

# Safety Planning With Immigrant Survivors of Sexual Assault

A Presentation for NIWAP by

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# Introductions

- Aparna Bhattacharyya, Raksha, Inc
- Jessica Mindlin, Victim Rights Law Center
- Edna Yang, American Gateways



# Objectives for this session:

At the close of this workshop, participants will be able to:

- List 3 reasons safety planning is important in serving immigrant victims of sexual assault
- Identify 3 ways safety planning with immigrant victims of non-intimate partner sexual assault may differ from safety planning with victims of non-IP or domestic violence
- Explain 4 ways safety planning can differ depending on the population to be served and/or the form of sexual violence the victim experienced
- Initiate a safety planning conversation with a survivor



# Shared Expectations

- Respect
- Speak from “I” perspective
- Participate
- Leave / help create space for others to participate
- Know that we’re addressing a broad range of sexual victimization

# Where Are You Now?

- Does your organization or agency currently safety plan with victims?
  - With whom? (DV Victims? SA Victims? Stalking?)
- Who does it and when?
- How do you do it / What resources do you rely on?
- How often do you safety plan?



# Why Is Safety Planning Important?

- Helps victims stay alive
- Promotes safety of victims' family / community (friends, relatives, etc.)
- Opportunity to address:
  - Survivor's physical needs
  - Survivor's emotional needs
- Increases victims' willingness to disclose what happened / helps everyone plan accordingly
- Required by OVW



# Safety Planning Considerations & Components

- When do you safety plan?
- How often do you safety plan?
- How do you safety plan?
- Uniquely vulnerable survivors





# Safety Planning – SA ≠ DV

## How might it differ?

- Victim may not know much about the perpetrator(s) -- and vice versa
- CPO may not be an option
- Few (if any) templates
- Other differences



# Some Safety Planning Considerations When Working with Immigrant Survivors:

- Fear of law enforcement
- Fear of deportation
  - The survivor's, the perpetrator's
- Fear of retaliation
- CPO not always an option for victims of non-IP SA
- Lack of linguistically and/or culturally competent service providers
- Cultural and familial Views of Sexual Assault





# Some Safety Planning Considerations When Working with Immigrant Survivors:

- Reluctance to report to LE
  - Why?
- Access to your agency
- Accessing safety tools & resources



# Small Group Issue Spotting Exercise



- Review assigned scenario
- What issues do you see that you might need to address in a safety plan?
- Be sure to designate:
  - A recorder
  - Someone to report back for your group



# FATIMA



Fatima, a young college student is from a religiously conservative community. She is here on a student visa and is living in the dorms. She comes to you for services. Two nights ago, Fatima went to a networking “happy hour” for foreign exchange students. She remembers drinking a fruit drink. She remembers little else. She woke up several hours later on a couch in the graduate school faculty bathroom. She realized she had been sexually assaulted. She has not been able to focus in class. She is terrified. She has not told her uncle, who lives nearby.

# ESMERALDA

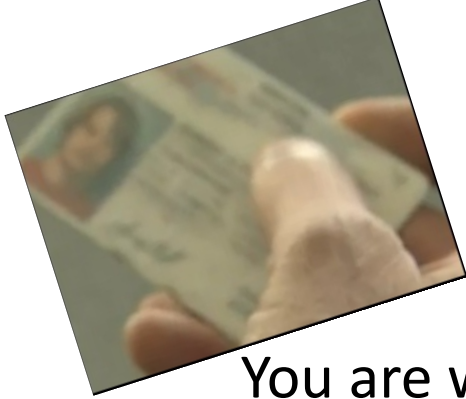
Each year, from April to November, Esmeralda works at a vineyard. With her friends and relatives, she lives in farmworker housing. They work in a state that's recently passed anti-immigrant laws.

Esmeralda's boss began to make many sexual comments about his sex life, and her looks. Soon, he began touching Esmeralda's body as he drove her to the fields. She hated this, but was afraid to speak out.

Last week, Esmeralda's boss assigned her to work alone at a very remote part of the farm. Later that day, he returned and raped her. He told Esmeralda he'd have her "anytime he wanted." He said if she told, no one would believe her anyway, and then neither she nor her family would ever work in the fields again. He'd see to it that "she was sorry."



# JAMILLA



You are working with a woman named Jamilla who discloses that she is an undocumented immigrant. She has told you that, when she was crossing the border, she was raped by the man who brought her to the US. Jamilla still owes that man money. He is threatening her family at home.

Jamilla also disclosed that she was caught at the border by ICE and detained for a short period of time before being released. In detention she was sexually harassed by one of the facility guards, who would constantly touch her inappropriately and make sexual remarks.

Jamilla was recently arrested for Driving Without a License and is currently in jail. There is an immigration hold on her and she will most likely be returned to Immigration Detention. Jamilla is afraid of what will happen in detention and also what will happen if she has to go back to her home country.

# REPORT BACK

What issues did you identify to address in a safety plan?

- Fatima?
- Esmeralda?
- Jamilla?





# What is your own cultural competence in working with immigrant survivors

- How will you ask questions to get information you need to safety plan?
- Do you know about the culture/background that your clients are coming from?
- How they may view sexual assault?
- Do you know immigration options?
- How comfortable are you working with LEP populations ?
- Do you have interpreters available to use that are not connected to the community that the survivor comes from?
- Do you know how to work with interpreters ?



# Initiating the Safety Conversation:

## **START** the conversation

- Take a few moments and write down some questions with Fatima/Esmeralda/Jamilla to introduce the safety planning discussion.
- Next, select a partner and initiate a safety planning discussion.
  - How do you begin the conversation?
  - What questions will you ask? How will you ask them?

# Some Legal Remedies to Help Promote Victim Safety

- Civil Protection Orders
- Criminal Stay-Away Orders
- No Trespass Orders
- State and Federal Protections
  - Housing Laws
  - Employment
  - Landlord/Tenant



# Housing and Physical Safety

- Type of housing?
- What does the survivor want?
- What laws can help you achieve these outcomes?
  - Federal Housing Laws
  - State laws
  - VAWA



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# Safety Plans differ based on experience and systems

- Primary Schools
- Universities
- Work Place (corporate vs. small business vs. farm worker vs. under the table work)
- Home
- Family
- Faith based community
- Professional settings
- Military
- Immigration Status





# Workplace Safety

- Practical Safety Accommodations
- What does the victim want/need?
- Title VII or state law remedies?
- Americans with Disabilities Act
- Leave laws
- Practical Safety Accommodations
- Safety & other issues for H-2 Visa Immigrants





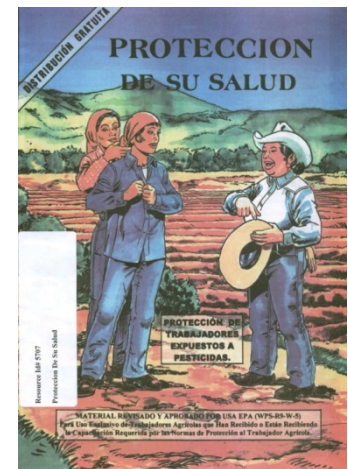
# Examples of Some Relevant State Laws

- **Workplace Leave:**
  - Oregon ORS 659A.290 Employees who are victims may not be discriminated against in the workplace; requires employers to provide victims reasonable workplace safety accommodations and reasonable time off from work to address safety matters.
- **UI Benefits**
  - Montana 39-51-2111: An individual may not be denied unemployment benefits because the individual left work or was discharged because of circumstances resulting from the individual - or his/her child - being a victim of domestic violence, a sexual assault, or stalking.
- **Workplace Safety/Stay-away Orders**
  - Colo. Rev. Stat. 13-14-102(4)(B): Upon finding that imminent danger exists to the employees of a business entity, [a court] may issue a civil restraining order in the name of the business for the protection of the employees.



# Safety Planning for Farmworkers

- Some may have work visas but some may not
- Initial meeting might be only time you can address safety planning
- Is there a risk in meeting with you or your agency?
- Consider using fotonovela ([www.crla.org/svi](http://www.crla.org/svi)) to help communicate through pictures
- How do you build trust?
- Limited contact due to type of housing, transportation, and work schedule



# Safe At School – K-12

- What accommodations might the survivor want?
- Where/when is the victim vulnerable?
- What is the school obliged to do?



# Safe At School – Post-Secondary

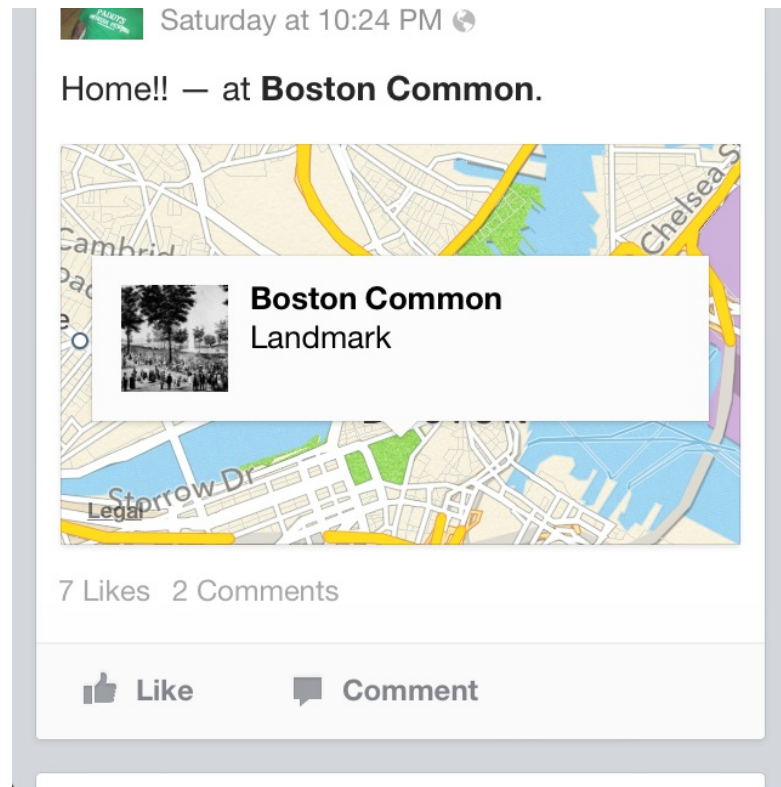
- Title IX
  - prompt & equitable response
- Clery Act
- Identify practical solutions that best protect victim safety
- Immigration implications for student visa holders





# Safety In An Online World

- GPS tracking
- Passwords & Settings
- Computer spyware
- Online victim-advocacy communications
- Consider too – Your agency policies!



# Promoting Survivors' Emotional Safety

- Can you help address the trauma?
- If not, do you have a community partner that can help?
- Practical solutions can be key!



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# Safety Planning Around Family and Support Systems

- Culture that may not deal well with sex before marriage or rape
- Potential danger from natal family based on dishonor of sexual assault
- Potential for family member being suicidal
- Potential for survivor to be suicidal based on cultural views on sexual assault
- Concerns for family in home country

# Safety Planning Around Cultural and Religious Community



- Keeping confidentiality
- Interpreter – are you using someone from the same community?
- Concerns of victim blaming and shame on the family
- Potential for forced marriage as a result
- Not wanting community members to know – retaliation from community based on lies by perpetrators followers
- Outing if LGBT relationship or same sex assault



# Immigration Options for survivors

- The survivor may need certain documents – how will you help her get them?
- Immigration documents and status, do they qualify for any relief?
  - U Visa
  - T Visa
  - VAWA
  - SIJS
  - Asylum





# Immigration Safeguards

- VAWA Confidentiality
- DHS Humanitarian Release
- DHS Prosecutorial Discretion Not to Initiate Removal Against Crime Victims and Witnesses
- DHS Prosecutorial Discretion with respect to Individuals who came to United States as Children

# Safety Planning and Immigration Status

- What are the fears around accessing police or healthcare ?
- Safety issues around traveling (getting on planes, buses, etc.)
- Does your client have a valid driver's license or ID?
- Safety at work if a person does not have work authorization
- What is the culture/rhetoric around immigrants in your community?
  - Do you have a program like Secure Communities or 287G ?
  - How does it affect your work with immigrant survivors?
- What if sexual assault was perpetrated by ICE?
- Is there a risk that your client be detained at any point by Immigration and what will you do if they are?



# Safety Planning When Using Interpreters and Translators

- Safety Planning around accessing interpretation (spoken) and translation (written)
- Does the survivor know the interpreter or translators?
  - Get the name of interpreter before hand
  - Is it a small community you are working with?
- Confidentiality
- Not all languages will have certified and professional interpreters
- Be aware of dialects and regional differences
- Redact names on documents being translated for safety



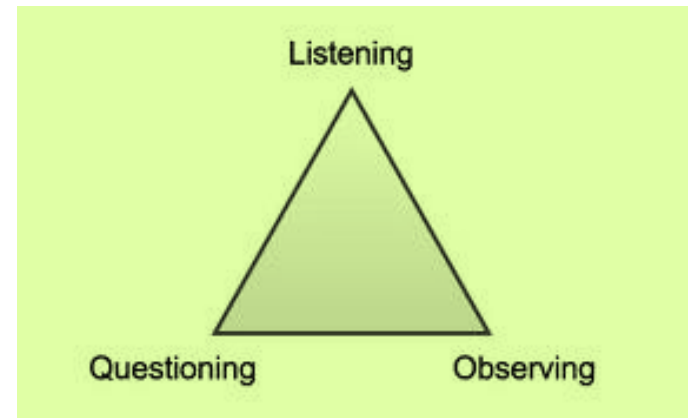


# Continuing the Safety Conversation:

- Additional Facts:
  - FATIMA: She is afraid her uncle found out about the assault and may be telling her parents. You're worried for Fatima's safety.
  - ESMERALDA: Esmeralda finds out that her boss has raped several other women. Together, they report the rapes to law enforcement. Several co-workers have since learned that a report was filed.
  - JAMILLA: When she arrives at immigration detention she sees the same guard from when she was detained at the border. She is afraid to tell anyone about what he has done before.

# In Closing:

- Remember that safety planning is a process, not a 1-time event.
- It is key to:
  - Establish a rapport
  - Respect the survivor's boundaries
  - Revisit the safety plan
  - Have appropriate resources and referrals



# Some Safety Planning Resources

## NIWAP

<http://niwaplibrary.wcl.american.edu>

- [Victim Rights Brochures](#)
- [Safety Planning Flow Chart](#)
- [DHS Memos](#)
- [Articles on VAWA Confidentiality](#)

# VRLC Safety Planning Resources

- Chart of Sexual Assault Protection Orders available in the U.S.
- Sexual Violence Against Farmworkers: Guidebooks for Social Service, Legal Providers and Criminal Justice Professionals
- Safety Planning with Adult Sexual Assault Survivors: A Guide for Advocates and Attorneys (OVW approval pending)
- Tipsheet: *Ensuring Effective and Accurate Interpretation*
- Social Media & Privacy Tips for Sexual Assault Survivors
- Tips for Ensuring Effective and Accurate Interpretation

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