

National Findings on University and College Responses to Foreign-born Student Victims

Amanda Davis and Leslye E. Orloff (October 27, 2016)¹

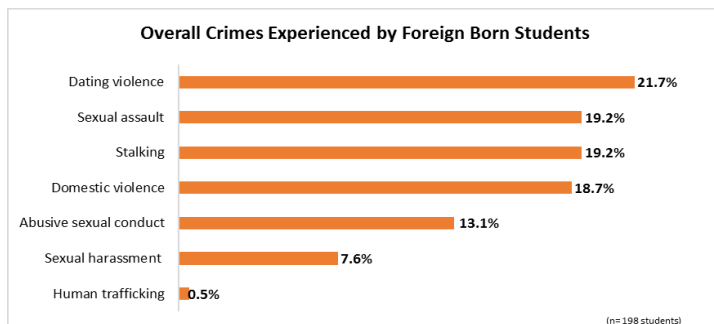
In the spring of 2016, the National Immigrant Women’s Advocacy Project conducted a survey regarding foreign born college and university students who had been victims of sexual assault, dating violence, domestic violence, stalking, human trafficking, and sexual harassment. NIWAP sought to learn about Universities’ responses and help offered to foreign born victims (called “interim measures”), and what support foreign born student victims both need and receive. It was also important to learn the types of individuals and organizations that foreign born student victims turn to in times of need. This survey looked broadly at foreign born students on U.S. College and University Campuses and includes students with a wide range of immigration backgrounds. The foreign born students that were the subject of this survey include students who:

- Are undocumented
- Have Deferred Action for Childhood Arrivals
- Have F, J or M visas
- Have other visas or immigration status (e.g. diplomatic, work, VAWA, U visas)
- Are lawful permanent residents

The agencies participating in the survey were from six states with 27.3% colleges and universities and 72.7% from off campus organizations working with student victims. The experienced participants have worked with 12,039 foreign born students, with an average of 1,719 foreign born students each.

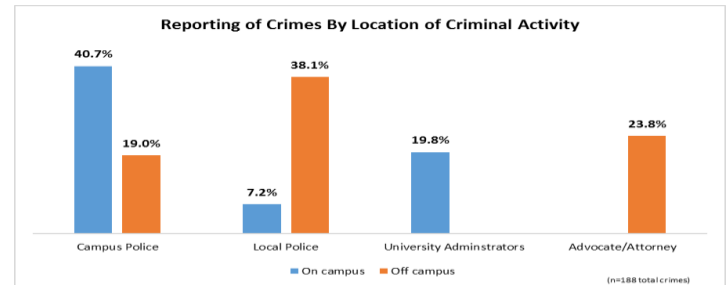
Types of Criminal Activities Foreign Born Students Have Experienced

Collectively, survey participants worked with 198 foreign born student victims of dating violence, sexual assault, stalking, domestic violence, human trafficking and/or sexual harassment. Victimization occurred both on and off campus: On-campus (84.3%) compared to off-campus (15.7%).

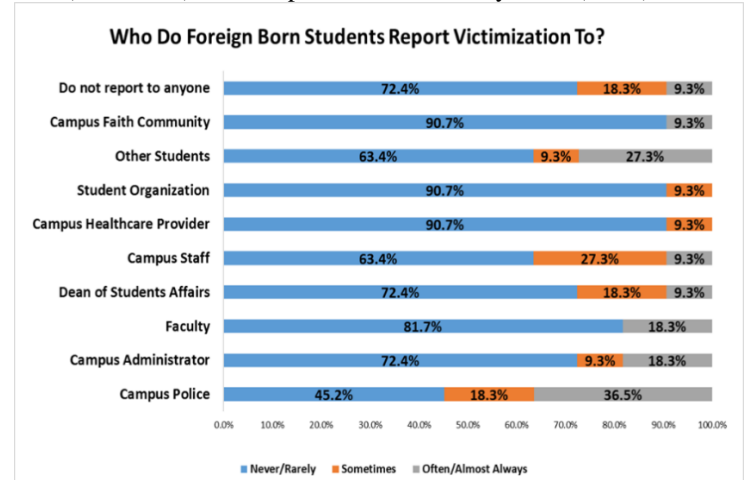


Reporting of Crime by Foreign Born Student Victims

Under half of all crimes experienced by foreign born students (48.4%, n=91) are reported to either campus or local police. There were higher reporting rates (57.1%) for crimes committed off campus being reported to the police compared to 47.9% of crimes that are committed on campus.



Among Foreign born student victims who reported, they most often reported to campus police (54.8%); other students (36.6%) and campus staff (36.6%). They were least likely to report sometimes to student organizations and campus health care (both 9.3%) and campus faith community often (9.3%).



The survey results found that foreign born students are often reticent and fearful of reporting crimes for reasons including:

- Fear of retaliation from the perpetrator (72.5%) including threats of deportation (42.5)
- Thought no one would believe them (52.5%) and feared being blamed for the abuse (42.5%)
- Fear of being ostracized by other students (45%), their cultural community (40%)
- Fear of treatment they would receive from school officials (37.5%)
- Lack of knowledge of legal rights (37.5%); did not know what happened to them was crime (25%)
- Believed that that would not be able to continue their education if they reported the abuse (20%)

Actions Taken and Interim Measures Offered by Universities and Colleges in Response to Crimes

¹ See, Amanda Davis and Leslye E. Orloff, “National Findings on University and College Responses to Foreign-born Student Victims” (October 27, 2016), available at <http://niwaplibrary.wcl.american.edu/pubs/national-findings-on-foreign-born-student-victims>

Under Title IX and the Clery Act² universities and colleges must provide student victims interim measures that provide services, support, assistance, security, referrals, legal information, and health care for student victims. These obligations extend to foreign born student victims. These measures are extremely important to the student’s recovery, health, well-being, safety, and educational success and for holding perpetrators accountable for their crimes and/or sexual harassment.

The most/least common *immediate actions* taken by schools when a foreign born student reports a crime are:

- Assistance from victim services/advocacy (54.5%)
- Help with reporting to local police and campus Title IX coordinators (45.5%)
- University deciding whether to pursue legal action against perpetrator (36.4%)
- Provide legal rights information & Clery Act reporting help (both 18.2%) and helped to obtain healthcare (9.1%)

Interim measures taken by your college or university when a foreign born students reports a crime (n=115)	Sexual assault, DV/dating violence, stalking	Sexual Harassment	Overall
Access to counseling services on campus and assistance in setting up an initial counseling appointment	66.7%	55.6%	61.1%
Changes or rescheduling an exam	55.6%	55.6%	55.6%
More time to complete class projects, assignments, final papers, homework	55.6%	55.6%	55.6%
Referrals to medical and mental health services off campus	55.6%	33.3%	27.8%
On-campus medical and mental health services	44.4%	55.6%	55.6%
Changes to classes or transfer to other sections of the class	44.4%	55.6%	50.0%
Arranging for incomplete, a leave of absence or withdrawal from campus	44.4%	33.3%	38.9%
Academic accommodations (tutoring)	33.3%	33.3%	33.3%
Changes in campus employment and/or changes to work schedules	33.3%	33.3%	33.3%
Security escorts	33.3%	22.2%	27.8%
Changes in campus housing and/or dining locations	33.3%	22.2%	27.8%
Provide victims with information about the Clery Act	22.2%	33.3%	27.8%
Referrals for legal assistance	22.2%	22.2%	22.2%
Provide victims with information about Title IX	22.2%	22.2%	22.2%
Preserving eligibility for academic, athletic or other scholarships, financial aid, internships, study abroad or foreign students visas	22.2%	22.2%	22.2%
Increased campus police patrol	22.2%	11.1%	16.7%
Informing victims about and assisting them with the process of filing a formal complaint regarding their victimization with the university/college	11.1%	44.4%	27.8%
Transportation accommodations (e.g. to court, hospital, counseling sessions, meetings with police, meetings with prosecutors)	11.1%	11.1%	11.1%
Informing victims about their legal rights to file claims with the DOE	0.0%	0.0%	0.0%

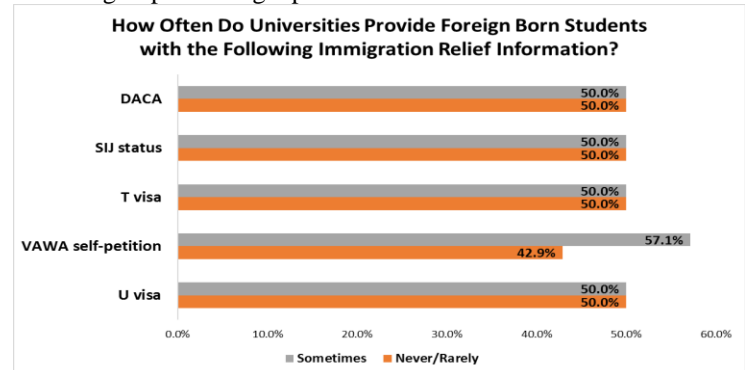
The quality of the information communicated will be improved and the experience will be less traumatic if foreign born student victims can speak in their native languages with help from qualified interpreters when reporting abuse to police, university staff, health care providers and victim services. This survey found that few campus-based programs offered interpreters to assist foreign born students. Those most likely to offer interpreters were programs that work with undocumented students.

The survey found that in cases of foreign born student victims qualified interpreters were provided to assist victims never or rarely by:

- Faculty, campus health care, student organizations (90%)
- Campus staff and administrators (70%)
- Local police (63.6) and campus police (60%)
- Campus programs that work with foreign born students (60%)

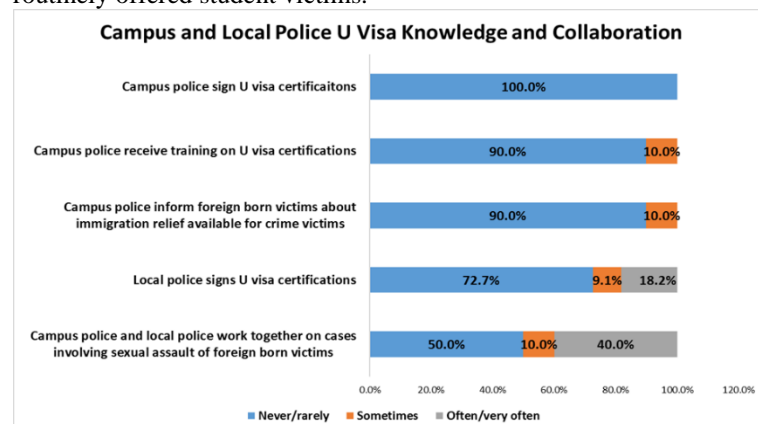
Legal Rights Information Not Provided by Universities

All foreign born students who are victims of sexual assault, dating violence, stalking, domestic violence and many other crimes will be eligible for immigration relief that provides a path to lawful permanent residency and work authorization. Student’s safety, educational success, and futures are greatly enhanced when student victims learn about and pursue immigration protections. Schools can play a key role in educating students about these options, but are not providing foreign born student victims with information about the following important legal protections.



Roles of Campus and Local Police in Cases of Foreign Student Victims

Additionally, since the vast majority of foreign born student crime victims will be eligible for U visa crime,³ victim immigration relief universities and colleges must ensure that U visa certification by campus police for all on-campus crimes and help securing secure U visa certification from local police for off-campus crimes is included in the interim measures routinely offered student victims.



³ See Leslye Orloff, Carole Angel and Sally Robinson, “Chapter 10: U Visas: Victims of Criminal Activity,” in *Empowering Survivors: Legal Rights of Immigrant Victims of Sexual Assault (July 2013)* <http://library.niwap.org/wp-content/uploads/2015/IMM-SA-Ch10-UVisas.pdf>

² Title IX, 20 U.S.C. § 1681, et seq.; Clery Act, 20 U.S.C. § 1092(f).