

Funding Programs That Effectively Serve Immigrant Survivors of Domestic and Sexual Violence

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STOP Administrator TA Clinic
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Introduction



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Who We Provide Technical Assistance To

- Local, State, Federal law enforcement, prosecutors, victim advocates, judges, attorneys and other professionals.
- NIWAP supports professionals in the field working with immigrant crime victims so that they are more effective in helping more victims access more help for which they are legally eligible.



Technical Assistance Topics

- Immigration relief
 - VAWA, U and T visas, Special Immigrant Juvenile Status
- U and T visa certification
- VAWA Confidentiality
- Access to legal services and public benefits
 - E.g. housing, healthcare, driver's licenses, food assistance, education
- Issues that arise for immigrant survivors in family court cases
 - Including protection orders, custody, divorce, support
- Language access for Limited English Proficient survivors
- Providing trauma informed assistance to immigrant survivors
- Serving survivors' cultural, religious, and immigration related needs

Types of Technical Assistance

- Case consultations
- Training materials and practice tools
- Legal research, motions, briefs
- In-person trainings and webinars
- 24/7 web library and training videos
- Help developing policies/protocols
- Strategies for removing systemic barriers
- Community of Practice and Roundtables
- List serves

NIWAP Resources

- NIWAP Web library
- Technical Assistance
- Trainings and Webinars
 - On-line, virtual, in-person
 - Customized
- Communities of Practice
 - Victim advocates, family lawyers
 - Law enforcement/prosecutors, judges
- Materials
 - Bench cards, toolkits, training tools, legal research, multi-lingual outreach materials
- Directory



DYNAMICS OF DOMESTIC VIOLENCE EXPERIENCED BY BATTERED IMMIGRANTS

Connection Between Abuse and Control Over Immigration Status

- Abuse rates among immigrant women
 - Lifetime as high as 49.8%
 - Those married to citizens and lawful permanent residents – 50.8%
 - U.S. citizen spouse/former spouse abuse rate rises to 59.5%
- Almost three times the national average

Hass, G. A., Ammar, N., Orloff, L. (2006). Battered Immigrants and U.S. Citizen Spouses

Coercive Control Over Immigration Status

- Among abusive spouses who could have filed legal immigration papers for survivors:
 - 72.3% never file immigration papers
 - The 27.7% who did file had a mean delay of **3.97 years**.

Hass, Dutton and Orloff (2000). "Lifetime prevalence of violence against Latina immigrants: Legal and Policy Implications." *International Review of Victimology* 7 93113

- 65% of immigrant survivors report some form of immigration related abuse (NIJ, 2003)

*Edna Erez and Nawal Ammar, *Violence Against Immigrant Women and Systemic Responses: An Exploratory Study* (2003)

Sexual Assault Rates Among Immigrant Women

- High school aged immigrant girls
 - Twice as likely to have suffered sexual assault as their non-immigrant peers, including recurring sexual assault
 - Decker, M., Raj, A. and Silverman, J., Sexual Violence Against Adolescent Girls: Influences of Immigration and Acculturation, 13 Violence Against Women 498, 503 (2007).
- Latina college students
 - Experience the highest incidents of attempted rape compared to White, African American and Asian college students
 - Kalof, L., Ethnic Differences in Female Sexual Victimization, 4 Sexuality and Culture 75-97 (2000).

Best Practice: Screen for Immigration Related Abuse

- Immigration Related Abuse
 - 10 times higher in relationships with physical/sexual abuse as opposed to psychological abuse*
 - May predict abuse escalation
 - Corroborates existence of physical and sexual abuse

*Mary Ann Dutton, Leslye Orloff, and Giselle Hass, Characteristics of Help-Seeking Behaviors, Resources and Service Needs of Battered Immigrant Latinas: Legal and Policy Implications (Summer 2000)

Risks of Removal for Victims

- Perpetrators actively reporting for removal victims with pending immigration cases
 - VAWA self-petitioners 38.3%
 - VAWA petitioners arrested at crime scene instead of the abuser 15.4%
 - U visa victims 26.7%

Krisztina E. Szabo, David Stauffer, Benish Anver, *Authorization For VAWA Self-Petitioners and U Visa Applicants*, NIWAP (Feb. 12, 2014)

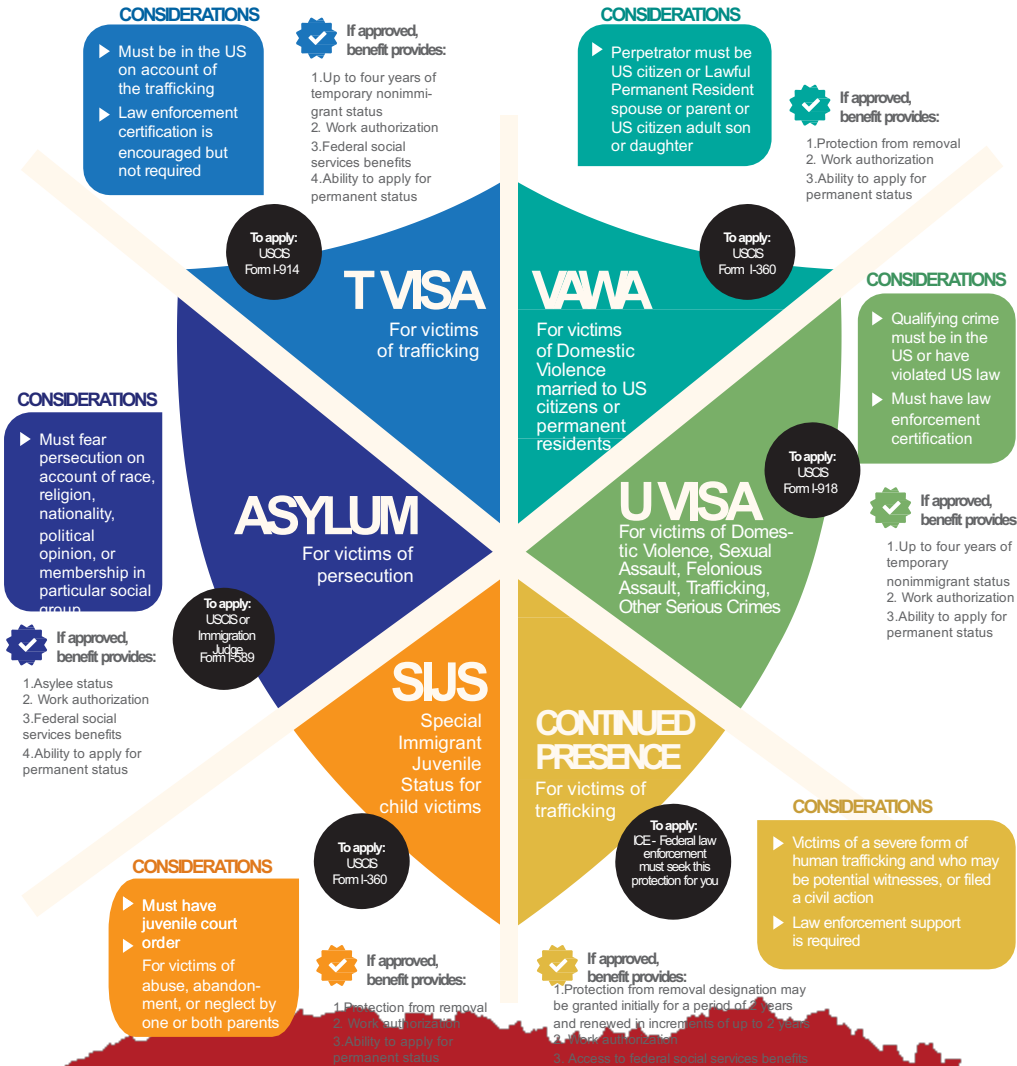
Barrier STOP Administrators Can Address: Ensure Grantees Have Accurate Information About....

- Immigrant victims' legal rights to
 - Legal services
 - Life and safety programs including
 - Shelter, transitional housing, and victim services
 - Language access
 - Immigration relief
 - Access to public benefits and services for which they are eligible

Promote and Fund Collaborations

- Immigrant survivors are best served when culturally specific and mainstream programs collaborate
 - Need programs that immigrant survivors trust
 - And programs that know best practices for serving domestic and sexual violence survivors
- Need a holistic approach
 - Promoted through funding collaborations
 - Not immigration only approach

PROTECTIONS FOR IMMIGRANT VICTIMS



DHS.GOV/BLUE-CAMPAIGN

Protection Orders

- All persons are eligible to receive civil protection orders without regard to the immigration status of any party or child
- Protection order issuance = no effect on immigration status
- A conviction *or finding* of violation of the “*protection against abuse provisions*” of a protection order is a deportable offense
 - Need Padilla warnings
- Immigrant victims and their children often need creative protection order remedies using the state catch all provisions

Use Creative Remedies to...

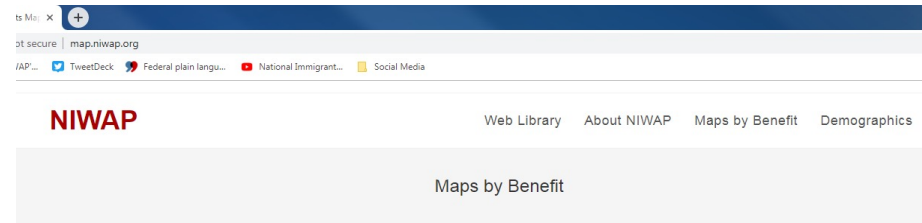
- Stop immigration related abuse
- Protect victims still living with their abusers
- Obtain documents the victim needs for an immigration case or for care of child
- Deter parental kidnapping
- Economic relief including Child/Spousal support and Health Insurance

Is Immigration Status Relevant to Custody?

- Relevant to: Immigrant crime victim presents evidence of immigration related abuse, power and control suffered
 - Either not filing or withdrawing immigration papers
 - Threats to turn victim in for deportation
 - Part of history of violence
- Not relevant to:
 - Core primary caretaker determination
 - Evaluation of parenting skills
 - Best interests of the child determination
 - Requirements regarding custody awards to non-abusive parent



Interactive Public Benefits Map



NIWAP

Web Library About NIWAP Maps by Benefit Demogr

Legal Services



Maps by Benefit

These maps break down available public benefits based on immigrant's state and immigration status.

We are still working on this site, so if you cannot click on your state, check back soon for completed maps.



Cash Assistance (TANF)

Temporary Assistance for Needy Families (TANF) provides cash assistance to low income families with children.

[Go to Map](#)



Child Care

Child Care services may be provided through public benefits.

[Go to Map](#)



Children's Health Insurance Program

Medical assistance is available to children through the Children's Health Insurance Program (CHIP).

[Go to Map](#)



Driver's License

State-specific requirements to be issued a driver's license.

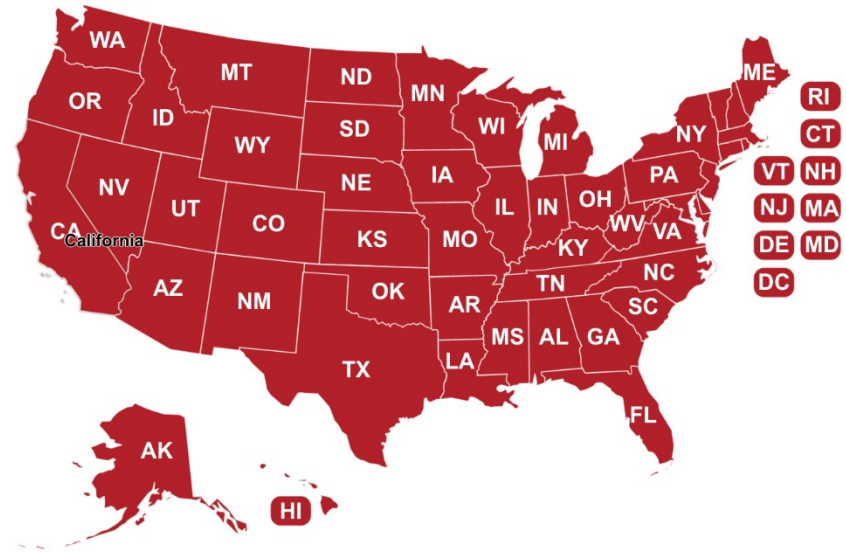
[Go to Map](#)



Earned Income Tax Credit



Emergency Housing & Safety Programs



<http://map.niwap.org/>

Click here for your state's detailed chart

Maps by Benefit

- Cash Assistance (TANF)
- Child Care
- Children's Health Insurance Program
- Driver's License
- Earned Income Tax Credit
- Emergency Shelter
- Emergency Medicaid
- Family Medical Leave
- Federal Education Benefits
- FEMA Assistance
- FEMA Restricted Programs
- Food Stamps
- Health Insurance Exchanges
- Health Care Subsidies
- Income Tax Credits
- Legal Services
- LIHEAP
- Prenatal Care
- State Education Benefits
- Supplemental Security Income
- Transitional Housing
- Weatherization & Energy Assistance
- WIC
- Unemployment Insurance
- VOCA Compensation

LOOK AT THE NEEDS OF YOUR STATES POPULATION HOLISTICALLY

IMMIGRANT DEMOGRAPHICS AND LANGUAGE ACCESS FOR LIMITED ENGLISH PROFICIENT (LEP) VICTIMS



Reliable Sources of Immigrant Demographics Data

- Migration Policy Institute (MPI)– Data Hub - includes immigration trends at state/local level
 - <https://www.migrationpolicy.org/programs/migration-data-hub>
- State Data Profiles – Includes country origin and Limited English Proficiency Data
 - [Program: State Immigration Data Profiles | migrationpolicy.org](https://www.migrationpolicy.org/programs/state-immigration-data-profiles)
- NIWAP state demographics information - Based on MPI data <https://niwaplibrary.wcl.american.edu/demographics>

United States (2019)*

- ❖ Total foreign born population – 44,932,901
- ❖ 13.7% of the country's ~ 328 million people are foreign born
 - 45% naturalized citizens
 - 28% legal permanent residents
 - 27% temporary visa holders or undocumented immigrants
- 44.4% rise in immigrant population from 2000 to 2018
- ❖ Length of time immigrants have lived in the U.S.
 - 50.7% entered before 1999
 - 24.6% entered 2000 - 2009
 - 24.8% since 2010
- ❖ 25.8% of children under age 18 have one or more immigrant parents
 - 87.9% of these children are native-born U.S. citizens

**Source: Migration Policy Institute Data Hub (May 2022) and Lawful Permanent Resident estimates MPI and DHS (2022)*

United States– Countries/Regions of Origin & Limited English Proficiency (LEP)(2019)*

- ❖ Latin America – 50.3%
 - ❖ Mexico (24.3%)
 - ❖ Caribbean (10%)
 - ❖ Other Central America (8.4%)
 - ❖ South America (7.5%)
- ❖ Asia – 27.9%
 - ❖ China/Taiwan (6.4%)
 - ❖ India (6%)
 - ❖ Other Southeastern Asia (5.1%)
 - ❖ Philippines (4.6%)
- ❖ Europe – 10.4%
 - ❖ Eastern Europe (4.7%)
- ❖ Africa – 5.5%
- ❖ Middle East – 3.5%
- ❖ Canada – 1.8%
- ❖ Oceania – 0.7%
- ❖ Language spoken
 - ❖ 22% of people in the U.S. speak language other than English at home
 - ❖ 46.4% of foreign born persons are LEP - speak English less than “very well”

*Source: *Migration Policy Institute Data Hub (May 2022)*

United States-Languages Spoken at Home (2019)*

- ❖ Spanish (41,757,391)
- ❖ Chinese (including Mandarin, Cantonese) (3,494,544)
- ❖ Tagalog (including Filipino) (1,763,585)
- ❖ Vietnamese (1,560,526)
- ❖ Arabic (1,260,437)
- ❖ French (including Cajun) (1,171,775)
- ❖ Korean (1,075,247)
- ❖ Russian (941,454)
- ❖ Haitian (924,817)
- ❖ German (895,309)
- ❖ Hindi (892,596)
- ❖ Portuguese (845,801)
- ❖ Amharic, Somali, or Other Afro-Asiatic Languages (589,612)
- ❖ Yoruba, Twi, Igbo, or Other Languages of Western Africa (588,574)
- ❖ Yiddish, Pennsylvania Dutch or Other West Germanic Languages (560,216)
- ❖ Italian (539,546)
- ❖ Urdu (519,883)

United States-LEP (2019)*

- ❖ Limited English Proficiency (Speak English less than very well)
 - ❖ Naturalized citizens – 36.5%
 - ❖ Noncitizens – 57.1%
- ❖ Limited English Proficiency by language spoken at home
 - ❖ Vietnamese (56.9%)
 - ❖ Chinese (including Mandarin, Cantonese) (52.0%)
 - ❖ Korean (51.0%)
 - ❖ Russian (41.2%)
 - ❖ Amharic, Somali, or Other Afro-Asiatic Languages (39.4%)
 - ❖ Spanish (38.6%)
 - ❖ Portuguese (36.2%)
 - ❖ Arabic (35.0%)
 - ❖ Haitian (35.0%)
 - ❖ Tagalog (including Filipino) (29.6%)
 - ❖ Yiddish, Pennsylvania Dutch or Other West Germanic Languages (28.9%)

Source of Language Access Laws

- Title VI- No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied benefits of, or be subjected to discrimination under any program or activity receiving financial aid assistance.
- LEP Executive Order 13166 (2001)
 - Requires all agencies receiving any federal financial assistance to
 - Ensure meaningful language access
 - Develop and implement language access plans
 - “Where the denial or delay of access may have life or death or other serious implications, the importance of the full and effective delivery of LEP services is at its zenith.”

DOJ LEP Directive to State Courts on Federal Civil Rights Requirements (8/20/2010) - Interpreters

- LEP individuals are to be provided qualified interpreters
 - For all parties, defendants and witnesses and all persons whose presence is necessary or appropriate
 - E.g. parents of minors and crime victims
 - In ALL court room proceedings whether civil, criminal, administrative or other.
 - LEP individuals should not incur any fees for these services.
 - Not restricted to court rooms, also other court functions including:
 - Clerks offices, Records room
 - Alternative dispute resolution
 - All interactions with court appointed personnel such as guardians ad litem or court psychologists
 - *Pro se* clinics

DOJ Model Guidance for Law Enforcement

- Law enforcement required to provide free language access to:
 - As soon as they have secured the scene
 - LEP persons who request it
 - *When officer decides it is helpful* to the criminal investigation or prosecution
- Law enforcement informs members of the public that language assistance is available free of charge
- Language access provided in person's primary language

Role of STOP Administrators

Facilitating language access

- All grantees should be required to have language access plans that address crucial needs
- Grant application should ask whether the agency has a language access plan or what steps the agency is taking to implement one
- Should require that budgets include a line item for interpretation and translation
- Require grantees to have implemented a language access plan by the end of their grants

Opportunities for STOP Administrators

- Fund holistic legal and social services for immigrant survivors
- RFP requires language access plans or that they be developed under the grant
- Fund training for grantees on immigrant victims legal rights and language access
- Identify programs in state with expertise serving immigrant survivors and bring them into the STOP process
 - Tool <http://NIWAP.org/directory>

Opportunities for STOP Administrators

- Training on U/T visa certification for
 - Law enforcement
 - Prosecutors
 - Judges
- Encourage/require certification practices in RFPs or by end to the grant for grantees
- Help break silos and encourage collaboration between immigrant serving and mainstream programs
- Require collaborations/coalitions funded have a work plan on improving access for immigrant and LEP survivors

Technical Assistance and Materials

- **Training Materials for STOP Administrators**
 - PowerPoint available at:
<https://niwaplibrary.wcl.american.edu/stop-administrator-clinic>
 - STOP Administrator's Toolkit
 - Other helpful materials
- **NIWAP's August 2023 in-person trainings**
- NIWAP can assist with outreach to potential STOP grantees in your state
- **NIWAP Technical Assistance:**
 - Call (202) 274-4457
 - E-mail info@niwap.org
- Web Library: www.niwaplibrary.wcl.american.edu