

**STATEMENT OF  
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NEW YORK CITY POLICE DEPARTMENT**

**BEFORE THE NEW YORK CITY COUNCIL  
COMMITTEES ON PUBLIC SAFETY, HEALTH,  
WOMEN'S ISSUES AND IMMIGRATION**

**JUNE 22, 2009**

Good afternoon. I am Assistant Chief Kathy Ryan, Commanding Officer of the Domestic Violence Unit of the New York City Police Department. I am joined here today by Inspector Theresa Shortell, Commanding Officer of the Department's Special Victims Division, and together we will be pleased to discuss with you the ways in which the New York City Police Department addresses the needs of immigrant women who have been the victims of domestic violence or sexual assault.

We would first like to commend the Council for bringing to the forefront the need to support and assist women who may suffer, not only because of a violent crime, but also because of their fear of reporting the crime, or their lack of knowledge that there is help available. As you have heard from Commissioner Jimenez, we work with many partners, in government and with community and advocacy groups, to reach out to as many victims, or potential victims, as we can, so that these crimes may not only be investigated and prosecuted, but also prevented. Further, we try to reach not only to the victims themselves, but also to their communities, which play a key role in reporting crimes or dangerous conditions which they may observe, and on supporting the victims in spite of what might be cultural barriers against bringing the perpetrators to justice.

The breadth of the issue before you today is reflected by the distinct, but overlapping responsibilities of the Domestic Violence Unit and the Special Victims Division. We would like to begin by noting that the reported incidence of domestic violence and sexual assault has greatly decreased during the past several years, which is a welcome trend, due in large measure to the intense focus placed upon these crimes by the Police Department. Domestic violence crimes have decreased by 24% from 2002 to 2008, and domestic violence homicides have decreased by 8%, with the Department conducting over 70,000 home visits each year. In the fall of 2008, the State Legislature broadened the Family Court definition of domestic violence, to include all "intimate relationships," whether or not the parties live together or have a child in common. When we include these additional relationships in calculating the number of homicides committed, our statistics show that there was a 32% decrease in adult female homicide victims in 2008, compared to 2002, and so far this year, we have an additional 15% decrease, compared to the same time last year.

Similarly, the Department's vigorous efforts to address and prevent sexual assaults are demonstrated by the fact that in 2008, an arrest was effected in 71% of all rape cases, that is, 908 arrests for 1,289 cases. Note also that the overlap between domestic violence and sexual assault is manifested in 313 "domestic" rape cases in 2008, in which 270 arrests were effected, or 86%. Overall, the incidence of reported rapes has decreased 37% over

the last 8 years, with a 63% decrease over the last 16 years. This year, there is an additional 15% decrease in reported rapes when comparing 2009 to the same time period in 2008.

We would now like to describe what happens, as a practical matter, when domestic violence or a sexual assault comes to our attention. We may first become aware of the existence of the crime when the victim, or someone else, places a 911 or 311 call, or walks into a station house or Family Justice Center to report a crime or incident, or is referred to the Police Department by a medical facility, crisis center or hotline, advocate, or community group. Alternatively, a police officer may observe an incident or condition while on patrol, which indicates that a crime is being committed.

In the case of a call to 911, our calltakers and radio dispatchers are trained to ask the right questions to determine the reason for the call, and to recognize where there is a language or other barrier that the caller faces, so that the proper police response may be provided. Our 911 personnel utilize Language Line Services, which provides immediate translation for over 150 languages. A large number of our 911 staff is comprised of bilingual Spanish speakers, allowing nearly two-thirds of calls from Spanish speaking individuals to be handled internally, by our own personnel.

If a call for help is made to 311 rather than 911, unless the call is clearly a non-emergency request for information, rather than the report of a crime, the 311 operator will immediately transfer the call to 911, staying on the line until the call is successfully transferred. The 311 system utilizes Language Line, and also has some in-house translation capacity for Spanish-speaking callers.

Depending on the circumstances, the 911 call will result in the dispatch of a police sector car to the victim's location, with the highest priority given to a violent crime which is actually in progress.

When a victim walks into a police facility to report a crime, or is met by a sector car which has been dispatched from 911, or encounters a police officer who observes something that seems wrong, it is vitally important that the victim and the responding officers be able to communicate effectively, not only because of language issues but also because of social and cultural issues.

For language issues, the Police Department was an early and ambitious participant in language access policies ultimately reflected in Mayor Bloomberg's Executive Order No. 120, mandating that City agencies implement effective Language Access Plans. All responding police officers have immediate access to Language Line Services, through cellphones carried by supervisors in the field, as well as through dual-handset telephones maintained in every precinct stationhouse and police service area. Beyond the use of Language Line, however, the Police Department has created a Volunteer Language Program, administered by the Chief of Personnel, in which nearly 14,000 members of the Police Department are registered, capable of providing translation services for 50 different languages, including American Sign Language. If there is no member of the service who

speaks the relevant language working in the immediate command, a translator may be requested through a notification to the Department's Operations Unit, on a 24-hour basis. Note that the depth of the Police Department's ability to provide its own translation services is testament to the ever-increasing diversity of the membership of the Department; in fact, our last Police Academy class had recruits born in 56 different countries.

Also, as part of the implementation of the Mayor's Executive Order, the Department is increasing the ability to identify the language that a person with limited English proficiency is speaking, in order to provide an appropriate translation. We will be issuing memo book inserts and posting signs in every stationhouse, police service area and transit district, allowing individuals to point to a sentence written in one of 22 languages, to identify their language.

For the more complex issues presented by social and cultural barriers preventing victims from reporting crime or cooperating in investigations, the Department has developed and implemented extensive training in cultural competency, to accompany the thorough training that officers receive in both domestic violence and sexual assault crimes. We encourage you to review the training materials we routinely send to the City Council.

From the very start of their careers, recruits in the Police Academy receive extensive training in the nature of domestic violence and sex crimes, with guidance on how to interact with victims and how to overcome obstacles to communication and cooperation, whatever they may be. But perhaps most relevant to today's topic is the emphasis in recruit training on what we call "Policing a Multicultural Society," which emphasizes the importance of understanding the diversity of the City and the ways in which communication with police is affected by the differences in language, cultural backgrounds and social conditions. Among other topics, immigration patterns, differing perceptions of police authority, Mayor's Executive Orders 34 and 41 regarding the confidentiality of information about immigration status, and the effect of honor or shame relating to family matters or sex offenses are discussed thoroughly, enabling the recruits to understand how to encourage the reporting of criminal complaints and cooperation with police. Recruit training culminates in an advanced course of intensive multicultural immersion training, designed to enhance understanding of the communities the new officers will serve.

For patrol officers, in-service training continues on a monthly basis, addressing a wide variety of topics which regularly include domestic violence and sex crimes. Topics will vary depending on issues that arise, since training is designed to respond to identified needs, and as laws change and best practices evolve, training is designed to communicate that information to the members of the service. Training on these issues, as well as on cultural competence and diversity, is also included in promotion courses and tactical courses, again depending on circumstances and need.

However, for crimes of domestic violence and sexual assault, specialized training and procedures are in place which transcend the experiences of routine patrol. Returning to discussion of the practical experience of victims, there are different resources available, tailored to the crime which has been committed.

First, in order to specifically address domestic violence, the Department has assigned at least one police officer in each precinct and police service area, and sometimes multiple officers and a sergeant, depending on need, dedicated strictly to addressing domestic violence. These officers and sergeants are specially trained to recognize and assist victims in any way possible – helping them to obtain orders of protection and to have them served, making appropriate referrals for shelter and services, and helping them develop safety plans. Domestic Violence Officers conduct outreach and maintain strong relationships with the community groups and advocacy organizations in their areas, so as to ensure that victims' needs are identified and supported by the available social services. The Domestic Violence Officer also ensures that Domestic Incident Reports are completed for every incident, whether or not an arrest is made, confers with the Precinct Detective Squad investigating the crime, and conducts home visits to ensure that the victim, and the perpetrator, know that the police will remain involved to help prevent further abuse.

The seriousness with which domestic violence is treated by the Police Department is also demonstrated by the establishment of the Domestic Violence Unit within the Office of the Chief of Department, the highest ranking uniformed commander in the NYPD. My office coordinates policy and provides support and training to officers in the field, also serving as a point of contact for other government agencies and the community. Once a year, in November, we hold our annual conference for Domestic Violence Officers, advocacy groups, District Attorneys, and other partners in our work. We also conduct extensive outreach, including meeting with community groups, visiting locations where women congregate such as hair and nail salons, making presentations for advocacy groups, participating in National Night Out, and attending Precinct Community Council meetings, to encourage the reporting of domestic violence and the cooperation of victims.

With respect to sexual assaults, the primary responsibility for investigating the crime rests with the Special Victims Division, whose Special Victim Squads are located in each borough. When a victim of a sexual assault is identified by patrol personnel, the case is immediately referred to a detective assigned to the local Special Victims Squad for investigation. Special Victims Division personnel are highly trained in the substance of the investigation of sex crimes, as well as in the interviewing of victims, the medical aspects of sexual assault, and the collection and preservation of evidence, including DNA evidence. The Division conducts a biannual, five-day sex crimes training course, worth three college credits, with lecturers who are highly trained and experienced in their fields: hospital directors, DA bureau chiefs, forensic biologists, advocacy groups, and FBI sex crimes personnel.

Special Victims Squad detectives also receive extensive cultural diversity training, as do the other members of the Department, but, importantly, they also engage in continuous communication and mentoring within the Division, based on cumulative experience in handling sexual assault cases whose victims reflect the City's diversity. Like Domestic Violence Officers, they themselves reflect the diversity of the Department, including the availability of female officers and detectives for victims who are uncomfortable discussing the crime with a male officer. However, all Special Victims detectives are highly aware of the language, cultural and social barriers that victims may suffer in even disclosing that

they were assaulted, much less discussing the event in detail. The detectives will spend as much time as is necessary to gain the victim's trust and facilitate communication, using dolls, gestures, drawings or other means of making the victim comfortable enough to reveal in whatever manner possible what has happened to her.

The Special Victims Division also staffs the Rape Hotline, (212) 267-RAPE, on a 24-hour basis, in order to help victims obtain information and medical aid, encourage them to report the crime, and give them a list of available resources including crisis centers and hospitals. Many of the officers answering calls are bilingual, with instant availability of Language Line Services as needed.

The Special Victims Division conducts extensive outreach, meeting with community groups, conducting joint training with the District Attorneys' Offices, hospital personnel and advocacy groups, providing speakers to schools at all levels, attending Precinct Community Council meetings and lecturing at the Citizens' Police Academy. Both the Special Victims Division and the Domestic Violence Unit also work with the Department's Chief of Community Affairs, Clergy Liaisons and the New Immigrant Outreach Unit, in order to coordinate outreach and identify communities where the availability of help can be reinforced. The New Immigrant Outreach Unit, especially, provides a vital link to immigrant populations in New York City, through its work with local community leaders and its coordination of training efforts, bringing community members into the Department to share their experiences and guidance for dealing with a diverse population.

For both domestic violence and sexual assaults, it is imperative that the victim be treated with sensitivity and awareness of barriers to communication. This is not a situation unique to immigrant women, but is true for all victims, who may be unable to communicate for many reasons – perhaps language, or emotional or mental disability, or fear, or shame. It is also embedded in the Department's culture and training, and consistent with City policy, that the immigration status of the victim is irrelevant. It is our responsibility to get to know the victim as well as we can, and to give the victim as much time and support as she needs, in order to allow her to tell her story and help us to apprehend the perpetrator. We will continue to strive to improve our training and to learn from our partners in and out of government, to better serve the needs of immigrant women, and all victims, of domestic violence and sexual assault.

Thank you, and we welcome your questions.



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TESTIMONY OF  
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BEFORE THE NEW YORK CITY COUNCIL COMMITTEE ON HEALTH,  
COMMITTEE ON IMMIGRATION, COMMITTEE ON PUBLIC SAFETY  
AND COMMITTEE ON WOMEN'S ISSUES

OVERSIGHT: "HOW CAN NEW YORK CITY BETTER ADDRESS  
SEXUAL AND DOMESTIC VIOLENCE OF IMMIGRANT WOMEN?"

June 22, 2009

Good afternoon, my name is Dr. Ramanathan Raju, M.D., FACS, MBA and I am the Executive Vice President and Corporate Chief Medical Officer for the New York City Health and Hospitals Corporation (HHC). I am pleased to have the opportunity to provide testimony on HHC's procedures to treat victims of sexual assault and domestic violence.

HHC's facilities serve a broad and diverse patient population that come from many different ethnic and cultural backgrounds and speak many different languages other than English. In CY 2008, HHC's facilities provided care to more than 1.3 million New Yorkers. Of this, 725 were treated in our Emergency Departments (ED) as victims of rape or sexual assault. We also treated another 175 sexual assault victims in our clinics.

Rape or Sexual Assault is a crime whereby the victim is forced into sexual activity against his/her will. It is a significant social and medical problem and considered by society as one of the worst crimes committed to an individual. The perpetrator may be an unknown individual, an intimate partner, an acquaintance or a family member. The victims are predominately women and represent diverse ethnic, cultural, and socioeconomic backgrounds and speak a myriad of different languages. In order to be able to treat these patients, HHC has enhanced medical and social services to meet the needs of rape and sexual assault victims in accordance with the Sexual Assault Reform Act (SARA) of 2000. The Act requires the Commissioner of the New York State Department of Health (NYSDOH) to develop programs to address sexual assault and designate hospitals in the New York State as sites providing 24 hour SAFE (Sexual Assault Forensic Examiner) programs.

All of HHC's ED's are designated by the NYSDOH as SAFE Centers of Excellence and each have a Sexual Assault Response Team (SART) Program. The SART program is made up of an on-call multi-disciplinary team of sexual assault forensic examiners that includes doctors, nurses, other clinical staff and trained rape crisis advocates and is sponsored by the Mayor's Office of the Criminal Justice Coordinator. As designated SAFE sites, HHC's hospitals have established, demonstrated and maintained all requirements set forth in the State Public Health Law; and other program standards and requirements developed by the New York State Division of Criminal Justice Services. In 2004, HHC's North Central Bronx (NCB) Hospital was the first hospital in the State to receive SAFE designation.

The SAFE/SART programs are designed to provide timely medical care and services to victims in a compassionate and culturally sensitive environment in order to further reduce trauma. The staff consists of specially trained forensic examiners and volunteer advocates that provide professional medical care, expert forensic evidence collection and aftercare services that include psychosocial and legal counseling. In addition, an essential part of the SAFE/SART program is to ensure that staff have a high level of competency and provide state of the art medical and psychosocial care that is culturally congruent with the patient population.

When a rape or sexual assault victim arrives at an HHC ED, the SART is activated. Of the 725 victims treated in the ED in 2008, 98% were examined and treated within one hour of their arrival. HHC hospitals in the Bronx (Jacobi, Lincoln and NCB) treated the highest number of rape victims followed by our hospitals in Brooklyn (Coney Island, Woodhull and Kings County). Citywide, more than half of all rape complainants seek treatment at HHC's SAFE Centers of Excellence.

In addition to the trauma that a victim has experienced, there are issues of race, culture, religious preference and sexual orientation that a SART team member must be aware of while providing services. For example, a patient's culture may place restrictions on discussing sexual issues with or being examined by a health care provider of the opposite gender. Proper communication and training are critical components to the success of the SART program and to achieve optimal patient outcomes.

HHC provides training on cultural competency which includes recognition and respect for different cultural norms, assessment of language, issues of sensitivity and diversity, and ethnic-specific effects of rape/sexual assault. For HHC's patients whose primary language is not English, professional medical interpreter services are readily available through in-person interpreters and the use of telephonic services e.g., a CyraCom phone. The CyraCom phone is an interpretation device that provides immediate communication in any language. These communication services allow caregivers to effectively provide care to patients with language needs.

HHC's SART staff meets quarterly with staff from the Mayor's Office of the Criminal Justice Coordinator and work collaboratively to coordinate actions among our hospitals. We also coordinate with NYPD, the District Attorney's offices and

FDNY/EMS. These partnerships and collaborations allow HHC to continuously make improvements to services we provide to rape/sexual assault victims every year.

In addition to providing services to victims of rape or sexual assault, HHC facilities also address the unique problems facing victims of domestic violence that require concerted and coordinated efforts by our clinicians. As you know, domestic violence poses a serious problem nation-wide and occurs across all religious, socioeconomic, educational and ethnic backgrounds. Both victims of rape or sexual assault and victims of other forms of domestic violence are predominately women between the ages of 15 to 44.

On average, social workers at HHC facilities assist more than 2,500 domestic violence victims each year. HHC has had an extensive domestic violence identification program in place since the early 1990's. This program has been enhanced through our partnership with the Mayor's Office to Combat Domestic Violence's efforts with Project H.E.A.L (Hospital Emergency Assistance Link) at all of our acute care hospitals. Project H.E.A.L. is a comprehensive plan provided to victims of domestic violence through forensic photography that documents injuries, and connects victims with social and legal services immediately.

Screening for domestic violence is provided in all of our ED's, inpatient units, obstetrics departments and in the ambulatory care clinics. As part of the history and physical assessment, all patients are screened for domestic violence by asking two questions "Do you ever feel unsafe at home and /or has anyone at home hit you or tried to injure you in any way? And if yes, "Would you like to speak to a social worker?"

All HHC employees receive domestic violence education during their orientation and annually as part of continuing education to ensure competency in managing victims of domestic violence. Training includes identifying the signs and symptoms of domestic violence, proper treatment techniques, referral procedures and other components. HHC's Domestic Violence Coordinators, and other trained staff who serve as healthcare educators, participate in community health fairs and conduct outreach to centers of worship, cultural or community centers, and at neighborhood events to disseminate domestic violence educational information and services resources information.

HHC is committed to providing the highest quality care and services in a culturally and linguistically appropriate manner to all rape or sexual assault and

domestic violence victims and will continue to partner with others to appropriately serve these patients. I thank you for the opportunity to provide this testimony and would be happy to answer any questions that you may have.



REMARKS OF  
COMMISSIONER YOLANDA B. JIMENEZ  
MAYOR'S OFFICE TO COMBAT DOMESTIC VIOLENCE

BEFORE THE NEW YORK CITY COUNCIL COMMITTEE ON WOMEN'S ISSUES,  
COMMITTEE ON IMMIGRATION, COMMITTEE ON HEALTH AND COMMITTEE  
ON PUBLIC SAFETY

"HOW CAN NEW YORK CITY BETTER ADDRESS  
SEXUAL AND DOMESTIC VIOLENCE OF IMMIGRANT WOMEN?"

JUNE 22, 2009

Good afternoon Chairpersons Rivera, Vallone, Jr., Stewart and Mealy, and members of the City Council Committees on Health, Immigration, Public Safety and Women's Issues. Thank you for the opportunity to speak with you today about the City's initiatives addressing domestic violence, especially the efforts that we are undertaking to assist immigrant victims. My colleagues from the New York City Police Department and the New York City Health and Hospitals Corporation will testify on the City's response to domestic violence and sexual assault, in particular.

Domestic violence, which can include physical, emotional, financial and sexual abuse, is a significant health and safety concern. It is a pattern of behaviors designed to achieve and maintain power and control over another person. Domestic violence can affect any person, regardless of age, race, ethnicity, religion, income, gender, disability status or sexual orientation. Last year alone in New York City the police responded to over 230,000 domestic violence incidents, an average of over 600 incidents per day, and the City's Domestic Violence Hotline answered almost 135,000 calls, an average of 370 calls per day. While domestic violence remains pervasive, there is also encouraging news: over the last seven years we have seen a 24% decrease in all family-related crimes and an 8% drop in family-related

homicides. Significantly, female intimate partner homicides have decreased by almost 30%.

The City's efforts encompass the work of 14 City agencies, including criminal justice, social service and health, which address the issue of domestic violence. This administration spends over \$227 million each year for services including social and legal services, shelter and housing, criminal justice intervention, training and prevention services, among others. My office has also secured almost \$10 million through private foundations, individual donors and competitive grants.

New York City is a vibrant and diverse city with thriving immigrant populations. In fact, almost 40% of New Yorkers are foreign born and 48% speak a language other than English at home. For any person trying to leave an abusive relationship there are both personal and institutional challenges; for immigrant women, they may face additional unique barriers. They may be unaware of where to get services, fear that they will not be able to find services in their language, or worry that their immigration status will stand in the way of getting help. Through strong private/public partnerships, the City is working to address and eliminate some of those barriers that victims face in seeking and maintaining safety.

One of the most effective ways the City facilitates access to services, especially for immigrants, is through the New York City Family Justice Centers, an initiative of my office in partnership with the District Attorney's Offices. I would like to take this moment first to thank the Council, particularly, Councilperson Baez for their support of this important initiative. The one-stop Family Justice Centers are where City agencies and community based organizations have co-located to provide wraparound services for domestic violence victims and their children. These innovative Centers enable victims to meet with a prosecutor, speak with a trained counselor, and apply for housing assistance in just one visit – all in their language while their children play safely in the next room. The City's first Center opened in Brooklyn in July 2005 and since then has had over 43,000 client visits including over 4,000 children's visits. Due to the overwhelming success of the Brooklyn Center, the City's second Center opened in Kew Gardens, Queens in July 2008, and has had over 4,500 client visits since its opening. In Brooklyn, 35% of the clients are foreign born and in Queens, nearly 70% of all clients are foreign born. The immigrants who visit the Center come from over 140 countries, speaking over 50 languages. A third Center is currently under development in the Bronx.

Reaching out for help takes a tremendous amount of courage so we made these Centers as friendly and accessible as possible. I would like to walk you through the experience of an immigrant client at one of the Centers:

First, the client walks into the Center and sees signs in multiple languages letting her know that the people at the Center can speak her language. Next, the client is greeted by a bilingual intake staff person who provides client information written in her language. In fact, all key documents are currently available in eight languages. Throughout the client's visit she will be assisted by staff who collectively speak over 34 languages including Mandarin, Haitian-Creole, Punjabi, Korean, Arabic, Russian and Spanish, among others. The Centers also provide telephonic interpretation services as needed. Additionally, providers who staff the Centers complete training on immigration issues, cultural competency and language access in addition to domestic violence, logging over 43,000 total training hours to date.

While the client receive services at the Center, her children can visit Margaret's Place, a children's room funded by the Joe Torre Safe at Home Foundation, where they can play, read books available in many languages

and, if appropriate, be connected to specialized bilingual children's counseling.

The client is then connected to an advocate who is linguistically and culturally appropriate from organizations such as the Korean American Family Services Center or TAMKEEN for Arab-American clients. The client's advocate can enroll her in many of the valuable programs at the Center including a bilingual support group, bilingual parenting classes, on-site connections to job readiness programs, English as a Second Language classes as well as assisting the client complete a housing application or enter emergency shelter. All of our 21 on-site community based partners were carefully chosen to reflect the diversity of populations we serve. We cannot overstate the importance of having organizations on-site such as Dwa Fanm, which serves Haitian immigrants in Brooklyn, or New York Asian Women's Center, which serves Asian clients in Queens. In addition, if the client expresses a desire to speak with clergy, there is a voluntary spiritual support program on-site.

If the client has physical injuries or expresses a need to be connected to a medical provider, we have formal partnerships with nearby Health and Hospitals Corporation facilities where the client can be directly linked to the Domestic Violence Coordinator at that hospital. This partnership was

consolidated in 2003, through Project H.E.A.L. (Health Emergency Assistance Link)—a collaboration between my office and the Health and Hospitals Corporation. Last year alone, over 2,400 domestic violence victims disclosed abuse and were assisted by a social worker at the hospital.

If the client does not have legal status, she can be connected to one of our immigration attorneys located down the hall. With the client's permission, the attorney can also work directly with an Assistant District Attorney to file for a special remedy called a U-Visa. The client can also speak with a police officer on-site about her situation and feel comfortable knowing that due to Executive Order 41, the New York City Police Department does not ask victims or witnesses of crimes about their immigration status. The police officer can explain the sometimes complicated criminal justice system and assist the client in filing a complaint, if needed.

Before the client leaves the Center, she may be asked to complete a client satisfaction survey, currently available in both Spanish and English. This survey will help us learn how to better assist clients. As you can see, we are committed to making it as easy as possible for all domestic violence victims to get the help they need, regardless of their immigration status, language, or culture.

This past July, Mayor Bloomberg signed Executive Order 120, which requires all City agencies to designate a Language Access Coordinator, provide interpretation services and translation of public documents, and conduct staff training on language access. For example, at our Centers over 450 language interpretation services are provided each month. One example of a successful language access program was funded by the U.S. Department of Justice, Office on Violence Against Women. My office collaborated with the New York City Police Department to pilot this program in several ethnically diverse neighborhoods in Queens. It provided telephonic interpretation to allow domestic violence victims who do not speak English to tell their stories to the police and get the help they need. As of July 2005, all City police precincts have direct, instant access to dual handset telephonic interpretation 24-hours a day to assist with the investigation of any crime.

In addition to language access barriers, immigration issues can also pose a potential barrier for domestic violence victims. We often hear from victims that a common threat made by batterers is that they will no longer support their victim's immigration application or they will make false threats of deportation if the victim leaves the relationship. Throughout New York City, domestic violence organizations funded by the City provide critical

immigration legal assistance. These federal remedies include: Violence Against Women Act Self-Petitions, in which the victim, if married to a batterer who is a U.S. citizen or Lawful Permanent Resident, can petition for their own “green card;” a Battered Spouse Waiver, in which the batterer started the immigration process for their spouse but then refuses to continue it; and U-Visas, in which neither the victim nor the batterer need to have status and do not need to be married, but the victim needs to cooperate with prosecution. Recently in 2008 the Administration for Children’s Services began certifying U-Visa applications for victims cooperating with their agency. To date, ACS has certified 16 U-Visa applications with another six under review. These remedies are critical for immigrant victims and their children. At the Family Justice Centers alone we have assisted almost 2,000 clients with their federal legal immigration needs including filing 118 Self-Petitions, 375 U-Visas and 40 Battered Spouse Waivers.

To illustrate the role that immigration legal assistance plays in helping a victim reach safety and security, I would like to take a moment to tell you about Nadia. Nadia came to New York from Eastern Europe and spoke no English. She experienced a long history of abuse from her husband including being locked in their home over the course of many years. She finally was able to seek help and call one of the Centers. Through the use of

the Center's telephonic interpretation services, an immigration attorney at the Center spoke with Nadia and safely coordinated a meeting with her. Over the course of the next month, Nadia was able to flee her abusive husband and entered a confidential domestic violence shelter. Since then, she has been able to access a variety of services at the Center including English as a Second Language classes, public benefits with the assistance of the Human Resources Administration, and Family Court representation. Nadia now lives in a safe location with her two young children. She has a work permit, attends school, speaks English and has been living free from abuse for almost two years. Nadia will soon become a Lawful Permanent Resident.

We are currently undertaking several projects which will help us better understand the service needs of all domestic violence victims, and most importantly, victims like Nadia. Listening to members of the community is fundamental to responding to clients' needs. In June 2005, Mayor Bloomberg worked with the City Council to create Local Law 61 which established the Domestic Violence Fatality Review Committee. The Committee is headed by my office in collaboration with City agencies including Administration for Children's Services, the Bronx and Richmond County District Attorneys' Offices, Department for the Aging, Department

of Health and Mental Hygiene, Department of Homeless Services, Human Resources Administration, New York City Housing Authority, New York City Police Department, community based organizations and domestic violence survivors. The Committee reviews and discusses aggregate family-related homicide data. As a result of this interagency and community collaboration, we have been able to identify several communities in New York that are disproportionately affected by family-related homicides. In our fourth year of this work, we are conducting a Community Needs Assessment in five community districts in the Bronx – in an area from Yankee Stadium to the Bronx Zoo along the Grand Concourse. Seventy percent (70%, 48 out of 71) of the victims of all family-related homicides that occurred in the Bronx from 2004 through 2007 resided in this area. Additionally, we will launch another assessment early next year in an area of Brooklyn in which there is also a high concentration of family-related homicides. This area includes the communities of East Flatbush, East New York and Cypress Hills. Moreover, at the request of, and in collaboration with District Attorney Donovan, my office is conducting an assessment in Staten Island as well.

Through these community assessments we are learning what barriers exist at the community level. To date, we have met with over 70 community

based organizations and domestic violence service providers. Additionally, with the help of community based organizations such as the Violence Intervention Program, Sanctuary for Families, SCAN New York and Seaman's Society, we have conducted seven focus groups including groups in English, Spanish, and a group of recent African immigrant victims.

Initial results suggest that:

1) There remains a fear that any contact with law enforcement could lead to deportation, and this may be further aggravated by any negative experiences with law enforcement a victim may have had in their home country;

2) There is a lack of understanding in the community about the scope of domestic violence that goes beyond physical violence to, for example, financial, verbal and emotional abuse;

3) There is a need to continue to provide services that are culturally and linguistically sensitive and appropriate;

4) There is a need to continue community education and increase those efforts, especially within immigrant communities; and

5) There is an acknowledgement within some communities that the acceptance of relationship violence needs to be overcome.

The assessments are not just about collecting data – but responding to identified needs that can be immediately addressed. For example, since last year, we have trained over 300 Department of Homeless Services shelter employees in the Bronx and Brooklyn regarding the dynamics of domestic violence, barriers to service, and resources available for victims. This summer we will train an additional 120 shelter staff in Queens and Staten Island. The feedback from these trainings was overwhelmingly positive; as one participant stated in their evaluation, “I am now one step closer to being a better case manager.” Providing training to frontline employees at agencies is critical to our effort of ensuring appropriate services for domestic violence victims, especially immigrant victims.

While responding to the needs of domestic violence victims and ensuring their safety is crucial, we all know that prevention really is the key to ending the cycle of violence. As reported daily in the news, relationship abuse can happen to anyone. It is for that reason that the City is working to promote healthy relationships among teens and make sure that all domestic violence victims know where to get help. According to the New York City Department of Health and Mental Hygiene, between 1999 and 2007 teen dating violence among high school students increased 58%. In response, we partnered with the Department of Youth and Community Development to

form the New York City Healthy Relationships Training Academy which hires peer educators, ages 17-25, to teach other young people and service providers about the dynamics of abusive relationships and the characteristics of healthy ones. To date, we have held over 500 workshops, which are conducted in both Spanish and English, reaching more than 7,500 young people. Recently, we expanded our program to reach new audiences including younger participants ages 11-13 and parents. Another key program targeting prevention among youth is the Relationship Abuse Prevention Program, a program in which the Human Resources Administration contracts with local domestic violence organizations to educate teens on healthy relationships in 62 public middle and high schools, reaching over 9,000 young people this academic year from September 2008 to April 2009.

Just last week, the Bronx Borough President and the Mayor announced the launch of the Start Strong Bronx program which is part of the largest national initiative ever funded targeting 11- to-14-year olds to promote safe and healthy relationships and prevent teen dating violence. My office is participating in this initiative to create even greater awareness among teens about dating violence. Since 2002, the City has launched several citywide advertising campaigns including our last bilingual outdoor

campaign resulting in a 69% increase in calls to the City's Domestic Violence hotline. In addition to citywide advertising campaigns, we have distributed over 167,000 brochures, 10,000 posters, and 150,000 palm cards in 14 different languages. Our widely circulated comprehensive resource directory has over 240 programs listed by what languages they can accommodate. Additionally, we produced and distributed over 5,000 copies of the City's *Medical Providers' Guide to Managing the Care of Domestic Violence Patients within a Cultural Context*, which equips medical providers with tools to screen for domestic violence among their patients.

In 2004, Department of Health and Mental Hygiene established their Take Care New York agenda, which outlines 10 priority health areas including "living in a home free of violence." In addition to monitoring female intimate partner homicides and hospitalizations, they have a number of domestic violence prevention initiatives. For example, the Newborn Home Visiting program visits first-time parents living in Northern Manhattan and Bushwick/Bedford Stuyvesant in Brooklyn. The goal is to assure that infants are living in a safe environment and parents receive the additional supportive services they need. Most recently, in February 2009, the Department of Health and Mental Hygiene launched an 11-week program on intimate partner violence which targeted medical providers.

During the campaign, staff conducted over 2,000 one-on-one interactions with healthcare providers and their staff in nearly 200 practices. Through these interactions, healthcare providers and staff enhanced their understanding of the importance of their position as a trusted resource. The materials and tools provided helped them feel more comfortable addressing domestic violence with their patients. In addition, materials for patients included the Health Department's recently published *Health Bulletin, Intimate Partner Violence: How to keep yourself safe* – available in multiple languages, including Spanish, Chinese, Russian, Hindi, Bengali and Arabic.

In closing, over the past seven years we have been collaborating with City, state, federal and community partners to help all domestic violence victims. We recognize, however, that there is still more to be done. We look forward to continuing these efforts and to working with the Council on our shared goal of reducing domestic violence in all communities. Thank you.

**Korean American Family Service Center**

P.O. Box 541429 Flushing NY 11355

718-460-3801 718-460-3800 (24 hour hotline) [www.kafsc.org](http://www.kafsc.org)

**FOR THE RECORD**

The Korean American Family Service Center (KAFSC) has been providing mental health counseling, advocacy, information, referrals, case management, and education to sexual assault and domestic violence victims in the Korean community for the last 20 years. In this time, it has witnessed women and children suffering from domestic violence, which diminish their worth as human beings. For the center to assist victims of domestic violence and sexual assault victims adequately, it is imperative that the city government continue funding the DoVE project at the same level as last year. Domestic violence occurs in staggeringly large numbers in the Korean-American population, as it deals with issues including poverty, depression, and immigration instability. Despite the center's steadfast community education, support, and provision of services to victims of domestic violence, the hope of the arrival of the violence-free home remains is a far-distant objective for many. To this end, concerted efforts are needed in various sectors of society. Our services provide one venue through which this process becomes possible for victims of domestic violence, who wish to break free from the abusers who pose the following dilemmas:

Most of the women whom we serve remain in abusive relationships due to their dire economic circumstances, tenuous immigration status, and seemingly insurmountable barriers--linguistic challenges, lack of understanding of the U.S. legal system, and traditional cultural values regarding marital relationships. Korean victims' ability to survive with their children economically is extremely low, for they usually serve as caretakers within their household, looking after for their children and maintaining domestic order. Abusers are often aware of this fact, which they exploit as a means of maintaining male superiority. Victims fear the possibility of failing to provide for their children and often decide to remain married to protect and provide for their children. Language barriers, along with a lack of knowledge of the American judicial system, rank among the greatest hindrances to Korean victims of domestic violence. Their efforts may thus be thwarted even if they wish to report the crime to law enforcement and its attendant judicial proceedings. Programs such as ours are indeed essential to their survival. Victims also encounter immigration uncertainties, as their legal status frequently hinges on the sponsorship of their abusers. Their need to remain in the U.S. is two-fold: to remain with their children in the U.S. and to avoid any foreseeable stigmatization they may incur as divorcees if or when they return to their native country.

The DoVE funding for the Korean American Family Services has been utilized to provide counseling, advocacy, and community education, with the eradication of domestic violence in the Korean community as its ultimate goal. We serve as the voice of the women and children who often cannot assert their needs and constitutional rights. In order for our victim services remain relevant, effective, and meaningful, the continual financial support the funding offers at the level it was originally available is essential. Domestic violence is a crime that is implicated in various deleterious social issues—among them alcoholism, depression, low-self esteem, and youth problems. Unfortunately, the current economic climate is ripe for increasing its incidence and intensity. During these difficult times, helpless women and children are in desperate need of assistance to ensure that they remain safe and protected before they undertake the journey toward healing and prosperity in the form of psychological health and material wellbeing. We strongly urge the city to maintain its funding at a level equal to that provided in the last fiscal year.

# FOR THE RECORD

## MEMORANDUM

TO: Committees on Health, Immigration, Public Safety and Women's Issues

FR: Donna H. Lee

RE: Testimony at 2009 Hearing on Oversight – How Can New York City Better Address Sexual and Domestic Violence of Immigrant Women

DATE: June 22, 2009

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Thank you for your interest in working on the problem of sexual and domestic violence against immigrant women and for inviting me to attend and testify at this hearing. My name is Donna Lee. I am an Associate Professor of Law at CUNY School of Law, where I have taught in the Battered Women's Rights Clinic for the past four years. CUNY Law School is located in Queens and many of the clients served by our clinical programs are immigrants. My clinic students have represented immigrant survivors of domestic violence in Family Court proceedings for orders of protection, custody and visitation, and child support, as well as on immigration matters under the Violence Against Women Act (VAWA). Additionally, I am an Advisory Board Member of the New York Asian Women's Center, having served on the Board for nine years, including three years as Board Chair, and having first become involved with the Center as a hotline volunteer.

As you may know, the problem of domestic violence is exacerbated when directed against immigrant women. Depending on how long they have lived in the United States, and how much opportunity they have had to learn English and to interact with people outside their ethnic community, these women often experience a heightened sense of the isolation that abusers typically seek to impose on their victims. Without in-language, culturally appropriate outreach, immigrant women may not know that help is available. Unable to speak English at all, or with limited proficiency, they may be unable to effectively access city services that are available to native and proficient English speakers. Coming from

countries where the government is viewed as unsympathetic or even hostile to the plight of women experiencing violence in their homes, immigrant women may additionally face cultural barriers that inhibit help-seeking behavior. Also, abusers may use an immigrant woman's undocumented status as a weapon of control, threatening to have her deported and separated from her U.S. citizen children.

I urge you to adopt a fundamental equality principle, specifically, to provide immigrant women who are victims of sexual and domestic violence with the same level of services available to similarly situated non-immigrant women. In many instances, this may require providing access to professional, competent interpretation services. For example, an immigrant woman with limited English proficiency (LEP) seeking a civil order of protection in Family Court must be provided with an effective interpreter. Recently, in another context, a law student told me that she had observed a situation in Family Court where a LEP litigant was pressured to consent to proceeding without an interpreter because one was not available at the time. Immigrant women should not be asked to settle for understanding "the gist" of what is happening in a courtroom proceeding. They must be provided with the opportunity for equal access to the courts. Similarly, putting aside for the moment the critiques of criminal justice responses to domestic violence in immigrant communities, when LEP immigrant women seek assistance from the police, they should be able to do so in whatever language they are able to speak.

In terms of providing immigrant women with access to social services, such as job training, housing, childcare, and food and cash benefits, ideally every city office would have the capacity to offer services in the native language of every applicant for, or recipient of services. As a practical matter, though, or at least in the interim, the city should support community based organizations (CBO) that have the language and cultural capacity to serve immigrant women who may be unable to access mainstream services without the assistance of these organizations. The Executive Director of the New York Asian Women's Center estimates that staff members spend approximately 1/3 more time with

their immigrant women clients because professional, competent translation services simply are not available. They assume the responsibility of accompanying their clients to various appointments to play the role of translator. Thus, the capacity of the Center's bilingual staff to provide the counseling services that they are uniquely qualified to provide, by virtue of their language skills and cultural competence, is unnecessarily diminished. Similarly, although the Center is able to provide emergency shelter, I am not aware of any Tier II, transitional housing that provides targeted, in-language, culturally competent assistance to Asian women and children.

## The Council of the City of New York

Committee on Health  
Committee on Immigration  
Committee on Public Safety  
Committee on Women's Issues

### **Council Committee Hearing – June 22, 2009**

*“How can New York better address sexual and domestic violence  
of immigrant women”*

Testimony to the hearing given by – Sarah Ellis, Director of Victim  
Services, Kings County District Attorney's Office

As I am sure you are all aware, Brooklyn comprises a very large immigrant population with some 38% of the borough's residents being foreign-born. Immigrant women consistently account for about 35% of the victims of domestic violence that we see in the domestic violence bureau of the Kings County District Attorney's Office. Immigrant women are at great risk. The Dept of Health and Mental Hygiene, in their report “Femicide in NYC 1995-2002”, found “foreign born women were significantly more likely to be killed by their intimate partners than US born women”, and most have not sought police intervention.

The problems faced by immigrant victims of domestic violence and sexual assault are multi-faceted and wide-ranging. For many English is not their first language, if indeed they speak it at all. Communicating such a personal and frightening experience in a language other than your native tongue can be an enormous challenge. One that can present a significant barrier to engaging in any kind of help. Add to this the fear held by many immigrant victims that ‘the authorities’ represent a threat to their existence here in this country. Language and fear combine to present an enormous obstacle to many victims. Many of the domestic violence victims we see are here in this country alone, except for their connection to their abuser. Often, women are living with, or close to, the abuser's family. The isolation they experience is a powerful weapon in the hands of a batterer. A weapon they will usually vigorously guard to ensure that their victim remains unaware and unable to access support and assistance. Others may be strongly influenced by cultural mores or pressure from family members to not report the violence. Teens are also at risk in our immigrant families. Perhaps already struggling with acculturation issues they can become estranged from the support of their own families and become vulnerable to abuse.

Victims of domestic violence and sexual assault need resources and support to be able to survive and emerge from abusive situations. Immigrant victims have many of the same needs as native born victims. However for immigrants there are additional challenges. For undocumented victims, or those with pending applications to US Immigration Service (USCIS), access to safe housing, health care and financial support and benefits are issues that can face prolonged and complicated procedures. These challenges can paint a daunting picture for someone who is already struggling with the traumatic effects of domestic violence or sexual assault.

Recognizing the complex issues faced by victims of domestic violence, District Attorney Charles Hynes identified the need to work closely with community based agencies that represent the varied communities that make up the Borough of Brooklyn. From his earliest days in office DA Hynes has collaborated with the web of culturally based immigrant groups resident in the borough. It is essential to be able to view our systems through the eyes of those seeking support and assistance. To this end, some years ago, DA Hynes invited several community agencies to place their advocates in his Domestic Violence bureau to provide culturally focused services to immigrant victims. So successful was this collaboration that the DA was delighted to partner with the Mayors office to Combat Domestic Violence to open the first New York City Family Justice Center in 2005, located in the Kings County DA's office in Downtown Brooklyn. This Center brings together 14 community-based agencies including Family Court lawyers and Immigration attorneys and 5 City agencies. All co-located on one floor with the criminal prosecutors. Also sited at the Center are two NYPD DV officers available to work with advocates and victims who might be wary of entering a regular police precinct to report abuse. Immigration attorneys are available to assist victims applying for residency. With both criminal prosecutors and immigration attorneys housed on the same floor victims have been better able to gain relief through improved application for U-Visas, which enable victims cooperating with the criminal case to gain temporary residency status. Also on-site are representatives from HRA who are able to provide information and support to immigrant victims seeking public assistance benefits. Since opening in 2005, the Center has seen 23,405 clients, with a total number of client visit reaching 47,797. In addition, 4,384 children have received services through the supervised children's room.

Getting the word out about this is an important part of the process. DA Hynes regularly participates in Brooklyn's wide variety of ethnically based radio shows, encouraging residents to come forward and take advantage of the available services. Community newspapers have visited the Center and take a keen interest in its success.

Gone are the days when a domestic violence victim would be sent all across the City attempting to fulfill a laundry list of appointments at the various agencies providing help. Now, in Brooklyn, she can come to one site, 350 Jay Street, meet with a variety of professionals who can address the many facets of her situation. She can do all of this while working with a culturally appropriate advocate. Services can be provided in her own language. She can deal with the criminal matter, a Family Court case, apply for residency, seek emergency shelter, get housing assistance, receive counseling, meet with

a self-sufficiency specialist or attend ESL classes. All while her children play in a supervised children's play room.

No single person, agency or discipline can provide the complex range of services and interventions that most victims of domestic violence or sexual assault need. Coordinated efforts such as the model demonstrated in Brooklyn have much to offer. To be successful such efforts must be relevant to the needs of those they seek to serve. We must continually listen to the words of victims themselves and respond in ways that reflect an understanding of differing choices and perspectives. In this particularly difficult economic climate there is more need than ever to find the resources to fund community collaborative efforts. Essential human services like clean safe housing, food and clothing remain a constant, basic starting point. Access to information serves as a basis for empowerment. And fair and respectful treatment are the essential starting points for restoring dignity and self-worth.

Some of these things cost a good deal of money, and some cost nothing. Hopefully we can manage all of it.

STATEMENT OF

LEROY FRAZER, JR.  
FIRST ASSISTANT DISTRICT ATTORNEY  
NEW YORK COUNTY DISTRICT ATTORNEY'S OFFICE

BEFORE THE COMMITTEE ON IMMIGRATION AND THE COMMITTEE ON HEALTH  
AND THE COMMITTEE ON PUBLIC SAFETY

JUNE 22, 2009

Good afternoon Chairman Stewart, Chairman Rivera, Chairman Vallone, and members of the Council. I am Leroy Frazer, Jr., First Assistant District Attorney for the New York County District Attorney's Office. Thank you for this opportunity to discuss how New York City can better serve immigrant women who experience sexual or domestic violence.

The New York County District Attorney's Office has long recognized the special vulnerability of documented and undocumented immigrants to predators, abusers, and fraudsters. Indeed, serving immigrant crime victims is one of the office's priorities.

Because sex crimes and domestic violence call for specialized training and appropriate sensitivity, this office established a Sex Crimes Bureau and founded a Family Violence and Child Abuse Bureau to prosecute these crimes and connect victims to resources. As with all cases in the office, the cases are vertically prosecuted, meaning that the same attorneys follow the case from beginning to end. This allows a level of continuity that enhances relationships and trust between victims and prosecutors.

Both the Family Violence Bureau and Child Abuse Bureau and the Sex Crimes Bureau make it a priority to join with multidisciplinary task forces throughout Manhattan that include service providers that are best able to meet the needs of immigrant women from different cultural backgrounds. For example, we work with the Upper Manhattan Domestic Violence Cooperative, which includes Manhattan Legal Services, Connect, Harlem Hospital, Columbia Presbyterian Hospital, New Day, VIP, and St. Luke's Roosevelt Hospital, among others. One of the initiatives of this group is to provide resources, support, and education for African immigrant women who have experienced domestic violence. There are similar groups throughout Manhattan serving specific immigrant populations.

The face-to-face contact our office establishes when working with community groups makes it possible for service providers to refer victims to our office, and for our office to reach out to those same providers when a woman comes forward to report a crime, and is in need of vital and often immediate services.

Yet despite the high volume of cases this office sees, immigrants -- perhaps even more so undocumented immigrants -- are more hesitant to come forward to report crimes. The reasons are myriad: fear of deportation, financial reliance on the abuser, cultural norms that discourage reporting family members or divorce, distrust of law enforcement and government services, and lingual and geographic isolation are some main concerns.

In order to provide focused assistance with matters that specifically affect the immigrant community, in December 2007 the office launched an Immigrant Affairs Program. The main purpose of the Immigrant Affairs Program is to investigate and prosecute frauds, such as impersonating an immigration attorney, real estate fraud, and prevailing wage cases. The Immigrant Affairs Program has a hotline, accepts referrals, and takes walk-ins; since its inception less than two years ago, they have had approximately 900 intakes.

There is more that the city as a whole can do to help immigrant women who are crime victims.

First, an **education** and **outreach** initiative is needed to help on two fronts. One is addressing deportation concerns. Many undocumented immigrants fear that if they report a crime they will be deported. Even though we are not a mayoral agency, our office has a policy similar to Mayor Bloomberg's Executive Order 41 which prohibits confidential information, such as immigration status, from being disclosed by City employees. In some cases our office even works with crime victims to apply for a U-Visa, which allows someone living here illegally who was promised sponsorship by their abuser to make an independent application for citizenship. Our office does not turn over crime victims for deportation, but rather works to help them gain lawful status.

The second is a very specific information campaign to provide basic life and business skills to immigrants. For instance, providing information on how to determine who is a licensed attorney, who is legally authorized to provide immigration assistance, and what services law enforcement can provide may pave the way to lower levels of exploitative crimes.

Next, we need to ensure a steady stream of resources for highly qualified **language interpreters**. Precincts should be staffed with personnel who represent the communities they serve and possess the language skills to effectively communicate with victims. As I mentioned earlier, our office relies on vertical prosecution so that the same staff follow a case from inception to completion. In domestic violence and sexual assault cases, it is important not to make a victim retell their story to a new person more than is absolutely necessary. Carrying an interpreter through from the first interview to the end of the case would help ensure a level of consistency and comfort that these crime victims deserve.

Third, the law enforcement community needs **ongoing training** to understand the cultural norms and possible barriers that hinder victims from pressing charges. Police, prosecutors, and the courts need to be able to see the issues not through their own cultural lens, but through that of the victim.

Finally, the city needs to address **housing** issues for immigrant women crime victims. Women who are already facing the dissolution of the family unit through the loss of their partner, the defendant, will be even more reluctant to come forward if they know that they will be separated from their children, too. Take the case of a mother with older children -- teenage boys are typically not welcome at women's shelters, and would have to be sent elsewhere. Given those options, the woman may feel reluctant to press charges knowing that she and her children have nowhere to go.

Audrey Moore, co-chief of the Family Violence and Child Abuse Bureau, put it best when she said, "If we were only about prosecuting cases and not supporting the victims, we wouldn't have any [of these] cases." In order for the District Attorneys and the city to provide justice to immigrant women, we need to give them the full range of services, -- from education, to housing -- and we need to continue these efforts not with judgment, but with empathy.

# PLANNED PARENTHOOD OF NEW YORK CITY

EXECUTIVE OFFICE

MARGARET SANGER SQUARE | 26 BLEECKER STREET | NEW YORK | NEW YORK 10012-2413  
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## Testimony before the New York City Council Committees on Public Safety, Immigration and Women's Issues

### How are culturally competent services being offered to immigrant women affected by violence?

June 22, 2009

Good morning. I am Dana Czuczka, Associate Vice President of Government Affairs from Planned Parenthood New York City. I am pleased to be here today to provide testimony on the topic of how PPNYC is providing culturally competent services to immigrant women affected by intimate partner violence and provide suggestions for how these services can be expanded and improved upon in New York City.

I want to thank the Chairs of the Public Safety, Health, Women's Issues and Immigration -- Council Members Peter Vallone, Darlene Mealy, Joel Rivera and Kendall Stewart -- for convening this hearing today. And, thank you to all the Council Members and staff here today for giving us the opportunity to provide testimony on this important issue. Planned Parenthood is proud to be a member of the ARISE coalition -- allied agencies working together to address the issues of violence in immigrant communities throughout NYC. You have heard from many of our coalition partners already today.

For more than 90 years, Planned Parenthood has been the most trusted name in reproductive health. In 2008, at our three centers in the Bronx, Brooklyn and Manhattan, we provided reproductive health care and family planning services to more than 45,000 New Yorkers, which translates into more than 73,300 visits. In addition to these health care clients, we have reached 50,800 plus people through our community outreach and education programs and Project Street Beat. Our clients come from all five boroughs. The majority of our clients are at or below the poverty level, more than half uses public insurance to pay for their care, and over two-thirds of our clients are women of color.

No one is turned away from Planned Parenthood if he or she cannot pay; we help clients obtain public insurance or meet their needs with a sliding fee scale. The majority of Planned Parenthood's clients are at or below the poverty level, more than one-third use public insurance to pay for their care. Our clients come from all five boroughs. In the first four months of 2009, PPNYC provided medical interpretation 478 times; in 280 of the instances the interpretation was provided by PPNYC staff who are trained to provide medical interpretation in Spanish, and the other 198 times the interpretation was provided through a phone interpretation service.

Planned Parenthood offers a full range of reproductive health services: routine gynecological care; contraception counseling and methods; emergency contraception; surgical and medication abortion; HIV testing and counseling; cervical cancer education, screening, preventive treatment, and referrals for the cervical cancer vaccine; male reproductive health services (including testicular cancer screening); screening and treatment for sexually transmitted infections (STIs); and screening for intimate partner violence (IPV).

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## Link between reproductive health and intimate partner violence

Planned Parenthood is here today to provide testimony from our unique perspective as a reproductive health care provider, educator and advocate. What we know from research studies and through our everyday experiences with clients in our health centers and education workshops is the strong link between reproductive health and intimate partner violence. These include associations between partner violence and greater incidence of sexually transmitted infections (STIs), HIV, unintended and teen pregnancies, urinary tract infections, and pregnancy outcomes such as low birth weight, miscarriage and miscarriage<sup>1</sup>

Further research is underway at Planned Parenthood about the relationship between partner violence and reproductive health outcomes such as birth control use patterns and higher abortion rates and sexually transmitted infections. We are also evaluating our screening and response procedures for partner violence and developing best practices for health centers.

Health care services can serve as an opportunity for women to identify and disclose intimate partner violence. At Planned Parenthood we are working to improve our screening questions and procedures that will invite women to discuss these difficult and often painful experiences in their lives. We know from recent focus groups with immigrant women that there is a distrust of the health care system among various immigrant communities. We need to ensure that health care institutions are culturally competent and that all staff (from our front-office through to our health care providers) are adequately trained to meet the needs of diverse immigrant populations, particularly when providing reproductive and sexual health services, including assessment and referral services for survivors of sexual and domestic violence.

## Violence within Immigrant Communities

PPNYC has conducted several studies on specific immigrant populations we serve in order to improve our health care services. We wanted to share some highlights from these studies with you today. In November of 2008 we published a report, "Con un Pie en Dos Islas: The Sexual and Reproductive Health of Dominican Women in Santo Domingo and New York City." This report shared findings from a qualitative study we conducted to in order to better understand the ways in which movement between the Dominican Republic (DR) and the United States affects the sexual and reproductive health of Dominican women. The full report can be accessed at:  
<http://www.plannedparenthood.org/nyc/publications-15145.htm>

We learned that Dominican women in the United States view the health care system as unwelcoming – due to language barriers, racism and general inaccessibility. When it comes to reproductive health care, women in both the Santo Domingo and New York turned to friends and family first. Women in both Santo Domingo and New York were hesitant to use condoms for fear their partners would interpret the condom use as a sign of infidelity.

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<sup>1</sup> Glass N, Fredland NM, Campbell JC, Yonas M, Sharps PW, Kub JK. Adolescent dating violence: Prevalence, risk factors, health outcomes, and implications for clinical practice. *JOGNN: Journal of Obstetric, Gynecologic, & Neonatal Nursing*. 2003; 32:277-238.

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Women in both groups spoke not only of the presence of violence in their intimate relationships, but also of having little recourse against such violence. Several participants spoke of how their precarious finances and those of their male partners were sources of tension in their relationships. Women with male partners who worked outside of the DR depended upon the money these men sent to them and they felt they had to adhere to strict behavioral standards in order to keep the remittances coming.

*"I run the house, take care of the kids. Men say that they are supposedly working for us, that they are in the cold weather because of us. The Dominican man thinks that no one can touch his woman, because then, he won't give you anything, he won't send anything to us or [his] kids, because he has his pride."*

The women reported that quarrels over money frequently erupted into violence. Although both groups spoke of violence in their relationships, there was a sense in both groups that the laws of New York protect women from violence inflicted by their partners: "Women are not mistreated [in New York City]. There, there are laws."

The research confirms that health care providers serving Dominican women on both islands should be trained in detection, referral, and treatment for women survivors of violence. Programs and public education campaigns should be developed to engage women, men, youth, and families in efforts to prevent this kind of violence.

PPNYC recently conducted similar focus groups with Jamaican women that revealed similar results to our Dominican report. Options are few and cultural norms often minimize the problem of violence against women. Information from these focus groups is still being analyzed, and PPNYC is preparing future research with Mexican women in NYC about their reproductive health care needs and barriers as well. We look forward to sharing the results of these studies with the New York City Council when they are complete.

The research we've conducted and the information shared at our hearing today is a good start to better understanding how New York City can improve services for immigrant women affected by violence. It is clear we need to continue to bridge the work we are doing as reproductive health agencies, sexual and domestic violence agencies and CBOs focused on immigrant services. The ARISE coalition is a good example/model of this collaborative work. We look forward to continuing this relationship and exploring future projects to partner together.

# PLANNED PARENTHOOD OF NEW YORK CITY

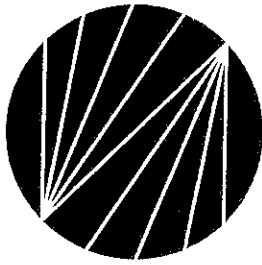
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## Recommendations

- **Public education about IPV among immigrant communities as well as the general population:** There needs to be increased public awareness about the range of behaviors associated with IPV and its effects on overall health, plus the special concerns of immigrant women in violent relationships, including language barriers, fear of police, and lack of familiarity with the health care system and options for help.
- **Health care provider trainings about the associations between IPV and reproductive health and specialized health care needs:** We recommend further education of health care providers about the specific connections between physical and sexual violence and coercion and reproductive health, including recurrent sexually transmitted and urinary tract infections, increased risk of HIV infection, physical injuries, unwanted pregnancies, birth control interference, and monitoring or restricting access to health care. While we have made significant strides in understanding how IPV affects our client populations, there needs to be more awareness for all reproductive health care providers that this is a prevalent health care issue that requires universal screening and appropriate follow up assessment and referrals for clients affected by IPV.
- **Standardized, empirically tested screening instruments and response protocols for health care settings:** There should be standard, consistent, high quality IPV screening policies and procedures conducted at all reproductive health centers in New York City. IPV screening is necessary from a medical perspective to provide appropriate treatment and to obtain a complete health profile. For example, from our research and daily experiences with IPV screening, we know that many things impact a survivor's willingness to disclose partner violence, which include what questions are asked on a screening form, provider sensitivity, and understanding the connection between IPV and their health care.
- **Enhanced coordinated community response between health care professionals and IPV specialists that bridge women receiving IPV services to well-trained health care providers, and visa versa:** Health care providers need training on how to screen for IPV, how to assess safety and specific health care needs of those women who disclose IPV, and how to bridge women to services specializing in partner violence, especially those agencies familiar with the special needs of immigrants experiencing IPV. For example, health care providers should understand the special barriers immigrant woman face when seeking services for IPV, as well as health care overall. Further, providers need to be sure that the language they use during screening and assessment is empathetic, connected to health concerns, and non-heteronormative, in other words, understanding that IPV also happens in same-sex relationships.

Thank you again for holding this hearing and allowing Planned Parenthood to offer testimony today. I am hopeful that we can continue the dialogue started here to find ways to improve culturally competent services for all the women of New York City affected by violence. As always, I am happy to answer questions or provide any follow-up information to you.



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Against Sexual Assault**

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[www.nycagainstrape.org](http://www.nycagainstrape.org)

Thank you for the opportunity to speak today. My name is Harriet Lessel, and I am the Executive Director of the NYC Alliance Against Sexual Assault. I want to thank the chairs of the four committees: Kendall Stewart, Immigrant Affairs; Joel Rivera, Health; Darlene Mealy, Women's Issues and Peter Vallone, Jr., Public Safety for your interest and concern about immigrant survivors of sexual and domestic violence. We hope that there will be continued efforts to ensure that survivors from immigrant communities get the help they need and deserve.

The New York City Alliance Against Sexual Assault is committed to ensuring that the best practices of sexual violence intervention and prevention are available to ALL individuals and communities in New York City. While the Alliance has a long history of working with our partners in healthcare, rape crisis programs, law enforcement, and the criminal justice system, we recognized that immigrant-focused community based organizations did not have significant linkages with rape response or prevention. This is not to say that immigrant survivors are not seen in many rape crisis and Sexual Assault Forensic Examiner programs, but only that we intuitively knew that these survivors only represented the tip of the iceberg and wanted to document that intuition. As we all know, data counts.

The Alliance has adopted Participatory Action Research (PAR) as the path to reach out to communities that are underserved in the systems that address sexual violence. PAR is a collaborative approach to inquiry and action that enables a particular community to analyze their own needs, identify possible solutions to meet those needs and develop, implement and evaluate a plan of action. It comes from a tradition that seeks to empower marginalized groups. Two years ago, the Alliance recognized that PAR could help the Alliance document immigrant experiences with sexual violence on the local level but it would also help create new partnerships between the Alliance, rape crisis and SAFE programs, other first responders and immigrant-focused CBOs and community leaders.

The Alliance embarked on a pilot study, funded by the NYC Council, to examine:

- 1) the scope and impact of sexual violence against immigrant women
- 2) help-seeking behaviors, including knowledge and attitudes about sexual violence services
- 3) community-specific strategies to end sexual violence.

We were fortunate to have the assistance and good will of 57 stakeholders involved in various immigrant communities and New School University who assisted us in developing our project.

The key findings of the pilot study, entitled, "*Bringing the Global to the Local: Using Participatory Research to Address Sexual Violence with Immigrant Communities in NYC*" were as follows:

- 1) Contrary to service providers' expectations, immigrant women want an opportunity to talk about sexual violence in a safe environment
- 2) Immigrant women found the participatory tools useful and enjoyable
- 3) Sexual violence was common among undocumented and recent immigrants to NYC who participated in the study
- 4) Immigrant women do not know where to go for sexual violence services in NYC
- 5) Undocumented immigrant women face multiple barriers in seeking help for sexual violence
- 6) Immigrant women frame their attitudes about help-seeking in the context of their home countries
- 7) Immigrant women want to be part of community-specific sexual violence prevention strategies.

In response to these findings, the Alliance facilitated the development of the Action Research for Immigrant Social Empowerment or ARISE coalition. Our initial partners include many organizations here today: Sauti Yetu, SAKHI, Planned Parenthood, the Arab-American Family Support Center, and Voces Latinas. Meghan O'Connor, the Alliance's Director of Prevention and Community Development will address the work of this coalition.

In sum, systematic changes are impossible without active community involvement. Our research and advocacy seeks innovative partnerships with New York City communities, both to prevent violence before it happens and to intervene when it occurs. We hope this hearing will lead to increased attention and support to those survivors who face barriers when seeking care for sexual and domestic violence and to involve these communities in community-specific intervention and prevention services.

Thank you.



## Testimony of Turning Point for Women and Families

Submitted to: New York City Council, June 22, 2009  
**Oversight Hearing: How Can New York City Better Address Sexual and Domestic Violence Against Immigrant Women?**  
Committees: Health; Women's Issues; Public Safety; Immigration  
Chairs: Joel Rivera; Peter F. Vallone, Jr.; Kendall Stewart; Darlene Mealy

### Testimony

Thank you for holding this hearing on how New York City can better address sexual and domestic violence against immigrant women. My name is Moumita Zaman and I am the Youth Leader at Turning Point for Women and Families, a community based non-profit organization in Queens that addresses the needs of Muslim women and children through crisis intervention, individual and group counseling, advocacy, outreach, education and training. Turning Point was created in 2004 as a response to the wide gap between needs and services available to the NYC Muslim community and offers culturally competent services, especially in the area of domestic violence.

### New York City Muslim Demographics

There are approximately 600,000-800,000 Muslims living in New York City, making it one of the largest and most diverse Muslim communities in the United States. Immigrants from Africa, South Asia, Southeast Asia, the Middle East, and the Balkans comprise a large fraction of this population. Turning Point's clients and youth members come from all five boroughs, representing various socio-economic backgrounds, which include a variety of ethnic, cultural, and spiritual practices. These women and girls speak many languages and dialects, and have varying degrees of proficiency in English. Most of the immigrant women seeking assistance come from low income families, do not have a support network and have limited English proficiency. Some of the neighborhoods they come from are Astoria, Flushing and Jamaica in Queens, Harlem and the Lower East Side in Manhattan and Coney Island Ave, Bedford-Stuyvesant, Bushwick and Bay Ridge in Brooklyn. About 95% of Muslim children in New York City go to public schools and more than 10% of the public school population is Muslim. Approximately 10% of the public school attending population report experiencing dating violence. Using the accepted national statistics that one out of four women experience sexual and/or physical violence at some point in her life, we can infer that a significant portion of the female Muslim population in New York City experiences sexual assault and/or domestic violence.

During the past four and a half years, since Turning Point was created, we have worked with approximately 300 Muslim women and girls. As an organization that provides direct services and addresses violence against women, approximately 70% of these women/girls have reached out to us for assistance to escape violence and abuse.

Many of the women who come to Turning Point are referred by the Administration of Children's Services, hospital social workers, high school counselors and other service providers. They are seeking counseling and support, assistance with filing police reports, getting orders of protection, legal assistance or in need of shelter. Turning Point assists them in getting legal and medical help, provides testimonies in courts, offers emergency cash assistance and food as well as cost of transportation, and whenever possible, accompaniment to courts and various governmental and social service agencies.

Through our experience, we find that our clients repeatedly face the same obstacles and issues while navigating their way through resources and the systems in place. Some of them are:

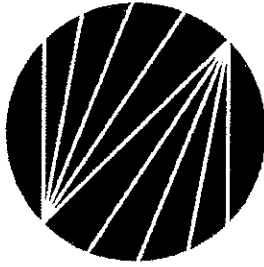
- A. Do Not have Access to Resources:** Immigrant Muslim women are often isolated from, unfamiliar with, and/or intimidated by police, school authorities, court personnel, healthcare workers, and city agencies. They do not know who to reach out to for help. Many of them are without social support networks and do not know their way around the city. Even when resources are available to them, we find that in most cases, the agents who are in place to assist them do not have the required connections in the communities in which these women reside. Consequently, when women seek help, they are not properly connected to the community-based organizations that are equipped to provide services culturally and linguistically sensitive services. In some cases when women are referred to CBOs the crisis has passed or they are well into the process.
- B. Language Access and Translators:** By far, the biggest cause for concern for immigrant women is the issue of language access. Although there may be language access lines, usually women are not informed about their availability. When immigrant women are provided interpreters, they are often untrained and unfamiliar with the issues of sexual assault or domestic violence. Since the interpreters share cultural backgrounds with victims, often intervene during the process and try to influence the women, thereby affecting their ability to get the benefit of interpretation services. Immigrant Muslim women find themselves unable to communicate details of the trauma properly to officers, court officials and/or district attorneys. In many instances, when an interpreter is unavailable, children are used to assist with translation for their mothers. This retraumatizes the children and jeopardizes the accuracy of women's statements resulting in omission of important details of details of abuse and sexual assault.
- C. Women and Girls from Immigrant Communities are Unaware of their Rights:** Many immigrant women and girls come from countries where their rights or the perception of their rights are very different from here. They are unaware of the city, state, and federal laws that exist to protect them. Education must be provided to raise awareness about remedies and options available to them. This will help familiarize them with their environment and alleviate their fears regarding different city agents and encourage them to report crimes.
- D. Abusers and/or Perpetrators' Interaction with Officials:** When this happens the process is manipulated to the severe disadvantage of the victim further traumatizing her and her children.

- E. Lack of Cultural and Religious Sensitivity:** Police officers, hospital personnel, court officials, social workers, and government agencies often lack the sensitivity required to provide services to women and girls victimized by sexual assault or domestic violence.
- F. Lack of Legal Resources:** Because majority of our clients come from low-income backgrounds, it is extremely difficult to connect them with legal services as there is a severe shortage of agencies that provide free or low cost legal services. The process is cumbersome and most service providers do not have adequate or trained staff who can speak with women in their languages or have knowledge about their culture. .

**Recommendations:**

- A. Increase output and maintenance of resources for immigrant populations, especially in key languages.** These resources must be accessible and distributed in a timely manner in order for victims of sexual assault and domestic violence to utilize them when they reach out for help. Information about their rights, services available to them by various city agencies in their own languages should also be readily available to them.
- B. Partnerships between institutions, organizations, and leaders from within the community and city agents such as police, district attorneys, court personnel, hospital workers, and public school officials are crucial to assisting immigrant women in order for them to know their rights and to seek help.** Community based organizations should be consulted prior to creating policies that affect immigrant women. Input from various perspectives will help garner more information and help in designing effective policies that are relevant to immigrant and Muslim women
- C. Law enforcement agencies, district attorneys, court personnel, hospital workers and city social workers should be provided extensive sensitivity training regarding sexual assault and domestic violence against immigrant women.** These trainings should be geared towards helping service providers and agents understand the enormous diversity and cultural and religious differences that exist so that barriers in seeking help can be minimized. In order for the trainings to be culturally relevant, they should be provided with a partnership of city agencies and the community based organizations that are already providing services to these populations

Immigrant women and girls confronting sexual assault or domestic violence face numerous obstacles. While dealing with the personal trauma, they find themselves in very challenging situations that can be highly confusing and difficult, thus leading to a cycle of victimization. In order to tackle these issues and streamline the process for Muslim immigrant women who are survivors of sexual assault and domestic violence, it is important that we continue to have these discussions and create ways for us to partner in this important work. Thank you.



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**How can New York City Better Address the Needs Sexual and Domestic Violence of Immigrant Women?**

June 22, 2009

Good afternoon. My name is Meghan O'Connor. I am the Director of Prevention and Community Development at the NYC Alliance Against Sexual Assault. Thank you for hosting this hearing on the extremely important and often overlooked issue of how we can, as a city, better address the complex needs of immigrant women affected by sexual and domestic violence. Specifically, I would like to thank the chairs of the four committees who have worked hard to make this hearing happen: Kendall Stewart, Chair of Immigrant Affairs; Joel Rivera, Chair of the Health Committee; Darlene Mealy, Chair of Women's Issues and Peter Vallone, Jr., Chair of the Public Safety Committee. The very nature of this hearing—a collective effort across four committees highlights the interdisciplinary nature of preventing and responding to sexual and domestic violence. It highlights the various systems charged with preserving the right of immigrant women to live free from violence and the multiple agencies who must respond to reduce the harm for that woman, her family, and her community when that right is breached.

As the Alliance's Executive Director, Harriet Lessel described, the ARISE coalition was formed in response to the findings from the Alliance's research report "Bringing the Global to Local," generously funded by the City Council. ARISE seeks to engage immigrant communities in developing strategies to reduce sexual and domestic violence through research, advocacy and education. My colleagues on this panel today of course represent their own organizations, but also represent ARISE.

One of the first activities of our coalition was to present the findings of our report at a forum for immigrant service providers across New York City. Close to one hundred organizations—varying from large to small agencies attended that forum eager to hear the voices of immigrant women and the community-based organizations that serve them. Since that meeting in May 2008, the ARISE coalition has focused on disseminating the results of "Bringing the Global to the Local," primarily to policy makers, and particularly to the representatives of the committees hosting this hearing today. It is a great pleasure to see that the efforts of such meetings may have led to today's hearing. Meetings with Council Members in our various districts have given us the opportunity to illuminate the impact of sexual and domestic violence on immigrant women and their families, the various gaps in services to address their needs and to bring attention to the grass-roots approaches that member agencies of ARISE (and others) are successfully using to serve a broad range of immigrant communities.

In our meetings and discussions, we have often been asked about the prevalence and impact of the problem. We all know that numbers and the ability to demonstrate the impact of a problem is often what moves policy and lawmakers towards action. Which brings me to the importance of data collection.

"Bringing the Global to the Local" was groundbreaking in that it was the first report of its kind for New York City.

Yet we all know, that we only scratched the surface with that report. There have been and continue to be substantial research gaps on the prevalence and experience of domestic and sexual violence for the general population of New York City. We also have little data on the social and health indicators for specific immigrant populations in NYC.

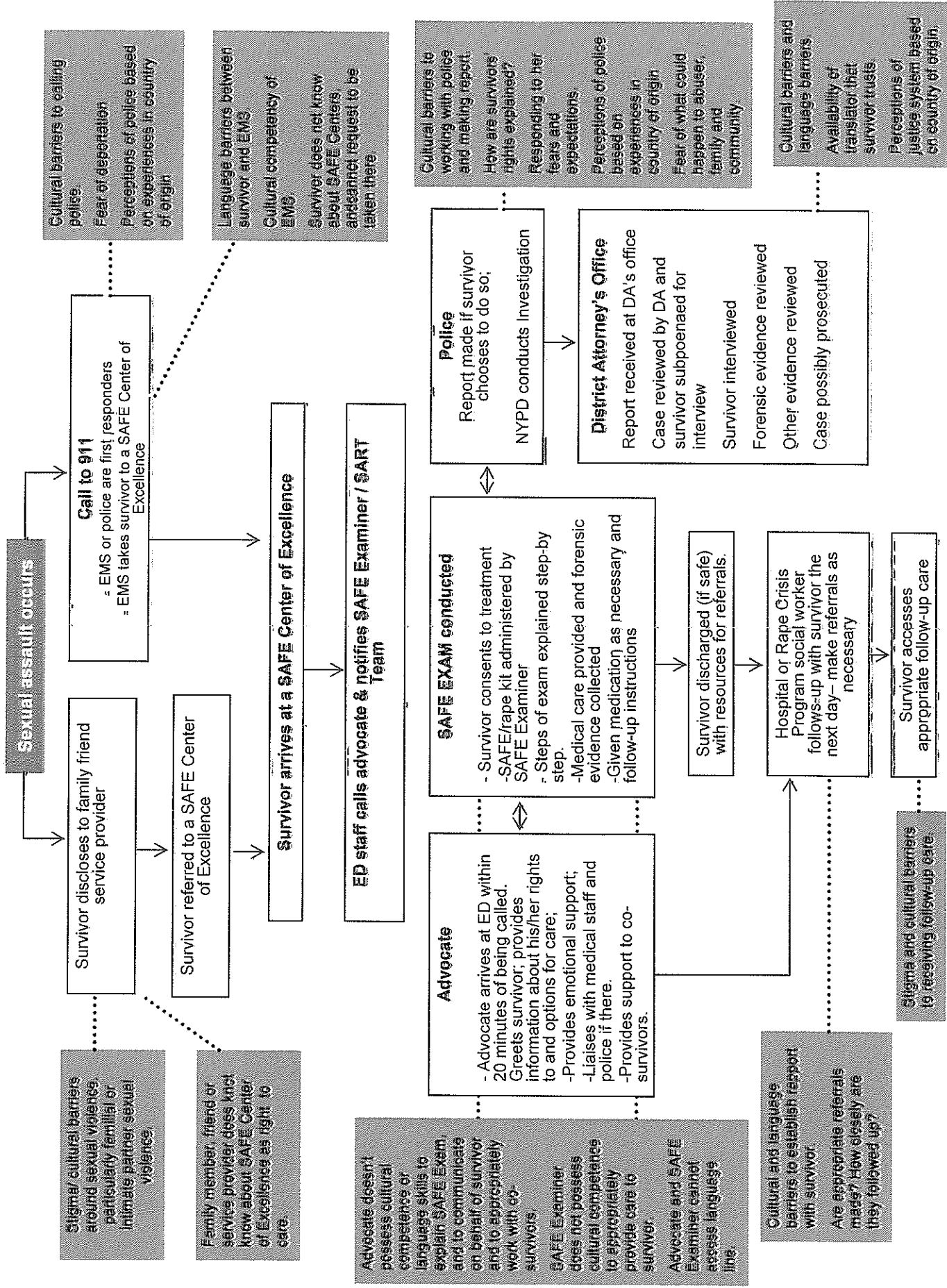
The same barriers that immigrant women face in getting the services they need, which my colleagues will discuss, only further challenge our ability to collect good data-- specific data-- on **how** and **how much** this problem affects immigrant women.

As the research arm of ARISE, the Alliance wishes to continue our research efforts-- expanding our reach to more immigrant communities. Participatory Action Research is a unique method of research that can help us break down traditional research barriers that limit access to immigrant populations. As a coalition, we have also started to develop a data collection system to better document reported incidents and services delivered. At the very least, ARISE agencies can begin to use this system to collect basic community-specific data. Yet, such work requires significant human resources and again is limited in scope. It is a start, but to truly answer the "how" and "how much," resources must be invested in citywide data collection systems and independent research so that we can document prevalence, demonstrate impact, and carefully monitor and evaluate the services provided.

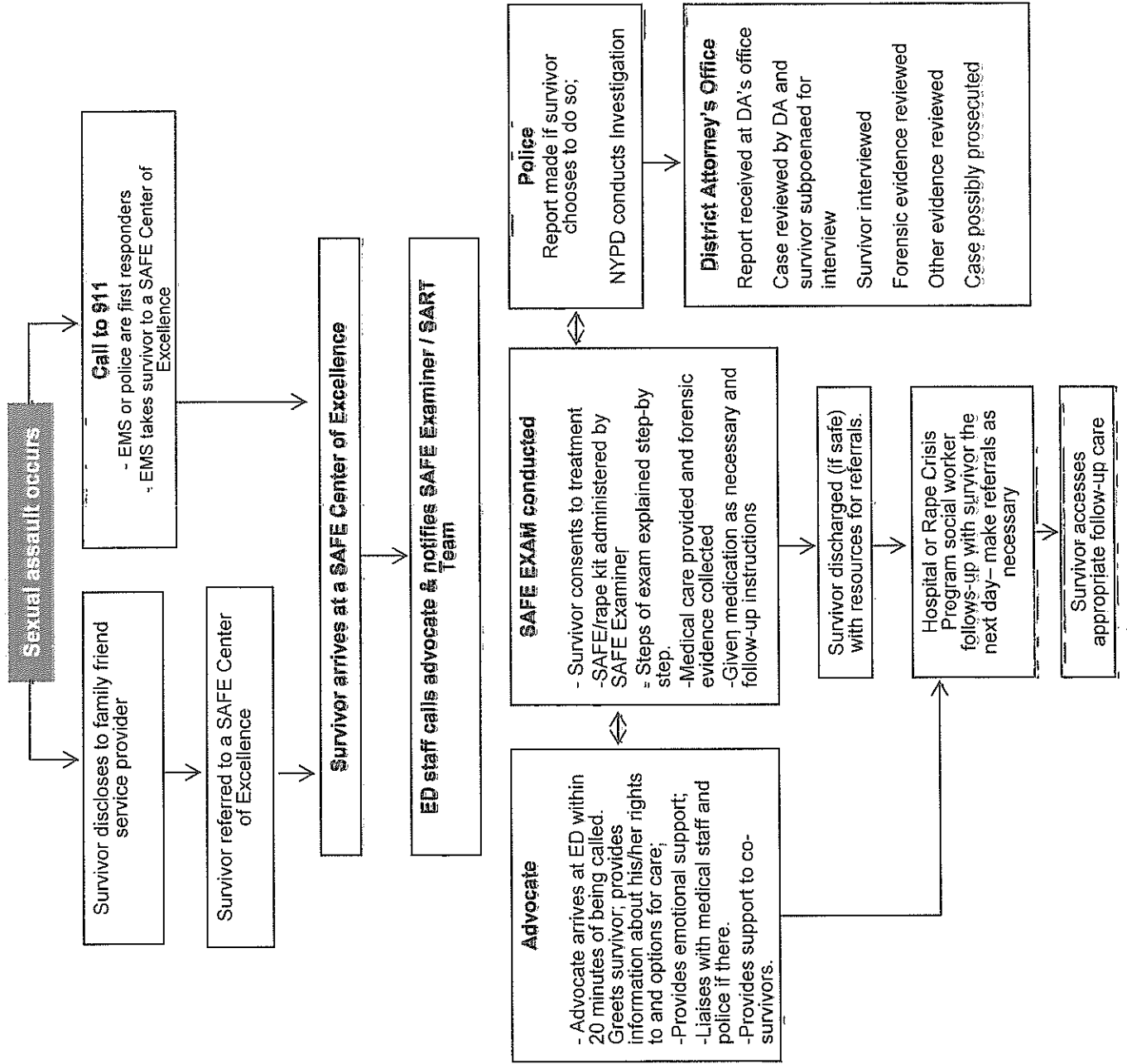
Lastly, just as the needs of immigrant populations are often overlooked, so is the work of the community-based organizations that serve them. These organizations are small, targeted, and specific in their approach and the populations they serve. The organizations that make up our coalition as well as others here today and many that could not be here today, have tremendous knowledge, skills, and expertise. These organizations know their communities intimately—they are change agents in the lives of those they serve and most importantly they are trusted. NYC is under-utilizing them. We must think of and go to these organizations **first** when trying to think about how we, as a city, can better address the needs of immigrant women. They can share nuanced information about their communities with us, provide targeted training, and disseminate knowledge in their communities in an appropriate and effective manner. But NYC must first recognize these organizations for the change-agents they are and guarantee that they are consistently part of the conversations and decisions that impact immigrant women. I hope that that today, we will highlight these untapped resources.

Thank you for the opportunity to testify and we look forward to continuing our work together to advance the right for immigrant women to live free from sexual violence.

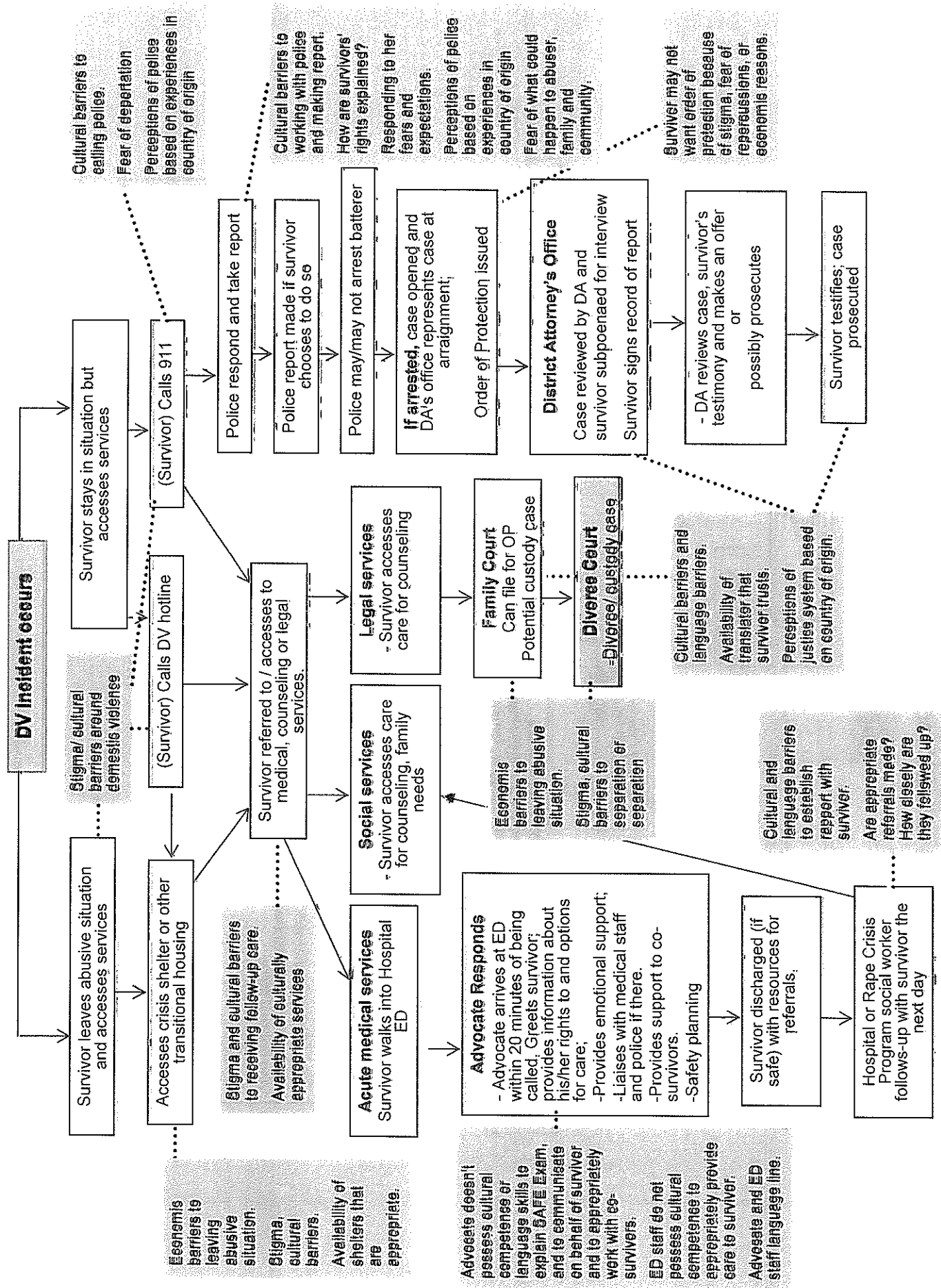
# Ideal response to sexual assault – Challenges for immigrant women



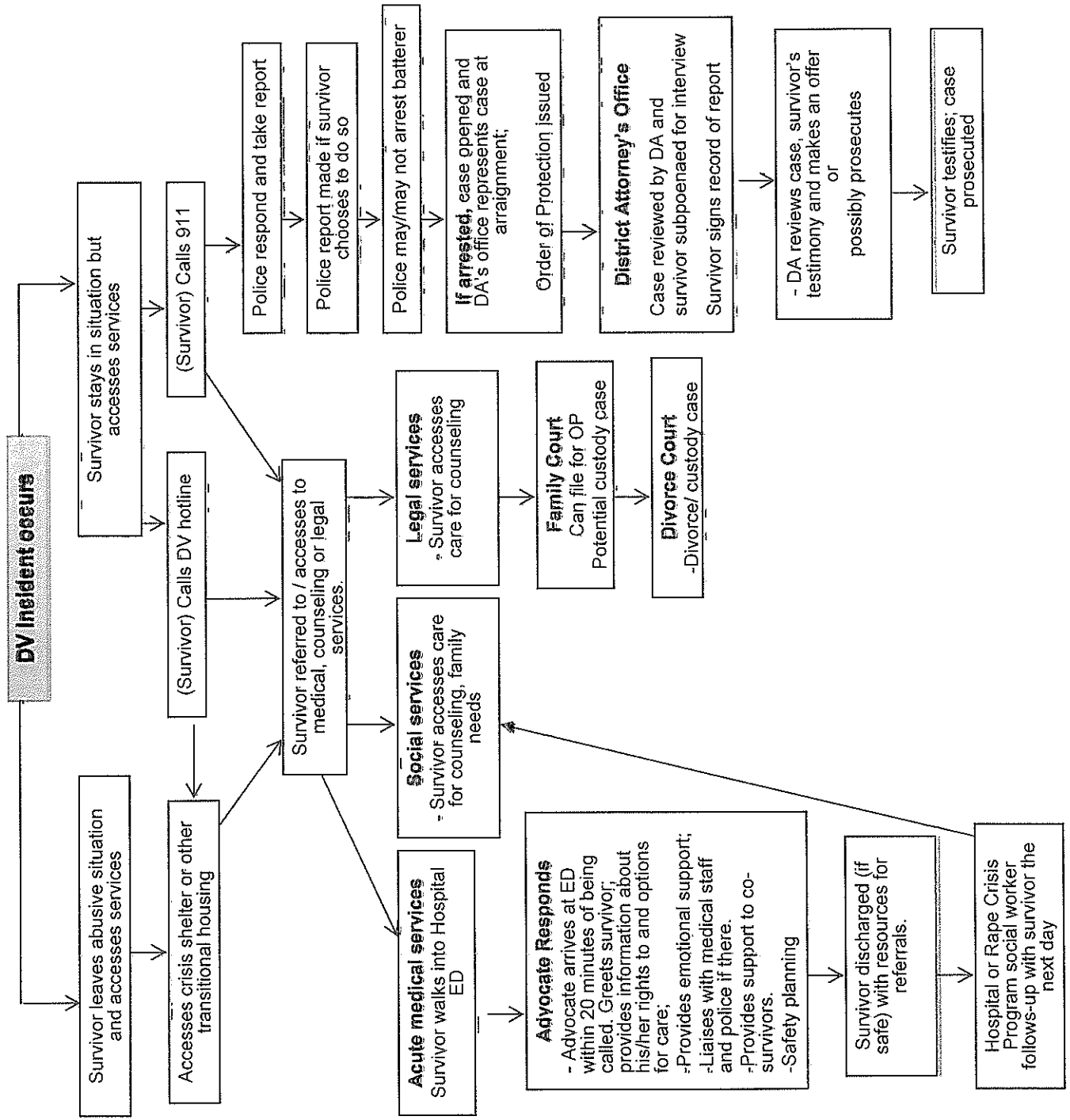
# Ideal response to sexual assault



# Ideal Responses to a DV Incident



# Ideal Responses to a DV Incident – Challenges for Immigrant Women



**Testimony of**

**Safe Horizon, Inc.**

**“How Can New York City Better Address Sexual and  
Domestic Violence of Immigrant Women”**

**Health Committee**  
**Hon. Joel Rivera, Chair**

**Public Safety Committee**  
**Hon. Peter Vallone, Jr., Chair**

**Women’s Issues Committee**  
**Hon. Darlene Mealy, Chair**

**Immigration Committee**  
**Hon. Kendall Stewart, Chair**

**New York City Council**

**June 22, 2009**

## **Introduction**

Thank you, Chairman Rivera, Chairman Vallone, Jr., Chairwoman Mealy and Chairman Stewart, for the opportunity to testify before you today on the impact of domestic violence and sexual assault on immigrant women in New York City. My name is Michael Polenberg, and I am the Vice President of Government Affairs for Safe Horizon, the nation's leading victim assistance organization and New York City's largest provider of services to victims of crime and abuse, their families and communities. Safe Horizon creates hope and opportunities for hundreds of thousands of New Yorkers each year whose lives are touched by violence. I am joined here today by a client of ours, Aurelia R., who will share her harrowing story of being an immigrant victim of domestic violence and the obstacles she faced in trying to escape her abuser and access services.

We are grateful the City Council is taking a look at this important issue, and asking community-based organizations like Safe Horizon to comment on our experiences. We work with immigrant victims of crime in a variety of programs throughout the five boroughs, and we have a number of recommendations for how to improve service delivery to this population which we will share with you today.

## **Background**

We have a great deal of experience providing services to immigrant victims of crime. Our **Immigration Law Project (ILP)** provides free and low-cost services to victims of crime, torture and abuse in immigration proceedings. With help from the New York City Council, ILP offers direct legal assistance to over 2,000 clients each year in all areas of immigration law,

## **Introduction**

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## **Background**

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including U and T visas, naturalization and work authorization applications and deportation and removal proceedings.

While ILP specializes in assisting victims of crime, torture, abuse and domestic violence, we also provide a broad range of direct legal services to all immigrants, including:

- Representing individuals who are applying for political asylum in the United States, with an emphasis on torture survivors;
- Representing family members of permanent residents or citizens of the United States who seek to obtain immigrant or non-immigrant visa status; and
- Providing direct representation of aliens who become detained or subject to removal from the United States.

Safe Horizon is the eastern seaboard's largest provider of direct services to immigrant victims of human trafficking. Our **Anti Trafficking Program (ATP)** assists women, men and children who have been forced into involuntary servitude involving commercial sex acts (40 percent) and a variety of labor situations including domestic servitude, factory and restaurant work, and peddling (60 percent.) The ATP uses an intensive case management model that provides necessary social and legal services and referrals for other supports. We regularly consult with, provide expert testimony for, and help coordinate cases and referrals with agencies across the country at the federal, state and local level.

We see immigrant victims of abuse in our domestic violence shelters, where roughly one-third of our residents are foreign-born. We see them in our court and community programs,

where victims come to us for emergency assistance even as their batterers threaten them with arrest and deportation if they seek help. These clients are extremely vulnerable and are in desperate need of additional immigration remedies, public benefits, emergency and long-term housing options and a life free from violence. Where we can, we offer legal counsel, shelter, case management and safety. But much more needs to be done. The remainder of this testimony will focus on our recommendations for how to remove obstacles to safety for immigrant victims of crime.

## **Recommendations**

### **1. Certification**

Immigrants who have suffered “substantial physical or mental abuse from criminal activity” and who are cooperating with law enforcement toward the prosecution of the crime are eligible to apply for a “U-Visa” through U.S. Citizenship and Immigration Services (USCIS). This visa allows these individuals to remain in the United States for four years, with the option to renew. After three years, the individual could apply for permanent status.

The U-Visa form must be certified by local law enforcement, the prosecutor’s office or the judiciary to verify that the applicant is the victim of a crime and is assisting with the prosecution of the case. That is, the victim must either be cooperating, have cooperated in the past, or will likely cooperate in the future with the arrest or investigation of the criminal activity.

In New York City, applicants who are cooperating with law enforcement in cases where an arrest has been made generally have their forms certified by the district attorney’s office for the relevant borough. In cases where an arrest has not been made (such as Family Court,

Integrated DV Court, local law enforcement or police reports without an arrest) law enforcement and the relevant judges have not uniformly adopted procedures to certify these applications. However, we believe the guidelines governing certification are clear and allow local law enforcement and the judicial branch to certify a victim's U-Visa application, which would grant a measure of security to the victim.

## **2. Barriers: Housing, Benefits and Language**

The largest barriers to safety for our immigrant clients are the lack of income, regular access to public benefits and the ability to obtain safe, affordable housing. In addition, language barriers often prevent our clients from accessing the array of services and benefits to which they're entitled.

Affordable housing for non-citizens is virtually impossible to obtain for our clients. One of the few avenues out of shelter are the various Advantage housing voucher programs which provide a time-limited subsidy to families moving out of DV shelters. The City's Human Resources Administration (HRA) is considering an Immigrant Advantage program that would potentially provide housing subsidies (albeit for one year only) for households with a documented family member. We urge the City to implement this Immigrant Advantage program to allow families with an immigrant head of household to qualify, as this would help move families out of the shelters and into permanent housing.

In a city as diverse as ours, it is the rule not the exception that language barriers will prevent immigrant crime victims from fully understanding the options available to them, or from

even seeking assistance in the first place. This is one of the reasons the Council's Domestic Violence Empowerment Initiative (DOVE) is so important, in that it directs resources to small community-based organizations that are culturally and linguistically equipped to assist immigrants who have experienced violence and abuse. And it is a prime reason Safe Horizon supports legislation in Albany that would require orders of protection to be translated into the language of the victim as well as the offender.

### **3. Capacity**

In September 2007, the U.S. Citizenship and Immigration Service (USCIS) issued new regulations regarding the processing of U-Visa applications. All of the 244 applications that our Immigration Law Project completed since August 2001 had to be re-submitted according to the new guidelines. Of these, 90 applications were returned to us with requests for additional information. This puts an enormous strain on our program as we struggle to complete this task while seeing new clients and providing them with an array of legal services. With funding levels for our program lower than the year before, we had no choice but to limit intake of new clients from 10 per week to 8 per month. This means we turned away approximately 5 new victims of crime each day. These are clients who either called us or walked into our office who self-identify as immigrants with domestic violence issues, something that takes enormous courage to do. We give all of these individuals referrals to other legal service organizations, but unfortunately many of our colleagues have been forced to curtail their intake as well.

Sadly, the needs of our clients persist. A 2006 report by the City's Department of Health and Mental Hygiene found higher rates for intimate partner femicide among immigrant women

(1.27 per 100,000 females 12 years and older versus 0.75 per 100,000 for women in a similar age group who were born in the United States), accounting for more than half of the city's overall femicide rate.

Clearly there is a need for more capacity for programs serving this population. The City Council's Immigrant Opportunity Initiative (IOI) is a valuable source of funding for programs providing direct legal services to immigrant victims of crime. While funding for this initiative has been reduced from its Fiscal 2008 level, it is still helpful to programs serving vulnerable immigrant communities.

Thank you again for allowing us to testify here today, and I'd be happy to answer any questions you may have.

## Client A's Case Story

From 2004 until February 2009, Client A suffered from multiple and severe physical assault by her husband where she sustained scars and bruises from the incident. The police was called to the scene by the client's brother. For safety reason, Client A was referred to the Prevention Assistance and Temporary Housing (PATH) on the date of the DV incident. PATH then referred her to an emergency Domestic Violence shelter.

When she moved into the DV shelter, she was not provided with any interpretation services that she needed. In 2008, she came to the U.S. with her husband. Her ability to speak English was elementary and not proficient enough to explain in full details about her domestic violence experience and her various needs to the case worker at the shelter. She was not provided access to an interpreter and was later told that she did not need to attend support group sessions because she can not understand English.

The case worker from the DV shelter accompanied the client to the Public Assistance so that she can obtain Cash Assistance and Food Stamp for herself and her new born son. Both the DV shelter and Public Assistance Office in East End failed to provide interpretation that was needed for her to explain about the DV incidents that she suffered. As a result, the client was not granted a Domestic Violence Liaison (DVL) waiver, which would not excuse her from complying with child support enforcement and work requirements; thus putting her and her child in further danger from her husband. In addition, her Public Assistance case was closed because she did not comply with her work activities requirement. The client explained that no one told her that she was required to report to PA work activities every day, and even her case worker did not convey the information to her in English nor tried to utilize Language Line. The client stated that she was confused and felt very isolated.

Client A was later transferred to NYAWC's shelter because of her language and cultural needs. However, when the NYAWC was assigned to her case, the Case Manager reviewed with the client her PA case and was shocked to see that the client was not provided with proper advocacy and support services by the previous domestic violence agency. This was due in large part because of the client's limited English proficiency.

With the help of the NYAWC and through proper interpretation, the client received FULL DVL waiver for the Public Assistance work activities. The DVL understood the clients' severe DV experience and determined that it was not safe for her to participate in work activities. Once the case manager at the NYAWC explained to the client about how the Public Benefit process works and the requirements in her native language, Client A said, "Thank you. Now it is clear to me how these things work. I finally feel at peace."

Access to competent interpreters is a necessity for Domestic Violence victims who are immigrant women and who does not speak English well. In order to express and

\* Name of client was changed to protect client's identity

New York Asian Women's Center

1-800-888-7702

Toll-free 24-hour Multilingual Hotline

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convey details of the Domestic Violence incidents that they suffered and to figure out their needs. Many clients wish to speak in their own native language. Interpreters should be trained and certified by NYS or NYC to maintain professionalism and neutrality of interpreters. Currently, quality and competency of interpreters are not consistent, even within the NYC court system, which probably offers the most accessible and comprehensive interpretation services within city agencies. In the past, on behalf of many clients, a complaint on improper and inadequate interpretations by a few court interpreters was filed.

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We are honored to have this opportunity to present to the oversight hearing on “How Can New York City Better Address Sexual and Domestic Violence of Immigrant Women” before the four very distinguished committees on Public Safety, Health, Women’s Issues and Immigration. My name is Carolien Hardenbol and I am Co-Director of the Immigration Intervention Project. I am here with Bushra Husain, Women’s Counselor. We are both here from Sanctuary for Families, the largest nonprofit in New York State dedicated exclusively to serving domestic violence victims and their children, through shelter, legal and social services. We share with all those present the grave concerns for the safety and well-being of New York City’s immigrant women. Sanctuary for Families is uniquely situated to speak on the needs of immigrant victims of domestic violence and sexual assault. In the last year alone, we served 8,000 clients directly and reached approximately 30,000 individuals through outreach, training and public events. Approximately 70% of the women we serve are foreign-born, hailing from 109 different countries. We have staff fluent in 30 languages and offer a variety of distinct programs, such as our West African domestic violence survivors’ support group run in French, our South Asian domestic violence survivors’ support group in which we provide simultaneous translation into several South Asian languages, our Immigration Intervention Project with a staff of 11 full-time employees providing immigration legal remedies and our Community Law Project addressing the multiple needs of domestic violence victims from ethnic, immigrant and historically-marginalized communities, including the LGBT, Asian, African and Latina communities. Our work is based on the recognition that

immigrant women face complex cultural, historical, familial, religious, and class issues when confronting domestic violence and sexual assault.

I want to begin by recognizing not only the important work of the four committees holding this hearing today, but some of the innovative and effective programs and policies that New York City has already implemented to ensure the safety of all New Yorkers facing domestic and sexual violence. First, Executive Order 41, which prevents City employees from divulging confidential information, including immigration status or status as a victim of domestic violence or sexual assault, is a key policy protecting immigrant victims of violence. Second, under the leadership of Commissioner Yolanda Jimenez, we have seen the creation of two Family Justice Centers, one in Brooklyn and the other in Queens, providing holistic services from criminal prosecution to civil legal and social services under one roof. At the Family Justice Centers, immigrant victims are not only able to meet with District Attorney office staff prosecuting cases against those who have attacked them, they can also meet with police officers, social workers, advocates and civil legal service providers, including immigration lawyers. As New York City provides Language Line telephonic interpretation to all staff at the Family Justice Centers, immigrant New Yorkers can receive all of these services in any of 170 different languages. Third, in the years since the Nicholson v. Scopetta and Nicholson v. Williams lawsuits—Sanctuary for Families’ ground-breaking litigation on behalf of mothers accused of “engaging in domestic violence” by being victimized—we have seen increased sensitivity to the needs of victims of domestic violence from the Administration for Children’s Services (ACS), and, under Director of Immigration Services, Mark Lewis, increased responsiveness to the needs of immigrant families and immigrant victims of domestic violence. Finally, with the leadership of Speaker Christine Quinn, the

Committees holding this hearing today and the work of the City Council as a whole, we are seeing dynamic energy and commitment to addressing the needs of some of the most vulnerable New Yorkers—immigrant victims of domestic violence and sexual assault.

I now would like to describe some of the challenges we face and follow with some recommendations for building on the City's strengths and furthering the City's efforts to prevent domestic and sexual violence against immigrant women, to hold perpetrators of such violence accountable and to respond to the needs of immigrant survivors.

#### U Nonimmigrant Status Certification

Under federal law, immigrant victims of domestic and sexual assault who suffer substantial harm and cooperate with the investigation or prosecution of criminal acts committed against them are eligible for temporary immigration status which eventually leads to citizenship. In order to qualify for this special status, called U Nonimmigrant Status, crime victims must submit certification from local law enforcement officials. We are happy to report that the District Attorneys of all five boroughs have created procedures for obtaining such certifications. We want to particularly acknowledge Queens County which routinely provides certification prior to the final adjudication of a prosecution, meaning that crime victims in Queens receive certifications much earlier than in other boroughs, which translates into several fewer months living under the threat of banishment from their adopted homes and without employment authorization. The Administration for Children's Services (ACS) has also created a procedure for the issuance of certifications.

Unfortunately, as others are testifying to today, the New York City Police Department (the NYPD) has been slow to create a policy, and is reluctant to share information publically about whatever policies the NYPD has created. In fact, since federal regulations were issued in September of 2007, the NYPD has not, to our knowledge, issued any certifications, leaving immigrant New Yorkers whose attackers are not arrested—generally because they elude arrest—without recourse. In one poignant example, a Sanctuary for Families client, Akia, survived a murder/suicide in which her mother's abusive ex-boyfriend shot Akia, her mother, her brother and himself. Akia and her mother survived the shooting; her brother and the killer did not. Akia and her mother cooperated with the police investigation and Sanctuary for Families has requested certification, but the NYPD has yet to respond. Without certification, Akia cannot file an application for immigration status; on a daily basis she must deal not only with the trauma of surviving a brutal attack in which she lost her brother and barely escaped with her own life, but with limited access to public services and the constant fear of deportation.

### Trafficking

In November of 2007, advocates for immigrant victims cheered when New York State's anti-trafficking law, arguably the strongest and most comprehensive in the nation, went into effect. The law created new crimes of sex and labor trafficking, clarified that running a sex tourism business is committing the crime of promoting prostitution, and increased penalties for those who patronize prostituted people, many if not most of whom are victims of human trafficking and vulnerable immigrants. The law also provided for services for immigrant trafficking victims. Sadly, the new statutory provisions have been grossly

under-enforced state-wide, and there has been a dearth of arrests, prosecutions, and convictions. Instead, law enforcement officers, including those at the NYPD, continue to arrest potential trafficking victims for prostitution while ignoring those who prey on them: patronizers, who make up the demand side of this brutal industry, and the criminals on the supply side: pimps and brothel and escort service owners and managers, many of whom are engaged in activities that clearly meet the elements of the felony-level crimes of sex and labor trafficking. One major reason for the lack of enforcement of our new anti-trafficking law is that police departments state-wide, including our own NYPD, have failed to develop a comprehensive strategy for addressing the heinous human rights violations inherent in selling and purchasing sex with women and children. Just as NYPD developed a comprehensive and effective strategy for fighting domestic violence—Strategy No. 4, rolled out in 1994—NYPD must develop a comprehensive strategy for fighting sex and labor trafficking. Its strategy to combat human trafficking must include both intensive, department-wide training of all police officers; the development of effective tactics to investigate perpetrators of human trafficking and related prostitution crimes; a shift in focus to investigating and arresting patronizers, promoters, and traffickers instead of the women and children they prey on; a specialized investigatory unit composed of well-trained and dedicated detectives; and increased attention to corruption within NYPD in light of the well-publicized cases of police officers patronizing, harassing, assaulting, and exploiting women, men, and children in prostitution.

One of the clients of Sanctuary's anti-trafficking initiative, Kika Cerpa, has spoken out about her own experiences. Her testimony illustrates the importance and urgency of a proactive and sensitive law enforcement response in combating human trafficking. Kika was trafficked from Venezuela into Queens more than a decade ago, by a boyfriend, whose family

ran a sex trafficking business. Subjected to psychological and physical coercion, deprived of her travel documents, and put into debt bondage, Kika ended up in a brothel on Roosevelt Avenue, where she had to provide sexual services to dozens of men at a time. Police officers from the local precinct repeatedly shut down the brothel in which she was trafficked, arresting the women while ignoring the male customers. At times the police officers demanded sexual services from the women, and one detective was a frequent customer of Kika's. Treated as a criminal, not a victim, Kika was trafficked for more than three years. When another victim in the brothel was murdered in front of her by an irate, drunken customer, Kika fully cooperated with the prosecution, even picking her friend's killer out of a lineup. No one involved in the investigation and prosecution thought to inquire into Kika's circumstances. Instead of identifying her as a trafficking victims and eliciting her assistance in investigating her exploiters, Kika was left at their mercy. Tragically, even after the passage and enactment of New York State's anti-trafficking law, little has changed for the next generation of Kikas.

### Dual and Retaliatory Arrests

Sanctuary's immigrant clients, fearful of the police and often unable to communicate in English, are particularly vulnerable to two distinctly pernicious phenomena—dual arrest and retaliatory arrest. Under New York State's primary aggressor law, the police on the scene are supposed to evaluate and determine the primary aggressor and arrest *only* the primary aggressor. The reality in many precincts, however, is that the police do nothing to analyze the dynamics of violence and instead resort to arresting both parties – the dual arrest problem. Charges in dual arrest cases are then almost always dropped at arraignment—or never filed—as busy Assistant District Attorneys have neither the time nor inclination to determine who

should be charged and the appointed defense counsel for each party, anxious to have charges dropped against their own clients, quickly agree that their clients (now criminal defendants) do not wish to “press charges” against the other party.

Another related phenomena is the retaliatory arrest, in which an abuser, in retaliation against a victim reporting his crimes or attempting to exit the abusive relationship, makes up false charges and reports them to the police. Without any evaluation, police in some precincts become willing accomplices to abusers, accepting often preposterous charges at face value and arresting victims. One client at Sanctuary For Families, Joanna, reported a violation of her order of protection by her abuser, who had left over a dozen threatening voicemails on her cell phone. When the police contacted the abuser about these violations of the order of protection, he made up allegations against Joanna. Joanna was then arrested and held in a cell right next to her abuser at the precinct where he shouted threats and verbal abuse at her for several hours. The police turned to Joanna and the abuser and stated that if they both agreed to abandon their criminal complaints, they would both be free to leave. Not surprisingly, Joanna, like her abuser, accepted the offer, and neither person was taken to Central Booking.

Once wrongfully arrested, whether as result of a dual arrest or a retaliatory arrest, a victim of domestic violence loses faith in law enforcement systems and will most likely not report any incidents of violence again. To a victim, her arrest only reinforces her abuser’s claims of omnipotence and the futility of any attempts his victim might make to escape.

Domestic violence can only be prevented if police officers are able to swiftly and accurately assess the dynamics of the violence that led the victim to call. We call for increased training, particularly in precincts with high dual arrest rates, on New York’s

primary aggressor laws, as well as training on cultural competence and the availability of interpretation through Language Line at any hour of the day, any day of the year.

### Public education

In 2003, Mayor Michael Bloomberg issued Executive Order 41, which we previously praised for protecting immigrants by ensuring that they would not fear being reported to immigration authorities when entering a health clinic, seeking police protection or working with any other New York City agency. Despite the critical privacy protections of Executive Order 41, a significant number, if not the majority of immigrant New Yorkers are unaware of the policy and are frequently terrified to have any contact with government employees. When immigrant victims suffer in silence, the safety of all New Yorkers is jeopardized as criminals act with impunity. Most Sanctuary clients tell us that they did not report the majority of crimes committed against them because they believed that *they themselves* would be the ones arrested and deported. New York would be safer and healthier if the City ensured that information about Executive Order 41 was widely disseminated through ethnic and popular media, as well as being posted in every police station, emergency room, health clinic, public school and District Attorney's Office.

And there is yet another dimension of immigrant life in which the City can play a more proactive educational role, especially for immigrants with children who have been victims of domestic violence or sexual assault. For immigrants with children learning the laws and cultural context of parenting in the United States is too often fraught with authorities chastising their parenting practices that are viewed as either harmful or neglectful. Knowing the rights of children, the laws, and the role of the Administration for Children (ACS) would

benefit all concerned if such information was proactively offered as part of both a public awareness campaign or perhaps most readily by the Board of Education and the public school system. Health care and social service providers as well might play a positive role in terms of raising awareness so that clashes of culture do not result in either stigmatizing, frightening or at worst creating a climate so that those most in need are left without help, fearful of accessing help or unduly harmed by the system or life circumstances. Many clients at Sanctuary have often said they wished they had been given a “primer” upon entering the country about these very issues.

### Funding

Advocates, mental health providers, case managers, legal services providers, and counselors, play an integral role in offering intervention methods that are multidisciplinary and sensitive to the specific cultural values of immigrant victims of domestic violence and sexual assault. In order to meet the unique needs of immigrant victims of domestic violence and sexual assault, the City must provide adequate financial resources to provide high quality bi-lingual, bi-cultural legal, mental health and social services.

### Recommendations

- The NYPD should issue a transparent, written procedure allowing for multiple U certification signatories and for the adjudication of U certification within a reasonable period of time.
- The NYPD should develop a comprehensive strategy for fighting sex and labor trafficking.

- The NYPD should end the practice of dual arrest and retaliatory arrest. In order to do so, the NYPD must monitor precincts for dual arrest rates and ensure all police officers receive adequate training on New York's primary aggressor and mandatory arrest laws as well as the constant availability of telephonic translation through the City's contract with LanguageLine.
- The City should engage in an active campaign to ensure that all New Yorkers are aware of their rights, regardless of immigration status, as well as their responsibilities in the United States, which include adherence to child-rearing practices that may be unfamiliar. We believe that the protections of Executive Order 41 should be posted prominently in hospitals, police stations, schools and other government buildings. We believe that disseminating information through both rights and also responsibilities through New York City's hospitals, health clinics, and public schools, immigrants' ability to adapt in their new homelands will be strengthened.
- And finally, in order to meet the unique needs of immigrant victims of domestic violence and sexual assault, the City must provide adequate financial resources to provide high quality bi-lingual, bi-cultural legal, mental health and social services

We thank the City Council for this opportunity to present our recommendations based on our work with immigrant women subjected to domestic and sexual violence.

## **How Can New York City Better Address Sexual and Domestic Violence of Immigrant Women?**

### **Written Testimony: Arab American Family Support Center**

Good afternoon. My name is Kinaja Janardhanan and I am the Director of Programs at the Arab American Family Support Center. I would first like to thank the city council for their interest in ensuring immigrant women, who are victims of domestic or sexual violence, are provided with appropriate services.

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AAFSC was established in 1994 to serve the frequently underserved Arab immigrant community of New York City. As the first and largest Arabic-speaking social service agency in New York, our goal is to help new immigrants become more acclimated to life in the United States so they can fully participate in the world around them.

Every day AAFSC has immigrant women coming in to the agency to seek services. Many come in because they are victims of domestic violence and others come in for a variety of other reasons and upon further discussion, it is discovered that they too are victims of violence. AAFSC offers services to victims of domestic violence. We provide long term support groups to women and youth in both Arabic and Hindi. In the past year we have served over 60 women and children. Five of those women chose to leave their abusive partner. Our groups help our clients to understand the dynamics of power and control, plan for their safety and look at options through education and training to empower themselves and plan for a better future. In addition, any victim that comes in to our office is provided with all available resources, including the use of law enforcement and the judicial system. We do not make choices for them; rather we provide them with all the available options and then support them whatever their decision might be.

Although domestic violence is prevalent in all races and socioeconomic classes, immigrant women in the New York City face different challenges and for them, services are not easily accessible. The Family Violence Prevention Fund conducted research regarding the abuse of immigrant women. The research that was done found that immigrant women often suffer higher rates of battering than U.S. citizens because they may come from cultures that accept domestic violence or because they have less access to legal and social services than U.S. citizens. Additionally, many immigrant batterers and victims believe that the penalties and protections of the U.S. legal system do not apply to them. Battered immigrant women who attempt to flee may not have access to bilingual shelters, financial assistance, or food. It is also unlikely that they will have the assistance of a certified interpreter in court, or when reporting complaints to the police or a 911 operator, or even in acquiring information about their rights and the legal system.

New York City is unique in the fact that there are numerous programs both governmental and community based that provide domestic violence services. Although, this may be true, due to cultural and linguist barriers, it is difficult for immigrant women to access these services. Barriers that immigrant women face include culturally and linguistically appropriate services both in the public and private sector. In addition, the dynamics in

violent relationships where the victim has immigrated differ than if the woman is American due to inherent belief systems.

Many of the clients we serve are unable to effectively communicate in English. Many times their husbands do not allow them to attend English Classes, and are therefore unable to read, write or speak the English language. Their inability to communicate in English makes it extremely difficult for these women to both access services and reach out to law enforcement when the abuse occurs. Even when they do reach out to law enforcement, their inability to communicate makes it difficult to express what has just occurred. Often times their husbands do speak English making it easier for them to manipulate the situation to meet their needs.

Numerous times the immigrant women we serve have misconceptions about law enforcement and the judicial systems due to their past experiences in their native country, and are fearful to reach out to them in times of need. Many believe that the police will not help them because of their experiences with authoritarian law enforcement and judicial systems in their countries of origin. In addition, the abuser will provide the women with misinformation about the U.S. judicial system making them apprehensive to utilize it for assistance. Many clients have come to us seeking assistance, and when the option of an order of protection is discussed, they become extremely hesitant. When asked what their fears are, the usual answer is that "he told me he would take my children away". When explored further, many of the women inform us that their husbands have told them that if they reach out for help from either law enforcement or the judicial systems, then America gives the authorities the right to take the children away from the mothers. Although, we explain to the clients that the court makes decisions regarding child custody, their fears about custody laws in their home countries forbids them from taking that step.

For many of the immigrant women, the fear that their husbands will take their children, is a realistic fear. The countries from which the clients immigrate are currently not part of the Hague Convention, making it easy for the husbands to abduct the children and return to their home countries. This has occurred with some of the women whom we serve and due to laws in the home countries, many of these women will lose all custody of their children. The fear of losing their children often causes the women to stay in an abusive relationship and not seek any services that may upset their abuser.

As previously stated, New York City offers a variety of services to victims of domestic violence but for immigrant women it is difficult to access these services. The inability to communicate in English is a major reason why these women are unable to access services, but lack of cultural competence on the part of law enforcement, the judicial systems and service providers also makes it complex. Often times, interpreters are brought in to assist but that in itself causes numerous problems.

The role of an interpreter is to translate word for word what is being said. However interpreters that are used by both the public and private sector are not only translating but are also advising the victim and are either not translating everything that is being said or

are not conveying the information correctly. Often times the victims leave and are not provided with all the information or have been convinced by the interpreter that asking for help is a mistake. In order for NYC to appropriately serve immigrant women, we are recommending that all translators be more closely screened and provided with trainings on what their roles are. There should be a more rigorous hiring process, in which the interpreter must be monitored by a supervisor before being able to translate on their own. In addition, the use of community advocates as interpreters would be useful. Individuals who have domestic violence training and who speak the language are more effective than just a hired interpreter.

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In our experience, we have found that law enforcement also use interpreter services, but in some communities there are officers that are proficient in the native language of the larger community. Although, often times this is helpful, the lack of knowledge about the dynamics of domestic violence in immigrant families is detrimental to the victims. In this connection, we would highly recommend that law enforcement and the judiciary are trained in cultural competency around the challenges these populations face so as to help alleviate the fear of the victim seeking out their help.

DWA FANM's Testimony  
Gina Cheron  
June 22, 2009

## **"How Can New York City Better Address Sexual and Domestic Violence of Immigrant Women?"**

### **Introduction**

- I thank ~~the Chair~~ the Chair of the committee, the committee and all elected officials present for holding this hearing.
- My name is Gina Cheron, Executive Director of Dwa Fanm. I am joined by Ms. Berlotte Israel, the Chair of Dwa Fanm's Survivors Advocacy Committee and one of our Board Members in charge of community organizing at Dwa Fanm.

### **About Dwa FANM**

- Dwa Fanm, which means "Women's Rights" in Creole, is committed to empowering all women and girls with the freedom to define and control their lives. For the past 10 years, Dwa Fanm has been dedicating its time and services to address all forms of abuse against women and girls. Within a year, we served a total number of 1056 people, among which 876 are females and 176 are male children. Dwa Fanm is presently staffed by twelve full-time employees, and operates with a budget of close to a million dollars.

### **Telling statistics**

Below is a list of telling statistics that provide the story of the population of women and young women we serve.

- For the past few months we provided social services to 268 women in Domestic violence, out of which 86% are black; 35% speak only Creole; and 26% are undocumented because they have had to leave the abuser who brought them in the US. These women come from Haiti and relocated here on a fiancé visa. Once married, they are put in situation where they leave the relationship because the abuser becomes violent and refuses to continue with the immigration paper work. Dwa Fanm is helping these women adjust their immigration status through VAWA and U Visas

- ❑ For many undocumented women there are barriers for obtaining the U Visas, resulting in many of our clients falling into the cracks. Even though Domestic Violence is considered a crime, many of the abuses are not “arrestable” offenses. Also, many times detectives cannot find the abusers, which leave many women at risk. Even in cases where women are cooperating with Police Departments, they don’t qualify for U visas, because in many cases there is not an arrest.
- ❑ There is lack of concerted actions and linkages between District Attorney Offices and the Police Department. Right now only District Attorney Officials are authorized to sign U Visa Certifications. If The Police Department does not make an arrest, District Attorneys cannot sign U Visa Certifications, which leaves our undocumented clients without any avenues that would give them access to legal documents.
- ❑ While 97 % of our population has a victim status, 62% of the women experiencing domestic violence stated that they have not pressed charges; 50% do not have an order of protection. And about 26 % remain with the abuser because they are concerned about their safety and their immigration status. The fact that there is a fear to press charges indicates the need for education about women’s right violations.
- ❑ About 50% of our population comes to us in need of advocacy. About 58% do not have medical assistance; 68% do not receive food stamp benefits. This is mostly because they are not aware or do not know how to access these services. Therefore, there is a need for CBOs to bridge the gap between this at risk population and city agencies.
- ❑ While unemployment is high, 88% of our population (including children) do not receive cash assistance; 98% have no spousal support; 68% do not receive wages. These statistics demonstrate the need for some interventions to better their conditions.

**Recommendations:** In light of the above stated situations of substandard living conditions in which our clients find themselves, we make the following recommendations:

- ❑ We need a policy that facilitates a public/private partnership to ensure that in NYC, at risk immigrant women's needs are met. We would like to see, at the city level, the same public/private partnership that now exists at the county level.
- ❑ We need a representative within the Police Department responsible and with the authority to sign U visa certifications.
- ❑ We want to ensure an increase in funding to fulfill the needs of Domestic Violence victims in general;
- ❑ A dialogue at the city, county and state levels could lead to the Federal Government allowing undocumented at risk immigrant women access to public assistance. It is also recommended that both levels of Government, City and State, be actively engaged in similar dialogues seeking to provide employment opportunities to women who are victims of abuse.
- ❑ These measures should also be taken to ease the conditions of at risk young women;

## **Conclusion**

Thank you for the opportunity to testify. We look forward to continuing to work together. Dwa Fanm is available to share its experience and to brief public officials on the scope of its program and its unmet needs.

Good Afternoon.

My name is Nathaly Rubio-Torio, Co-founder and Executive Director of Voces Latinas.

Voces Latinas is a grassroots non-profit organization that targets immigrant Latinas in Queens, particularly Western Queens, the epicenter for recent Latin American settlement. While Voces Latinas specifically targets Latina women living with and at risk for HIV, we address this in the context of the multiple traumas our client's face—which include social oppression, poverty, threats of deportation, community violence, interpersonal violence, sexual violence, and survival sex. Global research demonstrates that violence against women (VAW) is inextricably linked with HIV, such that they have been referred to as twin pandemics. In the U.S. 4 out of 20 studies report that women experience violence as a consequence of reporting their HIV test results, on average 8%.<sup>i</sup>

Latinas faced with various barriers to services often-times do not report their abuses. Many factors, such as racism, fear of police, threats of deportation, reliance on one's partner, and separation from social structures in their home countries result in fewer women reporting violence.<sup>ii</sup>

Queens has the largest share (46.1%) of NYC's immigrants: Latin Americans represent a third of this population. Most of the women that come to Voces are from Western Queens, where over 53% of the residents were born in Latin America and over 61% are not English proficient.<sup>iii</sup> Low literacy and lack of English proficiency is a major barrier for these residents.

The social stigma associated with being HIV positive also means that a woman experiencing violence is less likely to have someone to turn to for help, and will fear disclosing her status. One's HIV status can also be used as an excuse for physical and sexual violence.

Our constituents discussed their immigrant status as one of the main reasons why they do not report their abusers to the police. For some women, they perceived the police as the enemy, and felt the authorities would only intervene in cases of sexual or domestic violence if they could arrest the husband. This perception is a carryover of the role of police in their home countries in which law enforcement could not be trusted.<sup>iv</sup>

As a result of strict gender norms from their home countries, in which it is not acceptable for women to have control over their bodies and decision-making power regarding sex, our clients lack the knowledge and confidence to negotiate condom use with their partners. This increases their likelihood of engaging in risky behaviors that may expose them to HIV/AIDS. As mentioned before, VAW can also result when women disclose their HIV status to their partners or others.

According to the Annual Fact Sheet published by the NYC Mayor's Office to Combat Domestic Violence, in 2008, police responded to 234,988 domestic violence incidents. In addition, New York Police Department's Domestic Violence Unit conducted 72,463 home visits that year, a 93% increase since 2002.

There were 770 family related homicides in 2008 where 17 victims were killed in Queens County.<sup>v</sup> NYC's Department of Health and Mental Hygiene *Comprehensive Report on Intimate Partner Violence in New York City* found that "nearly half (44%) of all women murdered in New York City between 2003 to 2005 were killed by intimate partners. Partner violence also accounted for nearly 4,000 visits to hospital emergency departments in 2005 alone."<sup>vi</sup>

**What we find that works in the community:**

There continues to be segments of the population that can only be reached through a grassroots approach. Some communities need to be engaged in a culturally sensitive manner in order for trust to be gained. This is vital with immigrant communities as many have fears around immigration status. Their status often times determines if and when they will seek out services and ask for help. As community based organizations, we must not move away from this approach if we want to be effective in reaching our community. Often bigger, more established non for profit organizations somehow move away from community grassroots approach. At Voces Latinas we provide education and awareness to the community, we train immigrant Latinas to be leaders and advocates and to serve as mentors to other women at risk. We reach these women through street outreach and engagement.

Voces Latinas' Promotoras program trains peers go out to the community to do outreach to this segment of the population. The Promotoras are the very same women who came to Voces Latinas seeking support who also experienced some form of VAW. The uniqueness of this program is that it serves an already marginalized population facing multiple traumas, and in particular focuses on the co-morbidity of violence against women and HIV/AIDS.

The program equips Promotoras with engagement skills, basic counseling skills, and ensures a match in language, culture and age for each client seeking services, and those we are trying to reach. This type of connection has proven effective in identifying the immediate needs of an immigrant who is living in an abusive relationship and experiencing other forms of violence. The core of the program is the unique approach and exhaustive nature of our Promotoras' outreach. The promotoras seek out those who are experiencing or at risk for sexual violence, domestic violence, dating violence, stalking, HIV and other issues. We build the skills of our staff and Promotoras to provide supportive individual and group counseling and advocacy with service providers.

Currently, they go where the women are, such as laundromats, supermarkets, shopping centers, the parks, etc. to speak to them about HIV and VAW, and to tell them about resources available to them. As survivors themselves, they speak from their heart and make strong connections to the women with whom they interact. And they follow-up very closely—revisiting the same places, speaking to the same women, so that their faces and message become familiar.

This approach is one that is effective and one that many community grassroots groups are doing. It maintains a connection to the community in a manner that is familiar to immigrant communities, as this is the kind of outreach practiced in many other countries.

I thank you for your time and welcome speaking to your further about innovative ways to reach the immigrant community.

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<sup>i</sup> Development Connections, UNIFEM, Pan American Health Organization, Inter-American Commission of Women and the Latin American and Caribbean Women's Health Network. "The Multiple Faces of the Intersections between HIV and Violence Against Women." 2008.

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<sup>ii</sup> Paz, Monica and Fry, Deborah. "Bringing the Global to the Local: Using Participatory Research to Address Sexual Violence with Immigrant Communities in NYC." New York City Alliance Against Sexual Assault. May 2008. Obtained online at [http://www.nycagainstrape.org/media/research/par\\_1\\_report08.pdf](http://www.nycagainstrape.org/media/research/par_1_report08.pdf)

<sup>iii</sup> New York City Department of City Planning at [www.nyc.gov/dcp](http://www.nyc.gov/dcp)

<sup>iv</sup> Ibid.

<sup>v</sup> New York City Mayor's Office to Combat Domestic Violence. Annual Fact Sheet at [http://www.nyc.gov/html/ocdv/downloads/pdf/2008\\_Fact%20Sheet\\_updated.pdf](http://www.nyc.gov/html/ocdv/downloads/pdf/2008_Fact%20Sheet_updated.pdf)

<sup>vi</sup> New York City Department of Health and Mental Hygiene. Comprehensive Report on Intimate Partner Violence In New York City at <http://www.nyc.gov/html/doh/html/pr2008/pr061-08.shtml>

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My name is Marisol Ramirez. I am a Promotorta (Peer) from Voces Latinas. I came to the US in 1993 for a better life and to give my daughter a better life and more opportunities to grow. My journey to this country was difficult, impactful, and traumatizing. It was an experience that will never leave me.

When I first came to Voces Latinas, I was very depressed, alone, isolated, with no social support. I felt I had to put up with many things in my relationship that I normally would not put up with, but because of my situation in this country, I did not know what else to do.

I was invited to Voces Latinas by a friend who told me about the workshops. When I arrived I found another world, I made friends, I connected to resources, I am growing as a person and I am learning things about myself that I was never able to explore. I am empowered to keep growing. At Voces Latinas, women find a small university of knowledge. We are heard, supported and oriented in health and in emotional health for us and our children.

I am here to provide you with my personal testimony about my experience doing outreach in my community. The first time I went out to the community, I had very positive thoughts about accomplishing my goal of transmitting my message with love, honesty. The first thing I learned was that in order to stop violence against immigrant women, we MUST understand the needs of our men. We need more services for immigrant men.

In my community, working with the day laborers I found sad faces, hungry, alone and with no desire to speak. I observed many faces destroyed by their suffering in life. When I approach the men with condom packets, they come to me thinking I

was giving out food or coffee. Others are very grateful, take the information and thank me.

I've also been pushed away but I continue to make an effort to motivate them and inform them about our services .

The youth are embarrassed to take the condoms. The girls get shy and the mothers sometimes are interested and other times don't care for it because they feel they don't need it. I use my training to inform them that they can take it and give it to their children, family or friend, and not necessarily for themselves.

My biggest dream is to serve my community and to be able to help my children, my family and friends be more conscious of the community's needs and to give back. I found people interested and I was able to exchange valuable information with them about what we do at Voces Latinas. I am passionate about my job but am 100% sure that there needs to be consistency, love, perseverance, and honesty to reach my community.

Thank you for the opportunity.

# **FOR THE RECORD**

**June 22, 2009**

## **Testimony from New Destiny Housing Corporation before the City Council's Committees on Public Safety, Health, Women's Issues and Immigration**

### **"How Can New York City Better Address Sexual and Domestic Violence of Immigrant Women?"**

Good afternoon, thank you for the opportunity to testify. My name is Catherine Trapani and I am the director of the HousingLink Program at New Destiny Housing Corporation, a nonprofit organization that seeks to increase the permanent housing and services available to low-income survivors of domestic violence and others at risk of homelessness.

Domestic violence shelters in New York City serve immigrant survivors, providing a temporary safe haven for families and individuals fleeing domestic abuse. Shelters are required, with good reason, to accept at risk families into shelter regardless of their immigration status. But although out of status survivors can access emergency shelter, they encounter nearly insurmountable barriers to obtaining permanent housing.

The primary housing subsidy available to domestic violence shelter residents is the Advantage NY program. Currently, Advantage only serves families where each household member has enough immigration status to qualify for Public Assistance cash benefits. For example, a mother with two citizen children who filed a VAWA self-petition and received a prima facie notice thus allowing her to receive public assistance would qualify for Advantage. However, another parent, who also has two citizen children but was unable to file for immigration status under VAWA because she is not legally married to a US citizen abuser, would not qualify for Advantage since she could not access public assistance cash benefits in the absence of VAWA relief.

About 10% of households in the emergency domestic violence shelter system do not have enough immigration status to qualify for Advantage NY Housing. This puts many immigrants in an impossible situation: they may enter DV shelter for temporary safety but there is virtually no assistance for permanent housing after shelter. Once their maximum allowable 135 days in shelter ends such families will likely remain homeless or be forced to return to the abuser or other unsafe, temporary housing for lack of permanent housing options.

Since shelter programs are required to serve undocumented victims of domestic violence, the Advantage program should be expanded to provide access to immigrant survivors fleeing their abusers.

Current State and Federal law and regulations under OCFS, OTDA and VAWA provide precedents for designating survivors of domestic violence as a special needs population requiring specialized support and protections under the law. In the past, City-sponsored housing subsidy programs like Housing Stability Plus provided pro-rated rental assistance to “mixed” families with some eligible and some ineligible household members. NYCHA Public Housing and Section 8 currently offer such assistance where the family receives a partial subsidy to help with housing costs. The Advantage program should be expanded to allow households with a mix of eligible members and out of status members to receive at least a partial subsidy giving the family a chance to exit shelter with safe permanent housing.

Advantage is a critical resource for immigrant families since housing subsidy programs like the NYCHA DV priority for Public Housing and Section 8 are particularly hard for immigrants to access. In order to qualify for the NYCHA DV priority survivors must provide criminal justice documentation. Out of status immigrants are less likely to contact police or obtain the orders of protection required by NYCHA

for fear of deportation. Therefore, we urge the City to expand the Advantage program so immigrant survivors can have a safe path to permanent housing from DV shelter. Thank you for the opportunity to testify.

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**Testimony by the Legal Aid Society before the Sub Committees on Immigration, Public Health, Safety and Women's Issues on How New York City Can Better Address Immigrant Survivors of Sexual and Domestic Violence**

**June 22, 2009**

**Interest and Expertise of the Legal Aid Society**

The Legal Aid Society is the oldest and largest provider of legal assistance to the poor in the United States. The Society's Civil Practice operates 14 neighborhood offices and City-wide units servicing residents of all five boroughs of New York City, providing comprehensive legal assistance in housing, public assistance, immigration, family law and other civil areas of primary concern to the poor. The Society's City-wide Family Law Practice includes a Domestic Violence Project which provides legal representation regarding, custody, orders of protection, child support, divorce, economic justice and immigration remedies for undocumented survivors of domestic violence. Our Domestic Violence Project staff often works in close collaboration with other areas of the Society's Civil Practice to holistically address the myriad of legal issues faced by immigrant survivors of domestic violence, in particular access to housing, public assistance and health care. The Legal Aid Society's Domestic Violence Immigration Program Staff plays an active role in the New York City Violence Against Women Act (VAWA) Advocates group which is comprised of other legal service providers throughout the area providing representation and advocacy on immigration options for domestic violence survivors. This staff also participates in national advocacy efforts for immigrant victims of domestic violence and is active in the Lawyer's Committee Against Domestic Violence (LCADV), a

coalition of over 100 lawyers from the greater New York City area whose work supports victims of domestic violence and their children.

We are grateful for the opportunity to testify before the Sub-Committees on Immigration, Public Health, Safety and Women's Issues regarding immigrant victims of domestic violence. We would like to focus your attention today on the obstacles faced by undocumented battered immigrant victims. Undocumented victims of domestic violence are among the most marginalized New Yorkers. They face physical battery and emotional abuse compounded by a constant fear of deportation.

**Brief Summary of Common Legal Options for Undocumented Survivors of Domestic Violence and Sexual Assault**

In 1994, Congress enacted the Violence Against Women Act<sup>i</sup> (VAWA) to prevent citizen and lawful permanent resident batterers from using their control over different stages of the family immigration process of their spouses as part of the cycle of abuse. It is quite common for batterers to refuse to file a family visa petition for their spouses, threaten to withdraw a petition that has already been filed or threaten to have their spouses deported if they take any steps to report the abuse or leave the relationship. Without legal status, undocumented survivors of domestic violence can be deported at any time and cannot work lawfully. The fear of deportation and separation from family members causes many immigrant domestic violence victims to remain in abusive relationships and keep silent about the violence in their homes. VAWA legislation permits spouses of U.S. citizens and lawful permanent residents to initiate or complete this family petition process without their abuser's cooperation.<sup>ii</sup> This process is referred to as self-petitioning.

Immigrants who are married to their abusive citizen or resident spouses for less than two years when their residency applications are approved receive a conditional “green” card valid for two years. They must file jointly with their spouses to remove this condition on their lawful permanent residence within the ninety day period prior to the expiration of their conditional residence.<sup>iii</sup> This requirement gives batterers yet another opportunity to use the immigration process to maintain control and domination over their spouses. A battered immigrant in this situation can apply for a battered spouse waiver to remove the conditions on her lawful residence by herself.<sup>iv</sup>

Unfortunately, these two remedies themselves do not address the legalization needs of all battered immigrants. Self-petitions and battered spouse waivers require marriage to a citizen or lawful permanent resident abuser. Yet, there are many undocumented immigrant women who are either not married to their abusers or whose abusers themselves are undocumented. For many years, there was nothing that could be done to legalize these victims’ status. In 2000, as part of the Victims of Trafficking and Violence Protection Act (VTPRA),<sup>v</sup> Congress created a new non-immigrant category, the U visa, at least partially as a way to legalize battered immigrants in this situation. The U visa notably also helps victims of certain other crimes. Interim regulations governing the application process for a U visa were finally promulgated in September 2007.<sup>vi</sup> U visa applicants prior to the September 2007 regulations were granted interim relief and employment authorization. Unfortunately, new U visa applicants not granted interim relief must currently wait for their applications to be approved in order to receive employment authorization. The current U visa adjudication process by the United States Citizenship and Immigration Services (USCIS) is still in flux.

To qualify for a U visa, applicants must show that they are a victim of a qualifying crime, have suffered substantial physical or mental abuse as a result of that crime and that they are helping or were helping law enforcement in the investigation or prosecution. A law enforcement agency must sign a certification attesting to the victim's helpfulness or cooperation only. Certifying agencies are defined broadly and can include District Attorney's offices, police departments, child welfare agencies, the Equal Employment Opportunities Commission (EEOC), the Department of Labor (DOL) and Family Court judges to name a few.

U visas are numerically capped at 10,000 visas a year.<sup>vii</sup> They are intended to provide humanitarian relief to victims of crimes and to be used as a tool to assist law enforcement in the investigation or prosecution of crimes. Unlike many non-immigrant visas, the U visa provides a possible path to lawful permanent residency after three years in U non-immigrant status. Notably, the U visa also has a generous waiver standard that can "forgive" many acts that would otherwise make an immigrant inadmissible to the United States on humanitarian grounds. A U visa applicant can include certain non-citizen family members as derivative beneficiaries on his/her application.

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### **Connection between VAWA Relief and Public Benefits Programs for Undocumented Survivors of Domestic Violence**

Lawful immigration status and economic assistance are two critical components on a battered immigrant's road to an independent, violence-free life. Mental and/or physical cruelty are often intertwined with economic control by the abuser. Undocumented immigrants are not able to work lawfully in the United States. They are often subjected to abuse, exploitation and

unsafe conditions in the workplace. Public assistance and employment authorization go hand in hand to facilitate independence for abused undocumented immigrants.

Eligibility for Federal and New York State benefits programs for immigrant survivors of domestic violence are completely interdependent on the type of VAWA relief that a battered immigrant seeks. Battered immigrants who can self-petition as a result of abuse perpetrated by a U.S. citizen or lawful permanent resident abuser are currently in a better position to obtain certain types of public assistance programs than their U visa counterparts. Neither VAWA self-petitioners nor U visa applicants are eligible for Family Assistance. However, VAWA self-petitioners are eligible for Safety Net Assistance and Medicaid within a relatively short time frame after their applications are filed with the USCIS. Within the group of VAWA self-petitioners, those whose eligibility is based on marriage to a U.S. citizen are able to receive employment authorization within a few months of applying for VAWA relief while their applications are adjudicated. VAWA self-petitioners eligible based on domestic violence perpetrated by a lawful permanent resident must wait until their self-petitions are approved in order to receive employment authorization. Currently, a VAWA self-petition takes an average of a year to be approved.

Undocumented immigrant survivors of domestic violence who are U visa applicants fall into two categories of eligibility for Safety Net Assistance. Those that applied for interim relief prior to the promulgation of the U visa regulations in September 2007 are eligible for Safety Net Assistance under the Office of Temporary and Disability Assistance (OTDA) criteria. Interim U visa applicants are also Medicaid eligible. Current U visa applicants not previously granted interim relief are only eligible for Medicaid.

OTDA's current position is that non-interim relief U visa applicants must wait until their U visas are approved by the USCIS. It is currently unclear how long the USCIS will take to adjudicate a U visa application. We urge the City Council to advocate with OTDA to reverse its position concerning U visa applicants. As a matter of public policy, we trust that you agree it is particularly critical for New York to provide extremely vulnerable populations like crime victims with all of the economic support they need to move forward from such trauma. U visa applicants should not be penalized for any delays in the processing of their visa applications.

There is a similar division regarding employment authorization for both groups of U visa applicants. Interim relief U visa applicants were issued employment authorization and can renew this authorization annually until their cases are adjudicated. Unfortunately for new applicants, the USCIS is not currently providing non-interim relief U visa applicants with employment authorization while their cases are pending despite Congressional authority to do so as created by the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008.<sup>viii</sup>

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Employment authorization is critical in assisting both VAWA self-petitioners and U visa applicants with economic independence. It is especially crucial to secure transitional and other housing options. Neither VAWA self-petitioners nor U visa applicants are eligible for federally-funded housing programs nor New York City Housing Authority (NYCHA) programs. In recent years, the Department of Homeless Services, in coordination with other City agencies, established the Advantage NY Programs to help people transition out of shelter into stable, safe housing. However, the Advantage Programs require that applicants receive federal disability benefits, which are not available to immigrants without status, or demonstrate a lawful ability to work. Many of our clients simply cannot do this in the timeframe they need to because they are not employment authorized while their cases are still pending with the USCIS. Even battered

immigrants who have other qualifying members in the household such as U.S. citizen children find the unsubsidized portions of their rent cost prohibitive. These issues present an enormous hurdle for battered immigrants seeking to transition out of shelter and/or obtain more permanent housing.

### **Current Gaps in Services for Survivors of Domestic Violence**

#### **Lack of access to transitional and permanent housing for immigrant survivors of domestic violence**

Battered immigrants have extremely limited options for federally-funded housing programs, NYCHA and other transitional housing programs as a result of their immigration status.

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#### **Illustrative example:**

Sonia G. endured four years in an abusive relationship. Her former brother-in-law, also undocumented, severely abused her. He forced her to have sexual relations with him in exchange for a place to stay after her arrival to the United States and physically assaulted her on a regular basis. At the time she had no other relatives in the country. She gave birth to their daughter less than a year after her unlawful entry. Her abuser routinely terrorized her about her immigration status and threatened to throw her and the baby out of the apartment. Sonia G. reported her batterer to the police several times. She was issued an order of protection from

criminal court which he subsequently violated. Sonia G. says her fear about being homeless with a baby kept her in her abusive situation for so long.

Sonia G. entered a domestic violence shelter after a brutal incident where her abuser threatened to kill her with a knife. She stayed there for six months during which time the HRA reimbursed the shelter for her stay. During that time, she applied for a U visa under the 2007 regulations. When her time in shelter expired, she went to the Prevention Assistance and Temporary Housing (Path) and eventually transitioned to a Tier II shelter because she had a citizen child. She cannot transition out of a Tier II shelter as she is not currently eligible for other housing options.

Sonia G. cannot work lawfully. She makes \$6 dollars an hour as a part time receptionist whenever her employer offers her work. She cannot afford a Section 8 or a NYCHA apartment although her daughter is at least eligible for the subsidy. Nor does she qualify for the NY

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Advantage programs because she has no employment authorization. Sonia G. gets overwhelmed by her housing situation. She sees other domestic violence survivors with legal status that are eligible for various housing programs transition to better living environments and this makes her extremely depressed about her future. Sonia G. has been unable to transition out of shelter. Her closest family support network is in California. Desperate and without hope, she even considered taking a bus to the West Coast in order to live with family because her housing options are so severely limited.

Remedy: Undocumented battered immigrants should not be forced to go to a homeless shelter and forego the ongoing support they receive from domestic violence shelters. Many of our clients who are undocumented report traumatic experiences on entering Path as they are often pressured to return back to their home countries as part of the housing plan when they have no other options available. The six month limit on domestic violence shelter reimbursement should be eliminated for undocumented battered immigrants without employment authorization or public assistance eligibility and more domestic violence shelters should be created. The City Council should also fund NYCHA and other transitional/permanent housing options for immigrant survivors of domestic violence who are ineligible for housing programs based on their immigration status.

Language Access Gap:

New York City agencies, including the Human Resources Administration (HRA), still often fail to provide appropriate translation for Limited English Proficient (LEP) Individuals as required under federal law and Local Law 73. Consequently, many battered immigrants face basic communication barriers at multiple points of entry into services that assist domestic violence victims.

Illustrative Example: Mercedes R. was forced to come to the United States by her abusive husband after she discovered that his brother sexually molested her son from a previous relationship. She endured her undocumented husband's physical and emotional abuse for ten

years. Her abuser repeatedly raped her. They have three children together, only one of whom is a United States citizen.

Mercedes constantly struggled to break free from her abuser but found it difficult to do so with four children to feed. She finally reported her batterer to the police and he was arrested. At the precinct, the police officer used a cousin to translate for her. Mercedes was extremely humiliated as she had not previously shared the details of her abuse with any of her family members. She later received an order of protection but didn't know what it was. It was not translated for her.

Mercedes decided to send her three non-citizen children back to Mexico when she discovered that they were not eligible for public assistance. Her citizen child's public assistance helps supplement the sporadic income she earns as a domestic worker. After applying for a U visa with a certification from the District Attorney's office, Mercedes attempted to apply for

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Medicaid benefits. The staff at the application center refused to provide her with assistance based on her immigration status despite her eligibility as a U visa applicant. When Mercedes returned to advocate on her behalf, they refused to provide her with a translator as she did not have an appointment, a clear violation of Local Law 73. Mercedes returned one more time where she was finally and successfully able to apply for Medicaid assistance after presenting her legal advocate's business card.

Remedy: The New York City Council should monitor compliance with Federal, State and City laws and directives regarding the provision of services for persons with limited English

proficiency. Police officers and other agencies should make appropriate use of telelanguage lines where an adequate interpreter cannot be provided. City agencies should expand their capacity to provide on-site translation to anyone seeking their services. Special attention should be placed on translation of the rights of battered immigrants with regard to orders of protection and what to do if they are violated. When orders of protection are served, there should be a multi-lingual insert explaining it and what to do if it is violated.

Lack of access to basic information regarding immigration options for domestic violence victims

Battered immigrants are extremely isolated and too often their only source of information is what their batterers tell them. They tend to be particularly vulnerable as they are unfamiliar with the legal system and other services available to assist them.

Illustrative Example: Salma K. came to the United States on a tourist visa in 2002 from Pakistan

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to try to make her abusive marriage work. Her lawful permanent resident abuser lied to her by telling her that he needed to become a citizen before he could sponsor her and their son for a green card. She believed this to be true as she did not know anything about U.S. immigration laws.

When she arrived to the United States, her husband took her to a lawyer who advised her to overstay her visa as her husband could petition for her while he was a lawful permanent resident. By doing this, Salma was told that she could keep her family together while her application was pending with immigration. Salma's abuser promised he would sponsor her. She

did not feel comfortable disclosing the abuse to the immigration lawyer her husband paid for a consultation.

After overstaying her visa, Salma's abuser told her she would be forced to live as an undocumented person. He used the possibility of filing for her green card as a tool to control her. Whenever they fought, Salma's husband refused to buy food for the family and he rarely gave her money to purchase basic necessities. Last year, Salma finally decided to disclose her abuse to a friend at her son's school. This friend referred her to a domestic violence organization. By this time, Salma had two more children with her abuser.

Salma finally applied for a self-petition earlier this year. It will take at least a year for her self-petition to be approved as it is based on marriage to a lawful permanent resident. With this approval, she can apply for employment authorization. Salma volunteers at her son's school. She is a teacher by training in Pakistan and has learned to speak English fluently. She cannot envision supporting herself and her children without employment authorization. So, she does not even entertain the thought of leaving her batterer until she receives it. Had Salma known about her immigration options much sooner, she would have employment authorization by now.

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Remedy: The New York City Council should post information and brochures in multiple languages regarding immigration options for survivors of domestic violence at police precincts, schools, hospitals, courts and other city agencies to increase opportunities to reach marginalized battered immigrants.

### U Visa Certification Gap:

After the issuance of the September 2007 U Visa regulations, the District Attorney's Offices designated signatories of U visa certifications for domestic violence and other victims for each borough. The Administration for Children's Services has also delineated its process for obtaining U visa certifications. However, the NYPD has yet to publicize its U visa certification policy.

The NYPD should provide certifications in situations where they have been actively involved in the investigation of a qualifying crime. There are numerous circumstances where the NYPD is the only agency to certify including but not limited to situations where a perpetrator may have never been arrested because he absconded the state or country, where there is no prosecution because the perpetrator committed suicide after committing the crime, etc. It is important to note that in most boroughs the District Attorney's offices will not sign until a criminal case is completed. This procedure is often an enduring hardship for clients who cannot apply for a U visa without a certification, particularly as criminal matters are often pending for many months if not longer. In these circumstances, clients should also be able to obtain certifications from the NYPD.

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Currently, advocates have submitted U visa certification requests directly to Commissioner Kelly. While there has been some initial response to these requests, the NYPD has not to our knowledge issued any certifications to date under the new regulations. We look

forward to working with the NYPD as it develops its policy and encourage the department to consult with the USCIS as it can provide invaluable guidance.

Finally, timely issuance of a U visa certification is imperative for undocumented survivors of domestic violence.

Remedy: It is in New York City's best interest to ensure that all of its undocumented battered immigrant residents are legalized if eligible. The City Council can advocate for training for appropriate city agency personnel on U visas and other immigration remedies available to victims of domestic violence to identify potential undocumented applicants and refer them for services as appropriate. The Council can actively encourage city law enforcement agencies such as the NYPD to provide publicly available certification policies and can insist that these agencies provide certifications within reasonable time frames.

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<sup>i</sup> Violence Against Women Act of 1994, Pub. L. No. 103-322 40701-03, 108 Stat. 1902, 1953.

<sup>ii</sup> INA § 204(a)(1)(A)(iii) (spouse of USC). INA § 204 (a)(1)(b)(ii) (spouse of LPR). Note: Immigrant children can self-petition where they are abused by their USC or lawful permanent resident parent under INA § 204(a)(1)(a)(iv) and INA § 204(a)(1)(B)(iii) respectively.

<sup>iii</sup> INA §216(c).

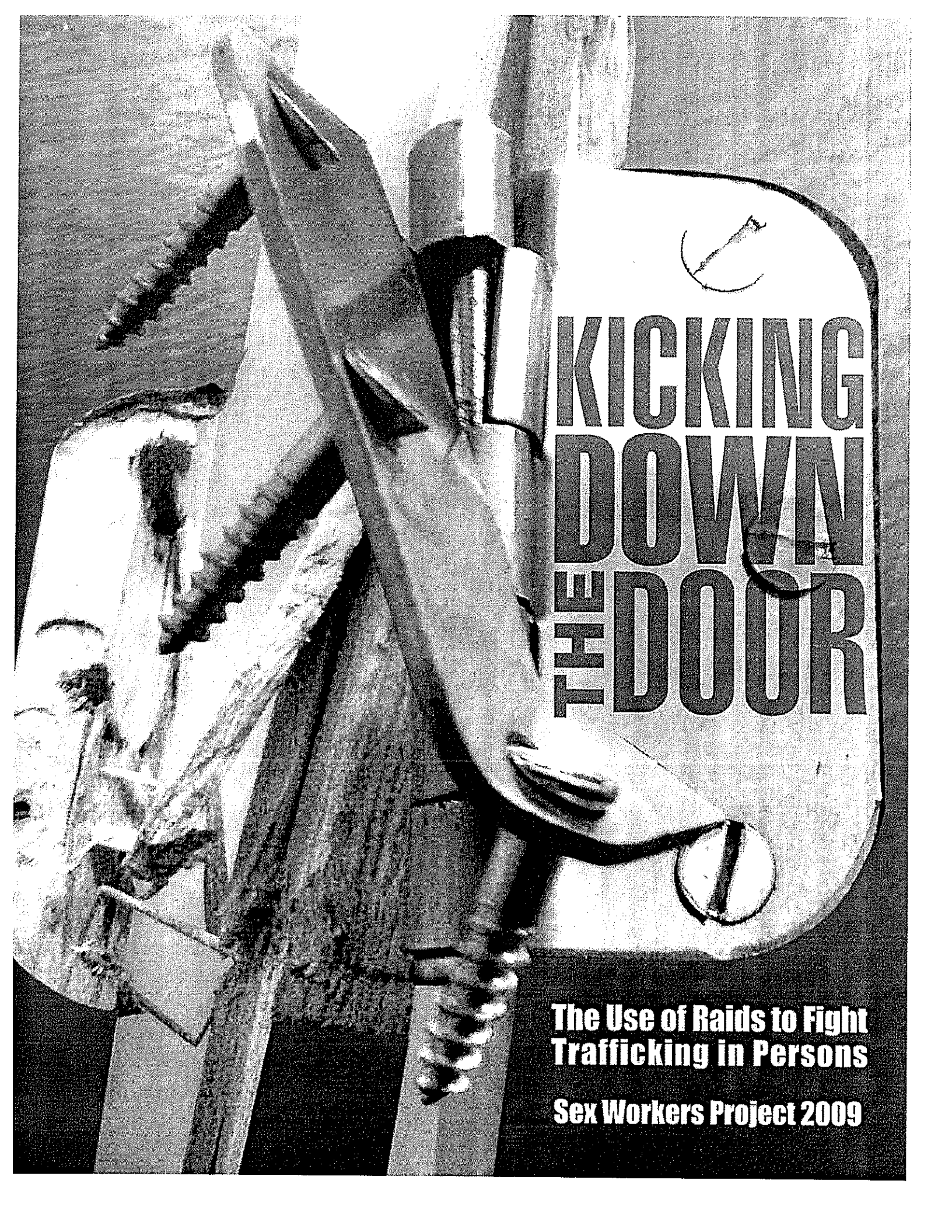
<sup>iv</sup> INA §216(c)(4).

<sup>v</sup> Victims of Trafficking and Violence Protection Act of 2000, Pub. L. No 106-386, div A, § 1513, 114 Stat. 1464 (Oct. 28, 2000) ("VTVPA").

<sup>vi</sup> New Classification for Victims of Criminal Activity; Eligibility for "U" Nonimmigrant Status, Interim Rule, 72 Fed. Reg. 53,104 (Sept. 17, 2007) (codified at 8 C.F.R. pts. 103, 212, 214, 248, 274a, 299), *reprinted at* 12 Bender's Immigr. Bull. 136, 1376 (App. A) (October 1, 2007) ("U regulations").

<sup>vii</sup> INA §214(p)(2)(A); 8CFR §214.12(d)(1).

<sup>viii</sup> William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 [United States of America], Public Law 110-457.



# KICKING DOWN THE DOOR

**The Use of Raids to Fight  
Trafficking in Persons**

**Sex Workers Project 2009**

# **KICKING DOWN THE DOOR**

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## EXECUTIVE SUMMARY

Trafficking in persons refers to the transportation and compulsion of an individual into any form of labor through use of force, threats of force, fraud, or coercion, or debt bondage. In 2000, the US passed legislation recognizing “serious forms of trafficking” as “recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion” in all forms of labor, including, but not limited to, sex work, bringing domestic legislation in line with international standards governing trafficking in persons. (Trafficking Victims Protection Act, 2000; United Nations Optional Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, 2000)

Enforcement of federal anti-trafficking legislation has taken place in large part through anti-trafficking raids, conducted by federal law enforcement agents, and vice raids targeting prostitution conducted by local law enforcement agencies. Notwithstanding the broader reach of the current legislative definition of trafficking, US law enforcement agencies have been criticized for continuing to focus on trafficking into sex work to the exclusion of other widespread forms of trafficking. (Global Alliance Against Traffic in Women 2007: 239-241; Women’s Commission for Refugee Women and Children 2007) Indeed, the word “trafficking” primarily evokes images of women and children forced into sexual servitude in the popular imagination and, prior to 2000, anti-trafficking legislation focused exclusively on prostitution, based on the presumption that no woman would ever exchange sex for material gain without extreme coercion. In reality, trafficking occurs in a far broader range of sectors and types of work, including domestic work, agricultural labor, manufacturing and the service industries, and affects men as well as women and children.

This report summarizes the findings of a human rights documentation project conducted by the Sex Workers Project in 2007 and 2008 to explore the impacts and effectiveness of current anti-trafficking approaches in the US from a variety of perspectives. It is among the first efforts since the passage of the TVPA to give voice to the perspectives of trafficked persons and sex workers who have experienced anti-trafficking raids. A total of 46 people were interviewed for this report, including immigrant sex workers and trafficked persons who have experienced raids or otherwise had contact

with law enforcement, along with service providers, attorneys, and law enforcement personnel.

The data collected from this small to medium-sized sample is extremely rich, and suggests that vice raids conducted by local law enforcement agencies are an ineffective means of locating and identifying trafficked persons. Our research also reveals that vice raids and federal anti-trafficking raids are all too frequently accompanied by violations of the human rights of trafficked persons and sex workers alike, and can therefore be counterproductive to the underlying goals of anti-trafficking initiatives. Our findings suggest that a rights-based and “victim-centered” approach to trafficking in persons requires the development and promotion of alternate methods of identifying and protecting the rights of trafficked persons which prioritize the needs, agency, and self-determination of trafficking survivors. They also indicate that preventative approaches, which address the circumstances that facilitate trafficking in persons, should be pursued over law enforcement based responses.

## LEGAL FRAMEWORK

The passage of the Trafficking Victims Protection Act (TVPA) in 2000 created a legal framework for the prosecution of the crime of “trafficking in persons,” and provided for assistance to trafficked persons identified or “certified” as such by law enforcement or another government agency.

Under the TVPA there are two forms of temporary immigration relief available specifically to trafficking victims. Continued Presence (CP) is an interim status that can only be conferred by ICE on non-citizens whom law enforcement believes may be trafficking victims, allowing them to stay in the US pending criminal prosecution of their traffickers. This status is renewable after a year, and although it confers work authorization and certification for benefits from the Department of Health and Human Services (HHS), it does not lead to permanent immigration status. In contrast, the T Visa is a four-year temporary visa, which not only grants work authorization and certification for benefits, but also makes recipients eligible to apply for adjustment to permanent residency status after three years.<sup>1</sup> T visa recipients can also apply to have their close family members join them in the US. Certified trafficking victims are eligible for the same benefits and services as refugees and asylum

1. However, there are currently no regulations enabling T visa holders to adjust their immigration status. Draft regulations were only recently issued in December 2008.

seekers, and thus service programs are largely provided through HHS refugee resettlement programs.

Law enforcement raids have served as the US government's primary means of identifying victims of trafficking in persons. (US GAO 2006) However, law enforcement based approaches to trafficking have led to the identification of very few trafficked persons. (Meyer 2006) According to recently released draft federal regulations, as of December 2008, only 787 T visas total have been granted to trafficked persons since they became available—nowhere near the 5,000 visas available for trafficked persons annually. Meanwhile, in 2008 alone it appears that 483 people—more than half of the total number of T visas issued to date—were placed in immigration proceedings following anti-trafficking raids. (December 18, 2008 Press Release, Department of Homeland Security)

The failure of law enforcement raids to successfully locate, identify, and refer large numbers of trafficked persons to supportive services may result from the fact that they are driven by, and sometimes indistinguishable from, efforts to curb prostitution and other forms of sex work. Government funding streams reflect this conflation of trafficking with prostitution. Funding made available under the Trafficking Victims Protection Reauthorization Act (TVPRA) of 2005 focuses on “grants to state and local law enforcement to investigate and prosecute buyers of commercial sex.” (Global Alliance Against Traffic in Women 2007: 236-237; Women's Commission for Refugee Women and Children 2007:14) As a result, local law enforcement agencies have sought federal funding for “anti-trafficking task forces,” which, in theory, are made up of local and federal law enforcement personnel alongside social and legal service providers, but which in reality can simply be vice squads by another name. One study found that “some local task forces have focused exclusively on prostitution, making no distinction between prostitution and sex trafficking and not pursuing labor trafficking cases.” (Women's Commission for Refugee Women and Children 2007: 14) Not only does this approach severely limit the possibility of locating and identifying individuals trafficked into domestic, agricultural, and service sectors, but approaching situations where trafficked individuals may be found from a perspective that prioritizes policing of prostitution undermines the identification of trafficked persons.

Scholars and advocates suggest that another reason only a relatively small number of trafficking visas have been

issued to date may be that most immigrants are unaware of the existence of the services and assistance made available under TVPA, let alone how to access them. (Paz and Fry 2008; Women's Commission for Refugee Women and Children 2007: 12) Additionally, the current anti-immigrant climate and intensified immigration enforcement efforts may have rendered many trafficked persons fearful of coming forward to access such services even if they are aware of them.

What follows is a summary of our findings based on the experiences of trafficked persons and sex workers, law enforcement personnel, service providers and legal advocates with the US government's current approach to trafficking in persons, and in particular with raids-based responses.

## EXPERIENCES OF TRAFFICKED PERSONS

*“These raids are ugly and horrible. They ... bang on the door, they break the door, they come in with the guns out! In the beginning, it's frightening and upsetting. [Law enforcement] could do anything, you don't know what they are going to do. ... It's really horrible, sometimes if they are very angry, they don't let you get dressed. They take you in your work clothes. ... One never lets go of the fear. Being afraid never goes away. They provoke that.”*—Celia, arrested seven times by local police without being screened for trafficking

Fifteen immigrant women, all of whom were sex workers, trafficked persons, or both, were interviewed about their experiences with trafficking:

- 12 of the 15 women interviewed were sex workers, 3 were in domestic work or other sectors;
- Of the 12 sex workers interviewed, 9 self-identified as trafficked, and 11 were recognized by the US government as trafficked. One did not apply for status as a trafficked person;
- 12 of the 15 women interviewed self-identified as trafficked persons, and were trafficked into a variety of sectors including domestic work, sex work and other work;
- 14 of 15 women interviewed were recognized as trafficked by the US government and were seeking or benefiting from the services, assistance and immigration status afforded to certified victims of trafficking;
- All 14 women who were recognized as trafficked by the US government were cooperating or had cooperated with law enforcement to the extent

possible, including two women who did not self-identify as trafficked; and

- 6 of the 12 women in trafficking situations, left on their own, without law enforcement intervention, with the help of a colleague (a sex worker or someone else from their workplace) or an attorney whom they met through a colleague or friend.

#### Experiences with federal and local police raids:

- 7 of the 15 women had been picked up in federal anti-trafficking raids;
- 60%, or 9 of the 15 women, had been arrested in local police raids. The number of arrests by local police experienced by individual women ranged from one to ten. None had been identified as trafficked by local law enforcement following a raid, despite the fact that 7 of these 9 women self-identified as trafficked. Only 1 had been asked whether she was coerced into sex work following arrest by local law enforcement;
- Latinas experienced the greatest numbers of arrests, typically related to prostitution, followed by Asian women;
- 2 participants had experienced both federal anti-trafficking raids and local vice squad anti-prostitution raids;
- The 2 of 5 women who believed that they were trafficked and had done sex work were held in immigration detention for weeks before identifying themselves to law enforcement as trafficked; and
- One was jailed on a prostitution conviction after a raid until her defense attorney recognized that she might have been trafficked.

*"There were so many policemen; the whole house was filled with maybe 15 officers. I was in 'the boss' house.' I didn't know anything. I saw the auntie run so I ran too and as I was running a police officer struck me in the back of the head with the back of a gun and I fell to the floor and I passed out. ... I had no idea they were police when they all broke in. The ones that came in were not wearing uniforms. When I woke up, then I saw people with uniforms. I was passed out for less than a minute. I was struck in the head really hard. I woke up because someone was picking me up. It was a female officer and she opened up my skirt and revealed my undergarments in front of everyone to see if I was hiding anything on me. I was scared, I didn't even know what they wanted to do, at that point I would do whatever they said I was so frightened."*—Jin, arrested following

a raid, convicted of prostitution, and sentenced to six months incarceration before being identified as trafficked by her defense attorney.

The women interviewed expressed a variety of opinions on the use of raids as an anti-trafficking tool and the role played by the raid in obtaining their freedom. Jin, who was arrested in a local police raid, said that she would eventually have left on her own, because she expected to be released by her trafficker two days after the raid in which she was arrested. Josefina, who was coerced into prostitution and was identified as trafficked as a result of a federal anti-trafficking raid, said that she would have left on her own if she had known of a safe place to go. Although Ofelia knew of no other way to escape her situation, she nevertheless described the raid and her subsequent detention as "terrible." Another woman said that she would have preferred to leave her situation by leaving with a co-worker rather than being rounded up in a raid. The experiences of these women suggest that increasing awareness among sex workers and immigrant communities of resources available to trafficked people, including safe refuges, would go a long way to enabling them to leave coercive situations without the necessity and trauma of law enforcement intervention.

*"They were wearing guns and uniforms, and it made me very scared. They didn't tell us anything. They treated us like criminals during the arrest and it was scary."*  
—Lily, arrested by local law enforcement five times before being identified as trafficked following a federal anti-trafficking raid.

## LAW ENFORCEMENT PERSPECTIVES

Five federal law enforcement personnel were interviewed for this study, and described the procedures, positive outcomes, and challenges of anti-trafficking raids. Law enforcement personnel expressed mixed views as to the efficacy of raids as anti-trafficking tools.

*"The nature of the crime and the nature of the victims make raids not effective. What level of evidence do you need? You need a victim to be willing to open up and tell you ... I don't see raids being a consistently effective tool. The best situation is if you know there's a problem."*

Some law enforcement agents questioned the efficacy of raids.

- 4 of the 5 law enforcement officials interviewed had been on-site during raids; the fifth had worked with people rounded up in raids;

- 2 of the 5 were very critical of the use of raids based on their experience, noting that people who experience raids are often not good witnesses in subsequent anti-trafficking investigations and prosecutions because they are distrustful of law enforcement;
- 1 of the 5 believed raids produced both good and bad results;
- 2 spoke in favor of raids; and
- At least 1 law enforcement employee reported experiencing symptoms associated with secondary trauma.

Law enforcement personnel reported that raids were useful for:

- Locating and identifying witnesses for law enforcement efforts;
- Removing victims of abuse from terrible situations. In theory, they believed that raids lead to the delivery of services and assistance to trafficked persons; and
- Bringing down criminal networks.

However, law enforcement personnel described difficulties gaining the trust of people who had been victimized and who were subsequently detained after raids.

*"It's such an overwhelming situation, and why would they trust us?"*

The perspectives of law enforcement officers interviewed differed from those of trafficking survivors and sex workers in that their primary focus was the successful initiation of criminal prosecutions and the willingness of trafficked persons to serve as witnesses. Nevertheless, they indicate that criminal justice procedures are less likely to be successful where trafficked persons are intimidated by law enforcement actions.

*"Raids don't give victims enough chance to get mentally where they need to."*

## SERVICE PROVIDER PERSPECTIVES

*"What ICE calls a rescue is barging into someone's apartment at 6 a.m. and terrorizing them."*

Service providers and attorneys identified issues arising from the fact that the use of raids to combat trafficking in persons is inherently not premised upon the needs of trafficked people, but rather on the goal of prosecution. They emphasized that raids are chaotic events during which the people directly targeted have little understanding of what is happening, and cited

trauma and detention as common consequences of raids upon people who had been trafficked. Service providers also noted that treatment during raids bears directly upon whether a person who has been detained will speak frankly about their experiences, or self-identify as having been coerced or otherwise abused.

*"The raids that I'm most familiar with have taken place in the wee hours of the morning, usually in a person's home, not in their place of work, and it's been really frightening. They initially believe it's because they are undocumented, and then later, in the moment in high drama, they realize [that law enforcement agents] are after the victims because of prostitution, and then it becomes frightening because their families don't know they were involved in prostitution. ... Usually in the raids I've been told about the law enforcement officer playing tough before explaining that law enforcement believes the women are victims. One client described ... that on the way to the station, an ICE agent said, 'You shouldn't be in this country anyway,' and she said later, 'How dare you! You have no idea how I got here!' And she had been trafficked and had the feeling of humiliation and powerlessness."*

Social workers and attorneys, and particularly those who have been present at or following a raid, spoke strongly against raids. All 26 service providers stated that:

- They did not receive referrals of trafficked persons as a result of local police vice raids, suggesting that such raids do not result in the identification of trafficked persons;
- Federal anti-trafficking raids can lead to the deportation of many people rounded up before they can be properly screened for trafficking;
- Law enforcement did not consistently follow up on trafficked persons' willingness to cooperate with investigations or provide the necessary support for applications to adjust immigration status and for benefits and assistance;
- There does not appear to be a standard procedure for identifying trafficked persons following federal anti-trafficking raids or local law enforcement vice raids, leading to widely divergent treatment of people rounded up in such raids; and
- Law enforcement agents use interrogation techniques, including intimidation, that are entirely incompatible with an approach that prioritizes the needs of trafficked persons.

Additionally, 10 service providers reported that:

- Raids create circumstances facilitating police misconduct, including sexual misconduct, against trafficked persons.

*"By the time that we talked to any of the women in any of these cases, they had already been interrogated at least once if not more, and based on those interrogations, maybe a second or third, their entire future is determined. They aren't informed about their rights in a way that a reasonable person would believe. I arrest you, handcuff you, fingerprint you, interrogate you and then tell you that you have these rights."*

Social service providers described their clients experiencing symptoms of trauma after raids, and noted that, in addition, raids uproot trafficked persons from their communities, and can effectively render them homeless. Some people picked up in raids, especially people who earned living wages, experienced severe economic hardship as a result. Many trafficking survivors were alienated from law enforcement by their experiences of raids and did not speak about their situations. Others who were trafficked by their husbands or partners did not self-identify as trafficked persons following raids.

*"I have had prosecutors shout at my clients to try to bully them into cooperating. When you're dealing with a teenager who has been repeatedly raped and impregnated by her trafficker, this is not the way to behave humanely."*

In addition to expressing significant concerns regarding the effects of raids on trafficked persons, caseworkers and social workers described experiencing symptoms of secondary trauma related to their work with trafficked persons, and particularly with those who had been traumatized by their experiences in raids. These conditions contribute to high turnover and undermine service providers' ability to adequately address their clients' needs.

The trauma of raids and the requirement of subsequent cooperation with law enforcement have long-term effects on trafficked persons and people who do not self-identify as trafficked. Additionally, raids have ripple effects on immigrant communities and sex workers beyond those directly affected by law enforcement activity, increasing fear and driving sex work and undocumented people further underground and farther beyond reach of assistance, and making sex workers and immigrants less likely to turn to law enforcement when they experience violence or coercion.

## THE AFTERMATH OF RAIDS

Legal advocates and social service providers also identified a number of issues arising as a result of the US government's requirement that trafficked persons cooperate with law enforcement in order to obtain services, benefits, and immigration status:

- The requirement to cooperate with law enforcement is often a burden on trafficked persons;
- There is no avenue for trafficked persons who are identified after a prosecution has been completed to access protections and assistance; and
- People who do not immediately cooperate with anti-trafficking prosecutions may be held for prolonged periods in immigration detention or as material witnesses.

All service providers and attorneys agreed that services should be offered to trafficked persons immediately after they are identified as such, without precondition. Indeed, a rights-based approach to trafficking would not make cooperation with prosecutions mandatory, nor would it permit the detention of people who have been victimized by trafficking under any circumstances.

## A BETTER MODEL

*"A better way to help leave my situation would be anything that didn't involve the police."—Jin*

Six of the women interviewed for this report who self-identified as trafficked left trafficking situations without the involvement of law enforcement. The women who left on their own subsequently approached law enforcement on their own behalf, and cooperated in the prosecution of their traffickers. Their experiences do not appear to be uncommon—in fact, service providers reported that the majority of trafficked persons who accessed their services were not identified as a result of raids. One supervisor with a national organization said, "Ninety percent of our cases are not from raids, not even law enforcement identified." These experiences suggest that a different approach to locating and identifying trafficked persons, one based on meeting the needs, protecting the rights, and supporting the self-determination of trafficked persons, may prove to be a more effective response to trafficking in persons.

Such an approach could be led and implemented by people familiar with sex work and other sectors where trafficking is prevalent, such as domestic work, agricultural labor, and service sectors; individuals who

have experienced trafficking; social service providers; and immigrant rights advocates. Women interviewed for this report described being helped by people they knew, including clients and coworkers, who recognized that they were in coercive situations and stepped in to offer help. Because they left trafficking situations in a non-coercive fashion, avoiding the trauma associated with a law enforcement raid, they were more prepared to cooperate with law enforcement in the prosecution of their traffickers. Ultimately, an approach that recognizes and supports the rights, agency and self-determination of trafficked persons is likely to produce better outcomes for trafficking survivors.

The best outcomes for trafficked persons often do not arise from law enforcement actions. Although federal anti-trafficking raids have been implemented as part of a concentrated effort to identify and assist trafficked persons, such raids appear to have extremely mixed results in terms of effectively achieving these goals. It is also clear that local police raids that focus on prostitution venues are not at all effective in identifying trafficked persons, and can result in violations of the human rights of trafficked persons and sex workers alike. Moreover, conflation of trafficking and sex work diverts anti-trafficking resources away from trafficking in other labor sectors, including domestic work, agricultural labor, and service sectors, with no accompanying increase in the identification of trafficked persons. A significant number of trafficked persons are able to leave coercive situations without being subjected to the trauma of a law enforcement raid, with the help of a variety of actors, including friends and contacts in their communities, co-workers, clients, and other sex workers. This number could be further increased through initiatives aimed at increasing awareness of the benefits and services available to survivors of trafficking and at supporting immigrant communities, workers' rights advocates, and sex workers in the identification of trafficked persons.

## CONCLUSIONS

### A LAW ENFORCEMENT CENTERED APPROACH IS INHERENTLY NOT "VICTIM-CENTERED"

A law enforcement based approach to trafficking in persons prioritizes criminal justice proceedings over

the needs and rights of people who have been trafficked. It has also led to practices that violate the rights of people who have been trafficked, including use of excessive force, harassment and abuse, interrogation without an attorney present, and detention of trafficked persons. A rights-based and "victim-centered" approach would prioritize the rights, needs, healing, and agency of survivors of trafficking over criminal proceedings.

### A RIGHTS-BASED APPROACH IS CRITICAL TO THE FULL RECOVERY OF TRAFFICKED PERSONS

People who have been trafficked have lived through incredible hardship, abuse, and violations of their human rights. Current law enforcement approaches often sacrifice their wellbeing in favor of prioritizing criminal justice proceedings. Even trafficked persons who were ultimately removed from coercive situations by a raid spoke of being frightened, confined, and sometimes even bullied by law enforcement. It is critical that anti-trafficking measures put the needs of the people they are intended to protect first, by adopting approaches that recognize, center, and address the realities and experiences of trafficked people, respecting and protecting the rights of trafficked persons and their communities in investigations and criminal proceedings, facilitating immediate access to services and support, eliminating the use of threats of deportation to coerce cooperation, providing housing that does not feel like a detention center, and allowing trafficked persons to remain connected to their friends and family members during criminal proceedings.

### IN MOST CASES LOCAL POLICE RAIDS DO NOT LEAD TO THE IDENTIFICATION OF TRAFFICKED PERSONS

Seven of the trafficked women and two of the sex workers who did not identify as trafficked were arrested by local law enforcement at least once for prostitution. The number of arrests experienced by participants ranged from one to ten. Yet only one participant was ever screened for trafficking by local police, despite the existence of local task forces receiving federal funds to address trafficking.

The fact that 9 individuals subsequently identified as trafficked who participated in this study were

repeatedly arrested rather than protected highlights the failure of approaches that subsume and conflate anti-trafficking initiatives with policing and punishment of prostitution. Presumptions that all immigrant sex workers have been trafficked, and that sex workers who have not been trafficked must be punished, have led to the disproportionate allocation of anti-trafficking resources to local vice raids targeting prostitution venues. For the most part, such raids have not led to the identification of trafficked persons. Rather, in many instances, they have led to violations of the rights of trafficked persons and sex workers alike, and detention and punishment of the very people anti-trafficking initiatives are intended to protect. Moreover, these arrests alienated women from law enforcement, bolstering fears of US government agents instilled in them by traffickers, thereby making them less likely to come forward and identify themselves as trafficked or access services that would increase their self-sufficiency and decrease their vulnerability to abuse and coercion.

#### **IN-DEPTH INVESTIGATIONS MAY BE MORE EFFECTIVE IN COMBATING TRAFFICKING**

Current anti-trafficking measures rely heavily on law enforcement raids of sex industry venues and the homes of immigrants to the US. However, interviews with law enforcement personnel, social service providers, attorneys, and trafficked persons demonstrate that raids are often accompanied by intimidation, verbal abuse, use of excessive force, sexual harassment, and abuse, and create high levels of fear among trafficked people, thereby impeding rather than facilitating evidence gathering for prosecutions. Indeed, raids often lead to the detention and deportation of trafficked persons who were afraid to come forward or who were not believed by law enforcement when they did, thereby removing key witnesses and terrorizing others into silence.

Where law enforcement has engaged in substantial investigation prior to approaching potential witnesses on a voluntary basis, trafficked persons are often more willing to cooperate with law enforcement, in part because they have not been subjected to the trauma of a raid. Based on the results of this study, it appears that detailed and in-depth federal investigations aimed at obtaining solid information about the existence of coercion or the involvement of minors in a range of labor sectors have been more successful at identifying trafficked persons

than raids indiscriminately targeting sex work venues and immigrant communities, and are less likely to result in violations of the rights of the very people anti-trafficking efforts are intended to protect. Federal anti-trafficking raids should be an intervention of last resort.

#### **LEGAL AND SOCIAL SERVICES SHOULD BE MADE IMMEDIATELY AVAILABLE TO PEOPLE PICKED UP IN ANTI-TRAFFICKING RAIDS**

Immediate and unconditional provision of legal and social services to people detained in anti-trafficking, vice, and immigration raids is essential to facilitating the recovery of trafficked persons and facilitating their journey to self-sufficiency. To some degree, immediate access to legal and social services can also mitigate the trauma of raids and detention, and therefore increase the chances that people who have been trafficked will come forward. Immediate service provision requires that service providers be notified in advance that a raid will be conducted.

#### **FAMILY REUNIFICATION IS A CRITICAL FACTOR**

People whose children are not in the care of trusted relatives or who are in another country are especially vulnerable to threats and manipulation by traffickers. Children and other family members who may be at substantial risk of retaliation after a trafficked person leaves a coercive situation or cooperates with law enforcement require protection. Anti-trafficking efforts must ensure that effective protection is provided to both trafficked persons who come forward and their family members, and should prioritize and facilitate family reunification if desired by individuals who have been trafficked.

#### **LACK OF LEGAL MIGRATION OPTIONS RENDERS MIGRANT WORKERS VULNERABLE TO TRAFFICKING**

Inability to gain lawful entry into the United States due to restrictive immigration policies renders migrants seeking employment opportunities far more vulnerable to trafficking. Once in the US, trafficked persons' lack of immigration status is often used by traffickers as a further instrument of coercion, made all the more powerful by anti-immigrant sentiment and policies which deter trafficked persons from

seeking help from law enforcement. Ironically, anti-trafficking and vice raids play directly into these dynamics by confirming traffickers' threats that police are more likely to arrest and deport trafficked persons than to help them. Efforts to address the root causes and circumstances that facilitate trafficking, such as the economic impacts of globalization and the lack of opportunities for legal migration, are essential to the success of anti-trafficking initiatives.

## RECOMMENDATIONS

### Recommendations for the government

While there have been some successes, current US anti-trafficking policy is flawed in a number of ways. Anti-trafficking initiatives need to not only identify and hold traffickers accountable—the primary focus of current approaches—but also to fully respect and protect the persons, property and rights of people who have been trafficked. Above all, policy and practice must be designed and implemented so as to ensure that the process of combating trafficking does not itself lead to further violations of the human rights of trafficked persons.

#### WE RECOMMEND THAT THE US GOVERNMENT:

##### *Increase opportunities for legal migration to the US*

Restricted opportunities for legal migration create circumstances which increase vulnerability to trafficking and abusive labor conditions for migrants. Increased and intensified—and often abusive—immigration enforcement only strengthens the power of traffickers and unscrupulous employers over trafficked persons and immigrant workers. The threat of arrest and deportation not only serves as an additional weapon in the arsenal of traffickers and employers, it also strongly deters trafficked persons and immigrant workers from seeking help or protecting their rights.

##### *Ensure unconditional access to services and assistance to trafficked persons*

##### **Rescind the requirement that trafficked persons cooperate with law enforcement**

Currently, trafficked persons' access to services, benefits, and immigration status is conditional on cooperation with law enforcement investigations and

prosecutions of their traffickers. This mandatory condition denies benefits to trafficked persons fearful of cooperating due to risk of retaliation against themselves or their families, as well as to individuals whose traffickers are not investigated or prosecuted by law enforcement, and to trafficking survivors identified after their trafficker has already been prosecuted. It also transfers power over trafficked persons from traffickers to law enforcement agents, in whose sole discretion trafficking survivors' futures often lie. Removing the requirement that trafficking survivors cooperate with law enforcement in order to access benefits, services, and immigration status would center the rights, needs, agency, and self-determination of trafficking survivors, which ultimately would have the added benefit of increasing the likelihood of effective cooperation with law enforcement.

##### *Increase funding and eliminate conditions on federal funding to service providers*

The US government offers funding to organizations providing legal and social services to trafficked persons on condition that they agree to abide by certain conditions. Denying funds to organizations that are unwilling to sign on to the administration's mandatory anti-prostitution position has harmed anti-trafficking efforts and deprived people who have been trafficked of services and assistance by denying resources to organizations that are highly effective in combating trafficking and assisting trafficking survivors as part of a larger program of advocating for the rights of individuals working in the sex trades.

The needs of people who have been trafficked are best served by redirecting resources from expensive and resource-intensive law enforcement methods toward rights-based initiatives which prioritize the healing, empowerment, and self-sufficiency of trafficked persons. Funding for services meeting the immediate needs of trafficking survivors such as housing and benefits is particularly critical.

Service providers who have successfully assisted trafficked persons, immigrants and sex workers regularly receive referrals from former clients. Some providers report that a large percentage of the individuals they help came to them through such referrals, rather than through law enforcement. Such referrals demonstrate the long-term value of an approach that offers assistance, services and support without focusing on the priorities of the criminal justice system. Government resource allocation should

reflect this and prioritize services over high-visibility but more expensive and often counter-productive tactics such as raids.

***Allocate funds to organizations empowering immigrant communities and workers in informal economies***

People and organizations in immigrant communities are often keenly aware of trafficking issues, and are well-placed to identify, contact and assist victims. Similarly, individuals working in informal economies—sex work, day labor, sweatshops, etc.—have unique access to, and opportunities to recognize and assist, victims of trafficking. The opportunity to collaborate with these uniquely placed and knowledgeable groups is lost if their members are themselves under constant threat of arrest or deportation.

***Vigorously enforce labor laws***

Trafficking tends to occur in industries where labor violations are endemic, as well as in industries for which labor protections are limited, such as domestic work and agricultural labor. Trafficking often implicates violations of labor laws through wage and hour violations, withholding wages, non-payment of minimum wage, and debt bondage. Expanded coverage and heightened and widespread enforcement of labor laws is one promising alternative approach to trafficking in persons, which would have the added benefit of increased workplace protections for all workers.

***Prioritize family reunification for trafficked persons***

Fear for the safety of family members living abroad, especially children, discourages trafficked persons from speaking out about their situations. In many cases, trafficked persons have declined to come forward based on such fears. Family reunification should be facilitated and expedited in order to increase the safety and security of trafficked persons, their children and family members.

***Train immigration officials, judges, public defenders and prosecutors to identify trafficked persons***

So long as there remains a substantial likelihood that trafficked persons will be arrested or subject to immigration and deportation proceedings, it is essential that all players in the immigration and criminal justice systems receive training that will better enable them to identify trafficked persons and facilitate their access to programs designed to assist them.

## **Recommendations for law enforcement agencies**

### **WE RECOMMEND THAT LAW ENFORCEMENT AGENCIES:**

***Prioritize in-depth investigations and voluntary cooperation***

Not only are raids potentially dangerous and intensely traumatic for those involved, but they do not guarantee, and may often discourage, the cooperation of witnesses. They also frequently do not lead to the identification of trafficking victims, but rather to their arrest or deportation.

The information gathered for this report suggests that in-depth investigations which prioritize the rights, safety, needs, and voluntary participation of trafficked persons are more effective in identifying trafficking situations and victims, and should be prioritized over aggressive action such as raids. Such investigations are most critical where trafficked persons are held in isolated locations where they may be unable to access the support of co-workers and community members to leave coercive situations. Law enforcement agencies should cooperate closely with service providers to ensure trafficking survivors identified through such investigations immediate access to victim-advocates and social services. Protection for trafficked persons, as well as their family members and property, must be prioritized in law enforcement investigations. Raids should only be used as an option of last resort, and must respect and protect the rights of trafficked persons.

***Ensure that people with knowledge of trafficking situations are able to come forward without fear of arrest or removal***

Sex workers, immigrants, and trafficked persons are often the most successful at identifying victims of crime within their communities. Anti-trafficking efforts that are able to capitalize on their unique knowledge and access will be vastly more effective than those that do not. To make this possible, trafficked people who come forward—and those who assist them in coming forward—should be shielded from the threat of arrest or deportation for immigration violations, prostitution or sex work-related crimes.

***Recognize that vice raids are not effective anti-trafficking measures***

Experience has shown that the police and the criminal justice system are not effective in identifying and aiding victims of trafficking: in a number of cases, trafficked sex workers have been arrested multiple times without ever being identified as victims of trafficking. Training to recognize trafficking has not overcome the practice of arresting people in certain sectors, especially sex workers. Raids, arrest and detention have proven ineffective when it comes to giving trafficking victims access to the assistance and services they need.

***Follow through on necessary paperwork to facilitate legal status for trafficked persons***

Failure to complete documentation needed by trafficked persons in order to access services, benefits, and immigration status jeopardizes current cases that depend on the cooperation of the victim. Delays in providing necessary certification to individuals who have already cooperated with law enforcement feed and perpetuate distrust of law enforcement, potentially jeopardizing future cases.

***Work with attorneys, advocates and service providers to ensure the best outcome for trafficked persons***

Law enforcement agencies must work together with attorneys, advocates and service providers to ensure the best outcome for victims of trafficking. This is not only indispensable in order to guarantee the rights of victims, but it has proven to be in the long-term interests of anti-trafficking initiatives. The most effective prosecutions of traffickers have all involved attorneys and advocates working on behalf of trafficked persons at the earliest opportunity.

## **Recommendations for social service organizations and providers**

### **WE RECOMMEND THAT SOCIAL SERVICE ORGANIZATIONS AND PROVIDERS:**

***Maintain a non-judgmental attitude***

Providers are most successful at connecting with and providing appropriate services to people who have been trafficked when they are able to maintain a non-judgmental attitude. This is of paramount importance in cases that involve coercion into criminalized or otherwise stigmatized activity, such as sex work. One service provider emphasized the importance of

recognizing both migrant rights and sex worker rights in light of the complexities and nuances of individual women's situations: some "women do choose to come here [to engage in sex work] and send money to their families" and it's important to "recognize the choices they've made," while at the same time recognizing that trafficking can exist "even if people know that they are going to be in prostitution and then [they experience] extreme coercion."

***Provide respectful and appropriate services***

Ensure that services are offered in the language of the trafficked person's choice, and in a manner that fully respects, supports, and addresses their religious, cultural, spiritual, family and dietary choices, customs, practices and needs. Plan service provision in such a way as to be flexible and responsive to a diversity of needs and concerns rather than around a monolithic presumed experience.

***Acknowledge the demands made upon caseworkers***

Working with victims of trafficking is intensely stressful. Organizations should recognize this and take appropriate measures, including making time for staff discussions about the challenges presented by work. They should also offer support for caseworkers and other staff who request it, for those who exhibit symptoms of secondary trauma, and for those who may be at risk for secondary trauma.

***Supervise and support service providers***

Organizations should arrange for supervision of service providers through weekly hour-long sessions with a certified social worker (CSW), during which providers can both strategize around their clients' needs and process their own emotional reactions to their clients' experiences. Such sessions can also serve administrative functions: in addition to being therapeutic, they also give supervisors an opportunity to supervise and follow cases.



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Sophia Worrell, Member of VOW



Testimony before the  
New York City Council  
"How Can New York City Better Address  
Sexual and Domestic Violence of Immigrant Women"  
June 22, 2009

Good Afternoon Council Members:

My name is Sophia Worrell and I am an immigrant and domestic violence survivor. I am grateful for this opportunity to speak for both documented and undocumented victims of domestic violence. This month my U-Visa was finally approved, allowing me to move into the ranks of an immigrant with some status in this country. Being undocumented was one of the scariest and most frustrating experiences I have been through. I am also a member of the Voices of Women Organizing Project, a grassroots organization of survivors of domestic violence who organize to improve the systems that abused women turn to for safety and justice. As an activist I feel the need to advocate for this group of women like myself, who have little or no options available to them in the midst of trying to protect their lives and the lives of their children.

### Immigration

There are many different scenarios that drive women to leave their countries. Some women are coaxed or misled into emigrating by their partner. I was completely unaware of the legal status of my batterer. "I was in love", had known my batterer for many years and assumed he was documented in the U.S. as he had been here for 15 years. I had no idea I would not be a legally recognized member of American society upon my arrival and it was devastating to discover.

### Escaping from Domestic Violence

Leaving an abusive relationship and thriving after suffering through such intense trauma is a very complicated process. Meeting bureaucratic standards is made more difficult while trying to recover from physical and emotional wounds. There are the questions of where to go for help and what will happen next; embarrassment, and worst, what might happen if I do not leave. My batterer spent every dime I had saved and I had no job. I had no way to financially support myself and my son.

### Working off the Books

Undocumented domestic violence victims are subjected to further exploitation by employers when we lack the legal right to work. Without any legal work options, many survivors turn to working off the books which can pay unfair wages, violate our human rights and even be dangerous. I cannot express the frustration I have endured trying to adequately support myself and my child.

Being in shelter did not make me a candidate for housing or any other amenities. As an undocumented immigrant with no American-born children, I did not qualify for any permanent housing programs or other benefits. I have bounced between emergency shelters and currently live in a transitional house. I am extremely lucky to have received approval to work because until that happened I feared the worst. I was facing expiring time limits on my current housing with nowhere to go and no way to support myself. I was truly afraid my only option was homelessness.

### Recommendations

The following are the things that would have helped improve my situation and I believe could improve those of the women that share my experience:

- A) I received a stipend of about \$30 for a period of only 3-4 weeks and would have benefited tremendously from an ongoing or longer-lasting stipend.
- B) The Welfare Office attempted to secure my records of employment from my country. Those records of work verify my character and work ethic essentially proving I am not seeking to manipulate or take advantage of benefits in the U.S. Employment records should make me eligible for benefits and/or opportunities in the U.S.
- C) Expand shelter programs that allow women to work for a stipend
- D) Undocumented women need a resource or program in which they can receive some income and work experience.
- E) Qualifying for shelter should be considered proof for NYCHA's domestic violence priority as the screening process for shelter is rigorous. Safe and permanent housing is the best way to provide stability and recovery for domestic violence survivors and a much better solution than being shuttled between temporary shelters."

Once again thank you for giving me this opportunity.

Sophia Worrell



Testimony of Zeinab Eyega  
Sauti Yetu Center for African Women

Submitted to: New York City Council, June 22, 2009  
Oversight Hearing: *How Can New York City Better Address Sexual and Domestic Violence of Immigrant Women?*  
Committees: Health; Women's Issues; Public Safety; Immigration  
Chairs: Joel Rivera, Peter F. Vallone, Jr., Kendall Stewart, Darlene Mealy

### Testimony

Thank you for convening this hearing and inviting us to discuss how New York City can better address sexual and domestic violence against immigrant women. My name is Zeinab Eyega and I am Executive Director of Sauti Yetu Center for African Women. Sauti Yetu, whose name means "Our Voice" in Swahili, is a multi-service social justice organization mobilizing immigrant African women and families to improve their lives, strengthen their families and develop their communities. We achieve this through direct social services, advocacy and public education.

### African Immigrants in New York City

New York City is home to the largest population of African immigrants in the United States, at least 100,000 according to the U.S. Census (2000). While African immigrants comprise only 3% of the total foreign-born population, their numbers grew by 142% in the last decade.<sup>1</sup> Still it is widely believed that these statistics grossly underrepresent the total number of African immigrants in the city. These newest New Yorkers represent a mosaic of ethnic, religious and cultural diversity and speak an array of languages, some of the most common being French, Bambara, Wolof, Mandinke, Soninke, Fulani, Pulaar and Arabic. Currently, Sauti Yetu's clients speak 40 different languages other than English and half have limited or no English language proficiency. African immigrant women and men have proven to be a tremendous cultural and economic resource to the city, teaching in our universities, providing leadership at the international agencies and private foundations headquartered here, as well as working in the service industry as drivers, restaurant owners and workers, home health aides, hair braiders and street vendors.

### Statistics

Since statistical information on sexual and domestic violence is not broken down by country of origin, we are unable to say how many African immigrant women are victimized by sexual or domestic violence each year. What we can report is that this year, Sauti Yetu provided services

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<sup>1</sup> David Dixon, "Characteristics of the African Born in the United States," Migration Policy Institute, January 1, 2006.

related to domestic, family and sexual violence to 144 women and children. We know that nationally one out of six women experiences attempted or completed rape and that one out of four women experiences domestic violence in her lifetime, which means that at least 15,000 African women in New York City are potentially at risk. We know that anywhere between 30% to 60% of their batterers are also abusing their children and that boys who witness domestic violence are twice as likely to become abusers when they reach adulthood.<sup>2</sup> We also know that roughly a third of the city's African immigrant population – and the majority of our clients – lives in the Bronx, which has the largest concentration of residents living in poverty in New York State and consistently ranks at the bottom of the state in most indicators of poverty, health and instability. Many of the immigrant women with whom we work therefore share in common with their neighbors a lack of access to city and other services. We know that 26% percent of all reported rapes, 20% of all family-related homicides and 23% of all calls to domestic violence hotlines occur in the Bronx, a borough which represents only 16% of New York City's population.

Some of the problems with which Sauti Yetu's clients have been confronted are:

1. **Stereotyping of immigrant women** by police, court personnel and city agencies that assume that violence is culturally acceptable for African or Muslim women, therefore somehow excusing first responders or others from their obligation to respond to victims' call for help or request for services. Training in cultural competency and domestic and sexual violence is widely available in New York City and we would be more than happy to provide that training if city departments are in need.
2. **Language access.** Despite the availability of language access lines and interpreters to police, district attorney's offices, the court system and public hospitals, immigrant women regularly find themselves attempting to file a police report, seek emergency medical care, give testimony or appear in court in which interpretation is neither offered nor otherwise made available. When interpretation is provided, it is often in the wrong language or by poorly trained interpreters who take it upon themselves to provide victims with their own ill-informed assessment of the victim's case. Immigrant women's rights as victims of crime are therefore violated by the very institutions created to uphold them, in violation of the Federal Civil Rights Act. Language access could be greatly improved simply by building partnerships with ethnic community-based organizations and providing resources for them to train court certified interpreters.
3. **Immigrant women and girls are not empowered to understand the process and are not supported** when accessing police, the court system or victim services. Many are too new to the system to be able to know how it works or what they can expect, and their point of reference is typically a very different system in their country of origin. For example, undergoing a rape kit can be very difficult for a woman has been sexually assaulted, but especially if no one is able to explain to her in her own language the purpose of that kit and what will happen each step of the way. Worse yet, our women and girls have told us that they feel treated by police, prosecutors and court personnel as though they were criminals themselves. Such a lack of sensitivity to the needs of victims traumatized by rape or abuse is

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<sup>2</sup> "Domestic Violence Fact Sheet," National Coalition Against Domestic Violence.  
[http://www.ncadv.org/files/DomesticViolenceFactSheet\(National\).pdf](http://www.ncadv.org/files/DomesticViolenceFactSheet(National).pdf). Downloaded June 20, 2009.

inexcusable and only serves to discourage victims from seeking help. Partnering with community-based organizations to provide culturally-specific advocates is one way in which city agencies can empower victims.

4. **A lack of understanding of previous trauma experienced by victims**, who may have a past history of trauma stemming from war, armed conflict or other experiences in their country of origin.
5. **Police officers and detectives deferring to perpetrators rather than objectively responding to victims' complaint.** In several of our clients' cases, police officers expressed their doubt about the victim's complaint and were reluctant to file a report against the alleged perpetrator for fear of jeopardizing that perpetrator's immigration status. Such officers are in effect acting as ad hoc defense lawyers, privileging the perpetrator's rights over those of the victim. It is not the responsibility of police officers to determine the merit of a case of sexual assault or domestic violence nor is it their role to decide, based on immigration status, whether to make an arrest or file a report. The Mayor's Executive Order 41 prohibits the New York City Police and all other emergency services from inquiring about immigration status, making the issue moot.

The procedural gaps and missteps enumerated above are illustrated by the experiences of the women and girls who come to Sauti Yetu for services. Below are the stories of four of our clients, two of whom are adult women and two of whom are minors. All names have been changed to protect our clients' privacy.

1. **Assiatou's story.** Assiatou's husband had been emotionally and psychologically abusive for some time. He had never hit her, however, so long as other people lived with them because he was afraid they would report him to the authorities. This changed last March when Assiatou's husband threatened to hit her. She was eight-months pregnant. Although she does not speak English, she had the courage to call 911 for help. When the police arrived, her husband met them at the door and told them that his wife was sick because of her pregnancy. Despite Assiatou's effort to make herself understood by saying "I'm not sick"—the only thing she could say in English—the police took her to the hospital. No police report was filed. Assiatou must now go to court in order to obtain an Order for Protection.
2. **Kadija's story.** Kadija is a 15-year-old high school student who arrived to the Bronx from Mali, West Africa two years ago. Kadija speaks very limited English and the English that she does speak is influenced by a speech impediment. In early February, Kadija was sexually assaulted by an adult neighbor. Kadija and her parents contacted police following the assault and she was taken to the hospital and also interviewed by a detective. However, the day after the assault Kadija and her family learned that the police had released the alleged perpetrator back into her community with little explanation. When the family inquired about the reasoning, the Bronx District Attorney's office responded that there were "inconsistencies" in Kadija's story. The inconsistencies offered as examples included being able to say whether she "cooked" or "warmed" rice for the perpetrator, an inconsistency that can be attributed to Kadija's inability to communicate the traumatic events of a the rape in a language she is just beginning to learn.

3. **Roqaya's story.** Roqaya is a 38 year-old woman from Chad with four children and came to the United States in July 2006 to join her husband. She speaks Arabic, Gurani and very little English. After her arrival, Roqaya became pregnant with her fourth child and her husband became physically abusive. One day she called the police after being hit by her husband. Since her husband spoke English, it was he who spoke to the police when they arrived and so her husband was able to present his version of events. After ten minutes, the police left without even speaking to Roqaya and no police report was filed. That very night, after the police had left, Roqaya was abused again. A few weeks after this incident, Roqaya's husband pushed her down the stairs from their fourth floor apartment. Roqaya was six months pregnant. She ran to a local bodega, whose owner put her in a taxi and sent her to the police station. It was at this time that the police took a statement and put her in shelter. Roqaya's problems did not end there; she spent three months at the shelter without access to services due to language barriers. While it would have been difficult to find a Gurani interpreter, no one had taken the time to identify that she speaks Arabic, a language readily available in New York City. In the time that she has been in shelter, Roqaya has continued to experience difficulty in accessing services arising from language barriers, including several court appointments which have been rescheduled due to the lack of an interpreter or which have been conducted without the presence or use of an interpreter.
4. **Mani's story.** Mani is 14 years old and is from Togo. She is the oldest of 4 children. After her mother died of cancer, her father moved to a neighboring country to work and was able to get a tourist visa for his daughter to move to the United States where it was expected that she would overstay her visa. She lives with her uncle, aunt and their 25-year-old son, all of whom she met for the first time when she arrived in New York last year. At the time, Mani gave her passport and documentation to her uncle who has kept it for safekeeping. While Mani is attending school and is quickly learning the language, her English is still very limited. She seems happy and well adjusted in her uncle's home. Recently, Mani went to the teen clinic complaining of some genital irritation. She is diagnosed with a sexually transmitted infection (STI). Upon questioning by the school social worker about her appointment, she disclosed the STI and that her cousin is sexually abusing her. Mani fears that seeking help and support would make her unwelcome in her uncle's home and ensure that she is sent back home to Togo. This would force her father to leave his job to care for her, which would jeopardize the funds need to support and educate her younger siblings.

### **Recommendations**

While the extraordinary diversity of the African immigrant community poses challenges to the City's ability to provide victims with appropriate services, these challenges are not insurmountable and there is little reason for authorities not to follow procedure when responding to immigrant victims. We strongly believe that New York City could vastly improve its ability to assist immigrant victims of sexual and domestic violence as follows:

1. **Police, district attorneys and city hospitals should prioritize building stronger partnerships with immigrant women and women-led community-based organizations.** The community partnerships that have been sought in the past have

typically been with organizations where men predominate, supporting them as gatekeepers of women's rights as crime victims. While men can play an important role as allies in ending sexual and domestic violence, women must be empowered to work with law enforcement. Many of us are already doing this work but are unsupported.

2. **All victims of sexual and domestic violence, including adult women but especially minors, should have an independent advocate who can accompany them and provide support.** Many community-based organizations such as Sauti Yetu already provide services to victims once they are eventually referred by larger agencies, but need to be linked into the rape crisis system from the beginning. Culturally specific advocates can provide not only interpretation but help victims to understand the process of filing a police report or collecting data using a rape kit, provide emotional support and interface with family members.
3. **Police stations and local hospitals need training from community-based organizations on how to work with victims of sexual and domestic violence from emerging immigrant communities.** Likewise, identifying with a particular immigrant community does not imply an understanding of women's and girls' issues. NYPD Community Liaisons must have domestic and sexual violence training along with police officers.
4. **Police, legal, court and emergency room personnel need to offer interpretation to victims rather than wait for victims to request it.** Many times victims are too overwhelmed or traumatized by the incident to request it on their own.
5. **Provide resources and support to train interpreters from immigrant community-based organizations.** Clearly there is a lack of trained professionals, particularly women, who can provide interpretation for victims whether filing a police report, testifying in court or seeking emergency medical attention. For smaller communities, there is the additional concern that an interpreter might represent conflicting interests such as a family, business or other relationship with the perpetrator's family. Working with community-based victim services organizations minimizes such risks.

By working together with community-based organizations in meaningful partnerships, we believe that New York City can provide women and youth victimized by sexual and domestic violence the resources and support they need to seek justice and rebuild their lives. Thank you.

**My Story Of Domestic Abuse & Being Unwillingly Trapped In The State of New York By My Abuser & The NYC Court System.**

I am an immigrant woman from Ireland, an Irish Citizen having no Green Card, Work Authorization, Social Security Number or Current Status in the United States.

After a vacation in the U.S.A. in July of 1998 I became involved with an Algerian man who was in the United States under Political Asylum.

Very early on in the relationship he was abusive (both verbally & physically) but I failed to really recognize the signs and lived in denial and fear of what was really going on.

In April 2004 I discovered I was pregnant with his child and 6 weeks before the child was born we got married in the City Hall in New York. After the child was born and I could see that my daughter was also going to be a subject of his abuse that was what gave me the strength to finally leave him. There is an indicated case of child abuse on record with NYC's Administration for children's services against him.

After making the decision to leave I began to become excited at the prospect of a new life and a new beginning with my daughter in a safe, stable & secure environment.

My daughter is both a citizen of Ireland & the USA. I was totally unaware that my abuser had the right under some sort of parental law to keep me here in NY State within a radius of where he is living until my daughter who is now 4 years is 16 years old.

I was now feeling totally devastated after going through all those bad years and to end up being trapped here and dragged in and out of court by my abuser for the last two years was really more than I could handle and my health along with everything else started to deteriorate. I have no medical insurance, no one wants to employ an illegal alien so how can the New York Courts justify their proclaim of "Best Interest of The Child," in this instance? Isn't my case compelling enough for everyone to logically see that it is in the best interest of the child to relocate with me?

- (1.) All of my family is in Ireland.
- (2.) I have already a job offer there that has good pay, full medical & dental benefits for both me & my child.
- (3) I have a home already there to move into which there is no rent or mortgage to pay.
- (4) I have vowed to even pay for my abusive ex-husband to visit with child so the court could not accuse me of parental alienation.
- (5) It is my child's own wish to also relocate and continually states this to counselors, social worker's and law guardians.
- (6) The quality of life for both my child & I would significantly improve by relocating back to my home.

America (the so called "Land of The Free") what happened to my constitutional right to freedom? What happened to the rights and wishes of my child?

The United States of America is one of only two countries within the United Nations that has yet to ratify "The United Nations Convention on The Rights of The Child" despite the fact that the United States wrote most of the content of this convention.

It is my view point that the Criminal in this case gets rewarded (my ex- husband even used false claims to obtain political asylum in this country and has gone back to his native Algeria on many vacations). The victim gets further victimized until changes in the law are made.

My case will be going to trial in a few days.

If you have any comments regarding my story or feel that you have any advice to share please do not hesitate to contact me at the email below:

[FundamentalRight2Freedom@yahoo.com](mailto:FundamentalRight2Freedom@yahoo.com)

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Testimony of NYC Coalition of Domestic Violence Residential Providers  
Before the New York City Council's Committees on  
Public Safety, Women's Issues, Health, and Immigration  
"How Can New York City Better Address  
Sexual and Domestic Violence of Immigrant Women?"  
June 22, 2009

My name is Rachel Chazin Halperin and I offer this testimony on behalf of the New York City Coalition of Domestic Violence Residential Providers – an organization representing all of New York City's licensed nonprofit domestic violence shelter providers, which serve thousands of battered women and children every year. Thank you for holding this hearing and providing us with an opportunity to discuss barriers undocumented immigrant victims of domestic violence face in accessing safe, affordable, permanent housing.

Immigrant victims of domestic violence encounter additional obstacles in escaping abuse. Because of cultural norms, limited English-proficiency, and fear of deportation, they are often hesitant to involve government agencies such as the courts or the police. Undocumented victims are further hindered from escaping abusive situations because their abusers threaten them with calling "Immigration" and getting them deported, never seeing their children again, and telling them they cannot call the police or seek assistance because they are undocumented. Many immigrant victims are misled to believe that they are dependent on their citizen-spouses to obtain legal status and thus, stay in abusive situations.

Immigrant victims who are able to overcome these obstacles by seeking assistance, escaping from the abuser and entering emergency shelter, have little to no

chance of obtaining safe, permanent housing for themselves and their children in New York City. Too often, out of desperation, they are forced to return to the abuser and put themselves and their children at further risk of harm.

Currently, approximately ten percent of victims residing in the City's emergency domestic violence shelters are undocumented. This subset of victims is not eligible to receive any housing subsidies. Undocumented immigrant victims of domestic violence do not qualify for any of the Advantage rental subsidy programs – regardless of the fact that they may have citizen children. Families with at least one documented family member are eligible to apply for NYCHA Public and Section 8 Housing. However, undocumented family members are responsible for paying for their portion of the subsidy and if NYCHA determines this rent burden is too much for the family, they will be found ineligible. This presents a serious challenge for undocumented victims of domestic violence who have limited employment opportunities because of their immigration status.

So, to answer the Council's question: How can New York City better address sexual and domestic violence of immigrant women - the Coalition of Domestic Violence Providers urge the creation of an "Immigrant Advantage" rental subsidy program so that undocumented victims of domestic violence who are able to escape abusive situations have a viable opportunity to provide a safe, secure and violence-free life for themselves and their children. The City cannot turn its back on this most vulnerable population. Without a rental subsidy program for undocumented victims, the chances that they will achieve safety, stability and independence for their families are slim. We thank you for this opportunity to address this vital and life-saving issue for undocumented immigrant victims of domestic violence.

Good afternoon. My name is Lucia Riviuccio, Director of STEPS to End Family Violence, and I am here today to speak on behalf of STEPS and 4 other NYC programs (list attached) that collectively serve well over 600 victims of domestic violence every month - including many who are immigrant women.

Battered immigrant women face a host of unique challenges: language difficulties, a lack of familiarity with the US legal system and their legal rights, severely limited financial resources, poor social supports and, for some, the fear of deportation, are only a few.

Because of these factors, immigrant victims are far more likely not to report the abuse or seek assistance, placing them and their children at significant risk of serious physical or psychological harm - including death. When abused immigrant women have children, these problems are compounded by their need to support and provide for their children, many of whom are American citizens. Today, we ask you to consider several key problem areas for battered immigrants along with solutions we have collectively envisioned:

#### **Problem 1: Language Difficulties**

- Many police officers continue to use the abuser as translator. This skews reports and can create dangerous situations where the immigrant victim is falsely identified as the abuser.
- Inadequate translation provided by agencies, court interpreters, and Language Line. Problems range from incorrect translations to providing advice to victims based on the translator's personal experience.

#### **Problem 2: Fear of Deportation**

- This often underlies the challenges for both documented and undocumented women. In our experience, abusers regularly use victims' legal status to intimidate and prevent them from reporting the abuse, or threaten to "report" a victim's status to the police. Whether the abuser contacts the police first or translates for the victim, the result is often the same: immigrant victims are at a legal disadvantage, and safety is seriously at risk. This impacts all areas of a victim's life. The victim's ability to keep a family intact, along with her ability to survive without the abuser, is also compromised. Compounding this problem, the victim may also have to fight criminal charges; this affects pending immigration and family court cases, in addition to possible ACS involvement.
- Regardless of the victim's own status, she may be afraid that the abuser will be deported if the police are involved. If he is the breadwinner, she may fear the loss of housing and economic security for herself and her children.
- Even if her immigration status is legal, she faces many of these same obstacles. Once a victim is criminally charged, the fear of deportation becomes very real; ICE agents are ubiquitous at Riker's Island. If an individual is identified as an immigrant, whether documented or not, a hold is placed on their record and they are then at risk of deportation. To make matters worse, ICE agents do not properly identify themselves and many times victims mistakenly believe these agents are attorneys acting on their behalf.

### **Problem 3: Housing, Financial Support, and Children**

Many immigrant victims face a vicious cycle whereby in reporting the abuse, they may face a loss of income when an abuser is arrested or excluded from the home. This leads to the loss of housing, which makes it nearly impossible to get their children out of foster care, even when ACS has concluded that the mother/victim is not a threat and is in fact a fit parent.

With respect to access to public housing benefits, NYCHA pro-rates rent depending on the immigration status of people within the household. As an example, a family composed entirely of citizens gets more assistance than a family with only one citizen member. Additionally, undocumented children and their parents often do not qualify for health insurance coverage after a certain age, creating additional expense, health, and safety concerns for victims seeking to exercise their right to violence-free homes.

#### **Possible Solutions:**

- 1) **Recruiting and placing bilingual and culturally competent officers in areas that correspond to their language and cultural competence.** This is particularly important since POs are often the immigrant victims' first contacts with the law.
- 2) **Implementing quality control and guidelines about interpretation services, as well as regular domestic violence awareness training to translators.**
- 3) **Requiring ICE agents to identify themselves.**
- 4) **Developing networks within immigrant communities to coordinate and link needed services.** Such networks could:
  - a) Train interpreters;
  - b) Provide language classes;
  - c) Include local precincts as part of these networks.
- 5) **Extending public benefits temporarily to victims pending decisions on immigration applications.** This will enable the victim to leave the abuser, maintain housing and keep children with the parent and out of foster care. This is particularly important since it benefits the children, of which many are US citizens. The benefits of family unification, which underpins our immigration system, together with the long-term negative effects foster care can have on a child, all serve as reasons to extend these benefits to abused immigrant women in this limited circumstance. There is a cost benefit to doing so, since it is cheaper to provide these basic benefits (housing, public assistance, food stamps, and health insurance) than to provide foster care for several children over a long period of time.
- 6) **Training NYCHA staff on domestic violence awareness.** This is particularly important in order to carry out the legislative intent of the Violence Against Women Act to protect and support victims of violence. It is imperative for NYCHA staff to understand the rights and benefits afforded to DV victims under this law.

In conclusion, immigrant victims of domestic violence face a number of serious difficulties in receiving the legal and social work services necessary to live free of violence. These challenges are not insurmountable; we as service providers, working in tandem with legislators like you, can work to create and implement solutions to these problems. A number of possible solutions have been presented to you today. We hope that, on behalf of disenfranchised immigrant victims and their children, helping these victims break free of domestic violence will become as important to you as it is to them; for many victims, your support may mean the difference between life and death.

## Program Descriptions

Founded in 2003, the **Domestic Violence Project (DVP)** of the Urban Justice Center is among the first projects in New York City to focus on using a fully integrative and collaborative legal and social work team model to support victims of domestic violence. At the Domestic Violence Project, we strive to bring justice and safety to victims of domestic violence and their children. Our mission is to support victims in achieving sustainable freedom from the violence and abuse in their lives. To this end, we provide victims with critically needed pro bono legal services and social work support. DVP's dedicated and compassionate team of attorneys and clinicians work collaboratively to address the difficulties faced by our clients and their children by fully assessing each individual's clinical and legal needs. We provide frontline assistance to victims of domestic violence through an emergency hotline service, in addition to direct legal representation, client advocacy, and social work services. Our attorneys and social workers work hard to ensure victims of violence find sustainable solutions, by working with law enforcement, the district attorney's office, public assistance, and social security offices, among other things.

CONTACT: Madeline Garcia Bigelow, Director (646) 602-5610 [MBigelow@urbanjustice.org](mailto:MBigelow@urbanjustice.org)

**STEPS to End Family Violence**, founded in 1986, is an East Harlem-based program of services geared to meet the needs of survivors of domestic violence, their children, and teens. We address the implications of past violence; the legal, safety, and emotional concerns arising from current violence; and the prevention of future violence. Our client base stretches across all five boroughs and includes women at the intersection of poverty, immigration and violence. STEPS programs include: *Taking STEPS*, *Youth CAP*, *Children's Therapy*, and the *STEPS Legal Division* which provide counseling and legal services to survivors of domestic violence across the lifespan; the *Alternatives To Incarceration Program (ATI)* for battered women facing felony or misdemeanor charges related to their histories of abuse; the *Relationship Abuse Prevention Program (RAPP)*, a school-based educational program for teens; and the *Teen Accountability Program* for teen men who have been abusive of girlfriends or other family members. Altogether, we reach over 3,000 women, children, and teens each year. With varied backgrounds and speaking Spanish, Arabic, ASL, and French, our staff reflects the linguistic and cultural diversity of our clientele, allowing us to construct culturally sensitive remedies with our clients rather than imposing a one-size-fits-all approach. STEPS is a program of Edwin Gould Services for Children and Families.

CONTACT: Lucia Rivieccio, Director (646) 315-7633 [lrivieccio@egscf.org](mailto:lrivieccio@egscf.org)

**The New York Asian Women's Center** provides comprehensive domestic violence services which include a 24 hr multilingual hotline, counseling, case management, interpretation/translation, advocacy, information and referrals, support groups, and emergency shelter. Our clients come from all 5 boroughs and they speak Bengali, Cantonese, Fuzhounese, Hindi, Japanese, Korean, Lao, Mandarin, Punjabi, Thai, Urdu, and Vietnamese.

CONTACT: Julie Kim Richards, Director of Client Services (212) 732-0054 x 113 [jkim@nyawc.org](mailto:jkim@nyawc.org)

**Seamen's Society** offers individual and group counseling for DV survivors 16 year and older. We do advocacy and referrals to legal and immigration services, and entitlement services. We will also accompany to court if necessary. We serve the entire Staten Island community. We have two Spanish speaking workers and a total of four caseworkers. We are most involved with

the Latina communities and have a large Mexican clientele but have had sporadic African, Caribbean, and Russian clients.

CONTACT: Jessica Amyotte, Supervisor (718) 447-7740 [jessicaa@roots-wings.org](mailto:jessicaa@roots-wings.org)

**The Violence Intervention Program, Inc. (VIP)** is a Latina domestic violence organization that provides counseling, support groups, independent living, children and youth services, hotline services, supportive housing, and a 51 bed safe dwelling program to battered women and their children. The primary population served is 80% Latina and 20% non-Latina. VIP is a culturally/linguistically competent organization that provides services in both English and Spanish. VIP also has access to a language bank service which can be used to communicate with clients in up to 144 languages. The scope of VIP's services also includes an education and outreach program that provides traditional and non traditional outreach to communities in New York City.

CONTACT: Cecilia Gastón, Executive Director Phone 212-410-9080 [cgaston@vipmujeres.org](mailto:cgaston@vipmujeres.org)



FOUNDED IN 1984

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### **NYC Council Hearing – How Can New York City Better Address Sexual and Domestic Violence of Immigrant Women?**

**June 22, 2009**

The Violence Intervention Program, Inc. (VIP) is a Latina domestic violence organization that provides counseling, support groups, independent living, children and youth services, hotline services, supportive housing, and a 51 bed safe dwelling program to battered women and their children. The primary population served is 80% Latina and 20% non-Latina. VIP is a culturally/linguistically competent organization that provides services in both English and Spanish. VIP also has access to a language bank service which can be used to communicate with clients in up to 144 languages. The scope of VIP's services also includes an education and outreach program that provides traditional and non traditional outreach to communities in New York City.

Immigrant women face a unique set of barriers when it comes to seeking domestic violence services. They are disproportionately likely to experience domestic violence by their partners, and their immigration status often exacerbates the abuse. It has been reported that forty-eight percent of Latinas experienced an increase in their partner's violence when they immigrated to the United States; and in New York City from 1995-2004, 51% of all intimate partner homicide victims were foreign born<sup>1</sup>. These women are further abused when they finally take the steps to seek help and encounter a system hostile to their specific needs.

#### **Systemic Barriers/Challenges**

The barriers that VIP encounters in serving Latina women, specifically those who are undocumented, are a result of the fundamental failure of city-wide systems to incorporate linguistically and culturally appropriate procedures into domestic violence and other city programs. Anti-immigrant sentiment has filtered through the programs available to low income families, resulting in difficulty in accessing services, and placing a heavy burden on immigrant battered women who are seeking help.

- Public assistance centers are not effectively working with immigrant battered women. Women are often told to go back to their countries, learn English, and/or they are told to return the next day because there are no translators. Public assistance workers are not allowing advocates to translate or to assist the women.
- Not all workers at public assistance centers are knowledgeable about domestic violence. They project biases and accusatory remarks that humiliate and intimidate the clients.
- Shelters sometimes turn women away because they do not have bilingual counselors on staff.

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<sup>1</sup> See attached fact sheet from the Family Violence Prevention Fund.

- Shelters sometimes turn women away when they learn that they are undocumented.
- Police officers are often times insensitive to victims and tell women that they will be arrested along with their partners. The fear of being arrested, losing their children or being deported deters women from calling the police for help.
- If the batterer is more proficient in English, often times he is the one asked to give police the details of the incident.
- A fee to acquire an incident report is now the norm for all victims of domestic violence, preventing many women from being able to get a report.
- Many times incident reports are not fully completed by the officers and are not accepted by NYCHA.
- Waiting lists for public housing are long and the processing period is inadequate when women are in shelter. The waiting period is often times 6 months and over. By this time, women have had to leave the shelter and re-enter the system.

### **VIP Focus group**

The violence women are already experiencing compounded with lack of accessible services, immigration barriers, dual arrests, and child custody issues will continue to be barriers that keep women from seeking help.

Recently VIP conducted a focus group with immigrant monolingual Spanish speaking battered women who had entered shelter after fleeing a domestic violence situation. Seven women participated in this group. The following are their stories and experiences.

- The women expressed that they were treated as second class citizens. They were isolated during their stay at the shelters.
- Due to language barriers at the programs, they did not receive counseling or information about any services that would have helped them.
- Some women stated they had to find someone to help them fill out the public assistance and housing applications. The shelter did not help them as a result of language barriers.
- They could not be helped at the public assistance centers because the centers did not have translators.
- Children were removed when police officers entered their home. The officers called ACS to remove the children and have them placed in foster care without an explanation to the mother. Two mothers are still battling this issue.

One mother has been trying to get custody for the last four years.

### **Recommendations**

- The city should mandate that all public services employees receive appropriate training on the following: domestic violence, directives from state and federal agencies, VAWA as it pertains to immigrant battered women, and available services for undocumented battered women.
- Police Department & ACS should not remove any child without having a dialogue with the victim and ensuring that the victim will be safe after the police leave the scene. Instead of removing the children and penalizing the victim for the abuse, the emphasis should be on getting the victim and children to a shelter for safety after an incident.
- Recently, an administrative directive from the New York State Office of Children & Family Services issued a policy on domestic violence services for undocumented persons. This document states that programs will receive reimbursement for victims who are “undocumented or non qualified aliens. Shelter staff must be trained on the new and revised directives allowing undocumented battered women to enter shelters.
- Programs must receive adequate funding to address the increase in the number of women entering domestic violence services. The declining economy has increased violence in many homes. The burden on staff who work with this population is taking a toll on their ability to provide quality services.
- All programs servicing immigrant women should be staffed by culturally/linguistically competent personnel to better address the many needs of immigrant women.
- Programs and services must be culturally proficient so that no woman is turned away based on language.
- Fees to obtain an incident report should be waived for all victims of a crime. Women who are battered may have little to no economic resources and should have equal access to these reports.

# Family Violence Prevention Fund

## The Facts on Immigrant Women and Domestic Violence

Like all women, immigrant women are at high risk for domestic violence, but due to their immigration status, they may face a more difficult time escaping abuse. Immigrant women often feel trapped in abusive relationships because of immigration laws, language barriers, social isolation, and lack of financial resources.<sup>i</sup> Despite recent federal legislation that has opened new and safe routes to immigration status for some immigrant women who are victims of domestic violence, abuse is still a significant problem for immigrant women, as it is for all women in the United States.

- A recent study in New York City found that 51 percent of intimate partner homicide victims were foreign-born, while 45 percent were born in the United States.<sup>ii</sup>
- Forty-eight percent of Latinas in one study reported that their partner's violence against them had increased since they immigrated to the United States.<sup>iii</sup>
- A survey of immigrant Korean women found that 60 percent had been battered by their husbands.<sup>iv</sup>
- Married immigrant women experience higher levels of physical and sexual abuse than unmarried immigrant women, 59.5 percent compared to 49.8 percent, respectively.<sup>v</sup>
- Abusers often use their partners' immigration status as a tool of control.<sup>vi</sup> In such situations, it is common for a batterer to exert control over his partner's immigration status in order to force her to remain in the relationship.<sup>vii</sup>
- Immigrant women often suffer higher rates of battering than U.S. citizens because they may come from cultures that accept domestic violence or because they have less access to legal and social services than U.S. citizens. Additionally, immigrant batterers and victims may believe that the penalties and protections of the U.S. legal system do not apply to them.<sup>viii</sup>
- Battered immigrant women who attempt to flee may not have access to bilingual shelters, financial assistance, or food. It is also unlikely that they will have the assistance of a certified interpreter in court, when reporting complaints to the police or a 911 operator, or even in acquiring information about their rights and the legal system.<sup>ix</sup>

<sup>i</sup> Orloff, Leslye and Rachael Little. 1999. "Somewhere to Turn: Making Domestic Violence Services Accessible to Battered Immigrant Women." *A 'How To' Manual for Battered Women's Advocates and Service Providers*. Ayuda Inc.

<sup>ii</sup> Femicide in New York City: 1995-2002. New York City Department of Health and Mental Hygiene, October 2004. <http://www.ci.nyc.ny.us/html/doh/html/public/press04/pr145-1022.html>

<sup>iii</sup> Dutton, Mary; Leslye Orloff, and Giselle Aguilar Hass. 2000. "Characteristics of Help-Seeking Behaviors, Resources, and Services Needs of Battered Immigrant Latinas: Legal and Policy Implications." *Georgetown Journal on Poverty Law and Policy*. 7(2).

<sup>iv</sup> Tjaden, Patricia and Nancy Thoennes. 2000. *Extent, Nature and Consequences of Violence Against Women: Findings from the National Violence Against Women Survey*. The National Institute of Justice and the Centers for Disease Control and Prevention. Retrieved January 9, 2004. <http://www.ncjrs.org/pdffiles1/nij/183781.pdf>.

<sup>v</sup> Dutton, Mary; Leslye Orloff, and Giselle Aguilar Hass. 2000. "Characteristics of Help-Seeking Behaviors, Resources, and Services Needs of Battered Immigrant Latinas: Legal and Policy Implications." *Georgetown Journal on Poverty Law and Policy*. 7(2).

<sup>vi</sup> Dutton, Mary; Leslye Orloff, and Giselle Aguilar Hass. 2000. "Characteristics of Help-Seeking Behaviors, Resources, and Services Needs of Battered Immigrant Latinas: Legal and Policy Implications." *Georgetown Journal on Poverty Law and Policy*. 7(2).

<sup>vii</sup> Orloff, Leslye and Janice V. Kaguyutan. 2002. "Offering a Helping Hand: Legal Protections for Battered Immigrant Women: A History of Legislative Responses." *Journal of Gender, Social Policy, and the Law*. 10(1): 95-183.

<sup>viii</sup> Orloff et al., 1995. "With No Place to Turn: Improving Advocacy for Battered Immigrant Women." *Family Law Quarterly*. 29(2):313.

<sup>ix</sup> Orloff et al., 1995. "With No Place to Turn: Improving Advocacy for Battered Immigrant Women." *Family Law Quarterly*. 29(2):313.

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**Testimony of the Good Shepherd Services' Safe Homes Project before the  
New York City Council's Committees on  
Public Safety, Women's Issues, Health, and Immigration  
"How Can New York City Better Address  
Sexual and Domestic Violence of Immigrant Women?"**

June 22, 2009

My name is Isolina De La Cruz and I am offering this testimony on behalf of the Good Shepherd Services' Safe Homes Project, a program of non-residential and residential services for survivors of domestic violence. We thank you and commend you for giving us this opportunity to bring you the testimonies of the invisible victims who face an enormous amount to get basic services and often times get lost in the system because of their immigration status.

Undocumented survivors of domestic violence and their children are the most expendable population within our community. Not only do they face the victimization in abusive relationships but they also face the victimization of the system.

Undocumented survivors, often alone in this country, who leave the abusive relationship and move into emergency shelter, find it hard to get any type of permanent housing due to the fact that there are minimal housing options for undocumented survivors. They don't qualify for advantage subsidy even if they have documented children. Although, they may be eligible for NYCHA Section 8, they need to have documentation of the crime and often times the survivor never reported the abuse because she was too afraid to call the police and believed she may get deported.

Take as an example the case of one of our residents who we're going to call "Ana" to protect her confidentiality. Ana is an undocumented woman who came to the Safe Homes Project in March of 2009. Prior to that, she was been living with her husband of 15 years. Her husband is undocumented as well, in which case "Ana" is not eligible to get her

documents as a survivor of domestic violence. Although she applied for Public Assistance for her daughter because as an undocumented person she herself is not eligible, her case was closed. This was due to her not receiving explanations of what to do in the language that she can understand. After much struggle her case was recently opened. Even if she's able to get a job off the books, she still needs childcare for her 1 year old daughter. Her time in shelter is almost up and the only housing options for "Ana" are to find a furnished room or end up in a DHS shelter. Another option that she has considered is to go back to her native country but she would need to get a passport in which case her husband would need to sign off. Undocumented women don't have access to health care either. "Ana" was diagnosed with ovarian cancer after she gave birth. She had surgery and is now a cancer survivor. However, due to not having on-going medical coverage she hasn't been able to continue follow up treatment which puts her health at further risk. She is currently waiting for her shelter stay to be up. What is she going to do now?

So, in order to better address sexual and domestic violence of immigrant women, The Safe Homes Project join its voice with that of undocumented survivors of sexual abuse and domestic violence and with other providers. We urge the creation of a housing rental subsidy program for undocumented survivors and their children. It is urgent that the existing programs expand their eligibility criteria to make them available to this vulnerable population.

Good afternoon, my name is Andrea Ritchie, I am the Director of the Sex Workers Project at the Urban Justice Center. Over the past seven years, the Sex Workers Project (SWP) has provided essential legal and social services to hundreds of immigrant women who have been trafficked into sex work, as well as to immigrant women who are victims of domestic violence and sexual assault.

I am privileged to share with you today the results of SWP's third human rights documentation project, summarized in our report *Kicking Down the Door: The Use of Raids to Fight Trafficking in Persons*. This research represents the first exploration of the effectiveness and impacts of anti-prostitution raids on immigrants who have been trafficked into sex work from the perspective of immigrant women themselves, as well as those who provide critical legal and social services to hundreds of trafficking, sexual, and domestic violence victims every year.

The report summarizes the results of 46 qualitative interviews conducted in 2007 and 2008 with people who had been trafficked into both sex work and domestic work, as well as with service providers and law enforcement agents. Although the sample size was relatively small, the 26

service provider interviews reflected experiences of working with hundreds of people who had been trafficked. Similarly, law enforcement agents interviewed had participated in multiple raids over a period of years. Finally, the research produced 15 in-depth, incredibly rich case studies of the experiences of women trafficked into domestic labor and sex work.

Our data suggests that, based on the experiences of immigrant women who are victims of trafficking, the service providers who work with them, and the law enforcement agents we spoke with, local law enforcement vice raids are not necessarily the most effective means of locating, identifying, and supporting immigrant women who have been trafficked. Study participants who had been trafficked into prostitution in reported that they had repeatedly been arrested, in some cases up to ten times, in police raids on brothels and other sex work venues, often convicted of prostitution offenses, in some cases even sentenced to jail, *without ever being identified as trafficked*. Service providers' experiences were consistent with a finding that raids more often lead to arrests for prostitution and/or deportation than to identification and assistance of immigrant women who are victims of trafficking. Service providers

unanimously reported that very few, if any, people who had been trafficked were referred to them for services as a result of raids.

Additionally, immigrant women and service providers alike reported that anti-prostitution raids were often accompanied by violations of the human rights of the very individuals they are intended to protect. One woman interviewed for our report told of being pistol-whipped and publicly strip-searched by NYPD officers during a raid. Some social service providers described sexual harassment and other police misconduct in the context of raids and their aftermath. One service provider said *"the typical stuff that I hear is that they [police officers] are having sex [with women who have been trafficked] they are getting blow jobs or hand jobs, then they turn around and arrest people. They are not letting them use the bathrooms afterward, and girls have pissed themselves. Then they steal from them. I have heard that from a lot of people."*

Trafficking victims, service providers, and law enforcement agents emphasized that raids can be deeply traumatizing to trafficking victims. One immigrant woman told us, *"These raids are ugly and horrible...They...bang on the door, they break the door, they come in with the guns out! It's really horrible, sometimes if they are very angry, they*

*don't let you get dressed...Being afraid never goes away...they provoke that..."* Another described a raid she was arrested in by saying, *"They were wearing guns and uniforms...it made me very scared...they didn't tell us anything...they treated us like criminals during the arrest..."*

As a result, raids can impede, rather than promote, victims' willingness to participate in holding their abusers accountable. As one of the law enforcement study participants put it *"The nature of the crime and the nature of the victims make raids not effective. What level of evidence do you need? You need a victim to be willing to open up and tell you..."* Yet the trauma of a raid can make it harder for trafficking victims to then open up to law enforcement to tell them that they are being coerced into sex work. As one service provider put it, *"it's incongruous to think that you would open up after being handcuffed."* One attorney said of one of her clients *"[she] was pulled out of a trafficking situation in such a way that she will never trust law enforcement or government and barely trusts me or her case worker."*

Raids of sex work venues where immigrant women work have ripple effects throughout immigrant communities, combining with workplace enforcement raids to increase distrust of law enforcement and make it less

likely that immigrant women will seek help from police when they are subjected to sexual or domestic violence. By pushing immigrant women sex workers further underground and further from help, raids may in fact, ironically, make them more vulnerable to trafficking.

Blanket arrests of people engaged in prostitution in the hopes of locating trafficking victims has the effect of using a blunt instrument where targeted community outreach and supportive social services are what is really needed. More than half the women we spoke with did not leave coercive situations as a result of law enforcement raids, instead leaving trafficking situations with the assistance and support of co-workers and even clients in the sex industry, or of members of the community from a neighbor to a taxi driver. Others who were removed from coercive situations by a raid said they would have left earlier on their own had they known of a safe place to go, or had they been less isolated and therefore able to access support from individuals who were not in a similar situation, and would have preferred to have done so and avoided the trauma of the raid. Again, these trends were confirmed by the service providers we spoke with who had worked with hundreds of victims of trafficking.

Our findings suggest that directing City resources toward increasing awareness of trafficking and of the services and legal remedies available to immigrant victims among first responders, professional intermediaries, and community organizations, including faith communities, would be an important step towards increasing the number of victims of trafficking who can be located, identified, and supported in escaping coercive situations to a place of safety. They also suggest that anti-prostitution raids conducted by NYPD vice may not be the most effective or helpful first or main approach to addressing this particularly egregious form of violence against immigrant women, and are best used as a measure of last resort.

Law enforcement interventions to assist immigrant women in leaving coercive situations appear to be most productive when they are (1) preceded by an in-depth investigation that secures the voluntary cooperation of as many witnesses as possible; (2) conducted pursuant to a standard procedure that ensures appropriate translation and interpretation on site and immediate access to social and legal services and support to reduce any trauma resulting from the raid and increase the chances of productive cooperation with law enforcement; and (3) allow enough time after the raid for service providers to work with and build trust with

*Testimony of Andrea J. Ritchie, Director, Sex Workers Project at the Urban Justice Center  
before the Committee on Health, Committee on Immigration, Committee on Public Safety, and  
Committee on Women's Issues of the Council of the City of New York  
June 22<sup>nd</sup>, 2009*

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trafficking victims in order to maximize cooperation with subsequent law enforcement investigation and prosecutions.

We hope that this information will be useful to the four Committees gathered here today in developing funding and policy priorities which will effectively reduce violence against immigrant women and improve the health and well-being of this population. I would be more than happy to provide you with more information about the conclusions and recommendations of our human rights documentation project, as well as the services we provide. Thank you for your time and attention.

**“How Can New York City Better Address Sexual and Domestic Violence of Immigrant Women?”**

**New York City Council Hearing  
Monday, June 22, 2009, 1:00pm  
Testimony re: Supervised Visitation**

Good afternoon. My name is Terry Lawson and I am a staff attorney with the Family Law Unit at Legal Services NYC – Bronx, a DoVE and IOI recipient. I serve low-income domestic violence survivors, many of whom are immigrant women. I provide legal representation and advice and counsel in their custody, visitation, orders of protection, matrimonial, and immigration matters. I would like to thank Council Member Arroyo and the rest of the Council Members for the invitation for the invitation to testify in response to this very important question.

One of the biggest and most under-funded problems that I see in my practice is the lack of supervised visitation resources citywide. When a survivor of domestic violence leaves an abusive situation, one of the first petitions filed by the batterer is a petition for visitation. If a survivor seeks the courts’ assistance first by filing for an order of protection, custody, or child support, the batterers’ response is almost always to file a petition for visitation. In some courts, judges will order visitation, even when a petition has not been filed, when the survivor files for the order of protection.

New York law strongly supports visitation rights, even when domestic violence is present, and courts typically order weekly or biweekly visitation. To protect themselves and their children, my clients often ask that any visitation ordered by the courts be supervised. Supervised visitation takes place in the presence of a third person responsible for protecting both children and parents. Ideally, programs are equipped with the staff and office space necessary to keep survivors away from their former partners during an exchange and to protect children from abusive behavior. In general, visits last a couple of hours and supervisors provide the court with detailed descriptions of the interactions. For parents and children with orders of protection, supervised visitation may be the only safe option where one of the parents is deemed to be a threat.

The need for supervised visitation and safe exchange programs was documented in the Office on Violence Against Women’s (or OVW) report to Congress in 2006.<sup>1</sup> The OVW reported that over a fourth of batterers threaten to kill their former partners during visits with their children. The OVW noted that, because visitation orders provide specific times and locations to meet survivors, batterers perpetrate the cycle of violence during the visits by harassing survivors, threatening to abduct children, questioning children on their parents’ location and activities, and disparaging parents. As a result of

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<sup>1</sup> “Report to Congress - Safe Havens: Supervised Visitation and Safe Exchange Programs and Services,” Office on Violence Against Women, U.S. Dep’t of Justice, submitted September 27, 2006, available at <http://www.ssw.umich.edu/about/profiles/saunddan/CongressSupVisit.pdf> (last visited June 20, 2009). Notably, no New York-based supervised visitation programs were funded by the OVW during the reporting period.

this contact multiple times each month, survivors are unable to escape the patterns of abuse that led them to seek help in the first place.

In the Bronx, there exists only one agency - Safe Horizon - that provides this desperately needed service free-of-charge. Other free supervised visitation programs, such as that run by the Violence Intervention Program, have been forced to shut down due to a lack of funding. While we are extremely grateful that Safe Horizon has recently reopened its program in the Bronx, the need for more supervised visitation resources for low-income residents, particularly immigrants, is great.

In a survey of 16 supervised visitation programs in New York, it was reported that only 1300 families were being served statewide.<sup>2</sup> To put that number in perspective, the Mayor's Office to Combat Domestic Violence reported that, in 2008, the Domestic Violence Hotline received nearly 135,000 calls citywide and nearly 3000 orders of protection were requested in the Bronx alone. Among the nationwide programs surveyed, 43% of programs were able to serve only 20 families or less in a six-month period.<sup>3</sup> Barriers to access were caused by limited capacities, hours of operation, and clients' financial or transportation difficulties. The survey found that, in programs without federal funding, only one percent of families served were immigrants and only four percent of those served had limited English-speaking abilities.<sup>4</sup> By contrast, in programs with federal support, none of which were based in New York, 2-3% of families served were immigrants.<sup>5</sup>

As a result of the lack of city-funded supervised visitation programs in New York, judges are ordering less supervised visitation. As an alternative, my clients are often put in the unfortunate and potentially dangerous position of having to ask family or friends to supervise visits between their children and their former partners.<sup>6</sup>

The lack of city-funded supervised visitation services is a serious problem for immigrant women for two reasons. First, even when the court feels compelled by the history of violence to order supervised visitation, the unavailability of interpreters to assist seriously limits the courts' ability to order it. Second, immigrant clients have fewer family and friends here, and as a result, do not have anyone who could supervise the visits or take the children to unsupervised pick-up and drop-off locations.

To give you an example of how this plays out, I represent Mrs. Smith, a recent immigrant, in her divorce against Mr. Smith in the Bronx. Mrs. Smith has two older children from a previous relationship and one child with Mr. Smith<sup>7</sup>. Mrs. Smith has an order of protection for herself and her children, which she got after they relocated to a

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<sup>2</sup> See *id.* at 14.

<sup>3</sup> *Id.*

<sup>4</sup> *Id.* at 21.

<sup>5</sup> *Id.* at 35.

<sup>6</sup> See *id.* at 6.

<sup>7</sup> To protect the client's confidentiality, the names have been changed.

domestic violence shelter in Brooklyn. The Administration for Children's Services (or ACS) also got involved when it became known that Mr. Smith had abused the children. Mr. Smith sought visitation with his child and the court ordered weekly supervised visitation.

The Smiths are not eligible for the Safe Horizon program because they are in the midst of a divorce in Supreme Court, and, as such, are not in Family Court. Mr. Smith claims that he cannot afford private supervised visitation, despite the sliding scales available. ACS has agreed to supervise the visits but only in Brooklyn, where their investigation originated. As a result, every week, Mrs. Smith must take all three children from the Bronx, where she has returned to a confidential location, to Brooklyn so that Mr. Smith can visit with his child. Mrs. Smith does not have any other family members in New York who could either take the parties' child to Brooklyn or who could watch the other two children during the visits, and she cannot afford the extra child care. As a result, despite their wishes to the contrary, the other two children now come into contact with their abuser weekly. If there were a city-funded program in the Bronx for families going through a divorce, Mrs. Smith could arrange to drop her child off and pick her child up, without the burden of two and a half extra hours of travel and without involving the other two children.

This situation highlights the isolation that many immigrant survivors feel as they attempt to negotiate difficult visitation arrangements, with little to no support. In another case, I represented an immigrant client from China who spoke one language and whose former partner spoke another, much less common, language. As you can imagine, the court became so frustrated in trying to locate an available program and the necessary interpreters that the judge began to pressure my client to accept her husband's proposal that his family supervise the visits. My client, who had no relatives here, had lived with that family and had been abused by them. With more funding for supervised visitation programs that can accommodate the ever-increasing language needs of immigrants, my client may not have been placed in such a difficult situation.

In sum, supervised visitation is a vital resource for survivors of domestic violence - one that can protect parents and children from ongoing abuse and one that can safely reconnect families where violence has occurred. Without adequate supervised visitation resources, immigrant women are particularly vulnerable to continued abuse and manipulation by abusive partners and their families. I urge you to provide more funding for supervised visitation in the Bronx and the rest of the city to ensure that families that seek assistance from the courts do not end up in potentially dangerous situations several times each month.

Thank you for your time and consideration.



Yisroel Schulman, Esq.  
President & Attorney-In-Charge

## **How Can NYC Better Address Sexual and Domestic Violence of Immigrant Women. June 22, 2009**

Good afternoon and thank you for the opportunity to speak about the needs of immigrant victims of domestic violence in New York City. My name is Lisa Rivera and I am the associate director of the Matrimonial and Family Law Unit at the New York Legal Assistance Group, a not for profit civil legal services organization where we represent domestic violence victims in a wide variety of cases including family law, housing, public benefits, and immigration.

We are here today to urge the City Council to: (1) increase funding for civil legal services for immigrant domestic violence victims; (2) improve interpreter services in NYC agencies; and (3) ask that NYPD designate additional officials to certify non-immigrant petitions for victims who assist in criminal investigations.

### **I. Barriers Particular to Immigrant DV Victims**

36% of the population of NYC is foreign born and over 120 different languages are spoken here. (Mayor's Office to Combat Domestic Violence). NYLAG's family law practice is reflective of this number in that 32% of the clients we advised on our intake line were immigrants.

Issues immigrant victims face are similar to non-immigrant battered women, but they also face additional cultural, economic, and legal obstacles. (Sudma Shetty & Janice Kaguyutan, *Immigrant Victims of Domestic Violence: Cultural Challenges and Available Legal Protections*, (Feb. 2002), [http://new.vawnet.org/category/Main\\_Doc.php?Docid=384](http://new.vawnet.org/category/Main_Doc.php?Docid=384)). As a result, despite the dire need for personal safety, language barriers, inability to navigate the system and fears of deportation cause many immigrant victims to remain silent. Like non-immigrant victims, their only means of support is an abusive husband, but if they are undocumented they will be unable to access government benefits or work legally and they may lack alternative support networks, such as extended families, in their new country. 48% of Latinas reported that their partner's violence against them had increased since they emigrated to the United States. (Mary Dutton et al., *Characteristics of Help-Seeking Behaviors, Resources, and Services Needs of Battered Immigrant Latinas: Legal and Policy Implications*, 7 Geo. J. on Poverty L. and Pol'y 245 (2000)).

Immigrant women may also be wary of requesting help from government agencies, based on experiences with similar institutions in their home country. Many immigrant victims come from countries where calling the police is unheard of; where women's voices would never be believed. While others believe that religion or cultural traditions permits the abuse. Undocumented immigrants are perhaps the most vulnerable because of fears of deportation. Batterers often threaten to report their victims to US Citizenship & Immigration Services

(USCIS) if they report any abuse to the police or the courts. Batterers also hold their partners hostage by refusing to help them apply for legal status.

All of these realities affect the ability of immigrant victims to navigate the civil and criminal justice systems. A recent study in New York City found that 51% of intimate partner homicide victims were foreign-born, while 45% were born in the United States. (New York City Department of Health and Mental Hygiene, *Femicide in New York City: 1995-2002* (2004)).

Immigrant victims of domestic violence are unaware of their rights and fear asking for help. We must do a better job reaching out to them.

## **II. Recommendations**

### **a. Increase Funding for Civil Legal Services Funding for Domestic Violence Victims**

The need for civil legal services is critical for immigrant victims of domestic violence. Direct legal representation of immigrant victims is necessary to target this typically underserved community. Studies show that legal services above all others – social services, shelter – is the one support that creates lasting change for all victims. (Suzanne Schmitz, *What's the Harm?: Rethinking the Role of Domestic Violence Advocates and the Unauthorized Practice of Law*, at 300 (2004)). Legal services allows domestic violence victims to better protect themselves and their children. (*Economists at Colgate University & the University of Arkansas Find Access to Legal Services, Rather Than to Shelters, Hotlines, or Counseling, Contributes to Decline in Domestic Violence*, Dec. 2002. <http://www.pslegal.org/Articles/DomViolenceDecline.htm>). One study showed 86% of the women who received a protective order stated that the abuse either stopped or was greatly reduced abuse. (James Ptacek, *Battered Women in the Courtroom: The Power of Judicial Response* (1999), (reviewed in Meda Chesney-Lind, James Ptacek, *Battered Women in the Courtroom: The Power of Judicial Response*, 35 *Crime, L. & Soc. Change* 363 (2001)).

Moreover studies show representation in civil matter increases the likelihood of criminal prosecution. (*When will they ever learn?: Educating to end Domestic Violence*. American Bar Association Commission on Domestic Violence, <http://www.ojp.usdoj.gov/ovc/publications/infore/etadv/advan.htm>). Competent civil legal services attorneys can act as liaisons to the police and prosecutor, and fully explain to their client the process and consequences of criminal prosecution.

Many immigrant clients qualify for free court-appointed counsel, however the right to a court appointed lawyer is meaningless unless that lawyer is culturally competent and knowledgeable of the dynamics of domestic violence. Victims often require expert legal assistance in a multitude of forums – civil, criminal, housing, immigration and public benefits. Therefore, a competent attorney is fundamentally crucial in her quest for safety and ability to remain in the United States. An unrepresented immigrant could make strategic mistake in a legal proceeding which could result in the abuser obtaining custody of the child, her removal, or preclude criminal prosecution of the violent offender.

Immigrant communities are targeted for exploitation by unlicensed “consultants” and “notarios” that frequently provide poor or false advice. (American Bar Association Commission on Immigration, *Fight Notario Fraud*, [http://www.abanet.org/publicserv/immigration/notario/fightnotario\\_fraud.shtml](http://www.abanet.org/publicserv/immigration/notario/fightnotario_fraud.shtml)). Unwittingly, immigrant victims may give up rights that will affect their custody, child support, divorce, benefits and immigration proceedings.

Therefore, we ask that you increase current funding for civil legal services serving victims of domestic violence and ask that every service provider that receives DoVe funding be linked with a legal services organization.

**b. Access to Information from the Courts and City Agencies**

Our courts should be open and accessible to all. However, many immigrants of domestic violence are shut out. In recognition of the fact over 120 languages are spoken in the five boroughs of New York City, we need to do a better job serving immigrants.

The right to a competent interpreter is essential. To most lay people, the language of the courts is incomprehensible, but to a non-English speaker access to the courts will be out of reach. One study shows that a majority of interpreters who had served in domestic violence, sexual assault, and child abuse cases received no training in these sensitive areas. (SAKHI, *Talking the Talk: A Nat'l Study of Court Interpreters*). This is of particular concern because any testimony lost in translation is likely to be detrimental to a victim's case. The difference between a push and a punch is critical in proving an offense. Equally important, she needs to be able to understand her abuser's testimony in order to tell her lawyer her version of those events. Miscommunication of information to the victim could severely affect his or her legal rights. Court interpreters should be continually trained and tested. They should be given training on matters they interpret for – such as domestic violence, sexual assault and child abuse cases. (Id).

On one occasion, my client who speaks Fulani had to switch to French during her testimony in order for her interpreter to understand her. If not, for my client's ability to understand some English she would not have been able to catch the repeated mistakes the interpreter was making. Unfortunately, this incident is not isolated, however the client I described was fortunate. She was able to point out mistakes in the translation of her testimony – but what happens when the litigant doesn't speak any English at all?

Moreover, for the mere request for an interpreter causes weeks and sometimes months of delays in court – especially for non-Spanish speaking interpreters. Time delays increase safety risks victims and her children, as well as her ability for her to move on in her life. (Jan Hoffman, *New York's Court Interpreters: Overworked Link*, December 24, 1993). NYLAG has had cases where cases were adjourned for lengthy periods because of non-availability of Russian, Fulani, Hebrew, Bengali and Creole interpreters.

Lastly, the NYPD, hospitals and ACS must provide better services to non-English speaking victims. Nearly all of my Spanish speaking clients tell me that at least once they were unable to make a proper police report, were turned away or the police asked their abuser for an account of what transpired between them. This is not acceptable when NYPD has access to 24-

hour language lines where they can easily access an interpreter for complainants.

**c. Official NYPD Designee to Certify Victims that Assist in Criminal Investigations Against the Abuser**

Since 2000 federal law has provided strong protections for immigrant victims that cannot be utilized to their full extent in NYC. (Victims of Trafficking and Violence Protection Act). Federal law provides an undocumented victim of a crime has the right to petition for a U Visa to obtain legal status as long as she is cooperative in a criminal investigation. (INA § 101(a)(15)(U); INA § 214(p)). The NYPD is authorized by federal regulation to sign certifications necessary to that application that victims are cooperating but the NYPD has not designated signers except for the Commissioner himself. (8 CFR § 214.14)

Given the urgency of these cases, requiring the Commissioner to certify these cases is an inefficient option. The NYPD should designate signers for U visa certification as permitted by the federal regulations. The hope of a U-visa will encourage more immigrants to come forward when they experience domestic violence or other crimes and assist authorities in the apprehension of perpetrators. (Public Advocate Gotbaum, April 2, 2008; Release #:12-2008).

Thank you.



Yisroel Schulman, Esq.  
*President & Attorney-In-Charge*

## **New York Legal Assistance Group Domestic Violence Services**

New York Legal Assistance Group's Matrimonial and Family Law Unit offers legal advice, advocacy and direct representation to low income individuals seeking assistance with divorce, child and spousal support, visitation, custody, foster care, and orders of protection. NYLAG prioritizes domestic violence victims seeking legal assistance and provides comprehensive legal services. For example, NYLAG's Immigrant Protection Unit coordinates with the Family Law Unit to provide immigration assistance to immigrant domestic violence victims. NYLAG ensures that its' clients are connected to mental health, shelter, medical care, and other services if needed. Attorneys actively participate in city and state coalitions, and offer training to attorneys, health professionals, social workers and advocates.

NYLAG is one of the few legal services providers for domestic violence victims that accepts contested divorces. It is divorce that provides the ultimate end to the abusive relationship. When a marriage dissolves, most often it is women who suffer financial hardships, while men traditionally maintain the marital standard of living. In addition to the drop in their standard of living, women often experience difficulties affording their legal counsel, especially during lengthy battles for custody or equitable distribution of marital assets. These cases are lengthy and complex involving issues of support, maintenance and equitable distribution, as well as custody and orders of protection. NYLAG is committed to representation of victims of domestic violence on all fronts.

### **Client Demographics**

- ☐ Approximately 90% of those represented are domestic violence victims.
- ☐ Vary in age and cultural background.
- ☐ Approximately twenty percent (25%) are immigrants.
- ☐ Many are working poor who would not otherwise qualify for government funded legal services, or court appointed counsel.

In 2008, 1,572 clients were served in 5 counties

- ☐ Bronx 276
- ☐ Brooklyn 472
- ☐ Manhattan 510
- ☐ Queens 283
- ☐ Staten Island 31

### **Staffing**

- ☐ Ten full time attorneys
- ☐ Two full-time paralegal assistants
- ☐ Eight to ten part-time law students

**Language capacity**

Spanish, Russian, Korean, Chinese, Hebrew and French.

**Domestic Violence Clinical Center (DVCC)**

An innovative program, operating for the past ten years, offering law students the opportunity to represent domestic violence victims in the five Family Courts and the Integrated Domestic Violence Courts throughout NYC on family offense and custody and visitation proceedings. Students work under a student practice order and participate in weekly seminars.

**Courtroom Advocates Project (CAP)**

NYLAG is a supervising agency for CAP which trains over 200 law students annually to advocate on behalf of victims appearing in Family Court for the first time to seek an order of protection. NYLAG supervises CAP in Brooklyn and Manhattan.

**Integrated Domestic Violence Courts**

The Family Law Unit works closely with progressive new court programs and regularly appears in all the Integrated Domestic Violence Courts. This "One Family/One Judge" model court ensures that one judge addresses the multiple legal issues — criminal, family and matrimonial — that can arise when domestic violence occurs. NYLAG conducts intake on-site in the Brooklyn and Manhattan Integrated Courts on a monthly basis.

**Red Hook Community Justice Center**

NYLAG is the *sole organization* providing civil legal services to victims of domestic violence in the Red Hook Community Justice Center, a court developed by the Center for Court Innovation serving Brooklyn's Red Hook community.

**Brooklyn Family Justice Center**

Since June 2006, NYLAG has been an off-site partner of the Brooklyn Family Justice Center. The Family Justice Center gives victims of domestic violence the ability to access comprehensive services easily through its partnerships with service providers and prosecutors. The FJC offers a wide range of social services including support groups, childcare, safety planning, access to shelter and housing, language interpretation, assistance in filing police reports, as well as civil legal representation for immigration, housing, and family court matters.

**Project Eden**

Project Eden works with the Orthodox community to raise awareness of domestic violence and to create an environment in which available resources are accessible and utilized. Project Eden's services include a wide range of culturally sensitive and appropriate services offered through partner agencies. Women in this traditionally under-served and isolated community face significant religious and cultural pressures, preventing them from accessing services, particularly those of the criminal justice system. Obtaining an order of protection through Family Court (a civil procedure), is often a more viable option for the Orthodox community.



## **STEPS TO END FAMILY VIOLENCE**

A Program of Edwin Gould Services for Children and Families

STEPS to End Family Violence

P.O. Box 287326

New York, New York 10128

Phone: (646) 315-7600

Fax: (646) 315-7697

Lucia Riviuccio, LCSW

Director

### **MISSION**

STEPS To End Family Violence is dedicated to empowering families and communities through innovative strength-based programs that promote healing and social change. We are a progressive community organization that values justice and diversity.

### **VISION**

STEPS to End Family Violence is nationally recognized for its comprehensive work in empowering individuals and families. Our programs are expanding, ensuring the access to and provision of resources and opportunities to meet the significant needs of diverse communities. We work in partnership with schools, the criminal justice system, and collateral agencies to promote greater health and safety. STEPS is committed to raising awareness around the social issues that affect the people we serve and increasing community and political involvement toward enabling greater empowerment.

### **PROGRAMS**

- Taking STEPS Against Domestic Violence
- Youth CAP (Youth Changing Abusive Patterns)
- Alternatives to Incarceration Program (ATI)
- Legal Services Program
- Children's Therapy Program
- Relationship Abuse Prevention Program (RAPP)
- Teen Accountability Program (TAP)

### **SERVICES**

Children's groups, parenting groups, individual and group counseling, legal services, advocacy and referrals, crisis counseling, and Rikers Island based services. We also offer training and technical assistance to community-based organizations, schools, social service providers, and community members.

### **OUR VALUES**

Non-violence/peace  
Justice/human rights  
Empowerment  
Growth  
Respect  
Community/ Support  
Diversity  
Compassion

**Services**  
**Training**  
**Education**  
**Prevention**  
**Self-help**



**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Commissioner Ylanda Jimenez

Address: \_\_\_\_\_

I represent: Mayor's Office to Combat Domestic Violence

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: 6/22/09

(PLEASE PRINT)

Name: Inspector Theresa Shortell

Address: 1 Police Plaza

I represent: CO Special Victims Division

Address: NYPD 1 Police Plaza

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: 6/22/09

(PLEASE PRINT)

Name: Asst. Chief Kathy Ryan

Address: 1 Police Plaza

I represent: CO Domestic Violence Unit

Address: NYPD 1 Police Plaza

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Mohammad Alam

Address: 1933 75 St. Apt 1 F. Elmhurst NY

I represent: Sakhi for South Asian Women

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: June 22, 2009

(PLEASE PRINT)

Name: KINAGA JANARDHANAN

Address: 150 Court Street, 3rd fl., Bklyn, NY 11201

I represent: Arab - American Family Support Center

Address: 150 Court Street, 3rd fl., Bklyn, NY 11201

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: June 22, 2009

(PLEASE PRINT)

Name: GINA Cheran

Address: 74A 4th Ave. Brooklyn NY 11211

I represent: DWA FAM.

Address: Same.

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: 6/22

Name: Dana Czuczka (PLEASE PRINT)

Address: 26 Bleecker, NYC 10012

I represent: Planned Parenthood

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: 6/22/09

Name: DONNA H. LEE (PLEASE PRINT)

Address: ~~135 E~~ 65-21 MAIN ST, FLUSHING, NY

I represent: ① CUNY LAW SCHOOL 11367

Address: ② NEW YORK ASIAN WOMEN'S CENTER

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: 6/22/09

Name: Fronthy Nguyen (PLEASE PRINT)

Address: 39 Bowery PMB #375 NY, NY

I represent: New York Asian Women's Center

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: \_\_\_\_\_

Name: Michael Polenberg (PLEASE PRINT)

Address: \_\_\_\_\_

I represent: Safe Horizon

Address: 2 Lafayette St NY, NY

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: \_\_\_\_\_

Name: Aurelia R. (PLEASE PRINT)

Address: \_\_\_\_\_

I represent: client of Safe Horizon

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: 6-22-09

Name: Marisol Arriaga (PLEASE PRINT)

Address: 953 Southern Blvd Bronx NY 10459

I represent: Legal Aid Society

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: 6/22/09

(PLEASE PRINT)

Name: Suzanne Tomatore

Address: NYC Bar 42 W. 44th St. NY, NY 10036

I represent: NYC Bar

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: 6/22/09

(PLEASE PRINT)

Name: Terry Lawson Legal Services NYC-Bronx

Address: 579 Courtlandt Ave, Bronx, NY 10451

I represent: Legal Services NYC-Bronx

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☒ in favor ☐ in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Rabbi Daniel Schonbach

Address: 575 East NY Ave Brooklyn

I represent: Shalom Task Force

Address: 25 Broadway NY 10004

◆ Please complete this card and return to the Sergeant-at-Arms ◆

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: 6/22/09

(PLEASE PRINT)

Name: Kim Susser

Address: New York Legal Assistance

I represent: 450 W 33rd Group

Address: NY NY 10001

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: 6/22/09

(PLEASE PRINT)

Name: Lisa Rivera

Address: New York Legal Assistance Group

I represent: 450 W 33rd St

Address: NY NY 10001

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Sinae Christy

Address: P.O. Box 541429 Elmhurst NY 11355

I represent: Korean American Family Ctr.

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Leroy Frazer Jr

Address: One Hogan Place

I represent: Manhattan District Attorney

Address: One Hogan

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: SARAH ELLIS

Address: KGA 350 JAY ST BROOKLYN

I represent: KINGS COUNTY DISTRICT ATTORNEY

Address: 350 JAY ST BROOKLYN

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: 6/22/2009

(PLEASE PRINT)

Name: MEMORANDUM FOR THE COUNCIL

Address: 983 Southern Boulevard Bronx NY 10459

I represent: NYC DATA for Social Justice

Address: ARTSE Coalition

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: 6/22/09

(PLEASE PRINT)

Name: Harriet Lesse

Address: 27 Christopher St

I represent: NYC Alliance Against Sexual Assault / ARISE

Address: Coalition

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Catherine Tramm

Address: 1140 Broadway Ste 1002

I represent: New Destiny Housing Corp

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: 6/22/09

(PLEASE PRINT)

Name: Carolien Harderbol

Address: 110 Wall Street 11<sup>th</sup> floor NY NY 10005

I represent: Sanctuary for Families

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

☒ I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_  
☐ in favor ☐ in opposition

Date: 6/22/09

(PLEASE PRINT)

Name: CECILIA GASTO  
Address: PO Box 1161 Triborough Station  
I represent: Violence Intervention Program  
Address: same

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_  
☐ in favor ☐ in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: DEIRDRE SAOU  
Address: 44-11 66<sup>th</sup> ST WOODSIDE NY 11377  
I represent: MYSELF AND MY DAUGHTER  
Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_  
☐ in favor ☐ in opposition

Date: 6/22/09

(PLEASE PRINT)

Name: Moumita Zaman  
Address: PO Box 67086, Flushing, NY 11367  
I represent: Turning Point for Women and Families  
Address: \_\_\_\_\_

◆ Please complete this card and return to the Sergeant-at-Arms ◆

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: 6/22/09

(PLEASE PRINT)

Name: SOPHIA WORRELL

Address: \_\_\_\_\_

I represent: VOICES OF WOMEN ORGANIZING PROJECT

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: 6/22/09

(PLEASE PRINT)

Name: Isolina De La Cruz

Address: 331 Knap St #24 Brooklyn, NY

I represent: The Safe Homes Project

Address: PO Box 150429 Van Bunt Station  
Brooklyn, NY 11215

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: 6/22/09

(PLEASE PRINT)

Name: Rachel Halperin

Address: \_\_\_\_\_

I represent: NYC Coalition of Domestic Violence

Address: Residential Providers

25 Chapel St, Brooklyn, NY 11201

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

*Same Panel*

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: 6/22/09

(PLEASE PRINT)

Name: Bushra Hossain

Address: PO Box 1406, Wall St. Station, NY 10268-1406

I represent: Sanctuary for Families

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: 6/22/09

(PLEASE PRINT)

Name: Lucia Ruvieccio

Address: 440 Rector St 12<sup>th</sup> Fl. 10006

I represent: STEPS to End Family Violence

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: 6/22/09

(PLEASE PRINT)

Name: Nathaly Rubio-Torio

Address: 43-22 50<sup>th</sup> St. Suite 2E, Woodside, NY 11377

I represent: Voces Latinas

Address: same

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

**Appearance Card**

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: June 22/29

(PLEASE PRINT)

Name: MARISOL Ramirez

Address: 43-22 50 Street 2E Woodside

I represent: "Voices Latinas"

Address: Same

► Please complete this card and return to the Sergeant-at-Arms ◀

**THE COUNCIL  
THE CITY OF NEW YORK**

**Appearance Card**

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: ANDREA RITCHIE

Address: 123 William St 16<sup>th</sup> floor, NY, NY 10038

I represent: URBAN JUSTICE CENTER

Address: \_\_\_\_\_

► Please complete this card and return to the Sergeant-at-Arms ◀

**THE COUNCIL  
THE CITY OF NEW YORK**

**Appearance Card**

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: 6/22

(PLEASE PRINT)

Name: Asmaa Donahue (on behalf of Zeinab

Address: Epsa)

I represent: Sauti Yetu Center for African Women

Address: P.O. Box 3112, NYC, NY 10163

▶ Please complete this card and return to the Sergeant-at-Arms ◀

**THE COUNCIL  
THE CITY OF NEW YORK**

**Appearance Card**

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Dr. Ramanathan Raja

Address: \_\_\_\_\_

I represent: NYC HHC

Address: \_\_\_\_\_

▶ Please complete this card and return to the Sergeant-at-Arms ◀