

Building Bridges to Safety: Interdisciplinary Legal Advocacy for/with Immigrant Survivors



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Welcome and Objectives

As a result of this session, participants will be able to:

- Identify potential barriers for immigrant survivors of sexual violence
- Situate their organization's approach on the spectrum of interdisciplinary collaborative models
- Interrogate how building external or internal interdisciplinary partnerships can improve legal advocacy
- Identify one barrier to interdisciplinary collaboration that they can investigate in their organization as a step towards solutions

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Who's here and what have you heard?

What have you heard about immigration?

- Who's "legal" and who is "not legal?"
- Who is eligible for housing, work, public benefits?
- Who can be deported?

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Meet Cassandra

- Cassandra is from Belize City, Belize, and speaks Kriol and English. When she was 14 years old, Cassandra met a man almost twice her age who began pursuing her. Though Cassandra was hesitant at first, the man was persistent and seemed trustworthy. Cassandra had never been showered with so much attention, so she began dating him and got married less than a year later.

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Meet Cassandra

- Soon after their marriage the emotional abuse began. Cassandra was confused about the abuse, and after learning that she was pregnant hoped that the abuse would stop after she had her baby. As the years went on though, the abuse escalated to physical and sexual violence. Cassandra was tired of the abuse but stayed in the relationship because she believed it was the best for her daughter.

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Meet Cassandra

- One day, when Cassandra's daughter was 10 years old, she disclosed that her dad had sexually abused her. Afraid for her daughter's safety, Cassandra consulted her older siblings who offered to help her financially, so that she could escape. Cassandra believed that the only way to prevent from being found was to come to the U.S. So she ran away with her daughter, and eventually they both entered the U.S. without documentation.

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Meet Audrey

- Audrey was born and grew up in Ghana, and speaks Twi. Her husband & father of her two children died when they were small.
- Audrey spent several years struggling to get by to support her children. When her children were 10 and 8, she was approached by a friend of a cousin, who offered to connect her with an opportunity to nanny in the U.S. for his cousin, diplomatic worker. Audrey's economic situation had grown dire, so she took up the chance.

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Meet Audrey

- Audrey was promised she would be living in an in-law suite in a Washington D.C. home, where she would be paid \$12/hour and free room and board to care for the diplomat's two children and do light housekeeping and meals. She was to work from 8 a.m. to 5 p.m. five days a week, with a half day on Fridays and weekends free, as well as three weeks vacation each year in which she could visit her children. She was also promised the opportunity to take English and community college classes.

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Meet Audrey

- When she got to the U.S., she was taken to a small home in an area she couldn't identify. She did not know her address, her passport was taken from her, and she was made to work from 7 a.m. to 10 p.m. daily caring for a family of 7, doing all the cooking and cleaning. She got no days off, and was not allowed to leave the home without permission. She slept on a thin futon mattress on the floor of a room with the three children.

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Meet Audrey

- Audrey worked for a diplomat who lived with his family of four and his brother, sister-in-law, and 22-year-old nephew. A few months after she came to the U.S., the diplomat began making crude jokes to her, commenting on her body, and brushing against her as he passed by. Audrey brushed off the behavior even though they made her uncomfortable.

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Meet Audrey

- The diplomat's nephew picked up on his uncle's behavior and starting emulating it. For months, he would corner Audrey and talk about his proclivities and prowess. Audrey was afraid to tell anyone, so it only grew worse. About a year after she came to the U.S., during an evening in which the rest of the family was out of the house, the nephew stayed home, cornered Audrey, and raped her.

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Barriers to Justice & Safety

What barriers might Cassandra face?

What barriers might Audrey face?

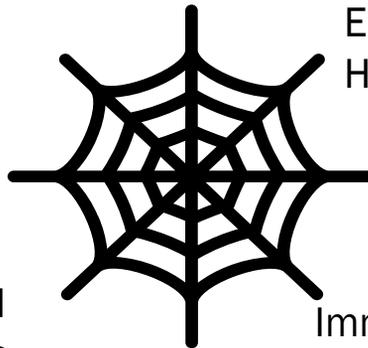
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A Closer Look at Barriers

Language Access

Fear/Mistrust of State Authorities

Perpetrator-Generated Risks, Control, Threats



Economic, Employment, Housing

Systems that are not culturally humble or relevant

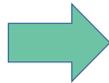
Immigration weaponized

Cultural isolation

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Language Access

Failure to provide appropriate, required, interpretation or access



Family member or person who caused harm interprets



Dual/improper arrest



Services or benefits denied



Barrier to competent, accessible legal representation



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Fear of State Authorities

- Climate of fear + real consequences: Our laws, policies, and standard practices can impact immigrant survivors differently.
- Criminal consequences can result in immigration consequences – EVEN when individual is not undocumented

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National Advocates Survey Results

“Many victims are afraid they will be deported when they report their domestic abuse or sexual assault. They...are fearful that any contact with law enforcement puts them in a more dangerous position than staying silent.”

“Survivors are afraid that they will be reported to Immigration and Customs Enforcement (ICE), and be removed from their children. This has happened on numerous occasions in our community and continues to happen.”

76.25% of advocates report immigrant survivors have concerns about contacting police



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A Climate of Fear

“Victims also believe that courts will automatically side with the abuser ... solely because the abuser is a U.S. citizen. It is difficult to assure victims that courts are meant to be fair... especially when ... the news sounds anti-immigrant. “

“Immigrant survivors no longer want to go to family court. They are too scared. They put up with abuse & they refuse to get child support because they are scared they will be reported to immigration.”

3 out of 4 of advocates report that immigrant survivors have concerns about going to court for a matter related to the abuser/offender

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A Climate of Fear

“Immigrants survivors also fear that the judge may look at them as criminals and not capable of supporting their kids just because they lack a legal status.

“The biggest concern women clients have is being separated from their children; they would rather withdraw their [court] case out of fear of being arrested and then placed in removal proceedings.”

52% of advocates worked with immigrant survivors who dropped civil or criminal cases because they were fearful to continue.

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A Climate of Fear

- Since July 23, 2019, expanded **expedited removal** authority for immigration, meaning more victims/survivors are vulnerable to deportation without getting a day in court.

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Economic Justice Barriers

Who can work “legally?”

- ✓ Citizens
- ✓ Lawful Permanent Residents
- ✓ Some Nonimmigrant Visa Holders (T, U, certain work visas)
- ✓ Asylees & Refugees
- ✓ Deferred Action
- ✓ Continued Presence
- ✓ Pending Asylum (>6 months)

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Economic Justice Barriers

- Increased enforcement – or threat of enforcement – a barrier to irregular employment
- Both authorized and irregular employment options for non-citizens

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Public Benefits

Significant exclusions from federal benefits for non-citizens since 1996.

- ✓ Time-limited benefits for refugees, asylees, trafficking victims
- ⌚ Green Card, VAWA, SIJS, a few others
- ✗ Most others

See <http://map.niwap.org/> for state-specific eligibility.

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Public Benefits – Public Charge

- Being deemed a “public charge” by immigration (DHS) can make many ineligible for a green card (lawful permanent residence)
- Currently* DHS can only consider an applicant’s dependence on cash assistance or government-funded long-term institutional care.
- Proposed rule would expand benefits that could be considered in public charge determination.

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Public Benefits – Public Charge

- Does not apply to those seeking, or received, asylum, VAWA relief, T visa, U visa, SIJS relief, among others.
- **But**, creates a chilling effect that is harming survivors who are afraid to access benefits for which they or their children are eligible.

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Housing Barriers

- Like other federal benefits, eligibility to HUD and Section 8 programs is restricted to green card holders, refugees, asylees, certain trafficking victims, VAWA self-petitioners, and a few other categories of non-citizens.
- Citizens, including children of undocumented parents, generally eligible.

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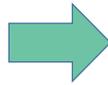
Housing Barriers

- Domestic violence, including sexual abuse, is reported as the acute cause of homelessness among 22% to 57% of all homeless women.
- The National Network to End Domestic Violence reports that 65% of victims' average daily unmet requests for help from domestic violence programs nationwide are for housing related services.

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Housing Barriers

Proposed* rule would bar non-eligible immigrants from pro-rated housing assistance even if some family members are citizens or otherwise eligible.



Reinforces barrier to safe housing, putting immigrant survivors and their children in harm's way

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Systems Not Culturally Humble

Police, courts,
**lawyers, social
workers, advocates,**
mental health
providers, medical
providers, other
systems can harm
when



Fail to engage through a trauma-informed lens or see the full context of multiple oppressions against immigrant survivors



Engage in negative actions or attitudes (dominating and coercive, not survivor-led)



Blame victim or question survivor's truth

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Immigration Remedies

VAWA	Abused spouses of US citizens or legal permanent residents.
U Visa	Victims of certain eligible crimes in the U.S. who help law enforcement.
T Visa	Human trafficking survivors who help law enforcement and would face hardship if returned.
Asylum	Fear of harm in home country (complex eligibility requirements for the individual and type of harm feared)
SIJS	Abused, abandoned or neglected minors.

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Dismantling Barriers, Building Bridges

When we view barriers in isolation, we don't untangle the web.

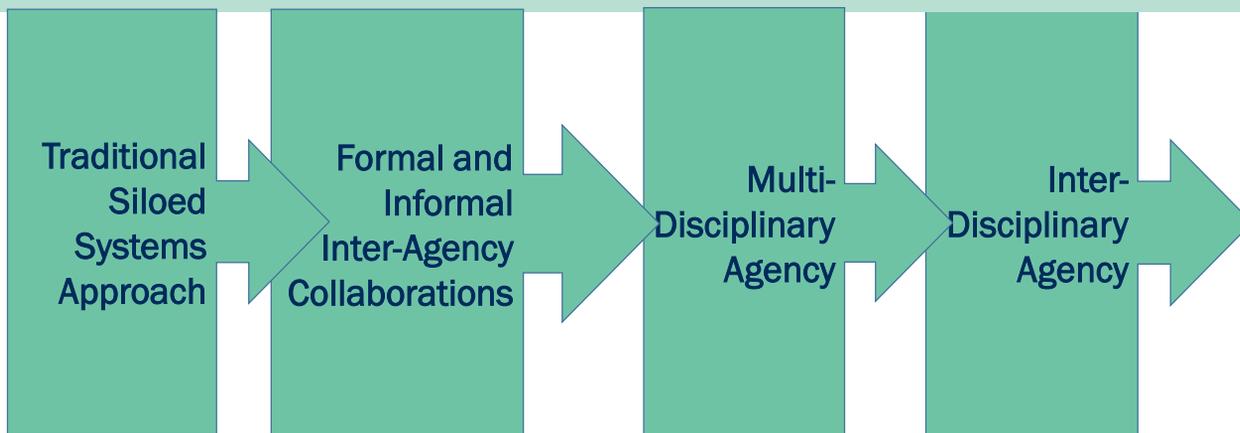
We need all hands on deck, working together to contribute their bricks and mortar to the bridge toward justice.

schools
counselor
casemanager
medical attorney
socialworker
therapistadvocate



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Spectrum of Collaborative Models



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Silo Approach to Legal Advocacy

Advocate or
social worker



Referrals, navigating
systems, supportive
advocacy

Criminal
Justice



Report,
testimony,
“cooperation”

Immigration
Attorney



Securing
immigration
relief



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Silo Approach to Legal Advocacy

Family Law,
Civil Attorney



Protective order,
divorce, custody, civil
litigation, case(s)

Therapist,
Counselor



Mental health
needs

Other
Systems



Other barriers
and needs

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Formal or Informal Collaborations

- Building networks through our work and experience for referrals on identified needs.
- MOUs
- Eligibility factors
- Less flexible communication due to confidentiality and ethics rules

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Multidisciplinary Agencies

- Brings some of the helping systems together under one roof
 - Medical-legal partnerships
 - Legal services in advocacy programs
 - Mental health providers in legal and advocacy programs
- Each discipline operates independently
- Requires client consent to exchange information

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Interdisciplinary Agencies

- The agency has a “primary” purpose, such as legal services
- Professionals of other disciplines work with legal staff on survivor (person)-centered teams to address the holistic needs that impact their access to justice and legal goals
- Information is exchanged freely, and all staff fall under the shield of attorney-client privilege

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Principles of Interdisciplinary Work

- Teamwork – including the **survivor**
- Communication, Consultation, Conflict Resolution
- Supervision and Management

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Challenges of Interdisciplinary Work

- Understanding each other's roles and expertise
- Building trust and effective communication
- Recruiting and retaining staff that are committed to an interdisciplinary approach

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Key Considerations

- What is the entry point for survivors to access services, and what discipline does that fall within?
- Do you have needs that are not met through other forms of collaboration?
- What are the ethical duties of the disciplines and can they be reconciled?
- Is your agency ready and committed to building the groundwork of trust, collaboration, recruitment and retention?

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Example: Tahirih Justice Center

- Engages with survivors to provide interdisciplinary representation for humanitarian immigration relief.
 - Immigration and family law attorneys, paralegals, staff
 - Social services program managers, social services associates and case aides (social workers and non-social workers)
 - Forced Marriage Initiative associate/advocate
 - Litigation attorneys
 - Policy counsel and advocates

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Revisiting Survivor Stories

- What disciplines and systems should be engaged to address their holistic need?
- How might your agency approach these needs, and which model would you use in the short-term? In the long-term? Why?
- What challenges could you see arising in a collaborative, multidisciplinary, or interdisciplinary setting? What tools could be used to address those challenges?

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Thank you!

