeanine Beiber, Charmaine Francois, Carmen Williams and Arlene Vassell-Richards. We welcome your questions and requests. For additional information about the Action Alliance Immigration Advocacy Technical Assistance Project, statewide and national resources, please contact the project staff via phone, 804-377-0335, or e-mail at [info@vsdvalliance.org](mailto:info@vsdvalliance.org).*



# Legal Clinics Help Immigrants Understand Their Rights

By Susheela Varky, Esq.  
Virginia Poverty Law Center

Since I began working at Virginia Poverty Law Center (VPLC) in September 2007, I have received increased calls from you—advocates and service providers for victims of domestic and/or sexual violence—about your immigrant clients. As you know, these victims face additional hurdles in obtaining assistance, such as having to rely on their abusers to obtain a green card or hesitating to report crimes for fear of deportation. For a few years, I had been commiserating with Lakshmi Challa, one of VPLC's Board members, about trying to figure out how to address the special legal issues immigrant victims of domestic and sexual violence face. Lakshmi has practiced immigration law exclusively for the past fourteen years and has her own immigration law firm in Richmond, VA, the Challa Law Offices. We decided we needed to start an effort to help these victims. So, in October of 2009, the Virginia Poverty Law Center and the Challa Law Offices began a series of free pilot immigration clinics in the Richmond area to serve undocumented immigrant victims of domestic and/or sexual violence. We have held six clinics so far, and expect to continue to hold two each quarter.

So, what do I mean when I write “undocumented?” For the clients we serve, in general, that means they don't have a green card (Lawful Permanent Resident Status, an approved I-485 application), U.S. citizenship or a visa that allows them to remain in the United States for a temporary period of time without having to rely on their abusive partners to file follow-up immigration documents for them as their sponsors. Our clients come to our attention through you and have completed intakes beforehand that help the attorneys that meet with them discuss their cases and determine whether they are candidates for U visas or Violence Against Women Act (VAWA) Self-Petitions. Attending this clinic does not guarantee eligibility for a U visa, VAWA Self-Petition or any other federal immigration remedy nor does it guarantee free legal representation. That said, we hope to connect eligible victims with attorneys and other professionals, free of charge, who can help them with these types of petitions.

The VAWA Self-Petition is available to spouses of abusive U.S. citizens or green card (Lawful Permanent Resident Status)



holders who can show:

- Identity of the victim,
- Evidence of the abuser's legal status in the United States (U.S. Citizen or Lawful Permanent Resident),
- Evidence that the victim and abuser married in good faith,
- Evidence that the victim and abuser shared a residence,
- Evidence of physical, mental and/or sexual abuse and
- Evidence of good moral character of the victim.

What if your client is not married? Or he/she is married, but the spouse is not a U.S. citizen/green card holder? Or the spouse is not the abuser? The victim may be eligible for a U visa, a visa created as part of the Victims of Trafficking and Violence Prevention Act of 2000 to strengthen the ability of law enforcement agencies to detect, investigate and prosecute crimes against immigrants. The U visa supports victim and witness cooperation with law enforcement or the prosecution. A victim who can show he/she:

- Suffered substantial physical or mental abuse as a result of having been a victim of certain criminal activity,
- Possesses information concerning that certain criminal act,
- Has been helpful, is being helpful, or is likely to be helpful to law enforcement or the prosecution and
- The criminal activity described violated the laws of the United States or occurred in the United States.

If you have a client you think might be eligible for one of these visas, please contact me at [susheela@vplc.org](mailto:susheela@vplc.org) or (804) 782-9430, x. 33 with any questions. I will send you an intake to complete with your client and send back to me for review.





# Power and Control Tactics Used Against Immigrant Women

This chart supplements and is to be read in conjunction with the Domestic Abuse Intervention Project in Duluth, Minnesota's "Power and Control" Wheel and the adaptation of that Wheel contained in the Family Violence Prevention Fund's "Working With Battered Immigrant Women: A Handbook to Make Services Accessible." The following describes some of the ways in which immigrant women are abused, although the experiences of individual victims will vary from case to case.

*Source: Family Violence Prevention Fund*



## **EMOTIONAL ABUSE:**

- Lying about her immigration status.
- Telling her family lies about her.
- Calling her racist names.
- Belittling and embarrassing her in front of family and friends.
- Causing her to lose face.
- Telling her that she has abandoned her culture and become “white,” or “American.”
- Preventing her from visiting sick or dying relatives.
- Lying about his ability to have the immigration status of his lawful permanent resident abuse victims changed.

## **ECONOMIC ABUSE:**

- Forcing her to work “illegally” when she does not have a work permit.
- Threatening to report her to ICE if she works “under the table.”
- Not letting her get job training or schooling.
- Taking the money her family back home were depending upon her to send them.
- Forcing her to sign papers in English that she does not understand – court papers, IRS forms, immigration papers.
- Harassing her at the only job she can work at legally in the U.S., so that she loses that job and is forced to work “illegally.”

## **SEXUAL ABUSE:**

- Calling her a prostitute or a “mail order bride.”
- Accusing her of trying to attract other men when she puts on make-up to go to work.
- Accusing her of sleeping with other men.
- Alleging that she has a history of prostitution on legal papers.
- Telling her that “as a matter of law” in the United States she must continue to have sex with him whenever he wants until they are divorced.

## **USING COERCION AND THREATS:**

- Threatening to report her to ICE and get her deported.
- Threatening that he will not file immigration papers to legalize her immigration status.
- Threatening to withdraw the petition he filed to legalize her immigration status.
- Telling her that he will harm someone in her family.
- Telling her that he will have someone harm her family members.
- Threatening to harm or harass her employer or co-workers.

## **USING CHILDREN:**

- Threatening to remove her children from the U.S.
- Threatening to report her children to ICE.
- Taking the money she was to send to support her children in her home country.
- Telling her he will have her deported and he will keep the children with him in the U.S.

- Convincing her that if she seeks help from the courts or the police the U.S. legal system will give him custody of the children. (In many countries men are given legal control over the children and he convinces her that the same thing will occur here.)

## **USING CITIZENSHIP OR RESIDENCY PRIVILEGE:**

- Failing to file papers to legalize her immigration status.
- Withdrawing or threatening to withdraw immigration papers filed for her residency.
- Controlling her ability to work.
- Using the fact of her undocumented immigration status to keep her from reporting abuse or leaving with the children.
- Telling her that the police will arrest her for being undocumented if she calls the police for help because of the abuse.

## **INTIMIDATION:**

- Hiding or destroying important papers (i.e. her passport, her children’s passports, ID cards, health care cards, etc.)
- Destroying the only property that she brought with her from her home country.
- Destroying photographs of her family members.
- Threatening persons who serve as a source of support for her.
- Threatening to do or say something that will shame her family or cause them to lose face.
- Threatening to divulge family secrets.

## **ISOLATION:**

- Isolating her from friends, or family members.
- Isolating her from persons who speak her language.
- Not allowing her to learn English or not allowing her to communicate in a language in which she is fluent.
- Being the only person through whom she can communicate in English.
- Reading her mail and not allowing her to use the telephone.
- Strictly timing all her grocery trips and other travel times.
- Not allowing her to continue to meet with social workers and other support persons.
- Cutting off her subscriptions to or destroying newspapers and other support magazines.
- Not allowing her to meet with people who speak her language or who are from her community, culture, or country.

## **MINIMIZING, DENYING, BLAMING:**

- Convincing her that his violent actions are not criminal unless they occur in public.
- Telling her that he is allowed to physically punish her because he is the “man.”
- Blaming her for the breakup of the family, if she leaves him because of the violence.
- Telling her that she is responsible for the violence because she did not do as he wished.

Source: Family Violence Prevention Fund  
<http://www.endabuse.org/userfiles/file/ImmigrantWomen/Power%20and%20Control%20Tactics%20Used%20Against%20Immigrant%20Women.pdf>



# Sexual Abuse in U.S. Immigration Detention: Rape is not part of the penalty

By Just Detention International

**O**

ver the course of a year, more than 310,000 people are held in the custody of the United States Immigration and Customs Enforcement (ICE).<sup>2</sup> Adults, unaccompanied minors, and sometimes entire families live in prison-like conditions, while the government determines their legal status in the U.S. and prepares to deport them. ICE runs

few of its own facilities, instead contracting out the bulk of its detention responsibilities to county jails and private prison corporations.

Whether in an ICE detention center or a contracted facility, immigration detainees face the same dangers as



inmates detained on criminal charges, including the risk of sexual abuse.

Unlike criminal defendants, immigration detainees have no right to an attorney. This lack of legal assistance makes it unlikely that survivors of sexual abuse in immigration detention have access to someone who is able to explain their rights and to advocate on their behalf.<sup>3</sup> In addition, after being traumatized by a sexual assault, non-citizen detainees often have difficulty speaking out due to cultural isolation, language barriers, and limited literacy.

Moreover, immigration detainees are unique in that they are held by the very entity seeking to deport them. Corrections departments that run prisons and jails play no role in the prosecution and sentence of a criminal defendant. ICE, however, has complete control over a non-citizen's detention, immigration status, and possible deportation. As a result, fearing the possibility of retaliatory deportation, immigration detainees tend to be even less likely to challenge the conditions of their confinement than other inmates.

Similar to the dynamics of sexual violence in prisons, jails, and the community at-large, immigration detainees from marginalized populations are at greatest risk for sexual abuse. In particular, lesbian, gay, bisexual, transgender, and queer (LGBTQ) individuals,<sup>4</sup> youth,<sup>5</sup> and detainees living with mental illness or disabilities are disproportionately targeted.

Regardless of citizenship status, all detainees retain their basic human right to be free from sexual abuse. Sexual violence in immigration detention is a form of torture, prohibited by international treaties ratified by the U.S., such as the Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (CATAT) and the International Covenant on Civil and Political Rights (ICCPR).<sup>6</sup> In addition, non-citizens retain constitutional protections while in U.S. immigration detention, including the right not to be subject to cruel and unusual punishment, such as sexual violence.

The explosive growth of immigration detention has been accompanied by a worsening culture of secrecy at ICE. JDI believes that stronger policies, increased oversight, and greater transparency are urgently needed to improve safety in immigration detention and to ensure that ICE and contracted agencies are held accountable for the abuses that occur at their facilities.<sup>7</sup>



*Reprinted with permission from Just Detention International.  
January 2009 Fact Sheet.*

*“To this day, the thought of what that immigration officer did to me makes me nauseous and fills me with fear, disgust and anger.*

*It is difficult to comprehend how a federal employee who was supposed to maintain a secure environment for me while I was detained could abuse his authority in such a flagrant and appalling manner.”*

*— Esmeralda Soto,<sup>1</sup>  
Survivor of sexual abuse  
in detention*

*Just Detention International (JDI) is a human rights organization that seeks to end sexual abuse in all forms of detention.*

*Web: [www.justdetention.org](http://www.justdetention.org) E-mail: [info@justdetention.org](mailto:info@justdetention.org)*

#### Notes

<sup>1</sup> Elimination of Prison Rape: Immigration Facilities and Personnel/Staffing/Labor Relations, Hearing before the National Prison Rape Elimination Commission (Dec. 13, 2006) (testimony of Mayra Soto). Since testifying before the Commission, Ms. Soto has changed her first name.

<sup>2</sup> Immigration and Customs Enforcement, Office of Detention and Removal, Mortality Rates Fact Sheet (July 17, 2008), on-line at [http://www.ice.gov/pi/news/factsheets/detention\\_facilities\\_mortality\\_rates.htm](http://www.ice.gov/pi/news/factsheets/detention_facilities_mortality_rates.htm) (last accessed October 23, 2008)

<sup>3</sup> Clay McCaslin, “My Jailer is My Judge,” Kestutis Zadvydas and the Indefinite Imprisonment of Permanent Resident Aliens by the INS, 75 Tul. L. Rev. 193, 224 (2000).

<sup>4</sup> For further discussion about the targeting of LGBTQ detainees, see Just Detention International, Fact Sheet, LGBTQ Detainees Chief Targets for Sexual Abuse in Detention (2009).

<sup>5</sup> For more about the dangers for youth in detention, see Just Detention International, Fact Sheet, Incarcerated Youth at Extreme Risk of Sexual Abuse (2009).

<sup>6</sup> For further information on international treaties addressing sexual assault in detention, see Just Detention International, Fact Sheet, Prisoner Rape is Torture Under International Law (2009).

<sup>7</sup> To read more about sexual violence in immigration detention and JDI's recommendations, see Stop Prisoner Rape, No Refuge Here: A First Look at Sexual Abuse in Immigration Detention (2004).

# Immigrant Programs & Services in Virginia

## **TAHIRIH JUSTICE CENTER**

(571) 282-6161

[www.tahirih.org/services](http://www.tahirih.org/services)

Works to protect immigrant women and girls seeking justice in the U.S. from gender-based violence. Assistance with gender-based/domestic violence cases: VAWA, T and U Visas, gender-based asylum.

## **VIRGINIA POVERTY LAW CENTER (VPLC) RICHMOND DOMESTIC & SEXUAL VIOLENCE IMMIGRATION CLINIC**

(804) 782-9430 Ext. 33

Contact: Susheela Varky

[www.vplc.org](http://www.vplc.org)

Through a partnering with the Challa Law Offices, VPLC offers free clinics to low-income, undocumented immigrants who are victims of domestic or sexual violence. While the clinics are held in Richmond, they are open to any undocumented immigrant victims of domestic or sexual violence who live in Virginia. Victims will have the opportunity to meet with attorneys to discuss their cases and determine whether they are candidates for U Visas or VAWA Self-Petitions. Potential clients MUST first complete an intake and send to Susheela for pre-screening. They should also be prepared to bring someone to translate if they cannot speak English and a translator cannot be found before the clinic they attend.

## **AYUDA**

Sterling, Virginia

[www.ayudainc.org](http://www.ayudainc.org)

Ayuda is the only non-profit provider in the DC metro area that provides a wide range of immigration and family law assistance, as well as social services support, for all immigrants- including men, women and children – from anywhere in the world. This comprehensive and open approach gives all immigrants a single resource to go to. Our specialized services for immigrant children and for immigrant victims of domestic violence, sexual assault and human trafficking are truly unique in the area. Ayuda is well known in the immigrant community and provides linguistically and culturally appropriate services.

## **MULTICULTURAL CLINICAL CENTER**

Springfield, Virginia

(703) 354-0000

[www.vccva.com](http://www.vccva.com)

The Multicultural Clinical Center specializes in cross-cultural mental health and substance abuse services for the diverse ethnic metropolitan community.

## **CENTER FOR AFRICAN REFUGEES & IMMIGRANTS**

Arlington, Virginia

(703) 685-0510

CARI works to promote the well-being of African refugees and immigrants. Designs and manages national initiatives in public education, organizational capacity building, cultural understanding and competency, health promotion, and community development.

## **KOREAN COMMUNITY SERVICE CENTER OF GREATER WASHINGTON (KCSG)**

Annandale, Virginia

(703) 354-6345

[www.kcsgw.org](http://www.kcsgw.org)

Assists and empowers Asian Americans and new immigrants to become well-adjusted and fully contributing members of the U.S. through social services, education, advocacy, and development of resources.

## **HISPANIC COMMITTEE OF VIRGINIA (HCV)**

Offices in Falls Church, Arlington, and Alexandria

(703) 671-5666

[www.hcva.org](http://www.hcva.org)

Working in Northern Virginia to help Hispanic immigrants overcome barriers of language, isolation and poverty by linking clients to community services and empowering them with new skills. Also provides case management, job matching and immigration consultations.

## **HISPANOS UNIDOS**

Falls Church, Virginia

(703) 533-9300

Works to help raise the economic, educational, and social levels of underprivileged residents of Northern Virginia who suffer from unemployment. Offers training, employment services, and a self-help housing program. Although services are primarily for Hispanics, they are not limited to any ethnic group.

## **ASIAN CHAMBER OF COMMERCE**

Glen Allen, Virginia

(804) 798-3975

[www.aabac.org](http://www.aabac.org)

Provides technical assistance and support services to Asian newcomers (refugees and immigrants) in the areas of education and training, English as a second language, relocation, immigrant entrepreneurship development, multilingual community, health resources, and business information and referral, and cross-cultural counseling. Offices in Richmond, Chesterfield, Henrico, Hanover, Charlottesville, Virginia Beach, and Front Royal.



### **ETHIOPIAN COMMUNITY DEVELOPMENT COUNCIL**

Arlington, Virginia  
(703) 685-0510

[www.ecdcinternational.org](http://www.ecdcinternational.org)

Responds to the needs of the growing Ethiopian community in the U.S, especially in the Washington D.C. and metropolitan area. ECDC serves newcomers and refugees from many parts of the world, providing job assistance, microcredit loans and training, citizenship classes, and health education and outreach.

### **SOMALI FAMILY CARE NETWORK**

Fairfax, Virginia  
(703) 560-0005

[www.somalifamily.org](http://www.somalifamily.org)

Serves as a national resource for the growing Somali immigrant community and for the refugee and mainstream service providers who interface with Somali communities in the U.S.

### **FREDDIE MAC (DC AND VIRGINIA)**

(703) 903-2000

[www.freddiemac.com](http://www.freddiemac.com)

Helps minority and low-income families become homeowners. In Virginia, performs outreach to the Latino community to provide financial literacy and educate about predatory lending practices.

### **BOAT PEOPLE SOS**

Falls Church, Virginia  
(703) 538-2190

[www.bpsos.org](http://www.bpsos.org)

Provides assistance and support services to Vietnamese refugees and immigrants, including community development, health and mental health, family, legal, and survivor services for those who have been involved in domestic violence and human trafficking. Has offices throughout the U.S.

### **REFUGEE AND IMMIGRATION SERVICES IN VIRGINIA**

**Richmond:** Ofelia Robaina (804) 355-4559 x24

**Hampton:** Bozidar Bader (757) 247-3600

**Roanoke:** David Maxey (540) 342-7561

Gisela Pacho (540) 342-7561

**Harrisonburg:** Marta Meza (540) 434-8601

Resettles refugees and assists immigrants, empowering them to build new lives in a welcoming community. Provides immigration counseling, interpreter services, community education, case management and other support services.

### **CENTER FOR MULTICULTURAL AFFAIRS**

Falls Church, Virginia  
(703) 533-3302

[www.cmhs.org](http://www.cmhs.org)

Provides a broad range of mental health and social services to children, adolescents, adults and families—primarily for immigrants and refugees. Clients should call the Referral Line to complete a preliminary screening over the telephone and receive detailed information about services.

### **IMMIGRANT LEGAL RESOURCE CENTER (ILRC)**

(415) 255-9499 ext. 6263

[www.ilrc.org](http://www.ilrc.org)

The ILRC Attorney of the Day provides expertise in immigration law, and information on how to advocate for immigrant clients.



### **ASHA, Inc-Asian Women's Self-Help Association**

Rockville, Maryland

(202) 207-1248

Hotline: (888) 417-2742

[www.ashaforwomen.org](http://www.ashaforwomen.org)

Committed to ending all forms of violence against women and enhancing the status of South Asian women living in the metropolitan Washington, DC area. (South Asia includes Bangladesh, Indian, Pakistan, Nepal, Sri Lanka and Bhutan.)

### **LEGAL AID JUSTICE CENTER - MIGRANT ADVOCACY PROGRAM**

**Petersburg** (Cities of Petersburg, Hopewell and Colonial Heights and counties of Surry, Prince George, Dinwiddie and Charles City)  
(804) 862-2205

**Richmond** (Serving city of Richmond and counties of Chesterfield, Hanover, Henrico, New Kent, Goochland and Powhatan)  
(804) 643-1086

Pursues systematic reforms to address the underlying causes of abuse and exploitation of immigrant workers. In Spanish, the name is "Programa de Abogacia Para el Inmigrante or "PAPI".

# In Their Own Words...

Three staff members  
of the Action Alliance  
tell what it was like  
to come to this country  
as immigrants

who have children who are honor roll students, but they cannot send them to a university or college because they don't have legal status. This is so painful; I believe that we should allow children to continue higher education, regardless of their legal status.

I attended American University-Washington College of Law and took immigration law courses. I helped many immigrants with their family petitions to become legal in the U.S. I also helped other immigrants with their asylum and TPS cases. I got involved with my church where more than 800 Hispanic families attend. I am a board member of the Virginia Hispanic Chamber of Commerce, which offers free legal and immigration services to immigrants.

Working at the Virginia Sexual and Domestic Violence Action Alliance, I realize that immigrants not only face problems with their legal status but are also victims of domestic and sexual violence. This job gives me the opportunity to help Hispanic callers in their own language, providing crisis intervention and the resources they need to get help. I can apply my knowledge on immigration law and provide them with information on immigration remedies for victims of sexual and domestic violence. Domestic and sexual violence are not related to political orientation, race, religion, ethnicity, gender, etc. They affect all of us. The Bill of Rights in this country tells us that we all deserve to be safe, treated as equals and respected, and these are our basic human rights. For this reason, I am committed as an advocate and private citizen to fight for laws to end domestic and sexual violence and to make sure that everybody enjoys a life free from violence.



**Carmen Williams**  
Hispanic Crisis Services Specialist  
Peru

I came from Peru to the USA in 1986 to visit family and friends in New York. I married in 1988 and have 2 wonderful daughters. Michelle is now 21 years old, and Jeanette is 19 years old, both are full time college students. I became a U.S. citizen in 1996. I remember I had to study hard to take the citizenship test. When I passed the test it was an exciting moment, but at the same time I realized that to be a US citizen was not only a privilege for me, but also a huge responsibility.

As an immigrant, I feel the need to help immigrants in Virginia. I feel very sensitive to the feelings, concerns and the barriers they confront in their daily lives. Many immigrants come to the U.S. for a better life to fulfill their dreams, because they consider the U.S. "the land of the opportunity". Many come here escaping terrorism, guerrillas, natural disasters, poverty, etc., leaving behind their countries and families.

As a legal immigrant, I know the desperation of immigrants who don't have legal status, just waiting for comprehensive immigration legislation to become legal in the U.S. I have the opportunity to know many of them who are hard workers, and just want to give their children a better education. I know about cases of families



**Arlene Vassell-Richards**  
Child & Youth Advocacy Manager  
Jamaica

In 1982, I was fortunate, as a child, to migrate from Jamaica to the United States of America. That opportunity came with a big price: Growing up for many years without my mother by my side and wondering, "How could she leave me behind?"

At the age of 35, my mother was granted a visitor's visa to travel to the U.S., "the land of opportunity", and after visiting decided that there were opportunities in the United States that she wanted for her family. At that moment in her life she decided to sacrifice herself for her family. After her visitor's visa expired, she became "undocumented" in the U.S. Her intention was not



to break the law—she merely decided that she wanted a better life for her family.

My parents were both executive-level professionals in Jamaica. I attended an excellent school, had family support, and lived in a comfortable housing community for police personnel (my father was employed at the local police station). How could life get better than this? As a child, I didn't get an answer! Why would I judge the decision of loving parents? I did not judge or question their decision and I ask you not to judge immigrants who come to this country, seeking a better life for their families. The intent of most immigrants that enter this country undocumented is NOT to break the law. They seek to enter this country for many reasons: to escape violence, for a better life for their families, etc. Most immigrants merely want to be productive, contributing residents (and/or citizens) of the United States of America.

After the life-changing decision my mother made in November 1974, she worked with a wonderful family to obtain her legal status in this country; my father, brother and I entered this country in 1982 with legal status.

My mother and father recently retired from two well-known companies in New York (both after 21+ years of service). After retiring, they sold their home in New York and bought a new home in Florida. They are proud parents and grandparents of two children and four grandchildren who greatly excel academically and professionally in this country.

I have been told on several occasions that I don't look "Jamaican" and I don't look like "an immigrant". What does an immigrant look like? MY MOTHER: A strong woman of faith who sacrificed herself for her family.

I love my country! And I love the United States of America!



Charmaine Francois  
Crisis Services Specialist  
Trinidad

I came to America in 1972. My mom came prior to that to go to nursing school. My dad and mom had some issues in Trinidad, but I didn't know until later. When I got older I realized the

*"I have been told on several occasions that I don't look 'Jamaican' and I don't look like 'an immigrant'.*

*What does an immigrant look like?"*

*— Arlene Vassell-Richards*

reason we didn't see my dad was because he tried to kill my mom. America wouldn't let him in the country because of that. Growing up, I saw a scar on my mom's face and back but didn't think anything of it. Then I found out when I was a teenager. He was hurt that we moved, and was a police officer in Trinidad. He stabbed her because she wanted to leave him, and thought it would keep us there. I never hated my dad for it, but it hurts, because I never got a chance to know him since he could not come to the U.S. My mom got remarried, and he's been my stepdad since the 80's. My parent's relationship was something that affected me, since we moved here and grew up here.

Being immigrants, I knew we didn't belong but we tried to fit in and change our ways because we have different ways than Americans. People think we are the same—we are—but we are also different. We had different rules taught in our country. For example, in Trinidad we were taught to stay away from the police because they can hurt you.

The issues of "race" were not big issues growing up in Trinidad. When we talk about slavery in America, I don't feel the anger, so I have to understand the anger towards Caucasians. We are all one, we all have to survive. I had to learn to adjust. We love America, the land of the free and all that good stuff. My mom brought us here for education and we are different in certain ways. I'm a mom, I have six children and 4 grandchildren, all born in America. I love my culture, I love that. I am proud to be an immigrant. When I came here we had to change our ways. In Trinidad they spoke Spanish to me, but in the 70's they wanted everyone to speak English in America.

I am a crisis specialist. In our culture you help anyone you can. As a kid living in New York in 1972, my grandmother would give us food to take to people who were homeless. In Trinidad on Sundays we went to the orphanage to feed the children living there. I would take in friends that ran away and feed them. Doing the type of work I do it just comes from my country's expectations that you do what you can. I've worked in shelters, I've worked in direct services, now I'm at the statewide hotline. I love to help people feel it's going to be okay even if it's hard. My children are brought up that way. My daughter took off her jacket and gave it to a woman under a tree sleeping in the cold. That was a touching story. She said, "That's okay. I'll get another jacket" when I asked her how she was going to keep warm! I love to see my kids helping others because that is how I was raised, and everyone needs a helping hand sometimes.



threats or acts of violence against his wife, and that he participate in a certified batterers treatment program. Advocates can also work with religious leaders by educating them about domestic violence and forming partnerships to assist battered members of their religious communities or congregations.

## The Role of Racism

Battered immigrants from some racial or ethnic minority groups may face additional barriers in obtaining legal relief to end domestic violence. For example, victims may experience racism when they seek services from providers who characterize all men from African or Latin American countries as violent or women of color as more prone to victimization.<sup>21</sup> The history of institutional and individual racism against people of color may lead some victims to avoid the police and the courts because these entities are part of a system that has traditionally discriminated against them.<sup>22</sup> Battered immigrant women of color may also suffer from the intersection of the effect of racism, gender-based discrimination, and anti-immigrant discrimination.<sup>23</sup>

Victim advocates should invite advocates for immigrants to become involved in the domestic violence coalition and domestic violence coordinating council in your state or local community. Advocates from immigrant communities should work together to train justice system personnel, domestic violence victim advocates, and attorneys in your community about the dynamics of domestic violence experienced by battered immigrants.

Training should also include information on creative remedies that offer each victim the relief she needs based on her own cultural context. Battered women's and immigrant rights advocates should work with the local domestic violence coalition to identify problem organizations or individuals and to develop strategies for instituting policies and procedures that do not perpetrate racist stereotypes.

## Economic Barriers

While many victims of domestic violence face financial obstacles when they leave their abusers, battered immigrants may have even more severe economic barriers to overcome. Undocumented immigrants may not be able to obtain work authorization. Even those immigrants who are eligible for work authorization based on an approved VAWA self-petition or other means may have lengthy waiting periods before they actually receive this authorization. Battered immigrants who work without authorization are more likely to have low-paying jobs with no benefits or job security.

Moreover, immigrants who make a false claim about U.S. citizenship or purchase or use false documents in order to obtain employment risk being barred from obtaining lawful permanent residence. As a result, battered immigrants are less able to support themselves and/or their children alone. Even those who have work authorization may have difficulty finding well paying jobs because they often lack child care, transportation, or language fluency. This inability to obtain decent employment traps many battered immigrants in abusive relationships.

Some battered immigrants with U.S. citizen or lawful permanent resident children may be able to receive some benefits for their children. Nonetheless, lack of access to the economic safety net of public benefits makes it even more difficult for some battered immigrants to flee from abusive relationships. A recent survey supported the need for economic resources for battered

immigrants, finding that the primary reason immigrant women remain in abusive relationships is a lack of financial resources.<sup>24</sup>

Under ICE regulations and procedures that implemented the Violence Against Women Act (VAWA), work authorization is available to immigrants who file and have received approved VAWA self-petitions. Work authorization is also available for suspension of deportation and cancellation of removal applicants after deportation or removal proceedings have been initiated. VAWA-eligible battered immigrant women should try to get work authorization as soon as possible in order to be able to support themselves and their children. Beginning to work will also help battered immigrants prove to ICE that they are not likely to become a public charge when they are eligible to apply for lawful permanent residence or a "green card."

Many undocumented battered immigrant women do work. For these women, being employed can enable them to escape an abusive relationship. Advocates must caution undocumented battered women who plan to work that they must not purchase or use false papers in order to get employment or represent to an employer that they are U.S. citizens. If they commit those acts, they are likely to become ineligible to receive relief under VAWA or any other immigration benefit they may qualify for. They may also be subject to deportation.

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[http://www.legalmomentum.org/assets/pdfs/wwwchapter\\_1\\_-\\_overview.pdf](http://www.legalmomentum.org/assets/pdfs/wwwchapter_1_-_overview.pdf)

## Notes

<sup>1</sup>Chris Hogeland and Karen Rosen. *Dreams Lost, Dreams Found: Undocumented Women In The Land of Opportunity*. Coalition For Immigrant and Refugee Rights and Services. 2-4 (1991).

<sup>2</sup>Advocates should not use the term "mail order bride." This term fuels misunderstanding and misjudgment of immigrant women. Advocates should instead use the expression "immigrant women who met their fiances through international matchmaking organizations."

<sup>3</sup>Leslye E. Orloff and Rachel Rodriguez. *Barriers to Domestic Violence Relief and Full Faith and Credit for Immigrant and Migrant Battered Women*. Migrant Clinicians Network. 3 (1997).

<sup>4</sup>Leslye E. Orloff and Rachel Rodriguez. *Barriers to Domestic Violence Relief and Full Faith and Credit for Immigrant and Migrant Women*. Migrant Clinicians Network. 4 (1997).

<sup>5</sup>Catherine Klein and Leslye E. Orloff. *Providing Legal Protection for Battered Women: An Analysis of State Statutes and Case Law*. 21 Hofstra L.Rev. 801, 1020 (1993).

<sup>6</sup>*Ibid.* 801, 1021-22.

<sup>7</sup>Leslye E. Orloff. *National Conference on Family Violence: Health and Justice*. AMA. 70 (1994).

<sup>8</sup>United States Commission of Civil Rights. *Racial and Ethnic Tensions in American Communities: Poverty, Inequality, and Discrimination*. 75 (1993).

<sup>9</sup>Leslye E. Orloff and Rachel Rodriguez. *Barriers to Domestic Violence Relief and Full Faith and Credit for Immigrant and Migrant Battered Women*. Migrant Clinicians Network. 4 (1997).

<sup>10</sup>Leslye E. Orloff, Deanna Jang, and Catherine Klein. *With No Place To Turn: Improving Legal Advocacy for Battered Immigrant Women*. 29 FAM.L.Q. 316 (1995).

<sup>11</sup>Leslye E. Orloff and Nomi Dave. *Identifying Barriers: Survey of Immigrant Women and Domestic Violence in the D.C. Metropolitan Area*. *Poverty and Race*. 6(4) 9-10 (1997). (25% of battered immigrants stated that immigration issues prevented them from leaving their abusers).

<sup>12</sup>See Leslye E. Orloff and Rachel Rodriguez. *Barriers to Domestic Violence Relief and Full Faith and Credit for Immigrant and Migrant Battered Women*. Migrant Clinicians Network. 15 (1997). Violence Against Women Act's immigration confidentiality provisions preclude the Immigration and Naturalization Service from solely relying on information obtained from an abuser to deny immigration benefit to a battered immigrant once she has filed for relief under VAWA or notified INS of her status as a victim of domestic violence. However, the INS does violate this law and it is important that a battered immigrant obtain immigration legal assistance if this occurs.

<sup>13</sup>Chris Hogeland and Karen Rosen. *Dreams Lost, Dreams Found: Undocumented Women in the Land of Opportunity*. Coalition for Immigrant and Refugee Rights and Services. 63 (1991).

<sup>14</sup>Leslye E. Orloff and Minty Siu Chung. *Overcoming Cultural Barriers*. AYUDA, Inc. 4-5 (1996).

<sup>15</sup>Leslye E. Orloff and Minty Siu Chung. *Overcoming Cultural Barriers*. Ayuda, Inc. 3 (1996).

<sup>16</sup>Nadera Shalhoub-Kevorkian. *Tolerating Battering: Invisibile Methods of Social Control*. *International Review of Victimology*. 11-12 (1997). See also Leti Volpp and Leni Marin. *Working With Battered Immigrant Women: A Handbook to Make Services Accessible*. Family Violence Prevention Fund. 13-14 (no date).

<sup>17</sup>Leslye E. Orloff. *National Conference on Family Violence: Health and Justice*. AMA. 67 (1994).

<sup>18</sup>Orloff, supra note 7; Holly Muguigan. *Cultural Evidence and Male Violence: Are Feminists and Multiculturalist Reformers on a Collision Course in Criminal Courts?* 70 N.Y.U.L.Rev. 36 (1995); Alice J. Gallin. *The Cultural Defense: Undermining the Policies Against Domestic Violence*. 35 B.C.L.Rev. 723 (1994); Nilda Rimonte. *A Question of Culture: Cultural Approval of Violence Against Women in the Pacific - Asian Community and the Cultural Defense*. 43 Stan.L.Rev. 1311 (1991).

<sup>19</sup>For example, the Asian Women's Shelter in San Francisco stocks six different types of rice to meet the dietary needs of its residents (including short grain, long grain, basmati rice, etc.).

<sup>20</sup>See e.g., Beverly Horsburgh. *Lifting the Veil of Secrecy: Domestic Violence in the Jewish Community*. 18 Harv. Women's L.J. 171, 193 (1995).

<sup>21</sup>See e.g., Jenny Rivera. *Domestic Violence Against Latinas by Latino Males: An Analysis of Race, National Origin, and Gender Differentials*. 14 B.C. Third World L.J. 231, 234 (1994).

<sup>22</sup>Linda Ammons. *Mules, Madonnas, Babies, Bathwater, Racial Imagery and Stereotypes: The African-American Woman and The Battered Woman Syndrome*. Wisc.L.Rev. 1003 (1995). Evelyn C. White. *Chain, Change: For Black Women in Abusive Relationships*. 23-26 (1994).

<sup>23</sup>Ammons, supra note 93 at 1036; Kimberle Crenshaw. *Cultural Battery*. 25 U.Tol. L.Rev. 891 (1995); Kimberle Crenshaw. *Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color*. 43 Stan.L.Rev. 1241 (1991).

<sup>24</sup>Leslye E. Orloff and Nomi Dave. *Identifying Barriers: Survey of Immigrant Women and Domestic Violence in the D.C. Metropolitan Area*. *Poverty and Race*. 6(4) 10 (1997).



# Eliminating Barriers to Justice for Victims of Domestic Violence with Limited English Proficiency (LEP)

**O**ver the past several years, Virginia has seen an increase in the diversity of its residents, including an increase in residents whose primary language is not English. For Domestic Violence Programs, this means more limited English proficient (LEP) victims of domestic violence seeking services, including assistance in obtaining protective orders. For Virginia's courts, this means an increase in demand for court interpreters for protective order hearings as well as other types of hearings and court services.

Virginia courts and federally funded domestic violence programs are required by federal law to provide language access to LEP persons seeking services. Equal access to federally funded programs falls under Title VI, 42 U.S.C. § 2000d et seq. of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance. Through the Foreign Language Services Division (FLS) of the Office of the Executive Secretary, Department of Judicial Services, courts have received training on Title VI of the Civil Rights Act and have been given resources and clear guidance on providing meaningful access to those with LEP. Domestic violence programs have taken similar steps.

LEP victims of domestic violence face a wide array of barriers in accessing services which make them especially vulnerable:

- General lack of familiarity with systems and legal rights;
- Social isolation and lack of knowledge about community services;
- Lack of cultural competence by government or community agencies from which they seek services;
- Real or perceived anti-immigrant sentiment in their community;
- Complications of navigating an unfamiliar court system when self-represented; and
- Failure to seek help at all due to language barriers.

Domestic violence programs can assist in assuring that their clients get the services they need by implementing the following suggestions from the National Center for State



Courts, as outlined in the brochure, Protection Orders and Limited English Proficient (LEP) Individuals.

- Encourage LEP clients, if they are having difficulty understanding or communicating, to request an interpreter.
- Notify the court prior to a hearing if an interpreter is needed for any party—abused or abuser. This will allow the court to prepare and may help prevent postponed hearings.
- Lobby with the Administrative Office of the Courts to obtain the resources necessary to provide certified or otherwise qualified interpreters.
- Whenever possible, request a trained court interpreter rather than relying on an advocate interpreter.
- Never allow a minor or family member to be asked to act as an interpreter.

The key to providing meaningful access to domestic violence programs or services for LEP persons is effective communication. This can be accomplished by;

- having policies and procedures in place to identify and assess the needs of LEP clients;
- providing a wide range of language assistance options such as written materials, bilingual staff, interpreting services, etc;
- helping LEP clients understand their rights to language assistance; and
- encouraging LEP clients to request assistance when needed.

As Virginia continues to grow in diversity, the demand for interpreter services in the courts will continue to increase. Providing meaningful access to the courts in Virginia for limited English proficient persons will continue to be a challenge in the years to come, especially given the budget constraints and competing demands for scarce court resources. Failure to meet this challenge, however, will deprive some of the more vulnerable victims of domestic violence of meaningful access to justice.

*For more information on advocating for victims of domestic violence with Limited English Proficiency, please visit [www.usdvalliance.org](http://www.usdvalliance.org).*

# New Americans in the Old Dominion State:

## The Political and Economic Power of Immigrants, Latinos, and Asians in Virginia

### More than 1 in 10 Virginians are immigrants

- The foreign-born share of Virginia's population rose from 5.0% in 1990 [1], to 8.1% in 2000 [1], to 10.3% in 2007 [2], according to the U.S. Census Bureau. Virginia was home to 794,246 immigrants in 2007 [3], which is more than the total population of Austin, Texas [4].
- 43.8% of immigrants in Virginia were naturalized U.S. citizens in 2007 [2] —meaning that they are eligible to vote.

### Undocumented immigrants contribute to Virginia's economy in substantial ways

- Undocumented immigrants in Virginia paid between \$260 million and \$311 million in taxes in 2007 [5], including:
  - \$145 million to \$174 million in state income, excise, and property taxes;
  - \$93 million to \$111 million in Social Security taxes;
  - \$22 million to \$26 million in Medicare taxes.
- The state's undocumented population, which earned between \$2.6 billion and \$3.1 billion in 2007 [5], even after accounting for remittances sent back to their home countries, uses their income to purchase Virginia's goods and services.

### Latino and Asian entrepreneurs and consumers add billions of dollars and tens-of-thousands of jobs to Virginia's economy

- The 2008 purchasing power of Virginia's Latinos totaled \$13.5 billion—an increase of 516.7% since 1990. Asian buying power totaled \$14.7 billion—an increase of 467.4% since 1990, according to the Selig Center for Economic Growth [7] at the University of Georgia.
- Virginia's 30,457 Asian-owned [8] businesses had sales and receipts of \$7.7 billion and employed 70,026 people in 2002, the last year for which data is available. The state's 18,987 Latino-owned [10] businesses had sales and receipts of \$3.4 billion and employed 29,769 people in 2002, according to the U.S. Census Bureau's 2002 Survey of Business Owners.

### Naturalized citizens excel educationally

- In Virginia, 45.5% of foreign-born persons who were naturalized U.S. citizens in 2007 [9] had a bachelor's or higher degree, compared to 34.1% of noncitizens. At the same time, only 12.6% of naturalized citizens lacked a high-school diploma, compared to 26.6% of noncitizens.
- In Virginia, 79.9% of all children between the ages of 5 and 17 in families that spoke a language other than English at home also spoke English "very well" as of 2007 [9].

### Immigrants are essential to Virginia's economy as workers

- Immigrants comprised 13.3% of the state's workforce in 2007 [2], according to the U.S. Census Bureau.
- If all unauthorized immigrants were removed from Virginia in 2008, the state would lose \$11.2 billion in expenditures, \$5.5 billion in economic output, and approximately 62,918 jobs, even accounting for adequate market adjustment time, according to a report by the Perryman Group [6].

From the Immigration Policy Center (<http://immigrationpolicy.org>). Reprinted with permission.

#### Source links:

- [1] <http://www.census.gov/prod/2003pubs/c2kbr-34.pdf>
- [2] [http://factfinder.census.gov/servlet/STTable?\\_bm=y&context=st&qr\\_name=ACS\\_2007\\_1YR\\_G00\\_S0501&ds\\_name=ACS\\_2007\\_1YR\\_G00\\_&CONTEXT=st&tree\\_id=307&redoLog=true&\\_caller=geoselect&geo\\_id=04000US51&format=&\\_lang=en](http://factfinder.census.gov/servlet/STTable?_bm=y&context=st&qr_name=ACS_2007_1YR_G00_S0501&ds_name=ACS_2007_1YR_G00_&CONTEXT=st&tree_id=307&redoLog=true&_caller=geoselect&geo_id=04000US51&format=&_lang=en)
- [3] [http://factfinder.census.gov/servlet/STTable?\\_bm=y&context=st&qr\\_name=ACS\\_2007\\_1YR\\_G00\\_S0501&ds\\_name=ACS\\_2007\\_1YR\\_G00\\_&CONTEXT=st&tree\\_id=307&redoLog=true&\\_caller=geoselect&geo\\_id=04000US36&format=&\\_lang=en](http://factfinder.census.gov/servlet/STTable?_bm=y&context=st&qr_name=ACS_2007_1YR_G00_S0501&ds_name=ACS_2007_1YR_G00_&CONTEXT=st&tree_id=307&redoLog=true&_caller=geoselect&geo_id=04000US36&format=&_lang=en)
- [4] <http://quickfacts.census.gov/qfd/states/48/4805000.html>
- [5] [http://www.thecommonwealthinstitute.org/Portals/16/Labor and Wage/immigration contribution.pdf](http://www.thecommonwealthinstitute.org/Portals/16/Labor%20and%20Wage%20immigration%20contribution.pdf)
- [6] [http://americansforimmigrationreform.com/files/Impact\\_of\\_the\\_Undocumented\\_Workforce.pdf#page=69](http://americansforimmigrationreform.com/files/Impact_of_the_Undocumented_Workforce.pdf#page=69)
- [7] [http://media.terry.uga.edu/documents/selig/buying\\_power\\_2008.pdf](http://media.terry.uga.edu/documents/selig/buying_power_2008.pdf)
- [8] <http://www.census.gov/prod/2002/sb0200casian.pdf#page=30>
- [9] <http://www.migrationinformation.org/datahub/state2.cfm?ID=VA>
- [10] <http://www.census.gov/prod/2002/sb0200chisp.pdf#page=30>





# Cultural Proficiency Continuum

## How does your organization measure up?

Cultural Destructiveness & Cultural Deficit Perspectives	Cultural Blindness & Cultural Bias	Cultural Awareness	Cultural Sensitivity	Multicultural Sensivity
<ul style="list-style-type: none"> <li>• Making people fit the same cultural pattern.</li> <li>• Excluding those who don't fit.</li> <li>• Pressuring assimilation.</li> <li>• Emphasizing using differences to create barriers.</li> </ul> <p><b>Example:</b> Bureaucratic rules and systems that bar access and require people to accept solutions or services that do not fit their cultural background.</p>	<ul style="list-style-type: none"> <li>• Not seeing or believing there are cultural differences among people.</li> <li>• Everyone is the same.</li> </ul> <p><b>Example:</b> "One size fits all" services.</p>	<ul style="list-style-type: none"> <li>• Being aware that we live and function within a culture of our own and that our identity is shaped by it.</li> </ul> <p><b>Example:</b> Outreach to communities of color.</p>	<ul style="list-style-type: none"> <li>• Knowing that there are cultural differences.</li> <li>• Understanding and accepting different cultural values, attitudes, and behaviors.</li> </ul> <p><b>Example:</b> Development of culturally and linguistically appropriate educational materials.</p>	<ul style="list-style-type: none"> <li>• Having the capacity to communicate and interact effectively with culturally diverse people, integrating elements of their culture—vocabulary, values, attitudes, rules, and norms. Translating knowledge into action.</li> <li>• Understanding that culturally biased helping systems may have an oppressive impact; taking protective steps to change biases and remove barriers.</li> </ul> <p><b>Example:</b> Customized, culturally responsive services and organizational practices.</p>

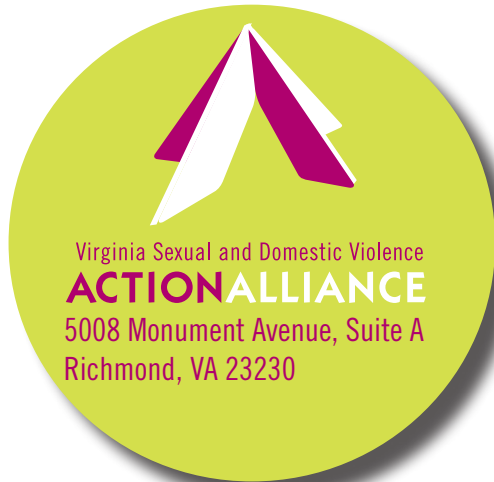
Reprinted from the National Latino Alliance for the Elimination of Domestic Violence publication:  
On the Road to Social Transformation: Utilizing Cultural and Community Strengths to End Domestic Violence  
Author: Elsa Rios

# The New Colossus

by Emma Lazarus  
1883

Not like the brazen giant of Greek fame,  
With conquering limbs astride from land to land;  
Here at our sea-washed, sunset gates shall stand  
A mighty woman with a torch, whose flame  
Is the imprisoned lightning, and her name  
Mother of Exiles. From her beacon-hand  
Glow's world-wide welcome; her mild eyes command  
The air-bridged harbor that twin cities frame.  
"Keep ancient lands, your storied pomp!" cries she  
With silent lips. "Give me your tired, your poor,  
Your huddled masses yearning to breathe free,  
The wretched refuse of your teeming shore.  
Send these, the homeless, tempest-tost to me,  
I lift my lamp beside the golden door!"

*"The New Colossus" was engraved on  
a bronze plaque and mounted inside  
the Statue of Liberty in 1903.*



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