



Funding Effective Program Services for Immigrant Victims of Domestic Violence

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by Amanda Baran, Donna Irwin, and Leslye E. Orloff,

This monograph is designed to help Family Violence Prevention Service Act (FVPSA) Grant administrators expand services to projects that serve immigrant victims of family violence. Specifically, it will focus on factors administrators should examine to determine how effective a program will be in serving a targeted, immigrant population. It will provide guidelines to distinguish between programs that claim to be open to immigrants and those that have established true and trusting relationships with immigrant communities. Often, the projects best able to reach and effectively serve immigrant victims are collaborations between mainstream domestic violence and sexual assault victim service programs and programs that have experience and trusting relationships with women in immigrant communities. Additionally, this monograph will assist FVPSA administrators by providing insight to enhance these collaborations and by providing tools that can be used to ensure that funds support effective services provided through relationships between mainstream programs and those serving immigrant victims.

All domestic violence victims have the right to access safety and protection provided by culturally competent programs. In accordance with section 320 of Family Violence Prevention Services Act, all states must “detail how the needs of the underserved populations will be met”. The statutory definition of “underserved populations” includes “populations underserved due to ethnicity, racial, cultural or language diversity, alienage status, geographic isolation, disability or age (section 303(a)(2)(C).” Immigrant victims of domestic violence fall within this un-served or under-served category. Identifying immigrant populations in your state and finding links to this population which

will lead to the development of appropriate comprehensive services is critical to the overall success of your state plan.

FVPSA grant administrators working to improve the effectiveness of programs serving immigrant victim's, should pursue five important goals:

1. Learn about significant immigrant communities in your state. Identify immigrant populations in the state utilizing a combination of census data and information from both the education (K-12), medical and religious communities.
2. Learn who immigrant women trust. Bring together regional focus groups to discuss the types of domestic violence services that are currently available to immigrant victims. Include domestic violence programs with access to immigrant populations and non-traditional, community-based programs that have gained the trust of immigrant victims.
3. Target battered immigrant women in grant solicitation. Include a component specifically addressing services for battered immigrant women in your FVPSA Grant Solicitation/Request for Grant Assistance/Proposal and allowing additional points to those programs responding to this component. Encouraging the development of these services to the un-served or underserved populations in your state.
4. Review proposals for competency in serving immigrant victims. Assure that grant proposals addressing this component reflect an understanding of immigrant victims' needs and experiences, or include collaborations between programs with expertise serving immigrant victims.
5. Fund Effective Collaborations. Award grants to programs demonstrating collaborations between mainstream domestic violence services and community- based programs with links to immigrant victims. NOTE: Include immigration experts and/or representatives

from the immigrant community as members of your evaluation review committee in all funding decisions.

Model Programs

Some states have developed model programs that serve immigrant victims. These programs may be housed in immigrant community-based organizations, legal services programs, or domestic violence coalitions. Examples include:

- a. **TAPESTRI** an Atlanta-based coalition of eight community-based programs fighting violence and oppression of women in immigrant and refugee communities. TAPESTRI advocates speak over 40 different languages and assist immigrant and refugee families affected by domestic violence, sexual assault, trafficking, and other gender-based crimes. TAPESTRI employees provide case management services to victims, including writing temporary protective orders, explaining general domestic law to victims, and referring victims to attorneys.
- b. **Ayuda, Inc.** is a legal services agency to whom the Washington, D.C. metropolitan regions' immigrant community has turned for assistance with immigration matters. In 1985, Ayuda created Clinica Legal Latina, a program devoted specifically to addressing the complex and interconnected legal and social service needs of immigrant women who were victims of family violence. Immigrant women turned to Ayuda for help because of Ayuda's trusted role in the D.C. immigrant community. Ayuda offers legal representation to immigrant victims in protection order, family, immigration, and public benefits cases. In recent years Ayuda has expanded its focus to include assistance to trafficking victims and to offer social services to its immigrant victim clients.
- c. **MUNA**, a program of the Iowa Coalition Against Domestic Violence that highlights the effectiveness of the link between community organizing, developing the leadership of immigrant women survivors and providing legal services for immigrant victims. MUNA has equally important components: a community organizing program and a legal clinic. The goal of MUNA's community organizing is to involve immigrant women, both survivors and others, in education, empowerment, mentoring, organizing, and development of new leadership. MUNA builds trust with immigrant women through a strong woman-to-woman empowerment program. Immigrant women trained by MUNA serve as advocates for other female victims in their communities and collaborate with shelters and the legal clinic to support victims seeking services. The legal clinic collaborates with shelter advocates and MUNA members throughout the state to offer legal services to Latina, Bosnian, and other immigrant victims in immigration, family law, protection order and other legal matters.

In those states lacking specialized services or programs for immigrant populations, outreach may be accomplished through non-traditional sources. Administrators can learn who immigrant women trust by reaching out to some non-traditional sources including home health nursing programs (Promotoras), WIC Programs, medical clinics, or community legal services. These programs can help administrators identify immigrant community leaders who are knowledgeable about and have experience working with immigrant women, who in turn, can advise administrators about their needs, gaps in services, and collaborations most likely to assist them.

Why is service provision to immigrant victims so important?

Immigrant Demographics:¹

- Over 80% of all immigrants are documented.
- 72.3% of U.S. Citizens or Lawfully Permanent Residents (legally admitted aliens) who could file for legal status for their immigrant spouse **NEVER** file.
- By 2000, the foreign-born population, as measured by the Census, exceeded 31 million (11% of U.S. population).
- Between 1990 and 2000, immigrants and their offspring grew from 18 percent to 26 percent of the population.²
- Today, one in five children in the U.S.—and one in four low-income children—is the child of an immigrant.³

¹ Randy Capps, et. al., *The New Neighbors: A User's Guide to Data on Immigrants in U.S. Communities*, Urban Institute Immigration Studies Program (2003). For more statistical information, please visit the Urban Institute's website at www.urban.org. If you need additional assistance finding data, please call the Amanda Baran at Legal Momentum's Immigrant Women Program, at (202) 326-0048.

² Jeffrey S. Passel, Randy Capps and Michael Fix. "Undocumented Immigrant: Facts and Figures." Urban Institute Immigration Studies Program (January 1, 2004); Fix, Passel and Kenneth Sucher, "The Dispersal of Immigrants in the 1990s." Urban Institute (2002); Immigrant Families and Workers Fix, Wendy Zimmermann, Passel. IMMIGRATION STUDIES: THE INTEGRATION OF IMMIGRANT FAMILIES IN THE UNITED STATES. Urban Institute (2001), at <http://www.urban.org>.

- Immigrants are migrating to both urban and rural communities, large and small, in all states.
- Immigrants are not just settling in traditionally immigrant receiving states (Border States: California, Arizona, New Mexico, Texas, and Florida).⁴
- Many states with relatively low immigrant levels before 1990 saw their foreign-born populations grow by over 90% during the 1990s.⁵
- By 2050, the foreign-born population is projected to have doubled and will account for 15% of the total U.S. population.⁶

What services can all immigrant victims receive without regard to immigration status?

There is a wide range of services and justice system assistance available to help immigrant victims of domestic violence, that as a matter of law, are to be open to all immigrants without regard to immigration status. Although the Personal Responsibility and Work Opportunity Act of 1996 (PRWORA), dramatically decreased access to federal public benefits for immigrants generally, programs necessary to protect life and safety were required to be provided by PRWORA without regard to the immigration status. The following programs (funded by federal, state, or local government funds or by private funding) offered at the community level have been designated by the

³ *Id.*

⁴ Randy Capps, et. al., *The New Neighbors: A User's Guide to Data on Immigrants in U.S. Communities*, Urban Institute Immigration Studies Program (2003). The ten states with the fastest growing immigrant populations were: North Carolina (274 percent), Georgia (233 percent), Nevada (202 percent), Arkansas (196 percent), Utah (171 percent), Tennessee (169 percent), Nebraska (165 percent), Colorado (160 percent), Arizona (136 percent), and Kentucky (135 percent).

⁵ *Id.*

⁶ *Id.*

U.S. Attorney General to be open to all persons, even undocumented immigrants, without regard to immigration status:⁷

- Crisis counseling and intervention programs;
- Services and assistance relating to child protection;
- Adult protective services;
- Violence and abuse prevention;
- Services to victims of domestic violence or other criminal activity;
- Treatment of mental illness or substance abuse;
- Short-term shelter or housing assistance for the homeless, for victims of domestic violence, or for runaway, abused, or abandoned children. This has been defined by HUD to include emergency shelter, short-term shelter, and transitional housing for up to two years;⁸
- Programs to help individuals during periods of adverse weather conditions;
- Soup kitchens;
- Community food banks;
- Senior nutrition programs and other nutritional programs for persons requiring special assistance;

⁷“Final Specification of Community Programs Necessary for Protection of Life or Safety Under Welfare Reform Legislation,” 66 Fed. Reg. 3,613, 3,614 (2001). A copy of the Attorney General’s List discussed here is provided in the Appendix to this Monograph.

⁸ See “Letter from the Secretary of the U.S. Department of Housing and Urban Development to HUD Funds Recipient” (Jan. 19, 2001). See also, Office for Civil Rights, U.S. Department of Health and Human Services, *Access to HHS-Funded Services for Immigrant Survivors of Domestic Violence*, (last modified Jan. 30, 2001). Both are provided in the appendix to this Monograph.

- Medical and public health services and mental health disability or substance abuse assistance necessary to protect life and safety:⁹
- Activities, designed to protect the life and safety of workers, children and youths or community residents (e.g. police, fire, emergency medical care).

Under the requirements of the U.S. Attorney General’s List, immigrant victims can access a range of much-needed victim services including, but not limited to, police assistance, emergency medical care, shelter, domestic violence and other victim services, and health care and maternal and child health care from government-funded community and migrant health clinics. Programs offering these services are not required to ask any questions about a victim’s immigration status.¹⁰ Federal, state, and local agencies (governmental and non-governmental) that receive federal funds, are subject to federal civil rights laws barring discrimination on race, color or national origin grounds.¹¹ According to the HHS-USDA guidance:

to the extent that states’ application requirements and processes have the effect of deterring eligible applicants and recipients who live in immigrant families from enjoying equal participation in and access to these benefit programs based on their national origin, states inadvertently may be violating Title VI.¹²

What unique service barriers do immigrant women face?

⁹For more information, see Claudia Schlosberg. *Not Qualified Immigrants’ Access to Health Services After the Welfare Law*. National Health Law Program, Inc. Immigrants and Welfare Resource Manual. National Immigration Law Center (1998).

¹⁰“Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996,” 62 Fed. Reg. 61,344, 61,346 (1997).

¹¹42 U.S.C. §2000d, *et seq.*

¹²Department of Health and Human Services and Department of Agriculture, “Policy Guidance Regarding Inquiries Into Citizenship, Immigration Status and Social Security Numbers in State Applications for Medicaid, State Children’s Health Insurance Program (SCHIP), Temporary Assistance for Needy Families (TANF), and Food Stamp Benefits” (last modified Sept. 21, 2000).
<<http://www.hhs.gov/ocr/immigration/triagency.html>>.

While all abused women have many reasons why they do not leave their abusers, immigrant women have additional threats and potential problems with ending the relationship. When a victim is undocumented, leaving the violent relationship can mean loss of financial resources, an unavailability of language accessible services, losing support from a cultural community, and seeking help while being confused about how the U.S. government, social services, and laws work. The barriers are numerous and complicated, but understanding them will help FVPSA administrators, advocates, law enforcement officers, and lawyers offer better culturally competent assistance to immigrant victims of domestic violence. It is important to note that we characterize these barriers as *systemic*, in that they are not brought by the women themselves, but are within the systems they try to access. Systemic reforms that reflect the diversity of women's needs and experiences are needed.

What specific barriers must be overcome when working with immigrant victims?

Fear of Deportation

Fear of deportation¹³ is the principal barrier to seeking any type of aid, including shelters, hospitals, and police protection, after experiencing abuse. In a study of Latina immigrants in Washington, D.C., 21.7 % of the population of battered immigrants did not leave their abusers because they were afraid of being deported.¹⁴ Typically, the victim's abuser is the sponsor for his victim's immigration case, and thus has control over her and her children's application for permanent residency¹⁵. This gives force to his threats to report her to immigration authorities or interfere in her

¹³ Being placed in removal proceedings in front of an Immigration Judge and losing the case can lead to deportation, which is defined as being returned to one's country of origin. It should be noted; however, that many immigrants are not aware that they have the right to a trial and thus fear that any "official" (which they may believe to include shelter directors and doctors, who in reality have no right to ask for her immigration status or report her as an illegal alien) will be able to simply send them out of the country.

¹⁴ Mary Ann Dutton, Leslye E. Orloff, & Giselle Aguilar Hass, *Characteristics of Help-Seeking Behaviors, Resources and Service Needs of Battered Immigrant Latinas: Legal and Policy Implications*, 7 *Geo. J. on Poverty & Pol'y* 245 (Summer 2000).

¹⁵ Decana L. Jang, et al, *Domestic Violence in Immigrant and Refugee Communities: Asserting the Rights of Battered Women* (.Family Violence Prevention Fund, eds, 2d ed. 1997).

immigration case, providing him with a method of keeping her in the relationship.¹⁶ For women who have already obtained legal permanent residency with the help of their abuser, they may wrongly fear that he can also take it away.

In many cases, the abuser will use power and control over the victim's immigration status and threats of deportation to control her. He will lie to the victim, saying that he has filed the necessary papers when in fact he has not. Research conducted among battered immigrants found that among abusers who could file immigration papers for their spouse, **72.3% never filed.**¹⁷ Additionally, many of those who did file waited to do so for an average of nearly four years.¹⁸ The abuser's complete control over a woman's immigration status prevents many women from leaving abusive relationships.¹⁹ Further, when an immigrant woman's abuser is a citizen, abuse rates jump to two times the national average.

In addition, fear of deportation will stop women from seeking other sorts of help, such as medical examinations, protection orders, or counseling. Documentation that the victim sought these types of aid is critical if a victim is eligible for certain immigration relief, as it can help prove the occurrence of the abuse. A lack of this proof can make it more difficult for a battered immigrant to obtain legal immigration status and public benefits.²⁰ Furthermore, for many victims, deportation would permanently separate them from their children, who could remain in the abusive partner's custody.

¹⁶ Leti Volpp, Family Violence Prevention Fund, *Working with Battered Immigrant Women: A Handbook to Make Services Accessible* 2 (June 1995).

¹⁷ Dutton et al., at 259.

¹⁸ *Id.*

¹⁹ Chris Hogeland & Karen Rosen, Coalition for Immigrant and Refugee Rights and Services, *Dreams Lost, Dreams Found: Undocumented Women in the Land of Opportunity*, 15 (1991).

²⁰ Mary Ann Dutton et al., American Bar Association, *Domestic Violence & Immigration: Applying the Immigration Provisions of the Violence Against Women Act: A Training Manual for Attorneys & Advocates* 165 (Bette Garlow et al. eds., 2000).

Deportation is an intimidating prospect for any immigrant woman who may have left her home country to join a spouse or for reasons involving “poverty, civil war or natural disaster.”²¹ Returning her to her country of origin could further endanger her if her country has no effective legal approach for deterring and punishing domestic violence perpetrators.²² For an immigrant victim whose abuser is a U.S. citizen, legal permanent resident, or has a work-related visa, the abuser will have the ability to travel abroad. He can follow her back to her home country and continue to abuse her without being subject to prosecution.²³

Language Barriers

Language operates as an immeasurable barrier for immigrant victims of domestic violence. Many immigrant victims lack the money, time, and resources to attend English as Second Language (ESL) classes, particularly if they are working outside the home, as well as working as the family cook, homemaker, and primary child caretaker. The spouse of an immigrant victim typically serves as her translator of information or even as her language teacher. When the spouse is also abusing the immigrant victim, language barriers work to keep the victim in the abusive relationship and prevent her from seeking help elsewhere.

Linguistic limitations can cripple an immigrant woman’s ability to respond to violence. Despite the fact that Title VI of the Civil Rights Act of 1964²⁴ requires that government agencies and programs receiving federal funding (i.e. FVPSA and VAWA) take steps to providing language accessible services, many programs remain effectively closed to persons with limited English

²¹Leslye E. Orloff & Janice V. Kaguyutan, *Offering a Helping Hand: Legal Protections for Battered Immigrant Women: A History of Legislative Responses*, Vol. 10, No. 1 American University Journal of Gender, Social Policy, and the Law (2002).

²² Deborah Weissman, *Protecting the Battered Immigrant Woman*, FL. BAR J.82 (Oct. 1994); See Orloff & Kaguyatan, at 133.

²³ Family Violence Prevention Fund, *Issue Paper on Domestic Violence Cases Involving Immigrant and Refugee Communities: The Response of the Courts* 6 (Dec. 1991).

²⁴ 42 U.S.C. §2000d, *et seq.*

proficiency. First, language barriers prevent abused immigrant women from obtaining the police protection they need because they have no knowledge of the laws that would protect them or they are unable to effectively explain, in English, why they called and how they were abused. When called, the police tend to speak only to the English-speaking abuser, giving him the power to twist the story and play down or deny the violence, or to blame the immigrant victim altogether. Secondly, language barriers prevent immigrant victims from accessing various types of needed services. While an immigrant may be able to survive within her immediate community without having to learn English, an abused immigrant will need to access services outside her immigrant community, such as shelters, legal services, police, and the court system, to break the cycle of violence. These agencies may not have employees who speak the immigrant victim's native language and may not be able to provide interpreters. Immigrants living in rural communities isolated from their cultural communities have an even harder time accessing services, either because of language barriers or because lack of services altogether.

Misinformation about the U.S. Legal System

Immigrant victims of domestic violence often lack knowledge about the types of legal relief available to them and/or fear that seeking help through the legal system will lead to their deportation. They do not take advantage of the legal system because they do not understand their rights and/or the rights of their children under U.S. law. This is particularly true if they come from a country where the legal system differs greatly from that of the U.S.²⁵ If a victim's country of origin functions on a system in which law enforcement, government officials, and the judiciary all function within a repressive government, she may be understandably skeptical that the United States legal system will be any different, and will offer her protection. The abuser may be the victim's only source of

²⁵ Racial and Ethnic Tensions in American Communities: Poverty, Inequality, and Discrimination. 1 United States Commission on Civil Rights 75 (Jan. 1993).

information about legal rights in the United States, and he may lie to her about her legal rights. He may tell her that she will be ignored, or even deported if she approaches the authorities. If the abuser has isolated the woman from other sources of information about the legal system, she will very likely believe his lies. A 1998 Department of Justice survey found that 53% of all domestic violence victims call the police for help,²⁶ yet a survey of Latina immigrants found that only 27% called following abuse.²⁷ When immigrant women are able to speak with others about the abuse and learn about their legal rights they will be more likely to contact social services and will be more likely to turn to the legal system for help.

How do we accomplish the five goals?

1. Learn about the significant immigrant communities present in your state.

In addition to undertaking traditional research methods, seek out the expertise of service providers and leaders from immigrant communities in your area who have experience working with immigrant populations and immigrant victims. Speak with religious leaders and educators to learn about other community-based organizations working with immigrant communities. Accessing available resources through national advocacy groups²⁸ that work on issues affecting immigrant victims of gender-based violence can help you identify programs in your state that have experience and expertise. Commencing this research will help you

²⁶ Callie Marie Rennison & Sarah Welchans, Bureau of Justice Statistics, *Intimate Partner Violence* 7 (2000).

²⁷ Leslye E. Orloff, Mary Ann Dutton & Giselle Aguilar, *Battered Immigrant Women's Willingness to Call the Police for Help and Police Response* (unpublished), finding that 75.6% of the survey participants spoke little or no English, yet two-thirds of the time that officers were called to the scene of a domestic violence offense, they did not speak Spanish.

²⁸ Materials are available through the National Network to End Violence Against Immigrant Women coordinating organizations; The Immigrant Women Program at Legal Momentum: Advancing Women's Rights 1522 K Street Suite 550, N.W. Washington D.C. 20005, (202)326-0040, www.legalmomentum.org; The Family Violence Prevention Fund 383 Rhode Island St. Suite 304 San Francisco, CA 94103-5133, (415) 252-8900, www.endabuse.org; and ASISTA: Immigrant Women's Technical Assistance Project, www.asistaonline.org.

identify immigrant populations in need of services, as well as non-mainstream agencies that should be partners in effective collaborations.

2. Learn who immigrant women trust

Identify community-based organizations, faith-based institutions, immigrant community leaders, and immigrant women who can provide leadership and reach immigrant victims in their communities. It is important to recognize that official leadership in some immigrant communities may not include women or may not necessarily represent women's interests.

3. Perform a needs assessment

Starting with FVPSA-funded programs, conduct an internal program assessment to identify the services each particular agency offers to all battered women and evaluate how you can make these services accessible to battered immigrant women.²⁹ Existing services offered to immigrant women, should be continually evaluated for effectiveness and cultural relevancy.

4. Sponsor meetings/focus groups with representatives from the immigrant women community and with community-based organizations serving immigrants.

FVPSA grant administrators should take a leadership role in bringing together programs serving immigrant communities, immigrant women's groups, and mainstream domestic violence/sexual assault service providers. Get involved in the immigrant community, either by attending meetings, by interacting with immigrant community members, by working with trusted community-based organizations or by attending events sponsored by faith-based organizations attended by immigrant women, you can begin to build the kind of trust and willingness that will lead individuals to seek assistance from your agency. If immigrant

²⁹ Sonia Parras Konrad, Women Empowering Women: An Exciting Journey (no date) (PowerPoint presentation, on file with author).

victims hear about a support service through a community leader or other immigrant women, they will be more likely to seek the service.³⁰

Who are the best partners?

Seeking out the expertise of service providers and leaders in immigrant communities in your area can help you gather critical information on existing program services. In many communities, good programs will already exist. Most of these programs will have years of experience working with immigrant victims, but many may not have had previous access to federal or state funding. Many times, FVPSA grant administrators can work with these programs to educate them on the requirements of the Violence Against Women Act (VAWA) and provide technical assistance in refining their services to meet FVPSA grant requirements. Where such programs exist, grant administrators may fund them directly or help foster collaborations with mainstream programs through which community-based programs serving immigrant women can receive funding for their work. FVPSA grant administrators should also consider tapping into resources available through county and local government offices, the public library, specialized media (TV and print), and through national advocacy groups working on issues pertaining to immigrant victims of domestic violence.³¹ Performing this research will help you form relationships with agencies that could be potential collaborative partners. At the same time, administrators can inform the community of their interest in developing services for immigrants.

³⁰ Remember that some immigrant victims of violence prefer that the domestic violence program they go to for assistance is completely disconnected from their cultural community. These immigrant women may express their preference for this type of service to protect their confidentiality and to avoid being judged by the cultural standards of their community.

³¹ Materials are available through the National Network to End Violence Against Women coordinating organizations; The Immigrant Women Program at Legal Momentum: Advancing Women's Rights, 550, N.W. Washington D.C. 20005, (202) 326-0040, www.legalmomentum.org; The Family Violence Prevention Fund 383 Rhode Island St. Suite 304 San Francisco, CA 94103-5133, (415) 252-8900, www.endabuse.org; and ASISTA: Immigrant Women's Technical Assistance Project, www.asistaonline.org.

Building collaborations between mainstream domestic violence service providers and other community-based programs serving immigrant women is the best approach. Immigrant women are more likely to trust the services if they see evidence of a positive relationship with respected and established community leaders and trusted community- or faith-based organizations with a history of working within their immigrant community.³² This network of collaborative services can be more successful if there is a concerted effort to reach out to and understand the immigrant community you are attempting to serve. Ask questions that help you understand the immigrant experience. Mainstream domestic violence and community-based agencies should identify local and national resources that might be able to provide culturally competent information about the immigrant communities you hope to serve. Examples of potential types of partners who can serve as a trusted link to immigrant women include:

- Immigrant women survivors
- Immigrant women's groups
- Immigrant community-based organizations with long-term immigrant community work
- Legal services programs with expertise in the immigration, public benefits, domestic violence, and family law needs of immigrant victims
- Programs specializing in serving immigrant victims of domestic violence or sexual assault
- Outreach programs serving immigrant victims who stay with their abusers
- Community education outreach efforts (ESL Programs, etc.)
- Programs that organize and develop leadership and advocacy skills of immigrant survivors and immigrant women

³² Deena L. Jang, et al, *Domestic Violence in Immigrant and Refugee Communities: Asserting the Rights of Battered Women* (Family Violence Prevention Fund, eds, 2d ed. 1997); Del-An BryAnn Chen, "We Just Got Together and We Enjoyed It:" An Analysis of the Georgia Coalition for Battered Refugee and Immigrant Women as a Social Movement (1998) (unpublished M.A. thesis, Georgia State University) (on file with author).

- Faith-based organizations with long term expertise serving immigrants
 - Catholic Charities
 - Catholic Legal Immigration Network
 - Hebrew Immigrant Aid Society
 - Lutheran Social Services
- Local religious institutions serving immigrant communities
- Programs that provide other social services to immigrants
- Refugee resettlement organizations
- Community-based organizations offering
 - Health care promotion programs (Promotora Programs)
 - Help with housing, food, clothing
 - Victim assistance
 - Counseling

Mainstream partner programs could include:

- Mainstream domestic violence and/or sexual assault, and outreach advocacy programs
 - DV Shelters, safe home networks and other domestic violence victim advocacy programs
 - Family Violence Victim Advocacy Centers
 - Rape Crisis Clinics and other sexual assault victim advocacy programs

Why is this community link crucial?

When developing culturally competent collaborations, including immigrant women as leaders and respected partners in a network is an effective key to successful collaboration.³³ Generally, battered women in the United States use shelters and community agencies as their main means of intervention and support.³⁴ Immigrant victims of violence, however, may first turn to female friends in their community, trusted church groups, or immigrant rights groups who offer support and link them to domestic violence experts. Because immigrant victims of violence are more likely to initiate conversations about domestic violence to their female friends, mothers, and sisters or another battered immigrant woman in their community, the names of helpful and trustworthy organizations spread quickly from woman to woman through word-of-mouth. Furthermore, those who talk to others about the domestic violence are the ones most likely to ultimately to seek help. Breaking the silence is the first step.³⁵

Immigrant survivor involvement is the critical link without which few immigrant victims will actually use the services available in your state. It is important to build collaborations between agencies, to have multilingual and multicultural staff, to cross-train professionals, and to fund services that are more culturally sensitive. However, building a good collaboration and a culturally competent program alone will not necessarily result in immigrant victims coming to use those services. Even outreach may not necessarily change this equation. Involving immigrant women community members, and trusted immigrant community- or faith-based organizations with long-term track

³³ Sonia Parras Konrad, *Women Empowering Women: An Exciting Journey* (PowerPoint presentation, on file with author).

³⁴ Lesile M Tutty, Bruce A. Bidgood, and Michael A. Rothery, *Support Groups for Battered Women: Research on Their Efficacy*, 8 J Fam Viol 325 (1993).

³⁵ Giselle Aguilar Hass, Mary Ann Dutton & Leslye E. Orloff, *Lifetime Prevalence of Violence Against Latina Immigrants: Legal and Policy Implications*, DOMESTIC VIOLENCE: GLOBAL RESPONSES, 2000, at 93; Mary Ann Dutton, Leslye E. Orloff & Giselle Aguilar Hass, *Characteristics of Help Seeking Behaviors, Resources and Service Needs of Battered Immigrant Latinas: Legal and Policy Implications*, 7 GEO. J. ON POVERTY L. & POL'Y 245 (2000).

records of working in immigrant communities, as partners in your collaborations will break down barriers and will communicate the availability of services to immigrant victims themselves.³⁶

When reviewing funding proposals that involve trusted immigrant community-based organizations, it is important to understand and evaluate who in the immigrant community accesses the services of any given program. Of these organizations, many may mostly provide services to immigrant families. In these interactions, immigrant men may be the families' primary representatives working with the agency. It is important to identify partners working in immigrant communities that offer services in addition to, or primarily for, immigrant women and involve these partners in collaborations you fund. If most of the immigrant community-based organizations involved in your collaborations serve the immigrant community generally, as opposed to specializing in serving immigrant women, it is important to encourage these groups to work with immigrant women survivors. It may be more difficult to reach immigrant women when partners only include mainstream programs and immigrant community leaders that do not have proven track records working with immigrant women.

Domestic violence, legal services, and immigrant rights organizations should all be encouraged and supported to reach out to immigrant women in your community and involve female community members as staff and volunteers for organizations working on domestic violence issues. Organizations should also support the leadership of immigrant women in this work and encourage immigrant survivors to form their own community-based organizations.³⁷ Through collaborations, mainstream domestic violence agencies should offer to provide developmental technical assistance

³⁶ Sonia Perras Konrad, *Women Empowering Women: An Exciting Journey* (no date) (PowerPoint presentation, on file with author).

³⁷ Leni Marin, Family Violence Prevention Fund, *Building the Rhythm of Change: Developing Leadership and Improving Services Within the Battered Rural Immigrant Women's Community* (2000).; NOW Legal Defense and Education Fund & Organizacion en California de Lideres Campesinas, Inc., *Advocacy to Improve Services for Battered Migrant and Immigrant Women Living in Rural Communities: A Manual* (2003).

and financial support for immigrant victims of domestic violence helping them form their own support organizations aimed at serving the needs of, and creating a link to, immigrant women in the community.

What if we build it and they don't come?

Once you have identified immigrant communities in your state and immigrant community-based programs and mainstream domestic violence service providers have trained each other's program staff, the collaboration is ready for the next step. As part of your collaborative work, it is important to undertake an outreach effort to inform immigrant victims of domestic violence about their legal rights and about programs and services available to help them.³⁸ Immigrant victims of domestic violence will not start coming to seek services just because agency staff have been trained and are now ready to serve them. For this reason, it is important to augment development of culturally competent services with an outreach and education campaign that informs immigrant women about their legal rights and the services available for immigrant victims.

Since immigrant women are more likely to talk about violence with their female friends, mothers, or sisters, outreach efforts should be sufficiently targeted to reach both immigrant women who are abused and the persons to whom they turn for support. Reaching the target audience means collaborating with immigrant survivors and immigrant women's groups, and speaking to them about violence against women issues. Outreach efforts should include coordination between domestic violence program services, legal system personnel, immigrant victims, immigrant survivors, and non-English language ethnic media (radio television, newspapers, and newsletters).

Effective program strategies for battered immigrant women

³⁸ Legal Momentum & Organizacion en California de Lideres Campesinas, Inc., *Advocacy to Improve Services for Battered Migrant and Immigrant Women Living in Rural Communities: A Manual* (2003).

Since battered women have multiple needs, the assistance needed to support each victim, help her survive the abuse, and move on with her life will be a unique combination of services and remedies -- one approach will not fit all. The most effective programs will:

- Utilize a holistic approach
- Incorporate cultural considerations
- Address multiple barriers, including economic and language barriers
- Contain strategies to reach, retain, and sustain services to the target population
- Implement elements of successful strategies identified below, but be knowledgeable that a program's effectiveness will vary depending on each victim's particular needs, including those that are culturally based.

What is a holistic approach?

In the United States, immigrant victims of domestic violence need access to a full range of culturally competent services, including shelter, transitional housing, health care, counseling, supportive advocates, family lawyers, protection orders, criminal prosecution of their abusers and financial assistance. In order to provide multilingual and multicultural services to abused immigrant women, service providers should be trained in providing culturally competent assistance to the targeted audience.³⁹ Additionally, immigrant victims need access to attorneys and advocates who are both knowledgeable about the laws governing special access to legal immigration status and public benefits for immigrant victims, and who are prepared to counter abusers' efforts to use immigration status against a victim through law enforcement and/or the courts. Rarely can an immigrant victim of domestic violence receive all the assistance she needs from one program.

³⁹ Woodrow Wilson International Center for Scholars, *Women's Rights in Theory and Practice: Employment, Violence and Poverty* (2002).

When seeking legal assistance, economic assistance, and social services an immigrant victim may face systemic obstacles including sexism, racism, cultural prejudices, and anti-immigrant attitudes.⁴⁰ By combining efforts, lawyers, victim advocates, justice system and social service system personnel, and other professionals can help immigrant victims overcome the systemic barriers that impede their ability to access resources to eradicate the violence, escape the abuser, and have a safe and economically secure life.

How do you assure that legal and social services providers have the ability to effectively impact and serve battered immigrant victims?

In some instances isolation from the immigrant community is necessary for the safety and protection of an immigrant victim. In some cultures, the immigrant community will reject the victim, eliminating all contact and/or support. Victims' fears can be exacerbated by this separation. In other instances a victim's ability to heal and overcome the abuse will be enhanced because she has support from her own cultural background. These are some of the important cultural considerations service providers must address when designing strategies to provide services to immigrant populations. FVPSA grant proposals should reflect knowledge and understanding of these cultural considerations in their methodology for providing domestic violence services to underserved and un-served populations; programs should include evidence of:

- Linkage between the service provider and the immigrant community, directly, or through staff and/or connections to board members to target populations.

⁴⁰ Sudha Shetty, J.D. and Janice Kaguyutan, J.D., *Immigrant Victims of Domestic Violence: Cultural Challenges and Available Legal Protections* (2002) available at <http://www.vaw.umn.edu/FinalDocuments/vawnet/arimmigrant.asp>

- Strategies that enhance opportunities for staff from the mainstream program and staff from the immigration community program to work together and illustrate an ongoing working relationship with each other on immigrant victims' cases.⁴¹
- An agency's Strategic Plan identifying goals and objectives to reach out to or enhance services for the immigrant women population.
- Program materials translated in the language of immigrant populations in the community.
- Proficiency and availability of multilingual staff coverage and/or a strategy for providing interpretation services.
- Availability of cultural foods and accommodation for dietary restrictions.
- Understanding and respect for cultural and religious customs.

Programs must demonstrate knowledge of legal rights to access immigration relief, public benefits, and language access.

Access to public benefits

Programs' methodology for services to immigrant victims of domestic violence and their children should incorporate assistance to those who qualify for VAWA immigration relief and public benefits. Staff should be knowledgeable about eligibility requirements and the types of benefits for which immigrant victims and their children qualify. Programs should not send immigrant victims to

⁴¹ New National Institute of Justice-funded research found that the best models for providing effective services and interventions for immigrant domestic violence victims are true collaborations between staff from two types of programs: one partner must have expertise helping women and children who have experienced family violence, while the other must have a trusting relationship with women in immigrant communities—whether a grassroots women's group, an immigrant community organization, a health care provider, faith-based organization or legal or social service provider with a lengthy track record working with women in the target immigrant community. Research data (2002) is pending publication, available from Dr. Rachel Rodriguez, University of Wisconsin Madison, School of Nursing.

apply for benefits on their own, but should accompany them when applying for benefits for themselves and/or their citizen children.

The rules that determine whether an immigrant is eligible for public benefits are complex and many immigrants do not understand whether and/or for which benefits they may be entitled. An immigrant victim of domestic violence may not know that even if she herself is ineligible for benefits, if she has U.S. citizen children, she may apply for benefits for her children. A more serious problem is that when caseworkers in benefits offices often misunderstand or are confused about immigrants' eligibility for benefits.

Additionally, many immigrant victims, even those who are eligible for public benefits, fear that if they apply for benefits, they will be reported to immigration authorities and deported. A social security number and information on citizenship or immigration status is required in order to obtain certain public benefits, but only for the person who will be receiving such benefits. When the benefits will be for a child only, the child's social security number may be required. However, states often require the disclosure of social security numbers and/or social security numbers for all family or household members of persons applying for benefits, even though this information is not legally required. Many eligible immigrants, and mothers of U.S. citizen children applying on their behalf, are deterred from applying for benefits because they are concerned that if they respond to such questions on the application forms about their family or household members, the state may provide information about family members to immigration authorities and they may face deportation.

Access to Immigration Relief

Currently, many different legal remedies exist to aid battered immigrants. The Violence Against Women Act of 1994 (VAWA), which was amended and expanded through reauthorization in 2000 and 2005, contained several provisions to prevent abusers from using immigration as a tool

to control their victims. The VAWA self-petition is an important form relief available to help victims regularize their immigration status. The VAWA self-petition enables a battered immigrant to obtain her green card without the cooperation of her abusive spouse or parent. The filing of this self-petition can occur at any time and, due to the changes in 2000, can even occur after a divorce if the petition is filed within two years and if the divorce was related to the abuse.

Changes to VAWA in 2000 created additional remedies for survivors of violence. Congress created two new nonimmigrant visas for battered victims. The first nonimmigrant visa is the U-visa, also known as the “crime victims visa.” An applicant must prove that she has been a victim of a certain type of serious crime⁴², has suffered substantial physical or mental abuse as a result of the crime, has information about the crime, and can provide a certification from a law enforcement official or judge that the victim has been, is or is likely to be helpful in investigating or prosecuting the crime. The other type of nonimmigrant visa is the T-visa. An applicant must prove that he or she has been a victim of a severe form of trafficking and has either complied with any reasonable request for assistance in the investigation or prosecution of trafficking or has not yet turned fifteen years old. If either the U-visa or the T-visa is approved, the applicant may be eligible to apply for a green card.

VAWA 2005 brought even more enhanced protections for immigrant victims by

- granting work authorization to abused spouses of certain professionals (specialty occupations, diplomats, international organization employees, Australian investors);
- extending immigration benefits to victims of child and elder abuse;

⁴² The enumerated crimes include rape, kidnapping, torture, abduction, trafficking, unlawful criminal restraint, incest, domestic violence, sexual assault, abusive sexual contact, prostitution, sexual exploitation, female genital mutilation, being held hostage, peonage, involuntary servitude, false imprisonment, blackmail, extortion, manslaughter, murder, felonious assault, witness tampering, obstruction of justice, perjury, and slave trade.

- arming foreign fiancés with any criminal information about their U.S. citizen fiancés and information about U.S. laws, resources, and services for domestic abuse survivors; and
- paving access to Legal Services Corporation-funded programs for all indigent victims of domestic abuse, sexual assault, or trafficking regardless of immigration or marital status.⁴³

In order to truly serve the community, it is vitally important that programs seeking to help victims of domestic violence demonstrate knowledge about the immigration remedies available to them. Knowledge of these remedies will leave programs in better positions to assist as many women as possible and assure women suffering from domestic violence that they have options.

Language Access

Language barriers and an inability to speak or understand English fluently, results in many immigrant victims being denied public benefits, access to police, and access to courts. For example, when applying for public benefits, the complexities of eligibility requirements and an immigrant woman's limited English proficiency create difficulties and misunderstanding in communicating with intake caseworkers and other staff at state social services agencies. Many intake interviewers and other front-line employees who interact with immigrant victims are neither bilingual nor trained properly on how to assist victims with limited English proficiency.⁴⁴ As a result, an immigrant victim with limited English proficiency is often turned away, forced to find her own interpreter, forced to wait substantial time periods, or required to make repeated visits to the public benefits office because

⁴³ For more information on the range of immigration remedies VAWA affords victims, please contact Legal Momentum's Immigrant Women Program at (202) 326-0040 or iwp@legalmomentum.org

⁴⁴ Office for Civil Rights, Dep't of Health and Human Serv., Policy Guidance: Title VI Prohibition Against National Origin Discrimination as it Affects Persons With Limited English Proficiency 1 (2001), available at <http://www.hhs.gov/ocr/lep/guide.html> [hereinafter OCR LEP Policy Guidance].

an interpreter is not available.⁴⁵ Similarly, when trying to access law enforcement or the court system, many victims can face severe challenges when trying to tell their stories. In many violent situations, the abuser will have English speaking skills and can control the conversation when talking with police or court officials, thus silencing the victim.

Title VI of the Civil Rights Act of 1964 prohibits recipients from discriminating on the basis of race, color, or national origin. Under Title VI, organizations receiving federal funding have an obligation to ensure that “no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” This means that Title VI implementing regulations have outlawed practices or policies that have a discriminatory impact and that recipients of federal financial assistance have a *responsibility to take reasonable steps to provide limited English proficient (LEP) individuals with meaningful access to their programs and activities*. Discrimination on the basis of national origin can occur if a recipient of federal funds does not provide appropriate language assistance to LEP individuals because an individual, whose language is usually tied to their national origin, will not have access to the same benefits, services, information, or rights that the agency receiving federal funds provides to everyone else.

Although Title VI has been in effect for over 40 years, more recently, the federal government has taken additional measures to improve compliance with respect to providing access to federal services for LEP persons. Executive Order 13166, titled “Improving Access to Services for Persons with Limited English Proficiency” went into effect in 2000. This order required federal agencies to take reasonable steps to provide meaningful access for LEP people to federally conducted programs and activities. It also required every federal agency that provides financial assistance to non-federal

⁴⁵ *Id.*

entities to publish guidance on how grant recipients can provide meaningful access to their services for LEP persons. Pursuant to this order several federal agencies have published LEP guidance. The guidance seeks to assist recipients of federal financial assistance from the various agencies in fulfilling their legal responsibilities to provide meaningful access for LEP persons.⁴⁶

FVPSA Grant Administrators should facilitate the education of their sub-grantees, state and local governmental agencies, and mainstream domestic violence services about the rights and protections provided immigrant victims under the Violence Against Women Act and Title VI, placing a strong emphasis on the state and local governments' responsibilities for language access, safety, and protection.

Creative Use of Protection Orders and Access to Legal Services

Programs providing advocacy or legal assistance to immigrant victims of domestic violence will need to demonstrate knowledge of an immigrant victim's legal rights. Programs should utilize creative strategies to achieve the best result for a victim and her children. Assisting immigrant victims in obtaining protection orders is an important first step in providing safety and protection. To be most effective, protection orders should contain all the relief an immigrant victim needs to address the abuse, power, and control in her particular relationship. Relief in the protection order should be as detailed as possible, and should ensure that the victim's individual needs are addressed. Gaps in the relief listed in the order or a lack of specificity may create an avenue that the abuser can manipulate that can lead to further violence and may make the order harder and in some cases, impossible to enforce.

Most victims critically need certain protections when the abuser and victim have children. The protection order should always contain orders regarding custody. Under all state statutes the

⁴⁶ For more information on agencies' guidance, please visit www.lep.gov.

victim can receive a temporary custody award as one of the remedies include in her civil protection order. Some jurisdictions may require that a judge in a Superior court hear the protection order case in order to include a custody award in a protection order. Advocates and attorneys should also recommend that the order name the children explicitly as protected parties in their mother's protection order. Additionally, when immigrant women take steps to protect themselves against further abuse, abusers may retaliate against the woman's family members. Protection orders should also include prohibitions against contact or harassment of the immigrant victim's family members.

Catch-all Provisions for Creative CPOs

Catch-all provisions can be creatively used to obtain specific culturally competent relief for battered immigrant women. In virtually all jurisdictions, protection order statutes contain catch-all provisions. These provisions can provide victims specific relief to help cut off abusers' abilities to exert control over their victims and reduce abusers' opportunities for ongoing abuse. These provisions can be used to remove barriers that prevent victims from being able to leave their abusers. Through catch-all provisions, protection orders can address areas of potential conflict. Creative use of catch-all provisions can also address petitioner's cultural and/or immigration status related needs. Some examples of effective provisions are that the abuser:

- pay the costs of petitioner's immigration case
- turn over information, documents, or copies of documents to the petitioner
- turn over documents proving abuser's citizenship or residency status
- cooperate in and does not withdraw any case previously filed for petitioner with immigration services
- restrict the abuser from contacting of any government agency about the petitioner without the court's permission

- restrict removal of the children from the court's jurisdiction and the country
- turn over children's passports
- sign a statement that no visa or passport shall be issued by the U.S. government or a foreign government to children absent a court order

Effective programs will identify protection orders and use of creative remedies as part of their program implementation plan.

Effective Collaborations Between Advocates and Legal Services Providers

Access to VAWA immigration benefits, creative protection order remedies, and public benefits is enhanced when advocates and attorneys collaborate. Priority should be given to collaborations between programs that utilize both attorneys and advocates in providing comprehensive domestic violence services, assuring that attorneys' expertise and time are used efficiently. For immigration cases, attorneys should provide evidence check lists and directions so that advocates are responsible for the greater part of the work interviewing immigrant victims, drafting the initial version of the victim's affidavit, tracking down and gathering evidence that the victim will need for her immigration case. Advocates work closely with the victim and put together a packet of material that they forward to the attorney. The attorney reviews the evidence and compiles it in a format that will result in a favorable adjudication of the case by the Department of Homeland Security, working with the advocate to obtain any missing information. By working with a number of advocates attorneys can offer assistance to greater numbers of immigrant victims from jurisdictions across the state.

Any proposal to provide legal assistance to immigrant victims should also detail how the cost of case processing will be addressed. Who is responsible for the costs of the self-petition application

and how will the costs be paid? Legal Services Corporation (LSC) and VAWA funds may be utilized to cover these application fees. These costs should not be passed on to the victim.

Key proposal elements that administrators should look for in applications

The grant application should receive higher marks when it:

- Demonstrates experience in providing services to women in the immigrant community and/or established collaboration between immigrant community-based programs and mainstream domestic violence services
- Involves persons trusted by immigrant women in the proposed work
- Includes immigrant women/survivors as volunteers or staff in the program
- Describes how immigrant victims will learn about their legal immigration options and relief available to them through family court, from immigration authorities, the justice system, and public benefits agencies.
- Details language access, who will provide interpretation, and how these costs are funded
- Offers multilingual materials
- Involves organizations knowledgeable about immigrant victim's legal rights.
- Includes accompaniment and support of trained multilingual advocates through the court process and with applications for public benefits
- Provides outreach, advocacy, education, and support for battered immigrants
- Addresses assistance that will be provided to immigrant victims who do not separate from their abusers (e.g. protection orders, immigration relief, information, support)
- Implements strategies for cross-training between professionals (not just training immigrant community groups about domestic violence)
- Uses sensitive language (undocumented immigrants not the words illegal or aliens)

Importance of linking to experts

Effective program services should indicate their level of contact with national, state and local technical assistance providers with expertise in providing services and assistance to immigrant victims. If proposals do not indicate knowledge and connection to these providers, vital funds may be wasted to research strategies or develop duplicative materials and information. The National Network to End Violence Against Immigrant Women (www.immigrantwomennetwork.org) is a respected national program that can address needs for specialized technical assistance. The Network operates several listservs that act as bulletin boards for questions from advocates and attorneys. Legal experts who provide free technical assistance to individuals, agencies, and communities throughout the nation moderate these listservs. The Family Violence Prevention Fund (www.endabuse.org), ASISTA (<http://www.asistaonline.org>), and Legal Momentum (www.legalmomentum.org), also develop culturally relevant information and materials for programs providing services to the immigrant community.

Tips for Reviewing and Awarding Grants to Effective Programs

To assure that funded programs serving immigrant populations will be effective in reaching, retaining, and in implementing effective program services for immigrant victims, important information about each of the partner agencies must be collected, including, their track record working with immigrant women; their expertise on violence against women issues; their expertise on immigrant victim's legal rights; and their history of collaboration. Further, each of the partner agencies must be actively involved in designing the program's goals, objectives and strategies. It is also important to review the lead agency's mission, strategic plan, members of the board and key administrative and program personnel, and their cultural connection to the targeted immigrant population. This data may be required as:

- a component of the solicitation;
- collected by the FVPSA Administrators' program staff during the review process; and
- compiled by domestic violence, sexual assault, or immigrant community groups with whom you consult and who are included as outside reviewers.

When comparing program strategies of applicants, it is important to consider how:

- the goals, objectives, and strategies are linked to the identified needs and culture of the immigrant population;
- the target immigrant population will learn of the services;
- women in immigrant communities will access these services;
- language access and cultural competency of services will be addressed;
- program services will be implemented (methodology); and
- the impact (outcome) these services will have on the identified need

To assure effective results in the award process, members of the evaluation review committee should be carefully selected to assure a balance of expertise is maintained. The evaluation review committee should include *at a minimum*, representatives with expertise in domestic violence services, legal services, immigration law, and provision of culturally competent services to women in immigrant communities.

How Do We Identify Authentic Collaborations and Partnerships and Determine the Efficacy of Programs?

Many mainstream domestic violence programs will seek to work with immigrant populations. Examine these programs' mission statements, strategic plans, and the cultural makeup of the Board of Directors to determine linkages to immigrant communities. In collaborative proposals, request the work history these mainstream programs claim exists between themselves and their

community-based partners to determine whether there is a true partner relationship. Scrutinize the pass-through budget to make sure mainstream partners are providing significant funding in subcontracts to community-based immigrant groups. Without true collaborations immigrant victims will not be adequately served. Priority should be given to those programs with long-term relationships and equitable sharing of both the work and the resources.

Conclusion

All domestic violence victims have the right to access safety and protection provided by culturally competent programs. With the information and resources provided in this Monograph, FVPSA grant administrators will be able to fund services that truly reach immigrant victims, changing programs and saving lives.