



## COLLECTING STORIES TO ILLUSTRATE THE NEED FOR PROPOSED REFORMS TO AID IMMIGRANT VICTIMS<sup>1</sup>

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### Introduction:

Documenting the effect that proposed legislation will have on the lives of immigrant women and their children is a critical component of successful campaigns to secure improvements in public policies and practices and legal reforms that help immigrant victims of domestic violence, sexual assault and trafficking, along with their children. Stories recounting the real-life experiences of immigrant women compelled Congress to include protections for immigrant victims in the Violence Against Women Acts (VAWA) of 1994, 2000, and 2005.

Story collection allows advocates to assess and document the problems that victims face in their communities when they seek help from the police, the justice system, victim services, social services, or the healthcare system. Advocates can also collect data from individuals in the community in order to document the extent of these problems. Concrete data can help demonstrate how widespread a problem is, in the community and across the country story collection has proven to be a very effective tool. Story collection illustrates the need for reforms and how the remedy needs to be crafted to effectively help battered immigrants. Stories are a great motivating tool that can help initiate or build collaborations and can encourage police and other professionals to work with advocates to solve problems immigrant survivors face when they seek help to end the violence they are experiencing. Stories can succinctly demonstrate the harm that is being caused to the women, children and families in the community, and how changes in policies and practices can improve the safety of victims. Sometimes, combining stories and data can be the most effective approach. In these cases, data documents how often these problems arise, and one or two relevant stories can more fully illustrate each problem.

We are seeking your help to collect real-life stories of immigrant victims. This document is geared towards federal, state, and local reforms in laws, policies, and practices that aid immigrant victims of domestic violence. This story collection process can be tailored to a variety of different issues and groups of victims.

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## **Getting Started:**

### **Identifying Organizations or Individuals with Clients Whose Stories Illustrate the Problem**

The first step is to identify organizations that may have clients whose stories illustrate the need for the proposed laws or policy reform. Programs likely to have stories have program staff that work closely with immigrant victims offering them victim advocacy, support, legal or social services, health care or counseling, including:

- Domestic violence or sexual assault programs and statewide coalitions
- Victim services organizations
- Immigrant community based organizations
- Faith based organizations
- Legal service providers
- Programs offering social services or counseling
- Health care programs

Ideally, you will already know people at the organizations you contact. If you are calling an organization for the first time, find out if they have a person who works on policy issues or ask for the name of the person who works with domestic violence or sexual assault victims. You will often be referred to another person in the agency who works directly with victims. Once you have identified the persons at these organizations who may have stories, contact them.

### **Contacting Organizations**

Contacting an organization may require several e-mails and phone calls. Some organizations will respond more favorably to e-mails, while others communicate more often by phone, so it is best to try both methods. If you have a list of organizations you would like to contact via e-mail, an easy way to reach them all at once is to send out an Action Alert (see end of document for a sample), in which you explain the issue and desired change in policy, and ask the organizations to provide you with relevant stories.

Often when you call an organization, you will get referred to another person or another organization altogether. Keep detailed notes of the names of the persons you talk to and who you get referred to. You may have to leave messages and have the persons you are trying to reach call you back. If they call you back at a time that you do not have time to talk, set-up an appointment to talk at a better time. Let them know that you are working on a time-urgent matter and really need their assistance.

Organizing your calls so that you can easily follow up with people is key. Keep a record of when you call and when you follow up. It is important to remember that the people you will be collecting stories from are juggling multiple responsibilities and are often working on time sensitive crisis interventions with survivors. Make sure you have all the information about the policy or law reform you are seeking and the type of stories you are looking for. (See attached Fact Sheet on Legal Services to Immigrant Victims and Sample Story Below). Be willing to schedule calls at times that are convenient to the advocate or attorney who is working with the victim. This may be after or before normal work hours.

### **Gathering the Facts**

Below is a sample script to assist you in gathering in the relevant information. The real-life stories should include detailed facts about the violence the immigrant victim and her children suffered, how she met her abuser, her background, the help she sought from the organization and the legal relief she needs. All identifying information about the immigrant victim should be changed, to protect her identity (this includes her name, the name of her children, the name of her abuser, and in some instances her geographic location. It is best to refer only to the state so long as it is safe to do so). Keep detailed notes on who you are talking to and the geographic location of the story and/or organization assisting the immigrant victim in case further information is needed.

#### ***Sample Script***

*My name is \_\_\_\_\_, and I am calling about legislation that will ensure that immigrant victims \_\_\_\_\_. We are documenting the impact of \_\_\_\_\_. We are seeking your help in collecting real-life stories of immigrant victims who are affected by this issue. We would like your help in providing us a written story about your clients' experiences. We can send you a sample to work from. It should take no more than a half-hour. Once we receive the story, we will call you if we need further information. Alternatively if it is more convenient for you, you could talk with me about some of your clients' stories and I can draft the story based on our discussion and send it to you for review and edits. Would you have some time to talk with me about some of your clients' stories? [if not available at that time] When is the best time to reach you? Can I call you then?*

### **Putting it Together**

In writing down these stories, it is important to provide a fairly detailed but succinct description of the domestic violence the victims and their children have suffered. Stories should be based on cases of real victims who sought or were afraid to seek help from law enforcement, and what happened to them and their children as a result. If law enforcement officials came to the scene, record how they interacted and communicated with the immigrant victim and the batterer. Describe exactly what happened the day the police were called, what specific injuries occurred, whether other family members were involved, what the police did at the scene, and how the victim and her children were affected. Names of the victims, perpetrators and police in the story should be changed to protect victim confidentiality and safety.

The stories should be emotionally compelling. They should emphasize the victimization of the abused victim and the crimes and abuse perpetrated by the abuser. The goal of this emphasis is to tap into law enforcement officials' motivations and responsibilities from a crime fighting perspective, so that they can see how focusing on the immigration status of the victim ultimately undermines these objectives. Stories should be written in a format illustrated by the following example.

### *Arlington County, Virginia*

*Julia and her 12-year old daughter, Andrea, are immigrants from Mexico. After arriving in the United States with Andrea, Julia met Pablo and began a relationship with him. Pablo is not Andrea's father. Pablo and Julia dated for several years. Over the years of her relationship with Pablo, Julia experienced an escalating pattern of abuse perpetrated against her by Pablo. Pablo often beat Julia, slapping and punching her on an almost daily basis. Julia had tried many times to break off the relationship, but Pablo stalked her and she always ultimately came back to him. He never wanted Julia to be away from him. One night, Pablo followed Julia to her workplace and kidnapped her while at work. Pablo took Julia to a secluded area of town and severely beat her by slamming her head repeatedly into the ground, causing injuries to her head and face. When Julia finally made it home, Andrea immediately called the police for help. Julia was sent from her rural neighborhood via helicopter to the Shock Trauma Unit in a metropolitan city. Pablo was arrested and sentenced to one month in jail. When he was released from jail, Pablo was furious and determined to take revenge on Andrea for calling the police when she saw the extent of her mother's injuries. Pablo knew where Andrea went to school. Pablo laid in wait for Andrea on her normal route home from school. He kidnapped Andrea and raped her. Andrea became pregnant because of the rape.*

*Despite the horrors of the crimes committed against them by Pablo and the fact that they are cooperating witnesses in two separate criminal prosecutions against Pablo, neither Julia nor Andrea can file for a U-visa because the local police will not sign U-visa certification. Julia cannot file a VAWA self petition because Pablo is a U.S. citizen but is not her husband. They want Pablo punished for his crimes. Pablo has been calling and telling them that if they do not stop speaking with police and prosecutors, he will report them to immigration authorities for deportation. Yesterday Julia heard on a Spanish language radio program that the local sheriff was planning on entering into an agreement with Federal immigration enforcement authorities to assist in identification and removal of unlawful immigrants from the U.S.*

*Both Julia and Andrea cooperated with the prosecutor and police. Each of them separately qualifies for a crime victim U-visa because they each were victims of crimes perpetrated by Pablo.*

### **Organizing Your Stories**

After the stories have been collected, they need to be organized to prepare for advocacy. Stories should be arranged into a booklet so that they are easy to access and read. The booklet can be used to gather support from allied organizations, and it can also be presented to the police.

**SAMPLE\*\*URGENT ACTION ALERT – DEADLINE NOON THIS WEDNESDAY!\*\***

**HELP COLLECT REAL-LIFE EXAMPLES OF WOMEN TO  
ENSURE ACCESS TO LIFE-SAVING IMMIGRATION RELIEF FOR  
IMMIGRANT VICTIMS OF DOMESTIC VIOLENCE AND SEXUAL ASSAULT**

Every day immigrant victims of domestic violence and sexual assault are cut off from Violence Against Women Act (VAWA) created immigration protections because our local law enforcement are unwilling to sign U-visa certifications. Additionally, local sheriffs are considering signing an agreement with the Department of Homeland Security (DHS) to participate in the 287 (g) program, in which local police officers will serve as immigration enforcement officials. Under current law:

- New policies from the Department of Homeland Security (DHS)<sup>2</sup> confirm that U.S. immigration officials are explicitly not prioritizing immigration enforcement against noncitizen crime victims and witnesses. These new policies were instituted to minimize the effect of immigration enforcement on the willingness and ability of victims and witnesses to access justice.
- Congress created forms of immigration relief, including the U-visa, to help stop domestic violence, sexual assault, trafficking, and other violent crimes committed against immigrant women.
- Under federal law, immigration enforcement officials must focus on both enforcing immigration and identifying victims of crime in order to facilitate crime investigations and victim protections.

**When local law enforcement has not been issuing U-visa certifications and considers participating in the 287 (g) program, this means that:**

- Successful community policing prioritizing crime fighting is challenged by giving abusers, traffickers, and exploitative a powerful tool against immigrant women by silencing them and cutting them off from help. Perpetrators are not held accountable for their crimes. Programs undermining the public safety mission of local law enforcement jeopardize not only the safety of vulnerable immigrants but, as a consequence, the safety of all women and community members.
- Congressional protection of immigrant victims of domestic violence, sexual assault, and trafficking is undermined.

**We are seeking:**

- An agreement from our local police department to sign U-visa certifications.
- To convince the police department to consider the implications for crime fighting of entering into a 287 (g) agreement.

**WE NEED YOUR HELP COLLECTING STORIES**

**We are seeking your help in collecting stories of immigrant victims in your community who were**

- afraid to call the police for help,
- arrested or turned over to DHS when the police were called, and
- came forward and cooperated with the police in a crime investigation but were denied U-visa certification.

**We will compile these examples into a book of stories that will be used to advocate with members of the local police department in order to secure their assistance and support.**

If you would like assistance in documenting these stories, call the National Immigrant Women's Advocacy Project (202) 274-4457 or [niwap@wcl.american.edu](mailto:niwap@wcl.american.edu). We will record all necessary information regarding the woman's experience and draft the story for you. If you would like to draft the story yourselves, attached are instructions for collection and documenting stories of women who will provide personal examples of this crucial issue. Thank you for helping us bring attention to the stories of these women.

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<sup>2</sup> Memorandum from John Morton, Director, U.S. Immigration and Customs Enforcement, Prosecutorial Discretion: Certain Victims, Witnesses, and Plaintiffs (June 17, 2011).