

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

By: Amanda Davis and Leslye Orloff
October 27, 2016

In the spring of 2016, 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 was seeking to learn about how Universities respond to foreign born victims, what help Universities offer these victims (called “interim measures”), and what support that foreign born students both need and receive after becoming victims. 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

Eleven agencies that participated in the survey were from 6 states (NY, PA, CA, FL, LA, MA). The majority of the survey participants (72.7%, n=8) worked at organizations independent of colleges and universities. The survey also included respondents from three universities (27.3%, n=3). Campus staff involved in responding to the survey included staff in the following roles: dean, administrator, university staff, faculty, counselor, student organization, campus police, and campus healthcare. Out of all the students (107,188) participants worked with 12,039 who were foreign born. Most survey participants had significant experience working with foreign born students attending colleges and Universities in the U.S. The average number of foreign born students that each of the survey participants have worked with was 1,719. The majority of foreign born students the programs reported working with were Spanish-speaking while other spoke Korean, Japanese, French, and Cantonese.

The programs participating in the survey represented a variety of organizations that work with students. The agencies survey participants worked for were as follows:

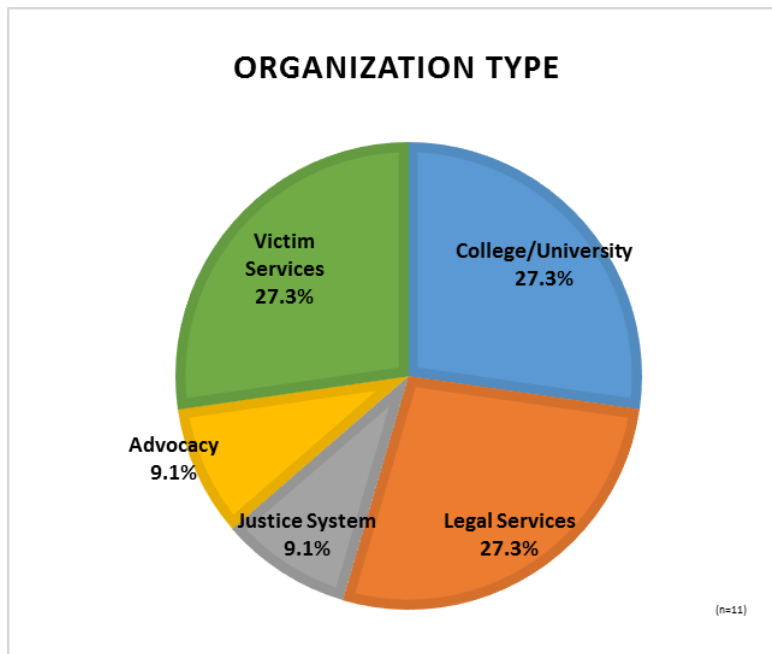


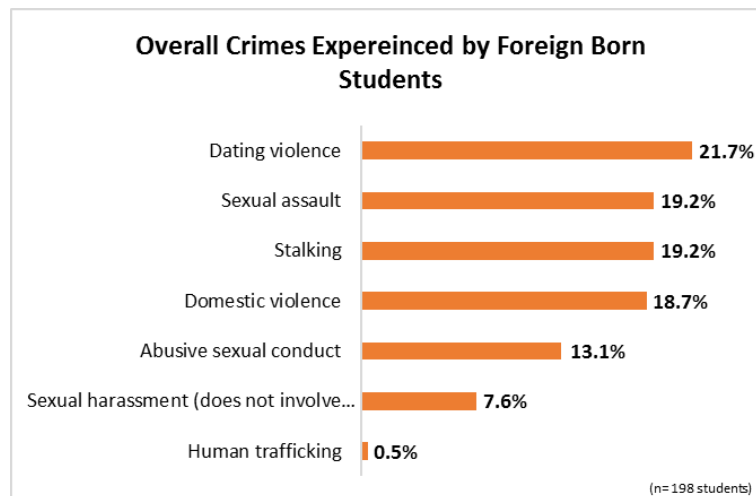
Figure 1

Just over a quarter of survey participants (27.3%, n=3) work at a college/university. 36.4% (n=4) of participants work at legal service organizations or in the justice system. Victims services comprised of 27.3% (n=3) and advocacy organizations made up 9.1% (n=1) of survey participants.

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.

Figure 2



The most prevalent crime experienced by foreign born students was dating violence (21.7%, n=43). Sexual assault and stalking were both the second most commonly experienced forms of victimization (19.2%, sexual assault n=38; stalking n=38). 18.7% (n=37) experience domestic violence and 13.1% (n=26) are victims of abusive sexual conduct. The survey found that one foreign born student (0.5%, n=1) was a victim of human trafficking.

The survey also explored the extent to which students experienced abuse on campus, off campus and prior to arriving as students. The vast majority of foreign born students experienced victimization on campus as the following figures illustrate.

Figure 3

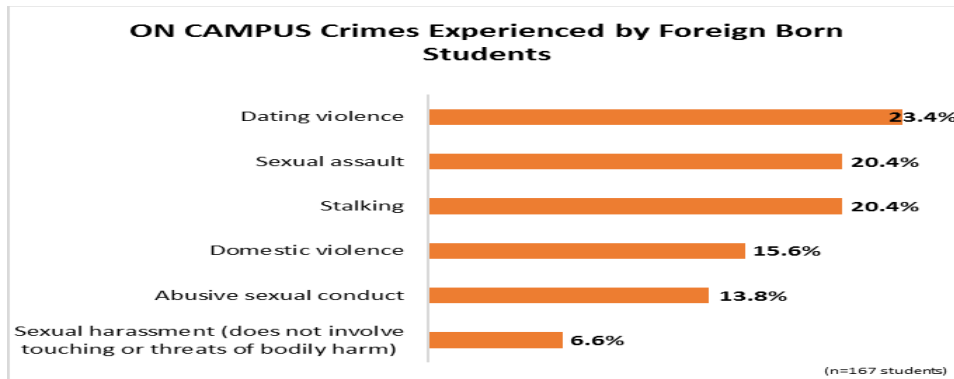


Figure 4

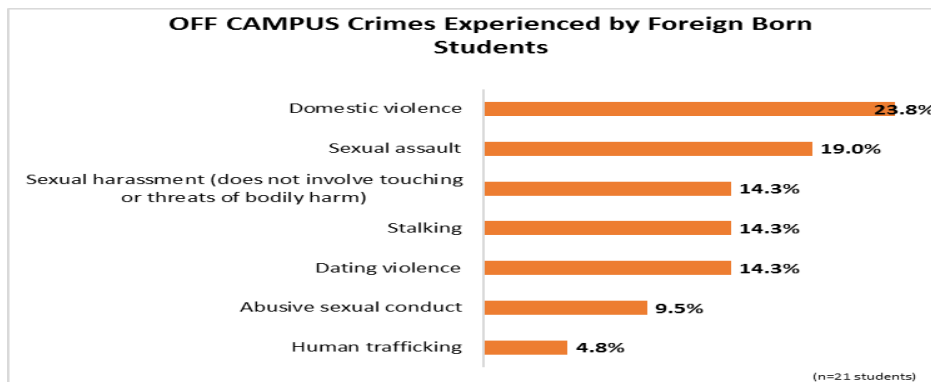
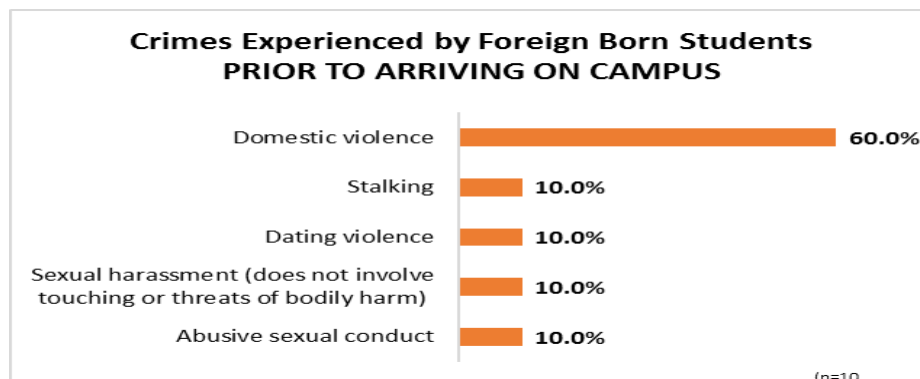


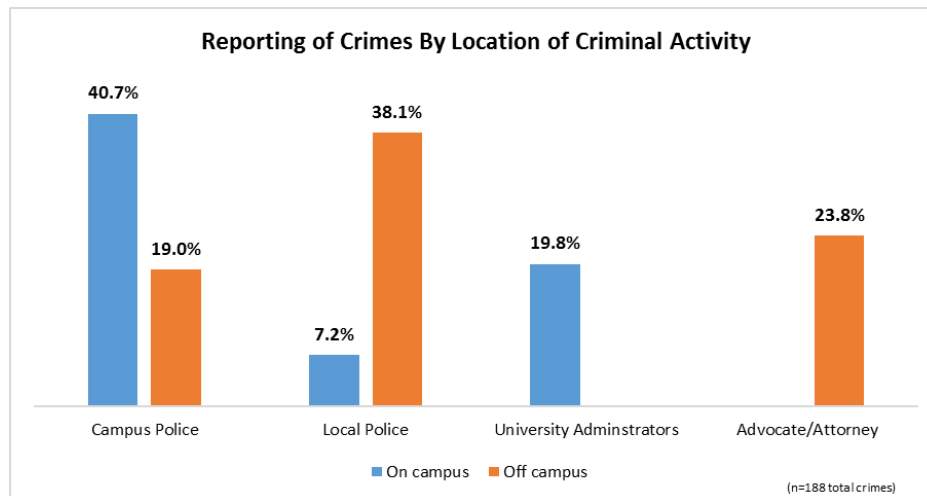
Figure 5



Among foreign born students that experience violence on campus (n=167), the most common crime experienced by foreign born students (23.4%, n=39) while on campus is dating violence. Both sexual assault and stalking are tied for the second most (20.4%, n=34) common in campus crime. Foreign born students are also victims of domestic violence (15.6%), and abusive sexual conduct (13.8%). Foreign born students also experienced sexual harassment (6.6%) while on a campus.

Of the foreign born students reported to have suffered off campus (n=22), domestic violence was the most common crime experienced by foreign born students (23.8%, n=5) off campus. This is also true for crimes experienced prior to arriving on campus. Sexual assault is the second most prevalent off campus crime (19.0%, n=4). Stalking, domestic violence, and abusive sexual conduct happen at similar rates (14.3%). Unlike on campus victims, a small amount of students (4.8%) experienced human trafficking while off campus.

Figure 6



Under half of all crimes experienced by foreign born students (48.4%, n=91) are reported to police. Unsurprisingly, crimes committed on campus are more likely to be reported to campus police whereas crime committed off campus is more likely to be reported to local police. Comparing on and off campus victimization the survey found that 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.

Reporting Agencies that Support Victims

Most of the agencies participating in the survey (72.7%) are not the first agency to which the crime or sexual harassment is reported. This is not surprising given that the majority of survey participants do not work for a college/university or first responder agencies in the justice system. Additionally, approximately a third (36.4%, n=4) reported that cases of foreign born student victims were referred to their agency from another agency to which foreign born students turned for help.

Figure 7

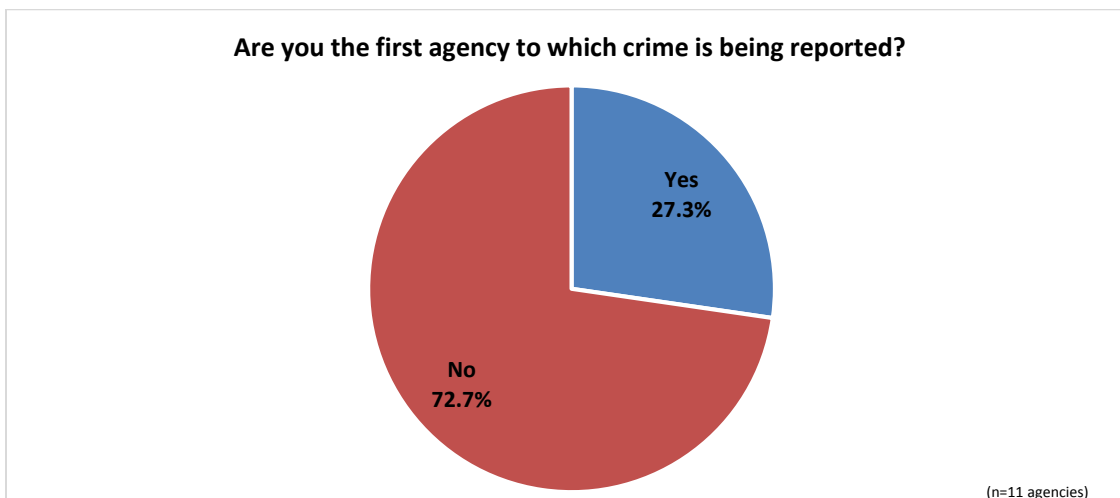
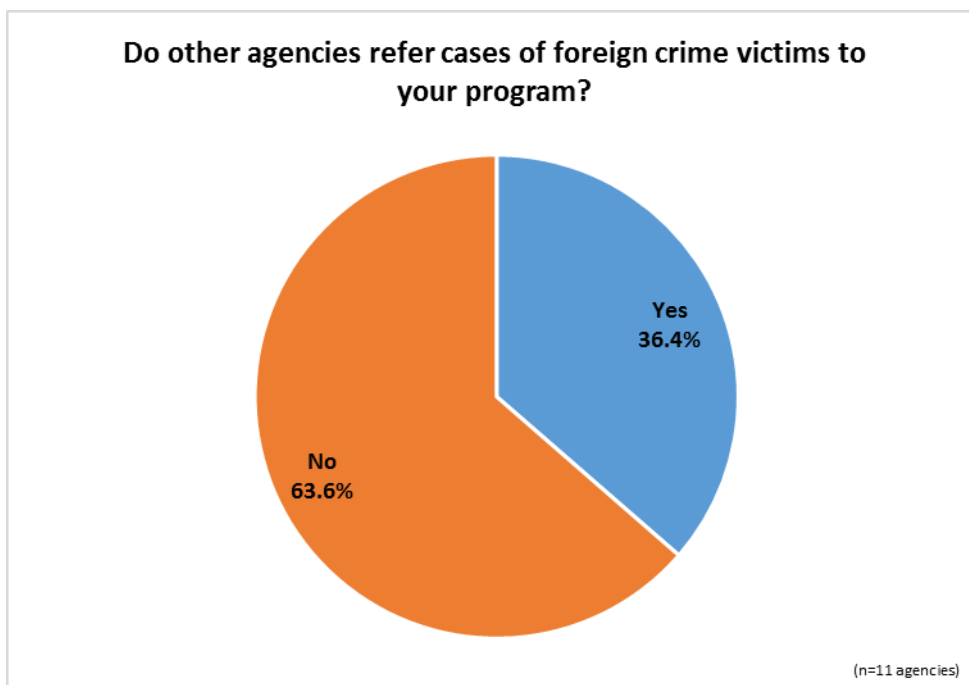


Figure 8



Almost three quarters (72.7%, n=8) of agencies reported that foreign born student victims were hesitant to report the criminal activities they suffered. There were a plethora of fears and concerns that fueled student victims' reticence. NIWAP wanted to better understand what their primary concerns were. Survey participants were asked to report which of the reasons listed in Figure 8 were given by the student victims they worked with as factors that contributed to foreign student victims' hesitation to report crime victimization and sexual harassment.

Figure 9

Factors that fueled immigrant victims' reticence/fear/concern?	
Fear of retaliation from the perpetrator	72.5%
Thought no one would believe them	52.5%
Fear of being ostracized by other students	45.0%
Fear about how university/college staff would respond	42.5%
Fear that they will be blamed for causing or contributing to what happened to them	42.5%
Fear of deportation	42.5%
Threats of deportation from their perpetrator	42.5%
Concern about being ostracized by the cultural community	40.0%
Did not know about their legal rights	37.5%
Fear of having to report the crime to local police	37.5%
Fear of how they would be treated if they contacted police	37.5%
Fear the treatment they will receive from faculty members	32.5%
Thought there would be monetary costs to reporting or service	25.0%
Did not know that what happened to them was a crime	25.0%
Fear that they would be accused of having committed a crime	25.0%
Believed that it was their fault	25.0%
The effect that it would have on their family if they learned about what happened to them	25.0%
Fear of campus police	24.0%
Fear related to not being able to continue their education	20.0%
Other	20.0%
Fear that they would lose their grants, loans, or scholarships	17.5%
Did not know what help was available	15.0%
Thought they had waited too long to report	12.5%
Did not feel they would be expected and could not communicate effectively about the abuse in English	12.5%
Concerned that they needed and would not be able to get a qualified interpreter in their language	12.5%
Fear of losing their campus job	12.5%
Concern about violating the terms of their student visa	12.5%
Concern about being able to graduate on time	7.5%

Fear of retaliation from the perpetrator is the primary factor (72.5%) causing impediment to foreign born student victims reporting of crime. For many 42.5% the retaliation included threats of deportation made by the perpetrator. If they reported abuse, 52.5% of foreign born student victims thought that no one would believe them and believed that they would be blamed for causing that victimization (42.5%).

The survey results found that foreign born student victims are fearful of discussing the abuse with law enforcement and campus faculty, staff and administrators. Fears of reporting to

police were reported at 37.5% for local police and 24% for campus police. Another 37.5% reported the fear of the treatment or response that they would receive by campus staff/faculty.

The survey also found the immigrant student victims concerns about how members of their family or social support systems might react if they learn about the victimization were significant. Fear of being ostracized by either other students (45%) or the victims cultural community (40%) played a significant role in deterring reporting. In a 25% of cases survey participants reported that victims are scared of the effect information about the crime victimization would have on their family if they learned about what happened to them.

The reticence to report was also fueled by lack of knowledge about crime victim's legal rights in the United States (37.5%). This included: concern they could not afford the monetary costs of justice system of social services help (25%); did not know that what they had experienced was a crime (25%); and believing that because of the victimization they would not be able to continue with their education (20%).

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

Universities and colleges are responsible for the safety of their students.¹ The responsibility of colleges and universities to offer assistance, support and provide help to victims on campus including in the form of interim measures. The obligation to offer these forms of help extends to all students who are victims of domestic violence, sexual assault, dating violence, stalking, or sexual harassment without regard to the victim's immigration status. This assistance is very important for students with particularly vulnerabilities including foreign born students. While there is much that Universities and colleges can do to deter gender based violence on campus,² it will not be possible to prevent all crimes. Providing services, support, assistance, and interim measures to student victims is extremely important to the student's recovery, health, well-being, and educational success and to holding perpetrators accountable for their crimes and sexual harassment.

As illustrated in Figure 10, the survey found that the steps colleges and universities take in cases of immigrant victims when they learn about dating violence, sexual assault, domestic violence, and stalking (gender based violence cases "GBV") are different than the steps taken in sexual harassment cases. Colleges and universities schools take legal action against the perpetrator in 36.4% of GBV cases but only 9.1% of sexual harassment cases. Assistance in reporting to law enforcement is also lower in sexual harassment cases (32.8% GBV vs. 22.8% sexual harassment).

This survey found that when a foreign born student reports a crime victimization to their university or college only 18.2% of the time are the victims provided with legal rights information or information about reporting to Cleary Act coordinators. Foreign born gender based violence victims also received more of other forms of assistance than sexual harassment survivors including: provision of legal rights information (31.9% vs 22.8%); other appropriate assistance (30.3% vs 18.2%); and asking the victim if they need help contacting someone (27.3%

¹ Title IX, United States Education Amendments of 1972, Public Law No. 92-318, 86 Stat. 235 (June 23, 1972), codified at 20 U.S.C. §§ 1681-1688; *see also* 20 U.S.C. § 1092.

² Cite some of the campus prevention programs see CALCASA's program and the website students have done at Cal State San Luis Obispo I will give it to you

vs 0%). These differences extend to educational awareness programs that reach foreign born students about rights and help available to victims of GBV crimes and sexual harassment (27.3% vs 9.1%).

The actions taken by colleges and universities in cases of foreign born victims of sexual assault, dating violence, stalking and domestic violence were: helping victims obtain victim services including from advocacy organizations (54.5%); reporting to Title IX coordinators and local police (45.5%); and providing victim information on Clery Act and college/university determines whether to pursue legal action against the perpetrator (36.4%)

Figure 10

Actions taken by the college or university when a foreign born students reports a crime (n=92)	Sexual assault, DV/dating violence, stalking	Sexual Harassment	Overall
Obtain appropriate assistance from victim/survivor services	54.5%	27.3%	40.9%
Inform the victim of the help available from victim advocacy organizations	54.5%	9.1%	31.8%
Urge and assist the victim in reporting the crime to the local police	45.5%	36.4%	40.9%
Urge and assist the victim in reporting the crime to campus Title IX coordinators	45.5%	27.3%	36.4%
Provide the victim legal rights information about the victim's rights under the Clery Act	36.4%	27.3%	31.8%
The university or college determines whether it will pursue legal action against perpetrator	36.4%	9.1%	22.7%
Urge and assist the victim in reporting the crime to local victim/survivor services	27.3%	27.3%	27.3%
Provide the victim legal rights information about the victim's rights under Title IX	27.3%	27.3%	27.3%
Urge and assist the victim in reporting the crime to the campus police	27.3%	9.1%	18.2%
Obtain appropriate assistance from mental health professionals	27.3%	9.1%	18.2%
Provide educational program(s) to bring awareness	27.3%	9.1%	18.2%
Ask the victim if there is someone that could be contacted to assist the victim	27.3%	0.0%	13.6%
Urge and assist the victim in reporting the crime to Clery Act coordinators	18.2%	18.2%	18.2%
Provide the victim legal rights information about immigration relief available to crime victims	18.2%	18.2%	18.2%
Obtain appropriate assistance from medical professionals	9.1%	0.0%	4.5%

A key focus of the NIWAP survey was to learn about the types of interim measures foreign born student victims needed and were being offered by universities and colleges when students were victims of dating violence, sexual assault, stalking, domestic violence and sexual harassment. Figure 11 features interim measures that are offered to students under Title IX. Schools must provide these measures as necessary. The primary interim measures offered to foreign born students by their university or colleges are academic accommodations and access/referrals to medical and mental health services. Academic accommodations such as tutoring, exam changes, and class transfers are offered by half of higher educational institutes. Foreign born student victims are also commonly offered changes in campus housing/campus employment and security escorts and increased police presence are interim measures.

Figure 11

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 majority of interim measures offered most foreign born student victims included provision of counseling (66.7% GBV; 55.6% sexual harassment) and mental health services (44.5% GBV; 55.6% sexual harassment) and help rescheduling exams (55.6%), more time to complete school work (55.6%) and transfer to other sections or classes (44.5% GBV; 55.6% sexual harassment).

Not many universities and colleges (11.1%) offer transportation assistance to foreign born students. This can be detrimental for those that live in rural areas that do not have public transport which leaves these students having to find their own way to court, counseling sessions, meetings with police, etc. Surprisingly, universities/colleges offer more assistance with filing formal complaints for victims of sexual harassment (44.4%) than victims of sexual assault, dating/domestic violence, and stalking (11.1%).

Notably, 38.9% of foreign born student victims of GBV crimes or sexual harassment were offered options of arranging for incomplete classes, taking leaves of absence from school or withdrawing from the college or university. For foreign born students with J, F or M visas dropping out of school could result in cancellation of their student visa and taking time off from school requires obtaining permission for the reduced course load or time off from the United States Citizenship and Immigration Services. It is important that university officials be aware of the risks for student visa holders of these interim measures. These measures can be very beneficial in providing student visa holders the time they need to heal following crime victimization. However, they must be paired with safety planning, looking carefully at the student visa holder's history of time off from school and should be offered in combination with informing victims of their legal rights as crime victims to apply for U visa protections in addition to their student visa. Therefore, universities and colleges need to ensure its foreign born students that coming forward and reporting crimes will not jeopardize their enrollment or immigration status.

Virtually all foreign born students who suffer crimes of domestic violence, sexual assault, stalking and many instances of dating violence will qualify for immigration protections as a result of the victimization occurring on campus, off campus and/or prior to becoming a college/university student. The two programs foreign born students on campus will be most likely to qualify for are the U visa program that offers protection to immigrant crime victims and the Violence Against Women Act based forms of immigration relief that help victims of spouse and child abuse perpetrated by U.S. citizen and lawful permanent resident parents or spouses.

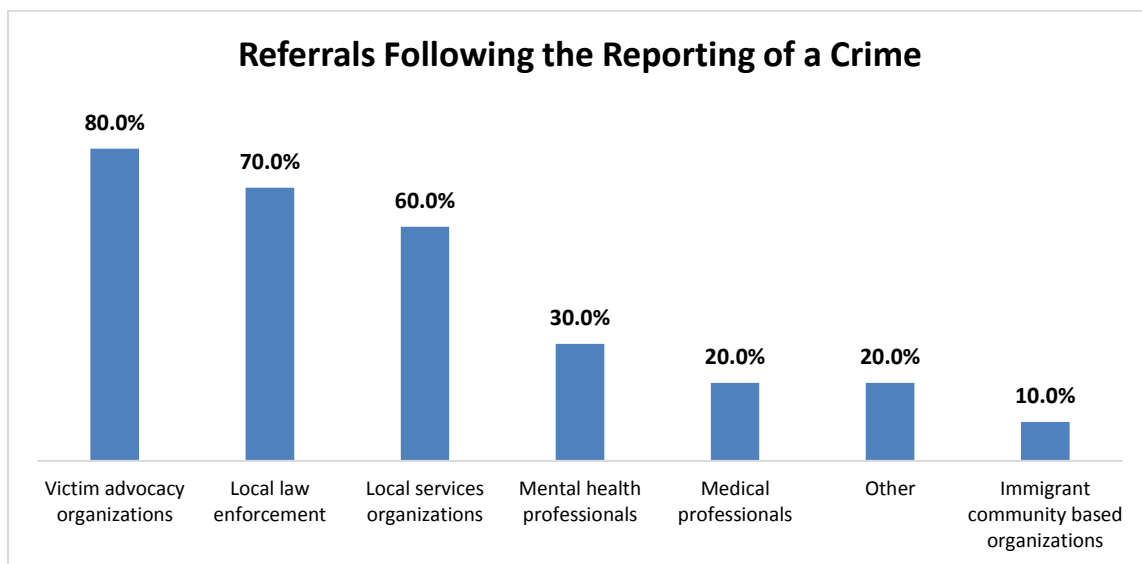
Colleges and universities can play a significant role in informing all foreign born students about crime victim related legal options and should be routinely providing this legal rights information to all foreign born students, particularly those students reporting crime victimization.³ Campus staff responsible for Title IX and Cleary Act implementation, campus health care, counselors, police, faculty and staff should be actively ensuring that foreign born students we are crime victims learn about VAWA and U visa immigration relief. Both forms of immigration relief can provide a path to legal permanent residency and ultimately citizenship for foreign born students with student visas (F, J, or M); with Deferred Action for Childhood Arrivals (DACA) and for students who are undocumented.

³ See Information on the Legal Rights Available to Immigrant Victims of Domestic Violence in the United States and Facts about Immigrating on a Marriage-Based Visa, USICS, available at <https://www.uscis.gov/sites/default/files/USCIS/Humanitarian/Battered%20Spouse,%20Children%20&%20Parents/IMBRA%20Pamphlet%20Final%2001-07-2011%20for%20Web%20Posting.pdf>

Additionally, foreign born students who are victims of both gender based crimes and sexual harassment should be screened to learn about any crime victimization they may have suffered before becoming a student. Some students may be eligible for protection under the VAWA self-petitioning program if they or their parent suffered battering or extreme cruelty perpetrated by a U.S. citizen or lawful permanent resident spouse, parent or step-parent. If a student’s mother was abused and the student is under the age of 21 the student can be included in their mother’s self-petition. VAWA self-petitioners become eligible for FAFSA within 3 months of filing a valid VAWA self-petition. Similarly, foreign born student victims who suffered or whose parent suffered crime victimization may be eligible to file for U visa protection based on abuse suffered before arriving at the university. Under 21-year-old children can be included in their abused parent’s applications for a U visa.

Providing legal information as well as legal assistance referrals however, was not found by the survey to be common practice. NIWAP survey revealed, that few foreign born student victims are being provided legal rights information (27.8% of sexual harassment survivors and 22.2% of GBV crime survivors) and legal assistance referrals are offered in less than a quarter of the cases.

Figure 12



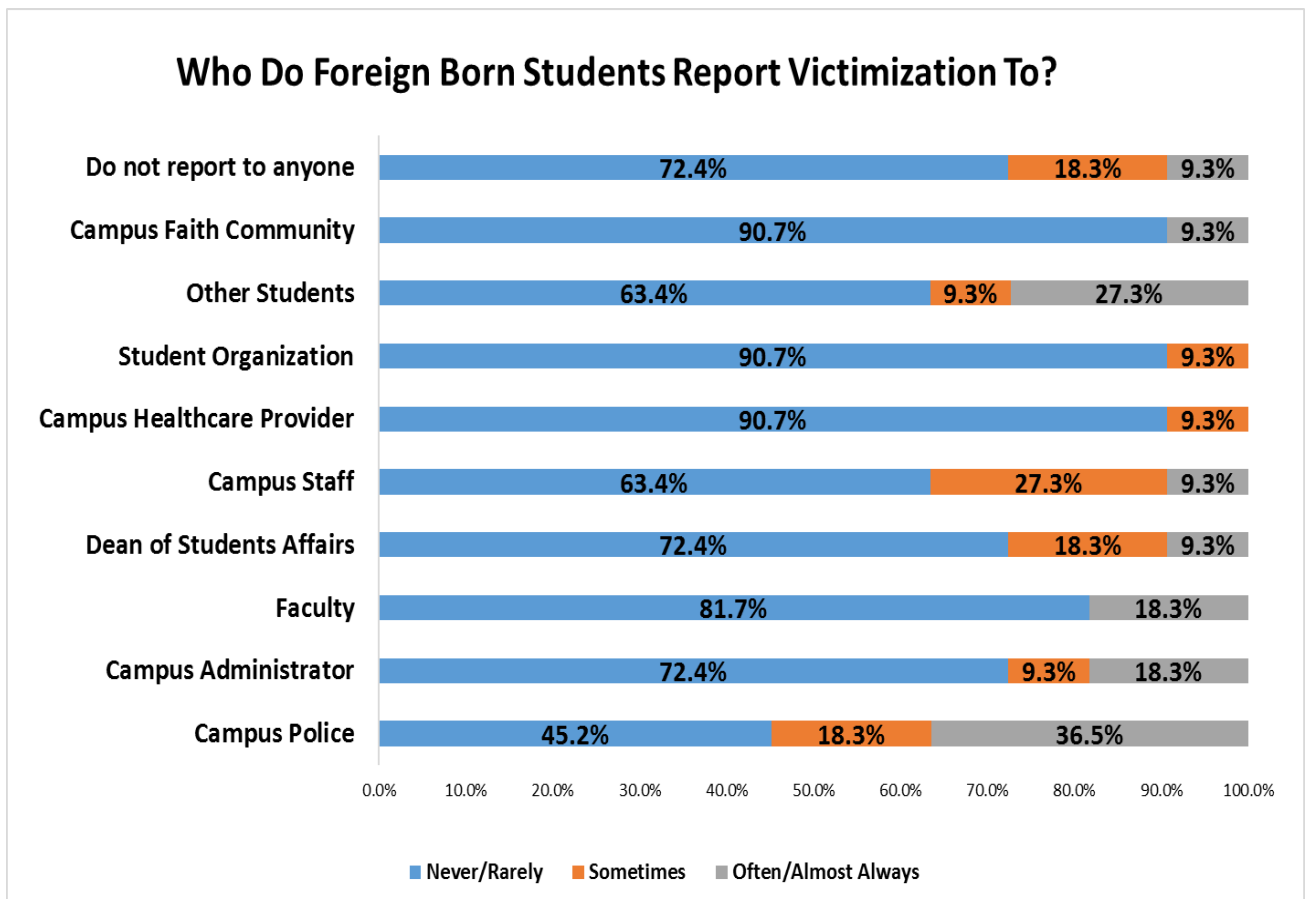
Most referrals are made to victim advocacy organizations (80%) when a crime has been reported to a college or university. Referrals to local law enforcement are common (70%) as are referrals to local victim services organizations (60%). Less than third are referred to mental health professionals (20%) and medical professionals (30%). Only 10% are referred to an immigrant community based organization.

Reporting of Crime Victimization by Foreign Born and Immigrant Students Victims

The survey also sought to learn to which groups foreign born students were most likely to disclose crime victimization and sexual harassment. As highlighted in a previous section immigrant victims of crime can be hesitant in reporting their experience. However, there are

certain individuals and groups that they are more willing to report their victimization to. As Figure 12 highlights, to whom victims are most likely report having been a victim of criminal activity. Although reporting was generally low, immigrant victims were most likely to report victimization to other students (63.6%); to campus staff, administrators and campus police (54.5%) and to faculty (45.5%). Immigrant student victims are the least likely to report crime victimization and sexual assault to student organizations, and campus healthcare providers (36.4%) and to campus faith communities (27.3%).

Figure 13

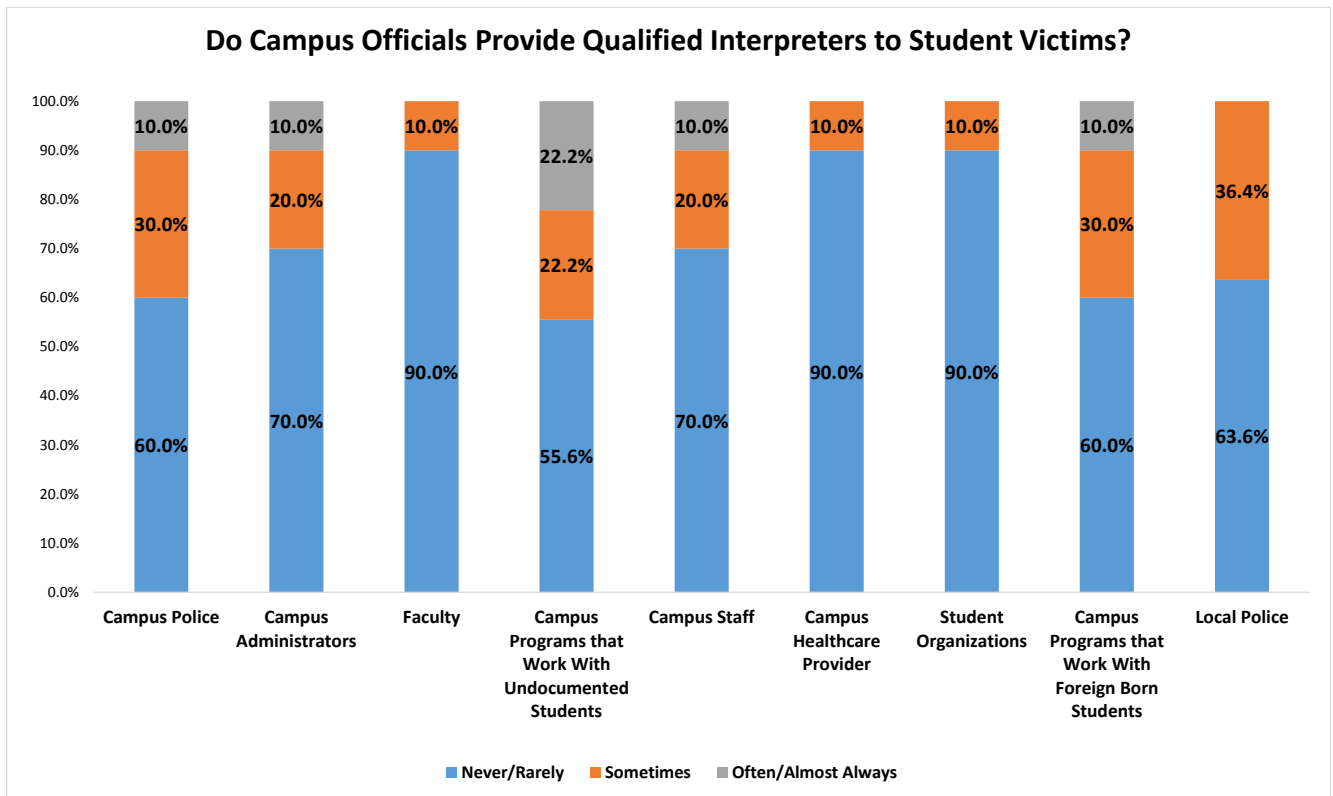


In light of this survey’s findings about the extent to which foreign born students who are victimized turn to campus officials to report victimization, it is important that campus officials and programs are able to provide language access to immigrant student victims whose first language is not English. Although many students on campus will be learning English and taking classes in English, reporting crime victimization is traumatic and victims will be able to communicate most effectively with campus administrators and law enforcement about the abuse in their primary language. The quality of the information communicated will be improved and the experience will be less traumatic for victims if they help from qualified interpreters in reporting the abuse, discussing their medical conditions, and communicating the mental health impact of the victimization. They will also be more effective in reporting their needs for services and support in their native language. Agencies responding to the survey reported on their experience with foreign born student victims receiving assistance from qualified interpreters in their communications with campus officials, campus programs and law enforcement.

The *programs most likely to provide qualified interpreters* for foreign born students reporting on, seeking assistance, and interim measures due to victimization are: programs that work with undocumented students (22% often; 22% sometimes); campus administrators and campus police (10% almost always) and campus programs that work with foreign students and campus staff (10% often).

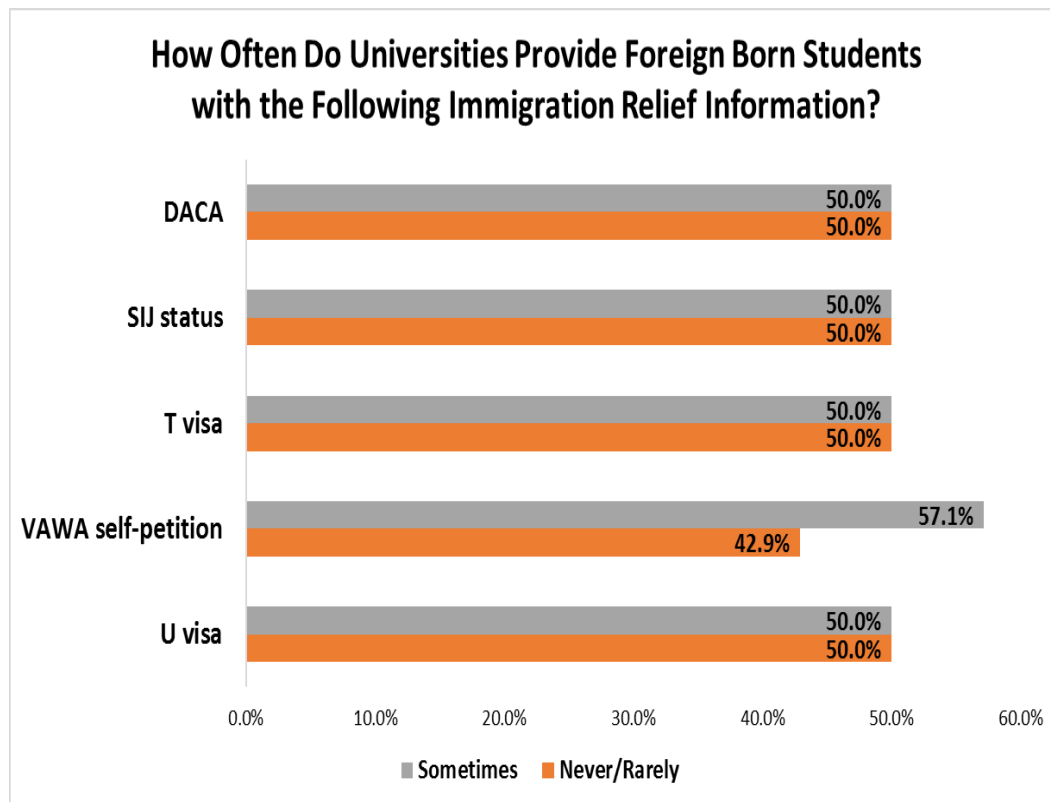
The NIWAP survey found that in cases of foreign born student victims qualified interpreters were provided to assist victims in reporting abuse and seeking services most often rarely or never by: campus health care and faculty (90%); campus staff and administrators (70%); local police (63.7%); campus police and campus programs working with foreign students (60%) and campus programs working with undocumented students (55.6%).

Figure 14



Frequency with Which University Officials Inform Foreign Born Student Victims about Crime Victim Related Forms of Immigration Relief

Figure 15

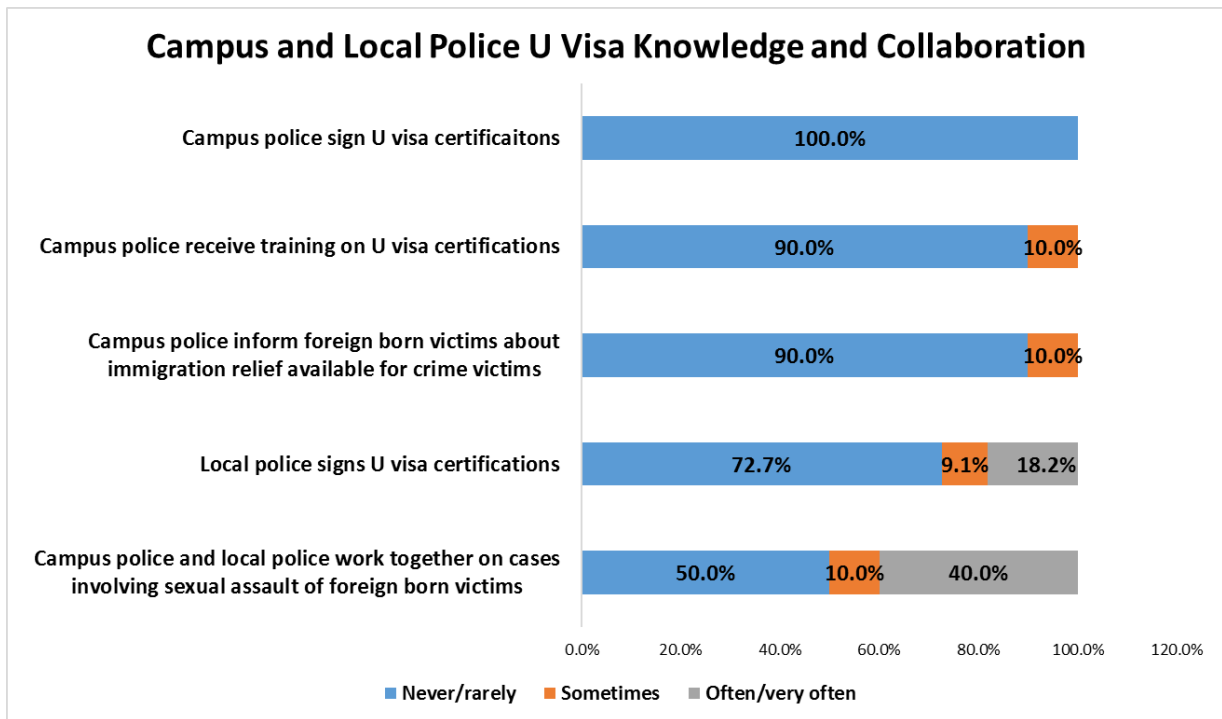


It is important to note that no participants said that universities responded with often or always in this survey.

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

Campus and local police have important roles to play when college and university students become victims of domestic violence, dating violence, stalking, or sexual assault. This role is equally important when the victimized student is an immigrant. Local and campus law enforcement officers are key first responders called to help when crimes occur and have an important opportunity to inform victims of their legal rights and refer victims for victim, legal, healthcare and social services. For this reason, we asked agencies working with foreign born students to report about the roles campus and local law enforcement agencies played in the cases of the immigrant student victims the agencies responding to the survey had assisted.

Figure 16



In cases involving sexual assault of foreign born students only 40% were campus police and local police reported to very often or often work together. In 50% of the case these agencies rarely or never worked together. The frequency that local police signed U visa certifications for foreign student victims was 18.2% very often or often and 72.7% rarely or never. Campus police were reported to only rarely sign U visa certifications and receive little or no training on U visa certifications. As a result, only 10% of survey respondent agencies reported that campus police sometimes provide information to feign born victims about immigration relief available for crime victims.