

Somewhere to Turn

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CHAPTER 1 – Overview of Domestic Violence and Battered Immigrant Issues	2
CHAPTER 2 – Cultural Competency Training	22
CHAPTER 3 – Cross-Cultural Interviewing	50
CHAPTER 4 – Recruiting and Hiring Multilingual and Multicultural Staff.....	64
CHAPTER 5 – Shelter Protocols	72
CHAPTER 6 – Outreach and Community Collaboration	92
CHAPTER 7 – Shelter Access for Battered Immigrant Women	106
CHAPTER 8 – VAWA Immigration Cases and Victim Advocacy Confidentiality	107
CHAPTER 9 – Creative Use of Protection Orders in Battered Immigrant Cases	108
CHAPTER 10 – Protection Orders Enforcement and Criminal Prosecuting Involving Immigrants	136
CHAPTER 11 – Access to Public Benefits for Battered Immigrant Women	137
CHAPTER 12 – Verification and Reporting Requirements Under the U.S. Attorney General’s Guidance and Order	138
CHAPTER 14 – Model Programs	166

CHAPTER 1 – Overview of Domestic Violence and Battered Immigrant Issues

Chapter Highlights

This chapter provides advocates with a detailed explanation of the dynamics of domestic violence in immigrant families. In addition to the information listed below, the chapter includes a question and answer section that dispels some of the common myths about domestic violence and immigrant women. By reviewing this chapter, you will learn more about:

POWER AND CONTROL DYNAMICS USED BY BATTERERS OF IMMIGRANT WOMEN, INCLUDING:

- ✓ threats related to the immigration status of the victim.
- ✓ economic control exerted over immigrant victims
- ✓ isolating the victim and controlling her activities (such as access to money, friends, family, and medical care).
- ✓ use of cultural tactics (such as preventing the victim from learning English).

THE BARRIERS THAT IMMIGRANT WOMEN FACE TO ACCESSING MAINSTREAM DOMESTIC VIOLENCE SERVICES, INCLUDING:

- ✓ language barriers between victims and service providers, police officers, and courthouse staff, lack of interpreters and lack of translated documents.
- ✓ fears and misconceptions concerning the police and the U.S. legal system.
- ✓ fear of deportation.
- ✓ cultural issues (such as pressure to keep family matters private and concerns about being able to practice cultural traditions in a shelter setting).
- ✓ religious concerns (including fear of ostracism by their religious community).
- ✓ fears about experiencing racism from justice system personnel and service providers.
- ✓ economic barriers (a battered immigrant's immigration status may limit her ability to find work and live independently of her abuser).
- ✓ fear that the abuser will kidnap their children.

CHAPTER 1

Overview of Domestic Violence and Battered Immigrant Issues¹

by Leslye E. Orloff and Rachel Little

INTRODUCTION

Immigrant women arrive to this country alone or with their spouses in the hope of creating a better life for themselves and their children. Many flee political repression, severe poverty, domestic violence, unemployment, or war. In their home countries, they may have faced rape or torture for their political beliefs. They may have been forced into prostitution, state-sponsored sterilization programs, or may have been subjected to female genital mutilation. They may bear physical and psychological scars from this abuse and may still be fighting the effects of post traumatic stress disorder (PTSD).

Crossing the U.S. border can be a harrowing experience as women and children risk being robbed, raped, or detained. Others face possible mistreatment by the U.S. Border Patrol. Once they are in the United States, they may experience discrimination, unemployment, and isolation. Many may fear being caught by the Immigration and Naturalization Services (INS). Immigrant women may also have difficulty obtaining employment in the United States because they lack basic job or language skills. If they are able to find work, they may face low wages, sexual harassment, dangerous working conditions, or long hours because they work "under the table" and their immigration status prevents them from seeking the protection of U.S. labor laws. They may be under considerable pressure to work hard and send money to support their children and other family members back in their home countries.²

If immigrant women are married to military personnel or met and married their spouses through an international matchmaking organization, they may be extremely isolated from their cultures and unable to access traditional sources of support. They

¹Adapted from Leslye E. Orloff & Minty Siu Chung. *Overcoming Cultural Barriers* (1996); Leslye E. Orloff, Deanna Jang, and Catherine Klein. *With No Place to Turn: Improving Legal Advocacy for Battered Immigrant Women*, 29(2) Fam.Law Q.313(1995); Forthcoming ABA Manual - *Training Manual of Battered Immigrant Women Provisions Under the Violence Against Women Act* (1999); AYUDA. *Assisting Battered Immigrant Women and Children Filing Immigration Claims Under the Violence Against Women Act*. 43(3 RD ED.,1996); Mary Ann Dutton. *The Dynamics of Domestic Violence: Understanding the Response from Battered Women*. 9 Fl.B.J. (1994); Deborah Goelman and Roberta Valente. *When Will They Ever Learn? Education to End Domestic Violence: A Law School Report* (ABA 1997).

²Chris Hogeland and Karen Rosen. *Dreams Lost, Dreams Found: Undocumented Women In The Land of Opportunity*. Coalition For Immigrant and Refugee Rights and Services. 2-4 (1991).

may be further stigmatized by the use of the term "mail order bride."³ Farmworker migrant women live a very transient lifestyle and are often even more isolated. They are generally paid significantly less than men, work very long hours in hazardous conditions, and are often forced to turn over their paychecks to their husbands.⁴ These pressures result in very difficult lives for immigrant women, particularly those who are undocumented. If an immigrant woman is trapped in an abusive relationship, these factors make the flight from violence even more problematic. As a result, battered immigrant women are among the most marginalized victims of domestic violence in this country. Through the activism of immigrant survivors of domestic violence and service providers, the domestic violence advocacy community has become more aware of immigrant women's stories and this population's need for accessible domestic violence services.

As a result of this increased awareness of the plight of battered immigrants, this "how to" manual has been created to train battered women's advocates, shelters, and service providers how to offer culturally appropriate and meaningful assistance to battered immigrant and migrant women. Language, culture, social isolation, a lack of understanding about the U.S. legal system, and immigration status are factors that complicate a battered immigrant woman's ability to leave an abusive relationship. Through this manual, advocates will learn how to identify these barriers and work with immigrant women to surmount them. They will further learn how to communicate with battered immigrants in a cross-cultural context.

Moreover, this manual will offer technical assistance on improving shelter accessibility, developing culturally sensitive shelter protocols, networking with existing immigration service providers, and creating effective outreach programs. To work with battered immigrant women, shelter advocates need to become familiar with the special immigration and public benefits laws available to assist battered immigrants. Additionally, they must be able to anticipate the special problems that can arise in family and criminal court cases because of the intersection of family, criminal, and immigration law. To this end, this manual will discuss special considerations when assisting battered immigrants with obtaining protection/restraining orders and preparing Violence Against Women Act (VAWA) and other domestic violence-based immigration cases. It will further explore such issues as the availability of public benefits and protecting battered immigrant clients from being reported to the INS.

The extent to which you can apply this information to the operation of your program will depend on the nature of the immigrant communities in the region that you serve. With large, established immigrant populations, there are usually immigration-

³Advocates should not use the term "mail order bride." This term fuels misunderstanding and misjudgment of immigrant women. Advocates should instead use the expression "immigrant women who met their fiances through international matchmaking organizations."

⁴Leslye E. Orloff and Rachel Rodriguez. *Barriers to Domestic Violence Relief and Full Faith and Credit for Immigrant and Migrant Battered Women*. Migrant Clinicians Network. 3 (1997).

based nonprofit agencies, community-based organizations, church groups, and community leadership. This existing base can serve as a valuable support network as you begin to implement training and outreach programs. Where an immigrant community is smaller, transient, or where immigrant women are extremely isolated (as is often the case in rural areas, on military bases, or with women in rural communities who met their husbands through international matchmaking agencies), your efforts to reach these women will be more challenging. Every topic that is discussed in this manual will be approached in a manner that accounts for immigrant women's varying life experiences.

This manual is intended to familiarize you with the dynamics of domestic violence experienced by immigrant women, offer suggestions as to how you can make your agency more accessible to battered immigrant women, and teach you how to use the law most effectively to help this particular population of women. As an advocate, your role in helping battered immigrants overcome barriers to services will be critical and empowering to these often silent victims of domestic violence.

THE EXTENT OF DOMESTIC VIOLENCE

Domestic violence is a societal problem of epidemic proportions. Experts estimate that two to four million American women are battered every year,⁵ and that between 3.3 and 10 million children witness violence in their homes.⁶ Battering affects families across United States in all socioeconomic, racial, cultural, and ethnic groups.⁷ As information about the extent and impact of domestic violence emerges, it has been identified as a criminal justice issue, a public health crisis, and a costly drain on economic productivity.⁸

Domestic Violence, Power, and Control Against Immigrants

Domestic violence is a pattern of behavior that one intimate partner or spouse exerts over another as a means of control. Domestic violence is not defined solely by a specific physical act, but by a combination of psychological, social and familial factors.⁹

⁵Antonia C. Novello. From *The Surgeon General*. US Public Health Service. 267(23) JAMA 3132 (6/17/92). See also Ronet Bachman. Bureau of Justice Statistics, US Dept of Justice. *Violence Against Women: A National Victimization Survey Report*. iii (1994).

⁶Howard A. Davidson. *The Impact of Domestic Violence on Children; A Report to the President of the American Bar Association*. ABA. 1 (1994).

⁷Mary P. Koss et al. *No Safe Haven: Male Violence Against Women At Home, At Work, and In the Community*. 49-51 (1994)

⁸See e.g., Ted Miller et al. National Institute of Justice. US Dept of Justice. *Victim Costs and Consequences: A New Look*. 18-19 (1996). (Finding that domestic violence costs \$67 billion a year in property damage, medical costs, mental health care, police and fire services, victim services, and lost worker productivity).

⁹Note that within protection order statutes or criminal codes, domestic violence may be defined as the commission of specific physical acts or threats against intimate partners or spouses.

In some families, perpetrators of domestic violence routinely beat their spouses until they require medical attention. In other families, the physical violence may have occurred in the past. If the latter is the case, perpetrators exert control over their partners simply by looking at them a certain way or by reminding them of prior episodes. Even sporadic violence may still have the effect of controlling the abused partner. Dr. Mary Ann Dutton, a leading clinical psychologist, defines domestic violence as a pattern of interaction in which one intimate partner is forced to change his or her behavior in response to the threats or abuse of the other partner.¹⁰

As is the case with all battered women, battered immigrants experience physical violence, coercion, threats, intimidation, isolation, destruction of important documents or possessions, and emotional, sexual or economic abuse.¹¹ Frequently, abusers of immigrant women also use the children to manipulate immigrant victims by:

- ✓ harming or abducting the children to a foreign country,
- ✓ threatening to harm or abduct the children,
- ✓ taking money that the immigrant victim was planning to send to support her children and other family members in her home country,
- ✓ forcing the children to participate in the abuse of the victim,
- ✓ using visitation as an occasion to harass or monitor the victim,
- ✓ fighting protracted custody battles to punish the victim,
- ✓ raising the immigration status of the victim in custody cases to divert the court's attention away from his violence.¹²

Perpetrators often invent complex rules about what victims or children can or cannot do, and force victims to abide by these frequently changing rules. For example, abusers may limit the amount of times that the victim can leave the house to go to the doctor or the grocery store. Moreover, abusers may inform immigrant women that if they seek the help of the police or the courts, the abuser will automatically gain legal custody of the children. This may often be the case in the battered immigrant's home country.

Furthermore, abusers of immigrant women use culture and cultural taboos to enhance their control by:¹³

- ✓ writing or telling the victim's family lies about her,
- ✓ embarrassing her in front of family and friends,

¹⁰Mary Ann Dutton. *The Dynamics of Domestic Violence: Understanding the Response from Battered Women*. 68(9) Fla.Bar J. 24 (1994).

¹¹See Power and Control Wheel Produced by the Domestic Abuse Intervention Project, Duluth, MN.

¹²See e.g., *Kim v. Kim*, 208 Cal. App. 3d 364 (1989).

¹³See *Power and Control Tactics Used Against Immigrant Women*. AYUDA, Inc. (no date). Hereinafter AYUDA Power and Control. See also Leti Volpp and Leni Marin. *Working with Battered Immigrant Women: A Handbook to Make Services Accessible*. Family Violence Prevention Fund (no date).

- ✓ divulging family secrets,
- ✓ causing her or her family to lose face in the community,
- ✓ preventing her from meeting with people from her country who speak her native language,
- ✓ canceling her subscriptions to newspapers and magazines in her language,
- ✓ calling her racist names,
- ✓ accusing her of abandoning her culture,
- ✓ isolating her from supportive individuals within her cultural community.

Economic control may be exerted by:¹⁴

- ✓ forcing her to work illegally,
- ✓ harassing her at work so that she is fired from the only job at which she can legally work,
- ✓ preventing her from working,
- ✓ stealing the money she is sending to her home country to support her family,
- ✓ taking control of the family finances,
- ✓ preventing her from learning English and attaining other skills that she needs to secure a job which pays a living wage.

Other tactics abusers use to solidify control over battered immigrants include: controlling the victims' interactions with the English-speaking community, forcing her to sign papers in English that she does not understand, and screening the information, correspondence, and phone calls that she receives (particularly those from family and friends).¹⁵

Cases of battered immigrants are ultimately complicated by **their abuser's use of immigration status as a tool of control**. Research on domestic violence conducted among immigrants indicates that immigrant women are very often victims of domestic violence due to vulnerability related to their immigration status.¹⁶ In a survey of immigrant women conducted by Ayuda, 62% of the respondents reported that they were subjected to weekly physical or emotional abuse. Thirty-one percent of respondents reported an increase of abuse with immigration to the United States. Another 9% reported that abuse began with immigration. One-fifth of the respondents reported that their spouses use threats of deportation, of not filing immigration papers, or of withdrawing these papers as a power and control tactic in abusive relationships. One-fourth of the participants stated that fear relating to their immigration status prevented them from leaving the abusive relationship. This survey highlights the

¹⁴*Ibid.*

¹⁵See AYUDA Power and Control.

¹⁶See Leslye Orloff and Nomi Dave. *Identifying Barriers: Survey of Immigrant Women and Domestic Violence in the D.C. Metropolitan Area*. Poverty and Race. (July-August 1997).

relationship between domestic violence and immigration status. It further illustrates some of the specific problems battered immigrant women face in their efforts to stop the violence. Congress relied on this research in deciding to include special protection for battered immigrant women in the Violence Against Women Act (VAWA).¹⁷

Fears surrounding deportation are often aggravated because abusers convince immigrant victims that they will lose custody and be permanently severed from any relationship with their children through deportation. Abusers believe and often try to prove in custody cases that the victim's lack of lawful immigration status outweighs and shifts the "best interest of the child analysis" toward this unlawful status and away from the abuser's violence. This position is contrary to recommendations from experts on domestic violence and children.¹⁸ Moreover, where the judicial system condones these tactics, battered immigrants are more likely to return to their batterers and subject their children to further effects of domestic violence.¹⁹ If an abuser raises this issue in a custody case, the battered immigrant woman will need the assistance of an attorney who can counter these charges using current evidence from the "ABA Report on The Impact of Domestic Violence on Children" and other resources.

Sexual Violence

As in all other domestic violence cases, abusers of immigrant and migrant women use physical and sexual violence as a means of exercising power and control over their intimate partner. Sexual assault frequently occurs in domestic violence cases. This may include forcing a victim to engage in a range of unwanted sexual acts, either through physical force or threats. Sexual abuse can include behavior that may not be criminal, but can cause devastating psychological and physical effects. This could include:

- ✓ forcing the victim to view or perform in pornographic videos or engage in sexual activity with other persons,
- ✓ calling the victim a prostitute,
- ✓ informing her that she is required to have sex with him whenever he wants,
- ✓ accusing her of sleeping with other men,
- ✓ alleging on legal papers that she has a history of prostitution.²⁰

¹⁷Memo of behalf of Ayuda, Inc. and the National Network on Behalf of Battered Immigrant Women to Mr. Efrain Hernandez, Assistant General Counsel at the U.S. Immigration and Naturalization Services RE: Public Charge Exemption for Violence Against Women Self-Petitioners.

¹⁸Howard A. Davidson. *The Impact of Domestic Violence on Children: A Report to the President of the American Bar Association*. ABA. 19 (1994).

¹⁹*Ibid.* 20.

²⁰See *Power and Control Tactics Used Against Immigrant Women*. AYUDA, Inc. (no date).

Psychological Abuse

Sexual or physical abuse typically coincides with psychological abuse of the victim.²¹ In many cases, psychological abuse may occur in a relationship where there is no physical abuse. Abusers of immigrant women often focus on the following psychological tactics:

- ✓ threatening to harm someone in her family in the United States or in her country of origin,
- ✓ hiding or destroying important papers (such as her passport or the children's passports or birth certificates),
- ✓ destroying her personal belongings (such as clothes, letters, heirlooms, photos, or other items brought from her home country),
- ✓ convincing her that his violent actions are not criminal unless they occur in public,
- ✓ telling her that she provoked the violence and is responsible for it,
- ✓ accusing her of marrying him only for lawful immigration status and threatening to or actually reporting this to the INS
- ✓ blaming her for breaking up their family if she leaves him.²²

Who are Victims and Perpetrators of Domestic Violence?

Domestic violence crosses ethnic, racial, age, national origin, religious, gender, and socioeconomic lines.²³ The rate of abuse does not vary significantly from culture to culture nor is it based on the country of origin of the victim or the abuser. Studies have shown that the only common traits between victims are that they are being abused by their intimate partners or spouses and that the majority of heterosexual victims are female.²⁴ Immigrant domestic violence victims come from many socio-economic levels. Not all battered immigrants are from lower socio-economic classes. Immigrant victims may be doctors, business owners, scientists, or child care providers. Perpetrators may be police officers, military personnel, sports heroes, diplomats, or college professors. Unlike victims, perpetrators do have at least two common traits -- the majority of perpetrators witnessed domestic violence in their childhood homes and are male.²⁵

²¹Psychological abuse is distinguishable from "negative" interactions found in nonviolent relationships; psychological abuse exists when there is a credible threat of violence predicated on the occurrence or knowledge of actual prior violence. Anne Ganley, *Integrating Feminist And Social Learning Analyses of Aggression: Creating Multiple Models for Intervention with Men Who Battered*. Treating Men Who Batter: Theory, Practice, and Programs. 196 (P.L. Caesar & L. Kevin Hamberger, eds., 1989).

²²See *Power and Control Tactics Used Against Immigrant Women*. AYUDA, Inc. (no date).

²³David M. Zlotnik. *Empowering the Battered Woman: The Use of Criminal Contempt Sanctions to Enforce Civil Protection Orders*. 56 Ohio St.L.J. 1153, 1162-63, 1215 (1995).

²⁴Bachman and Saltzman, *supra* note 14, at 4 (finding that women were about 6 times more likely than men to experience violence committed by an intimate).

²⁵Gerald T. Hotaling and David B. Sugarman. *An Analysis of Risk Markers in Husband to Wife Violence: The Current Stage of Knowledge*. 1(2) Violence and Victims. 101, 106 (1986). Murray A. Straus.

Although domestic violence affects persons from all backgrounds, battered immigrant women face even greater obstacles in their efforts to escape violent relationships. Language, culture and immigration status exacerbate the level of violence, block victims from access to information about legal remedies, and complicate their efforts to obtain the relief they need to end the violence. Culture, religion, socio-economic, and immigration status do not determine whether domestic violence will occur, but rather influence what barriers a battered immigrant must confront, what relief she will need to obtain from the legal system or other sources, what should be included in her safety plan, what threats the abuser will use against her, and what excuses the abuser will use in an attempt to justify his violence.²⁶

In order to offer battered immigrant women effective assistance through the legal system, attorneys, advocates, police officers, and courts need to allow and encourage battered immigrants to choose when they are ready and when is it safe to leave their batterers. Battered women need to know that the advocate will offer assistance whether or not they choose to leave their abuser or if they choose to reconcile with their abuser. Even when the victim decides not to leave the relationship, she may still obtain a civil protection order and advocates should advise her about that option. Battered women who choose to stay should develop a safety plan and be assisted in obtaining protection orders that simply order the abuser to not harass or commit further violence against them. These orders may also require that the abuser participate in a batterers' treatment program. This helps shift the balance of power in their relationship and offers the victim better protection when and if she chooses to leave.²⁷

BARRIERS IMMIGRANTS MUST OVERCOME WHEN SEEKING HELP TO END ABUSE

Abusers of immigrant women use the power and control tactics listed above to exert control over a battered immigrant woman's movements, emotions, thoughts, relationships with the outside world, and potentially every aspect of her life. In addition to their abusers' use of violence or coercion, immigrant victims of domestic violence face unique obstacles when obtaining help from domestic violence services providers and protection from the legal system.

Language Barriers

One of most immediate hurdles facing battered immigrants are language barriers that prevent them from obtaining legal or social services. For instance, if the police

Behind Closed Doors: Violence in the American Family (1980).

²⁶Leslye E. Orloff. *National Conference on Family Violence: Health and Justice*. AMA. 67 (1994).

²⁷See Leslye E. Orloff. *Effective Advocacy for Domestic Violence Victims; Role of the Nurse-Midwife*. *Journal of Nurse-Midwifery*. 41(6) 490 (Nov-Dec. 1996).

respond to a domestic violence incident, an immigrant victim of domestic violence who does not speak English may not be able to communicate with the law enforcement officer. The officer may then defer to the abuser because he speaks English and believe the perpetrator's claim that the victim initiated the violence or that nothing happened at all. If an English-speaking child is asked to translate, the child may not tell the officer what really happened out of fear of the abuser. Based solely on language barriers, a police officer may inappropriately arrest a victim, let a perpetrator go who should be arrested, or fail to provide a victim with information about her legal rights. When an arrest is made or a report is taken, language barriers and the use of untrained translators may result in the police officer preparing and filing an inaccurate report. This creates credibility problems for the victim when the police report is introduced during a trial. It may also serve to undermine her already tenuous trust in the police and discourage her from making reports in the future.

Similarly, a battered immigrant may be unable to access other community resources because of language issues. Most courts have only limited access to interpreters and many do not have interpreters readily available at clerks' offices or domestic violence programs in the courthouse. An inability to communicate with court personnel can make the process of seeking help from the legal system even more difficult for battered immigrants. Victims may encounter similar frustrations if they attempt to get aid from local domestic violence shelters, crisis hotlines, or social services agencies.

To help address these problems, battered women's advocacy programs should identify social service agencies that work with significant language minority populations in their communities. Advocates should meet with representatives from that agency and should develop agreements under which their staff will assist with interpreting and translating for domestic violence cases that advocates are working on. In exchange battered women's advocates should offer training on domestic violence for social service agency personnel and assistance with battered women in their case loads. In addition, volunteer translators and interpreters can be recruited from local universities and church groups. Social service staff and volunteer interpreters should receive training on domestic violence so that they will be better able to help battered women when called upon to provide translation, interpretation, or other support services. These ideas are further discussed in chapters two through six of this manual, which cover cultural competency training, cross-cultural communication, recruiting bilingual staff, shelter protocols, and outreach.

Perception of Law Enforcement and the Legal System

Battered immigrants may fear that the police or courts will not help them because of experiences with repressive or non-responsive law enforcement and judicial systems in their countries of origin. Victims may fear the police in the United States because of police brutality in their home country, in their local neighborhood, or because they are

afraid that the police will report them to INS or take their children away.²⁸ (See Chapter 13 on Reporting) A recent survey found that nearly 83% of battered immigrants did not contact the police for help despite lengthy histories of domestic violence.²⁹

Most immigrant women, even those who have attained lawful permanent residency or become naturalized citizens, are afraid to use and do not understand how our legal system works.³⁰ Battered immigrants may hesitate to utilize the legal system because they come from countries with different legal procedures or standards for credibility.³¹ In these countries, the legal system is often based on a civil law system where oral testimony is not valid evidence. When oral testimony is taken, it must be corroborated. In some countries, corroboration may only be provided by men. In many other countries, the testimony of a man has more value as a matter of law than testimony provided by a woman. As a result, battered women from such countries could have great difficulty understanding that their testimony has any value in the U.S. legal system.³² Other battered immigrants may be familiar with a legal system in which money or governmental ties, rather than due process, determine legal outcomes.³³ Battered women who have learned not to expect justice from such legal systems find it difficult to believe that our system will function differently.

Battered immigrants may further distrust the United States legal system as a result of misinformation and lies told by their abusers. For battered immigrant women, the connection between control over legal immigration status and domestic violence is very strong.³⁴ Abusers may tell the victims that they will never be believed, that they have no legal rights, or that they will be deported if they call the police or go to court. Advocates for battered immigrants should discuss the U.S. legal system with their clients and ease their fears by explaining how the legal system works, that their testimony can be credible evidence, and that legal relief is available for all victims of domestic violence.³⁵ Advocates should also discuss their track record and experience obtaining protection orders for victims to further alleviate their fears. Finally, offering to take a battered immigrant with the advocate to court prior to her court date can be helpful as well. This experience provides battered immigrants with an opportunity to

²⁸Leslye E. Orloff and Rachel Rodriguez. *Barriers to Domestic Violence Relief and Full Faith and Credit for Immigrant and Migrant Women*. Migrant Clinicians Network. 15 (1997).

²⁹Orloff & Dave, survey at 13.

³⁰Catherine Klein and Leslye E. Orloff. *Providing Legal Protection for Battered Women: An Analysis of State Statutes and Case Law*. 21 Hofstra L.Rev. 801, 1020 (1993).

³¹Ibid. 801, 1021-22.

³²Leslye E. Orloff. *National Conference on Family Violence: Health and Justice*. AMA. 70 (1994).

³³United States Commission of Civil Rights. *Racial and Ethnic Tensions in American Communities: Poverty, Inequality, and Discrimination*. 75 (1993).

³⁴Leslye E. Orloff and Rachel Rodriguez. *Barriers to Domestic Violence Relief and Full Faith and Credit for Immigrant and Migrant Battered Women*. Migrant Clinicians Network. 4 (1997).

³⁵Leslye E. Orloff, Deanna Jang, and Catherine Klein. *With No Place To Turn: Improving Legal Advocacy for Battered Immigrant Women*. 29 FAM.L.Q. 316 (1995).

see how our system works and observe that other battered women do testify and receive favorable court orders from the judge.

Fear of Deportation

One of most powerful threats abusers use against battered immigrants is that of deportation.³⁶ Abusers frequently threaten to have their partners or spouses deported if they seek any type of help. As a result, many immigrant victims remain silent about the abuse, and refrain from calling the police, going to the hospital, or seeking legal assistance. Regardless of their actual immigration status, victims of domestic violence frequently believe that their abusers can have them deported because that is what their abusers have told them. This is may be true even for lawful permanent residents who attained their green card through marriage. Some have been repeatedly told by their abusers that because their abuser helped them get their green card, he can have it taken away. This is untrue. In other cases where the victim is undocumented, the INS may actually carry out the abuser's threats. For example, the INS may act on information supplied by the abuser even if the abuser has contacted INS to punish the victim for pursuing criminal charges or a civil protection order.³⁷ Battered immigrants who qualify for relief under the Violence Against Women Act (VAWA) can cut off their abuser's ability to influence the outcome of their immigration case. VAWA's confidentiality provisions prevent the INS from relying on information in a self-petitioning case that is supplied by the abuser.

Fear of deportation has dire consequences for battered immigrants, as it may prevent them from getting help to stop the violence. In a survey conducted in San Francisco, 64% of undocumented battered women said that the fear of deportation was the primary reason why they did not seek social services.³⁸ This hesitation to seek help may lead to a dearth of corroborating evidence about the domestic violence despite the long history of abuse. The victim may not have any medical records, police reports, or protection orders. A lack of documentation of the abuse may then affect a victim's ability to obtain immigration relief, which requires proof of the abuse. (See Chapter 8 on VAWA and Confidentiality issues).

³⁶Leslye E. Orloff and Nomi Dave. *Identifying Barriers: Survey of Immigrant Women and Domestic Violence in the D.C. Metropolitan Area*. Poverty and Race. 6(4) 9-10 (1997). (25% of battered immigrants stated that immigration issues prevented them from leaving their abusers).

³⁷See Leslye E. Orloff and Rachel Rodriguez. *Barriers to Domestic Violence Relief and Full Faith and Credit for Immigrant and Migrant Battered Women*. Migrant Clinicians Network. 15 (1997). Violence Against Women Act's immigration confidentiality provisions preclude the Immigration and Naturalization Service from solely relying on information obtained from an abuser to deny immigration benefits to a battered immigrant once she has filed for relief under VAWA or notified INS of her status as a victim of domestic violence. However, the INS does violate this law and it is important that a battered immigrant obtain immigration legal assistance if this occurs.

³⁸Chris Hogeland and Karen Rosen. *Dreams Lost, Dreams Found: Undocumented Women in the Land of Opportunity*. Coalition for Immigrant and Refugee Rights and Services. 63 (1991).

Abusers of battered immigrant women constantly threaten them with deportation if they complain about the abuse, threaten to leave, or threaten to call the police or others for help. If a battered immigrant woman who does find the strength to leave her abuser becomes subject to deportation, her abuser's threats are realized. Battered immigrant women often fear deportation for very legitimate reasons relating to the abuse. They are afraid that they will be ostracized by the abusers' relatives, their own relatives, or community members for cooperating with the prosecution of their batterer.³⁹ She may face the shame of losing her job and the ability to send money home. Moreover, if deported, she may be sent to a country that the abuser can freely travel to and that may not have domestic violence laws. She may also fear that if she reports the abuse, her abuser will be deported and she will lose child support or other economic assistance that he provides. She may love him, value his relationship with their children, depend on him economically, or fear reprisal by him or his family. While for many women the benefits and safety that come with reporting outweigh the risks, each battered immigrant must weigh the pros and cons for herself and make her own choice. She should consult with an immigration expert to understand the potential consequences of her abuser's deportation.

To counter these fears and the abuser's threats, advocates and attorneys should provide battered immigrant women with correct information about whether they face risks of deportation and whether they may qualify for VAWA or other immigration benefits. Advocates should develop relationships with immigration attorneys and experts who can help determine if a client is eligible for VAWA or any other available immigration options. **An advocate should never call the INS (Immigration and Naturalization Service) without first consulting with an immigration lawyer or trained immigration expert.** To identify immigration lawyers and accredited representatives in your area, contact Gail Pendleton at the National Immigration Project of the National Lawyer's Guild at (617) 227-9727 or one of the National Network on Behalf of Battered Immigrant Women groups listed in Chapter 14 of this manual. Advocates also need to help battered immigrant women learn what is considered "domestic violence" and that in our society domestic violence is a crime. Legal, medical and social service professionals are willing to help them stop the violence and with the exception of TANF welfare workers are not required to report undocumented battered immigrants to the INS.

Cultural Issues

Cultural factors may stop victims from seeking services for domestic violence. A victim may be under pressure from within her own community to remain in an abusive marriage for complex reasons, ranging from cultural mores about the role of women or the sanctity of marriage, to the abuser's powerful standing within the community. Battered immigrants may worry that if they seek help from outside of their community,

³⁹Leslye E. Orloff and Minty Siu Chung. *Overcoming Cultural Barriers*. AYUDA, Inc. 4-5 (1996).

they will be ostracized by members of their community, which might include all of their family members or friends in the United States.⁴⁰ Victims are often under tremendous pressure to keep family matters private. In some cases, immigrant women who speak out against their abusive husbands may be blamed for the violence, lose social respect, and cause uninvolved family members to be ridiculed.⁴¹

As a result, many battered immigrants seek solutions to end the violence that do not require them to separate from their abusers. Unfortunately, few domestic violence programs offer assistance with protection orders to battered women who intend to continue living with their abusers. It is extremely important that advocates not blame the victim for her choice to remain with the abuser and offer her needed assistance. Advocates should send a clear message that the victim can seek help from them at any time in the future.⁴² They should work with each battered immigrant to help her address each need, fear, or barrier through civil protection orders, safety planning, public benefits assistance, immigration relief, education, and support.

Battered immigrants may also hesitate to seek help if domestic violence programs do not provide culturally or linguistically appropriate services.⁴³ Victims from immigrant communities may have cultural traditions -- such as eating or sleeping arrangements -- that are very different from the rules imposed by the domestic violence shelter. These cultural factors may discourage battered immigrants from seeking assistance. Those battered immigrants who do attempt to live in shelters often feel alienated, uncomfortable, unwelcome, alone, and afloat without access to culturally familiar surroundings.

Addressing this issue is crucial to reaching battered immigrant women and assuring that they receive effective assistance from shelters and domestic violence programs. This process may include allowing the battered immigrant to prepare food for herself and her children separate from the meals that are prepared for all shelter residents (see Chapter 5 for more information).⁴⁴ Additionally, battered immigrants may choose to find alternate housing arrangements apart from battered women's shelters by evicting the abuser from the family home or by living with friends, co-workers, or family

⁴⁰Leslye Orloff and Minty Siu Chung. *Overcoming Cultural Barriers*. Ayuda, Inc. 3 (1996).

⁴¹Nadera Shalhoub-Kevorkian. *Tolerating Battering: Invisible Methods of Social Control*. International Review of Victimology. 11-12 (1997). See also Leti Volpp and Leni Marin. *Working With Battered Immigrant Women: A Handbook to Make Services Accessible*. Family Violence Prevention Fund. 13-14 (no date).

⁴²Leslye E. Orloff. *National Conference on Family Violence: Health and Justice*. AMA. 67 (1994).

⁴³Orloff, *supra* note 7; Holly Maguigan. *Cultural Evidence and Male Violence: Are Feminists and Multiculturalist Reformers on a Collision Course in Criminal Courts?* 70 N.Y.U.L.Rev. 36 (1995); Alice J. Gallin. *The Cultural Defense: Undermining the Policies Against Domestic Violence*. 35 B.C.L.Rev. 723 (1994); Nilda Rimonte. *A Question of Culture: Cultural Approval of Violence Against Women in the Pacific-Asian Community and the Cultural Defense*. 43 Stan.L.Rev. 1311 (1991).

⁴⁴For example, the Asian Women's Shelter in San Francisco stocks six different types of rice to meet the dietary needs of its residents (including short grain, long grain, basmati rice, etc.).

members. Advocates should help battered women obtain protection orders to protect the battered immigrant and any third parties who offer her shelter. When battered immigrants seek safe shelter outside of battered women's shelters, advocates should also assist them with accessing ancillary services (e.g., social work services or support groups run by shelter programs).

Religious Issues

Victims from tightly knit religious communities may find that their religious beliefs conflict with standard legal remedies for domestic violence. For example, victims or their family members may have religious beliefs that emphasize the sanctity of the family and prohibit or discourage divorce. In some cases, religious principles may require wives to obtain their husband's permission to divorce him, giving perpetrators an additional means of control.⁴⁵ Advocates should work with battered women from these communities to develop creative responses that counter violence but avoid forcing victims to choose between deeply held traditional and spiritual beliefs and much needed legal remedies.

Victims who live in insular religious communities may be afraid to reveal the family violence to service providers outside of their community. They may fear that if they seek outside assistance, members of their community will support the perpetrator, particularly if the religion emphasizes the rights of men to rule their families. When they do disclose the violence to religious leaders, victims often fail to receive support and are told instead that it is their duty to make their marriage work. Battered immigrants who receive such advice are often reluctant to leave their abusers. At the same time, some battered immigrants may prefer to disclose the abuse to people outside of their religious or cultural group as they expect that they may not be judged so harshly. Advocates should work closely with these abuse victims, offering them safety planning and protection orders that do not require the parties to separate. These orders can require that the abuser not molest, assault, harass or commit any threats or acts of violence against his wife, and that he participate in a certified batterers' treatment program (see Chapter 9). Advocates can also work with religious leaders by educating them about domestic violence and forming partnerships to assist battered members of their religious communities or congregations.

The Role of Racism

Battered immigrants from some racial or ethnic minority groups may face additional barriers in obtaining legal relief to end domestic violence. For example, victims may experience racism when they seek services from providers who characterize all men from African or Latin American countries as violent or women of

⁴⁵See e.g., Beverly Horsburgh. *Lifting the Veil of Secrecy: Domestic Violence in the Jewish Community*. 18 Harv. Women's L.J. 171, 193 (1995).

color as more prone to victimization.⁴⁶ The history of institutional and individual racism against people of color may lead some victims to avoid the police and the courts because these entities are part of a system that has traditionally discriminated against them.⁴⁷ Battered immigrant women of color may also suffer from the intersection of the effect of racism, gender-based discrimination, and anti-immigrant discrimination.⁴⁸ Even if nondiscriminatory services are available, victims may face pressure from within their own communities to endure the violence or to deal with it privately because of allegiance to their community. Women of color may hesitate to contact law enforcement to arrest their batterers because of a pattern of police brutality against members of their community.⁴⁹

Battered women's advocates should invite advocates for battered immigrants to become involved in the domestic violence coalition and domestic violence coordinating council in your state or local community. Advocates from immigrant communities should work together to train justice system personnel, battered women's advocates, and attorneys in your community about the dynamics of domestic violence experienced by battered immigrants. Training should also include information on creative remedies that offer each victim the relief she needs based on her own cultural context. Battered women's and immigrant rights advocates should work with the local domestic violence coalition to identify problem organizations or individuals and to develop strategies for instituting policies and procedures that do not perpetrate racist stereotypes. Joint strategies should be developed in which those persons familiar with cultural and immigration issues can work together with domestic violence experts to counter problems that arise.

Economic Barriers

While many victims of domestic violence face financial obstacles when they leave their abusers, battered immigrants may have even more severe economic barriers to overcome. Undocumented immigrants may not be able to obtain work authorization. Even those immigrants who are eligible for work authorization based on an approved VAWA self-petition or other means may have lengthy waiting periods before they actually receive this authorization. Battered immigrants who work without authorization are more likely to have low-paying jobs with no benefits or job security. Moreover,

⁴⁶ See e.g., Jenny Rivera. *Domestic Violence Against Latinas by Latino Males: An Analysis of Race, National Origin, and Gender Differentials*. 14 B.C. Third World L.J. 231, 234 (1994).

⁴⁷ Linda Ammons. *Mules, Madonnas, Babies, Bathwater, Racial Imagery and Stereotypes: The African-American Woman and The Battered Woman Syndrome*. Wisc.L.Rev. 1003 (1995). Evelyn C. White. *Chain, Change: For Black Women in Abusive Relationships*. 23-26 (1994).

⁴⁸ Ammons, *supra* note 93 at 1036; Kimberle Crenshaw. *Cultural Battery*. 25 U.Tol. L.Rev. 891 (1995); Kimberle Crenshaw. *Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color*. 43 Stan L.Rev. 1241 (1991).

⁴⁹ See e.g., Ammons, *supra* note 93; Beth Richie. *Battered Black Women: A Challenge for the Black Community*. The Black Scholar. 43 (Mar-Apr 1985).

immigrants who make a false claim about U.S. citizenship or purchase or use false documents in order to obtain employment risk being barred from obtaining lawful permanent residence. As a result, battered immigrants are less able to support themselves and/or their children alone. Even those who have work authorization may have difficulty finding well paying jobs because they often lack child care, transportation, or language capabilities. This inability to obtain decent employment traps many battered immigrants in abusive relationships.

Recent studies indicate that the majority of women who are homeless and/or receive public assistance are currently being abused by their partners or spouses or were formerly abused.⁵⁰ Due to changes in welfare laws, however, battered immigrants who do not qualify for relief under VAWA may not be eligible for many types of public assistance that are available to U.S. citizen victims of domestic violence. Some battered immigrants with U.S. citizen or lawful permanent resident children may be able to receive some benefits for their children (See Chapter 11). Nonetheless, lack of access to the economic safety net of public benefits makes it even more difficult for some battered immigrants to flee from abusive relationships. A recent survey supported the need for economic resources for battered immigrants, finding that the primary reason immigrant women remain in abusive relationships is a lack of financial resources.⁵¹

Under INS regulations and procedures that implemented the 1994 Violence Against Women Act (VAWA), work authorization is available to immigrants who file and have received approved VAWA self-petitions. Work authorization is also available for suspension of deportation and cancellation of removal applicants after deportation or removal proceedings have been initiated. VAWA-eligible battered immigrant women should try to get work authorization as soon as possible in order to be able to support themselves and their children. Beginning to work will also help battered immigrants prove to INS that they are not likely to become a public charge when they are eligible to apply for lawful permanent residence or a "green card." (See Chapters 2, 8, and 11 for more information).

Many undocumented battered immigrant women do work. For these women, being employed can enable them to escape an abusive relationship. Advocates must caution undocumented battered women who plan to work that they must not purchase or use false papers in order to get employment or represent to an employer that they are U.S. citizens. If they commit those acts, they are likely to become ineligible to receive relief under VAWA or any other immigration benefit they may qualify for. They may also be subject to deportation.

⁵⁰Jody Raphael and Richard M. Tolman. *Trapped By Poverty, Trapped By Abuse: New Evidence Documenting the Relationship Between Domestic Violence and Welfare*. Taylor Institute and the University of Michigan Research Development Center on Poverty, Risk, and Mental Health. 5 (4/1/97).

⁵¹Leslye E. Orloff and Nomi Dave. *Identifying Barriers: Survey of Immigrant Women and Domestic Violence in the D.C. Metropolitan Area*. *Poverty and Race*. 6(4) 10 (1997).

International Parental Kidnapping

Abusers with battered immigrant spouses or partners are likely to use the children as a tool of control. They may threaten to abduct the children if the victim leaves the relationship. If abusers have ties to other countries, the potential for international abduction becomes very real. Battered immigrants may decide to remain with their abusers in order to prevent their children from being abducted and taken out of the country. Advocates working with battered immigrants whose abusers are threatening to kidnap their children should take these threats seriously and take legal steps to deter or head off the abuser's kidnapping attempts. (See Chapter 9).

COMMON QUESTIONS AND ANSWERS

1) Why don't victims just leave?

Victims of domestic violence almost always attempt to leave violent relationships. Some victims make repeated attempts to leave. A range of serious obstacles forces some victims to return to their abusers and prevents others from leaving in the first place.

Perpetrators of domestic violence against immigrant spouses or partners frequently threaten to have their partners or spouses deported if they leave or seek help. Until recently, immigration laws gave U.S. citizen or lawful permanent resident spouses control over their spouse's immigration status, even if they were domestic violence perpetrators. This thereby permitted them to exercise control over their victims. While this is no longer true, battered immigrants who believe that their spouses control their immigration status may be afraid to leave for fear of being deported.

Many victims, including battered immigrants, fear that they will be harassed, stalked, or killed if they leave their batterers. These fears are justified, as nearly 30% of female homicide victims are killed by their current or former boyfriends or husbands. A victim's fears in a particular case may be based on the batterer's verbal or physical threats (e.g., "I'll kill you if you leave me"), the batterer's prior behavior (e.g., the violence increased the last time the victim left), or information about the batterer's history (e.g., the batterer was imprisoned for assaulting or killing his former wife).

Battered immigrant victims who have sought and been denied or have received culturally inappropriate assistance from outside sources, such as the police or courts, are more likely to fear retaliation from their batterers. They may believe that the judicial or law enforcement systems cannot protect them. Many victims come from countries where domestic violence laws do not exist or are not actively enforced. Moreover, women wanting to flee a violent relationship may not know where to turn for effective

assistance.⁵²

Victims of domestic violence may be unable to leave their abusers because they cannot financially support themselves and/or their children. Since perpetrators often withhold economic resources from victims, victims may not have the means to pay for basic needs on their own such as housing, food, clothing, or medical care. Batterers may forbid victims from working, or force them to turn over their paychecks if they are employed. A lack of savings or limited access to family income traps many victims in abusive relationships.

Additionally, many victims stay in abusive relationships out of concern for their children. Batterers frequently threaten to harm, abduct, or gain custody of the children if victims leave. This can be terrifying for victims whose batterers have ties with foreign countries. Batterers often carry out their threats to abduct the children. Domestic violence underlies a large proportion of the nation's estimated 354,000 yearly abductions.⁵³ While some victims may be concerned about losing their children, or their ability to care for their children's basic needs if they leave their abusers, others may feel that it is important for the children to live with both parents. Thus, children often bind victims of domestic violence to their abusers.

Victims may feel pressure to remain with their abusers due to cultural or religious mandates that require women to remain with their husbands despite marital problems. Victims who consider leaving may be advised by family members, community members, or clergy to try to work out the marriage. A lack of support from family or community members, combined with inconsistent responses from the legal system, may discourage victims from leaving abusive relationships.

2) Don't battered immigrants stay in abusive relationships because they are accustomed to women being treated poorly in their cultures?

It is critical when presenting information about battered immigrants to avoid cultural stereotyping. In most countries around the world, as in the United States, there are a variety of subcultures and traditions about the roles of women - some are positive and others are oppressive. Battered immigrant women do not remain in abusive relationships because they enjoy the abuse, or because they come from "backward" cultures in which all women are constantly degraded. Like all victims, battered immigrant women face safety, economic, cultural and psychological pressures when deciding whether to leave their abusers. Immigration laws, language barriers, and a lack of financial resources often create additional obstacles for battered immigrants.

⁵²Chris Hogeland and Karen Rosen. *Dreams Lost, Dreams Found: Undocumented Women in the Land of Opportunity*. Coalition for Immigrant and Refugee Rights and Services. 4 (1991).

⁵³Linda K. Girdner and Patricia M. Hoff. *Obstacles to the Recovery and Return of Parentally Abducted Children*. Dept of Justice - Office of Juvenile Justice and Delinquency Prevention. 1 (1994).

CONCLUSION

To assist immigrant victims of domestic violence, advocates must be educated about the sociological and psychological aspects of domestic violence in immigrant families and the legal ramifications of domestic violence. Without an understanding of the power and control dynamics exercised by batterers of immigrant women, advocates will not be able to address developments such as a victim's concerns about whether or not to pursue criminal charges.⁵⁴ Domestic violence advocates and service providers must understand that power and control issues are as central to domestic violence cases involving battered immigrants as these are with all battered women. Advocates can enhance their ability to offer culturally appropriate help to battered immigrants by creating a safe space in which battered immigrant women can talk about their needs, concerns, fears, and the cultural barriers that they must overcome. Only then will advocates be prepared to promote safe, culturally sensitive solutions aimed at ending the violence.

⁵⁴The Duluth Domestic Violence Intervention Project developed a "Power and Control Wheel" to explain the variety of techniques that the perpetrators use to control victims, including threats, physical violence, intimidation, use of children, and financial abuse, among others.

CHAPTER 2 – Cultural Competency Training

Chapter Highlights

Developing cultural competency skills will improve your staff's ability to work effectively with battered immigrants of diverse cultures, language groups, and countries of origin. This chapter offers the following techniques and suggestions for the creation of agency-wide cultural competency training programs:

SUGGESTED TRAINING STRATEGIES

- ✓ Building agency support for cultural competency training.
- ✓ Combining cultural competency training with a staff retreat.
- ✓ Using multiple training techniques to compensate for the different ways that staff members process information.
- ✓ Locating a facilitator.
- ✓ Inviting members of the immigrant community to participate.
- ✓ Cross-training with allied immigrant-based agencies.
- ✓ Making cultural competency an ongoing goal of the agency by designating a staff member to be in charge of future training and continuing education programs.

TOPICS TO BE COVERED DURING TRAINING EVENTS

- ✓ Oppression, stereotypes, and misconceptions.
- ✓ Myths and facts about immigrants.
- ✓ Cultural barriers that battered immigrants may experience when trying to access a domestic violence program.
- ✓ Understanding immigrant cultures.
- ✓ Understanding the legal rights and special needs of battered immigrants.
 - ✓ Rights of immigrant women
 - ✓ Relevant immigration legal information
 - ✓ VAWA (Violence Against Women Act) immigration provisions
 - ✓ Public benefits concerns for battered immigrants
 - ✓ Culturally competent safety plans

CHAPTER 2

Cultural Competency Training

by Leslye E. Orloff, Rachel Little, and Magdalena Spiewla

As highlighted in the previous chapter, cultural barriers frequently prevent battered immigrant women from seeking the assistance of domestic violence programs. This is particularly the case when battered immigrants are from cultures, religions, or socioeconomic classes that differ from those of an agency's staff. To overcome these barriers and offer meaningful assistance to battered immigrants, shelter staff and domestic violence service providers should be trained to improve their cultural competency. Culture can be defined as the concepts, habits, skills, languages, institutions, beliefs, etc. of a given group of people. Cultural competency refers to the development of skills that one can use to behave in a culturally appropriate way with this given group. This involves sensitivity to cultural differences, the use of appropriate cultural symbols when interacting and communicating with members of diverse populations, and the acceptance of cultural differences in an open, genuine manner.⁵⁵ By utilizing these skills, staff will be better equipped to understand domestic violence from the perspective of battered immigrant women. They will further be better able to create an atmosphere in which immigrant women can safely discuss their experiences, needs, fears, and concerns.

An effective training program should examine issues about oppression and privilege. It should encourage advocates to become more aware of their own biases and prejudices so that they can effectively assist women from other cultures. It should further address the stereotypes and misconceptions that staff may have about working with immigrants, the barriers that immigrant women face to accessing domestic violence services, the cultures of immigrant women in your agency's service area, and the special legal/social service needs that battered immigrants may have. Several strategies exist for conveying this information to your staff. This chapter will first outline these strategies. This will be followed by a more detailed discussion of specific training topics.

TRAINING STRATEGIES

There is no single method that is necessarily best for training staff, interns, and volunteers to be culturally competent. The strategy that you ultimately choose will depend on your agency's internal and community resources, the nature of the immigrant community in your area, and the individual learning styles of your staff. To develop a successful training program, it is recommended that you consider the course of action listed below:

⁵⁵From Iowa Coalition Against Domestic Violence Training Materials.

- 1) Ensure that there is an agency-wide commitment to assisting and empowering battered immigrant women. Structural changes that occur after training will be much more manageable if the staff are unified around this issue.⁵⁶
- 2) If possible, hold the training program during a staff retreat outside of the office. The information that needs to be explored in the training sessions may be intense, particularly with regard to such issues as oppression and stereotypes. A more informal environment gives staff some space to relax, interact more freely between sessions, and enjoy the change in scenery. When having shorter follow-up events, consider doing them over a brown-bag lunch.
- 3) Use a multifaceted approach to train staff as each member may process information in a different way. A successful training program mixes lectures, discussions, videos, and written materials with role plays and group projects. Interactive training methods that force staff to walk in the shoes of battered immigrants are helpful as well. This could include having staff imagine that they are in a foreign country where they do not speak the language and are unfamiliar with the laws. Have them think about what it would be like to rely on another person to translate for them and explain how things work. They should then imagine what it would be like if this person were harming them and how they would feel about trying to get help in this country. Ask them how they would want to be treated or assisted by service providers.⁵⁷
- 4) Training programs that require staff to discuss their personal values and feelings about oppression can often be emotionally cathartic. Be supportive of this process, but do not let it take over the event. Instead, make sure that staff are given the support they need during sessions to channel these feelings into effective advocacy work when they return to the shelter or service program.⁵⁸
- 5) Locate a facilitator with expertise in group dynamics, domestic violence, immigrant issues, and diversity training. If possible, try to find someone from the local immigrant community. If resources are limited in your area, contact your state coalition or national advocacy groups that work with battered immigrant women for more information.⁵⁹ It is also important to have experts participate in the training who are not

⁵⁶Valli Kanuha. *Women of Color in Battering Relationships*. Women of Color: Integrating Ethnic and Gender Identities in Psychotherapy. Ed. Lillian Comas-Diaz and Beverly Greene. 449 (1994).

⁵⁷Grace Huang. Columbia Legal Services, Olympia, WA. Consultation - 7/17/98.

⁵⁸Mary Ness and Maria Pendarski. *Diversity Awareness and Outreach: Building Bridges Through Understanding*. 16 (1992).

⁵⁹Good resources include: Immigrant Women Program, Legal Momentum, at (202) 326-0040. Family Violence Prevention Fund. Tel: (415) 252-8900. Address: 383 Rhode Island Street, Suite 304, San Francisco, CA 94103-5133, and the National Immigration Project of the National Lawyer's Guild. Tel: (617)227-9727. Address: 14 Beacon St., Suite 602, Boston, MA 02108.

a part of the immigrant community. The reason for this is that the group may be more open to discussing their personal issues and doubts with someone whom they can identify with.

6) If possible, consider inviting elders, leaders, or other members of the immigrant community, particularly those with an interest in or experience with domestic violence, to participate in the training event.⁶⁰ These persons can be called on to provide input into the development of the training materials and curricula, to lead actual training sessions, and to assist with locating a facilitator. Your staff should offer to conduct community education programs and training events for immigrant community organizations in exchange for their assistance with this training and with your community outreach efforts. Community leaders may often be uninformed about domestic violence issues in their community and could deny or be defensive concerning this problem. If this proves to be the case, work with immigrant rights agencies and attend interagency meetings with these groups. This will encourage the creation of trust between community leaders and your agency. Immigration service providers may also be able to advise you as to who could be an appropriate community leader to involve in cultural competency training.

7) Seek the advice and support of immigrant rights agencies in your community and across the state, if necessary. These groups could be another source of facilitators, individual session leaders, resource materials, and successful outreach strategies. Cross-train with these agencies and other allied professionals in exchange for their services. Your agency will benefit from their knowledge of the immigrant community, immigration law, and cultural issues. They will in turn benefit from your expertise with the dynamics of domestic violence. Sharing information builds trust, collaborative working relationships, and ultimately improves the quality of client services. Moreover, as greater numbers of shelters and domestic violence service providers create links with immigration organizations, these connections can help immigrant and migrant women obtain continuous assistance if they need to move to and work in different jurisdictions.⁶¹

You may either want to schedule an event at which several organizations participate or tailor shorter presentations to individual groups. When preparing training presentations, include such topics as the definition of domestic violence, myths and facts about abuse, the role of your program, community resources available to victims, the dynamics of power and control in violent relationships, power and control used against immigrant victims, immigrant community concerns, cultural issues, immigration law, public benefits law, and special issues for immigrants that arise in family court cases.

⁶⁰Beth Richie. *Understanding Family Violence Within U.S. Refugee Communities: A Training Manual. Refugee Women in Development (RefWID)*, Inc. 1988. 6.

⁶¹Leslye E. Orloff and Rachel Rodriguez. *Barriers to Domestic Violence Relief and Full Faith and Credit for Immigrant and Migrant Battered Women*. Migrant Clinicians Network. 5-6 (1997).

- 8) Attend statewide and national conferences if local support is limited. This is a good opportunity to locate model training materials, meet with experts, and improve the structure of your training program.
- 9) Make cultural competency training an ongoing part of agency programming by holding continuing education programs and maintaining a library of training materials and other information. Decorating the agency with culturally diverse posters, crafts, and artwork will help make your shelter or program feel more inviting to battered women from diverse cultures. Be sure that posters about domestic violence portray victims from a wide range of ethnic identities so that residents and staff can identify with them. Good sources for these posters include the National Coalition against Domestic Violence, the Family Violence Prevention Fund, and educational catalogues used by primary and secondary school teachers. Create a bulletin board with updated training and cultural information.⁶²
- 10) Designate a staff member to be in charge of continuing education programs and future training events within your agency for new staff members. This person can also be an agency liaison and coordinator for cross-training events, serve on working groups around relevant issues (such as immigrant rights or welfare rights), organize joint service delivery to battered immigrants with area agencies, and advise the staff of new information as it is received.

OPPRESSION, STEREOTYPES AND MISCONCEPTIONS

During training, staff should be encouraged to look at how oppression and privilege have affected their lives and their work in the domestic violence advocacy community. They should process through any biases, prejudices, and stereotypes that they may have about immigrant women.⁶³ It is difficult and uncomfortable to analyze personal feelings and beliefs, particularly if these could be viewed as "politically incorrect." However, these feelings can limit the creation of positive working relationships with battered immigrants if they are allowed to persist in a domestic violence program. As a result, they must be properly addressed and broken down. To facilitate this process, ground rules should be established to allow each staff member to share freely and honestly. It may be valuable to do trust building exercises before beginning any discussion as well.

When conducting the training program, start your first session with the development of working definitions of prejudice, stereotypes, oppression, and privilege. Tailor these toward the needs and experiences of the group. The following is a

⁶²Mary Ness and Maria Pendarski. *Diversity: Awareness and Outreach; Building Bridges Through Understanding*. 17 (1992).

⁶³Sujata Warriar, PhD, and JoEllen Brainin-Rodriguez. *From Sensitivity to Competency: Clinical and Departmental Guidelines to Achieving Cultural Competency*. Family Violence Prevention Fund. 4 (no date).

suggested framework for this and is based on the model used by the Artemis Center for Alternatives to Domestic Violence in Ohio:⁶⁴

PREJUDICE - To prejudge or have negative feelings about a person or group based on misinformation, ignorance, assumptions, or stereotypes.

STEREOTYPE - A generalization about an entire group that is based on distorted cultural norms, cultural misunderstandings, or a real/perceived characteristic of an individual member of that group.

OPPRESSION - The impact of assumed and unjust superiority that entitles persons or institutions to dominate, exclude, discriminate against, abuse, etc. a group that is perceived to be inferior. Personal, cultural, and institutional manifestations of oppression are typically expressed through "-isms" (i.e., racism, sexism, heterosexism, ageism, classism, etc.)

INTERNALIZED OPPRESSION - the conscious or unconscious belief that the stereotypes and lies about you or other members of your race, gender, age group, class, religion, etc. are true.

PRIVILEGE - Advantages, entitlements, benefits, responsibilities, assumptions, choices, and expectations that are granted based on membership in a culturally dominating group. This membership is usually determined at birth.

Once definitions have been constructed through the contributions of each staff member, ask them to think about how these ideas have affected them personally throughout their lives. Invite them to think about the following questions:

- ✓ Have they experienced discrimination or harassment because of class, ethnicity, race, religion, gender, or sexual identity?
- ✓ What "-isms" have they confronted in school, at home, in their neighborhoods, at church, etc.?
- ✓ How have the feminist values or other ideological beliefs of staff members been affected or transformed by oppression and privilege?
- ✓ How have these concepts affected the way they approach and understand domestic violence?
- ✓ What privileges do staff members knowingly or unconsciously encounter in their daily lives?
- ✓ What is it like to feel oppressed in some ways and privileged in others?
- ✓ How do staff feel when working with people who are different in some way than they are?

⁶⁴ *Open Minds, Open Doors: An Advocates Guide for Reducing Barriers and Enhancing Services to Clients with Diverse Access and Cultural Needs*. Artemis Center for Alternatives to Domestic Violence. no page (no date).

Encourage staff to share personal life experiences around these issues and their feelings about oppression. Supplement larger group discussions about these topics with smaller group activities, reading materials, and creative activities. Sometimes the most vivid images of oppression come from artwork, poetry, or journal entries. Make sure that discussions validate and reinforce the experiences of staff members.

After completing this personal analysis, shift the focus of the discussion toward immigrant women. Have staff think about how oppression, internalized oppression, privilege, power, and discrimination affect immigrant women and their relationships to service providers. Ask staff to share stereotypes, myths, or misconceptions that they may have heard about immigrants through friends, the media, or politicians. If staff members are not verbally forthcoming with information, ask them to anonymously write down their thoughts and pass them to the facilitator to be shared. Remind staff that the point of this exercise is to connect their experiences with oppression to those encountered by battered immigrants. This sensitizes the staff and unravels the barriers that oppression could otherwise uphold. Staff could consider the following myths and realities about immigrants:

MYTH: Immigrants are untrustworthy.

REALITY: Immigrants are no more or less untrustworthy than any other group of individuals. This myth is based on fear, prejudice, and misconceptions that U.S.-born persons may have about immigrants.

MYTH: Immigrants are to blame for America's economic problems.

REALITY: The United States was created in great part through the economic achievements of immigrants. Immigrants who come to this country have built successful businesses and have made significant contributions to government and society. They encourage their children to make the most of available educational opportunities and fill jobs that would otherwise be left vacant. For example, the U.S. agricultural industry depends heavily on the labor of immigrants.

MYTH: Immigrants are lazy and only come to the United States for welfare benefits.

REALITY: Immigrants come to the U.S. in search of work and many flee war, poverty, political persecution, or domestic violence. They do not come to the United States to “freeload” off the welfare system. In fact, immigrant welfare recipients only represent approximately six percent of those persons who receive public benefits and are not permitted by law to access most benefits that are freely available to U.S. citizens.⁶⁵

MYTH: Immigrants marry U.S. citizens just to get green cards.

⁶⁵George Soros. *Legal Immigrants Deserve a Safety Net*. New York Times. A27 (8/22/97).

REALITY: The vast majority of immigrants marry U.S. citizens and lawful permanent residents because they intend to build a life together with their spouses. They marry in good faith, live together, and have children together. The INS prosecutes very few marriage fraud cases each year. Of the thousands of immigrants who applied for immigration legal relief in 1995, only 366 persons were convicted of fraud charges relating to false statements on immigration documents, including statements based on marriage.⁶⁶

MYTH: Immigrants come from cultures where domestic violence is permissible.

REALITY: Domestic violence crosses all cultural boundaries, but no culture inherently supports violence. Rather, it is patriarchal structures that exist within a culture that tacitly support or condone domestic violence. At the same time, many cultures also have built-in support systems that counter the violence and support victims.

MYTH: Immigrants are poor.

REALITY: Not all immigrants who arrive to this country are necessarily poor. Immigrants may bring with them considerable wealth and skills that make them employable in higher paying professions. For example, in 1995, the INS granted work permits to approximately 59,000 immigrants with professional or technical skills (including engineers, lawyers, and scientists).⁶⁷

MYTH: Immigrants are people of color.

REALITY: While INS figures suggest that the majority of immigrants entering this country are people of color, persons from traditionally “white” countries emigrate to the U.S. every day and are just as likely to be victims of domestic violence. According to INS statistics, immigrants from these countries make up approximately 18 percent of all persons admitted into the United States by the INS.⁶⁸

MYTH: Immigrants are not educated.

REALITY: Many immigrants who come to the United States are educated or highly educated. Because they may not speak English fluently or may not be familiar with the way that U.S. culture and laws function, many wrongly presume that they are uneducated. Even those immigrants with less education are very resourceful and hardworking contributors to U.S. society.

⁶⁶U.S. Immigration and Naturalization Service. *Statistical Yearbook of the Immigration and Naturalization Service, 1995*. U.S. Government Printing Office. Washington, DC. 178 (1997).

⁶⁷U.S. Immigration and Naturalization Service. *Statistical Yearbook of the Immigration and Naturalization Service, 1995*. U.S. Government Printing Office. Washington, DC. 69 (1997).

⁶⁸*Ibid.* 22.

MYTH: Immigrants are heterosexual.

REALITY: Not every immigrant entering the U.S. identifies as being heterosexual. Immigrants from more conservative countries may be forced to remain “in the closet” because of safety concerns or fear about being ostracized from their families and friends.

MYTH: Immigrants have many children and cannot control their fertility.

REALITY: Some immigrants may come from countries where birth control is not easily accessible or are a part of religious faith or culture that does not empower women to use family planning. In some cases, immigrants may have more children because they need these children to help support the family. Battered immigrants may also not use birth control because they fear that they will be beaten by their abusers for doing so.

MYTH: Immigrants do not take care of their children.

REALITY: People from different cultures use different techniques in child rearing. Most of these techniques are equally valid and effective. Some cultures put children to bed at fixed early bed times while others may allow children to stay up longer with adults. In some cultures, dinner is served at 6:00 p.m. and for others at 10:00 p.m. Some parents hire babysitters to assist with child care. Other parents can rely on members of their cultural community to fulfill this role.

MYTH: Immigrants will not use the legal system in their safety planning.

REALITY: Many immigrants come from countries with ineffective or corrupt legal systems and may be hesitant to use the U.S. system as a result. Those who do not have a legal immigration status may also fear that they will be deported when seeking assistance. However, with the support and assistance of trained advocates, many immigrants overcome these fears and successfully involve the legal system in their efforts to end violent relationships.

MYTH: Immigrants have an immigration status which is inflexible and unchangeable.

REALITY: Immigration laws are not static. Rather, they constantly change as new legislation is enacted by the U.S. Congress. For example, immigrants who enter this country illegally may find that they are able to legalize their status through future amnesty provisions. Immigrants who enter the United States legally can adjust their immigration status over a duration of time that can be anywhere from six months to five years (depending on how they enter the United States and who is petitioning for them).

MYTH: Immigrants are undocumented.⁶⁹

REALITY: Not all immigrants are undocumented. Many enter this country legally through petitions by family members or employers. For example, in 1995, over 460,000 immigrants entered the United States through family-based immigration petitions.⁷⁰ Immigrants may also enter the United States as refugees and have the right to apply for political asylum.

MYTH: Immigrants do not deserve to be here.

REALITY: The United States is a country of immigrants. To say that a particular immigrant does not deserve to be here would be to discount the cultural heritage of most citizens of this country (who are descended from immigrants). Immigrants who come to the United States bring with them cultural traditions that enrich this country. Moreover, they are often fleeing political or economic conditions that are the result of negative conditions in their home countries.

MYTH: Immigrants should only speak English.

REALITY: While it is often easier for immigrants to navigate through the U.S. system with some knowledge of English, English is not required to be spoken as a matter of law in the United States. The □English-only movement that has appeared during the last few years stems from racist and anti-immigrant attempts to prevent others from freely expressing their cultural traditions.

MYTH: Immigrants should give up their cultural roots and become “true” Americans.

REALITY: What does it mean to be a “true” American? Why should a particular group be forced to give up cultural traditions and conform to the supposed ideal of the “true” American? To require newly-arrived immigrants to conform to the concept of a “true American” is unfair and discounts the cultural contributions that all immigrants make to the United States.

As this discussion progresses and staff are presented with the above information, it is helpful for the facilitator to show how these ideas are rooted in oppressive ideologies. The staff should then be asked to imagine what it would be like to encounter these stereotypes in their own lives. This exercise is intended to validate the principles that staff and clients are all harmed by oppression, that oppression means different things to different individuals, and that there is no hierarchy of oppression. Any form of

⁶⁹“Undocumented” is the proper term to use when referring to persons who do not have permission from the Immigration and Naturalization Service (INS) to be in the United States. The term “illegal alien” is degrading and should not be used to describe any human being.

⁷⁰U.S. Immigration and Naturalization Service. *Statistical Yearbook of the Immigration and Naturalization Service, 1995*. U.S. Government Printing Office: Washington, DC. 19 (1997).

oppression that staff or clients have experienced and been hurt by is equally valid and important. Emphasize that these prejudices and myths are taught and therefore can be unlearned.⁷¹ Explain as well that unwritten rules in the U.S. can have a major impact on the lives of immigrants and lead to the creation of the stereotypes listed above.

After discussing these concepts, it is important to discuss how these sessions relate to the culturally competent relationships that staff ultimately want to have with immigrant shelter residents and clients. The hope is that if staff members are conscious of the existence of oppression and the pain that it can cause, they will be more likely to take direct action to prevent this from interfering with their work. They will recognize that they have privileges and power that immigrant women may lack. They will use these privileges in a positive manner to advocate on behalf of a battered immigrant only when that person cannot otherwise do so.

At the same time, staff will be less likely to inadvertently impose their values on the client because they will take the time to seek out and validate the immigrant client's strengths, fears, and needs. They will be more likely to look for culturally appropriate solutions to problems and respect the decision-making capabilities of immigrant women. Finally, they will take as many steps as possible to keep false constructions and misconceptions about immigrants from negatively affecting their work.⁷² They will be more effective advocates for immigrant women with government or justice system personnel who use anti-immigrant stereotypes to deny protection, benefits, or services to battered immigrant clients. It is important that advocates evaluate personal issues that they may have and begin to work on these with the support of other program staff before having contact with clients.

CULTURAL BARRIERS TO SERVICES

In addition to understanding how prejudice, myths, and stereotypes can limit services to immigrants, staff members need to be familiar with the major cultural barriers that battered immigrants may face when trying to access a domestic violence program. They should know how to diffuse these barriers as well. Such barriers include language and cultural sensitivity concerns, a lack of community support, duty, and shame.⁷³

First, battered immigrants are often concerned that if they go to a shelter or domestic violence program, there will not be anyone available who can speak their language or understand their needs. They may be afraid that they will be discriminated

⁷¹ *Open Minds, Open Doors: An Advocate's Guide for Reducing Barriers and Enhancing Services to Clients with Diverse Access and Cultural Needs*. Artemis Center for Alternatives to Domestic Violence. 2 (no date).

⁷² See Leslye E. Orloff and Minty Siu Chung. *Overcoming Cultural Barriers*. AYUDA, Inc. 5 (1996).

⁷³ *Ibid.* 5. See also Leti Volpp and Leni Marin. *Working With Battered Immigrant Women: A Handbook to Make Services Accessible*. Family Violence Prevention Fund. 13-14 (no date).

against or that they will not be able to live according to their traditional beliefs while in the shelter. To address these concerns:

- ✓ Train staff to reassure immigrant clients that any woman can utilize your services and that interpreters will be located if no staff with language capabilities are available.⁷⁴
- ✓ Create shelter protocols that account for the differing needs of battered immigrants (see Chapter 5 for more information).
- ✓ Present your services in a culturally competent light when conducting outreach (see Chapter 6 for more information).
- ✓ Use training sessions to brainstorm on outreach programs and shelter protocols that could make your program's services more hospitable to immigrant women.

Second, battered immigrant women frequently find little support in their community or among family members or friends when they disclose their stories of abuse.⁷⁵ The community may deny that domestic violence is a problem among its families. As a result, there may be a scarcity of services and resources in the immigrant community. It is emotionally difficult for a battered immigrant to free herself from a violent relationship if she risks losing community support or being ostracized by her relatives and neighbors.

To assist immigrant women who may feel completely isolated from their traditional sources of support, staff can do the following:

- ✓ Help women look for alternative resources if no programs are available in the immigrant community. These resources could include friends, other battered women they meet through your program, support groups, counselors, or employers.
- ✓ Recognize that the process of distancing oneself from a community identity is very difficult.

⁷⁴In the state of Iowa, shelter advocates are given cards to put by their hotline phones that contain useful Spanish phrases that someone who does not speak Spanish can be read to a Spanish-speaking caller. These are particularly useful for shelters who do not have bilingual advocates or if the bilingual advocate is away from the shelter. Some of the phrases include: "Si usted está en peligro, llame al 911. (If you are in danger, call 911)" "La persona que habla español no está aquí ahora. Ella regresa en una, dos, etc. horas. (The person who speaks Spanish is not here right now. She will return in 1, 2, etc. hours)."

⁷⁵Sonia Parras-Konrad. ICADV (Iowa Coalition Against Domestic Violence). Major Barriers Multicultural Victims Face in Seeking Services from Domestic Violence Agencies: Battered Immigrant Women in Iowa.

- ✓ Respect that the client may not be ready to leave her batterer and face potential public humiliation from her community. Remind her that your services will always be available to her and offer to assist her with safety planning.
- ✓ If a battered immigrant has come forward and fears that she has placed herself in danger of community reprisals, let her know that you are concerned about her safety and advise her to seek safe shelter immediately. If she is not yet ready to leave, help her obtain a protection order that does not require her to leave her abuser (see Chapter 9 for more information).
- ✓ If the client has friends and/or relatives who recognize the danger of domestic violence and are willing to help her, offer to provide information to these individuals. The more they know about the dynamics of domestic violence, the more effective and understanding they will be as support persons.

Third, battered immigrants may face religious and social expectations that their duty as wives and mothers is to keep the family together, regardless of the emotional and physical cost to themselves.⁷⁶ If they grew up in abusive homes and saw their mothers fulfill this role, there may be additional pressure on them to do so. If a staff member encounters this situation, it is recommended that s/he:

- ✓ Learn how to explore the cultural roots of these beliefs and explain to clients that no culture inherently supports violence. Rather, it is the attitudes and behaviors of individual members of a culture that keep domestic violence in existence.
- ✓ Recognize that informing clients that they have choices may be a difficult concept if that is not their reality. It may help instead for new clients to seek the support of staff who share their cultural background or domestic violence survivors from their cultural community.

If possible, encourage battered immigrants to seek religious resources which will address their beliefs and provide needed services. However, before doing so, be certain that you are aware of the place of worship's views on domestic violence. The staff should become familiar with clergy from a variety of religious denominations in the community who take a supportive stance on the issue of domestic violence and would welcome referrals of battered immigrant women. Sending a battered immigrant woman to seek support from a minister or religious leader who does not handle domestic violence issues appropriately can increase the danger to her. Agency outreach efforts

⁷⁶Leslye E. Orloff and Minty Siu Chung. *Overcoming Cultural Barriers*. AYUDA, Inc. 5 (1996).

to groups that serve immigrants in your community should include outreach to and education on domestic violence for religious groups in your area as well.

Fourth, immigrant women may feel deeply ashamed of leaving their batterers and may blame themselves for the violence. To assist clients, staff can:

- ✓ Work through feelings of guilt and shame with the client by exploring movies and books in which battered immigrants have come to terms with these feelings (contact local ethnic organizations or the National Resource Center on Domestic Violence 1-800-537-2238 for more information and possible materials).
- ✓ Encourage clients to attend support group meetings at your shelter or program with other residents, including residents of their cultural background. If possible, battered immigrants should be placed in a separate therapy group with other women who speak the same language. Language and culture play important roles in therapy and the group process can be altered if translation is occurring. If this is not possible, battered immigrants should be encouraged to participate in group counseling and other programs open to all program participants. Many battered immigrants are able to fully participate in support groups with the help of bilingual staff and/or paid or volunteer interpreters that your program can help identify.
- ✓ Respect the confidentiality concerns of immigrant residents in the support group setting. If a client is in a support group with members of her cultural community, she may fear that her problems will be disclosed to that community. She may also fear that she will be judged by her own alleged cultural standards. Confidentiality and freedom of expression need to be promoted and supported by staff and support group participants.
- ✓ Remind battered immigrant women that their feelings are valid and that violence is never their fault.
- ✓ Recognize that you may be the first person that a battered immigrant entrusts with her story and be empathetic.
- ✓ Do not impose a Western feminist perspective on the client if this is completely foreign to her as this could be viewed as insulting or insensitive. Instead, work with the client to help her find ways to curb violence that will work for her within her cultural context.

Fifth, battered immigrant women may see reaching out for help as a sign of weakness. Again, this is especially the case if they saw their mothers silently endure

domestic abuse. Training sessions should teach staff to respond to this issue in the following manner:

- ✓ Remind battered immigrant clients that seeking help is a sign of strength and commend them for taking the courageous step of coming to your shelter or program in the first place.
- ✓ Make sure that clients with these feelings are given the opportunity to participate in culturally competent therapy or support groups that work through these issues.
- ✓ Remind immigrant clients that it is acceptable and their right to ask for help if they or their children are in danger.
- ✓ If resources are available in the immigrant community, encourage your client to seek those out as well and work closely with staff at immigration-based organizations to coordinate services and ensure that battered immigrants receive the help they need.
- ✓ Provide domestic violence training to staff at immigrant organizations to ensure that when your agencies work together, clients receive consistent, not contradictory, assistance. Plan cross training events so that your agencies can work together and learn about each other's services. You may want to invite members of other agencies to pizza-networking lunches or events where food (including food from ethnic communities) will be served.

IMMIGRANT CULTURES

In order to be better advocates, staff must receive training about the immigrant cultures represented in their community. Staff should collaborate with immigrant community advocates to learn about:

- ✓ the history of the immigrant's home country
- ✓ migratory patterns to the U.S.
- ✓ religions, languages, political beliefs, mannerisms, social constructions, values, foods, arts, crafts, and habits.
- ✓ the role of women as defined by this community. Are women required to be veiled in public? Do they come from countries where genital mutilation is a cultural tradition or where such customs as dowry murders or sati

(where a widow commits suicide by jumping into her husband's funeral pyre) are condoned?⁷⁷

- ✓ how domestic violence is traditionally perceived and resolved.

Knowing this information will prepare staff to help immigrant women who may be deeply traumatized and need more in-depth services and advocacy.

Furthermore, understanding cultural behaviors can prevent the staff from jumping to conclusions or acting discourteously in the day to day operations of a shelter. For example:

- ✓ It is common for mothers from some Central American countries to feed their children their first meal of the day at one or two o'clock in the afternoon and the evening meal at eight or nine. During the day, they allow their children to snack whenever they like.⁷⁸ Staff who are not aware of this may make the mistake of filing a child neglect report because the children are perceived to not be "properly" cared for.

In Southeast Asian cultures:

- ✓ It is considered rude to touch someone on the head because the head is considered the most sacred part of the body.⁷⁹
- ✓ A smile may mean many things - pleasure, scorn, shame, or indifference.
- ✓ Using waving or beckoning motions in some cultures may be considered rude as well.⁸⁰

Being aware of these cultural differences will promote respect between a staff member and his/her immigrant client. If there is any question as to certain cultural beliefs, values, or mannerisms, contact the Anthropology department of your local university, local cultural community groups, national ethnic organizations, or look for relevant information on the Internet.

While training focuses on the culture of a woman and its role in a domestic violence situation, the staff should remember that culture is only one factor that shapes a person's response to victimization. Even though a victim is part of her community,

⁷⁷Nadera Shalhoub-Kevorkian. *Tolerating Battering: Invisible Methods of Social Control*. International Review of Victimology. Vol. 5. 4 (1997).

⁷⁸Mary Ness and Maria Pendarski. *Diversity: Awareness and Outreach; Building Bridges Through Understanding*. 72 (1992).

⁷⁹Ibid. 38.

⁸⁰Ibid. 39.

she is also a unique person with an individual response to domestic violence. Thus, while a staff person's knowledge of the client's community is helpful, s/he must be careful to avoid making incorrect assumptions about the victim and her options. For example, do not assume that all immigrant women are heterosexual, even if they have male partners. Be prepared to work with gay women who may not be out for survival or immigration purposes and who may not identify with the term lesbian.⁸¹ It should be emphasized to the staff that although they will be working with immigrant women or women of a specific cultural background, domestic violence occurs in all communities, regardless of the ethnicity of the survivor.⁸² Finally, even if your staff have received training on the major immigrant communities in your area, staff must be aware that they will very likely encounter immigrant women from other cultures who may be isolated from any cultural community in your area. The training program discussed in this chapter and the cross-cultural interviewing techniques discussed in Chapter 3 will prepare staff to work with battered immigrants who come from a broad variety of cultures.

SPECIAL NEEDS OF BATTERED IMMIGRANT WOMEN

The final component of the cultural competency program is to develop staff expertise in legal and social service issues that directly affect battered immigrant women. Many battered immigrants do not realize that the court system, the police, immigration legal provisions, shelters, and public benefits (depending on the state where the battered immigrant resides) are tools that they have the right to use whether or not they leave their batterer. Staff should first be taught the basic rights of battered immigrants and methodologies for explaining these rights in a culturally sensitive manner. These rights are the same for all immigrant women, including undocumented immigrant women. These rights include:

The Right to:

- ✓ live without fear and violence in their home.
- ✓ seek protection from the police and the courts.
- ✓ have their abusers criminally prosecuted.
- ✓ get a restraining order from the court.
- ✓ be awarded child support and custody of their children.
- ✓ leave anyone who hurts them physically, emotionally and/or sexually.
- ✓ obtain shelter when trying to leave an abusive relationship.
- ✓ receive emergency medical services if hurt or injured.
- ✓ be informed about immigration legal options.

⁸¹Anna Nelson-Perry. *Immigrant Women*. Open Minds, Open Doors: An Advocate's Guide for Reducing Barriers and Enhancing Services to Client with Diverse Access and Cultural Needs. Artemis Center for Alternatives to Domestic Violence. 21-22 (no date).

⁸²Mary P. Koss et al. *No Safe Haven: Male Violence Against Women At Home, At Work, and the Community*. 45-58 (1994).

- ✓ get help from shelters and community-based social service agencies regardless of immigration status.
- ✓ obtain public benefits for U.S. citizen or lawful permanent resident children.
- ✓ obtain public benefits because of abuse and their relationship to a U.S. citizen or lawful permanent resident batterer.
- ✓ get food from emergency food banks.
- ✓ make decisions about their own lives.⁸³

It may be very difficult to explain the legal remedies available to battered immigrant women as many immigrants fear that the courts will be corrupt, that they will be deported, or that the police will not help them.⁸⁴ Explore during training the differences between legal systems in this country and those in the home country of the local immigrant community (this information can be found on the Internet through human rights web servers that discuss country conditions.) If an immigrant client seems reluctant to involve the court, teach staff to explain how the legal process works in contrast to what the client might be familiar with. When discussing this issue with a client, staff should be aware that:

- ✓ Many immigrant clients may come from countries with civil law systems where courts do not permit oral testimony and only accept written and sealed affidavits.
- ✓ These legal systems may consider the testimony of a man to be more credible than that of a woman.
- ✓ Money or political clout may determine judicial outcomes in these countries.

Advocates need to work more thoroughly with immigrant clients to help them understand that it is acceptable for them to personally tell their story of abuse to a judge in open court.⁸⁵ Clients should know that the U.S. judicial system is impartial and that it considers acts of domestic violence to be crimes. Let your client know that it is her right to get a protection order, that she can still live with her batterer if she chooses, and that the police are available to assist her.

An immigrant woman's concerns about the police should not be taken lightly. It is common for immigrant communities to have a generalized fear of law enforcement,

⁸³Adapted from Southern Arizona Legal Aid Brochure and Women's Information Service (WISE) Brochure: Rights and Options for Immigrants and Refugees. Ayuda Training Materials.

⁸⁴Leslye E. Orloff and Rachel Rodriguez. *Barriers to Domestic Violence Relief and Full Faith and Credit for Immigrant and Migrant Battered Women*. Migrant Clinicians Network. 15 (1997).

⁸⁵Leslye E. Orloff, Deanna Jang, and Catherine F. Klein. *With No Place To Turn: Improving Legal Advocacy for Battered Immigrant Women*. 29 FAM.L.Q. 315-16 (1995).

particularly when they come from countries or live in U.S. neighborhoods where there has been a history of police brutality. Some battered immigrants may fear that the police will report them to the INS and have them deported. They may also be concerned that their batterer will be deported if they call 911 to report the abuse. Finally, the police may not be very responsive to domestic violence calls in general. To assist battered immigrants who have these concerns and improve the response of the local police department, staff should:

- ✓ Find out if there have been instances of police harassment against immigrants in the community. If this has been and/or continues to be a problem, offer to work with community and civil rights groups to improve relations between the police and the community. Support initiatives by the local police department to hire recruits from the immigrant community and increase its language resources.
- ✓ Familiarize themselves with local mandatory arrest laws or pro-arrest policies. Find out whether the police are actually following these laws and if these laws are being applied differently when an immigrant victim calls for help. Domestic violence coalitions are a good resource for this type of information.
- ✓ Find out whether the prosecutor's office in your county has a no-drop policy concerning domestic violence cases and what the prosecution rate is for mandatory domestic violence arrests. This is very important for a battered immigrant client as a conviction for a domestic violence crime or the violation of a protection order can result in her batterer's deportation (see Chapter 10 for a more detailed discussion of this issue). Note that simply having a protection order filed against a batterer is not considered to be grounds for deportation. Advocates will need to work closely with battered immigrants by doing safety planning and lethality assessments to help battered immigrants decide when to file charges, when to enforce protection orders, and whether they can safely cooperate in their abuser's prosecution (see Chapter 10 for more information).
- ✓ Use the above information when working with the client and help her determine the pros and cons of calling the police. Determine under the given circumstances what the balance of safety versus immigration concerns is (see Chapter 10 for strategies concerning this issue). If possible, encourage the client to put her family's safety first and emphasize the importance of police reports for her domestic violence and immigration cases.⁸⁶

⁸⁶Anna Nelson-Perry. *Immigrant Women*. Open Minds, Open Doors: An Advocate's Guide for Reducing Barriers and Enhancing Services to Clients with Diverse Access and Cultural Needs. Artemis Center for Alternatives to Domestic Violence. 21 (no date).

- ✓ If the police response to domestic violence calls tends to be less than favorable, explain this to the client and explain that you cannot guarantee that her interaction with the police will be positive. Try to cultivate relationships with individual police officers who are bilingual and concerned about domestic violence issues. If a client feels that she has been mistreated, file a complaint with the police department. No matter what the police response is, teach your clients to get the names and badge numbers of all police officers who assist them. In many cases, this information will be on the officer's business card.
- ✓ Offer to give cultural competency and domestic violence training to police officers and prosecutors.
- ✓ Teach the client how to use 911 and explain to her what kind of information the operator will ask for. This is especially important if the battered immigrant does not speak English or has recently arrived to the country.

Immigration Relief

In addition to addressing client concerns about the U.S. legal system, staff must understand that immigration status and fears about deportation affect the safety and well-being of battered immigrant women. It is therefore important that staff be sensitive to immigration issues and be able to provide the basic information to clients that is outlined below. It may be helpful to invite an immigration attorney to facilitate this part of the training.

Some major issues that staff need to be knowledgeable of are:

- 1) **Shelter Reporting Requirements:** Domestic violence shelters and programs are not required to inquire into the immigration status of residents and are explicitly exempt from any reporting requirements imposed by immigration laws. Thus, they have no obligation to report undocumented clients to the INS (see Chapter 7 for more information).
- 2) **Reporting Requirements of Other Agencies:** The only governmental or non-governmental agencies required to report persons they know to be in the United States unlawfully are welfare agencies, particularly those administering TANF funds who are required to submit reports to the government on a quarterly basis. (See Chapter 12 for applicable guidelines). Advocates should accompany battered immigrants applying for benefits. Battered immigrants must not seek benefits that they may not qualify for. Further, when they apply for benefits on behalf of their U.S. citizen children, an advocate should accompany them to ensure that they are not questioned about their own immigration status (See

Chapter 12 for more information).⁸⁷ Courts, police officers, non-governmental programs, hospitals, and health care programs have no legal obligation to inquire into immigration status or report undocumented immigrants to the INS.

- 3) **Staff should never call the INS to verify a client's status.** If a staff member calls to inquire about the immigration status of a client who turns out to be undocumented, the INS could arrest the client for being illegally present in the U.S. The consequences of being arrested are very grave. Your client could lose access to immigration relief under the Violence Against Women Act (VAWA), could lose custody of her children, could be cut off from resources in the United States, and could be deported. Contact an immigration attorney to assist your client in assessing what, if any, immigration benefits she may qualify for.
- 4) **Clients should be allowed to self-disclose their immigration status.** Clients should be reassured that immigration information is confidential and that their statuses will not alter the services that the shelter or agency provides them.
- 5) **Clients should be informed that they can bring any immigration problems that they have to agency staff who will in turn help them set up a consultation with an immigration attorney, accredited representative, or trained immigration advocate.**
- 6) **Staff should be acquainted with basic immigration law and specific immigration and welfare provisions that apply to battered immigrants.** These provisions include the immigration laws under the Violence Against Women Act (VAWA), battered spouse waivers, and the special access to welfare benefits that certain battered immigrants have been granted. General immigration concepts are discussed below. For more specific information, contact an immigration attorney in your area, Immigrant Women Program, Legal Momentum at (202) 326-0040, or the National Immigration Project of the National Lawyer's Guild at (617) 227-9727. (See Chapter 8 of this manual for more detailed information on VAWA as well).

A battered immigrant may have one of the following immigration statuses when she arrives at your program:

- A) **Lawful Permanent Resident (LPR):** An LPR has the right to live and work permanently in the United States. All LPRs have a "green card" and should be able to show you this card during an intake interview. If an immigrant recently received permanent residency and does not yet have her actual card, she should be able to show you a Social Security Card or a stamp in her passport that

⁸⁷Leslye E. Orloff and Rachel Rodriguez. *Barriers to Domestic Violence Relief and Full Faith and Credit for Immigrant and Migrant Battered Women*. Migrant Clinicians Network. 12 (1997).

denotes her LPR status. If your client's card has been destroyed by her abuser, she can obtain a replacement card. LPRs are allowed to apply to the INS to bring certain relatives to the U.S. and can apply to become citizens after being in the U.S. for five years or three years (if married to a U.S. citizen).

- B) **Conditional Resident** - A conditional resident is an immigrant who has recently emigrated to the U.S. and applied for immigration status through a U.S. citizen/LPR family member. The immigrant must be a conditional resident for two years, after which the spouse can file a joint application for permanent residency. If the immigrant's application is based on a marriage, the spouse and immigrant must complete an interview proving that the marriage is in good faith before LPR status will be granted. If this is not possible because of domestic violence, the immigrant can file a battered spouse waiver (see below). While an immigrant has conditional residency, she may work and reside legally in the United States. If a battered immigrant shows you a conditional residency card, she should be referred to an immigration attorney to file a battered spouse waiver.
- C) **Asylee** - This is an immigrant who fears returning to their home country because of a well-founded fear of persecution based on race, religion, political beliefs, nationality, or membership in a particular social group. Immigrants must apply for political asylum in the U.S. embassy of their home country or upon arrival in the United States. All political asylum claims are adjudicated by the Immigration and Naturalization Service. Immigrants in deportation or removal proceedings can have their asylum case decided by an immigration judge. If an immigrant wins asylum, s/he can work legally in the United States and apply for lawful permanent residency. This person should also be able to show you a temporary or permanent "green card" during the intake interview.
- D) **Non-immigrant visa holder** - A visa is a document that gives an immigrant permission to enter the United States to work, study, or travel for a finite period of time. Relatives being brought into the United States by U.S. citizens or LPRs must also receive a visa to first enter the country. Visas are usually obtained from the U.S. embassy in the immigrant's home country.
- E) **"Out-of-status" immigrants** - These are immigrants who have overstayed their visas and are in the United States illegally. By allowing their visas to expire, this group is often barred from obtaining immigration relief and may be deportable. If a battered immigrant comes to your office with this type of status, contact an immigration attorney or expert immediately.
- F) **Undocumented immigrants** - These are immigrants who entered the United States without legal documents giving them permission to do so. These persons are not able to legally work or live in the United States and if caught by the INS, are immediately deportable. In the past, immigration laws have occasionally

allowed undocumented immigrants who entered the United States by a certain date to legalize their status under blanket amnesty laws. To find out what options are available to an undocumented client, contact an immigration attorney or expert. An undocumented client who is married to a U.S. citizen or LPR may qualify for VAWA relief (see below).

IMMIGRATION QUESTIONS AND ANSWERS

1) How does someone obtain legal immigration status?

Legal immigration status is most commonly obtained through petitions filed by employers, petitions filed by U.S. citizen or LPR relatives (family-based petitioning - most common method), applications filed for political asylum that are approved by an immigration judge, and VAWA self-petitions (see below). If a client has been naturalized or received permanent residency status, her abuser cannot take this status away from her. However, if she is a non-citizen who is found guilty of a crime, she may be subject to deportation(see Chapter 10).

2) What is deportation or removal?

Deportation, now referred to as removal, is the legal process whereby the INS removes an immigrant from the United States. This could occur while someone is crossing the border illegally or can happen in the United States if an immigrant overstays her visa, is caught working illegally during an INS raid, allows her conditional work permit to expire, or is reported to the INS by a private citizen. Deportation is not automatic. All immigrants who are arrested by the INS have the right to a deportation hearing before they are returned to their home country. To prevent deportation from taking place, an immigrant may be able to apply for suspension of deportation or cancellation of removal. **Clients with upcoming deportation hearings need to be represented by an immigration attorney.** If the client wins her deportation case, she will receive legal permanent residency.

3) What is family-based petitioning and how does it work?

A family-based petition allows a lawful permanent resident or a U.S. citizen to petition the INS on behalf of relatives who want to enter the U.S. This process works as follows:

- ✓ The family member files the petition for his/her relative with the INS and it is processed by the U.S. embassy in the home country of the relative (this is referred to as consular processing).

- ✓ If the relative meets the requirements to enter the U.S., his/her petition is approved and s/he is issued a visa to enter the U.S. legally. S/he can then apply to become a permanent resident.
- ✓ During the petitioning process, the relative in the U.S. must file an affidavit of support. This affidavit is an agreement with the INS that the U.S. citizen or lawful permanent resident will act as the relative's financial sponsor.

It is important to note that the person who files the petition has the power to decide when he will file and the relative is dependent on his sponsorship. This person also has the ability to withdraw his petition at any time during the process. Were this to happen, the relative would be left in the United States without a legal immigration status and could be deported. In abusive relationship, this power often traps battered immigrants and keeps them from getting help for fear of losing their status.⁸⁸ Battered spouse waivers and VAWA immigration relief are designed to assist immigrants experiencing this problem.⁸⁹

4) What is a battered spouse waiver?

The battered spouse waiver applies to women who have conditional residency. These are women whose abusive spouse chose to file a family-based petition and affidavit of support for them, but who were married to their spouse for less than two years at their visa interview. Conditional residents must complete a successful interview along with their spouse before an INS official two years after the conditional green card was issued. Immigrant women with conditional residency who are battered by their U.S. citizen or lawful permanent resident spouses can file a battered spouse waiver asking the INS to waive the interview requirement and proceed with their immigration petitions without the participation of their spouses.⁹⁰ After the battered spouse waiver is approved, the immigrant can apply for lawful permanent residency.

5) What immigration assistance does VAWA provide?

The Violence Against Women Act (VAWA) helps battered immigrants whose U.S. citizen or lawful permanent resident husbands have not filed family-based petitions for them. Under VAWA, battered immigrants can self-petition for their green cards by themselves and can obtain legal relief if they find themselves in deportation proceedings. **As a result, they do not have to depend on their batterer to help**

⁸⁸ *Assisting Immigrant Survivors of Domestic Abuse: VAWA Immigration Relief, Public Assistance, and Other Legal Concepts*. Centro Legal. 3 (1998). Leslye E. Orloff et al. *VAWA Provisions that Protect Battered Immigrant Women and Children*. AYUDA, Inc. 1 (1998).

⁸⁹ Leslye E. Orloff et al. *VAWA Provisions that Protect Battered Immigrant Women and Children*. AYUDA, Inc. 1 (1998).

⁹⁰ *Assisting Immigrant Survivors of Domestic Abuse: VAWA Immigration Relief, Public Assistance, and other Important Concepts*. Centro Legal. 3 (1998).

them obtain legal immigration status. Approved VAWA petitions give battered immigrants legal immigration status, eligibility for certain public benefits, and work authorization. The INS is required to keep all information contained in self-petitions confidential and cannot tell the abuser that a self-petition has been filed.⁹¹

To qualify for VAWA remedies, immigrants must be:

- ✓ An abused spouse or former spouse of a U.S. citizen or lawful permanent resident
- ✓ An abused child of a U.S. citizen or lawful permanent resident
- ✓ A nonabusing parent of a child abused by the child's U.S. citizen or lawful permanent resident other parent.⁹²

To win a VAWA self-petitioning case, the battered immigrant must prove that:⁹³

- 1) she is married to or the child of the abuser at the time of filing the self-petition.
- 2) his/her spouse or parent is a U.S. citizen or lawful permanent resident.
- 3) she is currently residing in the United States.
- 4) she has resided in the United States with the citizen or lawful permanent resident spouse (or parent).
- 5) she was battered or subjected to extreme cruelty during the marriage.
- 6) she is a person of good moral character
- 7) her removal would result in extreme hardship for her or her child.
- 8) she married her spouse in good faith.

After the VAWA self-petition is filed, an immigration judge will determine whether it contains the necessary elements of a VAWA case and issue a *prima facie* determination. This *prima facie* letter can be used by a battered immigrant to qualify for certain public benefits. Battered immigrants may then be required to submit additional information before the INS Service Center in Vermont will approve their petition. All evidence is provided to the INS in written form through affidavits and documentary evidence. No hearing is required. If the client's VAWA case is approved, she will receive an approval notice and deferred action status. **Deferred action guarantees that the INS will take no action to deport the self-petitioner and will grant her work authorization.**

⁹¹ *Ibid.* 3. See also Leslye E. Orloff et al. *VAWA Provisions that Protect Battered Immigrant Women and Children*. AYUDA, Inc. (1998).

⁹² Leslye E. Orloff et al. *VAWA Provisions that Protect Battered Immigrant Women and Children*. AYUDA, Inc. 2 (1998).

⁹³ Leslye E. Orloff et al. *VAWA Provisions that Protect Battered Immigrant Women and Children*. Ayuda, Inc. 2-4 (1998).

Battered immigrants married to U.S. citizens are then immediately eligible to apply for permanent residency in the United States or through consular processing. Battered immigrants who are married to lawful permanent residents are required to wait up to five years to obtain LPR status under VAWA. However, this group can live and work legally in the United States while they wait. Up until January of 1998, battered immigrants could adjust their status without having to return to their home country to file the paperwork with the U.S. embassy there. This provision, known as 245(i), has expired and immigration advocates are currently working to have it reinstated for battered immigrants.

For more information about VAWA cases, please see Chapter 8. If staff members believe that a battered immigrant in your program may qualify for relief under VAWA or the battered spouse waiver, consult with an immigration attorney who has experience working with VAWA cases or a VAWA expert. If you need help identifying an immigration attorney in your state who can assist with a VAWA case or help finding a VAWA expert who can supervise your helping a client prepare a VAWA case, call the resources listed below.⁹⁴

Public Benefits

The process of obtaining public benefits for battered immigrants can be difficult and it is important for staff to be aware of recent changes in welfare laws. These laws reduce access to public benefits for many immigrants but actually **expand access to public benefits for battered immigrants abused by U.S. citizens and lawful permanent resident spouses and parents.** Moreover, recent guidelines from the U.S. Attorney General confirm that battered immigrants who do not qualify for benefits for themselves can safely seek benefits for their U.S. citizen, lawful permanent resident, and qualified alien (an immigrant who is legally authorized to apply for public benefits) children without being required to disclose information about the parent's immigration status to welfare workers (see Chapters 11 and 12 for further public benefits information). Unqualified battered immigrants can generally qualify for emergency funds from churches, synagogues or the Red Cross to cover rent, utilities, and phone bills for a few months. Some battered immigrants with U.S. citizen children may qualify for food stamps for their children as well.

⁹⁴For more assistance with VAWA cases, contact - Leslye Orloff or Janice Kaguyutan of Ayuda (Washington, DC) (202) 387-0434, Gail Pendleton of the National Immigration Project of the National Lawyer's Guild (Boston) (617) 227-9727, or Leni Marin of the Family Violence Prevention Fund (San Francisco) (415) 252-8900. VAWA training materials for advocates are available from Ayuda, the National Immigration Project of the National Lawyer's Guild, and the Family Violence Prevention Fund. Other good resources include Rosa Fregoso of the Legal Aid Foundation of Los Angeles (213) 640-3904, Terry Helbush of the National Immigration Project of the National Lawyer's Guild (San Francisco) (415) 421-0860, Kathleen Sullivan (San Francisco) (415) 771-6011, Laura Martinez of the Legal Aid Society of Central Texas (512) 476-7244 x334, and Anne Benson of the Northwest Immigrant Rights Project (Seattle) (206) 587-4009.

Safety Plans

Finally, staff need to be trained to assist clients with the development of culturally competent safety plans. You may use the safety plans developed specifically for use with battered immigrant women in the appendix to this manual.⁹⁵ A safety planning brochure is included that is for use by the client. The second and longer version is for staff to use with immigrant clients. It is important to remember that these plans should:

- ✓ guarantee the victim the right to self-determination and allow her to choose the options that she feels most comfortable with.
- ✓ create a method for securing and making copies of documents and information that the client will need to prove her VAWA immigration case (including her green card, marriage certificate, wedding pictures, police reports, medical records, and copies of her husband's immigration papers. A complete checklist of evidence that is needed to prove a VAWA case is included in Chapter 8).
- ✓ encourage the battered immigrant to obtain a protection order that will remove her abuser from the family home or that will grant her access to the marital home with police assistance (if she has fled to another location) to remove documents, clothing, and other important evidence. The protection order may alternately order the abuser to turn over needed documents in open court before the judge. All battered immigrants can obtain protection orders. For immigrants who qualify for VAWA relief, a protection order is an important form of evidence for a VAWA case.

Protection orders are particularly effective for battered immigrant women married to immigrant abusers. Abusers born abroad are often more complicit with protection orders because they come from countries in which law enforcement officers are greatly feared. Out of concern for negative consequences to their immigration status, many curb their abuse as well.

CONCLUSION

By undergoing cultural sensitivity training, your staff will be equipped with the techniques and knowledge they need to better serve battered immigrant clients. Having a better understanding of battered immigrant women will sensitize staff to immigrant women's life experiences and enable them to listen to client fears and needs without judgment. A battered immigrant woman's chances of surviving violence and securing a

⁹⁵An emergency safety plan has also been developed by Sonia Perras-Konrad of the Iowa Coalition Against Domestic Violence and has been translated into Spanish. For more information, call: (515) 244-8028.

safe and comfortable life for herself and her children are greatly improved when staff are trained to effectively assist and empower her.

CHAPTER 3 – Cross-Cultural Interviewing

Chapter Highlights

Communicating effectively in a cross-cultural setting is a challenging skill to develop. However, possessing this skill ensures that battered immigrants will be able to obtain crucial domestic violence assistance. This chapter suggests the following strategies for facilitating this process:

ADDRESSING BARRIERS AND CLIENT CONCERNS (FROM CH. 2)

- ✓ Acknowledging immigration status concerns by the client.
- ✓ Identifying resources and allowing clients to choose which services to utilize.
- ✓ Understanding fears that the client has about the police or the court system,
- ✓ Screening the client for additional trauma and counseling needs.
- ✓ Recognizing the difficulties that immigrant clients may have when accessing the legal system.
- ✓ Developing culturally appropriate safety plans.

COMMUNICATION TECHNIQUES

- ✓ Asking open-ended questions that allow the battered immigrant to identify her needs, concerns, and fears from her own cultural context.
- ✓ Practicing active listening and being aware of nonverbal cues by the client.
- ✓ Respecting the client's decision to continue residing with her abuser and offering her access to protection orders, support groups, and safety planning.

LANGUAGE ISSUES

- ✓ Hiring staff who speak the immigrant client's language.
- ✓ Communicating with immigrants who have limited English capabilities.
- ✓ Creating an interpreter program (through volunteers, on-call staff, or AT&T).
- ✓ Special considerations for the advocate when working with interpreters - confidentiality issues, training, selection, and techniques for speaking through interpreters during client interviews.

CHAPTER 3

Cross-Cultural Interviewing

by Leslye Orloff, Rachel Little, Magdalena Spiewla, and Megan McKnight

INTRODUCTION

Cross-cultural communication is defined as the process through which staff and clients of different cultures exchange information in a respectful and equitable manner. In an agency setting, this involves staff determining how domestic violence has affected a battered immigrant and then working with her to develop solutions. Communicating with battered immigrant women requires the development of certain skills which should be learned in conjunction with cultural competency training. In many cases, foreign language skills are crucial. This chapter will first review some of the material from the previous chapter that will play a role in client intake sessions and meetings. Secondly, it will explain helpful interviewing techniques that build trust between the staff member and the immigrant client. Finally, language issues will be explored in terms of building staff language skills, communicating with clients with limited English abilities, and hiring interpreters.

ADDRESSING BARRIERS AND CLIENT CONCERNS

While meeting with a client for an intake or to do case management, it is important that staff be mindful of the information that they received during cultural competency training. It is helpful to use the following checklist:

1) **Immigration Concerns:**⁹⁶

- ✓ Discuss with the battered immigrant client your program's confidentiality requirements and explain to her that shelter programs are open to her regardless of what her immigration status is. Assure the client that your agency is not required to ask about immigration status and does not report information disclosed by battered immigrants to the INS.
- ✓ Allow the client to decide whether to self-disclose her immigration status. If she discloses that she is undocumented, determine whether she qualifies for VAWA immigration relief or a battered spouse waiver and explain these laws to her (See Chapters 2 and 8 for more information).

⁹⁶See Leti Volpp and Leni Marin. *Working With Battered Immigrant Women: A Handbook to Make Services Accessible*. Family Violence Prevention Fund. 19-20 (no date).

Let her know that your agency can work in conjunction with a pro bono immigration attorney to assist her.

- ✓ Some clients may be afraid to tell the truth to you about their immigration status even after receiving reassurances from you. It is therefore a good idea for the advocate to review the primary immigration options open to battered immigrants (including VAWA, the battered spouse waiver, and gender-based asylum) so that the client is aware of all options and rights that she may have. Offer to refer her to an immigration attorney who can fully explore these options with her.
- ✓ Explain to her that if she already has legal permanent residency or citizenship, neither her batterer nor anyone else can have the INS take this status away.
- ✓ If the client fears that her batterer will report her to the INS, contact an immigration attorney willing to consult with her, explain her rights, and help her develop a safety plan to protect her if the INS arrests her.
- ✓ Explain to her that many forms of help are available to stop the violence without regard to her immigration status. These remedies include protection orders, child custody orders, criminal prosecution of her abuser, shelter, community-based emergency services, emergency medical care, and other community/church-based resources.

2) **Resource and Referral Information:**

- ✓ Keep your resource and referral list close by so that you can use it during safety planning and help immigrant clients find assistance that your program may not provide.
- ✓ As your client explains what is going on, make a list of problems that the client identifies. In making this list, initially concentrate on hearing and listing problems, fears, and barriers that the client identifies. If potential solutions come to mind, jot them down. Review the list with the client and help her identify possible solutions for each problem, fear, and barrier.
- ✓ Draw upon assistance available from the legal system, your program, general social services available to help battered women, resources that may be available from programs serving immigrants, church resources, and community resources to help with food, clothing, and shelter.
- ✓ Work with the battered immigrant to identify resources and support persons she may know who could help her. This is very important because it can help empower a battered immigrant to recognize what

resources she brings to your program that can help her. This may include her friends, family members, co-workers, or church community.

- ✓ Allow your client to choose which resources she feels would most adequately meet her needs and make sure that she can access immigrant-based services if these are available in your community.

3) **Be honest with the client about the rights and risks she faces if she involves the police or court system.**

- ✓ Inform the client that she has the right to obtain protection from the police and the court system regardless of her immigration status.
- ✓ Explain that she may seek a protection order, custody, child support, and a divorce from the civil or family courts, and that such actions will not result in either her or her abuser's deportation.
- ✓ If your client is in danger, encourage her to put her safety and that of her family first by obtaining a protection order or calling the police. However, respect her decision not to pursue legal remedies if she does not feel that she is ready or does not feel she can do so safely.
- ✓ Explain how a police report can help her obtain legal protection, custody of her children, and possibly legal immigration status.
- ✓ Find out how police, judges, or prosecutors in your community treat immigrant crime victims. If a member of the police department or a member of the judiciary chooses to inquire into the immigration status of victims rather than prosecute abusers, you should be aware of this and advise clients accordingly. Such practices are contrary to the intent of the Violence Against Women Act (see Chapter 13 of this manual for strategies to counter this problem).
- ✓ The client should also be informed that her abuser could be arrested if she calls the police. If he is convicted of a crime and is a non-citizen, this conviction could lead to his being placed in deportation proceedings.⁹⁷ She should also know that if her abuser is a legal permanent resident, a

⁹⁷Unless the abuser has been previously ordered deported by an immigration judge, he will first be entitled to an immigration hearing concerning his deportation. It can take months for a deportation hearing to be scheduled and for the abuser to potentially lose his lawful permanent residency status. A VAWA-eligible battered immigrant should nonetheless file a self-petition as soon as possible so that her petition can be approved before her abuser loses his status and renders her ineligible for VAWA relief.

domestic violence conviction could cause him to be deported or make him ineligible to become a citizen (see Chapter 10 for more information).⁹⁸

- 4) **Screen the client to identify whether she might benefit from mental health counseling or treatment.**
- ✓ A battered immigrant may experience psychological harm both related to the domestic violence and potentially to her migration to the United States, to post traumatic stress disorder, to political oppression in her home country, or to issues such as female genital mutilation.
 - ✓ Let the client know that anything she shares with you is confidential and that you want to help her heal herself.
 - ✓ Explain to her what counseling options are available to her so that she can take advantage of them when she is ready. Identify interpreters to help her access these programs. In some countries, counseling and mental health services may be reserved for those persons who are considered to be mentally ill. Thus, it is useful to explain to the client what counseling is and what it can help the client accomplish. Let her know that if she qualifies for VAWA relief, participating in counseling may strengthen her case (she can submit affidavits from her counselor and therapy may improve her ability to recall incidents of violence to include in her petition).
 - ✓ Work with the client to determine what effect witnessing or experiencing violence had on her children. Explain to her that her children can also be referred to counseling programs that will help them.
- 5) **Be aware of the difficulties that a battered immigrant women may experience when obtaining legal assistance.**
- ✓ Explain to her what a protection order is and how to obtain one so that she is prepared for what to expect when she goes to court.
 - ✓ Explain that she can obtain a protection order even if she plans to continue living with her abuser.
 - ✓ Explain the standard and creative relief that she can seek in her protection order (see Chapter 9 for more information).
 - ✓ Explain to her what a mutual protection order is and the steps that she will need to take to ensure that a mutual protection is not issued in her case.

⁹⁸ *Assisting Immigrant Survivors of Domestic Abuse: VAWA Immigration Relief, Public Assistance, and Other Important Concepts*. Centro Legal. 2 (1998).

This is particularly important if these are issued frequently in your state (see Chapter 9 for more information).

- ✓ Explain that she can file for a protection order without having to pay any fees. If there are legal or filing fees associated with her immigration or family law case, help her work out a payment plan to cover these costs if fee waivers cannot be obtained.
- ✓ Explain to her that obtaining a protection order may take a long time because the court will have to arrange for and perhaps wait for an interpreter.
- ✓ Seek out low cost transportation possibilities for her if she has difficulty getting to the courthouse or INS on her own.⁹⁹

6) Develop effective safety plans with the client:

- ✓ Make sure that long and short term safety plans that are geared toward immigrant women are available so that the client knows what important papers and items she should try to take with her when she is ready to leave her batterer.

COMMUNICATION TECHNIQUES

When a battered immigrant arrives at your shelter or program, it is important that you be nonjudgmental, that you explain all options clearly, that you allow her to decide which options she wants to pursue, and that you respect her wishes. Your client may feel extremely apprehensive about disclosing private and what she considers to be shameful information by admitting and describing the abuse she experienced. Reassure the client that the information she shares with you and any agency interpreters will be kept confidential.

As a survival mechanism, most women tend to minimize the abuse that they have suffered at the hands of their spouse. If battered immigrant women receive culturally sensitive encouragement, they will volunteer more information to the interviewer. The more information an advocate has, the more likely it is that appropriate remedies for the battered immigrant will be identified. There are several techniques that can be used to gather this information while building trust.

First, encourage women to speak extensively of their experiences by asking open-ended questions. This gives a woman the freedom to describe what she needs and fears from her own cultural perspective. Be sure to ask follow-up questions aimed

⁹⁹ *Overcoming Cultural Barriers in Working With Battered Immigrant Women*. AYUDA, Inc. 4 (1998).

at helping her identify problems she would need to overcome if she left her abuser and wanted to establish a safe independent life for herself and her children. Do not ask questions beginning with the word "Why?" as these may be perceived as threatening and judgmental by the client.

Examples of open-ended questions include:

- ✓ What do you want?
- ✓ What are you afraid of?
- ✓ What are your concerns about your partner's reaction?
- ✓ Do you want to try to leave?
- ✓ Under what conditions do you think it would be the most safe for you to leave?
- ✓ If you were to leave, are there things that would make it difficult for you to leave?
- ✓ What are your safety needs, fears, concerns while you continue to live with your partner?
- ✓ What are your safety needs if you plan to leave your partner?
- ✓ What are the methods your partner might use to get you to return to him?
- ✓ What are the means your partner might use to continue to control your life?
- ✓ How do you want me to help you?

Second, advocates should ask battered immigrants about specific actions the abuser took against her. Abuse comes in many forms: physical, economic, psychological, sexual, and emotional. This method of questioning helps identify all forms of abuse a woman may have experienced. Women of different cultural backgrounds may not necessarily label certain actions as "abuse," even if they have in fact suffered them. Domestic violence and its vocabulary may be unfamiliar to them, so that if asked about spousal abuse, women will understate or omit actions that qualify as abuse. Asking about specific actions will avoid this dilemma. Be sure to follow up positive responses with questions that will provide the battered immigrant with the opportunity to describe fully what happened. Your goal should be to obtain a full history of the violence, power, and control, and to help the battered immigrant work through potential solutions.

Examples of questions about specific actions include:

- ✓ Were you ever told you were stupid?
- ✓ Has he ever embarrassed you in front of others?
- ✓ Has he neglected you when you were sick?
- ✓ Has he threatened to harm someone or something you care about?
- ✓ Has he threatened to kill himself if you didn't do what he wanted?
- ✓ Has he destroyed things in the house?
- ✓ Did your partner ever harm your pets?
- ✓ Has he ever hurt you?
- ✓ Has he ever hurt your children?

- ✓ Has he blamed you for the behavior that hurt you or your children?
- ✓ Has he denied incidents of abuse?
- ✓ Has he told you that no one would ever want you?
- ✓ Did he tell you that you could never make it on your own?
- ✓ Has he tried to control you?
- ✓ Has he claimed that no one would believe you?
- ✓ Has he tried to keep you away from other people?
- ✓ Has he checked on you or followed you?
- ✓ Did your partner ever show you, use or threaten to use a weapon?
- ✓ Did your partner ever threaten to have you deported?
- ✓ Did your partner ever threaten not to file immigration papers on your behalf?
- ✓ Did your partner ever threaten to take your children away?
- ✓ Did your partner ever hit you, hurt you, or pull your hair?
- ✓ Has your partner ever forced you to have sex with him when you did not want to?
- ✓ Has your partner ever forced you to have sex with another person when you did not want to?
- ✓ Are you afraid of your partner?

During an interview with a battered immigrant woman, the advocate should carefully and empathetically listen to her answers and involve her in developing solutions to her situation. This may be a challenge for women who have never had the opportunity to make their own decisions, but encourage the client to set her own agenda. Be sensitive to the client's feelings and pay attention to the manner in which she speaks. Practice reflective listening by repeating what the client has said for clarification, rephrasing statements, and reflecting ideas and values. Be aware of nonverbal cues that the client provides. Take some time for silence if the client needs a break. Help clients to calm down as it may be harder to understand them if they are upset, but do allow the client to vent her feelings, especially if she has had to repress them for a long period of time. Remember that you may be the first person to hear about the abuse she has experienced and remind her that it is not her fault.¹⁰⁰

After a battered immigrant woman tells her story, it is appropriate to share the potential remedies that may be helpful to her, including civil and criminal legal options. If the client feels that she is in immediate danger, she should be encouraged to obtain a temporary and/or civil protection order. If the client decides to proceed, make sure that the protection order is crafted in order to address as many potential areas of ongoing conflict between the victim and the abuser as possible.¹⁰¹ Listen to the woman's needs,

¹⁰⁰See Intern Training Manual. AYUDA/Clinica Legal Latina. Updated Summer 1998.

¹⁰¹Leslye E. Orloff. *Effective Advocacy for Domestic Violence Victims: Role of the Nurse-Midwife*. 41 J. NURSE-MIDWIFERY 473, 484 (1996).

fears, and concerns to identify appropriate forms of relief.¹⁰² (See Chapter 9 on the Creative Use of Civil Protection Orders for more information).

It is important to note that a client may sit and listen to you, but not understand what you are trying to explain to her. Out of politeness or fear, she may not ask questions or ask for clarification. You may be seen as an authority figure to the client and questioning authority is often frowned upon in many countries. To counter this problem, ask the client to repeat what is being said and stop frequently to gauge her comprehension. This is particularly important when explaining a client's legal rights, which may be difficult concepts for the client to comprehend as the U.S. legal system may differ dramatically from the legal system in her home country.

Finally, many immigrant women who come to your shelter or domestic violence program may not be ready to leave their batterers. In many cases, it is more difficult for a battered immigrant to leave an abusive relationship than it may be for other women. She may fear the social stigma of leaving her spouse more than the violence itself. People she trusts and turns to for help may encourage her to “be a better wife” and endure her suffering. She may be financially dependent on her abuser and may fear his anger toward her if she flees. She may be dependent on her abuser for immigration papers and may in fact have a case in which it will be much easier for her to obtain her immigration relief through her spouse. This will be particularly true for battered immigrants who have difficulty proving that they will experience extreme hardship if forced to return to their home countries (See Chapter 8 for more information).

Domestic violence advocates should validate these concerns and be aware of the difficulties that the battered immigrant faces. If she chooses to return to her batterer, work on safety planning strategies with her and assure her that your program will be available to provide legal and social services to her whenever she is ready. These safety plans should be used by the battered immigrant if and when another incident of abuse occurs. The client should be encouraged to identify whom she can turn to for help, be it friends, neighbors, or your agency. The client should decide where she will go if she does decide to leave and learn about what she will need to take with her. By having this information, the client is empowered to decide when and how she will leave a violent relationship if she has not already decided to do so.

LANGUAGE ISSUES

For many immigrant women, communities without multilingual services for domestic violence victims are simply communities without services. To ensure that battered immigrants can access your services, agency staff need to be prepared to speak the client's language (if possible), use simple English (if the client has some

¹⁰²See Leslye E. Orloff and Vonetta Brown. *Use of Creative Protection Orders to Better Help Battered Immigrant and Migrant Women*. (no date).

knowledge of English and feels comfortable using this language), or work with an interpreter. In this section, all three options will be discussed.

Whenever possible, it is highly advisable that staff be available who can speak the battered immigrant's language during interviews.¹⁰³ If the client sees that she has a connection with a staff member through a common language, she will often be more willing to share information and will feel more comfortable about seeking help. The fastest and least expensive method for ensuring this is to hire bilingual staff as it is much easier to train someone about domestic violence than to teach them about a new language and culture. We recommend that as vacancies open in your agency, you place a priority on hiring staff with language skills who will help you to better serve significant language minority populations in your area. Until you can hire bilingual staff, consider developing the basic language skills of existing staff. Pay for language classes for your current staff members or provide paid leave time so that staff can enroll in language classes during business hours. Invite a language instructor to conduct classes at the agency. The choice of the language can be determined by the volume of immigrant clients and the number of current staff who already possess language skills. You may also want to have a volunteer come in and teach the staff basic language skills and "survival" expressions as an intermediary step.

As language skills take time to develop and interpreters may not be available on a 24-hour basis, staff and volunteers should be trained to communicate with persons who have limited English skills. Many battered immigrants, particularly those who have been in the United States for a longer period of time, understand rudimentary English. To try to get your message across:¹⁰⁴

- ✓ Communicate visually by using pictures, signs, diagrams, and symbols.
- ✓ Demonstrate what you want to communicate.
- ✓ Slow down your speech and pause frequently.
- ✓ Summarize often.
- ✓ Keep your message simple.
- ✓ Avoid slang, jargon, and idiomatic expressions.
- ✓ Repeat your main message. Use different words and check if further clarification is needed.
- ✓ Recognize that a client's limited English capabilities are not reflective of her mental capacity.
- ✓ Speak in short sentences and omit unnecessary words.
- ✓ Do not raise your voice or speak louder. This will not help and may make the battered immigrant feel uncomfortable or afraid.
- ✓ Smile often, but don't laugh as it might be perceived as an affront to the client's dignity.

¹⁰³Leti Volpp and Leni Marin. *Working With Battered Immigrant Women: A Handbook to Make Services Accessible*. Family Violence Prevention Fund. 9 (no date).

¹⁰⁴This section adapted from Gardenswarz and Rowe. *Managing Diversity*. (1993).

If a service provider and client cannot find a common language, the program needs to solicit the services of interpreters. Moreover, while some immigrant women may be proficient in English, they may be overwhelmed by the emotional difficulty of having to relate their story and may feel that they need to use their first language. Recruiting multilingual interpreters makes this possible.

To develop an interpreter program at your shelter, program staff should first decide to make funds available to pay a core staff of professional interpreters or a staff of native speakers who are recruited and paid as needed on an hourly basis.¹⁰⁵ If funds are not initially available, seek funding to pay for interpreters. In the meantime, volunteer interpreters can be an excellent resource. To locate interpreters, call professional interpreting services in your community to see if members of their staff are willing to do volunteer work for your shelter.

Investigate the language resources of universities, law schools, community colleges, and the local American Red Cross. Make a list of all the organizations that work in your area or within the state with linguistic, racial and cultural minority populations. These could include churches and religious organizations, cultural organizations, language associations, community medical clinics, pregnancy programs, high-risk family programs, youth programs, ESL classes, legal advocacy agencies, women's organizations affiliated with religious congregations or cultural/ethnic community centers, immigrant associations, homeless shelters, GED programs, mental health programs, and community organizations. You may also look to individuals with technical or specific language expertise such as nurses, doctors, police officers, emergency dispatch staff, child and adult protection services staff, social workers, educators, and attorneys.

If resources are limited in your area or if a battered woman seeks assistance from your program who speaks a language that is not common in your community, ask for the assistance of state domestic violence or immigrant coalitions. Interpreters can be utilized on a speaker phone during intake sessions and meetings if this is your only option. The AT&T Language Line provides translation services in 160 languages, 24 hours a day as well. These services can be used for hotline needs or can be used to assist with in-person interviews. The Language Line can be very expensive as AT&T charges by the minute and interpreting in more esoteric languages costs more. If your program does not have the funds to pay for this type of assistance, try to utilize the potential local interpreting resources discussed above.

- ✓ Call (800) 752-0093 to reach an AT&T Language Line account manager in order to discuss your specific interpretation needs.

¹⁰⁵The Asian Women's Shelter hires interpreters through its Multilingual Access Model (MLAM). Through MLAM, bilingual participants are recruited and receive intensive domestic violence training. They are then placed in an on-call pool and are paid by the hour to translate as language needs arise. This model should be replicated by other programs.

- ✓ To listen to a free recorded demonstration of AT&T's language line services, call (800) 321-0301.

The National Domestic Violence Hotline has bilingual Spanish-speaking advocates taking calls at all times and has contracted with AT&T language line services to communicate with non-English and non-Spanish speaking women. If your program provides shelter services and a woman arrives with whom you absolutely cannot communicate, the operator at the National Domestic Violence Hotline can speak directly with the client and provide her with basic information in her native language. The Hotline can also assist with referrals and provide brief translation so that the advocate can identify the emergency needs of the client. **However, the Hotline is not equipped to offer professional interpreting services and cannot translate for your agency during entire intake sessions or client meetings.** The phone number for the Hotline is (800) 799-SAFE (7233).

The battered woman's children or her companion ABSOLUTELY SHOULD NOT be used as interpreters. This is extremely dangerous for the client. The woman's companion may in fact be her abuser, in which case his/her acting as an interpreter could be dangerous to her. If the interpreter is a friend or a child, s/he may not be reliable or the client may be too intimidated to speak about her situation in front of her/him. Even if the companion is not the abuser, this person may be biased and filter the dialogue with the victim through his/her own perceptions. The victim may edit the conversation or be inhibited from speaking because she fears gossip, wants to protect her children, or is concerned that what she says will be repeated to the abuser. Children should not be used as interpreters because the woman may wish to protect them by censoring and editing their conversations. Children of immigrant abuse victims, just as all children of abuse victims, may also be traumatized by the abuse or fear punishment from the abuser for helping the victimized parent.¹⁰⁶ If a victim has brought someone with her to translate and the shelter or program has no translation services of their own, advocates should consider calling the National Domestic Violence Hotline. Over the hotline, they can seek brief interpretation assistance to ensure that the interpreter is someone who the client is comfortable with and feels safe with.

When interviewing potential interpreters, ask screening questions to make sure that they are sensitive to domestic violence issues, are impartial, and are willing to sign a confidentiality agreement. This is particularly important if the immigrant community is small and if your agency is going to use volunteer interpreters. On a case by case basis, determine whether the interpreter has any relationship with the victim or the batterer to prevent bias or conflicts of interest.

Once interpreters are selected, they should receive the type of intensive training on domestic violence you provide to agency staff and volunteers. This will ensure that

¹⁰⁶See *Improving Accessibility of Your Program's Services to Battered Immigrant Women*. AYUDA, Inc. (1998).

interpreters are comfortable in a shelter or agency setting and have experience with the vocabulary of domestic violence and the laws that apply to this issue. They should also receive training on basic immigration law provisions that affect battered immigrants, and become familiar with community resources that the agency uses to supplement its services to battered women. Interpreters may be asked to accompany immigrant clients to social services and counseling appointments, so it is helpful for them to understand how these programs operate.

During actual client interviews, the advocate should:

- ✓ Try to select an interpreter from your volunteer pool who is appropriate in terms of gender, age, class, etc.
- ✓ Look for interpreters who speak the same dialect as the client in order to avoid misunderstandings.
- ✓ Clarify to the client that both advocates and interpreters are bound by agency confidentiality rules.
- ✓ Speak through the interpreter using simple, jargon-free sentences to make translation easier.
- ✓ Avoid colloquialism, idioms, slang and similes as they are confusing and often impossible to translate.
- ✓ Look and speak directly to the client as the interpreter translates. In most cases, eye contact is crucial in creating trust and a connection that encourages the battered woman to share her story.
- ✓ Speak slowly and pause often to allow the interpreter time to translate.
- ✓ Ask the battered immigrant to answer questions slowly, to break after every few sentences, and to concentrate on what she plans to say next while the interpreter translates.
- ✓ Listen to the client as she speaks, even if the advocate does not understand the language. This shows respect and allows the advocate to note the immigrant client's body language.
- ✓ Have the interpreter ask the client to repeat the information communicated if you do not understand what has just been translated or need clarification. Allow plenty of time for interviews with clients and interpreters as these may take longer to complete.¹⁰⁷

¹⁰⁷See Rohini Anand and Laura K Shiploter. *Cultural Considerations in Assisting Victims of Crime*.

Although the above suggestions are effective for immigrant clients from most cultures, this list is not universally applicable to all immigrant women. For example, in some cultures, maintaining eye contact with the client may be viewed as disrespectful. If there is any question as to how to interact with a client from a particular culture, it is advisable to contact the anthropology or sociology department of your local university, immigrant rights groups, or area cultural organizations for advice. The travel sections of bookstores or libraries may have helpful books on customs for various countries as well.

It is important to note that interpretation is a difficult skill. Just because a person is bilingual does not mean that he or she can necessarily interpret. Untrained persons may filter what they hear and interpret concepts instead of the actual words spoken. This can change the connotation of what is being said. Statements may also lose meaning if the interpreter is not conscious of differences in vocabulary that may exist in a language. For example, the Spanish spoken in Cuba may differ greatly from what one would hear in Spain. To minimize these problems, use professional interpreters whenever possible and repeat back to the battered immigrant key information communicated to ensure your proper understanding.

Interpreters who are well-trained and supportive of your agency's services are a valuable resource. In conjunction with advocates, they provide important services, ensure that the needs of clients are being met, offer support to immigrant victims, and protect them from further violence. Finally, the presence of interpreters informs the immigrant community that their domestic violence needs can be addressed and are recognized by your organization.

CONCLUSION

Bridging the communication gap with a client from a culture that differs from your own is both challenging and rewarding. Not only does your agency benefit from the increased cultural diversity of residents and staff, but advocates are empowered to help save the lives of traditionally marginalized battered women. If an immigrant woman knows that she can come to a shelter where her language and decision-making skills will be respected, she will be less likely to return to her batterer. Shelters and domestic violence programs are therefore encouraged to increase their language and cross-cultural communication skills. Use creativity and ingenuity if resources are not readily available in your community and share your language resources with other agencies. Partner with a local immigrant services organization to jointly seek funding so that both programs can better serve battered immigrants. In this manner, battered immigrant women will never have to worry about being unable to access desperately needed domestic violence services.

CHAPTER 4 – Recruiting and Hiring Multilingual and Multicultural Staff

Chapter Highlights

This chapter offers suggestions to domestic violence programs on how to increase the cultural and linguistic diversity of agency staff. This process includes the following suggested steps:

RECRUITING DIVERSE STAFF

- ✓ Advertising strategically through local resources and state-wide/national groups.
- ✓ Requesting the assistance of local mainstream and immigration-based service providers and coalitions with advertising.
- ✓ Increasing the hiring time frame of your program to build a large applicant pool.

HIRING AND RETENTION OF DIVERSE STAFF

- ✓ Seeking out candidates with relevant skills, qualifications, work history, life experiences, and language abilities.
- ✓ Fully integrating new hires into the agency by:
 - Establishing a clear job description for the new hire that accounts for any interpreting duties that s/he will be expected to complete.
 - Hiring new multicultural staff as existing staff leave the agency or are promoted.
 - Requiring all staff to complete cultural competency training and support the agency's goal of providing culturally sensitive services.

CREATE INTERNSHIP AND VOLUNTEER PROGRAMS

- ✓ Recruiting interns from local and state universities through relevant academic departments, student groups, career development offices, and the internet.
- ✓ Recruiting volunteers through advertisements, presentations to interested community and religious organizations, and national volunteer programs.
- ✓ Creating morale building programs for interns and hiring a volunteer coordinator.

CHAPTER 4

Recruiting and Hiring Multilingual and Multicultural Staff¹⁰⁸

by Leslye E. Orloff, Rachel Little, and Magdalena Spiewla

INTRODUCTION

While cultural competency training and cross-cultural communication skills can minimize potential barriers between advocates and immigrant clients, it is often the case that battered immigrants feel most comfortable working with persons who share their language and/or culture. It is for this reason that shelters and domestic service providers are encouraged to include the recruitment of multicultural and multilingual staff members in their accessibility plan.¹⁰⁹ It is not always financially possible for an agency to accommodate the specific language and cultural needs of every immigrant woman. Nonetheless, diversifying staff as vacancies become available and funds are raised for new positions informs the immigrant community that your agency is committed to providing culturally appropriate services. Furthermore, multilingual staff reduce the dependency of agencies on outside interpreters, bring important expertise with them that can strengthen training programs, enhance a program's ability to meet the needs of battered immigrant women, and make excellent community educators in outreach programs.

This chapter will discuss how to recruit culturally diverse staff, retain these newly-hired staff members, and develop volunteer and intern programs to attract current and future multicultural/multilingual staff. It will address strategies geared toward agencies in communities with significant populations of immigrants and those communities where immigrants represent a smaller proportion of the population.

RECRUITING DIVERSE STAFF MEMBERS

The process of successfully recruiting and hiring multilingual/multicultural staff can be daunting if never previously attempted by a shelter or domestic violence service provider. The first key to recruitment is to advertise strategically. In addition to running job announcements in the classified sections of local newspapers:

- ✓ Develop a list of ethnic language minority newspapers, newsletters, and magazines read by members of the local immigrant community.

¹⁰⁸ Adapted from *Improving Accessibility of Your Program's Services to Battered Immigrant Women*. Ayuda, Inc. (1998)

¹⁰⁹ See Leti Volpp and Leni Marin. *Working With Battered Immigrant Women: A Handbook to Make Services Accessible*. Family Violence Prevention Fund. 10 (no date).

- ✓ Print ads in these publications in English and other languages spoken in your area that clearly state that your agency seeks applicants with language capabilities.¹¹⁰
- ✓ Post multilingual advertisements at churches, stores, and community centers.
- ✓ Send announcements to local nonprofit agencies that serve the immigrant community. Notify community leaders that you are expanding your services to the immigrant community and are seeking applicants with language and cultural expertise. Ask these service providers and leaders to assist with the preparation and translation of job announcements.¹¹¹
- ✓ Mail advertisements to local women's and cultural associations.
- ✓ Notify the social work, international/regional studies, women's studies, foreign language departments, and minority student associations at local colleges and universities of job opportunities with your agency.
- ✓ Advertise with professional minority associations.
- ✓ Increase your program's hiring time frame so that an applicant pool is created that contains a significant number of candidates from diverse backgrounds.

If the immigrant community in your area is small and resources for advertising are less available:

- ✓ Post announcements at more mainstream social service agencies. For example, if your shelter is near a military base where immigrant women live, advertise at the Family Support Centers located on the base.
- ✓ Look beyond the borders of your county and direct your efforts to cities with a larger pool of qualified multilingual applicants.
- ✓ Contact the state domestic violence coalition in your area to connect with other domestic violence programs so that they can post announcements in their communities.

¹¹⁰Bilingual persons often read newspapers printed both in English and in other languages they may speak. Thus, ads should not only be placed in English language newspapers or newsletters.

¹¹¹ Rohini Anand, Ph.D. and Laura K. Shipler. *Cultural Considerations in Assisting Victims of Crime*. National Multicultural Institute. (no date).

- ✓ Contact state immigration coalitions as well to tap into neighboring immigrant communities and develop a mailing list for reaching community leaders, journalists, and service providers across the state.
- ✓ Send job announcements to the social work, foreign language, women's studies, and international/regional studies departments in larger state universities where the diversity of students may be greater.
- ✓ Post ads in larger national newspapers and magazines in numerous languages.
- ✓ Contact organizations working on domestic violence issues nationally that do mailings or have newsletters who could advertise the availability of your position to persons who might be willing to move to your community and work for your program.
- ✓ Expand the hiring time frame even further to accommodate the longer time schedule that is involved in statewide or national candidate searches.

Finally, programs working in communities with larger immigrant populations should also consider advertising job openings through national and statewide domestic violence and immigrant rights organizations, networks, and newsletters. Volunteers working at similar organizations in other states may wish to apply for your job openings.

HIRING AND RETAINING MULTILINGUAL/MULTICULTURAL EMPLOYEES

Once your recruiting strategy is in place, it is important to consider how you will choose qualified and diverse candidates from the applicant pool. During the interview process, it is important to:

- ✓ Scrutinize candidates for qualifications and skills (including relevant life experiences, language ability, and flexibility, not only college degrees).
- ✓ Find out how the candidate deals with situations of stress or conflict.
- ✓ Explore the candidate's employment history for possible problems.
- ✓ Look at the demands and the work philosophies of the candidate's previous places of employment and assess how compatible they are with those of your organization.
- ✓ Conduct a panel interview that includes diverse employees who have much experience working for your organization.
- ✓ Identify any special adjustment or training needs of the candidate and determine whether they can be met by your organization.

- ✓ Inform the candidate of your agency's philosophy, mission, and record so that the candidate may learn if his/her own work style and expectations are compatible.

Once qualified candidates have been identified and hired, a strategy for retaining these staff members and introducing them to the agency needs to be developed. For shelters and programs that may have previously been homogeneous, the presence of new multilingual and multicultural personnel can be an adjustment. The following suggestions are intended to ease this adjustment while creating a welcoming work environment for new staff.

When the new employee starts work:

- ✓ Introduce him/her to all the staff.
- ✓ Inform him/her about the procedures of the agency.
- ✓ Treat the employee with respect and make him/her feel at home.
- ✓ Validate his/her concerns, questions, and opinions.
- ✓ Schedule weekly or monthly meetings to discuss any issues or problems that surface.
- ✓ Provide a clear job description that lists the employee's duties and obligations to the agency.

Generally, multilingual and multicultural staff are expected to act as translators for clients and educate fellow staff members on cultural issues pertinent to the client population. These activities must be explicitly included in the employee's job description and must not be considered additional responsibilities that the employee is to carry out in addition to other work responsibilities. Multilingual/multicultural employees' work performance must be measured by taking into account their translating and training responsibilities.

This prevents managers from losing sight of these duties and penalizing multilingual staff because they are perceived to be accomplishing less work than other staff. In actuality, they are enhancing the work of all staff and these activities need to be recognized and valued. In fact, additional recompense for translation and education services should be considered. Furthermore, employees should not be expected to remain in the position where they started because their translation services are utilized there. The agency must be willing to replace multilingual staff who leave or are promoted with new multilingual/multicultural employees.

Agency-wide policies should be created so that all existing staff and multicultural hires:

- ✓ Receive training on cultural issues, domestic violence, immigration law, and public benefits that are relevant to helping battered immigrant

women.¹¹²

- ✓ Support the program's commitment to provide culturally sensitive services and understand their individual roles in this process.
- ✓ Learn and practice culturally appropriate communication techniques (including language classes if possible).
- ✓ Know that they can ask questions, offer suggestions, and have access to information about cultural diversity if needed.
- ✓ Are fully integrated into the agency's workforce.
- ✓ Have the same chances for advancement.
- ✓ Are willing to listen and be flexible in order to foster an atmosphere of understanding and cooperation.
- ✓ Have a voice in the agency's decision-making processes.

Finally, as social service agencies often work under tight financial constraints, rewards and incentives can be a powerful tool in retaining employees who may seek opportunities elsewhere. To promote morale, emphasize any non-financial benefits that the staff receive and remind them of the value that their work contributes to the agency and to society. Offer social activities and staff retreats that enable employees to interact in a relaxed setting. Opportunities such as these allow employees to become better acquainted, develop camaraderie, and break down stereotypes and other preconceived notions that they may have about each other.

CREATING INTERNSHIP AND VOLUNTEER PROGRAMS

Another effective strategy for diversifying agency staff is to develop internship and volunteer programs targeted toward multilingual and multicultural students, immigrant domestic violence survivors, and community members. This strategy works especially well for shelters or agencies that may not have the funding to create new staff positions. Interns will often work for free or for a small stipend if they are compensated through credit for their work from their universities. Furthermore, former interns make excellent future hires due to their training and experience. You can significantly reduce the time you will need to devote to hiring multilingual and multicultural staff if you have a core group of interns you have remained in contact with and from which you can recruit future staff members.

You will also find that these students are often inspired by their service with your organization to continue working with battered immigrants through other local, state, or national agencies across the country. Forming networks with agencies where your previous interns now work is an excellent strategy for strengthening services, outreach

¹¹² While multicultural advocates may be connected to local immigrant communities, there may be barriers between advocates and clients due to differences in education level, particular country or region of origin, sexual orientation, age, or gender. As a result, these new employees can benefit from cultural sensitivity training just as is the case with all staff members.

programs, and the recruitment of new multilingual/multicultural staff.¹¹³

To recruit interns:

- ✓ Contact the internship or career development offices of the universities, law schools, colleges, and community colleges in your area (or across the state) and inform them of your plans. Consult with them on the demographics of their student populations to see if there is an available pool of multilingual/multicultural students. Ask for their expertise on how to advertise your program on campus and meet the requirements for college credit.
- ✓ Contact relevant academic departments directly as well. These could include women's studies, ethnic studies, international studies, foreign language, and social work programs.
- ✓ Advertise internships and volunteer opportunities with foreign student offices and housing programs, minority student associations, language clubs, women's groups, and public interest associations at local law schools and universities.
- ✓ Develop fliers in several languages to attract the attention of multilingual students and have these posted at the schools.

There are also several databases on the internet that list internship opportunities and this may be particularly helpful for shelters in more rural areas. You may wish to develop your own web site or consult with your local university's internship placement office to learn how to tap into national databases and web pages.

To recruit community volunteers, utilize the same strategy that would be followed for recruiting staff. Recognize that a strong volunteer program depends on the commitment of the community to domestic violence and the rights of immigrant women. This may need to be cultivated during your outreach efforts. To create a pool of volunteers, advertise and hold community education forums at places of worship, community centers, social service fairs, the United Way, agencies, and hospitals. Contact national volunteer programs such as Americorps, Vista, or private faith-based programs (such as the Jesuit Volunteer Corps or the Lutheran Volunteer Corps) to learn more about opportunities to recruit these volunteers for your agency. This is especially effective for programs in rural areas with limited resources.

Even if you only seek volunteer interpreters, make sure that these volunteers are interested in receiving training on domestic violence issues. This will ensure that

¹¹³*Improving Accessibility Of Your Program's Services To Battered Immigrant Women*. AYUDA, Inc. (1998).

volunteers are sensitive to the needs of victims while providing support in the victim's native language. While these volunteers may not be professionally trained to provide interpreter services for legal proceedings, they can assist your program by being able to translate information in client interviews and client interactions during day-to-day activities.

To keep volunteer retention and morale high, recognize them for their unpaid efforts. Hold social events for the volunteers and plan an annual recognition dinner. Local businesses may also be willing to offer nonprofit agencies gift certificates to give to volunteers in exchange for publicity. As your volunteer and internship programs grow, you may consider hiring a volunteer coordinator to plan social events, handle recruitment, and keep volunteers and interns apprised of job openings.

CONCLUSION

Recruiting multicultural and multilingual staff, interns, and volunteers are challenging processes, but the benefits of doing so are numerous. Diverse staff and volunteers offer important perspectives on the issue of domestic violence that strengthen, broaden, and legitimize your agency's services. Moreover, they serve as an important link to the immigrant women in your city or region. Recruiting and hiring these staff members is a clear asset and an important step toward improving agency visibility and cultural accessibility.

Once you have begun to or are considering expanding your services to diverse populations in your community, consider joining the National Network on Behalf of Battered Immigrant Women. The Network can keep your agency apprised of ongoing changes in the laws affecting battered immigrants. It can locate educational materials on issues affecting battered immigrant women and assist your agency with training programs. Finally, Network members are able to provide technical assistance for agency staff working with individual cases for battered immigrant women.¹¹⁴ Technical assistance is available on immigration, family law, welfare and social services, and health care accessibility issues.

¹¹⁴For information on how to join the Network and for technical assistance, contact Leslye E. Orloff at Immigrant Women Program, Legal Momentum at (202) 326-0040.

CHAPTER 5 – Shelter Protocols

Chapter Highlights

This chapter is designed to assist domestic violence shelter advocates with the creation of culturally sensitive shelter protocols for battered immigrant residents. The following topics should be integrated into shelter planning as they will help shelters overcome potential barriers that immigrant residents may have to their services.

ISSUES TO CONSIDER WHEN DEVELOPING A SHELTER PROTOCOL:

- ✓ Language Accessibility
- ✓ "Acculturation" (difficulties immigrant clients have when adapting to U.S. culture and understanding how U.S. legal and social service systems function).
- ✓ Length of Shelter Stay
- ✓ Flexibility in Food Preparation
- ✓ Child Care and Discipline of Children
- ✓ Religion
- ✓ Employment status of the immigrant resident
- ✓ Physical Accessibility of the shelter to immigrant women
- ✓ Grievance Procedures
- ✓ Assisting out-of-state clients who are fleeing violence
- ✓ Support by other agencies:
 - ✓ Develop relationships with immigration-based agencies.
 - ✓ Recruit pro bono immigration and family law attorneys to assist with legal needs of clients.
 - ✓ Recruit interpreters and volunteers with connections to the immigrant community.
 - ✓ Tap into the cultural resources of local, state and national organizations.
 - ✓ Seek the assistance and support of your state domestic violence coalition.

MODEL PROTOCOL (Adapted from protocols designed by the Asian Women's Shelter and Aasra (Shelter Services and Support for the South Asian Community)).

CHAPTER 5

Shelter Protocols

by Leslye Orloff, Rachel Little, and Tara Pappas

INTRODUCTION

To leave a violent household and seek the help of strangers in a shelter is a courageous and difficult act for any woman. Various factors make the process of fleeing violence even more complicated for immigrant women. Immigrant victims of domestic violence are often reluctant to go to shelters because they fear that they will be turned away, be reported to the INS by shelter staff, be isolated from their communities, be unable to communicate with the staff, and be prevented from eating familiar foods or practicing their religious and cultural traditions. For shelters to become safe, comfortable, and accessible to battered immigrant women, shelter staff need to be prepared to work flexibly and creatively with this population.

Staff need to recognize that battered immigrant women may also need greater assistance than U.S.-born victims of domestic violence. Immigrant women may not know where or how to seek social and legal services. They may have immigration problems, be unable to communicate in English, be illiterate in their spoken language, have child care concerns, and face other impediments to gaining meaningful, lawful employment.¹¹⁵ This chapter will provide an overview of steps shelters can take to adapt existing shelter rules, policies, and protocols in a manner that will alleviate immigrant women's fears and meet their special needs. It will further offer a suggested model protocol that shelters can use to formulate policies for accommodating culturally diverse populations.

DEVELOPING PROTOCOLS

When creating protocols to assist battered immigrant women, consider the following issues.

A. Language Accessibility

A major concern facing battered immigrant women is the potential language barrier between themselves and shelter personnel. To minimize this problem:

¹¹⁵Kimberle Crenshaw. *Women of Color Mapping Margins: Intersectionality, Identity Politics, and Violence Against Women of Color*. 43 Stan. L. Rev. 1244, (1991).

- ✓ Hire multilingual and multicultural staff, including caseworkers, counselors, and intake staff to cover all shifts, including evenings and weekends (see Chapter 4).
- ✓ Create telephone prompts in different languages.
- ✓ Run a hotline number with prompts in more than one language and have a person who can speak more than one language answer the phones.
- ✓ Encourage shelter staff to take language classes to learn the language of the immigrant community your shelter serves the most (see Chapter 3).
- ✓ Create a pool of on-call interpreters who are paid by the hour to translate for battered immigrants during group counseling sessions and legal/social services appointments (see Chapter 3).
- ✓ Recruit multilingual/multicultural volunteers who can be trained on domestic violence and assist with translations (see Chapter 4).
- ✓ Make a cellular phone available to your pool of volunteer translators and rotate it as needed.
- ✓ Use the AT&T language line to facilitate communication with non-English speaking battered women (see Chapter 3). Use the National Domestic Violence Hotline sparingly to provide brief emergency assistance and referrals and to determine if the person a client has brought to translate is someone whom the client is comfortable with.
- ✓ Translate all intake forms, shelter rules, and shelter policies into all necessary languages.

For shelters in areas where there is not a large immigrant population:

- ✓ Band together with other agencies to share the costs of establishing and using interpreter services.
- ✓ Develop a statewide list of bilingual staff and volunteers that work at each social service agency.
- ✓ Have the state domestic violence coalition sign up for the AT&T language line and share the access code with all the participating agencies so that each agency does not have to pay the membership fee (see Chapter 3).
- ✓ Share language resources.

- ✓ Develop lists of interpreters across the state. All WIC offices are required to provide interpreters and they do not inquire about the status of clients seeking their services. Call your local WIC office to obtain their list of interpreters. You may also want to try the local Red Cross, local universities, language teachers, or the Department of Education as these agencies may be able to provide names of persons who can provide interpretation services.

B. Acculturation

Battered immigrant women may still be struggling to adjust and acclimate themselves to U.S. culture. Many newly-arrived immigrants may not understand how systems operate that we take for granted. For example, they may not know how to mail a letter in the United States, how area codes work, what a P.O. box is, or how to leave a message on a voice mail system. To assist residents with these problems:

- ✓ Create basic instructions on how to use the shelter's beeper, how to set the shelter's alarm, and how to use the appliances in the house. Make posters in numerous languages. Use pictures to communicate instructions as well.
- ✓ If residents will be in contact with numerous service providers or attorneys as a part of their individual case management plan, teach them how voice mail systems work and basic phone etiquette. Helping clients learn how to carry out goals on their own can be very empowering for everyone involved.
- ✓ Offer basic skills classes to immigrant residents as a part of any job training program that your shelter runs. These classes can teach immigrant women how to do such things as open bank accounts, use ATMs, write checks, do their taxes, fill out job applications, manage bills, etc.

C. Shelter Stay

- ✓ Battered immigrant women may need to stay in the shelter for a longer period of time to accommodate processing of VAWA cases, access to work authorization, access to social services, job training needs, etc. Be flexible and work with battered immigrants to help them attain self-sufficiency and locate a place where they can safely move after the shelter stay.¹¹⁶

¹¹⁶Leti Volpp and Leni Marin. *Working With Battered Immigrant Women: A Handbook to Make Services Accessible*. Family Violence Prevention Fund. 12 (no date).

D. Food Preparation

Shelters can also increase their capacity to better serve battered immigrant women by allowing them to prepare meals that they and their children are accustomed to eating.¹¹⁷

Given the uncertainty of life in a shelter, it may give a battered woman some sense of control to cook her native food her way. Shelters can:

- ✓ Ask women to place specific foods they require on the weekly shopping list.
- ✓ Offer a vegetarian menu for women who do not consume meat for personal or religious reasons.
- ✓ Find out what types of food staples women from the immigrant community in your area consume frequently and keep these on hand at the shelter (such as rice, tortillas, etc.)
- ✓ Purchase utensils and cookware needed to prepare meals of certain ethnic groups.
- ✓ Keep spices, dried foods, and teas on hand for women admitted for emergency shelter after the weekly shopping has occurred.
- ✓ Prepare and allow for keeping kosher.
- ✓ Permit immigrant women to opt out of group cooking duties at shelters that have these arrangements so that they can cook foods separately that are familiar to them.
- ✓ Buy gift certificates from grocery stores that sell food and products to specific ethnic communities.

E. Children/Discipline

Child care differs from culture to culture. Most shelters have a policy requiring a nonviolent approach to disciplining children as well as rules against shaming, name calling, and so forth. Many shelters also set bedtimes and sleeping arrangements for children that may conflict with certain cultural traditions. Immigrant women come from a variety of cultures where different techniques are used to discipline children, some of which may counter the rules set out by the shelter. Shelter personnel can help alleviate some of these conflicts by:

¹¹⁷ *Ibid.* 12.

- ✓ Asking women about their practices and customs for child rearing and working with women to find to discipline children that are consistent with shelter policies and are culturally appropriate.
- ✓ Allowing for flexibility in children's bedtimes, where children sleep, and child care.
- ✓ Helping women through counseling to reestablish their role as a disciplinarian for their children. It is often the case that an abuser will undermine this role. This may also occur in a shelter, as shelter rules may inevitably supersede those of the mother. When the mother and her children move out of the shelter and the mother is finally "in charge" of the home, the children may unconsciously see their mother's rules as unenforceable.

F. Religion

Religion is a very personal issue for many battered immigrant women and it often affects their willingness to report abuse or seek shelter. For many, religion is a way of life with certain standards and rules that must be followed under all circumstances. It is important for domestic violence shelters to try to allow for flexibility in this area for women of different faiths. Certain practices may seem disruptive at first, but with some careful planning, cooperation, and understanding, a shelter can allow women to practice their specific religion while staying at the shelter.

- ✓ Keep an open line of communication about what religious beliefs are important to immigrant residents and what the residents need to fulfill their religious duties.
- ✓ Learn about religious practices among the immigrant groups the shelter serves.
- ✓ Plan group meetings at times when women will not be involved in worship activities.
- ✓ Designate certain spaces within the shelter where women can practice their religion (such as an area where incense or candles can be burned safely).
- ✓ Adopt a policy of acceptance of all religions and beliefs and work with shelter residents to find a way for them to meet religious obligations while residing at the shelter.
- ✓ Purchase foods and allow residents to prepare meals consistent with religious dietary restrictions.

- ✓ Allow residents to observe religious holidays at the shelter. If appropriate, encourage interested staff and residents to share this in experience with the resident to learn more about her cultural and religious traditions.

G. Work

Shelters frequently ask residents to leave their present jobs in order to protect them from attacks by abusers at the workplace. These policies were developed because abusers could also follow shelter residents after work and discover the shelter's location. Given welfare reform and welfare-to-work programs, these policies could pose problems for many battered women. Further, some battered immigrant women could become ineligible to work legally if they are required to leave their present job to remain at the shelter. Other battered immigrants could be working without legal work authorization. Under these circumstances, finding a new job after her shelter stay that would accommodate the battered immigrant could be very difficult. Before urging an immigrant woman to quit her job, shelter staff should inquire about her present employment and ask the battered immigrant whether:¹¹⁸

- ✓ Her job is visa specific. Sometimes employment with a specific employer is a condition for keeping a visa to remain in the United States.
- ✓ She started working at her present job before 1990. If this is the case, her job is considered "grandfathered." Beginning in 1990, Employer Sanctions required all employers to have a signed I-9 form for each employee. Employees working before that date can continue working even if are not legally authorized to work and the employer would not be subject to sanctions. If she were to leave that job, it would be difficult to find another without legal work authorization.
- ✓ Some employers will hire women without documents. An immigrant can do this so long as she does not present false papers to show residency or falsely claim to be a U.S. citizen. However, it can be very hard to find employers who will do this as employers could be subject to employer sanctions. If a shelter resident has work and is undocumented, shelter staff should not encourage her to leave unless alternative employment is readily available as she may have great difficulty finding other employment.

If a shelter is considering advising an employed battered immigrant to leave her job, the battered immigrant should be referred for a consultation with an immigration attorney.

¹¹⁸Leti Volpp and Leni Marin. *Working With Battered Immigrant Women: A Handbook to Make Services Accessible*. Family Violence Prevention Fund. 11 (no date).

This attorney can assess her options for obtaining legal work authorization and inform her of any risks she might face when leaving her current job.

H. Accessibility

- ✓ Offer transportation services for immigrant women living in isolated areas where public transportation may be more limited.¹¹⁹
- ✓ Participate in community development plans by advocating for the creation of new shelters in parts of your city or county where immigrant women reside.

I. Grievance Procedures

- ✓ Provide an explanation of the shelter's grievance procedure in as many languages as necessary.
- ✓ Train all interpreters and staff how to mediate conflicts as they arise.
- ✓ Allow residents to write or present complaints in the language they feel most comfortable using.

J. Out-of-State Clients

In some cases, your shelter may see clients who cannot be protected by your agency. You may find during the intake interview that your client needs to leave the state or county to be safe from her abuser. Her abuser may also discover the whereabouts of the shelter or the transitional housing program where she resides, which puts your client at even greater danger. To assist clients who need this type of assistance:

- ✓ Identify shelters across the state and in neighboring states that work with immigrant clients and are committed to providing culturally competent services. If these do not exist, offer to collaborate with state domestic violence coalitions and hold cultural competency training for these shelters. You should also identify shelters that are interested in assisting battered immigrants and can take temporary measures to assist them during their stay (such as contracting out an interpreter). (The directory that accompanies this manual can be an important resource for this type of assistance. It lists both agencies with bilingual capabilities and agencies that have learned how to offer culturally competent services to battered immigrants).

¹¹⁹See Leti Volpp and Leni Marin. *Working With Battered Immigrant Women: A Handbook to Make Services Accessible*. Family Violence Prevention Fund. 10 (no date).

- ✓ Work with these shelters to coordinate services and create a crisis response team that can assist battered immigrant clients with transportation to a shelter in another jurisdiction. Make this arrangement reciprocal and offer to take clients in flight from the other shelters as well. Both parties should agree to answer any emergency calls that come in from the other shelter.
- ✓ Find out how domestic violence and family laws operate in the neighboring states. Your client may need to register her protection order or have advocates in the new state help her obtain a new order.
- ✓ Find out what type of custody arrangement your client has with the abuser. If she has sole permanent custody through a protection order or custody order, where safe to do so, seek court permission to take the children over the state border. Ask the court to order a visitation schedule that will allow for the move and continue to protect the safety of the battered immigrant and her children. Battered immigrants with custody orders who must flee for their safety should immediately contact a family lawyer in the new jurisdiction who has been trained in domestic violence. This attorney can help her file for modification of the visitation provision of the prior state's order under the emergency provisions of the state's Uniform Child Custody Jurisdiction Act. Since custody jurisdictional issues can be complicated, it is essential that battered immigrants with children receive trained legal representation in each state, and that the attorneys work together.¹²⁰

SUPPORT

Adapting shelter practices to fit the needs of new groups of women is a task that can be eased by working with others. There are often other groups in the community who can aid shelters in changing policies, attitudes, and rules. The following are suggestions for building strong cultural, legal, and community support systems for shelters that work with battered immigrants.

- ✓ Develop relationships with organizations that have been working with battered immigrant women or immigrant populations.
- ✓ Recruit pro bono attorneys who work with battered immigrant women or immigration issues. Work with the local Legal Services agency to encourage this program to prioritize the acceptance of cases for battered

¹²⁰For referrals to family lawyers, call domestic violence programs in your client's new jurisdiction listed in the directory. You may also contact Leslye Orloff at Ayuda at (202) 387-0434 for further referral information.

immigrant women. Work with the local Bar Association to create more legal resources for battered immigrant women.

- ✓ Recruit pro bono family lawyers to receive domestic violence training and assist with protection order, custody, and child support cases.
- ✓ Make use of volunteers who can assist your program with their language skills and connections to the immigrant community.
- ✓ Network in your community, state or region with other shelters to create a model approach that all local shelters can follow when working with battered immigrants.
- ✓ Create resource lists of people in your community who can offer help in housing, work, immigration, accessing benefits, language, or education.
- ✓ Receive training on how immigration law may impact clients so that staff can spot issues as they arise.
- ✓ If local resources are few, ask your state coalition to help you gather culturally specific materials and resources. You may want to contact Ayuda, the Family Violence Prevention Fund and other members of the National Network on Behalf of Battered Immigrant Women for materials as well. Search the Internet for resources and look into on-line discussion groups that cover cultural competency issues.
- ✓ For State Coalitions: Ask each domestic violence program in your state to designate one or two staff members as outreach coordinators. Host a meeting every month to train, brainstorm, and network. Invite women from other communities to these meetings and work on building partnerships and allies to help do domestic violence work.

MODEL PROTOCOL FOR BATTERED IMMIGRANT WOMEN (adapted from the Asian Women's Shelter¹²¹ and Aasra¹²²)

The following protocol is a suggested model. We recommend that you conduct additional research to create a protocol that is suitable to your program's mission and the actual immigrant population in your area.

Welcome to the Anywhere Women's Shelter. By joining our community, you have taken a major step toward creating a life that is free of domestic violence. We hope that your time with us is both helpful and rewarding. The following rules have been designed to make your stay here comfortable and safe. If you have any questions or comments about the house rules, please speak with a staff member in the language you feel most comfortable using. Staff will access interpreter services for you to help make communication easier. The Anywhere Shelter provides services to all battered women and their children regardless of color, race, national origin, immigration status, sexual identity, gender, religion, disability, religion, education level, or occupation.

SAFETY

- 1) Do not reveal the address of the shelter or location to anyone. This includes friends, relatives, and co-workers. If you are expecting important mail such as tax returns or immigration-related paperwork, you may use the P.O. (Post Office) Box address of the shelter or get your own P.O. box at the local post office. Have the post office forward your mail to either address.
- 2) Never have anyone drop you off or pick you up at or near the shelter. Ask a staff member to show you where the safe drop off and pick up points are.
- 3) No visitors are allowed to visit the shelter. Arrange to meet them at their home or at a safe location away from the shelter.
- 3) Do not identify the house as a shelter to repair workers, postal carriers, or to strangers on the telephone.
- 4) Do not reveal the names of other residents to anyone.
- 6) Do not allow children or teenagers to answer the phone or the door.

¹²¹Asian Women's Shelter. Address - 3543 18th Street, Box 19, San Francisco, CA 94110. Phone - (415) 751-7110. Fax - (415) 751-0806.

¹²²Aasra (Shelter and Support Services for the Victims of Domestic Violence of the South Asian Community). Address - 41835 Albrae Street, Fremont, CA 94358. Phone - (510) 657-1245. Fax - (510) 657-1246. E-mail - Asraa1@aol.com

- 7) Keep the front door of the house locked at all times. Do not let any strangers into the house. Repair workers are only scheduled to come by when staff are at the shelter. If someone comes over in the evening and you have not been informed by staff to expect this person, page a staff member immediately. If you do not know how to use the pager, ask a staff member to explain it to you. Feel free to take notes on its use in your own language so that you will have instructions at hand when you need them.
- 8) The staff person on call during the night will set the alarm at curfew time. You will be shown how to use the alarm on your first day in the shelter. Please ask for further clarification or instructions if you need them.
- 9) No weapons are allowed in the house. If you carry mace or pepper spray, please leave it with a staff member while you are in the shelter. You may check it out when you leave the shelter during the day or evening.
- 10) Do not burn candles in your room. You may light incense in your room, but do not leave it unattended and make sure it is out of reach of children. You may light candles or incense in the basement worship space, but do not leave these unattended.
- 11) To protect residents, you are required to keep the shelter's location a secret after you leave.

NO CONTACT WITH ABUSER

While you are in the shelter, you are not permitted to contact your abuser. Do not call or write to him/her. Do not tell the abuser where you are. Do not tell the abuser's friends or family where you are. Do not call the abuser from the house phone as these calls could be traced. If we receive any mail from your abuser, we will send it back. If we receive phone calls from the abuser or the abuser's friends or family, we will say that you are not here. For reasons of confidentiality, we will not inform you that he has attempted to make contact with you. Failure to follow this policy could jeopardize your safety, the safety of other residents, and your shelter stay.

CURFEW

Curfew is at 10:00 p.m. unless you have made special arrangements with the staff. You are not permitted to stay elsewhere overnight while you are a resident of the shelter.

SIGN IN/SIGN OUT

Whenever you leave the shelter, you must sign out your destination and the time you will return. When you return, sign in and put down your actual return time. There are no exceptions to this. Please call the shelter immediately if you are going to be late.

NONVIOLENCE

Do not yell or use abusive language toward residents, staff, or your children. Do not hit, threaten or behave violently toward anyone in the shelter, including your children. Violent or aggressive behavior will result in your removal from the shelter.

SHELTER STAY

All residents may stay in the shelter for up to 90 days. If you need more time to resolve any immigration legal problems, apply for public benefits, find work, or qualify for transitional housing, this stay can be extended. Please inform your personal advocate when you arrive at the shelter if you think that you will need to stay more than 90 days and we will work out a plan to accommodate you.

ROOMS

- 1) If you have children, you will usually be given a room for yourself and your children.
- 2) If you do not have children, you may have to share your room with other residents.
- 3) Beds will be provided for you and each of your children. If you need a different sleeping arrangement, please talk to a staff member and we will find alternatives for you (such as a futon).
- 4) You will be given a key to your room. If you lose the key, you will have to pay a small fee to get it replaced. Never give your key to anyone but a staff member. You will be expected to return it when you leave the shelter.
- 5) Please keep your room as clean as possible.

SHELTER PROGRAMS

- 1) Weekly house meetings are held every Wednesday night at 7:00 p.m. Translators are available during these meetings if needed. Attendance at these meetings is mandatory. The only exemptions are work, religious commitments, or the illness of yourself or one of your children. If enough residents have conflicts, the staff are willing to change the meeting date and time.
- 2) Weekly support group meetings are required of each resident as well. Bilingual advocates facilitate these meetings and additional interpreters will be available as needed.

- 3) You will be expected to attend a weekly individual meeting with your personal advocate. During this meeting, you will be working on a case plan and on developing personal goals. These will depend on your individual needs. Each advocate is trained to assist you with protection orders, immigration legal problems, and various social service issues. The advocate can provide you with referrals to attorneys, language/literacy classes, and therapists for your children. As your shelter stay progresses, the advocate will work with you to find housing, employment, and public benefits for which you or your children may qualify. We will do the best we can to provide you with an advocate who speaks your language or we will arrange for an interpreter to be present. All forms and information that your advocate gives you will be printed in the language that you feel most comfortable using.
- 4) The shelter offers classes in parenting, computer skills, and basic life skills. Your advocate will place you in these classes depending on your needs and interests. If you work 20 hours a week, you will not be expected to attend more than two classes a week. If you work 40 hours, you will only have to attend one class a week. If you want to take ESL or literacy classes, these can be substituted for the classes listed above.
- 4) You are expected to keep all appointments with outside service providers and doctors as arranged by yourself and your advocate. If you are unable to keep an appointment, please notify your advocate immediately so that a new date can be arranged and a volunteer translator can be found to accompany you.
- 5) Child care will be available during all shelter meetings. If you need to go to an outside appointment, please make your own child care arrangements or talk to the staff about having a volunteer or resident watch your children.

RELIGIOUS/CULTURAL PROGRAMS

- 1) The basement recreation room is a designated sacred space for residents to practice their religious faith. Please speak to a staff member about what your special needs may be (such as if you want to light incense or have a designated time where you pray or meditate). We will do our best to accommodate you.
- 2) If you attend worship services regularly, we ask that you make alternative arrangements during your stay in the shelter to prevent your abuser from following you back to the shelter.
- 3) If important cultural or religious events occur while you are staying at the shelter, please let a staff member know. We want to help you celebrate and would welcome having a special house meeting where you can educate the other members about the event and invite them to participate.

- 4) A mandatory cultural competency/diversity class is held once every two weeks to help residents communicate effectively with one another, resolve conflicts, and learn from each other. Interpreters will be present during these meetings to help facilitate discussion.
- 5) On a more informal level, we encourage you and the other residents to share and learn about one another's cultures and religious beliefs through music, dance, foods, etc. If you would be interested in having a cultural exchange, please talk to a staff member.
- 6) You will be excused from any mandatory group meetings that conflict with any cultural or religious events. Please let the staff know in advance so that we can reschedule meetings.

WEEKEND ACTIVITIES

On weekends, the shelter will pay for one activity such as going to the movies, renting movies, going to the zoo, or going to museums. If there is an activity that you are interested in doing, please bring it up during the house meeting. When renting movies, please do not choose movies that contain sexually explicit scenes or violence.

WORK

If you are currently employed, your advocate will work out a safety plan with you on your first day in the shelter. If your abuser knows where you work and you need to keep your job for immigration purposes, we encourage you to try to use vacation or sick leave as much as possible. To protect the safety of the shelter, we ask that you switch your shifts around and take different routes to and from work. If you suspect that you are being followed while going to or from work, go to a well-lit public area and call the shelter immediately. An advocate will pick you up and bring you back to the shelter. If you have hidden your job from your abuser, you may continue to work and follow the same safety precautions. If you were not working prior to coming to the shelter, we ask that you continue to not do so. As your stay at the shelter draws to a close, we will work with you to find employment. We have a clothes bank with outfits suitable to be worn to a job interview and we offer job skills classes if this becomes a part of your case plan.

CHILDREN

- 1) Parents are responsible for their children at all times. The staff will only provide child care during mandatory meetings and outside appointments. Do not ask the volunteers to watch your children unless you have first talked to a staff member. Staff can refer you to local child care programs if you need these services.

- 2) Do not use violence or verbal abuse to discipline your children. Shelter staff are required by law to report abuse and neglect of children. Therapy and support are available to you if you are having difficulty with your children.
- 3) You and your children must be up, dressed, beds made, breakfast eaten, and children taken to school/child care by 10:00 a.m. Monday through Friday.
- 4) Set a bathing and feeding schedule for your children and adhere to it. Children should be bathed and fed by 8:00 p.m.
- 5) Children should be in bed by 8:30 p.m. on weekdays during the school year and at 9:30 p.m. during the summer, holidays, and weekends. Older children over the age of 10 can stay up an additional hour. If you need alternative sleeping arrangements, please speak to a staff member who will try to accommodate you.
- 6) School age children must attend school if it is in session. To protect yourself, your children, and the shelter, please register your children in the school district where the shelter is located. If you would like to send your children to a day care center, talk to a staff member about what options are available in the community. You are responsible for getting your children to and from school/day care.
- 7) Programs are planned for the children during your stay in the shelter. There are also staff members who are trained to provide therapy to children if needed. A schedule of activities is posted in the living room. Volunteers are available to tutor your children during the school year.
- 8) Children cannot invite friends to visit them in the shelter. They must meet them at a safe, neutral place away from the shelter.

CHORES

- 1) Weekly house chores will be assigned at house meetings and rotated among the residents. Chores include cleaning the bathrooms, cleaning the kitchen (mopping the floor, cleaning the stove), dusting and vacuuming common areas, taking out the trash and recycling, and cleaning the yard.
- 2) If there are certain chores that you cannot do due to illness or disability, please speak to a staff member and we will come up with alternative responsibilities.
- 3) Each resident is responsible for washing, drying, and putting away her dishes after each meal. Please do not leave dishes out as this attracts bugs.
- 4) On a daily basis, please clean up the bathroom (i.e., around the tub or shower drain), refrain from leaving personal belongings in the living room, and make sure

that your children to return toys and books to shelves when they are done with them.

FOOD

- 1) Grocery shopping is done by shelter staff once a week and all residents share the food that is purchased.
- 2) Please submit a shopping list with foods that you need for the week at the house meeting.
- 3) If you have special dietary needs, please inform a staff person.
- 4) You are responsible for preparing all meals for yourself and your children. You may make arrangements to cook collectively with other residents if you wish. We encourage you to cook foods that are culturally familiar to you.
- 5) Please clean up all pots, pans, and utensils that you use. If the shelter does not have a particular utensil that you need, please talk to a staff person.
- 6) If you purchase any personal foods, please put your name on them and keep them in the small refrigerator.
- 7) The shelter does not provide soda, ice cream, candy, or other sugary snacks.
- 8) Food and drink are only to be consumed in the kitchen and dining room. Please do not feed your children in the bedrooms or living room. You may drink tea and water in the living room.

ALCOHOLIC BEVERAGES/ILLEGAL DRUGS

No alcoholic beverages or illegal drugs are allowed in the shelter. If you wish to smoke, you may do so in the backyard. If you are taking any prescription drugs, please let the staff know. Be sure to either keep them in a secure location out of the reach of children or leave them with staff.

PHONES

- 1) If you are expecting calls from your attorney, social worker, etc., please give them the business phone number and let your advocate know.
- 2) To make outgoing calls, please use the house phone. Log in the number you are dialing next to the phone. Please limit your calls to 15 minutes. No long distance calls are allowed.

QUIET HOURS

Please be considerate of noise in the evenings. Quiet hours are from 11:00 p.m. to 7:00 a.m.

LAUNDRY HOURS

Laundry hours are from 8:00 a.m. to 10:00 p.m.

PET POLICY

No pets are allowed except for seeing eye dogs.

DONATIONS

If you need personal toiletries or clothes, please speak with a staff member. We receive numerous donations and can generally assist you.

EMERGENCY PROCEDURES

If no staff member is available, the following procedures should be followed.

- 1) Life threatening emergencies - call 911 and then call a staff member on the beeper.
- 2) Non-life threatening emergencies - call the beeper number. Dial 555-1234. When you hear "beep beep beep," dial 911#. When you hear "beep beep beep," hang up. Wait 10 to 15 minutes for the call to be returned. If no one has called back after 15 minutes, try again. A staff member will call the house phone number, identify herself by name, and assist you.

Use the pager if shelter repairs are needed immediately (plumbing, electricity out, etc.), if shelter resident(s) are behaving inappropriately, if you see a suspicious person outside of the shelter, if children have been left alone in the shelter, if someone is not back by curfew, or if you or someone else is suicidal.

EMERGENCY CONTACTS

During your intake with your personal advocate, you will be asked to provide information about what you want the staff to do if you are killed or are caught in circumstances where it is impossible for you to return to the shelter (i.e., arrested by the INS). This is particularly important if you have children.

CONFLICT RESOLUTION

If conflicts occur:

- 1) Take some time in your room or in the backyard to calm down, if necessary.
- 2) Figure out what is the cause of the problem or conflict.
- 3) If the conflict is with a resident, please talk to that person directly in a positive and nonviolent way. If you feel uncomfortable talking to that person, ask a staff member to help you.
- 4) If you have a problem with a staff member or a shelter program, first try to talk to that staff member directly. If this is not possible, speak with your personal advocate or the shelter director.
- 5) If you do not feel that progress is being made on your complaint, you may present a formal complaint to the shelter staff in writing or verbally in the language you feel most comfortable using.
- 6) When you present your grievance, describe your complaint, the steps you have taken to resolve the problem, and why you believe that they have not worked. The shelter staff will review your formal grievance during the weekly staff meeting and may hold a hearing to gather information and allow other residents to speak on the issue. After receiving your grievance, the staff have 15 days to make a decision and notify you. This decision will be final.
- 7) Please use the grievance procedure if you feel that it is necessary. You will not be penalized in any way, experience retaliation, or discrimination for using this grievance procedure.
- 8) If you discover that any of your personal belongings have been stolen, notify a staff member immediately and we will hold an emergency meeting. During this meeting, we will inform all residents that no one can leave the house until the person who has stolen the item either comes forward or anonymously returns the missing items to the staff office. Television and radio privileges will be revoked during this time. If you have any valuable items that you are worried about keeping in your room, a staff person will lock them in the office safe for you.

CONFIDENTIALITY

The shelter staff will not share any information about you to other residents of the shelter except for your name, the names and ages of your children, and the language you speak. Any information that you choose to share with the residents is your choice. The staff, volunteers, and interns work together as a team to help the residents. As a

result, we may need to share information about you to provide the best possible services to you. Know that all staff have been trained and will not disclose any information to residents or persons outside of the shelter without your permission.

EXIT PROCEDURES

When you leave the shelter:

- 1) Please clean your room and leave your washed and folded linens on the beds.
- 2) Please take your personal belongings with you. You will have a week after you leave the shelter to pick up your belongings. You will only be allowed back into the shelter if a staff member is on duty. Please make arrangements with a staff member to pick up your things. If you fail to return within a week or do not make other arrangements, your belongings will be donated to new residents.
- 3) If you will need furnishings for your new home, please talk to your personal advocate and we will see if any arrangements can be made for you.
- 4) Please leave a forwarding address so that we can get your mail to you if you decide not to participate in a transitional housing program.

TRANSITIONAL HOUSING

Transitional housing is available to all qualified women and children upon leaving the shelter. The application process begins during your last month in the shelter. To qualify, you must be a current resident of the shelter, show that you have followed your individual case plan to the best of your ability, and be able to support yourself through work, child support, and/or public assistance. We refer residents to several different transitional housing programs. Your personal advocate will help you complete the paperwork and make sure that an interpreter is present at all interviews.

The transitional housing program lasts for two years and is subsidized so that you pay no more than 30% of your monthly income toward your monthly rent. A shelter staff member will meet with you periodically during this time to assist you with any problems that come up. If you experience financial difficulties or fear for your safety, notify the shelter immediately. If necessary, you can return to the shelter. Otherwise, we will work with you to explore other options that are available to you.

CHAPTER 6 – Outreach and Community Collaboration

Chapter Highlights

This chapter offers several strategies for conducting outreach to battered immigrants. This involves connecting with local immigrant communities, collaborating with social service and immigration-based agencies, and raising awareness of domestic violence in immigrant communities. The chapter concludes with funding strategies for outreach as well as important caveats about working with immigrant military wives and immigrant communities that are resistant to domestic violence advocacy.

PRELIMINARY AGENCY WORK

- ✓ Conducting in-depth research on local immigrant communities.
- ✓ Conducting an internal program assessment of your agency to determine what services you can offer the immigrant community, what services you would like to expand, and your agency's readiness to begin assisting battered immigrants.
- ✓ Forming connections with local immigrant-based service providers, community leaders, mainstream service providers, university groups, and military social service agencies. Designating an agency liaison to work with these groups.
- ✓ Devising an outreach strategy to present information that respectfully builds community support and empowers battered immigrants.
- ✓ Designing written materials that address the immigration, linguistic, and cultural concerns of immigrants in various languages and basic English. Having a focus group of immigrant women review your written materials.

COMMUNITY EDUCATION AND OUTREACH CAMPAIGNS

- ✓ Posting flyers and leaving written information where it is easily accessible to battered immigrants.
- ✓ Canvassing areas where immigrant women live and work.
- ✓ Cultivating good relations with mainstream and immigrant-based media.
- ✓ Conducting outreach programs in the school system, the health care system, at the courthouse, and in police precincts.
- ✓ Attending community festivals and activities.
- ✓ Creating a speaker's bureau to do community domestic violence presentations.

CHAPTER 6

Outreach and Community Collaboration¹²³

by Leslye Orloff, Rachel Little, and Megan McKnight

INTRODUCTION

In addition to developing training programs and improving your agency's accessibility to battered immigrant women, it is crucial that you develop an effective outreach campaign. The goal of this outreach program should be to educate the immigrant community about your services and about domestic violence. For the reasons discussed in Chapter 1, battered immigrants may have significant reservations about seeking help from your shelter or program. They may come from countries where comparable services are not available and they may not know that your shelter or domestic violence program exists (particularly if they live in rural areas or are isolated). They may fear that culturally sensitive help is not available to them. Finally, they may not realize that domestic violence is considered a crime for which they can seek legal protection.

The process of empowering immigrant women to leave violent relationships, building a positive reputation for your agency, and mobilizing the immigrant community against domestic violence often seems like an overwhelming task. This chapter will offer a step-by-step guide on how to inform battered immigrants about your agency's services, reach larger and smaller immigrant populations, network with agencies that are respected by the immigrant community, coordinate with agencies that offer useful services to battered immigrant women, and raise general awareness of domestic violence in immigrant communities.

RESEARCH

To create an immigrant-targeted outreach program first involves detailed research on the immigrant population in your service area. It is important to gather

¹²³ This chapter has been adapted from *Improving Accessibility of Your Program's Services to Battered Immigrant Women*. AYUDA, Inc. (1996). Debbie Lee and Chris Hogeland. *Accessibility: Serving a Changing Community in Domestic Violence in Immigrant and Refugee Communities: Asserting the Rights of Battered Immigrant Women*. 2nd ed. eds. Deeana Jang, Leni Marin, and Gail Pendleton (1997). *Alto La Violencia: Preventing Violence Against Latina Women*. A Proposal For a Multi-faceted Community-based Demonstration Project. Submitted to the Center for Disease Control by the Academy for Educational Development, Ayuda Inc., and the Pacific Institute for Women's Health (1994). Leslye E. Orloff and Minty Siu Chung. *Overcoming Cultural Barriers*. Ayuda, Inc. (1996).

information about the following:

- 1) Where are immigrant women in your community from and what factors may have caused them to move to the United States? For example, are they fleeing civil war, persecution, or economic despair? Did they come to reunite with relatives in a more established immigrant community? Did they come to the U.S. as wives who met their spouses through international matchmaking organizations or as wives of servicemen? Do they reside permanently in your community or do they migrate to your community each year to do seasonal labor?
- 2) Where do immigrant populations generally reside in your city or county? Do they tend to be clustered together in particular neighborhoods or are they more isolated? Are immigrant women isolated from larger immigrant communities?
- 3) Where do immigrant women work, shop, worship, and organize? Is there a community center where immigrants tend to congregate?
- 4) What are the demographics of the immigrant population in your area?
- 5) What information is available in the community about important cultural or religious beliefs that would affect the way you try to reach immigrant women?
- 6) What languages are spoken by significant immigrant populations in your area?
- 7) What is the attitude of the immigrant community toward domestic violence and women? Are there any statistics (national or local) on the occurrence of domestic violence in this particular population?
- 8) Are there existing nonprofit or church-based agencies that serve the immigrant community? What services do they offer?
- 9) Are there any organizations that may be in contact with isolated immigrant women who are wives of servicemen, university professors, rural farmers, or rural community members? Do these organizations have the resources to help educate hard-to-reach populations (e.g., Family Support Centers on military bases, women's centers at universities, or health clinics in rural communities)?

To gather this information, seek out the expertise of service providers and leaders from immigrant communities in your area. You may also wish to contact national advocacy groups that research issues pertaining to battered immigrant women, city government offices, or the public library.¹²⁴ This research will provide your first

¹²⁴Contact: Immigrant Women Program, Legal Momentum, (202) 326-0040. National Immigration Project, 14 Beacon St., Suite 602, Boston, MA 02108. Phone (617) 227-9727. Fax (617) 227-5495. Family Violence Prevention Fund, 383 Rhode Island Street, Suite 304, San Francisco, CA 94103. Phone

opportunity to form relationships with potential ally agencies and inform the community that your services are open to battered immigrants. Go to immigrant communities and observe meetings, interactions on the street, or religious ceremonies. With the assistance of community contacts, hold interviews, distribute surveys, and conduct focus groups to learn more about the immigrant community. Make sure that all survey information is translated and that interpreters are available, if necessary, during the interviews and focus group sessions.¹²⁵

If resources in your area for immigrants are limited, contact your state domestic violence coalition and gather information on immigration populations across the state. Find out where in your state there are greater numbers of immigrants from particular populations and seek the expertise of service providers who work in those communities. For example, if your program or shelter is in a rural community, you may wish to look at what agencies and communities are doing in larger cities. It is helpful to contact national advocacy groups as well for their expertise. AYUDA has developed outreach materials on domestic violence in several languages and has gathered materials created by other agencies in additional languages. A set of model outreach materials in English, Spanish, Russian, Korean, Vietnamese, and Chinese may be obtained from AYUDA at the address listed below.

PROGRAM ASSESSMENT

The second step of your outreach program should involve conducting an internal program assessment. The purpose of this assessment is to identify what services your agency offers to all battered women and to examine how you plan to offer these services to battered immigrant women. If you are currently offering some services to battered immigrant women, you should evaluate the effectiveness of these services as well. It may be helpful for the directors of domestic violence agencies in your area to get together every six months to discuss outreach proposals, service delivery ideas, and the barriers that they encounter when doing this work. This helps individual agencies create and share successful solutions. State domestic violence coalitions can be a good resource for arranging these meetings. The following questions should be addressed by the agency's administration and staff:

- 1) What ongoing work should be done to improve the agency's preparedness and commitment to serving battered immigrant women?
- 2) Is there a culturally sensitive training program in place that teaches staff about the special legal and social service needs of battered immigrant women and the

(415) 252-8900. Fax (415) 252-8991. National Council of La Raza, 1111 19th Street NW, Suite 1000, Washington, DC 20036. Phone (202) 785-1670. Fax (202) 776-1792.

¹²⁵*Working With The Latino Community*. From Project Esperanza: A Guide to Working with Battered Latinas. North Carolina Coalition Against Domestic Violence. G-5 (1995).

barriers that they face to meeting these needs? Are there ongoing opportunities at the agency for staff to discuss diversity issues?¹²⁶

- 3) Have you taken steps to recruit multicultural and multilingual staff, interns, and/or volunteers, particularly those from the immigrant community that you seek to assist?
- 4) Have you offered incentives for current staff to take language classes?
- 5) Have you started creating a list of available interpreters or tapping into language hotline services?
- 6) Have you established a culturally sensitive protocol that is designed specifically for battered immigrant women?
- 7) What will be the focus of your outreach campaign? Does your agency plan to offer comprehensive multicultural services or do you plan to offer existing services to battered immigrants using volunteer interpreters and multilingual educational materials?¹²⁷

Developing outreach to immigrant populations is an ongoing process. It is important for immigrant women to learn about their rights and that they can leave abusive relationships. It is also important that shelters and other domestic violence service providers be sensitive to the special needs of battered immigrants. Before embarking on an outreach campaign, it is advisable to take steps to increase staff cultural competency and to develop working relationships with organizations serving the immigrant community. However, all work on improving cultural sensitivity and access to your program need not be completed before the outreach campaign begins.

FORM CONNECTIONS

The ability of your shelter to reach battered immigrant women will frequently depend on the good will, cooperation, and trust of existing immigrant rights agencies, community groups, ecumenical institutions serving the immigrant community, and immigrant community leaders. To establish positive relationships with these groups:

- ✓ Inform local service providers and other providers in your state who serve immigrants that you want to work with battered immigrant women and ask for their support with this undertaking. Involve them in the planning and implementation of your outreach program. Ask for their assistance with

¹²⁶ *Providing Materials to Non-English Speaking Communities*. MCADSV (Michigan Coalition Against Domestic and Sexual Violence) Review. 1(2). 14 (Fall 1998).

¹²⁷ *Ibid.* 14.

developing training programs and increasing the cultural accessibility of your services. In return, offer to serve as a resource to these providers.

- ✓ Create a list of all agencies in your area that serve immigrants. Include contact names and a description of the services these agencies provide. If this is not possible, look for programs elsewhere in your state or turn to national or out-of-state domestic violence programs that have expertise with immigration issues. By familiarizing yourself with what is available to immigrant women in your community, you will avoid duplicating services and will build a referral list for clients whose needs surpass what your agency can provide. Moreover, taking this step will show that you are respectful of the work of these agencies. It will help you determine how your program can best complement their services and enable you to become a part of their network.
- ✓ Find out if immigration service providers meet locally and arrange to attend these meetings. Become a member of immigrant-issue working groups and attend relevant conferences as well. Invite these providers to attend meetings in the domestic violence community, such as domestic violence coordinating council meetings.
- ✓ Make contact with leaders in the immigrant community. Ask service providers or read the local newspapers to determine who these people are. Find out from these leaders if and where community meetings are held. These people will be a good source of information on what, if any, work has been done in the immigrant community on the problem of domestic violence. Try to identify leaders who are concerned about domestic violence in their communities or who are open to working on this issue and would be willing to have you speak at community gatherings. If the immigrant community is very small or not well organized, look for leaders at the state or national level to assist you. Work toward establishing respectful relationships with these individuals.
- ✓ Seek out the advice and expertise of service providers and community leaders as you begin to create outreach programs and materials. These persons can be helpful for your staff training programs. Offer to hold educational programs on domestic violence in exchange for these services.
- ✓ Go to community meetings, block parties, and cultural festivals to get a sense of the community.
- ✓ Contact other mainstream service providers and inform them of your intentions to expand your services so that they can send clients to you. Collaborate on referral lists and outreach events if these providers are

interested in doing so. Once you have developed the cultural competency of your staff and your outreach campaign, offer to share your experience with them to help them do the same.

- ✓ If your agency is in a community with a large military presence, inform social service groups on the military base of your program and exchange referral information. For Marine Corps or Navy bases, contact the Family Service Centers. For Army and Air Force bases, contact the Community Service Centers. These centers provide services such as marriage counseling, educational programs, and career guidance and are a good location to advertise your program to more isolated battered immigrant military wives.¹²⁸
- ✓ If your agency is near a university with a large population of foreign-born students and staff, meet with the dean of international students or other appropriate administrative officials about doing outreach on campus. Find out if there are women's, minority, or foreign students' associations that you could collaborate with. Develop collaborative relationships with on-campus organizations among undergraduate students, graduate students and professors.
- ✓ Designate a liaison in your agency who can collaborate with service providers, leaders, and community members as outreach efforts progress.

Collaborating with other programs is ultimately very beneficial to your agency's outreach program. Some immigrant women are more likely to trust your agency if they see that you have a positive relationship with respected community leaders and trusted immigration service providers. If they hear about your agency from their leaders, they will be more likely to seek your services.¹²⁹ Coordinating services also improves cultural sensitivity and ultimately the quality and effectiveness of the services provided.

Finally, building collaborations will help provide access to a potential pool of volunteers from the community who can assist your shelter with training programs and multilingual case management. Forming these collaborative relationships takes time, patience, and commitment. Learning good listening skills, maintaining an open mind, and preserving program flexibility will help you work together with others to support battered immigrant women.

¹²⁸This information provided by Dr. Samuel Cummingham, Social Work Administrator at Marine Corps Headquarters, 8/19/98.

¹²⁹It is important to be mindful that some immigrant women may prefer that the domestic violence program they go to for assistance be completely disconnected from their cultural community. These women may express their preference for this type of service to protect their confidentiality and to avoid being judged by the cultural standards of their community.

DEVISE OUTREACH STRATEGIES

After completing your research, program assessment, and establishing solid support networks, your agency will need to create a culturally appropriate outreach and community education strategy. There is no single outreach program that is necessarily the best for reaching all immigrant women. The combination of approaches that you take will invariably depend on the size, structure, and accessibility of the local immigrant population. You will need to determine the most likely places or sources of information delivery that will reach immigrant women, including those who may be isolated from any larger immigrant community. All outreach programs should strive to:

- ✓ Inform community members about what domestic violence is and that it is a crime.
- ✓ Let victims know that there is confidential help in the form of legal relief, shelter, and social services.
- ✓ Build strong community sanctions against domestic violence by turning this into a public, rather than private, issue.
- ✓ Hold men accountable for their violent behavior and make them a part of the solution to domestic violence.
- ✓ Empower girls and women to be intolerant of violence in their relationships.
- ✓ Present information in a way that is respectful and tailored to fit the needs and perspectives of the immigrant population.
- ✓ Be respectful of the barriers of racism and anti-immigrant sentiment that may exist for the battered immigrants who are your target population.

Before conducting community education programs, your agency will first need to develop written materials on your services. These can take the form of pamphlets, posters, pocket-size cards, advertisements, bumper stickers, etc. These materials should:

- ✓ Inform potential clients of your services.
- ✓ Provide contact information.
- ✓ Explain local laws against domestic violence.
- ✓ Offer safety planning suggestions.

- ✓ State clearly that domestic violence is a crime, that women can get help even if they plan to continue living with their abuser or are undocumented, and that domestic violence is not their fault.
- ✓ Emphasize that immigrants who seek your services will not be reported to the INS. Explain the basic immigration provisions of the Violence against Women Act and welfare benefits that immigrant women in your community may qualify for.¹³⁰ DO NOT, however, attempt to advise an immigrant woman to apply for these benefits without first consulting an immigration attorney.

Victims must feel your program will support them throughout their personal struggle, even if they do not to leave their abuser or they choose to reconcile with their abuser. Be careful to ensure that the tone of your materials is respectful toward the immigrant population.

To ensure that the materials that you create are culturally and linguistically specific to your intended outreach community:

- ✓ Apply the research information that you previously obtained to this effort.
- ✓ Have your multilingual staff, volunteers, or interns translate all materials. If you do not yet have the resources to do this, solicit volunteers from the foreign language department of your local university or community college. You may also want to request the assistance of other programs that provide services to immigrants in your area.
- ✓ Have someone from the immigrant community who speaks the relevant language and is familiar with the philosophy of your agency read all translated materials and check them for accuracy and appropriateness.¹³¹
- ✓ Many organizations across the country have already developed culturally and linguistically diverse outreach materials. Your program can request to incorporate these materials as part of your own outreach and education materials, or use them as resources in the development of your own materials (see Chapter 14 for contact information).

In every community, there will be battered immigrants from English-speaking countries and battered immigrants who do not speak English as their first language, but

¹³⁰Brochures on these topics are available in English, Spanish, Russian, Korean, Chinese, and Vietnamese from Immigrant Women Program, Legal Momentum. Contact at (202) 362-0040.

¹³¹*Providing Materials to Non-English Speaking Communities*. MCADSV (Michigan Coalition Against Domestic and Sexual Violence) Review. 1(2). 14 (Fall 1998).

who can understand and read basic English. To reach these groups, create materials in a simplified form of English that avoids jargon, idiomatic expressions and slang. Visual images, such as photos and cartoon strips, are a powerful vehicle for your message. These illustrations should also be culturally specific.

If the immigrant population in your community runs its own newspapers or has access to multilingual radio and television programming, develop multicultural/multilingual media campaign materials. These include public service announcements (PSAs), television commercials, and newspaper advertisements. It may be possible for you to contribute articles to immigrant-based newspapers and magazines as well. PSAs for radio and television in simple English and Spanish on VAWA have been developed by AYUDA and are available at a minimal cost.

Before you release your outreach materials, it is highly recommended that you organize a focus group of people from the target community you are trying to reach to review these materials and ensure that they are culturally appropriate, effective, and linguistically correct. To accomplish this:

- ✓ Find a group of immigrant women who would be willing to participate in the focus group and provide input on improving your agency's outreach materials and strategy. Ideally, some women in the focus group should be domestic violence survivors and should be from a variety of class backgrounds.
- ✓ Publicize focus groups in the newspapers, on television, and through your service provider network.
- ✓ Paying immigrant women a small stipend to help cover costs of transportation and child care may improve your ability to get women to attend the focus group. You should also consider recruiting volunteers to provide child care while the focus group meets.
- ✓ If you cannot hold a focus group, seek the input of local service providers and national advocacy groups that work with immigrant issues.

At this stage in your outreach, be certain that your support network with other service providers is in place. In this way, your agency will be able to effectively work with other agencies to handle the increase in demand that results from a successful outreach and education program. **Do not outreach to battered immigrant women before you have developed a plan to help those who seek your services.**

COMMUNITY EDUCATION

Upon finalizing your outreach materials, create a plan to distribute these materials to your target population and begin your community education efforts. The

goal of these efforts should be to both advertise your services and build trust between your agency and the community. There are numerous methods available to carry this out:

- 1) Using the information that you gathered from your research, obtain permission to post flyers in places that immigrant women and the greater immigrant community frequent. These locations could include grocery stores, places of worship, community centers, businesses, community bulletin boards, neighborhood parks, universities, youth centers, hairdressers, laundromats, social service agencies (both immigrant-targeted and mainstream), family-planning agencies, immigrant rights groups and coalitions, ESL classes, senior citizen centers, government offices, public libraries, schools, military base social service centers, and universities. Leave multilingual pamphlets wherever it is possible to do so. Make sure that every agency and community leader in your network has this information to distribute as well. If immigrant women are isolated, focus on posting flyers in mainstream locations that immigrant women might frequent.
- 2) If culturally appropriate, conduct general canvassing of areas where immigrant women live and work. Hand out flyers on the street, send multilingual staff or volunteers to migrant worker camps to spread the word, and pass out flyers at the entrances of the main grocery stores on military bases. This a good strategy where immigrant women are more isolated. When doing these projects, utilize your multilingual staff, involve community leaders, or take service providers who are more knowledgeable about the immigrant community along with you.
- 3) Cultivate good relations with the local English language and non-English language media. Encourage them to print more stories and run news programs about services available to help domestic violence victims in the immigrant community. Produce press releases about new staff and program initiatives. Run public service announcements on radio and television. Volunteer to serve as a resource to the press for quotes and information on domestic violence. Appear on minority language television shows to advertise your services. These efforts will increase the exposure of your program in a manner that is often low cost or free.
- 4) Reach out to the school system. Even if immigrant women are isolated or represented in small numbers, their children are often enrolled in the local public school system. Educate the PTA, school administrators, counselors, and teachers about how to recognize domestic violence and take appropriate action if they suspect that it is occurring in their students' homes. Provide information about teen dating violence as well. Make sure that classrooms (particularly those with children learning English as a second language) and counselors' offices have your outreach information in a variety of languages. Create materials that are geared toward children of all ages. Children should learn what domestic violence is, why it is wrong, and what to do if they, their mother, or a close friend

is a victim of domestic violence. Emphasize that it affects everyone regardless of culture. Substantive changes in the way a society views domestic violence often begin with children. Children who are intolerant of violence are more likely to grow up to be adults who are intolerant of violence. Furthermore, women often seek help for domestic violence out of concern for the welfare of their children.

- 5) Develop relationships with health care providers in your community who are likely to see battered immigrant women and seek their assistance with distributing your outreach materials in their waiting rooms and to patients they have identified as abused. Emergency rooms, primary care providers, community clinics, pediatricians, obstetricians, and gynecologists often have early and continued contact with battered women and battered immigrant women.
- 6) Go to community festivals, parades, and fairs in immigrant communities. Distribute brochures to the crowd and operate a table with multilingual volunteers who can answer questions about domestic violence and your services. Run advertisements about your agency in the souvenir programs that are often distributed at these events.
- 7) Let the local police and courthouse know that they can refer battered immigrant women to your shelter or domestic violence program. Make sure that the family court offices and all police precincts have your posters and brochures. Offer cross-training programs and encourage the police to hire officers from immigrant communities.
- 8) Inform the community of your intentions to create a speaker's bureau. Include on this bureau volunteers and former clients of your shelter with language capabilities who can speak to groups in immigrant communities. Send these volunteers to universities and military bases as well. To organize community meetings, ask for the assistance of immigrant advocacy programs and community leaders. Find out if regularly scheduled meetings are held and ask to be placed on the agenda. Make presentations to congregations, clergy, ESL classes, businesses, military wives' clubs, women's groups, civic groups, cultural organizations, and any other groups that express interest in domestic violence issues.

Offer to plan joint events with other interested service providers. These presentations should be individually tailored to each group, but should generally include the following information:

- ✓ What is domestic violence?
- ✓ Dynamics of power and control in immigrant families
- ✓ Signs and symptoms of abuse
- ✓ Myths and facts about domestic violence
- ✓ Biases about domestic violence victims

- ✓ Community resources for battered women and their partners
- ✓ The role of your program
- ✓ Legal relief (Family, criminal, and immigration law)
- ✓ Available public benefits
- ✓ The role and responsibility of the police
- ✓ Prevention strategies
- ✓ Effects of violence on children

IMPORTANT CAVEATS

While conducting your outreach efforts, it is very likely that you will encounter resistance. For cultural or religious reasons, the local immigrant community may deny that domestic violence is a problem and view your work as an effort to undermine the traditional family structure. As a result, battered immigrants may be afraid to come to meetings and learn about your services. The men in the community may have sexist values that limit your ability to form cooperative relationships and build trust.

To overcome this problem, be creative with your outreach efforts. If you discover that many battered immigrants are domestic workers, hold forums to educate their employers about your services. If women are interested in learning about how they can play a greater role in their children's schooling, hold a session on this subject and include information on the services your program offers so they can tell friends who may need your services. Target places in the community where women are more concentrated and men are less likely to be present. These could include craft guilds, smaller grocery stores, hair salons, women's restrooms in stores or restaurants, changing rooms at clothing stores, prenatal clinics, businesses that are run by women, and schools. Women will often walk their children to school and it may be effective to distribute flyers before and after school.

Instead of working to empower entire immigrant communities, start with individual women. Offer them the services they need and teach those who courageously seek out your agency to organize and create social change in their communities themselves. Targeting female-dominated locations is a good strategy for reaching isolated military wives or wives who met their spouses through international matchmaking agencies as well.

If immigrant women are concentrated on military bases, special considerations need to be addressed. Military culture tends to uphold more traditional sex roles where men are the heads of households and wives are considered dependents. Servicemen also receive specialized training in weaponry and are generally in top physical condition. As a result of these factors, domestic violence in military families is often more frequent, more brutal, and more difficult to stop.¹³² The military has its own law

¹³²Shupe Anson et al. *Violent Men, Violent Couples: The Dynamics of Domestic Violence*. 70 (1987).
Bonnie Demrose Stone and Betty Sowers alt. *Uncle Sam's Brides: The World of Military Brides*. 128-29

enforcement branch and it may not be sensitive to the needs of immigrant wives. When trying to do outreach, you may encounter problems getting on military bases as civilians must generally obtain visitor passes.

To ease these problems, cultivate as many working relationships as possible with social workers on base. Look into sending staff and volunteers to speak to military police officers and other military staff. Bases often deploy large numbers of troops at any given time to do military exercises overseas or in remote locations. When military personnel are away, this is a good time to canvas neighborhoods and find out where battered immigrant women may be. During this time, you may want to speak to military wives' groups to encourage individual women to watch for signs that their neighbors are experiencing domestic violence. Provide women in these groups with information about legal remedies for domestic violence and outreach materials that they can distribute to battered immigrant women whom they may encounter.

CONCLUSION

Conducting effective outreach requires time, knowledge, creativity, money, patience, persistence, and flexibility. The challenge that battered women's service providers often face when conducting outreach campaigns is that the effort put into outreach may take resources away from actual client-based work. If a client calls who needs immediate services, staff may make it their priority to work with this client instead of doing outreach. To counter this problem, consider collaborating with other organizations in the immigrant community and jointly seek funding that is specifically earmarked for outreach. This will help you devote staff time to these important efforts. It may also be possible to recruit volunteers and interns to help you mount an outreach campaign. Moreover, your agency will likely find that as your outreach work proceeds and your immigrant client base increases, these clients will begin to do your outreach for you through word-of-mouth. They may volunteer to advertise your services at immigrant community events.

Outreach does not end after your initial efforts are complete. Rather, your outreach efforts should be ongoing. As the immigrant community and your agency grow, you will have to be prepared to respond to changes and refine your strategies appropriately. Nonetheless, dedicated outreach programs are worth the effort. Your agency will gain valuable insight into local immigrant communities, the fight against domestic violence will become cross-cultural, and battered immigrant women will receive the services they need to leave violent relationships and create safe homes for themselves and their children.

CHAPTER 7 – Shelter Access for Battered Immigrant Women

The following link contains recent information regarding battered immigrant women’s access to programs and services.

Access to Programs and Services That Can Help Battered immigrant Women
taken from Legal Momentum’s Breaking Barriers: A Complete Guide to Legal Rights and Resources for Battered Immigrants manual:

[http://iwp.legalmomentum.org/public-benefits/unrestricted-benefits/
BB_4.1-Access_to_Services_that_Help_Battered_Immigrants-2006/view](http://iwp.legalmomentum.org/public-benefits/unrestricted-benefits/BB_4.1-Access_to_Services_that_Help_Battered_Immigrants-2006/view)

CHAPTER 8 – VAWA Immigration Cases and Victim Advocacy Confidentiality

The following links contain updated immigration, visa and confidentiality related information for battered immigrant women.

- ***Preparing the VAWA Self-petition and Applying for Lawful Permanent Residency***, taken from Legal Momentum’s Empowering Survivors: Legal Rights of Immigrant Victims of Sexual Assault manual: http://iwp.legalmomentum.org/immigration/vawa-self-petition-and-cancellation/articles/VAWA_self-petition_SA-MAN.pdf/view
- ***U-visas: Victims of Criminal Activity***, taken from Legal Momentum’s Empowering Survivors: Legal Rights of Immigrant Victims of Sexual Assault manual: http://iwp.legalmomentum.org/immigration/u-visa/tools/10_U-visa.pdf/view
- ***Human Trafficking and the T-visa***, taken from Legal Momentum’s Empowering Survivors: Legal Rights of Immigrant Victims of Sexual Assault manual: http://iwp.legalmomentum.org/immigration/human-trafficking/tools/11_T-visa.pdf/view
- ***Confidentiality and Breaches of Confidentiality***, taken from Legal Momentum’s Breaking Barriers: a Complete Guide to Legal Rights and Resources for Battered Immigrants manual: http://iwp.legalmomentum.org/vawa-confidentiality/tools/BB_IMM_VAWAConf_Confidentiality-Breaches.pdf/view
- State Confidentiality tool: (waiting for Laura to finish her part)

For additional information can be found at Legal Momentum’s IWP Resource Library and Technical Assistance Center at: <http://iwp.legalmomentum.org/>

CHAPTER 9 – Creative Use of Protection Orders in Battered Immigrant Cases

Chapter Highlights

When a battered immigrant seeks a protection order, advocates and attorneys must understand how this order can be used to strengthen the client's immigration case. The strategies listed below ensure that protection orders address the client's immigration concerns and provide effective relief.

PRIORITY CONCERNS FOR BATTERED IMMIGRANT PETITIONERS:

- ✓ Seek protection orders both for battered immigrants who leave their abusers and for those who choose not to separate. Domestic violence immigration benefits do not require the parties to be separated.
- ✓ Protection orders should not be issued without an admission or finding of abuse. Use consent protection orders only when the abuser admits to the abuse or the judge bases issuance of the order on the petitioner's affidavit. Otherwise, the immigrant petitioner should have a full protection order hearing.

USE OF CATCH-ALL PROVISIONS IN PROTECTION ORDERS TO OBTAIN CREATIVE AND SPECIFIC RELIEF FOR BATTERED IMMIGRANTS. SEEK:

- ✓ Orders that the respondent not undermine or withdraw the petitioner's immigration petition.
- ✓ Immigration provisions for the petitioner's VAWA case - including access to the respondent's immigration documents, and payment for the replacement of destroyed documents belonging to the petitioner.
- ✓ Parental kidnapping protections - including preventing the respondent from taking the children out of the jurisdiction without the court's permission and ordering the respondent to relinquish the children's passports.
- ✓ Notification to respondent of immigration consequences for violating the protection order or committing a domestic violence crime.

SPECIFIC TRIAL ISSUES, INCLUDING:

- ✓ Avoiding Mutual Protection Orders
- ✓ Protection Order Modification
- ✓ Appeals of Adverse Rulings

CHAPTER 9

Creative Use of Protection Orders in Battered Immigrant Cases¹³³

By Leslye Orloff, Rachel Little, and Vonetta Brown

A 1997 study by the National Center for State Courts found that in the vast majority of cases, civil protection orders deter repeated physical and psychological abuse and help victims regain a sense of well-being.¹³⁴ This type of legal remedy may be one of the most important tools the judicial system offers to protect domestic violence victims from ongoing abuse, particularly when crafted to address areas of ongoing conflict.¹³⁵ Civil protection orders that include some remedies for each victim are not as effective as those that recognize the special needs of battered immigrants. Advocates assisting battered immigrants must explore their clients' needs, fears, and concerns, and understand the specific ways in which abusers exert power and control over immigrant victims. Only then will they be able to draft orders that respond to the client's needs and the cultural context of abuse.¹³⁶

Civil protection orders are available to domestic violence victims by statute in all fifty states, the District of Columbia, Puerto Rico, and all U.S. Territories.¹³⁷ Civil protection orders that are properly drafted and consistently enforced can provide effective protection for victims of domestic violence. In most jurisdictions, protection orders offer broad relief and may be used with or instead of more traditional domestic relations remedies. Protection orders can offer crucial protection against continued violence for victims who are not ready to separate from their abusers. Protection orders also provide critical evidence for battered immigrants who file for immigration benefits, including battered spouse waivers, self-petitions, or cancellation of removal applications under the Violence against Women Act (VAWA). Protection orders provide documentary evidence of the violence that has occurred. These orders also provide protection to the victim that she would lose if forced to leave the United States. For this

¹³³Adapted from Use of Creative Protection Orders to Better Help Battered Immigrant and Migrant Women, Leslye E. Orloff and Vonetta Brown.

¹³⁴Keilitz, Hannaford & Efken, 1997.

¹³⁵Peter Finn & Sarah Colson. *Civil Protection Orders: Legislation, Current Court Practice, and Enforcement*. National Institute of Justice. (1990).

¹³⁶Leslye E. Orloff. *Effective Advocacy for Domestic Violence Victims: Role of the Nurse-Midwife*. 41 J. NURSE MID-WIFERY 473, 484 n.6 (1996).

¹³⁷See Catherine F. Klein and Leslye E. Orloff. *Providing Legal Protection for Battered Women: An Analysis of State Statutes and Case Law*. 21 HOFSTRA L. REV. 810 (1993). To determine the exact rules and provisions of the protection order statute in your jurisdiction, contact your local state domestic violence coalition.

reason, obtaining a protection order strengthens the battered immigrant's extreme hardship claim in VAWA and other immigration proceedings.

Two types of protection orders are available to victims of abuse. Most states authorize emergency, or temporary orders of protection, issued after an *ex parte* hearing if the victim can show that there is immediate danger of future violence. Such orders are short-lived (typically 14-30 days) and are intended to protect victims of domestic violence until a full hearing can be scheduled. Courts also issue protection orders after a full hearing, by consent, or by default. Full protection orders last for a longer duration, typically for one to three years. The National Council of Juvenile and Family Court Judges recommends that protection orders last indefinitely, and a growing number of state statutes have implemented this recommendation.¹³⁸

Obtaining a protection order

In almost all jurisdictions, protection order laws do not specify time limits after an incident of violence has occurred within which a victim of domestic violence must file for a protection order.¹³⁹ Some courts may not grant an order if the most recent threat or incident of abuse occurred several months prior to the filing of a petition for a civil protection order. However, no reported decision or statute to date has imposed a time limit on filing for a protection order.¹⁴⁰

Protection orders can help battered immigrants leave their citizen or lawful permanent resident abusers and document the violence for their VAWA cases. If the last incident of abuse took place more than a few months earlier, the battered immigrant's attorney should present evidence on the full history of abuse, present any corroborating evidence available, and demonstrate to the court that additional protection is needed. This is justified as the victim may be at a heightened risk of violence when filing for immigration relief that will free her from her abuser. Protection orders can also help battered immigrants, including battered lawful permanent residents, qualify for public benefits.

¹³⁸See National Council of Juvenile and Family Court Judges. *Model Code on Domestic and Family Violence* (1994).

¹³⁹Leslye E. Orloff and Catherine F. Klein. *Providing Legal Protection for Battered Women: An Analysis of State Statutes and Case Law*. 21 HOFSTRA L. REV. 801, 901 (1993).

¹⁴⁰*Ibid.* 901.

Who can obtain a protection order?

- State statutes and case law define the relationship required between the parties to be eligible for protection.¹⁴¹ The types of relationships protected may include:
 - ✓ Current or former spouses
 - ✓ Family members who are related by blood or marriage (i.e., parents, adult and minor children, siblings, aunts, uncles, grandparents, and in-laws)
 - ✓ Current or former household members whether or not they are related by marriage or blood
 - ✓ Unmarried persons of different genders living as spouses or who have lived as spouses
 - ✓ Persons who have a child in common
 - ✓ Persons who are currently or were formerly in dating or intimate relationships
 - ✓ Persons who are or were in same-sex relationships, whether or not they have lived together
 - ✓ Household members of an abuse victim who is stalked or harassed
 - ✓ A few trend-setting states allow protection orders to be issued to persons who offer refuge to victims of domestic violence or to the victim's employers
- Most jurisdictions allow an abused adult to file for a protection order on his or her own behalf. Most states allow an adult to file on behalf of a child or an incompetent adult. Some progressive states allow minors to petition for protection on their own behalf.
- Protection orders are available whether or not the parties plan to separate. A battered immigrant woman may prefer to remain with her abuser because of cultural or religious reasons. The abuser may have also filed an application for her with the INS and it may be easier for her to obtain lawful permanent residency through his petition than through VAWA. In such a case, she may want a protection order which requires only that the abuser attend a batterer intervention program and refrain from assaulting, threatening, or harassing her in

¹⁴¹Leslye E. Orloff and Catherine F. Klein. *Providing Legal Protection for Battered Women: An Analysis of State Statutes and Case Law*. 21 HOFSTRA L. REV. 801, 816-7 (1993).

the future. Other battered immigrants may prefer this type of protection until INS approves their self-petitions or grants them work authorization, after which they may leave their abusers and seek to modify their protection orders.

Grounds for issuance of a protection order

- States condition the issuance of a protection order on an underlying act of abuse which constitutes a criminal act, including: battery, assault, kidnapping, burglary, criminal trespassing, interference with child custody, rape, sexual assault, threats and attempts to do violence or bodily harm, unlawful or forcible entry into a residence, interference with personal liberty, false imprisonment, child abuse, stalking, destruction of property, and harm to pets. Some states authorize the issuance of protection orders for behavior that has not physically harmed the petitioner, including emotional abuse or harassment.¹⁴²

Jurisdiction

- Jurisdiction for protection orders generally exists in the state where the underlying acts of abuse (or threats) have taken place or where the victim is present.
- The federal Violence Against Women Act of 1994 requires that each state, tribe, or territory give full faith and credit to a sister state's protection order (including an *ex parte* order) as long as due process requirements were met in the issuing state.¹⁴³ A battered woman should not have to take any specific action to have her protection order recognized in a different state. However, many jurisdictions may require that these types of orders be registered in the county courthouse where the petitioner resides. A fee may be charged for this service.

If your client plans to move away from the jurisdiction where she obtained her protection order, contact the courthouse or the state domestic violence coalition to verify what recommended full faith and credit procedures are in the new jurisdiction. Find out if registration is encouraged and if so, whether there are any fees involved. To facilitate enforcement, it is recommended that the battered immigrant or migrant obtain a certified copy of her order from the issuing court before leaving the jurisdiction and attach a copy of VAWA's full faith and credit provisions to the order. States are required to recognize a sister state's order without requiring registration or other specific procedures. However, some states have not yet enacted legislation that brings them into compliance with

¹⁴²These states are Delaware, Hawaii, Illinois, Maine, Missouri, Nevada, New Hampshire, New Jersey, New Mexico, New York, Ohio, West Virginia, and Wisconsin. See Leslye E. Orloff and Catherine F. Klein. *Providing Legal Protection for Battered Women: An Analysis of State Statutes and Case Law*. 21 HOFSTRA L. REV. 801, 869-70 (1993).

¹⁴³The Violence Against Women Act of 1994, 18 U.S.C. sec. 2265 (1994).

VAWA's full faith and credit provisions. If this is the case, the police in these states may not enforce an out-of-state protection order. The battered immigrant will want to identify an advocate or attorney who can help her determine whether it is safe to obtain a protection order in the new state and have this order served upon the abuser. If she is in hiding in the new state, this may further endanger her.

Relief Available

- Include all forms of relief necessary to protect the victim. Gaps in the relief provided or a lack of specificity in the drafting of the order can lead to future violence and make enforcement of the order difficult if not impossible.
- Because batterers are often abusive to the petitioner's children, it is important to include the children specifically by name in all appropriate provisions.
- Advocates should first interview clients to identify their needs, fears, and barriers to leaving their abusers. Again, remember that in many cases, battered immigrants may not be ready to leave their batterers. They may want to remain in the relationship for various cultural, religious, and economic reasons and simply want the violence to stop. It is possible in all jurisdictions for a battered woman to obtain a protection order that requires the abuser to cease his violent behavior and obtain batterers' treatment counseling while the two parties are living together. Protection orders that are issued when the parties continue to reside together can help shift the balance of power in the relationship and should be considered a viable option for the immigrant client.
- Advocates can seek numerous remedies to address the specific needs of battered immigrant clients. In the following pages, we will first discuss relief generally granted to all battered women and will highlight how these forms of relief can be particularly helpful to battered immigrants. Even if clients do not initially request these provisions, they may find them to be useful. The following checklist includes relief generally available in jurisdictions by statute, under catch-all provisions, or by case law. Advocates should fully discuss with each client the following options:

- ✓ ***The respondent shall not molest, assault, harass, or in any manner threaten or physically abuse the petitioner and/or his/her child(ren).***

Protection orders should always include a no further abuse clause. Without this clause, enforcement through contempt or criminal prosecution will be very difficult. Clearly word the clause so that the abuser knows specifically which types of actions are forbidden. When a battered immigrant seeks a protection order but decides that she wishes to

continue living with her abuser, her protection order might only contain this provision.

If the parties plan to continue residing together, battered women's advocates and attorneys should encourage battered immigrants (and all battered women) to obtain a protection order despite the abuser's promises that he will change his behavior. Advocates should remind the victim that if her abuser is serious about his promises to her to stop the violence, he should be willing to make those promises to the judge. The judge can then issue a protection order by consent that only requires that the abuser not assault, threaten, harass, or harm the petitioner in the future. It is very important that battered immigrant victims not agree to the issuance of a protection order by consent without the abuser admitting to an incident of abuse or without the court entering a finding of abuse based on her affidavit. Protection orders issued without a finding of abuse are not useful to victims of domestic violence with pending immigration cases and may be less effective in protecting victims because the abuser has not been required to assume responsibility for his violent behavior.

Entering protection orders with admissions of abuse has two advantages for battered women. First, if the order is violated, the respondent has committed a criminal offense and the police will take the case more seriously when called in for help. Some police officers may not arrest a batterer and file charges for assault unless it is a violation of a protection order. Second, for battered immigrant women, the protection order provides critical evidence that will support their VAWA immigration cases. As with protection orders, battered immigrants need not leave their abusers to obtain VAWA immigration relief.

- ✓ ***The respondent shall stay 150 yards away from the petitioner's home, person, workplace, school, place of worship, community center, day care provider, and other specified locations.***

Clearly define where the respondent is forbidden to go. Include in the stay away provision all locations frequented by the petitioner, including such places as the community center in the petitioner's cultural community, the petitioner's hairdresser, health care provider, and the homes of relatives. If the petitioner is in hiding, the order should prohibit the respondent from going to the petitioner's residence without revealing its location. It should further prohibit the respondent from attempting to locate the petitioner either directly or through third parties. The order may also provide a minimum distance the respondent must stay away from the petitioner and other listed locations and persons.

It may be particularly important to order a respondent to refrain from contacting the petitioner at work. A battered immigrant may have permission from INS to work, but only at an authorized workplace. If she loses the job because of her batterer's harassment, she may violate the terms of her legal immigration visa.

- ✓ ***The respondent may not contact petitioner and/or his/her children in any manner: either personally, in writing, by telephone, or through third parties.***

Batterers frequently adopt less violent, but harassing, behaviors following the issuance of a protection order. Their intent is to continue to assert power and control over the victim in a manner less likely to draw the attention of law enforcement authorities. This provision will help forestall such behavior. To obtain evidence of violations of this protection order provision, particularly if the victim is being harassed over the phone, she may wish to screen all of her phone calls through an answering machine. This may deter her abuser from calling and will provide evidence of the abuser's violation of the order if he leaves a message.

- ✓ ***The respondent shall vacate the residence at (location) immediately. The (local) police department shall stand by and shall give the respondent 15 minutes to collect his personal belongings. Personal belongings include clothes, toiletries, and one set of sheets and pillowcases. No other property may be removed from the premises without the petitioner's permission. The police shall take all keys and garage openers from respondent, check to see that they are the right ones, and then turn the keys over to the petitioner.***

Vacate orders require the respondent to leave the home shared with or owned by the petitioner and must specify how this is to be carried out. Include additional provisions prohibiting the respondent from reentering the home, and ordering respondent to surrender all keys, to refrain from damaging the premises or property, and to refrain from shutting off utilities or discontinuing mail service. In cases of battered immigrant women, it is particularly important that vacate orders go into effect immediately. When abusers are given advanced warning of the vacate order, they may destroy, hide, or remove from the home key documents and evidence that the battered immigrant will need to win her VAWA case before the INS.

- ✓ ***The respondent shall relinquish possession and/or use of the following personal property (list specifically itemizing property in question) as of (date and time).***

The court can order the respondent to relinquish certain items of personal property, including the family vehicle, or restrain the respondent from taking, selling, or destroying certain personal property. This provision can be particularly useful for battered immigrants who have fled the home and need to retrieve documents for their immigration cases. (See below). If the protection order has a vacate provision, it may be appropriate to order the respondent to relinquish use of all property except for personal belongings and any enumerated items. If both parties have vacated the home, the order should clearly state which items the respondent may remove from the family home.

- ✓ ***As of (date and time) the respondent shall turn over to the (local) police department any and all weapons that the respondent owns or possesses and all licenses the respondent has which authorize the possession or purchase of weapons.***

The court should prohibit the respondent from possessing any weapon or firearm¹⁴⁴ and revoke the respondent's weapon's license or prohibit the respondent from purchasing or receiving a weapon during the duration of the protection order. The court may also order the local police to search for and confiscate weapons when they assist with a vacate order or are called for assistance. Courts should require the respondent to submit a receipt proving that the weapons were relinquished as ordered. Some jurisdictions may waive this requirement if the respondent is a police officer or in the armed forces.

- ✓ ***The respondent shall participate in and successfully complete the following (treatment program).***

Courts may order respondents to attend intervention programs. These may include batterer intervention, substance abuse, or mental health counseling programs. Only batterer intervention programs which have been certified as having specific expertise working with domestic violence perpetrators should be used. Joint or family counseling is inappropriate where there has been domestic violence. Substance abuse treatment alone is insufficient to address battering behavior. If the batterer is also a substance abuser, the substance abuse problem must be treated first.

¹⁴⁴The federal Violence Against Women Act prohibits persons who have protection orders issued against them from possessing firearms. 18 U.S.C. sec. 922(d)(8)-(g)(8) (1994). This provision may be unavailable in cases where the abuser consents to the issuance of a protection order but the order clearly states on its face that the abuser is not admitting to any of the acts alleged in the petition or states that the court is making no finding. For this reason and for the immigration purposes discussed below, women should not agree to such consent protection orders when the respondent possesses weapons or when the victim will be filing for relief under VAWA.

Only after he has successfully completed substance abuse treatment should he be ordered into a batterer's intervention program.

If the respondent is not fluent in English, he should be ordered to attend a certified program conducted in the language he speaks. If no such program is available, he should be ordered to arrange for an interpreter to accompany him to all sessions. If counseling is not made available in the appropriate language or through an interpreter, abusers will use this as an excuse to avoid attending counseling sessions. This issue must be addressed in the order anytime the abuser's native language is not English.

- ✓ ***Temporary custody of the minor child(ren) is awarded to the petitioner until further order of this court or the expiration date of this order.***

Include a custody order as part of a protection order when children are involved. At least one study has shown that approximately 70% of batterers also physically abuse their children, indicating that the risk of physical danger to the children is high.¹⁴⁵ Even when children have not been abused themselves, studies show that children living in violent homes are adversely affected.¹⁴⁶ After battered immigrants separate from their abusers, relationships with the children may become the conduits through which abusers maintain control over their former partners. When legal custody is not included in the protection order, a battered immigrant may be required to negotiate child-related concerns with the abuser, or be viewed as an uncooperative, unfriendly parent.

If custody is not awarded to the battered immigrant as part of her protection order, it becomes much more likely that she will return to her abuser. Most battered immigrants have very little information about the American justice system. What information they do have about our legal system often comes from what their abusers have told them. Many battered immigrants are from countries which always award custody of children to the father because he, as the male head of household, has a superior legal right to the children. Thus, she may mistakenly believe that as the father and as a citizen or permanent resident, he will gain custody under U.S. laws. The abuser may tell a battered immigrant that if she leaves him, he will be granted custody and she will never see the children

¹⁴⁵Bowker, Arbitell, & McFerron. *On the Relationship Between Wife Beating and Child Abuse*. FEMINIST PERSPECTIVES ON WIFE ABUSE. Kersti Yllo & Michelle Bogard, eds. (1988).

¹⁴⁶See e.g., Howard A. Davidson. *The Impact of Domestic Violence on Children: A Report to the President of the American Bar Association*. American Bar Association Center on Children and the Law (1994).

again. If a battered woman goes to court and obtains a protection order that does not award her custody, she has no reason to believe she will be able to attain legal custody of her children. Failure to award custody to the battered immigrant thus reinforces her abuser's control over her.

✓ ***The respondent has rights of visitation with the minor child(ren) under the following conditions (specific requirements).***

Protection orders must address visitation concerns. When the petitioner is granted custody, most courts will grant visitation rights to the abuser. Respondents retain visitation rights in 60% of protection order cases, and only 11% of cases require supervised visitation.¹⁴⁷ Visitation provides an opportunity for continued abuse and control, unless there are clear provisions to minimize this risk. It is therefore important to craft a visitation arrangement that ensures the safety of the petitioner and the children. Protection orders which are tailored to the individual needs of battered women provide the greatest opportunity for effective intervention.

The National Council of Juvenile and Family Court Judges recommends against unsupervised visitation until the abusive parent has successfully completed a domestic violence treatment program and, if warranted, a substance abuse treatment program. Supervised visitation can be arranged through either an approved third party or a local supervised visitation center. If a visitation center is not available and third party supervision is being requested, it is advisable for advocates to work with battered women to identify third persons who she feels could supervise the visits in a manner that protects her safety and the safety of her children. This could include clergy, social workers, friends, or family members whom she trusts. The court can also order that the respondent not use drugs or alcohol during visitation or for the 24 hours prior to the visitation. If the respondent violates this order, visitation can be automatically suspended.

If the petitioner believes that visitation need not be supervised, the order should clearly state when, where, and how visitation should take place. If there is a stay away or no contact provision, the order should specify a drop off and pick up arrangement that will not result in contact between the parties, such as having the children picked up by a third party from one parent and delivered to the other. Alternately, the children could be picked up and dropped off at a family member's home. If this is not possible, exchange of the children should occur in a public place such as a museum, McDonald's, or local police precinct. If the pick up and drop off

¹⁴⁷Keilitz, Hannaford & Efke, 1997.

will be at a public place other than the police station, the petitioner should enlist the help of a third person to accompany her and serve as a witness if necessary.

If there is no reasonable way that the petitioner and/or the children can be safe during visitation, request that visitation rights be suspended until further order of the court. Be prepared to show the judge why visitation is not feasible and argue that continued conflict between the parents is not in the child(ren)'s best interest.

- ✓ ***The respondent shall pay child support for (minor child) in the amount of (dollar amount), biweekly and/or spousal support for the petitioner in the amount of (dollar amount), biweekly.***

Protection orders for all battered women who have a minor child with the respondent should also include child support awards and, where possible, spousal maintenance awards. Use your state's child support guidelines to determine the amount of the award and make certain that child support orders are paid through wage withholding so the respondent cannot use child support payments as a coercive tool. Other monetary payments could include payment of specific bills, health insurance, rent or mortgage payments, or spousal support. When health insurance coverage for children is ordered, the respondent must be required to provide evidence to the court by a specified date that the children have been included in the health insurance coverage.

Financial relief may be particularly important for battered immigrants who are undocumented, who do not have work authorization, or who have VAWA self-petitions pending and are only able to obtain limited public assistance. Without the ability to support themselves or their children, battered immigrants may be forced to return to their abusers.

Furthermore, obtaining a child support award for a battered immigrant who seeks lawful permanent residency from the INS will strengthen her ability to attain that relief. This will enable her to demonstrate to the INS that she is a person of good moral character who has taken all possible steps to secure financial support for her children. Obtaining a child support award will also help her demonstrate how she will support herself and her children without becoming a public charge.

- ✓ ***The respondent shall pay for the repair of the door to petitioner's apartment and all costs associated with the changing of petitioner's locks and all medical expenses the petitioner incurred as a result of respondent's violence.***

Courts can order the batterer to provide monetary relief to the victim. Victims may be entitled to reimbursement for economic losses, including: medical costs, repair of damaged property, attorney's fees, and court costs. For battered immigrants who may be undocumented, requiring the abuser to pay medical expenses and costs associated with damages to property serves important purposes. Requiring the abuser to pay her medical expenses reduces the victim's need to rely on public assistance or Medicaid. Requiring him to pay for damages to the family home may help prevent the abuse victim's eviction from the family home.

- ✓ ***The (local) Police Department shall assist the petitioner in enforcing this order and shall pay special attention to calls for assistance from petitioner and/or (petitioner's address).***

Advocates may ask the court to instruct law enforcement to transport the petitioner to a shelter, accompany the petitioner home, serve process, and assist with vacate orders or orders dealing with the relinquishment of personal property or weapons. They can also be ordered to monitor the victim's residence and respond quickly to future calls from that residence.

Catch-all Provisions

Most protection order statutes include a "catch all" provision which can be used creatively to obtain specific relief that responds to the particular needs of each battered woman who comes before the court for help to stop domestic violence.¹⁴⁸ These provisions are particularly helpful for battered immigrants. Such provisions can be used to ensure that protection orders address potential areas of ongoing conflict, and can remove barriers that prevent victims from leaving their abusers. They also provide an avenue to address concerns specifically related to the petitioner's culture and her immigration status.

Catch-all provisions have been broadly interpreted and generally allow courts to order additional relief as necessary to prevent further abuse. In *Powell v. Powell*,¹⁴⁹ for example, the District of Columbia Court of Appeals held that courts had the authority to grant monetary relief in civil protection order proceedings, although this remedy was not specifically provided by statute.¹⁵⁰ Similarly, In *Maldonado v. Maldonado*,¹⁵¹ the Court confirmed that the catch-all provision covered a wide range of relief, including provisions to assist the battered immigrant petitioner. In *Maldonado*, the court ordered that:

¹⁴⁸ *But see* IND. CODE ANN. Sec. 34-4-5.1-2 (West 1997); KAN. STAT. ANN. Sec. 60-3107 (1996).

¹⁴⁹ 547 A.2d 973 (D.C. 1988).

¹⁵⁰ *Id.* at 975.

¹⁵¹ 631 A.2d 40 (D.C. Ct. App. 1993).

“the husband shall relinquish possession and/or use of the wife’s pocketbook, wallet, working permit, ID card, bank card, Social Security card, passport, and any other item of the children’s personal belongings, table, four chairs and dishes . . . the husband shall not withdraw the application for permanent residence that he had filed on behalf of the wife.”¹⁵²

Specific Provisions Which May Be Used to Assist Battered Immigrants

When assisting a battered immigrant with her protection order petition, it is important to screen her for eligibility for immigration relief under the Violence against Women Act (VAWA) (see Chapter 8 for more specific information). To obtain this relief, the INS requires that battered immigrants meet a high level of proof as to the violence and eight other elements of proof. Protection orders can be used creatively to obtain some of the evidence that will be needed by the immigrant client to successfully pursue her immigration case. Moreover, creating a protection order that addresses the immigration concerns of the client will reduce her fears of deportation and the likelihood of deportation actually taking place.

It is important that battered immigrants who request creative remedies provide testimony to the judge about why this relief is related to stopping the violence. She should show how this relief will prevent future harm to her or enhance her ability to flee her abuser and create a safe life for herself and her children. Local judges may not be willing to include these provisions in protection orders. If this is a problem in your jurisdiction, your agency will need to educate local judges about the importance of these provisions for VAWA-eligible women and children. If judges are still unwilling, you should consider enlisting the help of attorneys to appeal the judge's denial of the relief (see discussion of appeals below). The following provisions in protection orders can be particularly helpful:

- ✓ ***The respondent shall give petitioner access to, or copies of, any documents supporting petitioner’s immigration application.***

If a battered immigrant’s husband has filed papers for her with the INS, the petitioner may need access to this documentation. The petitioner should consult an immigration attorney to find out which documents should be requested. Only an immigration attorney should contact the INS to determine the status of pending applications or make any other inquiry on a battered immigrant's behalf. **Relationship to the violence**: Enhances the client’s ability to obtain legal immigration status; Counters his threats of deportation.

¹⁵²*Id.* at 40-41.

- ✓ ***The respondent shall not withdraw the application for permanent residency which has been filed on petitioner's behalf.***

Abusers who have filed applications for permanent residency on behalf of their abused spouses frequently threaten to withdraw such applications if the victims seek help to end the violence or leave the relationship. This type of provision in a civil protection order may provide enough leverage in some cases to prevent abusers from withdrawing such applications. The amount of evidence which a U.S. citizen or lawful permanent resident spouse must provide to attain lawful permanent residency for a spouse is substantially lower than the burden of proof that a battered immigrant must meet under VAWA. Thus, for many battered immigrants, requiring the abuser to cooperate by completing the petition he has already filed is an option that should be pursued, if possible. Additionally, when the battered immigrant will be filing for VAWA relief, this provision protects her from her abuser turning her into the INS and having her detained before he has been able to file her self-petition. Once she has filed her self-petition, VAWA's confidentiality provisions preclude the INS from relying upon unfavorable information provided to them by her abuser. **Relationship to the violence:** Protects her from being arrested or turned into the INS when, but for his abuse, she lacks legal immigration papers.

- ✓ ***The respondent shall not contact INS, the (insert particular) Consulate, or the (insert particular) Embassy about petitioner's immigration petition.***

When an abuser has filed a case with the INS on the victim's behalf, he may withdraw that case by contacting the INS. He may also interfere with her ability to ultimately receive her lawful permanent residency under that case by contacting the U.S. Consulate or Embassy processing the case. If an abuser has threatened to have the victim deported, this type of provision may prevent an abuser from interfering with the petitioner's immigration case, since the threat of contempt or a misdemeanor charge will be present. **Relationship to the violence:** Prevents her abuser from carrying out threats to have her deported.

- ✓ ***The respondent shall take any and all action necessary to ensure that the petitioner's application for permanent residency is approved.***

This type of general provision can also be used to prohibit an abuser from revoking or failing to cooperate in completing the process he has initiated to keep the abuse victim from obtaining her lawful permanent residency status based on her marriage to the abuser. **Relationship to the**

violence: Prevents her deportation by requiring the abuser to follow through with the application he has filed on her behalf.

- ✓ ***The respondent shall pay any and all fees associated with the petitioner's and/or children's immigration cases.***

This provision could assist battered spouses with paying the financial fees or penalties required to pursue particular immigration actions.

Relationship to the violence: Where the respondent could have filed for immigration relief for the petitioner or where his violence has made her eligible for immigration benefits, this removes his financial control over her ability to attain lawful immigration status and work authorization.

- ✓ ***The respondent shall immediately relinquish possession and/or use of and transfer to the petitioner the following items:***

(This provision should be coupled with police assistance in retrieving these documents or items. Requesting in open court that the respondent surrender these items by a certain date increases the risk that he will destroy or hide the documents. Alternately, he should be ordered to appear in court with those items and documents on the day of the hearing or the next day. He should be informed by the judge that he will face imprisonment and will be required to pay all costs associated with replacing such documents or items if he fails for any reason to turn them over. For a more complete list of items, see Chapter 8.)

- ***Petitioner's Property (culturally and personally important items)*** - These could include photos of family members in the petitioner's home country, personal religious items such as rosaries or family bibles, mementos from the petitioner's home country, pictures of her children, gifts from family members, letters, books, clothing, or the petitioner's pocketbook. **Relationship to the violence:** Prevents the abuser's destruction of the victim's personal items; reduces his ability to perpetrate emotional abuse.
- ***Petitioner's Property (needed to prove or attain legal status in the United States)*** - This could include the Petitioner's work permit, ID card, bank card, social security card, passport, alien registration receipt card or passport stamp to prove permanent residency (if applicable). Battered immigrants may qualify for a range of immigration relief, especially if they are married to abusive U.S. citizens or lawful permanent residents. Protection orders can be used creatively to obtain evidence needed to prove VAWA and other domestic violence-related immigration cases. The above-

mentioned items can be useful in proving elements of a VAWA self-petition case, or may be needed to prove alternative immigration cases. When the battered immigrant is a lawful permanent resident or a non-immigrant visa holder with permission to live and work in the U.S., she will need these documents to prove that status.

Relationship to the violence: Helps battered immigrants attain legal status; counters abuser's threats of deportation.

- ***Copies of Information about or Documents of the Respondent (VAWA related)*** - These could include the Respondent's passport, certificate of naturalization or citizenship, alien registration receipt card or passport stamp to prove permanent residency, work permit, ID card, bank card, baptismal certificate, and Social Security card. Similarly, these items may be needed to prove elements of an immigration case, such as the respondent's immigration status. **Relationship to the violence:** Unless a battered immigrant spouse or child can prove that their abuser is a lawful permanent resident or citizen, they will not be granted immigration benefits under VAWA. By barring access to evidence of his immigration status, the abuser can continue to control his victim's access to legal immigration status.
- ***Evidence of a Good Faith Marriage*** - This includes the parties' marriage license application, marriage certificate, wedding photos, photos from family trips or events, papers, documentation, or other objects relating to the marriage, copies of the respondent's divorce certificates for any previous marriages and/or information about where such divorce decrees may be obtained. Such documentation may be needed to prove that the battered spouse entered into a good faith marriage, one element of a VAWA immigration case. **Relationship to the violence:** Needed to counter the respondent's threats of deportation.
- ***Other Materials Needed by the INS that Establish that the Parties have Resided Together and that the Petitioner Currently Resides in the United States*** - This includes children's school records, leases, rent receipts, utility bills, cancelled mail addresses to either or both of the parties at the same addresses, and income tax returns. This documentation may be needed to prove that the parties resided together in the United States and to establish the validity of the parties' marriage. **Relationship to the violence:** Enhances the petitioner's ability to attain legal immigration status and undermines the abuser's control over her.

- ✓ ***The respondent shall pay to the petitioner through the court all costs associated with replacing documents destroyed, hidden, or claimed to be missing by the respondent, including the petitioner's or the children's passports, social security cards, alien registration cards, birth certificates, work permits, bank cards, or drivers' licenses.***

Many times the abuser will destroy or hide documents that establish the petitioner's or the children's identities, legal authorization to work, or legal immigration status in the United States. In many countries, these documents are essential to everyday life and it may be illegal to circulate in society without an identification card. The taking or destruction of important documents is a means of exerting control over one's life that is often used by abusers of immigrant women. This tactic can also interfere with a battered immigrant's ability to attain legal immigration status in the U.S. or confirm that she has legal status or legal permission to work. Since many abusers who have destroyed or hidden documents will deny that fact, this provision requires that the respondent pay for replacing papers that he denies having destroyed or that cannot be accounted for. **Relationship to the violence:** Interferes with his ability to continue exerting control over the battered immigrant's life; makes the abuser pay for his choice to hide or destroy her important documents.

- ✓ ***The respondent shall sign a document in open court in which he provides under oath, both orally on the official court record and in writing the following information: the state, county, and city of his birth, and the hospital in which he was born. The respondent shall sign the state form required to obtain a copy of his birth certificate in open court.***

This provision will allow the petitioner to obtain a copy of the respondent's birth certificate. This is needed to prove his citizenship for a VAWA immigration case. If the information as to his birthplace is provided in open court, the judge should set another court date at which the respondent shall sign the necessary forms. **Relationship to the violence:** Cuts off avenue through which the abuser could control the petitioner's access to legal immigration status.

- ✓ ***The respondent shall sign a prepared FOIA (Freedom of Information Act) form with the results of this form to be sent the petitioner or the petitioner's attorney.¹⁵³***

¹⁵³Suggested OFP Relief for Battered Immigrants. Centro Legal (3/16/98).

FOIA requests are used to obtain copies of a respondent's immigration case file. The files may be his immigration case in which he obtained lawful permanent residency, the file in which he became a naturalized citizen, or the file that he completed on behalf of his abused spouse or children. This is useful if the respondent has been withholding information from the petitioner about the status of the immigration petition that he filed on her behalf. She cannot access this information without his permission and signature on the FOIA. Requiring that a FOIA request be signed by the respondent can also be used when the INS has in its records information that is needed to prove that the respondent is a citizen or lawful permanent resident or needed to prove the respondent's prior divorces. (See Appendix for a sample FOIA form.) **Relationship to the violence:** Undermines the abuser's control over the petitioner's immigration status.

- ✓ ***The respondent shall under oath sign a document in open court stating whether he has been previously married and identifying the jurisdiction in which each prior marriage was terminated, including the date each prior divorce or annulment order was issued. He shall also state whether or not he has copies of his divorce or annulment decree(s) and shall turn over to the petitioner copies of each decree.***

In order to qualify for relief under VAWA, battered immigrants must prove to the INS that they are legally married to a U.S. citizen or lawful permanent resident. Proving that their current marriage was legal requires proof that any previous marriages were dissolved. **Relationship to the violence:** Proves that the current marriage is not bigamous and counters the abuser's control over the petitioner's immigration status.

- ✓ ***The respondent shall not remove the children from the court's jurisdiction and/or the United States absent a court order and shall relinquish the children's passports to the petitioner or the court.***

Batterers often threaten to abduct children as a control tactic, and carry out such threats. It is estimated that 354,000 children were abducted by parents or family members in the United States in 1988.¹⁵⁴ Among these abducted children, 31.8% are suspected to have been taken outside of the U.S.¹⁵⁵ When batterers remove children to other countries, it may be particularly difficult to trace or retrieve the children. A copy of this court

¹⁵⁴Linda K. Girdner, PhD and Patricia M. Hoff, Esq. *Obstacles to the Recovery and Return of Parentally Abducted Children*. Department of Justice - Office of Juvenile Justice and Delinquency Prevention. 1 (1994).

¹⁵⁵Catherine F. Klein and Leslye E. Orloff. *Providing Legal Protection for Battered Women: An Analysis of State Statutes and Case Law*. 21 HOFSTRA L. REV. 801. 981, n.4 (1993).

order must be forwarded to the United States Department of State - Office of Passport Services to prevent the issuance of passports or duplicate passports for the children if the respondent attempts to obtain them.

Relationship to the violence: Inhibits the respondent's ability to kidnap the children. This provision should be included whenever the abusive relationship has included threats of parental kidnapping.

- ✓ ***The respondent shall sign a statement that will also be signed by the petitioner and the judge informing a (particular) embassy or consulate that it should not issue visitors' visas or any other visa to the child of the parties absent an order of the court.***

A copy of this court order must then be filed by the petitioner with any potentially relevant consulates, embassies, passport offices, and airlines to prevent the issuance of a visa and the removal of the parties' children from the United States. **Relationship to the violence:** Prevents international child snatching and inhibits the respondent's ability to use the children as a tool of continuing abuse.

Warnings

Finally, include in all Civil Protection Orders the following written warning that states the potential immigration consequences of violating the order and committing domestic abuse:

The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (as codified at 8 U.S.C. Sec. 1227(a)(2)(E)) makes a violation of this Order a deportable offense. If you are not a U.S. citizen, *which includes being a lawful permanent resident or other lawfully present noncitizen*, violation of this Order may result in your being deported.

The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 also makes a conviction for a crime of domestic violence, stalking, child abuse, child neglect, or child abandonment a deportable offense. If you are not a U.S. citizen, *which includes being a lawful permanent resident or other lawfully present noncitizen*, and you violate this order or are convicted for one of the above listed offenses, you may be deported (see Chapter 10 for more information).¹⁵⁶ (Note that this warning is reprinted in the Appendix of this manual so that advocates can bring copies of it to court and include it in or attach it to civil protection order petitions).

Trial Issues

¹⁵⁶Suggested OFP Relief for Battered Immigrants. Centro Legal (3/16/98).

- ✓ **Service of Process:** Most states specifically provide that notice of the protection order hearing and any *ex parte* order be served personally on the respondent. Many require the police to serve the respondent. Some states allow for service by mail or publication if personal service cannot be effected.¹⁵⁷
- ✓ **Standard of Proof in *Ex Parte* Proceedings:** The standard is generally good cause, but may vary by state. Good cause may be shown by testimony and other evidence that the respondent abused the victim and that the victim reasonably fears abuse in the future.¹⁵⁸
- ✓ **Standard of Proof in Full Protection Order Proceedings:** The standard is generally a preponderance of the evidence, but may vary by state.¹⁵⁹ The burden usually can be met by showing that the petitioner has been the victim of recent abuse by the respondent. Courts have acknowledged that past abuse is a factor to consider in determining whether the standard of proof has been met. Thus, it is highly recommended that the petitioner include an overview of the history of violence in the relationship in her protection order petition. She should include as many specific incidents of violence and threats as she can remember with approximate dates. She should also include a sentence in her petition stating that "the abuse in the relationship began in (year) and has continued to date with violent incidents occurring approximately every (week, month, etc.) and with incidents typically including (slaps, kicks, punches, threats, etc.)." This will allow the petitioner to submit evidence at the protection order of any incidents that occurred during the relationship.

A petitioner can meet the standard of proof and obtain a protection order based on her testimony alone. However, using witnesses, photographs, medical reports, and police reports whenever possible to corroborate the victim's testimony will help victims obtain comprehensive remedies addressing their particular needs. Such evidence will also assist the petitioner in proving her case if the respondent contests the case, comes to court with an attorney, or seeks custody of the children.

- ✓ **Preparation:** Prepare battered immigrants thoroughly for the protection order hearing or any legal proceeding, including a review of the court procedures, potential questions that will be asked, and proper courtroom behavior. Ask immigrant clients about their expectations of the legal system before describing how the U.S. legal system functions and help them understand how our system

¹⁵⁷Catherine F. Klein and Leslye E. Orloff. *Providing Legal Protection for Battered Women: An Analysis of State Statutes and Case Law*. 21 HOFSTRA L. REV. 801, 877-80 (1993).

¹⁵⁸*Id.* at 1043-48.

¹⁵⁹See Catherine F. Klein and Leslye E. Orloff. *Providing Legal Protection for Battered Women: An Analysis of State Statutes and Case Law*. 21 HOFSTRA L. REV. 801 (1993).

differs from the legal system in their home countries. This explanation will help the client better understand the proceedings and may significantly improve her credibility as a witness. She will testify more effectively if she thinks the court will believe her, if she knows that in our system testimony is valid evidence, and if she knows that the respondent cannot pay off the judge to win. To further allay any fears that the client has, it can be very helpful to take her to court in advance of her court date so that she can observe how judges issue protection orders. Clients can then observe that women testify, and that based on their testimony, judges do issue protection orders to them.

Be sure that a professional interpreter is available if needed. The court may not always provide interpreters or may charge fees for interpreting services. Interpreters from within the family or a tight-knit cultural community may not translate appropriately due to shame, embarrassment, or loyalty to the respondent. Qualified interpreters may be identified through nonprofit organizations in the petitioner's cultural community, through a local university, or through your agency.

It is important to note that the psychological impact of physical, psychological and sexual abuse can interfere with the quality and credibility of a battered immigrant's testimony. The victim may appear angry, hostile, withdrawn, passive, anxious, terrorized, or numb. Each of these presentations may be "normal" reactions to trauma. A battered immigrant's demeanor and oral testimony in court may be strongly affected if the victim is encountering the batterer for the first time again. However, a victim with strong support from family, friends, and advocates will appear more assertive, strong, and competent as a witness.¹⁶⁰

- ✓ **Negotiating a consent order:** Attempt to negotiate a consent order with the respondent or the respondent's counsel (if represented). If the respondent is unwilling to consent to provisions which protect the petitioner's or children's physical safety and economic security, be prepared to litigate the case.

Battered immigrant clients should not accept a consent protection order which states that it is being issued without a finding of abuse or an admission by the respondent. Such statements can undermine the petitioner's immigration case. Advise your client to sign the consent order or to litigate the case based on the strength of your case, the court's willingness to grant the specific provisions you are seeking, your client's desire to testify and/or hold the batterer accountable, and the need for a judicial finding of domestic violence for future immigration, welfare, or custody cases. Prioritize your client's safety, including her ability to obtain immigration relief without her abuser's cooperation. Request all the relief

¹⁶⁰Dr. Mary Dutton and Giselle Haas. From forthcoming American Bar Association Manual on VAWA cases. To be published in 1999.

that the battered immigrant needs. If the judge denies the relief to the client, the advocate or the client's attorney must state: "Objection, your Honor. Could you please state for the record why this relief is being denied?" This will create a record for appeal (see discussion of appeals below).

Note that this process is a negotiation. Domestic violence cases should never be mediated. If the respondent will not consent, the battered immigrant petitioner should ask the judge to hold a hearing and issue the protection order at the hearing. When the petitioner has with her evidence that will corroborate some portion of her testimony as to at least one incident of violence, the risk of litigating should be negligible. Obtaining a consent protection order that denies any finding to the violence may in the long run undermine the petitioner's immigration case or heighten the danger to her.

▪ **Provide testimony and evidence informing the court about:**

- ✓ the history of violence
- ✓ injuries to the petitioner
- ✓ the impact of the violence on the petitioner and/or the children, including threats to abduct the children
- ✓ use of control over the petitioner's access to legal immigration status as a tool to maintain power and control and perpetuate violence.
- ✓ the respondent's access to weapons
- ✓ threats made against petitioner and/or family members
- ✓ drug and/or alcohol abuse by the respondent
- ✓ respondent's history of mental illness
- ✓ threats of suicide by the respondent
- ✓ respondent's criminal record

Bring in persons to testify who may have witnessed the violence itself, seen the injuries that resulted from the abuse, or who may have arrived at the home while the violence was taking place or shortly thereafter (e.g., police). Police officer witnesses will be less subject to the intimidation from the abuser than other witnesses. Advocates should check local court rules for issuing witness subpoenas to ensure that witnesses come to court on the petitioner's behalf. Other forms of corroborating evidence might include photographs; items torn,

burned or destroyed during the violence; police records; transcripts of 911 calls; and medical records. If the respondent is unwilling to agree to a consent protection order in which he admits to at least one incident or threat of violence or that includes a finding that abuse occurred, the victim will need to be prepared to present her case with some corroborating evidence. This is particularly important if a battered immigrant will be filing for immigration relief or welfare benefits based on the violence that she has experienced.

- ✓ **Right to a Jury:** The respondent has no right to a jury in proceedings for the issuance or modification of protection orders.¹⁶¹
- ✓ **Right to Counsel:** The respondent has no right to appointed counsel in the issuance or modification of a protection order, even when custody is at issue.¹⁶²
- ✓ **Double Jeopardy:** Double jeopardy does not affect the issuance or modification of a protection order. Criminal prosecution for a specific act should never preclude the victim from filing for a protection order based on that same incident. It is always advisable for a battered immigrant to obtain a civil protection order even when a stay away order is issued in a criminal case. If the prosecution dismisses the criminal case, a criminal stay away order will cease even though the victim needs continued protection.

Mutual Protection Orders

- ✓ A mutual protection order is one that is entered against both parties, requiring both parties to abide by the restraints and other forms of relief in the order. Batterers often file false petitions for civil protection orders (in addition to false criminal charges) after victims take legal action against them. Some batterers do not file petitions, but allege during civil protection order hearings that they have also been abused. Under these circumstances, courts sometimes issue mutual protection orders under the mistaken belief that such orders will prevent future violence against either party. However, when mutual protection orders are entered against innocent victims, both batterers and victims learn that the system can be manipulated, and that courts are unwilling to determine who has been abused and order appropriate legal protection. For this reason and the heightened danger these orders pose for victims, these orders are unenforceable under the full faith and credit provisions of the Violence Against Women Act.
- ✓ Each party may obtain an order against the other that will be afforded full faith and credit only if the following safeguards are met: 1) a petition articulating grounds for issuance of each order was filed; 2) the person against whom the

¹⁶¹Catherine F. Klein and Leslye E. Orloff. *Providing Legal Protection for Battered Women: An Analysis of State Statutes and Case Law*. 21 HOFSTRA L. REV. 801, 1070 (1993).

¹⁶²*Ibid.*

order was entered was served with notice of the petition; 3) the person against whom the order was entered had an opportunity for a hearing before a court; and 4) the court made specific findings that each party was entitled to such an order.¹⁶³

- ✓ Be wary of mutual orders entered against the petitioner without the respondent filing a petition, presenting evidence of abuse, and obtaining a court ruling that your client committed an offense of domestic violence. Orders of this kind violate the petitioner's due process rights and should be opposed.¹⁶⁴ For battered immigrants, such orders may also undermine the petitioner's access to legal custody of the children, immigration protection, and welfare benefits provided to battered immigrant women.

For battered immigrants, it is particularly important that they successfully contest the entry of any protection order against them either as a mutual protection order or an order filed by her abuser. If the client acted in self-defense, she must put forth and prove those claims and have all cases against her dismissed if possible. Any time a protection order is issued against a battered immigrant, she must be clearly informed that any violation of that order could lead to her deportation.

Protection Order Modification

If your client wishes to change any provisions of her protection order, she may file a motion to modify the order. Inform her that this is her right and support her decision. If she wants to reunite with her abuser, she may do so without being deemed to have violated her protection order.¹⁶⁵ However, judges in contempt actions may be more lenient in sentencing abusers when the victim and abuser have reunited after a CPO was issued that included a stay-away order. If the petitioner is reuniting with her abuser, it is advisable that she seek modification of her protection order. Remind her that she can reinstate the old provisions of her protection order if the parties again separate. Work out a safety plan with her to help her flee if the respondent behaves violently in the future.

Appeals

As more and more battered immigrants seek protection orders, courts are seeing higher case loads and are seeking ways to dispose of these cases more quickly. In response, some jurisdictions have begun to encourage greater numbers of consent protection

¹⁶³18 U.S.C. Sec. 2265(c)(1)(2) (1994).

¹⁶⁴Catherine F. Klein and Leslye E. Orloff. *Providing Legal Protection for Battered Women: An Analysis of State Statutes and Case Law*. 21 HOFSTRA L. REV. 801, 1074-78 (1993).

¹⁶⁵In all states except Iowa, which may prosecute abuse victims for aiding and abetting the abuser's violation of the court order if the parties resume living together in violation of court orders.

orders. In the process of doing so, these jurisdictions have developed court forms in protection order cases that allow respondents to consent to protection orders while stating on the face of the order that he/she is making no admission to the violence and/or that the court is entering the order without making any finding as to abuse.¹⁶⁶

This is a dangerous trend for abuse victims for a number of reasons. First, it may undermine the ability of courts to have abusers turn over weapons. Second, it limits victims' access to immigration relief and public benefits. Third, it allows the abuser to avoid accepting responsibility for his violent and abusive behavior, thereby undermining the protection order's effectiveness.

Advocates and attorneys must encourage battered immigrant clients to object to these consent orders and request a full protection order hearing. If the judge refuses to hold the hearing, the petitioner should object and appeal the decision. If the judge holds the hearing but retaliates in some way against the petitioner for demanding this hearing, she should also appeal. The victim's ability to win a hearing and/or appeal will be much improved if she has come to court ready to testify and with some evidence corroborating at least one incident of abuse. By doing so, the petitioner should be able to successfully argue that courts do not have the jurisdiction to issue protection orders without a finding or admission of abuse. Judges who are sensitive to domestic violence issues have for years been issuing consent protection orders in which the respondent agrees to the terms of the order and the judge assumes jurisdiction to issue the order based on the credibility of the petitioner and uncontroverted allegations in the petition. This is a more appropriate approach that is consistent with the protective purpose of protection order statutes. This approach is also consistent with how courts rule in a broad variety of civil actions in which one party pleads facts that are not contested by the opposing party.

Battered immigrants should further appeal a judge's decision when a protection order is issued that fails to include critical creative relief provisions. These creative provisions could be related toward addressing the battered immigrant's emotional well-being, concerns about child custody, economic survival, or access to immigration or welfare benefits. Judges may also refuse to issue protection orders when the parties will continue residing together although state statute does not tie the issuance of a protection order to separation. If creative relief is denied, battered immigrants, their advocates, or their attorneys should object on record and file an appeal. Very often judges will deny relief because what is being requested is out of the ordinary. Appealing these rulings and establishing case law to the contrary will not only help the particular battered immigrant in court, but will help large numbers of other battered women in the future.

To appeal a protection order case, the petitioner must find an attorney. If the local coalition or shelter program cannot recommend an attorney who will take the appeal for free, contact pro bono coordinators for local law firms who are often more interested in taking appeals cases than cases at the trial level. The local law school

¹⁶⁶See court forms from Honolulu, HI and Des Moines, IA.

may have a clinic or a professor who will take the case. The National Network on Behalf of Battered Immigrant Women can provide assistance to the attorney working on the appeal, assistance in identifying attorneys who may take the case, and can submit an amicus brief in the appeals case in support of the petitioner's position. Call Immigrant Women Program, NOW Legal Defense and Educational Fund after 9/1/99 for any of this type of assistance at (202) 554-4470.

Common Questions and Answers:

1) Are civil protection orders effective?

Civil protection orders can be effective in shifting the balance of power between an abuser and a victim. Studies have shown that in most cases (70%), the issuance of a civil protection order decreased the physical violence in the relationship, and made petitioners feel more secure.¹⁶⁷ Civil protection orders may be more effective when used with other forms of relief. In some cases, they may not deter an abuser. When the abuser is an immigrant or naturalized citizen, anecdotal evidence indicates that protection orders can be even more effective in reducing violence than when they are issued against US-born abusers. Immigrant abusers may be more afraid of repercussions if they violate court orders and are thus more willing to comply with protection orders.

2) Can a client who is not a United States citizen or a lawful permanent resident obtain a protection order?

Yes. Protection order statutes are designed to deter the commission of criminal acts against intimate partners or spouses, or family members. All persons are entitled to this protection, regardless of immigration status. Any other approach would allow abusers to continue to use violence against their partners, so long as their partners were immigrants. There have been a few reported incidents in which courts or police officers have inquired about the immigration status of victims requesting assistance. Attorneys and advocates should contact local shelters, coalitions, or immigrant rights groups to determine whether this issue has surfaced in their area (see Chapter 13 of this manual for a discussion of how to address this issue if it arises in your community).

3) What resources are available for family law attorneys who are helping battered immigrants obtain protection orders and custody of the children?

Battered immigrants are eligible for protection orders which in virtually all jurisdictions can include custody of their children. When custody is likely to be

¹⁶⁷Peter Finn & Sarah Colson. *Civil Protection Orders: Legislation, Current Court Practice, and Enforcement*. National Institute of Justice (1990).

contested in a protection order or other family court case, battered immigrants should seek legal representation. Abusers may attempt to raise the victim's immigration status to shift the court's attention away from the relevant issues of whether violence occurred and what is in the child's best interest. The court should not consider the immigration status of domestic violence victims and their children during protection order and custody proceedings because doing so is contrary to the best interests of the children.¹⁶⁸ Further, allowing the abuser to raise immigration issues in a custody case plays upon the victim's fears that she will lose custody, be deported, and never see her children again. When these issues are raised, the battered immigrant should be helped to find counsel to represent her. If these issues are not adequately addressed, she will be more likely to return to her batterer. For technical assistance on civil protection order and other family law cases involving battered immigrants, contact Immigrant Women Program, NOW Legal Defense and Educational Fund after 9/1/99 at (202) 544-4470.

¹⁶⁸Howard A. Davidson. *The Impact of Domestic Violence on Children: A Report to the President of the American Bar Association*. American Bar Association Center on Children and the Law. 20 (1994).

CHAPTER 10 – Protection Orders Enforcement and Criminal Prosecuting Involving Immigrants

The following links contain information relating to the U.S criminal justice system and the legal rights of battered immigrant victims.

- ***Battered Immigrants and the Criminal Justice System*** taken from Legal Momentum's Breaking Barriers: A Complete Guide to Legal Rights and Resources for Battered Immigrants manual:
http://iwp.legalmomentum.org/immigration/enforcement-detention-and-criminal-justice/tools/immigration-consequences-of-criminal-conduct/CRIMINAL_Battered_Immigrants_and_the_Criminal_Justice_System_BB_2004.pdf/view
- ***The Criminal Justice System and Immigrants Victims of Sexual Assault*** taken from Legal Momentum's In Empowering Survivors: Legal Rights of Immigrant Victims of Sexual Assault manual:
http://iwp.legalmomentum.org/immigration/enforcement-detention-and-criminal-justice/tools/criminal-justice-system-and-victims-of-domestic-and-sexual-violence/19_Criminal.pdf/view

CHAPTER 11 – Access to Public Benefits for Battered Immigrant Women

The following links contain information on the various types of public benefits available to battered immigrant women.

- ***Access to Programs that Help Battered Immigrant Women*** taken from Legal Momentum’s Breaking Barriers: A Complete Guide to Legal Rights and Resources for Battered Immigrants manual: http://iwp.legalmomentum.org/public-benefits/unrestricted-benefits/BB_4.1-Access_to_Services_that_Help_Battered_Immigrants-2006/view
- ***Benefits Access to Immigrant Women and Children*** taken from Legal Momentum’s Breaking Barriers: A Complete Guide to Legal Rights and Resources for Battered Immigrants manual: http://iwp.legalmomentum.org/public-benefits/benefits-for-qualified-immigrants/PB_BB-PublBens_for_Imm_Women_and_Children/view
- ***Accompanying Battered Immigrant to get Healthcare*** taken from Legal Momentum’s Breaking Barriers: A Complete Guide to Legal Rights and Resources for Battered Immigrants manual: http://iwp.legalmomentum.org/public-benefits/benefits-for-qualified-immigrants/PB_BB-Accompanying_Immigrants_Applying_for_Benefits.pdf/view
- ***Access to Healthcare for Immigrant Women Victim of Sexual Assault*** taken from Legal Momentum’s Empowering Survivors: Legal Rights of Immigrant Victims of Sexual Assault manual: <http://iwp.legalmomentum.org/public-benefits/health-care/CH17-Health-Chapter.pdf/view>
- ***Emergency Medicaid for Non-Immigrant Chart*** taken from Legal Momentum’s Empowering Survivors: Legal Rights of Immigrant Victims of Sexual Assault manual: http://iwp.legalmomentum.org/public-benefits/health-care/CH-17_SA-Manual_Emergency-Medicaid-Chart.doc/view
- ***Coverage for Forensic Costs for Undocumented Immigrants Chart*** taken from Legal Momentum’s Empowering Survivors: Legal Rights of Immigrant Victims of Sexual Assault manual: http://iwp.legalmomentum.org/public-benefits/health-care/CH-17_SA-Manual_Chart_PostAssaultHealthCare.doc/view
- ***Pre-natal care for qualified and non-qualified immigrants*** taken from Legal Momentum’s Empowering Survivors: Legal Rights of Immigrant Victims of Sexual Assault manual: http://iwp.legalmomentum.org/public-benefits/health-care/Ch17-SA-Manual_Charts_Pre-Natal_Care_Chart-Rev_11-11-08.doc/view

CHAPTER 12 – Verification and Reporting Requirements Under the U.S. Attorney General’s Guidance and Order

Chapter Highlights

This chapter discusses the four step procedure that public benefits agencies must follow when determining immigrant eligibility for public benefits and accessing the INS SAVE system. This chapter is geared towards advocates who may be accompanying immigrant clients to interviews at the local TANF, housing, food stamp, or public benefits office. The four step procedure is as follows:

- ✓ **STEP ONE: DETERMINE IF THE BENEFITS PROGRAM PROVIDES A "FEDERAL PUBLIC BENEFIT" SUBJECT TO PRWORA'S VERIFICATION REQUIREMENT (PRWORA IS THE WELFARE REFORM ACT OF 1996).**
 - ✓ Definition of "federal public benefit."
 - ✓ Definition of "exempted federal public benefits."
- ✓ **STEP TWO: DETERMINE WHETHER THE APPLICANT IS OTHERWISE ELIGIBLE FOR PUBLIC BENEFITS UNDER GENERAL PROGRAM REQUIREMENTS (I.E. INCOME GUIDELINES AND STATE RESIDENCY.)**
- ✓ **STEP THREE: VERIFY THE APPLICANT'S IMMIGRATION STATUS AS A U.S. CITIZEN, NON-CITIZEN NATIONAL, OR "QUALIFIED ALIEN."**
 - ✓ Definition of U.S. citizenship, Non-citizen National, and "Qualified Alien@ Status and supporting documentation.
 - ✓ Special criteria for battered immigrant applicants.
 - ✓ Verification to be done based on documents presented by an applicant. (Agencies are authorized to access INS computerized SAVE system only when documents on their face are questionable.)
- ✓ **STEP FOUR: VERIFY WHETHER THE APPLICANT MEET SPECIFIC ADDITIONAL PROGRAM REQUIREMENTS IMPOSED FOR SPECIFIC PROGRAMS.**
 - ✓ Program requirements for SSI, Food Stamps, TANF, and Medicaid.
 - ✓ The Five Year Bar to Benefits Access.
 - ✓ Concerns regarding the use of abuser’s "40 Qualifying Quarters.

CHAPTER 12

Verification and Reporting Requirements Under the U.S. Attorney General's Guidance and Order

by Leslye E. Orloff, Rachel Little, and Eun-gyoung Shin

INTRODUCTION

As welfare reform is being implemented, many benefits-granting agency personnel at the state level (i.e., TANF workers and other public benefits program workers) are unfamiliar with the manner in which they are required to evaluate whether or not non-citizens are eligible to receive public benefits. The U.S. Attorney General issued an Interim Guidance on November 3, 1997 to clarify how these benefits-granting agencies in the states are to determine immigrant eligibility for benefits.

Although benefits are supposed to be available to certain battered immigrants (including VAWA self-petitioners), few welfare office staff are knowledgeable about battered women's rights to receive benefits. Many are not familiar with the U.S. Attorney General Guidance. Thus, battered immigrants need the assistance of skilled advocates if they are to successfully obtain benefits. Furthermore, advocates who assist battered immigrants applying for benefits on behalf of their U.S. citizen or qualified immigrant children must be able to protect immigrant mothers from divulging unnecessary immigration status information about themselves. Battered immigrants should also be advised that accessing public benefits may affect their immigration case.¹⁶⁹

In August of 1998, the U.S. Attorney General issued proposed rules concerning the Systematic Alien Verification for Entitlements program (SAVE). This automated computerized program is operated and maintained by the INS and serves as the primary means for verifying an applicant's immigration status. Persons who can prove that they are U.S. citizens (through an official document such as birth certificate or other item listed later in the chapter) need not be screened through SAVE. Welfare agencies

¹⁶⁹Congress expressly provided access to public benefits for battered immigrants in the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRAIRA). IIRAIRA also exempted battered immigrants from deeming requirements. INS, however, has not yet issued regulations on public charge clarifying whether battered immigrants granted access to public benefits in IIRAIRA will ultimately be denied lawful permanent residency because they need public benefits to escape violence. Until INS has ruled on this issue, battered immigrants should be urged to rely on public benefits for only a short period of time. They should try to apply for their lawful permanent residency, if possible, only after they have been working. See *Public Charge Discussion in Chapter 11*.

have two years to begin implementing SAVE from the date that the proposed rules were issued.¹⁷⁰

Various civil rights laws prohibit discrimination against any applicant or recipient of services on the basis of race, color, national origin, gender, religion, age and disability.¹⁷¹ These laws apply to all organizations, private nonprofit or governmental, that provide federal public benefits.¹⁷² Similarly, the verification procedures set forth in the U.S. Attorney General's Guidance and Proposed Rules apply to all state and federal agencies and nonprofit organizations which provide federal public benefits with restricted immigrant access.¹⁷³

The goal of this chapter is to summarize the Interim Guidance issued by the U.S. Attorney General, the role of the SAVE system, and to explain the four-step procedure that federal public benefit providers are to use to verify citizenship, qualified alien status, and benefits eligibility under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA or Welfare Reform Act).¹⁷⁴ This chapter will further provide advocates with the informational tools they need to ensure that battered immigrant women and their children can get the public benefits they are entitled to without being subject to deportation or discrimination.

DEFINITIONS

Federal Public Benefits: Government funds that provide direct assistance to an individual, a family, or a household are considered federal public benefits (i.e. TANF, food stamps, and other programs listed below).¹⁷⁵

Federal dollars that domestic violence service programs and shelters receive to fund general operations and provide services **are not considered federal public benefits**. This federal funding carries with it no restrictions with regard to immigration status. If domestic violence programs receiving federal monies discriminate against immigrants

¹⁷⁰Verification of Eligibility for Public Benefits, 63 Fed. Reg. 41,661, 41,677 (to be codified at 8 C.F.R. pt. 104) (proposed Aug. 4, 1998).

¹⁷¹Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 62 Fed. Reg. 61,344 (1997).

¹⁷²*Id.* at 61,346.

¹⁷³*Id.* ; Verification of Eligibility for Public Benefits, 63 Fed. Reg. at 41,667.

¹⁷⁴Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 62 Fed. Reg. at 61,345. A copy of the Attorney General's Order has been included in the appendix of this manual. This Order applies directly to federal public benefits agencies but should be used as a guidance for state and local providers in conjunction with state and local authorities until such time that the U.S. Attorney General sets forth regulations for state and local benefits providers.

¹⁷⁵LESLYE E. ORLOFF. PUBLIC BENEFITS ACCESS FOR BATTERED IMMIGRANT WOMEN AND CHILDREN 12 (1998).

based on immigration status, they risk violating civil rights laws¹⁷⁶ and in the case of a shelter, fair housing laws.¹⁷⁷

Benefits-Granting Agency: Any federal, state, or local government agency, or its contractor, grantee, or designee (other than a nonprofit charitable organization) that disburses federal public benefits and determines the eligibility of applicants for any public benefit.¹⁷⁸

Qualified Alien: This term refers to non-citizens who are legally authorized to apply for and receive public benefits. The full discussion of qualified alien status is covered in this chapter.

Nonprofit Charitable Organizations: "**Nonprofit**" is defined by the U.S. Attorney General's Guidance as an organization that is operated for purposes other than making gains or profits for the organization, its members, or its shareholders.¹⁷⁹ "**Charitable**" is defined as it is generally accepted and developed by judicial decisions. This includes organizations that are dedicated to relief of the poor and distressed or the under-privileged.¹⁸⁰ Charitable organizations include those that are religiously-affiliated and educational organizations.¹⁸¹

NONPROFIT CHARITABLE ORGANIZATION EXEMPTION FROM VERIFICATION AND REPORTING

Organizations that are both nonprofit and charitable qualify to be exempt from immigration status verification and reporting. IIRAIRA recognized the need to provide greater access to programs that provide essential services in the community. As a result, it amended the PRWORA to eliminate the requirement for nonprofit and charitable organizations to seek an applicant=s confirmation that he or she is a qualified alien, or to have a separate entity verify the applicant=s status before providing federal, state or local benefits.¹⁸²

Non-profit charitable organizations are not required to verify immigration status of the persons whom they serve even if they receive federal, state or local funding.¹⁸³

¹⁷⁶Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 62 Fed. Reg. at 61,346.

¹⁷⁷See Chapter 7 of this manual for more information.

¹⁷⁸Verification of Eligibility for Public Benefits, 63 Fed. Reg. at 41,676.

¹⁷⁹Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 62 Fed. Reg. at 61,345.

¹⁸⁰*Id.* at 61,345-46.

¹⁸¹*Id.* at 61,346.

¹⁸²IIRAIRA, Pub. L. No. 104-208 § 508.

¹⁸³Verification, Reporting and Confidentiality in National Immigration Law Center *in* IMMIGRATION AND WELFARE RESOURCE MANUAL: 1998 EDITION Tab F-1, 1-2 (National Immigration Law Center ed., 1998).

Nonprofits are exempt from having to verify immigration status themselves, and from having anyone else verify immigration status for them before providing a service or benefit.¹⁸⁴ "Nonprofit charitable organizations" providing federal, state, or local public benefits covered by the Welfare Reform Act are **NOT REQUIRED** to determine, verify, or otherwise require proof of an applicant's eligibility for such benefits based on the applicant's citizenship or immigration status.¹⁸⁵

Most importantly, non-profits cannot be penalized for failing to verify citizenship or status or for providing federal public benefits to an individual who is not a U.S. citizen, U.S. non-citizen national, or qualified alien.¹⁸⁶

Non-profit service agencies are only barred from providing services that are defined as federal public benefits when an agency that is not exempt from verification requirements (such as a state government agency) has performed verification for benefits that are being provided by the non-profit agency.¹⁸⁷ In such instances, the nonprofit must abide by that determination. Domestic violence shelters and service providers are only likely to run into this situation when they are administering direct payment of TANF funds to individuals, households, or family eligibility units, since federal funds provided to shelters to serve victims of domestic violence do not fall within the definition of federal public benefits.¹⁸⁸ If a nonprofit charitable organization **does** choose to verify citizenship or status (although not required to do so), it must comply with procedures set forth in the Attorney General's guidance and may not discriminate.¹⁸⁹

REPORTING

The only agencies affirmatively required to report information about persons they know to be undocumented are state, federal and local agencies administering SSI,

¹⁸⁴ *Id.*

¹⁸⁵ However, if an organization required to verify eligibility presents verification to the non-profit charitable organization about the not-qualified immigration status of an undocumented person, the non-profit charitable organization may not continue providing federal public benefits to that undocumented individual. Service to that immigrant would have to be provided using other funds. It is very important that advocates carefully interview immigrant clients to determine eligibility before accompanying them to apply for any public benefits because benefits-granting agencies must verify status of the applicant. If your client is applying for benefits for her children, only the immigration statuses of the children are to be verified. Verification of Eligibility for Public Benefits 63 Fed. Reg. 41,662, 41,664 (to be codified at 8 C.F.R. pt. 104) (proposed Aug. 4, 1998).

¹⁸⁶ Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 62 Fed. Reg. at 61,346.

¹⁸⁷ *Id.* at 61,345-56.

¹⁸⁸ See definition of federal public benefits above.

¹⁸⁹ Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 62 Fed. Reg. at 61,346.

TANF and housing benefits. No other agency, governmental or private, is required to report information about immigration status to the INS.

The PRWORA contains certain provisions concerning the confidentiality of information held in agencies records. These provisions however do not repeal existing confidentiality, privacy and anti-discrimination laws that limit the scope of information which can be gathered by the government agencies and reported to the INS.¹⁹⁰ State and local governments must adhere to the limitations and protections in the federal law. The quarterly reporting requirement section does not authorize states to adopt a broader reporting system.

In November of 1997, the U.S. Attorney General Guidance to the states set forth the procedures to be followed regarding how, when, and of whom federal public benefits providers benefits are required to verify immigration status.¹⁹¹ First, it is important to note that the U.S. Attorney General clarifies that agencies providing federal public benefits are subject to all nondiscrimination and privacy requirements under federal law.

Procedures devised for verification and treatment of applicants must apply equally to all applicants for assistance. Differentiation or discrimination based on race, color or national origin must not occur. The following verification discussion outlines the circumstances and procedures that benefit granting agencies are to use to verify immigration status and not violate federal anti-discrimination laws.

VERIFICATION PROCEDURES:

The U.S. Attorney General's Guidance requires federal public benefits providers (such as state TANF agencies) to adopt a four-step procedure for verifying eligibility for public benefits under the Welfare Reform Act. The following procedures facilitate access to benefits for those who qualify while protecting immigrants against discrimination and disclosure of immigration status when disclosure is not specifically required by law.

It is important that advocates for battered immigrants become familiar with these procedures. In this way, they can ensure that battered immigrants can safely obtain the benefits that they and their children need while ensuring that the law and the U.S. Attorney General's Guidance are followed.

The four steps are to:

¹⁹⁰Verification, Reporting and Confidentiality *in* IMMIGRATION AND WELFARE RESOURCE MANUAL: 1998 EDITION Tab 4F-1, 4 (National Immigration Law Center ed., 1998).

¹⁹¹See *generally* Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 62 Fed. Reg. 61,344 (1997).

1. Determine if the benefits program (or agency) provides a "federal public benefit" subject to PRWORA's verification requirement.¹⁹²
2. Determine whether the applicant is otherwise eligible for benefits under general program requirements.¹⁹³
3. Verify the applicant's immigration status. Three categories of people are eligible to receive federal public benefits:¹⁹⁴
 - ▶ U.S. citizens
 - ▶ Non-citizen nationals
 - ▶ Qualified Aliens.
4. Verify the applicant's eligibility for benefits under PRWORA.¹⁹⁵

Advocates must be aware that benefits granting agencies are required to process all applications by asking the questions **in this order**. When this procedure is followed, the benefits worker may not ask questions about the immigration status of an applicant until s/he has:

- 1) Determined that the applicant is applying for a "federal public benefit" AND
- 2) Determined that absent any issues of immigration status, the applicant otherwise qualifies for the public benefit (e.g. resides in the jurisdiction, is not independently wealthy, etc.).
- 3) Benefits workers **may never** inquire into the immigration status of any immigrant who will not be seeking benefits on her own behalf.

STEP 1 - DETERMINE IF THE BENEFITS PROGRAM PROVIDES A "FEDERAL PUBLIC BENEFIT" SUBJECT TO PRWORA'S VERIFICATION REQUIREMENT.

The benefits provider should first determine whether the benefit being sought is a federal public benefit that requires verification. The federal agency administering the benefits program is responsible for determining which of its programs are federal public benefits. To make this determination, the federal agency must first decide whether the benefit sought falls within the statutory definition of a federal public benefit. The second prong of the inquiry requires the agency to examine whether the benefits fall within one of PRWORA's enumerated exceptions.

¹⁹²*Id.* at 61,346.

¹⁹³*Id.* at 61,346-47.

¹⁹⁴*Id.* at 61,347-49.

¹⁹⁵*Id.* at 61,349-50.

If your client is seeking benefits from a federal program that **does not** provide a "federal public benefit," or one that is exempt from verification requirements, that program is not required to verify an applicant's citizenship or status and should not conduct such verification.¹⁹⁶ If your client seeks benefits from a federal program that **does** provide a "federal public benefit," agencies providing the benefits will be required to first determine if, absent any immigration status questions, the applicant meets other program qualification requirements. Only after this is completed can the agency then verify an applicant's citizenship or status.¹⁹⁷

A "federal public benefit" is defined as:

- 1) Any grant, contract, loan, or professional/commercial license provided by an agency or by appropriated federal funds of the U.S.; or
- 2) Any retirement, welfare, health, disability, public or assisted housing, post-secondary education, food assistance, unemployment benefits, or any other similar benefits for which payments or assistance **are provided to an individual, household, or family eligibility unit** by a federal agency or by appropriated federal funds of the U.S.¹⁹⁸ The benefit will only be deemed a federal public benefit if it is provided or paid to an individual, household, or family unit.

Programs deemed Federal Public Benefits include:

- 1) TANF
- 2) Medicare
- 3) Social Services Block Grants
- 4) State Child Health Insurance Program (CHIP)
- 5) Adoption Assistance
- 6) Foster Care
- 7) Administration on Developmental Disabilities (ADD) - State Developmental Councils, Special Projects, and University Affiliated Programs.
- 8) Independent Living Program
- 9) Job Opportunities for Low Income Individuals (JOLI)¹⁹⁹

¹⁹⁶ *Id.* at 61,344, 61,346 & 61,349.

¹⁹⁷ *Id.* at 61346-47.

¹⁹⁸ Verification and Eligibility for Public Benefits 63 Fed. Reg. at 41,664.

¹⁹⁹ Other "federal public benefits" programs identified by DHHS include Adult Programs/Payments to Territories, Agency for Health Care Policy and Research Dissertation Grants, Child Care and Development Fund, Clinical Training Grant for Faculty Development in Alcohol and Drug Abuse, Health Profession Education and Training Assistance, Low Income Home Energy Assistance Program (LIHEAP), Medicaid (except assistance for an emergency medical condition), Mental Health Clinical Training Grants, Native Hawaiian Loan Program, Refugee Cash Assistance, Refugee Medical Assistance, Refugee Preventative Health Services Program, Refugee Social Services Formula Program, Refugee Social Services Discretionary Program, Refugee Targeted Assistance Formula Program, Refugee Targeted Assistance Discretionary Program, Refugee Unaccompanied Minors Program, Refugee Voluntary Agency

The PRWORA's verification requirements do not apply to "**exempted federal public benefits.**"²⁰⁰ If your client is seeking an "exempted federal public benefit," the agency will not be required to verify an applicant's citizenship or status and **SHOULD NOT** conduct such verification.²⁰¹

"Exempted federal public benefits" include:

- 1) Benefits covered by AG Order No. 2049 regarding government-funded community programs, services or assistance that are necessary for protection of life or safety.²⁰² These include:
 - crisis counseling and intervention services
 - child protection
 - adult protective services
 - domestic abuse and crime victim services
 - violence and abuse prevention
 - treatment of mental illness or substance abuse
 - short-term shelter or housing for homeless persons, domestic violence victims, runaways, and abused or abandoned children
 - assistance for individuals during adverse weather conditions
 - soup kitchens, community food banks, senior nutrition programs, and nutritional assistance to persons requiring special assistance
 - medical and public health services (including treatment and prevention of diseases, injury, mental health disability, or substance abuse necessary to protect life or safety)

Matching Grant Program, Repatriation Program, and Residential Energy Assistance Challenge Option. Personal Responsibility and Work Opportunity Reconciliation Act of 1995 (PRWORA); Interpretation of "Federal Public Benefit," 63 Fed. Reg. 41,658, 41,660 (1998).

²⁰⁰Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 62 Fed. Reg. at 61,362.

²⁰¹*Id.*

²⁰²*Id.*

- activities meant to protect life and safety of workers, children, youth, or community residents.²⁰³
- 2) Any wages, pensions, annuities, or other earned payments to which an immigrant is entitled as a result of federal, state, or local government employment, provided that the immigrant is not residing or present in the United States and provided that the employment was not prohibited under the immigration laws.²⁰⁴
- 3) Any veterans benefits to which an alien is entitled, provided that the immigrant is not residing or present in the United States.²⁰⁵
- 4) Any contract or professional/commercial license for a nonimmigrant whose visa entry is related to employment in the United States.²⁰⁶
- 5) Any contract or professional/commercial license for a citizen of a freely associated state (Palau, the Federated States of Micronesia, and the Marshall Islands), if section 141 of the applicable compact of free association is in effect.²⁰⁷
- 6) Any benefit that the United States is required to pay under the reciprocal treaty agreements listed in the forthcoming AG Order to a work authorized nonimmigrant or immigrant lawfully admitted for permanent residence.²⁰⁸
- 7) Medical assistance under Title XIX of the Social Security Act (SSA) (1903(v)(3)) for services necessary to the treatment of an emergency medical situation and are not related to organ transplant procedures.²⁰⁹
- 8) Short-term, non-cash, in-kind emergency disaster relief.²¹⁰

²⁰³ *Assisting Immigrant Survivors of Domestic Abuse: VAWA Immigration Relief, Public Assistance, and Other Important Concepts*, CENTRO LEGAL, Spring 1998, at 9; Verification and Eligibility for Public Benefits, 63 Fed. Reg. at 41,676.

²⁰⁴ Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 62 Fed. Reg. at 61,362; Verification and Eligibility for Public Benefits, 63 Fed. Reg. at 41,679.

²⁰⁵ Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 62 Fed. Reg. at 61,362

²⁰⁶ *Id.*

²⁰⁷ *Id.*

²⁰⁸ *Id.*

²⁰⁹ *Id.*; Verification and Eligibility for Public Benefits, 63 Fed. Reg. at 41,676.

²¹⁰ Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 62 Fed. Reg. at 61,362; Verification and Eligibility for Public Benefits, 63 Fed. Reg. at 41,677.

- 9) Public health assistance for immunizations and for testing/treatment of symptoms of communicable diseases.²¹¹
- 10) Programs for housing or community development assistance, or assistance administered by Housing and Urban Development, or any assistance provided under section 306C of the Consolidated Farm and Rural Development Act as long as the benefit is being received as of August 22, 1996.²¹²
- 11) Any benefit payable under Title II of the SSA to which entitlement is based on an application filed on or before August 31, 1996; including Social Security retirement checks and disability insurance benefits.²¹³
- 12) Any benefit the nonpayment of which would contravene an international agreement described in section 233 of the SSA.²¹⁴
- 13) Any benefit the nonpayment of which would be contrary to section 202(t) of the SSA.²¹⁵
- 14) Any benefit under the school lunch program under the National School Lunch Act or the school breakfast program under section 4 of the Child Nutrition Act.²¹⁶
- 15) Any benefit payable under Title XVIII of the SSA to an immigrant who is lawfully present in the United States, such as Medicare or Hospital Benefits to the Aged and Disabled.²¹⁷

²¹¹Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 62 Fed. Reg. at 61,362; Verification and Eligibility for Public Benefits, 63 Fed. Reg. at 41,676.

²¹²*Id.*

²¹³*Id.*

²¹⁴Section 233 allows immigrants who have worked legally in the U.S. to receive Social Security payments while residing in their home country if there is an international agreement between the U.S. and that country. See the Social Security Act for more information at <http://www.ssa.gov/>; Verificaion and Eligibility for Public Benefits, 63 Fed. Reg. at 41,676.

²¹⁵Section 202(t) states that the Social Security Administration cannot pay monthly benefits to individuals who are outside of the U.S. for six consecutive months. See the Social Security Act for more information at <http://www.ssa.gov/>; Verification and Eligibility for Public Benefits, 63 Fed. Reg. at 41,677.

²¹⁶Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 62 Fed. Reg. at 61,362; Verification and Eligibility for Public Benefits, 63 Fed. Reg. at 41,679.

²¹⁷Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 62 Fed. Reg. at 61,362; Verification and Eligibility for Public Benefits, 63 Fed. Reg. at 41,677.

- 16) Any benefit payable under the Railroad Retirement Act of 1974 or the Railroad Unemployment Insurance Act to an immigrant who is lawfully present in the United States or residing outside the United States.²¹⁸
- 17) Police, fire, ambulance transportation (including paratransit), sanitation, or other regular widely available public services or accommodations.²¹⁹

Each state may elect to provide benefits under the following programs to any person without regard to immigration status:

- 1) Programs under the National School Lunch Act and the Child Nutrition Act other than the school lunch and breakfast programs.²²⁰
- 2) Food assistance programs through Section 4 of the Agriculture and Consumer Protection Act of 1973.
- 3) The Emergency Food Assistance Act of 1983.²²¹
- 4) The food distribution program on Indian reservations established under Section 4(b) of the Food Stamp Act of 1977.²²²
- 5) Assistance for health care items and services that are necessary for the treatment of an emergency medial condition and are not related to an organ transplant procedure.²²³
- 6) Short-term, non-cash, in-kind emergency disaster relief.²²⁴
- 7) Public health assistance for immunizations with respect to immunizable diseases and for testing and treatment of symptoms of communicable diseases (whether or not such symptoms are caused by a communicable disease).²²⁵

²¹⁸Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 62 Fed. Reg. at 61,362

²¹⁹Verification and Eligibility for Public Benefits, 63 Fed. Reg. at 41,664.

²²⁰Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 62 Fed. Reg. at 61,362.

²²¹*Id.*

²²²*Id.*

²²³Verification and Eligibility for Public Benefits, 63 Fed. Reg. at 41,677

²²⁴*Id.*

²²⁵*Id.*

- 8) Community programs necessary for protection of life or safety.²²⁶
- 9) Any benefit for which an immigrant who is not lawfully present in the United States is eligible through the enactment of a State law after August 22, 1996, affirmatively providing for such eligibility.²²⁷

If your state provides these services to benefit all people regardless of citizenship or status, the agency **need not** conduct a verification in cases of battered immigrants.²²⁸ If your state provides these services only to U.S. citizens, U.S. non-citizen nationals, or qualified aliens, the state welfare agency should be encouraged to use the interim guidance procedures to determine eligibility under state programs.²²⁹

If the benefit that your battered immigrant client is seeking is not a federal public benefit, @ then she may have access to the benefit without further inquiry. If the program is a non-exempt federal public benefit, the agency should continue to step two.

STEP 2 - DETERMINE WHETHER THE APPLICANT IS OTHERWISE ELIGIBLE FOR BENEFITS UNDER GENERAL PROGRAM REQUIREMENTS.

If the program is determined to be a federal public benefit, then benefits providers are required to make all other program eligibility determinations before verifying immigration status. This involves verifying that the applicant is who s/he claims to be, documenting that the applicant meets any state residency requirements, and determining whether or not the applicant meets the required income guidelines.²³⁰ Before verifying immigration status, the agency should treat the applicant as though she is U.S. citizen and determine whether the applicant is eligible for the benefit. The agency may only move on to verification of immigration status after determining that the applicant is otherwise eligible for the benefit.²³¹ If the battered immigrant applicant does not otherwise qualify for benefits, there is no need to verify status.

²²⁶*Id.*

²²⁷*Id.*

²²⁸To determine what state benefits your state provides to immigrants, see the chart prepared by Tanya Broder of the National Immigration Law Center that has been included in the appendix of this manual. Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 62 Fed. Reg. 61,344 (1997); Verification and Eligibility for Public Benefits, 63 Fed. Reg. at 41,665.

²²⁹Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 62 Fed. Reg. at 61,362; Verification and Eligibility for Public Benefits, 63 Fed. Reg. at 41,665.

²³⁰In determining whether an immigrant meets income guidelines in Step 2, deeming of sponsor income is inappropriate. That issue must only be addressed if the application proceeds to Step 3.

²³¹Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 62 Fed. Reg. at 61,346-47. Only in the relatively rare instances in which verification of program eligibility would be considerably

It is very important that advocates assisting battered immigrants applying for benefits for themselves or their children make benefits providers first determine program eligibility. This will protect battered immigrants who do not otherwise qualify for benefits from being subjected to status verification and being possibly reported to the INS. By structuring the application review process in this way, the U.S. Attorney General has offered protection from discrimination to immigrants who may be eligible for benefits. This approach also offers an additional level of protection to undocumented battered immigrants applying for benefits on behalf of U.S. citizen and qualified alien children. If the program is a federal public benefit for which the applicant otherwise qualifies, the benefits provider should move on to Step 3.

STEP 3 - VERIFY THE APPLICANT'S IMMIGRATION STATUS AS A U.S. CITIZEN, NON-CITIZEN NATIONAL, OR QUALIFIED ALIEN.

Since verification of citizenship and immigration status raises significant issues regarding privacy and anti-discrimination, no verification of an applicant's citizenship or status as a U.S. citizen, U.S. non-citizen national, or qualified alien should be undertaken where receipt of benefits are not contingent upon such status.²³² The U.S. Attorney General's Guidance to the states places important limitations on when verification should be undertaken. To comply with non-discrimination laws, verification should not occur unless the benefits are contingent on verification. Additionally, verification should only be made of the person who will actually be receiving benefits. **If a person is applying on behalf of another applicant (mother for child applicant), citizenship or status verification under federal law should only be undertaken for the person who will actually be receiving the benefits.**²³³ If a mother is questioned about her immigration status when she is not applying for benefits for herself, she should respond by stating she is not applying for benefits for herself.

This is very important issue in domestic violence cases as a non-qualified battered immigrant can obtain benefits for her qualified children without subjecting herself to verification and detection by the INS of her undocumented status. Battered women's advocates should accompany battered immigrant women to benefits interviews and should bring with them a copy of the U.S. Attorney General's Guidance. This will prevent the benefits provider from asking inappropriate immigration questions about the battered immigrant.

There may be reasons other than immigration status that a battered immigrant may not be eligible to receive benefits. Sometimes benefits providers try to help the

more complex and time consuming than verification of immigration status the order can be reversed. If an agency is routinely reversing the order of the inquiry they risk violating anti-discrimination laws.

²³²Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 62 Fed. Reg. at 61,347.

²³³*Id.*

battered woman applying for benefits for her child by trying to determine whether she may be eligible for some other benefit. Stating that the battered immigrant is not interested in seeking benefits for herself will respond to this offer without divulging information about her immigration status.

In verifying status of an applicant for assistance, the U.S. Attorney General's Guidance directs state agencies to ask for a written declaration, under penalty of perjury, that the applicant is a U.S. citizen, national, or qualified alien. The Guidance then instructs providers to review documentary proof of status. If the documents reviewed appear genuine on their face (samples of documents are included in the appendix to the guidance), providers may make an interim or temporary decision granting benefits and must then contact the SAVE federal verification program.²³⁴

In the case of battered immigrants who with prima facie determinations in a VAWEA self-petitioning case the benefits granting agency is required to fax a written request and copies of the documentation provided by the self-petitioner to the Battered Alien Review Unit of the INS Vermont Service Center at (802) 527-3252.²³⁵ In the case of a battered immigrant with a prima facie determination from an immigration court in a VAWA cancellation of removal cases or a VAWA suspension of deportation case, the public benefits agency must fax a written request for verification along with copies of any documentation provided to the court administrator of the appropriate immigration court.²³⁶ When the provider seeks verification from the INS on an applicant's immigration status, the provider should not delay, deny, reduce, or terminate the applicant's eligibility for benefits ... on the basis of the applicant's immigration status during the period of time it takes to verify his or her status.²³⁷

A U.S. Citizen is defined as:

- 1) A person born in any of the 50 states, the District of Columbia, Puerto Rico, Guam, the U.S. Virgin Islands, or the Northern Mariana Islands (NMI), formerly part of the Trust Territory of the Pacific Islands (TTPI)), who has not renounced or lost their citizenship.
- 2) A person born outside the U.S. to at least one U.S. citizen parent (sometimes called a "derivative citizen").²³⁸

A Non-Citizen National is generally defined as:

²³⁴Verification and Eligibility for Public Benefits, 63 Federal Register at 41682, Section 104.41.

²³⁵Verification and Eligibility for Public Benefits, 63 Federal Register at 41683-4, Section 104.48.

²³⁶*Id.*

²³⁷*Id.* at 61,349.

²³⁸*Id.* at 61,347.

A person born in an outlying possession of the United States on or after the date of acquisition by the United States of a person whose parents are U.S. non-citizen nationals (subject to certain residency requirements).²³⁹

Documentation of Citizenship:

The benefits-granting agency must verify status by asking for a document demonstrating citizenship, or a sworn statement by the applicant or one or more third parties swearing under penalty of perjury to the applicant's U.S. citizenship status.²⁴⁰ If the document on its face appears to be genuine and matches the identity of the person presenting it, the benefits provider should accept the document as conclusive evidence.²⁴¹ If the document on its face does not seem to be genuine, the benefits provider should contact the government entity that originally issued the document to confirm status.²⁴² A benefits-granting agency can rely on an applicant's attestation of U.S. citizenship or non-citizen national status to grant temporary public benefits until the applicant can provide the one of the documents listed below.²⁴³ Advocates working with battered immigrants who are citizens or non-citizen nationals should help them gather the documentation required to prove their status before the battered immigrant goes to apply for benefits.

Documentation of citizenship or non-citizen national status could include:

1) Primary documents verifying citizenship:²⁴⁴

A birth certificate showing birth in one of the 50 states, D.C., Puerto Rico, Guam, U.S. Virgin Islands, NMI, American Samoa, or Swain's Island; a valid U.S. passport; report of birth abroad issued by Department of State; certificate of birth issued by a foreign service post; certificate of naturalization issued by the INS; certificate of citizenship issued by the INS; U.S. citizen identification card issued by the INS; Northern Mariana Identification Card issued by the INS; statement provided by U.S. consular officer; or American Indian card with a classification code "KIC".

²³⁹*Id.*

²⁴⁰Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 62 Fed. Reg. at 61,348; Verification and Eligibility for Public Benefits, 63 Fed. Reg. at 41,667.

²⁴¹Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 62 Fed. Reg. at 61,348.

²⁴²*Id.*

²⁴³Verification and Eligibility for Public Benefits, 63 Fed. Reg. at 41,670.

²⁴⁴Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 62 Fed. Reg. at 61,363; Verification and Eligibility for Public Benefits, 63 Fed. Reg. at 41,680.

2) Secondary document verifying citizenship:²⁴⁵

A religious record dating birth from one of the 50 states, D.C., Puerto Rico, Guam, U.S. Virgin Islands, NMI, American Samoa, or Swain's Island; evidence of civil service employment by the U.S. government before June 1, 1976; early school records showing the date of admission to school, date and place of birth, and name(s) of birth parent(s); census records showing name, date of birth and age of applicant, Adoption Finalization Papers showing name and place of birth; or any other document that establishes a U.S. place of birth.

3) Collective Naturalization:²⁴⁶

Evidence of birth in Puerto Rico on or after April 11, 1899 and applicant's statement that they were residing in the United States or a U.S. possession of Puerto Rico on January 13, 1941; Evidence of a Puerto Rican citizen who was residing in Puerto Rico on March 1, 1917 and did not take an oath of allegiance to Spain; Evidence of birth in the U.S. Virgin Islands and applicant's statement that they were residing in the United States or a U.S. possession of the Virgin Islands on February 25, 1927; Evidence of residing in the U.S. Virgin Islands as a Danish citizen on January 17, 1917 and residing in U.S. possession on February 25, 1927 and did not take an allegiance to Denmark; evidence of birth in U.S. Virgin Islands and residing in Canal Zone on June 28, 1932; evidence of birth, citizenship, or residence in the Northern Mariana Islands on November 4, 1986; evidence of the Trust Territory of the Pacific Islands citizenship, continuous residence in the Northern Mariana Islands since before November 3, 1981, voter registration prior to January 1, 1975 and the applicant's statement that no allegiance was pledged to a foreign state on November 4, 1986; or evidence of continuous domicile in Northern Mariana Islands since before January 1, 1974 and no allegiance was pledged to a foreign state on November 4, 1986 (does not apply to non-immigrants who entered the Northern Mariana Islands).

4) Derivative Citizenship:²⁴⁷

Evidence of U.S. citizenship and/or status of the parents, relationship of the applicant to the parents, and evidence that the U.S. resident resided in the United States or an outlying possession prior to the applicant's birth (applies to applicants born abroad to two U.S. citizen parents, applicants

²⁴⁵*Id.*

²⁴⁶Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 62 Fed. Reg. at 61,363.

²⁴⁷*Id.* at 61,364.

born abroad to a U.S. citizen and a non-citizen national parent, applicant born out of wedlock abroad to a U.S. citizen mother, applicants born in the Canal Zone or the Republic of Panama).

Note: If an applicant has a disability that limits the applicant's ability to provide the required evidence of citizenship or nationality, advocates should be aware that the Guidance requires that the benefits-granting agency personnel assist the disabled applicant in every way possible to obtain the required evidence.²⁴⁸

If an applicant cannot show that s/he is a U.S. citizen or non-citizen national, his or her eligibility as a qualified alien must be verified under the SAVE system. SAVE may also be used to verify lawful permanent residence if verification will be needed before an immigrant can qualify for certain public benefits (with the exception of battered immigrant "qualified aliens.")²⁴⁹

A Qualified Alien is defined as:

- 1) An immigrant lawfully admitted for permanent residency under the Immigration and Nationality Act (INA).²⁵⁰
- 2) An immigrant granted asylum under Section 208 of the INA.²⁵¹
- 3) A refugee admitted to the United States under section 207 of the INA.²⁵²
- 4) An immigrant paroled into the United States under section 212(d)(5) of the INA for at least one year.²⁵³
- 5) An immigrant whose deportation is being withheld under section 243(h) of the INA as in effect prior to April 1, 1997, or whose removal is being withheld under section 241(b)(3) of the INA.²⁵⁴
- 6) An immigrant granted conditional entry pursuant to section 203(a)(7) of the INA as in effect prior to April 1, 1980.²⁵⁵

²⁴⁸ *Id.*

²⁴⁹ Verification and Eligibility for Public Benefits, 63 Fed. Reg. at 41,673

²⁵⁰ Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 62 Fed. Reg. at 61,348; Verification and Eligibility for Public Benefits, 63 Fed. Reg. at 41,677

²⁵¹ *Id.*

²⁵² *Id.*

²⁵³ *Id.*

²⁵⁴ *Id.*

²⁵⁵ *Id.*

- 7) An immigrant who is a Cuban or Haitian entrant as defined in Section 501(e) of the Refugee Education Assistance Act of 1980.²⁵⁶
- 8) Hmong/Highland Lao immigrants who lawfully reside in the United States.²⁵⁷
- 9) An immigrant who, or whose child or parent, has been **battered or subjected to extreme cruelty** in the United States by a U.S. citizen or lawful permanent resident spouse or parent and otherwise satisfies the requirements of Section 431(c) of PRWORA.²⁵⁸ An immigrant whose child has been abused by the child's U.S. citizen or lawful permanent resident other parent is similarly eligible as are immigrant children whose parent has been abused by the parent's U.S. citizen or lawful permanent resident spouse.

To prove that an immigrant is a qualified alien, s/he must present a "green card" or other form of alien registration for inspection by the benefits-granting agency.²⁵⁹ Exceptions apply for Hmong/Highland Lao applicants (see footnote 78) and for battered immigrants. If an immigrant applying for benefits has been battered or subject to extreme cruelty, s/he should submit to the benefits-granting agency evidence that she has received a prima facie determination in her self-petition and prove that there is a history of battery and/or extreme cruelty, that there is a substantial connection between the abuse and the need for the public benefit, and that s/he no longer resides with the abuser.²⁶⁰ The guidelines for this evidence are further discussed below.

Battered Immigrant "Qualified Aliens" may receive public benefits if all of the following criterion are met:

- (1) The INS or the Executive Office of Immigration Review (EOIR)²⁶¹ has granted a VAWA or family-based petition or application filed on behalf of

²⁵⁶ *Id.*

²⁵⁷ Note that no verification of qualified alien status needs to be done for this particular class of individuals. The U.S. Attorney General's Order simply requires that the benefits-granting agency determine the existence of a qualifying familial relationship between the applicant and a living or deceased Hmong/Highland Lao person.

²⁵⁸ As amended by Section 501 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRAIRA) and Section 5571-72 and 5581 of the Balanced Budget Act of 1997 (BBA). Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 62 Fed. Reg. 61,344 (1997); Verification and Eligibility for Public Benefits, 63 Fed. Reg. at 41,677.

²⁵⁹ Verification and Eligibility for Public Benefits, 53 Fed. Reg. at 41,668.

²⁶⁰ Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 62 Fed. Reg. 61,344 (1997); Verification and Eligibility for Public Benefits, 63 Fed. Reg. at 41,672.

²⁶¹ EOIR are the immigration judges who hold hearings in deportation or removal proceedings.

the immigrant, the immigrant's child, or the immigrant child's parent; or has found that a pending petition or application sets forth a prima facie case.²⁶² Battered immigrants may present the following forms of evidence to prove that they have a pending or approved immigration case filed with INS:

- 1) a prima facie determination letter issued by INS in a self-petition case
 - 2) an approval notice in a self-petition case
 - 3) a prima facie determination issued by an immigration judge in a VAWA suspension of deportation or cancellation of removal case
 - 4) a decision of an immigration judge approving a VAWA suspension of deportation or cancellation of removal case
 - 5) an approved I-130 family based visa petition filed by a spouse or parent
 - 6) Any of the above documents plus evidence of the parent-child relationship when an applicant is the child of a battered immigrant with any of the above.²⁶³
- (2) (A) The immigrant has been battered or subjected to extreme cruelty in the United States by a U.S. citizen or lawful permanent resident spouse or parent of the immigrant, or by a member of the spouse or parent's family residing in the same household as the immigrant if the spouse or parent consents to or acquiesces in such battery or cruelty.²⁶⁴ OR
- (B) The immigrant's child has been battered or subjected to extreme cruelty in the United States by a U.S. citizen spouse of the immigrant or the child's other parent, or by a member of the spouse or parent's family

²⁶²The applicant must have a pending or an approved application by the INS or the EOIR under INA Provisions 204(a)(1)(A)(i) (eligibility as a spouse or child of a US citizen); 204(a)(1)(A)(ii) (eligibility as a widow or widower of a US citizen); 204(a)(1)(A)(iii) and 204(a)(1)(B)(ii) (eligibility as a spouse of a US citizen or lawful permanent resident who has been subjected to battery or extreme cruelty in the US); 204(a)(1)(A)(iv) and 204(a)(1)(B)(iii) (eligibility as an alien child of a US citizen or lawful permanent resident who has been subjected to battered or extreme cruelty in the US); or 244(a)(3) as in effect prior to April 1, 1997 or 204A(b)(2) (governing Attorney General's authority to suspend deportation or cancel the removal and adjust the status of an alien who has been subjected to battery or extreme cruelty in the US by a spouse or parent who is a US citizen or a lawful permanent resident).

²⁶³Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 62 Fed. Reg. at 61,367.

²⁶⁴*Id.* at 61,366.

residing in the same household as the immigrant if the U.S. citizen or lawful permanent resident spouse or parent consents to or acquiesces in such battery or cruelty, and the immigrant did not actively participate in the battery or cruelty.²⁶⁵ OR

(C) The immigrant child's parent has been abused or subjected to extreme cruelty in the United States by the parent's U.S. citizen or lawful permanent resident spouse, or by a member of the spouse's family residing in the same household as the parent, if the spouse consents to or acquiesces in such battery or cruelty.²⁶⁶

The applicant must have been battered or subjected to extreme cruelty in the United States by a parent or spouse of the immigrant residing in the same house as the immigrant.²⁶⁷

"Battery or extreme cruelty" is defined by the U.S. Attorney General as including but not being limited to: being a victim of any act or threatened act of violence, including any forceful detention, which results or threatens to result in physical or mental injury; or psychological or sexual abuse or exploitation, including rape, molestation, incest or forced prostitution.²⁶⁸

"Members of the spouse or parent's family" are considered to be: any person related by blood, marriage, or adoption to the spouse or parent of the immigrant, or any person having a relationship to the spouse or parent that is covered by the civil or criminal domestic violence statutes of the state or Indian country.²⁶⁹

Evidence of abuse: An applicant who has an approved petition or court order granting her protection from her abuser has already shown battery or extreme cruelty and a new determination should not be made by the benefits granting agency.²⁷⁰ Other evidence of abuse that immigrant women may present includes, but is not limited to: reports or affidavits from police, judges, court officials, medical personnel, school officials, clergy, social workers; counseling or mental health personnel; proof of a domestic violence conviction, and proof of seeking safe-haven in a battered woman's shelter.

²⁶⁵ *Id.*

²⁶⁶ *Id.*

²⁶⁷ *Id.*

²⁶⁸ *Id.* at 61,369.

²⁶⁹ *Id.*

²⁷⁰ *Id.*

- (3) There is a **substantial connection** between the battery or extreme cruelty to which the immigrant, immigrant's child, or immigrant child's parent has been subjected to and the need for the public benefit sought.²⁷¹

The following list demonstrates circumstances in which a substantial connection exists between the battery and the public benefits.²⁷²

- ▶ where the benefits are needed to enable the immigrant, immigrant's child, or an immigrant child's parent to become self-sufficient following separation from the abuser;
- ▶ where the benefits are needed to enable the immigrant, immigrant's child, or an immigrant child's parent to escape the abuser and/or the community in which the abuser lives and ensure safety;
- ▶ where the benefits are needed due to a loss of financial support resulting from the immigrant's separation from the abuser;
- ▶ where the benefits are needed because the battery or cruelty, separation from the abuser, work absences, or lower job performance resulting from the abuse or court-related proceeding cause the immigrant, the immigrant's child, or immigrant child's parent to leave or lose employment;
- ▶ where the benefits are needed because the abuse or extreme cruelty has caused the immigrant, the immigrant's child, or immigrant child's parent to require medical attention/counseling or become disabled;
- ▶ where the benefits are needed because of the loss of a dwelling or source of income or because fear of the abuse after separation diminishes the immigrant's, or immigrant child's parent's ability to care for the children;
- ▶ where the benefits are needed to alleviate nutritional risks and needs following abuse and/or after separation;
- ▶ where the benefits are needed to provide medical care during pregnancy resulting from sexual assault or the relationship with the abuser;

²⁷¹ *Id.* at 61,370.

²⁷² *Id.*

- ▶ and where medical coverage or health care services for the immigrant, the immigrant's child, or immigrant child's parent are needed to replace the services provided while living with the abuser.

(4) The battered immigrant, child, or parent no longer resides in the same household as the abuser.²⁷³

The battered immigrant, immigrant child, or immigrant child's parent can no longer reside in the same household as the abuser in order to receive public benefits. However, many immigrants need the assurance that benefits will be available before actually leaving the abuser. In those situations the advocate should inform the welfare worker that the guidance requires them to complete the eligibility determination process and approve the applicant for receipt of benefits pending the immigrant's separation from the batterer.²⁷⁴

The following examples will serve as credible evidence to support the claim of non-residency with the batterer and include, but are not limited to:²⁷⁵

- ▶ a civil protection order requiring the batterer to stay away from the battered immigrant, immigrant child, or immigrant child's parent.
- ▶ an eviction notice removing the batterer from the immigrant's residence.
- ▶ employment records.
- ▶ utility receipts.
- ▶ school records.
- ▶ hospital or medical bills.
- ▶ rental records from a building or property manager.
- ▶ affidavit from a staff member at a battered women's or homeless shelter.

²⁷³*Id.* at 61,366.

²⁷⁴*Id.* at 61,371

²⁷⁵*Id.* at 61,370.

- ▶ affidavits from witnesses, including landlords and neighbors.
- ▶ any other records establishing that the immigrant, immigrant's child, or immigrant child's parent no longer resides with the abusive spouse.

WHEN STATUS CAN BE VERIFIED WITH THE INS UNDER STEP 3

If a benefits provider is considering denying an immigrant benefits because the provider believes that the immigrant is not a qualified alien, there are specific procedures that the benefits provider must follow before s/he can deny benefits:

- ✓ The benefits-granting agency must examine the documents provided by the immigrant applicant before using SAVE.²⁷⁶
- ✓ If based on the documentation provided to show citizenship, immigration, or qualified alien status the benefits provider can conclude that the applicant is not a "qualified alien" (i.e. the applicant presents documents such as a tourist visa or other documents that do not make them eligible for public benefits), the benefits provider does not need to verify the applicant's status through SAVE.²⁷⁷
- ✓ If the documentation provided does not appear on its face to be genuine or does not appear to relate to the person presenting it, this should not serve as a basis to conclusively deny benefits without first checking with the INS through SAVE.²⁷⁸
- ✓ **If the applicant is a battered immigrant** and the documentation provided does not appear on its face to be genuine or does not appear to relate to the person presenting it, the benefits-granting agency, instead of running an inquiry through SAVE, should contact the Immigration Court that is handling the case or the INS Vermont Service Center via fax.²⁷⁹

The legal requirements of the benefits program and/or any applicable guidance provided by the federal agency or department overseeing the benefits program should be used to determine whether benefits should be granted or withheld during the period of time during which the applicant's citizenship or immigration status is being verified.²⁸⁰

²⁷⁶Verification and Eligibility for Public Benefits, 63 Fed. Reg. at 41,671.

²⁷⁷*Id.*

²⁷⁸Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 62 Fed. Reg. at 61,349; Verification and Eligibility for Public Benefits, 63 Fed. Reg. at 41,669.

²⁷⁹Verification and Eligibility for Public Benefits, 63 Fed. Reg. at 41,684.

²⁸⁰Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 62 Fed. Reg. at 61,349.

Agencies may make an interim or temporary determination on benefits eligibility pending a response from SAVE.²⁸¹

If the INS notifies the benefits provider that the applicant has an immigration status that makes him a qualified alien within the meaning of PRWORA, the benefits provider should accept the INS verification and proceed to determine whether the applicant satisfies the remaining PRWORA requirements.²⁸² If the INS notifies the benefits provider that the applicant does not have an immigration status that makes her a qualified alien within the meaning of PRWORA, the benefits provider should notify the applicant of her appeal rights.²⁸³ Upon request from the agency handling the appeal, the INS will conduct a thorough review of its initial verification response.²⁸⁴

STEP 4 - VERIFY THE APPLICANT'S ELIGIBILITY FOR BENEFITS UNDER PRWORA.

There are several federal public benefits that impose more stringent immigrant eligibility requirements. Each of these programs require immigrants to meet additional tests to receive assistance. Relevant requirements, which vary depending on the program, include: date of entry into the United States, the date on which the assistance will be received, and whether the immigrant falls within the immigration restrictions for each particular program. The U.S. Attorney General's Guidance provides an overview of eligibility requirements for each of these programs. However, this Guidance does not have the same force of authority as the regulations to be promulgated by the federal agencies responsible for administering each program. Battered women's advocates should review specific agency regulation for these programs as they become available.²⁸⁵

With the exception of the restrictions listed below for specific federal public benefits programs, all federal public benefits are available to all qualified aliens with no further immigration eligibility requirements.²⁸⁶ No further verification of citizenship or immigration status should be undertaken.²⁸⁷ Benefits granting agencies must verify PRWORA eligibility without regard to sex, color, race, religion, or national origin.²⁸⁸

²⁸¹Verification and Eligibility for Public Benefits, 63 Fed. Reg. at 41,671.

²⁸²Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 62 Fed. Reg. at 61,349.

²⁸³*Id.*

²⁸⁴*Id.*

²⁸⁵Verification, Reporting and Confidentiality *in* Immigration and Welfare Resource Manual: 1998 Edition Tab 4F-1, 1-2 (National Immigration Law Center ed., 1998).

²⁸⁶Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 62 Fed. Reg. at 61,349.

²⁸⁷*Id.*

²⁸⁸Verification and Eligibility for Public Benefits, 63 Fed. Reg. at 41,667.

Section 402 of PRWORA creates exceptions to the ban on immigrant access for certain categories of immigrants, allowing them to remain eligible for SSI, Medicaid, and Food Stamps, TANF, and other Social Services Block Grant Programs. Advocates working with battered immigrants who receive notices that their benefits may be cut off should review these lists carefully to determine whether the battered immigrant qualifies under one of these program exceptions. For some of the programs, battered immigrants may remain eligible for a limited time. Some battered immigrant who lose program eligibility after a specific date may be able to obtain qualified alien status under VAWA before that date. Where this is true, the advocate must move swiftly to help the battered immigrant file for VAWA relief.

EXCEPTIONS:

- 1) **SSI:** Individuals receiving SSI as of August 22, 1996 are able to continue to be eligible to receive such benefits until the Commissioner of Social Security, prior to September 30, 1998 redetermines their eligibility. If as a result of this redetermination an immigrant is found to be ineligible for SSI, s/he would only be able to receive benefits until September 30, 1998.²⁸⁹
- 2) **Social Service Block Grant Funds:** In the absence of a State decision to restrict eligibility to programs funded by Social Service Block Grants, all qualified aliens are eligible for Social Service Block programs.²⁹⁰
- 3) **TANF and Medicaid:** In the absence of a State decision to restrict immigrant eligibility for TANF and Medicaid, the Act does not restrict the availability of these benefits to qualified aliens who entered prior to August 22, 1996 and were continuously present in the United States until receiving permanent resident status despite the fact they received qualified alien status after August 22, 1996.

However, the Department of Health and Human Services has determined that TANF and Medicaid are federal means-tested public benefits. As a result, immigrants who entered the U.S. on or after August 22, 1996 are ineligible for those programs for five years from the date that they attain qualified alien status.

Advocates should refer to the chart prepared by the National Immigration Law Center (see Appendix) to determine whether your state continues to provide TANF, Medicaid, and Social Service Block Grants to all qualified aliens. If the State provides these benefits to all qualified aliens without regard to when they entered the United States, no further verification of citizenship or status is necessary.²⁹¹

²⁸⁹Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 62 Fed. Reg. at 61,349.

²⁹⁰*Id.*

²⁹¹*Id.* at 61,349-50.

THE FIVE YEAR BAR TO BENEFITS ACCESS

Battered immigrants who first entered the United States after 8/22/96 and become "qualified aliens" are not eligible to receive public benefits until five years after they have attained lawful permanent residency status. This is called the "five year bar." This bar applies to all immigrants who entered the United States after 8/22/96 and places a difficult barrier on recently arrived immigrants. For this reason, some states have chosen to extend state benefits to qualified aliens who are barred from access to federal means tested benefits the first five years after attaining qualified alien status (see chart in Appendix prepared by the National Immigration Law Center). Some states have chosen the grant access to state-funded public benefits for any battered immigrant whether or not she is or could become a qualified alien.

A state may choose to issue Food Stamp benefits to all individuals who are otherwise ineligible for such benefits, provided that the state reimburses the federal government for the costs of such benefits and comply with certain administrative requirements. Advocates for battered immigrants should urge states to elect this option.²⁹²

If an immigrant entered the United States prior to August 22, 1996 and was continuously present in the United States until attaining qualified alien status, s/he is eligible for all federal means-tested public benefits and is NOT subject to a five year bar on immigrant access to benefits. Advocates should assist battered immigrants in gathering the documentary evidence needed to prove that the battered immigrant entered the United States before 8/22/96. This includes documentation of the immigrant's current immigration status or evidence of a prima facie determination or approved VAWA self-petition. Be careful to avoid using documents indicating that she working if she used false documents to obtain that job. Second, the advocate should help the battered immigrant determine and demonstrate that she has attained qualified alien status prior to applying for benefits.²⁹³

If the battered immigrant applicant entered the United States and attained qualified alien status prior to August 22, 1996, she is qualified for all federal means-tested public benefits.²⁹⁴ If the battered immigrant applicant entered the United States but did not attain qualified alien status until after that date, she must present evidence to the public benefits agency verifying the that she was continuously present in the United States from the latest date of entry prior to August 22, 1996 until date that she attained qualified alien status. In these cases, the applicant must verify her residence by stating that she was present in the United States on or before 8/22/96 and show proof of her home residence.²⁹⁵ Any absence from the United States for more than 30 days, or a

²⁹²*Id.* at 61,350.

²⁹³*Id.* at 61,415

²⁹⁴*Id.*

²⁹⁵Verification and Eligibility for Public Benefits, 63 Fed. Reg. at 41,674.

total of aggregated absences of more than 90 days, would interrupt the continuous presence requirement.²⁹⁶ (Exceptions are made for refugees, asylees, aliens whose deportation or removal has been withheld, Cuban/Haitian entrants, Hmong/Lao immigrants, certain Amerasian immigrants, and aliens who are veterans honorably discharged or on non-training active duty and their families).

CONCLUSION

Access to the public benefits safety net can provide critical life saving assistance for battered immigrant women and their children. Unfortunately, few state welfare workers are familiar with the laws granting access to public benefits to battered immigrants. Moreover, there is much misinformation and anti-immigrant sentiment that can lead welfare workers to wrongly deny public benefits to a battered immigrant or her children. Welfare workers who are unfamiliar with their obligations set out in the U.S. Attorney General's Order may inappropriately ask battered immigrants questions about their immigration status when they are seeking benefits for their children.

Advocates with knowledge about the U.S. Attorney General's Guidance to state welfare agencies must accompany battered immigrant clients to interviews with benefits granting agencies to assure that state workers follow the rules set forth in the Guidance. Domestic violence agency staff who understand this Guidance will be better prepared to advocate for battered immigrants and will experience more successful outcomes in resolving public benefits problems. If you or a member of your staff need technical assistance with public benefits problems in your state, call Leslye Orloff or Janice Kaguyutan after 9/1/99 at NOW Legal Defense and Educational Fund at (202) 544-4470 or Leni Marin at the Family Violence Prevention Fund at (415) 252-8900. See Chapter 11 as well and its accompanying chart for a complete overview of the benefits that battered immigrants may receive.

²⁹⁶Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 62 Fed. Reg. at 61,415.

CHAPTER 14

Model Programs

by Leslye Orloff and Rachel Little

ACCESS

**DOMESTIC VIOLENCE PREVENTION AND INTERVENTION PROJECT (DVPIP)
13530 MICHIGAN AVENUE, SUITE 240
DEARBORN, MI 48126**

Contact - Dr. Anahid Kulwicki (248) 370-4084
Hermine Dervartanian (313) 584-3001

The Arab Community Center for Economic and Social Services (ACCESS) was founded over 25 years ago and is one of the only comprehensive social service centers in the country that is specifically geared toward Arab-Americans. ACCESS provides such services as family counseling, health care, and job training. The Arab community that ACCESS serves is one of the largest and most cohesive in the United States. The Domestic Violence Prevention and Intervention Project (DVPIP) of ACCESS was created in 1995 and serves Dearborn, Detroit, and greater Wayne County. The Project provides counseling, legal, and follow-up services to individuals at risk of or experiencing domestic violence.

ACCESSIBILITY TO BATTERED IMMIGRANTS

The DVPIP runs a toll-free Arabic hotline that can provide Arabic women with crisis counseling, referrals, and legal information. Walk-in programs are structured to help women who may not be ready to leave their batterers and simply need information and counseling. The DVPIP further benefits from the visibility and respect that ACCESS has in the Arab community.

OUTREACH AND EDUCATION TO BATTERED IMMIGRANTS

The DVPIP utilizes the mass media in its outreach campaigns and has run bilingual PSAs on Arabic television and radio stations. It issues press releases to the local Arabic press, distributes educational brochures in Arabic and English, and holds community education programs on the dynamics of domestic violence and the laws concerning domestic violence in Michigan. The DVPIP has put on educational workshops for women in local malls, mosques, health care clinics, schools, and ESL centers. This program routinely tests outreach materials and gathers information about

the Arabic community by organizing focus groups of DVPIP and ACCESS clients. The DVPIP encounters some cultural resistance in the Arabic community, particularly from men, and works hard to counter this in its outreach programs.

OUTREACH/COLLABORATION WITH OTHER AGENCIES AND PROFESSIONALS

The DVPIP runs continuous training programs for police precincts, hospitals, and shelters. It further provides culturally competent community education seminars for area health and social services professionals. The DVPIP is a member of the state Domestic Violence Coordinating Council, collaborates with Wayne County Neighborhood Legal Services, and actively networks with Arab community organizations and leaders. The DVPIP hopes to eventually start an Arab Domestic Violence Coalition.

STAFF DIVERSITY

All permanent staff, counselors, and volunteer attorneys are bilingual in English and Arabic, and many are members of the local Arab-American community.

CULTURALLY SENSITIVE PROGRAMMING

Because of its relationship to ACCESS, the DVPIP is able to provide a wide range of case management services and referrals to battered immigrant women. The staff are thoroughly trained to respond to domestic violence issues appropriately. The DVPIP also runs a free legal clinic that can help clients with family law and immigration law cases. The clinic is staffed by volunteer attorneys who are familiar with VAWA cases and can make referrals to Wayne County Neighborhood Legal Services.

The DVPIP does not offer shelter services, and one of the local shelters has only recently hired a staff member who speaks Arabic. There are numerous cultural reasons why Arabic women avoid using shelters and DVPIP staff are working to change this and offer creative alternatives to clients (such as staying with family or friends). The DVPIP works with clients to develop goals, rebuild their lives, and find employment. The Project supports the empowerment of women and has recently begun a program to train female leaders in the Muslim community to become women's advocates and to do domestic violence work.

**ASIAN WOMEN'S SHELTER
3543 18th STREET, BOX 19
SAN FRANCISCO, CA 94110
(415) 751-7110**

Contact - Becky Masaki or Mimi Kim

The Asian Women's Shelter was founded in 1988 by a group of Asian women who were concerned about the lack of domestic violence services in the Asian community. This was a tremendous problem as persons of Asian ancestry make up 30 percent of the population of San Francisco. Domestic violence workers, teachers, and community organizers joined together to create a shelter that could help immigrant and refugee women, women who were monolingual in their native Asian language, or those whose English skills were limited. Today, the Shelter provides basic shelter services, intensive case management programs, and referrals for social and legal services with the goal of helping battered Asian women rebuild their lives and become independent.

ACCESSIBILITY TO BATTERED IMMIGRANTS

The Asian Women's Shelter is highly accessible to the Asian community. If women cannot get to the shelter on their own, transportation is available. The shelter also operates an evening and weekend hotline when shelter staff are not available to respond to crisis calls. If the caller does not speak English, she is instructed to leave a message in her native language on the hotline's answering service with her phone number and information about when she can safely be reached at that number. Specially trained advocates review the messages to determine what language the caller is speaking. A bilingual advocate then returns the call. The shelter is very visible and highly respected. The shelter's founders, board members, staff, and volunteers are active in their respective Asian communities and have been involved in raising awareness of domestic violence issues in these communities.

OUTREACH AND EDUCATION TO BATTERED IMMIGRANTS

The shelter runs a comprehensive outreach program. Flyers and brochures have been created in a multitude of languages and are posted in grocery stores, community centers, and other places that Asian women frequent. Extensive advertising is also done through word-of-mouth. The Shelter operates a multilingual speaker's bureau that gives presentations to youth groups, community forums, temples, churches, and other interested parties. In 1992, the shelter began the Lotus Project, which is an outreach program designed to target underserved groups within the Asian community (including South Asian women, Filipinas, and the Asian/Pacific Islander lesbian community). Through this project, new outreach materials have been developed in Vietnamese, Korean, Japanese, Chinese, Tagalog, Hindi, Punjabi, Urdu, and Bengali. A pilot project to create a video is now underway as well. In 1992, shelter staff collected and published the stories of former shelter residents of Filipina descent. This oral history

project is entitled A Community Secret: The Story of Two Filipinas. It has been distributed at no cost to Filipino grocery stores, shops, restaurants, churches, and social service agencies. Finally, in its outreach programs for the Asian/Pacific Islander lesbian community, shelter staff have written articles for the local gay/lesbian press, distributed flyers at gay/lesbian/bisexual events in San Francisco, and speakers have made presentations before community groups.

OUTREACH/COLLABORATION WITH OTHER AGENCIES AND PROFESSIONALS

The shelter holds numerous training events and educational programs for Asian health groups, community leaders, service providers, and participants in various domestic violence conferences. Community advisors and activists from the various Asian communities are enlisted to assist with specific outreach efforts. This strengthens the work of the shelter and its relationship to these communities. Staff members are active with dozens of Asian grassroots and community organizations and have tight referral networks with one another. These organizations include the Board of the Indian Community and the Coalition to Stop Lesbian, Gay, and Bisexual Domestic Violence (CSLGBDV). The shelter has also collaborated extensively with Narika, a grassroots group made up of South Asian women. Narika operates a crisis phone line in Bangla, Hindi, Malayalam, Marithi, and Punjabi that assists the shelter with domestic violence calls. It has also translated various brochures in exchange for training programs by the shelter for Narika's members.

STAFF DIVERSITY

The shelter has extensive language capabilities among its staff and volunteers. Staff come from various Asian backgrounds and speak Vietnamese, Cantonese, Mandarin Chinese, Lao, Mien, and Korean. All other language needs are filled by volunteer interpreters and participants in the Multilingual Access Model (MLAM). Through MLAM, bilingual individuals are recruited and receive domestic violence training. They are then placed in an on-call pool and are paid by the hour to translate as language needs arise. Current languages provided by MLAM interpreters include Japanese, Toisanese, Shanghainese, Tagalog, Cambodian, Indonesian, Thai, Singhalese, Bengali, and Hindi. The shelter has established an Affirmative Action Policy to target under-represented Asian groups in its hiring efforts. Staff are hired and board members are recruited based on life experience, non-English language capabilities, and openness to different cultures and experiences. Shelter volunteers are frequently attracted through community education and word of mouth.

CULTURALLY SENSITIVE PROGRAMMING

Training is available for staff, volunteers, and board members on diverse populations such as traditionally underserved Asian populations, Asian lesbian women, and Asian women with disabilities. Additionally, staff and volunteers are required to participate in extensive domestic violence and cultural competency training. Residents are allowed to stay in the shelter for nine weeks to allow them time to develop a case plan and resolve any legal or social service problems that they may have. Shelter staff provide comprehensive referrals for legal assistance with VAWA cases, counseling, health care, child care, and housing.

Case management is a top priority at the shelter. When a new resident arrives, she is assigned to an advocate who speaks her native language. Advocates not only provide referrals but help residents develop life skills such as understanding bus routes, knowing what to expect during legal or social service appointments, and learning how to fill out forms. Advocates are also available to work with the resident's children.

The shelter is run as a cooperative household and the specific cultural preferences of residents can generally be accommodated. Futons are available for residents and women fill out food lists every week so that they can prepare traditional meals for themselves and their children. Holidays are celebrated and cultural exchange is encouraged. While at the shelter, residents are encouraged to build healthy networks of support and interdependence that they can take with them after leaving the shelter. This approach helps provide residents with culturally sensitive skills and support rather than promoting a model of individual independence that is often not emphasized in Asian cultures.

AYUDA, INC./HERMANAS UNIDAS
1736 Columbia Road NW
Washington, DC 20009
(202) 387-0434

Contact: Ayuda - Leslye Orloff and Yvonne Martinez Vega
Hermanas Unidas - Rosa Rivas

Founded in 1971, Ayuda is a nonprofit agency that provides legal services to the foreign-born immigrant community in the Washington, D.C. metropolitan area. This foreign-born community includes persons from Latin America, the Caribbean, Africa, and Southeast Asia. Ayuda has four program components. The first is a domestic violence clinic, Clinica Legal Latina (CLL), which provides comprehensive family law and social services to battered immigrant women. Staff attorneys in this clinic handle civil protection order, divorce, child custody, parental kidnapping, child abuse/neglect, and child support cases. CLL also employs a social worker who assists clients with public benefits problems, shelter services, food, clothing, child care, job counseling, and any other needs that clients may have. The second legal clinic handles immigration law cases and specifically represents battered immigrant women and children in VAWA, Nicaraguan and Central American Relief Act (NACARA), and battered spouse waiver cases. In addition, the immigrant clinic represents all immigrants in political asylum, family reunification, and naturalization cases. Third, Hermanas Unidas (Sisters United) was founded in 1991 by a group of Ayuda clients and attorneys who wanted to develop a support group that could address the problems and isolation faced by Latina immigrant victims of domestic violence. Hermanas Unidas provides psychological support, empowerment programs, classes, and other services to its members.

Ayuda's fourth component - the policy division - grew out of Ayuda's direct service program and the recognition that helping clients often requires reform of national laws and policies. Ayuda serves as the Washington representative of the National Network on Behalf of Battered Immigrant Women and advocates for legal reforms that benefit battered immigrant women. Ayuda's policy unit also serves as a national back-up center by providing technical assistance to advocates and attorneys assisting battered immigrant women with individual cases. Ayuda policy staff expertise includes the overlapping areas of domestic violence, family law, immigration law, and welfare.

ACCESSIBILITY TO BATTERED IMMIGRANTS

Ayuda is prominently located in the heart of the immigrant community in Washington, DC and is easily accessible by both bus and subway. Ayuda is open from Monday through Friday and domestic violence staff are available to respond to emergency calls and walk-ins during this time. Ayuda will soon be taking calls from the Spanish-speaking community through a hotline project sponsored by the DC Coalition Against Domestic Violence. Ayuda runs a special immigration clinic Monday and Thursday mornings. An attorney-on-duty and paralegal-on-duty assist prospective

clients and answer immigration questions during this time. Clients are welcome to bring their children to Ayuda when they have meetings with their attorneys. The clinics have toys and books to keep children occupied and a staff member or volunteer can usually watch the children as well. Hermanas Unidas meets and holds classes every Saturday. Their meeting site is conveniently located close to where many of the members live and is on the bus line. Child care is available during Hermanas meetings and there are generally special events that members can bring their children to.

OUTREACH TO BATTERED IMMIGRANTS

Brochures and flyers are currently available in Spanish, English, and French. The policy division has recently undertaken a massive project to collect multilingual materials in other languages and develop model literature. Policy staff have also spent the past year developing public service announcements to target the Latin American and other immigrant populations. Focus groups were held with current and former Ayuda clients to support these efforts.

Staff participate extensively in community forums on domestic violence and immigration issues and have appeared on local and national Spanish-language television. They have also contributed articles to and have been quoted in Spanish-language newspapers and run booths during community events. Ayuda staff and Hermanas members regularly hold charlas (talks) and speak at schools, activities, and festivals on issues of domestic violence and immigration law. Hermanas Unidas has produced a video called "Mujer Valorate (Woman, Believe in Yourself)."²⁹⁷ This program documents the personal experiences of Hermanas members and provides valuable information on legal and social services in Spanish. Finally, informal outreach occurs through word of mouth. Because Ayuda has been such a strong presence in the Latino community, former clients often refer new clients to the clinics and spread the word about Ayuda's services.

OUTREACH/COLLABORATION WITH OTHER AGENCIES AND PROFESSIONALS

Ayuda and Hermanas Unidas have formed numerous partnerships with Latino agencies, domestic violence service providers, and immigration-based groups. Ayuda is an affiliate of the National Council of La Raza and works with the DC Coalition Against Domestic Violence, the DC Domestic Violence Coordinating Council, the DC Council of Latino Agencies, the Latino Civil Rights Task Force, the National Lawyers Guild, and the DC Immigrant Coalition. At the national level, Ayuda was one of the co-founders of the National Network on Behalf of Battered Immigrant Women. Ayuda staff have formed strong referral networks and coalitions with various legal and social service providers in the area and regularly attend cross-training events and joint meetings. Clinica Legal Latina staff work with diversity issues in the DC Superior Court. Staff lead

²⁹⁷This video can be purchased from Hermanas Unidas for \$24.00. Contact Rosa Rivas at (202) 387-0434 x17 to receive an order form.

local and national training events for judicial officials, police officers, attorneys, social workers, and health professionals and are beginning a new outreach program to clergy. The policy division has spearheaded the creation of outreach and training materials on VAWA, immigration law, protection orders, public benefits, and cultural competency. Hermanas members make presentations to health centers, churches, and community groups. They have also been active in a coalition that is trying to create a shelter specifically for Latina women in the D.C. Metropolitan area.

STAFF DIVERSITY

Ayuda is committed to hiring individuals from a wide range of ethnic backgrounds. Currently, staff are originally from such diverse places as El Salvador, Peru, Puerto Rico, and Poland. All staff, interns, and volunteers speak Spanish. Some of the staff are also fluent in French, Cantonese, Hebrew, Polish, and various Filipino dialects. Over half of the staff are people of color, immigrants, or children of immigrants. Many of the staff have worked or studied overseas and have extensive experience working with immigrant women in other parts of the country.

CULTURALLY SENSITIVE PROGRAMMING

All Ayuda staff, volunteers, and interns receive extensive training so that they can effectively assist battered immigrant women and understand their needs. An immigration staff attorneys is specifically designated to do VAWA self-petitioning cases and battered spouse waivers. Ayuda's holistic approach also includes providing social work support, case management, and follow-up for clients who need shelter and other services that Ayuda does not provide in-house. Hermanas Unidas was founded by and continues to be operated by Latina domestic violence survivors. Members of the group run and plan all meetings, programs, and activities. During the support group meetings, members learn about their rights and help each other work through personal problems. They also invite experts to speak about topics such as legal rights, health, education, and housing. Hermanas Unidas offers members English and Spanish literacy classes, as well as programs in art, sewing, and nutrition. Hermanas Unidas hopes to eventually set up a job bank. All meetings and programs are in Spanish or have Spanish translation. Finally, Hermanas Unidas and Ayuda work together closely to provide a safety net for clients. Ayuda helps clients navigate through the court, social service, and health care systems and Hermanas Unidas gives current and former clients the strength and the skills that they need to become independent of their batterers.

**BREWSTER CENTER
2711 E. BROADWAY BLVD.
TUCSON, AZ 85716
(520) 881-7201**

Contact - Rebecca Kelly, Program Services Director

Brewster Center provides shelter, legal/social services, case management, and educational programs to battered women. It predominantly serves battered immigrants from Latin America, though it is starting to assist more Asian women. Brewster Center runs two shelters - West House and Casa Amparo (Refuge House). The latter shelter is geared specifically toward Latina women.

ACCESSIBILITY TO BATTERED IMMIGRANTS

Transportation is available to pick up battered immigrants fleeing domestic violence. Casa Amparo has a 24-hour hotline in Spanish and bilingual staff that are available at the shelter 24 hours a day to assist women. Moreover, the name of the shelter is in Spanish to attract battered Latina women.

OUTREACH AND EDUCATION TO BATTERED IMMIGRANTS

Brewster Center produces educational and informational brochures in Spanish and English that concern battered immigrant issues, advocacy topics, and children's programs. The staff do extensive public speaking at area schools and with other community groups to educate the public about domestic violence.

OUTREACH/COLLABORATION WITH AGENCIES AND PROFESSIONALS

Brewster Center works closely with the Tucson Ecumenical Community Legal Assistance (TECLA) program. TECLA has trained Brewster Center staff how to respond to legal needs of battered immigrants and approximately 50% of the staff have completed this training program. Brewster Center also collaborates with Southern Arizona Legal Aid (SALA), the Family Violence Prevention Center, and the Santa Cruz Family Guidance Center. Brewster Center will be sponsoring the upcoming Family Violence Prevention Center's Conference that is to be held in Tucson.

STAFF DIVERSITY

It is a priority to hire multilingual/multicultural staff, interns, and volunteers at Brewster Center, especially for the Casa Amparo program. The entire full-time and part-time staff of Casa Amparo is fluent in Spanish. Staff come from a wide range of cultural backgrounds, though the majority are from the Latino community.

CULTURALLY SENSITIVE PROGRAMMING

Staff are able to assist battered immigrants with VAWA cases and can provide referrals to language classes and job training programs. Staff receive cultural sensitivity training and are knowledgeable of the religious, culinary, and child care needs of battered immigrant women. The shelter stay in Brewster Center is up to 90 days to allow residents time to obtain immigration relief, employment, or public benefits. This time frame is flexible and can be adjusted depending on the needs of the immigrant client.

**CALMIA (CONSEJO Y ACCION PARA LAS MUJERES INMIGRANTES ABUSADAS -
Advice and Action for Battered Immigrant Women)
AUSTIN, TX
(512) 478-0546**

**POLITICAL ASYLUM PROJECT OF AUSTIN
1715 EAST 6th, SUITE 206
AUSTIN, TX 78702
(512) 478-0546**

Contact: Nidia Salamanca

The Political Asylum Project of Austin (PAPA) was started in 1987 to serve the Central American refugee community in the area. This agency provides immigration legal services, educates the immigrant community about human rights and changes in immigration law, trains volunteers to do community education, and empowers the immigrant community. The majority of PAPA's VAWA clients are from Mexico and Central America, but PAPA also has assisted women from such countries as the Philippines, Afghanistan, and Russia.

CALMIA is a coalition that was started in 1996 when PAPA received grant money to train and recruit volunteer attorneys to do VAWA cases. Together with several domestic violence and immigration programs (including PAPA, the Texas Council on Family Violence, Safe Space, Documentation Exchange, and Legal Aid of Central Texas), numerous training events were held. After the initial training programs had been completed, the trainers decided that they wanted to continue advocating for battered immigrant women. They began to meet informally to raise funds, develop materials, and educate battered immigrants about VAWA. In conjunction with Texas Lawyers Care, CALMIA began to develop a more formalized structure with biweekly meetings and committees set up to do outreach, education, and training. Texas Lawyers Care did an assessment of what services domestic violence shelters in Texas were providing to battered immigrants and set up technical assistance/ mentoring programs with the shelters. Mentors are assigned to the five geographic areas where INS offices are located, including Houston, San Antonio, El Paso, Dallas, and Harlingen.

ACCESSIBILITY TO BATTERED IMMIGRANTS

PAPA is well-known in the immigrant community. It holds immigration charlas twice a month to bring in new clients and educate the public. VAWA issues are discussed during these meetings as well. PAPA does not run a hotline or offer shelter services, but staff are trained to be able assist clients who have these needs.

OUTREACH AND EDUCATION TO BATTERED IMMIGRANTS

PAPA primarily conducts its outreach through biweekly charlas, word of mouth, bilingual brochures that are distributed throughout the community. It recently received a grant to develop a video on VAWA in Spanish.

CALMIA reaches out to clients through community education programs. In the past, CALMIA held weekly VAWA community programs for women and wants to begin doing this again. CALMIA has also sponsored a radio talk show on VAWA and immigration law. There is a tight referral network between the member agencies of CALMIA and information about many of CALMIA's programs is spread through word-of-mouth. CALMIA has worked together with an artist to develop a course for domestic violence survivors and their children called "Mi Otra Voz" (My Other Voice). This program helps survivors heal through dance, artistic expression, and a quilt project. It meets on Saturdays and lasts for six weeks. CALMIA hopes to expand this continuing project and develop other creative enterprises.

OUTREACH/COLLABORATION WITH OTHER AGENCIES AND PROFESSIONALS

PAPA works with a tight network in the domestic violence community to make sure that battered immigrants receive the assistance that they need. As a member of CALMIA, PAPA works closely with Documentation Exchange, Legal Aid of Central Texas, Texas Lawyers Care, and other legal service providers to do cross training on immigration and domestic violence legal issues.

CALMIA has surveyed legal service programs in Texas, particularly those that receive State Bar funding or funding from the Legal Services Corporation, to determine what services they provide to battered immigrants. They plan to educate attorneys at these agencies about how to do VAWA cases and are raising awareness of changes in the law that allow Legal Services Corporation-funded programs to represent battered immigrants without inquiring into or reporting immigration status. CALMIA has developed a video to educate lawyers about VAWA and domestic violence asylum cases. It is currently surveying various social services and is working with the church community to educate them about VAWA immigration benefits.

DIVERSITY OF STAFF

All staff members are bilingual in Spanish and English. There are volunteers and interns available who speak French and Italian.

CULTURALLY SENSITIVE PROGRAMMING

Staff receive training on VAWA cases and cultural competency issues. Referrals are available to battered clients who need English classes, shelter, or other social services. PAPA also does political asylum, cancellation of removal, family-based petitions, and naturalization cases.

CASA DE ESPERANZA
P.O. BOX 75177
ST. PAUL, MN 55175
(612) 646-3014 (business line)
(612) 772-1611 (crisis hotline)

Contact - Emily Whiting

Casa de Esperanza was created in 1983 because there was no shelter in the Twin Cities area that was specifically geared toward Latina women. As the shelter grew into an agency that currently provides basic social services, community education, and referrals, the staff found that only one-third of the actual shelter residents were women from the Latino community. By contrast, almost 100 percent of the participants in the agency's various community workshops and classes were Latina women. As a result, the shelter has begun to diversify its services and shift more of its resources toward these community programs. Casa de Esperanza is equipped to shelter battered immigrant women who are fleeing violence, but it also welcomes women of all cultures, classes, sexual orientations, and ages.

ACCESSIBILITY TO BATTERED IMMIGRANTS

The shelter runs a 24-hour crisis hotline in both Spanish and English. Shelter staff do their best to ensure that no battered woman is turned away. If there is no space in their shelter, the staff will work with other shelters in the area to find a safe place for clients to go. The shelter stay is only for one month, but extensions are granted under special circumstances for women who are making progress on their case plans but need more time to complete them. Transportation is available to women who need to get to the shelter. Moreover, the name of the shelter is in Spanish to specifically target battered Latinas. Casa de Esperanza is well known in the community because of its educational workshops and these are often a gateway for battered immigrants who need shelter services.

OUTREACH AND EDUCATION TO BATTERED IMMIGRANTS

While Casa de Esperanza has developed bilingual brochures, most of its outreach is through word of mouth. Women are often referred to the agency by friends or family members who may have previously used Casa's services. Informal outreach also takes place during the community workshops, which are overwhelmingly attended by Latina women. These workshops are offered on a quarterly basis, are very popular in the community, and are designed to empower and support women. Topics are covered at the workshops that are often of specific interest to battered immigrant women. These include parenting classes, information about welfare reform, and forums about changes in immigration law. Casa is working on targeting battered immigrant lesbian/transgendered women as well.

OUTREACH/COLLABORATION WITH OTHER AGENCIES AND PROFESSIONALS

Casa de Esperanza gives presentations to educate community organizations about domestic abuse. It is working to make sure that other Latino-based agencies know how to screen clients for domestic violence and then refer them to appropriate domestic violence services. Casa is active in the local network of Latino service providers and holds cross-training events as much as possible. As the shelter has diversified, more staff are being shifted from direct service to facilitating exchange with the Latino community. Casa works particularly closely with Chicanos Latinos Unidos en Servicio (CLUES), which offers ESL and life skills classes, Centro Cultural Chicano, Centro Legal, and Oficina Legal (Legal Aid).

STAFF DIVERSITY

Staff come from diverse cultures and many speak Spanish. Casa recently updated its hiring policies to require all new employees to be fully bilingual in Spanish and English. Staff hired prior to this policy change have been offered Spanish classes that are taught by a volunteer instructor. By the year 2000, all Casa staff will be required to be bilingual in Spanish and English. Casa actively recruits Spanish-speaking interns for its programs and often seeks Americorps volunteers because they have more time to give and tend to be sensitive to the needs of disenfranchised people.

CULTURALLY SENSITIVE PROGRAMMING

All services provided by Casa are offered in Spanish and English. Staff are available to assist residents with housing, welfare, legal, work, and educational programs as needed. Immigrant clients can be screened for VAWA eligibility and referred to area immigration service providers. The shelter continues to track residents for one year after leaving the shelter to help them transition to independent living. This program has its own support group and assists clients with such issues as finding work, getting children registered for school, and developing budgeting skills. The shelter has a Support Group Esperanza for Spanish-speaking survivors of domestic violence and has a separate group for women who have been abused by women.

The shelter works hard to promote the culture of each individual resident and provides for the special needs of residents with regard to food and customs. In the community workshop program, Casa staff have found that some of the women who attend the workshops are battered but are not ready to leave their abusers. Connecting with these women in a more informal setting is often less threatening and gives women the support and information that they need to evaluate their choices and seek help.

CASA MYRNA VASQUEZ
P.O. BOX 180019
BOSTON, MA 02118
(617) 521-0100

Contact - Patricia Collins

Casa Myrna Vasquez opened its doors in 1977 and provides comprehensive shelter, legal, and counseling services. The shelter primarily serves women of color and Latinas (who make up 40-50% of the shelter's residents). It further offers day care, tutoring, and recreational programs for children and provides a transitional housing program for teen mothers.

ACCESSIBILITY TO BATTERED IMMIGRANTS

The shelter runs a 24-hour hotline in Spanish and English that handles crisis intervention and referrals. The name of the shelter is in Spanish to attract battered Latina women and has a strong community reputation. The shelter also offers free services to women who may not be ready to leave their batterers. These programs include individual and group therapy and legal consultations.

OUTREACH AND EDUCATION TO BATTERED IMMIGRANTS

Casa Myrna Vasquez has created brochures, literature, and PSAs in Spanish and English. Various staff members have appeared on Spanish-language television and radio programs. Shelter flyers and pamphlets are available in area health clinics and emergency rooms. The shelter does much of its outreach through word of mouth and referrals from former residents.

OUTREACH/COLLABORATION WITH OTHER AGENCIES AND PROFESSIONALS

The shelter runs training and cross-training programs with the Department of Human Services, the police department, the Boston Public School System, and area hospitals. It is active in the Massachusetts Coalition for Battered Women and the Child Violence Witness Project. The Casa has good relationships and a strong referral network with area community-based agencies. It has also participated in the creation of a brochure on Immigrant Rights for Victims of Domestic Violence with the Battered Immigrant Women's Justice Project at Greater Boston Legal Services. Finally, shelter staff provide technical assistance to shelter programs overseas and have worked with the United Nations on international domestic violence issues.

STAFF DIVERSITY

Shelter staff, interns, and volunteers come from a wide range of Latin American countries and many are immigrants or children of immigrants. All staff are bilingual in

Spanish and English. The interns in the shelter's mental health and legal clinics speak French, Spanish, Hindi, and Japanese.

CULTURALLY SENSITIVE PROGRAMMING

Residents are allowed to stay in the shelter program for up to three months to complete their case plans. They are then transferred into two year transitional housing programs. Teenage mothers can stay in transitional housing until the age of 22. The shelter plans to reopen its community safe home program for women with boys over the age of 12 in July of 1999. Economic literacy classes are available for residents so that they can receive life skills and job training. The legal clinic is able to handle family law matters and VAWA cases are typically referred out. The shelter celebrates many cultural holidays and is respectful of the culinary, child care, and cultural needs of the residents.

CATHOLIC SOCIAL SERVICES - IMMIGRATION AND REFUGEE SERVICES
3710 E. 20th AVENUE
ANCHORAGE, AK 99508
(907) 276-5590

Contact - Robin Bronen

Catholic Social Services (CSS) provides legal assistance and referrals for social services to battered immigrant women in Anchorage. CSS works with immigrants from Latin America, Russia, Africa, and with a multitude of indigenous peoples who reflect the broad ethnic diversity of Alaska. CSS does not offer shelter services. The majority of Catholic Social Services' immigrant clients are Latina women.

ACCESSIBILITY

No transportation is available for women fleeing domestic violence. However, walk-in programs are available for women who are not ready to leave their batterers. CSS provides legal assistance to battered immigrants throughout the state by working closely with battered women's advocates at shelters when women need assistance outside of Anchorage. CSS is known to the Latino community because it advertises its services on a bilingual radio program that addresses conflict management and is operated in conjunction with legal authorities and area police.

OUTREACH AND EDUCATION TO BATTERED IMMIGRANTS

CSS uses Spanish and English outreach materials that have been provided by Ayuda. CSS also conducts public education programs in Anchorage to raise awareness of domestic violence in the community.

OUTREACH/COLLABORATION WITH OTHER AGENCIES AND PROFESSIONALS

Catholic Social Services holds training sessions on immigration issues with area service providers, law enforcement, and other interested groups. Furthermore, CSS is sponsored by The Network on Domestic Violence and Sexual Assault in Alaska (NDVSA) and is involved in NDVSA training events on battered immigrant issues. CSS also collaborates with the Department of Public Assistance, the Public Defender's Office, and the Attorney General's office in Anchorage.

STAFF DIVERSITY

It is a priority at CSS to hire multilingual and multilingual staff. Current staff members are able to speak Spanish and Korean and represent a wide range of ethnic backgrounds. CSS currently has volunteers who speak Spanish and Russian.

CULTURALLY SENSITIVE PROGRAMMING

The agency has its own training program for staff and volunteers on issues affecting battered immigrants. Cultural sensitivity training is also provided to staff through programs sponsored by the Alaska Bar Association. These programs stress the importance of staff members being cognizant and appreciative of communication gaps that could exist between service providers and clients, as well as the different cultures, customs, and beliefs of clients. Staff are trained to assist immigrant clients with VAWA self-petitioning cases and can provide referrals to other social services in the domestic violence community.

**FINGER LAKES MIGRANT HEALTH PROJECT
2 RUBIN DRIVE
RUSHVILLE, NY 14544
(716) 554-6617**

Contact - Pat Rios

The Finger Lakes Migrant Health Care Project coordinates and provides health care services to the migrant worker community in upstate New York. The project provides primary care health services, assists battered immigrants who are fleeing their batterers, refers clients to social and legal services, and advocates for clients who need assistance with public benefits problems, the school system, or the state bureaucracy in general. Health care services are coordinated with thirteen participating medical clinics in eight neighboring counties. The Project primarily works with seasonal workers from Mexico and Haiti. The Project does not offer shelter services to battered immigrants but is in contact with a network of private homes and churches that can serve as temporary safe houses. The area where the Project operates is very rural and has extremely limited resources for both permanent residents and migrant workers.

ACCESSIBILITY TO BATTERED IMMIGRANTS

The nerve center of the Health Care Project is a 24-hour free hotline that is in English, Spanish and Creole. Clients can call this number to schedule appointments, obtain domestic violence assistance, arrange for transportation, ask questions about Medicaid, arrange to have doctors go out to the migrant camps, or speak to someone about particular problems that they may be having. Clients can call this number from anywhere in the U.S. to get referrals to domestic violence programs or to schedule appointments if they know that they are heading to a farm in New York to work. The Migrant Health Project has been in existence for ten years and is well known in the migrant worker community. It has very good relations with crew bosses who supervise migrant workers and staff can come and go from the camps as they please. This eases the Project's accessibility to battered migrant women. The hours at the clinics are very flexible to accommodate the work schedules of clients as well.

OUTREACH TO BATTERED IMMIGRANTS

Outreach primarily occurs when new work camps arrive in the area. Staff members go out to the camps to advertise their services and set up appointments. Case managers and community health workers who are from the migrant community do follow-up visits, screen women for domestic violence, and have evening meetings with at-risk families. They work hard to build the trust of battered migrant women and offer educational programs to these women to explain the dynamics of domestic violence in a manner that is culturally appropriate.

OUTREACH AND COLLABORATION WITH AGENCIES AND PROFESSIONALS

Because resources are so limited, the Health Project has had a difficult time forming resource networks and partnerships. Many mainstream social service providers are not knowledgeable of the needs of battered migrant women. The Project works with domestic violence clinics, hospitals, schools, and other social service agencies to ensure that the rights of migrant workers are being protected, but this is very challenging. They have had more success with their partnership with Cornell University's migrant program. Through this program, pre-med students are sent into the clinics and given training. They provide interpreting services in exchange for clinical experience. Mainstream health care professionals also refer women to the Health Project. Staff attend numerous conferences and training events to keep up to date on developments in family law and immigration law as it affects migrant women.

STAFF DIVERSITY

Staff members speak Spanish, English and Creole. Community health workers are recruited from the migrant communities. All staff members and volunteers are given extensive cultural training. There is a shortage of trained interpreters in the area, so the Project depends on its pre-med interns to fill some of its translation needs.

CULTURALLY SENSITIVE PROGRAMMING

Community health workers understand the issues that battered migrant women may have with the police or the INS and are careful to present helpful information on domestic violence without alienating clients. Because the Health Project only delivers health services, it is not viewed as a threat to the migrant worker system and can readily reach battered migrant women. Recognizing that battered migrant women move so much, the Health Project maintains a database on all clients so that they can forward medical records to any area of the country where migrant families may settle. This is helpful when schools need shot records on children who the Health Project might have seen or if women need evidence for a domestic violence case. The staff recognize that being a migrant worker is very culturally isolating. As a result, the Project has created a fund to fly abused women back to their home countries where more resources might be available to them. Staff are trained to screen women for VAWA eligibility and refer them out, but most women are not in the area long enough to file a case. For women who choose to return to their home country as a way of escaping the violence, the Health Project can sneak the women out of the camps and put them in a safe house until transportation back to their home countries can be arranged.

**IOWA COALITION AGAINST DOMESTIC VIOLENCE
2603 BELL AVENUE, SUITE 100
DES MOINES, IA 50321
(515) 244-8028**

Contact - Sonia Parras-Konrad

The Iowa Coalition Against Domestic Violence coordinates domestic violence projects for the state of Iowa. It provides technical assistance on various issues, works to enhance the quality of victim services, raises public awareness of domestic violence, improves the response of law enforcement to domestic violence, and educates judges, court personnel, and service providers about domestic violence. Ms. Parras-Konrad is in charge of all outreach programs for battered immigrants. She works at the state level to advocate for legislation to assist battered immigrants and does outreach broadly to the immigrant community. She predominantly works with Latina women.

ACCESSIBILITY TO BATTERED IMMIGRANTS

Ms. Parras-Konrad is available to assist battered immigrants during office hours at the Coalition. If she is away, the staff of the Coalition have access to her referral list and can assist the caller.

OUTREACH AND EDUCATION TO BATTERED IMMIGRANTS

Ms. Parras-Konrad has developed very progressive and creative outreach programs. She created radio commercials which air on the weekends and use a "mini soap opera" theme. The commercials begin with a loud door slam to get the attention of the listener, the husband and wife quarrel in Spanish, and the wife then talks to a friend who refers her to the Coalition. Several brochures have been written in Spanish and left in strategic places like women's dressing rooms at clothing stores (such as Walmart), public restrooms, and restaurants. Police have been given special pamphlets to distribute to immigrant women called "Mi Plan de Seguridad." Ms. Parras-Konrad has made a video in Spanish and has distributed Spanish pamphlets to all circuit courts, legal aid offices, and attorneys' offices on how to get legal representation, information on court proceedings, and VAWA information. Because she has found that many immigrant women are illiterate, she is currently creating a picture book that police officers can use when responding to domestic violence calls.

OUTREACH/COLLABORATION WITH OTHER AGENCIES AND PROFESSIONALS

Ms. Parras-Konrad has worked with the Drake University Law School to train volunteers in their legal clinic to assist women with VAWA self-petitions. She has also trained community workers such as police officers, social workers, and health professionals to identify domestic violence problems in the immigrant community and refer them directly to her. She trains domestic violence coordinators around the state

how to work with battered immigrants. There are currently eight outreach coordinators working at shelters across the state. Ms. Parras-Konrad works with a wide range of networks including domestic violence education programs in the schools and clergy programs to help reach Catholic Latina women. She collaborates with the Volunteer Lawyer's Association, the University of Iowa, Latino Services, and the Iowa Council of International Understanding. She has formed an interesting collaboration with Proteus, an organization that provides health and educational services to migrant women. When Proteus drives its trailer out to the fields to assist women, patients are simultaneously given health care and information about their legal rights and domestic violence. A cross-training event will soon be held to establish a permanent collaborative relationship between the two agencies.

STAFF DIVERSITY

Ms. Parras-Konrad and the eight outreach coordinators speak Spanish. There are efforts at the Coalition to increase staff diversity in shelter and social service programs across the state of Iowa. Ms. Parras-Konrad is currently promoting the creation of a women of color permanent committee on the Board of Directors for the Iowa Coalition Against Domestic Violence.

CULTURALLY SENSITIVE PROGRAMMING

While the Coalition can only provide referrals, Ms. Parras-Konrad has successfully assisted numerous battered immigrants with shelter, legal and social services needs. She is knowledgeable of VAWA issues and can help women with the filing of VAWA self-petitions.

LEGAL AID FOUNDATION OF LOS ANGELES
5228 WHITTIER BLVD.
LOS ANGELES, CA 90022
(323) 640-3909
(323) 640-3900 (main line/ VAWA voice mail line)

Contact - Rosa Fregoso

The Legal Aid Foundation of Los Angeles was formed in 1929 and has been providing comprehensive immigration legal assistance to battered immigrants since 1992. Legal Aid also offers family law services and has attorneys available to do custody, divorce, child support, and restraining order cases. This agency predominantly assists immigrants from the Latin American community.

ACCESSIBILITY TO BATTERED IMMIGRANTS

Legal Aid is well known in the immigrant community and has a high volume of clients in its immigration clinic as a result. It does not operate a hotline, but women who have immigration problems after office hours can leave a message on the bilingual (Spanish/English) VAWA voicemail. The agency does not routinely offer crisis services to individual clients or transportation to shelters for battered immigrants, but can refer them as needed. Staff are also trained to provide legal assistance to battered immigrants who may not be ready to leave their batterers. Legal Aid's immigration clinic does its best to not turn away immigrant women who qualify for their services and meet their income guidelines.

OUTREACH AND EDUCATION TO BATTERED IMMIGRANTS

Legal Aid does not need to conduct very much direct outreach to battered immigrants. The word is basically out in the community about its services since it collaborates with a broad range of community-based agencies. Furthermore, the agency does not have the staff capability to mount large community education campaigns and receives enough client referrals to have a very large caseload. However, staff have appeared on local radio talk shows to discuss legal issues that are of importance to the immigrant community.

OUTREACH/COLLABORATION WITH OTHER AGENCIES AND PROFESSIONALS

Legal Aid attorneys collaborate extensively and share referrals with other shelters, service providers, and community-based agencies in the Los Angeles area. Staff have led training programs on VAWA for local shelters, Head Start programs, schools, domestic violence support groups, and other interested agencies. They recently received federal funding to train shelter counselors how to prepare psychological evaluations for VAWA cases to expand Legal Aid's referral list of

psychological specialists. Staff have formed the Los Angeles VAWA Coalition, which is a group of immigration service providers who meet on a regular basis to balance out the workload of immigration cases between agencies and ensure that VAWA-eligible persons are receiving legal assistance. Finally, Legal Aid has been working with the local police to make copies of police reports free for battered immigrant women and expedite the process of releasing these documents to clients. Staff are currently a part of a campaign to make these changes a part of state law.

STAFF DIVERSITY

Staff come from a variety of ethnic backgrounds and many are from the local immigrant community. Legal Aid depends heavily on law student volunteers and tries to hire culturally diverse people as much as possible. All staff and volunteers are required to be bilingual in Spanish and English. Other languages spoken by clinic staff and volunteers include Farsi, German, and Hebrew.

CULTURALLY SENSITIVE PROGRAMMING

Legal Aid staff are familiar with the various issues that affect battered immigrants. New staff and volunteers are screened carefully to ensure that they are sensitive to the needs of battered immigrants. In addition to legal assistance, the agency is able to provide referrals for clients to English classes, shelters, job training programs, social services, and domestic violence counseling.

LEGAL SERVICES OF NORTH CAROLINA - PROJECT ESPERANZA
P.O. BOX 26087
RALEIGH, NC 27611
(919) 856-2579

Contact - Beth Posner

Legal Services of North Carolina runs and administers two statewide projects - Project Esperanza (funded by a Family Violence Prevention and Services Act (FVPSA) state block grant) and a capacity building and representation project (funded by FVPSA federal discretionary money). Project Esperanza is a coalition of groups and persons who have come together over the past five and a half years to explore opportunities to better serve battered Latinas in North Carolina. The members of this working group represent a diverse association of interests and organizations, including staff from Legal Services, local domestic violence agencies, local law schools, public health administrators, public health educators, and local departments of social services. The production of the manual "Project Esperanza: A Guide to Working with Battered Latinas" is one of the outcomes of their efforts.

Currently, the group focuses on training opportunities and public awareness activities for domestic violence programs, health care providers, legal services programs, law enforcement, Child Protective Services workers, judges, magistrates, pro bono attorneys, and other groups which serve and represent battered Latinas. The training focuses on four components: developing culturally appropriate services, immigration remedies for battered immigrant women, developing models of domestic violence intervention in the Latino community, and building community partnerships to address the growing needs of the community.

Project Esperanza also provides technical assistance to organizations by building capacity, assuring ongoing implementation of skills and lessons imparted by the training, and developing culturally appropriate service models. The project currently provides services through a professional with expertise in capacity assessment and familiarity with cultural issues, domestic violence issues, model programs, and strategies for outreach. Project Esperanza assists local programs/agencies with becoming linguistically and culturally accessible in order to meet the needs of the population and avoid misleading cultural stereotypes. The project also assists organizations with outreach efforts, helps determine what services are meaningful and relevant given the cultural and sociological background of the targeted community, and assists organizations in identifying and collaborating with existing ethnic women's organizations, Spanish-speaking media outlets, religious groups, or cultural community centers.

The second project of Legal Services is its HHS (Health and Human Services) Project to Enhance Capacity to Serve Battered Migrant, Immigrant and Refugee Women. This is capacity building project has the ultimate goal of developing

partnerships and training Legal Services Staff to better serve North Carolina's battered immigrant, migrant, and refugee women. The project has five goals, which are:

- 1) To promote more responsive and culturally appropriate services, increased knowledge of domestic violence, and enhanced awareness of immigration and other legal remedies through collaborative training at each of the participating service areas;
- 2) To become a clearing house of resources and information regarding family violence and the immigrant, migrant, and refugee population, and to disseminate information and materials about issues through existing organizational channels;
- 3) To advocate for accessible and appropriate services for battered immigrant, migrant, and refugee women and their children in local domestic violence programs, legal services programs, and other human services agencies;
- 4) To identify and train pro bono attorneys to assist in representation of the client population; and
- 5) To provide legal assistance for battered immigrant, migrant, and refugee women in the following matters: immigration matters provided by the Violence Against Women Act; civil protection orders; divorces; and child custody.

Legal Services is not currently providing representation to battered Latinas, but it plans to use the above programs to improve its own services and eventually begin working directly with this population.

**ORGANIZACION EN CALIFORNIA DE LIDERES CAMPESINAS
(FARMWORKER WOMEN'S LEADERSHIP NETWORK)
611 SOUTH REBECCA STREET
POMONA, CA 91766
(909) 865-7776**

Contact - Mily Traveno-Sauceda

Lideres Campesinas was formed in late 1992 as the result of several years of grassroots and community organizing by farmworker women involved with the United Farm Workers (UFW) movement and other political campaigns in rural California. In the late 1980s, a group of farmworker women joined together, interviewed fellow farmworker women, and realized that they needed to form their own union to dialogue about and meet the specific needs of migrant farmworker women. As a result, the group Mujeres Mexicanas (Mexican Women) was formed. Mujeres Mexicanas initially worked with such issues as housing, health care, child care, and education. It participated in local political activism and organized two regional conferences for farmworker women with the assistance of the Farmworker Justice Fund.

As Mujeres Mexicanas grew and shifted its focus to more professional Latina women, farmworkers began to leave the group. To reenergize the farmworker activists and bring the group back to the grassroots level, Ms. Traveno-Sauceda obtained funding from the California Rural Legal Assistance to organize key farmworker women activists in 20 regions throughout California. This new group was named Lideres Campesinas because the women involved were leaders in their own right. They again canvassed farmworker women to identify the needs of these women. After the group's first statewide conference, individuals returned to their communities and established Lideres committees. There are currently 15 committees of Lideres Campesinas across rural California that educate other women about health issues, domestic violence, pesticides, HIV/AIDS, and sexual assault. Twelve of these committees are active and have become chapters of Lideres Campesinas.

In 1995, the committees began to investigate and develop workshops on domestic violence. With the assistance of experts, they began to hold training events and regional conferences to develop responses to this problem and train domestic violence specialists. Lideres Campesinas currently assist battered farmworker women with accessing services and shelter. They accompany women to appointments at social service agencies, help them obtain protection orders, and provide translation services as needed. Lideres is predominantly made up of farmworker women from Mexico and Central America. One of the Lideres committees has indigenous Mixteca women from Mexico among its membership. Through its statewide network, it is estimated that Lideres Campesinas has touched the lives of over 17,000 people.

ACCESSIBILITY TO BATTERED IMMIGRANTS

Lideres Campesinas is very visible in the migrant community. All of the Lideres committee members have business cards that they distribute to women in the camps. They use these cards to recruit new members and to offer themselves as resources to battered migrant women. Because of the strong tradition of labor organizing in California, migrant women tend to be more aware of their rights and see the value of grassroots organizing and empowerment. Lideres members have also advocated to make social services more accessible to battered immigrants by attending government hearings to increase research on farmworker women and building dialogues with service providers to discuss barriers to services.

OUTREACH AND EDUCATION TO BATTERED IMMIGRANTS

With the assistance of the Migrant Clinicians Network, Lideres members have developed materials for their committees to train migrant women to be specialists who do outreach in migrant communities. Members do community organizing work and lead mini-conferences on domestic violence in the evenings and weekends to accommodate the women's work and family schedules. Several chapters have developed skits on domestic violence that they have performed for women at work sites and at conferences. They have found that drama is an effective means for opening dialogue and reaching women who may be illiterate. Their work has included the development of an interview form using pictures that Lideres members use when working with migrant women. The form can be used when either the interviewer or the interviewee is illiterate. They have also done processions, marches, and vigils in the migrant communities to raise awareness of domestic violence.

OUTREACH/COLLABORATION WITH OTHER AGENCIES AND PROFESSIONALS

Lideres works actively with the Migrant Clinicians Network in Texas, the National Council of La Raza, the Farmworker Justice Fund, and Oxfam America. Lideres has formed a collaboration with UC-Riverside to work on international domestic violence issues affecting Mexican and indigenous women. The model of Lideres Campesinas has captured the attention of migrant women's groups in Washington, Texas, and Arizona. Lideres have begun training these groups how to organize themselves.

The committees also collaborate on different issues with the United Farm Workers and California Rural Legal Assistance. In 1995, Lideres received an award from the Family Violence Prevention Fund for their work on behalf of battered migrant women. As a result of this award, they received a contract from the Fund to train service providers in migrant communities in Iowa and Texas on domestic violence in these communities. Finally, Lideres members provide training to health clinics, shelters, women's centers, and unions about domestic violence, pesticides, health concerns, and other pertinent issues. Their relationship to service providers has often been tenuous

because of a lack of understanding of migrant issues, but the Lideres committees are working to improve relations with these groups.

DIVERSITY OF STAFF

All staff and members are of Mexican or Central American ancestry and are farmworkers themselves, former farmworkers, or members of farmworker families.

CULTURALLY SENSITIVE PROGRAMMING

The priority of Lideres Campesinas is to empower farmworker women and its work with domestic violence issues has been informed by the experiences of battered migrant women. Because the group was created for and by migrant women, its approach to advocacy and organizing is inherently culturally competent. The committees are able to provide battered women with the referrals and advocacy that they need when seeking the assistance of social service agencies. A daughter of one of the members is an immigration attorney and does VAWA cases for farmworker women.

REFUGEE WOMEN'S ALLIANCE - DOMESTIC VIOLENCE PROGRAM
P.O. BOX 28112
SEATTLE, WA 98118
(206) 721-3846

CONTACT - Beruke Giday

The Refugee Women's Alliance (ReWA) was established in 1985 by a group of successfully resettled refugee women who wanted to provide newly arrived immigrant women with services not offered by other refugee programs in the Seattle area. The goal of ReWA is to help women achieve self-sufficiency by providing networking, educational, and support services. ReWA has grown from an informal alliance of concerned Southeast Asian women into a comprehensive family support center that assists over 800 refugee women and their families a year. ReWA primarily serves women from Southeast Asia, Eastern Europe, the former Soviet Union, and East Africa. The Domestic Violence Victim Advocacy program provides individualized emotional support to battered immigrants and runs a support group for these women. Staff refer clients as needed, serve as translators, and can accompany women to court or social service agencies.

ACCESSIBILITY TO BATTERED IMMIGRANTS

The ReWA Domestic Violence Project is located in a neighborhood with a high concentration of immigrants and is easily reached by public transportation. There is no hotline available and the program is only open during business hours. However, advocates are flexible and can assist individual clients after hours as needed. The agency is well known because it is only the agency that is set up to assist battered immigrants in King County. If an immigrant woman from another county needs assistance, the agency will attempt to assist her to the best of its ability.

OUTREACH AND EDUCATION TO BATTERED IMMIGRANTS

The Domestic Violence Program has brochures on domestic violence that have been translated into Russian, Laotian, Chinese, Khmer, Tagalog, Amharic, Tigrean, and Vietnamese. Advocates attend community gatherings of any kind to distribute their brochures and speak to ESL classes, women's groups, schools, community colleges, church and temple groups, etc. They work with other programs that ReWA runs to reach battered immigrants and take referrals from battered women needing assistance from the agency's other services.

OUTREACH/COLLABORATION WITH OTHER AGENCIES AND PROFESSIONALS

ReWA staff and board members are involved in networking locally and nationally to advocate for refugee and immigrant women's rights and services. The Domestic Violence Program collaborates with the Northwest Immigrant Rights Project, King

County Legal Services, area shelters and social service agencies, and the King County Coalition Against Domestic Violence. They provide cultural training to shelters and service providers in the county as well.

STAFF DIVERSITY

The staff of ReWA are mainly immigrant and refugee women who serve as role models and are able to provide services in twenty languages and dialects. The agency does recruit volunteers, but there are not any currently working in the domestic violence programs. There are six domestic violence advocates from the various communities that the program serves who are fluent in such languages as Russian, Amharic, and Vietnamese (among others). The program hires advocates from the same cultural background of the clients that they work with to ensure cultural competency and understanding.

CULTURALLY SENSITIVE PROGRAMMING

ReWA offers ESL classes, citizenship preparation programs, parenting classes, on-site early childhood education, youth tutoring, and child care teacher training. It further offers multilingual programs in advocacy for children with disabilities and social services. Staff are trained to understand the cultural needs of clients, and can provide one-on-one counseling to help clients evaluate their options. When referring clients to shelters, they provide cultural advocacy to ensure that the needs of clients are met. Staff prepare clients for court, provide translation during meetings with service providers and lawyers, and work with women to become self-sufficient. Staff are trained to screen clients for VAWA eligibility and refer them to the Northwest Immigrant Rights Project. The Alliance works hard to be a "one stop shopping center" for immigrant women and can refer battered immigrants to its other programs as needed.

SHELTER FOR ABUSED WOMEN OF COLLIER COUNTY

P.O. BOX 10102

NAPLES, FL 33941

(941) 775-1101 (hotline)

(941) 775-3862

Contact - Kathy Herrman

THE SHELTER FOR ABUSED WOMEN IMMOKALEE PROJECT

402 W. MAIN STREET

IMMOKALEE, FL 34142

(941) 657-5700

Contact - Lucy Ortiz

The Shelter for Abused Women is a large agency that operates out of five locations. These include an administrative office, the shelter itself, a counseling center and a legal advocacy project at the courthouse that is staffed with one family law attorney. The fifth program is the Immokalee Project, which is the primary outreach component of the Shelter. The Shelter and the Immokalee Project serve a multiracial county with numerous immigrants from Central America, Mexico, and Haiti. The Shelter is located in a more affluent part of Florida and has access to the resources that it needs. Moreover, the Shelter runs a retail store that sells furniture and household goods. The store is staffed by volunteers and two full-time employees. Revenues go to the Shelter and women from the Immokalee Project can get vouchers to buy furniture when leaving the shelter program. The Immokalee Project operates in a more rural area with few resources. Battered immigrants who utilize the services of the Project and need shelter are typically housed at Friendship House, a local homeless shelter. If clients need to flee Immokalee for safety reasons, the Shelter in Naples will house them.

ACCESSIBILITY TO BATTERED IMMIGRANTS

The Shelter in Naples provides transportation to court, the shelter, or a relative's/friend's home. There is a 24-hour hotline available to victims, but it is currently only in English. The Immokalee Project is visible, well known, and accessible to the immigrant and migrant community. It is housed in the same building as the Redlands Christian Migrant Association (RCMA), where farmworker families take their children to be registered for day care programs.

OUTREACH AND EDUCATION TO BATTERED IMMIGRANT WOMEN

The Shelter and Immokalee Project have created domestic violence literature and flyers in English, Spanish, and Creole. To reach a wider audience, Spanish brochures are printed in a more informal form of the language because this was

recommended by Latin American clients. A power and control wheel and safety plan have also been translated into Creole. The Immokalee Project does the majority of its outreach through child care providers and home visitors working for RCMA. The providers are trained to identify symptoms of domestic violence in the children and provide referrals to the mothers. The home visitors are able to build trusting relationships with the mothers and can often facilitate their getting help through the Immokalee Project.

OUTREACH/COLLABORATION WITH OTHER AGENCIES AND PROFESSIONALS

The Shelter educates health, child care, and legal professionals about changes in immigration law. It also works with the local supervised visitation center, trains sheriffs and other law enforcement, and meets weekly with the local rape crisis program. The Immokalee Project has created an advisory council that is made up of advocates from area agencies that serve immigrant and migrant women. This council organizes and directs efforts to help battered immigrants, as well as coordinating services with WIC programs, hospitals, the sheriff's office, other shelters, mental health agencies, and rehabilitation services. The Immokalee Project is working in conjunction with the Florida Coalition against Domestic Violence to develop a safety planning materials geared toward migrant farmworker women. The Immokalee Project also sponsors training programs called "I Can Problem Solve." These train child care providers how to teach children nonviolent problem solving techniques.

STAFF DIVERSITY

The Shelter program has five staff members who are bilingual in English and Spanish. Two of the court advocates speak Spanish, two Immokalee staff members speak Spanish, and Lucy Ortiz can speak some Creole. The Immokalee Project has also recruited volunteers at the RMCA who speak Creole and are trained to do domestic violence intakes.

CULTURALLY SENSITIVE PROGRAMMING

The Shelter celebrates cultural holidays and respects the child care, living arrangements, and culinary needs of immigrant residents. Lucy Ortiz is a licensed social worker and is qualified to assess extreme hardship requirements for clients in VAWA immigration cases. This saves clients from having to seek the services of more expensive psychologists. Ms. Ortiz is also trained to screen clients for VAWA cases. These cases are usually referred to the Florida Immigration Advocacy Center. The Immokalee Project runs support groups for immigrant women at the Friendship House and the Even Start Center (a nationwide adult English literacy program for immigrants).