NIWAP

AMERICAN UNIVERSITY
WASHINGTON
COLLEGE of LAW

Best Practices for Identifying Trauma and its Effects on Immigrant Survivors of Domestic and Sexual Violence

Breakout Session
Institute on Violene, Abuse, and Trauma (IVAT)
San Diego, California
August 19, 2025

Faculty Introduction and NIWAP Resources

- **Leslye E. Orloff**, Adjunct Professor and Director, NIWAP, American University, Washington College of Law
- NIWAP Web library
  - Directory
  - Public Benefits Interactive Map & Demographics
  - Materials: Bench cards, toolkits, training tools, legal research, multi-lingual outreach materials
- Technical Assistance
  - Cases, policies, strategies
  - Email, phone, zoom
- Trainings and Webinars
  - On-line, virtual, in-person
  - Customized
- Communities of Practice
  - Victim advocates, family lawyers, National Judicial Network
  - Law enforcement/prosecutors



Learning Objectives

By the end of this training you will be better able to:

- Employ a trauma-informed writing intervention that helps reduce the impact of trauma exposure on survivors and helps them heal
- Use trauma-informed evidence-based interview questions in your work with immigrant survivors of domestic violence and sexual assault
- Obtain a more complete history of a survivor's victimization including their experiences with stalking and co-occurring human trafficking for victim's immigration and family law cases

What are common responses to trauma that you see in the survivors you work with?

Trauma results from "an event, series of events, or set of circumstances that is ***experienced*** *by an individual as physically or emotionally harmful or life threatening and that has lasting adverse effects on the individual's functioning and mental, physical, social, emotional, or spiritual well-being."*

Ann Lynsen, *Trauma and Violence*, SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION, https://www.samhsa.gov/trauma-violence

Common Responses to Trauma

Lack of earnest resistance	Crying, laughing, flat affect	Calm or unemotional responses
Inconsistent / piecemeal memories	Delayed disclosure	Self-blame

See, e.g., Edna B. Foa, et al., *Common Reactions to Trauma*, National Center for Posttraumatic Stress Disorder

Common Responses to Trauma
Cont'd

Minimization	Continued contact with offender	Returning to "normal" behaviors
Delayed report	Reluctance / refusal to participate in the process	Recantation / testify for defendant

Id.

Common Cognitive Reactions

- Difficulty concentrating
- Difficulty making decisions
- Flashbacks or preoccupations
- Memory disturbances or amnesia
- Changes in hygiene
- A sense that things aren't real
- Worrying
- Changes in sleeping or eating
- Withdrawal or neediness

Common reactions to traumatic events, MITMedical, http://medweb.mit.edu/mentalhealth/mh-reactions.html

Poly-Victimization

Human trafficking

Stalking

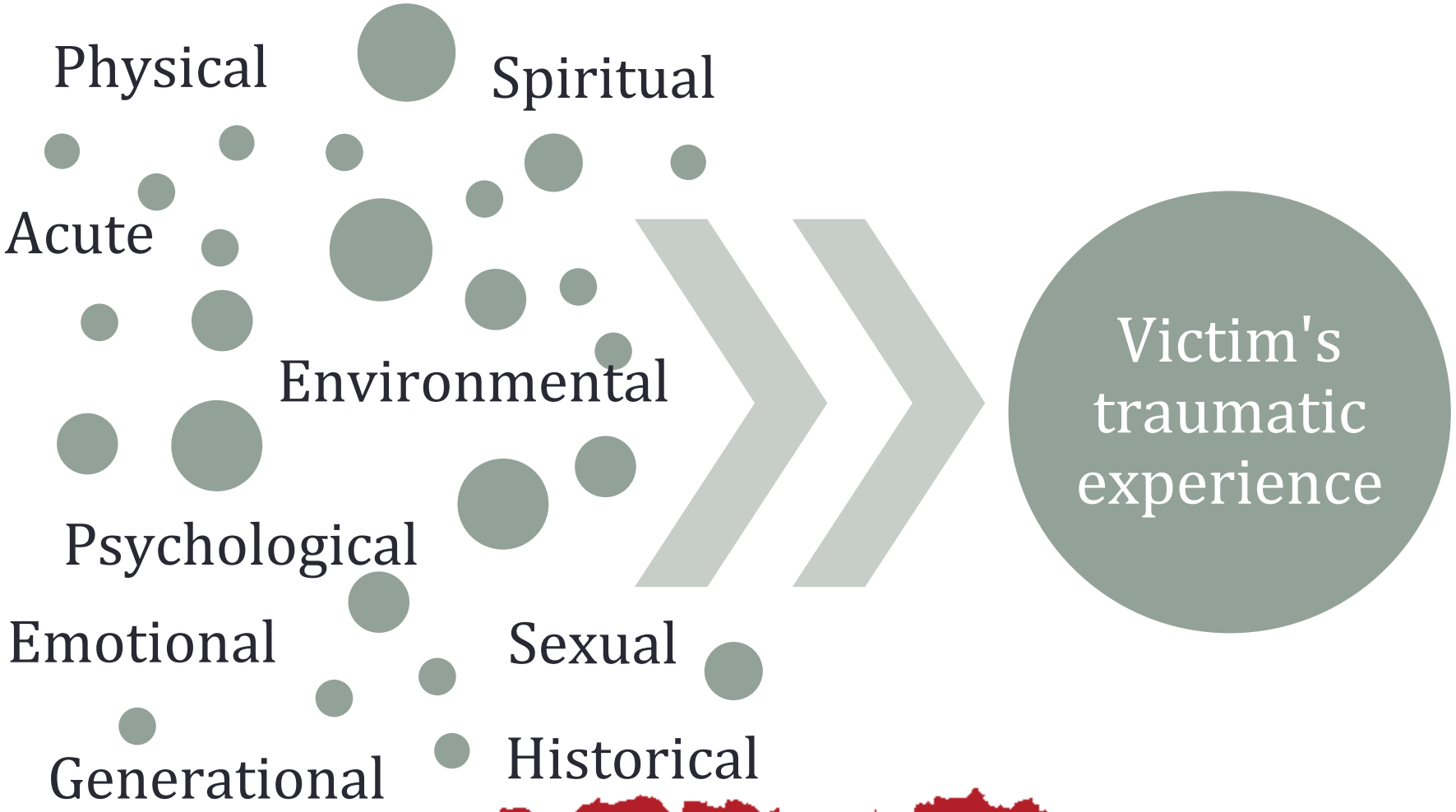


Sexual assault

Child abuse

Domestic violence

Trauma


Physical
Spiritual
Acute
Environmental
Psychological
Emotional
Sexual
Generational
Historical
Victim's traumatic experience

Dynamics of Domestic and Sexual Violence Experienced By Immigrant Survivors

NIWAP

Immigration-Related Abuse

- 65% of immigrant survivors report some form of immigration-related abuse (NIJ, 2003)
- Abuse rates among immigrant women is almost three times the national average*
  - 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%

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

- Among abusive spouses who could have filed legal immigration papers for survivors*:
  - 72.3% never file immigration papers
  - Mean delay of 3.97 years with those who did file

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

Sexual Assault and Immigrants

- 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)

Immigration-Related Abuse

- 10 times higher in relationships with physical/sexual abuse as opposed to psychological abuse*
- May predict abuse escalation
- Corroborates the 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)

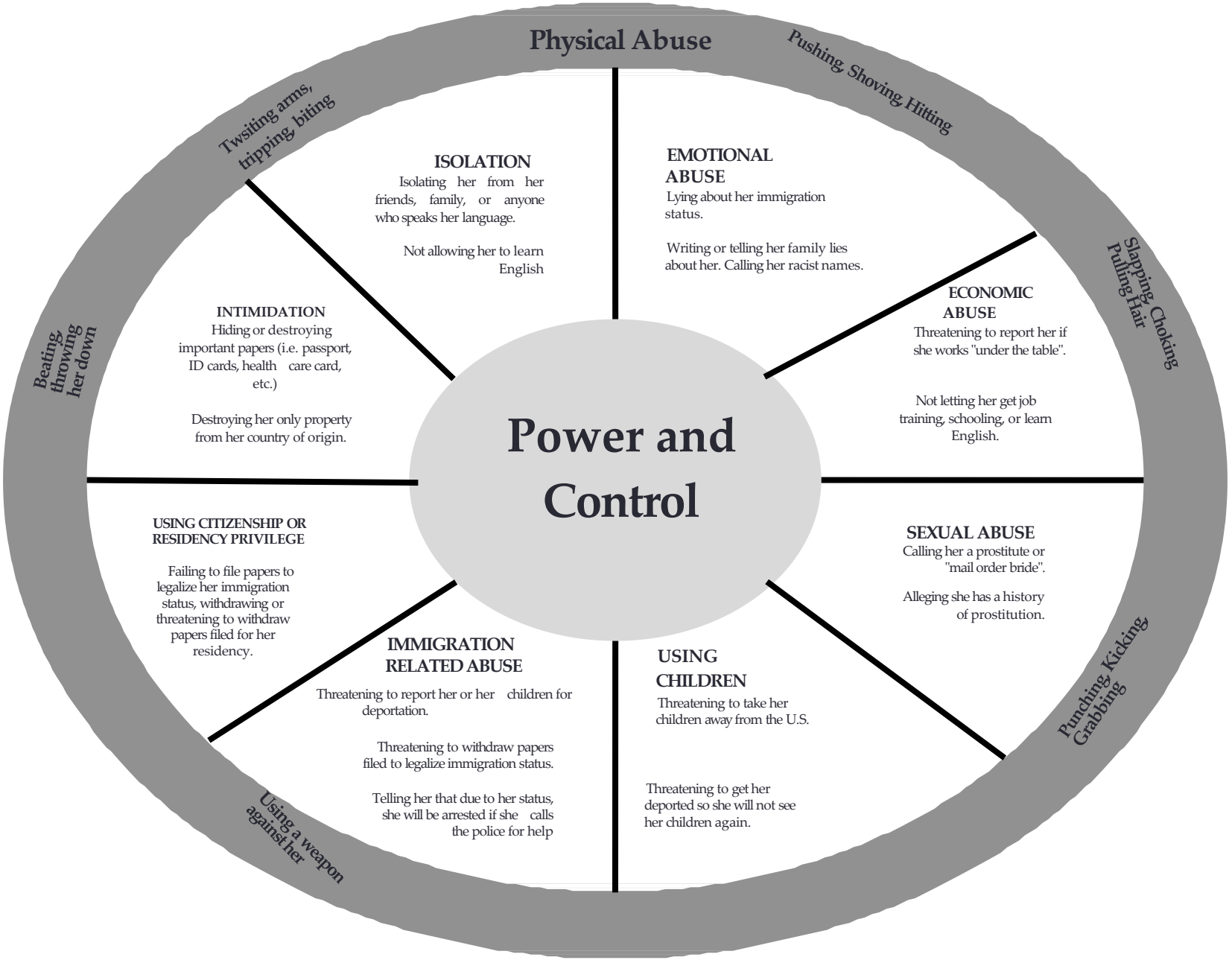
Perpetrators' Actions Against Victims With Pending Immigration Cases to Elude Criminal Investigations & Prosecutions

- Threats or attempts to have immigrant partner deported or have case denied
  - 25% of perpetrators actively report the victim for removal
- Using language proficiency to manipulate law enforcement
  - 36% of perpetrators get immigrant and LEP victims who call for help arrested for domestic violence*

* Krisztina E. Szabo, David Stauffer, Benish Anver, *Work Authorization For VAWA Self-Petitioners and U Visa Applicants*, NIWAP (Feb. 12, 2014) and Rafaela Rodrigues, Alina Husain, Amanda Couture-Carron, Leslye E. Orloff and Nawal H. Ammar, *Promoting Access to Justice for Immigrant and Limited English Proficient Victims (2017)*

Power & Control Tactics Used Against Immigrant Women

Document Updated December 3, 2024



Documenting A Survivor's Complete Trauma History and Helping Survivors Heal

Trauma Informed Structured Interview Questionnaires for Immigrant Cases (SIQI)

- The SIQI is a tool to help identify
  - Domestic violence, child abuse, sexual assault, coercive control
  - New additions: Stalking, predatory helpfulness, and co-occurring human trafficking, particularly in families
- The SIQI aids advocates and attorneys in eliciting in-depth information from the client.
- The questions are framed in a trauma informed way
- Using a story-writing process that helps victims heal.

Process of Trauma-Informed VAWA, U Visa or T Visa Story Collection

1. Recognize the client as whole human being and as a survivor
2. Explain confidentiality (your relationship & VAWA)
3. Support client's self-regulation
4. Understand client's behavior through a trauma lens
5. Titrate client's exposure to traumatic memories
6. Recognize the impact of exposing the trauma and its effects
7. Use techniques for grounding and soothing
8. Validate completing the process as success
9. Referral for trauma services in collaboration, as needed

Immigration Story Writing

- Affidavit = A Survivor's "Story"
  - Most important pieces of evidence submitted
    - Research on importance of writing the trauma narrative
  - DHS hears directly from the survivor
  - Can be be a traumatic experience for survivors
  - The goal is to develop an approach that:
    - Obtains more complete information
    - Improves outcomes and helps survivors heal

Story Writing
Intervention Method

- Invite the survivor to write/tell her story
  - Support, witness, listen without judgment, allow space
  - Goal: story comes out unedited/uninterrupted
- Follow up with interview
  - Structured Interview Questionnaire for Immigration (SIQI)
  - Take notes for follow up during story telling interview
- Edit together
  - Story + structured interview responses into affidavit
- Survivor reads back the final story

Types of Cases That Could be Strengthened by This Approach

- Immigration
  - VAWA
  - U Visa
  - SIJS
  - T Visa
- Family Law
  - Custody
  - Protection Order
  - Divorce
  - Economic Relief
- Therapeutic relationships

Standardized Tools:
Assessing "What happened to me?"

- Multiple types of trauma exposure
  - Structured Life Events Screening Questionnaire (SLESQ)
  - Stalking behaviors [SLII]
- Domestic Violence
  - Conflict Tactics Scale (CTS-2)
  - Psychological Maltreatment of Women
  - Coercive Control Scale (IPV Coercion Measure)
  - Danger Assessment
- Indigenous Trauma
  - Additional traumatic effects based on oppression and discrimination

Standardized tools:
Assessing "How did it change me?"

- Articulating the impact of battering or extreme cruelty
- IPV (Intimate Partner Violence) Threat Appraisal and Fear Scale
- PTSD Checklist (PCL-C)
- Patient Health Questionnaire (PHQ-9; depression)

Predatory Helpfulness, Coercive Control & Stalking

Stalking: Webinar and Materials (March 7, 20023) Readily Identifying and Effectively Responding to Stalking in Family Court: A Resource for Judicial Officers
https://niwaplibrary.wcl.american.edu/resources-on-stalking-for-judges/

Predatory Helpfulness: Webinar (December 8, 2023) – Let's Put Science First: Assessing Predatory Helpfulness and Coercive Control to More Accurately Understand Domestic Abuse and Sex Trafficking https://niwaplibrary.wcl.american.edu/njn-predatory-helpfulness-coercive-control-dec-2023/

Coercive Control: Revised Chapter Four: Families and Children Model Code on Domestic and Family Violence (May 2024) (Discussing custody and coercive control)
https://archive.legmt.gov/content/Committees/Interim/2023-2024/Law-and-Justice/Meetings/July-2024/2.Revised-Ch.-4-Model-Code_May-2024.pdf

Coercive control?

- Setting the stage
  - Creating vulnerabilities
  - Exploiting existing vulnerabilities
  - Wearing down resistance
  - Facilitating attachment
- Coercive demand
- Credible threat
- Surveillance
- Delivery of threatened consequences

Evan Stark: Control tactics include isolation, deprivation, exploitation, and regulation, having the effects of:

- Depriving victim of resources and support systems
- Rules remain in play even when the perpetrator is absent physically
- Micro-managing victim behavior by establishing "rules" for everyday living
- Victims feel abuse is all-encompassing and their partner is omnipresent
  - Compelling obedience
  - Exploiting the victim

Context is Critical

- Context means
  - Intent
  - Meaning
  - Effect
- Who is doing what to whom and with what impact
  - Helps identify primary aggressor
  - Not meant to excuse behavior

NCJFCJ Model Code

Coercive Control

- Range of abusive behaviors beyond physical violence
  - Problematic and dangerous parenting
  - Intimidation, implicit/explicit threats, or compels compliance
  - Purpose of restricting victim's safety or autonomy, trapping them, or using cultural practices/beliefs or immigration to instill fear and maintain control over the victim

See Revised Chapter Four: Families and Children Model Code on Domestic and Family Violence (December 30, 2022) https://www.ncjfcj.org/publications/revised-chapter-four-families-and-children-model-code-on-domestic-and-family-violence/

STALKING

- MULTI-DIMENSIONAL SLII STALKING FRAMEWORK
- S – SURVEILLANCE
- L – LIFE INVASION
- I – INTIMIDATION
- I – INTERFERENCE

SLII FRAMEWORK

SURVEILLANCE Follow, watch, monitor, wait for, show up uninvited, track using software or devices, gather information, proxy stalk (use a third party to stalk and report on the victim)	**LIFE INVASION** Unwanted/nonconsensual contact or communication at home/work/school/other, phone calls, texts, show up without warning, property invasion, public
INTIMIDATION Explicit and implicit threats, property damage, symbolic violence, forced confrontations, threats to or actually harm self or others, threats to call/report to immigration authorities, or withdraw immigration papers	INTEFERENCE Financial and/or work sabotage, ruin reputation, custody interference (including kidnapping children internationally), keep victim from leaving, road rage, harm friends/family/children/pets/colleagues, physical or sexual attack

14 RISK FACTORS IN STALKING CASES



A Severe Form of Human Trafficking

TVPA, 22 U.S.C. § 7102(11)

Act	Means	Purpose
• Recruit • Harbor • Transport • Provide • Obtain	• Force • Fraud • Coercion	• Commercial sex • Involuntary servitude • Peonage • Debt bondage • Slavery

DHS Recognizes Labor Trafficking Occurs Within Families

- Involuntary servitude
  - Induced by means of any scheme, plan, or pattern
  - Intended to cause a person to believe or to fear that
    - If the person did not enter into or continue in such condition or undertake the forced work
    - That person or another person would *Suffer serious harm,* physical injury, physical restraint, or legal coercion.
- A condition of servitude induced by the abuse or threatened abuse of the law or legal process.

8 C.F.R. § 214.201

Familial Trafficking

- 2 in 5 trafficking cases reported annually to federal trafficking taskforces involve child sex trafficking
- Over 62.7% of sex trafficked children their trafficker is a family member
  - Parent, grandparent, aunt, uncle, cousin, sibling
  - With 45.8% parent or guardian
- 65% of sex trafficked children come from unstable homes or compromised parenting
  - Almost 20% have a history of child abuse or neglect
- Up to 34% of sex trafficked children are trafficked by an intimate partner

- Cole, J., & Sprang, G. Sex trafficking of minors in metropolitan, micropolitan, and rural communities. Child Abuse & Neglect (2014), http://dx.doi.org/10.1016/j.chiabu.2014.07.015

Predatory Helpfulness Screener

12 Question Predatory Helpfulness Screener

These are guiding questions that should be reframed to best fit yours and your client's relationship

(1) How old were you when you met them? (Indicate if client was a minor)
(2) How old were they? (Indicate if trafficker was a minor)
(3) Please tell me about what was going on in your life at the time you met your trafficker/boyfriend/name?
(4) Were there things that you felt were not going well at that time in your life? Can you describe what you felt would improve your situation at the time, if anything?
(5) How did you meet?
(6) What can you tell me about how [NAME] acted when you first met? Did they do anything to help improve your situation during that time in your life?
    (a) Love Bombing: Was it romantic? Can you recall if [NAME] did any of the following? *(E.g., shower you with affection and gifts, tell you that you were special/unique/beautiful, wanted to be with you forever)*
    (b) Financial Housing: Did they offer to help you financially/offer a place to stay?
    (c) Business Relationship/Emotional Support: Did [NAME] offer you a business opportunity or emotional support?
    (d) Drugs: Did they introduce you to drugs/offer you drugs/buy drugs through them?
(7) Did they make any promises to you that were unfulfilled? *Example: a place to live, gifts, marriage, Etc.*
(8) Did they give you any reason why those promises were unfulfilled?
(9) Can you recall/share the first instance they ask you to sell sex for money? Can you tell me what they did or said to influence your decision? *(Examples: demanded/threatened, said it would only be once/a favor, said you owed them, created a disconnected)*
(10) How did you feel when they asked you? Were you shocked/surprised/didn't expect it?
(11) Did you feel like you had a choice? Why or why not?
(12) Can you identify if you experienced any of the following pressures?
    (a) Forced physically or Threatened (Physical Force)
    (b) Thought I owed them (Debt/Sex for Payback)
    (c) Felt pressured/confused/wanted to make them happy (Localized Coercive Control)

Totality of the Circumstances

Serious Harm

- Physical or nonphysical
- Psychological
- Financial
- Reputational

Circumstances

- The surrounding circumstances

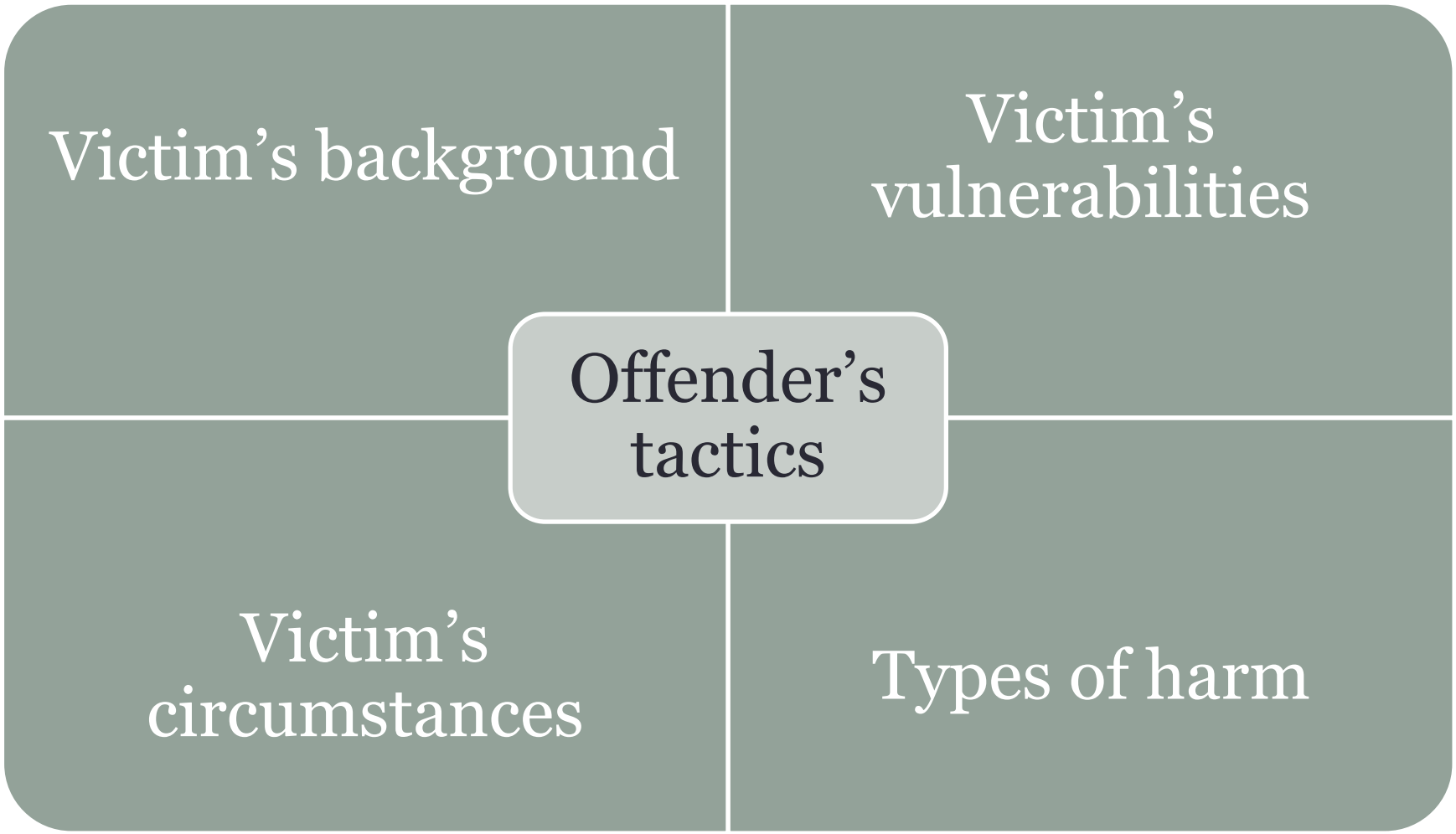
Victim

- Same background
- In the same circumstances

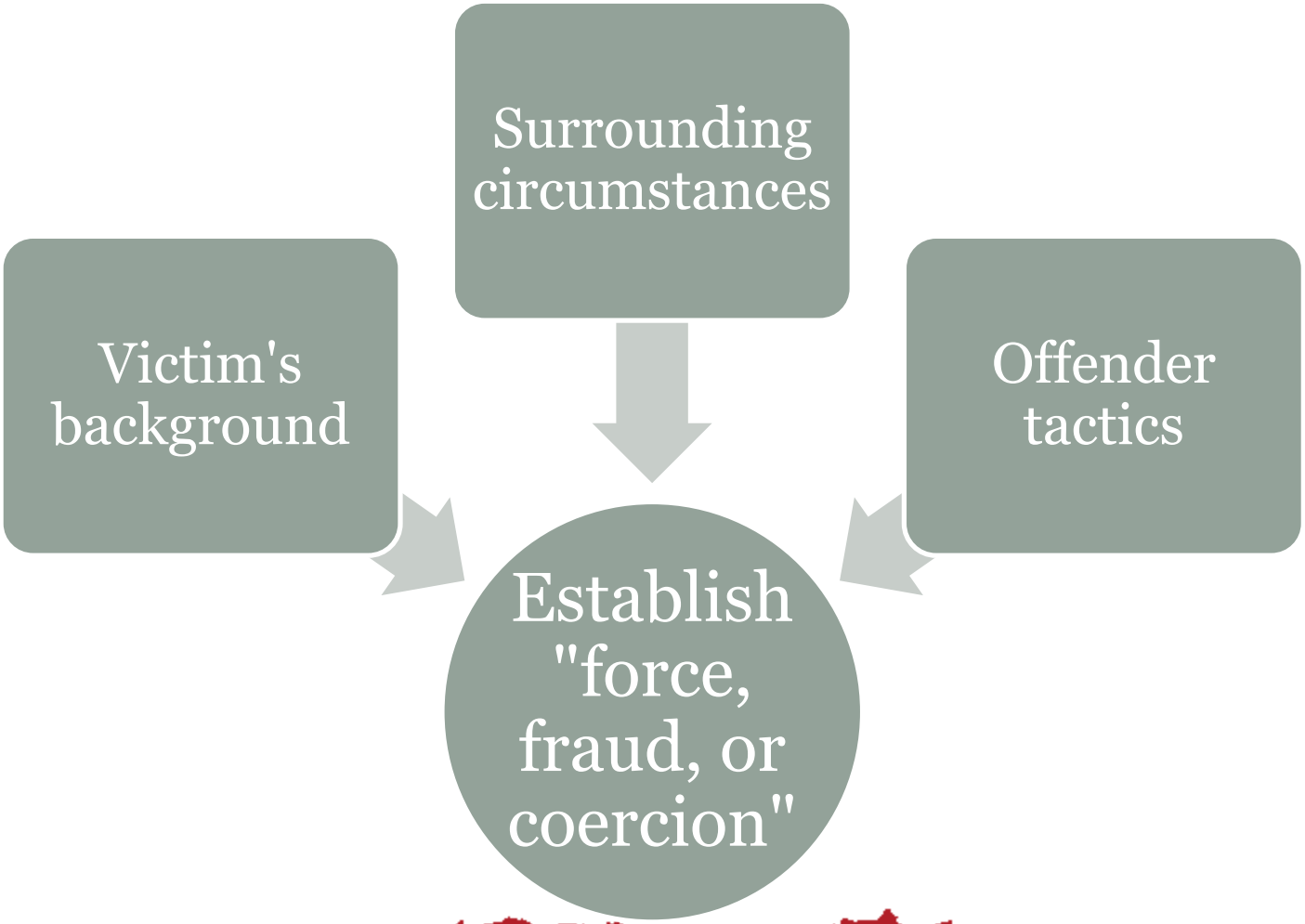
The victim's vulnerabilities are relevant in determining whether the physical or legal coercion or threats thereof could plausibly have compelled the victim to serve.

United States v. Kozminski, 487 U.S. 931, 933, 108 S. Ct. 2751, 2755, 101 L. Ed. 2d 788 (1988)

Individualized Analysis



Establishing: Force, Fraud, Coercion



Using the SIQI With Immigrant Survivors

Structured Interview Questionnaire -

How is it useful from a trauma-informed perspective?

- Questions reflect Survivors' experiences
- Reassuring that questions are not unique to her
- Signals that attorney, advocate, therapist really "gets it"

Structured Interview Questionnaire –

How is it useful from a trauma-informed perspective?

- Validation is essential throughout
- Take breaks, process slowly and in sections
- Pace writing or telling to help survivor regulate emotional response – not overwhelm

Structured Interview Questionnaire for Immigrant Survivors

How is it useful to elicit patterns of coercive control?

- Identifying extreme cruelty and patterns of coercive control can be difficult –
  - Need to detect experiences and information that are valuable for the case and are also important for her healing
- Questionnaire helps to identify details to detect pattern of coercion

Structured Interview Questionnaire – *Best Practices and Tips*

- Putting time in at the front end pays off;
- Use writing intervention as a roadmap for case planning;
- Tailoring – make decision on what to expand without re-traumatizing client
- Closing the interview:
  - Re-orienting to the present; day-to-day
  - Thank client for courage to proceed
  -

Resources for Working with Immigrant Victims

- Advocate's & Attorney's Tool for Developing a Survivor's Story:
  - Provides guidance on how people working with survivors can collect their stories.
- Structured Interview Questionnaires for Immigration Cases (SIQI)
  - 6 languages, working on 17
  - Developed by drawing upon evidence-based research on violence against women, coercive control, trauma, acculturation, stalking, predatory helpfulness, human trafficking co-occurring within families
- How to Prepare Your Case: Tips on Using the Structured Interview Questionnaires for Family Court Cases (SIQI)
  - Adopted for family court cases
- *Helping Survivors in Crisis*: Hands On Training for Advocates and Attorneys on Trauma-Informed Work with Immigrant Women Who Are Survivors of Domestic Violence and Sexual Assault
  - Video

Technical Assistance and Materials

- Power Point presentations and materials for this training at
  - **https://niwaplibrary.wcl.american.edu/ivat2025**
- **NIWAP Technical Assistance**
  - Call (202) 274-4457
  - E-mail info@niwap.org
- Web Library:

https://niwaplibrary.wcl.american.edu/

