

Mandated Reporting for Adult Abuse Victims of Sexual Assault & Intimate Partner Violence

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Resource Library: iwp.legalmomentum.org

Learning Objectives

- Understand of the dynamics of violence against women experienced by non-citizens
- Understand the reporting procedures of adult abuse victims of sexual assault and intimate partner violence (IPV)

Personal safety vs. community good - Would mandated reporting result in “good” for those involved and send a positive or negative message to victims, offenders, and communities

Mandatory Reporting in Age of Immigration Enforcement

- Effect on immigrant victim safety if
 - Police are 287(g)
 - Need to know the police/DHS relationship
 - Are police trained on immigrant victims legal rights
 - New DHS policies
 - VAWA/T/U protections
- Would the reporting lead to U-visa certification

Message to Immigrant Victims

- Reinforce that seeking help will lead to deportation
 - Perpetrator has been saying this all along
- Will mandatory reported inform the victim about immigration options
 - If not, in DV cases victim will believe that if the perpetrator deported she will be too

With Mandatory Reporting

- Immigrant survivors will believe that health care system is not safe
- Low rates of health care use by immigrant victims
 - Almost $\frac{3}{4}$ never seek maternal or child health care
 - Only $\frac{1}{5}$ of battered immigrants reported seeking emergency health care services
 - Less reproductive health care

Percent receiving services vs. percent disclosing abuse

- Lawyers/Legal Services (50.1% vs 8.7%)
- Doctor/Nurse/Health Care(59% vs.. 4.6%)
- Social Services/Social Worker
 - (58.2% vs.6%)
- Police (11.9% vs. 8.4%)
- Job Training/ESL(36.7% vs 1.5% employer)
- Religious organization/worker
 - (5.4% vs. 8.4%)

Did not disclose domestic abuse to health care providers

- Language barriers (29.7%),
- Lack of knowledge about formal services available to help battered immigrants (23.4%),
- Fear (18%),
- Particularly of immigration consequences (27%),

Statistically Significant Factors related to immigrant survivors use of health care

- Immigration status of victim:
 - Citizen-lawful permanent resident = 49.4%
 - Temporary legal status = 45.2%
 - Undocumented = 30.2%
- Length of time in the U.S.
 - More than 3 years = 44.7%
 - Less than 3 years = 27.1%
- Family in the U.S. – Yes = 42.4% No = 26%

Research Among Immigrant Women Found

- Similar results lifetime abuse rates for immigrant women in the U.S. 33-50%
- Immigrant women also have high rates of sexual assault particularly during the first two years after arrival in the U.S.
- Victimization of immigrant children also high including child sexual abuse
- Multiple immigrant populations studied

The Power of Control Over Immigration Status

- Of those married to a citizen or lawful resident spouse who could have filed legal immigration papers
- 72.3% never file immigration papers.
- The 27.7% who did file had a mean delay of 3.97 years.

Immigration-Related Abuse

- Immigration related abuse =
 - Threats/attempts to have her deported
 - Threats to and acts to withdraw papers
 - Calls to USICE to turn her in – have her case denied
- Keeps victims from
 - seeking help
 - Getting protection order
 - Calling police
 - Cooperating in prosecutions
- NIJ Research found that 65% of immigrant victims report some form of immigration related abuse

Immigration Related Abuse as a Lethality Factor

- **10 times higher** in relationships with physical/sexual abuse as opposed to psychological abuse
- Lethality factor could predict escalation
- Corroborates existence of physical/sexual abuse

“Are therapeutic and other connections interrupted when reporting takes place?”

Would it likely reduce victimization or merely cause less disclosures?

If reporting is broadened, what will that mean (what should be reported, who should be mandated reporters, consequences if not followed?)

Effect of Reporting

- Make health care profession unsafe
 - Women to women information in immigrant community
- Will increase victimization
- Will cut off avenue to learn about protections

If Mandatory Reporting Implemented What Conditions?

- All reporters need to
 - Screen for VAWA, T, U, Low priority immigrants
 - Learn who in community serving immigrant victims – Directory -- iwp.legalmomentum.org
 - Play a role in U-visa certification

Potential Immigration Remedies

- Applications filed DHS
 - VAWA self petition
 - Battered spouse waivers (spouses of USCs with conditional permanent residency)
 - U visa
 - T visa (victims of trafficking)
 - Asylum (persecution based on protected classes)
- Forms of relief from removal- granted by Immigration Judge
 - VAWA cancellation of removal
 - VAWA suspension of deportation

Technical Assistance and Materials

- Power Point presentations and materials for this conference at niwap.org/go/ivat
- **NIWAP Technical Assistance:**
 - Call (202) 274-4457
 - E-mail niwap@wcl.american.edu
- Website: www.wcl.american.edu/niwap